

FACTSHEET

TITLE: DECLARATION OF SURPLUS PROPERTY, requested by the Director of the Parks and Recreation Department, declaring the former Union Pacific right-of-way between 30th and 33rd Streets, as surplus property, consisting of 1.5 acres, more or less, generally located between 30th and 33rd Streets north of Peter Pan Park.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan (**Comprehensive Plan Conformance No. 03008**).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/03/03
Administrative Action: 09/03/03

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (7-0: Bills-Strand, Carlson, Krieser, Duvall, Marvin, Taylor and Steward voting 'yes').

FINDINGS OF FACT:

1. The staff recommendation and conclusion to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
2. This application was removed from the Consent Agenda and had separate public hearing at the request of property owner Jerry Haertel.
3. Testimony in support is found on p.4.
4. Jerry Haertel, the owner of property at 37th & Apple, testified as to location of the access to this property and whether he would be given an opportunity to purchase the surplus property (See Minutes, p.3). The staff response is found on p.4-5. The potential sale to Rose Investments is envisioned as a land exchange agreement with the development of lots backing up to Peter Pan Park and park improvements made by the developer. Public bidding is not required of the City in this instance. The property would need to be rezoned and platted, at which point access would be addressed.
5. There was no testimony in opposition.
6. On September 3, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 8, 2003

REVIEWED BY: _____

DATE: September 8, 2003

REFERENCE NUMBER: FS\CC\2003\CPC.03008

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 3, 2003 PLANNING COMMISSION MEETING

- P.A.S.:** Comprehensive Plan Conformance #03008
- PROPOSAL:** To declare the former Union Pacific right-of-way between 30th and 33rd Streets as surplus.
- LOCATION:** Between 30th and 33rd Streets north of Peter Pan Park.
- LAND AREA:** 1.5 acres, more or less.
- CONCLUSION:** In conformance with the Comprehensive Plan. The area is not necessary for any City department.

RECOMMENDATION:	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

- LEGAL DESCRIPTION:** Lot 1 Koser Sub and/or the former MoPac right of way north of said Lot 1 between 30th and 33rd Streets, approximately.
- EXISTING ZONING:** I-1, Industrial.
- EXISTING LAND USE:** Undeveloped, used as private alley.

SURROUNDING LAND USE AND ZONING:

North:	Industrial and residential	I-1, Industrial, R-2, Residential
South:	Warehouses, Peter Pan Park	I-1, P, Public
East:	Industrial and residential	I-1, R-2
West:	Residential	R-2

HISTORY:

2003 City of Lincoln Parks and Recreation Department internal review reveals that the land is surplus to their needs and pursues a declaration of surplus property finding of conformance with the Comprehensive Plan.

June 8, 2001 City of Lincoln acquires property and plans to use the land for the MoPac trail.

1993 City of Lincoln builds the MoPac trail south of the abandoned railroad right of way.
September 23, 1997 Union Pacific Railroad Company filed for abandonment for use of a trail.

The zoning was updated to I-1, Industrial during the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan indicates a current trail in the general area (F-95). (This represents the existing MoPac trail just to the south of this site.)

ANALYSIS:

1. This is an application to declare a 50' wide strip of land that lies between two strips of privately zoned industrial land approximately 140' north of the north edge of Peter Pan Park of city owned property near Peter Pan Park as surplus.
2. The Parks and Recreation Department acquired the property after the railroad was abandoned. The land purchase was part of a larger purchase from 18th Street to 33rd Street. The MoPac Trail was constructed to the south of this right-of-way on the north edge of Peter Pan Park, but the City had to purchase the right of way adjacent to the trail because it was part of the larger package from the railroad, knowing they would never use it for the MoPac Trail. A potential purchaser approached the Parks and Recreation Department and asked them to survey their property needs to determine whether or not this property was needed. The Parks and Recreation Department determined the land is surplus to their needs.
3. The potential purchaser would like to redevelop the city owned land along with the abutting land to the south for residential use, with lots backing up to the north edge of the city park.
4. The Parks and Recreation Department Advisory Board supports the request to declare this property surplus.
5. A meeting of the City Department Directors indicated that other departments do not need the land.

Prepared by:

Becky Horner
Planner

DATE: August 18, 2003

**APPLICANT
CONTACT &
OWNER:** Lynn Johnson, Parks and Recreation Department
City of Lincoln
2740 A Street
Lincoln, NE 68502
(402)441-7847

COMPREHENSIVE PLAN CONFORMANCE NO. 03008

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 3, 2003

Members present: Bills-Strand, Carlson, Krieser, Duvall, Marvin, Taylor and Steward; Larson absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Ex Parte Communications: None.

This application was removed from the Consent Agenda for separate public hearing.

Proponents

1. J.J. Yost of the City Parks & Recreation Department explained that this is a piece of abandoned railroad right-of-way property acquired as part of a bigger piece of right-of-way for construction of the MoPac Trail. The portion of the trail between 30th and 33rd was built 5 years before this property was acquired. The subject property is on the north side of Peter Pan Park. At the request of a developer who owns the property between the park and this right-of-way, the Parks & Recreation Department has determined the property to be surplus to the Parks & Recreation Department needs. The property runs from 33rd to 30th. Peter Pan Park is about 140' south.

2. Gene Carroll, Rose Investments, Inc., owns the property between the railroad right-of-way and Peter Pan Park. He testified that it is his intention to eventually put affordable housing in this area. This application is the first step to get the property surplus. The land was rail-banked and they will be going to the Department of Transportation to take it out of rail-banking.

Steward inquired whether Mr. Carroll's property extends on the other side of the railroad property. Carroll stated that he only owns the property to the south. There is a different owner to the north.

Other Public Testimony

3. Jerry Haertel, owner of the property at 37th & Apple (two properties to the west of the Kingery property), which is on the south side of Apple Street, testified that he is in negotiations with his neighbor to buy or sell, with the intent to put multiple units in the R-4 zoning. The Kingery property is "I" zoning to the east. Haertel has a question about the location of the access and whether it would be off of 33rd Street. He has no problem with multi-family housing in this area, but he and another adjoining property owner are interested in procuring the portion behind their properties for more parking or another unit. He assumed the access would be off 33rd to the east end.

Steward explained that there is nothing before the Commission as to development at this point. Haertel wondered whether he would have the opportunity to purchase the property being surplus.

Steward asked for a staff response. Marvin also noted that the Apple Street property looked to be zoned I-1. Becky Horner of Planning staff clarified that the subject area is zoned I-1. The Haertel property is zoned R-4. If the area is redeveloped and declared surplus, it would be required to have a change of zone

to residential. With regard to access, the Parks Department has been in discussion with the individual who wishes to purchase, but nothing has been formally submitted for review.

Rick Peo, City Law Department, advised that the city is not required to put this surplus property out to public bid or to allow property owners to participate in this purchase. We are envisioning it as a land exchange agreement with the property owner to exchange the surplus park property to do enhancements to Peter Pan Park. It would be a land exchange agreement with a development solution. Steward assumes that was stimulated by the fact that the property owned is contiguous to that surplus parcel. Peo concurred.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

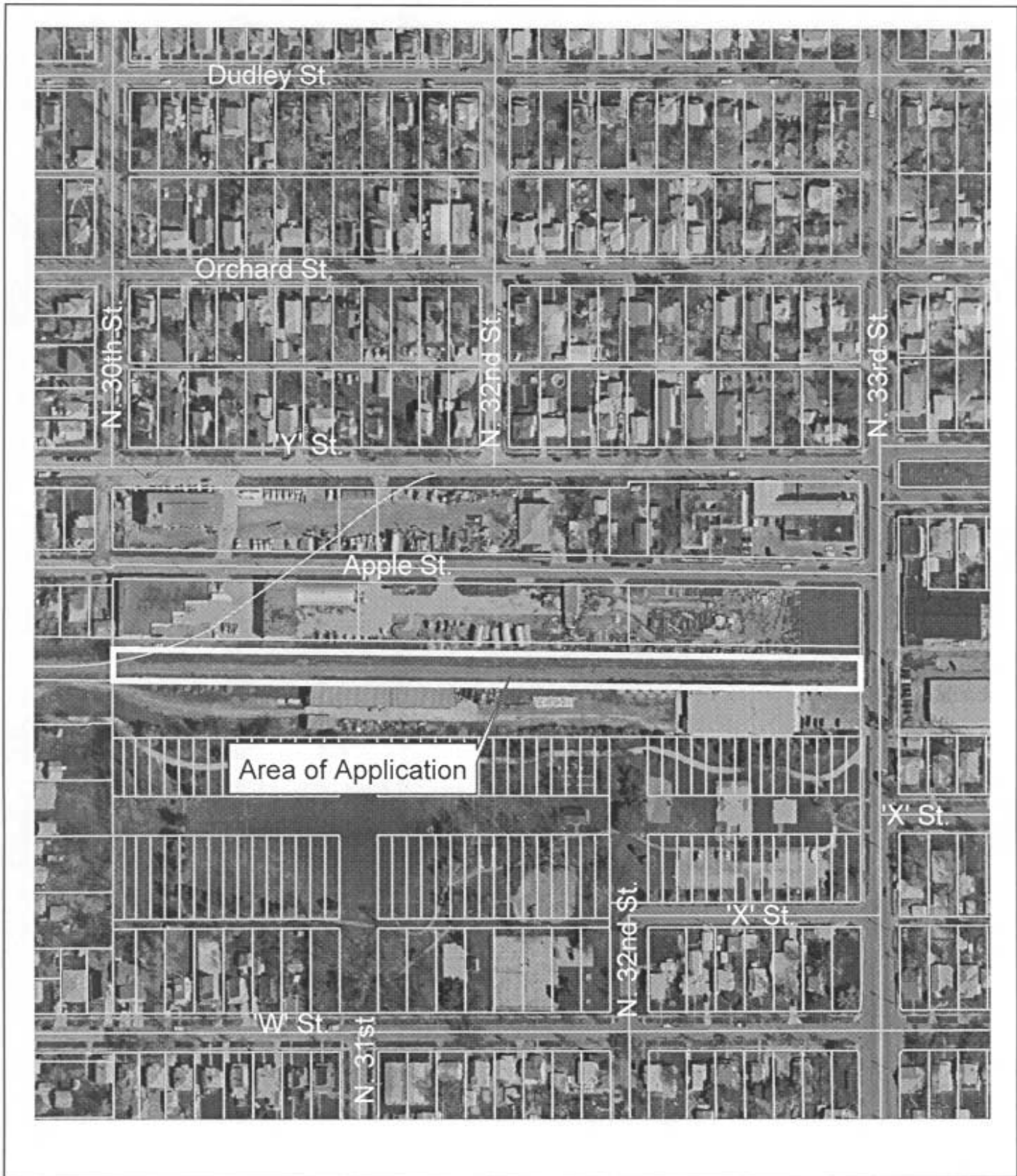
September 3, 2003

Taylor moved to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan, seconded by Bills-Strand and carried 7-0: Bills-Strand, Carlson, Krieser, Duvall, Marvin, Taylor and Steward voting 'yes'.



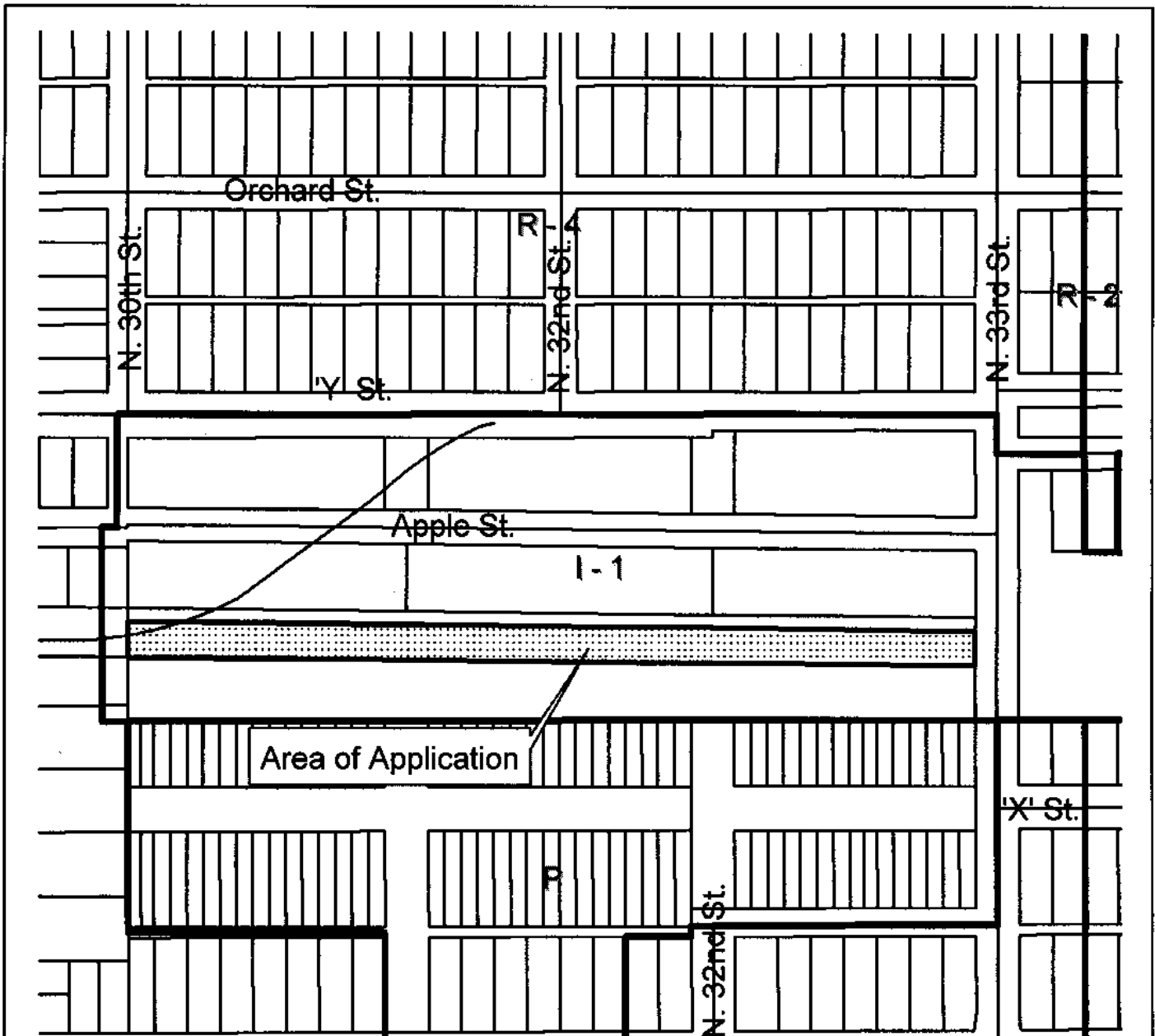
**Comp. Plan Conformance #03008
Surplus Property - N. 30th & 'X' St.
Mo Pac Trail**





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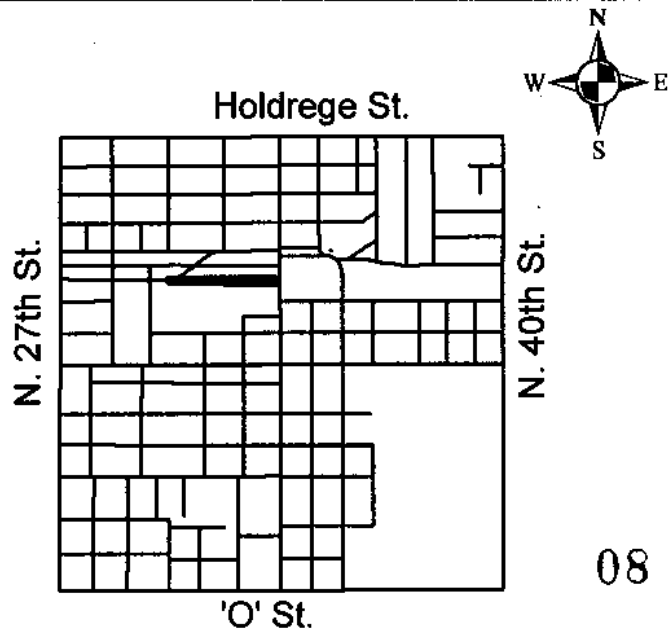
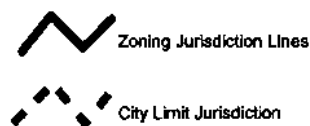


