

RECEIVED

SEP 11 2014

LANCASTER COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE VACATION OF )  
THE THIRTY FOOT WIDE PORTION )  
OF SOUTH 10<sup>TH</sup> STREET LYING CONTIGUOUS )  
AND ADJACENT TO THE WEST LINE OF )  
BLOCK 18, PRINCETON, LANCASTER )  
COUNTY, NEBRASKA )

RESOLUTION NO. R - 14 - 0059

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1722 (Reissue 2008), the Board of County Commissioners of Lancaster County, Nebraska (hereinafter referred to as the "County Board"), directed the Lancaster County Engineering Department to conduct a study and submit a report regarding the use being made of the thirty foot wide portion of South 10<sup>th</sup> Street, lying contiguous and adjacent to the west line of Block 18, Princeton, Lancaster County, Nebraska.

WHEREAS, the County Board, by Resolution No. R-14-0033, directed the Lancaster County Engineering Department to conduct a study and submit a report regarding the use being made of said roads; and

WHEREAS, the County Board has now received said report from the Engineering Department as well as a report from the Lincoln/Lancaster County Planning Department relative to the vacation of said road, both of which are attached hereto and incorporated by this reference; and

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1725 (Reissue 2008), the County Board conducted a public hearing on September 9, 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the vacation of the above described road is hereby denied.

DATED this 16 day of Sept, 2014.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM

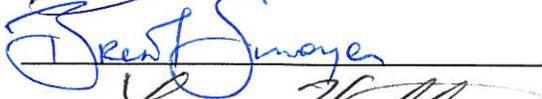
this 16 day of  
Sept, 2014.



for JOE KELLY  
County Attorney



---



---



---



---

Raybould Absent

---

MEMORANDUM

RECEIVED

JUL 17 2014

LANCASTER COUNTY  
BOARD

DATE: July 16, 2014

TO: County Board of Commissioners

FROM: Sara Hartzell, Planning

RE: Request for Vacation of a 30 foot wide portion of S. 10<sup>th</sup> Street, lying contiguous and adjacent to the west line of Block 18, Princeton, Lancaster County, Nebraska.

CC: Marvin Krout  
Steve Henrichsen  
Ken Schroeder  
Terry Kathe

In accordance with County Resolution #14-0033, the Planning Department has reviewed the County Engineer's request to study the potential vacation of a 30 foot wide portion of S. 10<sup>th</sup> Street, lying contiguous and adjacent to the west line of Block 18, Princeton, Lancaster County, Nebraska.

This County road is not shown in the Lincoln-Lancaster County Comprehensive Plan Functional Classification Map for future paving or the Future Right-of-Way map for right-of-way acquisition, or as anything other than a local county road.

The land adjacent to this portion of road is shown on the east on the Future Land Use Plan as Future Urban Residential, is zoned R-Residential, and is within the unincorporated village of Princeton. The land adjacent on the west is shown as Future Agricultural, is zoned AG-Agricultural, and is in use as farmland.

Land to the east is in two residential parcels, the northern being owned by Martha L. Garcia (Lots 4-6, Block 18), and the southern by Larry M. and Debra S. Wathor (Lots 7 - 10, Block 18). Land to the west (Lots 28 and 39 I.T., NE Section 14-07-06) is owned by Leon H. and Nelvadine Lienemann. The Wathor's have complained of encroachment into the grass right-of-way, which they have landscaped and consider to be a part of their yard. There does not appear to be any encroachment onto the Wathor's property and all traffic appears to be staying well within the right-of-way along the east side. There may be some encroachment into the Lienemann property on the west.

This road connects Angus Blvd on the north to Broad Street on the south. If this road is vacated, both Angus Blvd and Broad Street will become dead end streets and provisions for allowing vehicles, including County maintenance vehicles, to turn around would have to be made at the ends of these two streets. The northern residential parcel (Lots 4-6) takes direct access from this road. The other two abutting properties do not appear to take access from this road. The road is well traveled and is in active use.

This vacation would not create any lots or parcels without frontage, but access to the northern residential parcel would have to be determined through the vacation process. This parcel currently takes access to S. 10<sup>th</sup> Street and its vacation would mean a new access would have to be created. It is not clear what the intent would be for turning land over to adjacent lot owners should the roadway be vacated. If the land owner to the northeast was to receive 15 feet (half the right-of-way) he/she may have to do some work to relocate the driveway on that property. If that land owner's drive remains in the same location he/she will become responsible for maintenance of that portion which was formerly maintained by the County.

Removing this road will cause a reduction in connectivity for the village. Judging by the apparent relatively high use of the road, this could cause inconvenience for other residents and visitors to the town. South 11<sup>th</sup> Street, which is the next north-south street to the east, is only built as a driveway on it's south half and does not allow for through traffic. The only other connection between Broad Street and Angus Street is S.12<sup>th</sup> Street.

Removing this road will also leave two dead end roads with little likelihood of future cul-de-sac construction. County maintenance of this road may become difficult if snow plows and graders are not able to easily turn around without backing up.

After consulting with the County Engineer, the Planning Department would recommend exploring alternatives to resolving the issues being experienced by the Wathors. The preferred alternative would be to obtain additional land on the west to bring South 10<sup>th</sup> Street to a full 60 foot right-of-way and then regrading the roadway to ensure vehicles stay further from property lines. There may also be some options using signage to keep vehicles from crossing into the grassed shoulder.

The Planning Department does not recommend approval of vacation of this street. The vacation of this roadway does not meet the goals of the Comprehensive Plan for improving the efficiency, performance and connectivity of a balanced transportation system.

Q:\SHARED\WPICBR S. 10th in Princeton.sxh.wpd



S 10TH ST

24024

1000

1030



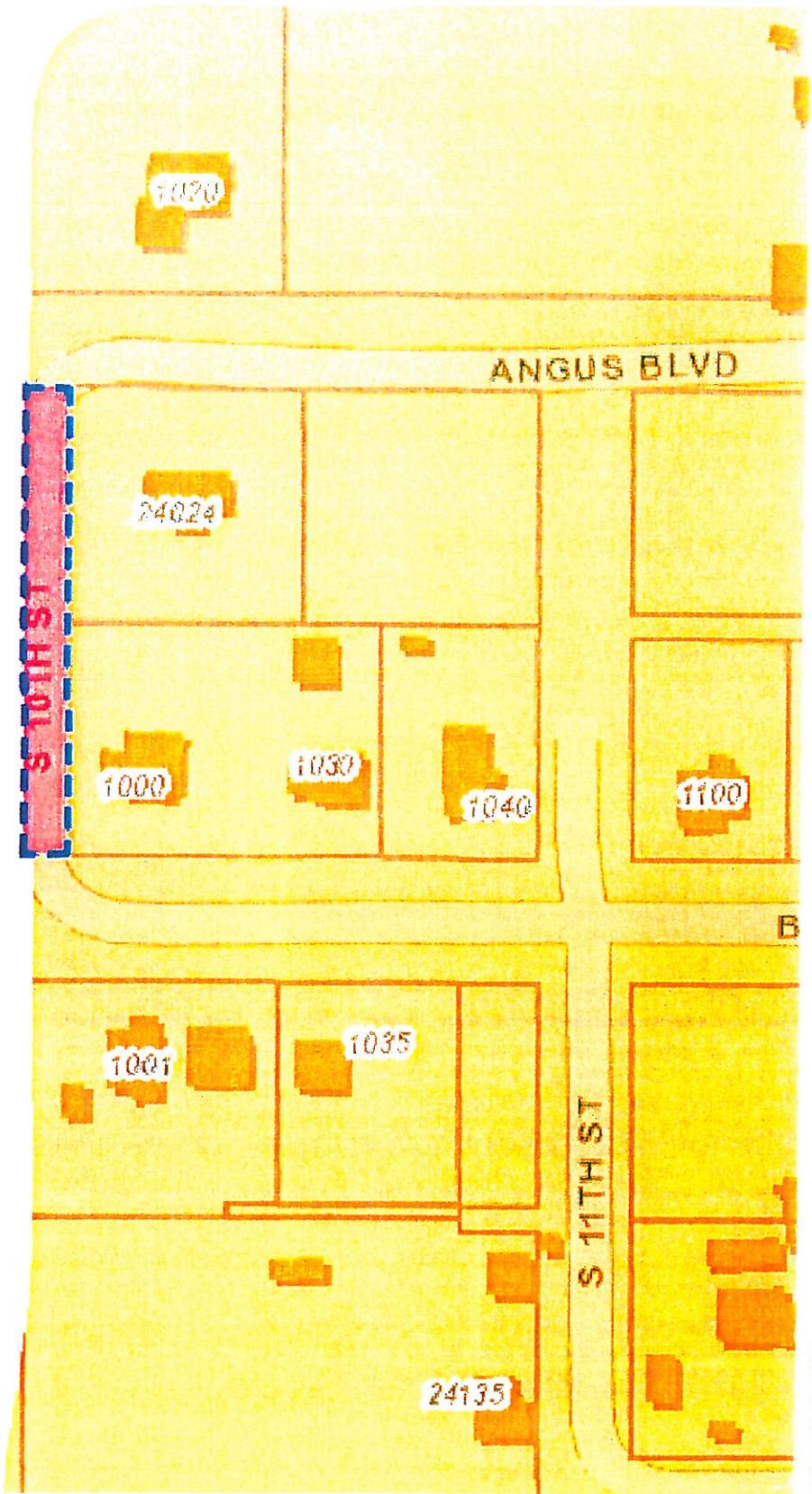
# Lancaster County/City of Lincoln GIS Map

