

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 10005, requested by the Joint Antelope Valley Authority and the Board of Regents of the University of Nebraska, to vacate a portion of the North 14th Street right-of-way generally located at the southeast corner of North 14th Street and Salt Creek Roadway.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/07/10
Administrative Action: 04/07/10

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Sunderman and Taylor voting 'yes'; Partington absent).

FINDINGS OF FACT:

1. This is a request to vacate a portion of the North 14th Street right-of-way south of Salt Creek Roadway. During the review of the final plat for Antelope Valley 1st Addition, it was discovered that a portion of a UNL parking lot encroached into this North 14th Street right-of-way.
2. The staff recommendation to find the proposed vacation in conformance with the Comprehensive Plan and the Antelope Valley Redevelopment Plan is based upon the "Analysis" as set forth on p.3.
3. On April 7, 2010, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On April 7, 2010, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed vacation in conformance with the Comprehensive Plan (Partington absent).
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.11, finding that the area should be vacated at no cost to the abutting property owner with the final transfer of properties accounting for any consideration which might be placed on the land.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 27, 2010

REVIEWED BY: _____

DATE: May 27, 2010

REFERENCE NUMBER: FS\CC\2010\SAV.10005

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 7, 2010 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.10005

PROPOSAL: To vacate a portion of N. 14th St. right-of-way.

LOCATION: Southeast corner of N. 14th St and Salt Creek Roadway

LAND AREA: 3,256 sq. ft., more or less

CONCLUSION: The proposed street vacation is in conformance with the Comprehensive Plan and the Antelope Valley Redevelopment Plan.

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

LEGAL DESCRIPTION: see attached

ASSOCIATED APPLICATIONS: Final Plat #09085 Antelope Valley 1st Addition

COMPREHENSIVE PLAN SPECIFICATIONS:

Capitalize on Public Infrastructure Investments— The community should seek to efficiently utilize the community's investment in existing and future public infrastructure (i.e., Homestead Expressway, Antelope Valley, Beltways) to advance economic development opportunities.(p.30)

The Downtown/ Antelope Valley area would benefit by having a single large 10 to 15 acre site to show major corporate office users. Adequate and affordable parking is a key to companies locating or expanding in the Downtown. (p.32)

Support development and implementation of the Antelope Valley project which is to provide neighborhood revitalization, transportation and transit opportunities and stormwater improvements on the east side of Downtown, the UNL campus and surrounding neighborhoods. As the Antelope valley project progresses, ensure that new development is compatible with the existing Downtown and is pedestrian

HISTORY:

November, 2004 The Antelope Valley Redevelopment Plan was approved by the City Council.

January 26, 2009 Street & Alley Vacation #08004 to vacate various streets and alleys in Antelope Valley in the vicinity of "R" to Vine St. was approved by the City Council.

Dec. 31, 2009 Antelope Valley 1st Addition final plat was submitted to the Planning Department.

January 13, 2010 Street & Alley Vacation #09007 to vacate various streets and alleys in the area of N. 14th St & Court St; N. 16th St & "Y" St; and N. 12th St. & Charleston St. was approved by Planning Commission. The application is pending at City Council.

February 24, 2010 Street & Alley Vacation #10001 to vacate a portion of N. 21st St, from vine St. north was approve by Planning Commission. The application is pending at City Council.

ANALYSIS:

1. This application is to vacate a portion of N. 14th St right-of-way south of Salt Creek Roadway.
2. During the review of the final plat for Antelope Valley 1st Addition it was discovered that a portion of a UNL parking lot encroached into the right-of-way of N. 14th Street.
3. The abutting property is owned by either Joint Antelope Valley Authority or University of Nebraska Board of Regents.
4. The Public Works & Utilities Department notes that there are water and sanitary sewer mains in the area to be vacated. Public Works requests that a permanent utility easement be established over the entire area to be vacated.
5. 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.

Since there is a final plat that dedicates new street right-of-way associated with this street vacation, there most likely will be no cost to vacate this right-of-way.

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.

Prepared by:

Tom Cajka
Planner

DATE: March 24, 2010

APPLICANT: Tom Bruggeman,
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

OWNER: Joint Antelope Valley Authority
Board of Regents of the University of Nebraska

STREET & ALLEY VACATION NO. 10005

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 7, 2010

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Sunderman and Taylor; Partington absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN AMENDMENT NO. 10002** and **STREET AND ALLEY VACATION NO. 10005.**

Ex Parte Communications: None

Larson moved to approve the Consent Agenda, seconded by Francis and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Sunderman and Taylor voting 'yes'; Partington absent.



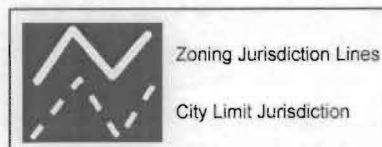
2007 aerial

Street & Alley Vacation #10005 N 14th St & Salt Creek Roadway

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. 24 T10N R06E



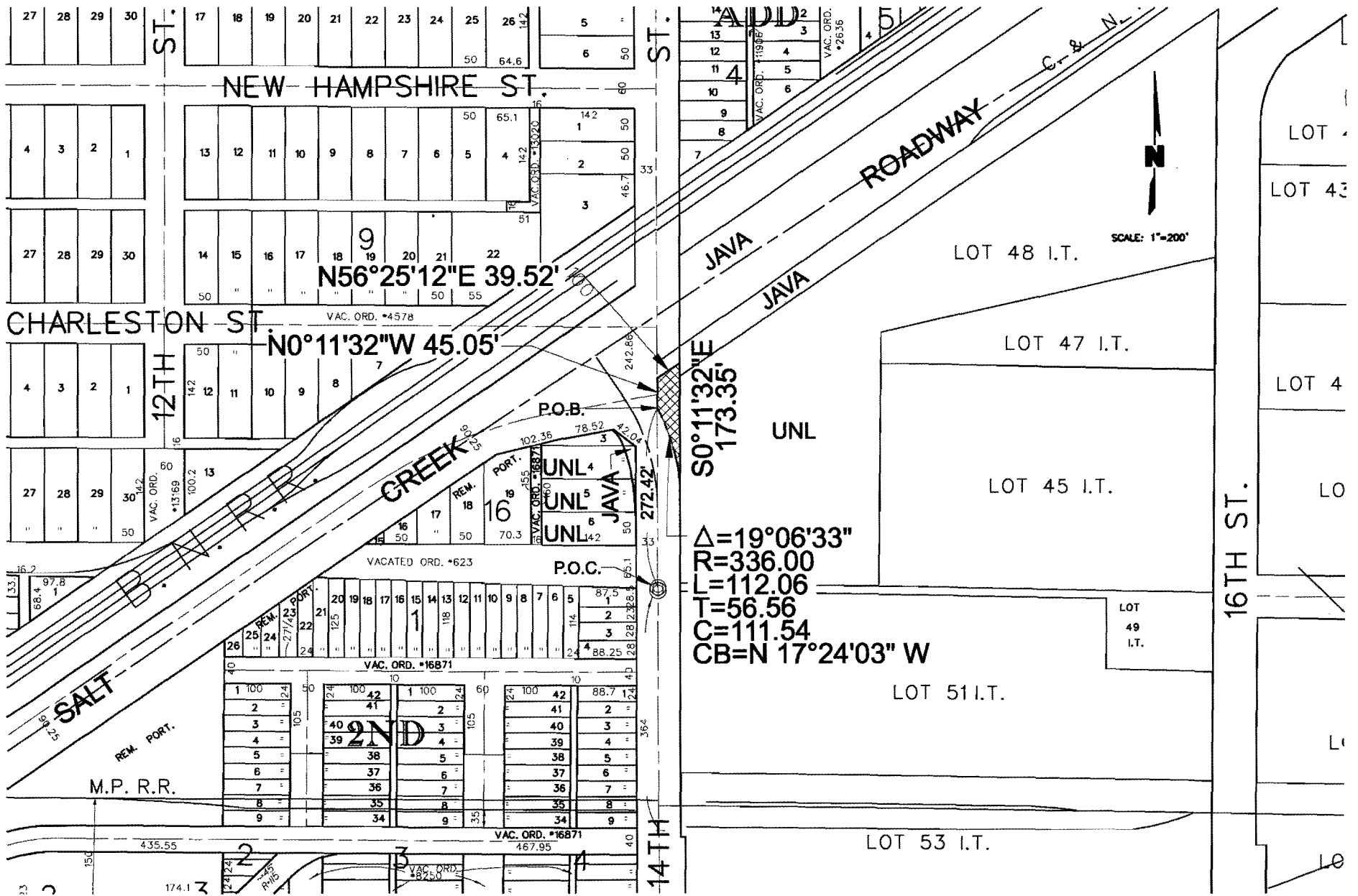
LEGAL DESCRIPTION
PARCEL L
NORTH 14TH STREET RIGHT-OF-WAY VACATION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE EAST HALF OF NORTH 14TH STREET RIGHT-OF-WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE EXISTING EAST HALF OF NORTH 14TH STREET RIGHT-OF-WAY FROM A POINT APPROXIMATELY 165 FEET NORTH OF THE SW CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 24-10-06 TO THE SOUTH LINE OF SALT CREEK ROADWAY.

