

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.:** Street and Alley Vacation #01006 **DATE:** April 14, 2001  
E-W alley between N. 18<sup>th</sup> and N. 19<sup>th</sup>, O and P Streets

**PROPOSAL:** Kent Thompson of Thompson Realty Group has requested the vacation of the east-west alley between N. 18<sup>th</sup> and N. 19<sup>th</sup> Streets in Block 29, Kinney's "O" Street Addition.

### **GENERAL INFORMATION:**

**APPLICANT:** Kent Thompson, President  
Thompson Realty Group  
6800 S. 32<sup>nd</sup> Street, Suite C  
Lincoln, NE 68516

**LEGAL DESCRIPTION:** The east-west alley between N. 18<sup>th</sup> and N. 19<sup>th</sup> Streets in Block 29, Kinney's "O" Street Addition, located in the SW 1/4 of Section 24, T10N, R6E of the 6<sup>th</sup> P.M., City of Lincoln, Lancaster County, Nebraska.

**SIZE:** 3,840 square feet, more or less

**EXISTING ZONING:** B-4 Lincoln Center Business District

**EXISTING LAND USE:** East-west alley

**SURROUNDING ZONING AND LAND USE:** Surrounded on all sides by B-4 Lincoln Center Business District, with a mixture of commercial uses and surface parking lots.

**COMPREHENSIVE PLAN SPECIFICATIONS:** In conformance. The Land Use Plan shows the property as Commercial.

### **ANALYSIS:**

1. The applicant states that this application is to ease the building code requirements for renovation of an existing building.
2. The Public Works and Utilities Department reports that the City of Lincoln Wastewater Division, Lincoln Electric System and Alltel have existing easement within the limits of the proposed vacation. All have asked that a permanent easement, for the entire vacated corridor be established for the maintenance of existing and future facilities.
3. Public Works further reports:

The proposed Antelope Valley Roadway is adjacent to this property. Because of right-of-way requirements for this project it is recommended that the alley vacation not include the east 60 feet. It is also recommended that an additional 30 feet be reserved for a construction easement.

**STREET AND ALLEY VACATION NO.01006**  
**PAGE 2**

The Department of Public Works and Utilities is also asking that the existing alley returns at 18<sup>th</sup> and 19<sup>th</sup> Streets be removed at the petitioners expense. It is estimated that the cost of removal of the returns and the reconstruction of curb would be \$2,500.00. The petitioner will be responsible for the removal of the return at 18<sup>th</sup> Street, the City will remove the return at 19<sup>th</sup> Street with the Antelope Valley project.

4. The Department of Public Works and Utilities recommends approval of this vacation with the above mentioned conditions.
5. The Real Estate Department has yet to appraise the area of proposed vacation.

**STAFF RECOMMENDATIONS:** The proposed vacation conforms with the 1994 Comprehensive Plan, provided it has no impact upon the proposed Antelope Valley Roadway.

**Conditional Approval**

**CONDITIONS:**

1. Before the vacation request is scheduled on the City Council agenda the following shall be completed:
  - 1.1 The applicant shall file a surety with the City in the amount of \$2,500.00 to guarantee the installation of driveways in place of the alley returns.
  - 1.2 The applicant agrees to allow a construction easement over the eastern 30' of the vacated area, adjacent to Lot 2, Block 29, Kinney's "O" Street Addition.
2. This approves the vacation of the western 240' of the east-west alley between N. 18<sup>th</sup> and N. 19<sup>th</sup> Streets in Block 29, Kinney's "O" Street Addition, located in the SW 1/4 of Section 24, T10N, R6E of the 6<sup>th</sup> P.M., City of Lincoln, Lancaster County, Nebraska. The eastern 60' adjacent to Lots 1 and 2 shall remain public right-of-way.
3. The City retains a permanent utility easement over the entire vacated area and a construction easement over the eastern 30' of the vacated area, adjacent to Lot 2, Block 29, Kinney's "O" Street Addition.

Prepared by:

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Jason Reynolds, Planner  
Planning Department

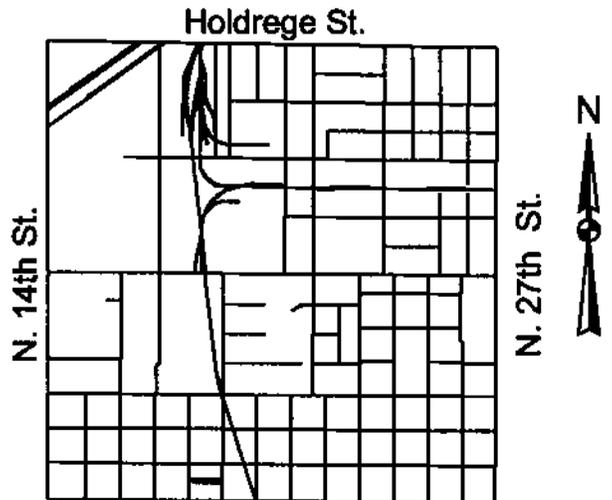
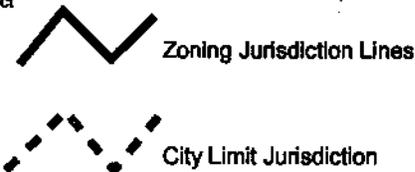


