



**SURROUNDING LAND USE AND ZONING:** The Horizon Business Center subdivision zoned I-3 Employment Center to the north; agricultural land and the Burlington Railroad, zoned AG to the west and south; Vavrina Meadows 1<sup>st</sup> zoned AG but requesting R-3, and H-4 to the east.

**COMPREHENSIVE PLAN SPECIFICATIONS:** IN CONFORMANCE. The 1994 Lincoln/Lancaster County Comprehensive Plan designates this area as Industrial. This is shown as Phase I and is inside the "Anticipated Future Service Limit" according to Figure 65 on page 197.

**SPECIFIC INFORMATION:**

**DESCRIPTION OF PROPERTY:** One single family residence is on each lot.

**UTILITIES & SERVICES:**

- A. **Sanitary Sewer:** A non-tapable 48" sanitary sewer crosses the west side of this property. The sanitary sewer is generally available to serve this property according to the Public Works and Utilities Department. An annexation agreement between the City and the applicant is appropriate to clarify a connection fee due to a prior agreement for the sewer line and that a tapable extension will need to be constructed at the owners' expense.
- B. **Water:** A 24 inch water main is in S. 14th Street adjacent to this property. The provision of water service for this property is satisfactory to the Public Works Department after a tapable service line is built. The City reserves the right to access a tap fee when this property changes in zoning or use.
- C. **Roads:** S. 14th Street is paved and is currently under construction for a four lane facility .
- D. **Parks and Trails:** This annexation will not significantly impact the Parks and Recreation Department.
- E. **Fire Protection:** This area is currently served by the Southwest Rural Fire District. The nearest Lincoln fire station is at S. 27<sup>th</sup> and Old Cheney.
- F. **Schools:** This area is in the Rokeby School District #152. Upon annexation it will automatically be in the Lincoln Public School District.

**ANALYSIS:**

1. The applicant has requested annexation in order to receive City sewer and water. This property is contiguous to the city limits.
2. This request was initiated, in part, in 1999. This has been delayed due to the timing of the sewer line construction, a change of attorneys, and a determination of the fair value tap fee required by a prior agreement. City Council established that fee by resolution on May 7, 2001. The current status of the applicants waste systems and the annexation of Vavrina Meadows to the east all contribute to the desire and need for this annexation.
3. This annexation is in conformance with the Comprehensive Plan. Specifically, it is within the future "Lincoln Service Limit" , Phase I, as shown on Figure 65, "Anticipated Lincoln Service Limit and Phasing Plan" on page 197 of the 1994 Lincoln/ Lancaster County Comprehensive Plan.
4. This proposal is also in conformance with the annexation policies on page 191 of the Plan, specifically the policies that state:
  - ! *“Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.*
  - ! *Annexation generally implies the opportunity to access all City services (i.e., police, fire). Voluntary annexation agreements may limit or outline the phasing, timing or development of utility services (i.e., water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.*
  - ! *Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county.”*
5. This property is contiguous and is urban in character. Access to City services are currently available in the vicinity. An amendment to the Capital Improvement Program is not necessary to serve this property.
6. The Public Works and Utilities, Health, Police, County Engineer and Fire Department all have no objections to the annexation.

7. The City Attorney's office recommends an annexation agreement be entered into to clearly define the responsibilities of the parties for water and sewer service.

**CONCLUSION:**

This annexation proposal is in conformance with the Comprehensive Plan. Specifically it meets the annexation policies of the plan and is within the future service limit. This area is contiguous to the city and is generally urban in character

