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# **ARTICLE 1 - GENERAL PROVISIONS**

## **SECTION 101 TITLE**

This Resolution may be known and may be cited and referred to as “Subdivision Regulations of Thayer County, Nebraska” to the same effect as if the full title were stated.

## **SECTION 102 APPLICATION**

These regulations shall apply to all land located within Thayer County, Nebraska except any land located within the corporate limits of any incorporated municipality and within the planning and zoning jurisdictional areas around said incorporated municipalities, as indicated on the Official Zoning Map of any such municipalities.

## **SECTION 103 PURPOSE**

The purpose and intent of these regulations is:

1. To establish uniform rules, procedures and standards governing the subdivision of land,
2. To assure the public that necessary public facilities and utilities will be provided in any subdivision in an amount and size commensurate with the size of the subdivision and the uses which will occur in the subdivision,
3. To secure suitable sites for building purposes and protect the property values thereof,
4. To provide the public with assurance that all subdivisions will be improved in accordance with established public policy,
5. To coordinate land development with the Comprehensive Plan in the laying out of public ways, places, structures, utilities and services,
6. To supply proper land records for the convenience of the public and for appropriate identification and permanent location of real estate boundaries, all in accordance with applicable statutes.

# **ARTICLE 2 - APPLICATION**

## **SECTION 201 APPLICATION AND AUTHORITY**

The requirements of this Resolution shall apply to any and all divisions 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, including the re-subdivision of land or lots, except that the division of land in which the smallest parcel created and remaining is more than ten (10) acres and the dividing of land within a cemetery for burial plots shall not be considered a subdivision and the provisions of this Resolution shall not apply. Further, the regulations set forth in this Resolution shall apply as follows:

1. Each separate principal use / building within the jurisdiction of this Resolution shall be situated on a single and separate lot of record unless otherwise provided in the Zoning Regulations of Thayer County, Nebraska.
2. No subdivision of land shall be permitted within the jurisdiction of this Resolution unless a plat of such subdivision is approved in accordance with the provisions of this Resolution. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit to erect, alter, or repair any building upon land in a subdivision, and no building may be erected in a subdivision unless a final plat has been approved by the Planning Commission and County Board of Commissioners and recorded in the Office of Thayer County Registrar of Deeds.
3. No officer, employee, of agent of Thayer County, Nebraska shall issue any zoning permit, for any building or buildings constructed or proposed to be constructed on land subdivided contrary to the provisions of this Resolution. No officer, employee or agent of the County shall perform or cause to be performed any construction or maintenance upon any street / road or public way purported to be

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dedicated as a public street / road or public way by virtue of being shown on a plat, unless such dedication shall have been approved as provided for in this Resolution. These prohibitions shall not apply to any plat of dedication legally recorded prior to the enactment of this Resolution.

4. No excavation of land or construction of any public or private improvements which require a zoning permit shall take place or be commenced on any parcel of land which was created by subdivision after the effective date of this Resolution except in conformity with the requirements of this Resolution.

#### **SECTION 202 INTERPRETATION**

Under the authority to regulate subdivision of land set forth in Nebraska State Statutes 23-373 – 23-377 and in their interpretation and application, the provisions of this Resolution shall:

1. be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of the Resolution are at variance with any other lawfully adopted rules, regulations or Resolutions, the most restrictive or that imposing the higher standards shall govern.
2. not be intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Resolution are more restrictive or impose higher standards than such easement, covenant or other private agreement or restriction, the requirements of this Resolution shall apply.

#### **SECTION 203 VACATION OF PLATS**

Any plat or any part of a plat of a subdivision may be vacated in accordance with the following:

1. Any plat or any part of plat may be vacated by the owner(s) of record of the property affected, at any time prior to the sale of any lot therein, by a written instrument, duly executed, acknowledged and approved, to which a copy of such plat shall be attached, declaring the same to be vacated.
2. Such written instrument for vacation of a plat shall be reviewed by the Planning Commission and referred for action by the County Board of Commissioners in the same manner as subdivision plat approvals. The County Board of Commissioners may reject any such plat vacation instrument which abridges or destroys any public rights-of-way in any of its public uses, improvements, streets, roads or alleys.
3. Such written instrument, when executed, acknowledged and approved, shall be recorded in like manner as plats of subdivisions and being duly recorded shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds laid out or described in such plat being vacated.
4. In cases where any lots have been sold, the plat may be vacated, as herein provided, only by all owners of the lots in such plat joining in the execution of the written instrument and only if such vacation will not result in a de-facto subdivision of the land where a re-plat of the land is needed and required by this Resolution.

#### **SECTION 204 SAVING PROVISION**

These regulations shall not be construed as abating any action now pending under, or by virtue of prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any section or provision existing at the effective date of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the County, except as shall be expressly provided for in these regulations.

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## ARTICLE 3

## RULES AND DEFINITIONS

### SECTION 301 INTERPRETATION

For the purposes of this Resolution, certain terms or words used herein shall be interpreted according to the rules and definitions set forth in this Article, except when the context clearly indicates otherwise.

### SECTION 302 RULES

1. The word person includes firm, association, corporation, organization, partnership, trust, company, as well as the individual.
2. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
3. The words “shall” and “will” are mandatory while the word “may” is permissive.
4. The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.
5. The word “lot” includes the words plot, parcel or tract.

### SECTION 303 DEFINITIONS

- 303.01 Alley:** a public way which affords only a secondary means of vehicular access to the back or side of property otherwise abutting a street / road.
- 303.02 Block:** an area of land bounded by street / road, railroad rights-of-way, waterways, parks, undeveloped land, or a combination thereof.
- 303.03 Bond:** any form of security, including cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the County Board of Commissioners which meets the intent of such security required by this Resolution.
- 303.04 Building Setback Line:** lines within a lot which run parallel to the front, side and rear lot lines and set back from said lot lines a distance as prescribed by the applicable zoning regulations, thus delineating the buildable area on the lot. In instances where the front lot line abuts a private or public roadway established by means of an easement instead of dedication of right-of-way, said front lot line shall be the outer boundary of said easement, measured from the centerline of the roadway.
- 303.05 Commission:** the Thayer County, Nebraska Joint Planning Commission.
- 303.06 Common Open Space:** an area of land or water or combination thereof, planned for passive or active recreation use, which does not include areas for street / road, alleys, driveways or private roads, off-street / road parking or loading areas, or required front yards. Such area may include recreational facilities such as swimming pools, tennis courts and other such outdoor recreational facilities.
- 303.07 Common Sewer System:** a sanitary sewerage system in public or semi-public ownership (sanitary improvement district or other semi-public utility entity) which provides for the collection and treatment of domestic and other effluent in one or more centralized treatment plants which meet the minimum requirements of the Nebraska Department of Environmental Quality.
- 303.08 Common Water System:** a publicly or semi-publicly owned water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis
- 303.09 Comprehensive Plan:** the Comprehensive Plan of Thayer County, Nebraska, adopted by the County Board of Commissioners as a guide for the development and improvement of the County.

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- 303.10 Covenant:** a binding agreement made between a subdivider of land and the purchaser(s) of such subdivided land to do or keep from doing specified things.
- 303.11 Cul-de-sac:** a vehicular turnaround area which is located at the closed end of dead-end street / road or alley.
- 303.12 Culvert:** a transverse drain that channels water under a street / road, driveway or other improvement.
- 303.13 Density:** the number of lots per gross acre of land area in a subdivision computed by dividing the gross acreage of the subdivision into the total number of lots in the subdivision.
- 303.14 Easement:** a grant by the property owner for the use of land for a specific purpose by a specific person, a public utility or the general public.
- 303.15 Engineer:** any person registered to practice professional engineering by the State of Nebraska.
- 303.16 Final Plat:** a map, prepared in accordance with the provisions of this Resolution, indicating the subdivision of land which is intended to be recorded for public record in the Registrar of Deeds of Thayer County, Nebraska.
- 303.17 Flood Plain:** those lands within the jurisdiction of this Resolution which are subject to a one percent (1%) or greater chance of flooding in any given year, as determined on an Official Flood Hazard Boundary Map or Flood Insurance Rate Map issued by the Federal Insurance Administration, U.S. Department of Housing and Urban Development and any revisions thereto, or as determined by the Administrator of the Thayer County Flood Insurance Program designated by the Thayer County Board of Commissioners, whichever is determined by the Commission to be a more accurate determination of such flood plain. In instances where interpretation of USGS or other topographic maps requires interpolation of topographic contours, such interpolation shall not be less than one-half (1/2) of the distance between the indicated contours.
- 303.18 Frontage:** the length of the property abutting one side of a street / road, measured along the dividing line between the street and the property.
- 303.19 Full Control of Access:** the condition where vehicular access to an arterial street or roadway, including its location, is fully controlled by the State of Nebraska or the Thayer County Board of Commissioners in connection with streets to give preference to through traffic on such arterial streets or roadways by providing access connections to such arterial streets or roadways only from selected street / road and by prohibiting crossing at grade and direct driveway connections to such arterial street / road or roadway.
- 303.20 Board of Commissioners:** the County Board of Commissioners of Thayer County, Nebraska.
- 303.21 Improvements:** street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage structures, utility lines, landscaping, grading and other facilities and changes normally associated with the development of land for building sites.
- 303.22 Land Area:** the entire area within a subdivision, including lots, open space, and street / roads and alleys.
- 303.23 Lot:** a parcel of land identified and intended as a unit of transfer of ownership or development.
- 303.24 Lot Area:** the horizontal area of a lot computed exclusive of any portion of a street or alley.
- 303.25 Lot Depth:** the distance between the front lot line and the rear lot line. For irregular shaped lots, the depth shall be the distance from the front lot line and the rear lot line between the midpoints of straight lines connecting the front-most and rear-most points of the side lot lines.

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- 303.26 Lot of Record:** a tract or land described as in integral portion of a subdivision plat or a parcel of land described by metes and bounds which has been properly and legally recorded in the Office of the Registrar of Deeds of Thayer County, Nebraska.
- 303.27 Marginal Access Street:** a minor street which run parallel and adjacent to an arterial street and which serves to limit and control the number of vehicular access points to such arterial street. A marginal access street / road is commonly referred to as a frontage road.
- 303.28 Monuments:** permanent markers used to establish all corners and lines of the plat of a subdivision on the ground, including all lot corners, boundary lines, corners, and points of change in street alignment.
- 303.29 Off-site:** any premises not located within the property being subdivided, whether or not such premises is in the same ownership and control as the subdivision.
- 303.30 Out Lot:** a parcel of land under the same ownership as the land shown on a subdivision plat which is outside of the boundaries of the land which is being subdivided.
- 303.31 Owner:** Any person, group of persons, firm or firms, corporation or corporations or any legal entity having legal title to or sufficient proprietary interest in the land proposed to be subdivided.
- 303.32 Partial Control of Access:** The condition where vehicular access including its location is partially controlled by the State of Nebraska or the Thayer County Board of Commissioners in connection with arterial streets or roadways to give preference to through traffic on such arterial street or roadways to a degree that in addition to selected streets, there may be permitted some crossings of such arterial street or roadways at grade and some direct driveway connections, with the design and location approved by public authority, including the County Board of Commissioners.
- 303.33 Pedestrian Way:** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent street / road or properties.
- 303.34 Preliminary Plat:** a map, prepared in accordance with the requirements of this Resolution, indicating a tentative subdivision of land, intended for guidance in the preparation of a final plat.
- 303.35 Private Street:** an approved privately-owned open and unoccupied space, other than a public street or alley, reserved as the principal means of vehicular access to abutting property.
- 303.36 Public Improvements:** any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaping, parking area, lot improvement, utility line, or other facility for which the local government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local government responsibility is established.
- 303.37 Public Way:** an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, overpass or other ways in which the general public or a public entity has a right or which is dedicated for public use, whether improved or not.
- 303.38 Re-subdivision:** a change in the plat of an approved or recorded subdivision if such change affects any street layout, area reserved for public use, easement, or any lot line or if it affects any plat legally recorded prior to the effective date of this Resolution.
- 303.39 Right-of-Way:** a strip of land used or intended to be used for pedestrian, vehicular, and utility line circulation and access to property by the general public. Said strip of land is that total area between the boundary lines of the street, alley or easement.
- 303.40 Sale or Lease:** any immediate or future transfer of ownership or any possessory interest in land, including contract for sale, rent, lease, devise, intestate succession, or transfer of any interest in a subdivision or part thereof, whether by metes and bounds description, deed, contract, plat, map, rent, lease device, intestate succession or other written means.

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**303.41 Screen Planting / Buffer Strip:** an area of land devoted to fences, walls, hedges, shrubs, trees, grass and other landscape materials for the purpose of obstructing view, absorbing sound and providing desirable delineation of property.

**303.42 Street / Road:** a right-of-way, dedicated to public use, or a private roadway, which provides the principal means of vehicular access to abutting property. Street / roads shall be classified in accordance with the standards of the Nebraska State Board of Classifications and the Functional Classification of roadways provided by the Nebraska Department of Roads, and shall include:

1. **Local (Minor) Road:** a road which is used primarily for access to properties abutting on such street / road and which carries relatively small volumes of vehicular traffic.
2. **Collector Road:** a road designed to accept vehicular traffic from local roads and link such traffic to employment centers, public facilities and other points of attraction and to link such traffic with arterial streets or roads. Collector roads or may also provide access to properties abutting such street / road and carry higher volumes of traffic than do local streets / roads.
3. **Arterial Road (Major Arterial and Other Arterial):** a street / road designed to accept traffic from local and collectors roads and transport such traffic at higher volumes and higher speeds into, through or out of a community or county.

**303.43 Subdivider:** The owner or owners of land, legal and equitable, who causes land to be divided into a subdivision.

**303.44 Subdivision:** the division of a lot, tract or parcel of land into two (2) or more lots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development, including the re-subdivision of land or lots and the lease of any land for building development, except that the division of land in which the smallest parcel created is more than ten (10) acres, such division shall not be considered a subdivision and the provisions of this Resolution shall not apply to the subdivision of burial lots in cemeteries. For purposes of this definition and to classify the types of subdivisions with regard to the review and approval processes established in this Resolution, the following sub-definitions shall apply:

**Major Subdivision:** any subdivision not classified herein as a minor subdivision.

**Minor Subdivision:** any subdivision of land containing one (1) lot fronting on an existing improved road or street, not involving any new street, street extension or extension of public utilities or any other public improvements which will not adversely affecting the ability to further subdivide the remaining parcel or adjoining properties, will not result in surface drainage problems in public rights-of-way or adjoining properties and which is not in conflict with any provisions of the Comprehensive Plan, the Zoning Regulations or the requirements and standards of this Subdivision Resolution.

**303.45 Surveyor:** any person registered to practice land surveying in the State of Nebraska.

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## **ARTICLE 4     AUTHORITIES AND DUTIES**

### **SECTION 401             AUTHORITIES AND DUTIES OF THE ZONING ADMINISTRATOR**

1. Receive, review for completeness, file and transmit applications for subdivision approval, sketch plans, preliminary and final plats, improvement plans and specifications to the appropriate review officials, entities and Board of Commissioners.
2. Accept and transmit subdivision application fees to the Thayer County Treasurer.
3. Inform applicants of subdivision requirements, standards and procedures.
4. Cause the publication of all necessary legal notices regarding subdivisions to be published as prescribed by this Resolution.
5. Review and recommend approval of minor subdivisions as herein prescribed.
6. Maintain records pertaining to subdivisions of land in the County and these requirements.

### **SECTION 402             AUTHORITIES AND DUTIES OF THE PLANNING COMMISSION:**

1. Review and approve, conditionally approve or disapprove preliminary plats and (non-minor) final plats and recommend approval, conditional approval or disapproval of preliminary and final plats and transmit preliminary and (non-minor) final plats together with the plans and specifications for subdivision improvements and the Commission's recommendations for approval, conditional approval or disapproval to the appropriate Board of Commissioners for consideration and final action.
2. Make other determinations and decisions as may be required of the Planning Commission from time to time by this Resolution, and by the applicable sections of the Nebraska Statutes related to subdivision of land.
3. Make recommendations regarding exceptions to the terms of this Resolution relative to approval of particular subdivisions to the appropriate Board of Commissioners.

### **SECTION 403             AUTHORITIES AND DUTIES OF THE SECRETARY OF THE PLANNING COMMISSION / ZONING ADMINISTRATOR**

The Secretary of the Planning Commission shall have the following duties with regard to this Resolution, provided that all or part of the duties herein listed may be assigned and performed by other County Officials including the Zoning Administrator:

1. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings.
2. File copies of all subdivision applications together with applicable filing fees, with the appropriate Board of Commissioners.
3. Transmit final plats and related subdivision improvement plans and specifications together with Planning Commission recommendations for approval, conditional approval or denial to the Board of Commissioners for its consideration and action.
4. Send notice of intent to subdivide to owners of record of land adjoining the real property being considered for subdivision or re-subdivision.

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**SECTION 404****AUTHORITIES AND DUTIES OF THE BOARD OF COMMISSIONERS**

1. Consider Planning Commission recommendations on preliminary and (non-minor) final plats and approve, approve conditionally, or disapprove preliminary and final plats and subdivision improvements plans and specifications.
2. Consider and require financial guarantees regarding installation of approved subdivision improvements, when applicable.
3. Cause inspections of all subdivision improvements to be made to assure compliance of such improvements with the approved plans and specifications.
4. Accept subdivision improvements as meeting specifications and standards after proper certifications by the subdivider and the subdivider's engineer.
5. Accept or reject dedications of rights-of-way.
6. Take other actions as required from time to time including the consideration of amendments to this Resolution.

**SECTION 405****AUTHORITIES OF THE CHAIRPERSON OF THE COUNTY BOARD OF COMMISSIONERS WITH REGARD TO MINOR SUBDIVISION PLATS**

With the adoption of this Resolution, the County Board of Commissioners hereby authorize the Chairperson of the County Board of Commissioners to review and approve minor subdivision plats, provided the Chairperson of the County Board of Commissioners shall first have received the recommendations of the Zoning Administrator in accordance with Section 503.09, Subsection 2 of this Resolution.

**ARTICLE 5****PROCEDURES**

Any person desiring to subdivide land within the jurisdiction of this Resolution shall comply with the procedures set forth herein and in the sequence specified.

**SECTION 501 PRELIMINARY CONSULTATION**

Prior to the filing of an application for approval of a preliminary plat or other subdivision, the subdivider shall consult with the Planning and Zoning Administrator, as designated by the Board of Commissioners and shall present an indication of the proposed subdivision in the form of an approximate sketch showing all contiguous land holdings of the subdivider, together with information regarding physical conditions on the property involved, the type of development proposed, proposed improvements, including tentative layout of streets and lots, proposed methods of providing for water supply, sewage disposal and other public utilities and surface drainage, and any legal encumbrances. The purpose of this preliminary consultation is to afford the subdivider an occasion to avail him / herself of the advice and assistance of the Administrator before the preparation of a preliminary or final plat of a subdivision in order to conserve time and expense for the subdivider.

The Administrator shall advise the subdivider regarding the type of subdivision procedure applicable to such proposed subdivision and indicate the type of plat (preliminary, final, minor or administrative), that is required together with the provisions of applicable laws and regulations, including the provisions of the zoning regulations and this Resolution, the desirability and acceptability of the proposed subdivision design and improvements and the degree of conformity or non-conformity of the proposed subdivision with the Comprehensive Plan.

The pre-application process shall not require formal application or any payment of fees.

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## **SECTION 502 PRELIMINARY PLAT APPLICATION**

### **502.01 SUBMISSION**

The subdivider shall take into consideration the advice offered by the Planning and Zoning Administrator in preparing and submitting an application for preliminary plat approval. The subdivider shall submit to the Zoning Administrator, eight (8) copies of the preliminary plat and supplemental material specified in Section 502.04 herein, together with one (1) written application on a form specified by the County. The land area to be included in any preliminary plat shall include all land which the subdivider proposes to subdivide and all contiguous land holdings of the subdivider (owner). For all land proposed to be subdivided, the subdivider shall include all information as required regarding the proposed subdivision as set forth in Section 502.04 herein. For all contiguous land holdings of the subdivider which are not to be included in the subdivision, information as set forth in Section 502.05 herein shall be submitted. The subdivider shall submit a complete application at least fifteen (15) days prior to the date of the next regularly scheduled meeting of the Planning Commission at which the subdivision request is to be considered.

### **502.02 CHECKING OF APPLICATION**

Upon submission of a subdivision application, the preliminary plat and supplemental information, the Zoning Administrator shall check it for completeness. If complete, the application shall be placed on the agenda of the Planning Commission for consideration at its next properly advertised meeting. If the application is incomplete, the Administrator shall not place the application on the Planning Commission's agenda and shall notify the subdivider in writing that the application is incomplete and specify what additional data is needed. The Administrator shall notify the subdivider of any incompleteness within five (5) days of the date of filing of the application. If the complete application has not been filed in time to allow it to be placed on the Commission's agenda in accordance with proper legal notice of the Planning Commission meeting such application shall be placed on the agenda for consideration at the following meeting of the Commission.

### **502.03 FEES**

A preliminary plat review fee shall be paid by the subdivider and shall accompany the application submitted. The amount of such fee shall be in accordance with the schedule of fees adopted by the County Board of Commissioners, as may be amended from time to time. The County may request any professional assistance as it deems necessary to properly evaluate the preliminary. If the County Board determines that such assistance is necessary, the Board shall notify the subdivider of such determination together with an estimate of the costs of such assistance. The cost of such professional assistance shall be added to the final plat review fee and paid by the subdivider.

### **502.04 SCALE AND PRELIMINARY PLAT CONTENTS**

Preliminary plats shall be drawn at a scale of one (1) inch to fifty (50) feet or one (1) inch to one hundred (100) feet, or one (1) inch to two hundred (200) feet on a maximum sheet size of thirty-six (36) inches by forty-eight (48) inches, and shall include the following information:

1. The name of the proposed subdivision, the acreage of the land in the proposed subdivision and the location of the subdivision by specific legal description;
2. The name(s) of the owner(s) of the land within the subdivision and the name of the land planner, surveyor or engineer who prepared the preliminary plat;
3. Date, north point and graphic scale of the plat map;
4. The names of adjoining property owners or subdivisions;
5. The location and dimensions in feet and hundredths of feet of the boundary perimeter of the subdivision, the locations of lot lines, and building setback lines, if such setback lines are to be in excess of those required by the applicable zoning regulations, in feet.

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6. The location(s) of any existing building(s) or structure(s) to be retained;
  7. The names and dimensions of all existing streets and proposed names and dimensions of such proposed street rights-of-way with approximate grades and curve radii and pavement widths;
  8. The location of existing and proposed water lines and sewer lines, including an indication of the horizontal distance from the edge of the subdivision to the nearest public water and sewer.
  9. Existing and proposed topographic contours at two (2) foot intervals if the average slope is less than five (5) percent and at five (5) foot intervals if the average slope is five (5) percent or more and an indication of any areas within the proposed subdivision which are subject to flooding together with the location, elevation and description of the bench mark controlling the vertical elevation survey.
  10. The location of existing trees with trunks twelve (12) inches in diameter or greater, measured two (2) feet above the ground. Clumps of trees may be identified as a group of trees without locating each tree;
  11. A drainage plan, as specified in Section 710 of this Resolution, and a clear indication of the proposed course of surface water drainage from the point(s) where the water enters and leaves the subdivision together with the courses of all surface drainage within the subdivision, and outside of the subdivision, to the point where such water enters a water course or existing recognized storm drain and the locations of proposed storm sewers, culverts and related drainage facilities.
  12. The location and size of proposed easements, dedications or reservations of land, including any proposed park or open space sites reserved for common or public use;
  13. An indication of the proposed phasing of the subdivision development.
  14. An indication of how the proposed subdivision improvements are to be financed shall accompany the preliminary plat, but do not need to be indicated on the plat document. Such improvements shall be financed by the subdivider, unless otherwise agreed by the County Board of Commissioners.
  15. A minimum of three (3) different photographs of the site to the subdivided shall accompany the preliminary plat, together with an indication on the preliminary plat of where on the site said photographs were taken.

**502.05 INFORMATION REQUIRED FOR CONTIGUOUS LAND HOLDINGS OF THE SUBDIVIDER NOT INCLUDED IN PRELIMINARY PLAT**

The following information shall be provided in a preliminary plat for any contiguous land owned by the subdivider which is not included in the preliminary plat:

1. The topography of such land using the United States Geological Survey (USGS) maps or other topographic materials or data to allow an evaluation of the drainage patterns and development limitations which may impact design of the proposed preliminary plat or the ability to develop such land in the future.
2. Information in the form of USGS topographic maps, photographs, identification of critical elevation points that will permit verification that future subdivision of the contiguous land holdings of the subdivider, which are not included in the preliminary plat would be logical and workable in terms of extensions of streets, easements, sanitary sewer extension (if applicable), surface drainage and other critical aspects of the subdivision.

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3. Identification of all areas within the contiguous land holdings of the subdivider which are not included in the preliminary plat which are subject to flooding or ponding or any other hydrological, geological or topographic condition which will or may affect the design of the preliminary plat or which will or may affect the ability to further subdivide such contiguous land holdings at reasonable costs.

**502.06 NOTIFICATION OF SCHOOL DISTRICT(S)**

At least ten (10) calendar days prior to the Planning Commission meeting at which the preliminary plat is to be considered, the Administrator shall submit a copy of the proposed preliminary plat to each school district(s) which the proposed subdivision may affect, and shall notify the School Board(s) of the Planning Commission meeting, date, time and location.

**502.07 NOTIFICATION OF AND REVIEW BY OTHERS**

At least ten (10) working days prior to the Planning Commission meeting at which the preliminary plat is to be considered, the Zoning Administrator shall submit one (1) copy of the proposed preliminary plat to the County Board of Commissioners, the County Surveyor, the County Highway Superintendent, the County Engineer (if applicable), the fire protection district in which such subdivision is located, the electric, natural gas and telephone companies which will serve the proposed subdivision and any cable television company serving the area together with a communication requesting review and comment by these entities with regard to proper design of the subdivision, easement locations and ability to serve the proposed subdivision. All comments received shall be summarized in writing by the Zoning Administrator or such other County official as determined by the Administrator and submitted to the Planning Commission at the meeting at which the proposed preliminary plat is to be considered.

**502.08 NOTICE OF PLANNING COMMISSION CONSIDERATION OF PLAT**

The Administrator shall cause the consideration of each plat to be included as an agenda item in a legally published notice of a meeting of the Planning Commission. The Administrator shall also cause copies of such public notice to be plated to be mailed by first class mail to all record owners of property that abuts the proposed subdivision at least ten (10) days prior to the Planning Commission meeting at which the plat shall be considered.

**502.09 PLANNING COMMISSION ACTION ON A PRELIMINARY PLAT APPLICATION**

1. Following consideration of the preliminary plat and all comments and recommendations of the Zoning Administrator, school board and public utilities, the Planning Commission shall make a determination regarding compliance of the preliminary plat with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the Commission's determination indicates that the preliminary plat complies in all respects with said Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Commission shall recommend approval of such preliminary plat to the County Board of Commissioners.
2. If the Planning Commission determines that the preliminary plat does not comply with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Commission shall recommend approval of such preliminary plat with the condition that specifically described modifications be made to the preliminary plat so that the plat would be in compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the subdivider agrees to modify the preliminary plat to incorporate the specifically described modifications, the Commission shall forward a recommendation of approval with the condition that the plat be modified to incorporate the specifically described modifications established by the Commission. If the subdivider does not agree to incorporate the specifically described modifications in the preliminary plat, the Commission shall forward a recommendation of disapproval of such preliminary plat.

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3. If the Commission determines that the preliminary plat does not comply with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and the Commission determines that it is not possible to incorporate sufficient modifications to bring the preliminary plat into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Commission shall forward a recommendation of disapproval of such plat to the County Board of Commissioners together with a statement of the reason(s) the preliminary plat cannot be sufficiently modified to assure compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution.
  4. Recommendations of the Planning Commission on a preliminary plat shall be forwarded to the County Board of Commissioners within fourteen (14) days of the date of the Commission's final action on a preliminary plat.

**502.10 COUNTY BOARD OF COMMISSIONERS ACTION ON A PRELIMINARY PLAT**

Upon receipt of a recommendation of the Planning Commission regarding a preliminary plat and upon the placing of the consideration of such preliminary plat on a legally published agenda of a meeting of the County Board of Commissioners, the County Board of Commissioners shall take one (1) of the following actions:

1. If the Planning Commission's determination regarding a preliminary plat is that the plat complies in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the County Board of Commissioners shall determine if the Board agrees that the plat complies in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the Board agrees that the preliminary plat complies in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Board shall approve such preliminary plat and shall forward a copy of its action to the Planning Commission.
2. If the Board disagrees with the determination of the Planning Commission regarding the compliance of a preliminary plat with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Board shall identify specific modifications to such plat which would bring the plat into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the subdivider agrees to incorporate the modifications to the plat identified by the Board, the Board shall conditionally approve such preliminary plat and forward a copy of its action to the Planning Commission. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat, the Board shall disapprove such preliminary plat and forward a copy of its action to the Planning Commission.
3. If the Planning Commission recommendation is to approved such plat, but such approval is conditioned upon incorporation of modifications to the preliminary plat, the Board shall review the recommended modifications to the plat and determine if such modifications will bring the plat into full compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the Board agrees that the recommended modifications will bring the plat into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and if the subdivider has agreed to incorporate such modifications into such plat, the Board shall approve such plat, subject to the incorporation of the modifications into the plat, and shall forward a copy of its action to the Planning Commission.
4. If the Board disagrees with the proposed modifications to the preliminary plat recommended by the Planning Commission, the Board shall identify the modifications to such plat which it agrees will bring the plat into compliance in all respects with the

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Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and determine if the subdivider agrees to incorporate such modifications into such preliminary plat. If the subdivider agrees to incorporate such modifications into the preliminary plat, the Board shall conditionally approve such plat and forward a copy of its action to the Planning Commission. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat, the Board shall disapprove such preliminary plat and forward a copy of its action to the Planning Commission.

5. If the Planning Commission's recommendation is to disapprove a preliminary plat due to the inability to incorporate sufficient modifications into the plat to bring the plat into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Board shall determine if it agrees with the recommendation of the Commission. If the Board agrees with the recommendation of the Commission, the Board shall disapprove the preliminary plat and forward a copy of its action to the Planning Commission.
6. If the Board of Commissioners disagrees with the Planning Commission's recommendation, the Board shall identify sufficient modifications into the plat which the Board agrees will bring the plat into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and determine if the subdivider agrees to incorporate such modifications into such preliminary plat. If the subdivider agrees to incorporate such modifications into the preliminary plat, the Board shall conditionally approve such plat and forward a copy of its action to the Planning Commission. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat, the Board shall disapprove such preliminary plat and forward a copy of its action to the Planning Commission.

**502.11 PRELIMINARY PLAT APPROVAL IS CONDITIONAL**

Planning Commission approval and the approval of the Board of Commissioners having jurisdiction of a plat shall not constitute approval of a final plat for all or any part of the subdivision contained in the preliminary plat. Rather, such approval shall be deemed an expression of approval to the layout and preliminary design of the subdivision to be used as a guide in the preparation of any final plat for all or part of the subdivision contained in the preliminary plat which shall be subject to further consideration and approval by the Commission and the Board of Commissioners.

**502.12 EXPIRATION OF AN APPROVED PRELIMINARY PLAT**

Unless a final plat for all or part of the subdivision proposed in an approved preliminary plat has been submitted for consideration by the Planning Commission, the approval of the preliminary plat shall expire two (2) years from the date of the original approval by the Board of Commissioners unless the subdivider formally requests an extension of such expiration and can show good cause why the Board of Commissioners should grant an extension. Upon such a request and upon showing of good cause, the Board of Commissioners may grant an extension for any length of time it determines to be appropriate for the proper planning and development of the County.

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## **SECTION 503 FINAL PLAT APPLICATION**

### **503.01 SUBMISSION REQUIREMENTS**

All final plat applications for review and approval shall conform to the approved preliminary plat and any conditions of approval of such preliminary plat, as well as all applicable standards set forth in this Resolution and other applicable laws and regulations. If desired by the subdivider, a final plat may constitute only a portion of the land area contained in the approved preliminary plat to facilitate phasing of the subdivision development.

The subdivider shall submit to the Zoning Administrator, eight (8) copies of the proposed final supplemental material specified in Section 503.05 herein, together with one (1) written application on a form specified by the County. The subdivider shall submit a complete application, a final plat and supplemental data at least fifteen (15) days prior to the date of the next regularly scheduled meeting of the Planning Commission at which the subdivision request is to be considered.

For all final plats qualifying as a Minor Plat, applications for review and approval shall conform to the applicable standards set forth in this Resolution and other applicable laws and regulations. The Zoning Administrator shall have the authority to waive supplemental data in accordance with Section 802.02 of this Resolution.

For all final plats qualifying as a Minor Plat, the subdivider shall submit to the Zoning Administrator, three (3) copies of the proposed final plat together with one (1) written application on a form specified by the County.

### **503.02 CHECKING OF APPLICATION**

Upon submission of a (non minor) subdivision application, the Administrator shall check it for completeness. If complete, the application shall be placed on the agenda for consideration at the next properly advertised Planning Commission meeting. If the application is incomplete, the Administrator shall not place the application on the Planning Commission's agenda and shall notify the subdivider in writing that the application is incomplete and specify what additional data is needed. The Administrator shall notify the subdivider of any incompleteness within five (5) days of the date of filing of the application. If the complete application has not been filed in time to allow it to be placed on the Commission's agenda in accordance with proper legal notice of the Planning Commission meeting such application shall be placed on the agenda at the next meeting of the Planning Commission.

### **503.03 FEES**

A final plat review fee shall be paid by the subdivider and shall accompany the application submitted. The amount of such fee shall be in accordance with the schedule of fees adopted by the County Board of Commissioners, as may be amended from time to time. The County may request any professional assistance as it deems necessary to properly evaluate the final plat and associated construction plans and specifications. The cost of such professional assistance shall be added to the final plat review fee and paid by the subdivider.

### **503.04 SCALE AND FINAL PLAT CONTENTS**

Final plats shall be drawn in ink on dimensionally stable and reproducible plastic film at a scale of one (1) inch to fifty (50) feet or one (1) inch to one hundred (100) feet on a maximum sheet size of twenty four (24) inches by thirty six (36) inches and shall include the following information:

1. The name of the proposed subdivision, the acreage of the land in the final plat and the location of the land within the subdivision final plat by specific legal description indicating boundary lines with accurate lengths, angles and bearings based upon an accurate traverse. Said boundary lines shall be determined by a balanced and closed survey conducted in the field.

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2. The name(s) of the owner(s) of the land within the subdivision (See Owner's Certification, Item 13 below).
  3. Date, north point and graphic scale of the plat map;
  4. The name of the surveyor and/or engineer who prepared the final plat (See Surveyor's Certificate, Item 12 below).
  5. The name, location and dimensions in feet and hundredths of feet with bearings or deflection angles, radii, arcs and central angles of all curves of the rights-of-way of all streets / roads and other rights-of-way, the radii, central angles, tangents, lengths of arcs, curvature angles at street intersections and a complete traverse of each street within and on the perimeter of the plat, all lot lines and other sites, and building setback lines, in feet, if such building setback lines are to be in excess of these required by the applicable zoning regulations;
  6. The location, dimensions in feet and hundredths of feet of all easements, together with an indication of the purpose or purposes of each easement.
  7. All lake, pond, stream or river shore meander lines established by the surveyor indicating the high and low water marks. If any area within the plat is subject to flooding, the minimum floor elevation for each lot which is subject to flooding shall be indicated.
  8. All lot and block numbers.
  9. Accurate location, size, type and material of all monuments, an indication of whether such monuments were found or set and an indication of bench mark elevation and datum controlling such bench mark elevation for any flood hazard area contained in the subdivision.
  10. Accurate locations of any area to be dedicated or reserved for public use or acquisition with the purpose(s) indicated. Any area to be reserved by covenant or deed restriction for the common use by the owners in the subdivision shall also be located and noted.
  11. Restrictive covenants or deed restrictions applicable to the land contained in the plat, either placed directly on the plat or attached thereto. Such covenants or restrictions shall clearly indicate the disposition of all land within the plat with respect to liability, maintenance and other responsibility, and shall provide, at a minimum, the following:
    - A. Provisions for the prohibiting maintaining of nuisances.
    - B. Provisions with reference to utility and drainage easements including the specific provision that any tree, shrub, fence or other structure or installation placed or allowed to grow in any easement shall be subject to the paramount right of the utility or County to install, repair, replace and maintain its installations and the utility and County shall not be liable for replacement or reinstallation of such trees, shrubs, fences or other installation placed or allowed to grow in such easement.
    - C. No fence, wall, hedge, tree or shrub planting which obstructs sight lines at elevations between 2.5 and 8 feet above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street / road right-of-way lines and a line connecting points 25 feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street / road right-of-way lines extended.
    - D. Such other provisions as may be consistent with the use and protection of the subdivision, including provisions for the amendment and enforcement of the covenants or restrictions by any aggrieved property owner in the subdivision.



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

There are strips of land shown on this plat and marked easement, reserved for the use of public utilities or other entity so indicated and such easements are subject to the paramount right of the utility or other entity so indicated to install, repair, replace and maintain its installations.

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

Witness our hands on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

STATE OF NEBRASKA

COUNTY OF THAYER

Before me, the undersigned Notary Public, in and for the County and State, personally appeared and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed for the purposes therein expressed. Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Notarial  
Seal

### 503.05 SUPPLEMENTAL DATA REQUIRED FOR FINAL PLATS

**Construction Plans and Specifications:** The subdivider shall submit three (3) copies of all construction plans and specifications in accordance with the following requirements for all improvements and installations required by this Resolution. The construction plans and specifications shall consist of all cross-sections, profiles and all other engineering data necessary for the proper design and construction of all subdivision improvements and installations required by this Resolution including, but not limited to, the following:

1. Streets / Roads;
2. Storm Sewers, Drainage Ditches, Culverts, and Other Elements of the Drainage System;
3. Sanitary Sewer System; (if applicable) *Refer to Section 711 of this Resolution.*
4. Water System; (if applicable) *Refer to Section 711 of this Resolution.*
5. Sidewalks and Pedestrian Ways; (if applicable)
6. Any Construction Elements Peculiar to the Subdivision.

### 503.06 NOTICE OF PLANNING COMMISSION CONSIDERATION:

For any final plat other than a Minor Plat, the Administrator shall cause the consideration of each final plat to be placed on the Planning Commission agenda of a legally published notice of a Planning Commission meeting.

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## **503.07 PLANNING COMMISSION ACTION ON THE FINAL PLAT APPLICATION**

### **1. (NON-MINOR) SUBDIVISIONS**

- A. In reviewing a final plat application, the Planning Commission shall consider all comments and recommendations of the County Surveyor, Highway Superintendent, Planning and Zoning Administrator, utilities companies, school district, fire district and other appropriate persons or entities regarding the plat and construction plans and specifications and make a determination that such final plat is consistent with a previously approved preliminary plat and that the final plat and construction plans and specifications comply in all respects with the requirements and standards of this Subdivision Resolution. If the Commission determines that a final plat is consistent with a previously approved preliminary plat and that the plat and construction plans and specifications comply with the requirements and standards of this Subdivision Resolution, the Commission shall forward a recommendation of approval of said final plat to the County Board of Commissioners.
- B. If the Planning Commission determines that a final plat is not consistent with a previously approved preliminary plat or the final plat and /or construction plans and specifications do not comply with the requirements and standards of this Subdivision Resolution, the Commission shall describe specific modifications to such final plat which are necessary to have such final plat be consistent with a previously approved preliminary plat or which are necessary to have the plat and / or construction plans and specifications comply with the requirements and standards of this Subdivision Resolution. If the subdivider agrees to incorporate such modifications into the final plat, the Commission shall forward a recommendation of approval with the condition that the plat be modified to incorporate the specifically described modifications established by the Commission. If the subdivider does not agree to incorporate the specifically described modifications in the final plat, the Commission shall forward a recommendation of disapproval of such final plat together with a statement of the reasons for such recommendation.
- C. Recommendations of the Planning Commission on a final plat shall be forwarded to the County Board of Commissioners within fourteen (14) days of the date of the Commission's final action on a final plat. The Commission shall notify the subdivider of its action on a final plat and construction plans and specifications, if applicable, within five (5) days of the Commission's final action on such plat

## **503.08 RECORDING OF ACTION BY THE PLANNING COMMISSION**

The action of the Commission shall be noted in the minutes of the Commission together with any recommended conditions of approval or reason(s) for rejection. If no changes are required on the final plat, the Chairperson of the Commission shall date and sign the plat. If changes are recommended on the final plat, the Chairperson shall not sign such final plat until such changes have been completed, reviewed and approved by the Commission.

## **503.09 ACTION ON FINAL PLATS BY THE COUNTY BOARD OF COMMISSIONERS**

Upon receipt of a recommendation of the Planning Commission regarding a final plat and upon the placing of the consideration of such final plat on a legally published agenda of a meeting of the County Board of Commissioners, the County Board of Commissioners shall take one (1) of the following actions:

### **1 (NON-MINOR) SUBDIVISION**

- A. If the Planning Commission's recommendation regarding a final plat is that the plat and associated construction plans and specifications comply in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the County Board of Commissioners shall determine if the Board agrees that the plat and associated construction plans and specifications comply in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the Board agrees that the final plat and associated construction plans and specifications comply in all respects with the Comprehensive Plan,

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applicable zoning regulations and the requirements and standards of this Subdivision Resolution and if the Board agrees to accept any dedications of rights-of-way or other dedications for maintenance by Thayer County, Nebraska, the Board shall approve such final plat and construction plans and specifications, subject to acceptance of any financial assurances provided by the subdivider to assure proper construction of required improvements in the subdivision set forth on such plat. If the Board agrees not to accept any dedications proposed on such final plat, the Board shall disapprove such final plat and refer such plat back to the Planning Commission to resolve the dedication issue.

- B. If the Board disagrees with the recommendation of the Planning Commission regarding the compliance of a final plat and / or associated construction plans and specifications with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Board shall identify specific modifications to such plat and / or associated construction plans and specifications which would bring the plat and construction plans and specifications into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the subdivider agrees to incorporate the modifications to the plat and / or associated construction plans and specifications identified by the Board and if the Board agrees to accept any dedications of rights-of-way or other dedications for maintenance by Thayer County, Nebraska, the Board shall approve such final plat and construction plans and specifications, subject to acceptance of any financial assurances required to be provided by the subdivider to assure proper construction of required improvements in the subdivision set forth on such plat and forward a copy of its action to the Planning Commission. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat and / or associated construction plans and specifications or the Board agrees not to accept any dedications proposed on such final plat, the Board shall disapprove such preliminary plat and forward a copy of its action to the Planning Commission.
- C. If the Planning Commission recommendation is to approved such plat and associated construction plans and specifications, but such approval is conditioned upon incorporation of modifications to the plat and / or associated construction plans and specifications, the Board shall review the recommended modifications to the plat and / or associated construction plans and specifications and determine if such modifications will bring the plat and associated construction plans and specifications into full compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the Board agrees that the recommended modifications will bring the plat and associated construction plans and specifications into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, if the Board agrees to accept any dedications of rights-of-way or other dedications for maintenance by Thayer County, Nebraska and if the subdivider has agreed to incorporate such modifications into such plat and / or associated construction plans and specifications, the Board shall approve such plat, subject to the incorporation of the modifications into the plat and / or associated construction plans and specifications and subject to acceptance of any financial assurances required to be provided by the subdivider to assure proper construction of required improvements in the subdivision set forth on such plat. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat and / or associated construction plans and specifications or the Board agrees not to accept any dedications proposed on such final plat, the Board shall disapprove such preliminary plat and forward a copy of its action to the Planning Commission.
- D. If the Board disagrees with the proposed modifications to a final plat recommended by the Planning Commission, the Board shall identify the modifications to such plat which it agrees will bring the plat and associated construction plans and specifications into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and determine if the subdivider agrees to incorporate such modifications into such plat and / or associated construction plans and specifications. If the subdivider agrees to incorporate such modifications into the final plat and if the Board agrees to accept any dedications of rights-of-way or other dedications for

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maintenance by Thayer County, Nebraska, the Board shall approve such plat and associated construction plans and specifications subject to the condition that the required modifications be incorporated into the plat and / or construction plans and specifications and subject to acceptance of any financial assurances required to be provided by the subdivider to assure proper construction of required improvements in the subdivision set forth on such plat. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat and / or associated construction plans and specifications or if the Board agrees to not accept any dedications of rights-of-way or other dedications for maintenance by Thayer County, Nebraska the Board shall disapprove such plat and forward a copy of its action to the Planning Commission to resolve the dedication issue.

- E. If the Planning Commission's recommendation is to disapprove a final plat due and / or associated construction plans and specifications to the inability to incorporate sufficient modifications into the plat and / or associated construction plans and specifications to bring the plat into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Board shall determine if it agrees with the recommendation of the Commission. If the Board agrees with the recommendation of the Commission, the Board shall disapprove plat.
  - F. If the Board of Commissioners disagrees with the Planning Commission's recommendation, the Board shall identify sufficient modifications into the plat which the Board agrees will bring the plat and associated construction plans and specifications into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and determine if the subdivider agrees to incorporate such modifications into such preliminary plat and / or associated construction plans and specifications. If the subdivider agrees to incorporate such modifications into the plat and / or associated construction plans and specifications, the Board shall approve such plat and associated construction plans and specifications subject to the condition that the required modifications be incorporated into the plat and / or construction plans and specifications and subject to acceptance of any financial assurances required to be provided by the subdivider to assure proper construction of required improvements in the subdivision set forth on such plat and forward a copy of its action to the Planning Commission. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat and / or associated construction plans and specifications, the Board shall disapprove such final plat and forward a copy of its action to the Planning Commission.
  - G. The County Board of Commissioners shall decide on acceptance or rejection of a final plat and associated construction plans and specifications, acceptance or rejection of any proposed dedications and acceptance or rejection of any financial assurances required to be provided by the subdivider to assure proper construction of required improvements in the subdivision set forth on such plat and forward a copy of its action to the Planning Commission. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat and / or associated construction plans and specifications, the Board shall disapprove such final plat and forward a copy of its action to the Planning Commission.
- G. The County Board of Commissioners shall decide on acceptance or rejection of a final plat and associated construction plans and specifications, acceptance or rejection of any proposed dedications and acceptance or rejection of any financial assurances required to be provided by the subdivider to assure proper construction of required improvements in the subdivision set forth on such plat and forward a copy of its action to the Planning Commission. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat and / or associated construction plans and specifications, the Board shall disapprove such final plat and forward a copy of its action to the Planning Commission.

## 2. MINOR SUBDIVISION

The Chairperson of the County Board of Commissioners, on behalf of the total Board of Commissioners, is hereby authorized to review and approve a minor subdivision plats after review and recommendation by the Zoning Administrator in accordance with the following:

- A. In reviewing a final plat for a minor subdivision, the Zoning Administrator shall consider if review by the County Surveyor, Highway Superintendent, utilities companies, or other appropriate persons or entities regarding the plat is needed with regard accuracy of the survey and plat and service to the proposed subdivision. If the Zoning Administrator determines that the plat complies in all respects with the Comprehensive Plan, the applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Zoning Administrator shall forward a recommendation of approval of said minor subdivision to the Chairperson of the County Board of Commissioners.

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- B. If the Zoning Administrator determines that a minor subdivision is not in conformance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Zoning Administrator shall identify specific modifications to such minor plat which will bring such plat into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the subdivider incorporates such specific modifications into the plat, the Zoning Administrator shall forward a recommendation of approval of the minor subdivision to the Chairperson of the County Board of Commissioners.
  - C. If the Zoning Administrator determines that a minor subdivision is not in compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and that it is not possible to modify such plat to bring the minor subdivision into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution or if the subdivider shall not agree to incorporate specific modifications proposed by the Commission, the Commission shall forward a recommendation of disapproval of such minor subdivision to the Chairperson of the County Board of Commissioners, together with a statement of the reason(s) for recommending disapproval.
  - D. If the Zoning Administrator's recommendation is to disapprove a plat for a minor subdivision due to the inability to incorporate sufficient modifications into the plat to bring the plat into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Chairperson of the County Board shall determine if he/she agrees with the recommendation of the Zoning Administrator. If the Chairperson of the County Board agrees with the recommendation of the Zoning Administrator, the Chairperson of the County Board shall disapprove plat.
  - E. If the Chairperson of the County Board of Commissioners disagrees with the Zoning Administrator's recommendation, the Chairperson of the County Board shall identify sufficient modifications into the plat which the Board agrees will bring the plat into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and determine if the subdivider agrees to incorporate such modifications into such final plat. If the subdivider agrees to incorporate such modifications into the plat, the Chairperson of the County Board shall conditionally approve such plat and return such plat to the Zoning Administrator for modification. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat, the Chairperson of the County Board shall disapprove such final plat and forward a copy of his/her action to the Zoning Administrator.
  - F. If the Zoning Administrator's recommendation regarding a plat for a minor subdivision is that the plat complies in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, and the Chairperson of the County Board of Commissioners agrees the Chairperson of the County Board shall approve such final plat.
  - G. If the Chairperson of the County Board disagrees with the recommendation of the Zoning Administrator regarding the compliance of a plat for a minor subdivision with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution, the Chairperson of the County Board shall identify specific modifications to such plat which would bring the plat into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the subdivider agrees to such the modifications to the plat so identified, the Chairperson of the County Board shall conditionally approve such final plat and return such plat to the Zoning Administrator for incorporation of the required modifications. If the subdivider does not agree to incorporate the modifications identified by the Chairperson of the County Board into the plat, the Chairperson of the County Board shall not approve such plat and shall return such plat to the Zoning Administrator.

