

City of Lincoln

# University Place Redevelopment Plan

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# I. INTRODUCTION

Annexed by the City of Lincoln in 1926, the University Place is an integral part of the City of Lincoln, Nebraska, located in the northeast quadrant of the City. Within University Place lies the 20 square block University Place Business District, which is the primary focus of this Community Redevelopment Area Plan. The Community Redevelopment Area Plan is irregular in shape and primarily composed of the City blocks generally bounded on the east by 49<sup>th</sup> and 50<sup>th</sup> Streets, on the north by Adams Street, on the south by University Place Park and on the west by 45<sup>th</sup> and the half-block between 46<sup>th</sup> and 47<sup>th</sup> Streets (see Exhibit I-1).

The Redevelopment Plan outlined herein was influenced and directed by several forces: the University Place Development Corporation, the University Place Business Association, and the University Place Community Organization and the Urban Development Department of the City of Lincoln, in cooperation with other Lincoln City Departments. The primary goal of this redevelopment program is to maintain, revitalize, and expand the considerable private and public investment that exists in the area. The Redevelopment Plan/Project represents the optimum prioritization of development when time, cost, funding sources, aesthetics, growth, and practicality are considered.

University Place is a viable balanced community (within the larger urban setting) with ever-changing ownership and occupancy. The existing land uses in the University Place Business District are characteristic of a self-contained community and exemplified by a variety of land uses not commonly found in a typical neighborhood shopping area, and results from University Place's evolution as a separate community. Multiple land uses make University Place the viable community it is today and adds to its "small town" flavor. In 1980 the City, with a Business District Business Improvement Board, implemented a Community Development Block Grant (CDBG) and Business Improvement District (BID) project. Construction on the improvement project was implemented in 1981 and included 3 public parking lots, a pedestrian walkway and a three-block streetscape with planters. Although construction of the public improvements was undertaken, the BID was nullified in 1982 by the Nebraska State Supreme Court as the result of litigation brought by dissenting petitioners. Since that time, minimal development has occurred until this past year when Walgreen's and Norwest Bank constructed new buildings. With the implementation of this Plan/Project it is intended that the activities will be prioritized and oriented to accommodate the full potential of the business district and surrounding neighborhood. Much of the impetus for the implementation and success of the University Place Redevelopment Plan/Project will be the continuing efforts of the business district/neighborhood in cooperation with the City of Lincoln and the state and federal government.

The City of Lincoln recognizes that continuing blight, deterioration, dilapidation, and obsolescence is a threat to the stability and vitality of the University Place Business District and adjacent neighborhood. Therefore, plans are to initiate a 15-year, long-range program of revitalization within the business district and adjacent area. The goal of this long-range program is to continue to enhance University Place as a focal point within the City of Lincoln.

This requires the combined efforts of both the public and private sectors. The magnitude of the task exceeds the capacity of the private sector alone. This Community Redevelopment Area covers approximately a 20 block area (see Exhibit I-1) which was declared blighted by the Lincoln City Council in October, 1998, (*The University Place Blight and Substandard Study*). This area has been determined, through blight and substandard study and resolution, to be in need of revitalization, redevelopment, and strengthening to ensure that it will contribute to the economic and social well-being of the City. All available evidence suggests that the area has had limited

private investment necessary to contribute to the well-being of the community, and that the area could not reasonably continue efforts without public action/assistance.

To encourage private investment in the Community Redevelopment Area Redevelopment Plan/Project, the plan sets forth prioritized redevelopment activities for accomplishing the goal of revitalizing, redevelopment, and strengthening the area. The Redevelopment Plan/Project may be amended at a later date to reflect the needs and capabilities of the City, the business district, neighborhood and developers.

## **PLAN REQUIREMENTS**

Redevelopment activities are guided by Community Development Law, Nebraska State Revised Statutes, Section 18-2101 through 18-2150 reissue 1991, 1997 Supp. The statutes clearly state that the governing body must have declared the project area substandard and blighted in order to prepare a redevelopment plan.

The Community Development Law Section 18.2111 defines the minimum requirements of a redevelopment Plan as follows:

A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area.

The statutes further identify six elements that, at a minimum, must be included in the redevelopment plan, they are:

1. The Boundaries of the redevelopment project area with a map showing the existing uses and condition of the real property within the boundaries;
2. A land-use plan showing proposed uses of the area;
3. Information showing the standards of population densities, land coverage, and building intensities in the area after development;
4. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances;
5. A site plan o the area;
6. A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

## **II. EXISTING CONDITIONS**

This section of the University Place Redevelopment Plan examines existing conditions within the designated University Place Community Redevelopment Area. The section is divided into the following five sub-sections.

- A. Existing Land Use
- B. Existing Zoning
- C. Existing Public Facilities
- D. Existing Historical Significance
- E. Existing Blighting and Substandard Building Conditions and Influences

### **A. EXISTING LAND USE**

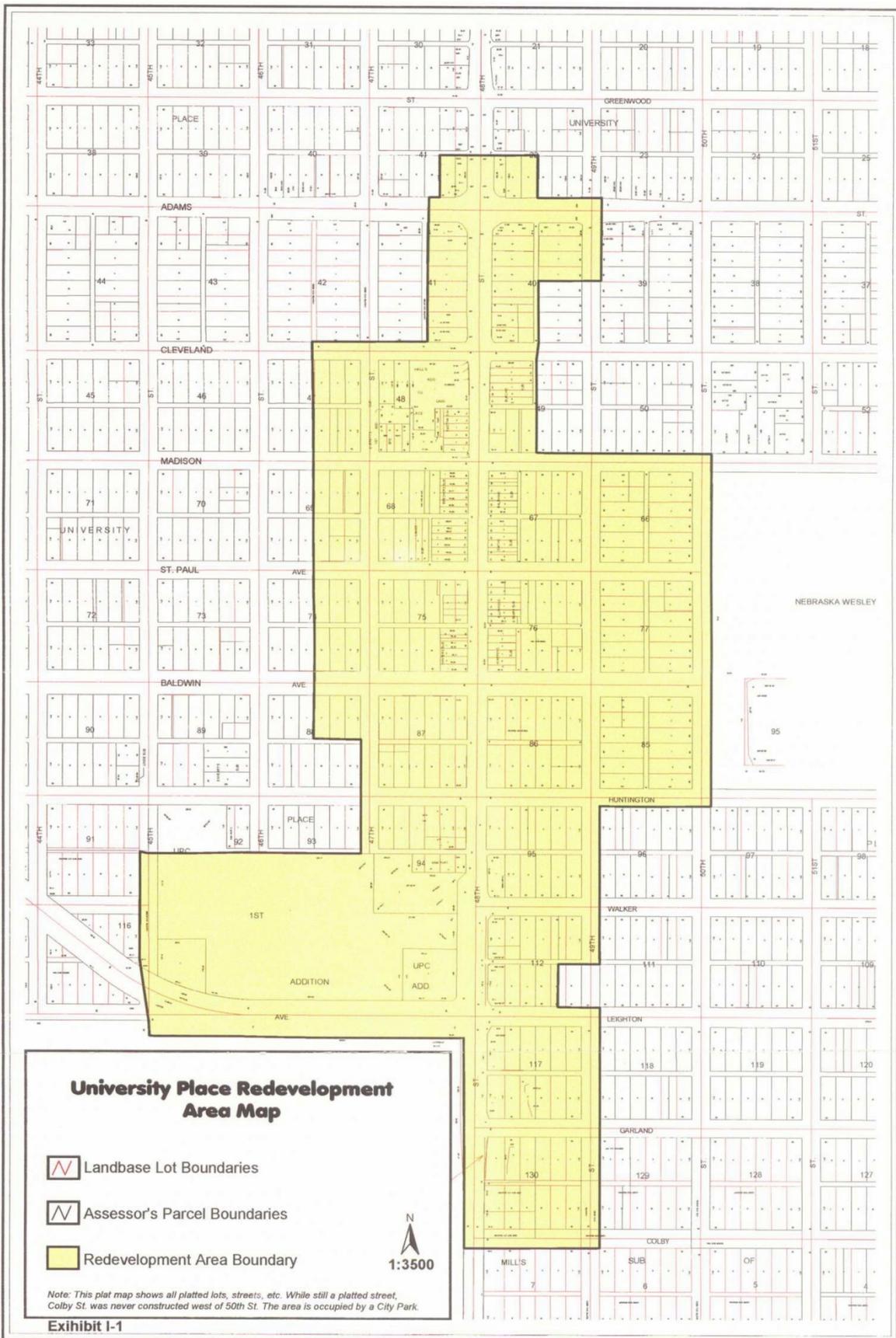
The 20 block University Place Community Redevelopment Area is located in the northeastern quadrant of the City of Lincoln covering approximately 74.57 acres. The area contains a wide variety of land uses including office, retail, service, public, residential, parking, and other use categories. The Functional Land Use groups for the University Place Redevelopment Area can be seen on Exhibit II-1.

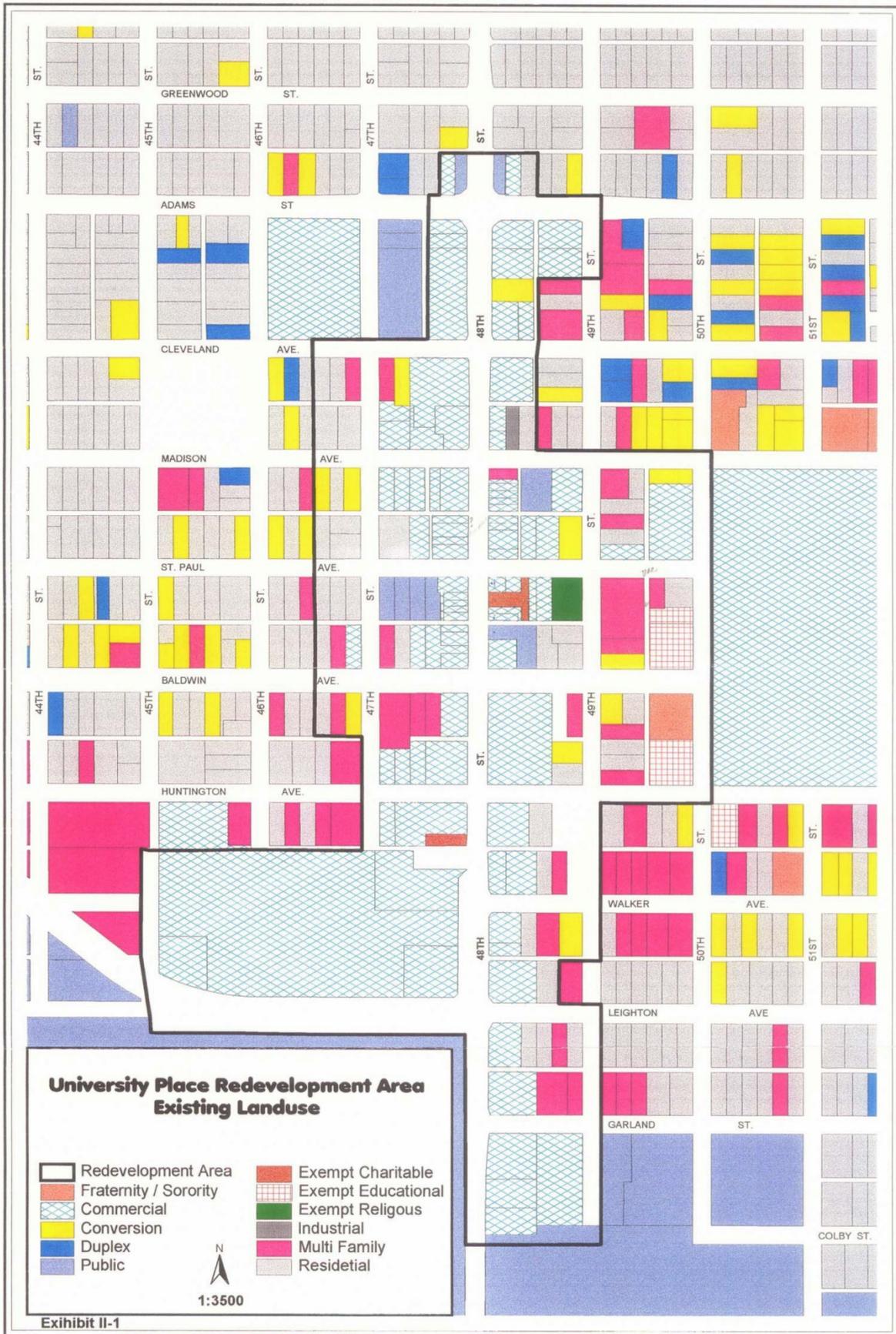
The area is delineated in a large part by several notable facilities: Nebraska Wesleyan University is at the eastern edge of this area, with the newly rebuilt Huntington School at its northern edge, and within the area is the University Place Art Center, as well as the U.S. Post Office, and the University Place shopping mall which is located at the southwestern edge. In addition, the Redevelopment Area contains numerous historic buildings within its 20 block area.

The Redevelopment Area land use is primarily commercial with some residential, basically one and two story. Major land uses to the area, in addition to transportation corridors, include commercial, residential and public/quasi-public as shown on Exhibit II-1. The Redevelopment Area is comprised almost entirely of B-3 commercial zoned land. Two exceptions are the three-block area between 49<sup>th</sup> and 50<sup>th</sup> Streets which is R-6 residential, and two lots zoned R-5 residential, and two lots zoned R-5 residential at the northwest corner of 49<sup>th</sup> and Leighton Avenue. B-3 zoning allows multifamily dwelling units above the first floor as a conditional use. Huntington Elementary School has just been completely rebuilt on its same site and two new commercial structures have been added to the Community Redevelopment Area in the past year. Previously however, the last major revisions occurred in 1980/81 as part of the CDBG and BID project mentioned previously.

In the project area there are a substantial number of commercial and residential structures that have structural deficiencies, and functional and economic obsolescence, with difficult-to-correct problems related to current code requirements. An analysis of land uses reflect three basic situations that must be dealt with: dilapidate/deteriorated structures, age or obsolescence, and existence of conditions which endanger life or property by fire or other causes. Also, increasing through-traffic on N 48<sup>th</sup> Street will need to be addressed for this historic commercial area to survive.

The structures in the project area range in age from over 100 years old to less than one year; however, over 66% of the structures in the Redevelopment Area are over 40 years old, with the average age of the structures of 75.3 years old.





## B. EXISTING ZONING

The 20-block Redevelopment Area is divided into three different zoning districts (see Exhibit II-2). These include:

1. Residential district, R-6;
2. Office/commercial district, B-3;
3. P-Public Use.

The majority of the area is zoned B-3. This B-3 zoning classification poses some restrictions on the type of permitted uses that may occur in this area. The adopted zoning ordinance states that B-3 University Place Business District is for:

“Providing for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. The uses permitted generally are those for neighborhood uses, plus additional limited manufacturing uses that reflect the character of that commercial area.”

The building or premises permitted uses of the B-3 section of the Zoning Ordinance is located under Chapter 27.33. The existing zoning may necessitate only slight modifications, if any.

## C. EXISTING PUBLIC FACILITIES

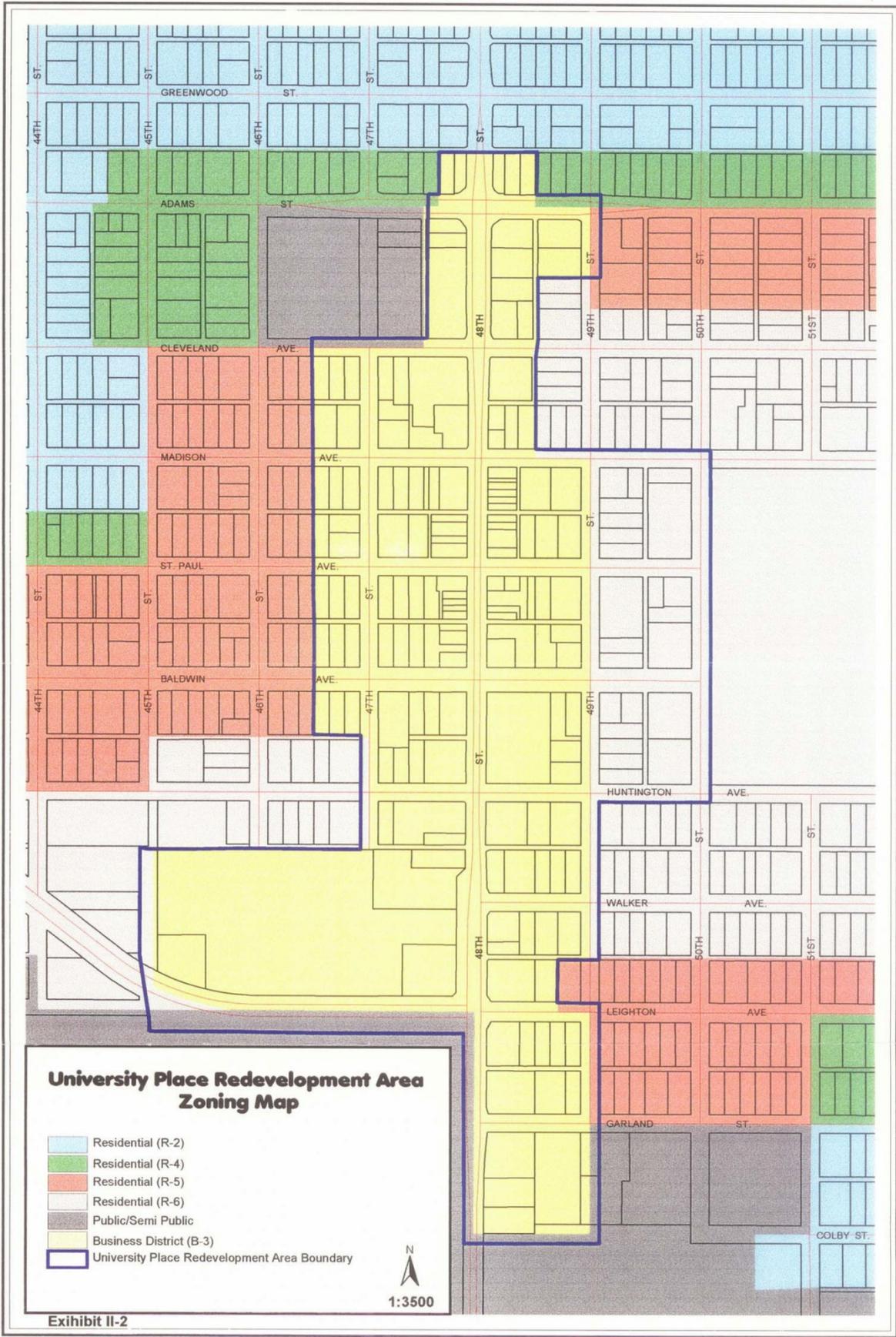
### 1. *Street System*

The Community Redevelopment Area is served by a standard rectilinear grid system. This system is generally complete but the recent Blight Study rated an estimated 25% of the streets as in fair to poor condition. All of the streets in the Community Redevelopment Area are two way.

The major street in the area is No. 48<sup>th</sup> Street, an arterial which carries a high volume of traffic; however, throughout this nine-plus block business district that fronts on this major arterial, there are four signalized intersections: Adams, St. Paul, and Leighton Avenues, with a pedestrian-actuated signal at 48<sup>th</sup> and Huntington Ave. While adequate and appropriate in terms of traffic planning, there is a local perception that the remaining unsignalized intersections present difficulty for the shopping activities of older adults, persons with a disability, as well as children. Vehicles on No. 48<sup>th</sup> St. tend to travel at speeds higher than the posted limit, contributing to the perception that crossing at unsignalized intersections is difficult and discourages pedestrian circulation throughout this neighborhood commercial district. Leighton and Adams are also arterial streets in the Area, both east- west corridors.

The present pavement right-of-way and street widths serving the Redevelopment Area are too narrow to accommodate the traffic using these streets.

A majority of the alleys in the Redevelopment Area are not hard surfaced and in fair to poor condition, according to the recent Blight Study.



## 2. *Underground / Overhead Utilities*

The entire Redevelopment Area is served by the following underground and/or overhead utilities:

- Sanitary Sewers
- Storm Sewers
- Water Lines
- Gas Lines
- Electrical Conduits
- Telephone Conduits
- Cable Conduits

Underground utilities in the Redevelopment Area are approximately 90 to 100 years old. Materials used in some of these original mains (clay pipe) are prone to deterioration and breakage and maintenance problems.

Recent sanitary sewer repair project have corrected the most serious deficiencies that have been identified in this study area. There are other sections of the sanitary sewer that may be candidates for future repairs or replacement but are not yet programmed into the City's capital improvement program for implementation.

Water mains are the same age and a few segments have been replaced, but overall the system meets current needs. The cost of replacing inadequate water mains requires the city to concentrate on repair and/or replacement as breaks occur. The water main in St. Paul Avenue from 47<sup>th</sup> to 48<sup>th</sup> has been abandoned due to its poor condition but could be replaced if redevelopment was to occur on adjacent property. The Water System has identified a need for a water main in Leighton Avenue, west of 47<sup>th</sup> St., however, such installations are normally the responsibility of the adjacent property owners, and there has been no request to date. A main could be installed within six months of such a request.

Some of the storm sewers in the Redevelopment Area are in the 90-year old age range also and made of clay tile which does not meet today's standards; however, the current system is sufficiently sized to meet the demands of the Area. Age and condition will result in drainage problems.

## 3. *Sidewalks and Streetscape Beautification*

The Redevelopment Area is fully served with sidewalks, however, nearly one-third of the sidewalks have been identified as being in either fair or poor condition. A street beautification project was completed approximately 17 years ago along No. 48<sup>th</sup> Street and time, weather and increased traffic have taken their toll. The planters need to be reviewed with regard to their design/size, as well as types of plant material appropriate for these areas.

Improved pedestrian access through pedestrian-vehicular routes would help facilitate circulation and might include an additional pedestrian way. The existing gateway/major entryway at Adams and No. 48<sup>th</sup> Street on the north includes two mini-parks on either side of 48<sup>th</sup> Street, but no similar defining element exists on the southern end of the Redevelopment Area at 48<sup>th</sup> Street, south of Garland. This area is in need of a unifying design.

#### **4. *Parks and Open Spaces***

Public Open space developments within the Redevelopment Area include parking lots, street setbacks and a pedestrian way. University Place Park shares the southeast boundary of the redevelopment area. Containing 22 acres, it has served the Redevelopment Area, as well as the entire neighborhood, well and is slated for major improvements by the Lincoln Parks and Recreation Department in the year 2000-2001.

Abutting the eastern-most boundary of the Redevelopment Area is the Nebraska Wesleyan University campus which presents a beautifully landscaped edge to this Area.

#### **5. *Street, Alley and Other Lighting***

Street lighting in the Redevelopment Area consists of high pressure sodium vapor lights. On No. 48<sup>th</sup> Street, these are arterial type (brighter, placed closer together) and are generally situated at each intersection and at mid-block points. Elsewhere in the Area the street lights are of the residential type and generally located at each intersection unless special requests have resulted in additional lights being added. Although these provide adequate lighting for the passing cars, a more ornamental design would make a considerable contribution to the business district and more clearly identify the Redevelopment Area as an inviting and friendly place to be.

To encourage pedestrian movement from public and private parking areas, usually found at the rear of buildings, additional lighting is needed in alleys both for safety as well as convenience. It may be appropriate to upgrade the lighting in the public parking lots as well.

#### **6. *On-street and Off-street Parking***

There are on-street parking stalls in the Redevelopment Area as well as several off street parking lots, public and private and all are un-metered. The three public surface lots are located half-blocks east and west of No. 48<sup>th</sup> Street: at 47<sup>th</sup> and St. Paul (west of 48<sup>th</sup>); on Madison Avenue (east, between 48<sup>th</sup> and 49<sup>th</sup> St.); and on Baldwin Avenue (east, between 48<sup>th</sup> and 49<sup>th</sup> St.). These three lots contain a total of 116 parking stalls, which are un-metered.