Area of Vacation of 10th Street with 2013 Aerial Photography

9

Printed: Jul 03, 2014

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [ags@lincolncounty.gov](mailto:ags@lincolncounty.gov) and you will be directed to the appropriate department.



## Lancaster County/City of Lincoln GIS Map

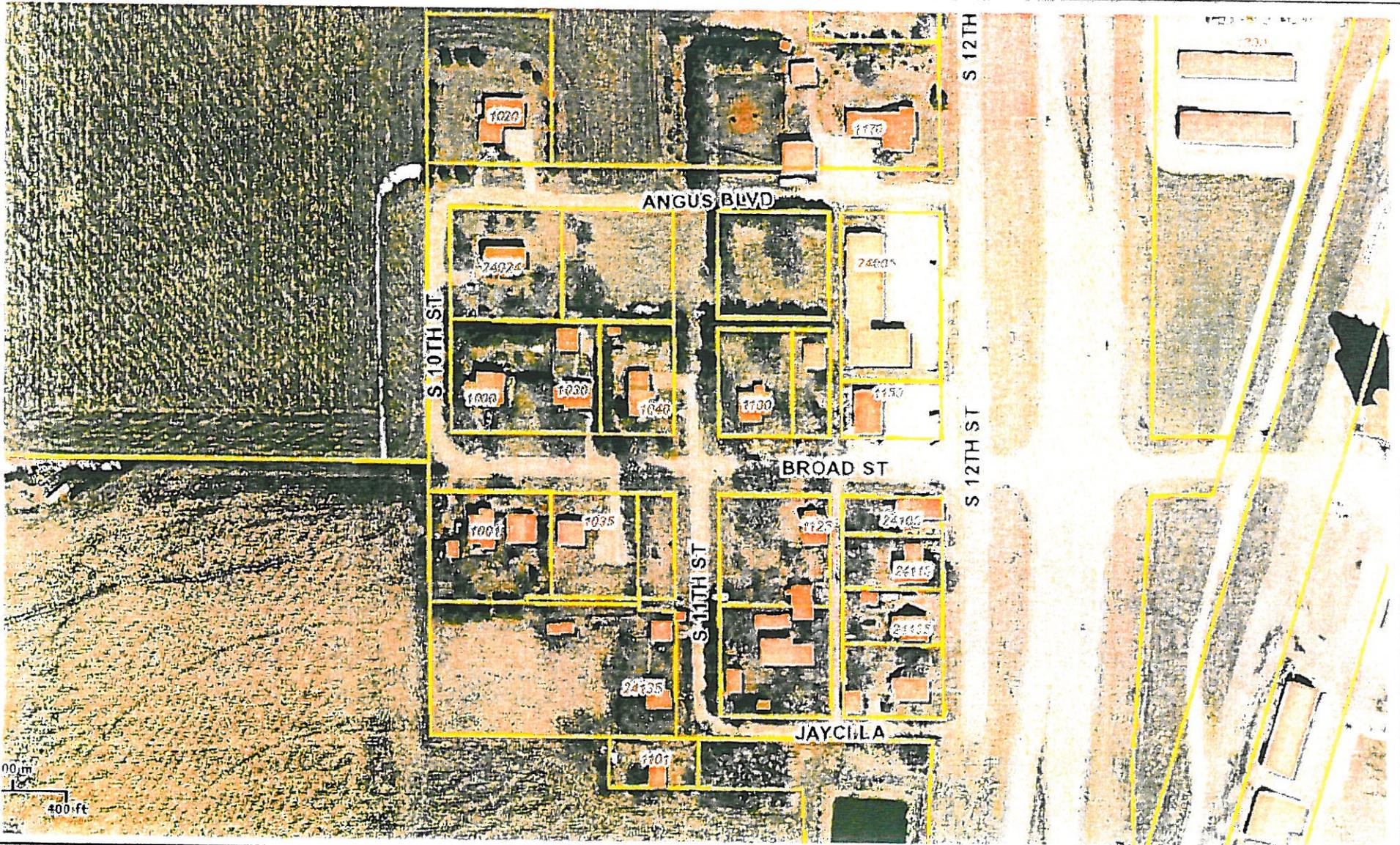
Area of Vacation of 10th Street with Future Land Use

10

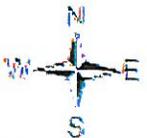


Printed: Jul 03, 2014

DISCLAIMER: The information is presented on a best-effort basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [ags@lincolncol.gov](mailto:ags@lincolncol.gov) and you will be directed to the appropriate department.



## Lancaster County/City of Lincoln GIS Map



Printed Jul 17, 2014

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [ags@lincolndnne.gov](mailto:ags@lincolndnne.gov) and you will be directed to the appropriate department.

LANCASTER

Pamela L. Dingman, P.E.

COUNTY

County Engineer

ENGINEERING

DEPARTMENT

Kenneth D. Schroeder, R.L.S.

Deputy County Surveyor

**DATE:** July 23, 2014  
**TO:** Lancaster County Board of Commissioners  
**FROM:** Ken D. Schroeder  
County Surveyor  
**SUBJECT:** RESOLUTION NO. R-14-0033  
PROPOSED VACATION OF SOUTH 10<sup>TH</sup> STREET  
IN UNINCORPORATED AREA OF PRINCETON

Pursuant to Resolution R-14-0033, this office has reviewed the request for vacating South 10<sup>th</sup> Street lying continuous and adjacent to the west line of Block 18 in the unincorporated area of Princeton as platted and located in the west half of Section 14, T7N, R6E, of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska and would offer the following comments:

- 1) South 10<sup>th</sup> Street (formerly named Sixth Street) was dedicated as a 30' wide public street by the platting of the Town of Princeton recorded in Plat Book 2, on Page 16 dated July 8<sup>th</sup> 1886.
- 2) It appears that 30' wide South 10<sup>th</sup> Street (formerly named Sixth Street) was platted as a half street right-of-way given that the recorded plat of Princeton states all streets are 60' wide except Broad and Main Street, which are 80' wide.
- 3) Currently there is a minimum width gravel roadway along South 10<sup>th</sup> Street with no substantial drainage ditch on either side.
- 4) Currently, South 10<sup>th</sup> Street provides access to one residence at 24024 South 10<sup>th</sup> Street and a secondary access for 1000 Broad Street.
- 5) South 10<sup>th</sup> Street connects Angus Blvd. on the north with Broad Street on the south and provides a significant roadway loop for safety vehicles, maintenance equipment and school buses.
- 6) It is unknown if there are existing utility easements or use in the area of proposed vacation, however, if approved a blanket utility easement should be retained.
- 7) Vacating South 10<sup>th</sup> Street would leave two dead end streets. There would then be the need to construct a turnaround at each dead end creating difficulties constructing within the limited space.

Therefore, in consideration of the above comments, this office would recommend denial of the vacation.

This office would offer a recommendation to pursue acquiring 30' for right-of-way from the adjacent land on the west to provide a standard 60' right-of-way width. The centerline of the roadway along South 10<sup>th</sup> Street could then be shifted west to be farther away from private property.

Cc: Sara Hartzell, Planning Department

Enclosures

KDS/bml

Vacation/Proposed Vacation of South 10<sup>th</sup> St. - Princeton.Mem



Sec. 14 (7-6)

1 inch = 50 feet

**LOT 38**

LIENEMANN, TREVOR & TORRI

ANGUS BLVD

30'

**LOT 28**

LIENEMANN, LEON H & NELVADINE

30'

6

5

4

3

GARCIA, MARTHA L

S 10TH ST

Princeton

Area of Proposed Vacation

WATHOR, LARRY M & DEBRA S

30'

7

8

9

10

40'

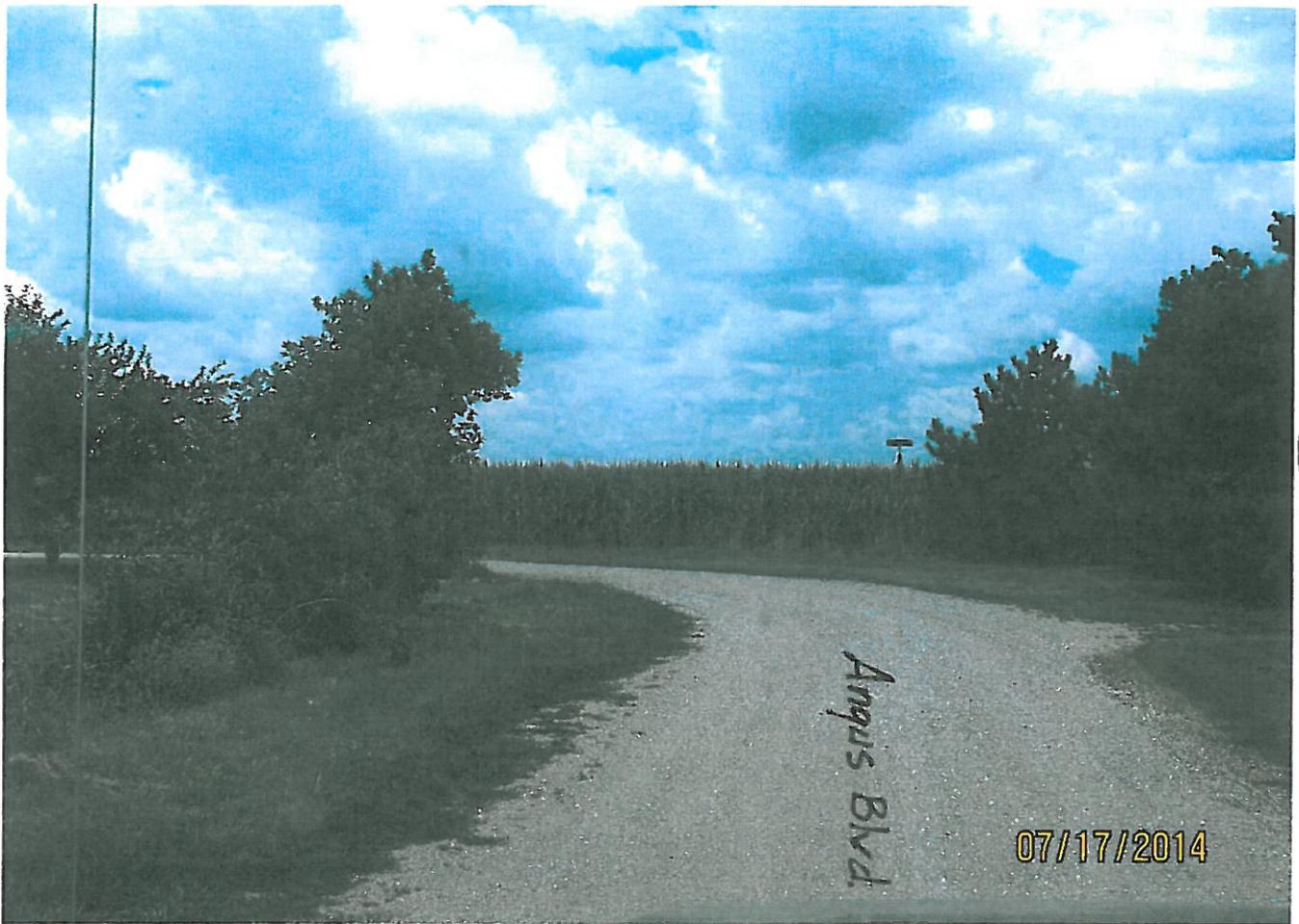
BROAD ST

HARLAN, DALE E

**LOT 36**

SECRETARY OF VETERANS AFFAIRS

**LOT 33**



Angus Blvd

07/17/2014



S. 10<sup>th</sup> St.

07/17/2014

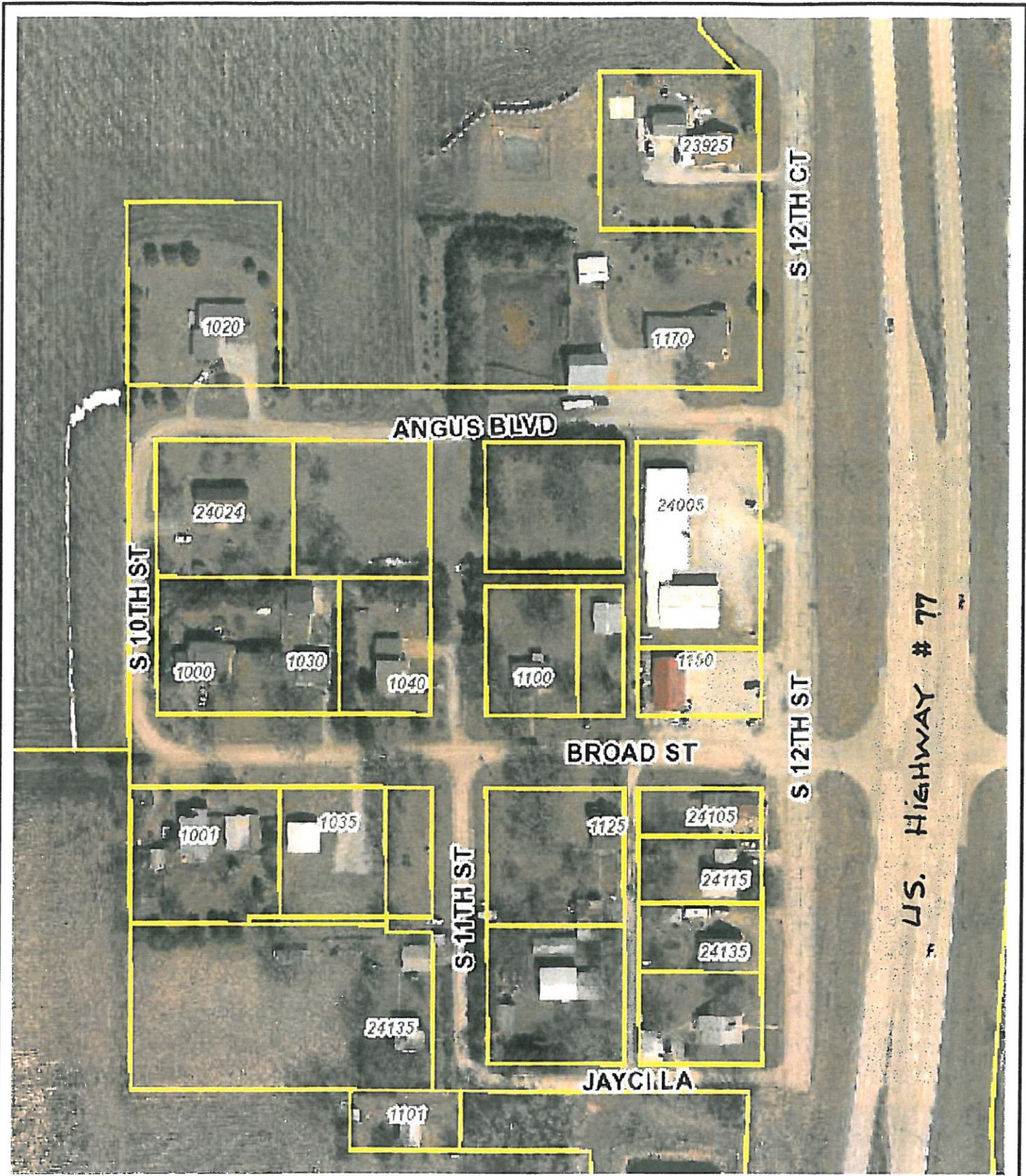




North



North



## Lancaster County/City of Lincoln GIS Map



Printed: Jul 18, 2014

**DISCLAIMER:** The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [ags@lincoln.ne.gov](mailto:ags@lincoln.ne.gov) and you will be directed to the appropriate department.