

City Council Introduction: **Monday**, August 13, 2012
Public Hearing: **Monday**, August 20, 2012, at **3:00 p.m.**

Bill No. 12-86

FACTSHEET

TITLE: DECLARATION OF SURPLUS PROPERTY, requested by the Directors of the Urban Development Department and the Parks & Recreation Department, declaring property generally located southwest of South 21st Street and O Street, southwest of S. Antelope Valley Parkway and M Street, and southeast of Capitol Parkway and J Street as surplus property.

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

ASSOCIATED REQUESTS: Street & Alley Vacation No. 10019 (#12-104) and Real Estate Exchange Agreement with Lincoln Public Schools (#12-106).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/11/12
Administrative Action: 07/11/12

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

FINDINGS OF FACT:

1. The Directors of the Urban Development Department and the Parks & Recreation Department are requesting to surplus approximately .16 acre, more or less, generally located southwest of South 21st Street and O Street; .03 acre, more or less, generally located southwest of S. Antelope Valley Parkway and M Street; and .19 acre, more or less, generally located southeast of Capitol Parkway and J Street.
2. Based upon the "Analysis" set forth on p.4-5, the staff finds that the proposed declaration of surplus property is in conformance with the Comprehensive Plan, concluding that the declaration of surplus property advances revitalization of Antelope Valley by making city-owned property available for purchase. The staff presentation is found on p.6-7.
3. Letter received from Bud and Carol Dunklau who are interested in purchasing Lot 4, Block 2, Spencers Addition, is found on p.14. Carol Dunklau also testified in support (p.7). It was pointed out to the Planning Commission that the property must be declared surplus prior to offering it for sale, but their action does not dictate when or how the property will change hands.
4. There was no testimony in opposition.
5. On July 11, 2012, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan (**Comprehensive Plan Conformance No. 12008**).
6. On August 24, 2011, the Planning Commission found the associated Street & Alley Vacation No. 10019 to be in conformance with the Comprehensive Plan, vacating Randolph Street between South 25th Street and Capitol Parkway; a portion of "H" Street west of South 25th Street; a portion of the east-west alley west of South 25th Street; and a portion of Capitol Parkway south of "J" Street. This street and alley vacation is also being introduced on August 13, 2012, as Bill #12-104.
7. The associated real estate exchange agreement between Lincoln Public Schools and the City of Lincoln for properties in the southeasterly portion of Capitol Parkway and "J" Street is also being introduced on August 13, 2012, as Bill #12-106.

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: Marvin Krout, Director of Planning
REFERENCE NUMBER: FS\CC\2012\CPC12008+Surplus

DATE: August 6, 2012

DATE: August 6, 2012

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 11, 2012 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No. 12008

PROPOSAL: To find that the declaration of surplus for the properties:
Area A) southwest of S. 21st and O Street,
Area B) southwest of S. Antelope Valley Parkway and M Street, and
Area C) southeast of Capitol Parkway and J Street is in conformance with
the Comprehensive Plan.

LOCATION: Three locations within the north half of Section 25-10-06: southwest of S.
21st and O Street, southwest of S. Antelope Valley Parkway and M Street,
and southeast of Capitol Parkway and J Street

LAND AREA:

Area A) S. 21 st and O:	0.16 acres
Area B) S. Antelope Valley Parkway and M:	0.03 acres
Area C) Capitol Parkway and J:	0.19 acres

CONCLUSION: The declaration of surplus property advances revitalization of Antelope
Valley by making city-owned property available for purchase. This surplus
declaration is in conformance with the Comprehensive Plan.

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

LEGAL DESCRIPTION: Lot 1, Block 6 and Outlot A, Antelope Valley 2nd Addition, Lot 4, Block 2, Spencers
Addition, and a tract of land composed of a portion of Capitol Parkway right-of-way
and a portion of the remaining portion of the abandoned Chicago Rock Island
Railroad property lying southeast of Capitol Parkway and J Street located in the
north half of Section 25-10-06, Lancaster County, Nebraska

EXISTING ZONING: B-4 Lincoln Center Business District and P Public Use District

EXISTING LAND USE: surface parking and undeveloped land

SURROUNDING LAND USE AND ZONING:

Area A)

North: right-of-way for N. 21st Street (B-4)

South: future Lincoln Electric System substation (B-4)

East: Park and Antelope Creek (B-4)

West: Commercial uses (B-4)

