

VILLAGE OF EAGLE

Cass County, Nebraska

Subdivision Regulations 2021

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ARTICLE 1: TITLE, PURPOSE, AND DEDICATION

Section 1.01 Name and Citation of Titles

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

Section 1.02 Purpose

The purpose of this Ordinance is to provide for the orderly development of Eagle 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 Municipality'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 public right-of-way used primarily as a secondary means of access to the abutting property.
- 1.03.03 **BLOCK** shall mean a tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands 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 governing body 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.
- 1.03.06 **BUILDING LINE** shall mean a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum setback distance a building may be erected. 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.
- 1.03.07 **BUILDING OFFICIAL** shall mean the individual appointed and/or employed by the Municipality to enforce the prescribed and adopted building codes for the Municipality. Said individual may be assigned to enforce Municipal Code, the Comprehensive Development Plan, Zoning Ordinance, and Subdivision Ordinance for the Municipality of Eagle.
- 1.03.08 **CLERK** shall mean the Municipal Clerk of the Municipality of Eagle, Nebraska.
- 1.03.09 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the master plan for the improvement and development of Eagle, Nebraska, as adopted by the Planning Commission and the Municipality in accordance with the laws of the State of Nebraska and the ordinances of Eagle.
- 1.03.10 **CUL-DE-SAC OR LOOP STREETS** shall mean a public way with one end open to traffic and the other end terminated by a vehicular turn-around. (LOOP STREET – has median in the center).
- 1.03.11 **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.

- 1.03.12 **DEDICATION** shall mean the intentional appropriation of land by the owner to some public use.
- 1.03.13 **DEVELOPER** See "Subdivider".
- 1.03.14 **EASEMENT** shall mean a right to use a parcel of land, granted to the general public, utility, corporation or person(s) for a specific purpose or purposes.
- 1.03.15 **EXTRATERRITORIAL JURISDICTION or ETJ** shall mean the area beyond the corporate limits in which the Municipality has been granted the powers by the state, and in some cases the consent of the county, to exercise zoning and building regulations and is exercising such powers.
- 1.03.16 **MUNICIPAL ENGINEER** shall mean the Municipal Engineer of the Municipality of Eagle retained by the governing body for the recommendation, advice, and implementation of engineering work as requested by the Municipality.
- 1.03.17 **FLOOD PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year as identified by the Federal Emergency Management Agency (FEMA).
- 1.03.18 **FLOODWAY** means 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.
- 1.03.19 **FRONTAGE ROAD** (See Streets, Marginal Access).
- 1.03.20 **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 governing body or its specific approving authority.
- 1.03.21 **LOT** shall mean a parcel, tract or area of land created in conformance with this Ordinance that may be separately owned, used, developed or built upon.
- 1.03.22 **LOT CONSOLIDATION** shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.
- 1.03.23 **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.
- 1.03.24 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.
- 1.03.25 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets.
- 1.03.26 **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.
- 1.03.27 **LOT FRONTAGE** shall mean that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.
- 1.03.28 **LOT, INTERIOR** shall mean a lot other than a corner lot which has frontage on one street only.
- 1.03.29 **LOT LINE** shall mean the boundary line of a lot.
- 1.03.30 **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.

- 1.03.31 **LOT, NONCONFORMING** shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.
- 1.03.32 **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 governing body and recorded in the office of the Register of Deeds for Cass County.
- 1.03.33 **LOT OF RECORD** shall mean a lot which is both part of a subdivision recorded in the office of the Register of Deeds for Cass County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of this Ordinance.
- 1.03.34 **LOT SPLIT** shall mean a subdivision involving the division of one lot with the end result not be greater than two lots.
- 1.03.35 **LOT, THROUGH** shall mean a lot other than a corner lot fronting on more than one (1) street.
- 1.03.36 **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.
- 1.03.37 **MASTER PLAN** See Comprehensive Development Plan.
- 1.03.38 **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.
- 1.03.39 **MUNICIPALITY** shall mean the Municipality of Eagle, Nebraska. Also, Municipal Board or governing body.
- 1.03.40 **MUNICIPAL BOARD** shall mean the governing body for the Municipality of Eagle, Nebraska.
- 1.03.41 **OUTLOT** 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.
- 1.03.42 **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.
- 1.03.43 **PLANNING COMMISSION** shall mean the Planning Commission of Eagle, Nebraska.
- 1.03.44 **PLAT** shall mean a map that delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
- 1.03.45 **PLAT, ADMINISTRATIVE:** Shall provide for lot splits, lot combinations, and boundary adjustment which result in lots divided or combined into not more than two (2) tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting.
- 1.03.46 **PLAT, FINAL** shall mean the final plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with this Ordinance. Substantial conformance to an approved preliminary plat, prepared in accordance with Ordinance.
- 1.03.47 **PLAT, PRELIMINARY** shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of this ordinance.

- 1.03.48 **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.
- 1.03.49 **PROPERTY LINE ADJUSTMENT** is 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.
- 1.03.50 **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.
- 1.03.51 **SIDEWALK OR WALKWAY** shall mean that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.
- 1.03.52 **STREET** shall include public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements and right-of-way. Where explicitly authorized by the governing body, private streets may be authorized as part of planned developments.
- 1.03.53 **STREET, COLLECTOR** shall mean a street or highway that is intended to carry traffic from local streets to arterial 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.
- 1.03.54 **STREET, ARTERIAL (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.
- 1.03.55 **STREET, MARGINAL ACCESS (FRONTAGE ROAD or SERVICE ROAD)** shall mean local or collector streets parallel to and adjacent to arterial streets, collector streets or highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.
- 1.03.56 **STREET, LOCAL (MINOR)** shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 1.03.57 **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.
- 1.03.58 **SUBDIVISION** shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.
- 1.03.59 **SUBDIVISION AGREEMENT** An agreement between the Municipality of Eagle and a developer whereby 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.
- 1.03.60 **ZONING DISTRICT** shall mean an area delineated on a zoning map for which uniform use regulations are specified.
- 1.03.61 **ZONING ORDINANCE** shall mean the Zoning Ordinance of the Municipality of Eagle as amended from time to time.

