

CITY OF LINCOLN
EXECUTIVE ORDER

NO. 082420

WHEREAS, a request to annex land into the city limits and to extend public services for development presents special challenges to the developer, City staff and policymakers regarding the staging and financing of infrastructure improvements; and

WHEREAS, in order for negotiations and decisions regarding the extension and financing of infrastructure improvements to proceed expeditiously and with minimal frustrations between the developer and City staff, the expectations of the parties need to be presented and shared clearly and comprehensively from the outset of the negotiation discussions; and

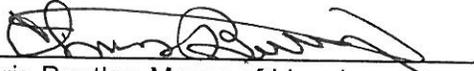
WHEREAS, in order to proceed uniformly with such development proposal, a checklist should be utilized by City staff and prospective developers as the basis for negotiations; and

WHEREAS, the City of Lincoln has developed the attached Checklist to aid in reviewing items that are commonly addressed during these negotiations and which culminate in the drafting of an annexation agreement.

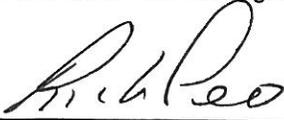
NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

The attached Checklist shall be utilized by all departments in evaluating proposals to annex land into the city limits and extend public services and as the basis for negotiation of annexation agreements by all city departments of the City of Lincoln on or after August 1, 2009. All city departments shall, in a timely manner, forward to the Planning Department all relevant information that is available and shall respond to the needs of the department for additional information including, but not limited to, issues needing to be resolved and decisions that have been reached. The Planning Department shall be responsible for consolidating all relevant responses on one Checklist, with respondents and response dates noted, and will share the consolidated Checklist with the applicant on a regular basis.

Dated this 15 day of July, 2009.


Chris Beutler, Mayor of Lincoln

Approved as to Form & Legality:


Chief Asst. City Attorney

Annexation Agreement Checklist

July 8, 2009

(City staff-please check off and forward your information to Planning as each item is reviewed for the proposed annexation agreement file.)

In an effort to provide clear guidance on the City of Lincoln development process this document is provided to City staff and Developers as an aid in reviewing items that are commonly addressed in annexation agreements. This checklist is appropriate for use for urban projects inside the city and connected to municipal utilities. This document is not intended to determine City policy, but instead identify infrastructure items or policies that should be addressed in the review process.

BASIC INFORMATION

- What is the project time line for development and buildout?
- What are the developer's timing expectation in terms of when the project would be submitted and approved?
- Was a legal description provided and are all property owners listed?
- How many dwelling units of single family, single family attached or multi-family and/or square feet of commercial/industrial space are proposed?
- What is the proposed phasing for development and infrastructure improvements?
- What is the current and proposed zoning?
- At this time, is the developer aware of any waivers to zoning, subdivision, or design standards?
- Is property contiguous to city limits?
- Is property inside the Future Service Limits of the 2030 Lincoln/ Lancaster County Comprehensive Plan?
- What is the land use designation of the property in the Comprehensive Plan?
- Are the proposed uses in conformance with the Comprehensive Plan?
- Is a Comprehensive Plan amendment needed or appropriate?

- Is it in Priority A, Tier I?** *(If not, consult page 25 of the Comp Plan regarding information required for “unique circumstances to warrant consideration of development of land in Priority B or C.” Developer should expect to provide infrastructure without impacting the Capital Improvement Program (CIP) as discussed in Comp Plan.*
- Will a Comp Plan Amendment to the Priority map be required?**
- Is the land covered by previous annexation agreements?**
- Is the property in a blighted area?**
- If so, will a Redevelopment Plan Amendment be needed?**
- Is a Redevelopment Agreement required?**
- Is the developer expecting that this property will receive any special financial benefits, such as Tax Increment Financing?**
- Is the property currently in the Norris Public Power District or LES?** *(If Norris, need to contact LES for further information on how it will transition to LES.)*
- In which school district is the property located?**
- Are there any known Sanitary Improvement Districts or Road Improvement Districts on the property?**

RURAL FIRE DISTRICT

- In which Rural Fire District is the property located?**
- Planning Dept. intern or planner prepare estimated reimbursement amount and include in agreement?**

RURAL WATER DISTRICT

- Is the property located in a Rural Water District?**
- Applicant is responsible for reimbursing the Rural Water district to obtain release of property from district boundaries. New urban development will not be served by Rural Water Districts.**

SANITARY SEWER Improvements:

- Are the proposed sewer improvements in general conformance with the Wastewater Master Plan?**

- Where is the planned connection point to the city sewer system?**
- Is it in conformance with the design standards of the City – for example, is a force main or lift station proposed?** *(If not, consult the City’s “Policy on Temporary Pump Stations & Force Mains” adopted by City Council Resolution A-83112 on December 6, 2004. The applicant should address point by point how their proposal conforms with the policy.)*
- Is there adequate downstream capacity?**
- If sewer lines larger than eight (8) inch will be necessary, are these lines shown in CIP for construction?**
- If the lines are in CIP, but are several years from funding, will the developer build the line in the near term and want reimbursement in future year identified in CIP?**
- What if not in the CIP?** *(Presently the City does not have an official policy on improvements that are not in the CIP and potentially the developer may need to fund these improvements without reimbursement in the future.)*
- For this region, did the City Council establish a per-acre connection fee for previously built sanitary sewer lines?** *(Fee was established in Regent Heights area and in the 27th and Yankee Hill Road sub-basin.)*
- If yes, how many acres are within the area?**
- Will any easements be necessary to acquire outside of the project area?**
- Is the City willing to condemn for easements if needed?**
- Is developer willing to pay the costs to obtain easements?**

LINCOLN WATER Improvements:

- What is the overall proposal for water services and planned improvements?**
- Are the proposed water improvements in general conformance with the Water Master Plan?**
- The City’s design standards call for a distribution grid of 16-inch (or greater) water mains on approximately one (1) mile spacing. Are those mains in place today?**
- If not, does the project require new 16-inch or larger water mains?**
- If yes, are these lines shown in CIP for construction?**

- If the lines are in CIP, but are several years from funding, will the developer build the line in the near term and want reimbursement in future year identified in CIP?**
- What if not in the CIP?** *(Presently the City does not have an official policy on improvements that are not in the CIP and potentially the developer may need to fund these improvements without reimbursement in the future.)*
- Is there adequate water pressure? Will a booster pump be required?**
- Are any 12-inch water mains necessary?**
- If yes, how will they be financed?**
- Will any easements be necessary to acquire outside of the project area?**
- Is the City willing to condemn for easements if needed?**
- Is developer willing to pay the costs to obtain easements?**

ARTERIAL STREET Improvements:

- Are the adjacent roads (local, arterial, etc.) paved to urban standards?**
- If not, are they gravel, dirt or unimproved?**
- What type of on-site improvements, such as pedestrian access, parking access, or throat length are proposed?**
- Is the plan specific enough at this point in the process for this information to be provided?**
- What type of off-site improvements: such as turn lanes, traffic signals, signing, striping, street lights are proposed and/or needed?**
- Traffic Impact Study: will one be required at this stage or in future?**
- What assumptions, time period(s), intersections, phasing of improvements should be used for the study?**
- What type of median openings and/or access management is proposed?**
- Are details such as separation distances, curb returns, access controls, sight distances, grades available at this time?**
- Does Nebraska Department of Roads (NDOR) have access control or oversight on an adjacent street or highway?**

- If yes, then any discussion needs to be coordinated with NDOR.
- How much right-of-way for this street designated in the 2030 Comprehensive Plan on page 114?
- Will developer dedicate all on-site ROW? Pay for needed off-site ROW?
- How much right-of-way is proposed, such as standard width plus additional for turn lanes or corner triangles?
- Are there specific non-access cross parking or access easements?
- How is this street shown in the long term in Projects & Studies: Lincoln Area Street & Roadway Improvements 2030 in the 2030 Comprehensive Plan on page 104?
- How is this street designated in the short term in the Mayor's Road Design Standard Technical Task Force final report approved by EO 081196 in June 2008.
- If a street needs to be paved, is street shown in CIP for construction in timely manner?
- If street is in CIP, but years out, will developer build it and want reimbursement in future year identified in CIP?
- What if not in the CIP? *(Presently the City does not have an official policy on improvements that are not in the CIP and potentially the developer may need to fund these improvements without reimbursement in the future.)*

NEIGHBORHOOD PARK Improvements:

- Is a future neighborhood park land shown in this area in the 2030 Comprehensive Plan on page 134?
- If yes, has a location for the park been determined?
- Is the configuration of park to lots and streets known, and is it acceptable to the Parks and Recreation Department?
- How many acres would be required by the formula in the subdivision ordinance based on the number of dwelling units in the subdivision (Section 26.23.160.)
- If yes, has an appraisal been submitted to determine the value of the land for impact fee reimbursement per Impact Fee Ordinance? *(Parks & Recreation Department will pay for an appraisal if a price can't be agreed upon with the applicant.)*
- Has the value of the land been agreed upon by the applicant and City?

TRAIL Improvements:

- Are there any trails designated in the 2030 Comprehensive Plan on page 95 on the property or on adjacent streets?
- If yes, is a trail easement required or can it be required with a future subdivision?
- Is a Future Grade Separation (underpass or overpass) shown in the Trails plan?
- Did the Planning Department calculate the value of the developer contribution for arterial streets, water distribution, water system, sanitary sewer and neighborhood park/trail improvements?

ENVIRONMENTAL ISSUES and WATERSHED MANAGEMENT:

- Is the property, or a portion of the property, within a 100-year floodplain or floodprone area?
- If so, is the developer prepared to meet all the flood regulations, including 'no net rise' and no loss of flood storage if the property is in a New Growth Area?
- Is the property, or a portion of the property, shown on the Future Land Use Plan as Environmental Resources, Green Space, or Agricultural Stream Corridor?
- If so, is the proposed zoning/land use consistent with these land use designations?
- If development or fill, is proposed within the floodplain or floodprone area having one of the above land use designations, is there a commitment to preserve AND enhance at least two (2) acres for every one (1) acre encroached upon?
- Is the property, or a portion of the property, shown on the Future Land Use Plan as Lakes and Streams and/or is there a Minimum Flood Corridor or wetlands on the property?
- If so, is the proposed zoning/land use consistent with these land use designations and/or natural resources?
- If so, what steps will be taken to protect or enhance these resources?
- Are there any other floodplain, saline wetlands, wetlands or other environmental issues that would not be addressed in a future plat or use/special permit that can only be addressed in the Annexation Agreement?