

**CITY OF ASHLAND  
SAUNDERS COUNTY, NEBRASKA  
SUBDIVISION REGULATIONS**

***FINAL DRAFT***

**ORDINANCE NUMBER \_\_\_\_\_**

**ADOPTED BY THE CITY OF ASHLAND, NEBRASKA  
\_\_\_\_\_, 2016**



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## ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS.

### Section 1.01 Name and Citation of Titles.

This Ordinance shall be known, referred to and cited as "The Subdivision Regulations" of Ashland, Nebraska.

### Section 1.02 Purpose

The purpose of this Ordinance is to provide for the orderly development of Ashland and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts; open spaces; adequate community facilities and utilities, to coordinate development with the City's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety and convenience of the community.

### Section 1.03 Definitions

For the purpose of this Ordinance, certain words used herein are defined as follows:

- 1.03.01 **APPLICANT** shall mean the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property, or an appropriate purchase agreement.
- 1.03.02 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
- 1.03.03 **BLOCK** shall mean a tract or parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, railroads, unplatted land, City-County boundaries, adjoining property lines, or a combination thereof.
- 1.03.04 **BOND** shall mean any form of security including a cash deposit, security bond, or instrument of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by this Ordinance.
- 1.03.05 **BOUNDARY ADJUSTMENT**: shall mean the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel. The relocation of a single common property line between two abutting lots, parcels or other units of land where an additional lot, parcel or unit of land is not created and the existing lot, parcel or unit of land reduced in size by the adjustment must comply with the applicable zoning requirements. A property line adjustment does not vacate a plat nor does it add lot lines. A property line adjustment does not alter the location of utility services and hook ups.
- 1.03.06 **BUILDING INSPECTOR** shall mean the individual appointed and/or employed by the city to enforce the prescribed and adopted building codes for the city.
- 1.03.07 **BUILDING SETBACK LINE** shall mean a line parallel, or nearly parallel, to the street line indicating the minimum of distance as prescribed by the zoning regulations between any property line and the closest point of the building line or face of a building or structure related thereto, including all overhangs. In the case of a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard setback where the lot width shall meet the minimum lot width required in the district.
- 1.03.08 **CITY** shall mean the City of Ashland, Nebraska. Also, City Council or governing body.
- 1.03.09 **CITY COUNCIL** shall mean the governing body for the City of Ashland, Nebraska.
- 1.03.10 **CITY ENGINEER** shall mean the City Engineer of the City of Ashland retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City.
- 1.03.11 **CLERK** shall mean the City Clerk of the City of Ashland, Nebraska.
- 1.03.12 **COMMON OPEN SPACE** shall mean that undivided land in a subdivision which may be jointly owned by all property owners of the subdivision, for the benefit of the owners of the individual building sites of said development.

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- 1.03.13 **COMMON SEWER SYSTEM** shall mean a sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Quality for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.
- 1.03.14 **COMMON WATER SYSTEM** shall mean a water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis which is in public ownership.
- 1.03.15 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the Comprehensive Plan of Ashland, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Nebr. Rev. Stat. 19-903 § (R.R.S. 1997).
- 1.03.16 **COMPUTER AIDED DRAFTING AND DESIGN (CADD)** shall mean the software used to furnish the preliminary and final plat documents.
- 1.03.17 **COVENANT** shall mean a written promise or pledge.
- 1.03.18 **CUL-DE-SAC** shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.
- 1.03.19 **CULVERT** shall mean a transverse drain that channels water under a bridge, street, driveway or pedestrian way.
- 1.03.20 **DEAD END STREET** shall mean a public way that has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around but may be intended to be extended or continued in the future.
- 1.03.21 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.
- 1.03.22 **DEVELOPER.** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit, or sign permit.
- 1.03.23 **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.
- 1.03.24 **ENGINEER, CITY** See “City Engineer”.
- 1.03.25 **FLOOD PLAIN** shall mean those lands which are subject to a one percent or greater chance of flooding in any given year as identified by FEMA.
- 1.03.26 **FLOODWAY** shall mean the channel of a watercourse or drainageway and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse or drainageway without cumulatively increasing the water surface elevation more than a designated height.
- 1.03.27 **FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway.
- 1.03.28 **FRONTAGE ROAD** shall mean minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the Arterial Street or highway for the purpose of increased traffic safety.
- 1.03.29 **GIS / SURVEY CONTROL NETWORK** shall mean the horizontal reference basis for all engineering and surveying work directed by the City of Ashland for the purposes of creating and maintaining accurate maps, and being defined by a series of permanent survey control monuments whose coordinate values are published and made available to any engineer or surveyor performing work under the direction of the City of Ashland.
- 1.03.30 **GREENWAY** shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridal path, or other similar access-way.

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- 1.03.31 **IMPROVEMENTS** shall mean street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.
- 1.03.32 **LOT** shall mean a parcel or tract of land which is or may be occupied by a permitted use, together with yards, and other required open spaces, that has frontage upon a street, and is part of a recorded subdivision plat or has been recorded prior to the adoption of the regulations, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.
- 1.03.33 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.
- 1.03.34 **LOT, CORNER** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an “Interior Lot”. The setbacks for a front yard shall be met on all abutting streets.
- 1.03.35 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.
- 1.03.36 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
- 1.03.37 **LOT, FLAG** shall mean lots, being those lots landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.
- 1.03.38 **LOT FRONTAGE** shall mean that portion of a lot abutting a street or improved county road. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street or road shall be considered frontage.
- 1.03.39 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
- 1.03.40 **LOT LINE** shall mean the property line bounding a lot.
- 1.03.41 **LOT MINIMUM AREA** shall mean the minimum square footage of land area within the boundaries of the platted lot lines, as applicable to designated zoning districts.
- 1.03.42 **LOT, NONCONFORMING** shall mean a lot having less area or dimension than that required in the zoning district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Registrar of Deeds, which does not abut a public road or public right-of-way and which was lawfully created prior to the effect date of the zoning regulations.
- 1.03.43 **LOT, PLATTED** shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the City and recorded in the office of the Register of Deeds for Saunders or Cass County.
- 1.03.44 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Registrar of Deeds at the time of the passage of a zoning regulation or a regulation establishing the zoning district in which the lot is located.
- 1.03.45 **LOT SPLIT** shall mean a subdivision involving the division of one or more lots with the end result not being greater than two lots.
- 1.03.46 **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one street.

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- 1.03.47 **LOT, WIDTH OF** shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.
- 1.03.48 **MASTER PLAN** See Comprehensive Development Plan.
- 1.03.49 **MONUMENT** shall mean an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
- 1.03.50 **OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structure, except for signs.
- 1.03.51 **PERSON** shall mean an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.
- 1.03.52 **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
- 1.03.53 **PLANNING COMMISSION** shall mean the Planning Commission of Ashland, Nebraska.
- 1.03.54 **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows the location, boundaries, legal description, streets and other features relevant to the development and improvement of the property.
- 1.03.55 **PLAT, ADMINISTRATIVE** shall provide for lots splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than two tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting.
- 1.03.56 **PLAT, FINAL** shall mean the final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this Ordinance.
- 1.03.57 **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.
- 1.03.58 **PLAT, REVISED PRELIMINARY** A revised plat or map of a previously approved preliminary plat, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance.
- 1.03.59 **PLOT** shall mean a parcel of ground.
- 1.03.60 **PUBLIC WAY** shall mean an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or public entity have a right, or which are dedicated, whether improved or not.
- 1.03.61 **REPLAT** is the act of platting the lots, parcels and easements in a recorded subdivision to achieve a reconfiguration of existing subdivision or to increase or decrease the number of lots in the subdivision.
- 1.03.62 **RIGHT-OF-WAY** shall mean a strip of land either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use as a public way of vehicles or pedestrians or both. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts and bridges.
- 1.03.63 **SETBACK LINE** shall mean a line, as shown on a recorded plat or otherwise established by the Ashland City Council, beyond which no part of an exterior wall of a building or structure may project.



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- 1.03.64 **SETBACK LINE, FRONT YARD** shall mean a line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
- 1.03.65 **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean a line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.
- 1.03.66 **SEWERS, ON-SITE** shall mean a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- 1.03.67 **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.
- 1.03.68 **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including public streets, highways, avenues, boulevards, parkways, roads, place, way, drive, lanes, viaducts, subways, tunnels, and bridges. Where explicitly authorized by the City Council, private streets may be authorized as part of planned developments.
- 1.03.69 **STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of the City with controlled access to abutting property, including necessary control of entrances, exits and curb use. See also “Street, Major”.
- 1.03.70 **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
- 1.03.71 **STREET, COLLECTOR** shall mean a street or highway that is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.
- 1.03.72 **STREET, LOCAL** shall mean a street designed for local pedestrian and vehicular traffic that provides direct access to abutting residential, commercial, or industrial properties.
- 1.03.73 **STREET, MARGINAL ACCESS** shall mean a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called frontage streets or service roads.)
- 1.03.74 **STREET, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan. (Also known as Arterial Streets.)
- 1.03.75 **STREET, MINOR (LOCAL)** See “Street, Local”.
- 1.03.76 **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term “private street” includes the term “place”.
- 1.03.77 **STREET, SIDE** shall mean that street bounding a corner lot and which extends in the same general direction as the line determining the depth of the lot.
- 1.03.78 **SUBDIVIDER** shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 1.03.79 **SUBDIVISION** shall mean the division of a land, lot, tract, or parcel into two or more lots, parcels, plats, sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future,

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provided that the smallest lot created by the division is less than twenty (20) acres in size. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

- 1.03.80 **SUBDIVISION AGREEMENT** shall mean an agreement between the City of Ashland and a developer outlining who is responsible for certain improvements. Such agreement may be developed so the developer agrees to construct any required public street, drainage, and other improvements, for a subdivision and to provide security for completion of the subdivision improvements and in situations involving public financing, the relative cost be borne by the developer and by the public entity.
- 1.03.81 **SURVEYOR** shall mean any person registered in Nebraska to practice surveying.
- 1.03.82 **VICINITY MAP** shall mean a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Ashland, in order to better locate and orient the area in question.
- 1.03.83 **WALKWAY** See “Sidewalk”.
- 1.03.84 **ZONING ADMINISTRATOR** shall mean the person or persons authorized and empowered by the city to administer and enforce the requirements of these regulations.
- 1.03.85 **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 1.03.86 **ZONING ORDINANCE** shall mean the Zoning Ordinance of the City of Ashland as amended from time to time.

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## **ARTICLE 2: GENERAL PROVISIONS**

### **Section 2.01 General Provisions**

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the City and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Development Plan of the City; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity to insure conformance of subdivision plans with the capital improvement program of the City and its planning area; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and City Council.

### **Section 2.02 Jurisdiction.**

The provisions of this Ordinance shall apply to all land located within the legal boundaries of the City, as the same may be amended by subsequent annexation, and shall also include all land lying within one mile of the corporate limits of the City, or as indicated on the Official Zoning Map of the City and not located in any other Municipality.

### **Section 2.03 Powers.**

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the City Council and the City Council has approved the final plat.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the City, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §19-916 (R.R.S. 1997) and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the State of Nebraska, any County, the City, or any City incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval as required by Neb. Rev. Stat. § 19-916 (R.R.S. 1997).

### **Section 2.04 Applicability.**

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than twenty (20) acres in area shall be exempt from this Ordinance. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

- 2.04.01 Each separate principal use/building within the jurisdiction of this ordinance shall be situated on a separate and single subdivided lot of record unless otherwise provided in the zoning ordinance of the City of Ashland, Nebraska.
- 2.04.02 No subdivision of land shall be permitted within the jurisdiction of this ordinance unless a plat is approved in accordance with the provisions of this ordinance. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been approved by the Ashland City Council and recorded with the Saunders or Cass County Register of Deeds.
- 2.04.03 These regulations shall not apply to the following:
  - A. To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres.
  - B. The subdivision of burial lots in cemeteries.

### **Section 2.05 Interpretation.**

In interpreting and applying the terms of this Ordinance, subdividers shall be held to be minimum requirements for the promotion of the public health, convenience, comfort, morals, prosperity and general welfare.

### **Section 2.06 Conflict.**

No final plat of land within the force and effect of the existing Zoning Ordinance shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Regulations, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

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**Section 2.07 Building Permits.**

Unless a lot shall have been platted in accordance with the provisions of this Article, no building permit shall be issued.

**Section 2.08 Amendments.**

Any provisions of this Ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the City Council; provided, however, that such amendments shall not become effective until after public hearing and consideration by the Planning Commission; and a public hearing by the City Council in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation within the City of Ashland at least one time, 10 days prior to such hearing.

**Section 2.09 Modifications.**

Where, in the case of a particular proposed subdivision, the subdivider can show that the strict compliance with this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography; or other such conditions not inflicted by the applicant; or where conditions would result in inhibiting the achievement of the objectives of this Ordinance, the Board of Adjustment, after receiving a report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided, that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Development Plan of the City.

**Section 2.10 Storm Run-off Control.**

Where, in the case of a proposed development, which requires the grading of the site, redistribution of storm water run-off, increase of storm water run-off above the prescribed amount as allowed in section 4.18, or other conditions noted by City Council, Planning Commission and/or City Engineer, said development shall contain all necessary control measures for siltation and run-off control as deemed necessary by the City and/or City Engineer.

**Section 2.11 Review Fees.**

A fee schedule for administrative costs associated with the review of preliminary plats, final plats, replats, lot splits, plans and specifications of proposed improvements and construction review has been adopted by the City and such fees shall be paid by the subdivider.

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## ARTICLE 3: PROCEDURES

### **Section 3.01 Procedure for Filing Pre-application Plans and Data.**

Pre-application Plans and Data: Prior to filing an application for approval of a preliminary plat the subdivider shall submit plans and data to the city in sketch form showing the proposed subdivision of land. The sketch plan shall include:

- 3.01.01 The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- 3.01.02 A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

These pre-application plans and data shall not require a formal application fee. After meeting or discussion with the subdivider and review of the data, city staff will inform the subdivider in writing whether such plans and data submitted meet the objectives of this Ordinance and shall describe any inconsistencies with the requirements of this Ordinance.

### **Section 3.02 Procedure for Approval of Preliminary Plat.**

- 3.02.01 Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of Ashland or which is within a one mile limit of the City of Ashland as it may from time to time exist or which is proposed to be annexed, the subdivider or his agent shall file a preliminary plat of said subdivision with the City of Ashland. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the City prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording. The City shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.
- 3.02.02 All plats shall be prepared in conformance with the provisions of this Ordinance and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.
- 3.02.03 Twenty (20) 18"x24" copies and twenty (20) 11 x17 (folded) copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of this Ordinance shall be submitted to the City of Ashland in accordance to the review schedule. The plat shall be submitted twenty-one (21) days prior to the public hearing of the Planning Commission when within the Corporate Limits of Ashland and thirty (30) days when outside the Corporate Limits, but within the City's jurisdiction. At least ten (10) days prior to the Ashland Planning Commission meeting at which the preliminary plat is to be considered for approval, the planning commission shall distribute one copy of the proposal with a request for comments to the following, and shall notify such agency of the meeting date:
  - City Engineer,
  - School Board,
  - Fire Chief,
  - Police Department or Sheriff's Department, as applicable,
  - Saunders or Cass County Planning Commission, if located outside the corporate limits,
  - Local Telephone Exchange,
  - Local Cable Television,
  - Lower Platte South and/or Lower Platte North Natural Resources Districts
  - United States Postal Service,
  - Nebraska Department of Roads, when applicable
  - wherever else deemed necessary by the Planning Commission.
- 3.02.04 The Planning Commission shall consider the Preliminary Plat at a public hearing, of which notice must be published in a newspaper of general circulation within the City of Ashland at least ten days prior to the Public Hearing, and shall:
  1. Review the preliminary plat and other material submitted for conformity thereof to this Ordinance,
  2. Review any recommendations of the above agencies and other agencies, and
  3. Recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by him/her.The Planning Commission shall act on the plat as submitted or modified within thirty (30) days after the official meeting at which the plat was considered, and if approved, the Planning Commission shall express its approval

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- as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons in writing. The action of the Ashland Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy relayed to the city council and one (1) copy retained by the planning commission.
- 3.02.05 Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat.
- 3.02.06 If the Planning Commission recommends disapproval or approval, then the City Clerk will order Notice of Public Hearing before the City Council to be published. The notice must be published at least 10 days prior to the Public Hearing in a paper of general circulation within the City of Ashland. The City Council may (a) Concur with the Planning Commission's Recommendation; (b) Reverse the Planning Commission's recommendation; (c) Refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; or (d) approve with some modification from the Planning Commission's recommendation.
- 3.02.07 Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after 12 months from the date of such approval by City Council, if no Final Plat has been filed or a Final Plat of previously proposed phases has not been filed or unless extension of approval has been granted by City Council, such extension shall not exceed 12 months.

### **Section 3.03 Preliminary Plat Specifications.**

The Preliminary Plat shall be drawn to a scale of at least one inch equals 100 feet (or 1" = 200' if 75% of the lots are one acre or larger) with a sheet size not to exceed 18" x 24" and shall be plainly marked "Preliminary Plat" and shall include, show, or be accompanied by the following information:

- 3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 3.03.02 Both existing and proposed grades shall be shown.
- 3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.
- 3.03.04 The proposed name of the subdivision which must not be as similar to that of an existing subdivision as to cause confusion.
- 3.03.05 The proposed names and addresses of the owner and subdivider; the engineer, surveyor, or landscape architect responsible (all of which are licensed to practice in Nebraska) for the subdivision layout; and the names of all landowners abutting the proposed subdivision.
- 3.03.06 The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development.
- 3.03.07 Width and location of platted streets and alleys within 200 feet of the property; physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required).
- 3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land and owners and persons having ownership interest within 300 feet of the subject property (not including streets and right-of-ways) for notification purposes. This should be prepared by a title company and submitted in list form and as mailing labels.
- 3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.
- 3.03.10 The location and width of proposed streets, all easements including buffer easements, building setback lines, Rights of Way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.
- 3.03.11 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.
- 3.03.12 All established floodway, floodway-fringe, and flood plain overlay lines.
- 3.03.13 The existing zoning classification and proposed uses (zoning) and of land and required setbacks within the proposed subdivision shall also be designated.
- 3.03.14 Location and setbacks of existing buildings.
- 3.03.15 Three draft copies of the subdivision agreement, based upon the sample subdivision agreement provided by the City, with attached itemized cost estimate for all public improvements and detailed breakdown of portion of

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- estimated costs to be borne by subdivider and those to be borne by the City, S.I.D. or other proposed issuer of public debt.
- 3.03.16 Signature block indicating approval of the Planning Commission per Section 10.03
  - 3.03.17 Signature block indicating approval of the City Council per Section 10.05
  - 3.03.18 Signature block indicating approval of the City Engineer per Section 10.07
  - 3.03.19 Requests for waivers of design standards.
  - 3.03.20 The subdivider or subdividers representative shall be in attendance at the City Planning Commission and City Council meetings and hearings when the Preliminary Plat is discussed.
  - 3.03.21 Traffic impact analysis study may be required by the City Engineer.
  - 3.03.22 Four copies of the following to the City for distribution to the city engineer and utility superintendent for review at the time of preliminary plat submittal:
    - 1. A sanitary sewer plan.
    - 2. A preliminary drainage study and report within the subdivision.
    - 3. A street profile plan with a statement of proposed street improvements.
    - 4. A water distribution system plan.
    - 5. An erosion and sediment control plan.
    - 6. A grading plan within the subdivision.
    - 7. A traffic study (if required).