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 Municipality 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 Municipality; 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 Municipality 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 Municipal Board.

Section 2.02 General Provisions; Jurisdiction

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

Section 2.03 General Provisions; Powers

No plat of a subdivision of land lying within the jurisdiction of the Municipality 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 Municipal Board and the Municipal Board 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 Municipality, 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. Reissue 2012) 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 Municipality, or any Municipality incorporated or unincorporated, within the jurisdiction of the Municipality, shall be deemed to have received approval as required by Neb. Rev. Stat. § 19-916.

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 ten (10) 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.

Section 2.05 General Provisions; 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 General Provisions; 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.

Section 2.07 General Provisions; 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 General Provisions; Amendments

Any provisions of this Ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the Municipal Board; 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 Municipal Board in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation within the Municipality of Eagle at least one (1) time, ten (10) days prior to such hearing.

Section 2.09 General Provisions; 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 Municipality.

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 Municipality in sketch form showing ideas for 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.

Pre-application meeting Municipal staff shall consist of 1-2 board members, 1-2 planning commission members, clerk, and building official/zoning administrator. Larger projects may require Municipal Engineer and/or Municipal Attorney. These pre-application plans and data shall not require a formal application fee.

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 Municipality of Eagle or which is within the ETJ of the Municipality of Eagle 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 Municipality of Eagle. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to Municipal staff 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 Municipality 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, preliminary and final, 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 Five (5) full sized copies and five (5) 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 Municipality of Eagle in accordance to the review schedule. Municipal staff shall distribute one (1) copy of the Preliminary Plat with a request for comments to the School District School Board and other entities, Cass County Planning Commission (if located outside of the corporate limits), Nebraska Department of Roads, when applicable, Fire Chief as the Municipality deems appropriate.
- 3.02.04 The Planning Commission will consider the Preliminary Plat at a public hearing, advertised and posted with notice at least ten (10) days prior to the Hearing in a paper of general circulation in the Municipality of Eagle, and will:
 - 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, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof in writing.

- 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 Municipal Clerk will order Notice of Public Hearing before the Municipal Board to be published. The notice must be published at least ten (10) days prior to the Public Hearing in a paper of general circulation within the Municipality of Eagle. The Municipal Board may: (a) concur with the Planning Commission's Recommendation; (b) reverse the Planning Commission's recommendation; or (c) refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission; (d) approve with some modifications 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 twelve (12) months from the date of such approval by Municipal Board, 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 Municipal Board, such extension shall not exceed one year.

Section 3.03 Preliminary Plat Specifications

The Preliminary Plat shall be drawn to a scale of at least one (1") inch to one hundred (100) feet with a sheet size not to exceed 18"x24" 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 so 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 (5') 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). 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 Both existing and proposed grades shall be shown.
- 3.03.13 All established floodway, floodway-fringe, and flood plain overlay lines.
- 3.03.14 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.
- 3.03.15 Three (3) draft copies of the subdivision agreement with attached itemized cost estimate for all public improvements and detailed breakdown of portion of estimated costs to be borne by subdivider and those to be borne by the Municipality, S.I.D. or other proposed issuer of public debt.
- 3.03.16 Three (3) copies of an erosion control plan.
- 3.03.17 Signature block indicating approval of the Planning Commission per Section 10.03.
- 3.03.18 Signature block indicating approval of the Municipal 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 Municipal Planning Commission and Municipal Board Meetings when the Preliminary Plat (displayed in duplicate) is discussed.
- 3.03.21 Traffic impact analysis study may be required by the Municipal Engineer.
- 3.03.22 Four (4) copies of the following to the Municipality for review at the time of pre-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 review schedule to the Municipality for Planning Commission and Municipal Board review.
- 3.04.03 Prior to approval of the Municipal Board, at least five (5) signed reproducible copies (Mylar) of the final plat ((3) full size, (1) 18 x 30, and (1) 11 x 17) copies of the original shall be prepared as specified in this Ordinance.
- 3.04.04 Planning Commission Hearing: Final Plat shall be submitted to the Planning Commission for review at a public hearing advertised and posted with notice at least ten (10) days prior to the Hearing in a paper of general circulation in the Municipality of Eagle.
- 3.04.05 Municipal Board Hearing: Final Plat shall then be submitted to the Municipal Board for approval and adoption at a public hearing advertised and posted with notice at least ten (10) days prior to the Hearing in a paper of general circulation in the Municipality of Eagle.
- 3.04.06 Final Approval by the Municipal Board 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 within one year of the Municipal Board's approval. Evidence of such shall be submitted to the Municipality by the developer.
- 3.04.08 Upon approval of the Final Plat, a certification of approval by the Municipality shall be endorsed thereon by the Municipal Chair and the Planning Commission Chair, and the original shall be filed with the Cass County Register of Deeds, the reproducible copy with the Municipal Clerk, and the two (2) copies of the original with the Municipality.

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 (1") inch to one hundred (100) feet with a sheet size not to exceed 42"x30" 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, 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, based on assumed meridian approximating North, 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.

- 3.05.09 Adjacent subdivisions, streets, alleys and easements, with their widths and names.
- 3.05.10 Names and widths of the streets, and block and lot numbers (numbered consecutively).
- 3.05.11 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.
- 3.05.12 All distances shall be shown in feet to the nearest one-hundredth of a foot.
- 3.05.13 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.
- 3.05.14 A block for the certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land as per Section 10.11.
- 3.05.15 A block for the approval of the Planning Commission as per Section 10.04.
- 3.05.16 A block for the approval of the Municipal Board to be signed by the Municipal Chair and attested to by the Municipal Clerk as per Section 10.06.
- 3.05.17 A block for the approval of the Municipal Engineer per Section 10.08.
- 3.05.18 A legal description including total acreage for the subdivision and individual lot areas.
- 3.05.19 A block for Certificate of County Register of Deeds as per Section 10.09.
- 3.05.20 A block of review from the Cass County Surveyor as per Section 10.10.
- 3.05.21 A block for the approval of the Lending Institution as per Section 10.14.
- 3.05.22 A block for Surveyors Certification as per Section 10.02.
- 3.05.23 Three (3) copies of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
- 3.05.24 Prior to approval of the Municipal Board, at least five (5) signed reproducible copies (Mylar) of the final plat (3) full size, (1) 18 x 30, and (1) 11 x 17) shall be submitted as well as two (2) electronic copies.
- 3.05.25 Plat Boundary computations shall be based on Nebraska State Plane Coordinates as set forth in Neb. Rev. Stat. §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 Eagle (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.
- 3.05.26 Statement of estimated costs and financial assumptions for any possible sanitary and improvement districts (SID) connection fees.
- 3.05.27 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.
- 3.05.28 A bond or escrow or security agreement approved by the Municipal Attorney in an amount sufficient to guarantee the installation of the required improvements.

- 3.05.29 Development of an acceptable subdivision agreement prior to Municipal Board Action.
- 3.05.30 Waivers being requested.
- 3.05.31 Four copies of the following to the Municipality for review at the time of the final plat submittal:
 - 1. Final Construction Plans and specifications of improvements;
 - 2. Final drainage study and report.
 - 3. Storm Water Pollution Prevention Plan.
 - 4. Geotechnical Report
 - 5. Traffic Study (if required).

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 Municipality shall be the same as set forth in this Article. Subdivisions outside of the corporate limits should be considered for annexation as provided in Article Eight (8).

- 3.06.01 Notification of the County Planning Commission. The Municipality shall notify the 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 four (4) weeks 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 municipality after the commission receives all available material for a proposed subdivision plat.

Section 3.07 Vacation of Plat of Record

- 3.07.01 A subdivider may make application to the Municipality 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 Municipality, 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 Municipal Board. The Municipal Board, after public hearing shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Cass County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

Section 3.08 Replats

Whenever a re-subdivision of a parcel consists of ten (10) or fewer lots, the Municipality may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the Municipal Engineer, 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 Municipality at a scheduled pre-application Conference, as set out in Section 3.01.
- 3.08.02 Be submitted to the Municipality in accordance with the review schedule;
- 3.08.03 Be accompanied by the applications 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 a public hearing before the Planning Commission and one before the Municipal Board. Notice of each such hearing shall be published at least ten (10) days prior to each hearing;
- 3.08.05 Include a drainage plan 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 Municipal Board. Final plans shall be submitted to the Municipality at least fifteen (15) days prior to the next regular meeting of the Municipal Board.
- 3.08.07 A final plat, in conformance with Section 3.05, shall be submitted to the Municipality.
- 3.08.08 All requirements of Section 3.05 shall be met and a revised preliminary plat shall be required if the guidelines of section 3.09.03, 1 through 8 are found 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 two (2) lots without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. Municipal staff shall review the administrative plat application and 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 Municipality. The administrative plat shall include the following:
1. a survey of the lot(s),
 2. location 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 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 Municipality as per Section 10.12,
 10. Size and number of copies shall conform to 3.05.24,
 11. A block for the approval of the Municipal Engineer per Section 10.08.
- 3.09.03 Disapproval of administrative plat shall be based on any one of 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, etcetera.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etcetera,
 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,
 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 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 Municipal 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.
- 3.09.06 The filing fee for the administrative plat shall be in accordance to the Municipality's Master Fee Schedule.
- 3.09.07 After approval from the Municipality, all mylars must be certified by all applicable parties and two (2) copies filed with the Municipality prior to the issuance of a building or other permit.

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 Municipality 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 approved by the Municipality that would eliminate or substantially reduce such hazards.

The Municipality 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, and the preliminary plat shall show, a logical future street and utility system and logical re-subdivision.

Section 4.02 Design Standards; Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to 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 Municipality with recommendation from the Municipal 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 Municipal 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 forty (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 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 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, or as amended subsequently. 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. 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 Municipality.
- 4.02.04 Concrete. Concrete shall conform to Division 600 of the Nebraska State Standard Specifications. The concrete shall be tested by an approved testing laboratory and results of the testing furnished to the Municipality. 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 Municipality. Concrete paving shall be constructed in accordance with the Nebraska State Standard Specifications. The minimum pavement thickness shall be as set forth in the Minimum Street Standards schedule herein. All street improvements shall conform to the Nebraska Board of Public Roads Classifications and Standards, Minimum Design Standards, and the Minimum Street Standards. Alternate materials for street paving may be approved by the Municipality on a case by case basis. Curb and gutter shall be required on all streets built within the Municipal Limits unless the Municipality approves construction without curb and gutter.
- 4.02.06 New subdivisions in the Municipality of Eagle ETJ shall be required to have paved streets/roads consisting of concrete with curbs and gutters pursuant to the Minimum Street Standards set forth herein, unless expressly waived by the Board of Trustees. Subdivisions waived of these requirements shall be required to have paved streets/roads of asphalt or concrete, ditched for appropriate drainage, including ingress and egress points, and shall meet the Minimum Street Standards herein.

Section 4.03 Design Standards; 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 4.26 of this Ordinance. Access to lots located on arterials and other arterials shall be approved by the Municipality.

Frontage roads or marginal access streets may be required by the Municipality 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.

Section 4.04 Design Standards; 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 (1/2) 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 (1/2) 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 Design Standards; Intersections

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Municipality 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 Minimum Design Standards; Curves in Streets; Horizontal

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

Where there is a deflection angle of more than ten (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 4.26 of this ordinance.

Section 4.07 Design Standards; Street Grades and Elevations

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 seventy-five tenths (0.75' / 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 4.26 of this Ordinance.

