

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 11012**, requested by Lincoln Trap & Skeet Club, to vacate North 44th Street from the south lot line of Lot 68, I.T., to the north line of Morton Street, generally located at North 44th Street and Superior Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 01/11/12
Administrative Action: 01/11/12

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

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Cornelius, Weber and Hove voting 'yes'; Francis absent).

FINDINGS OF FACT:

1. This is a request from the Lincoln Trap & Skeet Club to vacate a portion of North 44th Street approximately 1,227 feet north of Superior Street, ending at vacated Morton Street. This portion of North 44th Street is not constructed. Boosalis Park is on the west; Lincoln Trap & Skeet Club is on the east; and the city landfill is to the north.
2. The staff recommendation to find the proposed street vacation to be in conformance with the 2040 Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that with the City landfill and property owned by the Lower Platte South NRD to the north, the likelihood of North 44th Street extending to the north is minimal. Without development to the north, this right-of-way is not needed.
3. On January 11, 2012, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On January 11, 2012, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed vacation to be in conformance with the 2040 Comprehensive Plan.
5. The initial appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.7, recommending that the easterly half of the vacated area be sold to the abutting property owner for \$4,000.00, with the westerly half of the vacated right-of-way to be retained in the name of the City to become part of the abutting park.
6. Based upon the letter received from the petitioner dated February 1, 2012 (p.8), the value of the vacated right-of-way was further negotiated, resulting in a revised appraisal and recommendation from Housing Rehab & Real Estate as set forth on p.9. The revised recommendation calls for \$600.00 to be paid by the petitioner for the easterly half of the vacated right-of-way, with the westerly half retained in the name of the City to become part of the abutting park.
7. The revised amount of \$600.00 has been paid by the petitioner. Therefore, the provisions of Chapter 14.20 of the Lincoln Municipal Code have now been satisfied.
8. The retention of utility easements and a conservation easement are to be provided for in the deed transfer.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: October 1, 2012

REVIEWED BY: Marvin Krout, Director of Planning

DATE: October 1, 2012

REFERENCE NUMBER: FS\CC\2012\SAV11012

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 11, 2012 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.11012

PROPOSAL: Vacate N. 44th Street from the south lot line of Lot 68 I.T. to the north line of Morton Street.

LOCATION: N. 44th St. and Superior St.

LAND AREA: 1.84 acres, more or less

CONCLUSION: With the City landfill and property owned by Lower Platte South Natural Resource District to the north, the likelihood of N. 44th St extending to the north is minimal.

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

LEGAL DESCRIPTION: N. 44th Street from the south lot line of Lot 68 I.T. to the north line of Morton Street.

SURROUNDING LAND USE AND ZONING:

North:	P, Public	City landfill
South:	R-3, Residential	Undeveloped
East:	R-3, Residential and I-1, Industrial	Lincoln Trap & Skeet Club
West:	R-3, Residential	Boosalis Park

COMPREHENSIVE PLAN SPECIFICATIONS:

N. 44th St. is not shown on the 2040 Existing Functional Classification map. (p.10.15)

UTILITIES:

There is an existing 48" Sanitary Sewer line in N. 44th St. A utility easement will be required over the vacated right-of-way.

ANALYSIS:

1. This request is to vacate a portion of N. 44th St. north of Superior St. The portion to be vacated starts approximately 1,227 feet north of Superior and ends at vacated Morton St.
2. This portion of N. 44th St. is not constructed. Boosalis Park is on the west side and Lincoln Trap & Skeet Club is on the east side. To the north is the City landfill.

3. Considering the City landfill is to the north, there is little likelihood that this area will be developed in the future. Without development to the north, this right-of-way is not needed.
4. A utility easement will be required due to an existing sanitary sewer line in the right-of-way.
5. The area to be vacated is within the 100 year floodplain and floodway. A conservation easement is required whenever right-of-way is vacated within a floodplain or floodway.
6. Lincoln Trap & Skeet proposes to use the east half of the vacated ROW as part of their shooting range operation. The west half will become part of Boosalis Park.
7. Lincoln Trap & Skeet is in negotiations with the City Parks Department to lease part of Boosalis Park. The vacation of N. 44th St. will enable the shooting range to better utilize the site. The lease agreement between the City and Lincoln Trap & Skeet Club was approved at City Council on December 19, 2011.
8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

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 Include retention of utility easements by City with deed transfer.
- 1.3 Include retention of conservation easement by City with deed transfer.

Prepared by:

Tom Cajka
Planner

DATE:

APPLICANT: Lincoln Trap & Skeet Club
4805 N. 48th St.
Lincoln, NE 68504

OWNER: Same as applicant

CONTACT: Same as applicant

STREET & ALLEY VACATION NO. 11012

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 11, 2012

Members present: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust, Sunderman and Weber; Francis absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 11004, CHANGE OF ZONE NO. 11041, STREET AND ALLEY VACATION NO. 11012, CHANGE OF ZONE NO. 11043, SPECIAL PERMIT NO. 11032 and WAIVER NO. 11026.**

Ex Parte Communications: None

Item No. 1.2, Change of Zone No. 11043, was removed from the Consent Agenda and scheduled for separate public hearing.

Lust moved approval of the remaining Consent Agenda, seconded by Esseks and carried 8-0: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust, Sunderman and Weber voting 'yes'; Francis absent.

Note: This is final action on Special Permit No. 11032 and Waiver No. 11026, 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.



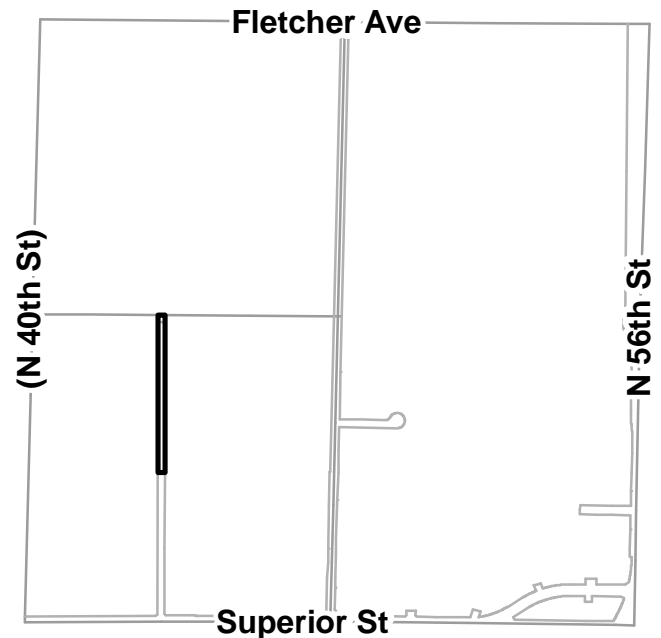
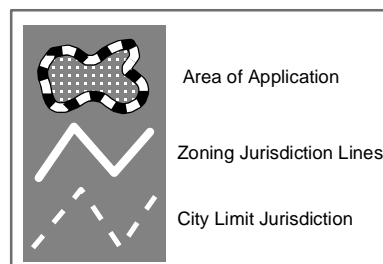
2010 aerial

Street & Alley Vacation #11012 N 48th & Superior St

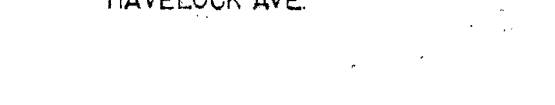
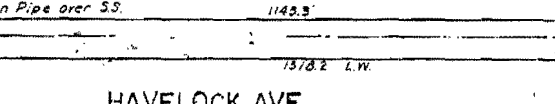
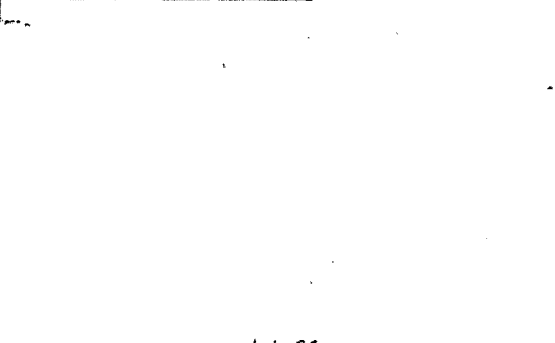
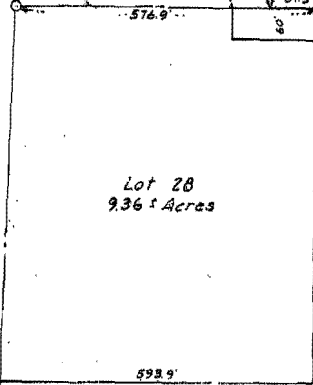
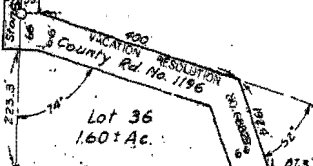
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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. 05 T10N R07E



GORY



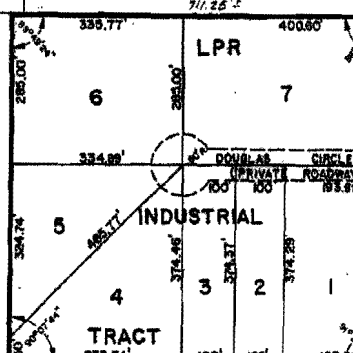
MORTON ST. (NEWTON ST.)