**Comp. Plan Conformance #03008
Surplus Property - N. 30th & 'X' St.
Mo Pac Trail**

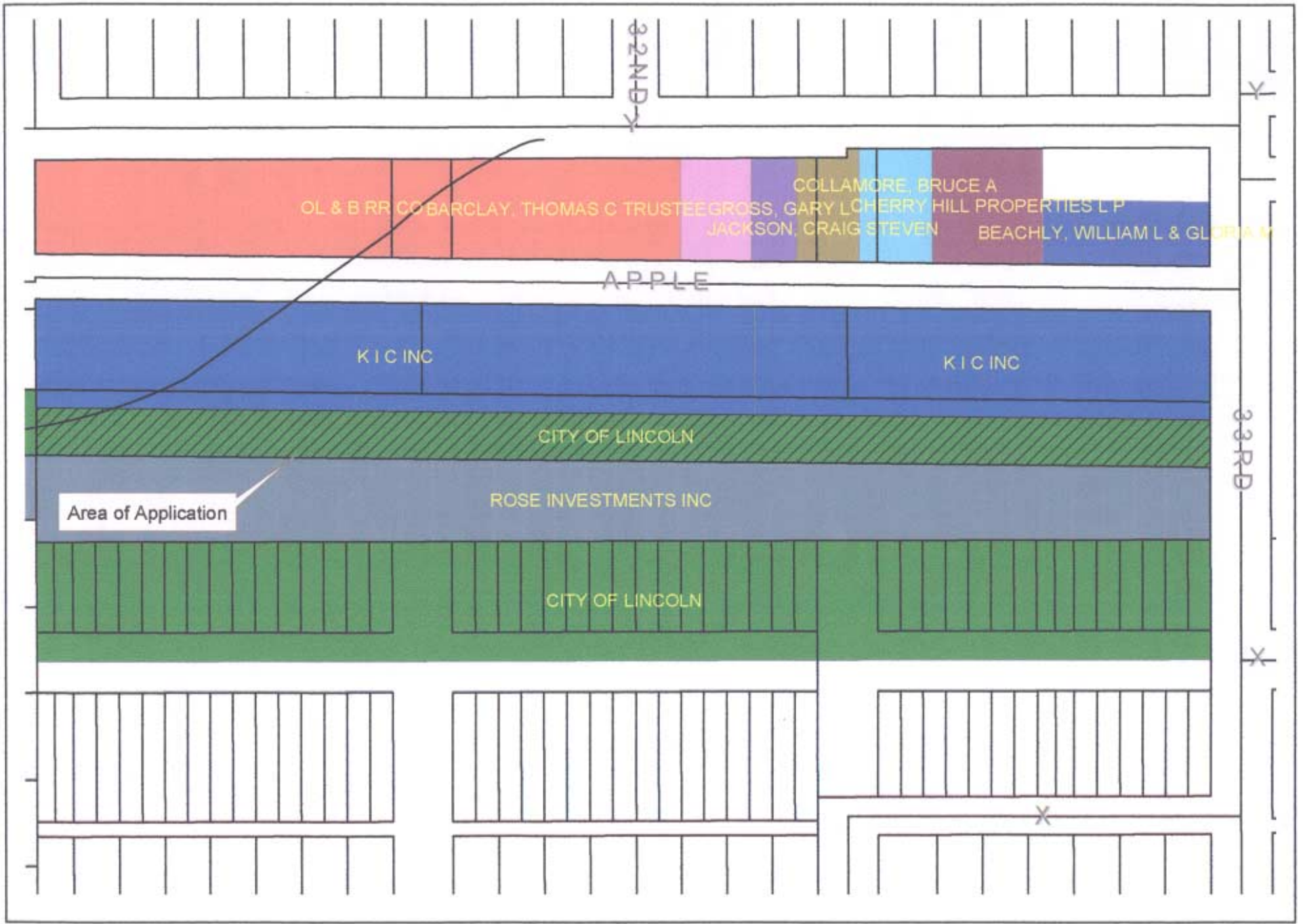
Zoning:

One Square Mile
Sec. 19 T10N R7E

- 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



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Memo

To: Director of Planning Department
From: J.J. Yost, Planning & Construction Manager for Parks & Recreation for Lynn Johnson, Director of Parks and Recreation
Cc: Steve Werthmann, Housing Rehab. & Real Estate Manager for Urban Development
Date: August 7, 2003
Re: Declaration of Surplus Property – Mopac Railroad Right-of-Way between 30th and 33rd Street

Please place on the next Planning Commission agenda a request to declare surplus the old Mopac Railroad Right-of-Way (ROW) between 30th and 33rd Streets.

The existing Mopac Recreation Trail connection in this area has been constructed through Peter Pan Park located just south of the Mopac ROW. As a result, the rail-banked portion of the Mopac ROW between 30th and 33rd Streets, which is separated from park property by an approximately 140-foot wide parcel of land, is surplus to the needs of the City for constructing additional recreation trail. The City therefore intends to transfer the land to Mr. Gene Carroll (Rose Investments, Inc.) for the purpose of constructing affordable housing units along the property located along the northern perimeter of Peter Pan Park. In return, Mr. Carroll will transfer a portion of land located immediately adjacent to the northwest corner of the park to the City for additional park property.

The request for surplus will help fulfill the City of Lincoln's goal for affordable housing and is in compliance with the 2025 Comprehensive Plan. Please note that the Parks & Recreation Advisory Board – Fees and Facilities Committee endorsed the request for surplus during their 29 July 2003 meeting.

We will request responses from other City Departments in accordance with the surplus property disposition procedures.

Please contact Mr. Lynn Johnson at 441-8265 if you have any additional questions.