

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 14.20.020 of the Lincoln Municipal Code relating
 2 to the for procedure for vacation of public ways to clarify responsibilities and to provide for the
 3 expiration of applications for the vacation of a public way; and repealing Section 14.20.020 of the
 4 Lincoln Municipal Code as 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 read
 7 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 abutting
 10 upon such street, alley, or public way proposed to be vacated shall file with the Planning Director a
 11 petition for such proposed vacation upon forms approved by the City Attorney, along with an
 12 application fee in the amount of \$125.00. Upon receipt of said petition and the application fee, the
 13 Planning Director shall refer the proposed vacation to the Planning Commission. The Planning
 14 Commission shall hold a public hearing upon the proposed vacation and make a report regarding its
 15 conformity to the Comprehensive Plan. The report of the Planning Commission, along with a report
 16 from the Planning Director as to how such proposed vacation would affect the City’s planning, street
 17 system, traffic requirements, public utilities, and public improvements, shall be filed with the City
 18 Council. The Planning Director’s report shall include information as to whether any sidewalk bonds
 19 are still outstanding and shall include the estimated cost of any required reconstruction of street and
 20 alley returns and/or sidewalks, and the cost of relocating any existing utilities, such as telephone facili-
 21 ties, electrical facilities, water mains, sanitary sewers, etc. The report shall also include the amount
 22 determined by the city to be the proper price to be paid by a purchaser for such street, alley, or public

1 way sought to be vacated, or in the alternative, a recommended exchange of property with the city. After
2 the reports of the Planning Commission and Planning Director have been filed, the City Council shall,
3 before enacting any ordinance vacating the street, alley or public way, hold a public hearing in relation
4 thereto.

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

12 All existing applications for a vacation of any street, alley, or public way which have been placed
13 on pending by an applicant shall automatically expire and become null and void one year after the date
14 of this ordinance (Bill No. 08-4). All applications for a vacation of any street, alley, or public way
15 which are placed on pending by an applicant after the date of this ordinance (Bill No. 08-4), shall
16 automatically expire and become null and void one year thereafter. At least thirty days before the date
17 of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular
18 United States mail, postage prepaid. Said notice shall advise the applicant that the application shall
19 automatically expire unless prior to the expiration date, the Planning Director receives a request from
20 the applicant to remove the vacation of any street, alley, or public way from pending and reschedule the
21 matter on the Planning Commission or City Council agenda as appropriate.

22 All petitions to vacate a street, alley, or public way shall automatically expire and become null
23 and void if the petitioner fails to deposit the money necessary to accomplish any required reconstruction
24 and/or to pay the amount determined to be the proper purchase price for the vacated street, alley, or
25 public way within one year following the date of the report of the Planning Commission regarding the

1 requested vacation's conformity to the comprehensive plan. At least thirty days before the date of
2 expiration, the City Clerk shall cause notice of expiration to be sent to the petitioners by regular United
3 States mail, postage prepaid. Said notice shall advise the petitioners that the request shall automatically
4 expire unless prior to the expiration date, the City Clerk receives the money necessary to accomplish
5 the required reconstruction and the amount determined to be the proper purchase price.

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

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007: _____ Mayor
