

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 10, 2006 PLANNING COMMISSION MEETING

- PROJECT #:** Street/Alley Vacation #05008
- PROPOSAL:** Vacate Pine Lake Road between Westshore Drive and Eastshore Drive
- LOCATION:** Northeast of the intersection of Pine Lake Road and Highway 2.
- CONCLUSION:** This vacation accommodates the new street alignment approved as part of the Pine Lake Plaza office park. However, the application does not indicate that the petitioners intend to purchase the vacated right-of-way. The vacation of this right-of-way conforms to the Comprehensive Plan provided the petitioners agree to purchase the land per Lincoln Municipal Code Chapter 14.20.

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

LEGAL DESCRIPTION: Pine Lake Road from Eastshore Drive to Westshore Drive.

SURROUNDING LAND USE AND ZONING:

North:	Residential	AGR
South:	Office, Residential	O-3
East:	Office, Residential	AGR, R-3, O-3
West:	Office, Residential	AGR, O-3

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Land Use Plan designates low-density residential land uses north of Pine Lake Road, and office/commercial uses on the south.

ANALYSIS:

1. This is a request to vacate the portion of Pine Lake Road between Westshore Drive and Eastshore.
2. UP#145 for Pine Lake Plaza was approved showing this portion of Pine Lake Road vacated. The new street alignment was proposed by both the developer of the Pine Lake Plaza office and the property owners to the north in the Pine Lake residential development. The proposed vacation reflects the de-emphasis of Pine Lake Road resulting both from its realignment north of the Prairie Lakes shopping center and the realignment of South 84th Street.
3. The vacation of this right-of-way will not create lots without frontage and access to a public street.

4. Aquila, Lincoln Electric System, and Public Works and Utilities all note there are existing gas, electric, and water system utilities within the right-of-way to be vacated. Permanent easements for these utilities will be retained at the time the property is conveyed to allow them to remain in place and to allow the utility provider access to them.
5. Public Works notes there are a 42" corrugated metal pipe (CMP) and a 24" reinforced concrete pipe (RCP) in the right of way for stormwater drainage. Easements must also be retained for both facilities if they are to remain public.
6. The information sheet does not indicate that the petitioners intend to purchase the land if the vacation is approved. 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 must be met.
- 1.2 Easements retained for the 42" CMP and 24" RCP if they are to remain public facilities.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
April 26, 2006

Contact: Pine Lake Development, LLC
3801 Union Hill Road Ste 102
Lincoln, NE 68516

Petitioners: Pine Lake Development, LLC
3801 Union Hill Road Ste 102
Lincoln, NE 68516
402.434.5650

Pine Lake Association
PO Box 6563
Lincoln, NE 68506
402.489.0644



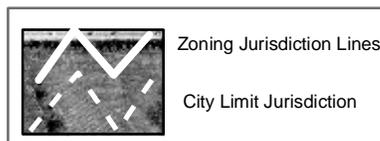
Street & Alley Vacation #05008
Pine Lake Rd from Eastshore Dr.
to Westshore Dr.

2005 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

Two Square Miles
 Sec. 15 T9N R7E
 Sec. 22 T9N R7E



INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached Petition to Vacate Public Way must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): Pine Lake Development LLC

If more than one individual, indicate if you are:

_____ joint tenants with right of survivorship, OR _____ tenants in common

2. Petitioner's Address: 3801 Union Dr. #102
Lincoln NE 68516

3. Petitioner's Telephone Number: (402) 434-5650

4. Name of street, alley, or other public way sought to be vacated: Pine Lake Road
from Westshore Drive to Eastshore Drive

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: _____
Pine Lake Plaza Addition Block 1 Lot 1

6. Why are you seeking to have this street, alley, or other public way vacated?

As required as part of Approved Use Permit.

7. What use or uses do you propose to make of the public way should it be vacated?

Out lot and Commons Area

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the Petition to Vacate Public Way and/or other portions of the vacated public way?

___ YES NO

9. Name and address of person to whom tax statement should be sent:

Pine Lake Association
P.O. Box 6563
Lincoln NE 68506

The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition to Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): Pine Lake Assn.

If more than one individual, indicate if you are:

_____ joint tenants with right of survivorship, OR _____ tenants in common

2. Petitioner's Address: P.O. Box 6563
Lincoln NE 68506

3. Petitioner's Telephone Number: () _____

4. Name of street, alley, or other public way sought to be vacated: Pine Lake Road
from Westshore Drive to Eastshore Drive

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: _____
Pine Lake Add Outlot C Ex S100' W100' E450'

6. Why are you seeking to have this street, alley, or other public way vacated?

As required as part of Approved Use Permit

7. What use or uses do you propose to make of the public way should it be vacated?

Outlot and Commons Area

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?

_____ YES NO

9. Name and address of person to whom tax statement should be sent:

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***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

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 undersigned 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 the north line of 1st St. to the south line of 2nd St.)*

Pine Lake Road from Westshore Drive to Eastshore Drive

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.

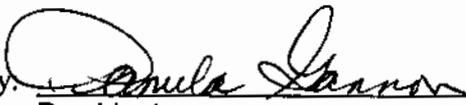
TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

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 NOT street address, i.e. Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.)*

Pine Lake Addition, Outlot C, except S100' W100' E450'

DATED this 14 day of February, 2006.

Pine Lake Association,
a Nebraska nonprofit corporation

By: 
President

(Corporate Acknowledgment):

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 14 day of February, 2006,
by Pamela Gannon president of Pine Lake Association, a Nebraska nonprofit corporation, on behalf of the corporation.

(Seal)



April Malcom
Notary Public

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

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Pine Lake Road from Westshore Drive to Eastshore Drive

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.

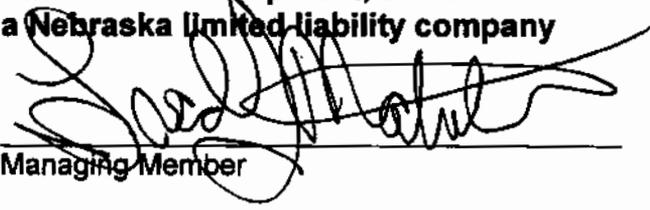
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Pine Lake Plaza Addition, Outlot A, and Block 1, Lot 1

DATED this 17th day of April, 2006.

Pine Lake Development, L.L.C.
a Nebraska limited liability company

By: 
Managing Member

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 17th day of April, 2006,
by Fred Matulka, managing member of Pine Lake Development, a Nebraska limited liability company on
behalf of said limited liability company.

(Seal)



[Signature]
Notary Public

M e m o r a n d u m

To: Brian Will - Planning
From: Dennis Bartels, Byron Blum - Engineering Services *DB*
Subject: Vacation of Pine Lake Road between Eastshore Drive and Westshore Drive
Date: August 10, 2005
cc: Dennis Bartels
Randy Hoskins

The Department of Public Works and Utilities have a 24" water main in the south half of Pine Lake Road right-of-way. A permanent easement would need to be established for its maintenance.

There is a 42" CMP running north-south in Pine Lake Road connecting Outlot A of Pine Lake Plaza to the existing lake. There is also a 24" RCP from a storm sewer inlet connecting to the roadside ditch along the south side of Pine Lake Road. If these are to remain public facilities, permanent easements will also be required.

Also as a condition of this proposed vacation, the existing pavement in Pine Lake Road should be removed so as to no longer connect to the remaining roadway.

None of the petitioners have agreed to purchase the right-of-way. We are not aware of any agreement to give the property to abutting owners. The standard procedure is to sell the vacated right-of-way prior to deeding to abutting owners.