A recent parking analysis of the eight-block core business area (Walker to Madison, 47<sup>th</sup> to 49<sup>th</sup>) reflected the peak parking use was at mid-day on Friday, during school hours. Approximately half of the available on- and off-street parking (private and public) was in use. Dependent upon new development, there may be a need for additional parking spaces within the next five years.

#### **7. *Transportation Service***

Public transportation service in the Redevelopment Area consists of three StarTran bus routes. Those routes are: University Place #4; Crosstown #14, and Havelock #1.

#### **8. *Prior Redevelopment Project***

The aging streetscape beautification project implemented in 1981 is a major concern of the businesses and neighborhood. Certain of these improvements may be in need of public assistance to meet future planning and economic development concepts for continuation of private investment and maintaining overall viability of the Redevelopment Area.

## 9. *Security*

The Lincoln Police Department opened a new substation at 48<sup>th</sup> St. and St. Paul in the summer, 1998, in space provided by area private property owners. Locating in the University Place business district is the result of LPD's analysis of calls for service in the northeast quadrant of the City and their need to find a site which is central to the entire quadrant with good access streets, as well as available space.

## 10. *Flood Plain Impacts*

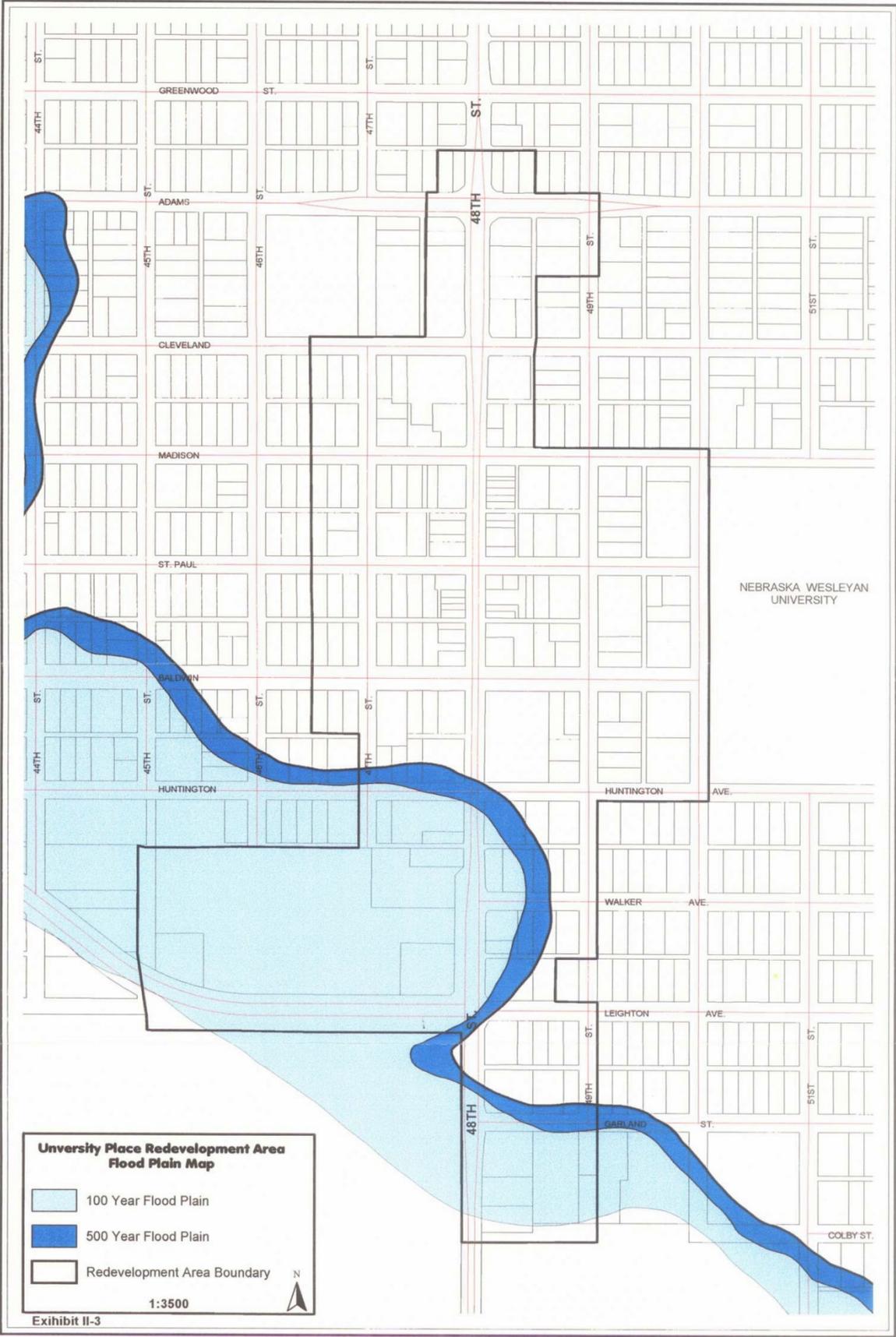
In 1997, the U.S. Corps of Engineers released new flood plain maps which increased the area of the 100-year flood plain in the Dead man's Run Watershed. This flood plain intersects the Redevelopment Area at the northern edge of University Place Park, 48<sup>th</sup> to 49<sup>th</sup> Streets, and again at Leighton and Huntington Avenues from 45<sup>th</sup> to the mid-block between 48<sup>th</sup> and 49<sup>th</sup> Streets. (See Exhibit II-3) The City of Lincoln, with the Lower Platte South Natural Resource District, have embarked upon master planning for all of the watersheds in the city and beyond.

Dead Man's Run Watershed will be studied in the next five-year phase of that master plan with a view to addressing future flood impacts and identifying strategies to reduce and/or eliminate those impacts. Within a shorter time frame, the NRD is involved in discussions with the University of Nebraska regarding Dead Man's Run and bank stabilization including the area of this Redevelopment project.

## **D. HISTORIC SIGNIFICANCE**

While the University Place neighborhood contains several historic landmarks, only one is located within the boundary of the study area: The Charles Apartments at 4717 Baldwin Avenue. Immediately adjacent to the southeast boundary of the redevelopment area is the Charles F. Creighton Landmark District. There are, however, several structures of note that would be considered good candidates for historic designation: City Hall (Art Center); Citizen State Bank (Berry Law Office); printing plant, former dental office, Wesleyan Hospital (Madison Avenue Apartments); Carnegie Library (engineer's office) and First United Methodist Church as well as a house or two in the 48<sup>th</sup> to 50<sup>th</sup> Street area.

If a building is to be officially designated, preservation guidelines have to be established to govern such items as type of building materials, significant features and changes that can be made to the structures inside the redevelopment boundaries. Examples of local preservation guidelines can be found in City Ordinance 18982 (Havelock, 8/29/07) and Ordinance 18063 (East Campus, 9/11/02). Both refer to the U.S. Secretary of the Interior's "Standards for Rehabilitation" and "Guidelines for Rehabilitating Historic Buildings."



## E. BLIGHTING AND SUBSTANDARD INFLUENCES

A "Blight and Substandard Determination Study" was conducted for the 20 block area by the consulting team of Hanna:Keelan Associates, The Architectural Partnership, Selection Research, Inc., Kevin Siebert, Attorney, and George Hancock, Economic Consultant. The study was conducted during the spring and summer of 1998 and completed in August, 1998. The evaluation included a detailed exterior/interior condition survey for 25 buildings and an exterior-only survey of 85 buildings. Also included in the evaluation were a parcel-by-parcel land-use inventory, a field reconnaissance of the entire area, meetings with city department staff members, and a review of pertinent reports and documents containing information which could substantiate the existence of "blight and substandard" conditions. The random sample survey included a 56.3% sample and has a confidence level of 90-95%. There are approximately 151 structures in the Community Redevelopment Area.

Their evaluation and subsequent findings were based on the criteria outlined in Nebraska's Community Development Law. Under this legislation, an area can be declared "blighted and substandard" if a majority of the 12 factors are present. Four were found to have a 'strong presence' and six are present to a reasonable extent.

### BLIGHT FACTORS

Strong presence in the Redevelopment Area:

1. A substantial number of deteriorated or deteriorating structures (Exhibit II-4);
2. The existence of conditions which endanger life or property by fire or other causes;
3. One of the other five conditions; and
4. Other environmental and blighting factors.

Reasonable presence in the Redevelopment Area:

1. Existence of defective or inadequate street layout
2. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
3. Insanitary or unsafe conditions;
4. Deterioration of site or other improvements;
5. Diversity of ownership;
6. Improper subdivision or obsolete platting;

Little or no presence:

1. Tax or special assessment delinquency exceeding the fair value of the land;
2. Defective or unusual conditions of title.

### SUBSTANDARD FACTORS

Of the four factors, three were determined to be present to a significant extent:

1. Deterioration/dilapidation;
2. Age or obsolescence;
3. The existence of conditions which endanger life or property by fire and other causes;

One was present to a reasonable, but more limited extent:

1. Inadequate provision for ventilation, light, air, sanitation, or open spaces.

The consultants concluded that the average age of the structures, insanitary and unsafe conditions, deterioration of site or other improvements, the existence of conditions which endanger life or property by fire or other causes and the (low) per capita income were beyond the remedy and regulatory control processes in the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the assistance provided under the Nebraska Community Development Law. It was also the opinion of the consultant that the area warrants designation as 'substandard' and 'blighted' based upon the findings of the Blight and Substandard Determination Study.

The Lincoln City Council, by resolution, declared the area blighted on October 26, 1998. The Consultants' "Blight and Substandard Determination Study" report is located in the City of Lincoln City Clerk's Office files.



### **III. UNIVERSITY PLACE REDEVELOPMENT PLAN**

This section of the University Place Redevelopment Plan examines future projection/activities within the designated Redevelopment Area. The section has been divided into the following eight subsections:

- A. Redevelopment Standards
- B. Public Improvements
- C. Private Improvements
- D. Future Land Use
- E. Redevelopment Processes
- F. Conformance with Comprehensive Plan
- G. Relationship to Local Objectives
- H. Procedure for Changes in the Approved Redevelopment Plan

This section will also identify from a long-range (15-year phasing) perspective, how redevelopment, restoration, and rehabilitation in the University Place Community Redevelopment Area is planned to occur.

#### **A. REDEVELOPMENT STANDARDS**

The redevelopment of the Redevelopment Area should generally achieve the following requirements and standards.

##### ***General Environment***

- Intensify and strengthen University Place's business district as a focal point for local development. Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest.
- Provide for expansion and new development of office, retail, parking, residential and related service activities which will complement the existing activities in use, scale, and quality of materials and service.
- Encourage rehabilitation/renovation of existing structures throughout the wherever possible, including residential structures in the Redevelopment Area.
- Improve the attractiveness and convenience of the business core environment through development of conflict-free pedestrian connections between all commercial facilities, the major roadway (No. 48<sup>th</sup> Street) and parking areas.
- Provide an environment which emphasizes pedestrian conveniences, streetscape amenities, needs and desires; and which minimizes automobile-pedestrian conflicts.
- Assure that pedestrian way, lighting, signs, and communication devices are oriented to the human scale.

##### ***Pedestrian Ways/Open Spaces***

- Provide a pedestrian circulation system to facilitate the movement of pedestrians to and within the development activities within the business core area.
- Assure that design treatment and development of pedestrian ways will unify the appearance of both existing and new buildings.

### ***Building Heights and Massing***

- Provide a maximum floor area ratio in accordance with applicable zoning district regulations in the redevelopment project area.

### ***Use of Public Right-of-Way***

- Where appropriate, encourage development/beautification to utilize portions of the existing right-of-way.

### ***Circulation and Access***

- Provide for the improvement of vehicular circulation through and access to the Redevelopment Area in a manner consistent with the expressed needs of the business core.

### ***Parking***

- Provide for an adequate supply of appropriately located public on-street and off-street parking spaces. Parking lots should be integrated with commercial and related development; access to such lots should not conflict with pedestrian movements and should be located to prevent conflicts with other vehicular movements.
- Develop procedures and policies that would acknowledge the unique parking issues associated with revitalization an older commercial area.

### ***Off-Street Loading, Service, and Emergency Facilities***

- Provide for off-street loading and service, with access to be provided (where feasible) from public service alleys and connected appropriately with the street system.
- Provide for emergency vehicle access in a manner compatible with established design and environmental objectives.
- Provide for the accommodation of service needs of businesses that are to remain during and following redevelopment.

The University Place Community Redevelopment Area is expected to continue to function as a mixed use urban area of diverse land use types. Within the business zoned district, development may be expanded through the removal of incompatible or obsolete uses. Redevelopment activities on the balance of the structures will come in the form of rehabilitation wherever possible.

To encourage these efforts in University Place, this plan will be directed at assisting investors through support facilities such as parking, open space, and promoting a unified theme with expanded streetscape design and improvements. The plan recommends that these objectives can be achieved by utilizing the provisions of the State Community Development Law, and other local, state, and federal funding sources. Revitalizing the district will require a wide variety of individual projects and improvements involving both the public and private sectors. The future of the area will depend on a number of key factors, including:

- the availability of entrepreneurs to undertake real estate development ventures both in the field of new construction and restoration of existing structures;

- the availability of existing vacant land and underutilized structures and sites provides the area with an opportunity for redevelopment or rehabilitation projects;
- the City's ability to use the land assembly provisions and Community Improvement Financing under the State Community Development Law, Community Development Block Grant Program, and special assessment district financing will be instrumental in the revitalization of the Community Redevelopment Area;
- linkages between functional areas and facilities are necessary for the economic vitality;
- the City's ability to provide incentives which make it attractive for businesses to locate and remain in University Place.

The Redevelopment Plan identifies a variety of desired improvements to be accomplished over 15 years. These activities/projects will be undertaken as funding and private development proceed.

## **B. PUBLIC IMPROVEMENTS**

### ***1. Street and Alley, and Traffic Systems***

North 48<sup>th</sup> Street is identified by the Public Works/Traffic Engineering Office and the Comprehensive Plan as an arterial street in the Community Development/Redevelopment Project Area. It is projected to continue to be a four-lane urban street.

No major modifications in the existing street and alley system are contemplated at this time. Future street improvements may involve intersection improvements in conjunction with traffic, pedestrian movement and sidewalk and curb improvement activities.

Further, in order to accommodate future potential development in the business zoned area, it may be necessary to vacate all or a portion of a particular street or alley to promote desirable development. In these situations, the City will act upon the individual merits as presented with each development proposal.

Proposals and activities should be developed and implemented for the University Place Redevelopment Project:

- As warrants indicate, install a traffic signal at No. 48<sup>th</sup> and Madison Avenue to allow safer and easier access to either side of the street, particularly for the Huntington Elementary School students.
- As warrants indicate, upgrade the pedestrian-actuated traffic signal at 48<sup>th</sup> and Huntington to a fully signalized traffic signal to offer another opportunity for the general public to cross this major arterial street within the Redevelopment Area and to access businesses on both the east and west sides of 48<sup>th</sup> Street.
- Construction of alley paving to accommodate business development access.

As redevelopment takes place, additional street, alley and traffic improvements may be necessary.

## **2. *Parking***

The Public Works Department, through a joint effort parking analysis with the University Place Development Corp., Business and Neighborhood Associations, and the Urban Development Department, reflects there is no need for additional public parking at this time. The analysis concentrated on an 8-block core area, Madison to Walker, 47<sup>th</sup> to 49<sup>th</sup> Streets, and indicated less than 50% of the available spaces were in use at the peak time period of Friday, noon with school in session. In view of the number of unused available space, it could reasonably be assumed that there are currently sufficient parking spaces in the entire Redevelopment Area. The analysis included all three public lots also were underutilized at the peak time described. If parking is determined to be necessary at this time, the private business community will have to provide it.

As redevelopment occurs, additional off-street parking facilities may be necessary. This may require public participation through acquisition and construction financed by Community Improvement Financing, CDBG or other sources.

## **3. *Zoning Ordinances and Building Code Changes***

As redevelopment occurs, it may be necessary and appropriate to seek changes in the zoning ordinances and building codes. As rehabilitation is considered to be an important element of the revitalization of the area, the City should continue to give consideration to adopting standards for building rehabilitation which allow the upgrading and preservation of the building stock, while maintaining reasonable standards for protecting the health and safety of the occupants.

## **4. *Historic Designation Rehabilitation Standards***

The University Place Community Redevelopment Area contains unique buildings that have potential for historic designation. With this potential comes certain additional standards as outlined in Appendix D governing the manner in which development can occur.

## **5. *Public and Semi Public Utilities and Infrastructure***

Sanitary Sewer, Storm Sewer and Water Lines: Recent sewer repair projects have corrected the most serious deficiencies that have been identified in this study area. And there are other sections of the sanitary sewer that may be candidates for future repairs or replacement: 12" from 49<sup>th</sup> to 48<sup>th</sup>, between Colby and Garland; 8" main from 48<sup>th</sup> to 47<sup>th</sup>, between Baldwin and St. Paul; and the 6" main from 47<sup>th</sup> to 46<sup>th</sup>, between Madison and Cleveland. These potential repairs are not yet programmed into the capital improvement program for implementation.

Age of the storms sewers in the area is also an issue but the current system is sufficiently sized to meet the demands of the area, but age and condition will be continuing problems as time goes on.

Water mains are old and while the overall system meets current demands, the abandoned mains could be replaced if required for a redevelopment project. The City is targeting the oldest sections of each of these systems for replacement. Those experiencing severe problems will be addressed first.

Gas Lines: No new gas lines utility/infrastructure is expected to be needed to serve the project area. If street construction or leakage occurs, the gas line will be replaced. Otherwise, gas lines will be taken care of on an as needed basis.

Electric Conduits/Cable: The electric facilities in the area are in good condition and will not require major repairs in the near future. While Lincoln Electric System has no specific plans for system

improvements in the area, they will continue to improve the electric system to accommodate customer requirements.

Telephone Conduits: In 1998, the telephone service in the area was upgraded to provide access to fiber optic facilities and SONET ring capabilities. The system is capable of serving current needs in the Redevelopment Area. As a result, the telephone company has no plans for additional improvements in the Redevelopment Area at this time. With a distribution office in the Area, most types of service can be accommodated now and future needs can be addressed as development occurs.

Cable Television: Based on a discussion with a cable television representative, work is presently in the planning stage regarding the need to upgrade the cable system. Where upgrading is necessary, the schedule is to complete all work by the year 2001. For the future, only repair and maintenance will be undertaken, with major replacements as necessary or as development occurs.

#### ***6. Open Spaces and Pedestrian Ways***

The streetscape amenities that were constructed on No. 48<sup>th</sup> St. in 1981, included a pedestrian walkway in the mid-block of No. 48<sup>th</sup> between Baldwin and St. Paul Avenues. It is beginning to show its age, with some deterioration and in need of renovation. New development should be more people-oriented and offer a more attractive environment to those walking.

To meet this objective, developers will be encouraged to incorporate aesthetically pleasing open space in the form of sidewalk and landscape treatments and setbacks. Other physical design changes for the pedestrian should include a public/private signage program.

Due to the high volume of traffic on No. 48<sup>th</sup> St. and the fact that no parking is allowed throughout its length in the Redevelopment Area, current business owners have expressed the desire to encourage the use of the backs of businesses as the primary entrance. Implementation of this idea would, in most cases, require the owners to upgrade and/or repair the backs of the buildings involved to make them attractive 'entrances.' In conjunction with this idea, the improvement of the adjacent public alleys as identified would support this approach.

Another major public open space is desired in the Project Area and would need to be identified and programmed into the Capital Improvement Program. This need has been identified for 'public gatherings, events, etc.' and could be met with a multiple use approach to one or more of the existing public parking lots. (See Exhibit III-1)

#### ***7. Streetscape and Vehicular / Pedestrian Environment / Entryway***

As previously mentioned, in 1981 a streetscape amenities project was constructed within the Project Area. Renovation is needed to restore its former image. In addition, expansion is proposed for additional blocks east of No. 48<sup>th</sup> Street, on St. Paul Avenue and one additional block west of N. 48<sup>th</sup> Street on St. Paul to N. 47<sup>th</sup> Street. The streetscape should include: street lighting, street furniture (including, but not limited to: benches, trash receptacles, bike racks), a banner system, curb and ramp repair, signage, trees and landscaping. The streetscape increases safety, provides area identity and convenience. (See Exhibit III-1)

For security purposes, new or additional lights are needed in several of the alleys of the Redevelopment Area. Private developers should be encouraged to include aesthetically pleasing lighting, landscaping and other necessary amenities adjacent to the public right-of-way which is compatible with the Redevelopment Area.

The N. 48<sup>th</sup> Street entry in the commercial district from the south lacks clear identification as to its position in the Redevelopment Area. Since this area is bounded by the northern edge of University Place Park on the east and the northern edge of the University of Nebraska property on the west, this entry to the Redevelopment Area already has open/green space; however decorative entry signs could be erected at this point as well as at the Adams Avenue entry point at the north end of the district to achieve that identification.

Improvements should be designed to reduce blighting conditions while enhancing the pedestrian areas, buildings and historic significance of the Project Area. In this regard, traffic flow design improvements as well as extended landscaping improvements could be applied to the City parking lots to help encourage the local businesses to repair and/or rehabilitate the rear entrances to the buildings to attract customers, clients, etc. and provide a more inviting approach to their businesses. Private parking areas located at the rear of the District's businesses should also join this effort to create a friendlier, and perhaps safer, access to their buildings.

Any re-design of the public parking lots is dependent upon general agreement about the impacts such changes may require: relocation of the existing City Recycling Site, changes to points of egress and ingress, additional amenities to accommodate public gatherings, etc.

#### ***8. Parks and Recreation***

The planned reconstruction of the swimming pool in University Place Park includes a redesign of other park facilities that will be available. The new pool will be located in the southwest area of the park. This project is scheduled for construction in 2000-2001.

#### ***9. Security***

Construct a full service police station at 49<sup>th</sup> and Huntington. Adaptively reuse the existing building on the southwest corner (formerly known as the old Alltel switching building) with new construction to the lot west. An approximately 15,000 square foot multi-level structure is proposed. Design of the building should include space for a fully functioning police station as well as contribute to the existing character of the neighborhood. Project elements may include:

- Land acquisition of University Place Block 95, Lots 1,2, and 3 and E ½ Lot 4; more commonly known as 4843 and 4825 Huntington Avenue,
- Paving of off-street parking for a minimum of 40 cars,
- Building reconstruction,
- Landscaping,
- Utility relocation / upgrade, and
- Subdivision, re-platting and re-zoning as required.



## ***10. Public Civic / Social Services***

Events, the arts and public open spaces comprise the range of activities and spaces that make the urban experience and are desired within the University Place Business District. In addition, its historic buildings, streetscape, open space, etc., presently integrated into the project area should add to and help create a dynamic mix of movement and activities, offering an enjoyable atmosphere to the artistic environment of the Project Area.

The Lincoln Area Agency on Aging's Senior Center, located in the basement of the First United Methodist Church at 50<sup>th</sup> Street and St. Paul Avenue, is within the University Place Project Area and serves the University Place area. While there are no plans at this time to enlarge or move, the staff of the Lincoln Area Agency on Aging has indicated an interest in moving into new space if provided in the redevelopment project area.

## ***11. Rehabilitation (Residential / Business)***

The rehabilitation of structures (commercial and residential) is of extreme importance to the revitalization and success of the overall University Place Project Area, but more particularly on No. 48<sup>th</sup> Street. It is anticipated that rehabilitation will be carried out voluntarily by property owners and/or shop tenants. As an incentive for private rehabilitation, interest write downs should be made available for residential owners.

