

City Council Introduction: **Monday**, August 29, 2005
Public Hearing: **Monday**, September 12, 2005, at 1:30 p.m.

Bill No. 05-97

FACTSHEET

TITLE: **STREET VACATION NO. 03006**, requested by Hartland Homes, Inc.; The Korean Church of Lincoln; and Robert and Raeann Lorence, to vacate West Cleveland Avenue from the west line of Lot 2, Block 5, Airport Heights, to the east line of Hartland Homes N.W. 3rd Addition, generally located west of N.W. 48th Street and one block south of West Adams Street.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

ASSOCIATED REQUESTS: Special Permit No. 1965, Hartland Homes N.W. 1st Community Unit Plan (05R-169); Preliminary Plat No. 02007, Hartland Homes N.W. 1st Addition (05R-170); and Street Vacation No. 02003 (05-96).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/28/03
Administrative Action: 05/28/03

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (6-0: Carlson, Duvall, Larson, Steward, Bills-Strand and Taylor voting 'yes'; Krieser and Schwinn absent).

FINDINGS OF FACT:

1. This street vacation request is associated with the Hartland Homes N.W. 1st Addition community unit plan and preliminary plat.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
3. On May 28, 2003, this proposed street vacation appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On May 28, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
5. The valuation assessment by the City's appraiser is found on p.10, indicating that if the area is vacated, it be deeded back to the developer at no cost with the proviso that new right-of-way and necessary easements be dedicated in the re-plat of the surrounding area as recommended by Public Works. Thus, the provisions of Chapter 14.20 have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 22, 2005

REVIEWED BY: _____

DATE: August 22, 2005

REFERENCE NUMBER: FS\CC\2005\SAV.03006

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 28, 2003 PLANNING COMMISSION MEETING

- P.A.S.:** Street and Alley Vacation #03006
- PROPOSAL:** To vacate W. Cleveland Avenue from the west line of NW 48th Street to the east line of Harland Homes NW 2nd Addition.
- LOCATION:** West of NW 48th and one block south of W. Adams Street.
- LAND AREA:** 53,920 square feet, more or less.
- CONCLUSION:** With conditions, this conforms to the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

SURROUNDING LAND USE AND ZONING:

North:	Commercial, residential and vacant	R-1 and R-3, Residential, B-1, Business
South:	Residential, commercial	R-3, B-1
East:	Residential, industrial	R-3, I-2, Industrial Park
West:	Residential	R-3

HISTORY:

Planning Commission recommended approval to Street and Alley Vacation #02003 for W. Madison Avenue from NW 49th Street to NW 53rd Street on May 29, 2002. The applicant has not completed the required conditions prior to scheduling on City Council.

This area was zoned A-A, Rural and Public Use District, A-2, Single Family Dwelling District and G, Local Business District until it was updated in 1979 updated to R-3, Residential and B-1, Local Business during the zoning update.

City Council Denied Change of Zone #1582 from A-A, Rural and Public Use District to G, Local Business District on Lot 3, Block 5, Airport Heights Addition in November 1977.

City Council approved Change of Zone #1429 from A-A, Rural and Public Use to G, Local Business on Lots 1,2, 35 and 36, Block 5, Airport Heights Addition in June 1975.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan indicates this area as urban residential and commercial (F-25).

UTILITIES: The Public Works & Utilities Department indicated that Aquila has an existing 2" gas main 13 feet north of the south right-of-way line of W. Cleveland Avenue and a gas service line serving 2801 NW 48th Street. Aquila requests an easement be established for this gas main or have the developer relocate the line at his own expense. Alltel has existing facilities along the west right-of-way of NW 48th Street and requests an easement be established. The easement requested is the east 10 feet of the proposed vacated W. Cleveland Avenue right-of-way.

TRAFFIC ANALYSIS: W. Cleveland Avenue is considered as a local street in the Functional Street and Road Classification in the Comprehensive Plan (F-103). The street is presently unpaved and unused.