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- H. If the Zoning Administrator's recommendation is to approved such plat, but such approval is conditioned upon incorporation of modifications to the plat, the Chairperson of the County Board shall review the recommended modifications to the plat and determine if such modifications will bring the plat into full compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution. If the Chairperson of the County Board agrees that the recommended modifications will bring the plat into compliance with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and if the subdivider has agreed to incorporate such modifications into such plat, the Chairperson of the County Board shall approve such plat, subject to the incorporation of the modifications into the plat.
  - I. If the Chairperson of the County Board disagrees with the proposed modifications to the plat for a minor subdivision recommended by the Planning Commission, the Chairperson of the County Board shall identify the modifications to such plat which it agrees will bring the plat into compliance in all respects with the Comprehensive Plan, applicable zoning regulations and the requirements and standards of this Subdivision Resolution and determine if the subdivider agrees to incorporate such modifications into such plat. If the subdivider agrees to incorporate such modifications into the final plat, the Chairperson of the County Board shall conditionally approve such plat. If the subdivider does not agree to incorporate the modifications identified by the Board into the plat, the Chairperson of the County Board shall disapprove such plat and forward a copy of its action to the Planning Commission.
  - J. Recommendations of the Zoning Administrator on a minor subdivision plat shall be forwarded to the Chairperson of the County Board of Commissioners within fourteen (14) days of the date of submission of the application for final action on a minor subdivision plat.

#### **503.10 RECORDING OF FINAL PLATS**

After final approval of the plat for the record, the subdivider shall pay the recording fee, and file with the Administrator three (3) copies of the final plat as recorded and two (2) copies of all construction plans and specifications, if applicable, with any required changes completed. Until such copies have been filed, no zoning permit shall be issued for any lot therein.

#### **503.11 GENERAL REQUIREMENTS**

- 1. The recording of any plat shall be without legal effect unless said plat bears the certifications and signatures of the persons and governing officials as specified in this Resolution.
- 2. Every final plat reviewed by the Planning Commission and approved by the County Board of Commissioners after the effective date of this Resolution shall be recorded within two (2) years after the date of the Commission's meeting at which said plat was approved or such final plat shall become void and shall only be recorded after re-review by the Commission and County Board of Commissioners.

## **ARTICLE 6 SUBDIVISION DESIGN STANDARDS**

### **SECTION 601 GENERAL REQUIREMENTS**

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion or other menace. If, following investigation, conducted by all public agencies concerned, it is determined that land to be subdivided cannot be used without endangering the health, safety, welfare or would necessitate an excessive expenditure of public financial resources for street, water and sewer facilities, storm sewers or other facility, the subdivision shall not be approved unless the subdivider formulates adequate methods for overcoming such problems.

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All subdivision designs shall conform to the standards of the Comprehensive Plan of current adoption and the Zoning Resolution of the County. And all required improvements and installations shall be constructed or installed to conform with the provisions of this Resolution and the standard specifications of the County.

**SECTION 602 STREETS / ROADS**

The arrangement, character, extent, width, grade, and location of all streets / roads shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

**602.01 STREET / ROAD EXTENSIONS**

When applicable, the street / road layout in the proposed subdivision shall provide for the continuation or appropriate projection of streets / roads already existing in areas adjacent to the area being subdivided. Where, at the recommendation of the Planning Commission, it is desirable to provide street / road access to adjoining properties, proposed streets / roads shall be extended to the boundaries of the subdivision. Where the Planning Commission deems it necessary, any dead-end streets / roads shall be provided with a temporary turnaround having a radius of at least twenty-five (25) feet. The street / road system for the proposed subdivision shall provide for extending existing streets / roads at the same or greater width, but in no case shall a street / road extension be of less width than the minimum width required for the classification of such street / road by this Resolution.

**602.02 DEDICATION OF RIGHTS-OF-WAY OR GRANTING OF PUBLIC USE EASEMENTS FOR NEW STREETS / ROADS**

The dedication of rights-of-way or granting of public use easements for new streets, measured from lot line to lot line, shall meet the right-of-way width requirements as set forth in Schedule A of this Resolution. Dedication or creation of easements of one-half (1/2) rights-of-way or one-half (1/2) easements for a proposed street along the boundaries of the land being subdivided 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 dedication or creation of an easement for the other one-half (1/2) of the right-of-way or easement when the adjoining property is subdivided.

Marginal access streets (frontage roads) shall be required by the Planning Commission for subdivisions fronting on a federal or state highway street where existing development would not prohibit the extension of a marginal access street for at least a distance of one hundred fifty (150) feet from either side of the side lot line of the lot or lots being subdivided or if the frontage of the subdivision in question on such major arterial street is three hundred (300) feet or more. If lots back up to a major arterial street and such lots have access other than the arterial street frontage, a marginal access street may not be required. (Refer to Section 602.07).

**602.03 DEDICATION OF RIGHTS-OF-WAY OR GRANTING OF EASEMENTS FOR EXISTING STREETS / ROADS**

Subdivisions platted along existing streets / roads shall dedicate additional right-of-way or grant additional public use easements, if necessary to meet the minimum street / road right-of-way standards set forth in this Resolution. The entire minimum right-of-way shall be dedicated or granted as a public use easement where the subdivision is on both sides of an existing street / road . When the subdivision is location on only one side of an existing street / road, one-half (1/2) of the required right-of-way, measured from the centerline of the existing street shall be dedicated or granted as a public use easement.

**602.04 INTERSECTIONS**

Street / roads 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 or at least twenty (20) feet. When the smallest angle of a street / road intersection is less than seventy-five (75) degrees, the Planning Commission may require greater curb radii. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk as such street corner to less than nominal width, the

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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 (local) street shall have a service drive, curb cut or other means of access to a major arterial street within seventy-five (75) feet of the right-of-way of such arterial street.

### **HORIZONTAL AND VERTICAL CURVES**

A tangent at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets / roads. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street / road, a curve with a radius adequate to insure safe site distance shall be provided. The minimum radii of street / road curves shall be as set forth in Schedule A of this Resolution. All changes in grade shall be connected by vertical curves of a minimum length equivalent to eighty-five (85) times the algebraic difference in the rate of grade, expressed in feet per hundred for arterial streets / roads, fifty-five (55) times the algebraic difference for collector streets, and thirty-five (35) times the algebraic difference for local and other minor streets / roads.

### **602.06 STREET / ROAD GRADES AND ELEVATIONS**

Street / road grades shall not exceed the maximum grades set forth in Schedule A of this Resolution unless increased grades are approved by the Planning Commission, the County Board of Commissioners and, if necessary, the State Board of Classifications and Standards.

All streets / roads 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 be not less than three-tenths (0.3) of one (1) percent. Minimum grades for gutters and ditches shall be four-tenths (0.4) of one (1) percent and five-tenths (0.5) of one (1) percent respectively. Storm sewer construction shall be required where necessary to meet these minimum grade requirements.

The Planning Commission and County Board of Commissioners shall not approve streets / roads which will be subject to inundation or flooding based upon a ten (10) year storm. All streets / roads must be located at elevations which will make them flood free from such design intensity storms in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the Planning Commission shall require profiles or elevations of streets / roads in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not increase flood heights. Drainage openings shall be designed so as to not restrict the flow of water and thereby increase flood heights. Street / road grades shall conform to the minimum requirements provided in Schedule A of this Resolution.

### **602.07 MARGINAL ACCESS STREETS / ROADS**

Where a subdivision abuts or contains an existing or proposed major arterial street, the Planning Commission and County Board of Commissioners shall require marginal access streets / roads, reverse frontage lots with screen planting contained in a no-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of the platted properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed major arterial street / road or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Commission shall require that marginal access streets / roads be provided and no lots shall front on such existing or proposed arterial street / road or highway.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street / road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

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**602.08 STREET / ROAD JOGS**

Street / road jogs with center line offsets of less than one hundred twenty five (125) feet shall be prohibited.

**602.09 CUL-DE-SAC STREETS / ROAD**

Minor terminal or dead-end streets / roads or courts which are designed so as to have one end permanently closed shall be longer than one thousand (1,000) feet and shall be provided at the closed end with a turn-around having a radius at the outside of the pavement of at least fifty (50) feet and a radius at the outside of the right-of-way of at least seventy (70) feet.

**602.10 STREET / ROAD NAMES**

Proposed streets / roads which are in alignment with other already existing and named streets / roads shall bear the names of such existing streets / roads. The name of a proposed street / road which is not in alignment with an existing street / road, shall not duplicate the name of any existing street / road.

Whenever a street / road alignment changes direction more than forty-five (45) degrees without a return to the original alignment within a distance of five hundred (500) feet, then the name of the street / road shall be changed at the point of curvature.

Whenever a cul-de-sac street / road serves not more than three (3) lots, the name of the intersecting street / road may apply to the cul-de-sac.

To avoid duplication and confusion, the proposed names of all streets / roads shall be approved by County Board of Commissioners as part of its approval of the final plat prior to such names being assigned or used.

**602.11 PRIVATE STREETS / ROADS AND RESERVE STRIPS**

New private streets / roads may be developed, provided such streets / roads are specifically authorized by the County Board of Commissioners under the terms of this Resolution and provision is made for proper maintenance and snow removal from such streets / roads in accordance with the requirements of this Resolution.

**602.12 SITE DISTANCE AT INTERSECTIONS**

The following paragraphs shall be required as part of the restrictive covenants on all final plats:

No fence, wall, hedge, tree or shrub planting which obstructs sight lines at elevations between 2.5 and 8 feet above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street / road right-of-way lines and a line connecting points 25 feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street / road right-of-way lines extended.

**602.13 VISIBILITY REQUIREMENTS**

Minimum horizontal visibility measured on inside travel lane center line shall be three hundred fifty (350) feet on major and other arterial streets / roads, two hundred seventy five (275) feet on collector streets / roads and two hundred (200) feet on local and other minor streets / roads or as required by the State Board of Classifications and Standards, whichever is greater.

**SECTION 603 ALLEYS**

Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes, except that the Planning Commission and County Board of Commissioners may waive this requirement where other definite and assured provisions are made for service access. The minimum width of an alley shall be twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided and if such dead-end alleys occur, such shall be equipped with a turnaround with a minimum radius of twenty-five (25) feet.

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## **SECTION 604 BLOCKS**

The lengths, widths and shapes of blocks shall be determined with due regard to the provision of adequate access and circulation, building sizes suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations of opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed one thousand three hundred twenty (1,320) feet.

## **SECTION 605 LOTS**

### **605.01 GENERAL**

The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

### **605.02 LOT DIMENSIONS**

Lot dimensions shall conform to the requirements of the applicable zoning district. Residential lots not served by a public sewer may be required to be larger than the minimum lot size required in the applicable zoning district to protect against health hazards of on-site sewage disposal and potential contamination of nearby domestic wells.

### **605.03 CORNER LOTS**

Corner lots for residential use shall have additional width to permit required building setback distances, adequate buildable area and orientation of the residential structure to one or both street.

### **605.04 ACCESS TO LOTS**

The subdividing of land shall be such as to provide each lot created with satisfactory vehicular access by means of a street / road.

### **605.05 DOUBLE FRONTAGE AND REVERSE FRONTAGE LOTS**

Double frontage and reverse frontage lots, shall be avoided, except where essential to provide separation of residential development from arterial streets / roads or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street / road, a landscape screen easement of at least ten (10) feet in width shall be provided along the line of lots abutting such arterial street / road 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 streets / roads.

### **605.06 ANGLE OF SIDE LOT LINES**

Side lot lines shall be substantially at right angles or radial to street / road lines, except in cases, determined by the Planning Commission, where odd land configuration or topography would dictate creation of lots with side lot lines at substantial variation with this limitation.

### **605.07 SETBACK LINES**

Minimum building setback lines on lots shall be as regulated by the yard provisions of the applicable zoning district. Where the subdivider desires setback distances in excess of the minimum setback stipulated in the zoning district, such shall be indicated on the final plat.

## **SECTION 606 SIDEWALKS**

### **606.01 GENERAL**

Sidewalks in subdivisions in the unincorporated areas of the County which are included in the AG-G, General Agricultural and RCI, Rural Commercial Industrial zoning districts shall not be required. Sidewalks in subdivisions, including minor subdivisions in the unincorporated areas of the County which are included in the AG-T, Transitional Agricultural zoning district shall not be required, except in cases where the average lot size in the subdivision is less than fifteen (15,000) square feet and the average lot width is less than sixty (60) feet where sidewalks shall be required.

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In subdivisions where sidewalks are required, such sidewalks shall be labeled upon the improvement plans and installed by the subdivider, except where unusual conditions exist which eliminate the need for sidewalks and an exception to eliminate all or a portion of the sidewalk construction requirement is recommended by the Planning Commission and approved by the County Board of Commissioners as part of the final plat approval process.

**606.02 STANDARDS:**

When required, sidewalks shall be installed within the boundaries of a plat regardless of the use of land in the subdivision and such sidewalks shall be installed according to the following standards:

1. Along both sides of all streets within the subdivision, in which case the edge of the sidewalk farthest from the street shall be placed one (1) foot inside the street right-of-way line. The minimum sidewalk width shall be four (4) feet.
2. All sidewalks shall extend to the street pavement at all intersections and at mid-block crossing where appropriate and shall be equipped with handicap access ramps.
3. In neighborhoods planned as cluster developments, sidewalk locations may be adjusted to accommodate the most efficient pedestrian circulation through and to and from the development, including sidewalks in rear yards and elsewhere to accomplish such efficiency in pedestrian movement.
4. The Planning Commission may recommend modification of the requirements of this Section and the County Board of Commissioners may modify the requirements of this Section, but only in instances where a park, railroad, extreme topographical conditions or other unusual conditions, excluding the use of the property, make sidewalk installation non-essential or unnecessary on both sides of the street.

**SECTION 607 FLOOD AND TOPOGRAPHIC HAZARD AREAS**

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 included in a subdivision and be set aside on the plat for such uses as will be compatible with the hazards associated with the flooding or erosion. The Planning Commission shall recommend and the County Board of Commissioners shall require that any the lowest floor of any building situated in a flood prone area be elevated a minimum of one (1) foot above the 100 year flood elevation in accordance with the requirements of the Federal Flood Insurance Program.

**SECTION 608 EASEMENTS**

Where needed and necessary easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage and such easements shall be at least twenty (20) feet wide on rear lot lines with ten (10) feet of such easement being on each side of a rear lot line and twelve (12) feet in width on side lot lines. Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as will be adequate for the purpose of retaining the water handling capacity of the water course.

**SECTION 609 COUNTY ASSETS**

In all subdivisions, due regard shall be shown for natural features such as trees, unusual rock or topographic formations, water courses, and any sites having historic significance, which if preserved, would add attractiveness and value to the area. The Planning Commission shall have the authority to recommend and the Board of Commissioners shall have the authority to require preservation of such natural or historic features as it deems reasonable.

**SECTION 610 RESERVATION AND DEDICATION OF PUBLIC LAND AND OPEN SPACE**

Before preliminary or final plat approval is given, the Planning Commission may recommend and the County Board of Commissioners may require the subdivider to reserve sites for parks, playgrounds, open space, schools and other public uses consistent with the Comprehensive Plan of the County, as determined by the Planning Commission and the County Board of Commissioners. Reservation of land for public acquisition and/or use shall be for a period of time not to exceed two (2) years from the date the final plat wherein such reserved area

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is located and is recorded unless otherwise provided in this Resolution. If such reserved site is not acquired by the County or other governmental entity within said two (2) year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of such site. Where a park, playground, school, or other site for public use, indicated in the Comprehensive Plan, is located in whole or in part in an area proposed to be subdivided, the County Board of Commissioners may require immediate acquisition of such site by the County or other governmental entity or accept the dedication of such area.

### **SECTION 611 DEDICATION**

Before final plat approval is given, the subdivider shall agree to grant public use easements for streets / roads or, with the approval of the County Board of Commissioners, dedicate rights-of-way for streets / roads as may be recommended by the Planning Commission and required by the County Board of Commissioners, provided that it is the policy of the Comprehensive Plan, this Resolution and the Thayer County Board of Commissioners that the County will not accept dedication of streets / roads and alleys not part of the County road system as of the date of adoption of this Resolution. All streets / roads and alleys to be developed within the subdivision which are not part of the County road system as of the date of adoption of this Resolution are to be developed as private streets and the subdivider shall make adequate provision, as determined by the Planning Commission and County Board of Commissioners, for an owner's association or other responsible entity with direct responsibility to and control by the property owners of the subdivision to provide for the proper maintenance of all such private streets / roads and alleys, the removal of debris and the timely removal of snow therefrom so as to maintain access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association shall be self-perpetuating and has the authority to collect assessments upon owners of land in the subdivision to accomplish the require street and alley maintenance.

Such provisions shall also provide for agreement of the property owners within the subdivision, that if the County or other governmental entity is requested or required to perform any maintenance or snow removal from such private streets or alleys in order to maintain adequate access, said owners shall pay the costs thereof to the County and that if not paid within ninety (90) days of billing by the County, the same shall become a lien upon all properties within the subdivision until such costs are paid in full.

## **ARTICLE 7 REQUIRED IMPROVEMENTS**

### **SECTION 701 GENERAL REQUIREMENTS**

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Resolution. All plans and specifications for such improvements shall be reviewed and recommended to the County Board by the Planning Commission and be approved by the County Board of Commissioners upon recommendation of the County Highway Superintendent or designated engineer of the County.

The subdivider is to install such improvements, and all construction work shall be done under the inspection of the County and shall be completed within the time limitations set forth herein. The minimum requirements for materials shall be in accordance with the standard specifications of the County which are currently in force or as approved by the County Highway Superintendent or the County's designated Engineer. Standards applicable to health and sanitation as promulgated by the Nebraska Departments of Environmental Quality and Health shall be minimum standards unless higher standards are required by the County.

All inspection costs and costs for required tests shall be the responsibility of the subdivider.

### **SECTION 702 MONUMENTS AND MARKERS**

The subdivider shall be responsible for and monuments shall be installed by the subdivider's surveyor so that the top thereof is level with the proposed finished grade adjoining it, and the center, cross mark or other designation thereon shall coincide exactly with the intersecting or other lines so marked and designated.

#### **702.01 MONUMENT LOCATIONS**

Monuments shall be installed at:

1. The intersection of all angles in the boundary line of the subdivision.
2. The intersection of all street / road and alley right-of-way lines within or on the perimeter of the subdivision.

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3. The beginning and ending of all curves in street / road and alley right-of-way lines, except corner easements having a radius of fifty (50) feet or less.
  4. All points where lot lines intersect street / road and alley right-of-way lines.
  5. All points where curves begin and end.
  6. All angles formed by intersections of lot lines.
  7. All other lot corners not established by monument.
  8. All points required to delineate the location or extent of reservations, easements or dedications not otherwise defined.
  9. Such other points as are necessary to definitely establish all major plat lines.

**702.02 MONUMENT CONSTRUCTION**

Iron rod monuments shall consist of an iron rod at least one-half (1/2) inch in diameter and twenty four (24) inches in length.

**702.03 REPLACEMENT OF MONUMENTS**

The replacement or installation of monuments at points designated as A through Z in the Federal Land Survey System shall be accomplished in accordance with the standards and requirements of the Nebraska State Board of Examiners for Licensed Land Surveyors.

**702.04 TEMPORARY MONUMENTS**

Temporary monuments and markers may be installed during construction of subdivision improvements, provided however, that permanent monuments and markers shall be a part of the physical improvements covered under the subdivider financial guarantees required in this Resolution and such monuments and markers shall be installed in accordance with the requirements of this Resolution.

**SECTION 703 STREET / ROAD GRADING**

All streets shall be graded to the minimum widths set forth in Schedule A of this Resolution.

**SECTION 704 STREET / ROAD CONSTRUCTION**

**704.01 PAVEMENT**

Minimum requirements for pavement construction shall be in accordance with the specifications of the County or as approved by the Planning Commission and County Board of Commissioners, but in no event shall such standards be less than that required by the Minimum Design Standards adopted by the State Board of Public Roads Classification and Standards. Upon recommendation by the County Highway Superintendent or the County's designated engineer, higher design standards may be required by the County Board of Commissioners to provide adequately for unusual soil conditions or extraordinary traffic volumes, axle loads or other abnormal characteristic.

All streets in subdivisions in the unincorporated areas of the County in which the average lot size exceeds fifteen (15,000) square feet and the average lot width exceeds seventy five (75) feet shall be surfaced with material acceptable to the County Board of Commissioners.

All streets in subdivisions in which the average lot size is less than fifteen thousand (15,000) square feet shall be paved with asphalt, concrete in accordance with the specifications of the County, as recommended by the County Highway Superintendent or designated engineer. The subgrade for rigid and flexible pavements shall be prepared in compliance with the specifications of the County or in accordance with the requirements established by the Planning Commission and County Board of Commissioners, upon recommendation by the County Highway Superintendent or designated engineer.

**704.02 SHOULDERS, SIDE SLOPES AND DITCHES**

All shoulders, side slopes and ditches shall be prepared in compliance with the specifications of the County. All shoulders, side slopes and ditches shall be protected from erosion by either sodding or seeded as recommended by the County Highway Superintendent or designated engineer. Plans for erosion control shall be part of the final plat improvement plans to be

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submitted and approved. Ditches having a lateral grade of three (3) to five (5) percent shall have a gutter consisting of sod. If the grade of any ditch is in excess of five (5) percent, the gutter shall consist of concrete or small sodded dams or such other erosion control devices as may be approved by the County Highway Superintendent or designated engineer.

**704.03 MINIMUM PAVEMENT WIDTHS**

Pavement / surface widths shall be measured between the required curbs and shall have a minimum width for the classification of the street as set forth in Schedule A.

**704.04 CURBS AND GUTTERS**

Curbs and gutters may be required for all street within the boundaries of the subdivision where the average lot size is less than fifteen thousand (15,000) square feet and the average lot width is less than seventy five (75) feet upon recommendation by the County Highway Superintendent or designated engineer.

**SECTION 705 STREET NAME SIGNS**

At least one (1) named street / road sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located on the northeast corner thereof, whenever possible, and on the park strip between the street and the sidewalk at the point approximately six (6) inches from said sidewalk or its intended location. Street name signs shall be of a type in use in throughout the County or approved by the designated engineer shall be erected by the subdivider.

**SECTION 706 CULVERTS**

Culverts shall be constructed and installed whenever necessary to provide adequate surface drainage, as determined by the Planning Commission and County Board of Commissioners in their review and approval of the subdivision plat and associated improvement plans and specifications.

**SECTION 707 SIDEWALKS**

Sidewalks shall be constructed in conformance with the requirements of Section 506 of this Resolution and shall be constructed of Portland cement concrete or other acceptable material as approved by the Planning Commission and County Board of Commissioners in the approval of the subdivision plat and associated improvement plans and specifications. Sidewalk thickness shall not be less than four (4) inches. The subdivider need not install such sidewalks until building construction is completed on a lot by lot basis to avoid damage by heavy construction equipment. The subdivider shall provide appropriate financial assurances, as set forth in this Resolution, and such assurances shall be retained until all sidewalks have been constructed. The subdivider may, in lieu of posting financial assurances for sidewalk construction, include a deed restriction on the plat which indicates that purchaser of the lot shall be responsible for installation of the sidewalk on such lot within six (6) months of completion of construction of the primary building on such lot.

**SECTION 708 DRIVEWAYS**

Driveways shall have a maximum grade of ten (10) percent. Driveways and curb cuts shall not be closer than three (3) feet from a side lot line. Curb cuts shall be three (3) feet wider than the driveway on each side to provide for a radius on the driveway surface.

**SECTION 709 STREET / ROAD AND WALKWAY LIGHTING**

Unless an exception of approved by the County Board of Commissioners, subdivisions where the average lot size is less than fifteen thousand (15,000) square feet, the subdivider shall provide easements for electrical power access to and shall install street lights of a type acceptable to the County at each entrance (street or sidewalk) into the subdivision and at each street intersection within the subdivision and at such intermediate points so that street and walkway light spacing does not exceed three hundred (300) feet between such lighting fixtures. Such lighting in new subdivisions shall utilize underground wiring and appropriate easements for such wiring as indicated on the approved final plat.

**SECTION 710 DRAINAGE**

A drainage system shall be designed and constructed by the subdivider's engineer to provide for proper drainage of surface water into, within and through the subdivision for which preliminary plat approval is sought. The drainage system shall comply with the following requirements:

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### **710.01 DRAINAGE REPORT**

A preliminary subdivision plat, other than a minor subdivision, as herein defined, shall not be considered for final approval until the subdivider shall submit a drainage report prepared by a registered professional engineer or surveyor as to the existing and proposed drainage conditions. The report may be included on the preliminary plat or attached to the plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems. The report shall include:

1. Estimates of the quantity and rate of storm water entering the subdivision naturally and estimates of such storm water when the upper watershed shall be developed in a manner in which it is zoned.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. Quantities of flow at each pick-up point.
4. Estimates of temporary erosions control measures necessary to control erosion during construction.
5. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm.
6. A description of the impacts that the proposed drainage system will have on property and drainage structures downstream of the subdivision to a point where such water drains into a recognized water course and how any increase in the rate of runoff will be regulated to avoid negative impacts on downstream property or public or private culverts, bridges or roadways.

### **710.02 DRAINAGE REQUIREMENTS**

The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers determined to be necessary by the Commission upon recommendation of the County's designated engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersectional 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 Commission upon recommendation by the County Highway Superintendent or designated engineer.

### **710.03 DRAINAGE SYSTEM STANDARDS**

1. All street shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or side ditches and culverts.
2. Curb drainage inlets shall be provided at appropriate intervals along street with curbs and gutter drainage. Where inlets connect to storm sewers a drain inlet structure and a protective grating shall be installed.
3. All streets having curb and gutter on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.
4. All off-street drainage swales and ditches shall be protected by drainage easements noted on the final plat.

## **SECTION 711 UTILITY INSTALLATION**

Utilities shall be designed and constructed for all lots in the proposed subdivision. Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install such utility in a street / road right-of-way,

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such shall be installed after grading is completed and approved and before any pavement base is applied. All in-street / road underground construction - water mains, sewer mains, gas mains, electrical power, cable television, etc., and all service connections shall be completely installed through and across the street / road. Where the utility mains and lines are outside of the area to be paved, installations of service connections may be omitted, provided that at such time as these connections are needed, they may be jacked / drilled across the street / road without breaking or weakening of the street / road pavement.

Where rock is known to exist beneath the street / road pavement is at such depth as to interfere with the jacking / drilling of service connections, the complete installation of the service connections before paving of the street / road shall be required. In cases where underground utilities must be provided within a street / road right-of-way, such shall not be installed under the street / road paving unless specifically authorized by the County.

### **SANITARY SEWAGE DISPOSAL**

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

#### **711.01 Rural Density Subdivisions**

In subdivisions in which the minimum lot size is more than twenty thousand (20,000) square feet and the minimum lot width is more than seventy five (75) feet, a privately operated sewer collection, treatment and disposal system acceptable to the County Board of Commissioners or individual on-site sewage disposal systems, such as a septic tank and tile field, may be used. If individual on-site sewage disposal systems are to be used, the subdivider shall provide documentation of percolation rates on each lot which will adequately support such individual on-site systems and shall verify through documentation that the lots are not subject to a seasonal or permanent high water table. Such proposal shall be submitted to the Nebraska Department of Environmental Quality for review and approval prior to acceptance by the Planning Commission and Board of Commissioners.

The Planning Commission and Board of Commissioners shall not approve a subdivision in instances where the proposed disposal systems have been rejected by the Nebraska Department of Environmental Quality or where soil percolation is inadequate to support individual sewage disposal systems and/or where high water tables may exist unless a suitable and adequate substitute sewage disposal system is provided.

#### **711.02 Urban Density Subdivisions**

In subdivisions in which the minimum lot size is less than twenty thousand (20,000) square feet and the minimum lot width is less than seventy five (75) feet, if a public sanitary sewer system is maintained by a nearby village or city, a sanitary sewer collection system, including all pipes and manholes, shall be provided and said collection system shall be connected to a public sewer of the village or city in accordance with plans acceptable to the Planning Commission and the Village Board / City Council if:

1. the proposed subdivision is so located with regard to an adequate public sewer, either existing or to be installed within one (1) year from the date of application for final plat approval and,
2. said public sewer is located within five hundred (500) feet of the proposed subdivision or a public sewer is located at a greater distance from the proposed subdivision, but the cost of installing the lateral and connecting sewers from all lots shown upon the final plat of the subdivision, exclusive of connections from individual structures, is equal to or less than one hundred fifty (150) percent of the cost of installing a privately operated sewage collection, treatment and disposal system to serve all lots shown on such final plat, and the village or city agrees to allow the subdivision to be connected to its public sewer system.

If an urban density subdivision is not so located relative to a public sewer or the municipality does not maintain a public sanitary sewer system, such subdivision shall not be approved unless a privately operated common sewer collection, treatment and disposal system

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acceptable to the Nebraska Departments of Environmental Quality and Health is provided and provisions are made for the creation of a sanitary improvement district, owner's association or other appropriate entity capable of operating and maintaining the common sewer system and which has the legal authority to assess the users of such sewerage system for its operation and maintenance of the common sewer system.

### **711.03 Standards**

When applicable, improvement plans for a sewage collection system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, the type and capacity of treatment facilities, if applicable, and the location, type and size of all lift or pumping stations. The design of such sewage system shall be subject to the approval of the County Board of Commissioners or when such subdivision is to be connected to a sanitary sewer system maintained by a municipality, shall be subject to approval by the Village Board / City Council, in accordance with the following standards:

1. All sewer lines shall be a minimum of eight (8) inches in diameter, except for service lines from the sewer to the property line of each lot shall be at least four (4) inches in diameter. The location of each service line shall be marked.
2. Manholes shall be provided at all interceptor and lateral junctions, at the end of each line and at all changes in direction, grade or size.

### **WATER SUPPLY**

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service to all lots in a proposed subdivision. The following types of water supply / distribution system and the requirements for same shall apply:

#### **711.04 Rural Density Subdivisions**

In subdivisions in which the minimum lot size is more than twenty thousand (20,000) square feet and the minimum lot width is more than seventy five (75) feet, private water supply wells may be used.

#### **711.05 Urban Density Subdivisions**

In subdivisions in which the minimum lot size is less than twenty thousand (20,000) square feet and the minimum lot width is less than seventy five (75) feet, if a public water supply system is maintained by a nearby village or city, a water distribution system, including all mains, laterals, valves and fire hydrants, shall be provided and said distribution system shall be connected to a public water system of the village or city in accordance with plans acceptable to the Planning Commission and the Village Board / City Council if:

1. the proposed subdivision is so located with regard to an adequate public water main, either existing or to be installed within one (1) year from the date of application for final plat approval and,
2. said public water main is located within five hundred (500) feet of the proposed subdivision or a public water main is located at a greater distance from the proposed subdivision, but the cost of installing the lateral and connecting main and water distribution system to all lots shown upon the final plat of the subdivision, exclusive of connections to individual structures, is equal to or less than one hundred fifty (150) percent of the cost of installing individual wells on each lot shown on such final plat, and the village or city agrees to allow the subdivision to be connected to its public water system.

If an urban density subdivision is not so located relative to a public water main or the municipality does not maintain a public water system, or the municipality does not agree to allow the subdivision to be connected to its water system, individual private water supply wells may be utilized.

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### **711.06 Standards**

When applicable, improvement plans for a public water distribution system shall be provided showing main sizes, types of pipe, locations of fire hydrants, location and types of valves and, if applicable, booster pumps and other appurtenances. The design of such water distribution system shall be subject to the approval of the applicable village / city, the Village Board or City Council, and shall be designed in accordance with the following standards:

1. The minimum water main or pipe size shall be determined by the type of use(s) to be served and the provision of adequate fire flow capacities within the subdivision. Generally, water lines shall be at least six (6) inches in diameter.
2. The maximum distance between fire hydrants shall be determined by the Village Board / City Council, but generally any portion of the proposed subdivision shall be within two hundred fifty (250) feet of a fire hydrant.
3. Gate valves on cross-connecting water lines shall be so located that no single break in the water distribution system within the subdivision shall require more than five hundred (500) feet of such line being out of service in commercial and industrial areas and eight hundred (800) feet of such line in residential areas. Valves on cross-connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down the major distribution system.
4. The design and testing of all water lines shall be in accordance with applicable standard of the village / city and the Nebraska Department of Health.

## **SECTION 712 SHARED IMPROVEMENT COSTS**

### **712.01 Oversize and Off-site Improvements**

The utilities, street / road pavement and other improvements required for the proposed subdivision may be required by the Planning Commission and County Board of Commissioners to be oversized or extended to nearby land or anticipated future development. This determination shall be made at the sole discretion of the Planning Commission and County Board of Commissioners in consultation with the Zoning Administrator and the County Highway Superintendent or designated engineer.

### **712.02 Cost of Oversize Improvements**

Minimum street pavement / surfaced widths for all streets / roads in a subdivision shall conform to the standards established in Schedule A of this Resolution. Minimum utility sizes shall be determined by the standards of the applicable municipality, sanitary improvement district or other appropriate entity with regard to providing service to the subdivision in question. Where greater pavement widths are deemed necessary, the County may agree to bear the additional cost of providing such greater width. Where greater water or sewer main sizes are deemed necessary, the sanitary improvement district or other appropriate entity may bear the additional cost of providing such greater sizes. In the event the sanitary improvement district or other appropriate entity agrees to pay for the additional costs of oversizing of streets or utilities, the subdivider shall be required to pay for that part of the construction costs for the arterial streets / roads, sewers, or water distribution mains which would be equivalent to constructing the minimum streets / roads and utilities which would otherwise be required to serve the subdivision in question.

### **712.03 Extensions of Improvements to Boundaries of a Subdivision**

The subdivider may be required to extend street, utilities, drainage or other improvements in a subdivision to the boundaries of such subdivision at the subdivider's expense to allow for service to future developments on adjoining lands, as recommended by the Planning Commission and required by the County Board of Commissioners.

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**712.04 Off-site Extensions**

If a subdivision contains lots less than twenty thousand (20,000) square feet in area and less than seventy five (75) feet in width, and utilities are available at the boundary of the proposed subdivision or within the distances or costs established in Sections 711 and 712 of this Resolution, the subdivider, if he/she wishes to proceed, shall pay the costs of such off-site improvements and provide for appropriate off-site easements prior to approval of the final plat for such subdivision unless the affected sanitary improvement district or other appropriate entity agrees to share in part or all of the cost of such off-site utility extensions. Such improvements shall be available for use by subdividers of adjoining lands, except that subdividers of adjoining lands shall pay to the sanitary improvement district or other appropriate entity an amount equivalent to the cost of construction of such off-site improvements and the sanitary improvement district or other appropriate entity shall be the amount paid by the subdivider who installed such off-site improvement for such off-site improvements to the subdivider.

**SECTION 713 SUBDIVISION IMPROVEMENT GUARANTEES**

Prior to recording of any approved final plat in which improvements are required and after approval of all subdivision improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. A final plat shall not be recorded and no lot shall be sold until all improvements have been inspected and determined to be in accordance with the approved plans and specifications and until completion of all appropriate improvements and acceptance thereof by the County Board. In lieu completion of construction of all improvements prior to recording of any final plat in which improvements are required, the County Board of Commissioners may enter into an agreement with the subdivider whereby the subdivider shall guarantee to complete all improvements required by the County and this Resolution. To secure such an agreement, the subdivider shall provide, subject to approval and acceptance of the County Board of Commissioners, one (1) or more of the guarantees set forth below:

**713.01 Surety Performance Bond**

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska and acceptable to the County Board of Commissioners. The bond shall be payable to the County and shall be in an amount of one hundred ten (110) percent of the estimated cost of all improvements required to be installed by the subdivider. The estimated cost of such improvements shall be subject to review of the Zoning Administrator and approval of the County Board of Commissioners. The duration of the bond shall be until such time as the improvements required to be installed by the subdivider have been installed, inspected and accepted by the County Board of Commissioners in accordance with Section 714.07 of this Resolution.

**713.02 Escrow Account / Irrevocable Letter of Credit**

The subdivider provide an Irrevocable Letter of Credit running to Thayer County from or bank or the subdivider shall deposit cash or other instrument readily convertible to cash at face value, either with the County or in escrow at a bank. The use of any instrument other than cash and the bank to hold such escrow shall be subject to approval by the County Board of Commissioners. The amount of the irrevocable letter of credit or escrow shall be equal to one hundred ten (110) percent of the estimated cost of all improvements required to be installed by the subdivider. The estimated cost of such improvements shall be subject to review of the Administrator and approval of the County Board of Commissioners. The subdivider shall file with the County Board of Commissioners an irrevocable letter of credit or an escrow agreement between the bank and himself / herself guaranteeing the following:

1. That the funds in such escrow account shall be held in trust until released by the County and may not be used or pledged by the subdivider as security for any other matter during the period such funds are held in escrow.
2. That in the event of failure of the subdivider to satisfactorily install all improvements required of him / her, the bank shall immediately make the funds of such escrow account available to the County for use in completion of such improvements.

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3. As improvements are made by the subdivider and inspected and approved by the County, the amount of escrow may be reduced accordingly, provided that at no time shall be amount held in escrow be less than one hundred ten (110) percent of the estimated cost of improvements which have not been installed or accepted.

**713.03 Time Limits**

Prior to granting of a final plat approval, the subdivider and the County Board of Commissioners shall agree upon a deadline for the completion of all subdivision improvements to be installed. Such deadline shall not exceed two (2) years from the date of final plat approval, provided however, the County Board of Commissioners may extend that deadline for one (1) additional year when the subdivider presents good cause for such extension and provides any additional surety made necessary due to inflation or increased cost of completing such improvements.

**713.04 Failure to Complete Improvements**

If any portion of the improvements required to be installed by the subdivider shall fail to be completed and accepted in compliance with Section 714.05 below within the required time period, either for reason of non-completion or for reason of substandard and unacceptable construction, the County Board of Commissioners shall take one (1) of the following actions:

1. Where improvements have been guaranteed under Section 714.01 of this Resolution, the guarantee shall be forfeited to the County and the County shall use the proceeds from such guarantee to complete all improvements remaining to be installed.
2. Where improvements have been guaranteed under Section 714.02 of this Resolution, the County shall declare whatever security that has been pledged as a guarantee to be forfeited and the County shall use the proceeds from such guarantee to complete all improvements remaining to be installed.

**713.05 Inspection and Acceptance of Improvements**

The Subdivider's Engineer shall regularly inspect construction of the required improvements. Upon completion of improvements, the Subdivider's Engineer shall file with the County Board of Commissioners a statement either certifying that the improvements as required by the County Board of Commissioners have been satisfactorily completed, that all such improvements meet or exceed the specification for such improvements approved by the County Board of Commissioners and that no defects in such improvements exist.

Upon satisfactory completion of all improvements, the subdivider shall file with the County Board of Commissioners, a signed statement stipulating the following:

1. That all required improvements have been installed and are complete and that all required improvements are in compliance with plans and specifications approved by the County Board of Commissioners.
2. That the subdivider knows of no defect in any improvement and that all required improvements are free and clear from any encumbrance or lien.

Upon receipt of the required certifications listed above, the County Board of Commissioners shall accept any applicable improvements.

**713.06 Release of Guarantees**

Upon acceptance, in accordance with Section 714.05 above, the County Board of Commissioners shall authorize the release of any outstanding surety or guarantee provided by the subdivider.

**SECTION 714 OPERATION AND MAINTENANCE OF IMPROVEMENTS**

Unless specifically agreed by the County Board of Commissioners, it is the intention of the County to provide no services other than planning, zoning and subdivision regulation administration to the land area within the

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unincorporated areas of the County. It shall therefore be the responsibility of the subdivider to present to the Planning Commission and the County Board of Commissioners a precise approach for the maintenance of streets and maintenance and operation of other subdivision improvements with a subdivision so located outside of the corporate limits of the incorporated municipalities at the time of request for final plat approval. Such approach shall include the formation and perpetuation of an owner's association or other appropriate and legal entity for generating the finances necessary for the proper maintenance and operation of the streets and other improvements within the subdivision. Such approach shall be binding on the subdivider in a form, agreement or contract acceptable to the County Board of Commissioners.

## **ARTICLE 8                      EXCEPTIONS**

### **SECTION 801   GRANTING OF VARIANCES TO THIS RESOLUTION**

In addition to the exceptions contained in this Resolution, the Planning Commission may recommend and the County Board of Commissioners may authorize variances from the requirements of this Resolution, but only after determining that:

1. There are unique circumstances or conditions affecting the land being subdivided, that are not the result of action by the subdivider, which can be best addressed through varying the requirements of this Resolution.
2. The exception(s) proposed are necessary for the reasonable and acceptable development of the land being subdivided.
3. The granting of the exception(s) will not be detrimental to the public or injurious to adjacent or nearby properties.

### **SECTION 802   MINOR SUBDIVISIONS**

#### **802.01   Determination**

Upon request by the subdivider and determination by the Administrator, a subdivision may be deemed an exception to a portion of the requirements of this Resolution and may be processed as a minor plat (final plat) when it meets all of the following requirements:

1. Said subdivision contains only one (1) lot fronting on an existing improved road or street.
2. Said subdivision does not involve any new street, extension of public utilities or creation of the need for other public improvements.
3. Said subdivision will not adversely affect the ability to further subdivide the remaining parcel from which it is being subdivided or any adjoining property, will not result in surface water drainage problems in public rights-of-way or adjoining properties.
4. Said subdivision is not in conflict with any provision of the Comprehensive Plan, the zoning regulations of the County or other applicable section of this Resolution.

#### **802.02   Information Waiver**

In making a request for minor subdivision approval, the subdivider may propose that the normal requirements of the provision of platting information such as topographic data and other data normally required for final plat approval be waived. The Administrator may waive the requirements for such information unless he / she determines that any part of such information is needed to determine the appropriateness of said minor subdivision.

#### **802.03   Zoning Administrator and County Board of Commissioners Review by Chairperson**

A minor subdivision application shall be deemed an application for final plat approval. The Zoning Administrator and County Board of Commissioners shall review said final plat for at least the following minimum requirements:

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1. Conformity with the Comprehensive Plan and the requirements of the applicable zoning regulations.
  2. Correctness of the legal description, certifications, computations, lot data, monuments and markers, adequate drainage and such other information as may be deemed necessary by the Zoning Administrator or County Board of Commissioners.

**802.04 Zoning Administrator and County Board of Commissioners Chairperson Action**

If the Zoning Administrator determines that a minor subdivision complies with all requirements herein for a minor subdivision, said final plat, shall be forwarded to the Chairperson of the County Board of Commissioners for approval and acceptance of any dedication and recordation in accordance with the requirements of this Resolution.

## **ARTICLE 9 ADMINISTRATION**

### **SECTION 901 GENERAL**

**901.01 Authority**

It shall be the responsibility of the Zoning Administrator to administer and enforce this Resolution and to bring to the attention of the Planning Commission and County Board of Commissioners any violation or lack of compliance with this Resolution with regard to any subdivision within the jurisdiction of this Resolution.

**901.02 Limitation on Transfer of Real Estate**

No owner, or agent of an owner of any parcel of land resulting from a subdivision of land within the jurisdiction of this Resolution shall transfer or sell any parcel of land unless a plat of such subdivision has been approved by the Planning Commission and County Board of Commissioners in accordance with the provisions of this Resolution and filed for record with the Thayer County Registrar of Deeds. Further any subdivision of land by use of metes and bounds description, including re-subdivision of platted lots, for the purpose of sale, transfer or lease which would evade the requirements of this Resolution shall not be permitted. All such subdivisions shall be subject to the requirements of this Resolution.

**901.03 Limitation on Zoning Permits**

No permit shall be issued for construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of this Resolution.

### **SECTION 902 OBJECTION PERIOD**

Whenever any conveyance, in any manner purporting to subdivide real estate, has been or is hereafter recorded in the Office of the Thayer County Registrar of Deeds and the conveyance, or the recording thereof, has failed to comply with any requirement of this Resolution, any party claiming an interest in such conveyance may file an affidavit with the Registrar of Deeds asserting that written notice of the defect in approval has been received by the County Board of Commissioners. Upon filing such affidavit, the County Board of Commissioners shall have one hundred twenty (120) days from the receipt of such notice of defect to record an objection in the Office of the Registrar of Deeds or such conveyance shall be fully valid. If an objection is filed, the conveyance shall not be validated. The objection shall be in the form of a resolution adopted after public hearing. Notwithstanding the validity of such conveyance, the subdivider shall not thus be relieved of any penalty imposed by this Resolution for failure to comply with all the requirements of this Resolution. Any conveyance of real estate under the jurisdiction of this Resolution for public use shall be valid only upon express approval of the County Board.

### **SECTION 903 VIOLATIONS AND PENALTIES**

Any person who shall dispose of, or offer for sale or lease, any lot or parcel of land under the jurisdiction of this Resolution, until a plat thereof has been duly approved, acknowledged and recorded as provided in this Resolution shall forfeit and pay fifty dollars (\$50.00) for each lot and part of a lot sold or disposed of, leased or offered for sale and/or shall be punishable in any other manner provided under applicable statutes of the State of Nebraska.

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## **ARTICLE 10 AMENDMENTS**

### **SECTION 1001 AMENDMENTS**

Any provision of this Resolution may be amended, supplemented, changed, modified, or repealed from time to time by the County Board of Commissioners according to law, provided however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until a study conducted by the Planning Commission and a written recommendation of the Planning Commission is provided to the County Board of Commissioners after public hearings on such amendment(s) by each body.

## **ARTICLE 11 LEGAL STATUS PROVISIONS**

### **SECTION 1101 REPEAL OF CONFLICTING RESOLUTIONS**

Resolution No. \_\_\_ and all other Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

### **SECTION 1102 SEVERABILITY**

Should any Article, Section or provision of this Resolution be declared by a Court having jurisdiction to be unconstitutional or invalid, such decision shall no affect the validity of this Resolution as a whole, or any part thereof other than that part so declared to be unconstitutional or invalid.

### **SECTION 1103 EFFECTIVE DATE**

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Chairperson

\_\_\_\_\_  
Attest: County Clerk

# SCHEDULE A

## MINIMUM STREET / ROAD STANDARDS

Thayer County, Nebraska

<u>STREET / ROAD CLASSIFICATION</u>	<u>MINIMUM RIGHT-OF-WAY (Feet)*</u>	<u>MINIMUM PAVEMENT WIDTH (Feet)**</u>	<u>MINIMUM NUMBER OF LANES</u>	<u>MINIMUM SHOULDER WIDTH (Feet)</u>	<u>MAXIMUM GRADE (%)</u>	<u>MAXIMUM DEGREE OF CURVE (feet)</u>
Major Arterial Road	80 - 120	***	2	4 - 8	4	4.75
Other Arterial Road	80	20	2	3	8	8.00
Collector Road	66	20	2	3	9	10.00
Local Road	66	20	2	2	10	23.00
Cul-de-sac or Loop Street / Road	60****	22****	2	2	10	23.00
Marginal Access (Frontage Road - No Parking)	50 - 60	20	2	2	10	23.00

\* Minimum right-of-way shall be increased to contain the full extent of any required cuts or fills.

\*\* Measured from edge of pavement to edge of pavement or back to back of curbs, except for gravel or non-paved roads which are measured by width of gravel surface.

\*\*\* Minimum pavement width for arterial streets shall be as determined by the County Board of Commissioners upon recommendation by the designated engineer, but in no case shall said minimum pavement width be less than twelve (12) feet per driving lane.

\*\*\*\* Minimum right-of-way radius for the cul-de-sac turnaround shall be seventy (70) feet. Minimum pavement radius for the cul-de-sac turnaround shall be fifty (50) feet.