Area B)

North: Multi-family (B-4)
South: right-of-way for S. Antelope Valley Parkway (B-4)
East: Commercial uses (B-4)
West: vacant land and parking (B-4)

Area C)

North: Antelope Park (B-4 and P)
South: Capitol Parkway right-of-way (P)
East: Antelope Creek (P)
West: Lincoln High School (P)

ASSOCIATED APPLICATIONS:

Associated with Area C) Street and Alley Vacation #10019

HISTORY:

August 28, 1998: "Draft Single Package" for Antelope Valley approved.
November 24, 2004: Antelope Valley Redevelopment Plan approved; most recent amendment dated April 21, 2011.
September 26, 2005: The Downtown Master Plan approved.
August 18, 2011; Final Plat #10049 approved for Antelope Valley 2nd Addition
August 24, 2011: Street and Alley Vacation #10019 was approved by Planning Commission and placed on pending for City Council.
December 6, 2011: Miscellaneous #11006 approved for an Affidavit of Correction to Antelope Valley 2nd Addition.

COMPREHENSIVE PLAN SPECIFICATIONS:

General: Greater Downtown: A major focus for new residential reuse, infill, and redevelopment is in the Greater Downtown area. The Plan envisions an additional 3,000 dwelling units in this core area by 2040. This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized. Page 6.3

Areas A & B: These areas are designated as Commercial. Page 1.9

Area C: This area is designated as Green Space. Page 1.9

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

General: The downtown master plan suggests that higher residential densities may occur between R and M Streets. Along O and P Streets, residences might occupy upper floors above commercial uses at street-level. Page 37

MU - Mixed-Use: The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encouraged throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core. In particular, high-density, high-amenity urban residential uses are very desirable

between 17th St. and the new Antelope Creek and park. Improvements in the "triangle" bounded by 19th St., the Creek, and O Street should be strongly encouraged to foster development of an "urban village"-Haymarket without the history. South of O St. and east of 17th St. there is an opportunity to strengthen housing in proximity to the Capitol and other employment centers. Page 57

Another noteworthy Mixed-Use area is along the west side of the waterway south of "O" Street. This land benefits by proximity to open space and the Creek and from the possibility of assembling some larger tracts than in traditional downtown. This area offers opportunities for high-quality office, residential, or mixed-use development. The Mixed-Use designation along "O" Street is intended to provide an attractive entry corridor to and from downtown as well as a central neighborhood amenity within the Antelope Valley Area. Due to the amount of traffic within the corridor, auto oriented land uses are predominant and will likely continue. Public streetscape improvements can upgrade the appearance of the area and should be matched by higher design standards for private improvements, including building materials, locations, and landscaping. Emphasis should be given to maintain an attractive "edge" to the corridor of building and/or landscaping. Residential projects that front on P, N, or the north-south streets should be encouraged. Non-auto-oriented retailing more appropriate to the heart of downtown should not be encouraged. Page 58

Areas A & B: These areas are designated as MU. Page 54
Area C: This area is designated as green space. Page 54

DOWNTOWN MASTER PLAN SPECIFICATIONS:

General: Area C was not included in the Downtown Master Plan area. The other two areas were included, but have fewer details than the core areas of downtown.

Areas A & B: These areas are designated as High Density Residential and Antelope Valley Housing. Pages 20, 31, and 37

ANALYSIS:

1. This is a request to find the declaration of surplus property in areas described above as A, B, and C in conformance with the Comprehensive Plan.
2. There are no structures on the proposed surplus properties.
3. Area A includes two small lots (total of 7,103 sq. ft.) at the southwest corner of S. 21st Street and O Street. The Urban Development Department has received some interest in these properties from developers.
4. Area B includes a small (1,156 sq. ft.) outlot reserved for future development at the southwest corner of S. Antelope Valley Parkway and M Street.
5. Area C: Lincoln Parks & Recreation (LPR) and Lincoln Public Schools (LPS) are working together to transfer ownership of various parcels of land located along the east side of Capitol Parkway between J Street on the north and Randolph Street to the south. A re-platting effort, referred to as Antelope Valley 4th Addition, is being conducted in conjunction with this exchange to create lot line boundaries that align with the Antelope Creek channel and reflect current land uses. With this in mind, LPR is requesting that the parcel of land described as Area C be declared surplus property.

