

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 14012
(A portion of Y Street lying between N. 10th Street and North 11th Street).

BOARD/COMMITTEE: Planning Commission

APPLICANT: David Landis, Director of the Urban Development Department.

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Beecham, Cornelius, Corr, Harris, Hove, Scheer, Sunderman, Weber and Lust voting 'yes').

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

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION: To vacate approximately 10' of Y Street right-of-way adjacent to Lot 1, 10th and Y Addition, from the east edge of N. 10th Street to a line extending north from the north-south boundary line existing between Lots 1 and 2, 10th and Y Addition (generally Y Street from N. 10th Street to approximately vacated N. 11th Street).

DISCUSSION/FINDINGS OF FACT:

1. The proposed street vacation is part of a land exchange between the City of Lincoln and the University of Nebraska Board of Regents, thus no money will be paid to the City for the vacated right-of-way.
2. The approval of the land exchange agreement is conditioned upon the City Council approving this street vacation request.
3. The staff recommendation finding the proposed street vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3, concluding that the vacation of the right-of-way will not deny access to adjacent property and that the land exchange will provide a consistent 60' right-of-way that will allow for a better design for the new street. This proposed vacation request is in conformance with the Comprehensive Plan.
4. On December 10, 2014, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On December 10, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed vacation to be in conformance with the Comprehensive Plan.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: December 29, 2014

REVIEWED BY: Stephen S. Henrichsen, Development Review Manager

DATE: December 29, 2014



LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 10, 2014 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 14012

PROPOSAL: To vacate approximately 0.08 acres of Y Street right-of-way adjacent to Lot 1, 10th & Y Addition, Lincoln, Lancaster County, Nebraska.

LOCATION: A portion of Y Street lying between N. 10th and vacated N. 11th Street.

LAND AREA: 0.08 acres, more or less

CONCLUSION: Subject to the conditions of approval, vacation of this right-of-way will not deny access to adjacent properties and is in conformance with the Comprehensive Plan.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Y Street right-of-way adjacent to Lot 1, 10th & Y Addition, located in the northeast quarter of Section 23, Township 10 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described on the attached exhibit.

SURROUNDING LAND USE AND ZONING:

North: Vacant; R-8
South: Parking Lot/Railroad Tracks; P/I-1
East: Parking Lot/Railroad Tracks; P
West: Commercial/Single-Family Dwellings/Steel Fabrication Facility; B-3

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.15 - Local streets and alleys are not included in the functional classification

HISTORY:

October 2014 City Council vacated the north 13' of Y Street right-of-way in conjunction with the Community Unit Plan for a 126-unit apartment building

November 1885 Cahn, Metcalf and Farwell's Subdivision platted the Y Street right of way

UTILITIES: A sanitary sewer is located adjacent to the area being vacated.

TRAFFIC ANALYSIS: Vacating 10 feet of the Y Street right-of-way will keep approximately 60 feet of Y Street right-of-way. The City's standard right-of-way width for residential streets is 60 feet.

ENVIRONMENTAL CONCERNS: This right-of-way is within the Salt Creek Floodplain. A Conservation Easement will need to be retained with the deed transfer.

ANALYSIS:

1. This application is part of a land exchange between the City of Lincoln and the University of Nebraska Board of Regents. Since this is a land exchange, no money will be paid to the City of Lincoln for the vacated right-of-way.

The University Board of Regents reviewed and approved the land exchange agreement at their meeting on November 21, 2014. Approval of the land exchange agreement is conditioned upon the City Council approving the Y Street vacation request.

2. The City of Lincoln is the petitioner for this application. Therefore, a petition to vacate right-of-way has not been obtained from the adjacent property owner. The University of Nebraska is the adjacent property owner and is a party in the land exchange.
3. The Y Street right-of-way is approximately 70 feet at this location. The City's standard right-of-way width for residential streets is 60 feet. If 10 feet of right-of-way is vacated then 60 feet remains which exceeds the minimum required.
4. As part of the housing development to the north, the Y Street right-of-way and N. 12th Street right-of-way will both be improved. The existing Y Street right-of-way varies in width and in places is less than the minimum 60' width. This vacation is part of a land exchange with the University of Nebraska, in order to obtain a consistent right-of-way width along Y Street.

