

FACTSHEET

TITLE: DECLARATION OF SURPLUS PROPERTY, requested by the Director of the Parks & Recreation Department, declaring approximately 2.5 acres, more or less, and rights-of-way that were previously vacated, as surplus property, generally located at the southwest corner of North 14th Street and Manatt Street.

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

ASSOCIATED REQUEST: Street & Alley Vacation No. 11008 (11-122)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/13/11
Administrative Action: 07/13/11

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

FINDINGS OF FACT:

1. The Director of the Parks & Recreation Department is requesting to surplus approximately 2.5 acres, more or less, and rights-of-way that were previously vacated, generally located at the southwest corner of North 14th Street and Manatt Street, for the purpose of selling the property to a private charitable organization for development of a parking lot to support a proposed Educare pre-school education facility. The property is part of Belmont Park and is currently open space.
2. Based upon the "Analysis" set forth on p.3, the staff finds that the proposed declaration of surplus property is generally in conformance with the Comprehensive Plan, with easements to be retained over an existing storm sewer. The area to be surplusd includes the right-of-way of North 13th Street, Hartley Street and the alley in Block 17. The associated Street & Alley Vacation No. 11008 (Bill #11-122) proposes to vacate these rights-of-way. The staff presentation is found on p.5.
3. There was no testimony in opposition.
4. On July 13, 2011, 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 Comprehensive Plan (Comprehensive Plan Conformance No. 11007).
5. On July 13, 2011, the Planning Commission also voted 9-0 to find the associated Street & Alley Vacation No. 11008 to be in conformance with the Comprehensive Plan.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: August 1, 2011

REVIEWED BY: _____

DATE: August 1, 2011

REFERENCE NUMBER: FS\CC\2011\CPC1107+ Surplus

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 13, 2011 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No.11007

PROPOSAL: To find that the declaration of surplus for the property at the southwest corner of N. 14th St. and Manatt St. and rights-of-way that were previously vacated are in conformance with the Comprehensive Plan.

LOCATION: N. 14th St. and Manatt St.

LAND AREA: 2.5 acres, more or less

CONCLUSION: The declaration of surplus generally conforms with the Comprehensive Plan. Easements will need to be retained over an existing storm sewer.

RECOMMENDATION: In conformance with the Comprehensive Plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: P-Public

EXISTING LAND USE: Open space on the edge of Belmont Park and beneath Belmont school.

SURROUNDING LAND USE AND ZONING:

North:	R-2, Residential	Single-family dwellings
South:	P-Public	Belmont school
East:	R-2, Residential	Single-family dwellings
West:	P-Public	Belmont Park

ASSOCIATED APPLICATIONS:
Street and Alley Vacation #11008

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods. (p.9)
Child care centers should be located within neighborhoods and near schools and parks when possible. (p.10)

The Future Land Use Map in the 2030 Comprehensive Plan identifies this area as public and green space (p17)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. (p23)

ANALYSIS:

1. The Parks & Recreation Department is requesting to surplus property at the southwest corner of N. 14th St. and Manatt St. The purpose of the surplus is to sell the property to a private charitable organization for development of a parking lot to support a proposed Educare pre-school education facility.
2. The property is currently part of Belmont park. The area has no parking, ball fields or playground equipment. The area is open space.
3. Public Works & Utilities Department is proposing to maintain the eastern 17 feet of Lots 1 & 12, Block 17 for N. 14th St. right-of-way. There is a building line district on N. 14th St. The building line district extends 50 feet from the centerline of N. 14th St.
4. The Parks & Recreation Advisory Board met on June 9, 2011 to review the surplus proposal. The Board recommended approval of the proposal with the finding that the remaining area of Belmont Park was of suitable size.
5. There is an existing storm sewer within the surplus area. A 30 feet wide easement will need to be retained over the existing storm sewer.
6. The area to be surplus includes the right-of-way of N. 13th St; Hartley St. and the alley in Block 17 as shown on the attached map. An associated street and alley vacation petition has been submitted to vacate these rights-of-way.
7. The City is requesting to surplus vacated ROW of Groveland St, N. 13th St. and the east-west alley in Block 1, Mount Maria Addition as shown on the attached map. These rights-of-way were vacated years ago and portions of Belmont school has been built over the ROW. The vacated ROW will be transferred to LPS.

