

City Council Introduction: **Monday**, October 2, 2000  
Public Hearing: **Monday**, October 9, 2000, at **1:30 p.m.**

Bill No. 00-177

## **FACTSHEET**

**TITLE:** **STREET VACATION NO. 00016**, requested by Nebraskaland Moving, to vacate North 60<sup>th</sup> Street from Seward Avenue south 142 feet, generally located at Seward Avenue and North 60<sup>th</sup> Street.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan and conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 9/20/00  
Administrative Action: 9/20/00

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan and conditional approval (9-0: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer voting 'yes').

### **FINDINGS OF FACT:**

1. The Planning staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan with conditions of approval is based upon the "Analysis" as set forth on pp.2-3.
2. This application was placed on the Consent Agenda of the Planning Commission on September 20, 2000, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** September 26, 2000

**REVIEWED BY:** \_\_\_\_\_

**DATE:** September 26, 2000

**REFERENCE NUMBER:** FS\CC\FSV00016

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.: STREET AND ALLEY VACATION NO. 00016**

**DATE: AUGUST 31, 2000**

**PROPOSAL:** A petition has been received from the abutting property owner to vacate North 60<sup>th</sup> Street from Seward Street south 142 feet generally located at Seward and North 60<sup>th</sup> Streets.

### **GENERAL INFORMATION:**

**APPLICANTS:** Randy Hartshorn  
Larry Hartshorn  
Dan Hartshorn  
d/b/a/ Nebraskaland Moving  
3846 Touzalin Avenue  
Lincoln, NE 68507  
402-464-8169

**LOCATION:** South 60<sup>th</sup> Street running south from Seward Avenue a distance of 142 feet generally located at North 60<sup>th</sup> and Seward.

**LEGAL DESCRIPTION:** The North 60<sup>th</sup> Street right-of-way from the south right-of-way line of Seward Avenue, south 142 feet, adjacent to Lots 1, 2, and 3, Block 118, and Lot 6, Block 119, Havelock Addition, in the Northwest quarter of Section 9, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M. Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** I-1 Industrial

**PURPOSE:** To vacate the street and sell it to the abutting property owners.

**SIZE:** 11,360 square feet more or less.

### **ANALYSIS:**

1. This request to vacate an undeveloped portion of North 60<sup>th</sup> Street is to allow Nebraskaland Moving to continue to use the property for access to their parking and equipment storage lot.
2. Nebraskaland Moving owns all the abutting property to the east and west, and indicates that they wish to purchase the right-of-way if it is vacated.
3. The area is already fenced with two gates across the 60<sup>th</sup> Street right-of-way, one out letting to Seward Avenue, and the other out letting south across the Murdock Trail.

4. During the staff visit to the site, it was observed that the northern gate, in all likelihood, was not being closed due to vegetation growth at the bases of the hinge posts.
5. The Public Works Department recommends conditional approval of this application subject to retaining an easement for the Murdock trail which runs along the southern portion of the right-of-way and resolving the concerns of the Parks and Recreation Department.
6. The March 8, 2000 memo on this proposed vacation by Parks and Recreation indicates the following:
  - ! It appears that the applicant presently occupies the subject right-of-way area. In fact, a concrete slab and fence have been installed. The City holds a 30 foot wide easement for the Murdock Trail across the adjoining lots located to the east. It appears that the fence across the subject right-of-way and adjoining lots is located approximately three feet inside the northern boundary of the easement area. Placement of the fence in this location compromises the safety zone on the north side of the trail. The applicant, as part of this vacation, should provide funding to relocate the rock trail approximately three feet south of its present alignment to correct this condition.
  - ! The applicant recently installed a gate along the north side of the trail west of the subject right-of-way area. Trucks cross the trail through this gate causing a potential conflict between trucks and trail users. It is recommended that the applicant abandon the use of this gate.
  - ! Parks and Recreation Department staff support the proposed vacation of 60<sup>th</sup> Street south of Seward Avenue subject to the following conditions:
    - ! The area of public right-of-way located between the existing fence and north boundary of the public area be retained in public ownership for the Murdock Trail.
    - ! The applicant is to have surveyed the property and have permanent property pins placed at the southwest and southeast corners of the vacated right-of-way, and
    - ! The applicant agrees to resolve the concerns identified above.
7. Lynn Johnson, the Parks and Recreation Director, indicates that Parks has reached an agreement with Nebraskaland Moving regarding all of the Parks and Recreation Department's concerns. A memo should be following.
8. This street is not shown in the Comprehensive Plan's Functional Street and Road Classification Map for future use as a public street.
9. The Real Estate Division has not established a sales price for the right-of-way as of this date.

**STAFF RECOMMENDATION:**

1. The proposed vacation conforms with the 1994 Comprehensive Plan.
2. Conditional Approval of the Vacation.

**Conditions:**

1. Provide the required easement for the Murdock Trail.
2. Reach agreement with the Parks and Recreation Department relative to the issues stated regarding the Murdock Trail.

Prepared by:

Richard A. Houck, AICP  
Planner II  
Planning Department

# STREET VACATION NO. 00016

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3281; CHANGE OF ZONE NO. 3283; SPECIAL PERMIT NO. 1851A; COUNTY SPECIAL PERMIT NO. 184; SPECIAL PERMIT NO. 1826; SPECIAL PERMIT NO. 1872; SPECIAL PERMIT NO. 1874; FINAL PLAT NO. 99040, EAGLE CREST ADDITION; FINAL PLAT NO. 00010, VINTAGE HEIGHTS 8<sup>TH</sup> ADDITION; FINAL PLAT NO. 00021, RIDGE POINTE 1<sup>ST</sup> ADDITION; FINAL PLAT NO. 00025, PRAIRIE FALLS ESTATES ADDITION; STREET & ALLEY VACATION NO. 00015; **STREET & ALLEY VACATION NO. 00016**; AND MISCELLANEOUS NO. 00007, AMENDMENT TO THE NORTH 27<sup>TH</sup> STREET REDEVELOPMENT PLAN.**

Item No. 1.2a, Change of Zone No. 3283; Item No. 1.2b, Special Permit No. 1851A; Item No. 1.3, County Special Permit No. 184; Item No. 1.4, Special Permit No. 1826; Item No. 1.5, Special Permit No. 1872; Item No. 1.6, Special Permit No. 1874 and Item No. 1.13, Miscellaneous No. 00007, were removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Schwinn and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'.

Note: This is final action on Eagle Crest Addition Final Plat No. 99040, Vintage Heights 8<sup>th</sup> Addition Final Plat No. 00010, Ridge Pointe 1<sup>st</sup> Addition Final Plat No. 00021 and Prairie Falls Estates Addition Final Plat No. 00025, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.