

FACTSHEET

TITLE: **Declaration of Surplus Property**, requested by the Director of the Urban Development Department, declaring approximately 3,588 square feet, more or less, generally located at South 5th Street and G Street (447 G Street), as surplus property.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/13/08
Administrative Action: 08/13/08

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Partington, Larson, Sunderman and Taylor voting 'yes').

FINDINGS OF FACT:

1. This is a request by the City Urban Development Department to declare 3,588 square feet, more or less, located at 447 G Street, as surplus property. The intent is to sell the property to the adjacent owner because the parcel is of limited use because it is in the floodplain and will be unbuildable.
2. Watershed Management suggests that an easement should be retained to protect flood storage by ensuring that the parcel remain as open space, eliminating any potential adverse impact on adjacent property by rising flood elevations.
3. Public Works notes that some right-of-way will need to be retained and will probably need to be a triangle at the northeast corner of the parcel extending 25' west along G Street and 25' south along South 5th Street.
4. The staff finds that the proposed declaration of surplus property is generally in conformance with the Comprehensive Plan.
5. On August 13, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
6. On August 13, 2008, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed declaration of surplus property to be in conformance with the 2030 Comprehensive Plan (**Comprehensive Plan Conformance No. 08020**).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: August 18, 2008

REVIEWED BY: _____

DATE: August 18, 2008

REFERENCE NUMBER: FS\CC\2008\CPC.08020 Surplus

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 13, 2008 PLANNING COMMISSION MEETING

- PROJECT:** Comprehensive Plan Conformance No. 08020
- PROPOSAL:** The City Urban Development Department has requested a review to find that the declaration of surplus for 447 "G" Street is in conformance with the Comprehensive Plan.
- LOCATION:** Generally located at S. 5th Street and "G" Street
- LAND AREA:** 3588 square feet more or less
- CONCLUSION:** The declaration of surplus generally conforms with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

- LEGAL DESCRIPTION:** E ½ of Lot 1, Block 166, Original Plat, Lincoln, Lancaster County, Nebraska
- EXISTING ZONING:** R-4 Residential
- EXISTING LAND USE:** Vacant

SURROUNDING LAND USE AND ZONING:

North:	I-1 Industrial	TMCO Investments
South:	R-4 Residential	Single family dwelling
East:	I-1 Industrial	TMCO Investments
West:	R-4 Residential	Single family dwelling

HISTORY:

- 1996 City purchased this property
- November 13, 1979 City Council approved Ordinance #12762 for change of zone #1708 from I-1 Industrial to R-4 Residential.
- May 8, 1979 City Council approved a Zoning Update that included changing this parcel from K Industrial District to I-1 Industrial.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2030 Lincoln/Lancaster County Comprehensive Plan designates this area as “Urban Residential”

“During the time period covered by this Plan, there will likely be a need to construct, renovate, or abandon certain public buildings and facilities not already discussed in this document. At such time as these events may occur, care should be taken by those public officials making these decisions that the Vision of this Plan is recognized and respected. This may include the siting of a new facility, the abandonment of an existing one, the way renovations are undertaken, the manner of financing used to complete the work, the arrangements made for the facility’s operation, the process followed in making the decision, and the timing of the action.” (132)

“Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property.” (P. 80)

ANALYSIS:

1. This property was purchased by the City in 1996. At the time of the purchase, there was a residential structure on this parcel that was in very poor condition. The City relocated the occupants of the structure and eventually the structure was demolished. The property is currently vacant.
2. This property is located in both the 100 year floodplain and the floodprone area of Salt Creek. Although the Comprehensive Plan encourages retaining City property in the floodplain, in this instance the circumstances merit consideration of surplus. This parcel is of limited use because it is in the floodplain and will be unbuildable. The City will attempt to sell the property to the adjacent property owner.
3. Watershed Management suggests that an easement should be retained to protect flood storage by ensuring that the parcel remain as open space, eliminating any potential adverse impact on adjacent property by rising flood elevations.
4. Public Works noted that some right-of-way will need to be retained and will probably need to be a triangle at the north east corner of the parcel extending 25' west along “G” Street and 25' south along S. 5th Street.

Prepared by:

Christy Eichorn
Planner

DATE: July 31, 2008

OWNER: City of Lincoln

APPLICANT: David Landis
Director of Urban Development
808 "P" Street, Ste. 400
Lincoln NE 68508
(402) 441-7126

CONTACT: Urban Development Dept.
Steve Werthmann
808 "P" Street, Ste. 400
Lincoln NE 68508
(402) 441-8621

COMPREHENSIVE PLAN CONFORMANCE NO. 08020

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 13, 2008

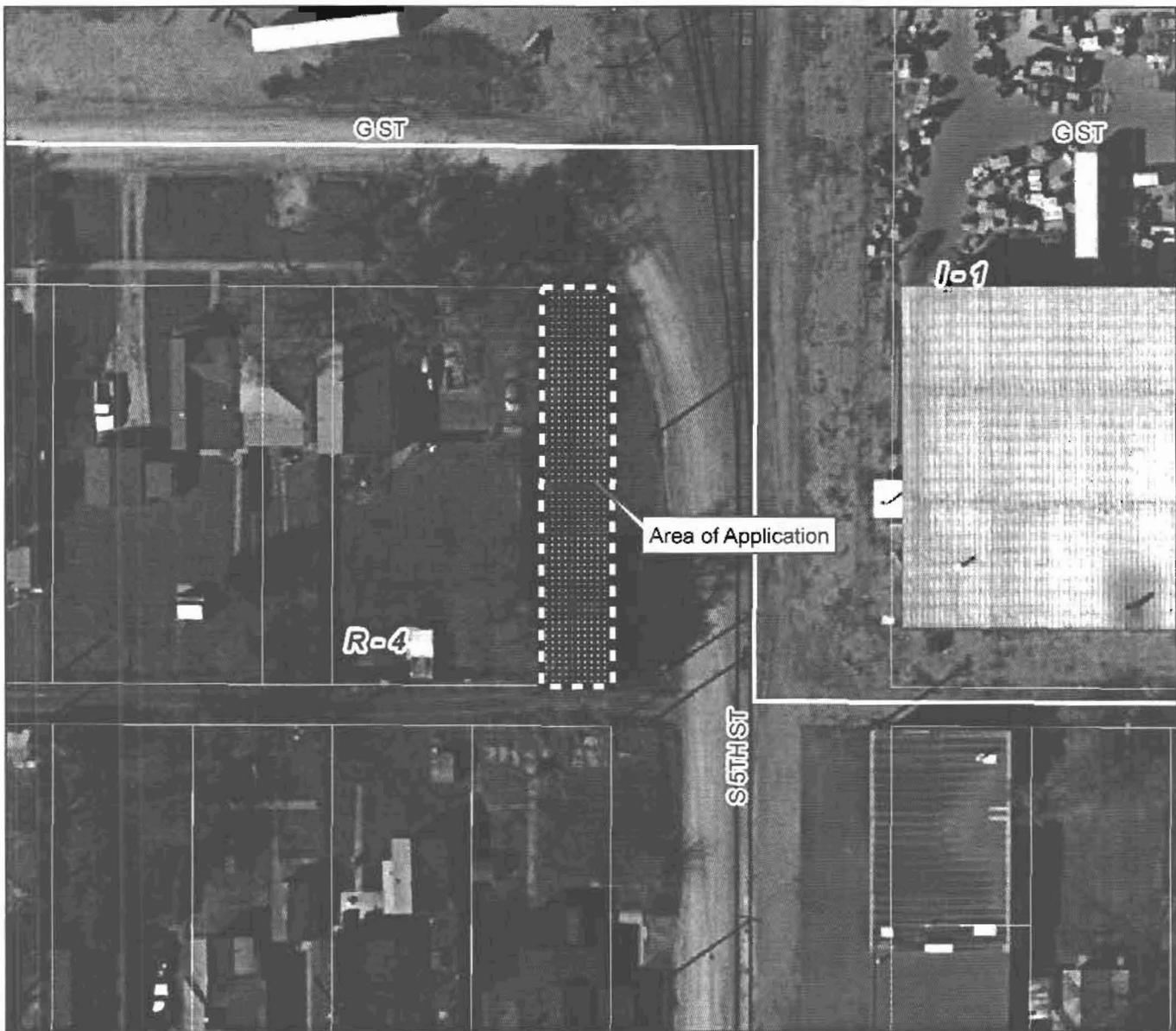
Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08019, *COMPREHENSIVE PLAN CONFORMANCE NO. 08020*, COMPREHENSIVE PLAN CONFORMANCE NO. 08021 and STREET AND ALLEY VACATION NO. 08005.**

Ex Parte Communications: None

Francis disclosed a meeting with NeighborWorks staff on Item No. 1.3, Comprehensive Plan Conformance No. 08021, when she reviewed some townhome plans for this parcel.

Larson moved to approve the Consent Agenda, seconded by Sunderman and carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.



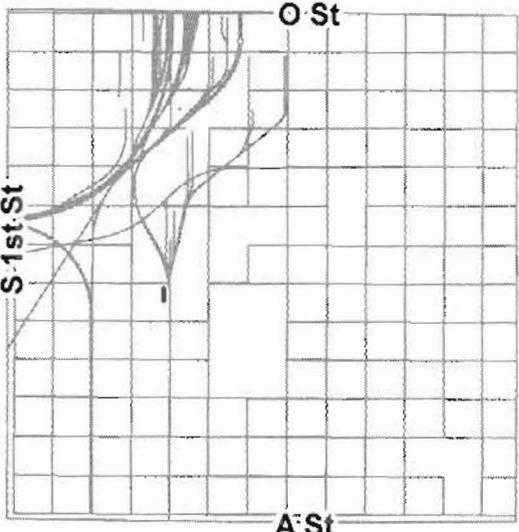
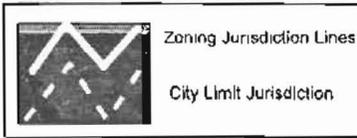
2007 aerial

**Comp Plan Conformance #08020
S 5th & G St**

Zoning:

- R-1 to R-9 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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

One Square Mile
Sec. 26 T10N R06E



Steve J Werthmann /Notes
07/23/2008 09:29 AM

To: Christy J Eichorn/Notes@Notes
cc
bcc
Subject: Re: Surplus Properties ☐

Thank you Christy for all you do. Tell me if this works.

Urban Development put forth a request for surplus of 447 G, 348 S. 1st and 23rd and P. These lots have been in our inventory for years because they only have value to an adjacent property owner

447 G is an unbuildable half-lot that Property Management has been mowing and UD has been paying the taxes for over ten years ever since Urban Development bought and demolished a shack of a house at that location. The lot, in and of itself has no value except to sell it to an adjacent owner of which there is one. If they do not want it, we will wait for the next owner to move in and offer it to them. We wanted to at least surplus this piece so when the opportunity arises, we can get it off our books. The Real Estate Division of Urban Development is aware of the concern of this lot being in the floodplain and Clint Thomas, in placing a value on the property, considered what impact on value a conservation easement would have. Since no buyer has been approached for this property, we can have further conversations as to the restrictions placed on the property.

348 S 1st is also in the floodplain and is not buildable unless assembled by an adjacent owner. We do have a buyer, who owns other property on the block, interested in this property. The Real Estate Division has discussed a conservation easement on this parcel as well and will request the input of Watershed Management before placing a value for the sale.

Christy J Eichorn/Notes

interoffice
MEMORANDUM

Michelle Backemeyer

to: Steve Hanks, Lincoln Electric System
from: Michelle Backemeyer, Housing Rehab and Real Estate Division
subject: Declaration of Surplus Properties -
348 S. 1st Street - S90' of Lot 7, Block 78, Original Plat
447 "G" Street - E1/2 of Lot 1, Block 166, Original Plat
23rd & P Street - S102' of Lot 7 & all of Lot 8, Block 17, Kinney's O Street Addition
date: June 4, 2008

The City's Urban Development Department plans to surplus the above three properties. The first two properties are of limited use as stand alone parcels and are both located in the 100 year floodplain. The properties were originally purchased in 1996 and 1998 by Urban Development. At the time of purchase, there were residential structures on the lots but they were in very poor condition. The City relocated the owners and/or tenants and eventually the structures were demolished. If the properties are declared surplus, we will attempt to sell the properties to the adjacent property owners.

The lots located at the Northeast corner of 23rd and "P" Streets will be sold to NeighborWorks to incorporate into a redevelopment plan they are proposing for that block. Maps provided to our office from Public Works (also attached) indicate the current Antelope Valley conduit runs underneath the corner of Lot 7. We would like to get all of these properties back on the tax rolls and recoup some of the City's holding costs in maintenance and infrastructure.

Please respond in 30 days or less as to any comments or objections your department may have in declaring these properties surplus. If we have not received a response during this time period, we will assume you have no objections and will proceed with the disposition of this property.

Attachments

interoffice
MEMORANDUM

to: Jean Preister, Planning Department

from: Michelle Backmeyer, Housing Rehab and Real Estate Division

subject: Declaration of Surplus Properties
348 S. 1st Street - S90' of Lot 7, Block 78, Original Plat
447 "G" Street - E1/2 of Lot 1, Block 166, Original Plat
23rd & P Street - S102' of Lot 7 & all of Lot 8, Block 17, Kinney's O Street Addition

date: July 9, 2008

Michelle Backmeyer

Please place on the next Planning Commission agenda a request to declare surplus the three properties legally described as:

S90' of Lot 7, Block 78, Original Plat, a/k/a 348 S. 1st Street
E1/2 of Lot 1, Block 166, Original Plat, a/k/a 447 "G" Street
S102' of Lot 7 & all of Lot 8, Block 17, Kinney's O Street Addition

We have requested responses from other City Departments and public agencies in accordance with the surplus property disposition procedures. Copies of the returned responses and maps for each of the properties are attached. If you have any questions, please feel free to call me at 441-8617.

Attachments

JUL - 9 2008



Devin L Biesecker /Notes
07/11/2008 01:13 PM

To: Christy J Eichorn/Notes@Notes
cc: Nicole Tooze/Notes@Notes, Stephen S
Henrichsen/Notes@Notes
bcc:
Subject: Fw: Declaration of Surplus Property

History:  This message has been replied to.

Christy,

Here are the comments Nicole sent to Greg back in mid June on the proposed surplus properties.. Let me know if you need anything else.

Devin Biesecker, P.E.
Watershed Management
City of Lincoln Public Works
441-4955

----- Forwarded by Devin L Biesecker/Notes on 07/11/2008 01:11 PM -----

Nicole Tooze /Notes
06/16/2008 01:57 PM



To: Greg S MacLean/Notes@Notes
cc: PWUDivHds, Devin L Biesecker/Notes@Notes, Benjamin J
Higgins/Notes@Notes, Karen K Sieckmeyer/Notes@Notes
Subject: Fw: Declaration of Surplus Property

Greg, my staff has reviewed the proposed surplus property declaration and has the following comments:

The properties at 348 S. 1st St and 447 'G' St are both located in the 100 year Floodplain and Floodprone Area of Salt Creek. The Comprehensive Plan includes a strategy for retaining City property in the floodplain in public ownership, or for retaining a conservation easement to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property. Because these parcels are currently in public ownership and because further development could have an adverse impact on adjacent property by raising flood elevations, Watershed Management recommends that these properties not be declared surplus. If it is determined that unusual circumstances merit declaration of surplus, an easement should be retained to project flood storage by ensuring that they remain in open space; this may be compatible with the intent to sell the properties to adjacent property owners as referenced in the memorandum.

The properties located near 23rd and 'P' Street are not in the floodplain. The current FEMA floodplain for Antelope Creek is adjacent to the property. However, once the Antelope Valley project improvements are complete, the floodplain is expected to be contained within the channel near this area. Thus, future development of this property will not have an impact on the current or future floodplain.

M e m o r a n d u m

To: Greg MacLean, Public Works and Utilities
From: *Demis Bartels*, Engineering Services
Subject: Declaration of Surplus Properties
Date: June 18, 2008
cc: Michelle Backemeyer
Brian Kramer
Steve Owen
Nicole Fleck-Tooze
Roger Figard
Randy Hoskins
Buff Baker

Development Services has reviewed the following potential declaration of surplus properties and has the following comments:

1. E 1/2 of Lot 1, Block 166, Lincoln Original (5th and G) - There is a curve in the roadway connecting 5th Street and G Street. Some right-of-way will need to be retained from this parcel since this is a gravel road, there are not accurate records. It appears looking at aerial photography that retaining a triangle of right-of-way at the northeast corner of this lot with legs of the triangle extending 25' west along G and 25' south along 5th will be sufficient. If this right-of-way is retained, I would have no objections to surplusing the remainder except for the concerns of Watershed Management concerning the flood plain.
2. South 90' of Lot 7, Block 78, Lincoln Original (1st and L) - I have no objections to surplusing this parcel except for the concerns about the flood plain raised by Watershed Management.
3. South 102' of Lot 7 and Lot 8, Block 17, Kinney's O Street Addition (23rd and P) - The Antelope Creek Conduit runs through both parcels and a 15" sanitary sewer bisects Lot 8. If this parcel is surplused, I recommend that a storm sewer and sanitary sewer easement be retained over all of the City's ownership.



Steve R Owen /Notes

06/19/2008 07:22 AM

To: Michelle Backemeyer/Notes@Notes

cc: Jerry Obrist/Notes@Notes, Nick W McElvain/Notes@Notes

bcc:

Subject: Surplus properties. Memo dated 6/4/08

Michelle,

All water utilities that abut the properties in the following areas appear to be located within the ROW and should not be in conflict with the proposed sale:

NE corner of S1st & L
SW corner of S5th & G
NE corner of N23rd & P

Call if questions.

Steve R. Owen
Supt. of Water Distribution
Lincoln Water System
Dept. of Public Works and Utilities
Voice: 402.441.5925
Fax: 402.441.8493
email: sowen@lincoln.ne.gov

