

City Council Introduction: **Monday**, March 18, 2002  
Public Hearing: **Monday**, March 25, 2002, at **5:30 p.m.**

Bill No. 02-34

## **FACTSHEET**

**TITLE:** MISCELLANEOUS NO. 02001, a text amendment to Title 26 of the Lincoln Municipal Code (the Subdivision Ordinance), requested by the Director of Planning, to amend § 26.11.039 to provide an additional method to guarantee installation of improvements within a final plat.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** None.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 03/06/02  
Administrative Action: 03/06/02

**RECOMMENDATION:** Approval (6-0: Carlson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser absent).

### **FINDINGS OF FACT:**

1. The staff recommendation to approve this text amendment is based upon the "Analysis" as set forth on p.3.
2. This application was placed on the Consent Agenda of the Planning Commission on March 6, 2002, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 11, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 11, 2002

**REFERENCE NUMBER:** FS\CC\2002\MISC.02001

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Miscellaneous 02001

**DATE:** February 20, 2002

**PROPOSAL:** To amend Lincoln Municipal Code (LMC) Section 26.11.039 regarding the installation of minimum subdivision improvements.

**RECOMMENDATION:**

Approval

### **GENERAL INFORMATION:**

**APPLICANT:** Kathleen A. Sellman, AICP  
Director of Planning  
555 S. 10<sup>th</sup> Street, Room 213

**CONTACT:** Brian Will  
Planning Department  
555 S. 10<sup>th</sup> Street, Room 213  
(402)441-6362

**PROPOSED TEXT CHANGES:** Attached.

### **BACKGROUND**

LMC Section 26.11.039 allows minimum improvements associated with a final plat to either be installed prior to approval of the plat, or for adequate surety to be furnished. If a surety is to be provided, it can be submitted with the application for final plat. If it is not provided at that time, an amount for the cost of improvements will be estimated based upon the information provided with the final plat, and this amount will be included in the resolution as a condition of approval of the plat.

Any surety submitted must be approved by the Law Department and be in an amount sufficient to guarantee that the improvements can be constructed. However, there are cases where the amount of the surety varies from that stated in the resolution approving the plat. This is due to the fact that the costs of improvements are now based upon actual construction drawings, versus the more general information initially submitted with the final plat.

After approval by the Law Department, acceptance of the surety is done by an executive order signed by the Mayor. It also grants authorization to proceed with the construction of improvements.

Currently, the Land Subdivision Ordinance does not specifically state that the executive order is an acceptable method of guaranteeing installation of improvements.

**ANALYSIS:**

1. LMC allows for improvements to be installed prior to approval of the final plat, or with an approved surety in an amount sufficient to guarantee installation of the improvements. This amendment revises Section 26.11.039 to also allow an approved executive order to also serve as evidence of adequate surety.
2. This amendment acknowledges that the surety for the installation of required improvements may not be submitted with the application for final plat, and that when costs are calculated using actual construction drawings they may be different than the estimates developed during the review of the plat. This amendment merely codifies the fact that a signed executive order approving a surety is also acceptable evidence that adequate funds are reserved to guarantee the installation of improvements, and that it supercedes the approved resolution and any costs contained therein.

Prepared by:

Brian Will, AICP  
Planner

# MISCELLANEOUS NO. 02001

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

February 20, 2002

Members present: Carlson, Newman, Schwinn, Steward, Bills-Strand and Taylor; Duvall and Krieser absent.

The Consent agenda consisted of the following items: **FINAL PLAT NO. 01035, APPIAN WAY ADDITION; COUNTY COMPREHENSIVE PLAN CONFORMANCE NO. 02001; STREET AND ALLEY VACATION NO. 02001; WAIVER OF DESIGN STANDARDS NO. 02002; and MISCELLANEOUS NO. 02001.**

**Item No. 1.4, Waiver of Design Standards No. 02002**, was removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Bills-Strand and carried 6-0: Carlson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser absent.

Note: This is final action on the Appian Way Addition Final Plat No. 01035, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

This is also final action on County Comprehensive Plan Conformance No. 02001, which is a permanent conservation easement on property generally located at N.W. 126<sup>th</sup> Street and Superior Street. There will be no further action on this application.