**Section 3.04 Procedure for Approval of Final Plat.**

- 3.04.01 The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time.
- 3.04.02 The Final Plat shall be submitted, in accordance with the city's submission/review schedule, to the City for Planning Commission and City Council review.
- 3.04.03 Prior to approval of the City Council, at least three signed reproducible copies (Mylar) of the final plat [(2) 18x24 and (1) 11x17] shall be prepared as specified in this Ordinance and submitted to the City. In addition, a total of twenty (20) 18"x24" folded paper copies of the final plat shall also be submitted to the City along with two electronic copies on a compact disc in an AutoCad format or other software format specified by the city.
- 3.04.04 Final Plat shall then be submitted to the City Council for approval and adoption prior to the start of construction, at a public hearing advertised and posted with notice at least 10 days prior to the hearing in a paper of general circulation in the City of Ashland.
- 3.04.05 Upon approval of the Final Plat, a certification of approval by the City shall be endorsed thereon by the Mayor and the Planning Commission Chair.
- 3.04.06 Final Approval by the City Council shall be by Resolution after receiving the recommendation of the Planning Commission.
- 3.04.07 The final plat will be filed with the register of deeds by the city after City Council's approval and after required improvements are installed and accepted by the city.

**Section 3.05 Final Plat and Required Specifications.**

After approval of the preliminary plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a final plat prepared by a registered land surveyor for recording purposes and shall submit in conformance with the approved preliminary plat drawn to a scale of one inch to 100 feet or larger with a sheet size required for proper filing with the Saunders or Cass County Register of Deeds and accompanied by the following information:

- 3.05.01. Name of subdivision designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- 3.05.02. Date, north arrow and graphic scale.
- 3.05.03. Lot designation and dimensions, street names, location, and rights-of-way width for all streets within or abutting the plat shall be shown.
- 3.05.04. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards for Surveys", as established by the Professional Surveyors Association of Nebraska.
- 3.05.05. Fractional lines and corners of the government township and section surveys shall be approximately labeled and dimensioned as applicable to the plat.
- 3.05.06. Boundary dimensions from angle point to angle point shall be used for all sides of the closed traverse.
- 3.05.07. Bearings of all boundary lines or internal angles of all angle points on the boundary shall be shown.
- 3.05.08. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- 3.05.10. Adjacent subdivisions, streets, alleys and easements, with their dimensions and names.
- 3.05.11. Names and widths of the streets, and block and lot numbers (numbered consecutively).

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- 3.05.12. Location of lots, streets, public highways, alleys and other property features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
  - 3.05.13. All distances shall be shown in feet to the nearest one-hundredth of a foot.
  - 3.05.14. A notarized dedication signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes as per Section 10.01.
  - 3.05.15. A block for the certification signed by the County Treasurer stating that there are no regular or special taxes or special assessments due or delinquent against the platted land as per Section 10.11
  - 3.05.16. A block for the approval of the Planning Commission as per Section 10.04
  - 3.05.17. A block for the approval of the City Council to be signed by the Mayor and attested to by the City Clerk as per Section 10.06
  - 3.05.18. A block for the approval of the City Engineer per Section 10.08
  - 3.05.19. A legal description including total acreage for the subdivision and individual lot areas.
  - 3.05.20. A block for Certificate of County Register of Deeds as per Section 10.09
  - 3.05.21. A block of review from the Saunders or Cass County Surveyor as per Section 10.10
  - 3.05.22. A block for Owner's Certification as per Section 10.13
  - 3.05.23. A block for the approval of the Lending Institution as per Section 10.14
  - 3.05.24. A block for Surveyors Certification as per Section 10.02.
  - 3.05.25. Three copies of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
  - 3.05.26. Plat Boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev State §86-1601 to 86-1606 (RRS 1998), except that North American Datum ("NAD") 1983 should be version 1995 under Neb. Rev. Stat. §86-1602(2), and the use of United States Feet and decimals of a foot shall be required in Ashland (Saunders or Cass County) pursuant to Neb. Rev. Stat. §86-1603. State Plan Coordinates shall be shown for all boundary corners and reference points used in the boundary description of the final plat.
  - 3.05.27. Statement of estimated costs and financial assumptions for any possible sanitary and improvement districts (SID) connection fees.
  - 3.05.28. Financial data showing cost of all public improvements. Costs to be itemized and all soft costs to be itemized and funding sources identified as to general obligation, special assessment, and private.
  - 3.05.29. Development of an acceptable subdivision agreement prior to City Council action guaranteeing the installation of improvements, financial responsibilities, and other provisions determined needed in the development.
  - 3.05.30. A bond or escrow or security agreement approved by the city attorney in an amount sufficient to guarantee the installation of the required improvements.
  - 3.05.31. Waivers being requested.
  - 3.05.32. Four copies of the following to the City for distribution to the city engineer and utility superintendent for review at the time of final plat submittal:
    1. Final construction plans and specifications of improvements.
    2. Final drainage study and report.
    3. Storm Water Pollution Prevention Plan (SWPPP).
    4. Geotechnical report.
    5. A traffic study (if required).
  - 3.05.33. Flood plain findings as per zoning.
  - 3.05.34. Title search of real estate as shown on the final plat certified within 10 days of filing final plat application.
  - 3.05.35. Range of addresses for all proposed lots submitted to the city for property address assignments.

### **Section 3.06 Plats Outside Corporate Limits.**

Procedure for approval of Preliminary and Final Plats of land within extraterritorial zoning jurisdiction but outside the corporate limits of the city shall be the same as set forth in this Article. Subdivisions outside the corporate limits should be considered for annexation as provided in Article 11.

3.06.01 Notification of County Planning Commission. The City shall notify the Saunders or Cass 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 thirty (30) days 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.



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**Section 3.07 Vacation of Plat of Record.**

- 3.07.01 A subdivider may make application to the City to vacate any plat of record under the following conditions:
- 1 The Plat to be vacated is a legal plat of record.
  - 2 Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
  - 3 Vacation of the subdivision will not be contrary to the Comprehensive Development Plan.
- 3.07.02. The owner or owners shall present a proposal to the City, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall after public hearing and consideration send recommendations to the City Council. The City Council, after public hearing shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Saunders or Cass County Register of Deeds. All fees for the recording of such vacation and for filing the application shall be paid by the subdivider.

**Section 3.08 Replats**

Whenever a re-subdivision of a parcel consists of four (4) or fewer lots, the City may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the city staff, separate submission will not serve the public interest and will not conflict with the intent of this Ordinance. Concurrent Plats shall be:

- 3.08.01 Replats shall be discussed with the City at a scheduled pre-application meeting, as set out in Section 3.01.
- 3.08.02 Be submitted to the City in accordance with the review schedule;
- 3.08.03 Be accompanied by all application fees and completed application forms as required;
- 3.08.04 Follow the procedure set forth for herein and contain the required information Preliminary and Final Plats, including public hearings. Such hearing shall be posted with notice at least ten (10) days prior to the hearing;
- 3.08.05 Include a drainage study showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.
- 3.08.06 Changes required by the Planning Commission shall be made prior to submission to City Council. Final plats shall be submitted to the City at least 15 days prior to the next regular meeting of the City Council.
- 3.08.07 A final plat, in conformance with Sections 3.04.03 and 3.05, shall be submitted to the City.
- 3.08.08 All requirements of Section 3.05 shall be met and a revised preliminary plat shall be required if any of the guidelines of section 3.09.03, (1) through (8) are determined to be present.

**Section 3.09 Administrative Plats**

- 3.09.01 The intent of this section is to provide for lots splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than four (4) lots without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. City staff shall review the administrative plat application and the governing body shall make a final determination.
- 3.09.02 Requests for an administrative plat approval shall be made by the owner or a designated representative of the land to the city. Five (5) copies of a land survey of the lots involved if there are not structures thereon, or, if structures are located on any part of the lot being split, consolidated, or adjusted, five (5) copies of a survey of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed plat shall accompany the application; and such surveys shall also include two electronic copies on compact disc in an AutoCad format or other software format specified by the city. The administrative plat shall include the following:
1. A survey of the lot(s),
  2. Location and setbacks of all existing structures(s),
  3. Location and dimensions of the proposed administrative plat,
  4. A block for Acknowledgment by Notary as per Section 10.01,
  5. A block for Surveyors Certification as per Section 10.02,
  6. A block for Certificate of County Register of Deeds as per Section 10.09,
  7. A block of review from the Saunders or Cass County Surveyor as per Section 10.10,
  8. A block for approval or certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per 10.11,
  9. A block for the approval of the City as per Section 10.12
- 3.09.03 Disapproval of administrative plat shall be based on the following guidelines:
1. A new street or alley is needed or proposed,
  2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed,
  3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels.
  4. There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument,

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5. All easement requirements have not been satisfied,
  6. Such action taken during an administrative plat will result in a tract without direct access to a street,
  7. A substandard-sized lot or parcel will be created,
  8. The lot has been previously split.
- 3.09.04 No Administrative Plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.
  - 3.09.05 Application will be made to the city for review and approval by the governing body. The governing body shall, in writing, either approve, with or without conditions, or disapprove, with reasons therefore, the administrative plat within forty-five (45) days of application. If the governing body does not act within forty-five (45) days, the administrative plat shall be deemed to have received a favorable recommendation in all respects and the plat shall be filed with the Register of Deeds.
  - 3.09.06 Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.
  - 3.09.07 The filing fee for the administrative plat shall be in accordance to the City's Master Fee Schedule.
  - 3.09.08 After approval from the City, all mylars must be certified by all applicable parties and two copies filed with the City prior to the issuance of a building permit.

