

ORDINANCE NO. 1625

AN ORDINANCE TO AMEND CITY CODE SECTIONS 24A-1 AND 24A-3; TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF INSTRUMENTS EFFECTING SUBDIVISIONS OF LAND BY THE CITY ENGINEER; TO PROVIDE FEES FOR ADMINISTRATIVE APPROVAL; TO REPEAL ORIGINAL SECTIONS 24A-1 AND 24A-3, AND ANY OTHER SECTIONS IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE PRESIDENT OF THE COUNCIL AND THE COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA:

Section 1. Section 24A-1, Definitions, is hereby amended to read as follows:

Section 24A-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley: A minor way, dedicated for public use, which is used primarily for vehicular access to the sides or rear of lots.

Block: A parcel of land entirely surrounded by streets or highways, or as otherwise determined by the city engineer.

Comprehensive plan: The comprehensive plan for the city, duly adopted and including subsequent amendments.

Cul-de-sac: A street having one end open to traffic and being terminated by vehicular turnaround.

Easement: A permanent or temporary grant of right by a property owner, to the public, a corporation or other persons, of the use of a strip of land for specified purposes. Ownership of such strip of land shall normally remain with the property owner.

Highway: A thoroughfare controlled and maintained by the state.

Improvements: Street pavement, curbs, drainage facilities, sidewalks and utility lines.

Instrument effecting subdivision: A document deed or other instrument that purports to convey a portion, and not the whole, of a previously platted lot, tract, or parcel of land, but shall not mean an instrument conveying an undivided interest in land.

Lot: A portion of a subdivision intended as a unit for transfer of ownership or for development.

Planning jurisdiction: The corporate area of the City plus that area lying within two miles therefrom.

Plat, final: A drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.

Plat, preliminary: A drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

Rule exception: The allowing of a subdivision to deviate from one or more specific standards and requirements of these rules and regulations.

Street, private: A right-of-way which affords principal means of vehicular access to property abutting thereon, which right-of-way has been dedicated to the public for such use.

Subdivider: A person, firm or corporation undertaking the subdividing of land.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, plots, sites or other divisions of land, the smallest of which is less than ten acres, including a resubdivision of land and vacation of streets, lots and alleys. The creation of a street, alley or other public way by dedication shall be deemed a subdivision.

Section 2. Section 24A-3, Fees for submission of plats, is hereby amended to read as follows:

Section 24A-3. Fees for Submission of Plats.

(a) The following fees shall be paid by all persons or corporations submitting preliminary plats for approval by the planning commission, and shall be computed to the nearest dollar:

Fifteen Dollars (\$15.00), plus:

<u>Number of lots in subdivision</u>	<u>Fee per lot</u>
10 or fewer	\$2.00
11 to 50	.70
51 to 150	.40
151 to 500	.20
501 or more	.15

The minimum total fee shall be Twenty Dollars (\$20.00). This fee shall be paid at the time the preliminary plat is submitted to the planning commission, and shall apply to approval of the preliminary plat and final plat; provided, that the final plat includes the same area to be subdivided

as the preliminary plat. If the final plat is submitted in segments, then the above fee schedule shall again apply to all final plat submittals except the first.

(b) Upon filing a request with the City Engineer for administrative approval of an instrument effecting a subdivision, a fee of Twenty Five Dollars (\$25.00) shall be paid.

Section 3. New Code Sections.

Article V. Administrative Approval

Section 24A-16. Administrative Approval; City Engineer; When Permitted.

The City Engineer is hereby empowered to administratively approve an instrument effecting a subdivision when the following conditions exist:

1. No new streets or private roadway is dedicated, accepted or needed within the area of the new lots.
2. The area affected by the instrument effecting a subdivision is wholly contained within the boundaries of a previous subdivision which has been platted and recorded.
3. The new lots shall meet all zoning requirements of the zoning district in which they are situated.
4. The instrument effecting a subdivision shall create no more than four (4) lots from any prior lot, tract, or parcel of land. If said four (4) lots have been created by prior administrative approval, any further subdivision shall be done by filing and processing a plat as otherwise provided in this Chapter. Exceptions to the foregoing restriction shall be permitted only to allow adjustment of lot lines in case of mistake or error. All new lots shall continue to be described in terms of the pre-existing lot descriptions.
5. Any easements required for utilities, drainage, and any other improvements shall be provided.

Section 24A-17. Administrative Approval; Procedure.

The City Engineer shall be provided the following information:

- (a) A statement from the County Treasurer showing that all general real estate taxes assessed against the land within the proposed subdivision or any part thereof have been paid in full:
- (b) A statement from the City Treasurer showing that all special assessment installment payments are current as applied to said proposed subdivision;

(c) A statement showing the method of apportioning any such installments against the new lots.

Section 24A-18. Administrative Approval; Survey.

If the City Engineer determines that a survey of the area affected is necessary in order to determine whether the proposed subdivision will comply with this Article, a survey of the lots affected, showing the boundaries proposed to be created by such instrument shall be submitted to the City Engineer by the subdivider. Such survey shall be drawn at a minimum scale of one inch (1") to one hundred feet (100') by a licensed land surveyor and shall show the boundaries of the new lots superimposed over the existing lot boundaries. The survey shall also show the location of all existing buildings and the location of all existing utilities serving the land within the boundaries of the survey. Upon approval of the instrument effecting subdivision, the survey as provided in this section shall be filed with the Dawson County Register of Deeds.

Section 24A-19. Administrative Approval; Approval or Denial by City Engineer.

If the City Engineer determines that an instrument effecting subdivision meets the requirements of this Article, his approval shall be endorsed upon such instrument effecting subdivision. Upon denial of the request if such approval is not given, the subdivider may submit the proposed subdivision to the planning commission by filing a preliminary plat and as otherwise provided in this Chapter.

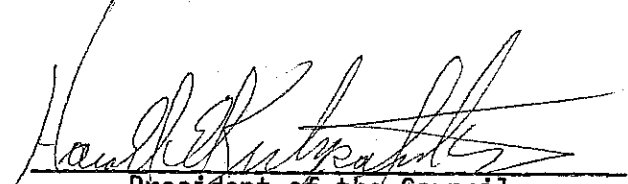
Section 24A-20. Administrative Approval; Prior Instruments Approved.

Any instrument in writing, which has been filed in the office of the Dawson County Register of Deeds prior to the effective date of this Ordinance, which in any manner purports to effect a subdivision of real property, regulated by this Chapter, and the instrument, or the record thereof, fails to comply with any requirements of this Chapter, such instrument shall be fully legal, valid and binding and effectual for all purposes to the same extent as though such instrument had, in the first instance, been in all respects duly approved, and Provided an action has ^{not} been commenced in a Court of competent jurisdiction to set such instrument aside within 180 days from and after the effective date of this Ordinance.

Section 4. That original Section 24A-1 and 24A-3 and all sections or parts of sections in conflict herewith are repealed.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 28th Day of August, 1979.



President of the Council

ATTEST:



City Clerk

