

ORDINANCE NUMBER 292

An Ordinance to provide for the acceptance, layout, opening, improving, grading, paving, curbing, or lighting of any street, or the laying or authorizing of water mains or sewers or connections to be laid in any street within the city limits of the City of Gothenburg; to provide for the approval of same by the Governing Body thereof; to provide for specifications for installation, construction, and maintenance; to provide for the inspection thereof; to provide for the guaranteeing thereof by the subdivider for the completion of said improvements subject to the approval of the Governing Body; and to provide for the acceptance of said improvements by the Governing Body; to provide for the repeal of all ordinances in conflict herewith and to provide for an effective date.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA:

SECTION I. IMPROVEMENTS, UNAPPROVED STREETS. The

Municipality or County shall not accept, lay out, open, improve, grade, pave, curb, or light any street, or lay or authorize water mains or sewers or connections to be laid in any street, within any portion of the Planning Area unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of a public street, unless it corresponds with a street shown on the Comprehensive Plan or with a street on a subdivision plat approved by the Governing Body or otherwise acceptable to the Board of County Commissioners. However, the Governing Body or Board of County Commissioners may accept any street not shown on or not corresponding with a street on the Comprehensive Plan or on any approved subdivision plat or an approved street plat, provided the ultimate responsibility for

maintenance of said street be accepted by the adopting governmental body according to subsequent capital improvements program of said body.

SECTION II. IMPROVEMENTS; APPROVED STREETS. Streets

shall be constructed or reconstructed on approval of the respective level of government according to the following provisions:

- (a) Street Grading. Streets shall be graded, filled, excavated or constructed in accordance with specifications adopted by the Governing Body and approved by the Municipal Engineer.
- (b) Roadway Paving. Roadway surfacing widths shall be in conformance with the minimum standards as set forth in the Comprehensive Plan and Major Street Plan, subject to recommendation of the Municipal Engineer and approval by the Governing Body.
- (c) Streets not intended for paving shall have a minimum gravel surface thickness of not less than four (4) inches, or crushed rock surface thickness of not less than three (3) inches.
- (d) Street or alley pavement intersections shall be rounded by an arc, the minimum radius shall be twenty (20) feet or the shortest distance from pavement to the nearest property line. Where streets meet at acute angles, the foregoing minimum radius shall be increased based on a review by the Municipal Engineer.
- (e) The paved area in a cul-de-sac shall be constructed with a radius of not less than forty (40) feet measured to the face of the curb or to the edge of the pavement.
- (f) Higher standards for the pavement of streets serving commercial and industrial areas may be required.
- (g) Curbs. Curbs shall be required on all major and collector streets. A standard curb section or integral curb and gutter section shall be constructed in accordance with standards and specifications adopted by the Governing Body. This provision may be waived by the City Council.
- (h) Gutters. Gutters shall be required on all local streets. The standard gutter section shall be constructed in accordance with standards and specifications as adopted by the Governing Body. This provision may be waived by the City Council.

excess of the subdivision design needs and mutually establish with the subdivider, a prorated distribution cost to be shared by the Municipality or other persons and the subdivider. Where a public sanitary sewer is not accessible, each lot in the subdivision shall be serviced by either a disposal plant system or a septic tank with proper provision for the maintenance thereof. Any lot so serviced shall have a minimum area of ten thousand (10,000) square feet. The design and location of either system shall be subject to the approval of the State Department of Health or County Health Officer, whichever is applicable. Where it is feasible and practical for an adequate sewerage disposal system to be made available for every lot, the subdivider shall present evidence to this effect and include deed restrictions on the final plat requiring any such individual sewerage disposal system to comply with the requirements of the State Department of Health.

#### SECTION V. IMPROVEMENTS; STORM DRAINAGE. Adequate

provision shall be made for the drainage of storm water subject to the approval of the State Department of Health or County Health Officer, whichever is applicable. Storm sewers shall be installed prior to the installation of the street pavement. The Governing Body may require the installation of storm sewer lines which are in excess of the subdivision design needs and mutually establish with the subdivider a prorated distribution cost to be shared by the Municipality, County, or other persons and the subdivider. Where a natural watercourse intersects a street or bridge, a culvert shall be installed and constructed in accordance with the standards and specifications adopted by the Governing Body. Driveway culverts shall be installed on major, collector, and local streets at no expense to the Municipality when no curb and gutter is required. Such culverts

shall have a minimum length of twenty (20) feet, and shall be constructed in accordance with the standards and specifications adopted by the Governing Body. Whenever drainage ditches are used, such ditches shall retain natural topographic characteristics and be so designed that they do not present a hazard to health, safety, life, or property. Drainage improvements shall maintain any natural water flow.

Adequate storm drainage system may be required in accordance with the existing system.

SECTION VI. IMPROVEMENTS; SIDEWALKS. Sidewalks shall be installed by the subdivider on at least one side on all residential streets upon which houses face and sidewalks shall be required on both sides of the streets in a commercial district. All sidewalks shall be not less than four (4) feet in width, of portland cement concrete and shall comply with the specifications of the city. Sidewalks shall be located in the platted street right-of-way, one (1) foot from the property line. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission. All required walks shall be installed concurrent with the lot development.

SECTION VII. IMPROVEMENTS; FIRE HYDRANTS. Fire hydrants shall be placed so that no lot in a residential subdivision is more than six hundred (600) feet from two (2) fire hydrants, the distance to be measured along street lines, provided water mains are available. The Governing Body in the Municipality may require special spacing in commercial and industrial districts.

SECTION VIII. IMPROVEMENTS; PARKS AND PUBLIC AREAS. In subdividing property, due consideration shall be given by the subdivider and the Commission to the reservation of suitable sites for schools, parks, playgrounds and other public uses in conformance with the recommendations of the comprehensive regional plan.

SECTION IX. IMPROVEMENTS; RESTRICTIVE COVENANTS. The

subdivider may at his own expense, restrict the use of such premises as are contained in a subdivision plat by means of restrictive covenants, provided that such restrictive covenants are reviewed by the Municipal Engineer and approved by the Governing Body. Any such covenants shall be included as deed restrictions on the final plat.

SECTION X. IMPROVEMENTS; MONUMENTS. All subdivision

boundary corners, point of curvature, angles, and intersections of street centerlines shall be marked with permanent monuments subject to approval by the Municipal Engineer. Monuments shall be of concrete at least four (4) inches in diameter or square, three (3) feet long, with a flat top. The top of the monument shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the finished grade. All lot corners shall be marked with metal pins not less than one-half inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. Installation of monuments and pins shall be certified by a surveyor. Where circumstances prohibit the installation of monuments or pins at the time of filing the final plat, a written certification by the owner shall be included on the plat stating that no lot will be sold until the monuments or pins are placed by a surveyor. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.

SECTION XI. IMPROVEMENTS; PLANTING. Trees or shrubs may be planted within the street right-of-way or utility or drainage easements, where approved by the Governing Body or Board of County Commissioners. Plantings and fences at intersections shall be so located as to maintain adequate sight distance. A screen planting of not less than ten (10) feet in width prohibiting

vehicular access may be required at the rear of all double frontage lots and along expressways, freeways, and major streets. A planting plan of shrubs and trees for such screen planting shall be submitted for approval with the plat.

SECTION XII. IMPROVEMENTS; LAND PREPARATION AND PREVENTION

OF EROSION. The cut, fill and compaction of land within, and if applicable, adjacent to the plat, shall be accomplished in accordance with design standards of the city and subject to the approval of the City Engineer. In order to prevent erosion, graded land shall be planted to vegetation and maintained in such a manner so as to prevent erosion.

SECTION XIII. IMPROVEMENTS; OTHER IMPROVEMENTS. The

Governing Body or Board of County Commissioners may require the installation of other recommended improvements, constructed in accordance with standards and specifications as approved and adopted by each group.

SECTION XIV. IMPROVEMENTS; CONSTRUCTION INSPECTION.

Inspection shall be required for sanitary sewerage system, storm sewers, curbs, gutters, subgrade, pavement and sidewalks, and other improvements as required. The Municipal Engineer or other appropriate official shall be the inspector and be responsible for the inspections. The subdivider shall notify the Municipal Engineer one (1) week prior to the start of the construction. Upon completion of the improvements, the subdivider shall notify the Inspector in writing pursuant to this Article.

SECTION XV. IMPROVEMENTS; CONSTRUCTION SPECIFICATIONS.

All related subdivision improvements shall also be constructed in accordance with the standards and specifications of the State of Nebraska, where applicable.

SECTION XVI. IMPROVEMENTS; CONSTRUCTION GUARANTEE. The

subdivider shall provide one of the following guarantees for the completion of improvements subject to approval by the

Governing Body according to the following procedures:

(a) Subdivision Bond. The subdivider shall post with the Governing Body a bond or other security acceptable to the Governing Body, equal to the Municipal Engineer's approved estimate of the cost of construction, in favor of the Governing Body, guaranteeing satisfactory completion of all improvements whether within the Municipality or the Planning Area, in a period not exceeding two (2) years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Nebraska, or other security acceptable to the Governing Body.

(b) Cash Bond. The subdivider shall deposit in cash with the Governing Body an amount equal to the Municipal Engineer's approved estimate of the cost of construction of all improvements. Progress payments may be made to the subdivider or his contractor, as work progresses on the written order of the Municipal Engineer.

(c) Special Assessments. In the case of partially dedicated streets, streets not wholly within the proposed subdivision, or streets where other adjacent property owners are involved, the subdivider may petition the Governing Body or Board of County Commissioners to have the necessary improvements constructed and assessments levied against the property.

(d) Guarantee Certificate. A final plat shall contain a guarantee by the subdivider that he will complete at his own expense all required improvements in accordance with approved plans and specifications within a period of two (2) years after approval of the final plat.

SECTION XVII. IMPROVEMENTS; ACCEPTANCE. The subdivider

upon completion of all the improvements shall request in writing a final inspection by the Municipal Engineer. The Inspector shall make a final inspection of all streets, utilities, and other improvements as required. The Governing Body or Board of County Commissioners, whichever is applicable, may by resolution accept streets, easements, other public lands, sanitary sewerage facilities and other improvements after receipt of a written notice of a satisfactory final inspection and the posting of a maintenance guarantee by the subdivider.

SECTION XVIII. SEVERABILITY. If a Court of any competent jurisdiction shall determine that any portion of this ordinance

shall be invalid for any reason, said invalidities shall not effect any other portion of this ordinance, and all other portions of this ordinance shall remain in full force and effect.

SECTION XIX. REPEAL OF PRIOR ORDINANCES. All existing ordinances or portions thereof in conflict herewith are hereby repealed.

SECTION XX. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed this 19<sup>th</sup> day of Oct, 1976.

CITY OF GOTHENBURG, NEBRASKA

BY: John J. Gallagher  
Mayor

ATTEST:

Marcia F. Adams  
City Clerk

APPROVED AS TO FORM:

Stanley J. ...  
City Attorney