**Street & Alley Vacation #01006**  
**E-W Alley from 18th to 19th St.**

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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

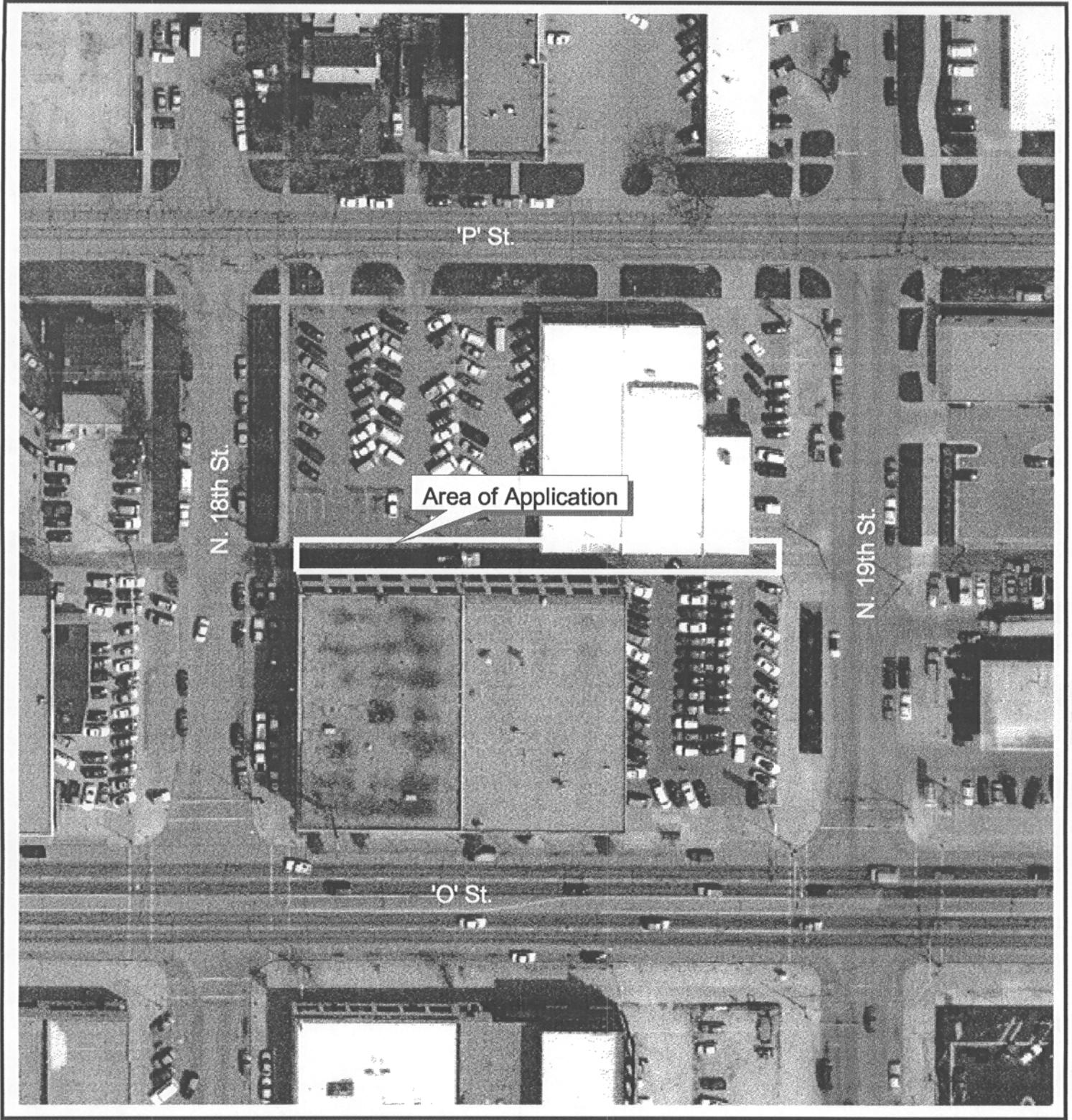
One Square Mile  
 Sec. 24 T10N R6E



'O' St.

Sheet 1 of 2  
 Date: 4-14-01

Lincoln City - Lancaster County Planning Dept.



**Street & Alley Vacation #01006**  
**E-W Alley from 18th to 19th St.**



Sheet 2 of 2

Date: 4-14-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

Lincoln



Nebraska's Capital City

March 29, 2001

Lincoln City/Lancaster County  
Planning Commission  
Lincoln, NE 68508

*RE: Vacating east-west alley between 18th and 19th Streets in Block 29, Kinney's 'O' Street Addition*

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Kent Thompson, President of Thompson Realty Group, owners of Block 29, Kinney's 'O' Street Addition, to vacate the above described public right-of-way. Petitioners have requested this vacation to ease Building Code requirements for renovation of the existing building and for parking lot access.

