

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Section 14.20.020 of the Lincoln Municipal Code  
2 relating to the vacation of public ways to increase the application fee for such a vacation request  
3 from \$125.00 to \$250.00; and repealing Section 14.20.020 of the Lincoln Municipal Code as  
4 hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 14.20.020 of the Lincoln Municipal Code be amended to  
7 read as follows:

8 **14.20.020 Procedure for Vacation of Public Ways; Filing Vacation Ordinance.**

9 For the vacation of any street, alley, or public way, the owners of 100% of the property  
10 abutting upon such street, alley, or public way proposed to be vacated shall file with the Planning  
11 Director a petition for such proposed vacation upon forms approved by the City Attorney, along with  
12 an application fee in the amount of ~~\$125.00~~ \$250.00. Upon receipt of said petition and the  
13 application fee, the Planning Director shall refer the proposed vacation to the Planning Commission.  
14 The Planning Commission shall hold a public hearing upon the proposed vacation and make a report  
15 regarding its conformity to the Comprehensive Plan. The report of the Planning Commission, along  
16 with a report from the Planning Director as to how such proposed vacation would affect the City's  
17 planning, street system, traffic requirements, public utilities, and public improvements, shall be filed  
18 with the City Council. The Planning Director's report shall include information as to whether any  
19 sidewalk bonds are still outstanding and shall include the estimated cost of any required  
20 reconstruction of street and alley returns and/or sidewalks, and the cost of relocating any existing

1 utilities, such as telephone facilities, electrical facilities, water mains, sanitary sewers, etc. The  
2 report shall also include the amount determined by the city to be the proper price to be paid by a  
3 purchaser for such street, alley, or public way sought to be vacated, or in the alternative, a  
4 recommended exchange of property with the city. After the reports of the Planning Commission and  
5 Planning Director have been filed, the City Council shall, before enacting any ordinance vacating  
6 the street, alley or public way, hold a public hearing in relation thereto.

7 The petitioners shall be required to deposit the money necessary to accomplish the required  
8 reconstruction and the amount determined to be the proper purchase price prior to the introduction  
9 of an ordinance to accomplish the requested vacation. Such funds deposited with the City Clerk will  
10 be held until the vacation has become effective, at which time the amount deposited for the  
11 necessary reconstruction shall be deposited by the City Clerk in the street construction fund to  
12 accomplish the required reconstruction. Net proceeds paid to the city for the purchase of a vacated  
13 street, alley, or public way shall be placed in the advance acquisition fund.

14 Upon the passage of any ordinance vacating a street, alley, or public way in the City of  
15 Lincoln, it shall be the duty of the City Clerk to immediately file a certified copy of said ordinance  
16 in the office of the Register of Deeds for Lancaster County, Nebraska.

17 This section shall not be interpreted so as to interfere with the city's request for vacation of  
18 a street, alley, or public way when the City Council has deemed such vacation to be in the best  
19 interest of the city.

20 Section 2. That Section 14.20.020 of the Lincoln Municipal Code as hitherto existing  
21 be and the same is hereby repealed.

1                   Section 3. That this ordinance shall take effect and be in force from and after its  
2 passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_

Mayor