

City Council Introduction: **Monday**, May 12, 2003  
Public Hearing: **Monday**, May 19, 2003, at **1:30 p.m.**

Bill No. 03-83

## **FACTSHEET**

**TITLE:** **STREET VACATION NO. 03007**, requested by Lincoln North Creek, L.L.C., to vacate S.W. 13<sup>th</sup> Street from the south line of West "O" Street to the north line of Lot 41, I.T., in the NE 1/4 of Section 28-10-6, Lancaster County, Nebraska.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 05/14/03  
Administrative Action: Anticipated 5/14/03

**RECOMMENDATION:** The Planning Commission is scheduled to hold public hearing and take action on May 14, 2003.

### **FINDINGS OF FACT:**

1. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3, concluding that the property adjacent to S.W. 13<sup>th</sup> Street is included in the administrative final plat of West Hobelman Addition. There are no plans to extend S.W. 13<sup>th</sup> Street. This street functions more as a drive to the existing car lot than a street. This vacation will not diminish access in the area.
2. This application is scheduled for public hearing and action by the Planning Commission on May 14, 2003. The recommendation of the Planning Commission will be forwarded to the Council prior to the scheduled Council hearing on May 19, 2003.

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

**DATE:** May 5, 2003

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

**DATE:** May 5, 2003

**REFERENCE NUMBER:** FS\CC\2003\SAV.03007

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 14, 2003 PLANNING COMMISSION MEETING

- P.A.S.:** Street Vacation No.03007
- PROPOSAL:** Vacate S.W. 13<sup>th</sup> St. from the south line of West "O" St. to the north line of Lot 41 I.T.
- LOCATION:** S.W. 13<sup>th</sup> St. and West "O" St.
- LAND AREA:** 5,080 square feet, more or less.
- CONCLUSION:** The property adjacent to S.W. 13<sup>th</sup> St. is included in the administrative final plat of West Hobelman Addition. There are no plans to extend S.W. 13<sup>th</sup> St. This street functions more as a drive to the existing car lot, than a street. This vacation will not diminish access in the area.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** S.W. 13<sup>th</sup> St. from the south line of West "O" St. to the north line of Lot 41 I.T. in the northeast quarter of Section 28, Township 10 North, Range 6 East, Lincoln, Lancaster County.

### **SURROUNDING LAND USE AND ZONING:**

North: H-3, Highway Commercial  
South: H-3, Highway Commercial  
East: H-3, Highway Commercial  
West: H-3, Highway Commercial

**ASSOCIATED APPLICATIONS:** Administrative Final Plat No.03006

### **HISTORY:**

**October 20, 1997** The City Council approved Special Permit No.1705.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Comprehensive Plan shows this area as commercial.

**UTILITIES:** Aquila has an existing 2-inch gas main within this street.

**TRAFFIC ANALYSIS:** West "O" St. is a principal arterial.

**ANALYSIS:**

1. This is an application to vacate S.W. 13<sup>th</sup> St. from the south line of West "O" St. the north line of Lot 41 I.T.
2. The applicant has submitted Administrative Final Plat No.03006 to plat property abutting S.W. 13<sup>th</sup> St. Currently S.W. 13<sup>th</sup> St. does not meet design standards for public streets. Applicant desires to vacate S.W. 13<sup>th</sup> St. and acquire the right-of-way so they may use it as a driveway.
3. The approved site plan for Special Permit No.1705 notes that S.W. 13<sup>th</sup> St. would be vacated.
4. S.W. 13<sup>th</sup> Street is not platted past the north line of Lot 41 I.T., approximately 127' south of west "O" St.
5. Although S.W. 13<sup>th</sup> St. is a platted street, it is utilized as a driveway entrance to the car lot.
6. The Department of Public Works and Utilities supports the vacation.

**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 A permanent utility easement should be established for the entire vacated corridor.

Prepared by:

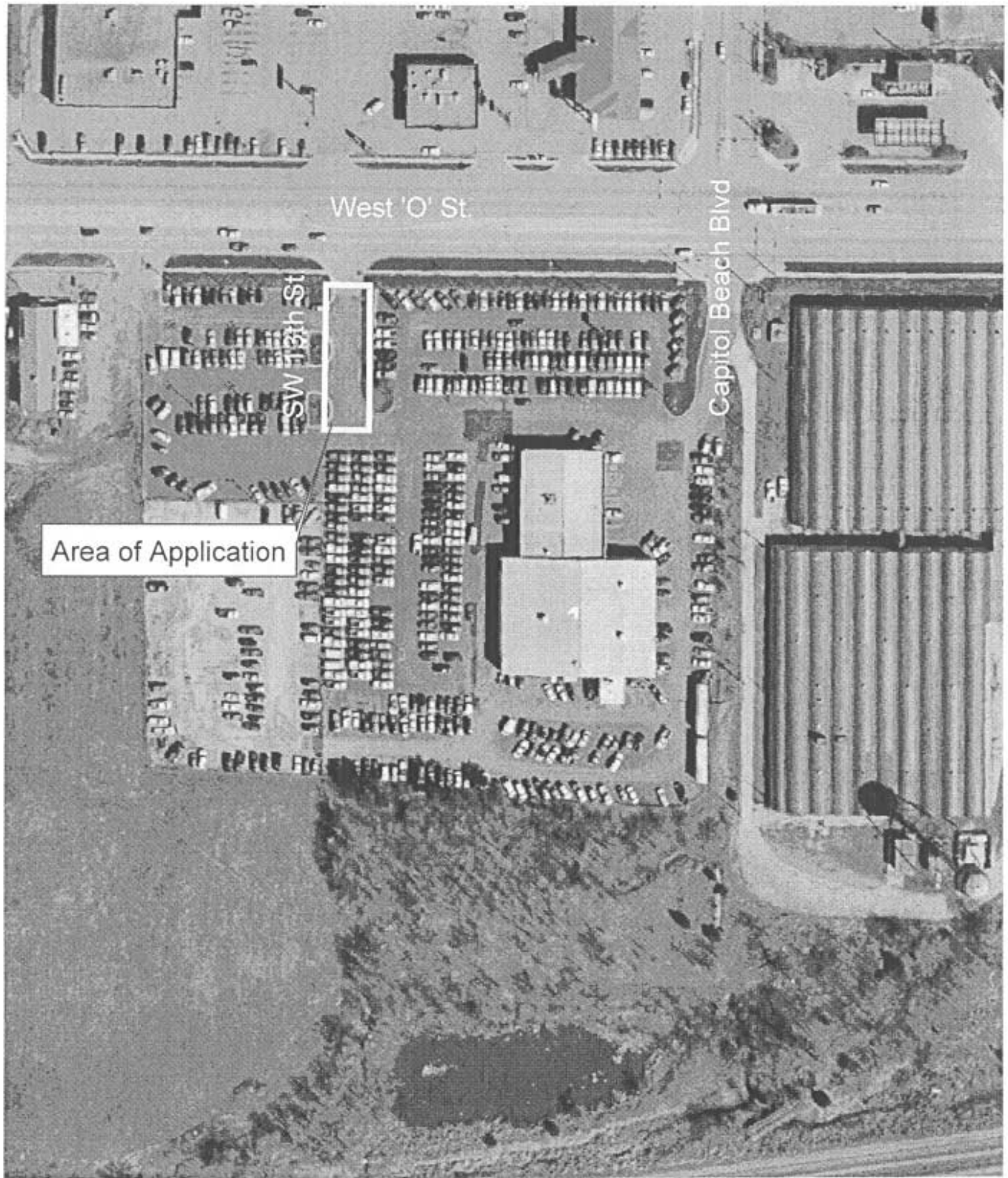
Tom Cajka  
Planner

**DATE:** April 29, 2003

**APPLICANT:** Robert D. Hampton  
Lincoln Northcreek, L.L.C.  
3600 Village Dr. Suite 140  
Lincoln, NE 68516  
(402) 434-5650

