

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 07009, requested by the People's City Mission, to vacate North 1st Street from the north right-of-way line of "Q" Street to the north property line of Lot 57, I.T.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/05/07
Administrative Action: 12/05/07

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan, subject to conditions of approval, as revised.

RECOMMENDATION: A finding of conformance with the Comprehensive Plan, subject to conditions of approval, as revised (8-0: Sunderman, Larson, Taylor, Francis, Moline, Gaylor-Baird, Esseks and Carroll voting 'yes'; Cornelius absent).

ASSOCIATED REQUESTS: Conservation Easement Agreement (08R-60)

FINDINGS OF FACT:

1. The purpose of this proposed street vacation is to use the vacated area for future parking for the People's City Mission. The right-of-way proposed to be vacated has been dedicated but has never been constructed.
2. The staff recommendation to find the proposed vacation in conformance with the Comprehensive Plan, subject to conditions of approval, is based upon the "Analysis" as set forth on p.3. The access easement requested by the Lower Platte South NRD has been completed, and the conservation easement agreement has been completed and is being considered by the City Council in association with the street vacation request. The staff presentation is found on p.5.
3. The applicant's testimony is found on p.5.
4. There was no testimony in opposition.
5. On December 5, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the street vacation to be in conformance with the Comprehensive Plan, subject to the conditions of approval, as revised by staff.
6. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.14, finding that the proposed vacated area be sold to the abutting property owner for \$750.00.
7. The provisions of Chapter 14.20 have been satisfied.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 19, 2008

REVIEWED BY: _____

DATE: February 19, 2008

REFERENCE NUMBER: FS\CC\2007\SAV.07009

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for DECEMBER 5, 2007 PLANNING COMMISSION MEETING

****As Revised and recommended by Planning Commission: December 5, 2007****

PROJECT #: Street and Alley Vacation No.07009

PROPOSAL: To vacate N. 1st St. from the north right-of-way line of “Q” St. to the north property line of Lot 57 I.T.

LOCATION: N. 1st St. and “Q” St.

LAND AREA: 47,067 s.f., more or less

CONCLUSION: The vacation of this right-of-way conforms to the Comprehensive Plan provided easements are retained for public utilities.

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

LEGAL DESCRIPTION: N. 1st St. from the north right-of-way line of “Q” St. to the north property line of Lot 57 I.T., located in the SW 1/4 of Section 23, Township 10 North, Range 6 East, Lancaster County, NE

SURROUNDING LAND USE AND ZONING:

East: I-1, Industrial Peoples City Mission
West: I-1, Industrial Outside storage.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan in the 2030 Comprehensive Plan identifies this area as industrial. (p.18)

HISTORY:

February 12, 2007	Final Plat #06099, Peoples City Mission Addition, was approved by the Planning Director.
December 6, 2006	Street & Alley Vacation #06003 to vacate “R” St. between 1 st and 2 nd Streets and to vacate a portion of 1 st & 2 nd Streets was approved by the City Council.
November 15, 2005	Administrative Amendment #05118 to expand the Peoples City Mission facility was approved by the Planning Director.
October 17, 2005	Waiver #05008 to waive the surfacing requirement for a parking lot was approved by City Council.
September 15, 2003	Street & Alley vacation #01021 to vacate the east-west alley in Block 264 was approved by the City Council.

September 15, 2003 Special permit #1123B to expand the boundary for the People's City Mission and Waiver #02005 to waive improvements associated with a final plat was approved by the City Council.

March 28, 1983 Ordinance #13562 vacating "S" Street from the east line of N. 1st Street to the west line of N. 2nd Street was approved by the City Council.

UTILITIES: There is an existing gas main and street lights in the right-of-way to be vacated. LES and Aquila request that easements be retained. Public Works & Utilities Department requests that a storm sewer and drainage easement be retained over the west 50' of vacated right-of-way.

TRAFFIC ANALYSIS: N. 1st St. is a gravel rural cross section road. It is not constructed north of the City Mission property.