Prepared by:

Tom Cajka
Planner

DATE: June 29, 2011

APPLICANT: Lynn Johnson
Director, Parks and Recreation Department

CONTACT: same as applicant

OWNER: City of Lincoln

**COMPREHENSIVE PLAN CONFORMANCE NO. 11007
and
STREET & ALLEY VACATION NO. 11008**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 13, 1011

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

Ex Parte Communications: None.

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

Staff presentation: **Tom Cajka of Planning staff** addressed the proposal for declaration of surplus property. It is an area in the southwest corner of 14th & Manatt Streets, which is part of the bigger Belmont Park; however, this area is not used for park purposes at this time; there is no playground equipment, parking or recreational use. The Parks Advisory Board met on June 9th to review this proposal and recommended approval, finding that the remaining area of the park was a suitable size. There is an existing storm sewer that runs through some portions and the city would retain an easement unless the storm sewer is relocated. At least 50 years ago, some of the alley ways and a portion of the street was vacated, but the city still retains ownership of the vacated property even though Belmont School has basically built over the top of it. That property is proposed to be given to LPS at no cost. 14th Street is in a building line district, so the City is requesting to maintain additional right-of-way along 14th Street.

The purpose of declaring the property as surplus is to sell to a private charitable organization called Educare, that works in conjunction with the school districts for educational programs for preschool-age children.

As part of the Educare project and the surplus property proposal, there is a need to vacate streets and alleys. The south half of Hartley will be purchased by LPS and part of 13th Street will be purchased by the Educare program.

Cornelius confirmed that there are no existing streets or alleys existing there now. Cajka agreed. It is right-of-way only on paper.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 11007

ACTION BY PLANNING COMMISSION:

July 13, 2011

Francis moved to approve a finding of conformance with the Comprehensive Plan, seconded by Cornelius.

Francis believes this is long overdue since the school has been built over it.

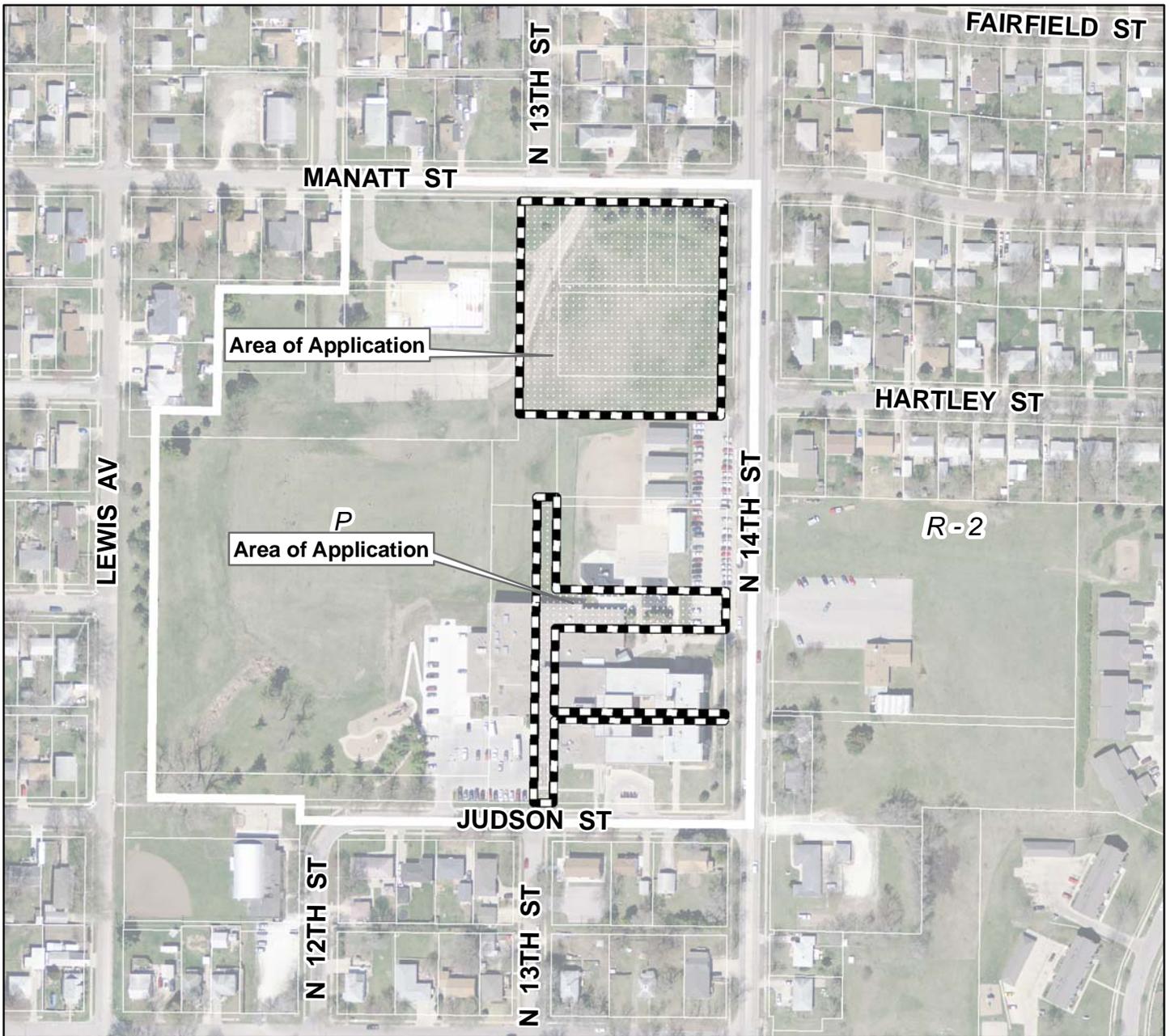
Motion carried 9-0: Francis, Lust, Partington, Cornelius, Gaylor Baird, Larson, Taylor, Esseks and Sunderman voting 'yes'. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 11008

ACTION BY PLANNING COMMISSION:

July 13, 2011

Francis moved to approve a finding of conformance with the Comprehensive Plan, seconded by Cornelius and carried 9-0: Francis, Lust, Partington, Cornelius, Gaylor Baird, Larson, Taylor, Esseks and Sunderman voting 'yes'. This is a recommendation to the City Council.

