

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 10007**, requested by the City Law Department on behalf of the City of Lincoln, to vacate J Street from approximately North 2nd Street to 100 feet east of the east right-of-way line of South 3rd Street, and to vacate South 2nd Street from approximately the north right-of-way line of J Street to 143 feet south of the south right-of-way line of J Street.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 06/30/10
Administrative Action: 06/30/10

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

FINDINGS OF FACT:

1. This is a request to vacate "J" Street from approximately North 2nd Street to 100' east of the east ROW line of South 3rd Street, and to vacate South 2nd Street from approximately the north ROW line of "J" Street to 143' south of the south ROW line of "J" Street, for the purpose of closing the railroad crossings at South 2nd Street and "J" Street and South 3rd Street and "J" Street in accordance with the Interlocal Agreement between the City and the Railroad Transportation Safety District adopted by the City Council in March, 2009.
2. The staff recommendation to find the proposed vacation in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2, concluding that the closure of the railroad crossings will help eliminate potential conflict points between railroad trains and motor vehicles. The closure is one of the safety measures needed to establish a quiet zone for the South Salt Creek neighborhood.
3. On June 30, 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 June 30, 2010, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed vacation in conformance with the Comprehensive Plan (Taylor absent).
5. A petition to vacate and compliance with Chapter 14.20 of the Lincoln Municipal Code is not required when the City is vacating the right-of-way.
6. Notice of the public hearing before the Planning Commission and the City Council has been provided to property owners within 200' of the boundary of this proposed street and alley vacation request as well as the list of individuals provided by the Urban Development Department who attended the neighborhood meetings held on this proposal.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: July 30, 2010

REVIEWED BY: _____

DATE: July 30, 2010

REFERENCE NUMBER: FS\CC\2010\SAV.10007

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 30, 2010 PLANNING COMMISSION MEETING

- PROJECT #:** Street and Alley Vacation No.10007
- PROPOSAL:** Vacate "J" St. from approximately N. 2nd St. to 100 feet east of the east right-of-way (ROW) line of S. 3rd St. and vacate S. 2nd St. from approximately the north ROW line of "J" St. to 143 feet south of the south ROW line of "J" St.
- LOCATION:** S. 2nd St. and "J" St.
- LAND AREA:** 1.89 acres, more or less
- CONCLUSION:** The street vacation will enable the closure of the railroad crossings at S. 2nd and "J" St. and S. 3rd and "J" St. in accordance with the Interlocal Agreement between the City and Railroad Transportation Safety District (RTSD). This closure will help to eliminate potential conflict points between railroad trains and motor vehicles. The closure is one of the safety measures needed to establish a quiet zone for the South Salt Creek neighborhood.

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

LEGAL DESCRIPTION: "J" Street from approximately S. 2nd Street to 95 feet east of S. 3rd Street and S. 2nd Street from approximately the north right-of-way of "J" Street to 129 feet south of the south right-of-way line of "J" Street, located in the NW 1/4 of Section 26-10-6, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	R-4, Residential	Single and two-family dwellings
	I-1, Industrial	Railroad property
South:	I-1, Industrial	Railroad property
East:	I-1, Industrial	Railroad property, warehouse,
West:	R-4, Residential	Single and two-family dwellings
	I-1, Industrial	Railroad property

COMPREHENSIVE PLAN SPECIFICATIONS:

2nd and "J" Streets are not classified in the Functional Street and Road Classification map.

HISTORY:

July 2007 to June 2010 Multiple meetings were held with the South Salt Creek neighborhood residents, business owners and Burlington Northern Santa Fe (BNSF) railroad.

March 30, 2009 City Council adopted Resolution A-85270, the Interlocal Agreement with the Railroad Transportation Safety District (RTSD) for the South Salt Creek Quiet Zone, including the closure of "J" St. railroad crossings at 2nd and 3rd Streets.

UTILITIES: There are existing utilities within the vacated area including a 12" gas main, LES lines, and a 48" sanitary sewer main. A utility easement is required over the entire area that is to be vacated.

ANALYSIS:

1. This is an application by the City to vacate "J" St. from approximately N. 2nd St. to 100 feet east of the east right-of-way (ROW) line of S. 3rd St. and vacate S. 2nd St. from approximately the north ROW line of "J" St. to 142 feet south of the south ROW line of "J" St.
2. "J" St. is an unimproved gravel street and S. 2nd St. south of "J" St. is not built.
3. The crossing at S. 2nd and "J" St. is blocked numerous times throughout the day. The residential neighborhood to the northwest will still have access to the east by using S. 1st St. to "D" St. or S. 1st St. to "O" st.
4. The abutting property is owned by BNSF railroad and the City.
5. There is no petition to vacate with this application. The petition is not required when the City is vacating the right-of-way. Title is not being reserved on the vacated ROW therefore that ROW will automatically revert to the abutting property owner, the BNSF railroad.
6. There is a 48" sanitary sewer main in 3rd St. that crosses "J" St and a 12" gas main in "J" St. Lincoln Electric System has existing electrical facilities in the proposed vacated streets. A utility easement should be maintained over the entire vacated area.
7. Even though the street vacation will leave platted lots without street frontage and access, a final plat will not be required because the lots left without frontage are part of a larger parcel that constitute a single premises which will have frontage and access to a public street.
8. The proposed street vacation is within a railroad quiet zone study area. Several meetings have been held with the neighborhood, business owners, and Burlington Northern Santa Fe railroad between July 2007 and June 2010 to discuss safety measures that would allow for silencing train horns.

9. The City Council adopted an Interlocal Agreement between the City and the RTSD in March 2009. The agreement calls for the closure of the public street crossing at S. 2nd & J Street and S. 3rd & J Street. The agreement did not require Planning Commission review, thus the quiet zone did not previously come before the Planning Commission.
10. In the recent land purchase discussions between the City and BNSF, BNSF has requested that as part of the overall agreement this right-of-way be vacated. The street vacation assures that the closure of the railroad crossing is permanent and that the City could not reopen the crossing at some point in the future.

Prepared by:

Tom Cajka
Planner

DATE: June 17, 2010

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OWNER: City of Lincoln

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STREET & ALLEY VACATION NO. 10007

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

June 30, 2010

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

The Consent Agenda consisted of the following items: **STREET AND ALLEY VACATION NO. 10007.**

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, Partington and Sunderman voting 'yes' (Taylor absent). This is a recommendation to the City Council.



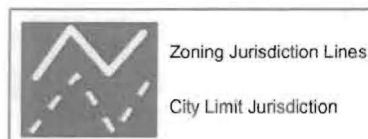
2007 aerial

Street & Alley Vacation #10007
2nd & J St

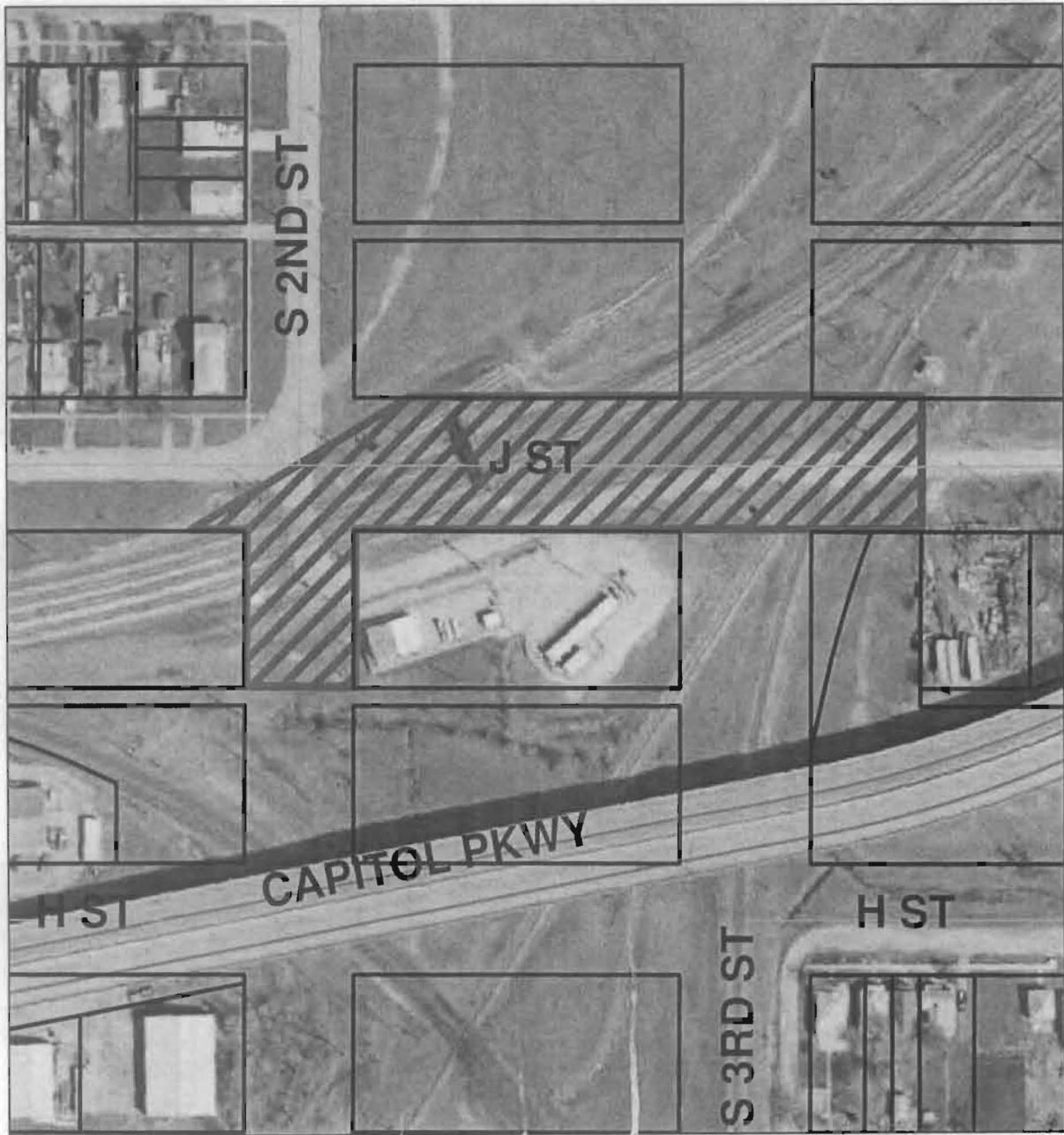
Zoning:


- 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. 26 T10N R06E



2nd and J Street Vacation



 Proposed ROW Vacation