ANALYSIS:

1. This is an application to vacate N.. 1st St. from the north right-of-way line of "Q" St. to the north property line of Lot 57 I.T. N. 1st St. in this area is dedicated, but has never been constructed.
2. The area to be vacated would be used for future parking for the People's City Mission.
3. There is an existing drive off of N. 1st St. to the property to the west. An access easement should be granted to the property to the west for the continued use of the drive.
4. The fire department has concerns with access to the fire department sprinkler connection located on the west side of the building. The future private drive and parking lot must be constructed to allow fire department apparatus access and positioning. This requires 18 feet from side to side with no vehicle obstruction. The new parking lot layout will require a building permit. At that time the fire department can review the parking lot layout.
5. There are two street lights and a 2" gas main within the area of N. 1st St. to be vacated. The applicant will need to contact Lincoln Electric System to have the street lights removed. A utility easement will need to be maintained for the gas main.
6. The Public Works & Utilities Department has concerns with storm sewer. Their memo states that a storm sewer and drainage easement should be retained over the west 50 feet of the vacated right-of-way.
7. The area is within the 100 year flood plain. The City's policy is to retain a permanent conservation easement that protects the flood storage capacity over the entire vacated corridor or an alternate conservation easement on other Mission property to offset any proposed fill within the vacated right-of-way.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

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 Sign a conservation easement acceptable to the City.
- 1.3 Grant an access easement over the vacated right-of-way to the Lower Platte South Natural Resources District. (**Per Planning Commission as revised by staff: 12/05/07**)

Prepared by:

Tom Cajka
Planner

DATE: November 15, 2007

APPLICANT: People's City Mission
110 "Q" St.
Lincoln, NE 68501
(402) 475-1303

OWNER: same as applicant

CONTACT: Ralph Haen
Design Associates
1609 "N" St.
Lincoln, NE 68508
(402) 474-3000

STREET & ALLEY VACATION NO. 07009

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 5, 2007

Members present: Sunderman, Larson, Taylor, Francis, Moline, Gaylor-Baird, Esseks and Carroll; Cornelius absent.

Ex Parte Communications: None.

Staff recommendation: A finding of conformance with the Comprehensive Plan, with conditions.

This application was removed from the Consent Agenda at the request of Planning staff.

Staff presentation: **Tom Cajka of Planning staff** submitted an additional condition of approval requested by the Lower Platte South NRD, requiring that there be an access easement granted to the Lower Platte South NRD over the vacated right-of-way.

Cajka explained that this is an application to vacate a portion of 1st Street north of Q Street. People's City Mission is on the east side and a private property owner is on the west side, both of which have signed the petition to vacate.

Francis inquired how the Fire Department concerns have been addressed regarding access. Cajka explained that fire trucks will have access through the new parking lot to access the west side of the building. There will be access allowing the 18' from side to side.

Esseks asked for an explanation of the purpose of the NRD easement. Cajka explained the easement will be the NRD's access to cross the parking lot get up to the levee.

Proponent

1. Jeremy Williams, Design Associates, 1609 N Street, testified on behalf of the City Mission. As far as access for the Fire Department, Williams explained that the drive area that was vacated last year is under construction. It will allow full access around the facility. The NRD will continue to have the vehicular access that they have today with the easement. They will have access through the new parking lot.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

December 5, 2007

Larson moved a finding of conformance with the Comprehensive Plan, with conditions as amended by staff today, seconded by Sunderman and carried 8-0: Sunderman, Larson, Taylor, Francis, Moline, Gaylor-Baird, Esseks and Carroll voting 'yes'; Cornelius absent. This is a recommendation to the City Council.