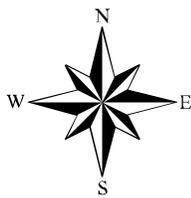


**Comp Plan Conformance #11007
N 14th & Manatt St**

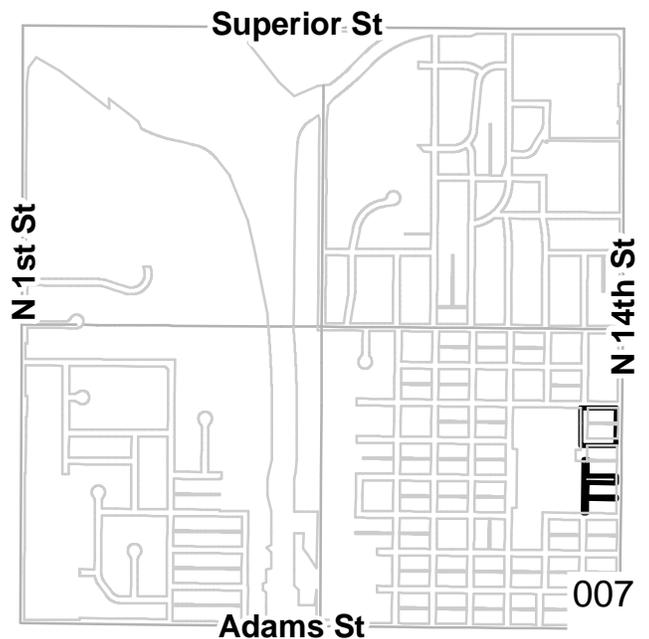
2010 aerial

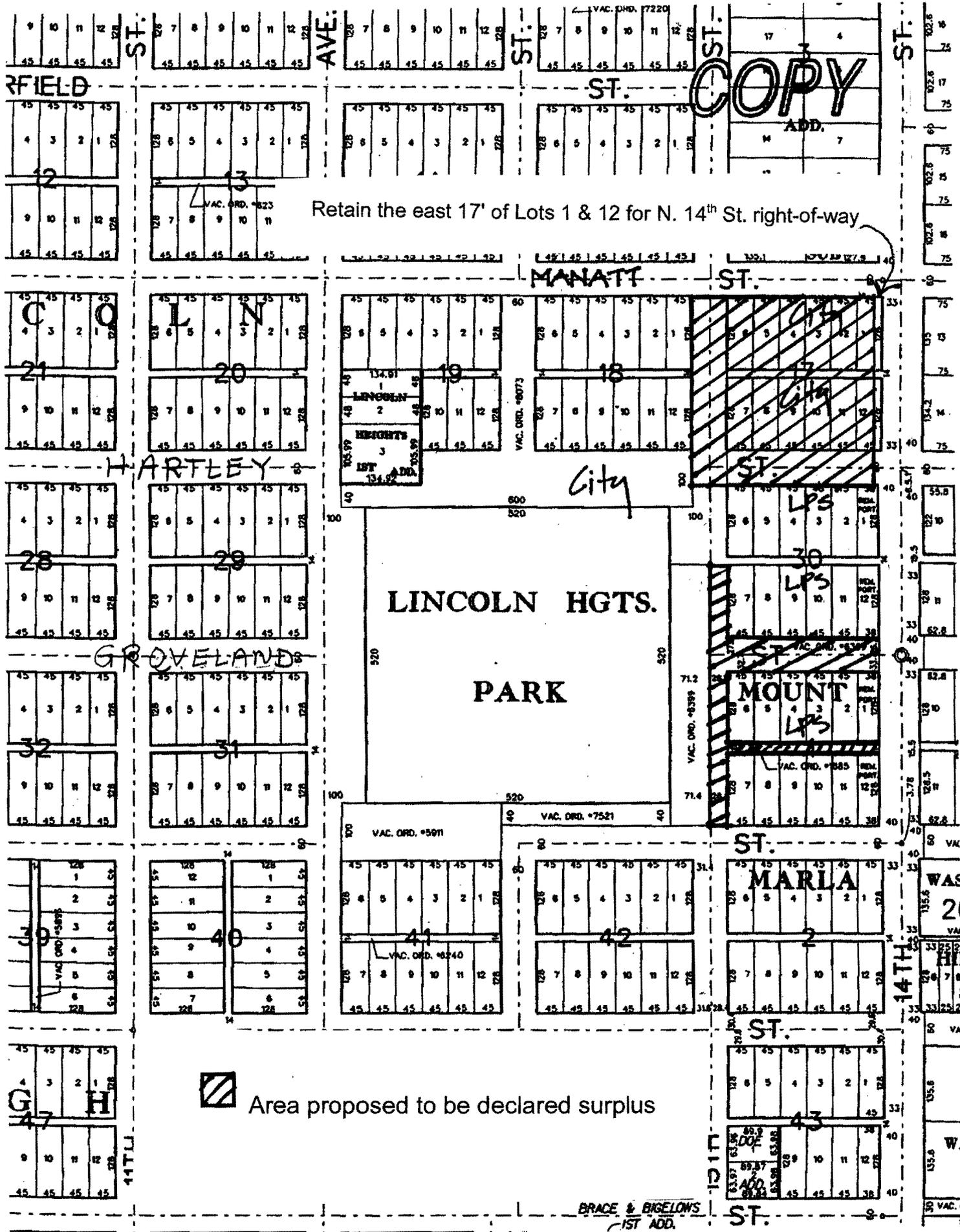
Zoning:

- 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. 11 T10N R06E





Retain the east 17' of Lots 1 & 12 for N. 14th St. right-of-way

 Area proposed to be declared surplus

BRACE & BIGELOW'S
1ST ADD.

June 14, 2011

Marvin Krout, Planning Director
Lincoln-Lancaster County Planning Department
555 So. 10th Street, Suite 213
Lincoln, NE 68508

RE: Request for Review of Comprehensive Plan Conformance

Dear Mr. Krout:

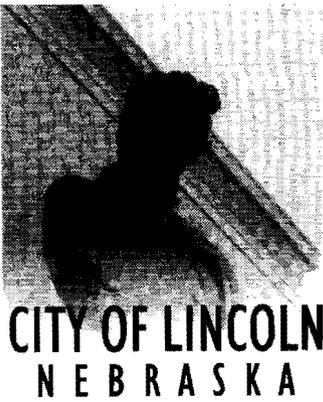
The purpose of this letter is to accompany an application for review of Comprehensive Plan Conformance for declaring about 2.5 acres of land in the northeast corner of Belmont Park as surplus, and for transferring ownership of about 0.74 acres of previously vacated public right-of-way to Lincoln Public Schools.

An area of about 2.5 acres in the northeast corner of Belmont Park is proposed to be declared as surplus and sold to a private charitable organization for development of a parking lot to support a proposed Educare pre-school education facility on the adjoining Belmont Elementary School site. The Parks and Recreation Advisory Board review the proposal to declare this area as surplus during their regular meeting of June 9, 2011. The Board recommended approval of the proposal with the finding that the remaining area of Belmont Park was of suitable size and configuration to provide outdoor recreation areas typical for a neighborhood park. The legal description of the area proposed to be declared surplus is as follows:

Lots 2 through 11, and the western 28 feet of Lots 1 and 12, Block 17, Lincoln Heights Addition in the City of Lincoln, in conjunction with the east west alley between 13th and 14th Streets in Block 17, all of the No. 13th Street right-of-way south of Manatt Street between Block 17 and Block 18, and the northern 30 feet of the Hartley Street right-of-way between the western boundary of the 13th Street right-of-way and westerly of a point 50 feet from the centerline of 14th Street. (Please note that the street and alley right-of-way areas are the subject of a related Petition to Vacate Public Way.)

An area of about 0.74 acres of previously vacated public right-of-way is proposed to be transferred to ownership of Lincoln Public Schools. The following right-of-way areas are within the existing Belmont Elementary School site. The legal description for these areas is as follows:

East-west alley in Block 1, Mount Marla Addition (Vacation Ordinance # 1885), Vacated Groveland Street right-of-way between Block 1, Mount Marla Addition and Block 30, Lincoln Heights Addition, and the east 28 feet of vacated 13th Street right-of-way between Judson Street and the north boundary extended of the east-west alley in Block 30 (Vacation Ordinance # 6399)



MAYOR CHRIS BEUTLER

lincoln.ne.gov

Parks and Recreation Department
Lynn Johnson, Director
2740 "A" Street
Lincoln, Nebraska 68502
402-441-7847
fax: 402-441-8706

"Making Lincoln a Better Place to Live"

A map depicting the aforementioned areas is attached.

Please phone me at 402-441-8265 if there are questions, or if additional information is needed.

Sincerely,

A handwritten signature in black ink that reads "Lynn Johnson". The signature is written in a cursive style with a large, looping initial "L".

Lynn Johnson
Parks and Recreation Director

enclosure