

CHAPTER 1

TITLE AND PURPOSE

Sec. 1.01 NAME AND CITATION OF RESOLUTION This resolution shall be known, referred to and cited as "The Buffalo County Land Subdivision Resolution" of County of Buffalo, State of Nebraska.

Sec. 1.02 AUTHORITY These regulations are adopted and enacted under authority of R.R.S., Nebr. 1943, Chapter 23, and amendments thereto, and comprise minimum requirements, standards and specifications with respect to provisions for the proper location and width of streets, building lines, open spaces, safety, recreation; and, for the manner in which streets will be graded and improved; and, the extent to which water, sewer and other utility services shall be provided; and, to provide for the recommendation for and approval of preliminary plats and final plats and endorsement thereof by the Buffalo County Planning and Zoning Commission and by the County Board of Supervisors. No plat of a subdivision shall be approved and accepted by the County or be filed with any title recording agency unless it conforms to the provisions of these regulations.

Sec. 1.03 JURISDICTION The provisions of this County Resolution shall apply within the area of planning and zoning jurisdiction as defined on the Official Zoning Map of Buffalo County as may be amended from time to time.

Sec. 1.04 APPLICABILITY Any plat, hereafter made, for each subdivision or part thereof lying within the jurisdiction of this County Resolution, shall be prepared for approval and recorded as herein prescribed. All lots approved in any subdivision shall conform to the requirements of the Zoning Regulations of Buffalo County for the zoning district where located. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the re-subdivision or re-platting of land or lots. Further, the regulations set forth by this County Resolution shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this County Resolution except as hereafter provided.

- A. **Plat Approval Required** No subdivision of land shall be permitted within the jurisdiction of this County Resolution unless a plat is approved in accordance with the provisions of this County Resolution.
- B. **Sales of Unsubdivided Land Prohibited** No lot in a subdivision may be sold, transferred, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been approved by the County Board and recorded with the Buffalo County Register of Deeds.

Sec. 1.05 MINIMUM ACCESS REQUIREMENTS No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein have access, before and after subdividing, to dedicated and maintained street(s) and/or road(s) or private roads or ways as allowed in this Resolution.

Sec. 1.06 EXEMPTED INSTANCES These regulations shall not apply to the following:

- A. **More than Ten Acres** To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres, net of any private and/or public road reservation, dedication, right-of-way, or occupation and such land has access by dedicated and maintained public or private road(s).
- B. **Burial Lots** The subdivision of burial lots in cemeteries.
- C. **Two Lots with Same Use** The combination of two or more lots for one principle use.
- D. **Boundary Changes.** A change in the boundary between adjoining lands where the lot sizes after boundary change comply with all applicable subdivision and zoning regulations.
- E. **Previously Existing Subdivisions** A subdivision of land, filed of record with the Register of Deeds of Buffalo County prior to the effective date of this resolution.
- F. **Judicial Actions** Judicially ordered land splits, land divisions, and/or boundary changes.
- G. **Street, Public Utility, Railroad Adjustments** Land used for adjusting street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
- H. **Government and Public Utility Acquisitions** Any subdivision of land caused by the acquisition of land by the Federal Government, State of Nebraska, any natural resource district, any county, city, village or public utility having power to condemn.

Sec. 1.07 PURPOSE This resolution is to provide for the harmonious development of Buffalo County, except those areas under the jurisdiction of any city or village; for the coordination of streets, roads or highways within subdivisions with other existing or planned streets, roads or highways for adequate open spaces, for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or prosperity. It is also the purpose of this resolution to provide known access to all parcels of real estate.

Sec. 1.08 NON-EXCLUSIONARY INTENT It is not the intent of this resolution to exclude any economic, racial, religious, or ethnic groups from enjoyment of residence, land ownership, or tenancy within this County; nor is it the intent of

this resolution to use public powers in any way to promote the separation within this County of economic, racial, religious, or ethnic groups,

CHAPTER 2

DEFINITIONS

Sec. 2.01 DEFINITIONS -- GENERALLY For the purpose of this resolution, certain words, phrases and terms shall be construed as set out in this paragraph.

Sec. 2.02 ALLEY Alley shall mean a public way not designed for general travel or to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street.

Sec. 2.03 BOARD Board shall mean the Board of County Supervisors of the County of Buffalo, Nebraska.

Sec. 2.04 BOARD OF ADJUSTMENT shall mean the Buffalo County Board of Adjustment as established and defined generally in Article 9, of Buffalo County Zoning Regulations.

Sec. 2.05 COMMISSION Commission shall mean the Buffalo County Planning and Zoning Commission.

Sec. 2.06 COMMON AREA Any area or space designed for joint use of residents of subdivided land.

Sec. 2.07 COMPREHENSIVE PLAN Comprehensive Plan shall be the general plan for the improvement and development of the County outside the jurisdiction of any city or village as provided by Chapter 23, Reissue Revised Statutes of Nebraska 1943 and as provided by Resolutions of the Board of County Supervisors of the County of Buffalo, Nebraska.

Sec. 2.08 CORNER LOT Corner lot means a lot that has frontage on two (2) or more intersecting streets or roads.

Sec. 2.09 COUNTY County shall mean the County of Buffalo a subdivision of the State of Nebraska.

Sec. 2.10 COUNTY CLERK County Clerk shall mean the County Clerk of the County of Buffalo.

Sec. 2.11 COUNTY ENGINEER County Engineer shall mean the County Engineer of the county of Buffalo. In absence of a designated County Engineer, the Buffalo County Planning and Zoning Administrator shall take such County

Engineer's position and duties and employ reviewing engineer with permission of Board.

Sec. 2.12 CUL-DE-SAC A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

Sec. 2.13 DOUBLE FRONTAGE LOT Double frontage lot means a lot that has a frontage on two (2) nonintersecting streets or roads.

Sec. 2.14 EASEMENT A grant by a property owner of the use of land for specific purposes.

Sec. 2.15 FLOOD INSURANCE STUDY Flood Insurance study (FIS) shall mean the Flood Insurance Study for Buffalo County, Nebraska and Incorporated Areas published by FEMA in conjunction with the FIRM and containing background data such as base flood discharges and water surface elevations used to prepare the FIRM.

Sec. 2.16 FLOODPLAIN Floodplain shall mean those lands within the zoning jurisdiction of the County of Buffalo shown on the official Flood Insurance Rate Map or Flood Boundary and Floodway Map issued by the Federal Emergency Management Agency, Federal Insurance Administration and any revision thereto. Copies of the said maps shall be on file in the office of the County Clerk and/or Buffalo County Floodplain Administrator.

Sec. 2.17 FRONTAGE The boundary of a lot or tract of land which abuts the street and through which the lot has its primary vehicular and/or pedestrian access. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Sec. 2.18 HEALTH DEPARTMENT Health department shall mean the "Two Rivers Health Partners", the Buffalo County designated health department at adoption of this Regulation and any lawful successor thereto however designated by the Buffalo County Board of Supervisors.

Sec 2.19 INDIVIDUAL WASTEWATER SYSTEM Individual wastewater system means a wastewater system, other than a public or community system, which receives either human excreta or liquid waste, or both, from no more than one lot. Included within the scope of this definition are wastewater stabilization ponds, septic tank soil-absorption systems, chemical-type systems, and such other types of systems as may be similar to those specified herein.

Sec. 2.20 LOT Lot means:

(a) A portion of real property containing at least the area required at the time it was created by the zoning district in which it is or was located for use, coverage, and yard space, exclusive of existing, laid out, proposed, or reserved

streets, public ways, or roads, abutting at least one public street, road, or private roadway, or

(b) a parcel of real property with a separate and distinct number or other designation shown on a final plat approved by the Buffalo County Board recorded in the office of the Register of Deeds for Buffalo County, Nebraska.

Sec. 2.21 LOT DEPTH The mean horizontal distance between the front and rear lot lines.

Sec. 2.22 LOT WIDTH The mean horizontal distance between the side lot lines.

Sec. 2.23 OUTLOT A parcel of real property having the same definition as a "lot" as defined hereinbefore, but not presently designated for building or occupancy, reserved for future building or occupancy after platting and subdivision, which present and proposed future use must be designated by the subdivider at the time of filing of the initial plat.

Sec. 2.24 HIGHWAY A publicly accessed thoroughfare, street, avenue, road, or boulevard, acquired by and used by the public, which affords principal means of access to or by abutting property

Sec. 2.25 PARCEL The word "parcel" shall be construed to be synonymous with "lot".

Sec. 2.26 PLANNING and ZONING ADMINISTRATOR Planning and Zoning Administrator shall mean "Buffalo County Planning and Zoning Administrator". It shall mean the administrative head of the Buffalo County Planning and Zoning Department as provided by Chapter 23 Reissue Revised Statutes of Nebraska 1943 and as provided by Resolutions of the Board of County Supervisors of the County of Buffalo, Nebraska.

Sec. 2.27 PLAT Includes the terms: Map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used as a verb, "plat" is synonymous with "subdivide".

Sec. 2.28 PRIVATE ROADWAY, WAY, EASEMENT, OR STREET A non-publicly accessed path, driveway, acquired and used for private purposes, which affords a means of access through nonpublic property to another parcel of property.

Sec. 2.29 PROPERTY Any tract, lot, parcel or several of the same collected together for the purposes of subdividing.

Sec. 2.30 RIGHT-OF-WAY The dedicated land upon which a street is located, including both the improved travel surface and the land adjacent to the improved surface within which utility lines and other public facilities may be installed.

Sec. 2.31 ROAD A publicly accessed thoroughfare, highway, street, avenue, or boulevard, not necessary formally dedicated or acquired by the public, which affords principal means of access to or by abutting property,

Sec. 2.32 STREET A publicly accessed thoroughfare, highway, road, avenue, or boulevard, dedicated to the public which affords principal means of access to or by abutting property.

Sec. 2.33 STREET WIDTH The total width of the strip of land dedicated or reserved for public travel, including but not limited to traveled roadway, shoulders, borrow areas, curbs, gutters, sidewalks and planting strips.

Sec. 2.34 SUBDIVIDER An individual, corporation, registered partnership, and/or any other legally recognized entity owning any tract, lot or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or another individual to act on their behalf in planning, negotiating, for, in representing, filing documents, or executing the legal requirements of the subdivision.

Sec. 2.35 SUBDIVISION The division of a lot, tract, or parcel of land into two (2) or more lots, sites, tracts, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or of building development. The term “subdivision” includes “resubdivision” and, when appropriate, shall relate to the process of subdividing or to land being subdivided.

Sec. 2.36 SURFACE MAINTENANCE Buffalo County’s maintenance of the surface of streets within a subdivision consisting of no more than: once monthly grading and annual application of gravel. It does not include, and is not limited to the following: placement, design, and maintenance of culverts, bridges, or other drainage devices; design of streets; borrow or fill operations to build or repair street; and street shoulder maintenance.

Sec. 2.37 TEMPORARY DEAD-END STREET OR ROAD Temporary dead-end street or road shall mean a street which is terminated at the boundary line of the subdivision, but which will be required to be extended at a later date to provide access to abutting land.

Sec. 2.38 TEMPORARY TURNAROUND Temporary turnaround shall mean a surfaced area for the turning of vehicles at the end of a temporary dead-end street or road.

Sec. 2.39 VACATE Render an approved subdivision of property, or part thereof, null and void.

CHAPTER 3

PROCEDURE

Sec. 3.01 SUBDIVISION, WHEN REQUIRED It shall be unlawful for the owner, agent or person having control of any land within the subdivision, jurisdiction of the County of Buffalo, to subdivide or re-subdivide land, except in accordance with Section 23-372 to 377 Reissue Revised Statutes of Nebraska 1943, and the provisions of this resolution.

Sec. 3.02 ADMINISTRATIVE SUBDIVISION The Planning and Zoning Administrator or his/her authorized representative is hereby authorized to approve subdivisions as preliminary subdivision and submit the same to the Board as a final plat, under the following conditions:

- A. **No additional Access Requirements** No public highway, road or street is needed to be constructed to access the property or needs to be accepted, within the area of the new lots, other than right-of-way additions to existing or laid out highway(s), road(s), or street(s). Private road or street access is allowed if done in compliance with Chapters 4 and 5.
- B. **Limit on Number of Lots Created** No more than two (2) lots shall be created from any lot, tract or parcel of land. If the remainder of any one parcel of land is ten (10) acres or less net of all street and road easements, reservations, and/or occupations, it shall be considered one of the two-(2) lots.
- C. **Information Required** The subdivider shall submit such information as set forth in this resolution when specified by the Planning and Zoning Administrator.
- D. **Design Standards** The subdivision, and remainder parcel from which it is subdivided if applicable, shall comply with the Design Standards, Chapter 4, Minimum Improvements, Chapter 5, Subdivision with Flood Plain, Chapter 6, and Form of Final Plat, Chapter 8, in this resolution.
- E. **Dedications, Proof of Title** In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Exhibit "A" is appended hereto as a form acceptable to such office. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be noted and given in writing. The County shall assume no responsibility for any title problem with said proposed subdivision or any part there, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof.
- F. **Survey Required** The subdivider shall submit an accurately drawn plan showing the proposed lots including the length of each lot line and its

angle of deflection. Attached to the plan shall be a certificate signed by a registered land surveyor certifying that each proposed lot has been accurately surveyed in the proposed subdivision and that each lot corner has been well and accurately staked and marked. The survey shall mathematically close with an error of not more than one (1) in twenty-five thousands (25,000). Monumentation establishment, material, and design shall be as set forth in Attachment "D", incorporated herein by this reference.

- G. **Lot information** The lot area in square feet for each lot and outlot, the number of acres, total number of lots and outlots within the subdivision.
- H. **Distribution of Copies** Copies of the application shall be distributed to other county departments and governmental agencies who are directly concerned with the proposed subdivision for their review and comments.
- I. **Fees** Shall be paid by subdivider as established by Buffalo County Board of Supervisors.
- J. **Notices** A notice given as prescribed in Sec. 3.26 for the Board's public hearing.
- K. **Failure to Timely File Minor Subdivision** Failure of subdivider to file the approved subdivision within six (6) months of date of issuance shall cause such subdivision request to become null and void and of no effect.
- L. **Name of Administrative Subdivision** Name(s) of administrative subdivision(s) shall be in accordance with requirements for final plat.
- M. **Necessary Signatures and Acknowledgements** Such plat shall be signed and acknowledged by the owner, owners, lienholder(s), and/or any party having an interest of record of the land subdivided in the same manner and form as the acknowledgment of a deed conveying real estate, before some officer authorized to take the acknowledgments of deeds.
- N. **Where approved Administrative Subdivision is filed, filing fees, how filed, and who files it** The subdivider shall file and pay for such filing of the approved subdivision plat in the office of the Register of Deeds of Buffalo County, Nebraska. Such plat shall be presented by subdivider to the Register of Deeds. When filed it shall consist of one original Mylar copy and five copies plus whatever other information or documents the Register shall require. Cost for this filing is not included in subdivision fees and shall be paid by subdivider.

Sec. 3.03 FILING PRELIMINARY PLAT Except as provided in Section 3.02 of this chapter, a plat shall be required under this Resolution. A subdivider shall file with the Planning and Zoning Administrator copies of the preliminary plat prepared in accordance with the specifications of Chapter 7 herein. The Planning and Zoning Administrator shall determine the number of copies to be filed with a minimum of ten (10) being required.

Sec. 3.04 DEPARTMENT REPORTS ON PRELIMINARY PLAT The Planning and Zoning Administrator shall distribute copies of the preliminary plat and

accompanying data to County Highway Department and school district in which the property is situated.

Sec. 3.05 PRELIMINARY PLAT FEES Shall be paid by subdivider as established by Buffalo County Board of Supervisors.

Sec. 3.06 HEARING BY COMMISSION Hearing on a preliminary plat shall be before the Commission at its first regular meeting following filing, provided:

- A. that notice of the consideration of such plat and the time and place of hearing shall be given to all interested persons as hereinafter provided, and
- B. the Commission has received a report from the County Planning and Zoning Administrator.
- C. regardless of whether the plat is recommended for approval or disapproval, the Preliminary plat shall be referred on to the County Board with 60 days of first public hearing unless a longer time is agreed upon with the subdivider. If not so referred, the County Board may take it up for hearing after the 60 days has elapsed of the first public meeting.

Sec. 3.07 NOTICE OF HEARINGS Notice shall be given as hereinafter set forth.

Sec. 3.08 COMMISSION REFERRAL OF PRELIMINARY PLAT TO BOARD

Following public hearing(s) regarding the Preliminary Plat, the Planning Commission shall recommend approval, disapproval, or approval with changes and the recommendation shall be transmitted to the Board within seven (7) days following decision meeting. One copy of the recommendation(s) shall be sent to the subdivider.

Sec. 3.09 APPROVAL OF PRELIMINARY PLAT AND APPEAL PROCESS IF DISAPPROVED The Board after notice and public hearing shall:

- A. Approve the proposed preliminary plat if the Board finds that as presented it satisfies the requirements of this resolution.
- B. Disapprove the proposed preliminary plat if the Board finds that the proposed plat does not satisfies the requirements of this resolution. When the Board finds that the proposed plat does not satisfy the requirements of this resolution, it shall specify in writing in the minutes of the hearing its objections to the plat and conclusions as to why the preliminary plat should be rejected.
- C. Approve the proposed preliminary plat if the Board finds that changes can be made to the preliminary plat the will cause such plat to satisfy the requirements of this resolution or approve the plat conditioned upon specific changes in the proposed plat that comply with this resolution.
- D. Appeals are allowed and conducted in accordance with Sec. 3.27.
- E. In event appeal is filed from Board of Supervisor's decision; approval of preliminary plat is stayed pending hearing before the Board of Adjustment. Notices to the public shall be as set forth in Sec. 3.26

Sec. 3.10 PRELIMINARY PLAT APPROVAL LIMITED The approval of the preliminary plat shall only be effective for a period of ten (10) years from the date of the approval, and shall be of no force or effect thereafter. A new preliminary plat may be required if the Subdivision Resolution, the Design Standards, or the required improvements have been amended by the Board; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations.

Sec. 3.11 INDIVIDUAL SALES OF LOTS AT PRELIMINARY APPROVAL PROHIBITED Approval of a preliminary plat shall not constitute authority to sell lots, record the plat, or authority to construct permanent buildings in reliance upon the preliminary plat layout.

Sec. 3.12 AUTHORITY TO PROCEED WITH FINAL PLANS AND INSTALLATION OF IMPROVEMENTS Receipt by the subdivider of the copy of the approved preliminary plat as approved by the Board, or Board of Adjustment , if appealed, shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements, if any are required, and preparation of the final plat. Prior to the construction of any of the required improvements, the subdivider shall submit such final plans and specifications to the appropriate agency pursuant to Chapter 5 - Minimum Improvements for examination. If, upon examination, the appropriate agency shall find such plans and specifications to be in accordance with applicable policies and standards, construction shall be authorized. The County Planning and Zoning Administrator shall be notified at the beginning and end of each phase of construction. Certificates shall be issued by the inspector, if required in these regulations, for all phases of construction showing compliance or non-compliance with the standards herein and submitted to the County Planning and Zoning Administrator. All costs of inspections and surveying shall be the responsibility of the subdivider.

The subdivider shall (a) post a surety in the amount of 5% of the estimated construction costs for any improvement that is not comprised of the streets and roads, (b) pay professional fees for inspections done by persons retained by Administrator not to exceed one (1) percent of costs of improvements, and (c) agree to pay the cost to repair any and all failures of the streets and roads. These terms shall remain in effect for two years from the date of final plat approval.

Sec. 3.13 INSTALLATION OF IMPROVEMENTS The subdivider may prepare and secure approval of a preliminary plat of an entire area and may install the required improvements only in a portion of such area. All improvements in any portion of the area for which a final plat is approved shall be have the required improvement(s) completed prior to the final plat approval and recording.