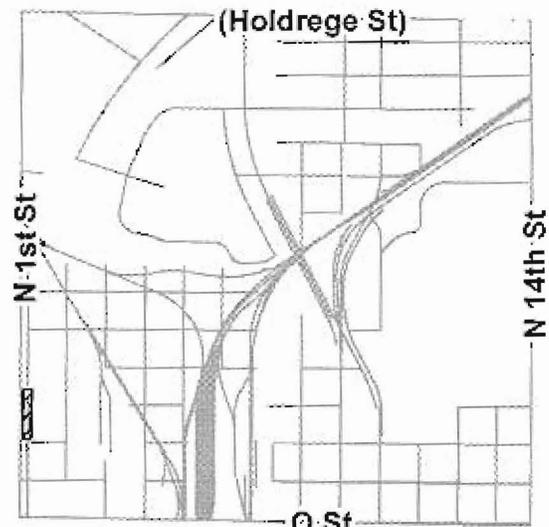
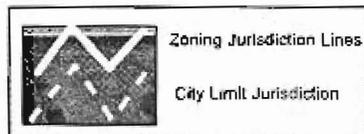
2005 aerial

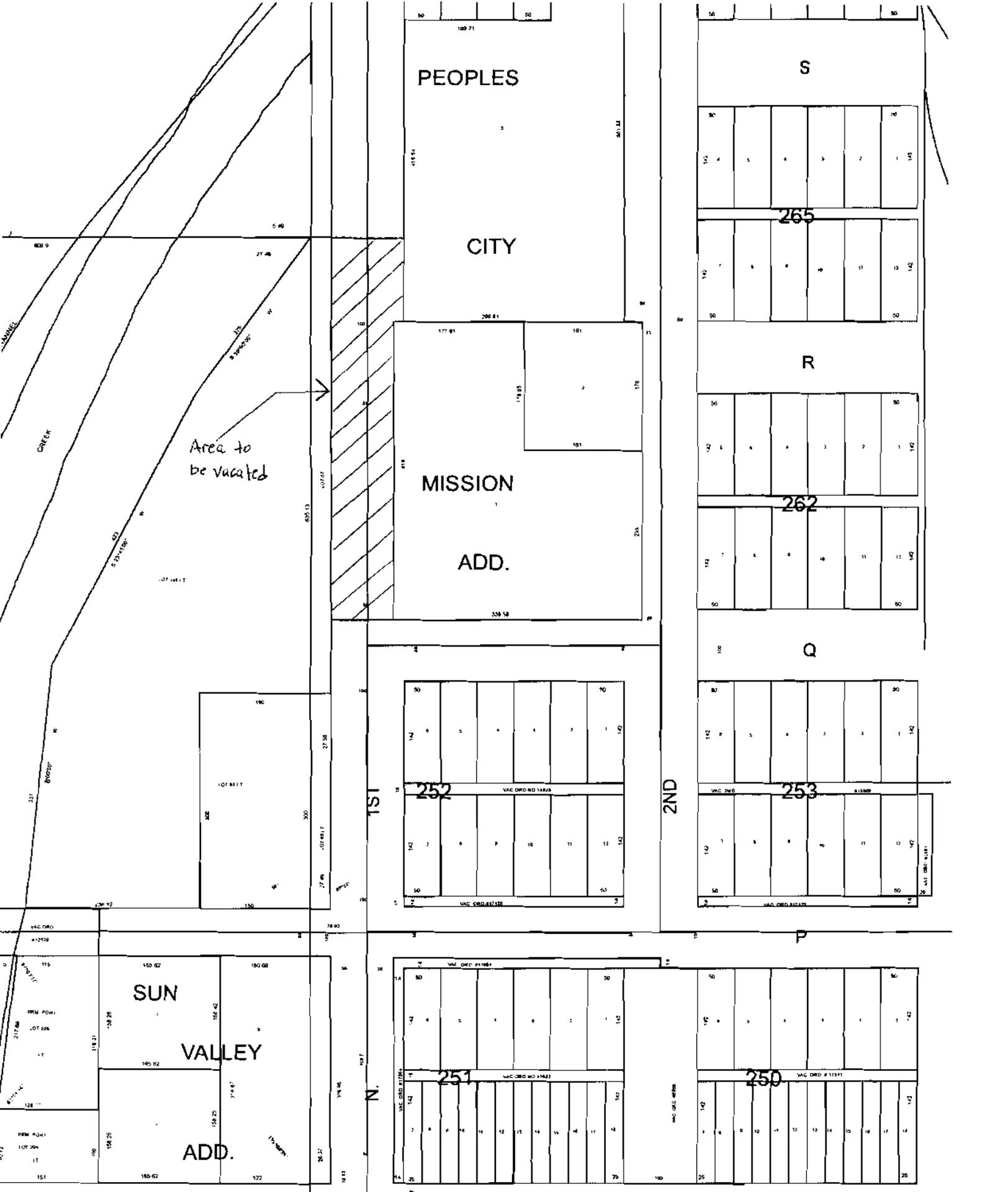
Street & Alley Vacation #07009
N 1st & W Q Streets

Zoning:

One Square Mile
 Sec. 23 T10N R06E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-1 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



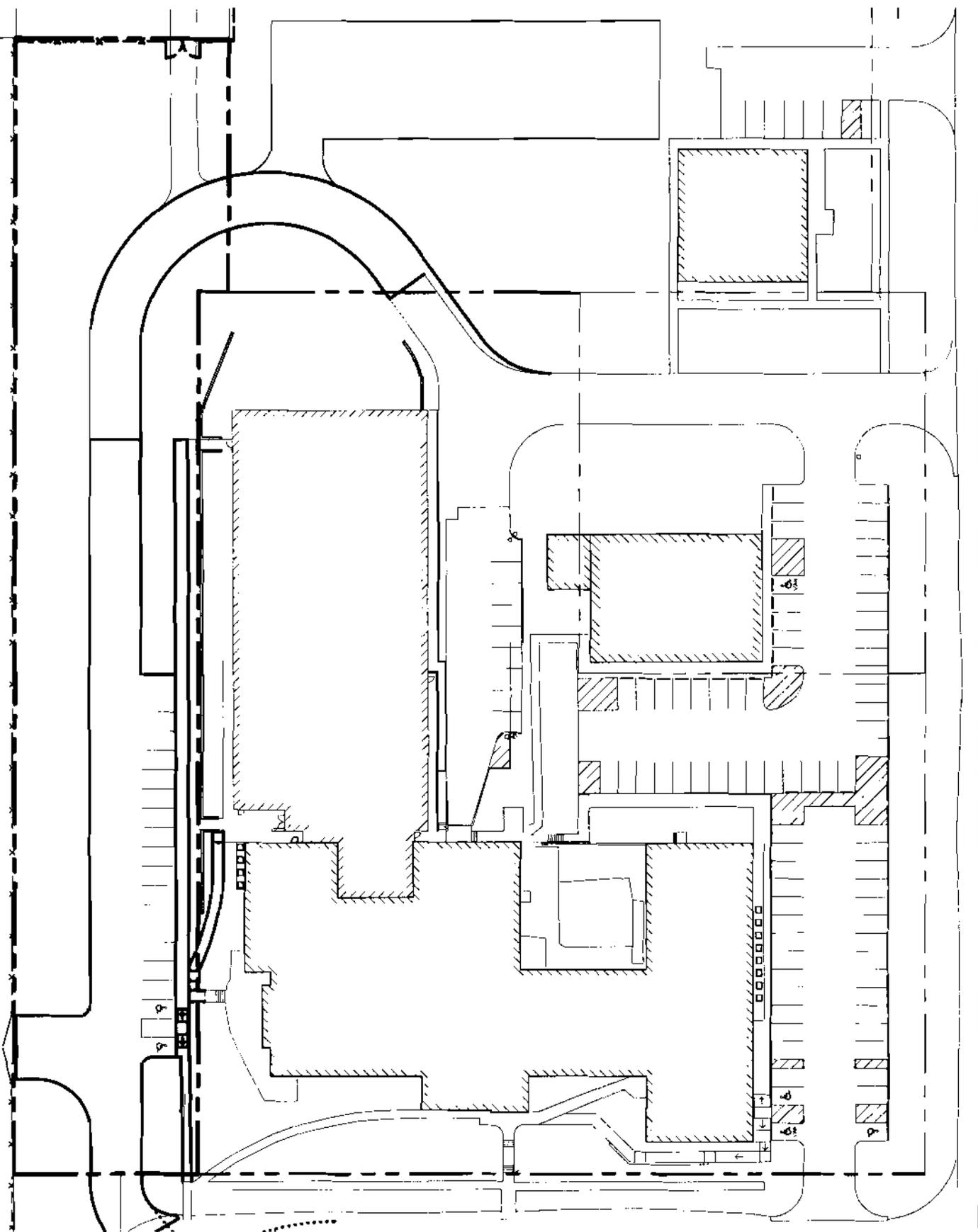


Area to be vacated

SW 1/4 S23-10-6

N ↑

OST. 1107



Design Associates

of Lincoln, Inc.



ARCHITECTS • ENGINEERS • PLANNERS

PERSHING SQUARE 1609 "N" STREET LINCOLN NEBRASKA 68508
 voice:402.474.3000 deaassoc@lincolnebraska.com fax:402.474.4045



1ST STREET PARKING

008

SCALE: 1" = 60'

13 NOV 2007

M e m o r a n d u m

To: Tom Cajka - Planning

From: Byron Blum - Engineering Services

Subject: Vacation of North 1st Street
North Right-of-Way of Q Street to North Property Line of Lot 57 IT Sec 22-10-6

Date: November 1, 2007

cc: Randy Hoskins
Dennis Bartels

Public Works has no utilities or street paving in the area of proposed vacation, however 1st Street is not paved. 1st Street paving is not designed and grades and storm sewer needs have not been determined. A storm sewer may be required to provide an outlet to Salt Creek for drainage in order to pave 1st Street to the south. A storm sewer and drainage easement should be retained over the west 50 feet of the vacated right-of-way.

Please provide your comments below, and also identify the reservations and easements you will require should this vacation be approved. Complete ONLY those areas of your jurisdiction.

<u>Type of Facility</u>	<u>Facility presently in place.</u>	<u>Facility to be built. When?</u>
