

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 495

Introduced by Friend, 10.

Read first time January 20, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend section
2 19-916, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to additions and platting as
4 prescribed; and to repeal the original section.

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

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

3 19-916 ~~(1)~~ The proprietor or proprietors of any land
4 within the corporate limits of any city of the first or second
5 class or village, or of any land within the area designated by
6 a city of the first class pursuant to subsection ~~(1)~~ of section
7 16-902 or within the area designated by a city of the second
8 class or village pursuant to subsection ~~(1)~~ of section 17-1002,
9 may lay out such land into lots, blocks, streets, avenues, alleys,
10 and other grounds under the name of Addition to the
11 City or Village of and shall cause an accurate map
12 or plat thereof to be made out, designating explicitly the land
13 so laid out and particularly describing the lots, blocks, streets,
14 avenues, alleys, and other grounds belonging to such addition. The
15 lots shall be designated by numbers, and streets, avenues, and
16 other grounds, by names or numbers. Such plat shall be acknowledged
17 before some officer authorized to take the acknowledgments of
18 deeds, and shall contain a dedication of the streets, alleys,
19 and public grounds therein to the use and benefit of the public,
20 and have appended a survey made by some competent surveyor with
21 a certificate attached, certifying that he or she has accurately
22 surveyed such addition and that the lots, blocks, streets, avenues,
23 alleys, parks, commons, and other grounds are well and accurately
24 staked off and marked. When such map or plat is so made out,
25 acknowledged, and certified, and has been approved by the local

1 legislative body, the same shall be filed and recorded in the
2 office of the register of deeds and county assessor of the county.

3 (1) The local legislative body shall have power by
4 ordinance to provide the manner, plan, or method by which land
5 within the corporate limits of any such municipality, or land
6 within the area designated by a city of the first class pursuant
7 to subsection (1) of section 16-902 or within the area designated
8 by a city of the second class or village pursuant to subsection
9 (1) of section 17-1002, may be subdivided, platted, or laid out,
10 including a plan or system for the avenues, streets, or alleys to
11 be laid out within or across such land, and to compel the owners
12 of any such land that are subdividing, platting, or laying out such
13 land to conform to the requirements of the ordinance and to lay
14 out and dedicate the avenues, streets, and alleys in accordance
15 with the ordinance as provided in sections 16-901 to 16-905 and
16 sections 17-1001 to 17-1004. No addition shall have any validity,
17 right, or privileges as an addition, and no plat of land or, in
18 the absence of a plat, no instrument subdividing land within the
19 corporate limits of any such municipality or of any land within the
20 area designated by a city of the first class pursuant to subsection
21 (1) of section 16-902 or within the area designated by a city of
22 the second class or village pursuant to subsection (1) of section
23 17-1002, shall be recorded or have any force or effect, unless
24 the plat or instrument is approved by the legislative body, or its
25 designated agent, and the legislative body's or agent's approval is

1 endorsed on such plat or instrument.

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

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

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

19 ~~(4)~~ (3) All additions laid out ~~adjoining or~~ contiguous
20 or adjacent to the corporate limits may be included within the
21 corporate limits and become a part of such municipality for all
22 purposes whatsoever if approved by the legislative body of the city
23 or village under this subsection. The proprietor or proprietors of
24 any land within the corporate limits of any city of the first or
25 second class or village, or of any land contiguous or adjacent

1 to the corporate limits may lay out such land into lots, blocks,
2 streets, avenues, alleys, and other grounds under the name of
3 Addition to the City or Village of, and shall
4 cause an accurate map or plat thereof to be made out, designating
5 explicitly the land so laid out and particularly describing the
6 lots, blocks, streets, avenues, alleys, and other grounds belonging
7 to such addition. The lots shall be designated by numbers, and
8 streets, avenues, and other grounds, by names or numbers. Such
9 plat shall be acknowledged before some officer authorized to take
10 the acknowledgments of deeds, and shall contain a dedication of
11 the streets, alleys, and public grounds therein to the use and
12 benefit of the public, and have appended a survey made by some
13 competent surveyor with a certificate attached, certifying that he
14 or she has accurately surveyed such addition and that the lots,
15 blocks, streets, avenues, alleys, parks, commons, and other grounds
16 are well and accurately staked off and marked. The addition may
17 become part of the municipality at such time as the addition is
18 approved by the legislative body if (a) after giving notice of
19 the time and place of the hearing as provided in section 19-904,
20 the planning commission and the legislative body both hold public
21 hearings on the inclusion of the addition within the corporate
22 limits- Such hearings shall be separate from the public hearings
23 held regarding approval of the addition and (b) the legislative
24 body votes to approve the inclusion of the addition within the
25 corporate boundaries of the municipality in a separate vote from

1 the vote approving the addition. Such hearings shall be separate
2 from the public hearings held regarding approval of the addition.
3 If the legislative body includes the addition within the corporate
4 limits, the inhabitants of such addition shall be entitled to all
5 the rights and privileges, and shall be subject to all the laws,
6 ordinances, rules, and regulations of the municipality to which
7 such land is an addition. When such map or plat is made out,
8 acknowledged, and certified, and has been approved by the local
9 legislative body, the map or plat shall be filed and recorded in
10 the office of the register of deeds and county assessor of the
11 county. If the legislative body includes the addition within the
12 corporate limits, such map or plat shall be equivalent to a deed
13 in fee simple absolute to the municipality from the proprietor of
14 all streets, avenues, alleys, public squares, parks and commons,
15 and of such portion of the land as is therein set apart for public
16 and municipal use, or is dedicated to charitable, religious, or
17 educational purposes.

18 ~~(5)~~ The local legislative body shall have power by
19 ordinance to provide the manner, plan, or method by which land
20 within the corporate limits of any such municipality, or land
21 within the area designated by a city of the first class pursuant
22 to subsection ~~(1)~~ of section 16-902 or within the area designated
23 by a city of the second class or village pursuant to subsection
24 ~~(1)~~ of section 17-1002, may be subdivided, platted, or laid out,
25 including a plan or system for the avenues, streets, or alleys to

1 be laid out within or across the same, and to compel the owners
2 of any such land in subdividing, platting, or laying out the same
3 to conform to the requirements of the ordinance and to lay out and
4 dedicate the avenues, streets, and alleys in accordance therewith.
5 No addition shall have any validity, right, or privileges as an
6 addition, and no plat of land or, in the absence of a plat, no
7 instrument subdividing land within the corporate limits of any such
8 municipality or of any land within the area designated by a city
9 of the first class pursuant to subsection (1) of section 16-902 or
10 within the area designated by a city of the second class or village
11 pursuant to subsection (1) of section 17-1002, shall be recorded
12 or have any force or effect, unless the same be approved by the
13 legislative body, or its designated agent, and its or his or her
14 approval endorsed thereon.

15 Sec. 3. Original section 19-916, Reissue Revised Statutes
16 of Nebraska, is repealed.