**Section 3.10 Concurrent Plats/Minor Subdivision.**

Whenever a subdivision or re-subdivision of a parcel consists of four (4) or fewer lots, the City Council may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the city staff, separate submission will not serve the public interest and will not conflict with the intent of these regulations. Concurrent Plats shall:

- 3.10.01 Be discussed with the Zoning Administrator at a scheduled Pre-application meeting, as set out in Section 3.01 of this article;
- 3.10.02 Be submitted to the City Clerk at least fifteen (15) days prior to the next regular meeting of the Planning Commission at which request is to be heard;
- 3.10.03 Be accompanied by the application fees and completed application forms as required;
- 3.10.04 Follow the procedure set forth herein and contain the required information for Preliminary and Final Plats, including public hearings, except that a public hearing and recommendation from the planning commission is not required. Such hearing shall be posted with notice at least ten (10) days prior to the hearing;
- 3.10.05 A drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems;
  1. Exceptions: Drainage reports shall not be required for the following:
    - A. Subdivision of existing tax lots that are primarily developed;
    - B. Subdivision of a farmstead that creates not more than two (2) lots and allows for the split of the main residence from the remaining farmstead.
    - C. Acreages where lots are not less than one (1) acre in size.
- 3.10.06 Changes required by the Zoning Administrator shall be made prior to submission to the governing body. Final plans shall be submitted to the City Clerk at least seven (7) days prior to the next regular meeting of the governing body.
- 3.10.07 A final plat, in conformance with Sections 3.04.03 and 3.05, shall be submitted to the city council for review and action prior to start of construction.

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## ARTICLE 4: DESIGN STANDARDS

### **Section 4.01 Minimum Design Standards.**

No subdivision shall be approved unless it is in conformance with the requirements of this Ordinance and the Comprehensive Development Plan.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the City has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and acceptable to the City that would eliminate or substantially reduce such hazards.

The City may require all contiguous land under common ownership to be submitted with the Preliminary Plan in order to evaluate overall development patterns and conformity with the Comprehensive Development Plan and issue proper extension of future roads and services.

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit a logical future street and utility system and logical re-subdivision. This information shall be shown on the preliminary plat.

### **Section 4.02 Streets, Culverts, Bridges, Subgrade, Concrete, Curb and Gutter.**

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the city with recommendation from the City Engineer, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the City Engineer deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius at outside of the pavement of at least 40 feet or other approved design.

New or reconstructed streets shall be constructed of the materials as herein specified, on an approved subgrade, in accordance with these specifications and in conformity with the lines, grades, typical cross-section and details shown on the approved Plans. The Nebraska State Standard Specifications shall be the Nebraska Department of Roads Standard Specifications for Highway Construction, latest edition, English Units Edition.

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the developer to have satisfactory bridges, drainage structures and/or culverts constructed. Where drainage pipe or culverts are required, minimum requirements shall be observed as follows:

4.02.01 All drainage pipe or culverts shall extend across the entire right-of-way width of the existing or proposed street. The cover over the culvert and its capacity shall be determined by the developer's engineer. The minimum diameter of a drainage pipe shall be eighteen (18) inches. Depending on existing drainage conditions, head walls, flared end sections and erosion control may be required.

4.02.02 Driveway culverts, if applicable, shall have a minimum diameter of eighteen (18) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch. Head walls, flared end sections and erosion control may be required.

4.02.03 **Excavation, Embankment, and Subgrade.**

Work shall be in accordance with Section 205 and 206 of the Nebraska State Standard Specifications. Fill material shall be Class III, uniform and free of trash, lumber and other debris. Material shall be properly moistened to approximately optimum requirements and thoroughly compacted to a minimum of 95% maximum dry density as determined by ASTM D-698, with moisture content of 0% to 3% above optimum or as specified in the Geotechnical Report.

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All Trench fill below areas to be covered with street pavement, drives or sidewalks shall meet the minimum compaction requirements as specified in the Geotechnical Report.

Pavement subgrade shall be a minimum of 12 inches deep or as specified in the Geotechnical Report. Material for pavement subgrade shall be properly moistened to approximately optimum requirements and thoroughly compacted to a minimum of 98% maximum dry density as determined by ASTM D-698, with a moisture content of 0% to 3% above optimum or as specified in the Geotechnical Report.

Compaction tests shall be taken by an approved testing laboratory. Results of all compaction tests shall be furnished to the City Administrator.

4.02.04 Concrete.

Concrete shall conform to Division 600 of the Nebraska State Standard Specifications. Concrete shall be Class “47B-3,500”. Minimum compressive strength shall be 3,500 psi in 28 days. Materials shall conform to Nebraska State Standard Specifications for Highway Construction, Division 1000, Material Details. Curing shall be with a continuous coating of white pigmented curing compound conforming to the requirements of Section 1012 of the Nebraska State Standard Specifications.

To verify compressive strength of the concrete, a set of three (3) all concrete test cylinders shall be made according to ASTM C-31 and C-39. One set of concrete cylinders shall be required for each day’s concrete placement or for each 200 cubic yards of concrete placed if more than 100 cubic yards are placed in one day.

The concrete shall be tested by an approved testing laboratory and results of the testing furnished to the City Administrator. Testing for strength requirements shall be at seven (7) days and twenty-eight (28) days from the date of casting the cylinders.

4.02.05 Pavement Construction or Reconstruction.

All new or reconstructed full depth paving shall be constructed with Portland cement concrete. Surface maintenance of existing paved streets may utilize hot mix asphalt, armor coat, seal coat or other methods approved by the City.

Concrete paving shall be constructed in accordance with the Nebraska State Standard Specifications. The minimum pavement thickness shall be seven (7) inches. Arterial and Collector roadway pavement thickness shall be determined by pavement design calculations and approved by the City.

All street improvements shall conform to the Nebraska Board of Public Roads Classifications and Standards, Minimum Design Standards, and the Minimum Street Standards in the City’s Subdivision Regulations.

Alternate materials for street paving may be approved by the City Council on a case by case basis. Curb and gutter shall be required on all streets built within the City Limits unless the City Council approves construction without curb and gutter.

4.02.06 Full Depth Patching.

Full depth paving replacement for utility cuts and other repairs shall be made as per the details in the City of Ashland, “Infrastructure Standards and Specifications”. Concrete and asphalt shall be replaced with Portland cement concrete at the minimum depths as follows:

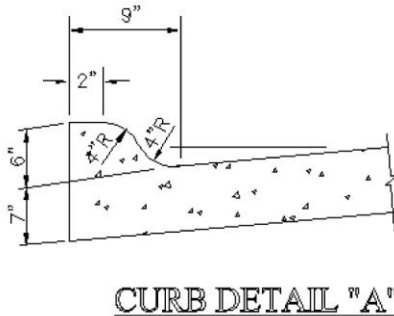
- Collector streets, alleys, commercial driveways (8” depth)
- Residential Streets (7” depth)
- Residential Driveways (6” depth)
- Sidewalks (4” depth)

Brick paving shall be replaced with a Portland cement concrete base and reinstalling the brick pavers as specified by the city engineer. Trench material shall be compacted to the standards stated in Section 4.02.03 “Excavation, Embankment and Subgrade”. Concrete shall be as specified in Section 4.02.04 “Concrete”. All removals will be made to existing joints. If the depth of the existing paving exceeds the depth of the proposed replacement, the greater depth shall be replaced.

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4.02.07 Curb and Gutter.

All new curb and gutter installations shall conform to the Type “A” profile, as depicted below. The 7-inch thickness of the concrete is a minimum.



**Section 4.03 Dedication of Rights-of-way for New Streets.**

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Section 4.27 of this Ordinance. Access to lots located on arterials and other arterials shall be approved by the City.

**Section 4.04 Dedication of Rights-of-way for Existing Streets.**

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in this Ordinance. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements. Dedication of one-half of the right-of-way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right-of-way when adjoining property is subdivided.

**Section 4.05 Intersections.**

Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than 75 degrees, the city council may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street shall have a service drive, curb cut, or other means of access to an arterial street.

**Section 4.06 Curves in Streets; Horizontal.**

A tangent at least 100 feet long shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in section 4.27 of this ordinance.

**Section 4.07 Street Grades and Elevations.**

All streets, roads and alleys shall be graded to their full widths by the subdivider, so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than four tenths (0.40' / 100') of one percent. Minimum grades for gutters and ditches shall be four tenths (0.4' / 100') and five tenths (0.5' / 100') of one percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Street grades shall conform to the minimum requirements provided in section 4.27 of this Ordinance.

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Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two (2) feet below the graded surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

**Section 4.08 Frontage Roads/Marginal Access Streets, Alleys, and Driveways.**

Where a subdivision fronts on or contains an existing or proposed arterial street, the City may require marginal access streets in all situations indicated below or, reverse frontage lots with screen planting located in the non-access arterial street frontage along the rear of the lots, or such other treatment as may be necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street.

Marginal access streets may be required by the City for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

4.08.01 Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Minimum width of an alley shall conform to the requirements of Section 4.27 of this ordinance. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end, as determined by the Ashland City Council. Alleys need not be provided in residential areas where the subdivider produces evidence of easements which are satisfactory to the city council.