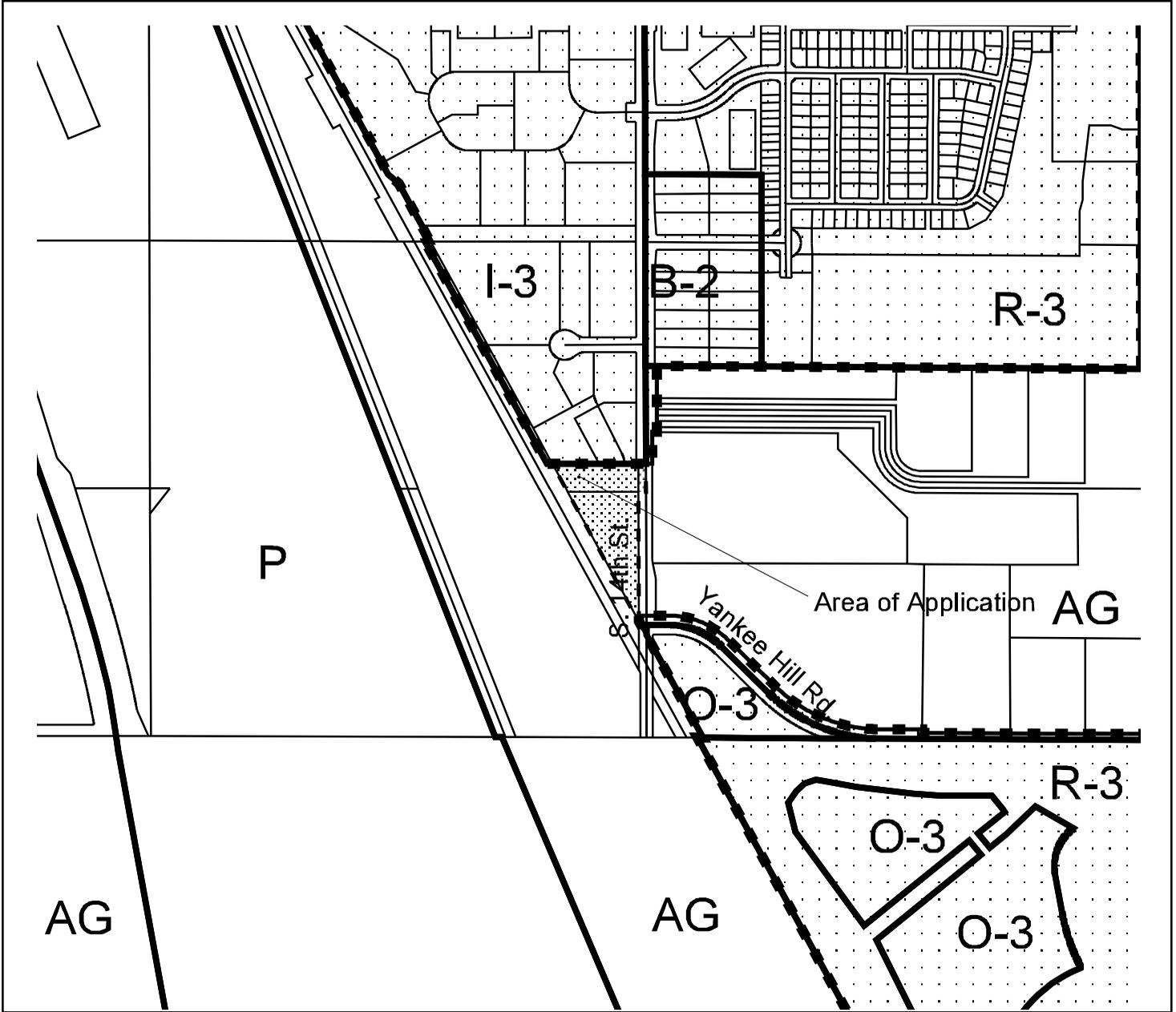
Even though a proposal is in conformance within the future service limit, the City should only approve an annexation when the infrastructure is in place or has been provided for in the City's CIP or by the applicant. The main lines are in place at this location, though tapable service extensions will need to be provided by the land owners. An annexation agreement is appropriate.

**STAFF RECOMMENDATION:** Approval, subject to an Annexation Agreement.

Prepared by:

---

Michael DeKalb, AICP  
Planning



**Annexation #99023**  
**8101 S. 14th 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

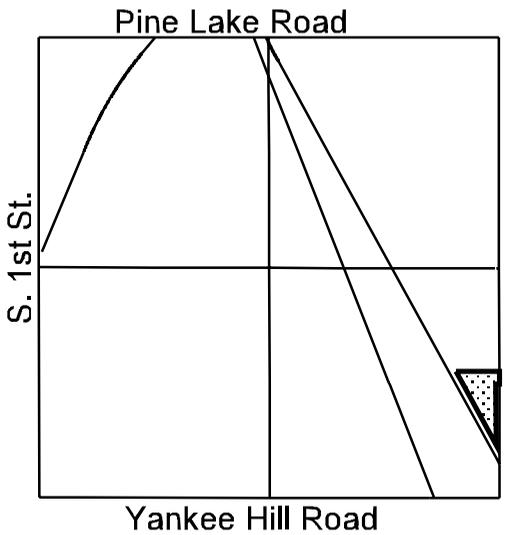
One Square Mile  
 Sec. 23 T9N R6E



Zoning Jurisdiction Lines

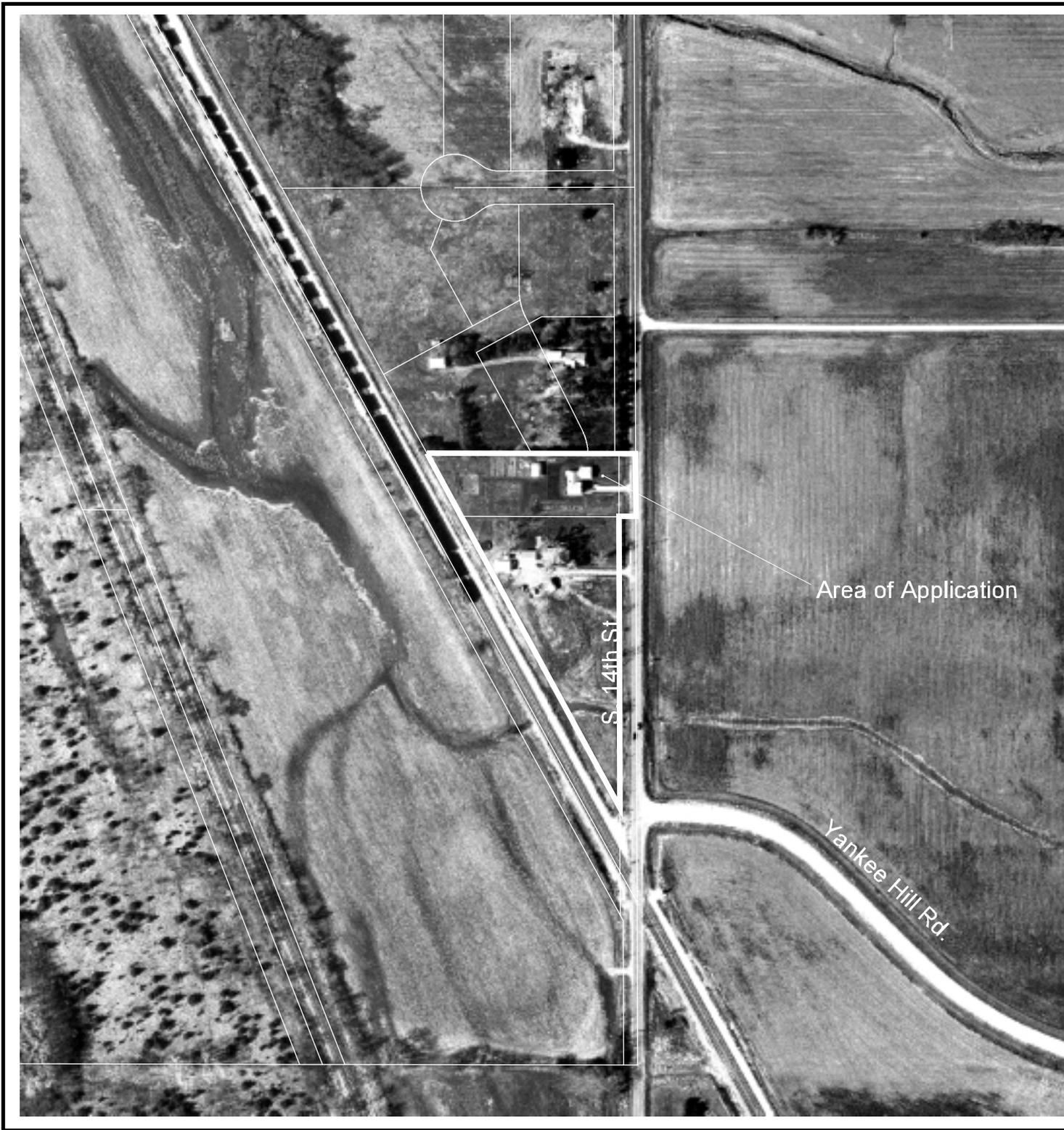


City Limit Jurisdiction



Sheet \_\_\_ of \_\_\_

Date:



