

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Comprehensive Plan Conformance #01002 **DATE:** September 6, 2001
Water Tower Surplus Property Declaration

PROPOSAL: Review Public Works & Utilities' request to declare the water tower property at S. 84th & Highway 2 as surplus property.

LAND AREA: 2.69 acres, more or less

CONCLUSION: The Comprehensive Plan identifies this property as the site of a reservoir, however the Conditional Annexation and Zoning Agreement that accompanies the annexation of this area provides for its relocation to S. 84th St. and Yankee Hill Road.

The Southeast Lincoln/Highway 2 Subarea Plan notes that the costs of relocating the existing 4 million gallon reservoir are the responsibility of Andermatt to work out with the City. The costs are worked out in the Conditional Annexation and Zoning Agreement that accompanies Annexation #01006.

The Department of Public Works & Utilities has indicated that they no longer need this property, provided the relocation of its capacity is completed before the property is transferred to private ownership.

The proposal conforms with the goals of the Comprehensive Plan in that the specific use on the site can be relocated without limiting water storage capacity.

<u>RECOMMENDATION:</u> The declaration of surplus property is in conformance with the Comprehensive Plan

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 85 I.T., located in the NW 1/4 of Section 23, T9N, R7E of the 6th P.M., Lancaster County, Nebraska.

Note: The Department of Public Works & Utilities request identifies two parcels. Both of the parcels were combined into Lot 85 I.T.

LOCATION: East of S. 84th Street, just north of its intersection with Highway 2

APPLICANT: Director of Public Works & Utilities
555 S. 10th Street
Lincoln, NE 68508
402-441-7548

OWNER: City of Lincoln

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: 4 million gallon water storage reservoir tank.

SURROUNDING LAND USE AND ZONING: The tank is located in the center of an approximately 136 acre tract of land, all of which is zoned AG Agricultural. It is currently fields which are being graded to develop the site as a mixed use regional shopping center.

ASSOCIATED APPLICATIONS: Annexation #01006
Change of Zone #3320 (AG to R-3)
Change of Zone #3285 (AG to B-5)
Preliminary Plat #01006
Use Permit #140

HISTORY: In 1980, the City purchased a 1.9 acre parcel for the purpose of building a water reservoir tank.

In 1996, the City condemned the east 150 feet of the property (an additional 0.79 acres) in order to provide space for future expansion.

As part of the Conditional Annexation and Zoning Agreement for S. 84th & Highway 2, the Department of Public Works & Utilities agreed to sell this property to the developers of the 84th & Highway 2 commercial center.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area as Commercial and the Southeast Lincoln/Highway 2 Subarea Plan identifies the property as part of a mixed use regional commercial center.

Lincoln Water System

Strategies:

- Implement the long-range water improvement plan, monitor development with respect to system capacities, and schedule improvements accordingly. (p. 132)

City of Lincoln Future Commercial Needs and Plan

Goals:

- Attempt to eliminate the conflicts between retail and institutional land use when siting new retail locations. (p. 54)

ANALYSIS:

1. The Department of Public Works & Utilities has requested that a 2.69 acre parcel which is currently being used as a 4 million gallon storage reservoir be declared surplus.
2. As part of the Conditional Annexation and Zoning Agreement for the 84th & Highway 2 annexation, the Department of Public Works & Utilities has agreed to sell this land, provided the developer contributes to moving the 4 million gallon capacity to a site at S. 84th & Yankee Hill Road. The Water Department had originally planned a 6 million gallon reservoir at S. 84th & Yankee Hill Road; it will now be constructed with a 10 million gallon capacity.
3. The Department of Public Works & Utilities is proposing that the property be sold in two phases. The east 150 feet of Lot 85 I.T. is currently vacant and can be sold immediately. The remaining portion of the property can be sold once the existing reservoir is taken offline and the developer has paid its share of the cost for the new reservoir at S. 84th & Yankee Hill Road.
4. The Conditional Annexation and Zoning Agreement for S. 84th & Highway 2 indicates that the east 160 feet will be sold immediately. Either the Department of Public Works & Utilities request or the annexation agreement must be changed.

Recommended conditions prior to scheduling at City Council:

1. The Department of Public Works & Utilities and the applicant must agree upon the land area to be sold immediately.

Prepared by:

Jason Reynolds
Planner

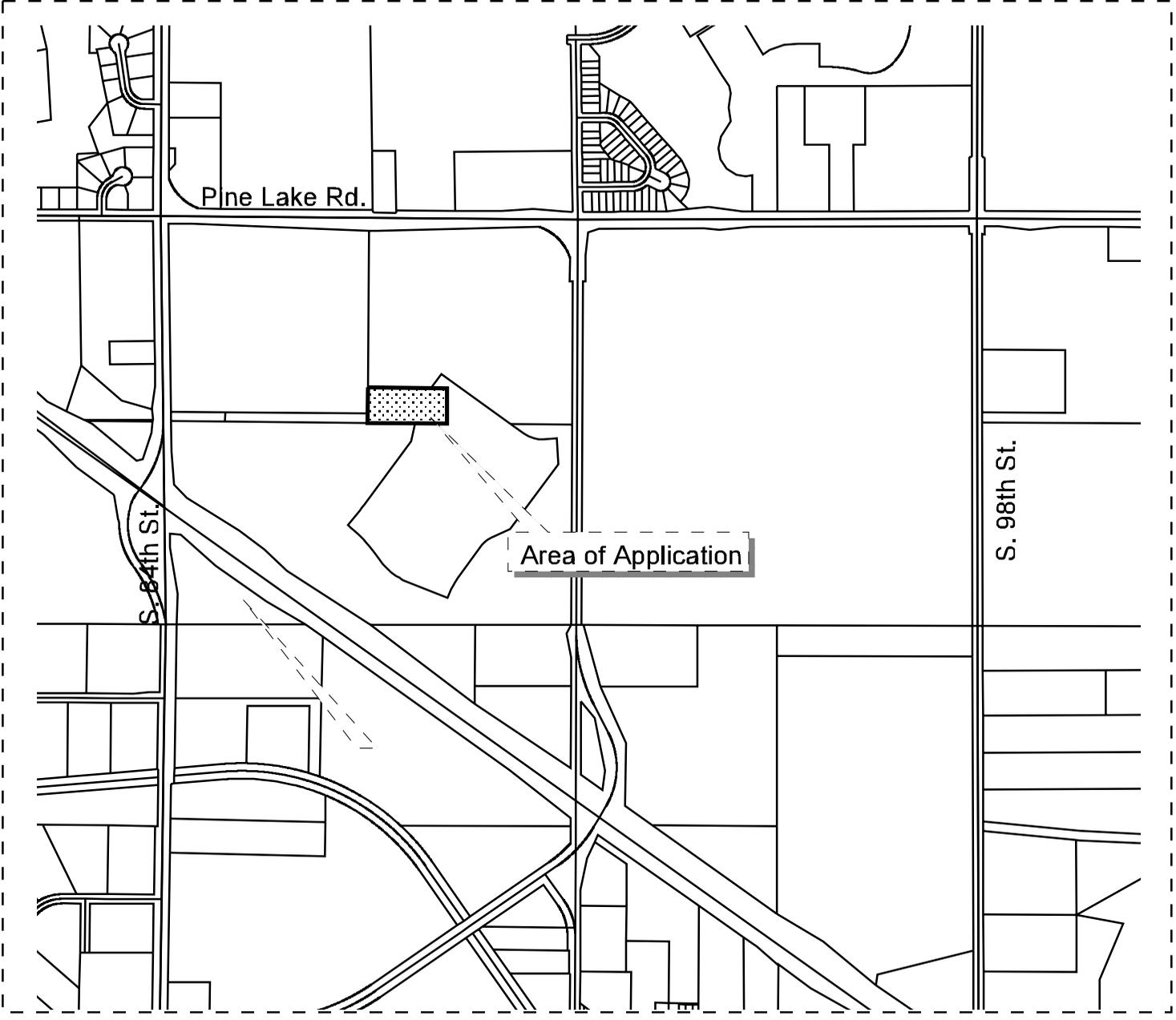


Comp. Plan Conformance #01002
S. 84th & HWY #2



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

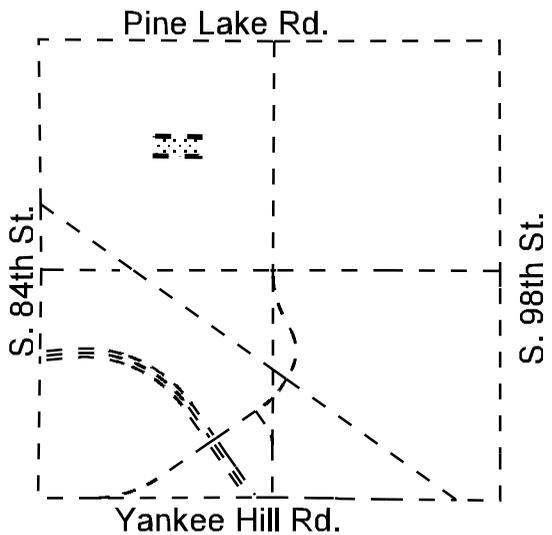


Comp. Plan Conformance #01002
S. 84th & HWY #2

Zoning:

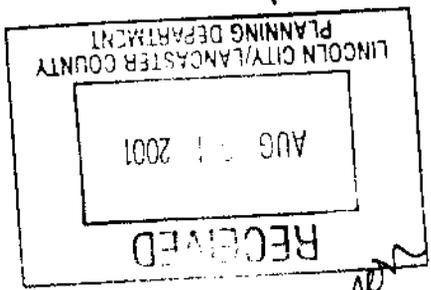
- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition 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. 23 T9N R7E



CPC 01002

KS



To: Jason

interoffice MEMORANDUM

to: Kathleen Sellmann, Rick Peo
from: Allan Abbott *Allan Abbott*
subject: 84th & Pine Lake Reservoir Site - Surplus Property Declaration
date: August 30, 2001
cc: Steve Masters, Jerry Obrist, Clint Thomas, Nick McElvain, Roger Figard

In conjunction with the pending agreement for the development at 84th and Hwy N-2, we request that the process for declaring the current reservoir site as surplus property be started. The Department of Public Works and Utilities agrees that this property can be declared surplus based upon the condition that the developer follow through with his commitment to fund the replacement of the 4 Million Gallon capacity of the current reservoir.

There are two adjacent tracts involved. See attached map. The first is a 150 feet by 230 feet tract adjacent to the reservoir site. This was acquired 5 years ago from the developer. We had intended to locate an additional reservoir on this site, until the land was targeted as a future shopping center. This tract can be considered surplus immediately. This tract contains 34,500 square feet, or 0.79 Acres.

The second tract is identified as Lot 55 I.T.. It is 360 feet by 230 feet. This tract contains 82,800 square feet or 1.90 Acres. This is where the current 4 million gallon reservoir is located. A condition of the pending annexation agreement requires that the developer pay to the City the cost of adding 4 million gallons of capacity to the proposed reservoir at 84th and Yankee Hill Road. We will be requesting that the reservoir project be moved into the first year of the C.I.P., so that the new reservoir can be built, and this reservoir be taken off line by midsummer of 2003. Once the developer has paid for his share of the cost of this new reservoir in accordance with the annexation agreement, then this tract will be surplus to the Lincoln Water system.

Although no mention was made in the annexation agreement, LWS also has a 60 foot wide permanent easement from S 84th into the current reservoir site. This easement will also become "surplus" or unnecessary at the same time as the current reservoir site. This easement contains a 24 inch water main, and an access road to our reservoir. The pending agreement permits the developer to provide a alternate access road during site grading and construction operations.

The developer has asked that the process of declaring this property surplus be moved along with the annexation agreement, so that they may be assured that they can proceed with plans to develop the entire site.

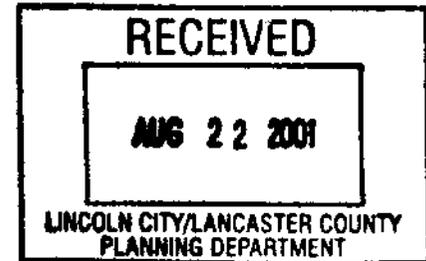
SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100
E-MAIL: sk@sklaw.inetnebr.com

KENT SEACREST
DaNay Kalkowski

June 11, 2001



Nick McElvain
Lincoln Water System
2021 North 27th Street
Lincoln, NE 68503

RE: 84th and Pine Lake Road Water Reservoir
Declaration of Surplus and Authority to Sell

Dear Nick:

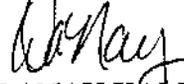
Our office represents Andermatt, L.L.C. and Eiger Corp., the owner and developer of the 84th and Highway 2 commercial area. By means of this letter we are requesting that Lincoln Water System formally initiate the process to declare the water tank reservoir site located south and east of 84th Street and Pine Lake Road (Lot 85, Irregular Tract located in Section 23, Township 9 North, Range 7 East of the 6th P.M., Lancaster County Nebraska) ("City Tract") as surplus property and authorize its sale to Andermatt for a fair market value of One and 15/100 Dollars (\$1.15) per square foot. Ideally, this surplus and sale declaration could be processed through the Planning Commission and City Council concurrently with the Annexation Agreement which outlines the City's and our clients' agreements with respect to the relocation of the water storage capacity of the 4 MG reservoir currently located on the City Tract.

We are requesting that the east portion of the City Tract shown on Exhibit "A", which is enclosed herein, be authorized for immediate sale and transfer of title upon approval of the Annexation Agreement and receipt of the cash consideration. The transfer of title and exchange of the cash consideration for the western portion of the City Tract upon which the existing 4 MG water storage reservoir is currently located would be authorized, but not occur until the 4 MG water storage reservoir storage capacity is relocated and the 4 MG water storage reservoir is taken out of service.

In addition to the above, we are requesting that the City vacate and release its associated access and water transmission/distribution line easements which provide access and connection between South 84th Street and the City Tract at the time the 4 MG water reservoir is taken out of service.

If you have any questions regarding the above or need any additional information or documentation to initiate the above processes, please give me a call.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosure

cc: Kathleen Sellman
Alan Abbott
Jennifer Dam
Dennis Bartels
Rick Peo
Kelvin Korver
Mark Palmer

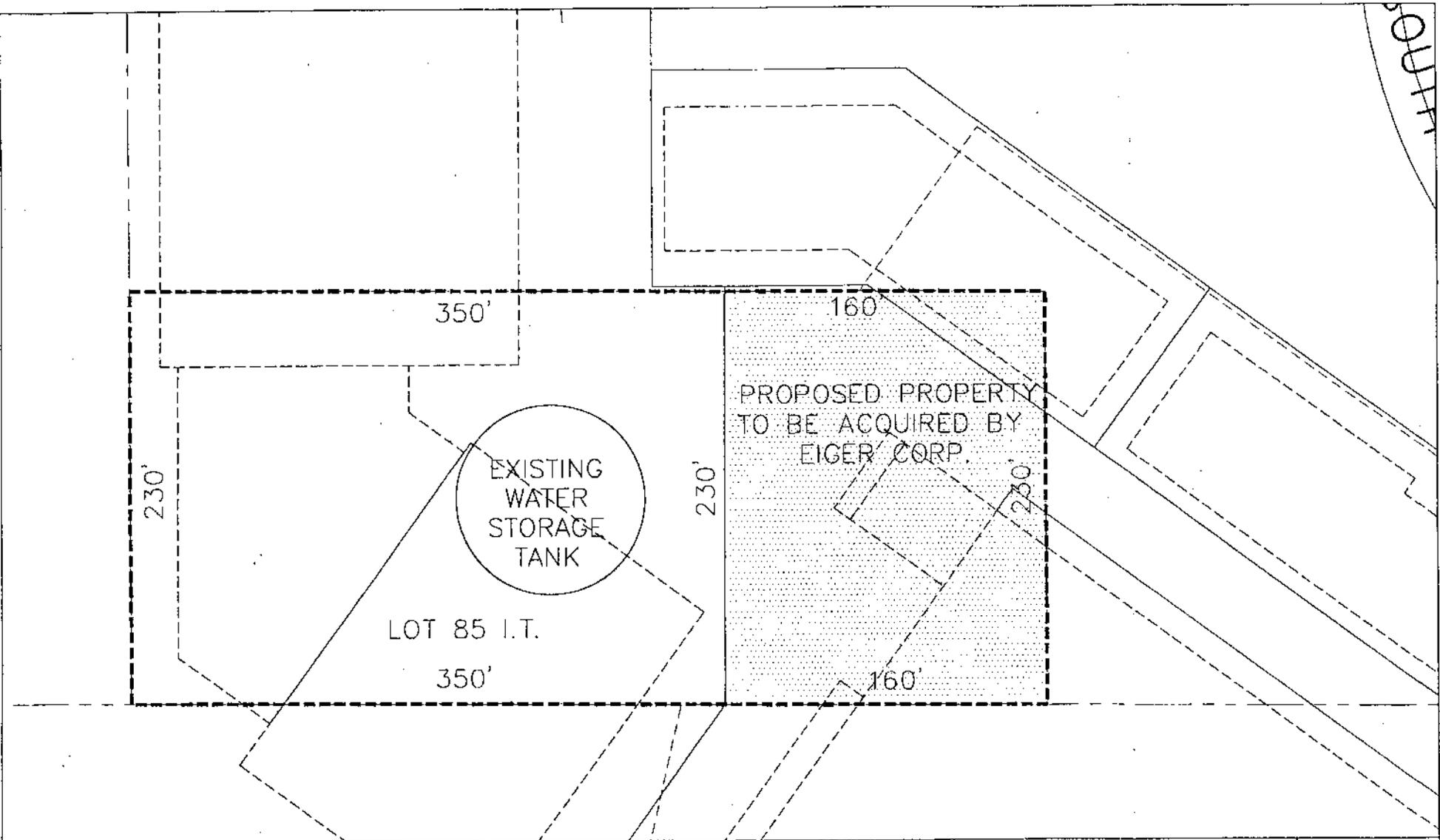


Exhibit "A"

84TH & HIGHWAY 2 COMMERCIAL
 PROPOSED WATER TANK PROPERTY ACQUISITION

OLSSON ASSOCIATES
 CONSULTING ENGINEERS
 1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501

SCALE: 1"=50'
 6/7/2001