ANALYSIS:

1. This is a request to vacate W. Cleveland Avenue so that a new plat can be established for the area. Hartland Homes NW 1st Addition preliminary plat was submitted previously but did not include W. Cleveland Avenue. This preliminary plat may be revised to include the proposed vacated W. Cleveland Avenue.
- 2, The Public Works & Utilities Department indicated that portions of the right-of-way be retained as permanent easements until the developer preliminary plats the area to relocate the Aquila and Alltel facilities at his own expense.
3. The street vacation will leave lots without frontage or access. The applicant must submit a plat that indicates lots with frontage and access in compliance with Title 26 Land Subdivision Ordinance prior to scheduling the vacation request on City Council. Then the vacation can be approved by the City Council, ownership transferred to the subdividers and the final plat filed with the Register of Deeds.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.

Prepared by:

Becky Horner
Planner

DATE: May 15, 2003

APPLICANT: Duane Hartman
Hartland Homes, Inc.
Duane Hartman Investments, Inc.
PO Box 22787
Lincoln, NE 68524
477-6668

The Korean Church of Lincoln
4915 W. Adams Street
Lincoln, NE 68524
470-3604

Robert and Raeann Lorence
5001 W. Adams Street
Lincoln, NE 68524
470-3256

OWNERS: Same

CONTACT: Same

STREET & ALLEY VACATION NO. 03006

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 28, 2003

Members present: Carlson, Duvall, Larson, Steward, Bills-Strand and Taylor; Krieser and Schwinn absent.

The Consent Agenda consisted of the following items: **COUNTY SPECIAL PERMIT NO. 202; SPECIAL PERMIT NO. 1869B; FINAL PLAT NO. 02044, DOLEZAL 4TH ADDITION; FINAL PLAT NO. 03008, WILDERNESS RIDGE 6TH ADDITION; COMPREHENSIVE PLAN CONFORMITY NO. 03005 and STREET AND ALLEY VACATION 03006.**

Item No. 1.1, County Special Permit No. 202, was removed from the Consent Agenda and scheduled for separate public hearing.

Bills-Strand moved to approve the remaining Consent Agenda, seconded by Larson and carried 6-0: Carlson, Duvall, Larson, Steward, Bills-Strand and Taylor voting 'yes'; Krieser and Schwinn absent.

