

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 10010, requested by B & J Partnership, to vacate the east-west alley abutting Lots 4-9, Block 30, Original Lincoln, and to vacate a small portion of the 8th Street right-of-way, generally located between Q and R Streets and 8th and 9th Streets.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/11/10
Administrative Action: Scheduled for 08/11/10

RECOMMENDATION: (The Planning Commission is scheduled to take action on this application on August 11, 2010.)

FINDINGS OF FACT:

1. This is a request to vacate the east-west alley abutting Lots 4-9, Block 30, Original Lincoln, and the east 18 feet of North 8th Street right-of-way abutting the east-west alley in Block 30, generally located between "Q" and "R" Streets and 8th and 9th Streets.
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.3, concluding that the alley vacation is a necessary component for the Haymarket Hotel and Tool House redevelopment project on Block 30.
3. This application is scheduled on the Consent Agenda of the Planning Commission on August 11, 2010.
4. This Factsheet is being submitted in advance of the action by the Planning Commission so that the alley vacation can be scheduled for first reading on the Council Agenda on August 16, 2010, in order to meet a closing deadline of the applicant, B & J Partnership. It is anticipated that the Planning Commission will take action on August 11, 2010.
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.7-8, recommending that the vacated area be sold to the abutting property owners for \$3,958.00.
6. The provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: August 5, 2010

REVIEWED BY: _____

DATE: August 5, 2010

REFERENCE NUMBER: FS\CC\2010\SAV.10010

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 11, 2010 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.10010

PROPOSAL: Vacate the east-west alley abutting Lots 4-9, Block 30, Original Lincoln and vacate a small portion of the 8th St. right-of-way.

LOCATION: Between “Q” & “R” St. and 8th & 9th St.

LAND AREA: 2,400 sq. ft., more or less.

CONCLUSION: The alley vacation is a necessary step for the proposed Haymarket Hotel and Tool House project.

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

LEGAL DESCRIPTION: Vacate the east-west alley abutting Lots 4-9, Block 30, Original Lincoln and the east 18 feet of North 8th Street right-of-way abutting the east-west alley in Block 30, located in the SE 1/4 of Section 23, Township 10 North, Range 6 East, Lancaster County, NE

SURROUNDING LAND USE AND ZONING:

North:	B-4, Lincoln Center Business District	warehouse
South:	B-4, Lincoln Center Business District	Retail and restaurants
East:	B-4, Lincoln Center Business District	Parking garage
West:	B-4, Lincoln Center Business District,	Residential, office and restaurant

COMPREHENSIVE PLAN SPECIFICATIONS:

Alleys are not included in the functional classification (p 102)

DOWNTOWN MASTER PLAN SPECIFICATIONS:

This area is identified as “Dining/Entertainment Retail” in the Downtown Master Plan Land Use Framework. (P.20)

Dining/Entertainment

The historic Haymarket District currently provides the greatest concentration of dining and entertainment uses in the Lincoln downtown. The retail framework builds off the existing strength of this district, and its lively and popular restaurants, night clubs, art galleries and specialty shops.

Market analysis anticipates that over the next twenty years 100,000 to 150,000 square feet of additional dining and entertainment uses could be added to downtown. Locations identified for likely expansion include:

- .. 8th Street – the emerging south Haymarket District, extending southward from the Harris Overpass.
- .. New arena and convention center neighborhood – adjacent to these large redevelopment sites. (P. 26)

HISTORY:

- June 28, 2010 The Redevelopment Agreement for Haymarket Hotel and Tool House Redevelopment Project was approved by the City Council.
- November 2, 2009 Comprehensive Plan Conformance No.09010 for the Haymarket Hotel and Tool House Redevelopment Project was approved by the City Council
- April 28, 2003 The Planning Director approved the final plat Haymarket Parking Garage Addition.
- December 3, 2001 The City Council approved vacating the east 150 feet of the east-west alley in Block 30, Original Plat of Lincoln.
- February 11, 2002 The City Council approved vacating the east 18 feet of N. 8th St. abutting Lot 6, Block 30, Original Plat of Lincoln and the south 6 feet of "R" St. abutting Lots 5 & 6, Block 30, Original Plat of Lincoln.

UTILITIES: There is existing sanitary sewer and overhead electrical lines in the alley. These utilities will need to be relocated or an easement will need to be provided over the vacated alley.

ANALYSIS:

1. The vacation of this east-west alley and a small portion of the 8th Street right-of-way is part of a redevelopment project on this block. The proposed building location for this redevelopment project is directly over the existing alley. The proposal includes a petition for the east-west alley, and a separate petition for the small abutting portion of 8th Street. This portion of 8th Street is between two thin portions of 8th Street that were previously vacated. The proposed vacation "squares off" the 8th Street vacation to facilitate the new construction.
2. The east half of this alley was vacated in December 2001 in order to construct the Haymarket Parking Garage.
3. This alley vacation is a necessary component in developing the Haymarket Hotel and Tool House redevelopment project. This redevelopment project was approved by the City Council in November 2009.
4. There are utilities in the alley. These utilities will need to be moved or an easement will need to be provided over the vacated alley. The proposal is to no longer have a public sanitary sewer and instead have a private service line in the former alley to serve the properties.
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.

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: August 2, 2010

APPLICANT: B&J Partnership
340 Victory Lane
Lincoln, NE 68528

OWNER: same as applicant



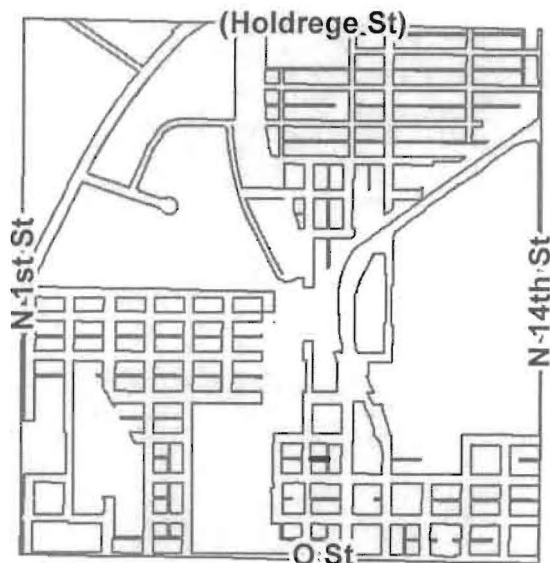
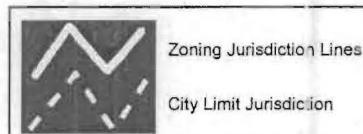
Street & Alley Vacation #10010
8th to 9th & Q St

2007 aerial

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. 23 T10N R06E



INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: August 4, 2010

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

SUBJECT: Street & Alley Vacation No. 10010
8th & 9th Streets, Q to R Streets

A request has been made to vacate the remaining portion of the East/West Alley in Block 30 the Original Plat of Lincoln. This area lies within the block bounded by 8th, 9th, Q and R Streets. The request to vacate also includes the easterly 18 feet of 8th Street abutting the East/West Alley. The area was viewed and appears as a paved alley. Overhead electric, telephone and cable lines were observed in the alley. In addition to these, a high voltage transmission line was observed along the east side of 8th Street running over the area of 8th Street to be vacated. The Planning Department has also indicated the existence of a sanitary sewer within the alley. They also indicated the sanitary sewer was to be removed and replaced with a private sewer serving the abutting properties so no utility easement will be required for that purpose.

Conversations with officials at Lincoln Electric System have indicated the need for an easement over the northerly 10 feet of the alley to be vacated as well as all of the portion of 8th Street being vacated in order to continue the operation of the existing distribution and transmission lines.

Long, narrow strips such as these when encumbered by easements rarely have any value and even when unencumbered by easements have value only as assemblage land. In this case, only a portion of the area to be vacated will be encumbered with a utility easement. The area unencumbered by easements is also estimated to have differing values depending on whether it is ready for immediate redevelopment or redevelopment is unlikely to happen in the near future. The value of the unencumbered area will be treated as a percentage of the abutting land value and its likelihood of redevelopment; while the area encumbered by the permanent utility easements are considered to have only nominal value.

The area to be vacated which will be encumbered by utility easements is considered to have only nominal value of \$0.20 per square foot. The total area to be vacated and encumbered by utility easements is 1,788 square feet of which 400 feet lies in the north half of the alley adjacent to Lot 4. This lot is under a different ownership than the remaining lots abutting the alley. At a nominal value of \$0.20 per square foot, the calculations for the area to be vacated which will be encumbered by utility easements is as follows:

Area Adjacent to Lot 4 – 400 Sq. Ft. X \$0.20/sq. ft. = \$80.00

Remaining Area – 1,388 Sq. Ft. X \$0.20/sq. ft. = \$277.60 Called \$278.00

The portion of the area to be vacated which will be unencumbered is considered to have a value as assemblage land. While the most motivated buyer might pay 100% of the abutting land value, or more, for a small strip such as this, it is considered that most buyers would be willing to pay in the neighborhood of 30% to 40% of the value of the land to which it is to be assembled in order to obtain a small strip such as this. It is considered that 35% of the abutting land value is appropriate for the portion of the strip abutting Lots 5, 6, 7 and 8 since that area is considered to be ready for redevelopment. Because of the historical value of the building on Lot 9 it is going to be remodeled and in all likelihood it will not be primed for redevelopment for many years. As such the abutting strip is

considered to have less value. 10% of the value of the abutting land is considered appropriate. It is the opinion of this writer that \$15.00 per square foot is a reasonable value for the land in this area. Based on the above discussion, the calculations are as follows:

Area Adjacent to Lots 7 & 8 – 600 Sq. Ft. X \$15/sq. ft. X 35% = \$3,150

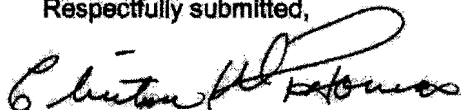
Area Adjacent to Lot 9 – 300 Sq. Ft. X \$15/sq. ft. X 10% = \$450

Therefore, it is recommended if the alley be vacated it be sold to the abutting property owners for \$3,958. Since both abutting property owners have indicated a willingness to buy that portion adjacent to their lots, the breakdown is as follows:

North half of the alley to be vacated adjacent to Lot 4 = \$80.00

Remaining area to be vacated = \$3,878

Respectfully submitted,


Clinton W. Thomas
Certified General Appraiser #990023