Van Dorn Redevelopment Plan



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Approved by Planning Commission:
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Approved by City Council:
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May, 2008

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Introduction

The *Van Dorn Redevelopment Plan* is a guide for redevelopment activities within the Redevelopment Area. Exhibit 1, illustrates the location of the area within the broader context of the City of Lincoln. The boundaries are generally from Hill Street to just north of Pioneers between 7th and 10th Streets. A legal description of the Redevelopment Area can be found in Appendix A.

Major land uses in the Redevelopment Area include industrial, commercial, single family residential, vacant, and parks and recreation. The area contains an estimated 93 acres, of which approximately 59 acres have been developed. Residential uses are comprised of single family structures. A concentration of highway commercial uses are located in the east-central portion of the Redevelopment Area, along 10th Street, with parks and recreation and single family residential uses to the north and industrial uses in the southern portion of the Area.

In recent years, the area has begun to show signs of decline: the aging housing stock is beginning to deteriorate, debris and litter are becoming more prevalent, some of the infrastructure is old and in poor condition, and some commercial structures have become functionally and economically obsolete. The 9th and 10th Street corridors carry significant amounts of traffic through this highly visible area, and 10th Street functions as an entryway corridor into downtown Lincoln. Yet driving through an area of decline can create a lack of confidence in the area, resulting in lack of reinvestment and continuing disinvestment.

As a result of these conditions, the City of Lincoln requested the completion of a *Blight and Substandard Determination Study*. The Study, completed in October, 2006 concluded that the number, degree, and distribution of blighting factors warrant designating the area blighted and substandard.

The City recognizes that continuing blight and deterioration is a threat to the stability and vitality of the area and revitalization efforts cannot reasonably occur without public action. The *Van Dorn Redevelopment Plan* represents the City's efforts to guide public and private redevelopment of the area.

Exhibit 1: Van Dorn Redevelopment Area



Landbase

Redevelopment Area

City of Lincoln
Urban Development GIS
Printed 4/2008

Plan Requirements

Redevelopment activities are guided by *Community Development Law*, Neb. Rev. Stat., Section 18-2101, et. seq. (as amended). 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 City has authorized its Urban Development Department to act as a redevelopment authority under the applicable Law.

The Urban Development Department has formulated, for the City of Lincoln, a workable program to:

- utilize appropriate private and public resources;
- eliminate or prevent the development or spread of urban blight;
- encourage needed urban rehabilitation;
- provide for the redevelopment of substandard and blighted areas including provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards;
- the rehabilitation or conservation of substandard and blighted areas or portions thereof by re-planning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and,
- clear and redevelop substandard and blighted areas or portions thereof.

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 areas...

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

1. The boundaries of the redevelopment project area with a map showing the existing uses and conditions of the real property area;
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 redevelopment;

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 of 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.

In making its recommendation to approve this plan, the Urban Development Department has considered the land uses and building requirements and determined that they are in conformance with the general plan for redevelopment in the City and represent a coordinated, adjusted, and harmonious development of the City and its environs. These determinations are in accordance with:

- present and future needs to promote health, safety, morals, order, convenience, prosperity;
- the general welfare; and
- efficiency and economy in the process of development.

Factors considered in the determination included among other things:

- adequate provision for traffic, vehicular parking;
- the promotion of safety from fire, panic, and other dangers;
- adequate provision for light and air;
- the promotion of the healthful and convenient distribution of population;
- the provision of adequate transportation, water, sewerage, and other public utilities;
- schools, parks, recreational and community facilities, and other public requirements;
- the promotion of sound design and arrangement;
- the wise and efficient expenditure of public funds; and
- the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

Existing Conditions

Land Use

Major land uses in the Van Dorn Redevelopment Area include industrial, commercial, single family residential, vacant, and parks and recreation (See Exhibit 2). The area contains an estimated 93 acres, of which approximately 59 acres have been developed. Residential uses are comprised of single family structures. A concentration of highway commercial uses are located in the east-central portion of the Redevelopment Area, along 10th Street, with parks and recreation and single family residential uses to the north and industrial uses in the southern portion of the Area.

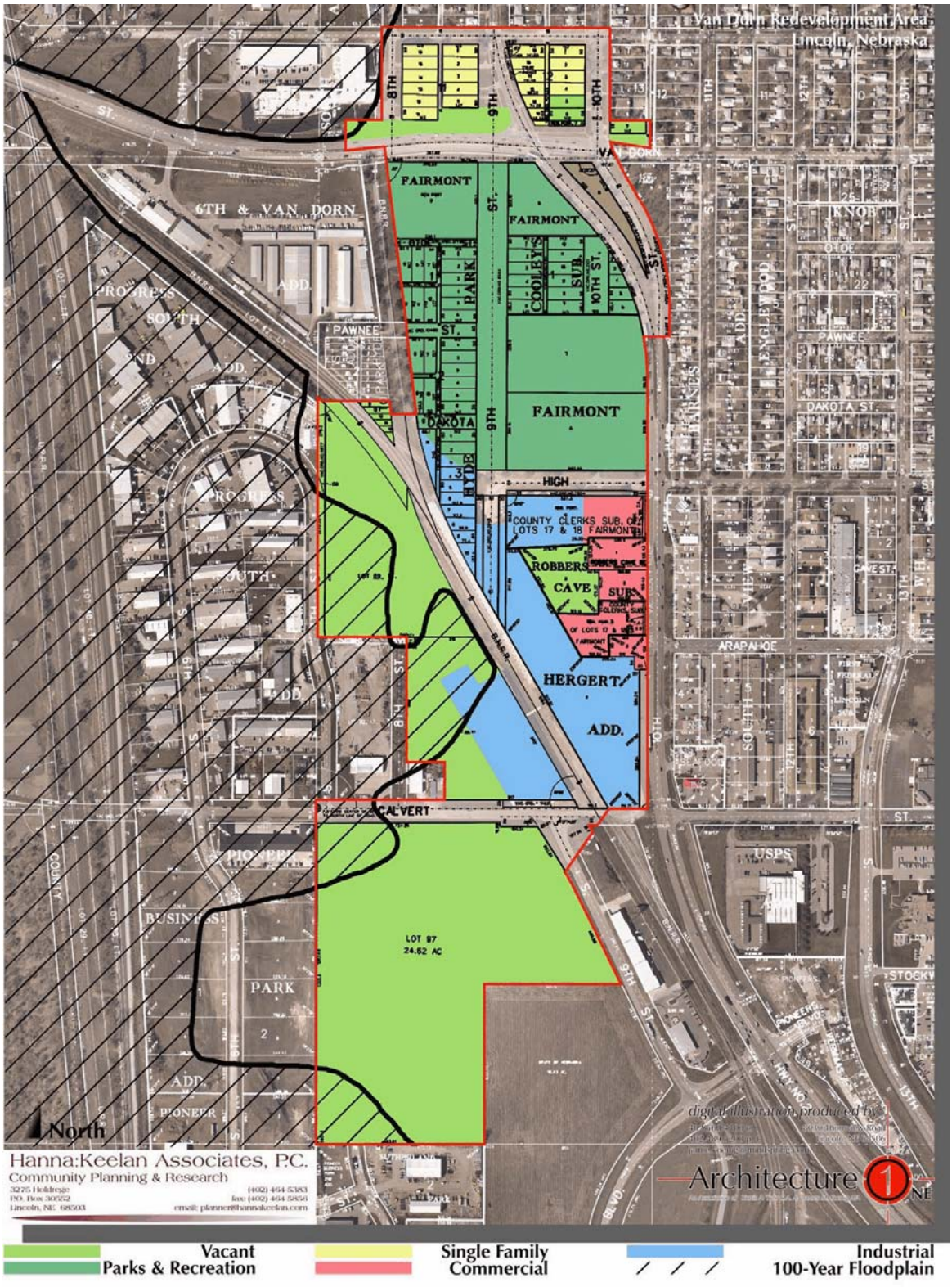
The principle arterial streets within the Redevelopment Area are east/west Van Dorn and Calvert Streets and north/south 10th Street.

An estimated 13.1 percent of the land use in the Redevelopment Area is Streets/Highway/Railroad Right-of-Way. Commercial uses occupy approximately five percent of the total area. Residential land area comprises an estimated 3.6 percent. Approximately 37 percent of the Area is vacant. The Redevelopment Area is primarily comprised of industrial and public/quasi-public zoned property, with fringe areas zoned for residential and commercial use.

An analysis of the subdivision conditions in the *Van Dorn Blight and Substandard Determination Study* indicates that improper subdivision and obsolete platting is prevalent throughout the Redevelopment Area. Several portions of the Van Dorn Redevelopment Area do not meet today's standards of platting and subdivision procedures. Lots in residential neighborhoods throughout the Redevelopment Area contain a substantial amount of individual parcels that are undersized or inappropriately platted, based on modern planning standards, for efficient redevelopment. Residential subdivisions north of Van Dorn between 8th and 10th Streets, have developed in the standard 10' by 142' lot sizes. These lot sizes are undersized by modern standards which typically utilize approximately 100' by 140' lots for single family dwellings. In a few instances, smaller lot sizes or irregularly-shapes lots are adjacent to the intersection of 9th, 10th, and Van Dorn Streets, exist, creating conditions of crowding and inadequate space. A large, undeveloped and unsubdivided lot of approximately 25 acres exists south of Calvert Street. Such a large lot without adequate access into the site requires appropriate subdivisions to appropriately configure the parcels of land for development.

Efforts to overcome problems of inadequate subdivision and obsolete platting and to secure sites of reasonable adequate size and shape for modern development purposes, requires the assemblage of adjacent parcels. This assemblage of parcels is complicated due to the irregular shapes and inconsistent size of adjacent parcels, as well as the need to negotiate with, in some cases, several individual owners to purchase land of appropriate size. Development focus needs to be based on a broader scale, including larger areas of the Van Dorn Redevelopment Area, rather than upon the piecemeal development of smaller, individual subdivisions of the type that have been occurring.

Exhibit 2: Generalized Existing Conditions



Zoning

Exhibit 3 identifies existing Zoning Districts within the Van Dorn Redevelopment Area. The Redevelopment Area is comprised of industrial and public/quasi-public zoned property, with fringe areas zoned for residential and commercial use. The zoning districts within the area are as follows:

R-2 Residential District – This district is intended to provide a generally stable residential use in areas of the City that are largely developed. With a gross density of generally three to five dwelling units per acre, this district permits single- and two-family dwellings and supportive community services, such as parks, playgrounds, schools, libraries, and churches. It is intended that this district be limited to previously platted portions of the City already undergoing substantial development, thereby preserving existing low-density development.

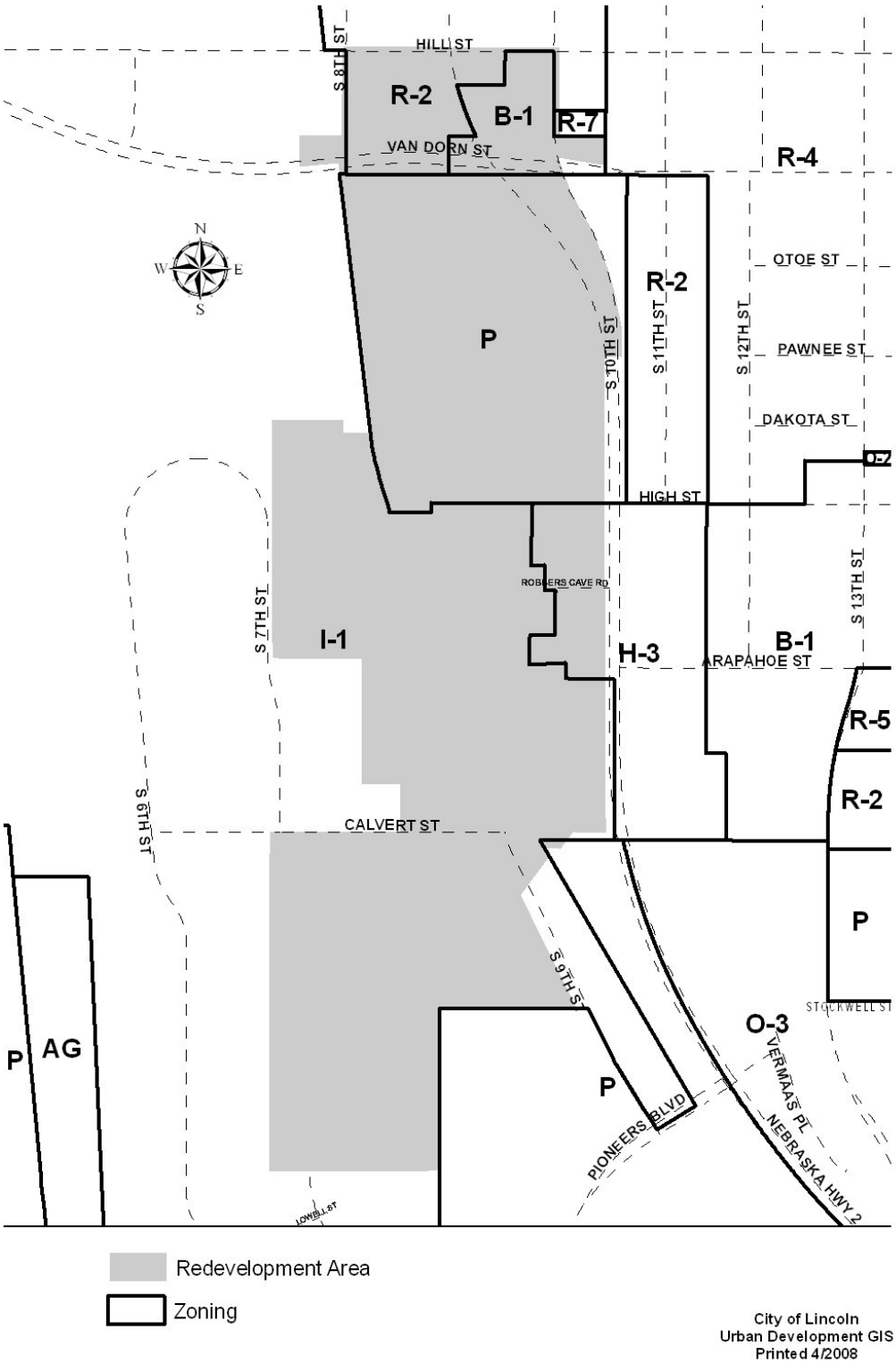
B-1 Local Business District – This district is intended to provide a stable area of local retail to existing community and exiting neighborhoods. It provides for functional business uses to serve those communities and neighborhoods. Dwellings are permitted only above the first floor.

P-Public Use District – This district is intended to provide a district essentially for mapping purposes which will identify real property presently owned and used by any government entity, including local, state, or federal governmental units, and put to some form of public use. This district is not intended to be applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership.

H-3 Highway Commercial District – This is a district for a redeveloping area intended to provide for low-density commercial uses requiring high visibility and/or access from major highways. The uses permitted generally include those of the neighborhood and highway business areas.

I-1 Industrial District – This district is for a developing stable or redeveloping area representing light and heavy industrial uses and having a relatively high intensity of use and land coverage.

Exhibit 3: Existing Zoning



Parks/Open Space/Trails

Van Dorn Park is located on the southwest corner of the 9th and 10th and Van Dorn Street Intersection, the multiple land parcels that make up Van Dorn Park were acquired through both donation and acquisition. Historic records indicate that the property at the north end of the park abutting Van Dorn Street was donated to the City of Lincoln upon the condition that it be used for park purposes (July 14, 1919). Much of the eastern portion of the park was acquired in 1925 and the western portion was acquired through a $100,000 donation in 1963. With its current configuration, this neighborhood park has a total of 28 acres.

Existing park features include a playground, master picnic tables, off-street parking, sidewalks, restroom building, drinking fountain and an enclosed picnic/park rental shelter. This rental facility was originally a branch library, but was closed due to its difficult access. The park also contains many mature trees consisting of oak, elm, locust and pine.

As a result of various street widening/improvement projects over the years, Van Dorn Park now has limited access for pedestrians from the residential neighborhoods (north and east of the park) it is intended to serve.

Bison Trail is also located in the redevelopment area on the south side of Van Dorn Street, beginning at 9th Street, going west though the area and eventually to Pioneers Park. Design is underway to connect the Bison Trail to an underpass that currently exists at approximately 8th Street under Van Dorn Street and in the park. Construction is anticipated to begin in the fall of 2008.

A new trail is under construction on the north side of Van Dorn Street from 8th Street to just east of 10th Street. This will allow for a connection from the neighborhoods on the north side of Van Dorn Street with the trail and the park. This trail project is being constructed as part of the Public Works and Utilities Safety Project.

A new trail is also being designed from the underpass on the south side of Van Dorn Street east and then south through the park to the southern parking area in the park. Construction of this trail is also anticipated to begin in the fall of 2008. Parks and Recreation hopes to eventually construct a trail that would then provide a connection between Van Dorn Park and the Boosalis Trail at 17th and Highway 2.

An on-street bike route is identified along 8th Street going north of Van Dorn.

Other parks, just outside of the target area, include Standing Bear Park to the west and north, Wilderness Park, and the Jamaica Trail just west of the target area.

See Exhibit 4: Parks, Trails, and Bus Routes for park and trail locations.

Exhibit 4: Parks, Trails, and Bus Routes

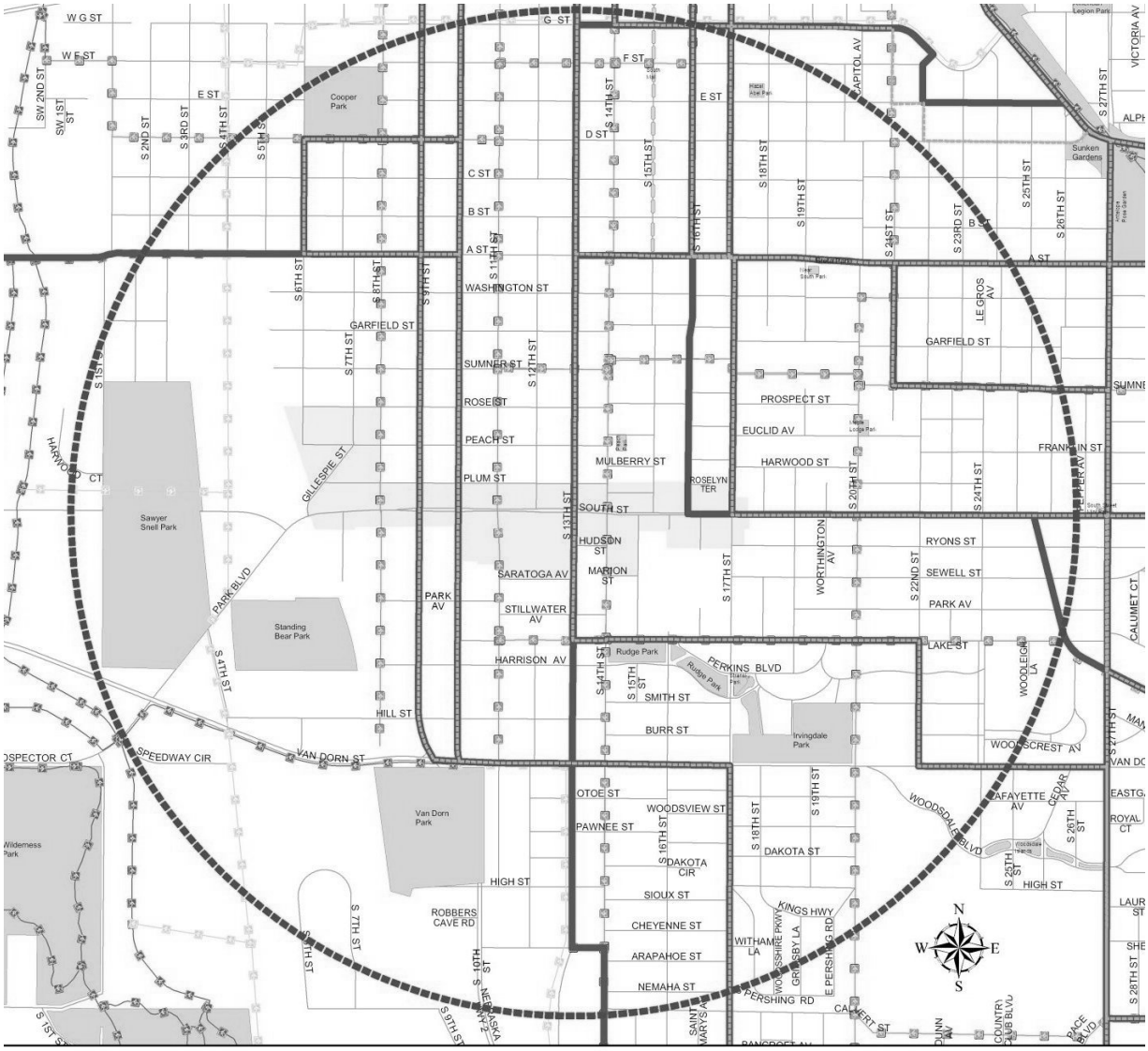


Exhibit 4: Transportation- Bike Trails and Bus Routes

Star Tran Routes
- M-F
- SAT

Bike Trails
- Existing
- Future
- On-Street Routes

- Redevelopment Area
- Parks
- 1 mile radius

0 1,320 2,640 Ft

City of Lincoln
Urban Development GIS
10/2006

Transportation

Traffic Circulation

Van Dorn Street is the primary east-west arterial which is located in the northern part of the Redevelopment Area with an Average Daily Traffic (ADT) count of approximately 12,450 vehicles on the west end and 13,120 vehicles utilizing Van Dorn Street east of 10th Street. The land uses adjacent to Van Dorn Street include commercial, industrial, public property, and some residential.

Van Dorn Street is also designated as Nebraska Highway 2 from 10th Street west to Highway 77. Therefore, Van Dorn Street is considered a vital link to the transportation network, in addition to serving as a vital link to the businesses in this area. Currently, safety improvements are scheduled for 2007 for the intersections of 9th and 10th Streets with Van Dorn Street.

The primary north-south arterial streets located in the study area are 9th and 10th Streets which operate as one-way pairs with 9th Street operating as a southbound one-way street at its intersection with Van Dorn Street, while 10th Street operates as a northbound one-way street. These roadways have an ADT of 16,900 and 15,420 respectively while serving as connecting roadways between Interstate I-180 and Highway 2.

The land uses adjacent to 9th and 10th Streets include commercial, industrial, public property, and some residential; thus, establishing 9th and 10th Streets as vital to the movement of vehicles and the delivery of goods. As previously stated, safety improvements are scheduled on these roadways from approximately High Street north, to Van Dorn Street.

Currently, Van Dorn Street, in addition to 9th and 10th Streets, have controlled access which ultimately leads to more efficient and safer traffic flow.

Parking

The *Blight and Substantial Determination Study* identified inadequate parking conditions throughout the Redevelopment Area. Residential and commercial uses accounted for the majority of parcels with graveled parking surfaces; 10 parcels (27%) with substandard surfaces.

Sidewalks and Pedestrian Activity

Sidewalks are not adequately provided and maintained throughout most of the Redevelopment Area. Most of the 26 parcels without sidewalks are located in the southern portion of the Redevelopment Area, south of the Burlington Northern Santa Fe (BNSF) Railroad. However, some residential and commercial properties in the northern portion also lack sidewalks. Residential properties north of Van Dorn Street currently lack adequate access to the pedestrian trail leading to Van Dorn Park.

Pedestrian flow is interrupted by the high traffic volumes traveling generally at excessive speeds on South 10th Street. Typically, 10th Street has four lanes of traffic throughout the Redevelopment Area. While the intersection at Van Dorn Street is signalized, the volume and speed of traffic make it difficult for pedestrians to cross this busy street corridor.

Street Layout

Lack of platted streets southwest of the BNSF Railroad tracks has limited development of areas adjacent to the railway corridor. The presence of graveled access roads and driveways, in combination with open storm water drainage ditches west of the highway commercial uses fronting South 10th Street has hindered redevelopment efforts in this portion of the Redevelopment Area.

Public Transportation Services

The Van Dorn Redevelopment Area is served by StarTran's #6 Arapahoe route. This route serves the northern portion of the Redevelopment Area. At this time, there is no current need to expand transit service to this area.

Currently, there are no planned improvements to the area. In June 2008, a new route will serve the northern portion of this area. The level of transit service will remain the same as today, only the name of the route will change. This new route name will be Belmont/Salt Valley.

Public Utilities

Water System

The water distribution mains in the Redevelopment Area vary in age from over 50 years to 10 years or less. The area that is zoned or used for commercial or industrial uses should have 8" and 12" mains, respectively, per Lincoln Water System design standards. Also, distribution mains should be looped to provide reliable coverage for fire protection.

The commercial area on 10th Street between High Street and Calvert Street is served by a 12" main. The portion between Arapahoe Street and High Street was reconstructed in 2006 due to a history of water main breaks.

Ninth Street from Van Dorn Street south to Pawnee Street is served by a 4" dead end water main. The mains going north of Van Dorn Street in both 8th and 9th Streets are also 4" mains. Depending on future adjacent land uses, these mains should eventually be upgraded to a larger main and dead end mains should be looped to another place on the existing system, if possible.

Other open areas in the Redevelopment Area do not have water service. Distribution mains will need to be extended into those areas according to Lincoln Water System design standards as development occurs.

Sanitary Sewer System

The pipe material in this area is, for the most part, vetrified clay pipe (VCP) and the age of the pipe material ranges from the 1940's to 1971. There is some new pipe that was installed in 1990 in the area of the Subway Restaurant on South 10th Street and the Post Office on Calvert and South 10th Street. This pipe material is PVC (plastic). All pipe sizes in this area are 8".

Television inspection was performed in this entire area in 2004 and according to the inspection reports for the area, no problems were found and the pipe was in good condition.

There are no identified improvements for this area at this time; no spot repairs are needed to correct any defects.

Watershed Management

The topography for the 9th and Van Dorn Redevelopment Area slopes generally to the west to Salt Creek with a relatively mild to steep grade (typical grade is approximately 5 percent). The urban storm drainage system consists of a few relative minor systems that outlet to the west and some open drainage.

There is some Salt Creek floodplain east of the railroad both north and south of Calvert Street, with a significant portion of the area east of the railroad and north of Calvert Street in the floodplain. The area east of the railroad and north of Calvert Street is in the Salt Creek Floodprone area within Storage Area 2, which has a requirement for 60 percent allowable fill. The Floodprone Area covers less area than the FEMA floodplain. The FEMA floodplain is expected to be updated to reflect this change during 2009.

Street Lighting

The poles on Van Dorn Street and just north and south of Van Dorn Street on 9th and 10th Streets were installed in 1994. They are 35 foot and 40 foot galvanized poles with cobra-head luminaries fed with underground wire and are in very good condition.

The poles on 9th and 10th Streets between Van Dorn Street and High Street were installed in 1974. They are 40 foot, painted, steel poles with cobra-head luminaries fed with underground wire and are in poor condition.

There is a State/City project under design to replace and relocate several of these poles along with a intersection realignment project. This project will take the northbound 10th Street traffic into a left turn lane/movement which is phased with the southbound 9th Street traffic to make the intersections function more efficiently. The work will require the relocation of street lights, traffic signals, sidewalks, removal of some trees, and some regrading of the adjacent properties.

The cobra-head luminaries on High Street from 8th Street to 9th Street and on Calvert Street from 7th Street to 9th Street are mounted on distribution poles and are fed with overhead wire.

Historic Significance

The most conspicuous element of the built environment in the Redevelopment Area is the AGP grain elevators along the Burlington Northern Santa Fe (BNSF) Railroad tracks. These elevators are an iconic symbol of Midwestern agriculture and of rail transportation, and this complex is arguably the most visible example of the building type in Lincoln. Further study would be required to definitely argue that the elevators are eligible for listing on the National Register of Historic Places, but it is a distinct possibility.

A much less conspicuous, but more broadly recognized historic resource in the southern part of this area is Robbers Cave. Its origin can be traced to about 1870, when Pioneer Brewery had cooling chambers for its beer hand-dug into the side of the Dakota sandstone bluff. When the brewery soon ceased operation, the uses of the cave slipped into lore and legend before emerging in the early 20th century as "Robbers Cave", a popular tourist and recreation site accessed by street cars. It operated until 1973, reopened briefly in 1986, then closed and the entrance was (more or less) sealed in the 1990s. Robbers Cave probably has sufficient "significance" as an early recreation site for the National Register-eligibility, but it probably does not have the required (integrity) of historic materials, design, and appearance.