NORTH STREET (MALLALIEU) 44' (AVE.)

AREA TO BE VACATED

LOT 68
22.04± AC.

LOT 69
22.04± AC.



LOT 129
8.00± Ac.
Deed Book 725, page 1
80-8942
84-23041

LOT 128
4.00± Ac.
Deed Book 725, page 1
80-8942
80-8943
87-14807
84-23041

LOT 127
6.70± Ac.
Deed Book 725, page 1
80-8942
80-8943
87-14807
84-23041

N 40th

Iron Pipe over SS.

iron pipe

County Road No 1247

HAVELOCK AVE.

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: January 24, 2012

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning

SUBJECT: Street & Alley Vacation No. 11012
North 44th Street, north of Superior St.

A request has been made to vacate a portion of North 44th Street lying north of Superior Street and immediately south of Morton Street. The area was viewed and appears as unimproved right-of-way which has grown up in volunteer trees. No utilities were observed at the time of inspection, but Public Works has indicated the existence of a 48-inch sanitary sewer main and has requested a utility easement be retained over the entire area. A large portion of the area to be vacated is within the floodway of Salt Creek with the remainder being in the 100-year flood plain. Public Works Watershed Management has requested a Conservation Easement be retained over the entire area. Due to the imposition of utility and conservation easements as well as the existence of the flood plain, the area is considered to be unbuildable.

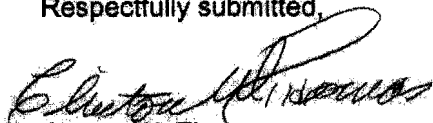
Long, narrow strips such as this generally have very little value in and of themselves, but when assembled into abutting properties they can take on, or enhance, the value of the abutting property. In this case because of the existence of the floodway which extends beyond the area to be vacated, the area has very little value as assemblage since no additional building area will be gained. As such the area is considered to have only a nominal value as open space and a value of \$0.10 per square foot is considered appropriate.

Calculations are as follows:

(0.92 acres) 40,075.2 sq. ft. X \$0.10/sq. ft. = \$4,007.52 Called \$4,000.00

It is therefore recommended if the area be vacated the easterly half be sold to the abutting property owner for \$4,000. The westerly half of the vacated right-of-way will be retained in the name of the City to become part of the abutting park.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023



LINCOLN TRAP & SKEET CLUB
P.O. Box 29292 • 4855 North 48th Street
Lincoln, Nebraska 68507

RECEIVED

FEB 2 - 2012

Lincoln/Lancaster Co.
Planning Department

2/1/2012
Planning Dept.
Tom Cajka

The offer to purchase the East ½ of 44th street is something LT&S wishes to do. With the expense of cleaning up Boosalis park, we as a not-for-profit did not anticipate the additional expense to purchase this land. However we were quite surprised at the price, for land which has little or no value except what we are proposing to use it for. I also believe the appraised value of this land was \$ 3400.00 per acre which is about .078 per sq ft, not .10 per sq ft. We do wish to purchase our ½ of 44 th street and would like to discuss the possibility of an extended purchase time frame and an adjustment to the asking price .

President of the Board of Directors Lincoln Trap & Skeet

Larry W Post

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: September 10, 2012

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning

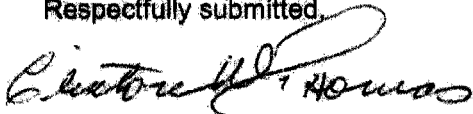
SUBJECT: Street & Alley Vacation No.11012
North 44th Street north of Superior Street

This memorandum is being written as an update to my memorandum of January 24, 2012 regarding the value of a street and alley vacation request on North 44th Street. In that memorandum, the value of the land was indicated to be \$0.10 per square foot. It has subsequently come to this writer's attention that an appraisal was made of the abutting property indicating a value of \$0.07 per square foot. It would seem unreasonable that a long, narrow strip of street right-of-way should be valued more than the land into which it would be assembled especially given the extent of the amount and size of utilities located within the area and the easements being retained for their future maintenance and replacement. As such, the land, if assembled into the abutting property, is estimated to have approximately 20% of the value of the land to which it is assembled into. As such, it is considered to be worth \$0.015 per square foot. The calculations are as follows:

(0.92 acres) 40,075.2 sq. ft. X \$0.015/sq. ft. = \$601.13 Called \$600.00

Therefore, it is recommended if the area be vacated the easterly half be sold to the abutting property owner for \$600. The westerly half of the vacated right-of-way will be retained in the name of the City and become part of the abutting park.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023