4.08.02 Driveways shall have a maximum grade of ten percent (10%). Driveways and curb cuts shall be located not less than three (3) feet from the side lot lines. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway pavement on each side.

**Section 4.09 Access.**

There shall be a minimum of two vehicular access points per platted subdivision. The City Engineer shall determine the most suitable location for said access points during the review period.

**Section 4.10 Street Jogs.**

Street jogs with centerline offsets of less than 150 feet at intersections shall be prohibited.

**Section 4.11 Cul-de-sac Streets.**

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than 600 feet and shall provide a turnaround conforming to the requirements of section 4.27 of this ordinance. The City may approve alternative designs for a temporary turn-around. The length of the cul-de-sac shall be measured from the center of the turn-around to the center of the intersecting street.

**Section 4.12 Street Names.**

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. Whenever a street alignment changes direction more than 45 degrees without a return to the original alignment within a distance of five hundred (500) feet, then the name of the street shall be changed at the point of the curvature. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City prior to such names being assigned or used.

**Section 4.13 Private Streets and Reserve Strips.**

New private streets may be created as part of a plan unit development district or mixed use district, provided such streets are specifically authorized by the City Council as an exception to the terms of the Ordinance. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the City as authorized in this Ordinance.

4.13.01 In rural subdivisions roads shall be dedicated to public but maintained as a private road until such time subdivision is annexed.

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**Section 4.14 Blocks.**

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed 600 feet. Pedestrian easements 10 feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for pedestrian circulation.

**Section 4.15 Lots.**

The lot sizes, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of public street or approved private street. Side lot lines shall be substantially at right angles or radial to curved street lines.

**Section 4.16 Through (Double Frontage) Lots.**

Double frontage lots, shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen of at least 10 feet in width shall be provided along the line of lots abutting such arterial street and the subdivider shall install trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street. Such screen shall be installed prior to the issuance of a certificate of occupancy.

**Section 4.17 Easements.**

Easements for sanitary or storm sewers, where necessary, shall be provided and shall be a total of at least 15 feet wide or wider when required by the City.

Where a subdivision is traversed by a major watercourse, drainageway, channel, or stream, there shall be provided to the City a permanent storm water easement or drainage right-of-way such width as will be adequate for both water flow and maintenance operations as determined by the City. No other surface improvements or fill, except trails, bank stabilization, and stabilization structures, shall be placed in any such easement right-of-way.

Where a subdivision is traversed by a river or one of its tributaries, there shall be provided to the City and the Lower Platte North Natural Resources District a permanent easement adequate for construction, operation, and maintenance of channel and flood control improvements and public recreation trails. No other surface improvements or fill, except bank stabilization structures, shall be placed in any such easement right-of-way.

Perpetual easements shall be granted to the City of Ashland and any telecommunications entity or other corporation transmitting communication signals authorized to use the city streets, to erect, operate, maintain, repair and renew poles, wires, cables, conduits, and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a five (5)-foot wide strip of land abutting all front and side boundary lot lines, and eight-foot wide strip of land abutting the rear boundary lines of all interior lots, and a sixteen (16)-foot wide strip of land abutting the rear boundary lines of all exterior lots. The term "exterior lots" is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen (16)-foot wide easement will be reduced to an eight (8)-foot wide strip when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Perpetual easements shall be granted to all other utility providers, and their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas, sanitary sewer, and water on, through under and across a five-foot-wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

**Section 4.18 Storm Sewer and Drainage System.**

A drainage system, including pipes, inlets, drainage structures, bridges, ditches, detention cells and other structures shall be designed and constructed by the subdivider to provide for proper drainage of surface water of the subdivision and the drainage area of which it is a part of. The storm sewer system shall be constructed and installed to provide for adequate drainage.

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Storm drainage, including drain tile around basements and discharge from basement sump pumps shall not be permitted to discharge into any sanitary sewer facility, but shall be connect to an adequate drainage outlet.

The subdivider shall submit, a drainage report prepared by a registered professional engineer licensed in the State of Nebraska describing the existing and proposed drainage conditions. A Preliminary Drainage Report shall be included with the Preliminary plat. The Final Drainage Report shall be submitted with the Final Plat and shall include an evaluation of the ability of the proposed improvements pertaining to drainage in the subdivision to handle the run-off. The report shall also consider the impacts of the upstream and downstream drainage systems.

The Preliminary Drainage Report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision for a 2-year, 10-year and 100-year frequency storm events.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions, flood plain, floodway, wetlands, etc.
3. A preliminary grading plan illustrating the proposed drainage improvements and storm water management.

The Final Drainage Report shall include:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each pick-up point.
3. Estimates and type of erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a 2-year, 10-year and 100-year frequency storm events.

In determining the size or type of storm sewer system, the design shall be sufficient to handle the computed runoff based on the Nebraska Department of Roads “Drainage Design and Erosion Control Manual, latest addition” and the Rational Method as described in said document. No storm sewer pipe shall be less than 18” in diameter. All storm sewers shall be designed to allow for a minimum of 12” between the bottom of the pavement slab to the top of said storm sewer pipe.

Based on the findings of the Drainage Reports, improvements shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall reflect a “no net” increase in runoff based on 2-year, 10-year and 100-year frequency storm events. Pre-development shall be the condition prior to improvements being completed, including cultivated row crops. Storm routing shall be performed as described in Technical Release 55 “Urban Hydrology for Small Watersheds” prepared by the US Department of Agriculture and the Natural Resources Conservation Service. The city shall require retention or detention basins (storage facilities) or other flow attenuation or reduction method in order to control the post-development run-off. All temporary stored runoff shall be drained within 48 hours.

The outlet works of any storage facility shall include a principal outlet as well as an emergency overflow. Flow through the emergency overflow must be demonstrated to discharge in a safe manner. Outlet works must operate without requiring attendance or operation. During the design and construction of any storage facility public safety shall be the highest concern. Consideration shall be made for fencing, flattening approach slopes or other safety measures.

#### **Section 4.19 Sanitary Sewer System.**

Design standards for sanitary sewers shall conform to standards of the Nebraska Department of Environmental Quality and the Recommended Standards for Water Works, latest edition (aka 10 States Standards) by Great Lakes – Upper Mississippi River Board of State Public Health and Environmental Managers.

#### **Section 4.20 Water.**

All water improvements will meet the requirements of the Nebraska Department of Health and Human Services and the Recommended Standards for Water Works, latest edition (aka 10 States Standards) by Great Lakes – Upper Mississippi River Board of State Public Health and Environmental Managers.



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**Section 4.21 Sidewalks.**

All sidewalks within subdivisions shall have a minimum pavement width of four (4) feet and minimum pavement thickness of six (6) inches if they are considered part of the City's trail system and four (4) inches everywhere else, all of which shall be located within the right of way and one foot from the property line unless otherwise directed by the city engineer. Installation of sidewalks shall be completed within two (2) years of approval of the final plat or at 50% build-out, whichever is first. All sidewalks shall be poured-in-place Portland cement. Concrete shall be Class "47B-3,500". Construction joints shall be placed at intervals approximately equal to the sidewalk width. Where required by the City and/or City Engineer, material shall be properly moistened to approximately optimum requirements and thoroughly compacted to a minimum of 95% maximum dry density as determined by ASTM D-698, with moisture content of 0% to 3% above optimum or as specified in the Geotechnical Report. All sidewalks shall meet all ADA Requirements. The street improvement plans shall show the location of the proposed sidewalks.

**Section 4.22 Accessibility Standards (ADA)**

All Improvements within Public Right-of-Way shall conform to the following ADA Guidelines

1. ADA Design Standards, latest edition
2. PROWAG (Proposed Right of Way Accessibility Guidelines), latest edition

**Section 4.23 Standards and Specifications.**

In addition to the prescribed requirements of these Regulations, the City has adopted further standards and specifications referred to as "Infrastructure Standards and Specifications". Whenever there is a conflict between any of the materials and testing standards and specifications and those provided herein, the highest standard and specifications shall govern.

**Section 4.24 Flood Hazards.**

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall be flood proof in accordance with the flood hazard zoning provisions of the Zoning Ordinance.

**Section 4.25 Creek Setback.**

No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one slope plus 20 feet between the water's edge of the stream and the closest point on the structure at grade. As used herein, the edge of the water of the stream shall be the point constituting the edge of the water during normal flow conditions.

A property may be exempt from the provisions of before mentioned upon a showing by a registered professional engineer that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate erosion control conditions coupled with adequate lateral support so that no portion of said structure adjacent to the stream will be endangered by erosion or lack of lateral support. In the event that the structure is adjacent to any stream which has been channelized or otherwise improved by any agency of government, then such certification providing an exception to the before mentioned may take the form of a certification to the adequacy and protection of the improvements installed by such governmental agency.

Prior to work on or near any watercourses all the necessary permits must be obtained from the Army Corp of Engineers or any other governmental agencies.

**Section 4.26 Erosion Control.**

The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, silt fences and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the city and city engineer. The city may require an erosion control plan at the developer's expense to be submitted for approval with the preliminary plat.

**Section 4.27 Minimum Street Standards**

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width <sup>1</sup> (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) <sup>3</sup> (ft)	Minimum Pavement Thickness <sup>4</sup> (in)
Arterial Street <sup>6</sup>	100	49 <sup>7</sup>	4	8	700 <sup>5</sup>	400 <sup>5</sup>	9
		38 <sup>7</sup>	3				
Collector Street	80	44	3	10	300	300	8
Local Street	60	31	2	10 (average)	100	300	7
Alleys	20	12 res. 20 comm.	1	No max.	100	None	7
Cul-De-Sac <sup>2</sup> and Loop Street	60 (rad.)	40 radius (min)	2	10 (average)	100	200	7
Marginal Access (Frontage Road) (No Parking)	50	26	2	10	300	300	7
Minor Streets (No Parking)	50	25	2	10 (average)	100	300	7
Private Road <sup>8</sup>	30	-	1	-	-	-	-

1. Pavement width measured back to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be 50 feet and the minimum pavement radius for the cul-de-sac turnaround shall be 37.5 feet in residential areas. Larger dimensions will be required in commercial and industrial areas as directed by the City Engineer.
3. (VC) - Vertical Curve of road
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by AASHTO or per geotechnical report
5. Per NDOR Standards or as directed by the City Engineer.
6. All section line roads will be designated as arterial streets.
7. Based on traffic study.
8. Also includes leg portion of flag lots or ingress/egress easements.

**Section 4.28 Emergency Warning Sirens.**

Emergency warning sirens shall be installed by the developer, if deemed necessary by the city and civil defense authorities, and shall meet specifications set by civil defense authorities.

**Section 4.29 Conformance with Other Regulations.**

No final plat of land within the City or its jurisdictional area shall be approved unless it conforms to existing zoning regulations unless waived by the Planning Commission and City Council in accordance with this Ordinance. Whenever there is a variance between the minimum standards set forth in this Ordinance and those contained in other regulations the most restrictive standard shall govern.

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## **ARTICLE 5: REQUIRED IMPROVEMENTS**

### **Section 5.01 General.**

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the City upon recommendation of the City Engineer. The construction cost of all infrastructure improvements shall be paid for by the subdivider. All contract documents between the subdivider and contractor shall be reviewed and approved by the City.

The work shall be done in accordance with specifications approved by the City and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Health and Human Services System shall be the minimum standards required thereof.

The cost of all plans and specifications for improvements, reports, permits, review fees, and construction review shall be paid for by the subdivider.

### **Section 5.02 Monuments and Markers.**

Monuments and markers placement shall be as follows:

5.02.01 Concrete monuments shall be located at all quarter section points or other reference points tied to the federal survey system on the boundaries of or within the area being platted.

### **Section 5.03 Monument Construction.**

5.03.01. Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

5.03.02. The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.

5.03.03. The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths inch and minimal length of 24 inches. When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.

5.03.04. In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the City Council.

### **Section 5.04 Survey Requirements**

5.04.01. A land survey is required to support data furnished on the final plat, and this survey shall conform to all requirements set forth in Section 3.05

5.04.02. Horizontal Control - The Final Plat, and all electronic Computer Aided Drafting and Design (Cadd) deliverables for infrastructure (Paving, Drainage, Water, and Sanitary Sewer) improvements shall be tied into the City of Ashland GIS / Survey Control Network. The survey control monuments which define the City of Ashland GIS / Survey Control Network are published in the City of Ashland "Infrastructure Standards and Specifications"

5.04.03. Vertical Control – The Final Plat, and all electronic Computer Aided Drafting and Design (Cadd) deliverables for infrastructure (Paving, Drainage, Water, and Sanitary Sewer) improvements shall reference the North American Vertical Datum of 1988 (NAVD 88), unless otherwise specified by the City of Ashland.

### **Section 5.05 Street Grading and Construction.**

5.05.01 All streets shall be graded to the full width of right of way and to within six inches of the street grade established in the approved final plat construction plans and specifications. Final construction plans shall be in conformance with specifications set forth by the City.

5.05.02 Higher design standards may be required by the City to provide for unusual soil conditions or extraordinary traffic volumes or other abnormal characteristics.

5.05.03 The streets in the proposed subdivision shall be paved, including curbs and gutters, and street surfacing shall be of concrete or any other suitable surface as recommended by the city engineer and approved by the city council. Materials for street improvements shall meet the requirements of the city's Materials and Testing Standards and Specifications.

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- 5.05.04 Curb and gutter shall be required for all streets within the boundaries of the subdivision and constructed in conformance with the minimum standards of the city as required by the city engineer unless accepted by the City in accordance with the terms of this Ordinance. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision.
- 5.05.05 The applicant shall comply with all NPDES requirements as administered by the State of Nebraska and the Lower Platte North Natural Resource District.

**Section 5.06 Street Signs, Lighting, Electrical, Natural Gas, Telephone, Cable TV, and Mail Boxes.**

- 5.06.01 At least one street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles.
- 5.06.02 The developer shall pay for the materials and installation of street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by City of Ashland. Whenever the distance between two (2) adjacent street or walkway lights would exceed three hundred (300) feet, then additional street lights shall be installed in such manner that proper light intensity shall be provided and maintained. New subdivision street and walkway lighting may be installed with all associated wiring underground or overhead, as required by the city.
- 5.06.03 New subdivision lighting and electrical power, gas, and telephone shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper specifications for installation. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, cable tv, electric, street lighting, and communications conductors may be installed underground at the option of the city. Utility boxes shall be installed at the front of the lots unless otherwise required by the City to be located at the rear of the property. Any necessary overhead secondary utility lines shall be located at the rear of all lots. Whenever a sanitary sewer line and electric and/or telephone line is each placed underground in the same utility easement, the following provisions shall be applicable:
1. The total easement width shall not be less than fifteen (15) feet, and
  2. The sanitary sewer line shall be installed within three (3) feet of the easement, and the electric and/or telephone line shall be installed within three (3) feet of the opposite side of the easement.
- 5.06.04 Mailboxes owned and serviced by the post office shall be clustered whenever possible and coordinated through the Post Master and the City Engineer to be consistent with future parking restrictions.

**Section 5.07 Landscape Screens.**

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. Such screen shall be installed prior to the issuance of a certificate of occupancy.

**Section 5.08 Storm Sewer and Drainage.**

A drainage system, including pipes, inlets, drainage structures, bridges, ditches, detention cells and other structures shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part of. The city shall require retention or detention basins in order to control the post development runoff for the subdivision. The improvements shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff shall reflect a “no net” increase in runoff rate based on a 2-year, 10-year and 100-year frequency storm events. The system shall be sufficient to handle the computed runoff as outlined in the Final Drainage Report. The Nebraska Department of Roads “Drainage Design and Erosion Control Manual, latest edition and Technical Release 55 “Urban Hydrology for Small Watersheds, latest edition” prepared by the US Department of Agriculture and the Natural Resources Conservation Service shall serve as a guideline in design and construction. Materials for storm sewer improvements shall meet the requirements of the city’s “Materials and Testing Standards and Specifications”.

- 5.08.01 Subdivisions and other proposed new development shall be required to assure that 1) all such development are consistent with the need to minimize flood damage, 2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, 3) adequate drainage is provided so as to reduce exposure to flood hazards so as to assure that all building sites are reasonably safe from flood hazards.
- 5.08.02 Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall

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be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage report required for submittal and shall be submitted to the city prior to development of the lot.

**Section 5.09 Sanitary Sewers.**

Where a sanitary sewer is accessible by gravity flow within 1,320 feet of the final plat, the developer shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within 1,320 feet of the final plat, the developer shall make provisions for the disposal of sewage required by law. Where a sanitary sewer is not accessible by gravity flow within 1,320 feet of the final plat, but where plans for installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the developer shall be required to install sewers in conformity with such plans. Design of sanitary sewer lines shall conform to standards and guidelines approved by the utility superintendent, city engineer and city council as well as section 4.19. A sanitary sewer main shall be installed in the proposed street right-of-way to serve the lots in the development. All lots shall be served by an individual service line. Materials for sanitary sewer improvements shall meet the requirements of the City’s “Materials and Testing Standards and Specifications”.

- 5.09.01 Where deemed required, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Combination of sanitary sewers and storm sewers shall be prohibited.
- 5.09.02 Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
  - 1. A central treatment plant, provided that such central treatment plant is installed in accordance with the city and Nebraska Department of Environmental Quality and Department of Health requirements, or
  - 2. Lots may be served by individual disposal systems, if the provisions of the following section are met.
  - 3. Sewer mains and/or stormwater drainage improvements shall be located under paved sections of streets so that connections may be made at a later date.
  - 4. Property owners shall connect to public sanitary sewer system at such time as connection becomes accessible.
- 5.09.03 Where the installation of individual disposal systems is considered, the following shall apply:
  - 1. The suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, applicable wellhead protection regulations, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the city and the Nebraska Department of Environmental Quality and Department of Health.
  - 2. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed buildings. Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided that in no case shall said minimum lot be less than one (1) acre in area where there is a public water supply available at the lot, and two and a half (2 ½) acres where there is not a public water supply available.
  - 3. At least one (1) percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the Ashland City Council.

**Section 5.10 Water Mains.**

The subdivision shall be provided with an adequate water supply system, which shall be connected to a water supply source approved by the City. Where adequate water lines are accessible within 1,320 feet of the final plat, connections to the water line shall be made. Water lines shall be looped according to specifications set by the city council. If tract is located in excess of 1,320 feet from existing water lines, utility lines may be installed but not connected to city systems, at city’s discretion.

Design of municipal water mains shall conform to standards and guidelines approved by the City. A water main shall be installed in the proposed right-of-way to serve the lots in the development. All lots shall be served by an individual service line. Materials for water improvements shall meet the requirements of the City’s “Materials and Testing Standards and Specifications”.

- 5.10.01 Fire hydrants shall be provided by the developer in all subdivisions with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the utility superintendent and city engineer. The minimum size of any water line serving any hydrant shall not be less than

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six (6) inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the utility superintendent and city engineer.

**Section 5.11 Extensions to Boundaries.**

The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the city.

**Section 5.12 Off-Site Extensions.**

If street or utilities are not available at the boundary of a proposed subdivision, and if the council finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to the approval of the final plat, to obtain necessary easements or right-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

**Section 5.13 Sidewalks.**

For the safety of pedestrians in residential and commercial subdivisions, the subdivider shall construct Portland cement concrete sidewalks at one (1) foot from the property line within the right-of-way, on both sides of the street to meet the following specifications:

5.13.01 Single Family or Duplex Dwelling Units

Four (4) feet wide.

5.13.02 Multi-family or Group Housing Developments

Five (5) feet wide.

5.13.03 Commercial Developments

Eight (8) feet wide.

5.13.04 City Trails:

Where sidewalks are designated as part of a trail system, such sidewalks shall conform to the standards of such trail design as determined by the City.

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## **ARTICLE 6: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND**

### **Section 6.01 Dedication.**

As a condition of final plat approval, the subdivider shall dedicate to the public all streets and alleys and easements as may be required by the City of Ashland. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for a homeowner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes. The agreement by which the legal assurances are proved shall be an enforceable covenant running with the land in form acceptable to the City. Subdividers of "commercial" type subdivisions may be required to dedicate land for off-street parking as determined necessary by the City.

Such provisions shall also provide for agreement of the property owners that if the City is requested or required to perform any reconstruction, maintenance, repair, or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the City and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

### **Section 6.02 Dedications Outside Corporate Limits and Within Extraterritorial Jurisdiction.**

Whenever a subdivision is proposed outside the corporate limits and within the extraterritorial jurisdiction of Ashland, the developer shall obtain written consent from the Saunders County Board of Supervisors or Cass County Board of Commissioners in order to dedicate specific streets, street rights-of-way, and other infrastructure prior to the City of Ashland approving said final plat. However, if the Saunders County Board of Supervisors or Cass County Board of Commissioners rejects the dedication of said streets or maintenance thereof, street rights-of-way or other infrastructure, the developer shall be responsible for establishing a homeowners association to maintain proposed dedications as private roads until such time the county accepts responsibility or city annexes the subdivision.

### **Section 6.03 Park Dedication Fee**

As a way of assuring adequate land is available for new parks and facilities and that all existing and new recreational amenities are properly maintained, the City of Ashland has implemented a policy for a park dedication fee for such parks and facilities. Such fee is identified in the Master Fee Schedule and is based each platted lot regardless of zoning.

### **Section 6.04 Developer Agreements.**

The sections of this article may be implemented through a subdivision agreement between the developer and the City so long as the time and manner of compliance of this article and other provisions of these regulations are adhered to.

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## **ARTICLE 7: IMPROVEMENT PROCEDURE**

### **Section 7.01 Platting Costs and Improvements Financing.**

In order to provide consistent information concerning the financing of required subdivision improvements; establish and equitable division of costs between the developer and City; and to insure orderly, cost effective growth in Ashland, the City shall require that the developer pay for the following services and improvements indicated as part of the subdivision process.

- 7.01.01. All costs associated with the preparation and revisions to the preliminary plat including but not limited to surveying, preliminary grading, drawings, and related services.
- 7.01.02. Unless otherwise agreed to by the City in a Subdivision Agreement, the developer shall pay for all preparation of all items related to the final plat and those improvements and related costs contained in Article 5.
- 7.01.03. All costs associated with the preliminary and final subdivision plat application shall be in accordance with the City's Fee Schedule.

### **Section 7.02 Subdivision Improvements Guarantees.**

Prior to the final plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the City.

In lieu of requiring the completion of all improvements prior to the final plat approval, the City Council may enter into an agreement with the subdivider and subdivider shall guarantee to complete all improvements required by this Regulation and approved by the City in a manner satisfactory to the City. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one or more of the guarantees set forth in Section 7.03 and 7.04 below.

### **Section 7.03 Surety Performance Bond.**

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover 110% of the cost of all improvements, as established by the subdivider and accepted by the City Council upon recommendations of the City Engineer. The duration of the bond shall be until such time as the improvements are accepted by the City Council in accordance with this Ordinance.

### **Section 7.04 Escrow Account.**

The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the City Council or in escrow with a bank. In lieu of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to 110% of the estimated cost of all required improvements as estimated by the subdivider and accepted by the City Council upon recommendation of the City Engineer.

In the case of an escrow account, the subdivider shall file with the City Council an agreement between the bank and the subdivider guaranteeing the following:

- 7.04.01. That the funds of said escrow account shall be held in trust until released by the City Council and shall not be used or pledged by the Subdividers as security in any other matter during that period.
- 7.04.02. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City for use in completion of the improvements.

### **Section 7.05 Security Agreement.**

The subdivider shall provide a securing agreement guaranteeing the installation of all required improvements. The security agreement must be approved by the city attorney and in an amount sufficient to guarantee the installation of all improvements.

In case of an escrow account, the subdivider shall file with the city council an agreement between the bank and themselves guaranteeing the following:

- 7.05.01 That the funds of said escrow account shall be held in trust until released by the city council and may not be used for pledged by the subdivider as security in any other matter during that period.
- 7.05.02 That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the city council for use in completion of the improvements.



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**Section 7.06 Improvement Districts.**

- 7.06.01 As to those portions of the subdivision that are situated within the corporate limits of the City, the developer may petition the City to create Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City's evaluation of risk of failure or delay in subdivision build-out, or other sufficient reason as determined by City, the City may or may not grant the Subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to 20% or more of the cost of improvements as determined from the City Engineer's estimates prior to receipt of bids and award of contracts. The City may finance up to 80% of the cost of construction of said improvements. Such petition shall be in the form prescribed by the City and shall be executed by the owners of all the lots situated within the proposed improvement district. The cost of all such improvements in the district which are constructed shall be specially assessed against the land benefited thereby, to the full extent of special benefits, and unless otherwise agreed to in writing by the City prior to the time of the City's approval of the Final Plat, the entire cost of all public improvements in said subdivision shall be deemed to be of special benefit to the property situated therein, and the full cost thereof, including engineering fees, attorney's fees and other related costs, shall be specially assessed against such property. The City shall, in no event, be bound to form such a district, and if such a district be formed, the City shall not be required to install improvements therein until, in the opinion of the City, economic conditions warrant such installation; provided, the City shall have the right to limit the size of the final plat if the area of the tentative plat is more than ten acres.
- 7.06.02 As to those portions of the subdivision that are situated outside the corporate limits of the City but within the zoning jurisdiction of the City, the developer may cause such improvements to be constructed by a street improvement district or sanitary and improvement district in accordance with the appropriate state law. However, the City Engineer shall not certify to the City that the required improvements have been satisfactorily arranged for until the developer presents certified evidence that the improvement district has been duly formed and has adopted a resolution of necessity authorizing a contract for the required work in that portion of said road improvement district or sanitary and improvement district included in the Final Plat. It is further provided, however, that if the City has approved a Final Plat for a phase of the area comprised in the Preliminary Plat, the developer may submit for final platting the next phase only if the required improvements have been installed in the first phase, or have been contracted for as above provided in the phase comprised in the Final Plat theretofore approved. Subsequent applications for final platting shall be processed in the same manner.

**Section 7.07 Time Limits.**

Prior to the granting of Final Plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all improvements. Such deadlines shall not exceed two (2) years from the date of Final Plat approval (unless exempted herein), provided, however the City Council may extend that deadline for one (1) additional year where the subdivider presents substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements. No building permits shall be issued until such improvements have been made.

**Section 7.08 Required Submittals Prior to Construction.**

Prior to construction, the developer shall submit the following to the City Engineer for review and approval.

- 7.08.01 Shop drawings of materials and equipment to be incorporated into the project.
- 7.08.02 Executed contract with construction company.
- 7.08.03 Approved letter of improvements from:
1. Nebraska Department of Health and Human Services
  2. Nebraska Department of Environmental Quality
- 7.08.04 Permits
1. NPDES Permit for storm water discharges from construction sites.
  2. NDOR (If applicable).
  3. Other Permits (If applicable).

**Section 7.09 Installation of Improvements.**

Developers may select either method or combination of methods listed below to comply with the minimum improvement requirements:

- 7.09.01 They may install required improvements upon acceptance of plans and specifications being approved by the City Council.
- 7.09.02 Within the corporate limits, they may submit a petition requesting the City to construct street paving and

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sanitary sewer in the proposed subdivision by the district method. In such event, the developer shall have plans and specifications prepared and pay all costs for same. The plans and specifications shall be approved by the City staff, City Engineer, and City Council for all such improvement districts. The City shall assess the cost of such improvements to the adjacent property as provided by law.

**Section 7.10 Plan and Administration Review Reimbursement.**

The subdivider shall reimburse the City for such costs incurred by the City for review and approval of plans, specifications and other documents as to conformance with approved City Infrastructure Standards and Specifications, as identified in the City's fee schedule.

**Section 7.11 Failure to Complete Improvements.**

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 7.13 below within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, the City Council shall do one of the following:

- 7.11.01 Where improvements have been guaranteed under Section 7.03 of this Ordinance, the bond shall be forfeited to the City.
- 7.11.02 Where improvements have been guaranteed under Section 7.04 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

**Section 7.12 Testing Requirements.**

The City will retain and the Developer shall pay for the services of a certified testing laboratory to provide the following testing during construction:

- 1. Grading/Fill Testing
- 2. Trench Testing
- 3. Subgrade Testing
- 4. Concrete Testing
  - a. Air
  - b. Slump
  - c. Strength
- 5. Pavement Thickness Testing
- 6. Sanitary Sewer Main Testing
  - a. Low Pressure Air Test
  - b. Alignment and Deflection Test
  - c. TV Inspection
- 7. Water Main Testing
  - a. Bacteriological Samples
  - b. Hydrostatic Pressure Test
- 8. Storm Water Pollution Prevention Plan (SWPPP) Monitoring
  - a. Storm Water Construction Site Inspection Report by a certified erosion and sediment control inspector
  - b. Erosion and Sediment Control Maintenance Report by a certified erosion and sediment control inspector

Testing Data to be submitted to City Administrator as each element of project is completed. The City of Ashland "Infrastructure Standards and Specifications" outline the required frequency of each test.