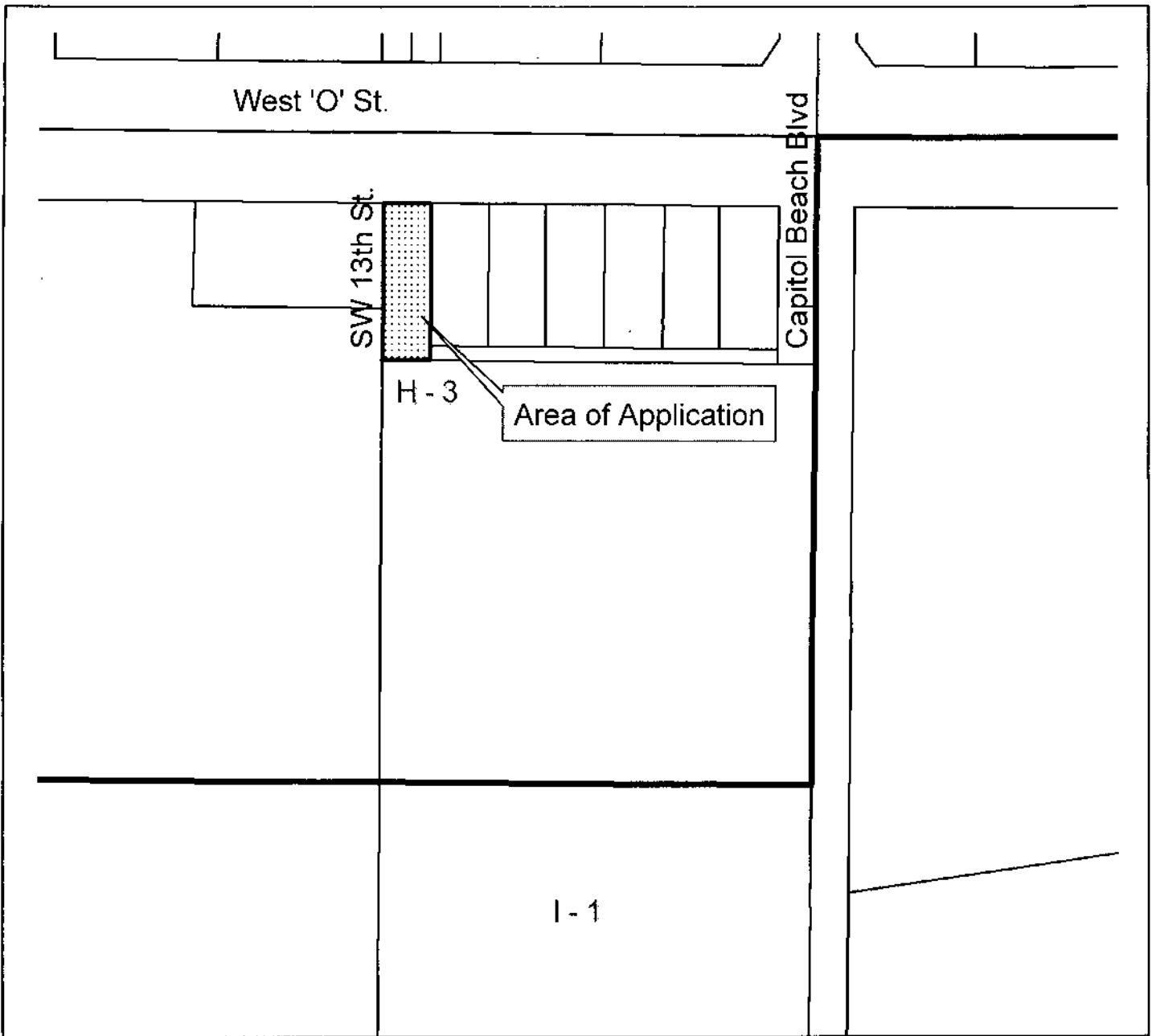
**OWNER:** same as applicant

**CONTACT:** same as applicant



**Street & Alley Vacation #03007**  
**SW 13th St & West 'O' St.**



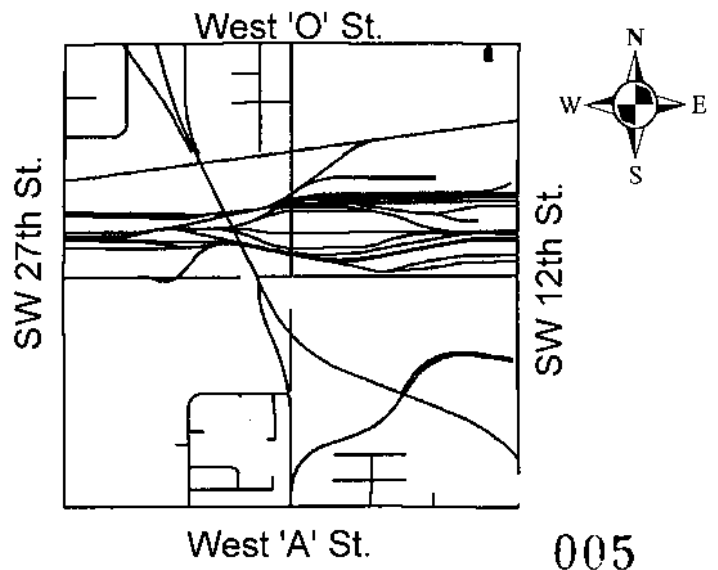
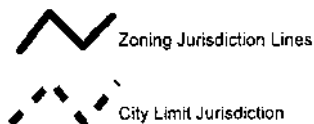


**Street & Alley Vacation #03007  
SW 13th St & West 'O' St.**

**Zoning:**

One Square Mile  
Sec. 28 T10N R6E

- 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



Lincoln



Nebraska's Capital City

April 22, 2003

Lincoln City/Lancaster County  
Planning Commission  
Lincoln, NE 68508

RE: Vacating Southwest 13<sup>th</sup> Street from the south line of West "O" Street to the north line of Lot 41 I. T. in the northeast quarter of Section 28, Township 10 North, Range 6 East, Lincoln, Lancaster County

Dear Ladies and Gentlemen:


The Department of Public Works and Utilities has received a proper petition from Robert Hampton, President of Lincoln North Creek, L.L.C., owners of Lots 41, 94 and 95 I.T.s and Lot 6 Block 1 Hobelman's Subdivision and the vacated alley adjacent to, located in the NE 1/4 of Section 28, T10N, R6E Lincoln, Lancaster County, Nebraska to vacate the above described public right-of-way. Petitioner requests this vacation in order to provide a driveway to the surrounding lots.