Van Dorn Park, in the center of the Redevelopment Area, began as a ten-acre gift from the heirs of W. T. Van Dorn in 1919, to which the City added an additional ten acres, by purchase, in 1925. The Van Dorn family operated a nursery in the area in the 19th Century. No specific historic structures or landscape designs have been identified in the park, although it's possible that remnants may remain of a "Persian Lilac" hedge planted around the park in 1919-1920.

North of Van Dorn Park, there are approximately two dozen residential lots (in whole or in part) and about a dozen standing houses. While some of these houses appear very well maintained, their dates of construction (or relocation to this area) range widely from the 1910s to 1980s. The area does not have sufficient continuity to suggest a historic district and none of the individual houses appear to possess a clear architectural or known historic significance for individual listing.

Blight and Substandard Determination Study

For a project, in Lincoln, to be eligible for redevelopment under the *Nebraska Community Development Law*, the subject area or areas must first qualify as both a "Blighted" and "Substandard" area, within the definition set for in the *Nebraska Community Development Law.* The *Van Dorn Redevelopment Area Blight and Substandard Determination Study* was undertaken to determine whether conditions exist which would warrant designation of the Redevelopment Area as "Blighted and Substandard Area" in accordance with provisions of law.

At the City's request, Hanna:Keelan Associates, P.C. completed the *Van Dorn Redevelopment Area Blight and Substandard Determination Study*. An analysis was made of each of the blighted and substandard factors listed in the Nebraska legislation to determine whether each or any were present in the Redevelopment Area and, if so, to what extent.

The Consultant's evaluation included a detailed exterior structural survey of 28 structures, a parcel-by-parcel field inventory, conversations with pertinent City of Lincoln department staff, and a review of available reports and documents containing information which could substantiate the existence of blighted and substandard conditions.

Of the twelve blight factors set forth in the *Nebraska Community Development Law*, seven are present to a strong extent and three are present to a reasonable, but more limited, extent. The Factor of tax or special assessment exceeding the fair value of land was determined not be a Blighted Factor. Defect or condition of title was not reviewed by Hanna:Keelan.

The Blighting Factors which are present are reasonably distributed throughout the Van Dorn Redevelopment Area. The Factors determined to have a strong presence are:

- Existence of defective or inadequate street layout.
- Faulty lot layout in relation to siz3, adequacy, accessibility or usefulness.
- Insanitary or unsafe conditions.
- Improper subdivision or obsolete platting.
- the existence of conditions which endanger life or property by fire or other causes.
- Other environmental and blighting factors: economically and socially undesirable land uses; inappropriate mixed land uses and site conditions with specific properties.
- On of the other five conditions: average age of buildings.

The three Blighting Factors with a reasonable presence are 1) deteriorated or dilapidated structures; 2) deterioration of site or other improvements, and 3) diversity of ownership

Of the four Substandard Factors set forth in the Nebraska Community Development Law, two factors in the Van Dorn Redevelopment Area were found to be present to a strong extent, while the remaining factors were present to a reasonable, but less significant extent.

The Substandard Factors, present in the Area, are reasonably distributed. The Factors determined to have a strong presence are, the age or obsolescence of structures and the existence of conditions which endanger life or property by fire and other causes. The Factors dilapidated/deteriorating structures and inadequate provision for ventilation, light, air, sanitation or open spaces were determined to have a reasonable presence of substandardness

It was the conclusion of the Consultant that the number, degree, and distribution of Blighting and Substandard Factors, as documented in the Study, are beyond remedy and control solely by regulatory processes in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the *Nebraska Community Development Law*.

It was also the opinion of the Consultant that the findings of the *Blight and Substandard Determination Study* warrant designating the Redevelopment Area as "Substandard" and "Blighted." The Lincoln City Council concurred and, by resolution, declared the area blighted and substandard on January 8, 2007.

Identified Issues

Based on the review of existing conditions, the following issues and concerns were identified and should be considered in conjunction with the Guiding Principles (next section) in the identification of projects for the Redevelopment Plan.

- Undersized and inappropriately platted parcels in the residential and commercial areas.
- Faulty lot layout in relation to size, adequacy, accessibility or usefulness.
- Limited access to Van Dorn Park.
- Van Dorn Park playground needs to be renovated.
- Inadequate parking in some areas.
- Inadequate or no sidewalks in some areas.
- High traffic volumes.
- Some water mains need to be upgraded.
- No water service in some areas.
- Some street lighting poles are in poor condition.

Redevelopment Plan

Guiding Principles

The 2030 Lincoln/Lancaster Comprehensive Plan identifies several guiding principles for residential, commercial and industrial areas. The following guiding principles are taken directly from the Comprehensive Plan and should be used as a guide for redevelopment activities.

Business and Commerce: Overall Guiding Principles

Commercial and industrial districts in Lancaster County shall be located:

1. within the City of Lincoln or incorporated villages.
2. outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
3. where urban services and infrastructure are available or planned for in the near term.
4. in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
5. in areas compatible with existing or planned residential uses.
6. in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian).
7. so that they enhance entryways or public way corridors, when developing adjacent to these corridor.
8. in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of the Comprehensive Plan.
9. For newly developing areas, transitional uses (such as offices or commercial uses) should develop between industrial and residential uses. In redeveloping areas, lesser setbacks may be acceptable due to the existing conditions, as long as industrial zoning does not get closer to existing residences.
10. Strip commercial development is discouraged. Commerce Centers should not be developed in a linear strip along a roadway nor be completely auto oriented.
11. New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.
12. Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. As additional centers are built, the City and developers should be proactive in redevelopment of existing centers to make sure that redevelopment is sensitive to the surrounding neighborhood and happens quickly to reduce vacancies.

Residential: Guiding Principles for Existing Neighborhoods

1. Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods. Maintain and enhance infrastructure and services in existing neighborhoods. While acknowledging the need for affordable housing, recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents.
2. Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements.
3. Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
4. Preserve the mix of housing types in older neighborhoods.

Redevelopment Activities: Public Improvements

Infrastructure issues that include streets, sidewalks and utilities impede new development throughout the Redevelopment Area and contribute to the blighting conditions. Therefore, the following public improvement activities should occur.

Streets and Sidewalks

Sidewalks are not adequately provided and maintained throughout most of the Redevelopment Area. Most of the 26 parcels without sidewalks are located in the southern portion of the Redevelopment Area, south of the (BNSF) Railroad. However, some residential and commercial properties in the northern portion also lack sidewalks. Lack of platted streets, also in the area southwest of the BNSF Railroad tracks, has limited development of areas adjacent to the railway corridor. The presence of graveled access roads and driveways, in combination with open storm water drainage ditches west of the highway commercial uses fronting South 10th Street has hindered redevelopment efforts in this portion of the Redevelopment Area. In conjunction with redevelopment projects:

1. Construct and repair sidewalks.
2. Construct streets.
3. Pave gravel streets.
4. Pave alleys

Public Utilities

1. Ninth Street from Van Dorn Street south to Pawnee Street is served by a 4" dead end water main. The mains going north of Van Dorn Street in both 8th and 9th Streets are also 4" mains. Depending on future adjacent land uses, these mains should eventually be upgraded to a larger main and dead end mains should be looped to another place on the existing system, if possible.
2. Other open areas in the Redevelopment Area do not have water service. Distribution mains will need to be extended into those areas according to Lincoln Water System design standards as development occurs.

Parks and Recreation

The following trail project should be planned and completed:

1. A trail connection between the Boosalis Trail and the Bison Trail that may include a grade separation facility at 10th and High Streets.

The following Van Dorn Park improvements should be completed:

1. Playground renovation: replace the existing, aged playground with new standards neighborhood park sized playground, including rubber tile, to meet current safety and ADA accessibility guidelines.
2. Drinking fountain replacement: replace existing, aged drinking fountain with new fountain to meet current water quality standards and ADA accessibility guidelines.
3. Landscape improvements: complete landscape plantings along the park frontage along the west side of 9th Street.
4. Demolition of existing west parking lot: remove the existing, aged asphalt parking lot due to proposed park configuration and undesirable usage associated with its location and visibility.

Other Public Improvements

1. Ornamental Pedestrian Lighting: Install ornamental pedestrian lighting on the north side of Van Dorn, adjacent to the Bison Trail connector from the underpass at 8th and Van Dorn, east.
2. Neighborhood signs: Place identifier signs for South Salt Creek and Irvingdale neighborhoods in the vicinity of the park.
3. Construction of entryway feature at 1000 Van Dorn Street. Purchase State owned parcel located at Block 13, Lot 8, South Park Addition, construct entryway feature to be maintained by adjacent property owner when project 1 (below, under Redevelopment Activities: Commercial and Industrial) is completed. If permitted by the State, the lot will be sold to the adjacent property owner; if not, it will retained under City ownership.

