

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.:** Street and Alley Vacation #01008

**DATE:** April 26, 2001

**PROPOSAL:** Donald Linscott has requested the vacation of a 75' x 80' portion of right-of-way stub adjacent to the south and west lines of Lot 3, 48<sup>th</sup> & Superior Addition, and the south and east line of Lot 2, H.J.B. Industrial Park 1<sup>st</sup> Addition.

**GENERAL INFORMATION:**

**APPLICANT:** Donald Linscott  
LPR Partnership  
5101 Central Park Drive, Suite 100  
Lincoln, NE 68504  
(402) 467-1234

**LEGAL DESCRIPTION:** A 75' x 80' portion of right-of-way stub adjacent to the south and west lines of Lot 3, 48<sup>th</sup> & Superior Addition, and to the south and east line of Lot 2, H.J.B. Industrial Park 1<sup>st</sup> Addition, located in the SE 1/4 of Section 5, T10N, R6E of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

**SIZE:** 6,000 square feet, more or less

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Entrance drive for industrial lots.

**SURROUNDING ZONING AND LAND USE:** Surrounded by I-1 Industrial zoning and uses.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Map shows this area as Industrial. The stub is not shown in the transportation plan, however Superior Street is designated as a principal arterial in the Existing Functional Street and Road Classification, and as a minor arterial in the Future Functional Street and Road Classification.

**ANALYSIS:**

1. The applicant states that this application is to gain additional buildable area for the existing and future lots.
2. The Department of Public Works and Utilities reports that there are no conflicts with utilities and no additional easements will be required.
3. Public Works recommends approval of this vacation request.
4. The Real Estate Department has yet to appraise the area of proposed vacation.

**STAFF RECOMMENDATION:** The proposed vacation conforms with the 1994 Comprehensive Plan.

Approval

Prepared by:

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Jason Reynolds  
Planning Department



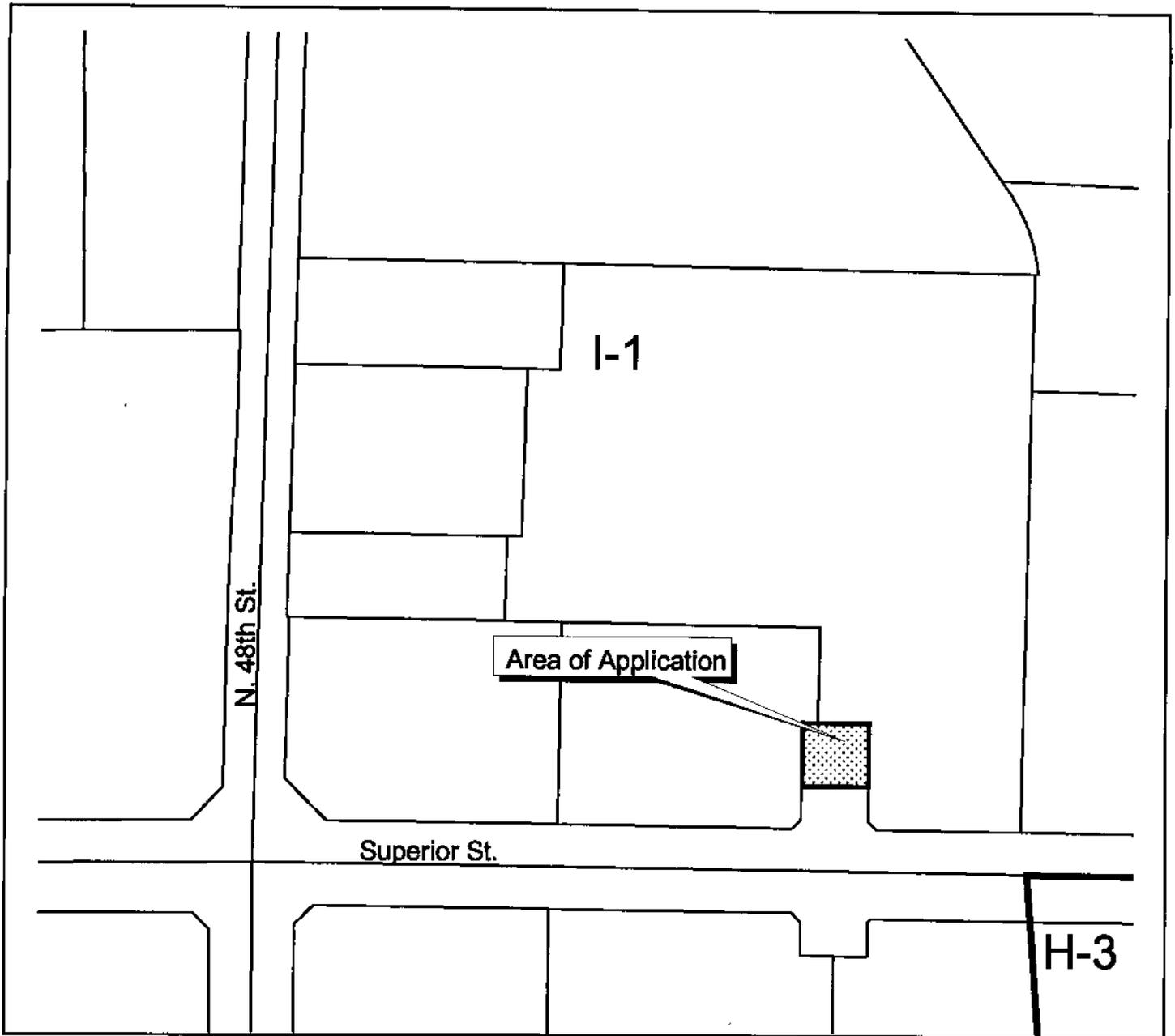
**Street & Alley Vacation #01008  
48th & Superior St.**



Date: 4-26-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

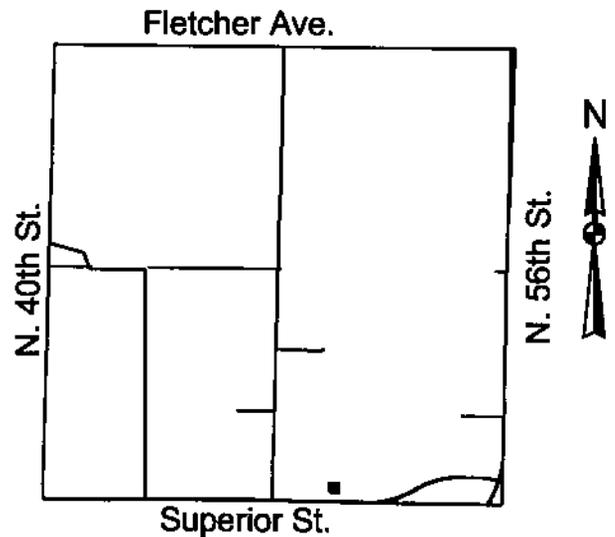


## Street & Alley Vacation #01008 48th & Superior St.

### 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. 5 T10N R7E

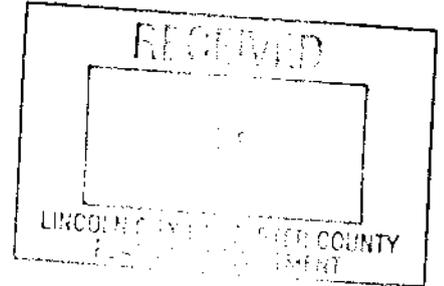


Lincoln



Nebraska's Capital City

April 17, 2001



Lincoln City/Lancaster County  
Planning Commission  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

*RE: Vacating a portion of right-of-way stub adjacent to the south and west lines of Lot 3, 48th & Superior Addition, and the south and east line of Lot 2, H.J.B. Industrial Park 1st Addition.*

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Donald Linscott, owner of Lot 2, H.J.B. Industrial Park 1st Addition and Lot 3, 48th & Superior Addition, to vacate the above described public right-of-way. Petitioner requests this vacation to gain buildable area for existing and future lots.

There are no conflicts with utilities and no additional easements will be required.

Public Works recommends approval of this proposed vacation request. This vacation contains an area of 6,000 square feet, more or less.

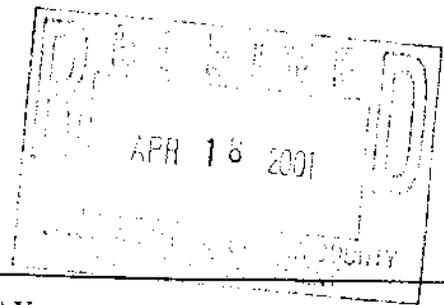
Sincerely,

Byron Blum  
Engineering Services  
Department of Public Works

jaj HJBindPrkVac blb

- cc: A. Abbott  
A. Harrell  
K. Sellman  
M. Wullschleger  
R. Figard  
J. Ross  
C. Thomas  
D. Roper





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.)

A portion of R.O.W. Stub adjacent to the South and West lines of Lot 3  
48th & Superior Add. and the South and East line of Lot 2 H.J.B.  
Industrial Park 1st 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 2 H.J.B. Industrial Park 1st Add. and Lot 3 48th & Superior Add.  
all in the Southeast Quarter of Section 5, Township 10 North, Range  
7 East of the 6th. P.M. City of Lincoln, Lancaster County, Nebraska.

DATED this 29th day of March 2001.  
REFERRED APR 9 2001  
Law Dept

2001  
LPR Partnership, A Nebraska General Partnership.  
Donald W. Linscott

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.

Donald W. Linscott, General Partner  
LPR Partnership, A Nebraska General  
Partnership

1. Name of Petitioner (Current Titleholder/s): \_\_\_\_\_

If more than one individual, indicate if you are:

\_\_\_\_\_ joint tenants with right of survivorship, OR \_\_\_\_\_ tenants in common

2. Petitioner's Address: \_\_\_\_\_

5101 Central Park Drive, Suite 100  
Lincoln Ne 68504

3. Petitioner's Telephone Number: \_\_\_\_\_

(402) 467-1234

4. Social Security Number of each Petitioner or Federal Employer Identification No. if a corporation:

470747395

5. Name of street, alley, or other public way sought to be vacated: \_\_\_\_\_

Right-of-way stub

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

To gain Additional Area (Buildable) for the existing and future Lots.

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

We will provide a public Access Easement to match the alignment of the existing concrete pavement.

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

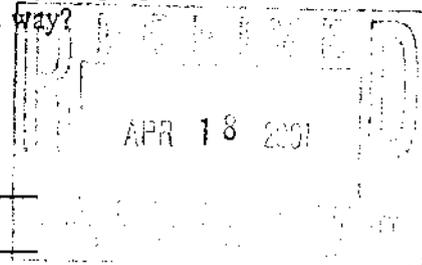
11. Name and address of person to whom tax statement should be sent:

Donald W. Linscott, General Partner

LPR Partnership

5101 Central Park Drive, suite 100

Lincoln Ne 68504



Prior to third reading of the Vacation Ordinance before the City Council, the property will be appraised. The purchase price of the portion abutting your property must be paid to the City Clerk at that time, or the property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not receive third reading 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.