

ORDINANCE NO. 816

AN ORDINANCE AMENDING ARTICLE 7 OF THE GOTHENBURG SUBDIVISION REGULATIONS, SECTIONS 710 THROUGH 740 INCLUSIVE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Article 7 of the Subdivision Regulations of the City of Gothenburg are hereby repealed.

Section 2. The following regulations are hereby adopted as Article 7 of the Gothenburg Subdivision Regulations, to wit: ARTICLE 7

ADMINISTRATIVE SUBDIVISION

710 Administrative Subdivision Defined: The administrative subdivision procedure shall be available to make minor adjustments to previously platted lots. It shall not be used in any manner that substitutes for or circumvents compliance with subdivision laws or regulations. An administrative subdivision may consist of dividing one lot into two or more parts, combining two or more lots (or parts of lots) into one parcel, or a combination thereof. Transactions or conveyances classified as administrative subdivision are hereby deemed not to constitute "subdivision development." For the purposes of this article the subdivider may apply for subdivision approval as an administrative subdivision if the following conditions are met:

- A. The administrative subdivision does not contain more than three lots, except as provided for in subsection (F) below.
- B. The administrative subdivision fronts on an existing city street, does not involve any new street, road or easement, or the extension of municipal facilities or the creation of any public improvements.
- C. The administrative subdivision would not require the vacation or dedication of any easements.
- D. The administrative subdivision does not adversely affect the remainder of the parcel or adjoining property.
- E. The administrative subdivision is not in conflict with any provisions of the comprehensive plan, zoning regulations, or these regulations.
- F. The administrative subdivision may contain more than three lots with the agreement of the zoning administrator, city engineer and city administrator.

720 Administrative Approval: The city administrator or designee shall have the right to approve administrative subdivision plats as defined herein at section 710. The city administrator or designee may approve an administrative subdivision plat if the following conditions are met:

- A. In the opinion of the zoning administrator, city engineer and city administrator the administrative subdivision would not require the dedication of additional public right-of way.
- B. The proposed subdivision has not been previously denied by the city council.
- C. A separate site plan has been prepared under supervision of, and certified by, a registered State of Nebraska Land Surveyor. The site plan shall be a survey of the lots to be subdivided and abutting lots. It shall show all lots, blocks, streets, alleys, structures, building setbacks, city sanitary sewer, city water, street paving, easements, location map, north arrow, scale, date, legal description, etc. in addition to the administrative subdivision plat.
- D. The administrative subdivision plat shall show all lots, blocks, streets, alleys, easements, certificates, location map, north arrow, scale, date, legal description, etc.
- E. All new lots shall continue to be described in terms of the pre-existing lot description.

730 Application for an Administrative Subdivision: An application for approval of an administrative subdivision shall be submitted to the planning department. The following shall be submitted with the application:

1. Application, copy of deed, title report, site plan, administrative subdivision plat and fees. Fees will be based on city fee schedule.
2. Five prints of the site survey plat and one print of the administrative subdivision plat. After city departments review, changes shall be shown on the plats and one corrected site survey and one administrative subdivision will need to be resubmitted.
3. One final plat after all changes have been made shall be submitted for filing.
4. The city administrator or designee shall approve or disapprove the plat. In the event of disapproval the city planner shall give the applicant a written statement of reasons for the disapproval.

740 Administrative Certificate Approval: Certificates 1 through 3, described below, may be placed on a separate document and signed by the appropriate individuals and attached to the final plat for filing or placed on the final plat. Certificates 4 through 6 shall be placed on the final plat and signed by the appropriate individuals.

1. A certificate signed by the Dawson County Treasurer and/or the City Treasurer that all property taxes and special assessments on such property are paid in full. Any special assessments not paid in full shall have a statement attached showing the apportioning of any such installments against the newly proposed lots.
2. Certificate signed and acknowledged by all property owners having any record title, or other interest in the land subdivided and consenting to the preparation and recording of the plat.
3. Acknowledgement of a notary public, acknowledging the signatures of all owners.
4. Certificate signed by the registered State of Nebraska Land Surveyor preparing the administrative subdivision that the plat as presented complies with the requirements of the administrative subdivisions.

5. Certificate signed by the city administrator or designee certifying that the administrative subdivision has been reviewed by the city administrator and is in compliance with the city subdivision regulations.
6. Certificate signed by the register of deeds shall be placed on the final plat or shall be stamped at the deeds office.

750 Planning Commission and City Council Review and Action: If the plat does not qualify for administrative approval or has been disapproved by the city administrator or designee, the application may be processed by the city as a regular subdivision plat and may be approved or denied by the city planning commission and city council.

760 Approval of Administrative Subdivision Plat Filing: The final plat shall be submitted to the planning department after all approvals. The planning staff will have all certificates signed by the appropriate individuals and taken to the register of deeds for filing, or may require the applicant to obtain any or all signatures.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective from and after its passage, approval and publication as required by law.

Passed and approved this 19th day of June, 2007.

CITY OF GOTHENBURG,
DAWSON COUNTY, NEBRASKA

BY Joyce E. Hudson
Joyce Hudson, Mayor

ATTEST:

Connie L. Dalrymple
Connie Stull, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon
City Attorney