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 VACATE PORTIONS OF A PUBLIC ROAD RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED IN ATTACHMENT "A", AND LOCATED IN LANCASTER COUNTY, NEBRASKA	)	RESOLUTION NO. R-19-0002

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, ("the Board"), pursuant to Neb. Rev. Stat. §§ 39-1722, received a report from the Lancaster County Engineer and the Lincoln-Lancaster County Planning Department regarding the vacation of the west 10 feet adjacent to Lot 6 IT, Walton, Nebraska, more particularly described in Attachment "A," located in Lancaster County, Nebraska; and

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

WHEREAS, the report from the Lincoln-Lancaster County Planning Department is provided in Attachment "B," 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 5th day of February, 2019, at 9:00 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 and upon the planning and public works directors of the City of Lincoln, 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 15th day of January, 2019, at the City County Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 15th day of
January, 2019.

Deputy County Attorney
for PAT CONDON
Lancaster County Attorney

AMUNDSON ABSENT

ATTACHMENT "A"

LANCASTER COUNTY ENGINEERING DEPARTMENT

Pamela L. Dingman, P.E.
County Engineer

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

Date: December 11, 2018

To: Lancaster County Board of Commissioners

From: Ken Schroeder
County Surveyor

Subject: Resolution R-18-0081
Study to vacate a portion of "unnamed" platted street in Gieren's First Addition, Walton, NE

Pursuant to County Resolution R-18-0081, this office has reviewed the request for vacating a portion of "unnamed" platted street lying west of and adjacent to Block 3, Gieren's First Addition in unincorporated Village of Walton, located in the S½ of Fractional Section 30, Township 10 North, Range 8 East of the 6th Principal Meridian, Lancaster County, Nebraska. (Reference Exhibit "A")

This office would offer the following comments regarding proposed street vacation:

1. Subject "unnamed" street was platted in the development of Gieren's First Addition to Walton, recorded in Plat Book 4, page 163 dated December 17, 1910.

2. Subject "unnamed" street which lies along the very west edge of said development appears to have platted a street width of 25', or, half of the typical 50' wide street right-of-way shown on the other platted streets. This half street width most likely was done with the intent that the landowner upon further subdividing would plat the remaining 25' for street right-of-way thus, completing a 50' total street right-of-way dedication width.

3. The area of proposed street vacation proceeds north from "A" Street running northerly for approximately 150 feet in line with South 117th Street (South of "A" Street) formally known as Madison Street in original town of Walton.

   Based on information related to adjacent area building permit application and parking lot improvement submittal, this street vacation is part of a proposed plan to make a street alignment shift to the east of approximately 10' to accommodate proposed planned improvements.

4. The area on either side of the proposed street vacation is currently in review for Grace Evangelical Lutheran Church Special Permit SP18043 proposed parking lot improvement and Street vacation SAV18004. Compliance with previously submitted comments from Lancaster County Engineering Department for Special Permit SP18043 and SAV18004 shall be a condition of this vacation.

5. This office has no direct objections to proposed vacation of this portion of "unnamed" street right-of-way subject to the deeding for public right-of-way purposes a similar area from the west portion of lots 7-9, Block 3, Gieren's First Addition to offset the vacated area and create a parallel 25' wide road right-of-way corridor to continue running along the westerly side of said Block 3.

6. Based on a recent field inspection and aerial view photo, it appears that adjacent landowners north of the proposed area of vacation use this platted street right-of-way for access to their property, therefore, access to these properties shall remain open.

7. It is unknown if there are existing utilities in the portion of proposed street right-of-way vacation, therefore, if approved, retaining a blanket utility easement on this area is recommended.

Enclosures

Cc: Jenifer Holloway, Deputy County Attorney
Pam Dingman, County Engineer
Ron Bohaty, Road Maintenance Superintendent
James Shotkoski, Right-of-way Manager
Monet McCullen, County Clerk's Office
Tom Cajka, Planning Department

KDS/bml
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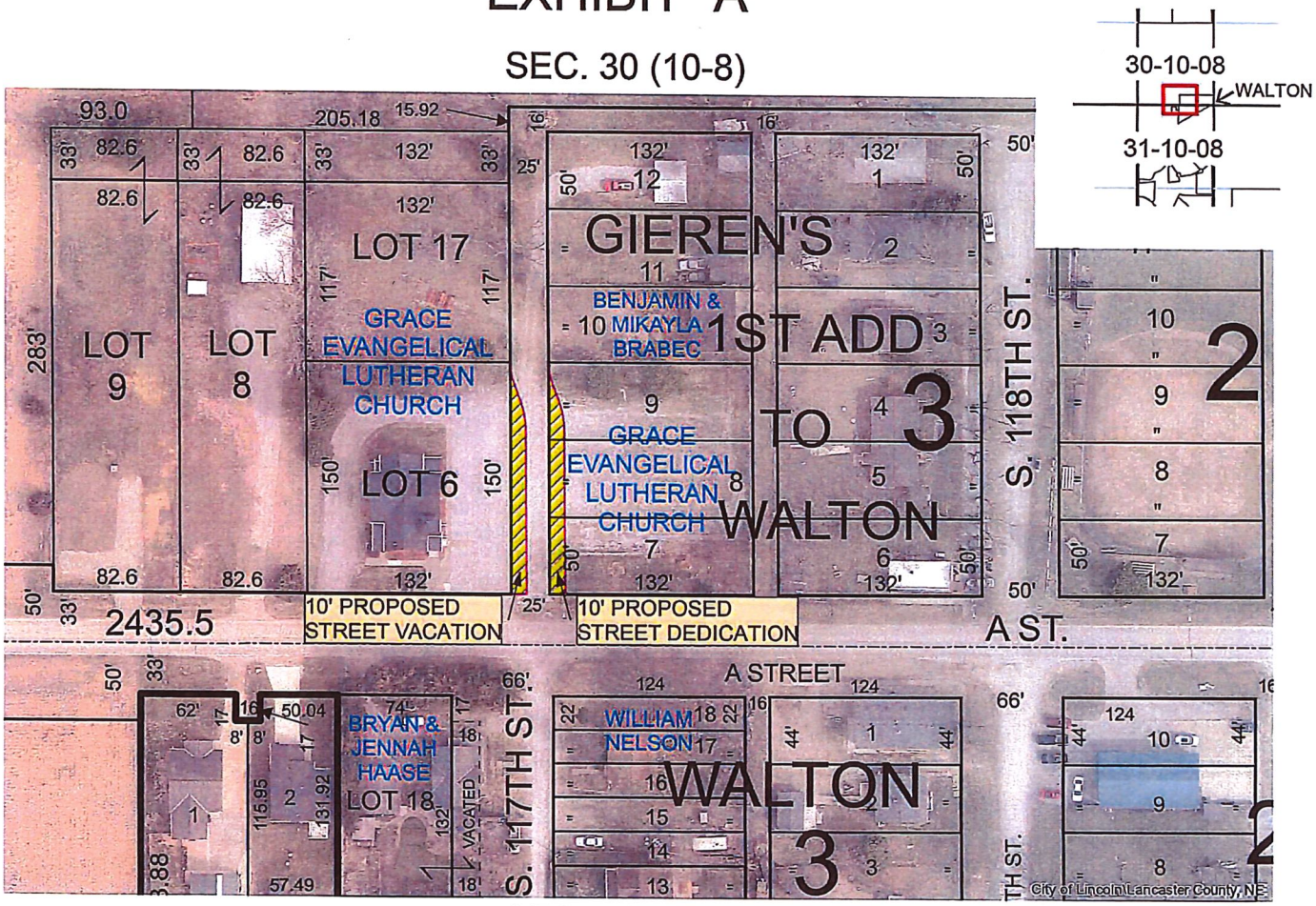
EXHIBIT "A"

SEC. 30 (10-8)



SEC. 31 (10-8)

12/10/2018
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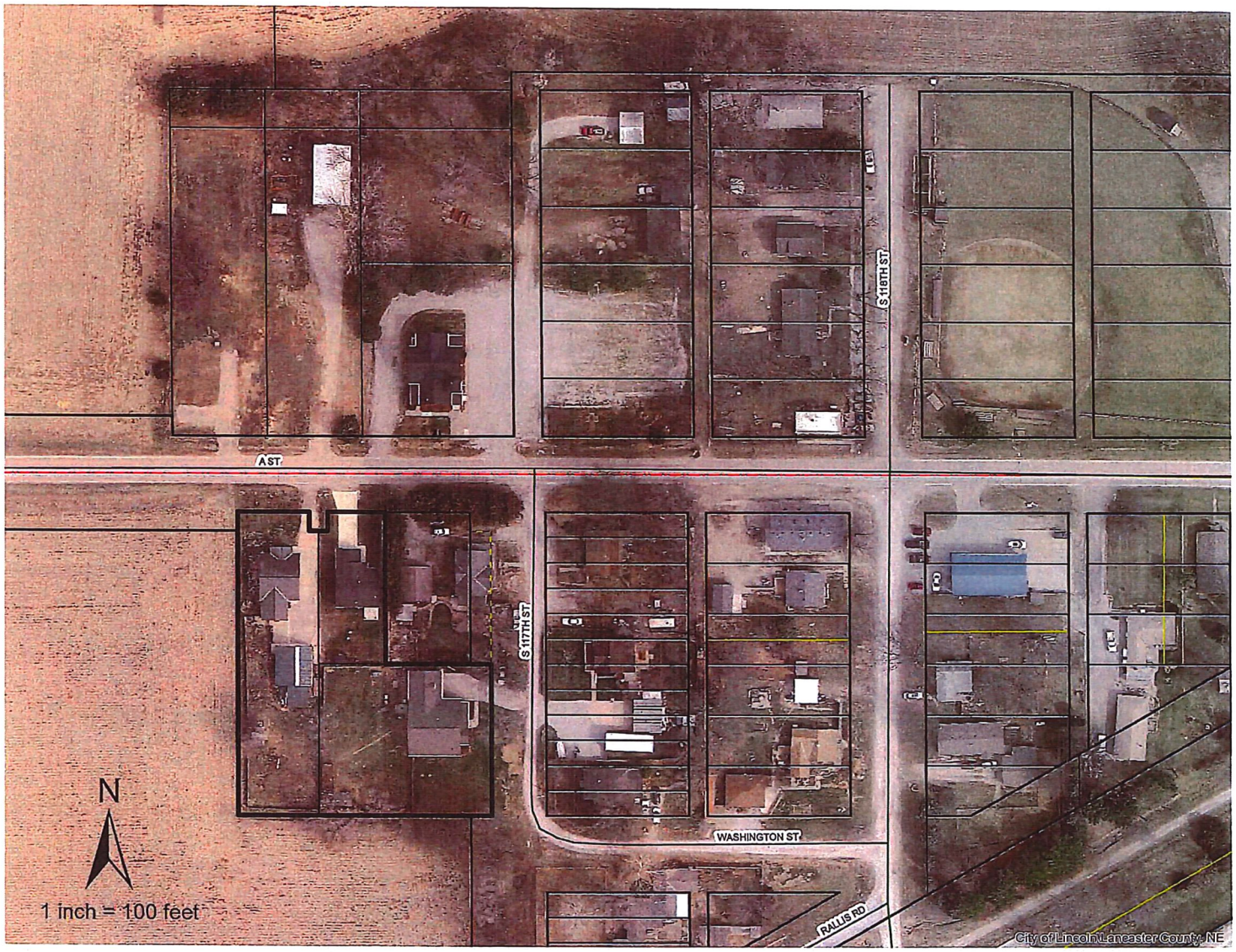
NORTH
"A" Street
South 117 ft
12/10/2018


A ST
S 116TH ST
S 117TH ST
WASHINGTON ST
RALLIS RD
N
1 inch = 100 feet
City of Lincoln Lancaster County, NE

Upon review, of **"Grace Lutheran Church" Special Permit #SP18043** (v1) submittal dated 11-1-2018 in the S ½ of Fractional Section 30, T10N, R8E located at 11640 "A" Street, this office has no direct objections for parking lot construction but would offer the following comments and/or request for additional information:

1. Need a metes and bounds legal description submitted for the proposed road right-of-way vacation area and also for the proposed road right-of-way dedication area.
2. In order for our office to perform a proper review and/or approval of proposed parking lot construction, drainage run-off and access relocation to adjacent "A" Street, please submit area site plan showing existing conditions with existing elevations and contour line as well as proposed layout and construction including proposed elevations and contour lines.
   Note: It appears that the existing access onto "A" Street will need to be relocated approximately 35' east. In order to ensure proper drainage, please submit existing and proposed elevations along "A" Street on the roadway and ditch flowline adjacent to Grace Lutheran Church property.

November 13, 2018 (kds)

Upon review, this office would offer the following comments for **"Shift of Maxwell Street Walton, Nebraska" SAV18004** (v1) submittal dated 11-1-2018 in the S ½ of fractional Section 30, T10N, R8E at 11640 "A" Street for the Grace Evangelical Lutheran Church property.

1. This office has no direct objections to allowing the proposed road right-of-way shift as depicted on submitted site plan, subject to compliance with reviews currently in progress for Special Permit SP18043 and County Resolution R-18-0081 directing the County Engineer to conduct a study to vacate this portion of road right-of-way.
2. It is not known if there are existing utilities in the area of proposed street vacation. Therefore, recommend obtaining an easement release from applicable utility companies, or retain a blanket utility easement over the area of vacation.
3. If approved and upon completion of vacation and dedication, a legal boundary survey shall be performed and filed showing monuments at all corner points of the right-of-way shift.
4. Submitted legal descriptions mathematically close. Recommend listing square foot area in the description of proposed vacation and dedication.
5. SAV18004 project name indicates the road shift is on Maxwell Street in Walton. Maxwell Street, now known as South 118th Street is actually one block east of this project location. The street in question for SAV18004 was not named in the platting of Gieren's 1st Addition to Walton but lines up with Madison Street to the south which is now known as South 117th Street. Therefore, shouldn't this street shift be identified as South 117th Street?

November 16, 2018 (kds)

CITY OF LINCOLN NEBRASKA

LANCASTER COUNTY NEBRASKA

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

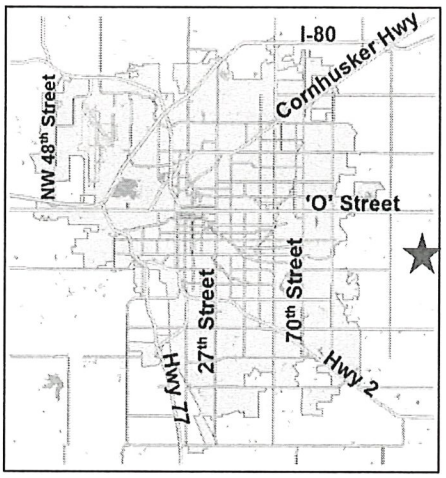
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation #18004	FINAL ACTION? No	DEVELOPER/OWNER Grace Evangelical Lutheran Church
PLANNING COMMISSION HEARING DATE November 28, 2018	RELATED APPLICATIONS SP # 18043	PROPERTY ADDRESS/LOCATION 11640 A St.

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

To vacate approximately the west 10 feet of the unnamed right-of-way adjacent to Lot 6 Irregular Tract. The street vacation is needed to allow the necessary setback for an addition to the church.



JUSTIFICATION FOR RECOMMENDATION

Approval of this street vacation will enable the church to proceed with their plans to expand the church. The street will maintain 25' of right-of-way with the church dedicating 10 feet on the east side.

APPLICATION CONTACT

Lowell Provancha, 402-580-0659

STAFF CONTACT

Tom Cajka, (402) 441-5662 or tcajka@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is in conformance with the Comprehensive Plan. Shifting the right-of-way to the east allows continued access to the lots to the north.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - Local streets and alleys are not included in the functional classification.

P. 10.15 - Local or residential streets provide the greatest access. These streets provide very limited opportunities for through traffic; their primary function is to provide access to adjacent properties.

ANALYSIS

1. This request is to vacate approximately the west 10 feet of the unnamed street adjacent Lot 6 I.T. in Walton for Grace Evangelical Lutheran Church. The Church is requesting the street vacation to meet the setback for an addition to the church. It is not feasible to vacate the entire right-of-way because it would leave platted lots without any frontage. It is the only access for 3 lots to the north.
2. To maintain the 25' width of right-of-way the Church will be dedicating 10 feet on the east side adjacent the parking lot. The 25' right-of-way was dedicated with Gierens 1st Addition to Walton. The additional 25 feet would be dedicated when the area to the west develops.
3. This is an unimproved street. There are no plans to improve this street. Although the street is unimproved, there is a gravel drive that provides access to lots to the north. There are no utilities within the area to be vacated.
4. The area to be vacated is in the City's 3-mile jurisdiction. Vacation of right-of-way within the 3-mile jurisdiction require approval by both the City Council and the County Board of Commissioners.
5. Associated with this application is a special permit for a parking lot on the east side of the street.
6. There is no cost for the vacation due to the dedication of 10 feet on the east side.

EXISTING LAND USE & ZONING: R-2 Residential Church

SURROUNDING LAND USE & ZONING

North:	AG, Agriculture	Farm ground
	R-2, Residential	Vacant
South:	R-2, Residential	Single family dwellings
East:	R-2, Residential	Parking lot
West:	R-2, Residential	Single family dwellings

APPROXIMATE LAND AREA: 1,500 square feet

LEGAL DESCRIPTION: See attached

Prepared by

_____

Tom Cajka, Planner

Date: November 13, 2018

Applicant: Grace Evangelical Lutheran Church
11640 "A" Street
Walton, NE 68461
402-489-8693

Contact: Lowell Provancha
4501 S. 80th Street
Lincoln, NE 68516
402-580-0659
lprovancha@yahoo.com

Owner: Same as applicant

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