

## FACTSHEET

**TITLE: STREET & ALLEY VACATION NO. 06003**, requested by the People's City Mission, to vacate the east 14 feet of 1<sup>st</sup> Street between the north and south lines of "R" Street; to vacate "R" Street between 1<sup>st</sup> Street and 2<sup>nd</sup> Street; and to vacate the west 25 feet of 2<sup>nd</sup> Street between the south line of the north 14 feet of vacated "Q" Street and the north line of "R" Street.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan.

**ASSOCIATED REQUEST:** Conservation Easement Agreement

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 07/05/06  
Administrative Action: 07/05/06

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (7-0: Sunderman, Strand, Esseks, Larson, Krieser, Carroll and Carlson voting 'yes'; Cornelius and Taylor absent).

### FINDINGS OF FACT:

1. The purpose of this proposed street vacation is to allow the installation of a security fence around the Mission property and possible future expansion of the Men's Shelter.
2. The staff recommendation is based upon the "Analysis" as set forth on p.3, concluding that the proposed vacation of right-of-way conforms to the Comprehensive Plan, provided easements are retained for public utilities and that a final plat is submitted to create lots that will have access to a public street.
3. On July 5, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On July 5, 2006, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan (Cornelius and Taylor absent).
5. The appraisal by the City Real Estate Division is found on p.19, recommending that the vacated right-of-way be sold to the abutting property owner for \$500.00.
6. The petitioner has complied with the provisions of Chapter 14.20 of the Lincoln Municipal Code, the associated conservation easement agreement has been completed and the required final plat has been submitted.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** November 6, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** November 6, 2006

**REFERENCE NUMBER:** FS\CC\2006\SAV.06003

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

## for JULY 5, 2006 PLANNING COMMISSION MEETING

**PROJECT #:** Street and Alley Vacation No.06003

**PROPOSAL:** Vacate the east 14 feet of 1<sup>st</sup> Street between the north and south lines of "R" Street; "R" Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; and the west 25 feet of 2<sup>nd</sup> Street between the south line of the north 14 feet of vacated "Q" Street and the north line of "R" Street.

**LOCATION:** N. 1<sup>st</sup> Street "R" Street

**LAND AREA:** 41,400 s.f., more or less

**CONCLUSION:** The vacation of this right-of-way conforms to the Comprehensive Plan provided easements are retained for public utilities.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

### **LEGAL DESCRIPTION:**

### **SURROUNDING LAND USE AND ZONING:**

North: I-1, Industrial City Mission building and undeveloped  
South: I-1, Industrial City Mission buildings  
East: I-1, Industrial Undeveloped and storage yard  
West: I-1 Industrial Storage yard

### **HISTORY:**

November 15, 2005 Administrative Amendment #05118 to expand the People's City Mission facility was approved by the Planning Director.

October 17, 2005 Waiver #05008 to waive the surfacing requirement for a parking lot was approved by City Council.

September 15, 2003 Street & Alley vacation #01021 to vacate the east-west alley in Block 264 was approved by the City Council.

September 15, 2003 Special permit #1123B to expand the boundary for the People's City Mission and Waiver #02005 to waive improvements associated with a final plat was approved by the City Council.

March 28, 1983

Ordinance #13562 vacating "S" Street from the east line of N. 1<sup>st</sup> Street to the west line of N. 2<sup>nd</sup> Street was approved by the City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The Comprehensive plan identifies this area as industrial. (F-23)

**UTILITIES:**

There are existing electrical facilities and a 2" natural gas main within the proposed vacation corridor.

**TRAFFIC ANALYSIS:**

North 1<sup>st</sup> and 2<sup>nd</sup> Streets and "R" Street are local streets.

**ANALYSIS:**

1. This is an application to vacate the east 14 feet of 1<sup>st</sup> Street between the north and south lines of "R" Street; "R" Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets; and the west 25 feet of 2<sup>nd</sup> Street between the south line of the north 14 feet of vacated "Q" Street and the north line of "R" Street.
2. The Mission owns property on the north and south side of 'R' Street. The applicant has stated that approval of this street vacation would allow installation of a security fence around the Mission property and possible future expansion of the Men's Shelter.
3. The vacation of 'R' Street will leave platted lots without frontage to a public street. A final plat must be filed to create lots that will have access to a public street.
4. There are two street lights and a 2" gas main within the area of N. 1<sup>st</sup> St. and 'R' St. to be vacated. The applicant will need to contact Lincoln Electric System to have the street lights removed. An easement will need to be maintained over the gas main.
5. The area is within the 100 year flood zone. The City's policy is to retain a permanent conservation easement that protects the flood storage capacity over the entire vacated corridor or an alternate conservation easement on other Mission property to offset any proposed fill within the vacated right-of-way.
6. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper 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 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.
- 1.3 Sign a conservation easement acceptable to the City.

