

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 26.11 of the Lincoln Municipal Code relating
2 to Procedures for Processing Subdivisions by amending Section 26.11.039 to provide that a cash
3 contribution may be furnished for street trees in lieu of a bond, escrow or security agreement on all
4 final plats, to provide that no surety is required for sidewalks along non-major streets abutting
5 residential lots, and to add clarity by dividing subparagraph (g) into two subparagraphs (g) and (h);
6 amending Section 26.11.040 to provide that sidewalks along non-major streets abutting non-
7 residential lots shall be installed prior to the City issuing an occupancy permit or within four years
8 following plat approval whichever occurs first and sidewalks along non-major streets abutting
9 residential lots shall be installed prior to the City issuing an occupancy permit, except under
10 specified conditions, that street trees along non-major streets shall be installed within one year after
11 the issuance of an occupancy permit or within six years of final plat approval, whichever occurs
12 first, and to provide that stormwater detention retention facilities shall be graded at the same time
13 as the overall site grading and that such grading shall be completed prior to installation of required
14 water distribution, wastewater collection, and street improvements and to provide conditions which
15 must be met for the release of any surety to guarantee construction of the stormwater
16 detention/retention facilities; and repealing Sections 26.11.039 and 26.11.040 of the Lincoln
17 Municipal Code as hitherto existing.

18 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

19 Section 1. That Section 26.11.039 of the Lincoln Municipal Code be amended to
20 read as follows:

1 **26.11.039 Requisites for Final Plat Approval.**

2 Before any final plat may be approved, provisions for the installation of the minimum
3 improvements set out in Chapter 26.27 shall be made in one of the following manners:

4 (a) Improvements have been installed and approved. This is the only method available
5 for community wastewater works and community water systems.

6 (b) Petitions for assessment districts and if necessary formal petitions with required
7 signatures, have been filed with the Planning Director. Such assessment districts may be created
8 for public improvements within the corporate limits of the city at the sole option of the city, and
9 shall be used for only the completion of street paving, public water systems, public wastewater
10 works, and street lighting. Provided, however, the approved final plat shall not be recorded in the
11 office of the Register of Deeds until the city has created all such petitioned assessment districts.

12 (c) A bond, escrow, or security agreement approved by the City Law Department has
13 been furnished in an amount sufficient to guarantee the installation of the required improvements
14 which may be installed without an executive order issued by the Mayor authorizing the construction
15 of said improvements, except as otherwise provided herein.

16 (d) An executive order has been issued by the Mayor authorizing the construction of
17 public streets, public water, public sanitary sewer, public storm drainage, and public ornamental
18 street lighting.

19 (e) A cash contribution to the City has been furnished in an amount sufficient to pay the
20 cost to install sidewalks and street trees along major streets that have not been improved to an urban
21 cross section. When there is not adequate space along the major street for the installation of street
22 trees a surety shall be required as stated in (c) above. The cash contribution shall be held and spent
23 only to fund installation of street trees and sidewalks abutting said final plat in conjunction with

1 construction of the major street(s) to an urban cross section. The cash contribution will be deposited
2 in the Street Construction Fund in a separate project account for each final plat for which a cash
3 contribution has been furnished to install sidewalks and street trees along such major street.

4 (f) A cash contribution to the City in lieu of a bond, escrow, or security agreement may
5 be furnished for street trees on final plats ~~with ten or fewer lots~~. Said cash contribution to be used
6 to pay for the planting of street trees by the Parks and Recreation Department.

7 (g) An agreement is signed by the subdivider guaranteeing that on-site wastewater
8 treatment systems and individual water well systems will be approved by the City-County Health
9 Department before a building permit is issued and are completed before an occupancy permit is
10 issued.

11 (h) Prior to the approval of the final plat, the appropriate city department shall estimate
12 the cost of completing the improvements. The surety amount for sidewalks shall be twenty-five
13 percent of the estimated cost of construction, excluding sidewalks along major streets. No surety,
14 bond, escrow, or security agreement is required for sidewalks along non-major streets abutting
15 residential lots. The amount of the bonds or escrow or security agreement shall be established by
16 the city and may be increased or decreased according to current conditions. If the amount of the
17 bond or escrow or security agreement is less than the actual cost of the installation of the
18 improvements, the subdivider shall be responsible for the payment of any such additional costs of
19 the improvements. No surety bond or other security shall be accepted unless:

20 (1) It is enforceable by or payable to the city;

21 (2) It provides that any extension of time, change, alteration, or addition, which
22 may be approved by the city for construction or completion of the improvement for which the bond

1 is given, shall in no manner affect or relieve the obligation of the surety, regardless of whether or
2 not the surety is given notice of any such extension of time, change, alteration, or addition;

3 (3) It cannot be terminated without written authorization of the Mayor;

4 (4) It is written by a corporate surety company authorized to do business in the
5 State of Nebraska, or approved security deposits have been made to an institution licensed to do
6 business in the State of Nebraska; and

7 (5) It is a form with surety and conditions approved by the City Attorney.

8 Section 2. That Section 26.11.040 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **26.11.040 Installation of Improvements.**

11 Improvements shall be installed as follows:

12 (a) Sidewalks along non-major streets abutting non-residential lots shall be installed prior
13 to the City issuing an occupancy permit or within four years following final plat approval, whichever
14 occurs first. Sidewalks along non-major streets abutting residential lots shall be installed prior to the
15 City issuing an occupancy permit. Notwithstanding the above, if the Building and Safety
16 Department or Public Works and Utilities Department determine weather conditions prevent the
17 timely installation of the sidewalks, an occupancy permit may be issued prior to the installation of
18 the sidewalks if the City is provided with satisfactory evidence that a bond, escrow, security
19 agreement, or other arrangement has been provided to guarantee installation of the sidewalks as soon
20 as weather permits, but installation of the sidewalks shall occur not later than six months following
21 issuance of the certificate of occupancy. The Planning Director may waive sidewalks along outlots
22 reserved for future development.

1 (b) Sidewalks within pedestrian ways shall be installed at the same time the adjacent
2 streets in the final plat are surfaced.

3 (c) Sidewalks along major streets that have not been improved to the urban cross section
4 shall be installed prior to or as part of the improvement of the street to the urban cross section.

5 (d) Sidewalks along major streets improved to urban cross section shall be installed
6 within two years of final plat approval.

7 (e) Sidewalks along outlots not reserved for future development shall be installed at the
8 same time the adjacent streets in the final plat are surfaced.

9 (f) Street trees along major streets shall be installed at the same time the adjacent street
10 is improved to urban cross section. If the major street is built to urban cross section, the street trees
11 shall be installed within two years of final plat approval. Street trees along non-major streets shall
12 be installed within one year after the issuance of an occupancy permit or within four six years of
13 final plat approval, whichever occurs first. The Planning Director may waive street trees along
14 outlots reserved for future development.

15 (g) Street trees along outlots not reserved for future development shall be installed ~~at the~~
16 ~~same time the adjacent street is surfaced~~ in conjunction with the sidewalk.

17 (h) Street lights on the side of the streets and private roadways within and which abut
18 the subdivision except along major streets, land preparation, and landscape screens shall be installed
19 within two years of final plat approval.

20 (i) Stormwater detention/retention facilities shall be graded along with the overall site
21 grading of the subdivision to limit the peak flow of stormwater discharge from the subdivision prior
22 to the installation of the required water distribution, wastewater collection and street system
23 minimum improvements. The surety to guarantee the construction of the detention/retention

1 facilities shall be released upon termination of the Construction Stormwater Permit issued by the
2 Lower Platte South Natural Resources District and acceptance of the completed work by the
3 Director of Public Works and Utilities Department.

4 (†) (j) Community wastewater works and community water systems constructed and
5 approved shall be installed as specified below prior to final plat approval. The wastewater treatment
6 and discharge system and the water supply, collection, treatment, and storage shall be constructed
7 to the satisfaction of the State of Nebraska. The wastewater collection system and the water
8 distribution system shall be constructed to the satisfaction of the Director of Public Works and
9 Utilities. The Director of Public Works and Utilities may as an option accept a certification from
10 a registered professional engineer that the wastewater collection system and the water distribution
11 system was completed in accordance with the City of Lincoln design standards.

12 (†) (k) On-site wastewater treatment systems and individual water well systems shall be
13 completed in accordance with the rules and regulations of the Health Department at the time
14 improvements are constructed on the lot.

15 (†) (l) All other improvements listed in Chapter 26.27 shall be installed within the period
16 established by the city not exceeding two years from final plat approval.

17 Whenever twenty-five, fifty, or seventy-five percent or more of the value of any required
18 improvement, except street trees and landscape screens, within the final plat has been completed,
19 the penal amount of the original bond or other security required for said improvement may be
20 reduced by twenty-five, fifty, and seventy-five percent, respectively; provided that such reduction
21 does not reduce the penal amount of the bond or other security to an amount less than one hundred
22 ten percent (110%) of the estimated cost of the work remaining to be completed.

1 Whenever fifty or seventy-five percent or more of the value of street trees within the final
2 plat has been completed as required, the penal amount of the original bond or other security required
3 for said improvement may be reduced by fifty or seventy-five percent, respectively, provided that
4 such reduction does not reduce the penal amount of the bond or other security to an amount less than
5 one hundred ten percent (110%) of the estimated cost of the work remaining to be completed.

6 Section 3. That Sections 26.11.039 and 26.11.040 of the Lincoln Municipal Code
7 as hitherto existing be and the same are hereby repealed.

8 Section 4. That this ordinance shall take effect and be in force from and after passage
9 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
10 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011: _____ Mayor