This land exchange will provide a consistent 60' of right-of-way that will allow for a better design for the new street. If this right-of-way is not vacated and the land exchange agreement is not completed, Y Street will have a bend located at approximately mid-block in order to accommodate the varying right-of-way width.

5. There is a sanitary sewer located near the area to be vacated. Utility easements will need to be retained for existing and future utilities.
6. This right-of-way is located in the Salt Creek floodplain. The City's policy for vacating rights-of-way within a floodplain will require a deed restriction be placed on this land to restrict future development and conserve flood storage.

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.
- 1.3 Include retention of conservation easement by City with deed transfer.

Prepared by:

Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: November 13, 2014

APPLICANT/OWNER:: David Landis
555 S. 10th Street, Suite 205
Lincoln, NE 68508

CONTACT: Wynn Hjermstad
555 S. 10th Street, Suite 205
Lincoln, NE 68508

STREET & ALLEY VACATION NO. 14012

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

December 10, 2014

Members present: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust.

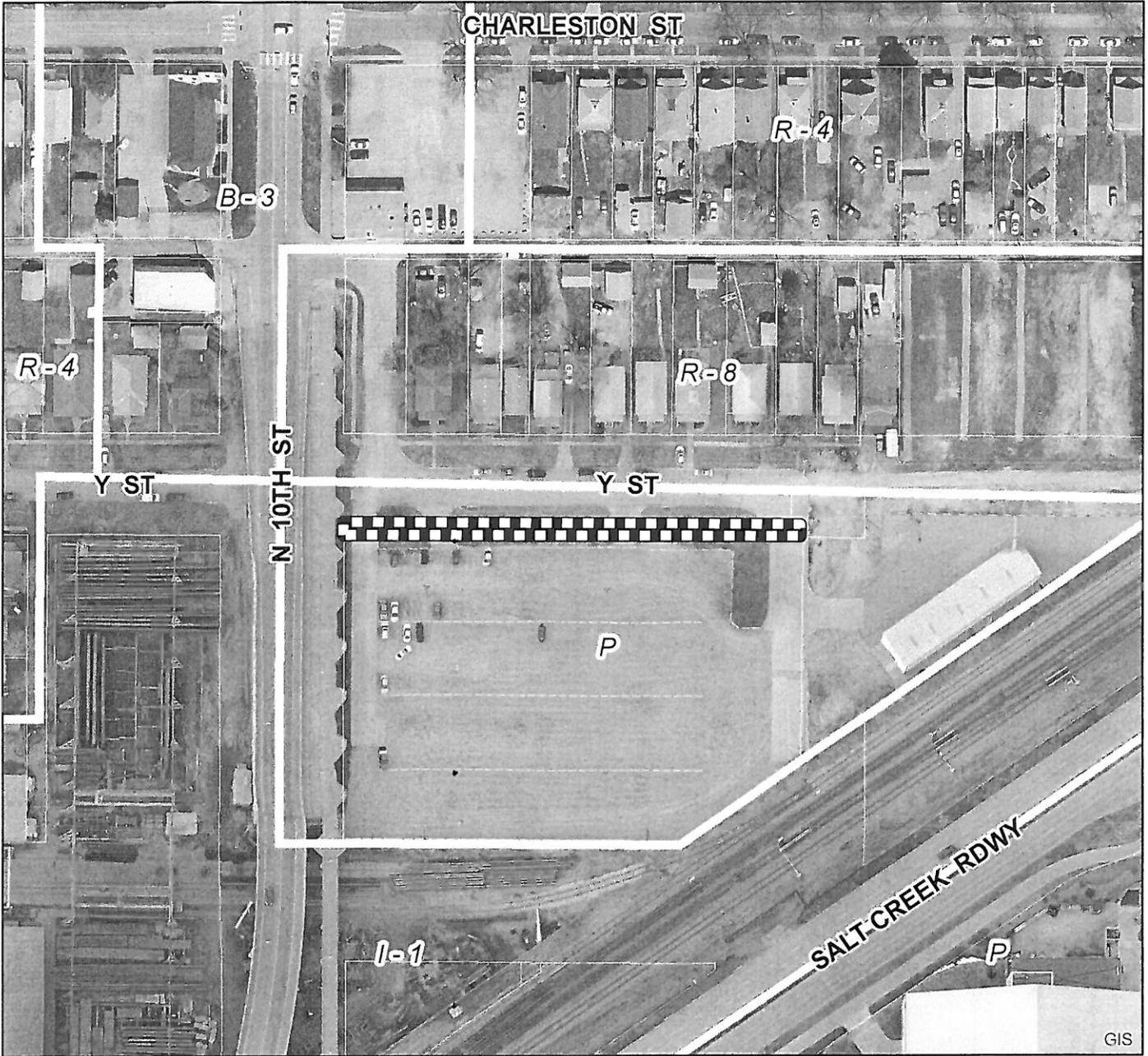
The Consent Agenda consisted of the following items: **CITY TEXT AMENDMENT NO. 14019 and COUNTY TEXT AMENDMENT NO. 14020; ANNEXATION NO. 14006, CHANGE OF ZONE NO. 14031 and SPECIAL PERMIT NO. 14050; CHANGE OF ZONE NO. 14030; SPECIAL PERMIT NO. 14048 and STREET & ALLEY VACATION NO. 14011; STREET & ALLEY VACATION NO. 14010; and STREET & ALLEY VACATION NO. 14012.**

There were no ex parte communications disclosed.

Item No. 1.5, Street & Alley Vacation No. 14010, was removed from the Consent Agenda and had separate public hearing.

Cornelius moved approval of the remaining Consent Agenda, seconded by Hove and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'.

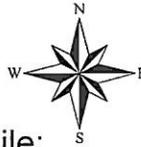
Note: This is final action on Special Permit No. 14050 and Special Permit No. 14048, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



GIS

2013 aerial

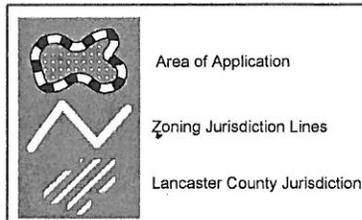
Street and Alley Vacation #: SAV14012
N 10th & Y St

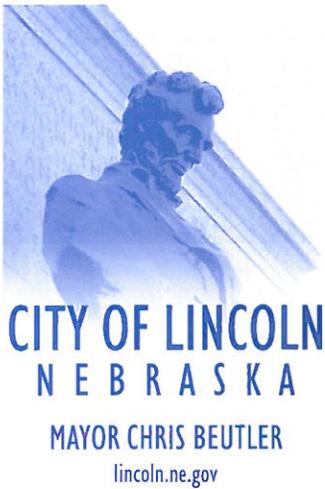


Zoning:

- 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.23 T:10N R06E





Urban Development Department
David Landis, Director
555 S. 10th Street
Suite 205
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711

November 12, 2014

Marvin Krout, Director
Lincoln/Lancaster County Planning Department
555 S. 10th
STE 213
Lincoln, NE 68508

Re: vacation of Y Street

Dear Marvin:

In conjunction with the 1100 Y Street redevelopment project, the Urban Development Department, on behalf of the City of Lincoln, is requesting vacation of the following City-owned right-of-way (ROW):

Y Street from the east edge of 10th Street to a line extending north from the north-south boundary line existing between Lots 1 and 2, 10th and Y Addition, City of Lincoln, Nebraska. Please see Area B on the attached map.

The redevelopment agreement for the 1100 Y Street project (Resolution No. A-88452 approved by City Council August 4, 2014) includes paving the Y Street extension to N. 12th Street. The Y Street right-of-way width currently varies from 84' on the west to 44' on the east. In order to provide a consistent 60', additional right-of-way must be vacated and dedicated. The property on the south side of Y Street is owned by the University of Nebraska. The University has been approached about a land exchange (see attached map) which will result in a standard 60' paved street the entire length of Y Street between 10th and 12th Streets. In order to make the exchange, the City ROW must first be vacated.

An Exchange Agreement is being considered by the Board of Regents at their November 21, 2014 meeting. The Agreement is contingent upon City Council approval of this vacation request. Once the City Council approves this vacation, the land exchange will be executed.

Please forward this request to the Lincoln/Lancaster County Planning Commission for their earliest consideration. My understanding is this vacation request will be on the December 10, 2014 Planning Commission agenda. If you have questions or need further information, please contact Wynn Hjermstad, Community Development Manager, at 402-441-8211 or whjermstad@lincoln.ne.gov. Thank you.

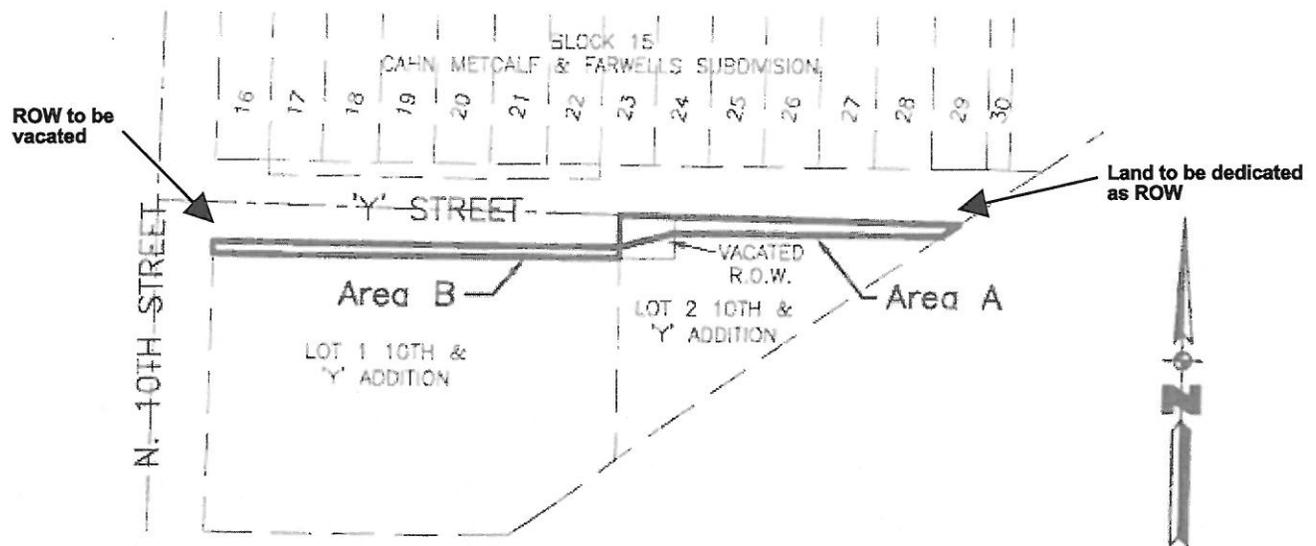
Sincerely,



David Landis
Director

enc.

EXHIBIT A



KEY EXHIBIT

Scale: 1" = 150'

AREA A LEGAL DESCRIPTION

A PORTION OF THE REMAINING PORTION OF THE EAST HALF OF THE VACATED 11 STREET RIGHT-OF-WAY ADJACENT TO LOT 2, 10TH & 'Y' ADDITION AND A PORTION OF LOT 2, 10TH & 'Y' ADDITION, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2;
 THENCE ON THE EAST LINE OF SAID LOT 2, S55°20'07"W, A DISTANCE OF 18.68 FEET;
 THENCE N89°36'16"W, A DISTANCE OF 240.28 FEET;
 THENCE S75°50'28"W, A DISTANCE OF 51.73 FEET;
 THENCE N00°08'30"E, A DISTANCE OF 28.86 FEET;
 THENCE S88°38'34"E, A DISTANCE OF 305.81 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 4,308.47 SQUARE FEET OR 0.10 ACRES.

AREA B LEGAL DESCRIPTION

A PORTION OF 'Y' STREET RIGHT-OF-WAY ADJACENT TO LOT 1, 10TH & 'Y' ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1;
 THENCE N00°23'44"E, A DISTANCE OF 10.44 FEET;
 THENCE S89°36'16"E, A DISTANCE OF 370.25 FEET;
 THENCE S00°08'30"W, A DISTANCE OF 9.51 FEET;
 THENCE N89°44'53"W, A DISTANCE OF 370.29 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 3,894.92 SQUARE FEET OR 0.08 ACRES.