

## **FACTSHEET**

**TITLE: STREET & ALLEY VACATION NO. 12010**, requested by Union College, to vacate the north 12 feet of the Prescott Avenue right-of-way between South 48<sup>th</sup> Street and South 52<sup>nd</sup> Street.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 01/09/13  
Administrative Action: 01/09/13

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan, subject to the provisions of Chapter 14.20 of the Lincoln Municipal Code.

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan, subject to the provisions of Chapter 14.20 of the Lincoln Municipal Code (8-0: Gaylor Baird, Corr, Francis, Hove, Lust, Scheer, Sunderman and Weber 'yes'; Cornelius absent).

### **FINDINGS OF FACT:**

1. This is a request from Union College to vacate a 12'-wide strip of right-of-way along the north edge of Prescott Avenue from South 48<sup>th</sup> Street to South 52<sup>nd</sup> Street, to assist with construction and upgrade of facilities on campus, including a sidewalk that is missing on the north side of the street.
2. The staff recommendation to find the right-of-way vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2, concluding that the extra right-of-way width is not needed and not necessary.
3. On January 9, 2013, 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 9, 2013, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed right-of-way vacation to be in conformance with the Comprehensive Plan, subject to the provisions of Chapter 14.20 of the Lincoln Municipal Code.
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.8, recommending that the vacated area be sold to the abutting property owner for \$17,700.00.
6. The funds for the vacated right-of-way have been paid. Therefore, the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

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

**DATE:** February 25, 2013

**REVIEWED BY:** Marvin Krout, Director of Planning

**DATE:** February 25, 2013

**REFERENCE NUMBER:** FS\CC\2013\SAV12010

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for January 9, 2013 PLANNING COMMISSION MEETING**

**PROJECT #:** Street and Alley Vacation No. 12010

**PROPOSAL:** Vacate the north 12' of the Prescott Avenue right-of-way between South 48<sup>th</sup> and South 52<sup>nd</sup> Streets.

**LOCATION:** South 48<sup>th</sup> Street and Prescott Avenue

**CONCLUSION:** The extra right-of-way width is unneeded and unnecessary, and it is appropriate that it be vacated.

**RECOMMENDATION:** Conforms to the Comprehensive Plan

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The north 12' of Prescott Avenue lying between the east right-of-way line of South 48<sup>th</sup> Street and the west right-of-way line of South 52<sup>nd</sup> Street, located in the SE 1/4 of Section 5, T9N, R7E, Lancaster County, Nebraska.

**SURROUNDING LAND USE AND ZONING:**

North:	Private College, Residential	R-4, R-6
South:	Church, Residential	R-4, R-6, B-3
East:	Residential	R-4
West:	Commercial	B-3

**UTILITIES:**

Public Works and Utilities notes there are water and sewer lines in portions of the right-of-way to be vacated. Easements will retained to guarantee continued accessibility for maintenance and repair by the appropriate utility.

**ANALYSIS:**

1. This is a request from Union College to vacate a 12'-wide strip of right-of-way along the north edge of Prescott Avenue from South 48<sup>th</sup> Street to South 52<sup>nd</sup> Street. Union College owns all the adjoining property except the lot at the intersection of South 48<sup>th</sup> Street and Prescott. That lot is owned by the City of Lincoln, and is the site of a Carnegie library now used for Union College offices
2. The original plat of College View recorded in 1890 dedicated 100' of right-of-way for the street that is now Prescott Avenue. Based upon how the area has developed over time, Prescott Avenue is designated as local street according to the Access Management Categories of the City's Access Management Policy.

3. The Land Subdivision Ordinance (Title 26) requires the dedication of either 66' of right-of-way for local streets serving commercial development, or 60' for streets serving residential areas. The character of the area bounding Prescott Avenue, found in both the existing zoning and development patterns, would be characterized as residential. Given that, 60' of right-of-way is all that is required.
4. The Future Land Use Map calls for urban density residential uses in this area, consistent with existing land uses. Given this is a stable neighborhood with permanent, anchor uses like Union College and the Seventh-day Adventist Church, the mix of land uses along Prescott Avenue east of South 48<sup>th</sup> Street is not expected to change significantly.
5. Vacating this strip of right-of-way will assist with construction and upgrade of facilities on campus, including a sidewalk that is missing on the north side of the street. The slope falls from the south edge of the campus to Prescott Avenue, where vacating a portion of the right-of-way would allow the sidewalk along the street to be moved further south, thereby allowing the slope to be moved further south.
6. In 2008, SAV#07002 was approved vacating a 230'-foot long, 20'-wide strip of right-of-way on the south side of Prescott Avenue adjacent to the church parking lot. The finding at that time was that Prescott Avenue contained excess right-of-way, and that it was appropriate to vacate a portion of it.
7. A maximum of a 20'-wide strip could potentially be vacated and still leave enough right-of-way for a local street. However, Public Works and Utilities could not rule out the possibility of future street improvements at the South 48<sup>th</sup> Street intersection, which could require more than 60' of right-of-way to accommodate a turn lane or signal. Instead of a varied right-of-width, Public Works and Utilities and the applicant agreed that a 12'-wide strip along the entire length was acceptable.
8. Provided access to the existing utilities is assured, the right-of-way requested to be vacated is otherwise excess and unneeded, and it is appropriate to vacate it.
9. There are both sewer and water lines crossing portions of the right-of-way to be vacated, and access will need to be retained for maintenance and repair. As part of the vacation process, utility easements will automatically be retained to allow continued maintenance, construction and operation of these facilities.
10. 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.

**CONDITIONS**

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

1. The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
December 18, 2013

**PETITIONER:** Union College  
c/o Gary Bollinger  
3800 South 48<sup>th</sup> Street  
Lincoln, NE 68506  
402-486-2502

**CONTACT:** Tim Gergen  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
402-474-6311

# STREET & ALLEY VACATION NO. 12010

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

January 9, 2013

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 10014A, CHANGE OF ZONE NO. 12033, MISCELLANEOUS NO. 12018, SPECIAL PERMIT NO. 12038, SPECIAL PERMIT NO. 12039, STREET AND ALLEY VACATION NO. 12009 and STREET AND ALLEY VACATION NO. 12010.**

There were no ex parte communications disclosed.

**Item No. 1.1, Change of Zone No. 10014A, and Item No. 1.3, Special Permit No. 12038,** were removed from the Consent Agenda and scheduled for separate public hearing.

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

Note: This is final action on Special Permit No. 12309, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



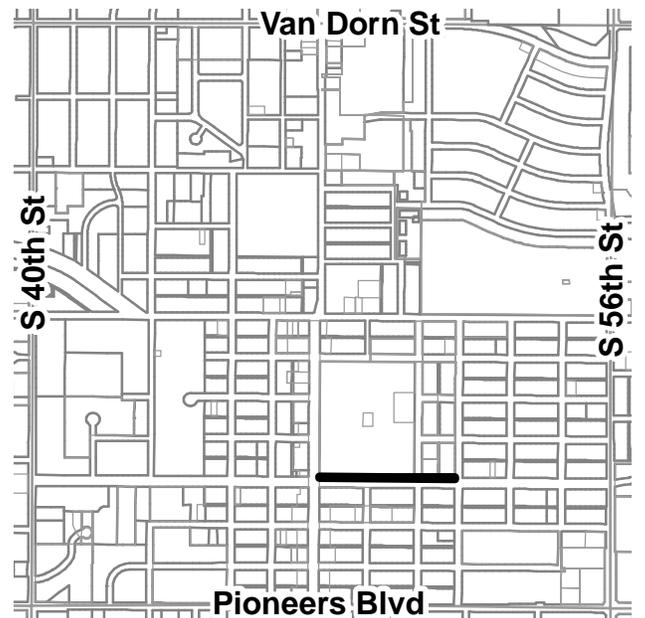
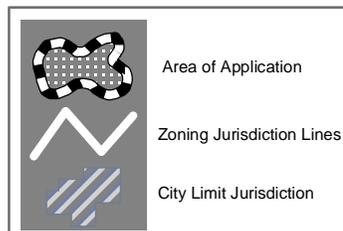
2010 aerial

**Street and Alley Vacation #: SAV12010**  
**S 48th St & Prescott Ave**

**Zoning:**

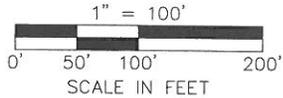
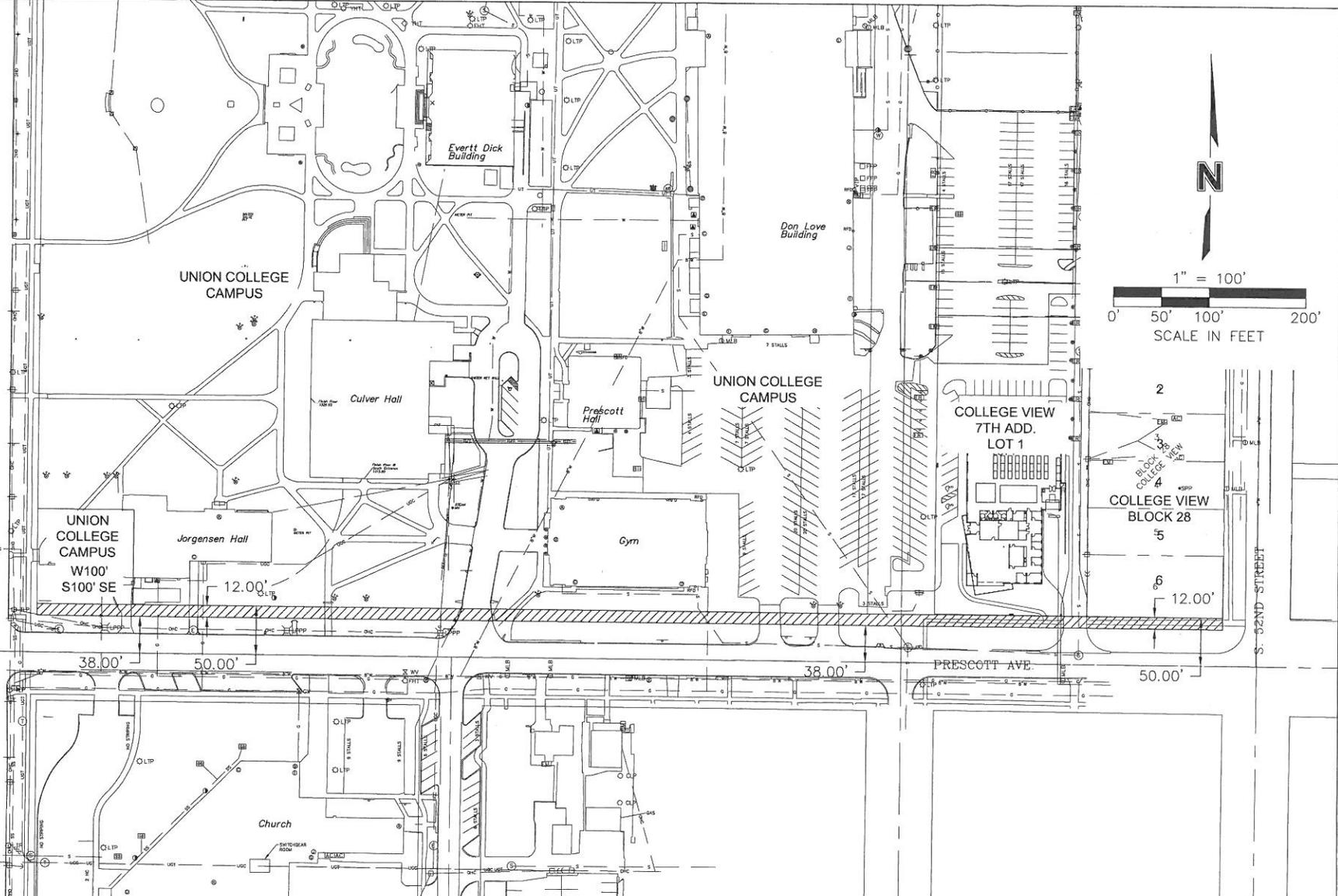
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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 T09N R07E



DWG: F:\Projects\012-0716\LDWP\Exhibits\vacation.dwg USER: jphillips  
DATE: Dec 03, 2012 7:53am XREFS: 020716\_PBASE D120716\_PBASE  
LDS-34-7 012-0716\_PDA7A  
Advent Issue 04-06-12

S. 48TH STREET



PROJECT NO: 012-0716  
DRAWN BY: SO  
DATE: 11-26-12

PRESCOTT AVENUE  
RIGHT-OF-WAY VACATION EXHIBIT

**MOLSSON**  
ASSOCIATES

1111 Lincoln Mall, Suite 111  
P.O. Box 84608  
Lincoln, NE 68501-4608  
TEL 402.474.6311  
FAX 402.474.5180

EXHIBIT

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## 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 23, 2013

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

SUBJECT: Street & Alley Vacation No.12010  
North 12 feet of Prescott Ave. from  
South 48<sup>th</sup> to South 52<sup>nd</sup> Streets

A request has been made to vacate the northerly 12 feet of Prescott Avenue between 48<sup>th</sup> and 52<sup>nd</sup> Streets. The area requested to be vacated lies within two residential zoning districts: R-4 and R-6 with all of the area except the easterly 142 feet lying within the R-6 zoning district. The area to be vacated calculates to an area of 13,617 square feet of which 1,700 square feet lies within the R-4 zoned area. Because of its density, the R-6 zoned area has a slightly higher underlying land value which is estimated at \$4.00 per square foot; while the R-4 zoning would indicate an land value closer to \$3.50 per square foot.

Small, narrow strips such as these are rarely purchased and are not buildable, in and of themselves; however, they do have assemblage value to the abutting property and will render a portion of that abutting property to be more readily usable. It is this writer's opinion an abutting property owner would be willing to pay in the neighborhood 30% to 35% of the land value of the property to which the vacated area is assembled in order to acquire it. On that basis, I would expect to see a value in the neighborhood of \$1.15 per square foot for the R-4 zoned parcel and \$1.35 per square foot for the R-6 zoned parcel.

Another factor to consider is any easement which might be retained upon the area. LES has asked that utility easements be retained over the entire area to be vacated. Public Works and Utilities has also noted there are water and sewer lines in portions of the right-of-way to be vacated. Easements will be retained to guarantee continued accessibility for maintenance and repair of the various utilities. Since these easements are all located within the zoning setback area, they are considered not to have any detrimental effect to the value of the area if assembled into the abutting property.

Because the area is primarily located within the R-6 zoning district, I am inclined to choose a value near the upper portion of the range at \$1.30 per square foot. The calculations are as follows:

$$13,617 \text{ sq. ft.} \times \$1.30/\text{sq. ft.} = \$17,702.00 \quad \text{Called } \$17,700$$

Therefore, it is recommended if the area be vacated it be sold to the abutting property owner for \$17,700.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023