

ORDINANCE RECORD

REDFIELD DIRECT E2401275KV

ORDINANCE NO. 1543

AN ORDINANCE TO AMEND SECTIONS 2.03, 3.02, 3.03, 3.04, 3.05, 3.08 AND ARTICLE 10 (SECTIONS 10.01 THROUGH 10.10) OF THE SUBDIVISION REGULATIONS ADOPTED BY ORDINANCE NO. 1211, AS PREVIOUSLY AMENDED; TO REPEAL SECTIONS 2.03, 3.02, 3.03, 3.04, 3.05, 3.08 AND ARTICLE 10 (SECTIONS 10.01 THROUGH 10.10) OF THE SUBDIVISION REGULATIONS ADOPTED BY ORDINANCE NO. 1211 AS PREVIOUSLY ENACTED AND AMENDED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR PUBLICATION AND THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Amendment of Section 2.03. Section 2.03 of the Subdivision Regulations adopted by Ordinance No. 1211, as previously amended, is hereby amended to read as follows:

Section 2.03 General Provisions; Powers.

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the City Council and the City Council has approved the final plat; or in the case of an administrative plat, approval by the Community Development Director.

Amendment of Section 3.02. Section 3.02 of the Subdivision Regulations adopted by Ordinance No. 1211, as previously amended, is hereby amended to read as follows:

Section 3.02 Procedure for Approval of Preliminary Plat.

3.02.01 Before any subdivider contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of La Vista or which is within the extraterritorial jurisdiction of the City of La Vista the subdivider or subdivider's representative shall file a preliminary plat of said subdivision with the City of La Vista. The preliminary plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to city staff prior to any grading. The construction of infrastructure shall not commence until approval of the final plat and approval of the infrastructure plans. The City shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.

3.02.02 All plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.

3.02.03 One full-sized digital copy in PDF format of the preliminary plat and required supplementary material as specified in Section 3.03 of this ordinance shall be submitted in accordance with the review schedule.

3.02.04 The Planning Commission will consider the preliminary plat and will:

1. Review the preliminary plat and other material submitted for conformity thereof to this ordinance,
2. Review any recommendations of the school district and other entities, and
3. Recommend changes deemed advisable and the kind and extent of improvements to be made by the subdivider.

The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.

3.02.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.

3.02.06 The City Council may (a) concur with the Planning Commission's recommendation; (b) reverse the Planning Commission's recommendation; or (c) refer the preliminary plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; (d) approve with some modification from the Planning Commission's recommendation.

3.02.07 Approval of a preliminary plat shall not constitute approval of the final plat. Rather, the preliminary plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of

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the final plat. Approval of the preliminary plat shall become void after twelve (12) months from the date of such approval by City Council. The City Council may provide for an extension however such extension shall not exceed one year. If no final plat has been filed or a final plat of previously proposed phases has not been filed within the original twelve (12) months, or by the end of the extension, the preliminary plat will become void.

3.02.08 The filing fee for the preliminary plat shall be in accordance to the City's Master Fee Schedule.

Amendment of Section 3.03. Section 3.03 of the Subdivision Regulations adopted by Ordinance No. 1211, as previously amended, is hereby amended to read as follows:

Section 3.03 Preliminary Plat Specifications.

The preliminary plat shall be drawn to a scale of at least one inch (1) to one hundred feet (100'), or as approved by the City Engineer, with a sheet size not to exceed 42" x 30" and shall be plainly marked "preliminary plat" and shall include, show, or be accompanied by the following information, unless deviations are required by the City Engineer, Community Development Director, or his/her designee:

3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.

3.03.02 Both existing and proposed grades, with contours at intervals of five (5) feet or less.

3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.

3.03.04 The proposed name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.

3.03.05 The proposed names and addresses of the owner and subdivider and the engineer or surveyor (licensed to practice in Nebraska) responsible for the subdivision layout.

3.03.06 The legal description of the area being platted, boundary lines and dimensions, the location of monuments found or set, section lines, and acreage of the proposed development.

3.03.07 Width and location of platted streets and alleys within 200 feet of the property, physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision, the location of all existing utilities with their sizes indicated, as well as flow lines, elevations of existing sanitary and storm sewer, and the outline of wooded areas (the location of important individual trees may be required).

3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land.

3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and land proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.

3.03.10 The location and width of proposed streets, all easements including buffer easements, rights-of-way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.

3.03.11 When wetlands and jurisdictional waterways exist, or are believed to exist, provide a delineation prepared by a qualified environmental specialist.

3.03.12 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.

3.03.13 All established floodway, flood fringe, and flood plain overlay lines.

3.03.14 The existing zoning classification, building setback lines, and proposed uses of land within the proposed subdivision.

3.03.15 A digital copy in an editable format, of a subdivision agreement with itemized cost estimates for infrastructure improvements with proposed allocation of costs between sources of funding, letter size exhibits setting forth size and location of infrastructure improvements, and a digital copy of full-size exhibits setting forth size and location of infrastructure improvements. The draft subdivision agreement shall include a statement of the estimated Storm Water Management Fees in accordance with Chapter 154 of the City Code to be generated through ultimate development of the subdivision. Draft subdivision agreements shall be required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements. Draft

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subdivision agreements may be required in other cases as determined by the City.

3.03.16 A digital copy of an erosion control plan.

3.03.17 Requests for waivers of design standards, if any.

3.03.18 The subdivider or subdivider's representative shall be in attendance at the Planning Commission and City Council meetings when the preliminary plat is discussed.

3.03.19 A traffic impact analysis may be required by the city engineer.

3.03.20 A digital copy of the following documents is to be submitted to the City for review at the time of the preliminary plat submittal:

1. A sanitary sewer plan.
2. A surface storm drainage plan including provisions for water quality improvements to the first one-half inches (0.5") of runoff from the site and to reduce stormwater discharge rates after development of the site to pre-development conditions for the 2-year return frequency storm event measured at every drainage outlet (stormwater discharge).
3. A street profile plan with a statement of proposed street improvements.

A Post-Construction Storm Water Management Plan, as provided in Chapter 154 of the City Code, with a proposed implementation schedule or sequence of phased construction, and proposed maintenance, inspection and operation procedures for the proposed BMP's. A draft Maintenance Agreement and Easement shall be included with this submittal.

Amendment of Section 3.04. Section 3.04 of the Subdivision Regulations adopted by Ordinance No. 1211, as previously amended, is hereby amended to read as follows:

Section 3.04 Procedure for Approval of Final Plat.

3.04.01 The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.

3.04.02 The final plat shall be submitted in accordance with the review schedule to the city for Planning Commission and City Council review.

3.04.03 A digital copy in PDF format of the final plat and required supplementary material as specified in Section 3.05 of this ordinance, or as determined by the Community Development Director, shall be submitted in accordance with the review schedule.

3.04.04 Upon approval of the final plat, a certification of approval by the City shall be endorsed thereon by the mayor and the Planning Commission chair, and the original shall be filed with the Sarpy County Register of Deeds, with additional plats filed as required by the city or county.

3.04.05 Final approval by the City Council shall be by resolution after receiving the recommendation of the Planning Commission.

3.04.06 Approval of the final plat shall become null and void ninety (90) days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds. It shall be the responsibility of the subdivider to furnish the Community Development Department documentation of compliance within the (90) day period. A thirty (30) day extension may be granted by the City Council upon written request of the subdivider and submittal of the required fee. The filing fee for the final plat shall be in accordance to the City's Master Fee Schedule.

Amendment of Section 3.05. Section 3.05 of the Subdivision Regulations adopted by Ordinance No. 1211, as previously amended, is hereby amended to read as follows:

Section 3.05 Final Plat Specifications.

After approval of the preliminary plat by the City Council, the subdivider shall prepare and submit to the city a final plat prepared by a registered land surveyor for recording purposes and shall submit in conformance with the approved preliminary plat drawn to a scale of at least one (1") inch to one hundred (100) feet, with a sheet size not to exceed 42"x30" accompanied by the following information unless deviations are approved or required by the City Engineer, Community Development Director, or his/her designee:

3.05.01 Name of subdivision designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.

3.05.02 North arrow and graphic scale.

3.05.03 Lot layout, street names, location and rights-of-way width for all streets within or abutting the plat shall be shown, and adjacent subdivisions.

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3.05.04 An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the Measurement Specifications and Positional Tolerance described under the Technical Minimums section of the "Minimum Standards For Surveys," adopted by the Nebraska State Board of Examiners for Land Surveys.

3.05.05 Fractional lines and corners of the government, township, and section surveys shall be approximately labeled and dimensioned as applicable to the plat.

3.05.06 Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.

3.05.07 Bearings, based on assumed meridian approximating north, of all boundary lines or internal angles of all angle points on the boundary shall be shown.

3.05.08 The minimum unadjusted acceptable error of closure for any portion of the plat shall be 1:7,500.

3.05.09 3.05.09 Location of lots including square footage of each lot for lots other than single family residential, streets, public highways, alleys and other property features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.

3.05.10 All distances shall be shown in feet to the nearest one-hundredth (1/100) of a foot.

3.05.11 A notarized dedication signed and acknowledged by all parties having any titled interest in or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes as per Section 10.01. If no mortgage holders, provide a statement to that effect from a title company.

3.05.12 A block for the certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per Section 10.07.

3.05.13 A block for the approval of the Planning Commission as per Section 10.03.

3.05.14 A block for the approval of the City Council to be signed by the Mayor and attested to by the City Clerk as per Section 10.04.

3.05.15 A legal description including total acreage.

3.05.16 A block / space for Certificate of County Register of Deeds as per Section 10.05.

3.05.17 A block for review by Sarpy County Public Works as per Section 10.06.

3.05.18 A block for the approval of the lending institution as per Section 10.10, if applicable.

3.05.19 A block for surveyors certification as per Section 10.02.

3.05.20 A digital copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.

3.05.21 After the approval of the City Council, signed and notarized Mylar copies, in count, size, and format as determined by the Community Development Department, shall be submitted to the City for final signatures.

3.05.22 Plat boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev. Stat. §86-1601 to 86-1606, except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States feet and decimals of a foot shall be required pursuant to Neb. Rev. Stat. §86-1603. State Plane Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.

3.05.23 Statement of estimated costs and financial assumptions for any possible sanitary and improvement district (SID) connection fees.

3.05.24 Financial data showing cost of all public improvements. Costs to be itemized and all soft costs to be itemized and funding sources identified as to general obligation, special assessment, and private and if City, SID or other form of public debt is to be incurred, the data must include a breakdown for each type of improvement showing detailed quantities and costs to be specially assessed or otherwise to be borne by the subdivider and those costs proposed not be borne by special assessment or otherwise borne by the subdivider (the latter sometimes referred to as "General Obligation").

3.05.25 Preparation of an acceptable subdivision agreement prior to City Council action.

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3.05.26 Waivers being requested, if any.

3.05.27 The final plat shall then be submitted to the City Council for approval and adoption prior to the start of construction of public or private infrastructure improvements.

Amendment of Section 3.08. Section 3.08 of the Subdivision Regulations adopted by Ordinance No. 1211, as previously amended, is hereby amended to read as follows:

Section 3.08 Administrative Plats

3.08.01 The intent of this section is to provide for lot splits and lot consolidations which result in lots divided or combined into not more than two (2) lots without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. Consolidation of ten (10) or fewer lots into not more than two (2) lots may be permitted without having to replat, provided requirements of section 3.09.03 are not warranted. City staff shall review the administrative plat application and make a final determination.

3.08.02 Requests for an administrative plat approval shall be made by the subdivider or a designated representative of the land to the city staff. The administrative plat shall include the following:

1. A survey of the lot(s),
2. Location of all existing structure(s),
3. Location and dimensions of the proposed administrative plat,
4. A block for Acknowledgment by Notary as per Section 10.01,
5. A block for Surveyors Certification as per Section 10.02,
6. A block / space for Certificate of County Register of Deeds as per Section 10.05,
7. A block of review from the Sarpy County Public Works as per Section 10.06,
8. A block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per 10.07,
9. A block for the approval of the City as per Section 10.08,
10. A block for the approval of the lending institution as per Section 10.10, if applicable.
11. Size and number of copies as required by the City.

3.08.03 Disapproval of administrative plat shall be based on the following guidelines:

1. A new street or other right-of-way is needed or proposed,
2. Vacations of streets, access control or easements (unless certain easements are determined by city staff to be unnecessary and for which proper release from the corresponding utility companies have been made and filed) are required or proposed,
3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.,
4. There is less street right-of-way than required by this ordinance or the Comprehensive Development Plan,
5. All easement requirements have not been satisfied,
6. The administrative plat will result in a tract without direct access to a street,
7. A substandard-sized lot or parcel will be created,
8. The lot has previously been through two (2) consecutive instances of the administrative plat process of either the City or the County.

3.08.04 No administrative plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements are involved, and such subdivision complies with the Zoning Ordinance requirements concerning minimum lot areas and dimensions of such lots.

3.08.05 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's Office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.

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3.08.06 The filing fee for the administrative plat shall be in accordance to the City's Master Fee Schedule.

3.08.07 After approval from the city staff, signed and notarized Mylar copies, in count, size, and format as determined by the Community Development Department, shall be submitted to the City for final signatures. Approval of the plat shall become null and void ninety (90) days from the date of the Community Development Director's approval if the subdivider does not file the plat with the Register of Deeds. One copy of the recorded plat shall be filed with the City. A thirty (30) day extension may be granted by the Community Development Director upon written request of the subdivider and submittal of the required fee.

Amendment of Article 10 (Sections 10.01 through 10.10). Article 10 (Sections 10.01 through 10.10) of the Subdivision Regulations adopted by Ordinance No. 1211, as previously amended, is hereby amended to read as follows:

Article 10: Certification and Dedication Statements

Section 10.01: Acknowledgement of Notary

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF SARPY

On the _____ day, of _____ 20____, before me, the undersigned Notary Public, duly commissioned and qualified in aforesaid county personally appeared _____, known by me to be the identical person whose name is affixed to the dedication on this plat and acknowledged the execution thereof to be his/her voluntary act and deed as said _____.

WITNESS my hand and Notarial Seal the day and year last above mentioned.

(SEAL)

Notary Public

Section 10.02: Surveyor's Certification

SURVEYORS CERTIFICATION:

I _____ (Your Name) _____, Nebraska Registered Land Surveyor No. _____, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyors Regulation Act in effect at the time of this survey.

(Your Signature) _____ Date: _____

(Your Name Printed)

Nebr. Reg. L.S. No. XXX

(seal)

Section 10.03: Approval of La Vista City Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF LA VISTA, NEBRASKA

This plat of _____ was approved by the La Vista Planning Commission this _____ day _____ 20____

Chairperson, La Vista Planning Commission

Section 10.04: Acceptance by La Vista City Council

ACCEPTANCE BY LA VISTA CITY COUNCIL OF

This plat of _____ was approved by the City Council of the City of La Vista, Nebraska on this _____ day _____ 20____, in accordance with the State Statutes of Nebraska.

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Mayor

(City of La Vista SEAL)

ATTEST _____
City Clerk

Section 10.05: Acceptance by Sarpy County Register of Deeds

A 5" x 2 1/2" space in the upper right hand corner to allow for the placement of a recording "sticker".

Section 10.06: Review by Sarpy County Public Works

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF _____, WAS
REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY
OF _____, 20_____.

_____ COUNTY SURVEYOR/ENGINEER

Section 10.07: County Treasurer's Certifications

COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

County Treasurer _____
(SEAL)

_____ Date

Section 10.08: Administrative Plat Approval

APPROVAL OF CITY OF LA VISTA

This Administrative Plat was approved by the City of La Vista this _____ Day of
_____, 20_____.

City Clerk _____

Mayor _____

(City of La Vista SEAL)
Community Development Director

Section 10.09: Owners Certification

OWNERS CERTIFICATION

I/we the undersigned _____ owner(s) of the real estate shown and
(names)

described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivided, said real estate in accordance with this plat. This subdivision shall be known and designated as _____, an addition to the City of La Vista, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the City). All Streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: _____.

There are strips of ground shown or described on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of utility or City to install, repair, replace and maintain its installations.

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(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

Signature

Signature

Section 10.10: Lien Holder Consent

The undersigned holder of that certain lien against the real property described in the plat known as _____ (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Sarpy County, Nebraska as Instrument No. _____ (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the lien and has not assigned the lien to any other person.

(Name of lien holder)

By: _____

(Print the Name of Individual)

Title: _____

Repeal of Sections 2.03, 3.02, 3.03, 3.04, 3.05, 3.08 and Article 10 (Sections 10.01 through 10.10) of the Subdivision Regulations Adopted by Ordinance No. 1211, as Previously Enacted and Amended. Sections 2.03, 3.02, 3.03, 3.04, 3.05, 3.08 and Article 10 of the Subdivision Regulations adopted by Ordinance No. 1211, as previously enacted and amended, are hereby repealed.

Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Publication and Effective Date This ordinance shall be published in a legal newspaper in or of general circulation within the city, or book, pamphlet or electronic form and take effect as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF MARCH 2025.

ATTEST:

Rachel D. Carl, CMC
City Clerk



CITY OF LA VISTA

Douglas Kindig, Mayor