Prepared by:

Tom Cajka  
Planner

**DATE:** June 22, 2006

**APPLICANT:** R. Thomas Barber, Executive Director  
People's City Mission  
110 'Q' St.  
Lincoln, NE 68508  
(402) 475-1303

**OWNER:** People's City Mission  
110 'Q' St.  
Lincoln, NE 68508  
(402) 475-1303

**CONTACT:** J.D. Burt  
Design Associates  
1609 'N' St. Suite 100  
Lincoln, NE 68508  
(402) 474-3000

## STREET & ALLEY VACATION NO. 06003

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

July 5, 2006

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Strand and Sunderman; Cornelius and Taylor absent.

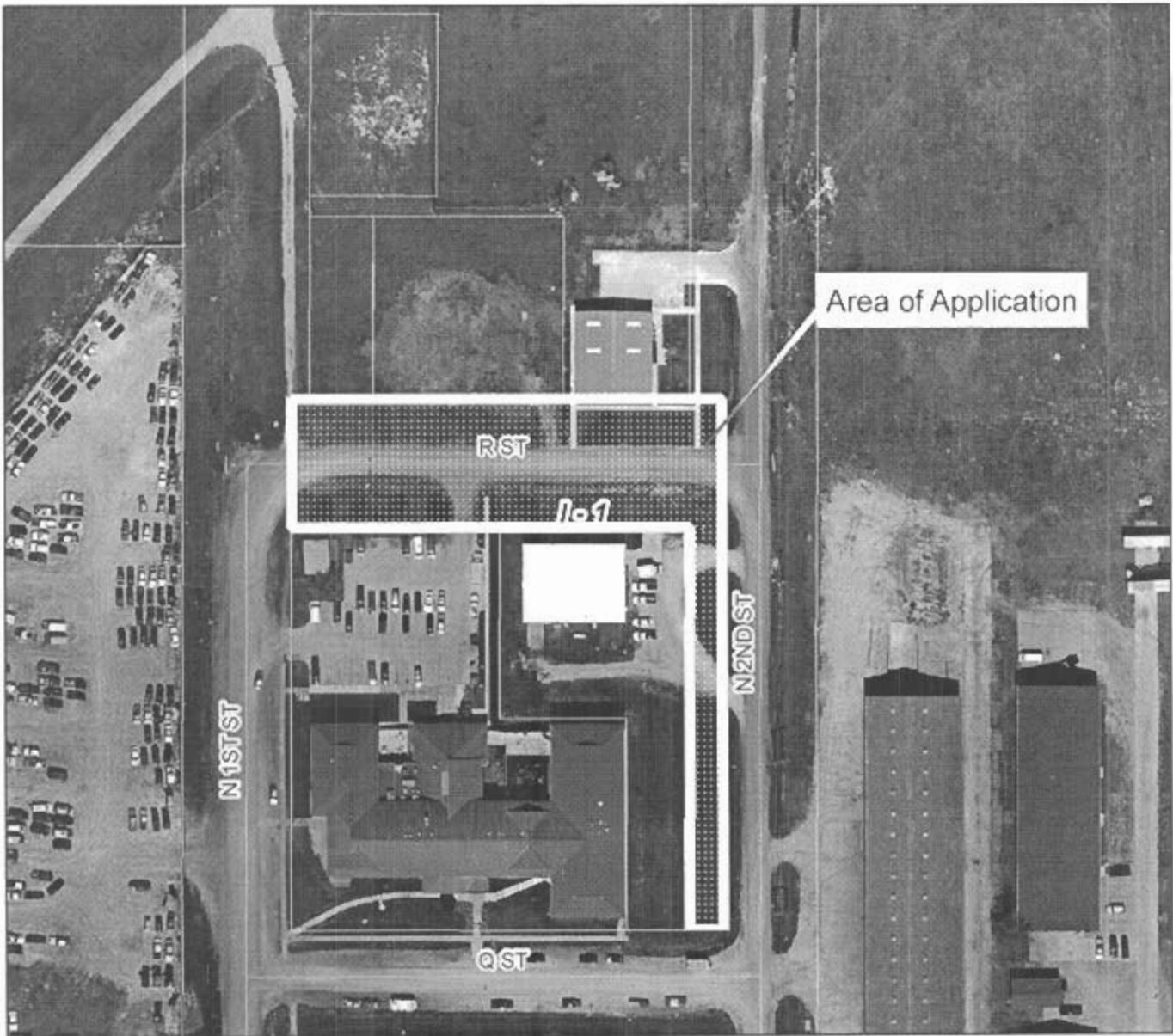
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06041, USE PERMIT NO. 117B, USE PERMIT NO. 04006A, SPECIAL PERMIT NO. 06039 and STREET AND ALLEY VACATION NO. 06003.**

Ex Parte Communications: None.

**Item No. 1.3, Special Permit No. 06039**, was removed from the Consent Agenda and scheduled for separate public hearing.

Carroll moved to approve the remaining Consent Agenda, seconded by Strand and carried 7-0: Carlson, Carroll, Esseks, Krieser, Larson, Strand and Sunderman voting 'yes'; Cornelius and Taylor absent.

Note: This is final action on Use Permit No. 117B, unless appealed to the City Council by filing a letter of appeal with the City Clerk with 14 days of the action by the Planning Commission.



Area of Application

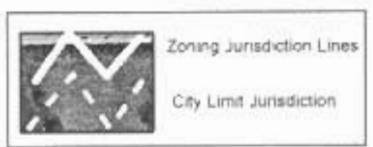
2005 aerial

**Street & Alley Vacation #06003**  
**N 1st St & R 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. 23 T10N R6E





"JD Burt"  
<jdburt@inebraska.com>

06/13/2006 04:44 PM

Please respond to  
<jdburt@inebraska.com>

To "tom cajka" <tcajka@ci.lincoln.ne.us>

cc "pastor tom barber" <pt@neb.rr.com>, "jerry owen"  
<jerryowen@neb.rr.com>

bcc

Subject RE: street vacation

Tom,

The request to vacate "R" Street and a portion of 2nd Street are an attempt to consolidate Mission property north and south of "R" Street. Approval of the vacation will allow installation of security fence around the Mission property on both sides of the street and possibly expansion of the Men's Shelter (west wing) into the vacated "R" Street right-of-way, east of 1st Street. The requested vacation along 2nd Street is proposed to allow construction of a parking lot east of the Women's Shelter (east wing) and preservation of a front yard setback along 2nd Street.

We have discussed a master plan with Mission staff. Due to the uncertainty of funding and time schedule of the unknown funding, the locations, sizes and uses of future buildings are not known at this time. We have however prepared a concept plan showing the proposed parking lot east of the Women's Shelter to be constructed upon approval of the vacations and amendment to the Special Permit.

We had discussed dedication of conservation easements with Mission staff. They are agreeable to the easement, as indicated in the cover letter submitted with the vacation petition.

In light of the uncertainty for any expansion of the Mission at this time, a meeting appears to be premature. We are, however, willing to discuss the parking lot or other issues, if your office feels the need.

JD

-----Original Message-----

From: TCajka@ci.lincoln.ne.us [mailto:TCajka@ci.lincoln.ne.us]

Sent: Monday, June 12, 2006 9:12 AM

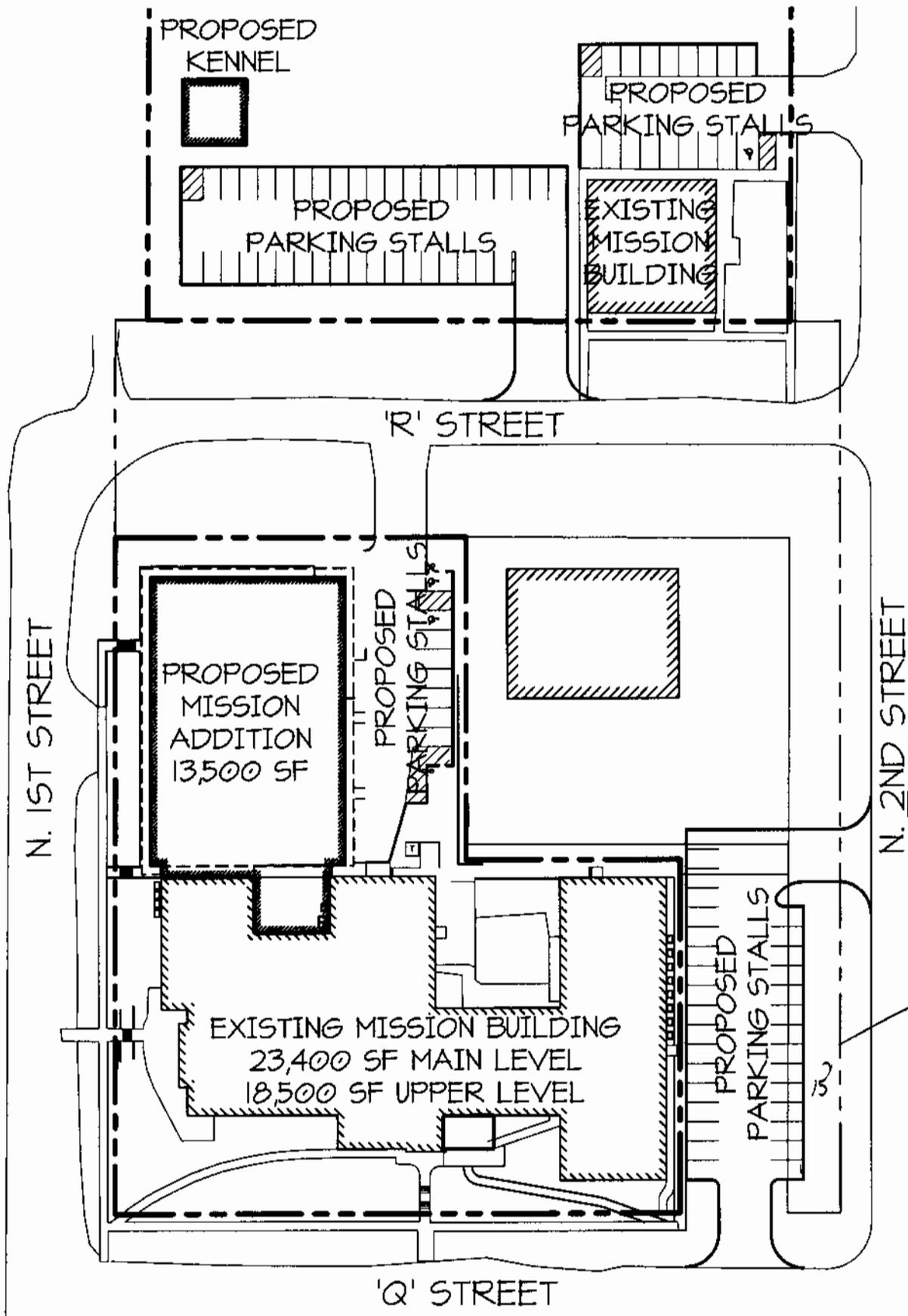
To: jdburt@inebraska.com

Subject: street vacation

Your proposed street vacation of "R" St. for Peoples City Mission was discussed at staff meeting last Friday. Public works and Planning thought it would be a good idea to meet with you and discuss the future plans for PCM before the street vacation proceeds. If there are plans to expand the building or add new buildings, a concept plan is requested.



PCM Campus Plan.pdf



Parking in the front yard not allowed in I-1 District.

new lot line?

**Design Associates**  
of Lincoln, Inc.



ARCHITECTS • ENGINEERS • PLANNERS

PERSHING SQUARE 1609 "N" STREET LINCOLN NEBRASKA 68508  
voice:402.474.3000 desasoc@nebraska.com fax:402.474.4045



**PEOPLE CITY MISSION  
CAMPUS PLAN**

008

NO SCALE

13 JUN 2006

# Design Associates

of Lincoln, Inc.



ARCHITECTS • PLANNERS • ENGINEERS

June 5, 2006

Marvin Krout  
Lincoln Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Street Vacation

Mr. Krout,

On behalf of the People's City Mission, attached please find an executed PETITION TO VACATE PUBLIC WAY. The petition includes "R" Street between 1<sup>st</sup> Street and 2<sup>nd</sup> Streets, a portion of 1<sup>st</sup> Street adjacent to "R" Street and the West 25' of 2<sup>nd</sup> Street between "Q" and "R" Streets. The limits of the vacation request and Mission's ownership are shown in Exhibit "A".

The purpose of this vacation is to allow purchase and use of the vacated street right-of-way adjacent to Blocks 263 and 264, which are both owned by the Mission. If the requested vacation is approved, an amendment of Special Permit #1123B will be submitted to include the vacated right-of-way into the special permit.

It is acknowledged city policy requires conservation easements that prohibit placement of fill material in right-of-ways when vacated, if located in a flood plain. The owner agrees to dedicate such an easement or an alternate conservation easement on other Mission property located in the flood plain to offset any proposed fill within the vacated right-of-way. Calculations for fill quantities for the proposed vacation are shown in Exhibit "B"

Please advise if additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.D. Burt'. The signature is written in a cursive, somewhat stylized font.

J.D. Burt  
For the firm

cc: John Watson, President, People's City Mission Board  
Pastor Tom Barber

009

**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.) East 14' of 1st Street between the north and south lines of 'R' street; 'R' street between 1st and 2nd Streets; and West 25' of 2nd Street between the south line of the north 14' of vacated 'Q' Street and the north line of 'R' street

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.)

lots 1-12 and vacated alley in Block 263 and vacated right-of-way adjacent; lots 1-12 and vacated alley in Block 264 all in Lincoln Original Plat

DATED this

day of

JUNE

20

07

EXECUTIVE DIRECTOR

**(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC - NOTARIAL ACKNOWLEDGMENTS ON REVERSE)**

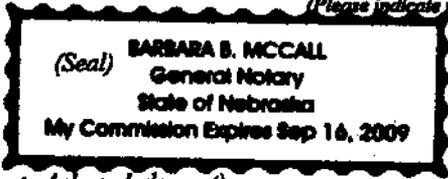
(Individual(s) Acknowledgment):

STATE OF Nebraska )  
 ) ss.  
Lancaster COUNTY )

The foregoing instrument was acknowledged before me on this 1st day of June, 2006 by

R. Thomas Barber, Exec. Dir. PCM.

(Please indicate name(s) and marital status of person(s) signing)



Barbara B McCall  
Notary Public

(Corporate Acknowledgment):

STATE OF \_\_\_\_\_ )  
 ) ss.  
\_\_\_\_\_ COUNTY )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, president of \_\_\_\_\_, on behalf of the corporation.

(Seal)

\_\_\_\_\_  
Notary Public

(Partnership Acknowledgment):

STATE OF \_\_\_\_\_ )  
 ) ss.  
\_\_\_\_\_ COUNTY )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, general partner of \_\_\_\_\_, on behalf of the partnership.

(Seal)

\_\_\_\_\_  
Notary Public

(Limited Liability Company Acknowledgment):

STATE OF \_\_\_\_\_ )  
 ) ss.  
\_\_\_\_\_ COUNTY )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, managing member of \_\_\_\_\_, on behalf of said limited liability company.

(Seal)

\_\_\_\_\_  
Notary Public

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): Peoples City Mission Home

If more than one individual, indicate if you are:

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

2. Petitioner's Address: 110 'Q' Street  
Lincoln, NE 68508

3. Petitioner's Telephone Number: (402) 475-1303

4. Name of street, alley, or other public way sought to be vacated: 'R' Street between the east  
line of 1st Street and west line of 2nd Street

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: lots 1-6 and  
East 14' of vacated 1st Street, Block 263 and lots 7-12, Block 264  
Lincoln Original Plat

6. Why are you seeking to have this street, alley, or other public way vacated?  
Consolidation of Mission ownership, north and south of "R" Street

7. What use or uses do you propose to make of the public way should it be vacated?  
Expansion of homeless and daywatch shelter into  
"R" Street right of way

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?  
X YES \_\_\_\_\_ NO

9. Name and address of person to whom tax statement should be sent:  
Peoples City Mission Home Attn: Jerry Owen  
110 'Q' Street  
Lincoln, NE 68508

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.

EXISTING CONSERVATION  
EASEMENT

VACATED ORD. 15862  
S STREET

AREA OF VACATION

FILL WITHIN LIMITS OF RIGHT OF WAY  
TO BE VACATED: TOTAL 12,310 CY

**Design Associates**   
of Lincoln, Inc.

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PERSHING SQUARE 1609 "N" STREET LINCOLN NEBRASKA 68508  
voice:402.474.3000 [desassoc@inebraska.com](mailto:desassoc@inebraska.com) fax:402.474.4045



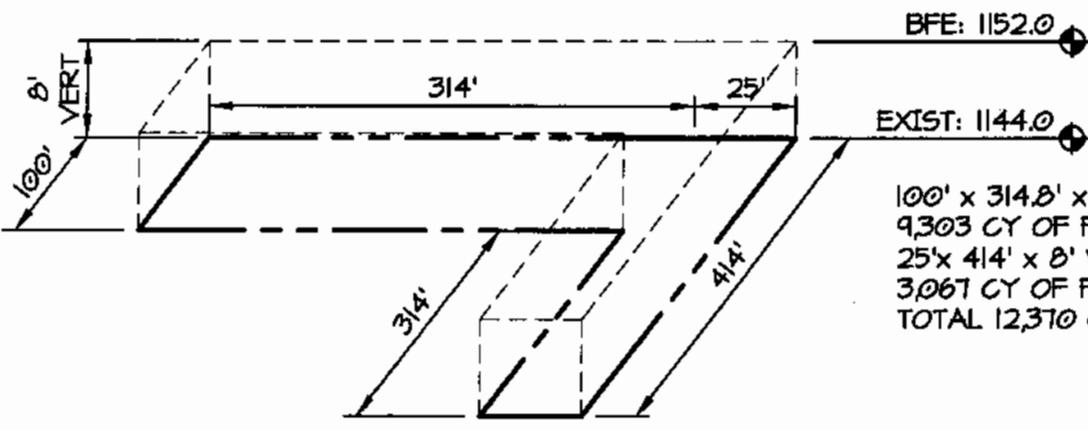
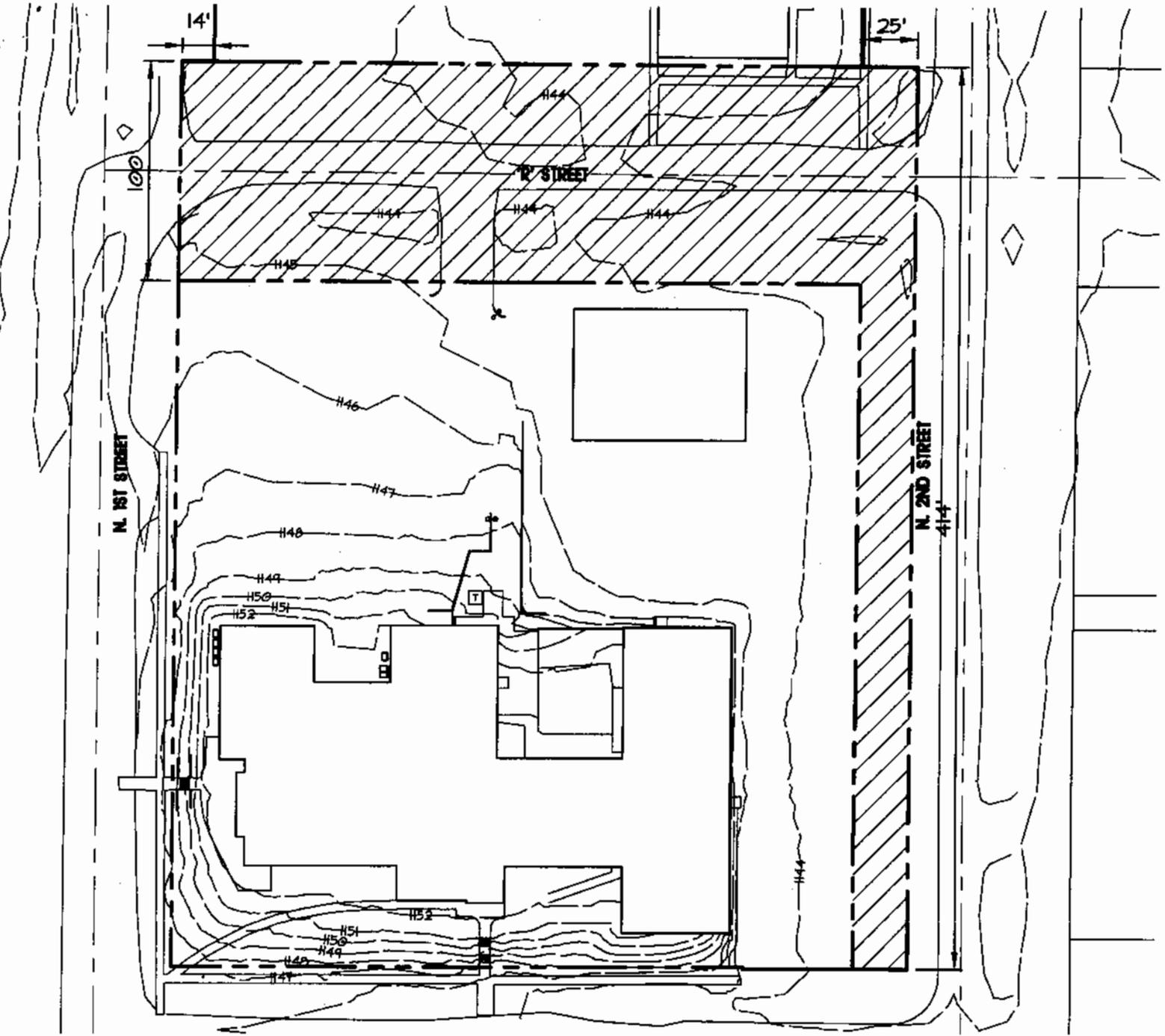
**EXHIBIT 'A'**

NO SCALE

PEOPLES CITY MISSION  
OWNERSHIP

013

05 JUN 2006



$100' \times 314.8' \times 8' \text{ VERT} = 251,200 \text{ CF} / 27 = 9,303 \text{ CY OF FILL}$   
 $25' \times 414' \times 8' \text{ VERT} = 82,800 \text{ CF} / 27 = 3,067 \text{ CY OF FILL}$   
**TOTAL 12,370 CY.**

**Design Associates**  
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PERSHING SQUARE 1809 "N" STREET LINCOLN NEBRASKA 68508  
 voice: 402.474.3000 desassoc@lincoln.com fax: 402.474.4045



**EXHIBIT 'B'**

NO SCALE

014  
 R ST BETWEEN N 1ST AND N  
 2ND ST & EAST 25' OF 2ND  
 ST BETWEEN R ST AND Q ST

05 JUN 2006

Please provide your comments below, and also identify the reservations and easements you will require should this vacation be approved. Complete ONLY those areas of your jurisdiction.

Type of Facility	Facility presently in place.	Facility to be built. When?
Sanitary Sewer	_____	_____
Water Mains	_____	_____
Storm Sewer	_____	_____
Electrical Power, Overhead	_____	_____
Electrical Power, Underground	_____	_____
Street Lighting	yes (see below)	-
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

General Comments:

NO comments (LR)  
 There are presently two City street lights on this street. If this street is vacated, please contact Barry Kethol at 467-7642 to have these lights removed since it is no longer a city street.

RETAIN EASEMENTS for existing and future electrical facilities within the proposed vacation corridor.

6/14/2006  
 Date

Stanley D. Wostiel  
 Signature

467-7627  
 Phone

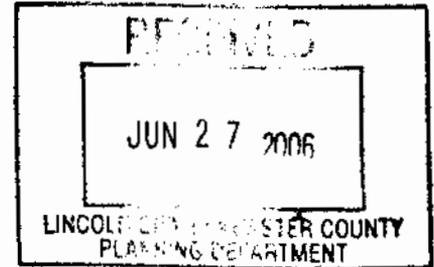


Aquila

Aquila Networks  
P.O. Box 83008  
Lincoln, NE 68501-3008

June 15, 2006

Tom Cajka  
City-County Planning Department  
555 So. 10<sup>th</sup> Street  
Lincoln, NE. 68508



RE: Request to vacate the following:

Street & Alley Vacation No. SAV 06003  
R Street between 1<sup>st</sup> & 2<sup>nd</sup> Street, a portion of 1<sup>st</sup> Street adjacent to R Street  
and the west 25' of 2<sup>nd</sup> Street between Q Street & R Street

Dear Mr. Cajka:

Per your request, I have reviewed the above referenced street & alley vacation with concern toward natural gas facilities. A two-inch natural gas main occupies the south right-of-way of "R" Street from the east right-of-way of North 1<sup>st</sup> Street to 328' east at 20' south of centerline of "R" Street then the line is capped. This main serves the City Mission Dorm, so it must remain in service. Attached are as-built drawings that display the general location of this gas main.

Aquila objects to this proposed street vacation on "R" Street, unless an easement is established as part of this vacation to include the gas main.

If you have any concerns regarding this letter, please call me at my office. My phone number is 4371715.

Sincerely Yours,

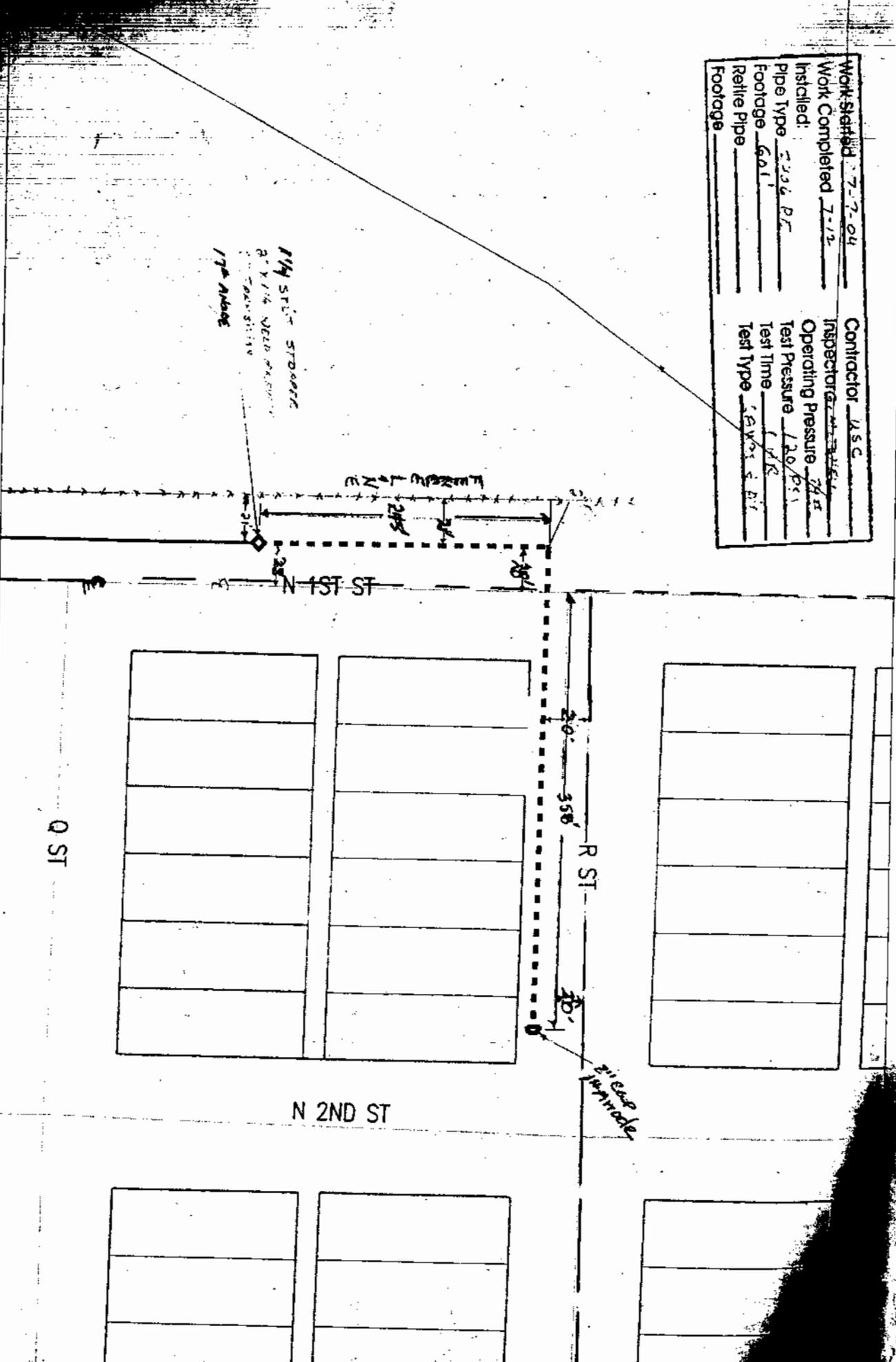
Randy Kreifels  
Construction Coordinator