COMMENCING FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTHERLY ON AN ASSUMED BEARING OF NORTH 0 DEGREES 11 MINUTES 32 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 24, SAID LINE ALSO BEING THE CENTERLINE OF NORTH 14TH STREET, A DISTANCE OF 272.42 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 0 DEGREES 11 MINUTES 32 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 45.05 FEET TO A POINT; THENCE NORTH 56 DEGREES 25 MINUTES 12 SECONDS EAST, A DISTANCE OF 39.52 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID NORTH 14TH STREET; THENCE SOUTH 0 DEGREES 11 MINUTES 32 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID NORTH 14TH STREET, A DISTANCE OF 173.35 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS IS 336.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 06 MINUTES 33 SECONDS, WITH A CHORD BEARING OF NORTH 17 DEGREES 24 MINUTES 03 SECONDS WEST, AND A CHORD DISTANCE OF 111.54 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3,256.62 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

I:\Projects\008-0072_SVVO Master\sets\1st Addition\Vacations\PARCEL L EXHIBIT L.dgn
 3/9/2010 9:49:59 AM



$\Delta = 19^\circ 06' 33''$
 $R = 336.00$
 $L = 112.06$
 $T = 56.56$
 $C = 111.54$
 $CB = N 17^\circ 24' 03'' W$

PROJECT NO: 008-0072
 DRAWN BY: TDB
 DATE: March 8th, 2009

ANTELOPE VALLEY 1ST ADDITION
RIGHT-OF-WAY VACATION
PARCEL L


 1111 Lincoln Mall, Suite 111
 P.O. Box 84608
 Lincoln, NE 68501-4608
 TEL 402.474.6311
 FAX 402.474.5160

EXHIBIT
L



Application Information	
Application #	2010-00125
Title	ANTELOPE VALLEY
Associated Requests	

Planning Department Use Only	
Submission Date	3/10/2010
Review Due	3/20/2010
Project Planner	Tom Cajka

Review Comments	
Planning	<input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required
Black Hills Corp (Randy Kreifels)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required BHE has a gas main that may end within this proposed vacation. The gas main only extends far enough to serve Abel Hall, but it would still need to be active to provide them service. BHE is okay with the proposed vacation as long a condition is established for the gas line to remain within the vacated area.
Development Review Manager (Steve Henrichsen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Law Department (Rick Peo)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required The Petition submitted for Parcel L has not been executed by JAVA, titleholder to a portion of Lot 48, I.T. in the NE 1/4 of 23-10-6 abutting Parcel L. In addition, the petition lists other JAVA property that does not abut Parcel L. 3/18/10 -- Signature page for JAVA was forwarded from Planning. Execution by UNL & JAVA now approved. Parcel L appears to only abut portions of Lot 48 I.T. (24-10-6). The petition includes other property owned by JAVA that does not abut the ROW to be vacated (i.e., Lots 3-6, Cahn, Metcalf & Farwell Sub. and the described Irregular Tract of land). The two legal descriptions included in the petition that do not abut the ROW to be vacated should be removed from the petition as the Register of Deeds is required to file the petition against all properties set out in the petition.
LES (Mike Petersen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Public Works (Barnie Blum)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Establish permanent easement over entire vacated area
Public Works (Bruce Briney)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Public Works (Buff Baker)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required 3/25/10 Public Works has no objections. Comply with Barnie's comments and easements.
Public Works (Dennis Bartels)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Recommend approval subject to retaining any easements necessary
Public Works (Edwin Kouma)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Watershed has no objections
Public Works & Utilities Wastewater (Brian Kramer)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Need to maintain 30' easements over the sanitary sewers.

009

Public Works & Utilities - Water (Nick McElvain)	Corrections Needed for Review Approval No Review Required	Insufficient Information for Review Need to preserve easement for existing water main.	Recommend Denial	Recommend Approval with Conditions	Recommend
Time Warner Cable (Lou Kipper)	Corrections Needed for Review Approval No Review Required	Insufficient Information for Review	Recommend Denial	Recommend Approval with Conditions	Recommend
Urban Development (Wynn Hjermsstad)	Corrections Needed for Review Approval No Review Required	Insufficient Information for Review Supported by Urban Development.	Recommend Denial	Recommend Approval with Conditions	Recommend
Urban Development - Real Estate (Clint Thomas)	Corrections Needed for Review Approval No Review Required	Insufficient Information for Review	Recommend Denial	Recommend Approval with Conditions	Recommend
Windstream (Jeff Schlake)	Corrections Needed for Review Approval No Review Required	Insufficient Information for Review Windstream has conduit running down the East Side of 14th st. within the area to be vacated and would require an easement.	Recommend Denial	Recommend Approval with Conditions	Recommend

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

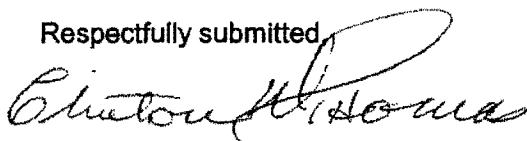
DATE: May 18, 2010

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning

SUBJECT: Street & Alley Vacation No. 10005
southeast corner of 14th Street and
Salt Creek Roadway

A request has been made to vacate a small portion of 14th Street at the intersection of Salt Creek Roadway. The writer did not view the area to be vacated, but is familiar with the street. This vacation is being done to clean up the small parcels of land which were left in various ownerships upon the completion of the Antelope Valley channel and roadway projects. The area will be included in the final plat of Antelope Valley First Addition and the resulting lots will be transferred to the appropriate final owner by the partners. As such, it is recommended the area be vacated at no cost to the abutting property owner with the final transfer of properties accounting for any consideration which might be placed on the land.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023