

ORDINANCE NO. 2008-11

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74, ARTICLE III PLAT REVIEW AND SUBMITTAL REQUIREMENTS, SEC. 74-104(17) FINAL PLAT SUBMISSION REQUIREMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Chapter 74, Article III, Sec. 74-104(17) of the Wayne Municipal Code is amended to read as follows:

Sec. 74 Final Plat Submission Requirements

(a) *Generally.*

- (1) Final plats shall be submitted to the zoning administrator within one year of approval of the preliminary plat unless an extension is granted by the planning commission. The final plat shall conform to the approved preliminary plat and any conditions of such approval and to the requirements of all applicable ordinances and the requirements of this chapter.
 - (2) If desired by the subdivider, the final plat may constitute only a portion of the area contained in the approved preliminary plat which the subdivider proposes to record and develop.
 - (3) The subdivider shall submit a complete application at least 15 days prior to the next meeting of the planning commission at which the request is to be heard.
 - (4) Upon submission of the application, the zoning administrator shall check it for completeness. If complete, the application shall be docketed for hearing at the next planning commission meeting. If the application is incomplete, the zoning administrator shall not docket the application for hearing and shall notify the subdivider that the application is incomplete and specify what additional data is needed. The zoning administrator shall notify the subdivider of any incompleteness within seven working days of the date of filing of the application. If the additional data is not provided to the zoning administrator at least 15 days prior to the planning commission meeting, such application shall not be docketed for such meeting but shall be docketed for the next following planning commission meeting.
- (b) *Final plat fees.* A final plat review fee shall accompany the application. Such fee shall be in accordance with the schedule of fees adopted by the council.
- (c) *Final plat information.* The subdivider shall prepare and submit a final plat at a scale of not less than one inch equals 100 feet. The plat shall be prepared under the supervision of and certified by a registered state land surveyor. The plat, including all signatures, shall be drawn with permanent black ink on reproducible mylar. The final plat of a subdivision shall show, or be accompanied by the following information:
- (1) Two reproducible mylar copies of the plat.

- (2) Copies of the plat and one reduced copy of the plat which is 8 1/2 inches by 11 inches or 8 1/2 inches by 14 inches. Scale one inch equals 200 feet.
- (3) Name of the proposed subdivision.
- (4) Name of the owner of the subdivision.
- (5) Name of the land planner, surveyor or engineer who prepared the final plat.
- (6) Date, north arrow and graphic scale.
- (7) Location by specific legal description indicating boundary lines with accurate lengths, angles and bearings, based upon an accurate traverse. These boundary lines shall be determined by a balanced and closed survey conducted in the field.
- (8) Tract boundary lines, rights-of-way of all streets, alleys and other rights-of-way, property lines of all lots and other sites with dimensions given in feet and hundredths.
- (9) Location, dimensions in feet and hundredths of all easements, together with the purpose of each.
- (10) Radii, central angles, tangents, lengths of arcs, curvature angles at street intersections and a complete street traverse of each street within and on the perimeter of the plat.
- (11) If an area is subject to flooding, the minimum floor elevation for each lot subject to such flooding.
- (12) Accurate location, size, type and material of all monuments, an indication whether such monuments were found or set, and the elevation of at least one such monument.
- (13) All lot and block numbers.
- (14) Building setback lines.
- (15) Accurate outlines of any area to be dedicated or reserved for public use or acquisition with the purposes indicated. Any areas to be reserved by covenant or deed restriction for the common use by the owners in the subdivision shall also be noted.
- (16) Certification and signature by the surveyor certifying to the effect that the final plat accurately represents a survey made by him and under his direct supervision, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown actually exist or will be installed and their position is correctly shown, and that all dimensional and geodetic data are correct.
- (17) Certification signed and notarized by all parties holding title or having any title interest in the land contained in the final plat and consenting to the preparation and recording of the plat as submitted and consenting to all dedications noted. ***A registered abstractor or title insurance agent must perform the title search for any parties holding title or having any title interest.***
- (18) Certification of approval of the final plat by the planning commission.

- (19) Certification of approval of the final plat by the council.
- (d) *Final plat construction plans and specifications.*
 - (1) The subdivider shall submit construction plans and specifications in accordance with the requirements for all improvements and installations required by this chapter.
 - (2) The construction plans and specifications shall consist of all cross sections, profiles and all other engineering data necessary for the proper design and construction of all improvements and installations required by this chapter, including but not limited to the following:
 - a. Streets.
 - b. Storm sewers and other elements of the drainage system.
 - c. Sanitary sewer system.
 - d. Water system.
 - e. Monuments and markers.
 - f. Sidewalks and pedestrian ways.
 - g. Any construction elements peculiar to the subdivision.
- (e) *Final plat engineering data.* The subdivision agreement shall require that all final engineering plans and specifications for improvements be furnished by the subdivider to the city for approval prior to contracting for construction of any improvements.
- (f) *Final plat; approval; procedure.*
 - (1) No approved final plat shall be released by the city clerk until a subdivision agreement shall have been entered into between the subdivider and the city. The city attorney shall prepare such agreement with the assistance of the city administrator and zoning administrator.
 - (2) The agreement shall provide for the needs of the subdivision, including but not limited to pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading, waste treatment, and open space requirement. Security may be required to ensure performance under the agreement.
- (g) *Final plat application acceptance or refusal.*
 - (1) Upon submittal of the final plat, the zoning administrator shall review the plat to ensure all data required has been provided. The zoning administrator shall have the right to refuse the submittal of the plat should the required data not be shown or presented.
 - (2) The zoning administrator shall distribute one copy of the final plat along with a request for comments, to be returned within five working days, to each of the following:
 - a. City utility departments.

- b. City police department.
- c. City fire department.
- d. Any other department or agency that may be affected by the plat.
- (h) *Recommendation.* The zoning administrator shall then develop a recommendation, based on the department review meeting, and forward the recommendation and the final plat to the planning commission for their consideration at a regular meeting.
- (i) *Planning commission approval.* If the planning commission approves the final plat, the zoning administrator shall forward the planning commission's recommendation and the final plat to the council for their consideration at a regular meeting.
- (j) *Council action.* The council shall consider and act upon the planning commission's recommendations and shall approve or disapprove the final plat. In the event of disapproval, the council shall notify the planning commission and state specific reasons for disapproval, a copy of which shall be transmitted to the subdivider. If approved, final plat shall be filed with the county register of deeds' office.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 2nd day of September, 2008.

THE CITY OF WAYNE, NEBRASKA,

By _____

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney