

## **FACTSHEET**

**TITLE: STREET & ALLEY VACATION NO. 09006**, requested by the Nebraska District Church of the Nazarene, to vacate North 14<sup>th</sup> Street from the south right-of-way line of New Hampshire Street to the north line of the railroad right-of-way.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 09/23/09  
Administrative Action: 09/23/09

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. This is a request to vacate North 14<sup>th</sup> Street from the south right-of-way line of New Hampshire Street to the north line of the railroad right-of-way for the purpose of using the area for parking.
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.2-3, concluding that the right-of-way is not needed provided easements are retained for public utilities and a conservation easement is placed on the vacated right-of-way.
3. On September 23, 2009, 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 September 23, 2009, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed vacation in conformance with the Comprehensive Plan.
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.9, recommending that the area being vacated be sold to the abutting property owner for \$1,624.60.
6. The provisions of Chapter 14.20 of the Lincoln Municipal Code and the conditions set forth on p.3 have been satisfied.

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

**DATE:** August 4, 2010

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

**DATE:** August 4, 2010

**REFERENCE NUMBER:** FS\CC\2010\SAV.09006

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for SEPTEMBER 23, 2009 PLANNING COMMISSION MEETING**

**PROJECT #:** Street and Alley Vacation No.09006

**PROPOSAL:** Vacate N. 14<sup>th</sup> St. from the south right-of-way line of New Hampshire St. to the north line of the railroad right-of-way.

**LOCATION:** N. 14<sup>th</sup> St and New Hampshire St.

**LAND AREA:** 7,260 s.f; more or less.

**CONCLUSION:** The right-of-way is not needed provided easements are retained for public utilities and a conservation easement is placed on the vacated right-of-way.

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

**LEGAL DESCRIPTION:**

N. 14<sup>th</sup> St. from the south right-of-way line of New Hampshire St. to the north line of the railroad right-of-way located in the NE 1/4 of Section 23-10-6 and the NW 1/4 of Section 24-10-6; Lancaster County, Nebraska.

**SURROUNDING LAND USE AND ZONING:**

North:	R-4, Residential	Single family, duplex
South:	P, Public	Railroad corridor
East:	I-1, Industrial	Storage
West:	B-3, Commercial	Church

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The street is not shown on the Functional Street and Road Classification plan. (p102)

**UTILITIES:** There is a 8" sanitary sewer and electrical lines that need to be retained in the area to be vacated.

**ANALYSIS:**

1. This is an application to vacate N. 14<sup>th</sup> St. from the south right-of-way line of New Hampshire St. to the north line of the railroad right-of-way.
2. The petition identifies the reason to vacate is to use the area for parking.

3. This portion of N. 14<sup>th</sup> St. ends at the railroad corridor. Previously N. 14<sup>th</sup> St. continued to the south across the railroad tracks, but with the Antelope Valley road project the crossing was closed.
4. A permanent easement will be required for an existing 8" sanitary sewer main and electrical lines.
5. The area proposed to be vacated is in the floodplain. A conservation easement is required whenever right-of-way that is located in a floodplain is vacated.
6. Vacating the street will leave lots without frontage and access to a public street. A final plat is required to combine the three lots into one lot.
7. A commercial driveway is required if the applicant wants access from New Hampshire at the area of vacation. If no access is required, a curb return is required.
8. The church is currently addressed off of N. 14<sup>th</sup> St. Prior to vacating N. 14<sup>th</sup> St., the church must apply for a change of street address.
9. 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.
- 1.4 Apply for a change of street address to a New Hampshire address.

Prepared by:

Tom Cajka  
Planner

**DATE:** September 9, 2009

**APPLICANT:** Nebraska District Church of the Nazarene  
1340 New Hampshire St.  
Lincoln, NE 68508

**OWNER:** Nebraska District Church of the Nazarene and  
Sapp Bros. Petroleum, Inc.

**CONTACT:** Wesley Meisner, Executive Director  
Nebraska District Church of the Nazarene  
1340 New Hampshire St.  
Lincoln, NE 68508  
(402) 817-8352

# STREET & ALLEY VACATION NO. 09006

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

September 23, 2009

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 2463D, an amendment to the Highpointe PUD, and STREET AND ALLEY VACATION NO. 09006.**

Ex Parte Communications: None

**Item No. 1.1, Change of Zone No. 2463D,** was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Gaylor Baird.

Lust moved to approve the remaining Consent Agenda, seconded by Francis and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.



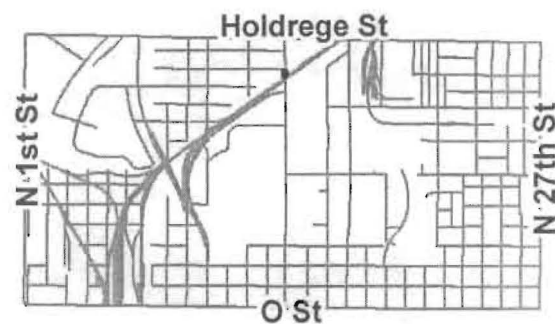
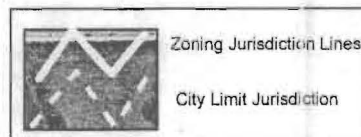
2007 aerial

# Street & Alley Vacation #09006 N 14th & New Hampshire St

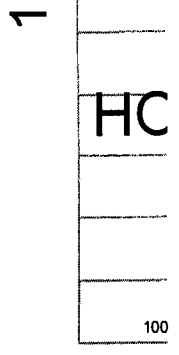
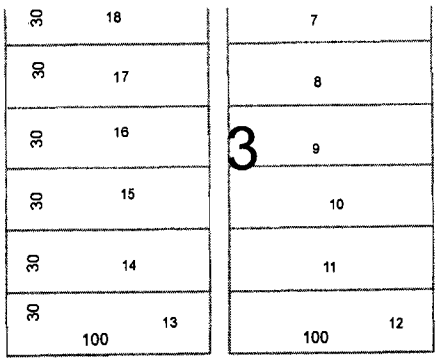
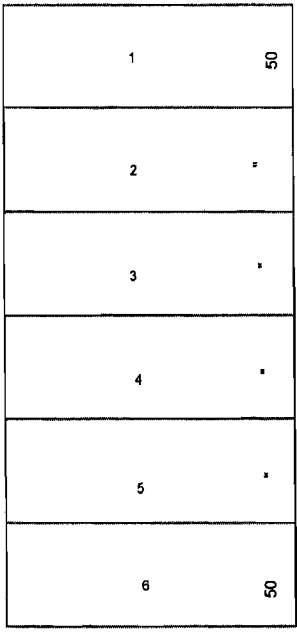
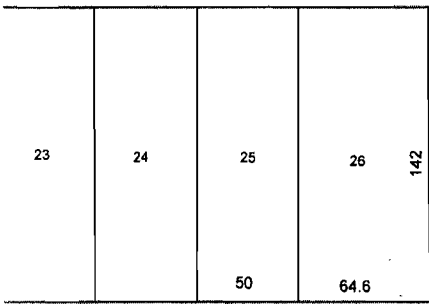
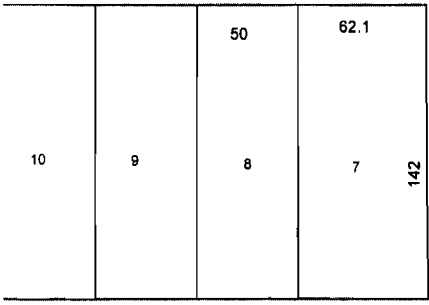
## Zoning:

- 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

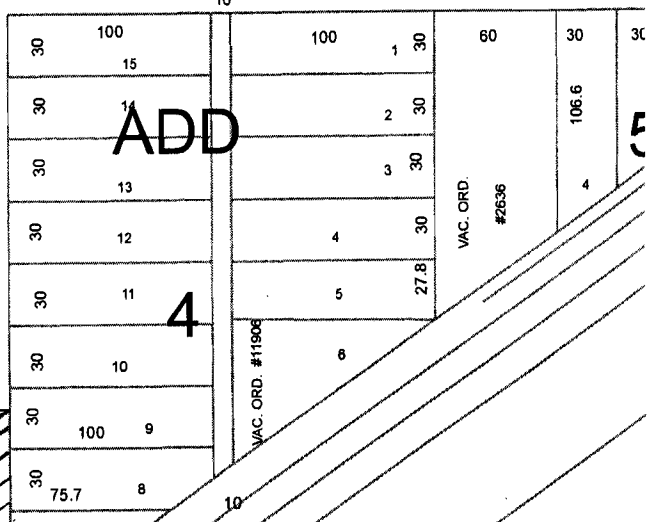
Two Square Miles  
Sec. 23 T10N R06E  
Sec. 24 T10N R06E



T.



CLAREMONT

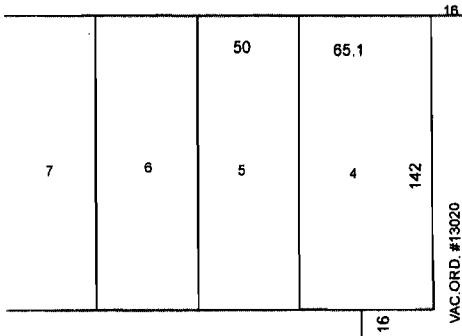


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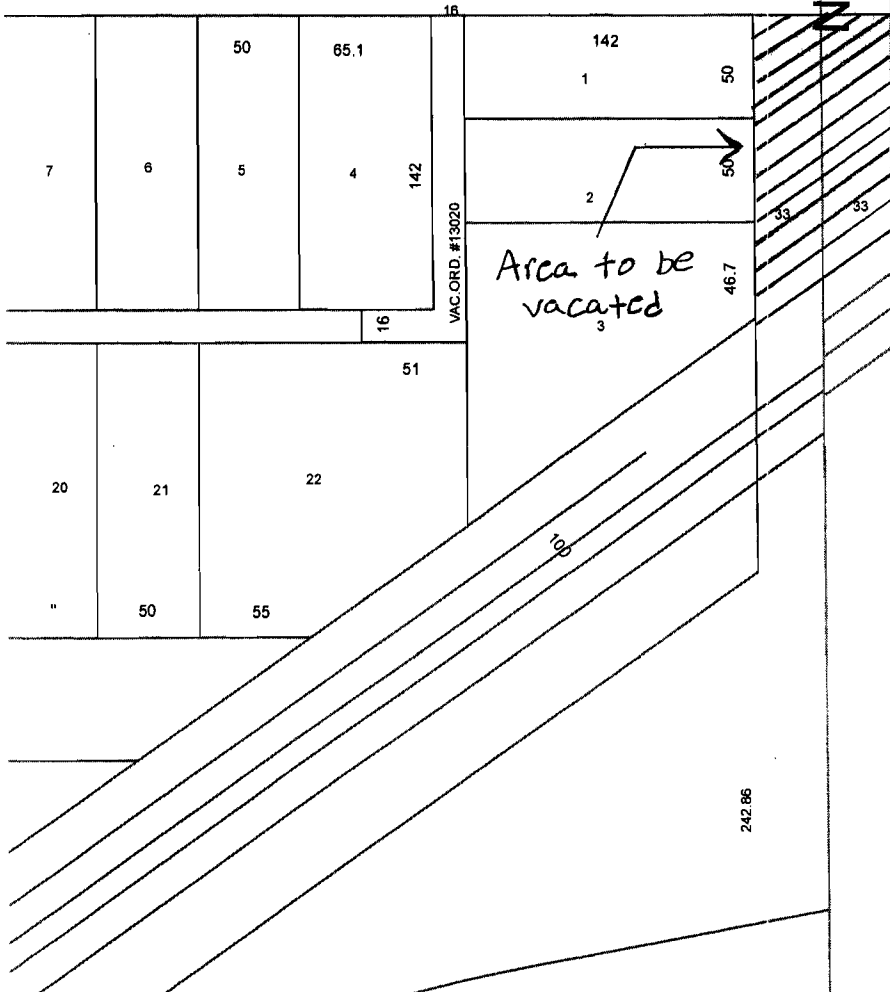
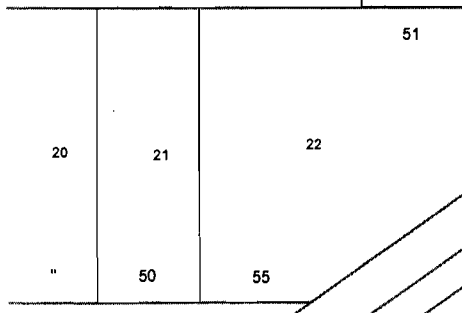
4

ST. New Hampshire ST.

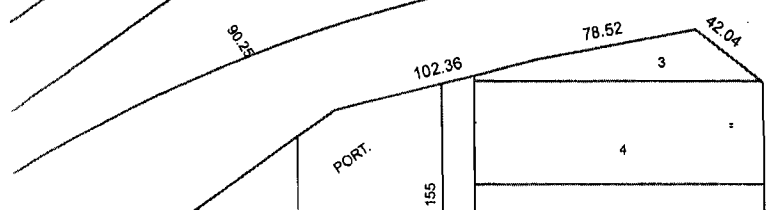
N. 14TH ST.



Area to be vacated



SALT CREEK



007

## COMMENTS

### Building & Safety Department

Prior to vacation of ROW(North 14th Street) the abutting property addressed 1219 North 14th Street, must apply for a change of street address to a New Hampshire address

### Lincoln Electric System

Maintain / Retain Electrical utility easements over the entire area for existing and future electrical facilities.

### Public Works Department

The City of Lincoln has existing 8" sanitary Sewer, 6" and 12" water mains in the area for proposed vacation. A permanent easement over the entire vacated area would be required for future maintenance or replacement of these utilities. Applicants would be required to remove the existing street paving in the area of vacation and construct a commercial driveway.



## INTEROFFICE MEMORANDUM

TO: Mayor Beutler  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: October 6, 2009

COPIES TO: Teresa J. Meler  
Marvin Krout  
John Hendry  
Byron Blum, Bldg & Safety  
Jean Preister, Planning

SUBJECT: Street & Alley Vacation No. 09006  
North 14<sup>th</sup> Street from south ROW line  
of New Hampshire Street to north  
line of railroad ROW

A request has been made to vacate that portion of 14<sup>th</sup> Street lying between New Hampshire Street and the railroad tracks. The area was viewed and appears as a paved street blocked off by the railroad right-of-way fence. Electric utilities are visible along the right-of-way and Public Works has indicated the existence of sanitary sewer and water. A patch in the street suggests that there was recent excavation most likely to connect to one of these utilities further indicating their existence. Public Works has asked that easements be retained over the entire area for these utilities. The area to be vacated is also located within the 100-year flood plain and a conservation easement is required over the entire area.

The dimensions in area of the street to be vacated are sufficient to be a buildable lot. However, the imposition of utility and conservation easements will reduce its utility to that of open space. In order to utilize the area, the owner would have to install a commercial drive for access or a curb along the entire frontage if they do not desire to have access at that location. If the area is to be utilized for parking, it would require the removal of the existing street paving or probably result in an inefficient parking lot if utilized as is. As such, the area is not considered to have much more than a nominal value. A value of \$0.20 per square foot is considered appropriate. The area to be vacated was determined by survey to be:

West ½ - 4,440 square feet  
East ½ - 3,683 square feet

The calculations are as follows:

	\$0.20/sq. ft.	X	4,440 sq. ft.	=	\$888.00
	\$0.20/sq. ft.	X	<u>3,683</u> sq. ft.	=	<u>\$736.60</u>
TOTAL	\$0.20/sq. ft.	X	8,123 sq. ft.	=	\$1,624.60

If only one property owner has an interest in acquiring the area to be vacated, it is recommended it be sold to the abutting property owner for \$1,624.60.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023