

CORRECTED COPY

LEGISLATIVE BILL 39

Approved by the Governor February 16, 1993

Introduced by Landis, 46

AN ACT relating to cities of the primary class; to amend sections 15-106, 15-106.01, and 15-901, Reissue Revised Statutes of Nebraska, 1943; to provide for approval of additions and plats by the city planning commission; to authorize appeal procedures; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 15-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-106. The proprietor of any land within the corporate limits of a city of the primary class or contiguous thereto may lay out such land into lots, blocks, public ways, and other grounds under the name of addition to the city of and shall cause an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, public ways, and grounds belonging to such addition. The lots shall be designated by number and streets, and public by street. Public ways and other grounds shall be designated by name and by number. Such plat shall be acknowledged before some officer authorized to take acknowledgment of deeds and shall have appended to it a certificate made by a registered land surveyor to the effect that he or she has accurately surveyed such addition and that the lots, blocks, public ways, and other grounds are staked and marked as required by such city.

When such plat is so made, acknowledged, and certified, complies with the requirements of section 15-901, and is approved by the city council planning commission, such plat shall be filed and recorded in the office of the register of deeds and county assessor of the county. In lieu of approval by the city council planning commission, the city council may designate specific types of plats which may be approved by the city planning director. No plat shall be recorded in the office of the register of deeds or have any force or effect unless such plat is approved by the ~~city council of such~~ city planning commission or the city planning director. ~~It~~ The plat shall, after being filed with the register of deeds, be equivalent to a deed in fee simple absolute to the city, from the proprietor, of all streets, all public ways, ~~public~~ squares, parks, and commons, and such portion of the land as is therein set apart for public use or dedicated to charitable, religious, or educational purposes.

All additions thus laid out shall remain a part of the city,

and all additions, except those additions as set forth in sections 15-106.01 and 15-106.02, ~~new or hereafter~~ laid out adjoining or contiguous to the corporate limits of a city of the primary class shall be included therein and become ~~thereby~~ a part of the city for all purposes. The inhabitants of such addition shall be entitled to all the rights and privileges and ~~shall~~ be subject to all the laws, ordinances, rules, and regulations of the city. The mayor and city council shall have power by ordinance to compel owners of any such addition to lay out streets and public ways to correspond in width and direction and to be continuous with the streets and public ways in the city or additions contiguous to or near the proposed addition.

No addition shall have any validity, right, or privilege as an addition unless the terms and conditions of such ordinance and of this section are complied with, the plats thereof are submitted to and approved by the city ~~council~~ planning commission or the city planning director, and ~~such~~ the approval of the city planning commission or the city planning director is endorsed thereon. The city council may provide procedures in land subdivision regulations for appeal by any person aggrieved by any action of the city planning commission or city planning director on any plat.

Sec. 2. That section 15-106.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-106.01. Commencing on April 17, 1982, an addition which has been approved ~~by the city council~~ pursuant to section 15-106 and is adjoining or contiguous to the corporate boundaries of the city but which includes land which lies wholly or partially (1) outside of the area designated and described as being for future urban uses in the comprehensive plan adopted by the city pursuant to sections 15-1102 and 15-1103 and (2) within a zoning district adopted pursuant to section 15-902 which allows a residential density of not more than one dwelling per acre; shall be included within the corporate limits of the city only upon the enactment of a city ordinance specifically annexing such addition.

Sec. 3. That section 15-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-901. No owner of ~~any~~ real estate located in ~~an area which is within~~ any city of the primary class or within three miles of the corporate limits of any city of the primary class, when such real estate is located in the same county as ~~such the city of the primary class~~ and outside of any organized city or village, shall be permitted to subdivide, plat, or lay out ~~said~~ the real estate in building lots and streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained ~~the approval thereof~~ by the city ~~council of such city, and no~~ planning commission. No plat or subdivision of such real estate shall be recorded in the office of the register of deeds or have any force or effect unless the same ~~be~~ is approved by the city ~~council of such city. Such a city~~ planning commission. A city of the

primary class shall have authority within the area ~~above-described~~ to regulate the subdivision of land for the purpose, whether immediate or future, of ~~transfer of~~ transferring ownership or building development, except that the city shall have no power to regulate subdivision in those instances where the smallest parcel created is more than ten acres in area. A city of the primary class shall have authority within the area ; to prescribe standards for laying out subdivisions in harmony with the comprehensive plan; to require the installation of improvements by the owner, ~~or~~ by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements; and to require the dedication of land for public purposes.

Subdivision For purposes of this section, subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than ten acres in area.

Subdivision plats shall be approved by the city planning commission on recommendation by the city planning director and public works and utilities department. The city planning commission and shall be submitted to the council for its consideration and legislative action. ~~The council~~ may withhold approval of a plat until the public works and utilities department has certified that the improvements required by the regulations have been satisfactorily installed, ~~or~~ until a sufficient bond guaranteeing installation of the improvements has been posted, ~~with the city~~ or until public improvement districts are created. The city council may provide procedures in land subdivision regulations for appeal by any person aggrieved by any action of the city planning commission or city planning director on any plat.

Sec. 4. That original sections 15-106, 15-106.01, and 15-901, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.