

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

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**for October 27, 2004 PLANNING COMMISSION MEETING**

**P.A.S.:** Street and Alley Vacation #02014

**PROPOSAL:** Vacate the north portion of "L" Street right-of-way, from the north line of "L" Street to the north side of the "L" Street overpass.

**LOCATION:** 9<sup>th</sup> and "L" Streets

**LAND AREA:** 4,020 square feet, more or less.

**CONCLUSION:** The vacation of this right-of-way does not conform to the Comprehensive Plan as this right-of-way is necessary for maintenance and potential new or reconstructed facilities.

<b><u>RECOMMENDATION:</u></b>	Does Not Conform to the Comprehensive Plan
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** "L" Street right-of-way from the north line of "L" Street to the north side of the "L" Street overpass, between 9<sup>th</sup> Street and the north/south alley, located in Section 26 T10N R6E, Lancaster County, Nebraska.

**SURROUNDING LAND USE AND ZONING:**

North:	Commercial	B-4 Lincoln Center
South:	Structure for "L" Street overpass	B-4 Lincoln Center
East:	9 <sup>th</sup> Street right-of-way	B-4 Lincoln Center
West:	"L" Street right-of-way	B-4 Lincoln Center

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan shows this area as Commercial. (F 25)

Maintaining city streets is primarily the responsibility of the Lincoln Public Works and Utilities Department. (E 50)

Maintenance responsibilities include but are not limited to ice and snow control, paved and unpaved street and highway maintenance, storm sewer, open drainage, detention cell maintenance and right-of-way vegetation control. (E 50)

**UTILITIES:** Aquila, LES and the Public Works and Utilities Department have facilities within this right-of-way area.

**TRAFFIC ANALYSIS:** The “L” Street right-of-way at this location is occupied by the west bound lanes and overpass structure for Capital Parkway West.

**ANALYSIS:**

1. This is a request to vacate a portion of the “L” Street right-of-way adjacent to the Capital Parkway West overpass. Petitioner intends to use the vacated right-of-way as parking to serve a commercial business.
2. This petition was submitted to the Planning Department on October 9, 2002. During the initial review process, Petitioner placed this item on pending while he sought a permit to use the right-of-way rather than vacate it. Petitioner has discussed the option with the Public Works and Utilities Department, and has concluded that option will not meet his needs.
3. This vacation will not create lots without frontage or access to a public street.
4. This portion of right-of-way is necessary for maintenance, potential new, or reconstruction needs in the future. The Public Works Department prefers to retain rights-of-way in these situations to avoid limitations that might arise from an easement on private property.
5. Public Works indicates the need for proposed plans showing detailed information of reconstruction work the Petitioner is willing to complete and a description of the right-of-way necessary to accomplish it.
6. Should this request be granted, Public Works requests an easement over the entire area for right-of-way purposes. The easement should also prohibit any use except parking. Petitioner should acknowledge the use of the area for parking will be at the owner’s risk should the City need the space for right-of-way purposes in the future.
7. Aquila, LES and the Public Works and Utilities Department have facilities within this right-of-way. They have requested retaining an easement over the entire vacated area for existing and future facilities.
8. Applicants have expressed an intent to purchase the right-of-way if vacated.
9. Lincoln Municipal Code Chapter 14.20 requires the City to establish the 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 Satisfy the provisions of Chapter 14.20 of the Lincoln Municipal Code.

**PRIOR TO CONVEYANCE OF TITLE TO PUBLIC RIGHTS-OF-WAY THE  
PETITIONER SHALL:**

1.1 Provide blanket utility easements for existing and future facilities.

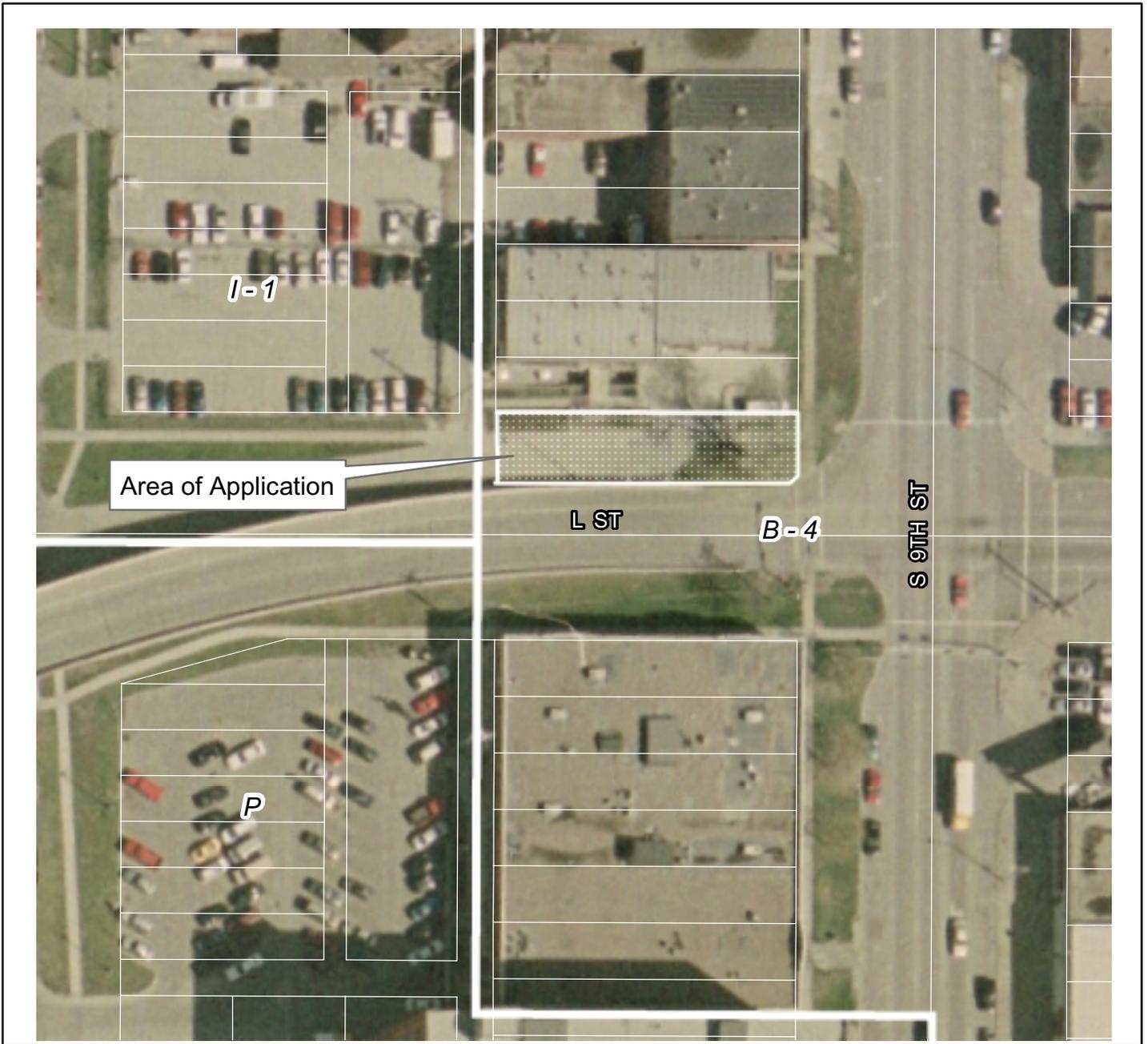
1.2 Provide an easement over the entire area for right-of-way purposes, and also prohibiting the use of the vacated right-of-way for any use except parking.

Prepared by:

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us

**Date:** October 15, 2004

**Petitioner,** MDB, Inc.  
**Owner,** Russ Bayer  
**and** 633 South 112<sup>th</sup> Street  
**Contact:** Lincoln, NE 68520  
730.0638



2002 aerial

# Street & Alley Vacation #02014

## S. 9th & L St.

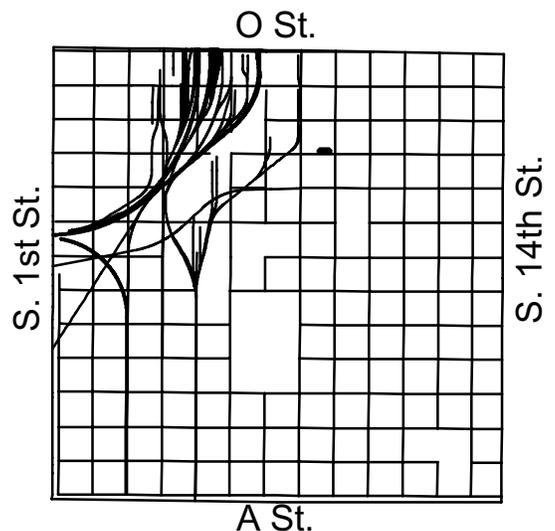
### Zoning:

- 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

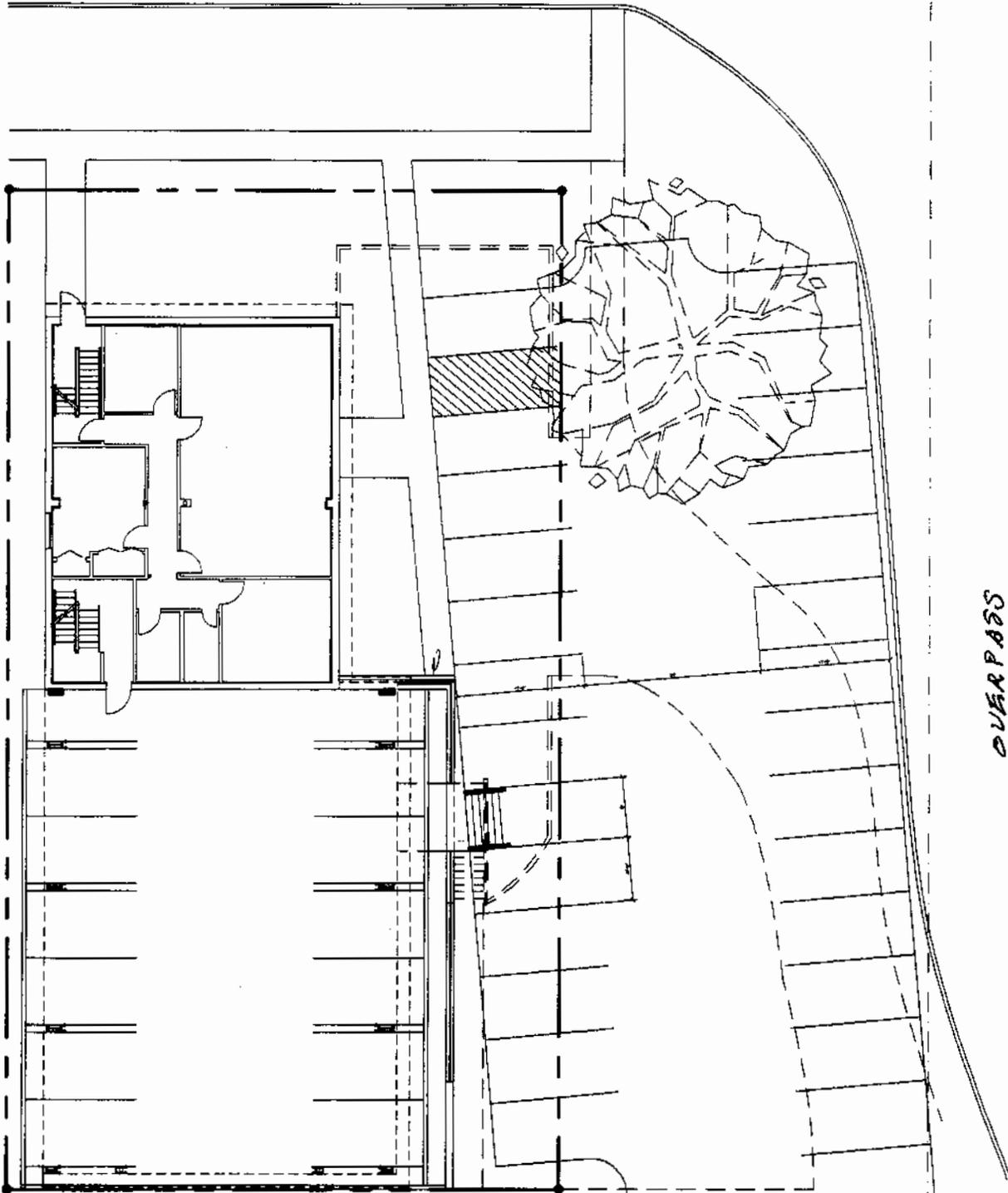
One Square Mile  
Sec. 26 T10N R6E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



9TH STREET



OVERPASS

EXISTING SITE PLAN (WITH LOWER LEVEL)



2-A-1

9TH STREET



CAPITAL PARKWAY WEST

PROPOSED PARKING LOT LAYOUT  
--- EXISTING "L" STREET STUB

**MDB, Inc**  
**633 South 112<sup>th</sup> St**  
**Lincoln, NE 68520**

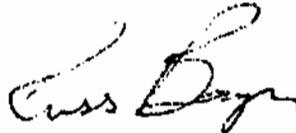
October 31, 2002

**Becky Horner**  
Lincoln – Lancaster County Planning Department  
555 South 10th, Room 213  
Lincoln, NE 68508

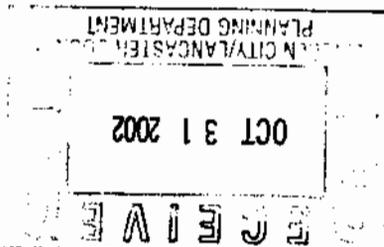
Dear Becky,

Thanks for your help with our request for vacation of the street stub on the northwest corner of 9<sup>th</sup> & "L" Streets. This note will acknowledge our willingness to place this item on hold to give us an opportunity to investigate alternatives to the street vacation.

Sincerely,

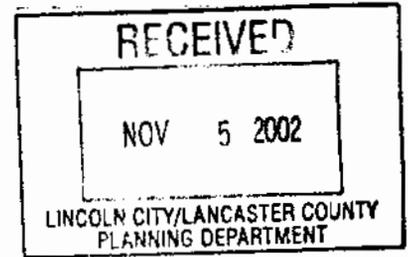


Russell J. Bayer  
Secretary/Treasurer



# MDB, Inc.

633 South 120th Street  
Lincoln, NE 68520



November 01, 2002

Lincoln City/Lancaster County  
Planning Commission  
Lincoln, NE 68508

*RE: Vacating the north portion of "L" Street adjacent to lot 12, Block 85, from the north line of "L" Street to the north side of the "L" Street overpass from 9th Street to the north-south alley.*

Dear Ladies and Gentlemen:

MDB, Inc. has received a copy of the Engineering Services Division recommendation for denial to vacate the above described public right-of-way. The request is made for the construction of a new parking lot to serve the building located at 830 "L" Street.

The history of 830 "L" Street is that the building and parking lot as originally built was to serve a business that did not have a high volume of customers coming to the location. The business was in operation in Lincoln for over 32 years and now is no longer in business. At this time the building is vacant and has been for over a year. MDB, Inc. has the impression that by vacating the street and putting in a parking area this will make the building much more attractive for an other business or businesses to rent or buy the location. As the Planning Commission is aware, there is limited parking in the Haymarket and Downtown areas, it seems that allowing additional parking would be to the advantage for the whole area.

The street in front of the building is currently being used on a daily basis for parking . Plus the area to the west of the requested vacate location that is also in the Capital Parkway West right-of-way is paved and being utilized for parking. So, it seems consistent to utilize this already paved street for additional parking.

MDB, Inc. has no problem granting easements to the City of Lincoln so that the city can maintenance the roadway or the water main that are outlined in the letter dated October 8, 2002 requesting denial of the vacate.

Unless we are missing something that is planned for the future our impression is that this would be a win win situation for the City of Lincoln and MDB, Inc. If you have any questions or comments we are available for working out a solution to accomplish the goals for both parties.

Sincerely

A handwritten signature in black ink, appearing to read "Michael G. Dodge".

Michael G. Dodge  
President