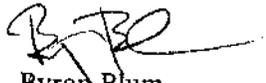
The City of Lincoln Wastewater Division, Lincoln Electric System and Alltel all have existing utilities within the limits of this proposed vacation. All have asked that a permanent easement, for the entire vacated corridor be established for maintenance of existing and future utilities.

The proposed Antelope Valley Roadway is adjacent to this property. Because of right-of-way requirements for this project it is recommended that the alley vacation not include the east 60 feet. It is also recommended that an additional 30 feet be reserved for a construction easement.

The Department of Public Works and Utilities is also asking that the existing alley returns at 18th and 19th Streets be removed at the petitioners expense. It is estimated that the cost of removal of the returns and the reconstruction of curb would be \$2,500.00. The petitioner will be responsible for the removal of the return at 18th Street, the City will remove the return at 19th Street with the Antelope Valley project.

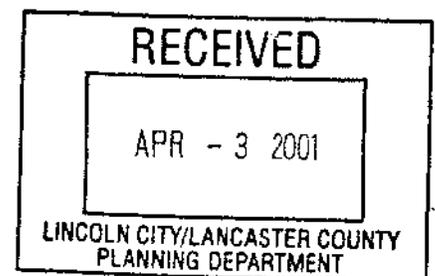
The Department of Public Works and Utilities recommends approval of this vacation with the above mentioned conditions. This vacation contains an area of 3,840 square feet, more or less.

Sincerely,

  
Byron Blum  
Engineering Services

cc: Allan Abbott  
Ann Harrell  
Kathleen Sellman  
Marc Wullschlegler  
Roger Figard  
Joan Ross  
Clint Thomas  
Dana Roper

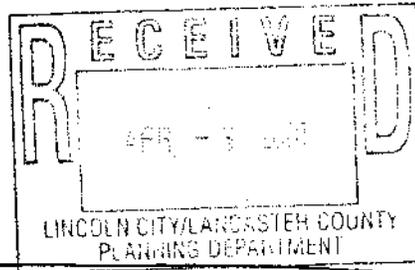
fcj block 29 vacation letter to planning commission bab



Engineering Services Division / Public Works and Utilities Department / Allan Abbott, Director

531 Westgate Blvd. / Suite 100 / Lincoln, NE 68528 / Phone: 402-441-7711 / Fax: 402-441-6576 / Website: www.ci.lincoln.ne.us





001-26

PETITION TO VACATE PUBLIC WAY with RELEASE AND WAIVER OF RIGHTS AND TITLE, AND QUITCLAIM DEED TO CITY OF LINCOLN

REFERRED DEC 18 2000 Law Dept.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.)

EAST-WEST ALLEY BETWEEN 18th AND 19th STREETS IN BLOCK 29 KINNEY'S '01 STREET ADDITION

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (Legal description from deed or abstract)

ALL OF BLOCK 29, KINNEY'S '01 STREET ADDITION

CITY OF LINCOLN, NEBRASKA DEC 15 2000

DATED this \_\_\_ day of \_\_\_, 19\_\_

[Signature of Kent Thompson]

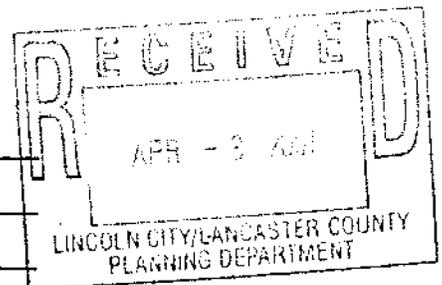
Kent Thompson, President Thompson Realty Group, Inc. as attorney for [Signature]

(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC - NOTARIAL ACKNOWLEDGMENTS ON REVERSE)

# 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): AV, L.L.C.  
If more than one individual, indicate if you are:  
           joint tenants with right of survivorship, OR            tenants in common
2. Petitioner's Address: 6800 S. 32<sup>ND</sup> STREET, SUITE 'C'  
LINCOLN NE 68516
3. Petitioner's Telephone Number: (402) 421-7700
4. Social Security Number of each Petitioner or Federal Employer Identification No. if a corporation:  
39-2009262
5. Name of street, alley, or other public way sought to be vacated: EAST-WEST ALLEY  
BETWEEN 18<sup>TH</sup> AND 19<sup>TH</sup> STREETS IN BLOCK 29  
KINNEY'S 'D' STREET ADDITION
6. Why are you seeking to have this street, alley, or other public way vacated?  
TO EASE BUILDING CODE REQUIREMENTS FOR  
RENOVATION OF EXISTING BUILDING
7. What use or uses do you propose to make of the public way should it be vacated?  
PARKING LOT ACCESS
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
11. Name and address of person to whom tax statement should be sent:  
THOMPSON REALTY GROUP  
6800 S. 32<sup>ND</sup> Street, Suite 'C'  
LINCOLN, NE 68516



Prior to third reading of the Vacation Ordinance before the City Council, the property will be appraised. The purchase price of the portion abutting your property must be paid to the City Clerk at that time, or the property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not receive third reading 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.**