**Annexation #99023**  
**8101 S. 14th St.**

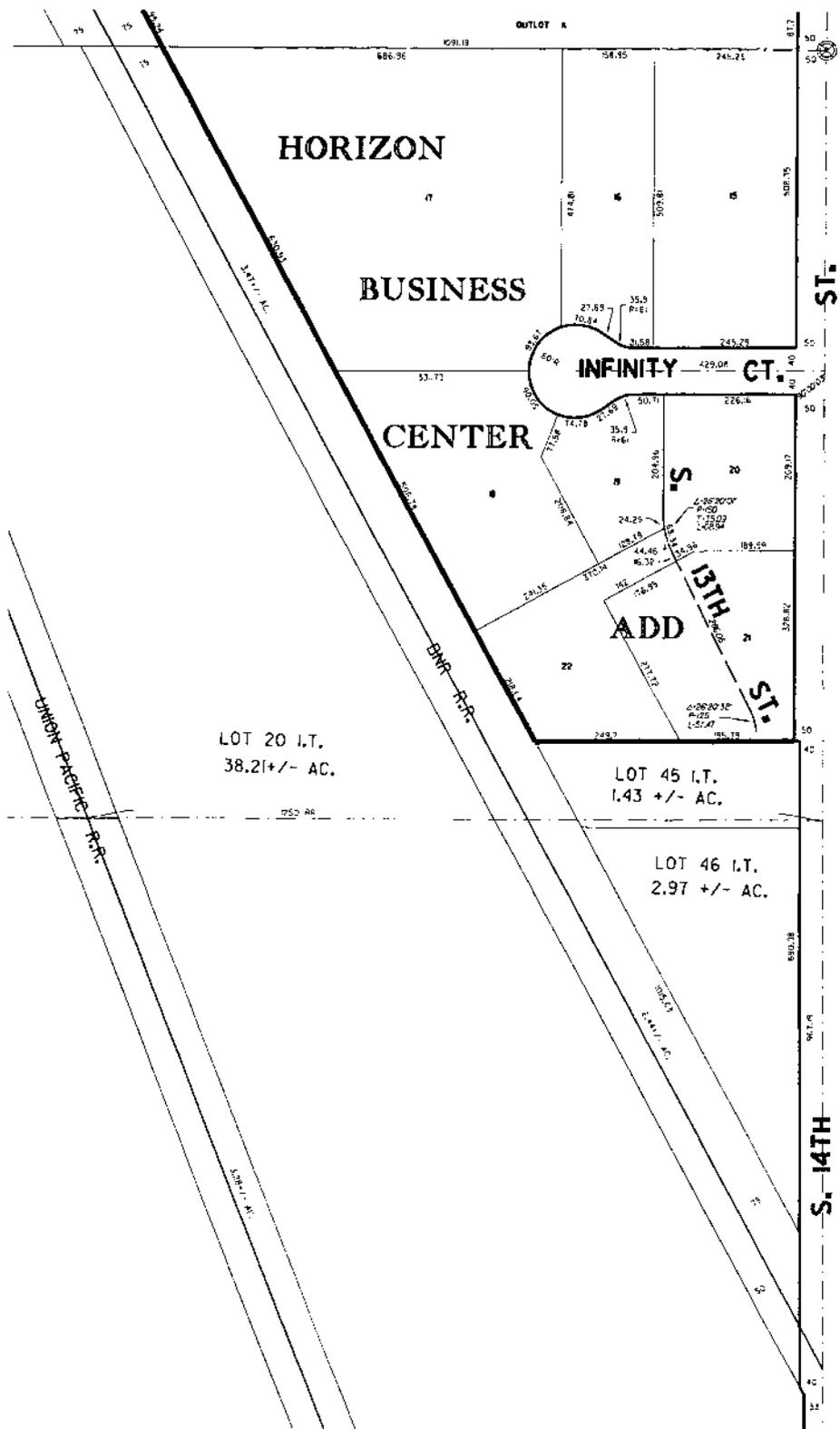


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Date: \_\_\_\_\_

Photograph Date: 1999

Lincoln City - Lancaster County Planning

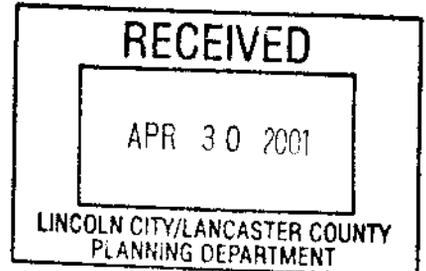


# Lincoln



# Nebraska's Capital City

April 27, 2001



Donald H. Bowman  
Bowman & Krieger  
Suite 100  
1045 Lincoln Mall  
Lincoln, NE 68508

Re: Request for Annexation

Dear Don:

This is a follow-up of your letters to the Planning Department concerning the request to annex the Schroeder and Fleming properties. Please be advised that a resolution to establish a sanitary sewer connection fee for the South Salt Creek Trunk Sewer which make these properties sewerable is scheduled for introduction before the City Council on Monday, April 30, with public hearing on Monday, May 7, 2001. Based upon the information provided, the maximum connection fee would be \$1,100.00 per acre, however, this office is recommending that the fee be set at \$351.25 per acre. Please be further advised that, following annexation and payment of the connection fee, there are still additional costs which your clients will have to incur to actually have sanitary sewer service. Specifically, the 48" South Salt Creek Trunk Sewer is non-tapable. Therefore, a tapable sewer extension will have to be constructed at a manhole and an 8" sewer main would have to be constructed from the tap to provide service to your clients' properties. Those costs would be at your clients' expense and not that of the City. There are certain alternatives that you might want to consider. One would be to request that a special assessment sanitary sewer district be created to provide for the construction of the required sewer to serve your