City Council Introduction: **Monday**, October 18, 2010
Public Hearing: **Monday**, October 25, 2010, at **5:30** p.m.

Bill No. 10R-273

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 10014,** by the Director of Planning, at the request of the Lancaster County Board of Commissioners, to vacate that portion of W. Waggoner Drive which abuts Lots 1, 2 and 3, Block 1, Waggoner Subdivision, generally located 1/4 mile south of West O Street, on the east side of S.W. 98th Street.

STAFF RECOMMENDATION: Denial.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/06/10
Administrative Action: 10/06/10

RECOMMENDATION: Approval, subject to the approval of a final plat prior to sale of the vacated right-of-way (8-0: Cornelius, Taylor, Esseks, Partington, Gaylor Baird, Lust, Francis and Sunderman voting 'yes'; Larson absent).

FINDINGS OF FACT:

1. The Lancaster County Board has requested a study be conducted of the vacation of Waggoner Drive, east of S.W. 98th Street, abutting Lots 1, 2 and 3, Waggoner Subdivision. This is a county road in the City's three-mile jurisdiction, thus requiring review and action by both the City Council and the County Board.

2. The staff recommendation to deny the vacation of the road is based upon the "Analysis" as set forth on p.3-4, concluding that the vacation of the road may create a future problem for locating a local street at this location to meet adopted design standards. If vacated and if any development were to occur, it could be impossible to locate a new street at this location. The current street will serve to provide interior access to the section in the future. Vacation of this road would also create two unbuildable lots without frontage or access. The staff presentation is found on p.5-6.

3. Testimony in support by Roger Vollstedt, the owner of the abutting Lots 2 and 3 of Waggoner Subdivision and Lot 5, I.T., abutting to the east, is found on p.6-7. Mr. Vollstedt is interested in seeing the road vacated so that he can purchase the vacated right-of-way. He has no intention to sell or develop the property. It is currently tillable farm land.

4. There was no testimony in opposition.

5. On October 6, 2010, the Planning Commission disagreed with the staff recommendation and voted 8-0 to recommend approval, subject to the approval of a final plat removing the two easterly landlocked parcels prior to sale of the vacated right-of-way (Larson absent). The Planning Commission found that the road requested to be vacated is located in Tier III of the Urban Growth Tiers in the Comprehensive Plan, thus the property is not anticipated to be developed and the road would not be needed for city development in the next 50 years.

6. Due to this road being located in the City's three-mile jurisdiction, the City Council action is a "resolution" as opposed to an ordinance, and the provisions of Chapter 14.20 do not apply.

7. This street vacation will be scheduled for County Board review and action subsequent to action by the City Council.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: October 12, 2010

REVIEWED BY:_____ **DATE**: October 12, 2010

REFERENCE NUMBER: FS\CC\2010\SAV.10014 (three-mile)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 6, 2010 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 10014

PROPOSAL: The County Board has requested a study be conducted of the vacation of Waggoner Drive, east of SW 98th Street, abutting Lots 1, 2 and 3, Waggoner Sub.

LOCATION: Waggoner Drive, east of SW 98th Street and one quarter mile south of W. O Street.

LAND AREA: 60' X 1274.9'. Approx. 1.756 acres.

CONCLUSION: This vacation may create a future problem of locating a local street at this location to meet adopted design standards. If vacated and if any building were to occur, it could be impossible to locate a new street at this location. The current street will serve in the future to provide interior access to the section. Vacation would also create two unbuildable lots without frontage or access.

RECOMMENDATION: Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: All of West Waggoner Drive abutting Lots 1,2 and 3, Block 1, Waggoner Subdivision, in the NW 1/4 of Section 27-10-5, Lancaster County NE.

SURROUNDING LAND USE AND ZONING:
North: Farmland, residence, zoned AG Agriculture
South: Farmland, residence, zoned AG Agriculture
East: Farmland, zoned AG Agriculture
West: Farmland, residence, zoned AG Agriculture

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown as Agriculture in the 2030 Lincoln Area Future Land Use map, page 17. This is in Tier III.

TRAFFIC ANALYSIS: SW 98th is a gravel county road. This section of SW 98th Street is not shown on the 2030 Functional Street and Road classification map or on the Lincoln Area Street and Road Improvements 2030 map.

ANALYSIS:

1. The Waggoner Preliminary Plat was approved in April 1979. Waggoner Subdivision Final Plat and the dedication of Waggoner Drive to the county was approved by the Lancaster County Board in January 1980. The street was to be graded and surfaced to County standard. The subdivision agreement had the same provisions.

2. The road was never constructed, nor has Lot 2 or 3 been built on. The current use of the road is cultivated farmland with a barn partially built onto the County road right of way.

3. Vacation of this road would create two lots without frontage or access.

4. Chapter 2.15**,** Public Street Design Standards, states under Policies, section 2.2 Intersections with Major Streets:

> "Where control of access permits, the intersections of collector streets with major streets shall be spaced approximately one half mile (0.8 km) apart, with the intersection location dependant upon maintaining the required sight distances. Intersections of local streets with major streets, where permitted, shall be approximately one quarter mile (0.4 km) apart, with the intersection location dependant upon maintaining the required sight distances."

5. The location of Waggoner Drive is at the 1/4 mile line and is a safe location for sight distance. The road, if built, provides access to the interior land and abutting properties. The existing location meets the provisions of the City Street Design Standards for location and access to the County Road.

6. County Engineer notes Lots 2 and 3 Waggoner Sub need to be combined with adjacent land to resolve frontage and access issues prior to vacation.

7. Public Works notes this is the location where the local street is supposed to intersect an arterial street, S.W. 98th Street in this circumstance. Vacating it may make replatting the street in the future difficult if any construction were to occur in the vacated right-of-way. If vacated, replatting of Lots 2 and 3, which are owned by the adjacent land owner, should be required so that unbuildable lots without frontage or access are created. Vacation will also eliminate the possibility of eliminating driveways to SW 98th in the future when that becomes desirable.

8. Norris notes no objections

9. If this is not vacated, it is expected the existing circumstance would continue until one or both of the lots are sold and built on. The current owner is still required by the subdivision to build the road and temporary cul-de-sac. At that time, the existing farm building that is located partially on the road will have to be moved. The building was built on County owned land without the permission of the County. The current farming on the county land does not appear to have county approval either.

10. This is a county road in the city three mile jurisdiction, therefore, the vacation must be approved by both the City of Lincoln and the Lancaster County Board.

11. If the City Council and County Board wish to vacate this road, a final plat removing the two easterly land locked parcels should be approved as a condition prior to the street vacation. Retaining that portion of Waggoner road adjacent to Lot 1 should be considered as an alternative to complete vacation in order to keep some future options open.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planner

DATE: April 21, 2007

APPLICANT: Marvin Krout, Planning Director
for the Lancaster County Board
555 So 10th Street
Lincoln, NE 68508
402-441-7491

OWNER: Lancaster County (of the road)

William and Darlene Waggoner, abutting Lot 1, Waggoner Sub

Roger and Patty Vollstedt, abutting Lots 2 and 3, Waggoner Sub and Lot 5 IT, abutting to the east

Robert and Stacy Svoboda, abutting Lot 31 IT to the north

Ervin Anderson, abutting Lot 44 to the north

CONTACT: Mike DeKalb
Lincoln Lancaster County Planning Dept
555 So. 10th Street
Lincoln, NE 68508
(402) 441-6370

STREET & ALLEY VACATION NO. 10014

PUBLIC HEARING BEFORE PLANNING COMMISSION: October 6, 2010

Members present: Cornelius, Taylor, Esseks, Partington, Gaylor Baird, Lust, Francis and Sunderman (Larson absent).

Ex Parte Communications: None.

Staff recommendation: Denial.

Staff presentation: **Mike DeKalb of Planning staff** explained that this is a request to vacate a road located in the City's three-mile jurisdiction, thus it requires review and approval by both the City Council and County Board.

The application is to vacate Waggoner Road. The Waggoner Subdivision was approved in 1979, which required the subdivider to build and surface the road and to put up a bond. That was 31 years ago and the road has not been constructed. The road is currently cultivated farmland with a barn partially built onto the County road right-of-way. There is a house on the first lot, but not on the two remaining lots to the back.

The staff recommendation of denial is primarily based on one issue, that being the City's Public Street Design Standards, which provide that the intersections of collector streets with major streets shall be one-half mile apart, and intersections of local streets with major streets shall be one-quarter mile apart. In this situation, the rationale is that this road, whether built or not, needs to provide access at the proper place. Sight distances are safe at this location. If the road is vacated, it will create two lots without frontage and access. However, the property owner has several different options if he replats the property. He could create one lot without the street and have access to the county road; however, that would not resolve the issue of providing long term insurance of having the road there when it was needed for the quarter section.

Francis inquired whether the three lots are in the same ownership. DeKalb explained that the front lot is owned by Mr. Waggoner and the rear two lots are owned by Roger and Patty Vollstedt, who also own the lots to the south and to the east, and the County owns the road.

Esseks wondered about just leaving things the way they are, resulting in no expense to the owner and no expense to the County to maintain the road – just leave things the way they are until the city expands out there. DeKalb agreed that most likely, the circumstances won't change, but that's up to the County Board whether to enforce the obligations of the subdivider. Long term, this road would be the proper location for the development of the internal platting and uses within that mile section. The only way to guarantee it, is to leave the requirement in place; otherwise it might make it difficult to do something in the future.

Lust inquired as to the owner of the street being vacated. DeKalb explained that the property has historically been farmed and has never changed land use. He has been informed that perhaps the building that straddles the lot may have existed even before the Waggoner Subdivision. The road was deeded to Lancaster County in 1979 with the approval of the subdivision. Lancaster County

owns the road. Lust wondered whether the ownership changes if the road is vacated. DeKalb indicated that Lancaster County would retain ownership for the time being. Normally, the County Board would ask the County Engineer to establish a value and then offer for sale to the abutting property owners, or the County Board can direct it be offered for sale to one individual. That is what initiated this request – Mr. Vollstedt wants to purchase the road.

Lust confirmed then that vacation of the road would enable the County to sell the property to the abutting landowners. And of the road is not vacated, everything is going to stay the same and the subdivider is supposed to build a road, but we are not going to make him do it. DeKalb assumes that would be the case. Lust observed that if the road is vacated, the County Board has the opportunity to make money. And DeKalb suspects that the County Board would let it stay if the road is not vacated. There was supposed to be a bond, but he does not believe one was ever posted. If there had been, it would have expired long ago.

Partington understands the long range planning implications, but from a business standpoint, he does not believe he would ever invest in infrastructure before he had an actual use for it. DeKalb explained that the subdivision was being processed between the time the City and County were changing the zoning rules, and he assumes that the developer intended the creation of three lots and a road. Partington suggested that there won't be any need for the road until they develop the lots. DeKalb agreed, but if they sell the lots, then there would be a need for the road. Under today's regulations, this problem is avoided. Today the road is required to be built before the final plat is signed. This subdivision was processed 31 years ago.

Proponents

1. Roger Vollstedt appeared on behalf of himself and his wife. They purchased this ground back in 2004, with the intent to eliminate anyone building on these lots. They have been in agriculture ever since and he has farmed the ground for over 30 years. When he purchased the property, there was a building constructed in the northeast corner of Lot 3, well before this subdivision took place. The property was not maintained properly. Two years ago he cleaned up this area and he got his tax assessment from the County and the valuation of Lot 3 went up over $50,000. He appealed it. They thought he had built a new building. This building has to be razed in order for this road to be constructed because a cul-de-sac has to be designed. He would be willing to combine the two lots into one. He cannot justify the cost of building the road. The County will not maintain this road anyway because it is a minimum road. He owns the ground on the east side of 92nd Street. The east half of the north section was developed with tracts on the east side. They had designed a road with a cul-de-sac and it's just a place for people to come and dump their unwanted items. He polices it all the time. If this road is built, it will be another dumping ground. If it is vacated he could secure it. With the one lot, they could have a private drive and it would eliminate the county road. The north side is all developed and he owns all the ground. He has no intention to develop, and if it were developed, there would be only one lot with a private drive.

Lust asked Vollstedt whether he was aware of the obligation to build the road when he purchased the property in 2004. Vollstedt acknowledged that he did know about the road, but

they approved it without the road and now the question is, who is to build the road? Vacating it would eliminate that factor. It's been this way for 31 years. He has no intention of developing or selling it off.

Esseks wondered whether Vollstedt could still demolish the building if things are left the way they are. Vollstedt does not want to demolish the building. He would fix it up; however, he would not want to put any money into it if he had to demolish it in the future to put a road in. The County owns that road now – anyone can enter it at anytime regardless of whether there is a road there or not. He has no way of privatizing those two lots. Vacating the road would eliminate that problem and eliminate the cost factor. If the road is constructed, how are you going to take care of the drainage? There is a draw that runs through Lot 2, and a massive draw just to the east of Lot 3, and there would have to be a big bridge at huge cost to tie into 92nd Street. The right-of-way is all tillable and will stay tillable. He wants to purchase the right-of-way.

Francis confirmed with Vollstedt that he has plenty of access to the lots without the road. Vollstedt agreed, but the privacy is an issue. The only road in this whole section is 92nd Street. The rest has all been plotted out as acreages.

There was no testimony in opposition.

Partington inquired whether there are any provisions for returning this land to AG zoning. DeKalb advised that it is currently zoned AG. The subdivision was approved right in the window before the County adopted the AG zoning and after the city adopted AG zoning. When it was approved, the properties zoned AA Rural Public Use District with one-acre minimum lot size were grandfathered as existing buildable lots. They would have to replat to make it one parcel.

Lust asked whether the staff recommendation would be different if the applicant subdivided the property. DeKalb explained that subdividing does not solve the first problem of providing protection for retaining the right-of-way where it is supposed to be for future development. The replatting would not have to be reviewed by the Planning Commission. It could be approved by the Planning Director. Vollstedt would need to file a final plat or work with the County Board to coordinate their participation in the plat and the vacation of the street to go with that.

DeKalb explained that Vollstedt wrote the letter to the County Board. The County Board then initiated the request to study the proposed vacation. The County Board is the applicant.

Taylor wondered about the use of eminent domain by the County in the future if this vacation is approved now. DeKalb believes the City and County could use eminent domain but he does not see any reason that they would. The Planning Commission could recommend approval, subject to a condition that Lots 2 and 3 be replatted in conjunction with the vacation of the road. That would tie it all together.

Cornelius wondered what the situation would be if this subdivision had not occurred in 1979. What would be the position with regard to future expansion and building roads at the quarter section line? Had this subdivision not occurred, would not the city be in the same position were we to vacate this road? DeKalb suggested that if the road were vacated, it would all go away.

Partington suggested that if we can make the lines on Lots 1, 2 and 3 disappear, there is no need for the right-of-way. DeKalb explained that the reason for the road was to provide access for the lots being created, so there would not be that reasoning anymore if it were one lot.

Francis suggested that if the road goes away, with the same owner, perhaps the owner could divert the road to go around the building.

Esseks pointed out that the owner says the road is a nuisance, serves no purpose and adds to the difficulty of ownership. This area is in Tier 3, so he will vote to approve the vacation and let this owner enjoy his property more. Tier 3 means it is unlikely to be developed for 50 years.

ACTION BY PLANNING COMMISSION: October 6, 2010

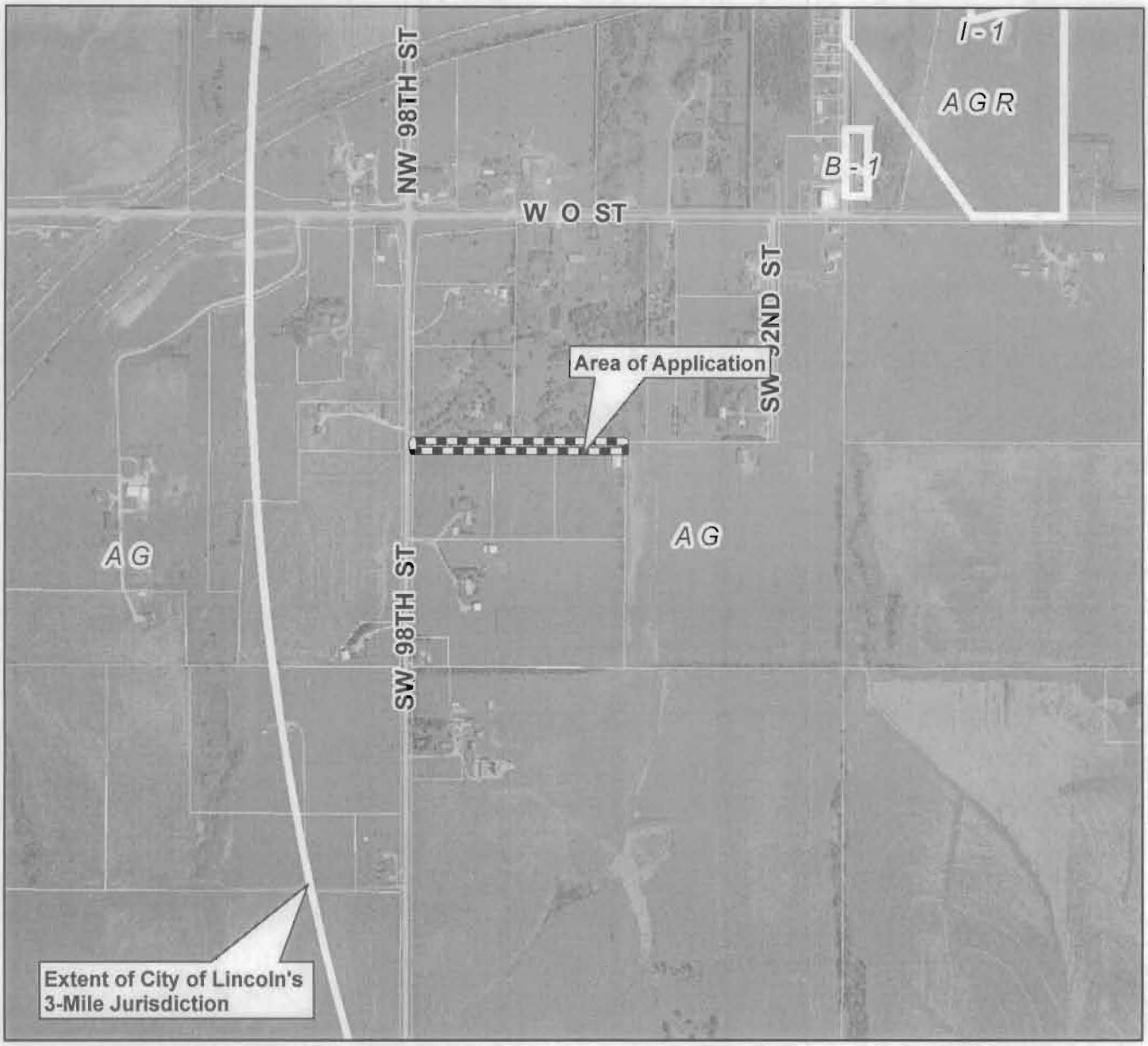
Taylor moved to approve the vacation, subject to the approval of a final plat removing the two easterly land-locked parcels prior to vacating the road, seconded by Partington.

Taylor thinks this is a good friendly way of securing the rights of our citizens and assisting in keeping our environment clean. He appreciates the owner's desire to keep this area cleaned up and that he will continue to police that area.

Motion carried 8-0: Cornelius, Taylor, Esseks, Partington, Gaylor Baird, Lust, Francis and Sunderman voting 'yes'; Larson absent.

DeKalb approached the Commission and suggested that it would be much clearer if the approval is subject to the approval of the final plat "prior to sale of the right-of-way".

Lust moved to rescind the Planning Commission's previous action and moved to approve the road vacation, subject to the approval of a final plat removing the two easterly land-locked parcels prior to sale of the right-of-way, seconded by Cornelius and carried 8-0: Cornelius, Taylor, Esseks, Partington, Gaylor Baird, Lust, Francis and Sunderman voting 'yes'; Larson absent. This is a recommendation to the City Council and County Board.



Street & Alley Vacation #10014
SW 98th & W O St.
W Waggoner Dr.

2007 aerial

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. 27 T10N R05E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

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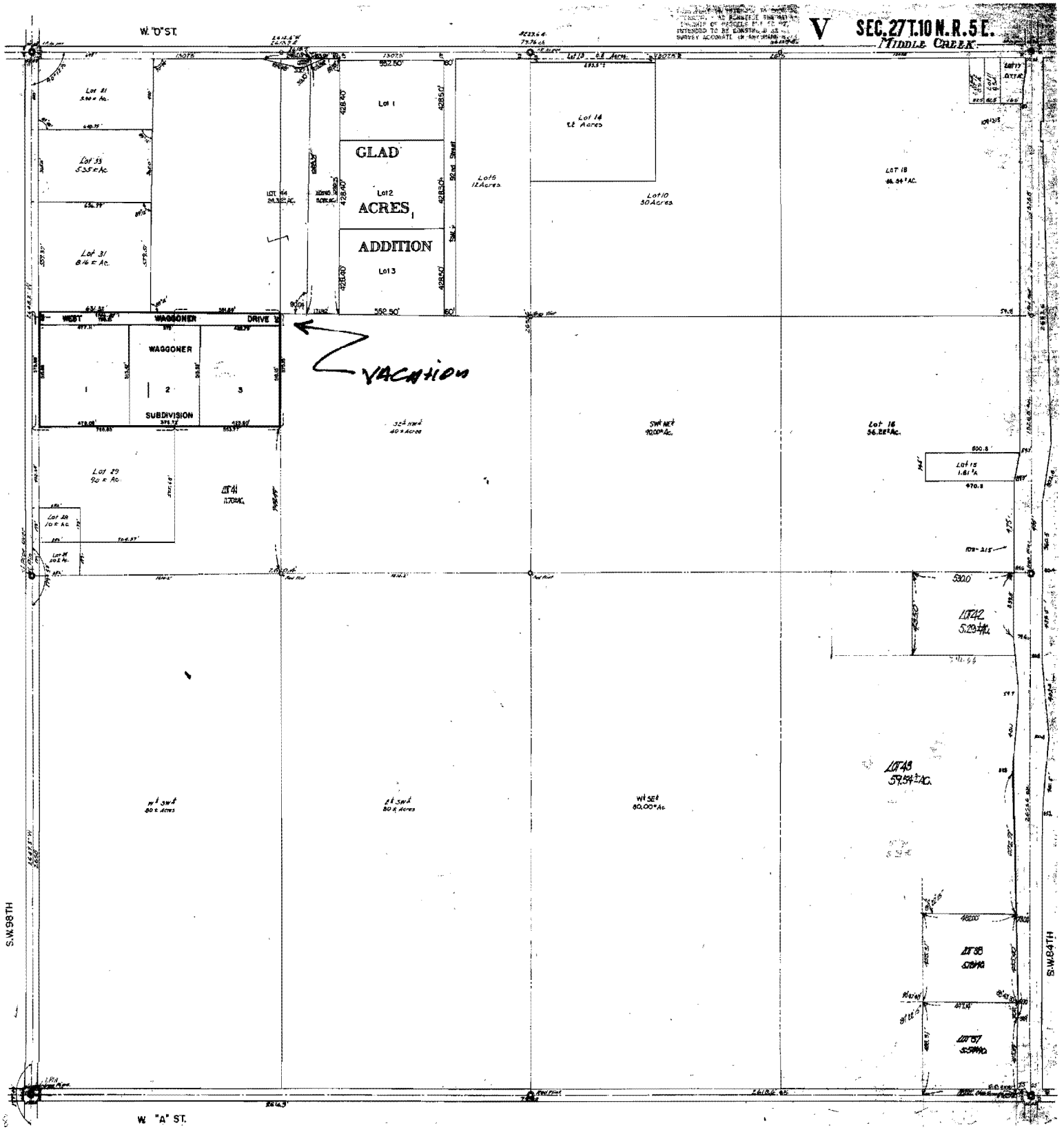


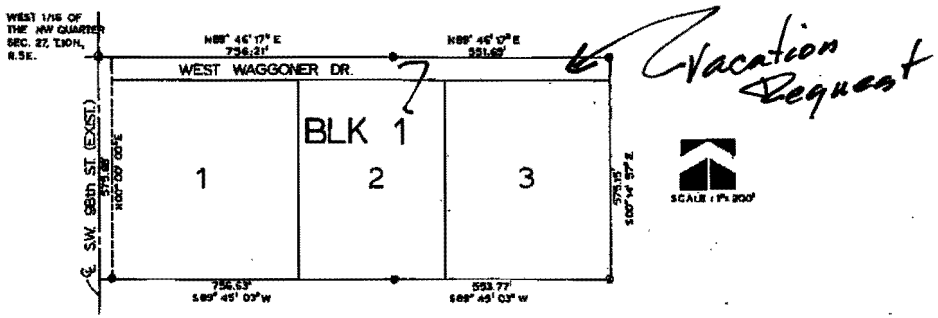
Street & Alley Vacation #10014
SW 98th & W O St.
W Waggoner Dr.

N

010

Dan Nolte $22.00
REGISTER OF DEEDS
2002 OCT -7 P 3:31 INST NO 2002
LANCASTER COUNTY, NE 067917
#3754

WAGGONER SUBDIVISION



APPROVAL:
THE FOREGOING PLAT WAS APPROVED BY THE LINCOLN CITY - LANCASTER COUNTY PLANNING COMMISSION ON THIS 24TH DAY OF OCT 19 79.

ATTEST: [signature]
CHAIRMAN

ACCEPTANCE
THE FOREGOING PLAT AND DEDICATION APPROVED AND ACCEPTED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS BY RESOLUTION NO. 3424 PASSED THE 29th DAY OF January 19 80

ATTEST: [signature]
COUNTY CLERK

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED THE FOREGOING PLAT OF "WAGGONER SUBDIVISION" WITH IRON PIPE PLACED AT ALL LOT CORNERS AND OTHER POINTS MARKED THUS O. ALL DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.
WAGGONER SUBDIVISION IS FURTHER DESCRIBED AS:
A SUBDIVISION OF LOTS 26, 27 AND 40 I.T. OF THE NW 1/4 SECTION 27, TOWNSHIP 10 NORTH, RANGE 5 EAST, OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

SIGNED THIS 16th DAY OF May 19 79.
LS 343 [signature]
DENNIS D. SIMONDS

DENNIS D. SIMONDS LS-343 STATE OF NEBRASKA

DEDICATION:
THE FOREGOING PLAT, KNOWN AS WAGGONER SUBDIVISION, LOCATED IN A PART OF THE SOUTH HALF OF THE NW QUARTER OF SECTION 27, T.10N., R.5E. OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE TO THIS PLAT, IS MADE WITH THE FREE CONSENT AND ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED, SOLE OWNERS AND PROPRIETORS, AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY AND THE CITY OF LINCOLN, THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY, AND OTHER PUBLIC UTILITIES, THEIR SUCCESSORS AND ASSIGNS TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND REPLACE CONDUITS, SURVED CABLES, WIRES, POLES, COMMERCIAL TELEVISION ANTENNA FACILITIES, AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT. ALL STREETS AS SHOWN THEREON ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.

WITNESS THIS 30 DAY OF August, 19 79

[signature] [signature]
W. H. WAGGONER, AND DARLENE WAGGONER, HUSBAND AND WIFE

ACKNOWLEDGEMENT OF NOTARY:
STATE OF NEBRASKA

LANCASTER COUNTY

ON THIS 16 DAY OF November, 19 79 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME WILLIAM H. WAGGONER, AND DARLENE WAGGONER, HUSBAND AND WIFE, OWNERS, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE NAMES ARE AFFIXED TO THE FOREGOING INSTRUMENT, AND THEY ACKNOWLEDGED THE SAME TO BE THEIR VOLUNTARY ACT AND DEED.

[signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES THE 8 DAY OF March 1980

EXHIBIT A

Street & Alley Vacation #10014
SW 98th & W O St.
W Waggoner Dr.

THE CLARK ENERSEN PARTNERS

C11

Legal Description

VACATION OF WEST WAGGONER DRIVE

West Waggoner Drive as platted in Waggoner Subdivision in the NW ¼ of Section 27, Township 10 North, Range 5 East of the Principle Meridian, Lancaster County, Nebraska, more particularly described as follows:

That portion of West Waggoner Drive which abuts Lots 1, 2 and 3, Block 1, of said Waggoner Subdivision.

Street & Alley Vacation #10014
SW 98th & W O St.
W Waggoner Dr.

RECEIVED
AUG 27 2010
LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

DIRECTING THE COUNTY ENGINEER TO CONDUCT A STUDY REGARDING VACATING A PORTION OF WEST WAGGONER DRIVE AS PLATTED IN WAGGONER SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 5 EAST OF THE PRINCIPLE MERIDIAN, LANCASTER COUNTY, NEBRASKA.	)	RESOLUTION NO. R-10-0077

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska (hereinafter referred to as the "County Board") received information, see Exhibit "A" attached hereto and incorporated by this reference, that the public interest will be served by vacating a portion of West Waggoner Drive as platted in Waggoner Subdivision in the Northwest Quarter of Section 27, Township 10 North, Range 5 East of the Principle Meridian, Lancaster County, Nebraska more particularly described as follows: That portion of West Waggoner Drive which abuts Lots 1, 2 and 3, Block 1, of said Waggoner Subdivision; and

WHEREAS, the Lancaster County Engineer is the person responsible for the maintenance of county roads in Lancaster County, Nebraska; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County Engineer, or such person designated by the Engineer, shall conduct a study of the use being made of the above-described portion of county road, and to submit in writing to the County Board within thirty days, a report upon the study made and his recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, that in accordance with the provisions of Resolution No. 3049, a copy of this Resolution shall be served upon the Lincoln/Lancaster County Planning

Department, which shall report in writing within thirty days, unless a longer period is granted by the County Board, as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan.

DATED this 31 day of August, 2010.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 31 day of
August, 2010.

for GARY E. LACEY
County Attorney

C14

ENTERED 8/24/10

RECEIVED
AUG 23 2010
LANCASTER COUNTY

August 23, 2010

Lancaster County Commissions
555 South 10th Street
Suite 110
Lincoln, Nebraska 68508

Re: West Waggoner Drive

Dear Lancaster County Commissioners:

Pursuant to Neb. Rev. Stat. Section 39-1722, please consider this letter as a request to direct the Lancaster County Engineer to conduct a study of the use of West Waggoner Drive and submit a written report to the County Board containing his recommendation as to whether the road should be vacated and declared surplus.

We are making this request due to the cost factor for us to build the road and the county to maintain the road.

The construction of a county road at this point is our responsibility if Lots 2 and 3 are developed. The building at the east end of the road would have to be raised for development of a circle drive. My wife and I have no plans of developing Lots 2 and 3 as they are being used for agriculture.

In this process of change, we are interested in purchasing the land in question.

Respectfully,

Roger J. Vollstedt

Roger J. Vollstedt

Patty L. Vollstedt

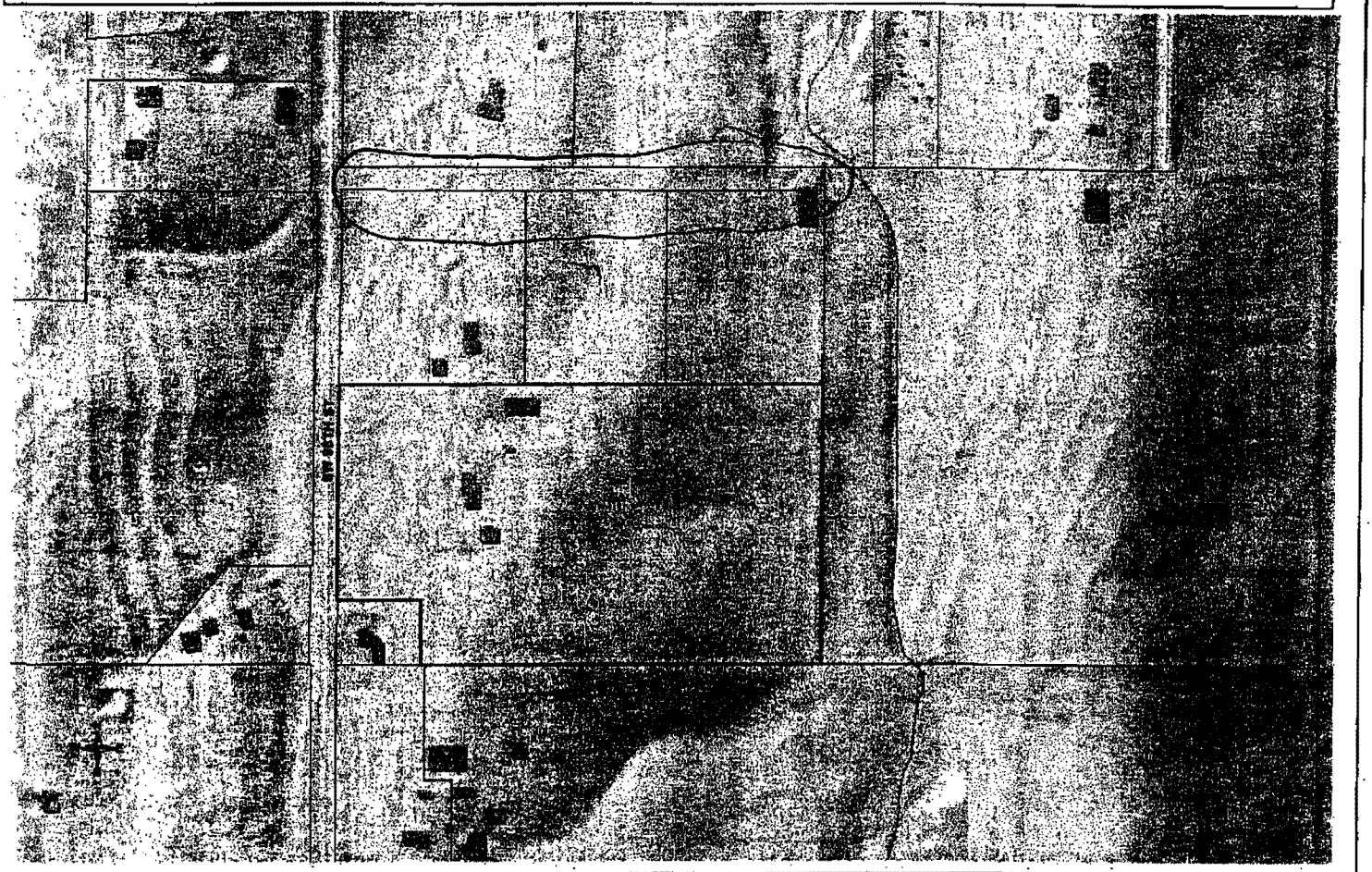
Patty L. Vollstedt

C15

3

City of Lincoln/Lancaster County GIS Map

Disclaimer: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.



Parcel ID	04-27-100-009-000
Owner	VOLLSTEDT, ROGER J & PATTY L
Address	550 SW 98 ST, RURAL, NE
Legal	S27, T10, R5, 6th Principal Meridian, LOTS 28, 29 & 41 NW

016

4

Printed: Aug 17, 2010

LANCASTER COUNTY ENGINEERING DEPARTMENT

Don R. Thomas
County Engineer

Kenneth D. Schroeder - Deputy
County Surveyor

DATE: September 10, 2010

TO: Mike DeKalb
Planning Department

FROM: Ken D. Schroeder
County Surveyor

SUBJECT: WEST WAGGONER DRIVE (VACATION) SAV10014
WAGGONER SUBDIVISION - NW¼ SECTION 27 (10-5)

Upon review, this office would recommend the following conditions be met before West Waggoner Drive go through the vacation process.

1) Lots 2 and 3, Block 1, Waggoner Subdivision be combined with adjacent land by subdivision to create a buildable lot with road frontage not dependent upon subject road to be vacated for access to a public roadway.

2) Submit a plan for above mentioned subdivision for review and approval.

KDS/bml
Barbi/Vacation/West Waggoner Drive - SAV10014.Mem

017

Phone 402-441-7681 444 Cherrycreek Road, Bldg. C Lincoln, Nebraska 68528 Fax 402-441-8692

City of Lincoln - Lancaster County
PLANNING DEPARTMENT

555 S. 10th Street, Suite 213
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ePlan
ePlan Submittal

Application Information			
Application #	SAV10014	Title	W. WAGGONER DR
Associated Requests			

Planning Department Use Only			
Submission Date	9/1/2010	Review Due	9/11/2010
Project Planner	Mike Dekalb		

Review Comments		
Planning	◉ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1: note, must be tied to removing the two lots that would become landlocked.	
Building & Safety (Terry Kathe)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ◉ No Review Required Review 1:	
County Engineer (Ken Schroeder)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ◉ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1: see miscellaneous documents for comment memo dated 9/10/2010.	
Development Review Manager (Steve Henrichsen)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ◉ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1: Approval if first lots 2 and 3 are combined into an adjacent lot with frontage. Need the final plat to be completed and delivered to the Planning Department prior to the street vacation. Once Planning has the completed final plat, the street could be vacated, then once the vacation is effective, Planning would sign and file the final plat.	
	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend	

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Law Department (Rick Peo)	Denial ○ Recommend Approval with Conditions ● Recommend Approval ○ No Review Required Review 1: The City Council will need to pass a resolution consenting to the vacation before the County Board may vacate.	
Law Department (Tim Sieh)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ● No Review Required Review 1:	
Public Works (Barnie Blum)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ● No Review Required Review 1: Outside City limits	
Public Works (Bruce Briney)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ● No Review Required Review 1:	
Public Works (Buff Baker)	○ Corrections Needed for Review ○ Insufficient Information for Review ● Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1: See Dennis' comments.	
Public Works (Dennis Bartels)	○ Corrections Needed for Review ○ Insufficient Information for Review ● Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1: This location for a future potential arterial along a mile road at at a quarter mile point is where a local street intersection is supposed to be located per design standards. Vacating it and allowing construction allowed by zoning over it may make it difficult o replat in the future. vacation will also eliminate the possibility of eliminating driveways to SW98th in the future when that becomes desireable. If it is vacated, a replatting of the two eastern lots along with adjacent property that has street frontage should be required as a condition of vacation. The replat may require dedication of arterial width ROW along SW 98th.	
Norris PPD (Rick Volmer)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ● Recommend Approval ○ No Review Required Review 1: 9-7-10. No objections from Norris. Rick	
County Attorney (Tom Fox)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1:	

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