

LEGISLATIVE BILL 210

Approved by the Governor February 6, 2001

Introduced by Smith, 48

AN ACT relating to zoning; to amend section 19-916, Reissue Revised Statutes of Nebraska; to change provisions relating to additions and platting; to provide duties; to harmonize provisions; and to repeal the original section.

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

Section 1. Section 19-916, Reissue Revised Statutes of Nebraska, is amended to read:

19-916. (1) The proprietor or proprietors of any land within the corporate limits of any city of the first or second class or village, or ~~contiguous to the same~~ of any land within the area designated by a city of the first class pursuant to subsection (1) of section 16-902 or within the area designated by a city of the second class or village pursuant to subsection (1) of section 17-1002, may lay out ~~said~~ such land into lots, blocks, streets, avenues, alleys, and other grounds under the name of Addition to the City or Village of, and shall cause an accurate map or plat thereof to be made out, designating explicitly the land so laid out and particularly describing the lots, blocks, streets, avenues, alleys, and other grounds belonging to such addition. The lots ~~must~~ shall be designated by numbers, and streets, avenues, and other grounds, by names or numbers. Such plat shall be acknowledged before some officer authorized to take the acknowledgments of deeds, and shall contain a dedication of the streets, alleys, and public grounds therein to the use and benefit of the public, and have appended a survey made by some competent surveyor with a certificate attached, certifying that he or she has accurately surveyed such addition and that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds are well and accurately staked off and marked. When such map or plat is so made out, acknowledged, and certified, and has been approved by the local legislative body, the same shall be filed and recorded in the office of the register of deeds and county assessor of the county.

(2) The legislative body may designate by ordinance an employee of such city or village to approve further subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks.

(3) Upon approval by the legislative body or its designated agent, such plat shall be equivalent to a deed in fee simple absolute to the municipality from the proprietor of all streets, avenues, alleys, public squares, parks and commons, and of such portion of the land as is therein set apart for public and municipal use, or is dedicated to charitable, religious, or educational purposes.

All additions thus laid out and previously located within the corporate boundaries of the municipality shall remain a part of the municipality.

(4) ~~All~~ 7 and all additions laid out adjoining or contiguous to the corporate limits ~~shall~~ may be included within the ~~same corporate limits~~ and become a part of such municipality for all purposes whatsoever. ~~The~~ at such time as the addition is approved if (a) after giving notice of the time and place of the hearing as provided in section 19-904, the planning commission and the legislative body both hold public hearings on the inclusion of the addition within the corporate limits. Such hearings shall be separate from the public hearings held regarding approval of the addition and (b) the legislative body votes to approve the inclusion of the addition within the corporate boundaries of the municipality in a separate vote from the vote approving the addition. If the legislative body includes the addition within the corporate limits, the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules, and regulations of the municipality to which ~~said~~ such land is an addition.

(5) The local legislative body shall have power by ordinance to provide the manner, plan, or method by which land within the corporate limits of any such municipality, or ~~contiguous to the same~~ land within the area designated by a city of the first class pursuant to subsection (1) of section 16-902 or within the area designated by a city of the second class or village

pursuant to subsection (1) of section 17-1002, may be subdivided, platted, or laid out, including a plan or system for the avenues, streets, or alleys to be laid out within or across the same, and to compel the owners of any such land in subdividing, platting, or laying out the same to conform to the requirements of the ordinance and to lay out and dedicate the avenues, streets, and alleys in accordance therewith. No addition shall have any validity, right, or privileges as an addition, and no plat of land or, in the absence of a plat, no instrument subdividing land within the corporate limits of any such municipality, ~~or contiguous to the same~~ or of any land within the area designated by a city of the first class pursuant to subsection (1) of section 16-902 or within the area designated by a city of the second class or village pursuant to subsection (1) of section 17-1002, shall be recorded or have any force or effect, unless the same be approved by the ~~governing~~ legislative body, or its designated agent, and its or his or her approval endorsed thereon.

Sec. 2. Original section 19-916, Reissue Revised Statutes of Nebraska, is repealed.