Rehabilitation loans by the City may be provided through its Urban Development through the following programs: *[Note updates -- some programs are no longer offered. 12-09-2016]*

### Residential

- ~~1. Home Improvement Loan Program - 0% to owner occupants for improvements~~
- ~~2. Deferred Payment Loan - deferred payment loan for owner-occupied repairs~~
- ~~3. Direct Payment Loan - low-interest loan for owner-occupied housing~~
- ~~4. Investor/Owner Loan - rental unit improvements~~
- ~~5. Housing Development Loan Program - for investor projects with 8 or more units~~

### Business

- ~~1. Facade Improvement - \$25,000 for the primary facade; maximum of \$50,000 for corner buildings; with 50% match and 0% for up to ten years.~~
- ~~2. Business Loan - Job Creation~~

*NOTE: All improvement must be done to City Building Department Codes.*

## ***12. Acquisition of Substandard Commercial / Industrial Properties for Redevelopment***

Substandard commercial/industrial structures contributing to substandard and blighting influences in the Redevelopment Area will be acquired and parcels made available for redevelopment. In some cases, parcels may be assembled for disposition. By acquiring and assembling parcels of land, the City can create marketable parcels which are of sufficient size to attract the interest of the private sector. Sale of these assembled parcels will assist the private sector in realizing economies of scale on a project while making it possible to improve design through planned, integrated development. The initial impact will be to eliminate blighting influences caused by substandard structures that are inconsistent and incompatible with surrounding land uses.

Acquisition and site preparation, including demolition of the following properties:

- University Place Block 68, Lot 4, commonly known as 4719 Madison Ave.
- University Place Block 68, Lot 5, commonly known as 4707 Madison Ave.

- University Place Block 68, Lot 6, commonly known as 4701 Madison Ave.
- Beecher's Sub Lots 1-6, commonly known as 2747 N. 48<sup>th</sup> Street
- University Place Block 68, Lot 3, commonly known as 4725 Madison Ave.
- Halls Addition to University Place, Lot 2
- University Place Block 95, the west ½ of Lot 4, and all of Lots 5 and 6

## C. PRIVATE IMPROVEMENTS

The primary burden for revitalization of the Community Redevelopment area must be on the private sector. The City must provide public services, perform public improvements and participate where necessary in the redevelopment process, but the needs of the area are beyond the City's capacity to do the job alone. Financing of proposed improvements will require participation by both the private and public sectors. To the extent that other funding sources can be identified, the plan attempts to reduce the private sector's costs for public improvements. Where appropriate, in designated areas, the City may participate through authorized legal mechanisms by providing financial assistance for the rehabilitation of structures. The development of new complexes and the reuse of existing structures will be the responsibility of private entrepreneurs.

## D. COMMERCIAL DEVELOPMENT

Several locations have been identified as essential to redevelopment of N. 48<sup>th</sup> Street. These are areas where redevelopment activities will be highly visible and likely to stimulate additional redevelopment in the redevelopment area. Key locations for commercial redevelopment include:

### *2436 N. 48<sup>th</sup> St. (Northeast Printers Building)*

Deteriorated commercial building to be demolished and replaced with mixed-use development. Project elements may include:

- Acquisition of 2436 N. 48<sup>th</sup> St: University Place Block 95, W ½ Lot 4 & all of Lots 5 and 6,
- Demolition of existing structure,
- Secure easements as needed,
- Relocate / upgrade utilities as needed,
- Pave and landscape driveways, approaches, and sidewalks outside property line and any off-street parking, and
- Re-plat and re-zone if required.

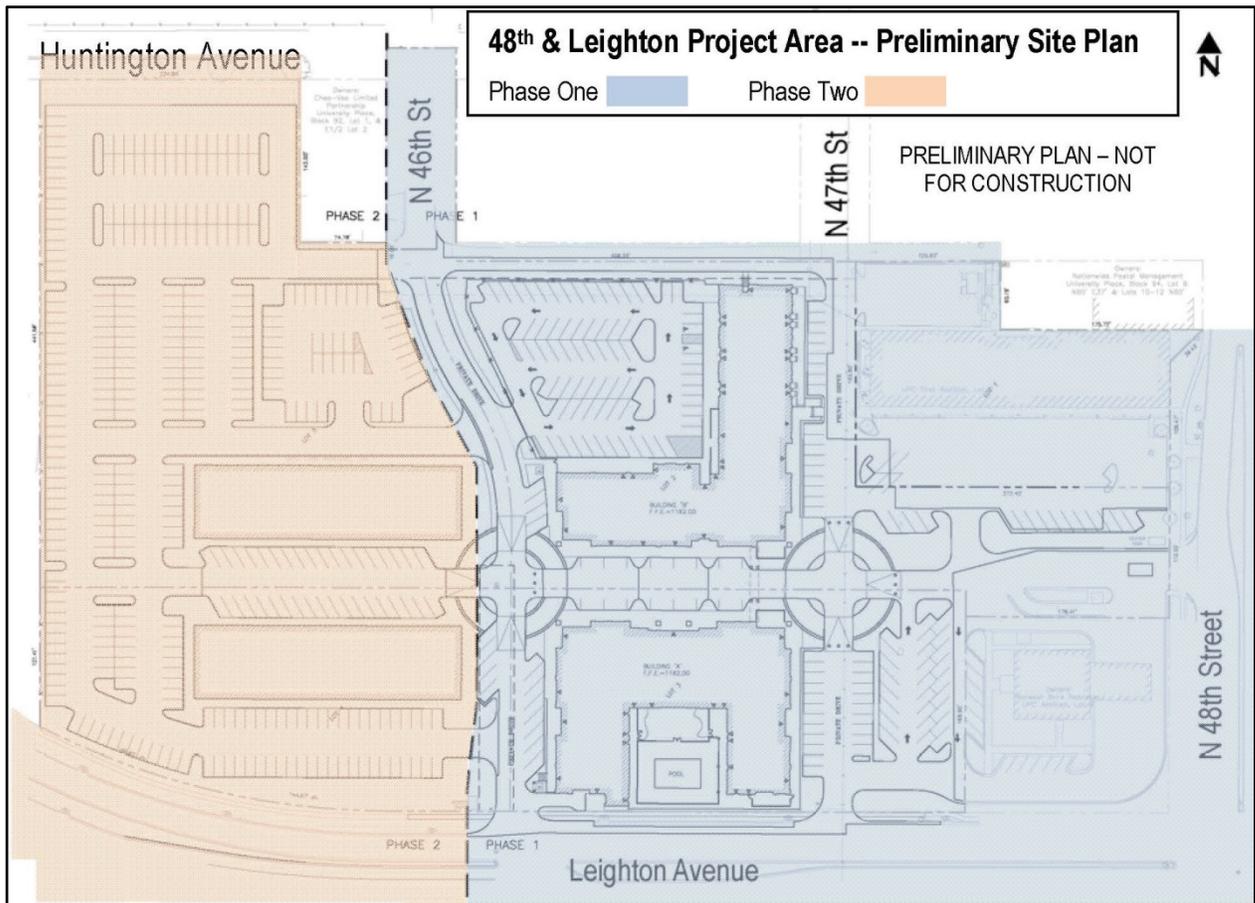
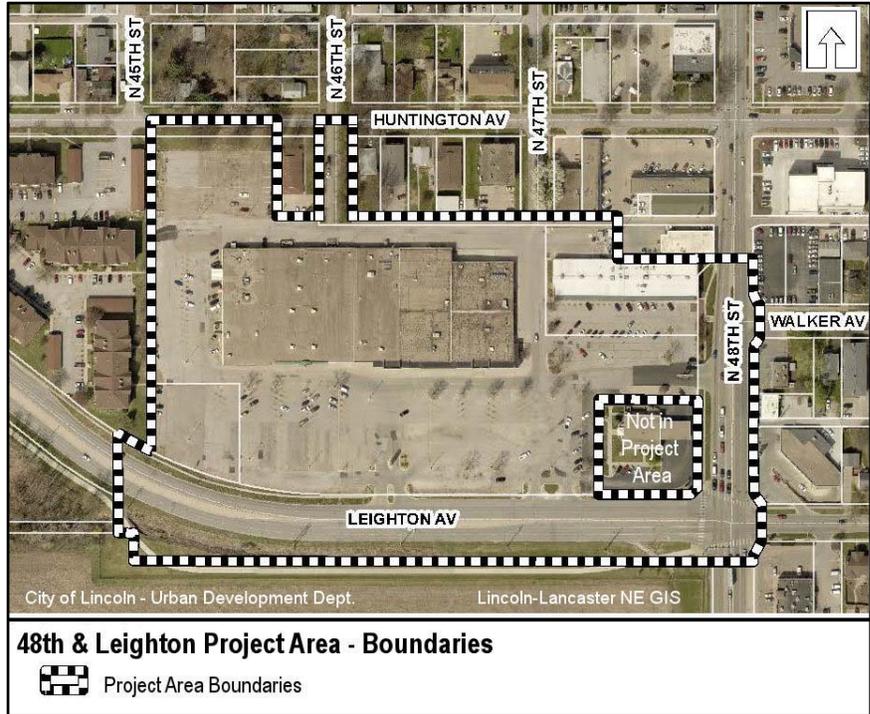
### *48th & Leighton Mixed-Use Redevelopment Project*

#### *1. Project Description*

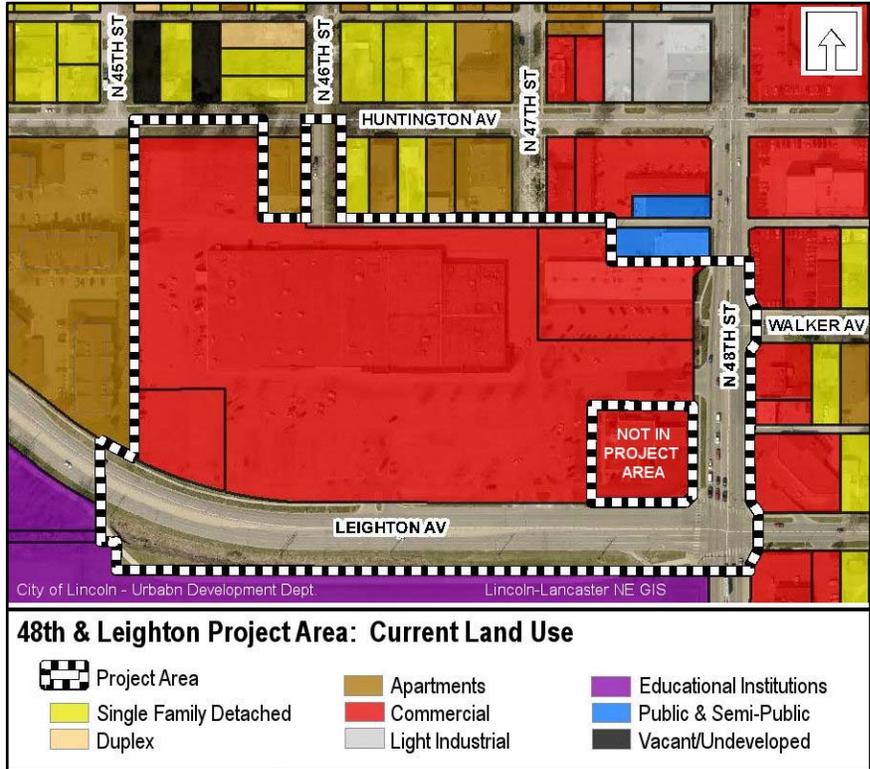
The 48th & Leighton Mixed-Use Redevelopment Project (the "Project") includes the redevelopment and rehabilitation of three underutilized parcels with existing surface parking lots and deteriorating structures into a mixed-use development including market-rate residential units and first floor commercial space. The project area is generally located between Huntington Avenue on the north, Leighton Avenue on the south, N. 44th Street on the west and N. 48th Street on the east.

More specifically, the project area includes Lots 1, 2, and 3, UPC First Addition, Lincoln, Lancaster County, Nebraska. The Project area covers approximately 10.56 acres.