6. Street and Alley Vacation #10019 was approved by Planning Commission and is pending at City Council. The vacation, which is located at S. Capitol Parkway and J Street is waiting for this application (CPC#12008) to move forward at the same time so that the vacated right-of-way can be included in the surplus (it is a portion of Area C).
7. The Antelope Valley project has three primary purposes: flood control, transportation improvements, and community revitalization. The flood control project was completed in 2010; the transportation improvements will be completed this summer, and the revitalization is in process.
8. Any sanitary sewer, utility and access easements that exist on the properties must be retained.
9. The proposal to surplus the land is consistent with the Comprehensive Plan, the Downtown Master Plan and the Antelope Valley Redevelopment Plan.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: July 3, 2012

APPLICANT: David Landis, Director
Urban Development Department
555 S. 10th Street, Ste. 205
Lincoln, NE 68508

CONTACTS: For Areas A and B:
Wynn Hjermstad
Urban Development Department
555 S. 10th Street, Ste. 205
Lincoln, NE 68508
402-441-7606
whjermstad@lincoln.ne.gov

For Area C:
Lynn Johnson
Parks and Recreation Director
2740 'A' Street
Lincoln, NE 68502
402-441-7847
ljohnson@lincoln.ne.gov

COMPREHENSIVE PLAN CONFORMANCE NO. 12008

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 11, 2012

Members present: Gaylor Baird, Butcher, Cornelius, Esseks, Francis, Hove, Lust and Sunderman; Weber absent.

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

There were no ex parte communications disclosed.

Staff presentation: **Brandon Garrett of Planning staff** stated that this is a proposal to declare four very small properties in three general areas a surplus. The request is from Urban Development for three of the properties, and from Parks & Recreation for one of the properties.

Garrett explained that this item was removed from the Consent Agenda due to a letter received from the owner of adjacent property known as Lot 4, Spencers Addition. The adjacent property owner believes they have some claim to the ownership or the rights to purchase that portion of the property being declared as surplus; however, Garrett clarified that the role of the Planning Commission in the declaration of surplus property is a consideration as to whether the declaration of surplus is in conformance with the Comprehensive Plan. It is not the role of the Planning Commission to determine to whom the property will be sold.

Lust sought confirmation that the first step in selling city property is to have it declared surplus. Garrett agreed, and the City Council would be the final authority in declaring it as surplus. Lust clarified that whether the property is sold to the adjacent owners is a question for a different body on another day. Garrett concurred.

Cornelius then wondered why the letter is even relevant to the Planning Commission discussion. Garrett agreed that it should not be considered in the Planning Commission's recommendation; however, since the letter was received, the staff thought the Planning Commission role should be explained.

Proponents

1. Davis Landis of Urban Development stated that the handling of surplus property occurs in Urban Development. This is a property that generally came in the acquisition of land from the Williamson car lots before the Antelope Valley project was undertaken. The city does not have a purpose for the two properties on O Street and Urban Development would be happy to put them back in private sector, although our goal is to serve "city value" – that it serves a reasonable rate of return but also serves city government, e.g. the Assurity project had an instrumental role in the parting with city-owned right-of-way. So when the city was able to add some of its land, not at a cost to the bottom line, but in a trade for the use of the parking

facilities being created by Assurity, the city traded its land for the rights to use the parking lot. It will make the Plaza more available and gives parking to the public. When the city undertakes the decision for selling the land, the question will be asked, how does parting with the property – whether sale, lease or trade – serve and create civic value?

Hove inquired whether the city has anything specific in mind for these properties. Landis stated that the city does not. It is land relatively well-positioned for being part of a larger project. There has been some interest in the land. The City Council needs to agree that this is land the city does not need.

Support

1. Carol Dunklau, 2421 Sheridan Boulevard, testified in support as owner of the property adjacent to Lot 4, Spencers Addition. They want to purchase the property and are in favor of it being declared as surplus.

There was no testimony in opposition.

