

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Street and Alley Vacation #03018

PROPOSAL: Vacate 120' of South 22nd Street.

LOCATION: At the intersection of South 22nd Street and Wesley Drive

LAND AREA: 7,200 square feet

CONCLUSION: Provided a private roadway is created in place of the right-of-way to be vacated, this request conforms to the Zoning and Land Subdivision Ordinances, and is consistent with the Comprehensive Plan.

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

LEGAL DESCRIPTION: South 22nd Street in the Tamarin Ridge Addition subdivision from the north line of Wesley Drive to 120' north of the north line of Wesley Drive where it abuts the Woodbridge Addition.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-4
South:	Vacant (residential under development)	R-3
East:	Vacant (residential under development)	R-3
West:	Vacant (residential under development)	R-3

HISTORY: **December 9, 2003** - Administrative Amendment #03074 to Special Permit #1988 Tamarin Ridge was approved changing South 22nd Street to a private roadway provided South 22nd Street is vacated.

June 5, 2003 - The final plat of Tamarin Ridge Addition was approved.

March 12, 2003 - Change of Zone #3381, Special Permit #1988 for Tamarin Ridge Community Unit Plan (CUP), and Preliminary Plat #02019 were approved. The CUP authorized a residential development consisting of 78 lots for 70 single-family units and 321 multiple-family units.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map of the Comprehensive Plan designates this area as Urban Residential.

ANALYSIS:

1. That portion of 22nd Street to be vacated was created with the final plat of Tamarin Ridge Addition, and based upon the approved preliminary plat and CUP.
2. During the review of Tamarin Ridge, South 22nd Street was required to be shown on the plan in order to provide a connection between it and the Woodbridge housing complex adjacent to the north. It was noted in the review that such connections between adjacent developments were encouraged by the Comprehensive Plan to facilitate pedestrian and vehicular access.
3. The 22nd Street connection was opposed by the Lincoln Housing Authority, owner of the Woodbridge complex at the public hearings before the Planning Commission and City Council. The Housing Authority was concerned that the connection would result in increased traffic through the development and exposed residents to a greater risk of accidents. The street right-of-way was required by the boards to be dedicated, despite the objection.
4. The Lincoln Housing Authority approached the Planning Department with the intention of closing the connecting roadway on their property. As a compromise, the Planning Department agreed to the treatment of the road segments on both properties as private roadways with public access permitted.
5. Administrative Amendment #03074 to Special Permit #1988 amended the CUP to allow South 22nd Street to be shown as a private roadway. The amendment was approved as it continues to provide pedestrian and vehicular movement between the developments and is still consistent with the Comprehensive Plan.

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 5' wide utility easement is retained along the north line of the vacated right-of-way to the satisfaction of L.E.S.
- 1.2 The applicant submits a final plat showing a private roadway between Lot 1, Block 5 and Lot 1, Block 6, Tamarin Ridge Addition and granting a public access easement over the roadway.

Prepared by:

Brian Will
Planner
December 19, 2003

APPLICANT: Housing Authority of Lincoln
5700 R Street
Lincoln, NE 68502

OWNER: R.C. Krueger Development Co., Inc.
2929 Pine Lake Road
Lincoln, NE 68516
423-7377

CONTACT: Thomas Huston
1900 U.S. Bank Building
233 South 13th Street
Lincoln, NE 68508
474-6900



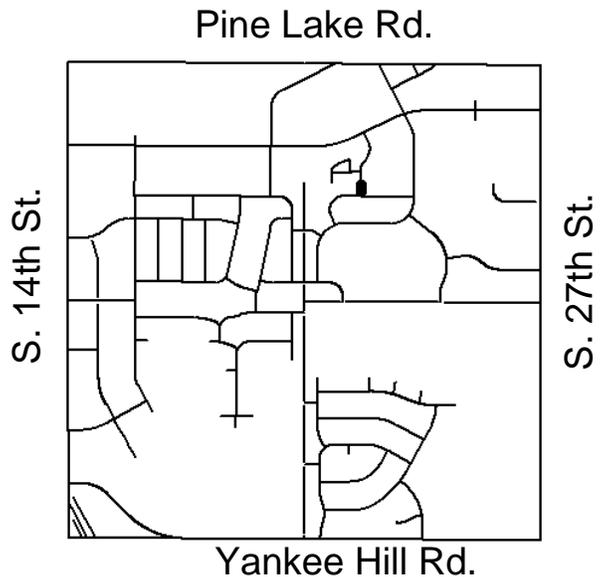
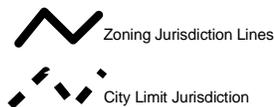
Street & Alley Vacation #03018
S. 22nd St. & Wesley Dr.

2002 aerial

Zoning:

- 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

One Square Mile
 Sec. 24 T9N R6E



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AURORA, NEBRASKA 68818
(402) 694-6314

September 2, 2003

Ms. Joan Ross
Lincoln City Clerk
555 South 10th Street
Lincoln NE 68508

Re: Street Vacation for South 22nd Street
Our File: HAL01-RE020

Dear Ms. Ross:

Consistent with our phone conversation last week, I have prepared and enclose revised Petitions to Vacation Public Way along with the accompanying Information Sheet.

I represent the Housing Authority of the City of Lincoln and Wood Bridge Limited Partnership which owns collectively the Wood Bridge Development located south of Pine Lake Road and north of the Tamarin Ridge Subdivision. As it traverses the Wood Bridge Development, South 22nd Street is a private road. My clients have worked with R.C. Krueger Development Co., Inc., which is developing the single-family portion of the Tamarin Ridge Subdivision. The parties collectively desire to vacate South 22nd Street as a public right-of-way and amend the special permit approving Tamarin Ridge to reflect that the street will be a private road consistent with South 22nd Street to the north.

This letter will also serve as an opinion from this firm that R.C. Krueger Development Co., Inc., a Nebraska corporation, is the record owner of Lot 1, Block 5 in Lot 1, Block 6, Tamarin Ridge Addition, Lincoln, Lancaster County, Nebraska. These two lots are directly adjacent to and abut the right-of-way of South 22nd Street. R.C. Krueger Development Co., Inc., is the record owner of such lots.

It is my understanding that the City of Lincoln has amended Chapter 14.20 as the only municipal code relating to the vacating of public ways. However, according to my count, that ordinance is not yet effective, thus, this street vacation request is

FILED
CITY CLERK'S OFFICE
03 SEP 3 PM 1 18
CITY OF LINCOLN
NEBRASKA

Ms. Joan Ross
September 2, 2003
Page 2

made under the existing procedure. If my assumption is not correct, please let me know. Should you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Huston". The signature is written in a cursive style with a large, sweeping initial "T" and a long horizontal stroke extending to the right.

Thomas C. Huston
For the Firm

cc: Rick Krueger
Beverly Fleming
Steve Henrichsen

Enc.

PETITION TO VACATE PUBLIC WAY
With
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersign property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: Elm Street from 1st to 2nd St. or East-west alley, from north line of 1st St. to the south line of 2nd St.)

South 22nd Street in the Tamarin Ridge Subdivision from the North line of Wesley Drive to 120.00 feet north of the North line of Wesley Drive where it abuts the Wood Bridge Addition.

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: *(Legal description from deed or abstract)*

Lot One (1), Block Five (5), and Lot One (1), Block Six (6), Tamarin Ridge Addition, Lincoln, Lancaster County, Nebraska

DATED this 25th day of August, 20 03.

R.C. KRUEGER DEVELOPMENT CO., INC.

By: Richard C. Krueger

Richard C. Krueger, President

(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC - NOTARIAL ACKNOWLEDGMENTS ON REVERSE)

(Individual(s) Acknowledgment):

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
20____, by _____
(Please indicate marital status)

(Seal)

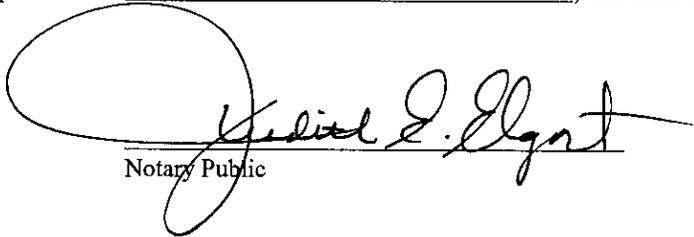
Notary Public

(Corporate Acknowledgment)

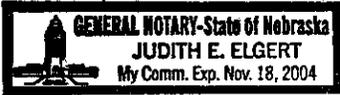
STATE OF NEBRASKA _____)
) ss.
LANCASTER _____ COUNTY)

The foregoing instrument was acknowledged before me on this 25th day of August,
2003 by Richard C. Krueger, President of R.C. Krueger Development Company, Inc., on behalf of the
corporation.

(Seal)



Notary Public



(Partnership Acknowledgment)

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
20____, by _____, general partner of
_____, on behalf of the partnership.

(Seal)

Notary Public

