

ORDINANCE NO. 2198

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO PLATS AND SUBDIVISIONS; TO AMEND SECTIONS 11-306.01, 11-306.02, AND 11-306.03 OF THE CRETE MUNICIPAL CODE TO REQUIRE ALL PLATS BE OF A SIZE SUCH THAT THE COUNTY REGISTER OF DEEDS CLERK MAY AFFIX THEIR SEAL UPON THE FRONT OF THE PLAT AND REQUIRE THE TYPED NAME OF ALL KNOWN SIGNATORIES OF THE PLAT IN THE CITY OF CRETE, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That Chapter 11, Article 3, Section 11-306.01 of the Crete Municipal Code shall be amended as follows:

11-306.01 Preliminary Plat

- (1) *Pre-application Meeting.* A pre-application meeting between the developer and the City Administrator will be required prior to the submission of an application for approval of a preliminary plat. No application for preliminary plat approval will be accepted until after the pre-application meeting. The purpose of the pre-application meeting is to review regulations, policies, procedures and forms required by the City. The developer shall provide the following minimum information as part of a conceptual review sketch plan:
 - (a) The proposed layout of streets, lots, and utilities in relation to existing streets, utilities, topography, and other conditions, and
 - (b) A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions, community facilities in the area (such as streets, alleys, schools, and parks), commercial areas, and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.
- (2) *Plat Submission Requirements.* The subdivider shall submit physical and digital copies of the preliminary plat and any supplementary material required by the City with its written application for preliminary plat approval. Submitted plats must be of a size such that the county register of deeds clerk may affix their seal to the front of the plat without covering any information.
- (3) *Fees.* Filing and application fees shall be set forth in the City's Master Fee Schedule.
- (4) *Scale and Preliminary Plat Contents.* Preliminary plats shall be a scale of one inch to one hundred feet or one inch to two hundred feet if seventy-five (75%) percent of the lots are one acre or larger, and shall be prepared with the following information:
 - (a) Name, location, acreage, owner and designer of subdivision with legal description as shown by land records.
 - (b) Present zoning
 - (c) Date, north point and graphic scale.
 - (d) Location of property lines, roads, existing utilities with size of lines, and other underground installations and easements.
 - (e) Names of adjoining properties or subdivisions.
 - (f) Proposed utility system, including water, sewer and paving.
 - (g) Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded.
 - (h) Location of proposed drainage.
 - (i) Contours at intervals of two feet or five feet intervals at 1" = 200' scale.
 - (j) Proposed improvements and grading concepts.
 - (k) Location of existing buildings.

- (l) Proposed easements, dedications and reservations of land required.
- (m) Typed names of all known signatories of the plat, including, property owner, developer, surveyor, etc.
- (5) *Notification of Improvement Schedule.* Subdivider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter.
- (6) *Notification of County Planning Commission.* The City shall notify the County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given six weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.
- (7) *Notification of School Board.* At least ten days prior to the Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.
- (8) *Approval or Rejection.* After review of the preliminary plat and negotiations with the subdivider, the Planning Commission shall reject or conditionally approve the preliminary plat, within forty days after the official meeting at which the plat was considered.
- (9) *Recording of Action.* The action of the Planning Commission shall be noted on three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy relayed to the City Council and one copy retained by the Planning Commission.
- (10) *Approval is Conditional.* Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning commission and the City Council. Any conditional approval of the preliminary plat shall be effective for a period of one year unless an extension is granted by the Planning Commission.
- (11) *Installation of Improvements for Final Plat Approval.* Following approval of the preliminary plat, the subdivider shall:
 - (a) Agree to install the required improvements;
 - (b) Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or
 - (c) Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of the required improvements.

Section 2. That Chapter 11, Article 3, Section 11-306.02 of the Crete Municipal Code shall be amended as follows:

11-306.02 Final Plat

- (1) *Final Plat Submission Requirements.* Final plats, showing entire concept, shall be submitted to the City Clerk 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 preliminary plat as approved and to the requirements of all applicable ordinances and State statutes; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; Provided, however, that such portion conforms to all requirements of these regulations.

- (2) *Scale and Final Plat Contents.* One original and two Mylar copies of the final plat, of a size such that the county register of deeds clerk may affix their seal to the front of the plat without covering any information, and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on mylar and shall be at a scale of one inch to one hundred feet (1" = 100') or larger. The final plat shall show the following:
- (a) Date, title, name, and location of subdivision.
 - (b) Streets and street names, lots, setback lines, lot numbers, etc., except that in industrial type subdivision lot designation may be excluded.
 - (c) Graphic scale and north arrow.
 - (d) Monuments (ferrous) one inch diameter, maximum, thirty inches length minimum.
 - (e) Dimensions, angles and bearings, and complete legal description of the property.
 - (f) Sufficient survey date to reproduce any line on the ground.
 - (g) Names of adjoining subdivisions.
 - (h) Location and dimensions of any easements.
 - (i) Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
 - (j) Certification by surveyor as to accuracy of survey and plat.
 - (k) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
 - (l) Certification recording the approval of the Planning Commission.
 - (m) Certification recording the approval of the City Council.
 - (n) Typed names of all known signatories of the plat, including, property owner, developer, surveyor, etc.
- (3) *Supplementary Data Required.* The final plat shall be accompanied by:
- (a) Detailed construction plans of all required public improvements, approved by an engineer.
 - (b) Certificate by the City Clerk certifying that the subdivider has posted a bond or certified check which is available to the City, and in sufficient amount to complete all required public improvements as approved by an engineer.
- (4) *Professional Assistance.* The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.
- (5) *Planning Commission Recommendation.* The Planning Commission shall reject or approve the final plat and have prepared a recommendation to the City Council recommending rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or City Council shall be given to the subdivider within sixty days after submission of the final plat to the Planning Commission.

Section 3. That Chapter 11, Article 3, Section 11-306.03 of the Crete Municipal Code shall be amended as follows:

11-306.03 Administrative Subdivision

- (1) *Purpose.* In the event that a proposed subdivision does not involve the platting and dedication of streets, extension of utility systems, change in subdivision class and type, change in zoning district, change in surface drainage, and will not result in the creation of more than three lots of record, the subdivider may apply for administrative subdivision under the provisions of this section. The utilization of the administrative subdivision does not relieve the subdivider of its obligation to comply with sections 11-307 and 11-308. The necessity of establishing and dedicating easements for utilities shall not bar the utilization of the administrative subdivision.
- (2) *Application.* Application will be made to the City Council, and the City Council may act or may at their option refer the application to the Planning Commission. In the event it is referred to the Planning Commission, the procedures outlined under the final plat provisions shall be followed.
- (3) *Scale and Plat Contents.* The subdivider shall submit an original and eleven copies of the plat of a size such that the county register of deeds clerk may affix their seal to the front of the plat without

covering any information. The original shall be drawn in ink on tracing cloth, mylar, or similar material and shall be at a scale of 1" to 100' or larger. The plat shall contain the following:

- (a) Date, title, name, and location of the subdivision.
 - (b) Names and locations of abutting streets and lots identifying street names and lot and block numbers.
 - (c) Identification of the new lot and block numbers and set back lines.
 - (d) Graphic scale and true north point.
 - (e) Monuments.
 - (f) Dimensions, angles and bearings, and complete legal description of the property.
 - (g) Sufficient engineering data to reproduce any line on the ground.
 - (h) Location, dimensions, and purposes of any existing easements.
 - (i) Certification by surveyor or engineer certifying to the accuracy of the survey and plat.
 - (j) Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
 - (k) Typed names of all known signatories of the plat, including, property owner, developer, surveyor, etc.
- (4) *Supplementary Data Required.* The plat shall be accompanied by:
- (a) Protective covenants in form for recording if such are desired by the subdivider.
 - (b) For subdivisions adjoining or touching the boundaries of the Crete corporate limits; a tract or area for which annexation proceedings have commenced, an approved subdivision which touches or adjoins the Crete corporate limits, a petition signed by the owner or owners requesting annexation to the City.
 - (c) Utility easements signed by the owner or owners to permit all lots created access to all utilities available in the City, including but not limited to, sanitary sewer, storm sewer, water, electrical, telephone, and cable television.

Section 4. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 5. That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 6. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 7. That this ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval, and publications, as provided by law.

PASSED AND ENACTED the 2nd day of April, 2024.

Mayor

ATTEST:

City Clerk

Seal