

ARTICLE VI

Required Subdivision Improvements**§ 170-17. General requirements.**

The subdivider shall design and construct improvements to not less than the standards outlined in these regulations. The work shall be done under city supervision and inspection and shall be completed within the time fixed or agreed upon by the City Engineer. The minimum requirements for materials shall be in accordance with the standards currently in effect in the city or as approved by the City Engineer. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Control and the Nebraska Department of Health shall be the minimum standards required.

§ 170-18. Monuments, markers and pins.

Permanent monuments shall be accurately set and established at the intersection of all outside boundary lines of the subdivision; at the intersection of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners.

- A. The external boundaries and corners of blocks shall be monumented by iron rods or pipes extending at least 30 inches below grade.
- B. Lot corners. All points of curvature, points of tangency and other points shall be monumented by iron rods or pipes extending at least 24 inches below grade.
- C. The City Council shall require surety, either cash or corporate bond, that monuments are set. Amount of the surety shall be estimated by City Council.

§ 170-19. Streets; sidewalks; driveways; lights.

- A. Street grading. All full width streets located entirely within the boundary of the subdivision, except major streets as noted, shall be graded to the full width to within six inches of the finished grade. Such grading completed or in lieu thereof a performance bond in an amount equal to the cost of doing such work may be required by the City of Papillion.
- B. Street surfacing. The streets shall be paved, including curbs and gutters, in accordance with street paving standards approved by the City Council. Requirements for paving, including curb and gutters, may be waived at the request of the subdivider in the case of a subdivision wherein all of the lots in the subdivision have a minimum frontage width of 200 feet or more, subject to the approval of the City Council. Streets in such subdivisions shall have a crushed rock or gravel surface which meets the specifications of the City Council.
- C. Street name signs. Street name signs of a type in use throughout the city shall be erected by the subdivider at all intersections.

- D. Sidewalks. Sidewalks shall be provided on both sides of a paved street within the dedicated street right-of-way with a minimum width of four feet. Sidewalk thickness shall be not less than four inches thick. Handicap ramps shall be provided at all street crossings.
- E. Driveways. Driveways and curb cuts shall be located not less than three feet from the side lot line. Curb cuts for straight (vertical) curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side.
- F. Street and walkway lighting. The subdivider shall install streetlights in the subdivision as recommended by the City Engineer and approved by the City Council.
- G. Such lights shall be located at each entrance (streets and walkways) to the subdivision. In addition, whenever the distance between the two adjacent streetlights (walkway lights) would exceed 300 feet, then additional streetlights shall be installed in such a manner that proper light intensity shall be provided and maintained.
- H. New subdivision streetlighting (walkway lighting) shall be installed with all associated wiring underground.

§ 170-20. Utility and drainage facilities.

- A. Sanitary sewer. Where a city-approved sanitary sewer is accessible by gravity flow within 1,000 feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot; or when the trunk line outfall sanitary line along the Papillion Creek is accessible by gravity connection and is within one mile of the subdivision, the developer shall be required to connect thereto and provide an adequate outfall sewer line sized to serve the total drainage area in which the subdivision is located. Where the Papillion Creek trunk line outfall sanitary sewer line is substantially more than one mile distance; or where any other city-approved sanitary sewer is more than 1,000 feet distance; or where a city-approved sanitary sewer is not accessible by gravity flow, the subdivider shall make provisions for the disposal of sewage as required by law and as approved by the City Council. Where temporary disposal facilities have been approved, the following conditions shall apply:
 - (1) The temporary facility shall only be approved and sized for that subdivision. No further addition or enlargement in the facility may be undertaken to serve any other subdivision or addition to that subdivision without approval of the City Council.
 - (2) The subdivider and any sanitary improvement district formed shall, by agreement with the City of Papillion, agree that if and when a city-approved sanitary sewer line is constructed within 1,000 feet of the subdivision, and while the subdivision is within a sanitary improvement district, then the sanitary improvement district shall connect to the sewer line and disconnect from the temporary facility which will be abandoned by the sanitary improvement district when approved by the City Council.

- (3) Where any City of Papillion approved sanitary sewer is not readily available for connection, but there are plans for availability requiring connection, the subdivider and/or any sanitary improvement district formed may be required by agreement to pay or prepay, depending upon availability, any sewer connection fee or fees required by the city to be assessed against each property or lot to be served by the sewer prior to the approval of the final plat. The fees paid to the city will be used as the subdivision's share toward the construction of an outfall sewer main and/or toward the necessary improvement or enlargement of any treatment plant.
 - (4) Whenever the sanitary sewer of a subdivision is connected to the city-approved sewer system, the City of Papillion may collect any applicable rental or use charge or fees from the users in the subdivision or sanitary improvement district, and such charges not paid shall be a lien upon the property served.
- B. Water supply improvements. Where a public water supply is reasonably accessible or, in the determination of the City Council, required because of pollution problems, the subdivision shall be provided with a complete water distribution system, including appropriately spaced fire hydrants. Public water distribution and public well system shall meet the requirements of the city and the Nebraska Department of Health.
- (1) Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the plat to the Planning Commission for review and recommendation to the City Council.
 - (2) Where public water supply is not available or otherwise not provided in the subdivision, the minimum lot size shall conform to the minimum lot size specified in Chapter 205, Zoning, of the Code of the City of Papillion, Nebraska, provided that in no case shall said minimum lot be less than one acre in area.
- C. Drainage and improvements. The subdivider shall construct all necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches, as determined by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Drainage ditches shall not be permitted to discharge into any sanitary sewer facilities.
- (1) Storm sewers and stormwater drainage. Where an adequate public storm sewer system is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer and approved by the City Council. Storm drainage, in causing drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility but shall connect to an adequate drainage outlet. Storm sewers in excess of 48 inches in diameter shall be avoided except in special cases.

- (2) Where the subdivision is located within a drainage area, the subdivider shall be required to install the storm sewers to adequately handle the additional areas upstream.
 - (3) Erosion control. The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations, by constructing temporary terraces or slopes, temporary silting basins, sod swales and spillways and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the City Engineer and the City Council.
 - (4) Culverts and bridges. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:
 - (a) All culverts shall extend across the right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be 15 inches. Depending on existing drainage conditions, headwalls may be required.
 - (b) Driveway culverts shall have a minimum length of 20 feet and a minimum diameter of 12 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Headwalls may be required.
- D. Fire protection. Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies. The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any waterline serving shall not be less than six inches in diameter and should be circulating waterlines. The size and location of waterlines shall be approved by the City Engineer and City Council.
- E. Utility improvements.
- (1) Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible.
 - (2) Overhead utility lines, where permitted, shall be located at the rear of all lots.
 - (3) Wherever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the total easement width shall not be less than 20 feet.

§ 170-21. Other improvements.

The installation of other improvements may be required when deemed necessary in the best interest of the community.

- A. Extensions to boundaries. The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Council.

- B. Off-site extensions. If streets or utilities are not available at the boundary of a proposed subdivision, and if the City Council finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a city expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.
- C. Public recreation. All public recreation improvements shall be approved by the City Council after the subdivider has provided the city with the total cost.

§ 170-22. Subdivision improvement guaranties and costs.

- A. The procedure by which public improvements are installed and paid for in a subdivision is a matter of mutual concern to the subdivider and the City of Papillion. These improvements become permanent features of the community and could be a great financial burden to the subdivider and a continual excessive maintenance cost to the City of Papillion; therefore, it is the intent of this section to provide for adequately sized, properly located and properly installed improvements through the prescribed rules and standards for the recreation improvements, utilities and streets.
- B. No contract for the construction of public improvements involving any subdivision outside of the corporate limits of the City of Papillion shall be let, awarded or otherwise consummated by the subdivider unless first entering into a formal subdivision agreement with the City of Papillion, the subdivider and/or the sanitary improvement district concerning land acquisition for public improvements, minimum design for utilities, pavements, open spaces, recreation facilities, and assessments for the costs shall be incurred as a general obligation by the sanitary improvement district, development corporation or other persons to be involved in the contract. For the purpose of understanding, the City of Papillion will generally consider the following rules when entering in a contractual agreement covering the assessment of costs for the public improvements.
 - C. Shared improvements.
 - (1) General obligation costs should be conceived for those improvements that are beneficial to the general public. Sewers, drains, waterlines or other similar installations cannot be beneficial to the general public unless it serves an area larger than the subdivision. The City of Papillion will consider the following as reasonable general obligations:
 - (a) Any street pavement width in excess of 25 feet, inclusive of curbs and gutters, may be generally obligated. The cost of pavement thickness in excess of five inches for reinforced concrete or six inches for plain concrete may be generally obligated.
 - (b) All street intersections may be generally obligated up to 100%.