The Project consists of at least two phases. Phase One will consist of one (1) new five-story building and one (1) new four-story building, which will collectively contain approximately 184 market-rate residential units. The buildings will contain approximately 28,000 square feet of first floor commercial uses which may be retail and/or office. Phase One may also include the exterior renovation of an existing commercial building. Phase Two will likely consist of additional mixed-use buildings containing first floor commercial uses and market rate residential dwelling units. Dependent on parking requirements, Phase Two may also contain a parking structure.

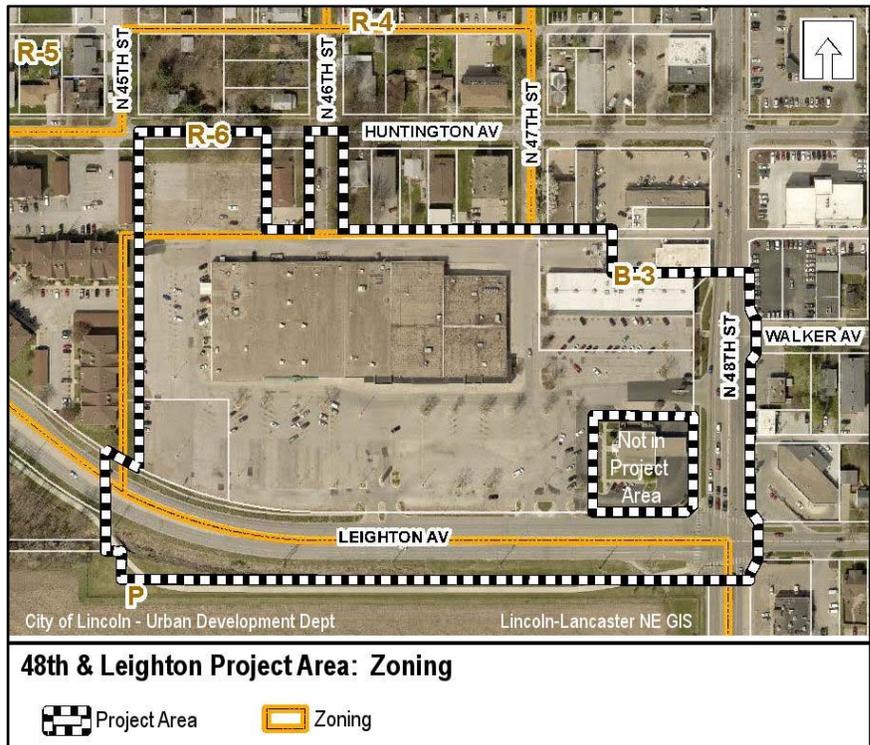


The goal of this Project is to strengthen the Lincoln community by providing in-fill residential dwelling units and commercial spaces through the redevelopment of existing underutilized and deteriorating real property in northeast Lincoln. The Project will remove blighted and substandard conditions and will make positive contributions to the continued revitalization of Lincoln's University Place neighborhood. The Project will increase the security and safety in the Redevelopment Area through the removal and redevelopment of certain blighted and substandard conditions.

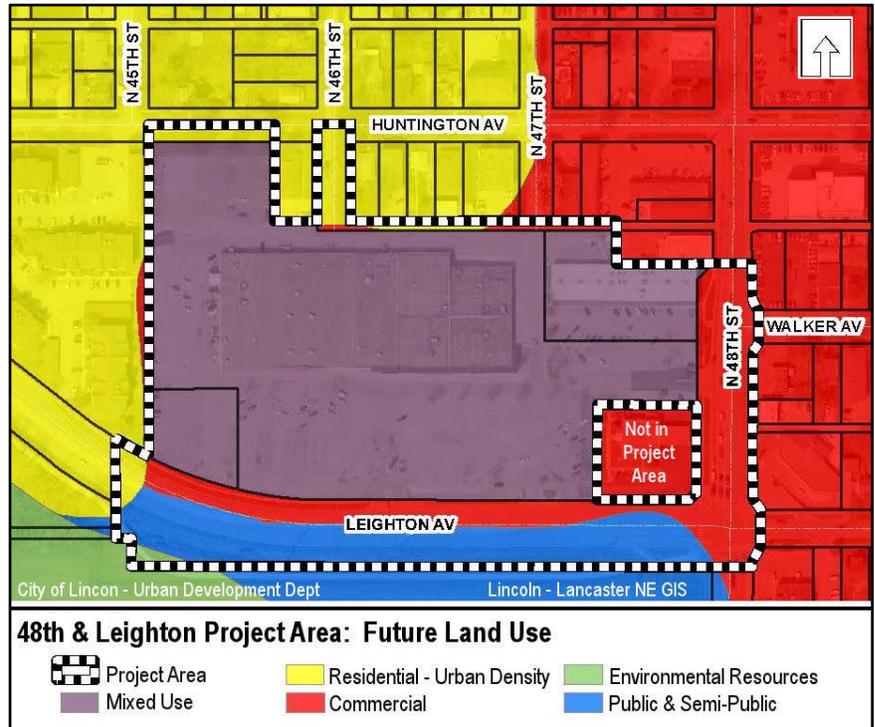


Existing land uses are commercial and vacant commercial. Surrounding land uses include residential, primarily multi-family west and north, and commercial to the east. The University of Nebraska East Campus is located to the south with their farm fields adjacent to Leighton. Nebraska Wesleyan University is located approximately three blocks northeast.

The entire project site is currently zoned B-3 Commercial District. This district provides for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. Surrounding the Project site is R-6 Residential District to the west and north which is intended to provide moderately high residential density between 11 and 14 dwelling units per acre. Zoning to the east and northeast B-3, and the University of Lincoln East Campus is zoned Public.



The Project is consistent with the goals of the *University Place Redevelopment Plan* and is intended to support private sector residential and commercial development in this redevelopment area. The Project is also consistent with *LPlan 2040*, the *Lincoln-Lancaster County 2040 Comprehensive Plan*. Guiding principles in Chapter 6, Mixed Use Redevelopment, include targeting existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilizing existing infrastructure; and encouraging residential mixed



use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes. Further, the Project will increase residential density, an additional goal of *LPlan 2040*. *LPlan 2040* identifies the Project area as a node.

The Project represents significant private investment in the University Place Redevelopment Area. Publicly funded redevelopment activities may include site acquisition, site preparation, streetscape and other public area enhancements, energy efficiency improvements, façade enhancements, and other public improvements in the project area.

*Birdseye view of Phase One of the 48<sup>th</sup> & Leighton redevelopment project, from the southeast*



## 2. *Statutory Elements*

- ***Property Acquisition, Demolition, and Disposal:*** The proposed redeveloper currently controls the entire project area. Demolition will include clearing structures on the property, including any required environmental remediation and any necessary capping, removal or replacement of utilities and site preparation. The Site will involve significant preparation costs to comply with existing floodplain management issues.
- ***Population Density:*** The Project will have an impact on and will increase the project area's population density, as Phase One alone will likely replace the existing commercial uses with approximately 184 market rate residential dwelling units and 28,000 square feet of commercial/office uses.
- ***Land Coverage:*** Land coverage and building density will be altered with construction of the Project. Phase One will construct two (2) buildings holding approximately 28,000 square feet of commercial and/or office uses and approximately 184 market rate residential dwelling units. Additionally, Phase Two will likely construct additional mixed-use buildings. However, the Project's overall land coverage will decrease from approximately 96% impervious to 87% impervious surface. The project site will be re-platted based on the design and phasing of the Project.
- ***Traffic Flow, Street Layouts, and Street Grades:*** The Project is not likely to result in a significant increase in traffic and does not include vacating any streets or alleys. However, the Project does include the construction of a private drive running north from Leighton Avenue to the existing N. 46th Street.
- ***Parking:*** The Project will meet the requirements for parking as each phase is developed.
- ***Zoning, Building Code, and Ordinances:*** As a part of the Project, the project area will be rezoned to a B-3 Commercial District with a Planned Unit Development overlay, which will allow for the proposed residential, first-floor commercial, and office uses. The Project will require that the project area be re-platted. All applicable building codes will be met.

## 3. *Financing and Cost Benefit Analysis*

The estimated total cost to implement Phase One of the Project is approximately \$35,000,000.00, which includes approximately \$4,200,000.00 in public financing. The project cost will be finalized as construction costs are firmed up. The source of the public funds for these improvements will be Community Improvement Financing (more commonly known as Tax Increment Financing) generated from the private developments within the project area.

Funding sources and uses will be negotiated as part of the redevelopment agreement, subject to approval by the Mayor and City Council.

As required by Nebraska Community Development Law ([Neb. Rev. Stat. §18-2113](#)), the City has analyzed the costs and benefits of the proposed Project including:

- *Public Tax Revenues*

### Tax Increment Financing Analysis

| 48th & Leighton Mixed Use Redevelopment Project—Phase One |   | Amount             |
|---|---|--------------------|
| Base Value  |   | \$3,550,000        |
| Estimated New Assessed Value                              |   | \$23,700,000       |
| Increment Value   | <i>= New Assessed Value - Base Assessed Value</i> | \$20,150,000       |
| Annual TIF Generated (Estimated)                          | <i>= Increment x 0.02027922 (2015 Tax Rate)</i>   | \$408,626          |
| <b>Funds Available</b>                                    | <i>= Annual TIF Generated x 14 years @ 4.5%</i>   | <b>\$4,200,000</b> |

Upon completion of the Project's Phase One, the assessed value of the property within the Project Area will increase by an estimated \$20,150,000 as a result of the private investment. This will result in an estimated annual property tax collections increase during the fourteen (14) year TIF period of approximately \$408,626 that will be available for the construction of public improvements related to the Project. The public investment of a currently projected \$4,200,000 in TIF funds for TIF Bond "A" and \$800,000 for TIF Bond "B" for Phase One, which is less than the projected total available TIF Funds, will leverage approximately \$30,800,000 in private sector financing for Phase One, resulting in a private investment of approximately \$7.00 for every TIF dollar spent.

The Urban Development Department believes that the public improvements and enhancements proposed in this plan amendment would not occur "but for" the Tax Increment Financing generated by private redevelopment within the project area. Project improvements would not be achievable to the extent shown without TIF, as the site conditions constitute barriers which could not be remedied without the use of tax increment financing.

Public investment may assist in site acquisition, demolition, and site preparation; design and construction of utility improvements; design and construction of streetscape and right-of-way improvements; façade enhancements; energy enhancements; and other public improvements and enhancements allowed under the Community Development Law.

- ***Public Infrastructure and Community Public Service Needs Impacts:*** It is not anticipated that the Project will have an adverse impact on existing public infrastructure. The Project entails the capture of the incremental tax revenues for eligible public purposes including, but not limited to site acquisition, site preparation, façade enhancements, streetscape and public area enhancements, and other eligible improvements. The Project will also encourage private investment in the University Place Redevelopment Area and will increase security and safety in the area by the removal of certain blighted and substandard areas that are conducive to such problems.

It is not anticipated that the Project will have any adverse impact on City services, but will generate additional revenue providing support for those services.

- ***Employment within the Project Area:*** It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project will add mixed uses to a site that previously held existing and vacated commercial uses. Additionally the proposed commercial spaces are a positive benefit for firms locating or expanding in the area. Further, additional housing opportunities should positively affect employers and employees in the area.

- ***Employment in the City outside the Project Area:*** Approximately 142,161 persons living in the City of Lincoln are employed, according to the 2010-2014 American Community Survey. The median household income for the City between 2010 and 2014 was \$49,794. While the impact of this project on city-wide employment would be minimal, a strong residential presence and available commercial spaces are essential to the attraction, retention, and expansion of retail and commercial services and employment. The Project should increase the need for services and products from existing businesses in and around the Redevelopment Area.

## **E. FUTURE LAND USE**

Exhibit III-2 is a proposed Land Use map for the redevelopment area. At this time there are no changes to the existing land use in the Redevelopment Area. As redevelopment occurs, this map will change accordingly. The overall population density of the redevelopment area will generally remain stable. However, if second story residential uses are developed over the commercial buildings, density could increase. Land coverage and building density will increase moderately.



## F. REDEVELOPMENT PROCESSES

Public Improvements and redevelopment activities may require vacation of street and alley right-of-way; construction easements, temporary and permanent relocation of families, individuals and businesses; demolition, disposal/sale of property and site preparation (may include paving approaches and sidewalks outside property line; relocation of overhead utility lines; and rerouting underground utilities as needed). The processes for these activities include:

### ***1. Property Acquisition***

The City may acquire the necessary fees, easements, property and covenants through voluntary negotiations (see Land Acquisition Policy Statement, Appendix A). The City may move houses. However, if voluntary agreement is not possible, the City may institute eminent domain proceedings.

### ***2. Relocation***

Relocation may involve the temporary or permanent relocation of families, individuals or businesses to complete redevelopment activities. Relocation will be completed according to local, state and federal relocation regulations (see Appendix B, Relocation Assistance).

### ***3. Demolition***

Demolition will include clearing sites on property proposed for public improvements; necessary capping, removal or replacing utilities; site preparation; securing insurance and bonds; and taking other necessary measures to protect citizens and surrounding properties. Measures to mitigate environmental findings may also be necessary, if determined by site testing.

### ***4. Disposal/Disposition***

Some project may include the sale of land to private developers for redevelopment purposes. Developers will be selected in an equitable, open and competitive process according to the Land disposition Procedures outlined in Appendix C.

### ***5. Requests for Proposals***

Architects and engineers will be competitively selected to design any public facilities and improvements. Primary contractors will also be competitively selected. The selection process involves issuing a Request for Proposals (RFP). Proposals received by the designate deadline are reviewed by a selection committee. Interviews may be scheduled by the selection committee. Standard City practices are used for the selection process.

### ***6. Implementation Steps***

- Select projects and activities for implementation
- Issue and sell Improvement Financing Bonds if and when necessary
- Acquire property rights and easements as necessary
- Relocate families and individuals as necessary
- Competitively select architects and engineers to design the public facilities and improvements, when necessary
- Approve the public facilities and improvements design
- Competitively select primary contractors to construct public facilities and improvements

- Construct public facilities and improvements
- Where necessary, competitively select developers and negotiate appropriate redevelopment agreements, if necessary
- Oversight of developer activity

*NOTE:* When possible, negotiate with City Departments to perform professional services relating to preparation of plans and specifications, bidding, contract execution and supervision of construction/demolition for projects/activities covered within the Redevelopment Plan.

## **G. CONFORMANCE WITH COMPREHENSIVE PLAN**

In accordance with Nebraska State Law, the University Place Redevelopment Plan described in this document was designed to conform to the Lincoln-Lancaster County Comprehensive Plan adopted for the City of Lincoln on November 14, 1994 as amended.

## **H. RELATIONSHIP TO LOCAL OBJECTIVES**

The University Place Community Redevelopment Area is located in the northeast quadrant of the City of Lincoln and primarily includes its business district. The Redevelopment Plan was developed so as to be consistent with the goals and policies of the November 1994, adopted Lincoln-Lancaster County Comprehensive Plan, as amended.

## **I. PROCEDURE FOR CHANGES IN THE APPROVED REDEVELOPMENT PLAN**

If the City of Lincoln desires to modify/amend this Redevelopment Plan, it may do so after holding appropriate Planning Commission and City Council public hearings on the proposed change in accordance with applicable state and local laws.

## **IV. FINANCING AND IMPLEMENTATION**

The primary burden for revitalization of the redevelopment area must be on the private sector. The City must provide public services and public improvements and participate where necessary in the redevelopment process, but the needs of the area are beyond the City's capacity to do alone. Financing of the proposed improvements will require participation by both the private and public sectors. Where appropriate, the City may participate by providing financial assistance for the rehabilitation of structures. The development of new complexes and the reuse of existing structures will be the responsibility of the private sector.

Sources of funding may include:

1. Special Assessments - Business Improvement Districts
2. Private Contributions
3. Sale of Land Proceeds
4. Municipal Infrastructure Redevelopment Fund (MIRF)
5. Community Development Block Grant Funds
6. HOME
7. HUD Section 108 Loan Program
8. Community Improvement (Tax Increment) Financing (Ad Valorem Tax)
9. Capital Improvements Program Budget
10. Federal and State Grants
11. Interest Income
12. Advance Acquisition Fund - property rights/easements, public facility site acquisition

Project activities will be undertaken subject to the limit and source of funding authorized and approved by the Mayor and City Council.

According to the Community Development Law, any ad valorem tax levied upon real property in the redevelopment project for the benefit of any public body shall be divided, for a period not to exceed 15 years after the effective date of such provision, by the governing body as follows:

That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the body; and

That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a redevelopment shall be paid into the funds of the respective public bodies.

The effective date for the Community Improvement Financing provisions of the University Place Redevelopment Plan for each Project is declared to be the date rehabilitation, acquisition, or redevelopment of substandard and blighted property in the sub project area first commences.

**UNIVERSITY PLACE REDEVELOPMENT PROJECT  
EXPENDITURE SUMMARY**

| ACTIVITY   | PRIVATE SECTOR EXPENDITURES | PUBLIC SECTOR EXPENDITURES* |
|--|-----------------------------|-----------------------------|
| Commercial Redevelopment   | \$3,500,000                 | \$ 525,000                  |
| Infrastructure (sewer, water, streets, etc.)   |                             | \$ 150,000                  |
| Other Public Improvements (streetscape, parking lot improvements, etc. to extent funds are available.) |                             | \$ 400,000                  |
| <b>SUBTOTALS</b>   | <b>\$3,500,000</b>          | <b>\$1,075,000</b>          |

**TOTAL PRIVATE AND PUBLIC EXPENDITURES — – \$4,575,000**

Public Sector Expenditures Detail:

- Commercial Redevelopment participation includes low- to no-interest loans of HOME and/or Community Development Block Grant (CDBG) funds for facade improvements, job-creation loans, owner-occupant residential rehabilitation as well as investor-owner residential rehabilitation and 2/3rd floor (over commercial uses) residential improvements. These funds are allocated to the City of Lincoln annually by the Federal Government. Federal eligibility requirements apply. The use of CDBG and HOME funds are evaluated annually and their availability is contingent upon review of each redevelopment project.
- Infrastructure expenditures includes Public Works identified sewer projects, water system projects, as well as street resurfacing projects.
- Other Public Improvements include the usual streetscape elements such as: ornamental lights, sidewalk furniture, etc., as well as traffic light/s, sidewalk repair, redesign/construction of public parking lots, area entryway signs. Funding sources include those listed in this plan, page 21.

# APPENDIX A:

## Land Acquisition Policy Statement

### I. ADMINISTRATIVE ORGANIZATION FOR LAND ACQUISITION OPERATIONS

- A. All land acquisition functions, including negotiations and closings, will be performed by the City of Lincoln, or its agents. The conduction of condemnations will be performed by the Legal Counsel for the City. The staff is experienced and capable in the conduct of acquisition programs.
- B. The City of Lincoln approved land acquisition policies and procedures within the limits prescribed by the statutes of the State of Nebraska. Each individual property purchase, and the disbursement of payment, therefore, is approved by the Mayor. Condemnation proceedings are instituted by the City Law Department only after all efforts to reach a negotiated settlement have failed. Legal services will be performed by the Legal Counsel for the City.

### II. POLICIES

- A. Real Estate appraisals are made by staff or selected fee appraisers. Second real estate appraisals, if required, may also be by fee appraisers.

The following are policies for Real Property Acquisition:

1. Every reasonable effort will be made to expeditiously acquire real property by negotiation.
2. Real property will have separate appraisals before initiation of negotiations and the owner, or his representative, will be given the opportunity to accompany the appraisers on their inspection tour of the property.
3. Before initiation of negotiations for real property, the City's Reviewing Appraiser will establish an amount considered to be just compensation and the City shall make prompt effort to acquire the property for that amount.
  - a. The established amount shall not be less than the approved appraisal of fair market value for the property.
  - b. Any decrease or increase in the fair market value of the property, prior to the date of valuation, caused by public improvement; by physical deterioration within reasonable control of the owner, has been disregarded by the City and by the Appraisers in making the determination of fair market value.
  - c. The City's negotiator shall provide the owner with a written statement summarizing the basis for the amount established as just compensation. Where appropriate, compensation for property acquired and for damages to any remaining real property shall be separately stated.
4. No owner shall be required to surrender possession until the City of Lincoln pays the agreed purchase price, or deposits with the Court the amount of award determined by the Condemnation Appraisers.
5. Improvements will be scheduled so the owner or tenant shall receive a minimum 90 days written notice before having to move. Every effort will be made by the City to provide such notice as is required without undue hardship to the owner or tenant. (This is applicable to total acquisition of property.)
6. If Owner or Tenant is permitted to rent property, the amount of rent shall not exceed fair rental value of subject property.
7. The City of Lincoln will not take any action coercive in nature to compel an agreement on price for property.
8. If acquisition must be by eminent domain, the City of Lincoln shall institute formal condemnation proceedings. The City shall not intentionally make it necessary for the owner to institute legal proceedings to

prove fact of taking of his real property.

9. If the owner feels the City of Lincoln's offer does not represent the true value of his property, he may refuse to accept it. He should then provide evidence concerning value, or damage, that warrants a change in the City's determination of just compensation. Should the City determine the additional information is valid, the price will be adjusted accordingly.
  10. If as a result of the real estate acquisition there is a portion of your property which is considered by the City of Lincoln to be an uneconomic remnant, you have the right to request an offer from the City of Lincoln to acquire the remnant.
- B. Owner will be reimbursed for the following expenses incidental to conveyance of real property:
1. Recording fee, transfer taxes and similar expenses.
  2. Penalty cost for repayment of any pre-existing recorded mortgage encumbering real property, provided the mortgage was entered into in good faith.
  3. Pro-rate portion of real property taxes paid which are allocable to a period subsequent to date of vesting title, or effective date of possession, whichever is earlier.
  4. The cost of abstract continuation and/or evidence of assurance of title.
  5. Litigation expenses such as legal, appraisal, engineering fees, etc., when:
    - a. Court determines that condemnation was unauthorized.
    - b. City of Lincoln abandons a condemnation.
    - c. Property owner brings inverse condemnation action and obtains award of compensation.
- C. If a separate fixture appraisal is obtained, it shall contain the following immovable fixtures and personal property:
1. Determination of division of appraisal coverage, enumerating and classifying improvements in-place.
  2. Appraisal of improvable fixtures, correlating their findings with both real estate appraisers.
- D. All appraisal contracts shall provide terms and conditions and fix the compensation for expert witnesses. These services will be utilized by the City of Lincoln to the extent necessary.
- E. Both real estate acquisition appraisals and immovable fixture appraisals will be reviewed by the City Appraisal Staff. All appraisals will be reasonable free of error and conferences with appraisers will ascertain that methods of approach and documentation are compatible, with no elements of value being omitted from consideration. City staff will conduct relocation interviews to verify ownership of certain fixtures and personal property claimed. Said claims will then be checked against existing leases and through interviews with fee owners.
- F. Preparation for acquisition includes:
1. Preliminary title information supplied by local abstract companies; contents reviewed and entered in individual parcel folios.
  2. Individual parcel folios prepared; chronological activity indexed and all pertinent historical information entered.
  3. Basic forms of Real Estate Agreement (real estate, personal property and fixtures) reflecting policy for negotiations to acquire all classifications of property.
  4. Closing methods and policy determined.
  5. Policy for possession, property management, salvage and demolition, timetable of activities prepared.
  6. Closing statement form prepared together with such internal administration forms for notice to various units of inspection, accounting, property management, finance and legal counsel as may be required.

7. Information letters prepared for distribution to all owners and tenants.
8. Deed forms for conveyance of real estate, bill of sale forms for personal property, and condemnation forms for eminent domain procedure prepared.

(NOTE: Paragraphs G, H, and portions of I cover items of notice, relocation assistance, etc., relating to total property acquisitions as well as general policies.)

- G. The "single offer" system for acquisition will be utilized in all negotiations. The City will establish fair market value and be prepared to justify and substantiate the determination in the event it is challenged. Staff will present and explain forms, terms and conditions of purchase in personal interviews with each property owner and tenants. The date of this interview will establish the beginning of negotiations which regulates many relocation payments.

For the purpose of all negotiated transactions, the City will require conveyance of real estate by Warranty Deed or deed instrument sufficient to place marketable title in the City of Lincoln. Standard forms of such instruments conforming to Nebraska Law are on hand and will be used in every case. Each owner executing a Real Estate Agreement should furnish a current abstract of title as specified in said offer. Legal Counsel for the City will render an opinion of the condition of said title, and upon determination that in his opinion said title appears merchantable, will assist with the closing process. Title to all property will be vested in the City of Lincoln on the date of closing, which will also be the date of payment of the purchase price and the date of conveyance instruments. The City of Lincoln shall have the right to possession within 90 days of closing date, (or 90 days from date of written notice if later than closing date), or as provided in the Real Estate Agreement. A statement by a responsible City Official, resulting from an inspection of the property acquired, will be contained in each acquisition folio. This statement will precede payment and closing and must determine that all property purchased is present and in place in substantially the condition as of the date appraised.

- H. Immovable items attached to the Real Property, that would incur substantial economic damage if removed, will be negotiated for and acquired at the appraised value-in-place for continued use in the present location. A "Single Offer" at the maximum price will be offered the owner of such property, but if the owner elects to move any such appraised item it will be relocated rather than acquired and the appraised amount deducted. Until the business to be displaced has definitely located a relocation site, it is almost impossible to determine whether certain process fixtures can be relocated or should be acquired by the City of Lincoln. When such fixtures have been acquired, paid for, and a bill of sale conveyed, and the seller then finds it would have been desirable to have relocated them, it shall be the City of Lincoln's policy to re-convey such items to the original owner in return for the exact amount of value-in-place price paid for them, and then pay for their relocation. Under no circumstances will fixtures sold back to the original owner by the City of Lincoln be at salvage value, or any amount less than that paid for them. Generally, the terms and conditions of existing leases and pre-acquisition conferences with owners and tenants by all appraisers and City Staff will have clarified ownership.

NOTE: Process utilities that are service entrances and concealed utilities are ineligible for compensation as relocation expenses and will be treated as immovable fixtures. The utilities listed by the fixture appraiser as "Eligible for Relocation" formerly would have been compensated in relocation for those items. Therefore, process utilities are appraised even though eligible for relocation compensation. However, the claimant may still enter a claim for payment for replacement of those eligible utilities at the new location providing the appraised value-in-place of the claimed utilities is deducted from the relocation claim.

Immovable fixtures and process utilities not appraised will be handled through the direct loss of property process. It is expected that claims for severance damages caused by partial taking will be minimal.

All fixtures and improvements appraised and acquired become the property of the City of Lincoln as clarified in the Real Estate Agreement and may not be removed by any other than authorized personnel or the demolition contractor.

- I. Upon thoroughly exhausting every avenue of negotiation available, the City of Lincoln will direct their Legal Counsel to prepare for the appropriation of all property to be acquired through eminent domain proceedings. Such petitions will be drafted by the Legal Counsel clearly defining the property to be acquired and the ownership

thereof, land, improvements, immovable and movable property (if any) located therein, with such particularity that the petitions and the resulting action of the condemnation appraisers, or district court appeals, will clearly establish such ownership and rights to compensation. Owner-Occupants of dwelling units that may be eligible for the Replacement Housing Payment will be made aware that the award received through eminent domain proceedings (excluding interest thereon, or consequential damages), determined by the condemnation appraisers, or by District Court will become the basis for any Replacement Housing Payment to be claimed. Immediately preceding preparation of petitions, preliminary title information will be updated. Fee appraisals and fixture appraisals will be reviewed.

To the extent necessary, a re-inspection of each property to be condemned will be conducted by the appraisers to determine that the property, on the date of taking, is in substantially the same condition as it was on the date of their original appraisal and that their opinions of value, therefore, hold true as of the date of taking. Each appraiser's testimony may then be presented to the condemnation appraisers and, in case an appeal is filed, to the District Court.

The City of Lincoln will not require any owner to surrender the right to possession of his property until the City pays or causes to be paid, to the Lancaster County Court the amount due each interest acquired for the taking thereof as determined by the condemnation. Immediately following the determination of the amount of the condemnation award for the property, or each separate interest therein taken, the City will direct that payment to be made in an amount equal to the City's offer by the issuance of warrants drawn in favor of those entitled thereto to the County Court of Lancaster County, Nebraska, for payment of the condemnation appraiser's fees connected with the taking. Upon approval of the City's Legal Counsel, such warrants shall be deposited with the County Court and will represent full compensation for the property taken, subject to appeal to District Court. In any event, title to the property rests with the City of Lincoln as of the date of payment of the condemnation award, as does the right to possession thereof within 90 days of said date, provided compensation due has been paid as prescribed and proper notice given.

Nebraska statutes provide a 30-day period from the award of condemnation during which an appeal can be filed by either party. Acceptance of the award deposited with the County Court extinguishes the right of appeal as to that particular party. In the event an award is not claimed and no appeal is filed during the statutory period, the right to appeal is barred and the County Judge immediately causes the condemnation papers to be recorded in the records and transfer books of Lancaster County, Nebraska.

In case an appeal is filed, the County Judge forwards copies of all pertinent papers to the Clerk of District Court for subsequent trial and determination of the damages in the condemnation appealed from. At that point, the City of Lincoln, with or without the consent of condemnee, may petition the District Court to order payment immediately of the award appealed from, thereby reducing interest costs on the award while the case is being prepared and subjected to trial.

Although title and right to possession is vested in the City of Lincoln as of the date of payment of the condemnation award, no lawful occupant of property taken will be required to surrender possession without at least 90 days written notice (a separate notice in addition to the notice of condemnation) from the City of Lincoln stating the date on which possession will be required. Terms and conditions for temporary rental of condemned property for owner-occupants and tenants are detailed in the project property management policy.

District Court trial of all condemnation awards appealed will be defended by the City of Lincoln's Legal Counsel utilizing the services of contract appraisers as expert witnesses for the City. Compensation for witness services is provided for in existing appraisal contracts. After condemnation suits, awards and appeals therefrom have been filed, agreements as to value may be entered into by stipulation. Appeal cases will be diligently prosecuted to bring the case to trial and judgment in the shortest time possible and necessary for the preparation of an adequate defense. In this manner, and with the court directed partial payments of awards outlined previously, interest and court costs will be held to a minimum level.

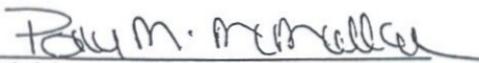
In most instances, the sale of privately-owned property to the City of Lincoln for public purposes is considered "involuntary conversion" by the Internal Revenue Service, and the owner may not have to pay capital gains tax

on any profit from the sale of the property to the City of Lincoln, if the money is reinvested in similar property within two years. Internal Revenue Service Publication 549, entitled "Condemnations of Private Property for Public Use", is available from the IRS. It explains how the federal income tax applies to gains or losses resulting from the condemnation of property, or its sale under the threat of condemnation, for public purposes. IRS Publication 17, "Your Federal Income Tax", available from the IRS contains similar guidance. The owner is advised to discuss his particular circumstances with his personal tax advisor or local IRS office. State income tax considerations should also be discussed as appropriate.

# APPENDIX B: Land Disposition Policy

| ADMINISTRATIVE REGULATION - LAND DISPOSITION   |   | CITY OF LINCOLN                            |
|--|---|--|
| <b>SUBJECT:</b><br>Purchase, Dedication, Donation, or Sale of Real Property  | <b>EFFECTIVE DATE:</b><br>August 15, 1994           | <b>A.R. NO.:</b><br>2A                     |
| <b>APPLIES TO:</b><br><br>All Departments  | <b>SUPERCEDES:</b><br>Subsection G.2. of A.R. No. 2 | <b>PAGE</b> <u>1</u><br><b>OF</b> <u>2</u> |
| <p>Subsection G.2. of Administrative Regulation No. 2 is hereby amended to read as follows:</p> <p>2. The City of Lincoln also owns properties surplus to its need which are not public ways. Generally no action has been taken in the past as to their disposal until a request to purchase them is received. Those requests may be received by any operating department; however, it is believed most are received by the Real Estate Division. Once a request is received, verification of the City's ownership of the parcel is made. Once ownership is confirmed, contact is made to the Public Works, Planning and to the operating department utilizing the real estate to determine if it is surplus. If it is desirable to dispose of the property the reservations of easements of specified uses are sought. All reports are returned to the Real Estate Division. A presentation of the request to purchase and report is made by the operating department at Director's Meeting for a recommendation to or by the administration. In the event the administration may recommend that the property not be sold, the Real Estate Division is notified so that it can respond to the original request advising of the administration's decision. If the decision is to dispose of the real estate, the operating agency shall notify the Real Estate Division and which shall refer the request, recommendations, and all other reports to the Planning Department which will report on the conformity of the proposed action to the comprehensive plan in accordance with Article 9B Section 6 of the City Charter. The report of the Planning Department shall then be forwarded to the City Council, along with an ordinance to authorize the sale for its consideration. At that time, the Real Estate Division submits a appraisal of the property. The same process of developing an estimate of the value of the property is followed as in the case of vacated streets and alleys. The same number of copies of the appraisal report are delivered to the City Clerk for referral to the City Council and to the Mayor's Office. Once all reports have been received by the Council, the matter is placed on the agenda for consideration. If the property is to be disposed of, the Law Department is directed to prepare documents as are necessary to convey the property and upon the terms set by the City Council. Those documents are furnished to the Mayor's Office for execution. The Law Department delivers the executed deeds when the considerations as prescribed by the Council are received. Such monies are delivered to the Finance Department for deposit in the account of Advance Land Acquisition. It naturally follows that if the decision of the Council is to reject or disapprove the sale of surplus</p> |   |  |

Approved:

  
Administrative Assistant

  
Mayor

ADMINISTRATIVE REGULATION

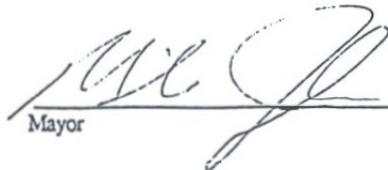
CITY OF LINCOLN

|   |  |                          |
|---|--|--------------------------|
| <p>SUBJECT:<br/>Purchase, Dedication, Donation or Sale of Real Property</p> | <p>EFFECTIVE DATE:<br/>August 15, 1994</p>               | <p>A.R. i\0.:<br/>2A</p> |
| <p>APPLIES TO:<br/>All Departments</p>                                      | <p>SUPERCEDES:<br/>Subsection G.2.<br/>of A.R. No. 2</p> | <p>PAGE 2_<br/>OF 2_</p> |

property, that decision is communicated to the Real Estate Division who notifies the original person, persons or businesses requesting its purchase. All purchase requests will ultimately be referred to the City Council for its approval or denial.

Approved:

         (Y) CIA.  
Administrative Assistant

  
\_\_\_\_\_  
Mayor

# APPENDIX C: Relocation Assistance

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See the City website at: [www.lincoln.ne.gov/city/urban/real-row/pdf/reloc.pdf](http://www.lincoln.ne.gov/city/urban/real-row/pdf/reloc.pdf).

## APPENDIX D: City Council Resolutions Adopting and Amending the Plan

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Resolution A-79200, 12/7/98: University Place Redevelopment Plan adopted by Lincoln City Council

Resolution A-81098, 9/17/01: Amended to include the N. 48<sup>th</sup> Street Streetscape

Resolution A-82040, 4/14/03: Amended to include the former Green's site

Resolution A-82825, 6/21/04: Amended to include the former Northeast Printers site

Resolution A-83606, 10/24/05: Amended to include the Old Telephone & Telegraph Bldg (NE Police Station)

To review these resolutions, go to the City Clerk's section of the City Web site and use resolution number, (including the A) in the Document Number Search field. The URL is :  
<http://www.lincoln.ne.gov/asp/city/clerk/docman.aspx>.