

ORDINANCE NO. 2008-22

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74, ARTICLE VIII, DEDICATION OF LAND FOR PARK, RECREATIONAL FACILITIES OR OPEN SPACES, SECTION 74-293 FEES; 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 VIII, Section 74-293 of the Wayne Municipal Code is amended to read as follows:

Sec. 74-293 Fees.

The amount of land dedicated by a subdivider pursuant to this article shall be five percent of the land area comprising the total land area in the proposed subdivision as reflected in the final subdivision plat. If a subdivider so desires, the subdivider may elect to pay a fee in lieu of land dedication; provided, however, the city may reject the subdivider's election and require land dedication. Where a subdivider is required to pay a fee in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land comprising the total land area as indicated in the final subdivision plat. The amount of such fee shall be eight percent of the fair market value of the total land area comprising the proposed subdivision as indicated in the final subdivision plat. Fair market value shall be determined as of the time of filing the final plat in accordance with the following:

- (1) The fair market value as determined by the council based upon fair market value appraisals considering all of the uses and purposes for which it might reasonably be used; or
- (2) If the subdivider objects to the amount of valuation, the subdivider may, at its expense, obtain an appraisal of the ~~property~~ **land** based on the highest and the best use of the ~~property~~ **land** by a qualified real estate appraiser approved by the city, which appraisal may be accepted by the council if found reasonable; or
- (3) The city and the subdivider may agree as to the fair market value.

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 All Ordinances or parts of Ordinances in conflict herewith are repealed.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 4th day of November, 2008.

THE CITY OF WAYNE, NEBRASKA,

By _____

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney