

ORDINANCE NO. 2010-9

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE, CHAPTER 74, ARTICLE VIII, SECTION 74-293 FEES; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission, subsequent to a public hearing held April 5, 2010, 2009, recommended amending Section 74-293 Fees subject to the following “Findings of Fact”: Staff and Planning Commission recommendation.

Section 2. That Chapter 78, Article VIII, Section 74-293 of the Wayne Municipal Code is hereby amended to read as follows:

Section 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 donation. 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, except that **the park fee for new non-annexed, non-contiguous subdivisions, which are outside of the city limits, in the extraterritorial jurisdiction, and not fully served by city services, shall be one percent.** 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 land based on the highest and best use of the 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 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after the passage, approval, and publication as provided by law.

PASSED AND APPROVED this 4th day of May, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk