

ORDINANCE NUMBER 321

An Ordinance to amend the provisions for guaranteeing the completion and payment of improvements by a Subdivider, and the acceptance thereof by the City Council.

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

SECTION I. That Sections XVI and XVII of Ordinance 292 of the City of Gothenburg be amended to read as follows:

SECTION XVI. Improvements, Platting Procedure. The Subdivider shall submit to the City Administrator five (5) copies of the preliminary plat and supplemental material regarding improvements with written application for conditional approval. Said complete submittal shall occur at least fifteen (15) days prior to the regular meeting of the Planning Commission at which the request will be heard. Any proposed zoning charge, special use permits, or restrictive covenants shall be included in the supplemental material.

If, upon hearing, the Planning Commission shall find such proposed plat to satisfy the requirements of the Ordinances of the City of Gothenburg, it shall approve said plat and recommend final approval by the Council upon complying with the requirements for the submission of a final plat.

If, upon hearing, the Commission shall find that such proposed plat does not satisfy the requirements of the Ordinances of the City of Gothenburg, it shall specify in writing in the minutes of the hearing such objections as are found to such plat and may recommend the disapproval of such proposed plat, or recommend approval conditioned upon specific changes in the proposed plat, and removal of such objections.

The action of the Planning Commission shall be noted on three (3) 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 Council, and one copy retained by the Planning Commission.

Approval of a preliminary plat shall not constitute approval of the final plat. Rather, 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 City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

Section XVII. Improvements; Construction Guarantee; Acceptance. Following approval of a preliminary plat, the Subdivider shall be directed by the Council, at the Council's option, to do one or more of the following:

- 1) Agree to install the required improvements or,
- 2) Sign an agreement, which shall be entered into only at the City's option, to have the subject property included within an assessment district, such that the City may construct the improvement or improvements and assess the cost thereof against the property benefited.
- 3) Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation and payment of the required improvements by the Subdivider for those improvements which the Subdivider is required to install, and payment by the Subdivider for those improvements the City agrees to install or construct.

Final plats shall be submitted to the City Administrator within one (1) 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 laws; and, if desired by the Subdivider, it may constitute only that portion of the approved preliminary plat which he/she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of the Ordinances of the City of Gothenburg.

Submittal of any portion of the approved area shall be interpreted as satisfying the one (1) year submission requirement.

Application for approval of the final plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting at which it is to be considered.

When the final plat has been approved by the City Council and the Ordinance accepting said final plat becomes effective, the final plat and a copy of the Ordinance accepting said final plat, certified by the City Clerk, along with all agreements required, shall be filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and thereupon such final plat shall be equivalent to and operate as a deed in fee simple to the City or Dawson County or other applicable utility or governmental entity from the owner of all streets, alleys, public ways and grounds, and of such portions of land as are set apart for public and city use.

SECTION II. That the original Section XVI and XVII and any other Ordinance passed and approved prior to the passage, approval and publication or posting of this Ordinance and in conflict with its provisions, is hereby repealed.

SECTION III. This Ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and approved this 10th day of May, 1977.

CITY OF GOTHENBURG, NEBRASKA

BY: Robert H. Kollegger
Mayor

ATTEST:

Navia J. Jokers
City Clerk

APPROVED AS TO FORM:

Steve Anderson
City Attorney