clients' properties, the cost of which would be specially assessed back against the properties. A second alternative is to hire your own engineer to design the sewer mains to serve the properties and for your clients to construct those mains pursuant to the City's executive order construction process.

If you have any additional questions concerning the connection fee, please contact me. If you have any questions concerning the construction of the necessary sewer mains to serve your clients' properties you should contact Dennis Bartels in the Department of Public Works.

Yours truly,

Rick Peo  
Chief Assistant City Attorney

ERP/tb

cc: Dennis Bartels  
Mike DeKalb  
Nicole Flect-Tooze

**Law Department** / Dana W. Roper, City Attorney / 575 South 10th Street / Suite 4201 / Lincoln, Nebraska 68508  
Phone: 402-441-7281 / Civil Fax: 402-441-8812 / Pros. Fax: 402-441-8813 / Website: [www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

Ernest R. (Rick) Peo III, Chief Assistant • John C. McQuinn II, Chief Prosecutor • Richard C. Anderson, Police Legal Advisor  
Civil: James D. Faimon • Don W. Taute • Steven J. Huggenberger • Joel D. Pedersen • Connor L. Reuter • Margaret M. Blatchford  
Prosecution: Patrick C. Campbell • Christine A. Loseke • Rob E. Caples • Marcee A. Sheil



Lancaster

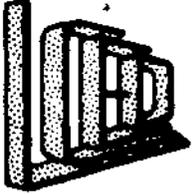
DON R. THOMAS - COUNTY ENGINEER

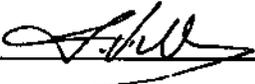
County

Engineering

DEPUTY - LARRY V. WORRELL  
COUNTY SURVEYOR

Department

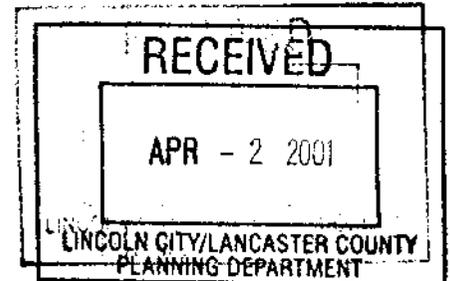


**DATE:** March 30, 2001  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Larry V. Worrell   
County Surveyor  
**SUBJECT:** REVISED - EXPANDED REQUEST  
FOR ANNEXATION AT S 14<sup>TH</sup> ST/YANKEE HILL ROAD  
ANNEXATION #99023

