

CHAPTER 10 – MUNICIPAL PLANNING

ARTICLE 1 – VILLAGE LIMITS

SECTION 10-101: DEFINED

SECTION 10-102: ORIGINAL PLATS

ARTICLE 2 – SUBDIVISIONS AND ADDITIONS

SECTION 10-201: SUBDIVISIONS AND ADDITIONS

SECTION 10-202: SURVEY AND PLAT

SECTION 10-203: SURVEYOR'S CERTIFICATE

SECTION 10-204: DEDICATION

SECTION 10-205: STREETS AND ALLEYS

SECTION 10-206: APPROVAL OF PLAT

SECTION 10-207: RECORDING PLAT

SECTION 10-208: ADDITIONS

ARTICLE 3 – PENAL PROVISION

SECTION 10-301: VIOLATION; PENALTY

CHAPTER 10 – MUNICIPAL PLANNING

Article 1 – Village Limits

SECTION 10-101: DEFINED

All additions, lots, lands, subdivisions, and parcels of ground included within the official village map and plat on file at the office of the register of deeds, having been by act or ordinance of the Village Board or by law duly annexed to or made a part of this village or having been by the act, authority, acquiescence, consent, platting, and dedication of their respective owners, created either as the original townsite or as additions to the village, are hereby declared to be within the corporate limits of the village. Lawfully constituted additions or changes in said village limits shall be indicated upon said maps and plat by the village engineer after such additions or changes have been completed in accordance with the ordinances of this village and the laws of the State of Nebraska.

SECTION 10-102: ORIGINAL PLATS

Each and all plats, lots, blocks, additions, subdivisions, outlots, and parcels of ground included within the corporate limits of the village and not vacated of record prior to the enactment of this chapter, including the original plat of the village, are hereby accepted, approved, and confirmed as valid; and each and all of said lots, blocks, additions, subdivisions, and outlots as heretofore platted and recorded in the office of the register of deeds and not heretofore vacated and all other parcels of ground included within said corporate limits are hereby declared to be within said village and an integral part thereof.

Article 2 – Subdivisions and Additions

SECTION 10-201: SUBDIVISIONS AND ADDITIONS

The owner of any tract of land within the corporate limits of the village or within one mile contiguous thereto may lay out said land into lots, blocks, streets, and alleys as a suburban development or as an addition to the village upon conformance to and compliance with the conditions herein and with the Statutes of Nebraska. (Neb. Rev. Stat. §§17-405, 17-426, 17-1002)

SECTION 10-202: SURVEY AND PLAT

The owner or proprietor of any tract or parcel of land within the corporate limits or within one mile thereof who desires to subdivide or lay out said tract of land shall cause the same to be accurately surveyed and an accurate map or plat thereof made with reference to known or permanent monuments, and said map or plat shall explicitly describe the land so laid out. The map or plat shall designate the tract as "_____ Addition to the Village of Callaway, Nebraska," or "Subdivision of the Village of Callaway, Nebraska," whichever is appropriate. The lots and blocks shall be designated by numbers and the streets by names coinciding with the streets of the village of which they form continuations. The plat shall show the length and depth of the lots and the width and course of all streets and alleys, together with an accurate plat of all lots, blocks, and streets. (Neb. Rev. Stat. §§17-405, 17-1002, 17-1003, 19-902)

SECTION 10-203: SURVEYOR'S CERTIFICATE

The map or plat shall be accompanied by a certificate from the surveyor making said survey and plat that he accurately surveyed the said tract and that the lots, blocks, streets, and alleys are accurately shown upon the said map or plat. (Neb. Rev. Stat. §§17-405, 17-1003, 19-902)

SECTION 10-204: DEDICATION

Said map or plat shall have written thereon or attached hereto a dedication to this village for the use of the public of all streets, alleys, parks, squares, and commons and all land set apart for public use or dedicated to charitable, religious, and educational purposes as therein mentioned and described. Such dedication shall be signed by the owner of the tract of land and shall be duly acknowledged as required by law. (Neb. Rev. Stat. §§17-417, 17-1003)

SECTION 10-205: STREETS AND ALLEYS

Streets and alleys laid out in any addition to or in any suburban development of the village shall be continuous with and correspond in direction and width to the streets and alleys of the village to which they are an addition. (Neb. Rev. Stat. §§17-418, 17-1003)

SECTION 10-206: APPROVAL OF PLAT

Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the Village Board of the village; or by its designated agent when the subdivision is of existing lots and blocks, where all required public improvements have been installed, no new dedication of public rights of way or easements are involved, and the subdivision complies with requirements concerning minimum areas and dimensions of such lots and blocks. Where the county has both adopted a comprehensive development plan and is enforcing subdivision regulations, and the proposed subdivision plat both contemplates public streets or improvements and lies partially or totally within the extra-territorial subdivision jurisdiction being exercised by the county, then the County Planning Commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the commission shall run concurrently with subdivision review activities of the village after the commission receives all available material for a proposed subdivision plat. The map or plat must have such acceptance and approval endorsed thereon; provided, before any such map or plat shall be considered, approved, or accepted, the owner or proprietor shall pay or cause to be paid all taxes, special taxes, and special assessments due thereon and shall produce a certificate showing that all such taxes and assessments have been paid or cancelled. (Neb. Rev. Stat. §§17-405, 17-1002, 19-902, 19-916) (Am. Ord. No. 83-14, 12/6/83)

SECTION 10-207: RECORDING PLAT

If a majority of the Village Board shall vote in favor of such suburban development or annexation, an ordinance shall be prepared and passed by the board granting such approval or declaring the annexation of such territory to the corporate limits of this village and extending the limits thereof accordingly, whichever is appropriate. An accurate map or plat of such territory and said dedication as hereinbefore described, certified by the engineer or surveyor and acknowledged and approved as provided by law in such cases, shall at once be filed and recorded by the owner or proprietor of such land in the office of the register of deeds, together with a certified copy of the ordinance granting approval or declaring such annexation under the seal of said village; provided, plats and subdivisions are not authorized to be recorded if they have not been approved by the Village Board or its designated agent. (Neb. Rev. Stat. §§17-405, 17-417, 17-1002, 19-902, 19-916, 23-1506) (Am. Ord. No. 83-14, 12/6/83)

SECTION 10-208: ADDITIONS

All additions to this village which have heretofore been approved and accepted or which may hereafter be laid out in accordance with the provisions herein and accepted and approved shall be and become incorporated in this village for all purposes whatsoever; and inhabitants of such additions shall be entitled to all the rights and privileges and be subject to the laws and regulations of said village. (Neb. Rev. Stat. §19-902)

Article 3 – Penal Provision

SECTION 10-301: VIOLATION; PENALTY

Any person, whether as owner, proprietor, or as agent, attorney, or representative of any owner or proprietor of land, who shall plat or subdivide any tract of land within the corporate limits of the village or adjoining and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot or piece of ground in any addition or subdivision of three or more parts within said corporate limits or adjoining and contiguous thereto without having first obtained the acceptance and approval of the plat or map thereof by the Village Board, and any person who shall violate or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore as now existing or as hereafter amended shall, upon conviction, be fined in any sum not exceeding \$500.00.