Section 4.08 Design Standards; Frontage Roads/Marginal Access Streets

Where a subdivision fronts on or contains an existing or proposed arterial street, the Municipality 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 Municipality 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.

Section 4.09 Design Standards; Access/Egress

There shall be a minimum of two (2) vehicular access points per platted subdivision. The Municipal Engineer shall determine the most suitable location for said access points during the review period.

Section 4.10 Design Standards; Street Jogs

Street jogs with centerline offsets of less than one hundred fifty (150) feet at intersections shall be prohibited.

Section 4.11 Design Standards; Cul-de-sac Streets

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than six hundred (600) feet and shall provide a turnaround conforming to the requirements of section 4.26 of this ordinance. The Municipality 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 Design Standards; 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. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Municipal Board prior to such names being assigned or used.

Section 4.13 Design Standards; Private Streets and Reserve Strips

New private streets may be created provided such streets are specifically authorized by the Municipal Board 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 Municipality as authorized in this Ordinance. In rural subdivisions, roads shall be dedicated to the public, but maintained by the developer or homeowners association, or the like, until such time as the subdivision is annexed by the Municipality.

Section 4.14 Design Standards; 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 one thousand two hundred (1,200) feet and shall be a minimum length of three hundred (300) feet. Pedestrian easements six (6) feet wide shall be provided through or near the center of blocks more than six hundred (600) feet long in order to provide for pedestrian circulation.

Section 4.15 Design Standards; 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 Design Standards; 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 ten (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 Design Standards; 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 Municipality at the recommendation of the Municipal Engineer.

Where a subdivision is traversed by a major watercourse, drainageway, channel, or stream, there shall be provided to the Municipality 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 Municipality. 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 Municipality and the Lower Platte South River 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 Omaha Public Power District (or local power company servicing the area) and any telecommunications entity or other corporation transmitting communication signals

authorized to use the Municipal 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-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 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 16-foot wide easement will be reduced to an eight-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 aforesaid 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, 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 Design Standards; 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.

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 connected 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 Transportation "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 15" 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 Municipality 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 Design Standards; Sanitary Sewer System

Design standards for sanitary sewers shall conform to Nebraska Department of Environment and Energy's Standards. Additionally, sanitary sewer service stubs must extend to a point no deeper than five feet (5') below the existing ground service.

Section 4.20 Design Standards; Water

All water improvements will meet the requirements of the Nebraska Department of Health and Human Services.

Section 4.21 Design Standards; Sidewalks

All sidewalks within subdivisions shall have a minimum pavement width:

- 4.20.01 Single Family or Duplex Dwelling Units Four (4) feet wide.
- 4.20.02 Multi-family or Group Housing Developments Five (5) feet wide.
- 4.20.03 Commercial Developments Eight (8) feet wide.
- 4.20.04 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 Municipality. Minimum pavement thickness of 6 inches if they are considered part of the Municipality's trail system and 4 inches everywhere else, all of which shall be located within the right of way and 6 feet from the back of the nearest curb. All sidewalks shall be poured-in-place Portland cement. Construction joints shall be placed at intervals approximately equal to the sidewalk width. All sidewalks shall meet all ADA Requirements.

Section 4.22 Design Standards; 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 Design Standards; 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 4.24 Design Standards; 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 shall 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 as 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 4.25 Design Standards; 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 Municipality after a review by the Municipal Engineer. The Municipality shall require an erosion control plan at the developer's expense to be submitted for approval with the preliminary plat.

Section 4.26 Design Standards; Conformance with Other Regulations

No final plat of land within the Municipality or its jurisdictional area shall be approved unless it conforms with existing zoning regulations unless waived by the Planning Commission and Municipal Board 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.

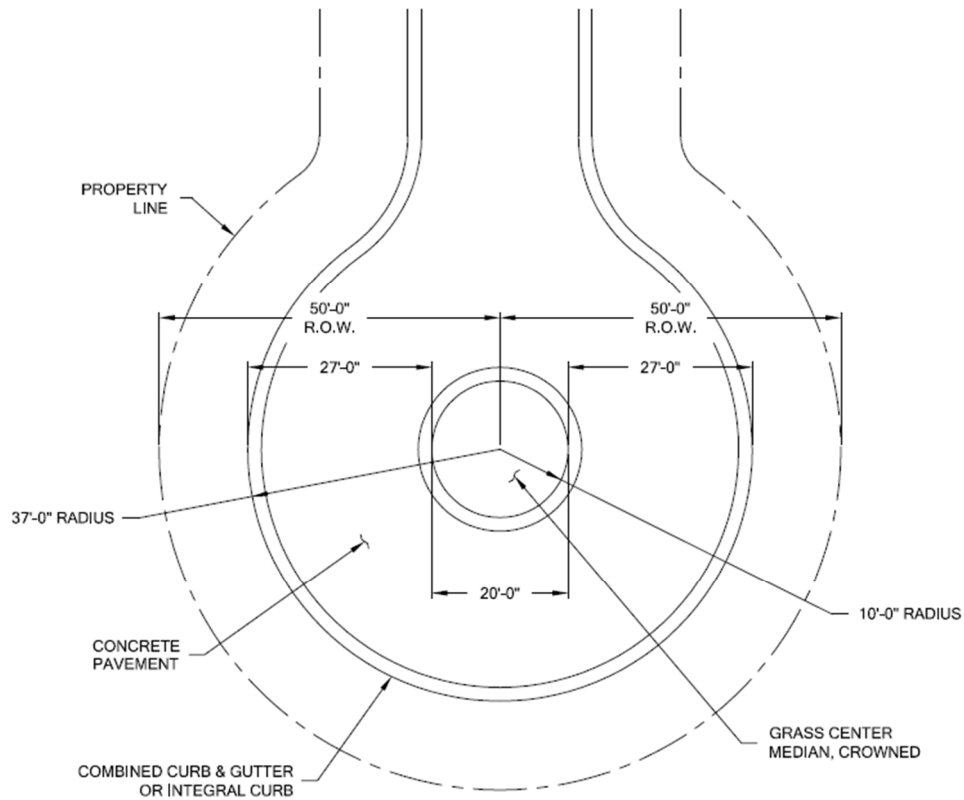
Section 4.27 Design Standards; Minimum Street Standards

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width ¹ (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC) ³	Minimum Pavement Thickness ⁴ (inches)
Arterial Street ⁶	100'	49' ³	4	6	(5)	(5)	9"
Collector Street	60'	37'	3	10 (average)	300	250'	8"
Local Street	50'	27'	2	10 (average)	200	175'	7"
Cul-De-Sac ² and Loop Street	100'	27' per side (20' grass center median)	2	10	50	175'	7"
Marginal Access (Frontage Road) (No Parking)	40'	25'	2	8	300	250'	8"

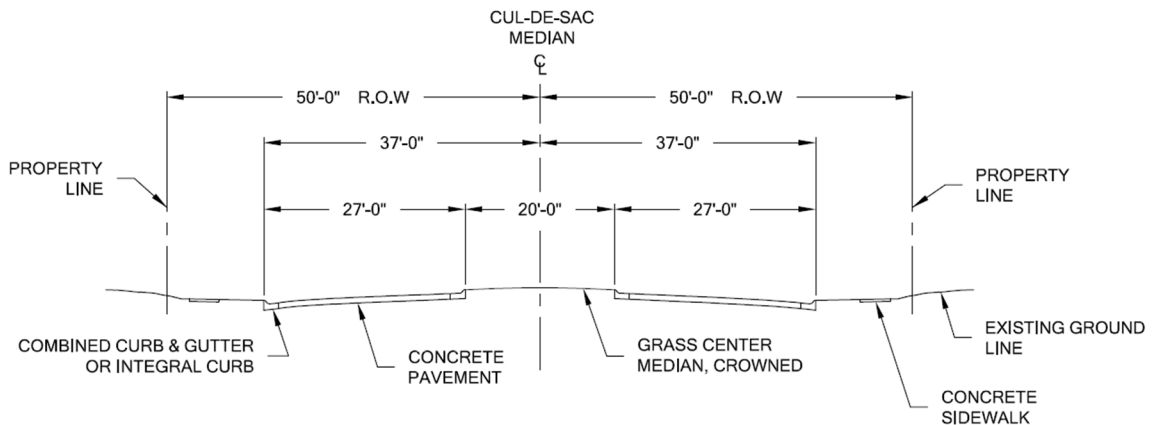
1. Pavement width measured back to back of curb.
2. See Section 4.28 for typical residential Cul-De-Sac standards and measurements. Larger dimensions will be required in commercial and industrial areas as directed by the Municipal Engineer.
3. (VC) - Vertical Curve of road
4. Strength equivalent to pour-in-place Portland Cement Concrete as per design standards by AASHTO or per geotechnical report
5. Per NDOR Standards or as directed by the Municipality at the recommendation of the Municipal Engineer.

6. All section line roads will be designated as arterial streets.

Section 4.28 Cul-De-Sac Standards



Typical Cul-De-Sac Plan View



Typical Cul-De-Sac Elevation View

ARTICLE 5: REQUIRED IMPROVEMENTS

Section 5.01 Required Improvements; 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 Municipality upon recommendation of the Municipal Engineer.

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

All inspection, testing, engineering review and legal review costs shall be paid by the subdivider.

All improvements dedicated to the public or which shall be located upon, over or under public property and Municipal rights-of-way must include a one-year warranty guaranteed by the developer after acceptance of the project by the Municipality. A Performance Bond or Escrow to cover the same shall be provided by the Developer until the one-year guarantee period ends or one year after corrections are completed pursuant to any warranty work is completed satisfactorily.

Section 5.02 Required Improvements; 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 Required Improvements; 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 (5/8) and minimal length of twenty-four inches (24). 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 Municipal Board.

Section 5.04 Required Improvements; Street Grading and Construction

- 5.04.01 All streets shall be graded to the full width of right of way and to within six (6) 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 Municipality at the recommendation of the Municipal Engineer.

- 5.04.02 Higher design standards may be required by the Municipality to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.
- 5.04.03 Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless excepted by the Municipality in accordance with the terms of this Ordinance.
- 5.04.04 The applicant shall comply with all NPDES requirements as administered by the State of Nebraska and the Lower Platte South River Natural Resource District.

Section 5.05 Required Improvements; Street Signs and Lighting, Electrical Power, Mail Boxes, Gas Mains, and Hydrants.

- 5.05.01 At least one (1) 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 (6) inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles.
- 5.05.02 The developer shall provide and install 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 Omaha Public Power District (or the electrical provider) and the Municipality at the recommendation of the Municipal Engineer.
- 5.05.03 New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper specifications for installation.
- 5.05.04 All hydrants will be located at a maximum of 300-foot intervals, unless otherwise authorized by the Municipality. The layout and flow design must meet the minimum requirements as set forth by the Municipality.
- 5.05.05 Mailboxes owned and serviced by the post office shall be clustered whenever possible and coordinated through the Postmaster and the Municipal Engineer to be consistent with future parking restrictions.

Section 5.06 Required Improvements; Landscape Screens.

Landscape screens as required by the Municipality 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 5.07 Required Improvements; Drainage.

A drainage system 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. Provisions 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. Design Standards of said system shall be subject to the approval of the Municipality at the recommendation of the Municipal Engineer.

- 5.07.01 Subdivisions and other proposed new development shall be required to assure that 1) all such developments 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.
- 5.07.02 Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall 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. The developer shall submit a drainage report prepared by a registered professional engineer as to the existing and proposed drainage conditions. A preliminary report shall be included with the preliminary plat as provided in Article 4. The final report shall be attached to the final plat and as provided in Article 4.
- 5.07.03 Drainage Requirements: The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers upon recommendation of the Municipal Engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the Municipal Board upon recommendation by the Municipal Engineer.