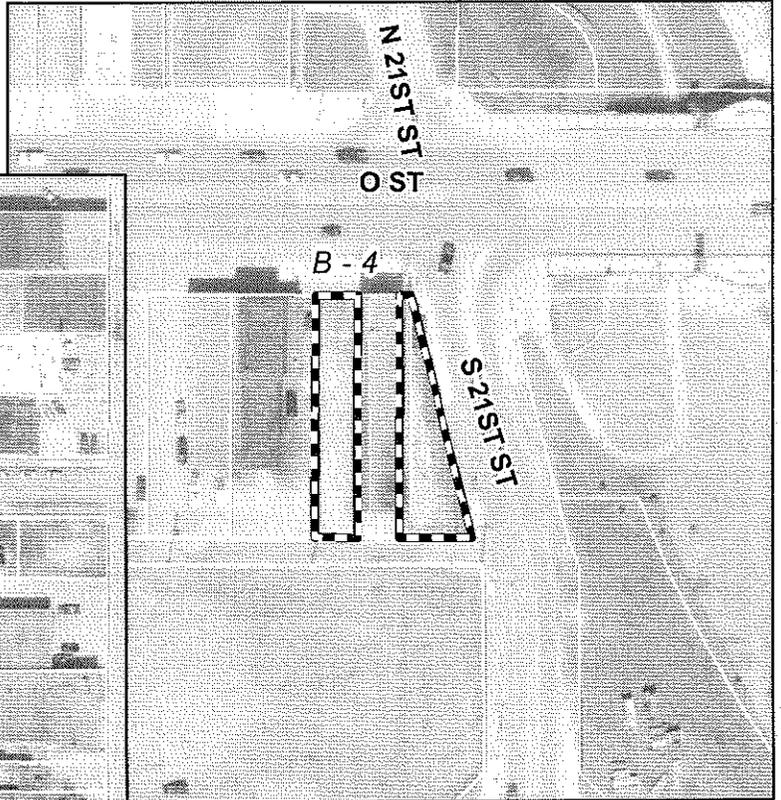
ACTION BY PLANNING COMMISSION:

July 11, 2012

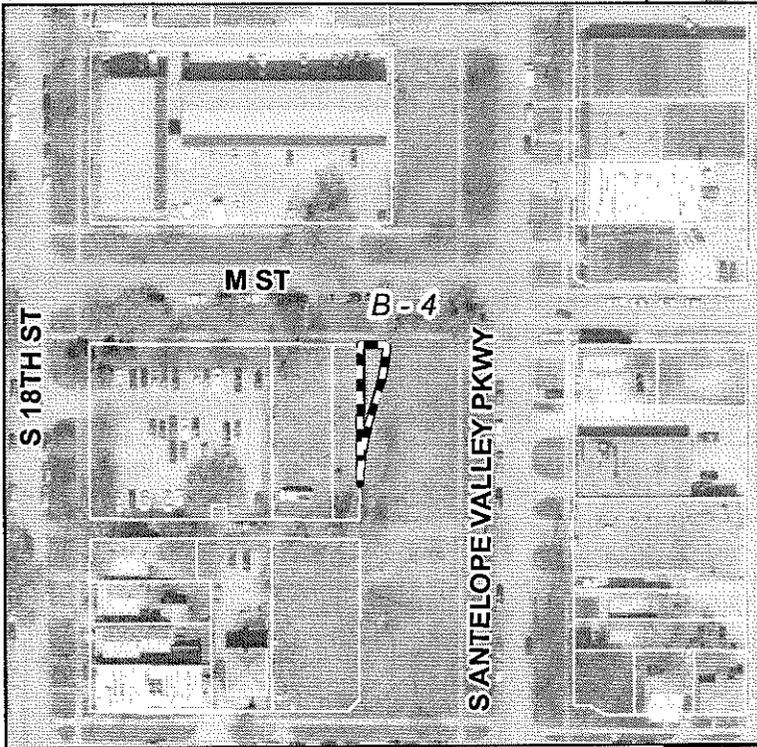
Lust moved to approve a finding of conformance with the Comprehensive Plan, seconded by Francis and carried 8-0: Gaylor Baird, Butcher, Cornelius, Esseks, Francis, Hove, Lust and Sunderman voting 'yes'; Weber absent. This is a recommendation to the City Council.