**Section 7.13 Inspection and Certification.**

The Subdivider shall reimburse the City for costs incurred by the City and City Engineer for testing data review, shop drawing review, construction observation, monthly progress reports, recommendation of acceptance, etc. related to the project. Such reimbursement shall be as identified in the City's fee schedule.

The city engineer, city staff or other authorized person shall periodically review the construction of improvements. Upon completion of the improvements, the City Engineer or other authorized person shall file with the City Council a statement either certifying that the improvements are as approved or a statement in which conditions do not meet the requirements of the approved improvements plans and specifications.

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Upon completion of the improvements, the subdivider through use of a registered professional engineer shall file with the City a statement stipulating the following:

- 7.12.01 That all required improvements are complete as specified in the subdivision improvement checklist and approved subdivision agreement.
- 7.12.02 That these improvements are in compliance with the minimum standards specified by the City.
- 7.12.03 That there are no known defects from any cause in the improvements.
- 7.12.04 That these improvements are free and clear of any encumbrances or lien.

At the completion of the project, the Subdivider shall submit as-built drawings of the improvements to the City of Ashland.

If the City Engineer or other authorized person has certified that the improvements are complete, the City shall accept any dedication of improvements. The City Council may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

**Section 7.14 Reduction of Guarantees.**

In those cases where improvement guarantees have been made under Section 7.03 or 7.04 of this Ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 7.02 of the dedication and acceptance of a portion of the improvements.

**Section 7.15 Release of Guarantee.**

Upon acceptance, in accordance with Section 7.01 and 7.02 of the Ordinance, the City shall authorize the release of the performance bond or the remaining portion of the escrow.

**Section 7.16 Operation and Maintenance.**

It is the intention of the City to provide no services other than planning, zoning and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to present to the City, a precise approach for the operation and maintenance of improvements in the subdivision. Said approach may include formation of districts, homeowners associations or other methods to operate and maintain such improvements. Said approach shall be binding on the subdivider in a form, agreement, or contract acceptable to the City.

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## **ARTICLE 8: WAIVERS**

### **Section 8.01 Granting of Waivers (Exceptions) and Conditions.**

In addition to the exceptions contained in this Ordinance, the Planning Commission may recommend and the City Council may grant waivers from the provisions of this Ordinance, but only after determining that:

- 8.01.01. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
- 8.01.02. The waivers are necessary for the reasonable and acceptable development of the property in question.
- 8.01.03. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

### **Section 8.02 Recording of Plat.**

In no case shall the requirement of filing and recording a plat for subdivision be waived.

### **Section 8.03 Planned Unit/Cluster Developments.**

The Planning Commission and City Council may also grant reasonable waivers to this Ordinance if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development or cluster development. The subdivider shall indicate where the plans vary from the requirements of this Ordinance and shall present evidence to support such requests.

## **ARTICLE 9: ADMINISTRATION, ENFORCEMENT AND AMENDMENTS**

### **Section 9.01 General.**

The following apply towards administration of this Ordinance:

- 9.01.01 It shall be the duty of the city staff to enforce this Ordinance and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
- 9.01.02 No owner, or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of this Ordinance, and filed for record with Saunders or Cass County Register of Deeds.
- 9.01.03 The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade this Ordinance shall not be permitted. All such subdivisions shall be subject to all the requirements contained in this Ordinance.
- 9.01.04 No permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of this Ordinance.

### **Section 9.02 Amendments**

Any provision of this Ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written report and recommendation by the Planning Commission to the City Council.

### **Section 9.03 Violation/Penalties.**

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of not more than \$100.00 plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

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**ARTICLE 10: CERTIFICATION AND DEDICATION STATEMENTS**

**Section 10.01 Acknowledge of Notary**

**ACKNOWLEDGE OF NOTARY**

**STATE OF NEBRASKA**

**COUNTY OF SAUNDERS**

On the \_\_\_\_ day, of \_\_\_\_\_ 20\_\_\_\_, before me, the undersigned Notary Public, duly commissioned and qualified in a for said county approved known by me to be the identical person whose name is affixed to the dedication on this plat and acknowledge the execution thereof to be his/her voluntary act and deed as said \_\_\_\_\_.

WITNESS my hand and Notarial Seal the day and year last above mentioned.

\_\_\_\_\_  
Notary Public (SEAL)

**Section 10.02 Surveyor's Certification**

**SURVEYORS CERTIFICATION:**

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on \_\_\_\_\_, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

\_\_\_\_\_  
(Surveyor, RLS #) Date  
(seal)

**Section 10.03 Approval of Ashland City Planning Commission**

**APPROVAL OF THE PLANNING COMMISSION OF ASHLAND, NEBRASKA**

This preliminary plat of \_\_\_\_\_ was approved by the Ashland Planning Commission this \_\_\_\_ day \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Chairperson, Ashland Planning Commission

**Section 10.04 Approval of Ashland City Planning Commission**

**APPROVAL OF THE PLANNING COMMISSION OF ASHLAND, NEBRASKA**

This final plat of \_\_\_\_\_ was approved by the Ashland Planning Commission this \_\_\_\_ day \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Chairperson, Ashland Planning Commission

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**Section 10.05 Acceptance by Ashland City Council**

ACCEPTANCE BY ASHLAND CITY COUNCIL OF

This preliminary plat of \_\_\_\_\_ was approved by the City Council of the City of Ashland, Nebraska on this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_, in accordance with the State Statutes of Nebraska.

\_\_\_\_\_  
Mayor (City of Ashland SEAL)

ATTEST \_\_\_\_\_  
City Clerk

**Section 10.06 Acceptance by Ashland City Council**

ACCEPTANCE BY ASHLAND CITY COUNCIL OF

This final plat of \_\_\_\_\_ was approved by the City Council of the City of Ashland, Nebraska on this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_, in accordance with the State Statutes of Nebraska.

\_\_\_\_\_  
Mayor (City of Ashland SEAL)

ATTEST \_\_\_\_\_  
City Clerk

**Section 10.07 Acceptance by the Ashland City Engineer**

This preliminary plat of \_\_\_\_\_ was reviewed and approved by the Ashland City Engineer on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Ashland City Engineer

**Section 10.08 Acceptance by the Ashland City Engineer**

This final plat of \_\_\_\_\_ was reviewed and approved by the Ashland City Engineer on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Ashland City Engineer

**Section 10.09 Acceptance by Saunders or Cass County Register of Deeds**

Recorded on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Saunders or Cass County Register of Deeds (STAMP including book and Page)

**Section 10.10 Review of Saunders or Cass County Surveyor**

REVIEW OF SAUNDERS OR CASS COUNTY SURVEYOR

This plat of \_\_\_\_\_ was reviewed by the office of Saunders County Surveyor on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Saunders or Cass County Surveyor (SEAL)

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**Section 10.11 County Treasurer's Certifications**  
COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

\_\_\_\_\_  
County Treasurer

\_\_\_\_\_  
Date

(SEAL)

**Section 10.12 Administrative Plat Approval**  
APPROVAL OF CITY OF ASHLAND

This Administrative Plat was approved by the City of Ashland This \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Zoning Administrator

**Section 10.13 Owner's Certification**  
OWNERS CERTIFICATION

I/we the undersigned \_\_\_\_\_ owner(s) of the real estate shown and \_\_\_\_\_ (names) described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivided, said real estate in accordance with this plat.

This subdivision shall be known and designated as \_\_\_\_\_, an addition to the City of Ashland, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the City). All Streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: \_\_\_\_\_.

There are strips of ground shown or described on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of utility or City to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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**Section 10.14 Lien Holder Consent**

The undersigned holder of that certain lien against the real property described in the plat known as \_\_\_\_\_ (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Saunders or Cass County, Nebraska as Instrument No. \_\_\_\_\_ (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the Lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the Lien and has not assigned the Lien to any other person.

\_\_\_\_\_  
(Name of Lien Holder)

By: \_\_\_\_\_

\_\_\_\_\_  
(Print the Name of Individual)

Title: \_\_\_\_\_



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**ARTICLE 11: ANNEXATION AND RECORDING OF PLAT**

**Section 11.01 Subdivision Annexation of Adjoining or Contiguous Properties.**

All Subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become part of the municipality for all purposes whatsoever, upon approval of and acceptance by resolution of the city council.

**Section 11.02 Petition for Annexation.**

Any subdivision in which there are lands dedicated to the city or any subdivision serviced by public utilities shall be annexed to the city. Before approval for the final plat is given, the municipal body shall receive a petition for annexation from the owners of the subdivided properties.

**ARTICLE 12: LEGAL STATUS PROVISIONS**

**Section 12.01 Severability.**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 12.02 Repeals.**

All ordinances of the City inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed. The repeal of any of the above mentioned ordinances does not revive any other ordinances or portions thereof by said ordinances. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any ordinance repealed hereby, for any offense committed prior to the repeal.

**Section 12.03 Effective Date.**

This ordinance shall take effect and be in force from and after its passage and publication according to law.

**Section 12.04 Adoption.**

This subdivision ordinance was adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2016 by the City Council of the City of Ashland, Nebraska.

(seal)

\_\_\_\_\_  
Mayor

ATTESTED: \_\_\_\_\_  
City Clerk