- (c) Storm sewer and appurtenances up to 48 inches in size may be generally obligated.
 - (d) Any sanitary sewers and water mains located in a public street or in an easement on private property whose size is required to be in excess of eight inches may be generally obligated for the difference in cost between an eight-inch pipe and the actual size required.
 - (e) Any outfall sewer line or waterline located outside the sanitary improvement district limits and designed to serve a total drainage area larger than the sanitary improvement district may be generally obligated.
 - (f) The cost of street signs and installation may be generally obligated.
- (2) Special assessments are levied for those improvements that directly benefit those properties abutting from or using such improvements.
- (a) The City of Papillion will consider the following as reasonable special assessments:
 - [1] One hundred percent of the entire cost of grading street right-of-way, including intersections, shall be specially assessed.
 - [2] One hundred percent of the entire cost of all sanitary sewer lines and water mains up to eight inches shall be specially assessed.
 - [3] One hundred percent of the entire cost of all paving and street construction up to 25 feet in width, inclusive of curbs and gutters, shall be specially assessed.
 - [4] One hundred percent of the entire cost of pavement thickness up to five inches reinforced concrete and up to six inches plain concrete shall be specially assessed.
 - [5] Any storm sewer located in a public street or in an easement on private property whose size is required to be in excess of 48 inches in diameter shall be specially assessed for the difference in cost between a forty-eight-inch pipe and the actual size required.
 - [6] One hundred percent of all contract charges for underground electrical power and gas service shall be specially assessed.
 - (b) Not less than 50% of the capital facilities charge shall be specially assessed. The capital facilities charge is a nonrefundable fee of \$1,000 per residential lot or its equivalent beyond the corporate limits of the City of Papillion which will use the water system of the City of Papillion, which capital facilities charge must be paid prior to delivery of water to a subdivision.
 - (c) None of the above special assessments shall be assessed against any outlot nor against any other lot, part of lot, lands and real estate upon which cannot be built a structure compatible with the zoning regulations of said lot except

to the extent of the special benefit to said lot, part of a lot, lands and real estate by reason of such improvement.

- D. Subdivision agreement. No final plat shall be approved by the City Council until the necessary subdivision agreements shall have been entered into between the city and the subdivision. This agreement shall provide for the needs of the subdivision, including but not limited to pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading and waste treatment, open space requirements, capital facilities charges and provision that each sanitary and improvement district shall make its annual tax levy in an amount sufficient to timely pay the indebtedness and interest thereon for public improvements, but in no event shall said levy be less than the then-current levy assessed by the City of Papillion on the taxable real estate within the city limits.
- E. Completion of improvements. The subdivider shall complete in a manner satisfactory to the City Council and City Engineer all improvements required in these regulations and/or subdivision agreements within one year after the final plat has been approved by the City Council. The City Council may extend this period upon the showing by the subdivider of circumstances beyond his or her control or upon evidence of circumstances that create a hardship to the subdivider.
- F. Inspection and certification. The City Engineer or other knowledgeable official, as specified by the City Council, shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the City Engineer shall file with the City Council and City Planning Commission a statement, either certifying that the improvements have been completed in the specific manner or listing the defects in these improvements. Upon completion of the improvements, the subdivider shall file with the City Clerk a statement stipulating the following:
- (1) That all required improvements are complete.
 - (2) That these improvements are in compliance with the minimum standards specified by the City Council for their construction.
 - (3) That the subdivider knows of no defects from any cause in those improvements.
 - (4) That these improvements are free and clear of any encumbrances or liens.
- G. No residential occupancy permits shall be issued in any area which is not served by streets, water, sanitary facilities and power unless said improvements have been first inspected and approved by the City Engineer.

§ 170-23. Operation and maintenance.

It is the intention of the city to provide no services other than planning and zoning administration to its area of planning and zoning jurisdiction beyond the corporate boundaries of the city. Therefore, it will be the obligation of the subdivider to present to the Planning Commission and City Council a precise approach for the provision of these services. Said approach may include the formation of district homeowners' organizations or other methods to operate and provide for long-term maintenance and service. Said approach shall be made

binding on the subdivider in a form, agreement or contract in a manner which is acceptable to the City Attorney.

§ 170-24. Public lands, open spaces and dedication.

- A. Where a tract of land that is being subdivided includes land proposed to be used for parks or other public facilities under the General Development Plan for the City of Papillion, Nebraska, the subdivider shall indicate the location of such areas on the preliminary plat. Such sites may be purchased within two years of the recording date of the plat. Should site not be approved and purchased in the time specified, the subdivider may request replatting for the purpose of resale. Said site shall be zoned initially to allow uses comparable with land contiguous to it in case it is not purchased within said two-year period.
- B. Where a tract of land being subdivided includes land proposed to be used for a future school site, the subdivider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for three years, giving the appropriate school district the right to purchase the land. Should the school site not be purchased in the time specified, the subdivider may request platting for the purpose of resale. Said school site shall be comparable with land contiguous to it in case it is not purchased for school within said three-year period.
- C. Large tracts or parcels. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical resubdivision.