

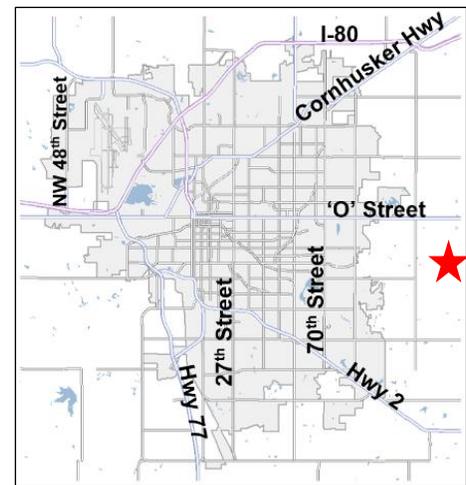
LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #18004	FINAL ACTION? No	DEVELOPER/OWNER Grace Evangelical Lutheran Church
PLANNING COMMISSION HEARING DATE November 28, 2018	RELATED APPLICATIONS SP # 18043	PROPERTY ADDRESS/LOCATION 11640 A St.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

To vacate approximately the west 10 feet of the unnamed right-of-way adjacent to Lot 6 Irregular Tract. The street vacation is needed to allow the necessary setback for an addition to the church.



JUSTIFICATION FOR RECOMMENDATION

Approval of this street vacation will enable the church to proceed with **their plans to expand the church. The street will maintain 25' of right-of-way** with the church dedicating 10 feet on the east side.

APPLICATION CONTACT
Lowell Provancha, 402-580-0659

STAFF CONTACT
Tom Cajka, (402) 441-5662 or
tcajka@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is in conformance with the Comprehensive Plan. Shifting the right-of-way to the east allows continued access to the lots to the north.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - Local streets and alleys are not included in the functional classification.

P. 10.15 - Local or residential streets provide the greatest access. These streets provide very limited opportunities for through traffic; their primary function is to provide access to adjacent properties.

ANALYSIS

1. This request is to vacate approximately the west 10 feet of the unnamed street adjacent Lot 6 I.T. in Walton for Grace Evangelical Lutheran Church. The Church is requesting the street vacation to meet the setback for an addition to the church. It is not feasible to vacate the entire right-of-way because it would leave platted lots without any frontage. It is the only access for 3 lots to the north.
2. **To maintain the 25' width of right-of-way** the Church will be dedicating 10 feet on the east side adjacent the parking lot. **The 25' right-of-way** was dedicated with Gierens 1st Addition to Walton. The additional 25 feet would be dedicated when the area to the west develops.
3. This is an unimproved street. There are no plans to improve this street. Although the street is unimproved, there is a gravel drive that provides access to lots to the north. There are no utilities within the area to be vacated.
4. **The area to be vacated is in the City's 3-mile jurisdiction.** Vacation of right-of-way within the 3-mile jurisdiction require approval by both the City Council and the County Board of Commissioners.
5. Associated with this application is a special permit for a parking lot on the east side of the street.
6. There is no cost for the vacation due to the dedication of 10 feet on the east side.

EXISTING LAND USE & ZONING: R-2 Residential Church

SURROUNDING LAND USE & ZONING

North:	AG, Agriculture	Farm ground
	R-2, Residential	Vacant
South:	R-2, Residential	Single family dwellings
East:	R-2, Residential	Parking lot
West:	R-2, Residential	Single family dwellings

APPROXIMATE LAND AREA: 1,500 square feet

LEGAL DESCRIPTION: See attached

Prepared by

Tom Cajka, Planner

Date: November 13, 2018

Applicant: Grace Evangelical Lutheran Church
11640 "A" Street
Walton, NE 68461
402-489-8693

Contact: Lowell Provancha
4501 S. 80th Street
Lincoln, NE 68516
402-580-0659
lprovancha@yahoo.com

Owner: Same as applicant

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City of Lincoln Lancaster County, NE

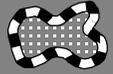
2018 aerial

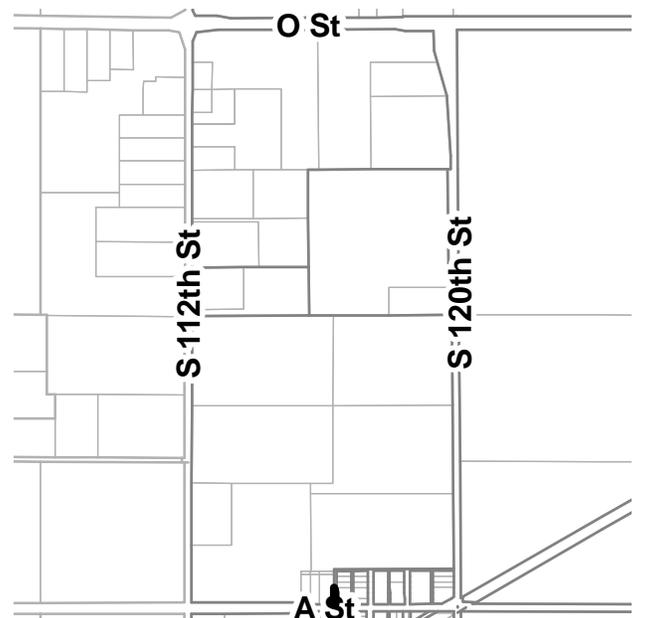
Street and Alley Vacation #: SAV18004
S 117th St & A St

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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.30 T10N R08E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



ROW Vacation

A portion of Right-Of-Way located in the south half of fractional Section 30, T10N, R 8E of the 6th PM, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of Irregular Tract Lot 6, said point of beginning;
Thence southerly along said ROW, on an assumed bearing of S 00°06'15" E for a distance of 150.00';
Thence N 89°53'40" E for a distance of 10.00';
Thence N 00°06'15" W for a distance of 105.28' to a point of curvature;
Thence along a curve in a counterclockwise direction, having a radius of 40.00', arc length of 17.60', delta angle of 25°12'32", a chord bearing of N 12°42'31" W, and a chord length of 17.46' to a point of reverse curvature;
Thence along a curve in a clockwise direction, having a radius of 65.00', arc length of 28.60', delta angle of 25°12'32", a chord bearing of N 12°42'31" W, and a chord length of 28.37' to the Point of Beginning.

ROW Dedication

A portion of Lots 7-9, Block 3, Gieren's First Addition, located in the south half of fractional Section 30, T10N, R 8E of the 6th PM, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of Lot 9, said point of beginning;
Thence southerly along the existing ROW, on an assumed bearing of S 00°06'21" E for a distance of 150.00' to the southwest corner of Lot 7;
Thence N 89°53'39" E for a distance of 10.00';
Thence N 00°06'21" W for a distance of 105.28' to a point of curvature;
Thence along a curve in a counterclockwise direction, having a radius of 40.00', arc length of 17.60', delta angle of 25°12'32", a chord bearing of N 12°42'35" W, and a chord length of 17.46' to a point of reverse curvature;
Thence along a curve in a clockwise direction, having a radius of 65.00', arc length of 28.60', delta angle of 25°12'32", a chord bearing of N 12°42'35" W, and a chord length of 28.37' to the Point of Beginning.

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.)*

The west 10' adjacent Lot 6 IT

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.)*

Lot 6 IT in Section 30-10-8

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): Grace Evangelical Lutheran Church

If more than one individual, indicate if you are:

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

2. Petitioner's Address: 11640 A Street PO Box 262
Walton, Nebraska 68461

3. Petitioner's Telephone Number: (402) 489-8693

4. Name of street, alley, or other public way sought to be vacated: unnamed street
adjacent Lot 6 IT

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: _____
Lot 6 IT

6. Why are you seeking to have this street, alley, or other public way vacated? To provide 25' set back
on east side of church, which is considered "front" area
for proposed church addition

7. What use or uses do you propose to make of the public way should it be vacated? The street will
only be used if there is future development.

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?

We would propose to trade 6' of Grace _____ YES NO
Lutheran's vacated parking area for 6' of vacated right of way

9. Name and address of person to whom tax statement should be sent:
Grace Evangelical Lutheran Church
11640 A Street PO Box 262
Walton, Ne 68461

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.**

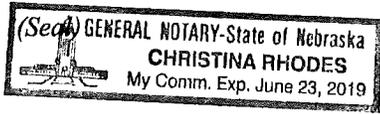
DATED this 31 day of October, 2018.

Jowell C Provanaha for Grace Evangelical Lutheran Church

**(ALL TITLEHOLDERS OF THE REAL ESTATE DESCRIBED ON THE PRECEDING PAGE
MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC)**

STATE OF Nebraska)
) ss.
Lancaster COUNTY)

The foregoing instrument was acknowledged before me on this 31 day of October,
2018, by _____
(Please indicate name(s) and marital status of person(s) signing)



Christina Rhodes
Notary Public

STATE OF _____)
) ss.
_____ COUNTY)

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

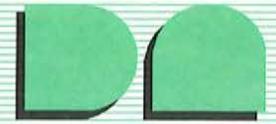
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Notary Public

SIGNATURE PAGE FOR INDIVIDUAL(S)

Design Associates

of Lincoln, Inc.



ARCHITECTS • PLANNERS • ENGINEERS

October 30, 2018

Mr. David Cary
Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Ste. 213
Lincoln, NE 68508

Re: Vacation of Public Ways Petition with Waiver
Grace Evangelical Lutheran Church

Dear Mr. Cary:

On behalf of Grace Evangelical Lutheran Church, owner of Irregular Tracts 6 & 17, Lots 7-9, Block 3, Gierens 1st Addition to Walton, S ½ Frac Sec 30-10-8, we submit this application for a Vacation of Public Ways Petition with Waiver.

Through a recent application for a building permit for an addition to the church, an issue was raised, the existing right-of-way between Irregular Tracts 6 & 17 and Lots 7-9. In order to accommodate the proposed building addition, we request that a portion of this right-of-way be vacated. A similar deed of right-of-way will essentially shift it to the east, maintaining the access to the north. This right-of-way is not currently improved and no improvements are proposed with the proposed building addition.

Please feel free to contact us (402) 474-3000 if we can provide any additional information or answer any questions that will assist in the review of this application.

Sincerely,

A handwritten signature in blue ink that reads "Jeremy Williams". The signature is written in a cursive, flowing style.

Jeremy Williams, P.E.