Comp Plan Conformance #12008

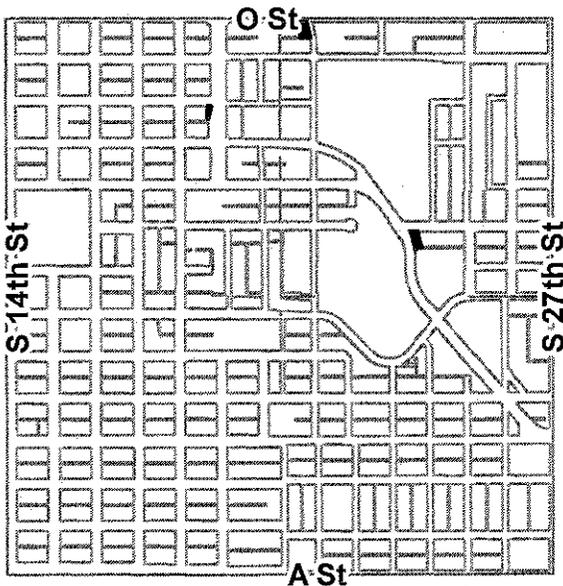
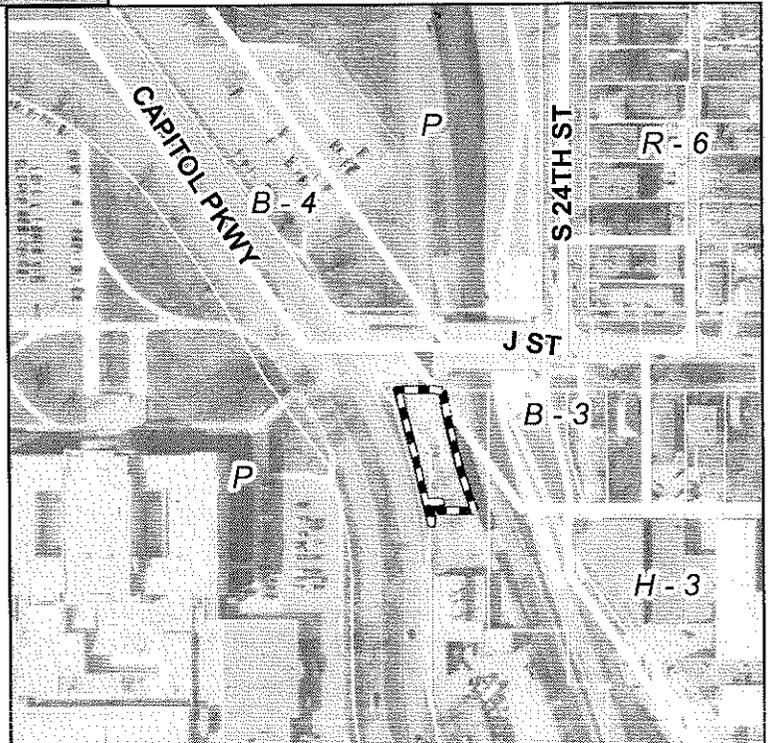
Area A: S 21st & O St



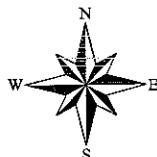
Area B: 18th & M St



Area C: Capitol Pkwy & J St



One Square Mile
Sec. 25 T10N R06E



interoffice
MEMORANDUM

to: Christy Eichorn, Planning Department
from: Michelle Backemeyer, Housing Rehab and Real Estate Division
subject: Declaration of Surplus Property - Vicinity of 21st & "O" Streets
date: June 11, 2012

Michelle Backemeyer

Please place on the next Planning Commission agenda a request to declare surplus Lot 4, Block 2, Spencer's Addition (a/k/a 2053 "O" Street) and the triangular parcel at the southwest corner of 21st & "O" Street legally described as Lot 1, Block 6, Antelope Valley 2nd Addition. As shown on the attached drawing, the area is approximately .16 acres or approximately 7,033 square feet in size.

We have requested responses from other City Departments and public agencies in accordance with the surplus property disposition procedures and copies of the returned responses are attached. We have also placed a "for sale" sign on the property for more than 30 days notifying the public of its availability. If you have any questions, please feel free to call either myself or Dave Landis at 441-8617 or 441-7126.

Attachments



Area of Surplus Request

Legend

 Selected Parcels





Memo

To: Tom Cajka, Planning Department
Cc: Lynn Johnson
From: J.J. Yost
Date: 06/27/2012
Re: Antelope Valley 4th Addition – Declaration of Surplus Property

Lincoln Parks & Recreation (LPR) and Lincoln Public Schools (LPS) are working together to transfer ownership of various parcels of land located along the east side of Capitol Parkway between J Street on the north and Randolph Street to the south. A re-platting effort, referred to as Antelope Valley 4th Addition, is being conducted in conjunction with this exchange to create lot line boundaries that align with the Antelope Creek channel and reflect current land uses. With this in mind, LPR is requesting that the parcel of land described by the attached legal description for Parcel A and illustrated in Exhibit A be evaluated for Comprehensive Plan Conformance in accordance with Declaration of Surplus Property.

The 8,117 square foot (0.19 acres) parcel has historically been used as a parking facility and access point to the LPS building located immediately south of the parcel and in doing so, LPS has been maintaining the parcel with crushed rock surfacing. At this time, LPR and LPS are finalizing an agreement that seeks to transfer the subject parcel from its current LPR ownership to that of LPS. I have attached a City of Lincoln Zoning Application for Comprehensive Plan Conformance. Please let me know if you have any questions or need additional information.

Please let me know if you have any questions, concerns or need for additional information.

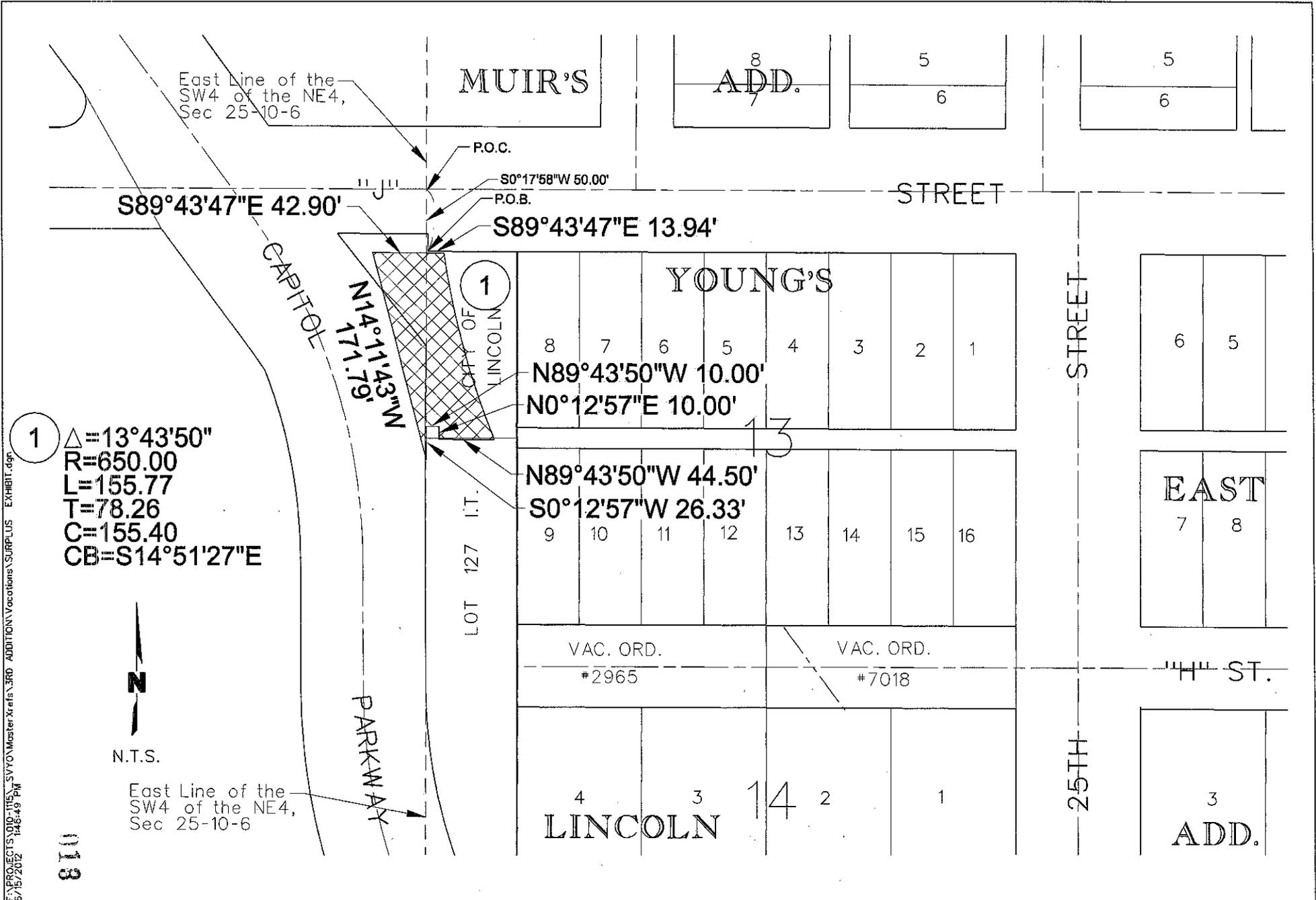


LEGAL DESCRIPTION – PARCEL A

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF CAPITOL PARKWAY RIGHT-OF-WAY, AND A PORTION OF THE REMAINING PORTION OF THE ABANDONED CHICAGO ROCK ISLAND RAILROAD PROPERTY LYING SOUTH OF "J" STREET LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF "J" STREET WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 25, THENCE ON AN ASSUMED BEARING OF SOUTH 0 DEGREES 17 MINUTES 58 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF "J" STREET AND **THE TRUE POINT OF BEGINNING**; THENCE SOUTH 89 DEGREES 43 MINUTES 47 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF "J" STREET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT, A DISTANCE OF 155.77 FEET, WHOSE RADIUS IS 650.00 FEET, A DELTA ANGLE OF 13 DEGREES 43 MINUTES 50 SECONDS, A CHORD BEARING OF SOUTH 14 DEGREES 51 MINUTES 27 SECONDS EAST, AND A CHORD DISTANCE OF 155.40 FEET TO A POINT ON THE NORTH LINE OF LOT 127 I.T.; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 127 I.T., A DISTANCE OF 44.50 FEET TO A POINT; THENCE NORTH 0 DEGREES 12 MINUTES 57 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CAPITOL PARKWAY; THENCE SOUTH 0 DEGREES 12 MINUTES 57 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CAPITOL PARKWAY, A DISTANCE OF 26.33 FEET TO A POINT; THENCE NORTH 14 DEGREES 11 MINUTES 43 SECONDS WEST, A DISTANCE OF 171.79 FEET TO A POINT 50.00 FEET SOUTH OF THE CENTERLINE OF SAID "J" STREET; THENCE SOUTH 89 DEGREES 43 MINUTES 47 SECONDS EAST, ALONG A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF SAID "J" STREET, A DISTANCE OF 42.90 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 8,117.00 SQUARE FEET OR 0.19 ACRES, MORE OR LESS.

