

Waiver 13008

RESOLUTION NO. A-_____

1 WHEREAS, Homestead Park 8th Addition and Homestead Park 9th Addition,
2 generally located near N.W. 8th Street and Glacier Trail were previously approved by
3 the City of Lincoln; and

4 WHEREAS, pursuant to the Land Subdivision Ordinance a pedestrian way
5 easement is required to be provided when a block length exceeds 1,000 feet in length;
6 and

7 WHEREAS, pursuant to said requirement, a pedestrian way easement was
8 required to be granted and a sidewalk installed in the pedestrian way easement over Lot
9 4, Block 4, Homestead Park 8th Addition and Lot 13, Block 1, Homestead Park 9th
10 Addition generally located between N.W. 8th Street and Homeland Place approximately
11 one block north of Glacier Trail as a condition of approval for said Additions; and

12 WHEREAS, Diane McFee, on behalf of the members of the Homestead Park
13 Homeowners Association and other concerned citizens including the owners of the
14 above described property, has requested a modification of the Land Subdivision
15 Ordinance to waive said requirement, pursuant to § 26.31.010 of the Lincoln Municipal
16 Code; and

17 WHEREAS, on September 4, 2013 the Planning Commission held a public
18 hearing on said request and approved the waiver; and

19 WHEREAS, on September 18, 2013 Karrie Usher filed a notice of appeal
20 appealing the action of the Planning Commission approving the requested waiver; and

1 WHEREAS, pursuant to Lincoln Municipal Code § 26.31.010(g)(2) the action
2 appealed from is deemed advisory and the City Council is authorized to take final action
3 on the requested waiver; and

4 WHEREAS, the City Council finds that the design and construction of the
5 sidewalk in the pedestrian way easement are perceived as safety issues for the
6 neighborhood, that waiver of the sidewalk and pedestrian way easement would have
7 little if any impact on pedestrian traffic, and that the strict application of the requirement
8 that a pedestrian way be located in Lot 4, Block 4, Homestead Park 8th Addition and Lot
9 13, Block 1, Homestead Park 9th Addition, would result in actual difficulties or
10 substantial hardship or injustice to the property owners.

11 NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

12 That the requested waiver of the requirement of the Land Subdivision Ordinance
13 that a pedestrian way sidewalk be installed in Lot 4, Block 4, Homestead Park 8th
14 Addition and Lot 13, Block 1, Homestead Park 9th Addition, is hereby approved, and the
15 existing platted pedestrian way easement located on said lots is hereby authorized to be
16 released.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2013: _____ Mayor
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