Sec. 3.14 FILING FINAL PLAT

- A. **Delivery of finalized plat** If the preliminary plat is still in effect as set out in Section 3.10, a final plat in accordance with the approved preliminary plat may be filed. The final plat shall be drawn in accordance with an accurate survey of the subdivision, the approved preliminary plat, and the design standards set out in Chapter 4 herein. The subdivider shall file with the Planning and Zoning Office the final plat and in addition thereto the number of copies required by the Zoning Administrator, which shall include as a minimum number: one (1) original Mylar, and five (5) copies of Blueline or Blackline copies.
- B. **Proof of payment of taxes and assessments** When final plat is delivered, the subdivider shall provide a statement attached or affixed to final plat from the County Treasurer's Office showing that, according to the Treasurer's records as of date of statement, there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement attached or affixed to plat from the County Treasurer's Office showing that all special assessment installment payments are current as applied to the proposed subdivision or any part thereof. The County shall assume no responsibility for any tax or special assessment liability on the property to be subdivided, and approval of said final plat shall not be construed as either approval of or act as a waiver of the enforcement of all applicable statutes and resolutions with regard to the collection of taxes and special assessments on the proposed subdivided property or any part thereof. All taxes and special assessments must be paid in full on all real property dedicated in fee to a public use. Language of suggested statement or certification is appended hereto as "Exhibit B".
- C. **Proof of ownership and property rights when land is dedicated to public** If land is dedicated for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished with the final plat. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning and Zoning Administrator. The County shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said final plat shall not be construed as approval of the title of the proposed subdivision or any part thereof.

Sec. 3.15 DEPARTMENT REPORTS ON FINAL PLAT The Planning and Zoning Administrator shall distribute copies of the final plat and other accompanying data to other county departments and governmental agencies who are directly concerned with the proposed subdivision.

Sec. 3.16 REQUISITES FOR FINAL PLAT APPROVAL No final plat shall be approved by the Board unless or until all the required minimum improvements as set out in the approval of the preliminary plat have been installed and constructed and such has been approved by the appropriate agency, except individual water well systems and individual wastewater systems. In those subdivisions where an community water well system and community wastewater system is allowed the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.

Sec. 3.17 FINAL PLAT FEES AND NOTIFICATION Fees for final plat submittal and method of notice shall be as follows:

- A. **Fees:** Shall be paid by subdivider as established by Buffalo County Board of Supervisors. They shall be paid to the County when a final plat or portion thereof for staged development is filed with the Planning and Zoning Administrator.
- B. **Notice:** A general notice is the same as provided in Sec. 3.26.
- C. **Inspection Costs:** As determined in the sole discretion of the County Planning and Zoning Administrator, the Administrator may, with notification to the subdivider giving name of inspector, appoint a person or professional entity to inspect construction of streets, roads and public ways within the subdivision. Costs of such person or entry can be assessed as a cost for final approval of final plat.

Sec. 3.18 FINAL PLAT APPROVAL When the final plat conforms to the approved preliminary plat and the requirements have been accomplished, the Board shall review the final plat for approval. The Board shall approve said final plat if the same conforms to the requirements of this resolution applicable at the time of the approval of the preliminary plat except as provided in Section 3.09 of this chapter. At the time of approval, the Board may set forth conditions and shall also expressly accept or reject any or all offers of dedication.

Sec. 3.19 FINAL PLAT FILED WITH REGISTER OF DEEDS, CONDITIONS PRECEDENT No plat shall be filed for record or recorded in the Office of the Register of Deeds of Buffalo County, and no lot shall be sold from such plat unless and until:

- A. Such final plat has been approved by the Board and such approval is endorsed by the County Clerk and evidenced by resolution accepting such final plat (suggested language is appended as Exhibit "B")
- B. Provision for and/or the installation and construction of all required minimum improvements have been fulfilled;
- C. The subdivider has paid to the Planning and Zoning Administrator fees required under this resolution. Thereafter, the approved final plat and a copy of the accepting resolution certified by the County Clerk, along with all required agreements shall be filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska. Thereupon, such final plat shall be equivalent to and operate as a deed in fee simple to Buffalo

County or other applicable utility or governmental entity from the owner of all streets, alleys, public ways and grounds, and of such portions of land as herein set apart for public and county use.

- D. Subdivider has paid costs for filing final plat with Buffalo County Register of Deeds together costs of filings for other documents or items required by the Register of Deeds.

3.20 MINOR SUBDIVISION CHANGES Minor Subdivision changes may be used after approval of Final Plat or division of Final Plat for dividing one (1) lot into two (2) parts, combining two (2) or more lots (or parts of lots) into one (1) parcel, or a combination thereof; or moving lot line between two abutting lots or several lots that have a common lot line. This definition shall apply only once to any subdividing transaction or conveyance involving any specific lot or combination of lots. Transaction or conveyances classified, as minor subdivision changes are hereby deemed not to constitute a “subdivision” for purposes of this regulation.

- A. **Conditions** The following conditions shall be fulfilled to allow such change(s):
1. **Improvements** All required improvements shall have been installed and be available to the resulting parcel(s).
 2. **No changes in Dedications to Public** There can be new dedication and/or change of public rights-of-way. Any easement occupied by a utility cannot be changed.
 3. **Remaining Parcels Must Comply with Zoning Laws** All resulting parcel(s) of land shall comply with all other applicable zoning and subdivision regulations in effect at time of submittal of such application.
 4. **Utility companies notified** Party requesting change must provide written proof of all utilities that no utility occupies the easements to be moved.
- B. **Minimum Requirements and Procedures for Minor Subdivision Change(s)** At a minimum the application shall contain the following:
1. **Legal Description with Survey** Legal description of the property to be subdivided prior to and after minor change(s). A survey shall be attached to the application showing:
 - a. Existing subdivided land upon which the change is sought, and
 - b. Proposed lots and abutting lots; and all existing structures, fences, and building setbacks on lots that are desired to be in effect after the minor change(s).
 2. **Fee** Shall be paid by subdivider as established by Buffalo County Board of Supervisors.
 3. **Where Filed** All minor subdivision requests shall be submitted by written application to the Planning and Zoning Administrator, signed by all parties having any right, title, or interest in the real estate described, on form provided by such office.

- C. **Review and Appeal** The Planning and Zoning Administrator may approve or disapprove the minor subdivision application as submitted or require changes to the application.
1. **Approval** In the event that the Planning and Zoning Administrator approves the application or the required changes after review are fulfilled by subdivider, the proposed subdivision is submitted to the Buffalo County Board for approval with the Board approving the subdivision by Resolution.
 2. **Disapproval Process and Appeal** In the event that the Planning and Zoning Administrator disapproves the application or requires changes that subdivider will not fulfill, written notice of such disapproval or the required changes shall be mailed to address given on application. Thereafter appeals shall be allowed and conducted as set forth in Sec. 3.27.
- D. **Post Approval Procedures** Following approval of the minor subdivision change request, subdivider proposing the minor subdivision change(s) shall have the responsibility for transmitting to, filing with, and paying any filing fees of such documents with the Office of the Register of Deeds. Minimally the following documents shall be filed with the Office of Register of Deeds:
1. The approved plat reflecting the minor subdivision;
 2. A certified copy of the resolution or minutes of meeting accepting said final plat if the Board of Adjustment approved it, and
 3. Any other data, documents, and/or items required by the Register of Deeds.
- E. **Failure to Timely File Approved Minor Subdivision** Failure of the subdivider to file the approved application with necessary documents within six (6) months of date of approval by the Zoning Administrator and/or Board of Adjustment shall cause such subdivision request to become null and void and of no effect.

Sec. 3.21 VACATION OF PLAT (VOIDING)

- A. **How commenced:**
1. **Property Owner or Party of Interest** By the owner(s) and lienholder(s) of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat submitted to Buffalo County Clerk., Or
 2. **Board** By Board of Supervisors on motion of one of its members and majority vote of the Board.
- B. **Filing fees:** When initiated by County Board, no fees. When initiated by owner(s), subdivider, and lienholder(s) by payment of fees as established by Buffalo County Board of Supervisors.
- C. **How adopted, effect thereof, and notices required:**
1. **Notice:** The vacation resolution shall not be adopted until after notice has been given as prescribed in Sec. 3.26.

2. **Adoption and effect thereof.** Any person may appear at said meeting for the purpose of objecting to the adoption of the resolution. The proceedings before the Planning and Zoning Commission shall be solely to recommend or not recommend vacation together with any conditions thought necessary. Thereafter the Commission shall forward the same to the County Board for final action. The County Board is not bound by recommendation(s) of the Commission and may proceed to act on the question of vacation in its sole discretion. The Board after public meeting may then set forth conditions it deems appropriate and approve or disapprove the vacation and/or any portion thereof. Such conditions may include, but are not necessary limited to a statement declaring whether any public highways, streets, alleys, or other public grounds are to be retained by the County. Absent specific language to not retain public highways, streets, alleys, and other public grounds such items shall continue to be retained by the County. Any public utility company that has occupied or made use of easement(s) prior to vacation shall be unaffected by any vacation action of the Board.
3. **Post Board approval procedures:** If no appeal from the adoption of the resolution is filed within the time provided or if the resolution is upheld on appeal, Applicant(s) and/or Subdivider shall file a certified copy of the resolution of vacation shall be recorded by the County Clerk in the office of the Buffalo County Register of Deeds. The Register of Deeds shall then note such vacation on the plat or portion thereof by writing in plain legible letters. Such notation shall also contain a reference to the volume and page such vacation resolution is recorded. Thereupon, the previous subdivision, plat, or portion thereof shall be voided.
4. **Appeals.** Appeals shall be allowed and conducted as set forth in Sec. 3.27.

Sec. 3.22 RE-PLATTING or RE-SUBDIVING PREVIOUSLY SUBDIVIDED

LAND An existing plat or portion of an existing plat must be vacated by resolution prior to replatting.

Sec. 3.23 POSTPONEMENT FEE Shall be paid by subdivider as established by Buffalo County Board of Supervisors. In addition subdivider shall pay in advance, unless waived or partially waived by Commission and/or Board of Supervisors, estimated costs of re-publication of an item that was postponed at the request of the applicant or subdivider.

Sec. 3.24 LARGE DEVELOPMENT STAGING PROCEDURE In order to discourage premature subdivision and uneconomic improvements, the following procedure is provided for large development schemes:

- A. When a subdivider or group of subdividers has in their control an area of land that they wish to plat, but of so large a size they wish to develop the

land by divisions, they shall cause to be prepared a preliminary plat for the entire area.

- B. On such preliminary plats successive development divisions may be designed.
- C. Upon approval of the preliminary plat the subdivider may cause a final plat to be prepared for one or more development divisions, provided the order of development allow for logical provisions of streets and utilities.
- D. Each development division shall be considered as a final plat and provisions of these regulations shall apply individually to each development division presented as a separate filing for record.

Sec. 3.25 VARIANCE PROCEDURES

- A. **Conditions for Variances** The Board may approve a Plat subject to the subdivider obtaining a variance. The subdivider, while a preliminary plat is being considered, may apply for a variance. A variance is granted from the Board of Adjustment where the subdivider can demonstrate to the satisfaction of the Board of Adjustment that all of the following conditions are accurate and applicable:
 - 1. An unusual situation or where strict adherence to the general regulations would result in substantial injustice or hardship;
 - 2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property;
 - 3. The authorization of the variance will not be detrimental to the public safety, health, or welfare;
 - 4. The situation is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as amendment(s) to this resolution;
 - 5. The hardship is created by the physical character of the property or of the property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered grounds for the authorization of a variance; and
 - 6. The variance will not in any manner vary the provisions of the Subdivision Regulation, Zoning Resolution, Comprehensive Plan, or Zoning Map.

Any recommendation and final authorization shall be stated in writing in the minutes of the Board of Adjustment, with the reasoning on which the departure was justified.

In approving variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this resolution.

- B. **Variance Procedure** shall generally follow procedures set forth in Article 9 of Buffalo County Zoning Regulations, except that.

- 1. **Filings** A petition for any such variance shall be submitted in writing by the subdivider after the preliminary plat is filed and prior to approval of the final plat and any amendments needed for its

approval. The petition shall state fully the grounds for the application and all of the facts relied upon by the subdivider as appropriate fees. Further drawings of proposed development shall accompany the petition for variance that reflect the particular hardship(s) or difficulty that is present and how the applicant intends to develop the property if the variance is allowed.

2. **Fees** Shall be paid by subdivider as established by Buffalo County Board of Supervisors.
3. **Notice** Variance review by the Commission, and/or County Board, shall require the same notification of adjacent property owners as required by Notice provisions of Sec. 3.26.

Sec. 3.26 NOTICE: The prescribed method of giving notice, unless otherwise specifically changed by the action being taken shall be as follows:

- A. **Adjoining landowners:** Notice(s) for any public hearing shall be sent to owners of record who have property three hundred (300) or less feet from outside borders of tract(s) and/or if streets or roads abut the property that is the subject of the action extending three hundred (300) feet from the street frontage of such opposite lots measured from the opposite side of the road, sought to be vacated at least ten (10) days before the Commission and County Board public hearing(s). Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing.
- B. **Publication** Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County in a local newspaper of any county which has territory within three (3) miles of the property affected by such action.
- C. **Property shall be described** For notices to adjoining landowners and by publication, the notice(s) for shall clearly describe the plat or portion thereof to be considered at the public hearing and state the time and place of the meetings of the Commission and County Board of Supervisors at which the consideration and adoption of the resolution will be voted upon.
- D. **Posting on the property:** Notice of such hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property to seeking action in the public hearing.
- E. **Notices to other governmental planning bodies** Notice of the time and place of such hearing shall also be given in writing to the chairman of the municipal, county or joint planning commission, which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a municipal Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

Sec. 3.27 APPEALS The Buffalo County Board of Adjustment as established by the Buffalo County Zoning Regulation shall conduct and hear all appeals. Unless more specifically set forth herein, all appeals concerning subdivision matters shall be filed, noticed, and heard in the manner and procedures as set forth Article 9 of the Buffalo County Zoning Regulations regarding the Buffalo County Board of Adjustment. Fees for this process shall be set by the Buffalo County Board of Supervisors.

CHAPTER 4

DESIGN STANDARDS

Sec. 4.01 CONFORMITY TO THE COMPREHENSIVE PLAN All subdivisions hereinafter created shall be in harmony with the Comprehensive Plan.

Sec. 4.02 RELATION TO ADJOINING HIGHWAY, ROAD OR STREET SYSTEM

- A. **Arraignment of Streets** The arrangement of streets and roads in new subdivision shall make provision for the continuation of the existing highways, roads, or streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street, road, and alley arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- B. **Offsetting Streets to be avoided** Offset streets and roads should be avoided.
- C. **Angle(s) of Intersections** The angle of intersection between streets should not vary more than 10 degrees (10) from a right angle.
- D. **Stopping sight distance considerations** Proposed street intersections shall be located on existing streets and roads to provide stopping sight distance for 50 mph traffic on the existing street or road. Stopping sight distance shall be as described in the current AASHTO Standards at the time the subdivision is being proposed.

Sec. 4.03 STREET, ROAD AND OTHER RIGHT-OF-WAY The location of highways, streets, roads and other rights-of-way shall conform to the locations designated in the Comprehensive Plan. Unless designated a higher use in the Comprehensive Plan, all proposed or existing roads, whether previously vacated or unopened, located upon section lines shall minimally be considered rural minor collectors.

