City Council Introduction: **Monday**, September 15, 2008
Public Hearing: **Monday**, September 22, 2008, at **5:30** p.m.

Bill No. 08-126

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 08002,** requested by Whitehead Oil Company, to vacate the north-south alley between Capitol Parkway and vacated Cadwallader's Court between South 21st Street and vacated South 22nd Street.

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

ASSOCIATED REQUESTS: Comprehensive Plan Conformance No. 08015 (08R-127)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/02/08
Administrative Action: 07/02/08

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (7-0: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll voting 'yes' (Sunderman declaring a conflict of interest; Gaylor Baird absent).

FINDINGS OF FACT:

1. This is a request to vacate right-of-way just west of vacated South 22nd Street and South of Capitol Parkway. This street vacation was heard by the Planning Commission in conjunction with the associated declaration of surplus property and Change of Zone No. 08032 from R-6 Residential to B-3 Commercial District for the development of a restaurant and convenience store.

2. The staff recommendation to find the proposed right-of-way vacation in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3-4, concluding that the right-of-way is not needed provided easements are retained for public utilities. The staff presentation is found on p.6-7.

3. The applicant's testimony is found on p.7-8.

4. There was no testimony in opposition.

5. On July 2, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the street vacation to be in conformance with the Comprehensive Plan (Sunderman declared a conflict of interest and Gaylor Baird was absent).

6. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.15, finding that the proposed vacated area should be sold to the abutting property owner for $9,800.00. The petitioner has paid the funds for the right-of-way to the City Clerk.

7. On July 28, 2008, the City Council adopted Ordinance No. 19111, approving the associated Change of Zone No. 08032 from R-6 to B-3, along with Resolution No. A-84958 adopting the associated Development and Conditional Zoning Agreement.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: September 8, 2008

REVIEWED BY:_____ **DATE**: September 8, 2008

REFERENCE NUMBER: FS\CC\2007\SAV.08002+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 2, 2008 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROJECT #: ***Street and Alley Vacation No.08002***
Comprehensive Plan Conformance No.08015

PROPOSAL: ***To vacate the north south alley between Capitol Parkway and vacated Cadwallader's Court between S. 21 and vacated S. 22nd Street.***

To surplus two parcels at the southeast corner of S. 21st Street and Capitol Parkway.

To show that both the vacation and the surplus are in conformance with the Comprehensive Plan.

LOCATION: Generally Located at S. 21st Street and K Street

LAND AREA: The alley is 326.71 square feet or .01 acres more or less
The two parcels to be surplused total 2144.25 square feet or .05 acres more or less.

CONCLUSION:

1. The right-of-way is not needed provided easements are retained for public utilities.

2. A declaration of surplus for this property generally conforms to the Comprehensive Plan.

RECOMMENDATION: Conforms to the Comprehensive Plan

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached descriptions.

SURROUNDING LAND USE AND ZONING:

North:	B-4 Lincoln Center Business District	Warehouse
South:	R-6 Residential	Parking lot
East:	B-4 Lincoln Center Business District	(Right of Way)
	P Public	Antelope Park
West:	R-6 Residential	Communications Building

ASSOCIATED APPLICATIONS: CZ08031, SP08031

COMPREHENSIVE PLAN SPECIFICATIONS:
The 2030 Comprehensive Plan Land Use Map showed this area as Commercial. (19)

HISTORY:

June 2007	Planning Commission approved a special permit for Outdoor Seasonal Sales for a fireworks tent.
December 2005	City Council approved change of zone #05067 for this property to be re-zoned from R-6 to B-4. The approval of the change of zone was vetoed by the mayor.
September 2005	Downtown Master Plan adopted.
November 2004	Antelope Valley Redevelopment Plan adopted.
May 1979	This property was changed from D Multiple Dwelling to R-6 Residential.

UTILITIES:
There are no City utilities in the area for proposed vacation or surplus in a triangle starting at the northwest corner of Parcel 1 with sides 20' along the east right-of-way line of S. 21st Street and 20' along the south right-of -way line of Capitol Parkway. (See Exhibit A-2)

LES noted that there are existing street light poles and underground wire along ”K” Street and Capitol Parkway. They recommend retaining easements for existing and future electrical facilities across the entire proposed vacated and surplused areas

TRAFFIC ANALYSIS: The Comprehensive Plan identifies “K” and “L” Streets as minor one way arterials and 21st Street as a collector, both now and in the future. Access to the site is a concern due to the anticipated uses and proximity to the 21st and “k” and “L” Street intersections. Access should be limited. South 22nd Street, adjacent to the east, has been vacated, but is still owned by the City. The Developer has agreed to eliminate access to S. 21st Street.

<u>ANALYSIS:</u>

1. This is an application to vacate right-of-way just west of Vacated S. 22nd Street and south of Capitol Parkway and to surplus 2 parcels at the south east corner of S. 21st Street and Capitol Parkway. The surplus and vacation will help to make this block more developable.

2. The applicant owns the property to the south and intends to use his existing parcel with the vacated right-of -way and surplus parcels to develop a convenience store and restaurant on the property. The site plan and zoning agreement for this development can be found with change of zone CZ08031. These parcels are needed for this development to facilitate pedestrian and vehicle circulation and for additional landscaping required by the zoning agreement.

3. Normally with an alley vacation or property surplus, a flood storage easement would be

expected by the City with the sale of the property, when the alley is in the FEMA 100 year floodplain. Since this property will be brought out of the floodplain in 2009 as part of the Antelope Valley Project, the easement will not be required.

4. 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 The petition to vacate submitted by Whitehead Oil Company, Inc. for the vacation of three different parcels of right-of-way in the vicinity of 21st and K Streets is executed by the Treasurer of the corporation. Whitehead Oil will need to provide a copy of the corporate resolution or the articles of incorporation provision authorizing the Treasurer to transfer property on behalf of the corporation. Otherwise the petition to vacate needs to be re-executed by the President of Whitehead Oil.

1.3 I have attached the deed from Alltel to Whitehead Oil conveying the property abutting the parcels to be vacated. This deed is not indexed in the Register of Deeds' Office on Lot 3 of Cadwallader's Subdivision of Outlot 1, McMurtry's Addition, and no other conveyance appears of record. You should confirm that said Lot 3 has been conveyed by Alltel to Whitehead Oil Company or Alltel must join in the petition to vacate.

1.4 In addition, if Lot 3 is owned by Whitehead Oil Company, Inc., the legal description of Lot 3 is incomplete and needs to be corrected from "Lot 3 of Cadwallader's Subdivision of Outlot 1" to "Lot 3 of Cadwallader's Subdivision of Outlot 1, McMurtry's Addition".

Prepared by:

Christy Eichorn
Planner

DATE: June 19, 2008

APPLICANT: Whitehead Oil Company
2537 Randolph
Lincoln, NE

CONTACT: Mark Hunzeker
600 Wells Fargo Center
1248 O Street
Lincoln, NE 68508

COMPREHENSIVE PLAN CONFORMANCE NO. 08015 (DECLARATION OF SURPLUS PROPERTY); STREET & ALLEY VACATION NO. 08002; and CHANGE OF ZONE NO. 08032

PUBLIC HEARING BEFORE PLANNING COMMISSION: July 2, 2008

Members present: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll (Sunderman declared a conflict of interest; Gaylor Baird absent).

Ex Parte Communications: None.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the declaration of surplus property and street and alley vacation, and conditional approval of the change of zone, subject to a conditional zoning and development agreement.

Staff presentation: **Christy Eichorn of Planning staff** present this proposal. The alley requested to be vacated is a small alley running north/south just on the edge of the surplus property. The change of zone is to B-3, which provides for local commercial uses in redeveloping neighborhoods. The applicant is proposing a restaurant and convenience store on the property. The site would circulate in a counter-clockwise manner with one access on L Street, one access on K Street and no access on South 21st Street. The proposed site plan does not include the property of the vacated north/south roadway of S. 22nd Street. Unlike previously applications similar to this proposal, this application does not include a car wash and it limits parking to four parking stalls east of the existing building. The staff and applicant have negotiated the conditional zoning agreement. A revised agreement was submitted at the public hearing which includes additional landscaping and more wording in regard to pedestrian crossings along K Street.

Esseks expressed interest in further discussion on the development and conditional zoning agreement, particularly the pedestrian actuated traffic signals on K Street and 22nd Street. The agreement reads that the developer will pay to install this type of public safety facility when warranted and recommended by the Director of Public Works. How will that be determined? How will the Director determine that it is warranted? Eichorn responded, stating that Public Works would do the same with any other crossing. The number they are looking at is about 100 people per hour to generate the warrant for that pedestrian crossing. She did not know how they determine when to start counting people.

Francis inquired as to the proximity of Lincoln High School. Eichorn stated that the parking lot is about 107' on the other side of the right-of-way – maybe 500' from this property. Francis assumes it will be a fast food restaurant and assumes that Lincoln High has open campus for lunch so there would be a high volume of walking traffic across K Street from Lincoln High. Francis is concerned about the pedestrian traffic in that regard. Eichorn indicated that this issue is being addressed in the zoning agreement. The staff has requested that the applicant provide two different types of pedestrian crossings. 100 crossings per hour would require a more signalized crossing. Anything less might be a painted crosswalk with warning signs. Francis believes that both K and L kind of

curve so it sometimes could be a blind corner with the volume and speed of traffic. Eichorn suggested that K Street is relatively straight until you get past the property. L Street does curve right at this property. Public Works has looked at the site plan and has worked with the applicant to develop something workable for both pedestrians and vehicles.

It was confirmed that the entrance on L Street on the north side is a left in and left out

Esseks expressed concern about the standard of 100 crossings per hour – is that across 8 hours? He believes the lunch hour at the high school is the relevant time. If we have 50-75 crossings and there is no traffic signal there, we could be inviting a real tragedy. It is Eichorn's understanding at any one hour during a 24-hour period that generates more than 100 crossings is the trigger.

Proponents

1. Mark Hunzeker appeared on behalf of **Whitehead Oil Company,** indicating that this proposal is similar to one approved by the City Council in 2005. The access points have been modified after discussion with staff, i.e. the left in and left out access on both K and L Streets. The K Street access is protected because the lane that enters from K Street is not a thru lane.

Hunzeker stated that they have arrived at this design after a number of meetings with Public Works, the Mayor, Urban Development and Planning. All of the issues are reflected in the proposed zoning and development agreement. Hunzeker indicated that the applicant and staff are now in agreement with all the major provisions of that agreement. That agreement includes the architectural control that requires brick and matching canopy columns, restricting signage and lighting, pedestrian amenities, extensive landscaping, street trees on all sides, etc. As the staff report points out, the B-3 district is appropriate because it is a transitional area between the traditional Downtown and Antelope Valley areas. It is not uncommon to see B-3 on the fringe of Downtown and Antelope Valley. This parcel is ideally located for these uses and it is at the very edge of the Downtown and Antelope Valley redeveloping areas.

With regard to the traffic signal and crossing, Hunzeker clarified that the warrants are statutory. Public Works cannot place stop signs or traffic signals at any place along a street without meeting statutory signal warrants. Those warrants are referred to in the agreement and the applicant agrees that if those warrants are met and the Traffic Engineer recommends installation, it will be done. Hunzeker further went on to state that between now and when the traffic warrant is met, it is not as if you are crossing at a very busy full four-movement intersection. This is a one-way street. People will only have to look one direction for traffic; the students at Lincoln High are mature enough to understand looking before they cross the street; they have to do it every day further down to the east where they cross both directions of traffic. They will also have benefit of a signal which will stop traffic on K Street only 300' away. There is not very much traffic on 21st Street. If that proves to be inadequate and there is a warrant for a signal at 22nd Street, the applicant will install it. The signal at 21st Street will create gaps in traffic. There is also a crosswalk signal at 21st Street.

Larson wondered about the interior traffic. Is it going to be easy for someone coming from the east to enter the property and then exit onto K Street and go east? Hunzeker explained that coming from the east, there is a turn lane that gets out of traffic on Capitol Parkway and gets you into the site. There is a standard parking lot width aisle to come through into the filling bays and then you have another driving aisle that can take you out to exit onto K Street or turn around and go back out onto L Street.

Carroll referred to f.3 of the agreement having to do with perimeter trees, assuming those are to the east of the project on property owned by the City. Hunzeker stated that it refers to all the trees that are around the perimeter of the applicant's site. The Planning Director added language allowing some discretion on placement of the sidewalk in order to save some of the trees. They will not remove any trees that are not on the applicant's property and will save as many of the trees on the applicant's property as they can. The existing trees around this site will not be removed and street trees will be added, particularly along L Street and 21st Street, and probably some in part of K Street.

Carroll is concerned about shielding of the drive-thru area for people coming from the east. Hunzeker suggested that this project is very, very close to the surface parking area that is there today. They are not really changing the footprint of the hard surfaced area on that site.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 08015
ACTION BY PLANNING COMMISSION: July 2, 2008

Larson moved a finding of conformance with the Comprehensive Plan, seconded by Francis and carried 7-0: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll voting 'yes' (Sunderman declaring a conflict of interest; Gaylor Baird absent). This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 08002
ACTION BY PLANNING COMMISSION: July 2, 2008

Larson moved a finding of conformance with the Comprehensive Plan, with the conditions set forth in the staff report, seconded by Francis.

Cornelius commented that this alley serves only the property served by the owner so there is no reason to worry about any of the other neighbors.

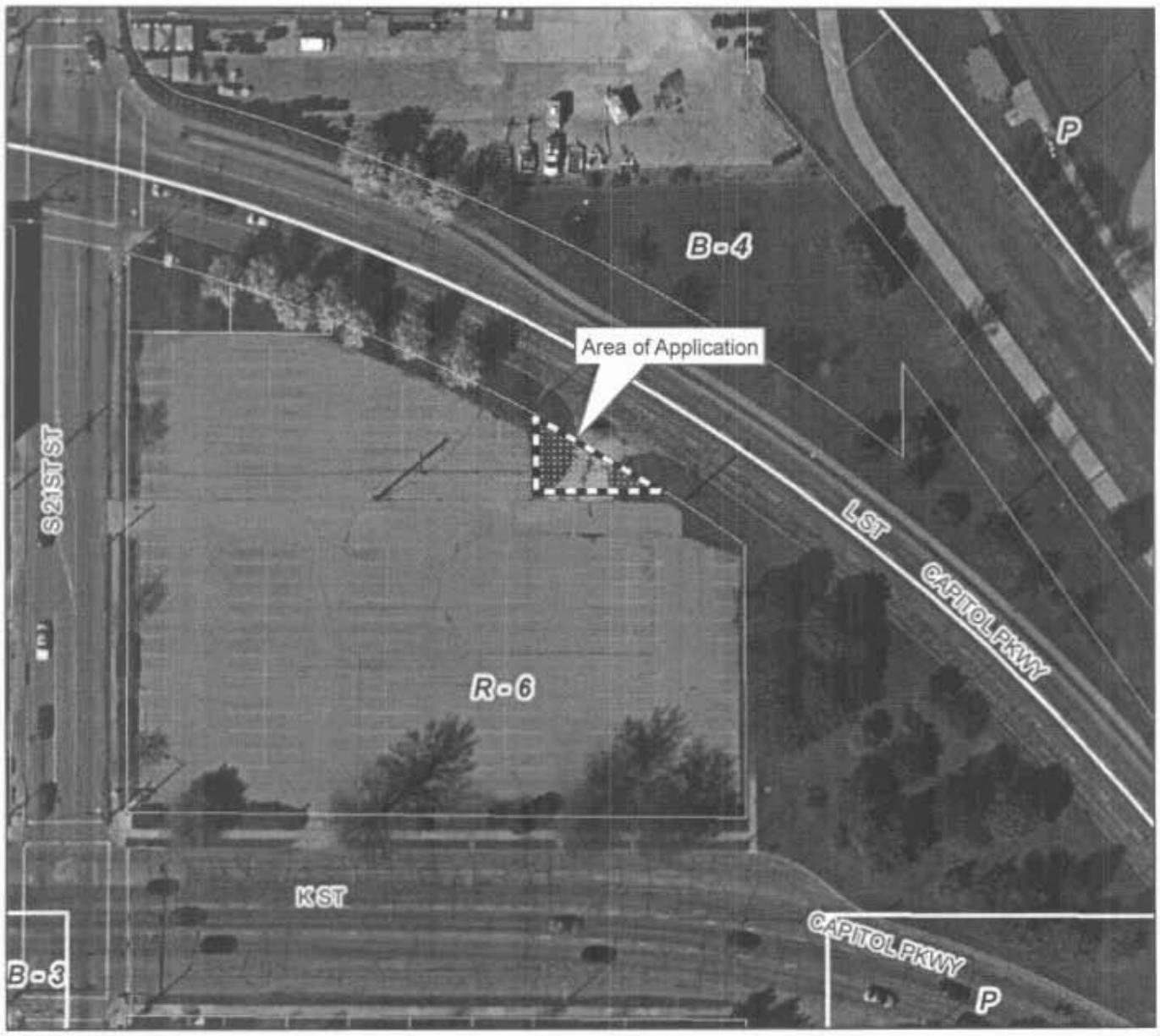
Motion carried 7-0: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll voting 'yes' (Sunderman declaring a conflict of interest; Gaylor Baird absent). This is a recommendation to the City Council.

CHANGE OF ZONE NO. 08032
ACTION BY PLANNING COMMISSION: July 2, 2008

Larson moved approval, subject to a conditional zoning and development agreement, seconded by Francis.

Carroll commented that the Commission understands there is a need in this area for a convenience store. He expressed appreciation to the applicant for changes made to the store and the site. It will fit in with the new Antelope Valley project. We want to protect the view of that corridor and he appreciates the applicant doing that and working with the city on the agreement.

Motion carried 7-0: Cornelius, Larson, Taylor, Esseks, Partington, Francis and Carroll voting 'yes' (Sunderman declaring a conflict of interest; Gaylor Baird absent). This is a recommendation to the City Council.



2007 aerial

Street & Alley Vacation #08002
S 21st St and Capital Parkway

Zoning:

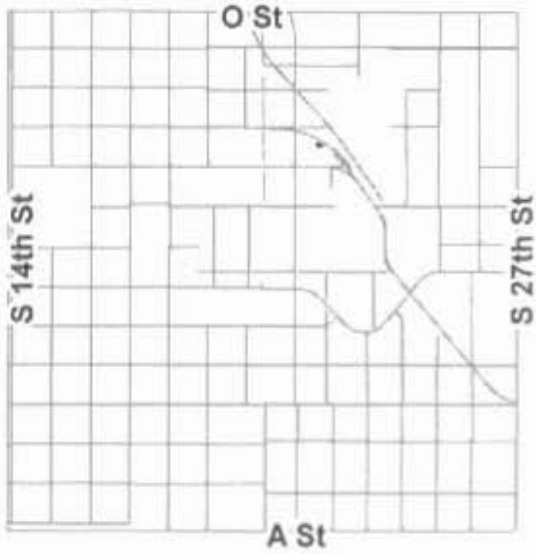
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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. 25 T10N R06E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



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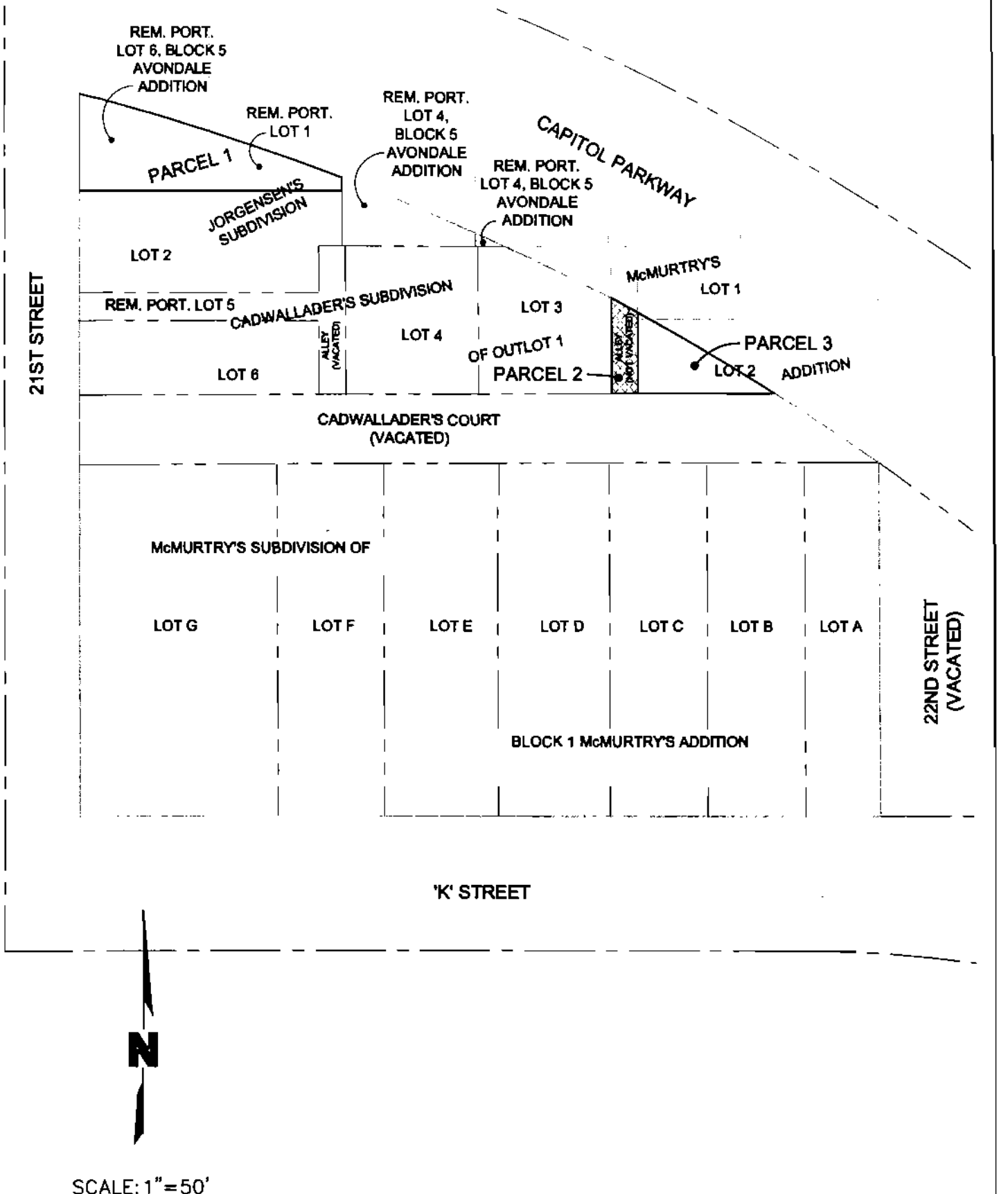

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PROJECT NO: 2005-1370	EXHIBIT	OLSSON ASSOCIATES	1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
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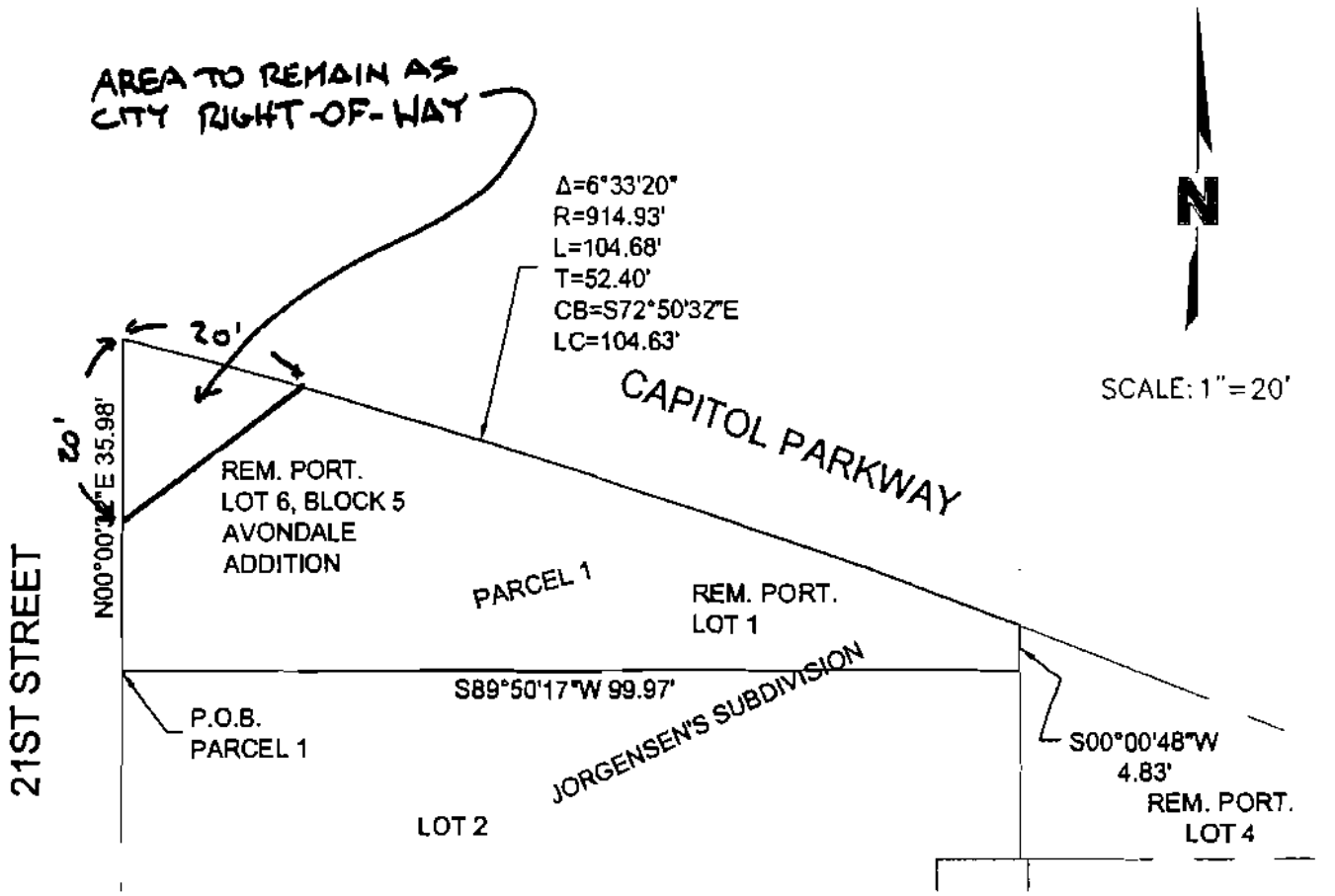

PARCEL 1

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINIG PORTION OF LOT 6, BLOCK 5, AVONDALE ADDITION AND A PORTION OF THE REMAINING PORTION OF LOT 1, JORGENSEN'S SUBDIVISION, LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, JORGENSEN'S SUBDIVISION; THENCE, NORTH, ALONG THE EAST LINE OF THE REMAINING PORTION OF LOT 6, BLOCK 5, AVONDALE ADDITION, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF 21ST STREET, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 00 MINUTES 32 SECONDS EAST, A DISTANCE OF 35.98 FEET TO AN INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN INST. NO. 71-18753, RECORDS OF LANCASTER COUNTY, SAID POINT BEING THE POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 06 DEGREES 33 MINUTES 20 SECONDS, A RADIUS OF 914.93 FEET, AN ARC LENGTH OF 104.68 FEET, A CHORD BEARING OF SOUTH 72 DEGREES 50 MINUTES 32 SECONDS EAST ALONG THE WESTERLY EXTENSION OF SAID NORTH LINE, A CHORD DISTANCE OF 104.63 FEET TO THE EAST LINE OF THE REMAINING PORTION OF LOT 1, JORGENSEN'S SUBDIVISION; THENCE SOUTH 00 DEGREES 00 MINUTES 48 SECONDS WEST, ALONG SAID EAST LINE, SAID LINE BEING THE WEST LINE OF THE REMAINING PORTION OF LOT 4, BLOCK 5, AVONDALE ADDITION, A DISTANCE OF 4.83 FEET TO THE SOUTHEAST CORNER OF THE REMAINING PORTION OF SAID LOT 1, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 2, JORGENSEN'S SUBDIVISION; THENCE SOUTH 89 DEGREES 50 MINUTES 17 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 99.97 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 2144.25 SQUARE FEET OR 0.05 ACRES, MORE OR LESS.

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PROJECT NO: 2005-1370	EXHIBIT	OLSSON ASSOCIATES	1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
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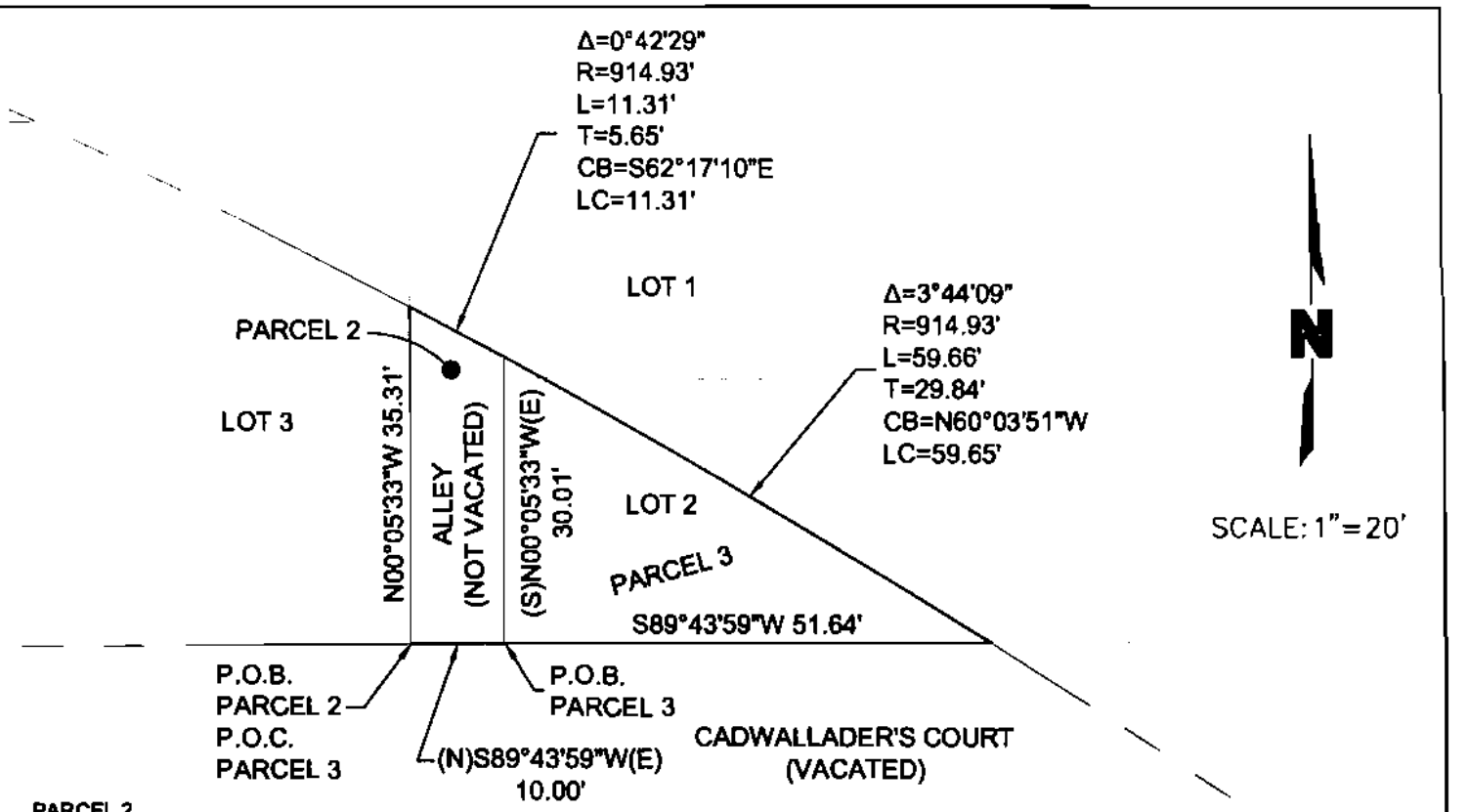

PARCEL 2

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF CAPITOL PARKWAY RIGHT-OF-WAY, SAID TRACT BEING COMPOSED OF A PORTION OF THE NORTH-SOUTH ALLEY LYING BETWEEN LOT 1, LOT 2 AND LOT 3 OF CADWALLADER'S SUBDIVISION OF OUTLOT 1 McMURTRY'S ADDITION, LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3, OF SAID CADWALLADERS SUBDIVISION; THENCE, NORTH, ALONG THE EAST LINE OF SAID LOT 3, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 05 MINUTES 33 SECONDS WEST, A DISTANCE OF 35.31 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN BOOK 598, PAGE 269, RECORDS OF LANCASTER COUNTY, SAID POINT BEING ON THE SOUTHWESTERLY LINE OF CAPTIOL PARKWAY RIGHT-OF-WAY; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 00 DEGREES 42 MINUTES 29 SECONDS, A RADIUS OF 914.93 FEET, AN ARC LENGTH OF 11.31 FEET, A CHORD BEARING OF SOUTH 62 DEGREES 17 MINUTES 10 SECONDS EAST ALONG THE SOUTHEASTERLY EXTENSION OF THE SOUTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN SAID BOOK 598, PAGE 269, A CHORD DISTANCE OF 11.31 FEET TO THE EAST LINE OF THE NORTH-SOUTH ALLEY LYING BETWEEN LOT 1, LOT 2 AND LOT 3 OF SAID CADWALLADER'S SUBDIVISION; THENCE SOUTH 00 DEGREES 05 MINUTES 33 SECONDS EAST, ALONG SAID EAST LINE, AND ALONG THE WEST LINE OF LOT 2, OF SAID CADWALLADER'S SUBDIVISION, A DISTANCE OF 30.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 89 DEGREES 43 MINUTES 59 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTH-SOUTH ALLEY, AND ALONG THE NORTH LINE OF VACATED CADWALLADER'S COURT, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 326.71 SQUARE FEET, OR 0.01 ACRES, MORE OR LESS.

PARCEL 3

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF CAPITOL PARKWAY RIGHT-OF-WAY, SAID TRACT BEING COMPOSED OF A PORTION OF LOT 1 AND LOT2 OF CADWALLADER'S SUBDIVISION OF OUTLOT 1, McMURTRY'S ADDITION, LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, OF SAID CADWALLADERS SUBDIVISION; THENCE, NORTH, ALONG THE WEST LINE OF SAID LOT 2, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 05 MINUTES 33 SECONDS WEST, A DISTANCE OF 30.01 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY EXTENSION OF THE SOUTH LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 598, PAGE 289, RECORDS OF LANCASTER COUNTY; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 03 DEGREES 44 MINUTES 09 SECONDS, A RADIUS OF 914.93 FEET, AN ARC LENGTH OF 59.66 FEET, A CHORD BEARING OF SOUTH 60 DEGREES 03 MINUTES 51 SECONDS EAST ALONG THE SOUTHEASTERLY EXTENSION OF THE SOUTH LINE OF SAID PARCEL OF LAND, A CHORD DISTANCE OF 59.65 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 89 DEGREES 43 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH LINE, AND ALONG THE NORTH LINE OF VACATED CADWALLADER'S COURT, A DISTANCE OF 51.64 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 794.08 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

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PROJECT NO: 2005-1370	EXHIBIT	OLSSON ASSOCIATES	1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
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DATE: 03/28/08				

M e m o r a n d u m

To: Christy Eichorn - Planning

From: Byron Blum - Engineering Services

Subject: Street and Alley Vacation SAV #08002

Date: June 12, 2008

cc: Randy Hoskins
Dennis Bartels

Public Works has no objection to the vacation of parcels 2 and 3. Parcel 1 can be vacated with the condition that a triangle starting at the northwest corner of the parcel with sides of 20' along the east right-of-way line of 21st Street and 20' along the south right-of-way line of L Street/Capitol Parkway remain as City right-of-way (see attached map). There are no City utilities in the area for proposed vacation except for the above described triangle.

SAV08002 tdq.wpd

INTEROFFICE MEMORANDUM

TO:	Mayor Beutler & City Council Members	FROM:	Clinton W. Thomas
DEPARTMENT:	City Council Office	DEPARTMENT:	Housing Rehab & Real Estate Division
ATTENTION:		DATE:	July 21, 2008
COPIES TO:	Teresa J. Meier Marvin Krout John Hendry Byron Blum, Bldg & Safety Jean Preister, Planning	SUBJECT:	Street & Alley Vacation No. 08002 Capitol Parkway at South 21st Street

A request has been made to vacate two small parcels of land adjacent to Capitol Parkway just east of 21st Street. The area was viewed and appears as a widened right-of-way strip with one location having a drive from the adjoining parking lot out onto Capitol Parkway located on it. There were no utilities visible in the area and Public Works has indicated there are none. However, LES has asked that easements be retained for existing and future electrical facilities across the entire area proposed to be vacated. It appears from the surveys of the two triangular tracts and portion of alley to be vacated, the area of the vacation is approximately 3,265 square feet.

Small, irregular-shaped parcels such as this rarely have any value, in and of themselves, but will take on the value of the abutting property when assembled into it. In this case, the abutting property, in a business zoned area, is estimated to have a value in the range of $8.00 to $10.00 per square foot. The retention of easements for electrical utilities would reduce that value to some extent. However, since the electrical utilities along the edge of a property are the norm rather than the exception, they are generally considered not to be that detrimental. It is expected someone assembling small parcels such as these would not pay the full value they expected to see in order to acquire them, but would be more likely to be willing to pay something in the range of 30% to 35% of the value of the abutting land in order to acquire it. It is this writer's opinion the abutting land has a value of approximately $9.00 per square foot and that a value of $3.00 per square foot would be appropriate for the assemblage value of the small parcels being vacated. The calculations are as follows:

3,265 sq. ft. X $3/sq. ft. = $9,795 Called $9,800.00

Therefore, it is recommended if the area be vacated, it be sold to the abutting property owner for $9,800.

Respectfully submitted,

Clinton W. Thomas

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