Section 5.08 Required Improvements; Sanitary Sewers

A sanitary sewer system shall be designed and constructed by the subdivider for all lots in the proposed subdivision. The following requirements shall apply:

- 5.08.01 Within the corporate limits, a sanitary sewer collection system including all pipes and manholes shall be provided and said collection system shall be connected to the public sewage system in accordance with plans acceptable to the Planning Commission and Municipality.
- 5.08.02 Within the ETJ of the Municipality but outside the corporate limits, if a proposed subdivision is so located with regard to adequate public sewer, either existing or to be existing within one year from the date of application for final plat approval, or that said sewer is located within 500 feet of the proposed subdivision or can be reached if the cost of installing lateral and connecting sewers from all lots shown upon said plat, exclusive of connections from individual structures; is equal to or less than 150 percent of the cost of installing a private sewage collection and disposal system for all lots, then adequate lateral and connecting sewers to said public sewer system shall be constructed.
- 5.08.03 If the subdivision is not located relative to a public sewer system, a private collection and treatment system acceptable to the Municipality and appropriate to the Nebraska Department of Health and Human Services and the Nebraska Department of Environment and Energy (or successor agencies) may be used. However, the Municipality may require the developer to provide a plan for future expansion of utilities including permanent easements. If on-site disposal is proposed, the subdivider shall document acceptable percolation rates on each lot and such lots shall be adequately sized to allow for the installation and safe operation of such systems in conjunction with any proposed water supply or well location.
- 5.08.04 Standards. When applicable, improvement plans for a permanent sewage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, treatment facilities, if applicable, and the location, type and size of all lift or pumping stations. Design Standards of said system shall be subject to the approval of the Municipality at the recommendation of the Municipal Engineer.

Section 5.09 Required Improvements; Water Mains

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service to all lots in the proposed subdivision. The design of the municipal water mains shall conform to standards and guidelines approved by the Municipal Engineer and the Municipality. The following requirements shall apply:

- 5.09.01 Type of Improvement. Within the corporate limits, a water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided and said distribution system shall be connected to the public water system in accordance with plans acceptable to the Planning Commission and Municipality and the Design Standards required herein. Within the ETJ of the Municipality but outside the corporate limits, if a proposed subdivision is so located with regard to an adequate public water supply line, either existing or proposed within one year from the date of application for Final Plat approval or that said water line is located within 500 feet of the proposed subdivision or can be reached if the cost of connecting to said water line and installing an adequate distribution system to all lots shown upon said plat, exclusive of connections from individual structures, is equal to or less than 150 percent of the cost of installing an individual water system for all lots, then adequate connecting lines to said public water system shall be constructed. If the subdivision is not so located relative to a public water line, the Municipality may authorize a community well system. In addition, the Municipality may require a plan for future extension of such utilities, including permanent easements, for utilities throughout the proposed subdivision.
- 5.09.02 Standards. When applicable, improvement plans for a permanent water system shall be provided showing pipe sizes, type of pipe, locations of fire hydrants and valves and, if applicable supply facilities, booster pumps, elevated or ground level storage tanks and other appurtenances. Design Standards of said system shall be subject to the approval of the Municipality in accordance with Article 4 and the following standards:
1. The minimum main or pipe size shall be determined by the type of uses to be served and the provision of adequate fire flow capacities.
 2. All hydrants will be located at a maximum of 300-foot intervals, unless otherwise authorized by the Municipality. The layout and flow design must meet the minimum requirements as set forth by the Municipality.
 3. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than 500 feet to be out of service in Commercial and Industrial districts or 800 feet in other districts. Valves or cross-connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines. Design standards of the water distribution system shall be in compliance with the requirements of the Nebraska Department of Health and Human Services (or successor agencies) and the Municipality.

Section 5.10 Emergency Warning Sirens

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

Section 5.11 Off-Site Extensions

If street or utilities are not available at the boundary of a proposed subdivision, and if the Municipality 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 5.12 Sidewalks

For the safety of pedestrians in residential and commercial subdivisions, the subdivider shall construct sidewalks on both sides of the street pursuant to the Design Standards set forth in Article 4. Installation of sidewalks shall be completed within two (2) years of approval of the final plat or at 50% build-out, whichever is first. The street improvement plans shall show the location of the proposed sidewalks.

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 Municipality of Eagle. 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 an owner'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. Provision shall be made that, upon annexation, the streets shall be dedicated to the public. 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 provided shall be a covenant running with the land in form acceptable to the Municipality and enforceable by the Municipality. Subdividers of "commercial" type subdivisions may be required to dedicate land for off-street parking as determined necessary by the Municipality.

Such provisions shall also provide for agreement of the property owners that if the Municipality 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 Municipality and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

Section 6.02 Reservation and Dedication of Public Land and Open Space

Before preliminary or final plat approval is given, the Municipality may require the subdivider to dedicate reserve sites for parks, playgrounds, open space, schools, and other public land consistent with the Comprehensive Development Plan, as determined by the Municipality. Reservation of land for public acquisition and/or use shall be for a period not to exceed three (3) years from the date the plat is officially recorded unless otherwise provided for in the subdivision agreement. If such reserved site is not acquired by the Municipality or other governmental entity within said three (3) year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site.

In certain situations, the contemplated use of land creates or contributes to the public need for land or facilities including but not limited to recreational and public safety facilities created by the nature of the development and use of land. In such situations, the Municipality may require dedication and/or other appropriate subdivider.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Development Plan is located in whole or in part in the applicant's subdivision the Municipality will determine the density and location of said park(s) and may require the immediate acquisition, reservation or accept the dedication of such area.

Section 6.03 Determination of Dedication or Fee Payment

Before preliminary or final plat approval is given, the Municipal Board will determine, after consultation with Municipal Staff, if the subdivider shall dedicate reserve sites for parks, playgrounds, open space, trails, and other public land consistent with the Comprehensive Development Plan, or pay a designated fee in lieu of said dedication. Such determination shall be provided to the subdivider in written form, and shall become part of the subdivision agreement.

Section 6.04 Dedication requirements

Before preliminary or final plat approval, the subdivider shall convey any dedication of land for parks, playgrounds, trails, or other public spaces as described in Section 6.03 to the Municipality of Eagle in the following manner:

1. Subdivider shall provide the Municipality with an affidavit of title to such real estate.

2. Subdivider shall provide the Municipality with a deed conveying fee simple title.
3. Said title shall be free and clear of all liens or encumbrances:
 - A. Liens or encumbrances dischargeable by cash accompanying said deed are exempt.
 - B. All current assessed real estate taxes must be paid.
4. Commitment for title insurance issued by a title insurance company acceptable to the Municipal Board for a period of not more than 30 days prior to the date of conveyance in an amount equivalent to the fair market value of the land that is being dedicated to the Municipality.

Section 6.05 Fee Payment requirements

If the subdivider is directed to provide the Municipality with a fee payment in lieu of parkland dedication, it shall be done in the following manner:

1. The subdivider shall pay the Municipality, upon approval of the final plat, the sum of One Thousand Five Hundred Dollars (\$1,500.00) per lot based on the total number of lots shown on the final plat.
2. The Municipality shall hold all collected funds in trust to be used for the purchase and/or development of park and associated facilities
3. Exemptions. A park dedication may not be required for: A. An administrative plat. B. A subdivision in which only one additional parcel is created.

Section 6.06 Developer Agreements

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

ARTICLE 7: IMPROVEMENT PROCEDURE

Section 7.01 Improvements Financing, General

In order to provide consistent information concerning the financing of required subdivision improvements; establish and equitable division of costs between the developer and Municipality; and to insure orderly, cost effective growth in Eagle, the Municipality 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 Municipality 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 applications shall be in accordance with the Municipality'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 Municipality.

In lieu of requiring the completion of all improvements prior to the Final Plat approval, the Municipal Board may enter into an agreement with the subdivider and subdivider shall guarantee to complete all improvements required by this Regulation and approved by the Municipality in a manner satisfactory to the Municipality. To secure this agreement, the subdivider shall provide, subject to the approval of the Municipal Board, one (1) 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 Municipality and shall be in an amount to cover one hundred ten (110%) percent of the cost of all improvements, as established by the subdivider and accepted by the Municipal Board upon recommendations of the Municipal Engineer. The duration of the bond shall be until such time as the improvements are accepted by the Municipality Board in accordance with this Ordinance. Said bond shall cover a one-year guarantee period following said acceptance by the Municipality.

Section 7.04 Escrow Account

The subdivider shall deposit cash or other instruments readily convertible to cash at face value, either with the Municipal Board 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 Municipal Board. The amount of the deposit shall be an amount equal to one hundred ten (110%) percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the Municipal Board upon recommendation of the Municipal Engineer. Said escrow shall cover a one-year guarantee period following said acceptance by the Municipality.

- 7.04.01 That the funds of said escrow account shall be held in trust until released by the Municipal Board and may not be used or pledged by the subdivider 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, or a failure in making corrections during the one-year guarantee period, the bank shall immediately make the funds of said account available to the Municipality for use in completion of the improvements.

Section 7.05 Security Agreement.

- 7.05.01 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:
- 7.05.02 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 Municipality for use in completion of the improvements or correction of warranty work..

Section 7.06 Improvements: Improvement Districts

- 7.06.01 As to those portions of the subdivision that are situated within the corporate limits of the Municipality, the developer may petition the Municipality to create Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the Municipality's financial condition, the Municipality's evaluation of risk of failure or delay in subdivision buildout, or other sufficient reason as determined by Municipality, the Municipality may or may not grant the subdivider's request. In the event the Municipality creates assessment districts, the subdivider shall deposit with the Municipality funds equal to twenty (20%) percent or more of the cost of improvements as determined from the Municipal Engineer's estimates prior to receipt of bids and award of contracts. The Municipal may finance up to eighty (80%) percent of the cost of construction of said improvements. Such petition shall be in the form prescribed by the Municipality 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 Municipality prior to the time of the Municipality'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 Municipality shall, in no event, be bound to form such a district, and if such a district be formed, the Municipality shall not be required to install improvements therein until, in the opinion of the Municipality, economic conditions warrant such installation; provided, the Municipality 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 Municipality but within the ETJ of the Municipality, 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 Municipal Engineer shall not certify to the Municipality 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 Municipality 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 Municipal Board 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, provided, however the Municipal Board 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.

Section 7.08 Installation of Improvements

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

- 7.08.01 They may install required improvements upon acceptance of plans and specifications being approved by the Municipal Board.
- 7.08.02 They may submit a petition requesting the Municipality to construct street surfacing and sanitary sewer in the proposed subdivision by the district method. In the event, the developer shall have plans and specifications prepared and pay all costs for same, approved by the Municipal staff, Municipal Engineer, and Municipal Board for all such improvement districts. The Municipality shall assess the cost of such improvements to the adjacent property as provided by law.

Section 7.09 Plan and Administration Review Reimbursement

The subdivider of any Sanitary and Improvements District shall reimburse the Municipality for such costs incurred by the Municipality for Plan Review, Plan Check, and Plan Approval as to conformance with approved Municipal Standards and Specifications.

Subdivider shall pay to the Municipality an amount to one percent (1%) of the actual construction cost of Subdivider paid improvements as administrative expenses incurred by the Municipality in connection with the administration of this Agreement. Estimated payment shall be made on the basis of one percent (1%) of the construction and/or installation cost estimates for the various improvements computed by the subdivider's engineer, which estimated amount shall be paid to the Municipality at the time the plans and specifications are submitted to the Municipality for Municipality final review approval.

Section 7.10 Failure to Complete Improvements or Complete Warranty Work.

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 7.11 below within the required time period, either for reason of non-compliance or for reason of substandard and unacceptable construction, or warranty work required herein is not completed, the Municipal Board shall do one (1) of the following:

- 7.10.01 Where improvements have been guaranteed under Section 7.03 of this Ordinance, the bond shall be forfeited to the Municipality.
- 7.10.02 Where improvements have been guaranteed under Section 7.04 of this Ordinance, the Municipal Board shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the Municipal Board is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the Municipal Board 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. This section does not eliminate possible action against the Developer or Guarantor in a proper court action.

Section 7.11 Certification and Inspection

Upon completion of the improvements, the developer or designated agent shall file with the Municipality a statement either certifying that the improvements meet the requirements of the Municipality or provide a statement indicating the improvements do not meet the requirements of the approved improvement plans and specifications.

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

- 7.11.01 That all required improvements are complete.
- 7.11.02 That these improvements are in compliance with the minimum standards specified by the Municipality.
- 7.11.03 That there are no known defects from any cause in the improvements.
- 7.11.04 That these improvements are free and clear of any encumbrances or lien.

If the Municipality Engineer or other authorized person has certified that the improvements are complete and free from defect, the Municipality shall accept any dedication of improvements. The Municipality Board 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.

The developer or other authorized person shall regularly inspect condition of required improvements for defects.

Section 7.12 Testing Requirements.

The Municipality will approve of and the Developer shall hire and pay for the services of a certified testing laboratory to provide testing as required by the Municipality as recommended by the Municipal Engineer, during construction, which may include, but not be limited to, the following:

- 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 the Municipality and the Municipal Engineer as each element of project is completed. The project specification shall outline the required frequency of each test.

Section 7.13 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 7.14 Release of Guarantee

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

Section 7.15 Operation and Maintenance

It is the intention of the Municipality to provide no services other than planning, zoning and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the Municipality, unless the same is annexed by the Municipality. Therefore, it shall be the obligation of the subdivider to present to the Municipality, 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 Municipality.

ARTICLE 8: WAIVERS, ANNEXATIONS, AMENDMENTS

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 Municipal Board 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.
- 8.01.04 In no case shall the requirement of filing and recording the plat for subdivision be waived.

Section 8.02 Annexation of Adjoining or Contiguous Properties.

All subdivisions or additions laid out adjoining or contiguous to the corporate limits, or any subdivision serviced by public utilities, shall be included within the same and become a part of the municipality for all purposes whatsoever, upon the completion of the necessary Public Hearings, the approval of and acceptance by Ordinance of the Municipality, unless specifically determined that circumstances can be shown that the subdivision or addition may be established as an SID or there is other just cause given to delay annexation.

Section 8.03 Petition for Annexation.

Any subdivision in which there are lands dedicated to the Municipality or any subdivision serviced by public utilities shall be annexed to the Municipality, unless just cause is given to delay annexation. Before approval of the Final Plat is given, the governing body shall receive a Petition for annexation from the owners of the subdivided properties, unless waived.

Section 8.04 Amendments

Any provision of this Ordinance from time to time may be amended, supplemented, changed, modified or repealed by the Municipal Board according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after public hearing and report by the Planning Commission.

ARTICLE 9: ADMINISTRATION/ENFORCEMENT

Section 9.01 General

The following apply towards administration of this Ordinance:

- 9.01.01 It shall be the duty of the Municipal staff and Zoning Administrator to enforce this Ordinance and to bring to the attention of the Planning Commission and Municipal Board 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 Municipal Board in accordance with the provisions of this Ordinance, and filed for record with 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 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 one hundred (\$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 thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 10: CERTIFICATION AND DEDICATION STATEMENTS

Section 10.01: Acknowledge of Notary

ACKNOWLEDGE OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____)ss

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 Eagle Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF EAGLE, NEBRASKA

This preliminary plat of _____ was approved by the Eagle Planning Commission this ____ day _____ 20____

Chairperson, Eagle Planning Commission

Section 10.04: Approval of Eagle Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF EAGLE, NEBRASKA

This final plat of _____ was approved by the Eagle Planning
Commission this ____ day _____ 20____

Chairperson, Eagle Planning Commission

Section 10.05: Acceptance by Eagle Village Board

ACCEPTANCE BY EAGLE VILLAGE BOARD OF TRUSTEES

This preliminary plat of was approved by the Village Board of Trustees of the Village of Eagle, Nebraska on this
day _____ 20____, in accordance with the State Statutes of Nebraska.

Village Chair (Village of Eagle SEAL)

ATTEST _____
Village Clerk

Section 10.06: Acceptance by Eagle Village Board

ACCEPTANCE BY EAGLE VILLAGE BOARD OF TRUSTEES

This final plat of was approved by the Village Board of Trustees of the Village of Eagle, Nebraska on this day
_____ 20____, in accordance with the State Statutes of Nebraska.

Village Chair (Village of Eagle SEAL)

ATTEST _____
Village Clerk

Section 10.07: Acceptance by the Eagle Village Engineer

This preliminary plat of _____ was reviewed and approved by the Eagle
Village Engineer on this ____ day of _____, 20____

Eagle Village Engineer

Section 10.08: Acceptance by the Eagle Village Engineer

This final plat of _____ was reviewed and approved by the Eagle Village Engineer on this _____ day of _____, 20____

Eagle Village Engineer

Section 10.09: Acceptance by Cass County Register of Deeds

Recorded on this _____ day of _____, 20____

Cass County Register of Deeds (STAMP including book and Page)

Section 10.10: Review of Cass County Surveyor

REVIEW OF CASS COUNTY SURVEYOR

This plat of _____ was reviewed by the office of Cass County Surveyor on this _____ day of _____, 20____

Cass County Surveyor (SEAL)

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 VILLAGE OF EAGLE

This Administrative Plat was approved by the Village of Eagle, this _____ day of _____, 20__.

Village Clerk

(Village of Eagle SEAL)

Chief Building Official

Section 10.13: Owners Certification/Dedication

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 subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as _____, an addition to the Village of Eagle, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the Village). 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 Village 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

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 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: _____