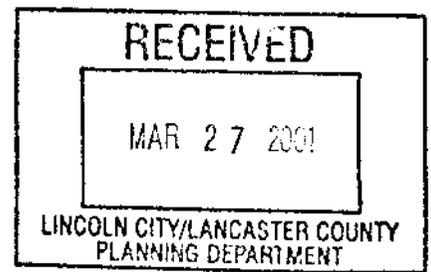
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Upon review, this office has no direct objections to this submittal.

LVW/cm



**BOWMAN & KRIEGER**  
ATTORNEYS AT LAW  
1045 LINCOLN MALL - SUITE 100  
LINCOLN, NEBRASKA 68508  
—  
(402) 476-8005



DONALD H. BOWMAN  
MARK J. KRIEGER  
JENNIFER S. LILIEDAHL  
CHAD L. BOWMAN

FAX (402) 476-8235

March 27, 2001

Mr. Mike DeKalb  
Lincoln/Lancaster County Planning Dept.  
555 S. 10<sup>th</sup> Street  
Suite 213  
Lincoln, NE 68508

RE: Request for Annexation of 8201 South 14<sup>th</sup> Street,  
Lincoln, Nebraska  
Alan Schroeder

Dear Mr. DeKalb:

This office is representing Alan Schroeder, who is the owner of the property at 8201 South 14<sup>th</sup> Street, Lincoln, Nebraska, legally described as follows:

Lot 46 of the Southeast Quarter of Section 23,  
Township 9 North, Range 6, Lancaster County,  
Nebraska.

Please accept this letter as Mr. Schroeder's request for annexation of his property by the City of Lincoln. Mr. Schroeder is anxious for the annexation to be completed as soon as possible, which would permit him to be hooked up to the City sewer system and to City water. When the City installed the sewer line across the back of Mr. Schroeder's property, the heavy equipment crushed his entire lateral system. As a result, his toilets are backing up and he is having significant problems associated with the lack of drainage through the laterals from his septic system resulting in pockets of open sewage on his property.

This property is used as the primary residence of Alan Schroeder. We would appreciate an expedited handling of this annexation request. If any further information is needed, please do not hesitate to contact me. Thank you.

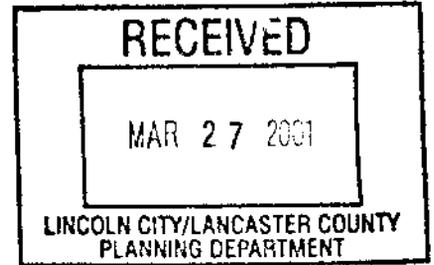
Very truly yours,

A handwritten signature in cursive script that reads "Don Bowman".

Donald H. Bowman

DHB:cs

**BOWMAN & KRIEGER**  
ATTORNEYS AT LAW  
1045 LINCOLN MALL - SUITE 100  
LINCOLN, NEBRASKA 68508  
(402) 476-8005



DONALD H. BOWMAN  
MARK J. KRIEGER  
JENNIFER S. LILIEDAHL  
CHAD L. BOWMAN

FAX (402) 476-8235

March 27, 2001

Mr. Mike DeKalb  
Lincoln/Lancaster County Planning Dept.  
555 S. 10<sup>th</sup> Street  
Suite 213  
Lincoln, NE 68508

RE: Request for Annexation of 8101 South 14<sup>th</sup> Street,  
Lincoln, Nebraska

Dear Mr. DeKalb:

This office is representing Gretchen Zwetzig, Trustee of the David W. Fleming Revocable Trust which is the owner of the property at 8101 South 14<sup>th</sup> Street, Lincoln, Nebraska, legally described as follows:

The North 150 Feet of Lot 37 of the Southeast Quarter of Section 23, Township 9 North, Range 6, **EXCEPT** the West 25 Feet parallel to Railroad Right-of-Way, Lancaster County, Nebraska.

