

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF FIXING THE DATE,)
TIME AND PLACE FOR A PUBLIC)
HEARING REGARDING A REQUEST TO) RESOLUTION NO. R-14-0083
VACATE SW 31ST STREET, SOUTH OF)
WEST DENTON ROAD TO THE NORTH)
LOT LINE OF OUTLOT I, THE BRIDGES)
ADDITION, LANCASTER COUNTY,)
NEBRASKA)

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, (“the Board”), pursuant to Neb. Rev. Stat. § 39-1722 (Reissue 2008), received a report from the Lancaster County Engineer, the Lincoln-Lancaster County Planning Department and the City of Lincoln regarding the vacation of SW 31st Street, south of West Denton Road to the north lot line of Outlot I, the Bridges Addition, Lancaster County, Nebraska; and

WHEREAS, the report from the Lancaster County Engineering Department is provided in Exhibit “A,” which is attached hereto and incorporated by this reference; and

WHEREAS, the report from the Lincoln-Lancaster County Planning Department is provided in Exhibit “B,” which is attached hereto and incorporated by this reference; and

WHEREAS, Resolution No. A-88671 of the City of Lincoln, approving the requested vacation, is provided in Exhibit “C,” which is attached hereto and incorporated by this reference.

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

1) That a public hearing on the vacation for the aforesaid described road is hereby set for the 6th day of January, 2015, at 10:30 a.m., or as soon thereafter as is practicable, in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Lancaster County, Nebraska.

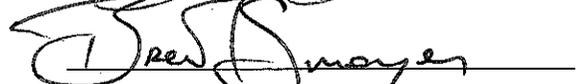
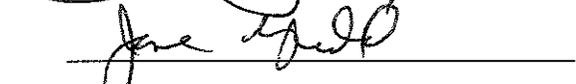
2) That the Lancaster County Clerk should be and hereby is directed to publish this resolution once a week for three consecutive weeks in a legal newspaper of the County and is further directed where possible to send copies of this resolution, either by registered or certified mail, to the owners of the land abutting on or adjacent to the portion of the road to be vacated, by mailing the same to the last known address of such owner not less than two weeks in advance of the above-referenced hearing date.

DATED this 9th day of December, 2014, at the City County Building, Lincoln,
Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 9 day of
December, 2014.


Deputy County Attorney
for JOE KELLY
Lancaster County Attorney




Amundson Absent
Hudkins Absent

LANCASTER
COUNTY

Pamela L. Dingman, P.E.
County Engineer

ENGINEERING

Kenneth D. Schroeder, R.L.S.
Deputy County Surveyor

DEPARTMENT

DATE: November 19, 2014
TO: Lancaster County Board of Commissioners
FROM: Kenneth D. Schroeder 
County Surveyor
SUBJECT: RESOLUTION R-14-0067
STUDY TO VACATE SW 31ST STREET
LOCATED IN THE NE¼ OF SECTION 20, T9N, R6E

RECEIVED

NOV 20 2014

LANCASTER COUNTY
BOARD

Pursuant to Resolution R-14-0067, this office has reviewed the request to vacate SW 31st Street from the south right-of-way line of West Denton Road to the north right-of-way line of West Covered Bridge Road, a private roadway in "The Bridges Addition" located in the NE¼ of Section 20, T9N, R6E of the 6th P.M., Lancaster County, Nebraska and would offer the following comments:

- 1) The northern portion of 60' wide SW 31st Street was platted with street right-of-way dedicated as a public road in "Whispering Pines 3rd Addition" recorded at the Register of Deeds' Office on July 3, 1997 as Instrument Number 97-026081.
- 2) The southern portion of 60' wide SW 31st Street was platted with street right-of-way dedicated as a public road in "The Bridges Addition" as Instrument Number 2007-053184.
- 3) Currently there is no significant roadway improvements constructed in the proposed area of vacation of SW 31st Street except for the very northern portion directly south from West Denton Road providing residential access to property at 7000 SW 31st Street.
- 4) It is unknown if there are existing utility easements or use in the area of proposed street vacation, therefore if approved, retaining a blanket utility easement is recommended.
- 5) As stated in the application for "Petition to Vacate Public Road", the intent of this vacation is to allow SW 31st Street to become a private roadway consistent with the private roadways throughout The Bridges development and allowing flexibility in the roadway design for crossing the Cardwell Branch of Salt Creek.
- 6) This office has no objections to this request and would recommend approval of the road vacation contingent upon the right-of-way be re-platted as a private roadway with any proposed improvements to follow and be in compliance with any applicable governmental, local, state and federal flood plain regulation guidelines and/or permits.
- 7) Disposition of the land would be as directed by the Lancaster County Board of Commissioners. Value, if any, is unknown at this time with a follow-up letter forthcoming pertaining to any value.

Enclosures

Cc: Sara Hartzell, Planning Department
James Shotkoski, Right-Of-Way Manager
Brittany Behrens, Deputy County Attorney
Cori Beattie, Deputy County Clerk
Glenn Johnson, Lower Platte South NRD
Ben Higgins, Public Works and Utilities

KDS/bml
Vacations/SW 31st St. - Study to Vacate.doc

SEC. 20, T9N R6E

W DENTON RD

50'

50'

SW 31ST ST
(PUBLIC STREET)

(PUBLIC STREET)

WHISPERING PINES
3RD ADDITION

BLOCK 1

OUTLOT 'E'

Area of proposed
vacation

OUTLOT 'A'

THE BRIDGES
ADDITION

BLOCK 3

BLOCK 1

OUTLOT 'I'

W COVERED BRIDGE DR
(PRIVATE ROADWAY)

BLOCK 4

BLOCK 2

W BOW BRIDGE RD

Lincoln
3-mile

Lincoln



(Looking North)



(Looking South)

MEMORANDUM

DATE: November 26, 2014

TO: County Board of Commissioners

FROM: Sara Hartzell, Planning

RE: Vacation of the S.W. 31st Street south of W. Denton Road so that the road can be converted to a private roadway.

CC: 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 S.W. 31st Street from the south right-of-way line of West Denton Road to the north right-of-way line of West Covered Bridge Road, in The Bridges Addition, located in the NE 1/4 of Section 20-9-6, Lincoln, Lancaster County, Nebraska.

This road is within the City of Lincoln extraterritorial jurisdiction and as such requires the approval of the City Council prior to action by the County Board. The City Council has reviewed and held public hearing on this vacation request on November 24th, 2014, and approved Resolution A-88671 for Street and Alley Vacation 14008.

The applicant requests the vacation of the portion of SW 31st from the south right-of-way line of West Denton Road to the north boundary of Outlot I in the area of SW 31st Street. The road will be replatted as a private roadway and maintained by The Bridges Homeowners Association. The consent of adjacent lot owners of Lot 3, Block 2, and Lot 1, Block 1 of Whispering Pines 3rd Addition has been obtained.

An amendment to The Bridges Community Unit Plan was approved in early October by the Planning Commission. The amendment expanded the area of the CUP to include adjacent S.W. 31st Street from the south right-of-way line of W. Denton Road to the north boundary of the existing special permit area.

S.W. 31st Street was originally platted as a public street because there was an existing public street stub at that location. It would have been undesirable to have a street that was part public and part private.

Creating SW 31st as a private roadway will allow the developer a certain amount of flexibility in the design of the roadway profile as well as the extent of the culvert required in Cardwell Branch Creek. A public roadway would require the culvert to extend from right-of-way to right-of-way. With the creek bed running diagonally at the point where it crosses the future road alignment, this culvert could be up to 100 feet long.

The culvert in SW 31st Street, if built as a private facility, will still have to meet all City of Lincoln Design Standards and a floodplain permit will be needed prior to construction to show floodplain regulations are being met. Final review and approval of culvert design, including erosion protection measures, and hydrologic and hydraulic information will occur at time of that permit application.

Maintenance of this road, like all the other private roadways in this subdivision, will be the responsibility of The Bridges Home Owners Association.

There were no objections to the vacation from any city or county agencies.

LES requests that utility easements be retained over the vacated right of way.

The Planning Department supports the application to vacate SW 31st as described, subject to retention of utility easements.

C:\Users\ncssxh\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\7WMV5QL6\CBR SW 31st in The Bridges sxh.wpd

14R-293



A88671

Introduce: 11-17-14

SAV 14008

RESOLUTION NO. A- 88671

1 WHEREAS, City of Lincoln approval of the vacation of S.W. 31st Street
 2 from the south right-of-way line of West Denton Road to the north right-of-way line of
 3 West Covered Bridge Road generally located at S.W. 31st Street and West Denton
 4 Road, has been requested by the Lancaster County Board of Commissioners; and

5 WHEREAS, said street portion is located outside of the corporate limits of
 6 the City but within the three-mile zoning jurisdiction of the City; and

7 WHEREAS, the Planning Commission has reviewed this application and
 8 found the proposed street vacation to be in conformance with the Comprehensive Plan;
 9 and

10 WHEREAS, under Neb. Rev. Stat. § 23-108 (Reissue 1997) the Lancaster
 11 County Board may not vacate said portion of S.W. 31st Street without the prior approval
 12 of the City Council of the City of Lincoln, Nebraska.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 14 Lincoln, Nebraska:

15 That the vacation of the that portion of S.W. 31st Street which abuts Lot 1,
 16 Block 1; Lot 3, Block 2; Whispering Pines 3rd Addition, ~~Outlot A, E, F, G, and J,~~ Outlots A and E, The
 17 Bridges Addition; Lot 6, Block 1 and Lot 1, Block 3, The Bridges Addition, generally
 18 located at S.W. 31st Street and West Denton Road, which is outside of the corporate
 19 limits but within the three-mile zoning jurisdiction of the City of Lincoln, is hereby
 20 approved.

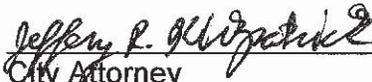
1 BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this
2 resolution to the County Clerk for Lancaster County.

Introduced by:



AYES: Camp, Christensen, Cook,
Emery, Eskridge, Fellers, Gaylor
Baird; NAYS: None.

Approved as to Form & Legality:


City Attorney

See further Council Proceedings on
next page. Thank you.

ADOPTED
NOV 24 2014
BY CITY COUNCIL

Approved this 2nd day of Dec., 2014:

Mayor

14R-293

11/24/14 Council Proceedings:

FELLERS Moved Motion to Amend #1 to Bill No. 14R-293 in the following manner.

On page 1, line 16, strike "Outlot A, E, F, G, and J" and insert in lieu thereof the following language: Outlots A and E.

Seconded by Christensen and carried by the following vote: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.