Sanitary Sewer	_____	_____
Water Mains	_____	_____
Storm Sewer	_____	_____
Electrical Power, Overhead	_____	_____
Electrical Power, Underground	_____	_____
Street Lighting	<i>yes</i>	<i>removed upon street is vacated</i>
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

General Comments:

RETAIN EASEMENT FOR EXISTING & FUTURE UTILITY USE. (LR)

There are two street lights that the City is paying for that should be removed once street is vacated. Contact Jerry Kathol at 467-7642 when street is vacated so that lights can be taken out and City will no longer be billed.

11/6/2007
Date

Stanley D. Wostul
Signature

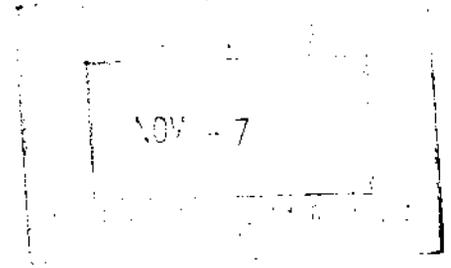
467-7627
Phone



Aquila

Aquila Networks
P O Box 83008
Lincoln, NE 68501-3008

November 5, 2007



Tom Cajka
City-County Planning Department
555 So. 10th Street
Lincoln, NE. 68508

RE: Request to vacate the following:

N. 1st Street from the north ROW of "Q" Street to the north property line of Lot 57 IT 22-10-6
No. SAV 07009

Dear Mr. Cajka:

Per your request, I have reviewed the above referenced street & alley vacation with concern toward natural gas facilities. A two-inch natural gas main occupies the west right-of-way of N. 1st Street from the north right-of-way of "Q" Street to approximately the north right-of-way of "R" Street then extends east to serve facilities operated by the Peoples City Mission. Attached is an as-built drawing that displays the general location of this line.

Aquila does not object to this vacation, but would like to have an easement included as part of the vacation for this gas main.

If you have any concerns regarding this letter, please call me at my office. My phone number is 437-1715.

Sincerely Yours,

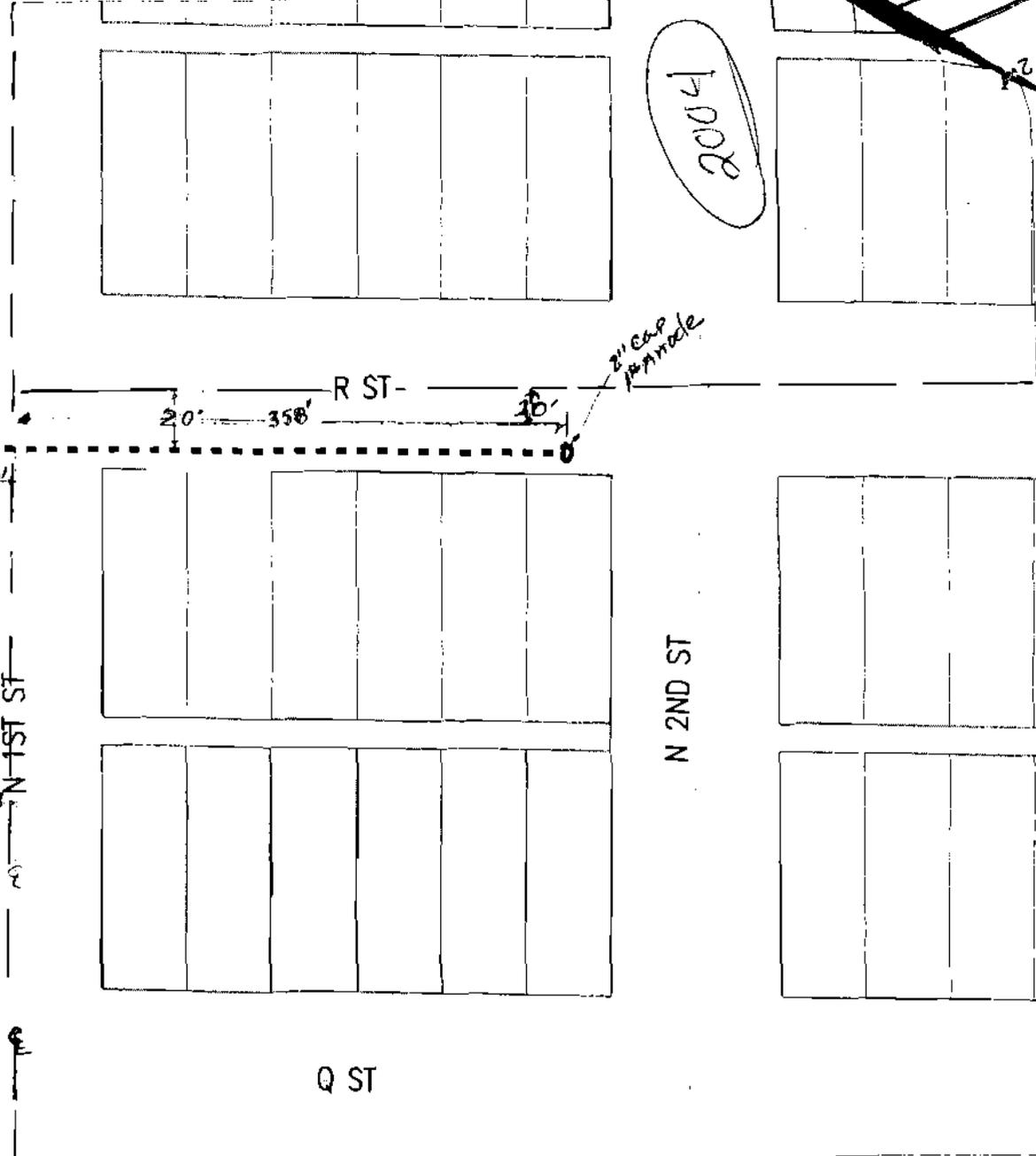
Randy Kreifels
Construction Coordinator

011

Worksheet

Work Started	7-7-04	Contractor	USC
Work Completed	7-12	Inspector	W. H. HELL
Installed:		Operating Pressure	74.8
Pipe Type	2436 DF	Test Pressure	120.00
Footage	601	Test Time	1:48
Retire Pipe		Test Type	SEWER - P
Footage			

17004



114 STIC 500000
 214 STIC 500000
 17" ABOVE

012



Aquila



CALL BEFORE YOU DIG
 IN NE (800) 331-5666

CITY MISSION

TwnRng-Sec: T10NR0E-23

Drawn By: rkreifel

WR Number: 188585

Description: Activity ID#
 Gas Main 60006025

Contact Name: LINCOLN, 1ST & R ST

City: LINCOLN

Date: 06/17/04

Job Title: unset

Scale: 1" = 100'

State: NE



North 1st street

Chief Furasek,

I asked two crews to check the area of north First Street; north of ROW of Q street.

I also viewed the area described above.

During our review of the area, we discovered that the fire department sprinkler connection is located on the west side of People's City Mission approximately ½ block north of Q street on north first.

We also discovered there is considerable building set back on the east side of the building which could potentially hinder operations if the west side was unavailable.

The road on the north east corner is under construction and it is difficult to determine how much access will be available when the road is completed if any.

Based upon the information above, it is our recommendation that road of north first street, north of ROW of Q street NOT be vacated to allow apparatus access to the fire department sprinkler connections and apparatus access for a aerial operation if one was needed.