The Fleming Trust desires that this property be annexed by the City of Lincoln so that it may be hooked up to the City water and sewer systems. The property is currently used for horticulture purposes and is the primary residence of David Fleming. The property is currently served by a lagoon, which was partially damaged by the City's agents when the sewer lines were being installed. Thus, hooking up to the sewer system is somewhat urgent.

You have a prior request in your file for annexation of this property from Shannon R. Harner, attorney at law, who at that time was the Trustee of this Trust. Gretchen Zwetzig is now the Trustee. It has been nearly a year and a half since the original

Mr. Mike DeKalb  
March 27, 2001  
Page 2

request was made, and nothing formal has been accomplished to date. We are hopeful that this matter can be expedited in view of the problems being incurred on this property with the lagoon.

If any further information is needed, please call me. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Don Bowman". The signature is written in a cursive style with a large initial "D" and a long horizontal flourish at the end.

Donald H. Bowman

DHB:cs

**Lincoln-Lancaster Planning Department**  
**Memorandum**

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**TO:** Nick McElvain, Public Works  
Mark Bauer, Public Works  
Rick Peo, City Attorney

**FROM:** Mike DeKalb *WD*

**DATE:** June 6, 2000

**SUBJECT:** *Annexation Agreement for Sewer and Water Connection at 8101 S. 14<sup>th</sup> St.*

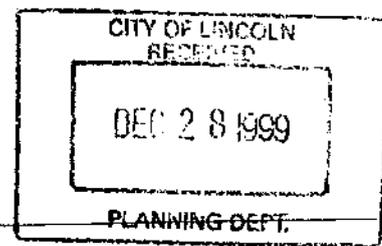
**COPIES** Steve Masters, Dennis Bartels, Public Works  
Kathleen Sellman, John Bradley, Steve Henrichsen, Planning

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This office has previously forwarded to you a request to annex one lot of approximately 1.4 acres at 8101 S. 14<sup>th</sup> Street. It is my understanding that sewer and water fees are being determined. On Monday the 5<sup>th</sup>, this office received a call from the landowner inquiring as to the status of the annexation process.

Please advise Rick Peo as to your preference as to sewer and water connection fees as soon as possible so this may proceed. If you have any questions regarding this request please call me at 441-6370.

# Memorandum



**To:** Steve Henrichsen, Planning Department  
**From:** Dennis Bartels, Public Works and Public Utilities Department  
**Subject:** Proposed Annexation 8101 S. 14th Street  
**Date:** December 28, 1999  
**cc:** Allan Abbott, Virendra Singh, Mark Bauer, Nick McElvain

The City Engineer's Office has reviewed the proposed annexation 8101 South 14th and has the following comments:

1. When the sewer and water are built for Wilderness Ridge Addition sewer and water will be available to serve this property. Service size mains however will need to be built. The 24' water main in 14th Street and the 48" trunk sewer across the west side of the property are not tappable.
2. When the developers agreed to pay for the extension of the Salt Creek trunk sewer the city agreed to collect a "connection fee" for land using this sewer.
3. Other commercially zoned property east and west of 14th is being asked to pay for improvements to 14th Street.



Stephen Henrichsen  
Planning Department  
555 S 10th Street  
Lincoln, NE 68508

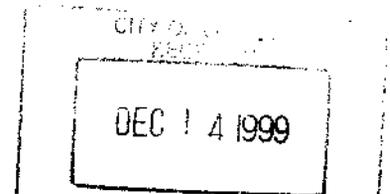
December 14, 1999

Mr. Henrichsen:

In viewing the request for the annexation of the property at 8101 S. 14th Street, the Police Department sees no problem in providing services for this annexation.

If you have any additional questions, please feel free to contact me.

  
Sergeant Dennis Duckworth  
Lincoln Police Department  
441-7215



## LANCASTER COUNTY ASSESSOR

COUNTY-CITY BUILDING      LINCOLN, NEBRASKA 68508-2864

PHONE (402) 441-7463  
FAX (402) 441-8759

NORMAN H. AGENA  
ASSESSOR

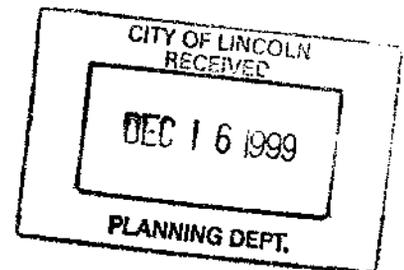
ROBIN HENDRICKSEN  
CHIEF ADMINISTRATIVE DEPUTY

TO: Stephen Henrichsen, Planning Department

FROM: Norm Agena, County Assessor *WCE/ND*

DATE: December 15, 1999

SUBJECT: Proposed annexation at 8101 South 14<sup>th</sup> Street



According to our records the property is titled to Lisa K. Piscitelli, Trustee. The annexation of the property will remove it from Tax District 158 and into Tax District 1. The tax rate in Tax District 158 is 1.7461830 and for Tax District 1 it is 2.095402. If you have further questions please contact me.

**Lincoln-Lancaster Planning Department**  
**Memorandum**

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**TO:** Tom Casady, Police  
Terry Wagner, County Sheriff  
Allan Abbott, Public Works  
Terry Bundy, LES  
Leonard Vinci, Health  
Don Thomas, County Engineer  
Dr. Phil Schoo, Lincoln Public Schools  
Jim Morgan, Parks & Recreation  
Mike Spadt, Lincoln Fire Dept.  
Southwest Rural Fire District  
Rokeby School District #152

**FROM:** Stephen Henrichsen, Planning Department *SH*

**DATE:** December 13, 1999

**SUBJECT:** *Proposed Annexation at 8101 S. 14<sup>th</sup> Street*

**COPIES TO** Steve Masters, Public Works  
Dennis Bartels, Public Works  
Mark Bauer, Public Works  
Nick McElvain, Public Works  
Scott Holmes, Health  
Norm Agena, County Assessor  
Lancaster County Election Office  
Dana Roper, City Attorney

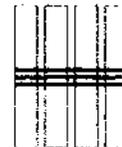
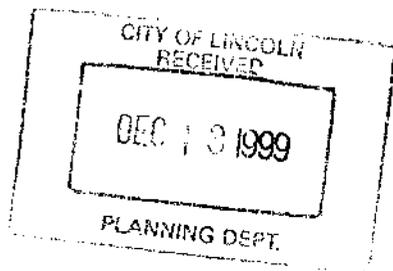
Attached is a copy of an annexation proposed by the property owner, the Fleming Trust (see attached letter), for 1.4 acres slightly north of Yankee Hill Road on the west side of S. 14<sup>th</sup> Street (see map)

**PLANNING DEPARTMENT REQUEST**

Please address the implications, if any, this annexation may have on the provision of services such as water, sewer, roads, fire protection, etc. Please identify for our department any questions or concerns your agency may have about this annexation. Also, identify how this area would be served if it is annexed into the city limits. Even if this annexations will have not have a significant impact, please respond back in writing by Wednesday, December 29<sup>th</sup>, 1999.

If you have any questions regarding this request, please contact me at 441-6374. Thank you for your assistance in this matter.

WARD F. HOPPE  
SHANNON R. HARNER



HOPPE & HARNER

December 10, 1999

Mr. Steve Henrichsen  
City Planning Department  
City/County Building  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

ATTORNEYS AT LAW  
SUITE 303 CORNHUSKER BANK BUILDING  
1101 CORNHUSKER HIGHWAY  
LINCOLN, NEBRASKA 68521  
402. 476. 7888  
FAX 402. 476. 9039

RE: **Request for annexation of 8101 S 14<sup>th</sup> Street, Lincoln, Nebraska**

Dear Mr. Henrichsen:

I am the Trustee for the David W. Fleming Revocable Trust and James R. Fleming Revocable Trust, and as Trustee I formally request annexation of the above referenced property by the City of Lincoln. The Fleming Trust desire to be annexed by the City of Lincoln so that they may eventually be hooked up to the city water and sewer systems. The trust land is used for horticulture and is also the primary residence of Dave Fleming. The property is legally described as:

N150' LOT 37 SE EX W25' PARALLEL TO RR ROW 23-9-6

If you have any questions, please do not hesitate to call me.

Cordially,

A handwritten signature in cursive script, appearing to read "Shannon R. Harner".

Shannon R. Harner

SRH:lab

Enclosure

MAILING ADDRESS  
P.O. BOX 6036  
LINCOLN, NEBRASKA 68506-6036