Work Started	7-7-04	Contractor	U.S.C.
Work Completed	7-12	Inspector	W. H. H. H.
Installed:		Operating Pressure	34.5
Pipe Type	2006 BR	Test Pressure	120 PSI
Footage	601'	Test Time	1 HR
Relite Pipe		Test Type	AVS S BR
Footage			

Aquila

CALL BEFORE YOU DIG  
IN NE (800) 331-5666

CITY MISSION



Job Number: 061704

Date: 06/17/04

Description: Gas Main

Activity ID # 60006025

Contact Name: LINCOLN 1ST & R ST

Job Title: unseal

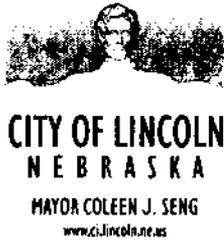
City: LINCOLN

TurnKey-Sec: T10NRGE-23

Drawn By: firekfel

Scale: 1" = 100'

State: NE



**PUBLIC WORKS AND  
UTILITIES DEPARTMENT**

**Memorandum**

**Date:** 6/20/2006

**To:** Tom Cajka

**From:** Devin Biesecker

**Subject:** Vacation of 'R' Street between 1<sup>st</sup> and 2<sup>nd</sup>

**cc:** Ben Higgins, Dennis Bartels

---

Below are Watershed Management's comments on the proposed vacation of 'R' Street between 1<sup>st</sup> and 2<sup>nd</sup> Streets.

1. This street is located in the 100 year floodplain of Salt Creek. A result from the Mayor's Floodplain Task Force was a recommended policy for vacating City owned property in the floodplain. The recommended policy reads as follows:

"The City and County should adopt a policy where, under normal circumstances, City or County property in the floodplain is viewed as serving a public purpose and not be proposed for surplus. If there are unusual circumstances that cause the consideration of declaring surplus property in the floodplain, the City or County should retain a permanent conservation easement that protects the flood storage capacity, or any flood storage impacts should be mitigated at a 1 to 1 ratio. Declaring surplus property should not be considered *under any circumstances* where floodplains contain environmental resources such as riparian areas or stream corridors that provide habitat and water infiltration benefits or serve as connectors to natural areas."

Watershed Management recommends that the policy drafted by the Mayor's Floodplain Task Force apply to the vacation of 'R' Street.

## INTEROFFICE MEMORANDUM

TO: Mayor Seng  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: October 26, 2006

COPIES TO: Teresa J. Meier  
Marvin Krout  
Dana Roper  
Byron Blum, Bldg & Safety  
Jean Walker, Planning

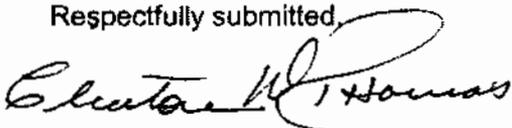
SUBJECT: Street & Alley Vacation No. 06003  
R Street, 1<sup>st</sup> to 2<sup>nd</sup> and part of 2<sup>nd</sup> St.,  
Q to R Streets

A request has been made to vacate that portion of R Street lying between 1<sup>st</sup> and 2<sup>nd</sup> Streets and the west 25 feet of 2<sup>nd</sup> Street from approximately Q to R Streets. The area was viewed and appeared as a rural road section surfaced with crushed rock. There was evidence of utilities in that there are street lights and fire hydrants located along the street. Public Works has also indicated the existence of a 2" gas main within the area. They have also stated the street lights would need to be relocated at the owner's expense and easements retained for any utilities which exist within the area.

Since the area is located within the Salt Creek Flood Plain, Public Works has also asked that a Conservation Easement be retained over the entire area to be vacated. The conservation easements are considered to restrict the use of the area far greater than utility easements. As such, the only value considered to accrue to the property is for density, or the elimination of setbacks along that side.

As such, a minimal value is considered appropriate. Therefore, if the area be vacated and easements be retained for utilities as well as a conservation easement, it is recommended the area be sold to the abutting property owner for \$500.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023

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