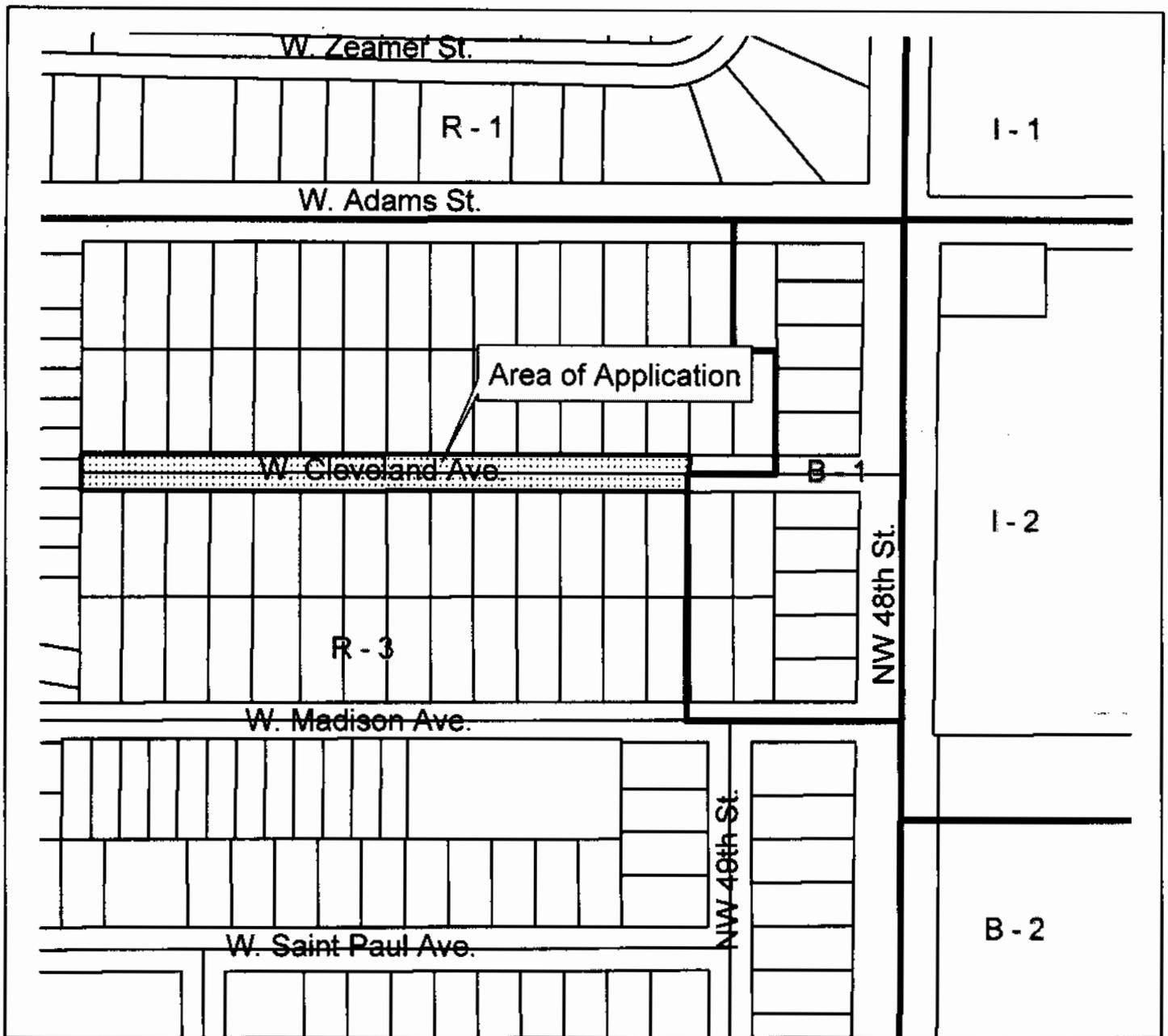
Note: This is final action on the Dolezal 4th Additional Final Plat No. 02044 and the Wilderness Ridge 6th Addition Final Plat No. 03008, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Street & Alley Vacation #03006
W. Cleveland and NW 48th St.



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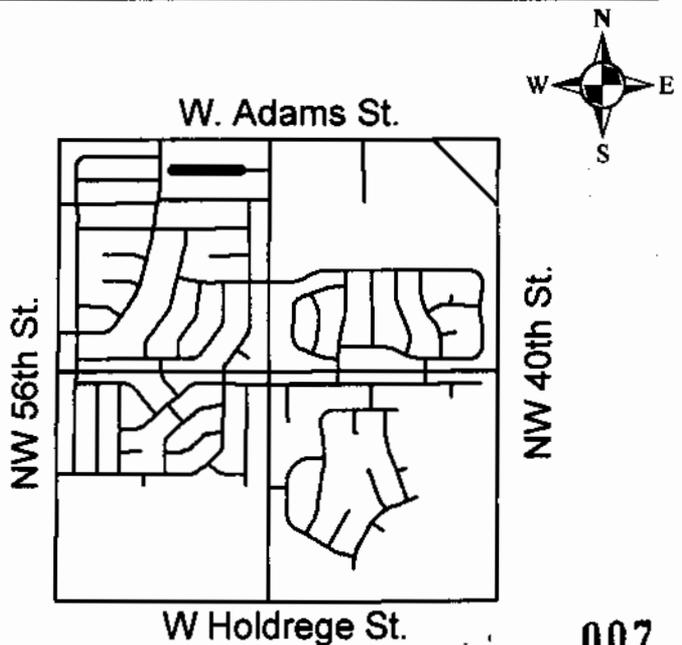
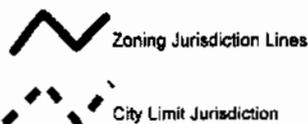


Street & Alley Vacation #03006
W. Cleveland and NW 48th St.

Zoning:

One Square Mile
 Sec. 18 T10N R6E

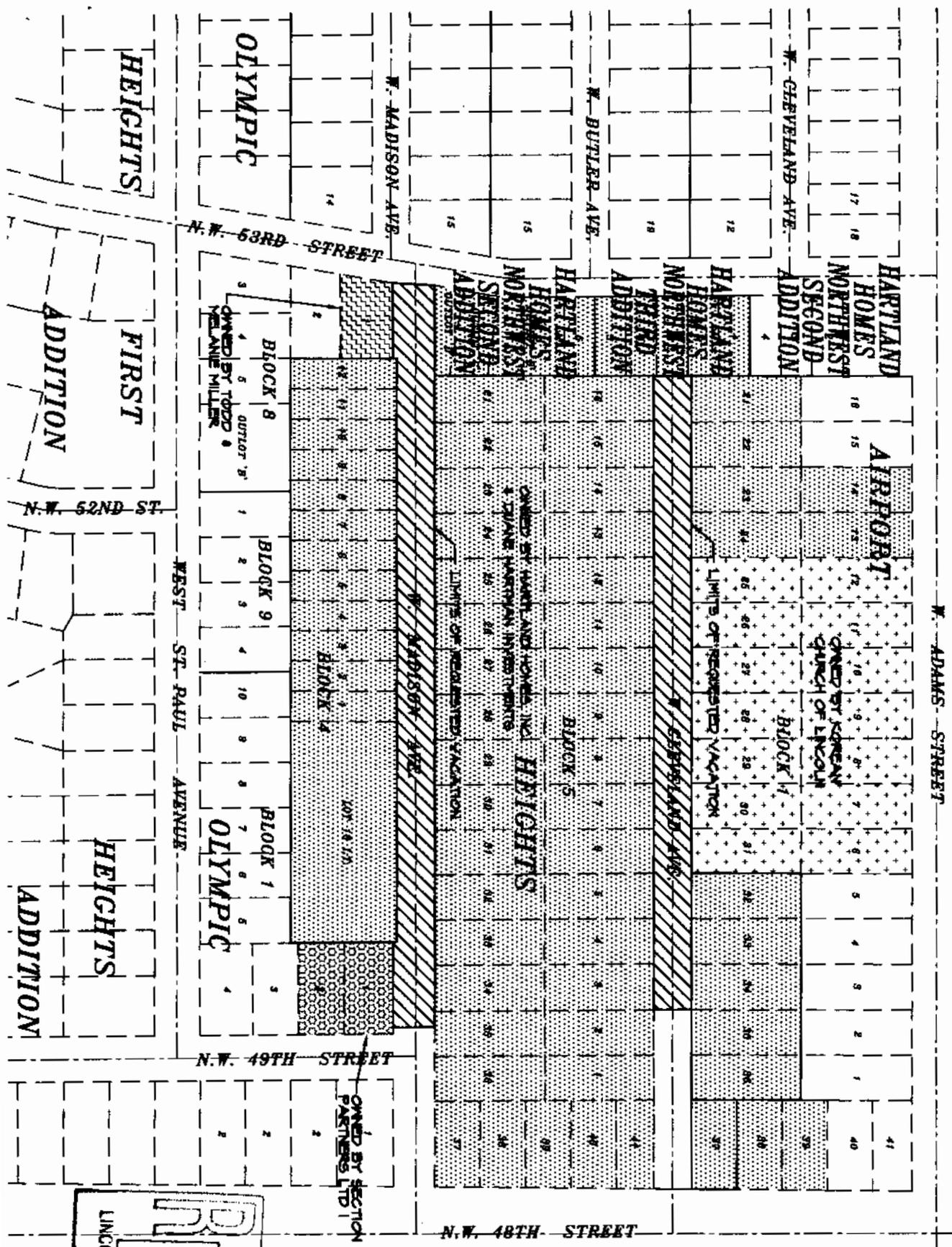
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



007

HARTLAND HOMES NORTHWEST

VACATION OF WEST CLEVELAND AVENUE & WEST MADISON AVENUE



RECEIVED

JUL 12 2005

LINCOLN CITY/ANCASTER COUN
PLANNING DEPARTMENT



April 21, 2003

Lincoln City/Lancaster County
Planning Commission
Lincoln, Nebraska 68508

RE: Vacating West Cleveland Avenue from the West Line of Northwest 48th Street to the East Line of Hartland Homes Northwest 2nd Addition

Dear Ladies and Gentlemen:

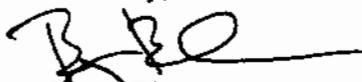
The Department of Public Works and Utilities has received sufficient and proper petitions from Duane Hartman, President Hartland Homes, Inc., owner of Outlot 'A', Hartland Homes Northwest 2nd Addition, Lots 21, 22 and Lots 32 through 36, Block Airport Heights, and Lots 3 through 16, Block 5 Airport Heights, Robert and Raeann Lorence, owners of Lots 23 and 24, Block 1 Airport Heights, The Korean Church of Lincoln, owners of Lots 25 through 31, Block 1 Airport Heights, and Duane Hartman Investments, Inc., owners of Lot 37, Block 1 Airport Heights, and Lots 1, 2, and 41, Block 5 Airport Heights, to vacate the above described public right-of-way. Petitioners have requested this vacation for residential development.

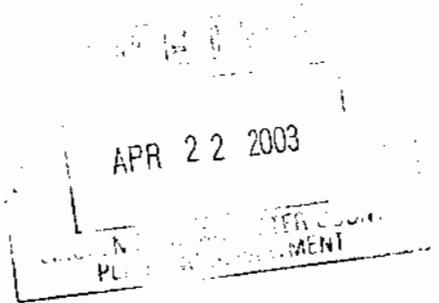
Aquila has an existing 2-inch gas main lying 13 feet north of the south right-of-way line of West Cleveland Avenue and a gas service line serving 2801 Northwest 48th Street. Aquila has requested an easement be established for this gas main or have the developer relocate the line at his own expense. Alltel has existing facilities along the west right-of-way of Northwest 48th Street and has requested an easement be established. The easement requested is the east 10 feet of the proposed vacated West Cleveland Avenue right-of-way.

The vacation of West Cleveland will leave the existing lots without frontage to a public right-of-way. This area will need to be replatted. Easements will be established with a new plat.

The Department of Public Works recommends approval of this vacation request with the above mentioned conditions. This vacation contains an area of 53,920 square feet, more or less.

Sincerely,


Byron Blum
Engineering Services



- cc: Mayor Wesely
- Allan Abbott
- Marvin Krout
- Marc Wullschleger
- Roger Figard
- Nicole Fleck-Tooze
- Joan Ross
- Clint Thomas
- Dana Roper

W Cleveland Vac Ltr ltrm wpd

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: August 17, 2005

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

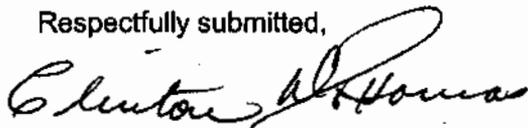
SUBJECT: Street & Alley Vacation No. ~~05006~~-03006
West Cleveland Avenue from
NW 53rd to approximately NW 49th
Street

A request has been made to vacate that portion of West Cleveland Avenue generally running between NW 49th and NW 53rd Streets. The street lies one block south of West Adams Street in a developing area. When the area was viewed it was noted a forested drainageway generally traversed the area in a west to east direction. A portion of the area to be vacated appears to be an open field and the remainder within a treed area along the drainageway. Public Works has indicated the existence of utilities within the area to be vacated and has asked that easements be retained for these utilities. They also have indicated the area is to be re-platted with necessary street and utility easements to be dedicated at the appropriate locations in accordance with that plat.

It appears only one of the petitioners, Duane Hartman, is involved in the re-platting process; however, the remaining owners have indicated they do not wish to acquire any of the abutting street. It appears Mr. Hartman will be acquiring the entire area to be vacated since he is involved in the re-platting process. It has been the City's policy in the past to approve street vacations and return the area to the abutting property owner at no cost with the understanding new streets and easements will be dedicated in the re-platting process.

Therefore, it is recommended, if the area be vacated, it be deeded back to the developer at no cost with the proviso that new right-of-way and necessary easements be dedicated in the re-plat of the surrounding area as recommended by Public Works.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge