

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 10017, requested by the University of Nebraska Board of Regents, to vacate the remaining portion of the east-west alley from Centennial Mall to N. 16th Street between P Street and Q Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 12/15/10
Administrative Action: 12/15/10

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

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird absent).

FINDINGS OF FACT:

1. This is a request to vacate the remaining portion of the east-west alley from Centennial Mall to North 16th Street between P Street and Q Street, which will complete the Board of Regents' ownership of the block allowing for future University use and development. The alley is currently being used for access to a parking lot and would continue to be used for this purpose after the alley is vacated.
2. The staff recommendation to find the proposed vacation in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that the right-of-way proposed to be vacated is not needed by the City, provided easements are retained for public utilities.
3. On December 15, 2010, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On December 15, 2010, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed vacation to be in conformance with the Comprehensive Plan (Gaylor Baird absent).
5. The appraisal memo from the Housing Rehab & Real Estate Division is found on p.8, stating that the petitioner (University) is the owner of a residential lot located at 15th & Claremont Streets and has indicated a willingness to trade that surplus lot for the remaining portion of the alley being vacated by this proposal. Since the petitioner's surplus lot is located in a redevelopment area targeted by the City, it would be desirable for the City to own that surplus lot. It is recommended that if the alley is vacated, it be exchanged for the University's surplus lot. Thus, there are no funds required to be paid to the City for this vacated right-of-way.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: January 18, 2011

REVIEWED BY: _____

DATE: January 18, 2011

REFERENCE NUMBER: FS\CC\2011\SAV10017

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for DECEMBER 15, 2010 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.10017

PROPOSAL: Vacate the remaining portion of the east-west alley from Centennial Mall to N. 16th St. between "P" St. and "Q" St.

LOCATION: N. 16th St. and "P" St.

LAND AREA: 2,000 sq. ft., more or less

CONCLUSION: The right-of-way is not needed provided easements are retained for public utilities

RECOMMENDATION: Conforms to the Comprehensive Plan

GENERAL INFORMATION:

LEGAL DESCRIPTION: East-west alley adjacent Lots 45, 46, 55 and a portion of 56, SW Littles Subdivision, located in the SW 1/4 of Section 24-10-6, Lancaster County, NE

SURROUNDING LAND USE AND ZONING:

North: B-4, Lincoln Center Business District	Parking lot
South: B-4, Lincoln Center Business District	Parking lot
East: B-4, Lincoln Center Business District	Retail center
West: B-4, Lincoln Center Business District	Office building

COMPREHENSIVE PLAN SPECIFICATIONS:

Alleys are not included in the functional classification (p 102)

UTILITIES:

Lincoln Electric System and Windstream requests retention of a utility easement for existing and future facilities.

Public Works notes that there is an existing 8" sanitary sewer main in the alley. A sanitary sewer easement will need to be retained.

ANALYSIS:

1. This application is to vacate the remainder of the east-west alley west of N. 16th St. between "P" St. and "Q" St.
2. The remainder of the block is owned by the University of Nebraska Board of Regents. The information sheet states that the vacation would complete the Board of Regents ownership of the block allowing for future University use and development. Currently, the alley is being used as access to a parking lot and would continue to be used for this purpose after the alley is vacated.

3. This alley dead ends into a parking lot. The remainder of the alley was vacated previously by Ordinance #5777.
4. A permanent easement will be required for an existing 8" sanitary sewer main, LES facilities and Windstream facilities.
5. 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 Include retention of utility easements by City with deed transfer.

Prepared by:

Tom Cajka
Planner

DATE: November 30, 2010

APPLICANT: Board of Regents of the University of Nebraska
1901 "Y" St.
Lincoln, NE 68588-0605

OWNER: Board of Regents of the University of Nebraska

CONTACT: Linda Cowdin
University of Nebraska
1901 "Y" St.
Lincoln, NE 68588-0605
(402) 472-3426

STREET & ALLEY VACATION NO. 10017

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

December 15, 2010

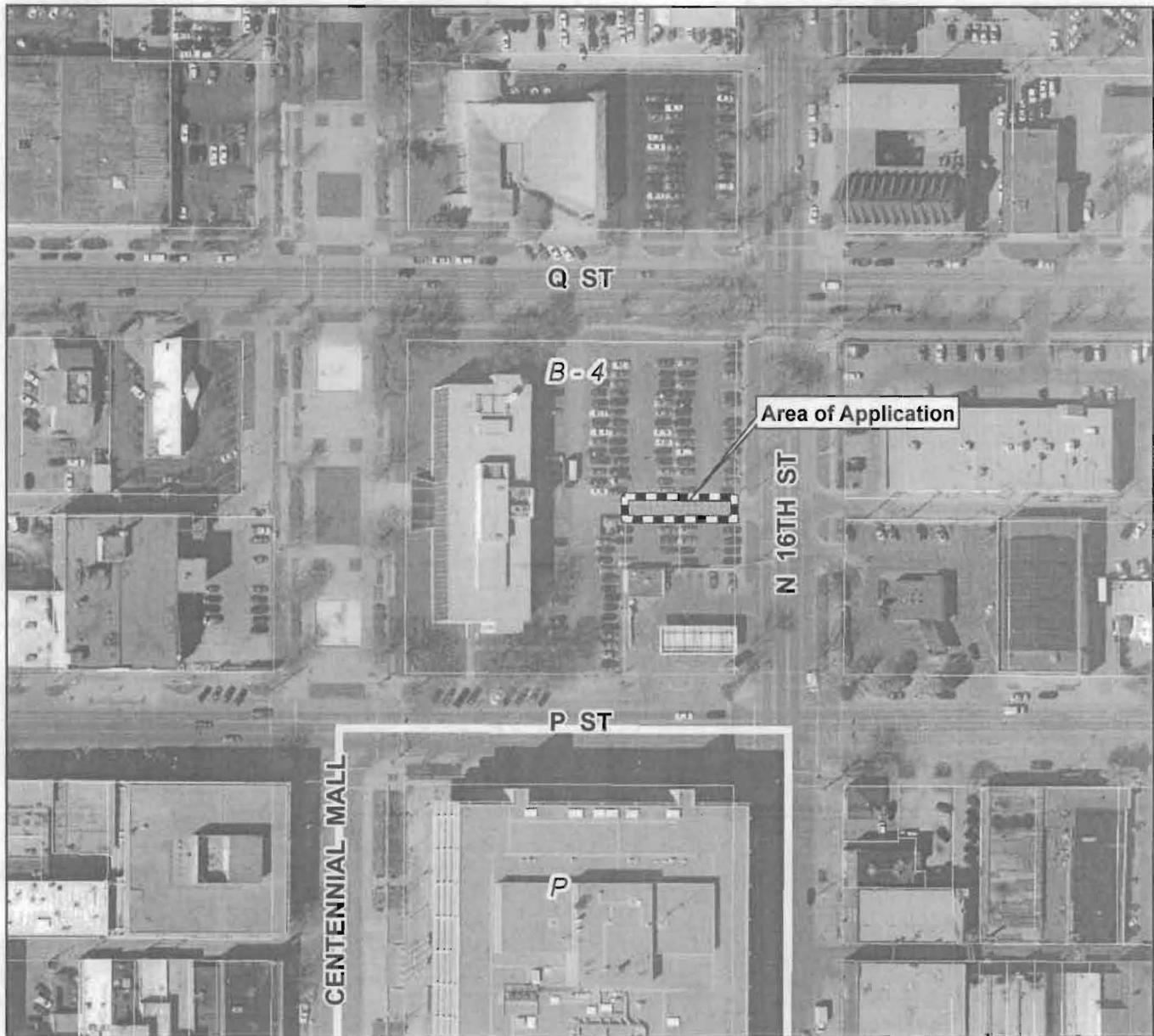
Members present: Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor; Gaylor Baird absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 10025, USE PERMIT NO. 10001, SPECIAL PERMIT NO. 10033, SPECIAL PERMIT NO. 10034 and STREET AND ALLEY VACATION NO. 10017.**

Ex Parte Communications: None

Taylor moved to approve the Consent Agenda, seconded by Francis and carried 8-0: Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird absent.

Note: This is final action on Special Permit No. 10033 and Special Permit No. 10034, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



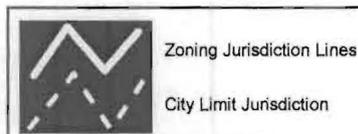
Street & Alley Vacation #10017
16th & P St

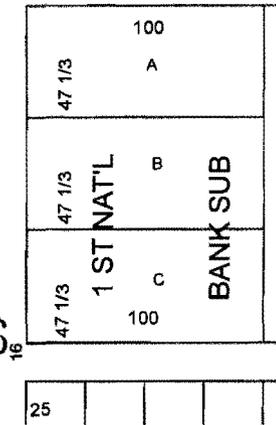
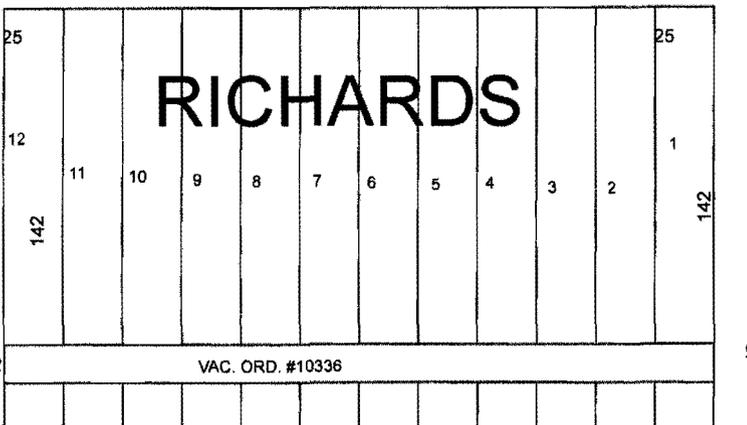
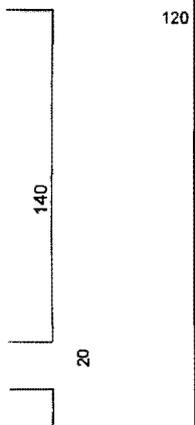
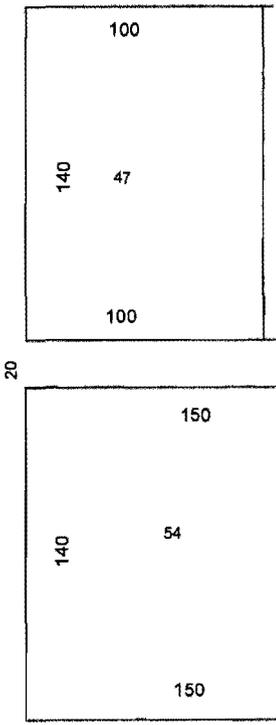
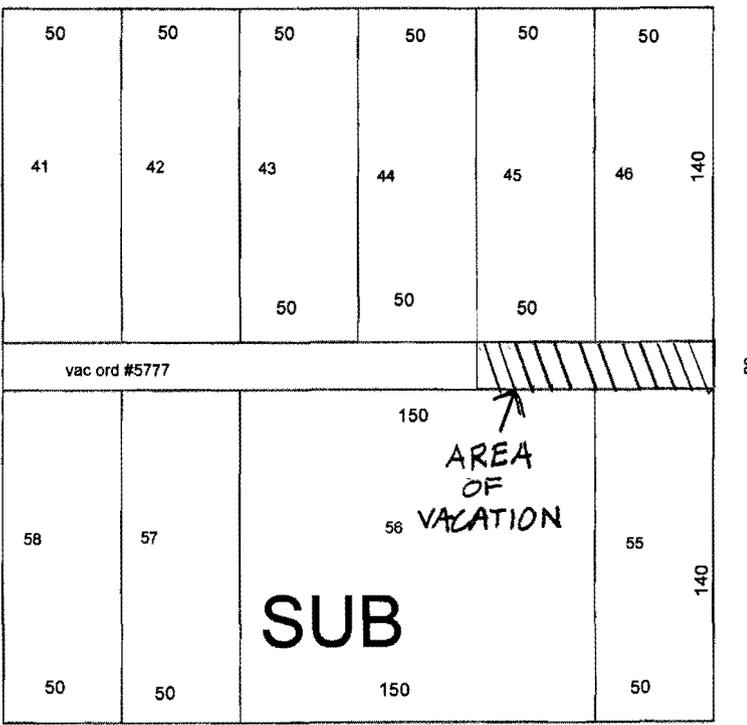
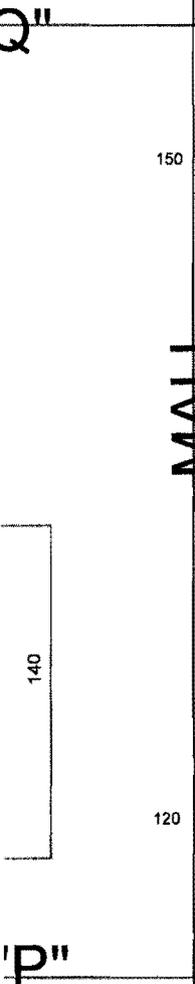
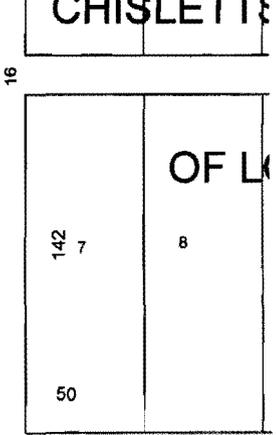
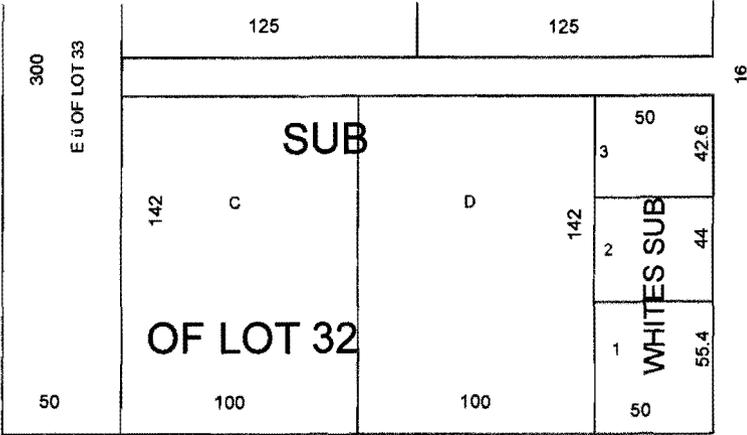
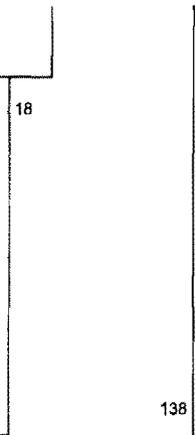
2007 aerial

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. 24 T10N R06E





16 TH.

006

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition to Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): The Board of Regents of the University of Nebraska

If more than one individual, indicate if you are:

_____ joint tenants with right of survivorship, OR _____ tenants in common

2. Petitioner's Address: 1901 Y Street, Attn: Manager of Real Estate Properties
Lincoln, NE 68588-0605

3. Petitioner's Telephone Number: (402) 472-3426

4. Name of street, alley, or other public way sought to be vacated: Remaining portion of the east-west
ally (NOT vacated by ORD No. 5777) adjacent to Lots 45, 46, 55 and a portion of
Lot 56 within SW Littles Subdivision of W1/2 SW 24-10-6 .. between 15th & 16th St.

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: Lots 41-46, Lots
55-58 and the west 200' of vacated east-west alley (ORD No. 5777) between
15th and 16th Street within SW Littles Sub (of W1/2 SW 24-10-6)

6. Why are you seeking to have this street, alley, or other public way vacated?

This remaining portion of the east-west alley will complete the Board of Regents ownership of the subject block allowing for future University use and development.

7. What use or uses do you propose to make of the public way should it be vacated?

Access to the existing UNL parking lot.

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?

YES NO

9. Name and address of person to whom tax statement should be sent:

Manager of Real Estate Properties

1901 Y Street

Lincoln, NE 68588-0605

The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: December 30, 2010

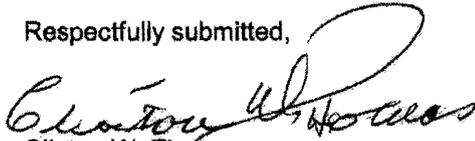
COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning

SUBJECT: Street & Alley Vacation No.10017
Portion of Alley in block bounded by
Centennial Mall, North 16th Street,
P and Q Streets

A request has been made to vacate the remaining portion of the alley located in the block bounded by Centennial Mall, North 16th Street, P and Q Streets. While the area was not viewed at this time, the writer is familiar with the area and this location. Staff has requested permanent easements be retained for an existing sanitary sewer, electric and telephone utilities. As such, if the area is vacated the encumbrances will remain in place.

The Petitioner is the owner of a residential located at 15th and Claremont Streets and has indicated a willingness to trade their surplus lot for the remaining portion of the alley to be vacated. Since their lot is located in a redevelopment area targeted by the City, it would be desirable for the City to own and a land trade for the vacated alley is considered to be advantageous for the City. As such, it is recommended if the alley be vacated it be exchanged for the university's surplus lot.

Respectfully submitted,


Clinton W. Thomas
Certified General Appraiser #990023