Redevelopment Activities: Commercial and Industrial

The following commercial and industrial redevelopment projects should occur in the redevelopment area:

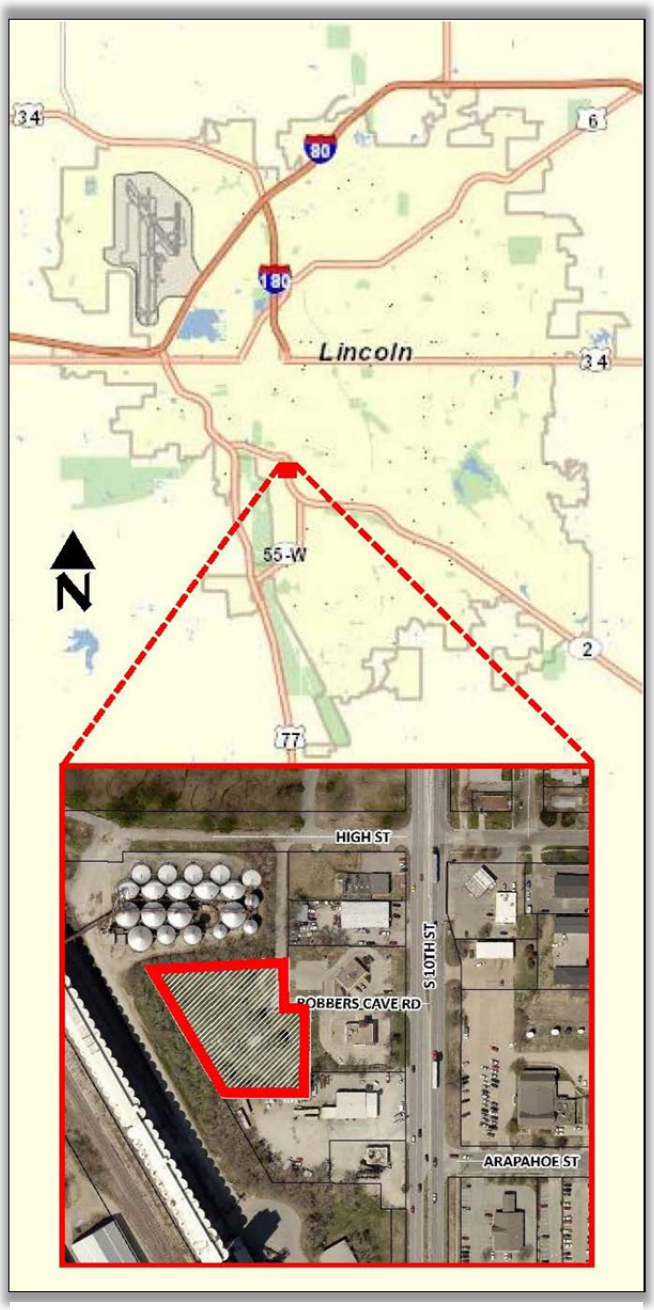
1. Support commercial redevelopment efforts located at Block 13, Lot 7, south Park Addition, more generally known as 2750 S. 10th. Project elements may include the following:
   - Land acquisition
   - Environmental testing and remediation
   - Removal of curb cuts
   - Pave alley
   - Construction of parking lot
   - Sidewalk construction in the public ROW
   - Construction of landscaping, ornamental lighting, and streetscape in the public ROW
2. Acquire substandard commercial/industrial structures. The *Blight and Substandard Determination* Study identified approximately 32 percent of all structures ranging from deteriorating to dilapidated. Substandard commercial/industrial structures contributing to the substandard and blighting influences in the Redevelopment Area, including structures that are inconsistent or incompatible with existing land uses, 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 developments. The initial impact will be to eliminate blighting influences caused by substandard structures and that are inconsistent and incompatible with surrounding land uses. Parcels to be acquired are included in Appendix B.

3. Robber's Cave Project

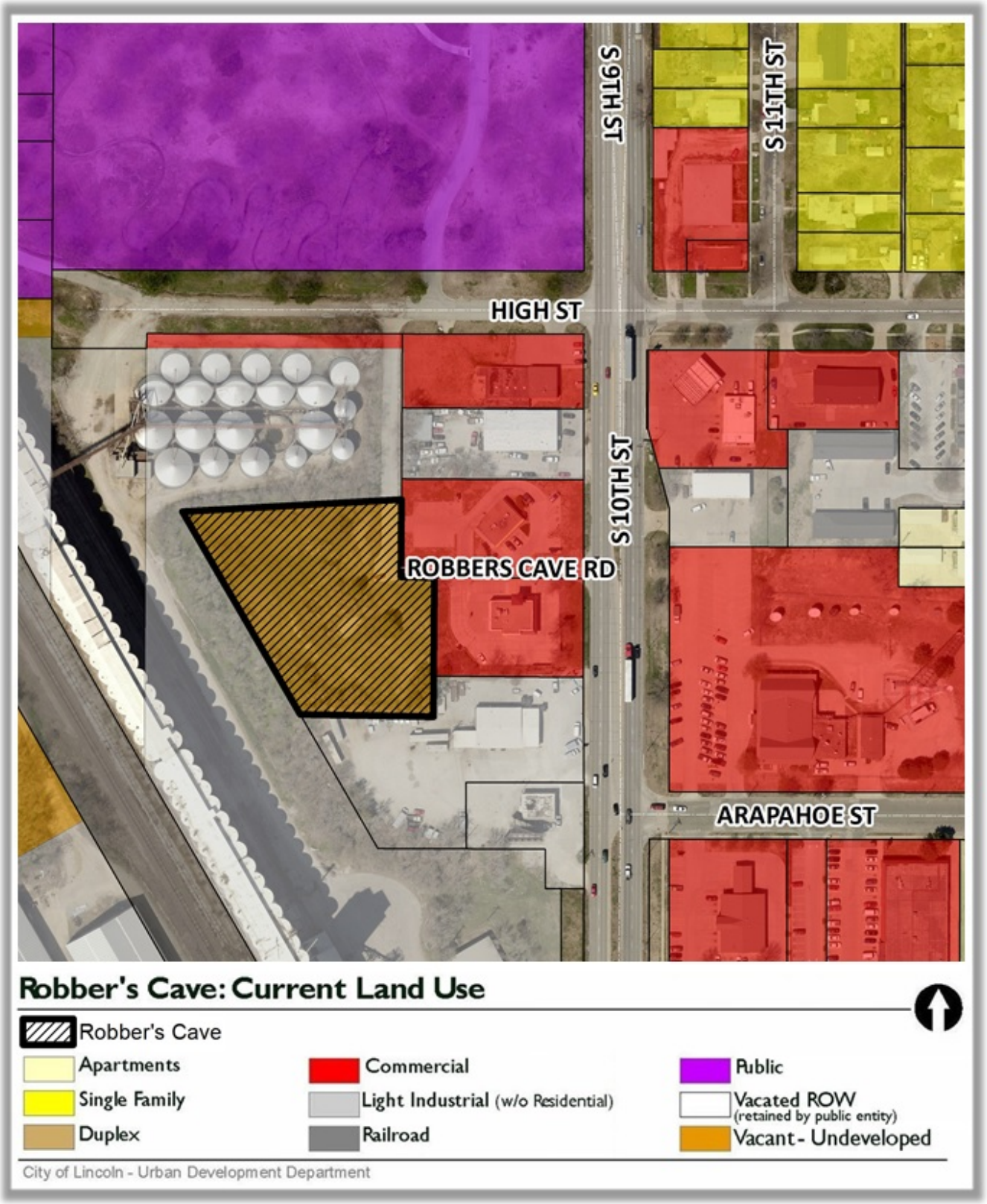
A. Project Description

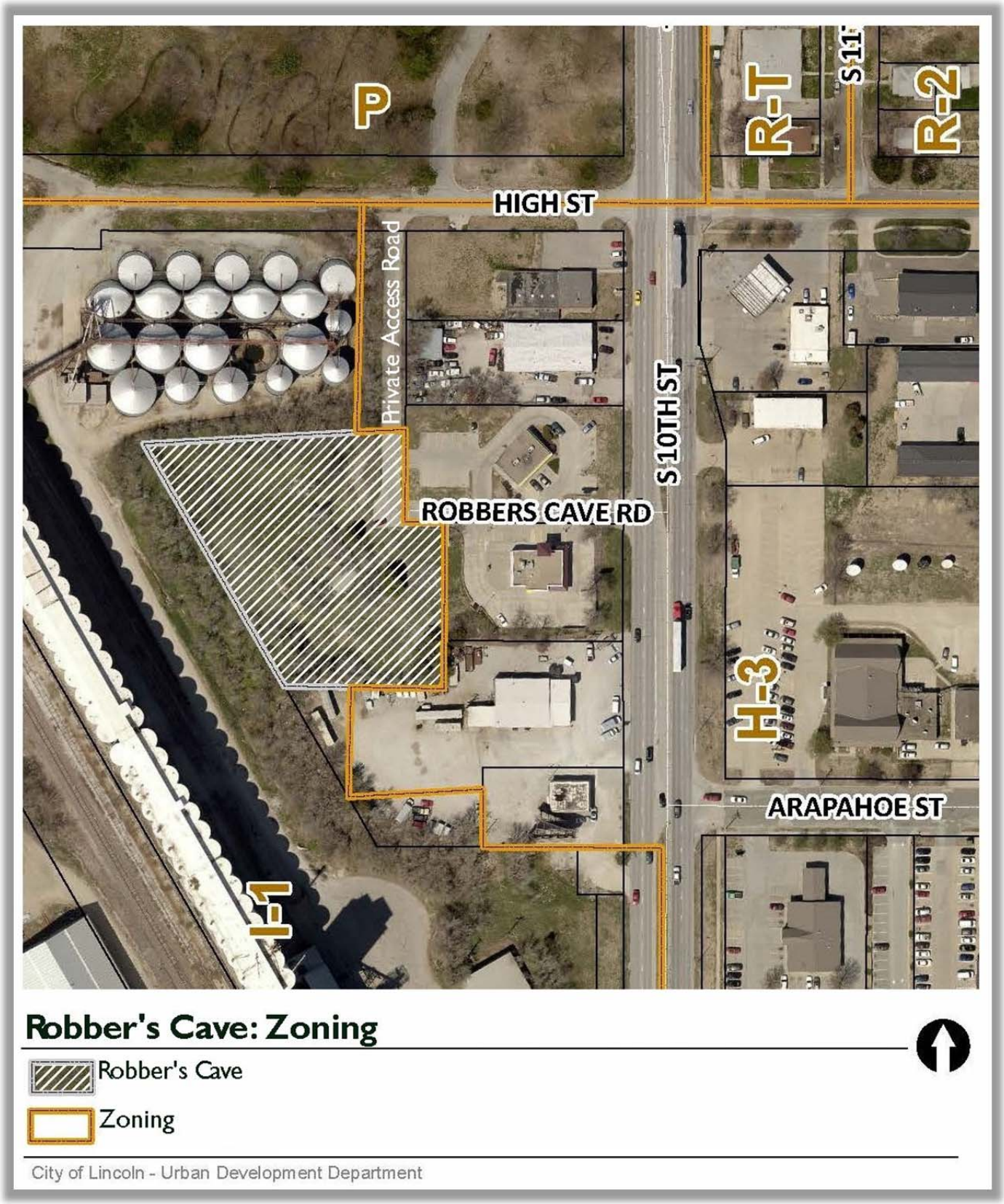
The Robber's Cave project includes the construction of a 9,000 square foot building and restoration and re-opening of Robber's Cave. The site is approximately 1.5 acres and is located at Lot 3, Robber's Cave Subdivision, more generally known as 3235 South 10th Street. See ***Project Area Context & Boundaries***.