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PROJECT NO: 010-1115

DRAWN BY: TDB

DATE: June 15th, 2012

Surplus City Property

MOLSSON
ASSOCIATES

1111 Lincoln Mall, Suite 111
P.O. Box 84608
Lincoln, NE 68501-4608
TEL 402.474.6311
FAX 402.474.5160

EXHIBIT

A

Jean Preister

From: Carol Dunklau [cdunklau@gmail.com]
Sent: Saturday, July 07, 2012 10:23 AM
To: Jean Preister
Subject: Lot 4, Block 2, Spencers Addition, 21st & "O" Streets

Hello:

We are writing regarding the above mentioned Lot 4.

Bud Dunklau has owned and operated Road & Track Motors, a foreign car specialty shop, in this area since 1962. His first location was at 2119 "O", and then at 2045 "O" since 1972. We originally rented from Ben Finkelstein, and when he retired in 1991, we purchased this property from him (Spencer's Add., Block 2, Lots 5 & 6).

2045 "O" was Road & Track Motors, and 2047 "O" was the old soul food cafe and later a bike shop. We completely renovated the building at 2047 "O". We removed the old wooden fence along the sidewalk and replaced it with a black iron fence. We also landscaped and put down crushed rock in the lot. We have leased this property to Saigon Tour, a Vietnamese tour and travel business, for the past 10 years.

Jerry Williamson owned Lot 4. Before the City acquired the Williamson property, ca. 2004, we had a verbal agreement with Jim and Jerry Williamson, to purchase Lot 4 for \$25,000. We felt the City took this property from us as well. From that date to the present, we have kept this lot clean, sprayed and cleaned up weeds, picked up after transients, etc. Jerry finally told us that this lot was tied up with all his other property and he couldn't keep his end of the bargain.

We would like to purchase this piece of property (Lot 4). We would tear down the wooden fence along the sidewalk (a great place for transients to hide) and replace it with an iron fence to match the one we installed on Lot 5, put down crushed rock and do some landscaping.

Since the City has removed most of our "O" Street parking in front of our buildings, we need this space for customer parking.

We plan to attend the hearing on Wednesday.

Sincerely,

Bud and Carol Dunklau
2421 Sheridan Blvd.
Lincoln, Ne. 68502
(402 435-0686)