Aquila has an existing 2-inch gas main 9 feet east of the west line of Southwest 13<sup>th</sup> Street. They have requested that a permanent easement be established for the entire vacated corridor. The Lincoln Electric System has also requested a permanent easement for the north 15 feet of the vacated corridor for future electric facilities.

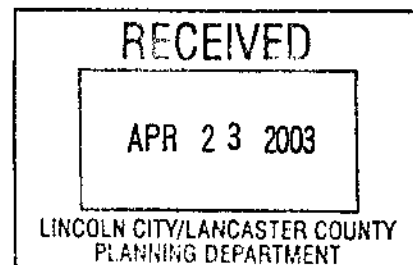
Southwest 13<sup>th</sup> Street is a paved street. As a condition of this vacation approval, the petitioner will be required to remove the existing street return to West "O" Street. The estimated cost for removal of this return is \$3,500. Petitioner states that the vacated right-of-way will be used as a driveway. The petitioner will need to apply for a curb cut upon approval of the vacation.

The Department of Public Works and Utilities recommends approval of this proposed vacation with the above described conditions. This vacation contains an area of 5,080 square feet, more or less.

Sincerely,

  
Byron Blum  
Engineering Services

cc: Mayor Wesely  
Allan Abbott  
Marvin Krout  
Marc Wullschlegler  
Roger Figard  
Nicole Fleck-Tooze  
Joan Ross  
Clint Thomas  
Dana Roper