The site is currently vacant with no above ground structures and is overgrown with volunteer vegetation. The entrance to Robber's Cave was sealed in approximately 2000 due to safety concerns and repeated vandalism. Surrounding land uses include a grain elevator to the north and west and retail/commercial on the south and east, adjacent to 10th Street (see ***Existing Land Use***). Access to the site is from the east via Robber's Cave Road, a private roadway, and from High Street on the north, also a private roadway. There is a public access easement over Robber's Cave Road. The roadway off High Street also has a public access easement, however, it was designated in 1990 for 25 years and will expire in 2015. The site is zoned I-1 Industrial District. As illustrated in **Existing Zoning**, I-1 is also located adjacent to the site on the north, west, and south with H-3 Highway Commercial District to the east. The site is not located in a flood plain.



Robber's Cave: Project Area Context and Boundaries


S 9TH ST
S 11TH ST
HIGH ST
S 10TH ST
ROBBERS CAVE RD
ARAPAHOE ST
Robber's Cave: Current Land Use
Robber's Cave
Apartments
Single Family
Duplex
Commercial
Light Industrial (w/o Residential)
Railroad
Public
Vacated ROW
(retained by public entity)
Vacant - Undeveloped
City of Lincoln - Urban Development Department



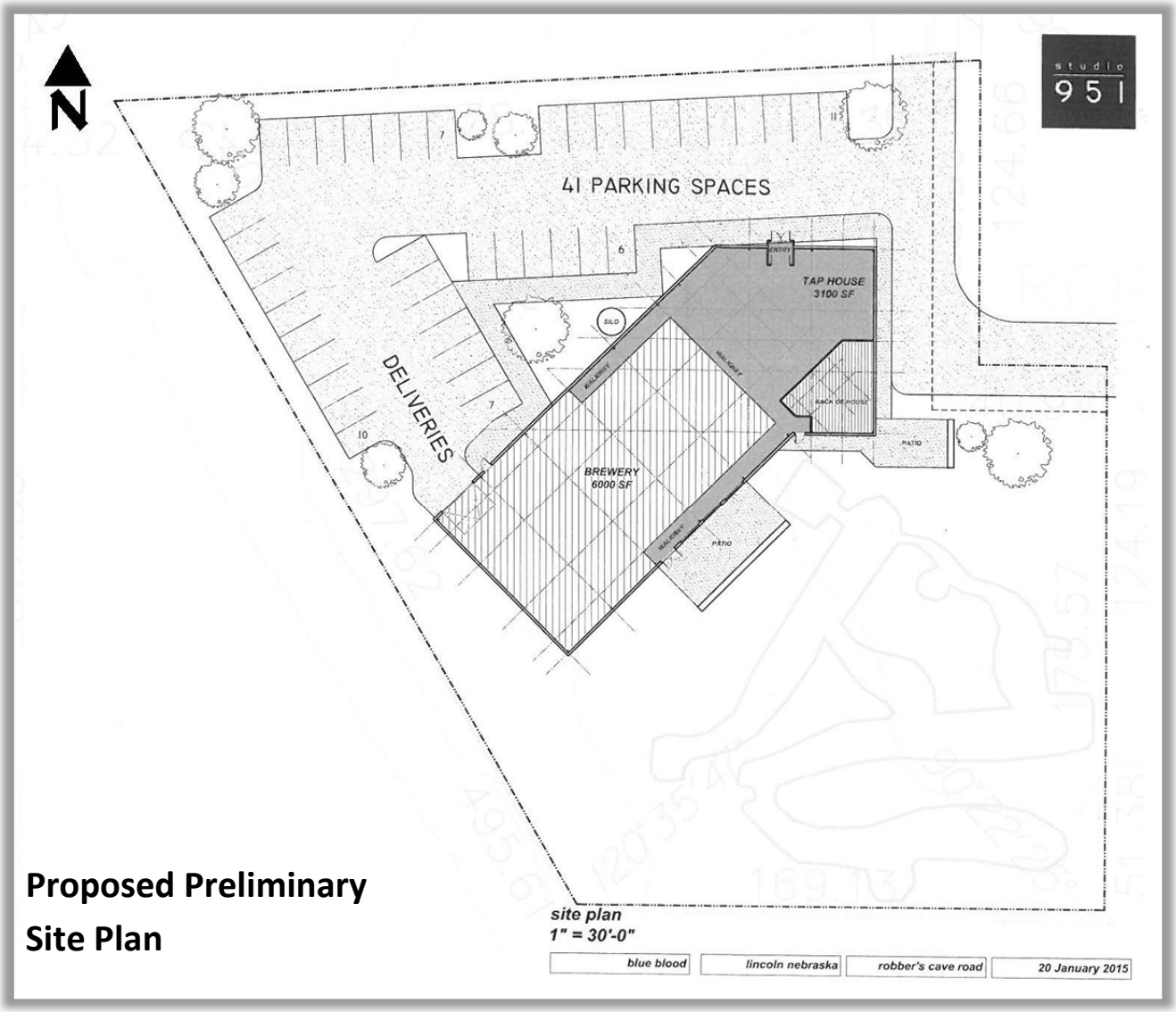
Robber's Cave: Zoning

Robber's Cave

Zoning

City of Lincoln - Urban Development Department

The project includes construction of a taproom/restaurant and brewery with an associated approximately 41 stall surface parking lot. The brewery is relocating and expanding from another Lincoln location. Approximately 6,000 square feet will be used for brewing operations and 3,000 square feet for a 100 seat taproom and restaurant: see ***Proposed Preliminary Site Plan*** below. However, the focus of the project is on Robber's Cave.

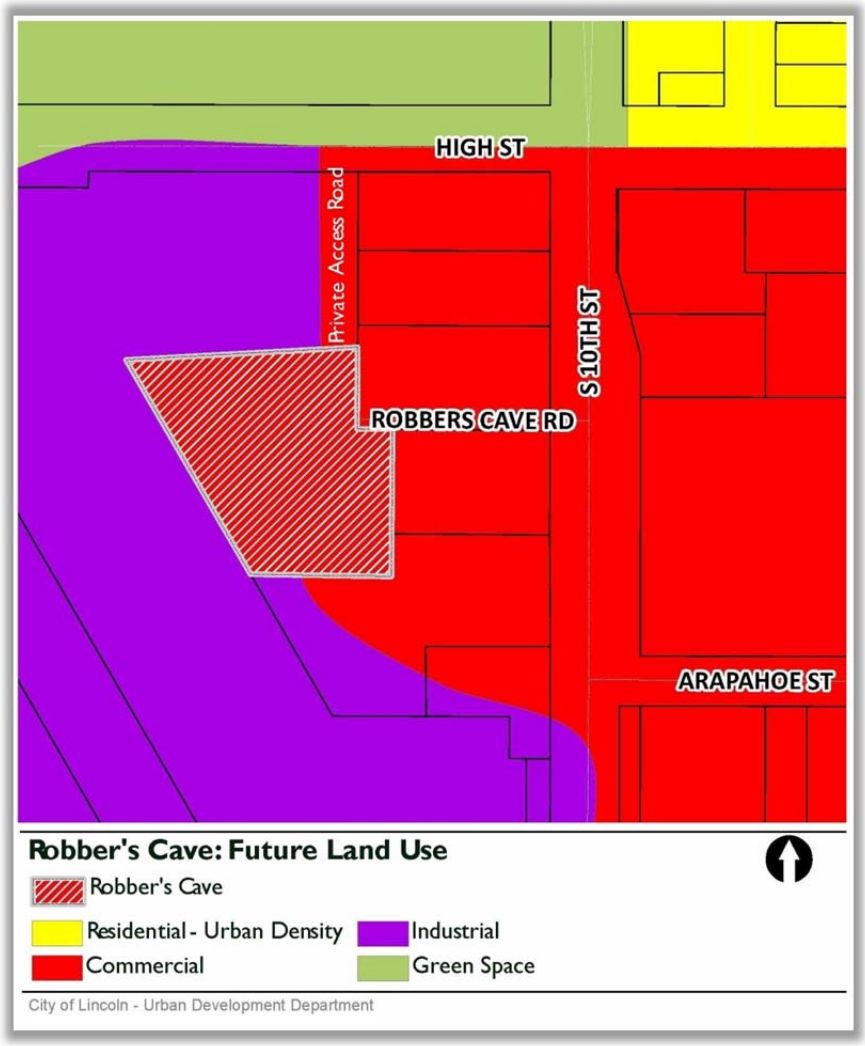


Proposed Preliminary Site Plan

The restored cave will be used by the brewery for a barrel aging program, one of the cave's original uses. Plans are to open the cave to the public for tours, private parties, special events, and beer tastings as well as making it available to civic groups. Other creative uses will be pursued to ensure the cave can remain open to the public as much as possible. The existing condition of the cave and improvements necessary to meet code requirements are currently unknown. As a result, opening of the cave may not occur at the same time as the taproom/restaurant. Project area public improvements will include efforts to restore the cave.

The cave occupies approximately one-half acre of the site. Since no building or parking can occur over the cave, a large amount of vacant space will remain. The open space creates an opportunity to develop an outdoor area

to be used by taproom/restaurant customers and visitors to the cave. Improvements may include outdoor seating areas, landscaping, and potentially the location for educational opportunities involving the brewing process. Perimeter fencing will be required around the outdoor space to ensure the security of the cave. Development of the outdoor space will be the last phase completed. The entire project is anticipated to be complete by late 2015 or spring 2016.



Robber's Cave: According to an article in the Lincoln Journal Star ("Robber's Cave: Closing up a Lincoln Legend Developers Planning to Seal up Cave" July 20, 2000) the cave is comprised of five main rooms and other smaller niches and made of sandstone. It is connected by more than 500 feet of tunnels with the lowest point reportedly approximately 82 feet below the surface. "Much of its history has been carved by legend, but for the past 100 years or so, it's been a part of the cultural fabric of Lincoln."

There is much folklore and nostalgia for the cave. Sometime in the early 20th century the site began to be operated as a recreational attraction. More recently, Lincolnites familiar with the cave recall it was used for high school picnics, college initiations, tours by youth groups and general exploring. Mostly unsubstantiated history includes the story that Jesse James used it as a hideout; Pawnee Indians performed sacred rituals there; and later, settlers stayed in the cave. Stories persist that it is haunted. Restoring and reusing the cave for the barrel aging program returns it to an early use: two brewers opened Pioneers Brewery in 1869. They enlarged the cave and tunnels to store their beer in the cool temperatures. The brewery went out of business in 1873. Efforts to designate the cave a historical landmark have been unsuccessful due to the lack of documentation about its history.

B. Statutory Elements

- Property Acquisition, Demolition, and Disposal: No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish this project.

- Population Density: The proposed development contains no residential units and no residential units are envisioned, thus population density is not affect by the project.

- Land Coverage: Land coverage and building density will increase slightly with construction of a 9,000 square foot building. ***Future Land Use*** is shown above.

- Traffic Flow, Street Layouts, and Street Grades: The City's Public Works and Utilities Department has indicated that the project is not likely to result in a significant increase in traffic and no turn lanes on 10th Street are required. A public access easement south from High Street may be required.

- Parking: A private, approximately 41 stall at-grade surface parking lot will be constructed on site.

- Zoning, Building code, and Ordinances: Current zoning is I-1 with no re-zoning required. However, special use permits will be required for on-sale and off-sale of alcoholic beverages. Applicable building codes will be met for the new construction and to bring Robber's Cave up to health and safety standards. All applicable ordinances and conditions will be met.

C. Financing and Cost Benefit Analysis

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:

- Tax Revenues: Upon completion of the project, the assessed value of the property will increase by an estimated $560,000. This will result in an estimated $100,000 in Tax Increment Financing (TIF) over 15 years for public improvements. The public investment of the projected $100,000 will leverage private investment of approximately $1,450,000 resulting in more than $14.50 of private investment for every City TIF dollar spent. Sales tax will also be generated from the restaurant and tap room, although estimated amounts have not been determined.

- Public Infrastructure and Community Public Service Needs Impacts: It is not anticipated that the project will have an adverse impact on existing public infrastructure or City services.

- Employment Within & Outside the Redevelopment Project Area: The project will not have any adverse impact on employment within or outside the redevelopment project area. The number of current staff is 3 FTEs with anticipated staff growth to 16 FTEs at completion of the project.

- Other Impacts: One of the most significant aspects of the project is re-opening Robber's Cave. The history and folklore surrounding the cave is significant, from the stories it is haunted to the various uses by different groups. Creating opportunities for the public to once again visit and view the history that is

Robber's Cave will result in a civic value that is immeasurable as well as the potential revenue from tourists visiting the cave.

In addition, the project will retain and create new jobs, and increase the business and tax base without adverse effect on either public or private entities. There will be a material tax shift because of the use of tax increment financing, but there will also be an increase in personal property tax and other municipal revenue generated for the immediate benefit of the community. The project will facilitate the development of an undeveloped area in the city, without the incurrence of significant public cost.

The project will create tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the project, the project will include an investment in equipment characterized as personal property that will be on the property tax rolls upon its acquisition and installation. The personal property will generate immediate tax growth to all local taxing jurisdictions. It is projected that approximately $600,000 of personal property will be installed at the project, which at estimated levy rates would generate total new property taxes in the first year of approximately $12,000.00.

In addition to new personal property tax revenues, the project will also contribute to municipal revenues through excise taxes, fees, licenses, sales taxes, and other taxes that occur and are paid in the course of the normal operation of a business.

The project should also increase the need for services and products from existing businesses. Most notably, the project will involve ongoing maintenance and service functions along with a general need for parts and supplies. The project will also include requirements for the purchase of food, paper products, and janitorial services.



Cave entrance area, looking west from the dead end of Robbers Cave Rd



Looking NNE from elevator access road



Looking SE from elevator access road

During project implementation, this section will provide the basis for determining the need to acquire miscellaneous parcels not previously identified to further accomplish the purposes of this Redevelopment Plan. Additional voluntary acquisitions will be identified in Appendix B and added to this plan by Mayor's Executive Order as they occur.

Sub-Project Areas

Sub-project areas will be identified as redevelopment occurs.

Future Land Use

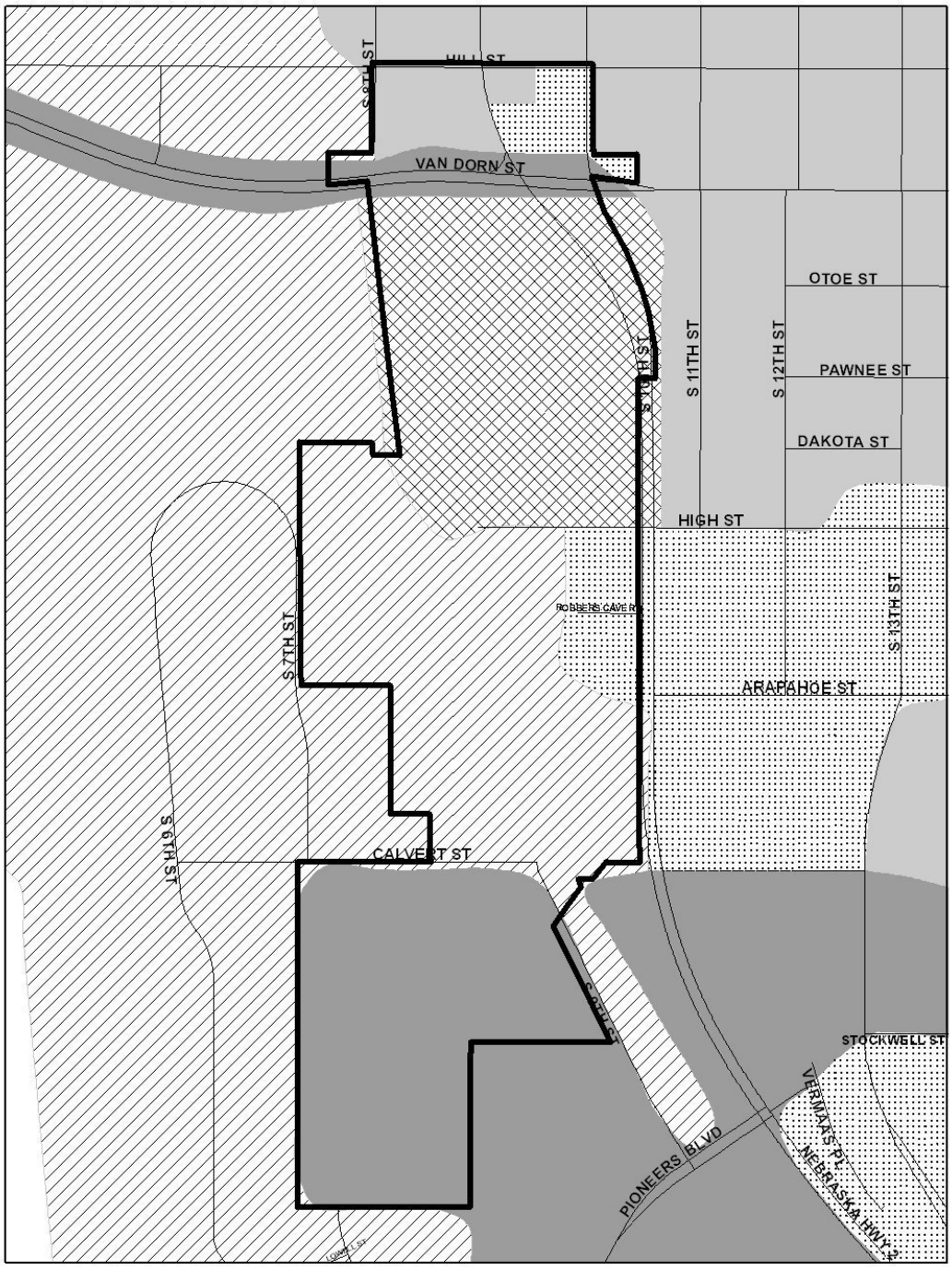
Exhibit 5 is a Proposed Future Land Use map, taken directly from the City's *Comprehensive Plan*. The overall population density of the Redevelopment Area will generally remain stable. As redevelopment continues and additional projects are added, land coverage and building density will increase moderately.

Redevelopment Processes

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

- **Property Acquisition** – The City may acquire the necessary fees, easements, property and covenants through voluntary negotiations (see *Land Acquisition Policy Statement*, Appendix C). However, if voluntary agreement is not possible, the City may institute eminent domain proceedings.
- **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 D, *Relocation Assistance*).

Exhibit 5: Future Land Use



- **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 surround properties. Measures to mitigate environmental findings may also be necessary, if determined by site testing.
- **Disposal/Disposition** – Sub-area projects will include the sale of land to private developers for redevelopment purposes. Developers will be selected in an equitable, open, and competitive proposal process according to the *Land Disposition Procedures* outlined in Appendix E.
- **Requests for Proposals** – Architects and engineers will follow the City's standard selection processes to design the public facilities and improvements. Primary contractors will also be competitively selected.

Estimated Expenditures

Preliminary estimates of project costs are included in Table 1, below. Specifics are not yet determined; therefore estimates are preliminary. Total public and private sector project costs are estimated to total $696,000 over 15 years. Public sector expenditures, excluding commercial redevelopment, are not currently funded. Funds associated with the commercial redevelopment represent Tax Increment Financing (TIF) funds. The public improvements will need to be prioritized and constructed as additional TIF dollars are generated.

Exhibit 6: Project Expenditure Summary

Activity	Private Sector Expenditures	Public Sector Expenditures
Trail improvements		$125,000
Van Dorn Park improvements		$66,000
Ornamental lighting, Bison Trail, north side of Van Dorn		$70,000
Neighborhood signs		$20,000
Entryway feature at 1000 Van Dorn		$70,000
Commercial redevelopment	$300,000	$45,000
Totals:	**$300,000**	**$396,000**

See Appendix F for a cost benefit analysis.

Conformance with Comprehensive Plan

The *Lincoln-Lancaster County Comprehensive Plan*, adopted May 16, 2006, as amended, represents the local goals, objectives, and policies of the City of Lincoln. The *Van Dorn Redevelopment Plan* was developed to be consistent with the *Comprehensive Plan*.

Financing

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 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.

Sources of funding may include the following:

1. Special Assessments – Business Improvement Districts
2. Private Contributions
3. Sale of Land (Proceeds from the sale of land acquired for redevelopment, as identified in the Redevelopment Plan, shall be reinvested in the Redevelopment Area
4. Municipal Infrastructure Redevelopment Fund (MIRF)
5. Community Development Block Grant Funds (CDBG)
6. Home Investment Partnership Act (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 Land 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 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 such 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 loan, 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 project shall be paid into the funds of the respective public bodies.

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

Appendix A: Legal Description

The **Van Dorn Redevelopment Area** boundary is generally described as an area in or adjacent the City of Lincoln, Lancaster County, Nebraska, described, generally, as follows:

Beginning at the northwest corner of the intersection of South 8th and Hill Streets,

thence east along the north line of Hill Street to its intersection with the east line of South 10th Street,

thence south along said line to its intersection with the north line of Lot 7, Block 13, South Park Addition,

thence east along said line to its intersection with the east line of the alley, located between Block 13 and Block 12, South Park Addition,

thence south along said line to its intersection with the north line of the Van Dorn Street Right-of-Way,

thence west to its intersection with the east line of South 10th Street,

thence continuing south along said east line to its intersection with an extended south line of Lot 14, Block 2, Barnes Addition,

thence west along said extended line to its intersection with the west line of South 10th Street,

thence south along said line to its intersection with the north line of Calvert Street,

thence west along said line to a point at its intersection with the east line of the Burlington Northern Railroad Right-of-Way,

thence southwest approximately 45 degrees across the Calvert Street Right-of-Way to the south line of Calvert Street,

thence west along said south line to its intersection with the western line of the Burlington Northern Santa Fe Railroad Right-of-Way,

thence southwesterly along the west line of the Burlington Northern Santa Fe Railroad Right-of-Way approximately 20' to its intersection with the northern line of an irregular tract described as the South 9th Street Condominium Base Account, located on Irregular Tract Lot 95, Section 2, Township 9, Range 6, of the 6th Principle Meridian,

thence southwesterly along said north line to its intersection with the west line of South 9th Street (also the east line of Lot 97 of Section 2, Township 9, Range 6, of the 6th Principle Meridian),

thence generally continuing southeast, west and north around the perimeter of said Lot 97 to the intersection of the west line of Lot 97 and the south line of Calvert Street, continuing along an extended west line of Lot 97 north across the Calvert Street Right-of-Way to its intersection with the north line of Calvert Street,

thence east along said north line to its intersection with the east line of Irregular Tract 71 NE of Section 2, Township 9, Range 6, of the 6th Principal Meridian,

thence north along said east line to its intersection with the north line of said Irregular Tract 71 NE,

thence west along said north line to its intersection with the east line of vacated South 8th Street,

thence north along said line to its intersection with the south line of Lot 69,

thence west to the west line of the East half of the vacated portion of South 7th Street (adjacent to Progress South 1st Addition, Lot 1, as further described in instrument #77-31441),

thence north along said west line to its intersection with the southern line of the Burlington Northern Santa Fe Railroad Right-of-Way,

thence southeasterly to its intersection with an extended north line of Lot 11, Block 2, First Addition to Hyde Park,

thence east along said extended north line to its intersection with the east line of said Lot 11,

thence southeasterly along said east line and continuing southeasterly to the south line of Lot 12, Block 2, First Addition to Hyde Park,

thence east along the extended south line of Lot 12, to the east line of the vacated portion of the Burlington Northern Santa Fe Railroad Right-of-Way (also the western boundary of Van Dorn Park),

thence north along said east right-of-way line to its intersection with the center line of Van Dorn Street,

thence west along said line to a point located approximately 150',

thence north from said point crossing the north half of the Van Dorn Street Right-of-Way, continuing north approximately 110' to its intersection with the extended south line of Lot 10, Block 11 of the South Park Addition,

thence east along said line to its intersection with the west line of South 8th Street,

thence north along said west line to its intersection with the north line of Hill Street, also known as the point of beginning.

Appendix B: Substandard Commercial/Industrial Structures to be Acquired for Redevelopment

To be added by Executive Order.

Appendix C: 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 reconvey 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 reinspection 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 loses 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 D: Relocation Assistance

Use the following URL/link for Relocation Assistance:
https://www.lincoln.ne.gov/city/urban/real-row/pdf/reloc.pdf

Appendix E: Land Disposition Procedures

ADMINISTRATIVE REGULATION - LAND DISPOSITION CITY OF LINCOLN

SUBJECT: Purchase, Dedication, Donation, or Sale of Real Property	EFFECTIVE DATE: August 15, 1994	A.R. NO.: 2A
APPLIES TO: All Departments	SUPERCEDES: Subsection G.2. of A.R. No. 2	PAGE 1 OF 2

Subsection G.2. of Administrative Regulation No. 2 is hereby amended to read as follows:

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

Approved:

Administrative Assistant

Mayor

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All Departments	Subsection G.2. of A.R. No. 2	OF 2

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:

Administrative Assistant

Mayor

Appendix F: Cost Benefit Analysis

Nebraska Community Development Law (NE Res. Stat #18-2147) requires the completion of a cost benefit analysis for redevelopment projects. The City's Law Department has interpreted the requirement to mean that the analysis must be completed in conjunction with the Redevelopment Plan.

Since projects are not fully developed, the analysis will be cursory; however, more detailed analyses will be completed as projects develop and will be brought before the City Council in conjunction with redevelopment agreements.

Public and Private Investments: Expenditures in the redevelopment area are estimated to be $696,000. However, it is important to note that no funding source has been identified for the public improvements, estimated at $351,000. The Plan recommends that they be completed if Tax Increment Financing (TIF) becomes available. Since the pubic improvement projects are desired but funding is unknown, subtracting these estimated expenditures from the total public investment provides a more accurate estimate on the rate of return for public investment. For the identified commercial redevelopment project, the City investment of $45,000 in TIF results in leveraging $6.67 in private sector financing for every public dollar spent.

Tax Revenue: As redevelopment occurs, property values will increase resulting in an increase in property tax generated. Redevelopment construction will also generate sales tax as will potential private rehabilitation projects in the area. As projects develop, the amount of property and sales tax generated will become more quantifiable.

Other Impacts: Van Dorn Park is currently under-utilized due to its aging infrastructure and access issues. Projects identified will improve the park and restore its usability. As stated in the Comprehensive Plan:

> It is recognized that parks and open space enhance the quality of life of the community's residents and are central to the community's economic development strategy (i.e., the community's ability to attract and retain viable business and industry is directly linked to quality of life issues, including indoor and outdoor recreational opportunities) (p. 133).

Similarly, bike trail improvements will continue Lincoln's tradition of maintaining a system of multi-use trails: "Improvement of existing street and trail facilities that are presently suitable for bicycles and other users, and the development of an expanded system of bicycle-friendly roads and trails for the City of Lincoln...have been expressed as strong community goals" (2030 Comprehensive Plan, pp. 94-95).