The exception to this recommendation would is if the proposed private drive and included parking lot were constructed and designed in such a way to allow fire department apparatus access and positioning; including aerial setup (which requires 18 feet from side to side with no vehicle obstruction).

DC Borer
11/04/2007
11:33 pm

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: January 30, 2008

COPIES TO: Teresa J. Meier
Marvin Krout
Dana Roper
Byron Blum, Bldg & Safety
Jean Walker, Planning

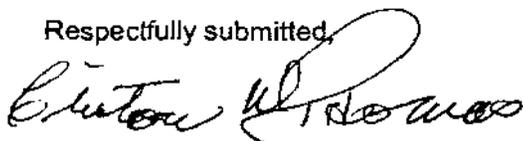
SUBJECT: Street & Alley Vacation No. 07009
North 1st Street from Q Street north

A request has been made to vacate that portion of North 1st Street lying north of the north line of Q Street. In viewing the area, it appears to have some sort of hard surfacing over the original rural section of roadway that was constructed. The street is not graded and surfaced to City standards. Overhead electric lines were also visible along a portion of the right-of-way to be vacated. A request has been made by Public Works for numerous easements to be retained for storm water, gas, electric as well as a conservation easement over the entire area.

The conservation easement is the most restrictive in terms of uses that can be made on the surface and virtually guarantees it will remain as open space similar to what currently exists. However, the presence of numerous utility easements would also raise the specter of periodic disruptions to the area for installation and maintenance of the utilities. As such, the area is considered to have only a nominal value. The conservation easement is considered to restrict the use of the area far greater than utility easements and as such the only value considered to accrue to the property is for density or the elimination of set backs along that side. As such, a minimal value is considered appropriate.

Therefore if the area be vacated and easements be retained for utilities as well as a conservation easement, it is recommended the area be sold to the abutting property owner for \$750.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023