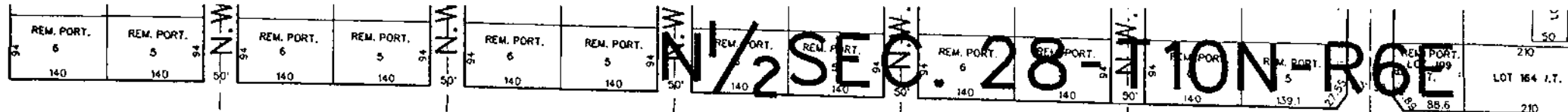
SW13th Vac 131rdm.wpd

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

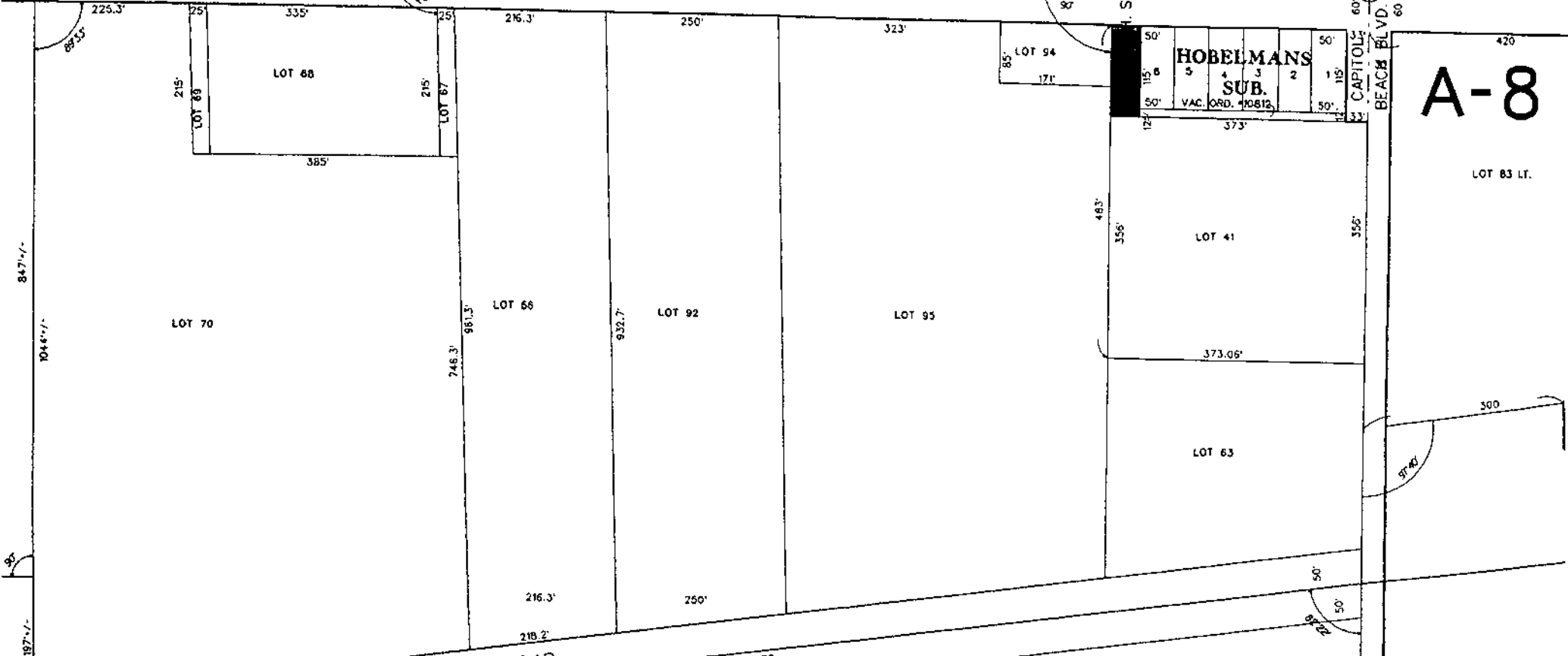
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531 Westgate Blvd. / Suite 100 / Lincoln, Nebraska 68528 / Phone: 402-441-7711 / Fax: 402-441-6576 / Web: www.ci.lincoln.ne.us

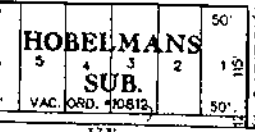
**N 1/2 SE 0.28 - 11N-R6E**



1333.3' ST. 110 2670.6 1333.3' ST. 80 PIN 80 PIN



**BURLINGTON NORTHERN RAILROAD**



**A-8**

LOT 83 LT.

847'-1-  
1044'-1-  
187'-1-  
89.55°  
89°

2007

10.8 PLAT

LOT 18 LT.