The minimum right-of-way widths shall be as follows:

| Type | Right-of-Way Width |
|--|--------------------|
| State and Federal Highways | 180 feet |
| Rural Principal Arterials | 80-100 feet |
| Rural Minor Arterials (Paved and potential paved) | 80 feet |

| | |
|---|----------------|
| streets and roads shown on future Street and Road Network Maps in the Comprehensive Plan.) | |
| Rural major collectors | 80 feet |
| Rural minor Collectors | 80 feet |
| Minimum Maintenance | 80 feet |
| Interior streets of land Sought to be subdivided | 66 feet |
| Cul-de-Sacs | 66 foot radius |
| Alleys | 20 feet |

When streets and roads adjoin unsubdivided property, a half right-of-way of at least forty (40) feet in width shall be dedicated. Whenever subdivided property adjoins a half right-of-way, the remainder of the street shall be dedicated. Half rights-of-way should be avoided.

In all cases of permanent dead-end streets and roads, cul-de-sac rights-of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet. This may be extended when topographical rise and fall of cul-de-sac street does not exceed six (6) feet from highest elevation to lowest elevation of road measured from center of street at intersection of entry to cul-de-sac road to furthest point of cul-de-sac from intersection.

Alleys shall not be provided in a residential subdivision except under very unusual conditions. Alleys may be required in the rear of commercial and industrial lots.

Sec. 4.04 EASEMENTS Easements of at least ten (10) feet in width shall be provided and dedicated on each side of rear lot lines and side lot lines, and fifteen (15) feet along front lot lines from the front lot line, for poles, wires, conduits, utility boxes, storm drains, wastewater collectors, water, or other mains. Easements of greater width may be required along or across lots where necessary for the extension of mains, sewers, or other utilities.

Sec. 4.05 EASEMENTS ALONG STREAMS Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage or parkway.

Sec. 4.06 BLOCKS No block shall be longer than thirteen hundred twenty (1,320) feet. This may be extended when topographical rise and fall of street does not exceed six (6) feet from highest elevation to lowest elevation of block measured from center of intersections of intersecting streets at opposite ends of the block.

Sec. 4.07 LOTS

- A. **Arrangement of lots** The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.
- B. **Lots sidelines at right angles** All sidelines of lots shall be at right angles to a straight street line on a radial line where curved streets exist, except where a variation of this rule will provide a better street and lot layout.
- C. **Minimum Lot Area** No lot shall have an area or width less than that required by any zoning resolution.
- D. **Double or Multiple Facing Lots** The residential lot arrangement of a subdivision shall be accomplished in such a manner that there will be no lots with frontage facing two nonintersecting public streets and roads. However, in circumstances where the subdivision abuts a highway, street, or road, double frontage lots shall be required when no frontage road exists adjacent to or abutting on the highway, street, or road, and access from the lot is only to an interior street. Where double or multiple frontage lots are allowed, the subdivider, the subdivider's successors and assigns shall relinquish the right of access from the lot to the highway, street, or road, and place covenants and restrictions upon the land to run with the land relinquishing said access.
- E. **All lots to have access to roads or streets** Every lot shall front upon and have access to a public street or road, except lots may front upon and take access to a private roadway that accesses a public street or road.
- F. **Access to highways, streets, and roads channeled through interior lots** Residential lot arrangement shall be, whenever feasible and possible, such that no lot directly accesses a highway, street, or road, and shall access an interior subdivision road that combines access to highways, streets, and roads through interior subdivision roads. Excepted to this access limitation is a lot for a single family dwelling that has existed for five (5) years as a primary residence associated with a farm, which meets the minimum housing and health codes, and has a previously approved access to the highway, street, or road.

Sec. 4.08 STREET AND ROAD NAMES Streets as nearly as practicable shall be named as follows:

- A. **Continuations of existing streets** Where they are continuations of existing streets, the existing street names shall be used.
- B. **Duplication or similar naming discouraged** Proposed street names shall not duplicate or approximate phonetically the name of any existing street in Buffalo County and the City of Kearney.
- C. **North-South Street naming** Streets running predominantly straight north and south shall, as much as practicable, be numbered consecutively in sequence with adjacent streets.
- D. **East-West Street naming** All streets running east-west shall be numbered wherever practical and generally designated as "streets: if west, or "avenues" if east, of Central Avenue Kearney extended north and

south from corporate limits of Kearney and consistent with pre-existing naming and numbering schemes used by Buffalo County.

- E. **Diagonal and Curved Streets** Diagonal or curvilinear streets shall be named.
- F. **Cul-de-Sacs** The names or designation of cul-de-sacs shall be given the suffix "Circle", "Court" or "Place".
- G. **Public safety review** All naming and numbering of streets prior to adoption of the same by the Board shall be reviewed by Buffalo County Sheriff's Office, Communications Center.

Sec. 4.09 MAINTENANCE RESPONSIBILITY OF PRIVATE COMMON

FACILITIES Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, streets, private streets, private ways, private, roads, or other physical facilities necessary or desirable for the welfare of the area and which the County does not desire to maintain, provision shall be made for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. All such maintenance agreements shall be incorporated in covenants and restrictions governing the subdivided property and shall be recorded with the Register of Deeds. Mowing and trimming of the seeded portion of the interior roads shall be the responsibility of the adjacent property owner.

Sec. 4.10 MAINTENANCE OF STREETS/ROADS

- A. **Public streets** Buffalo County assumes ownership and maintenance of all roads and streets, dedicated to and accepted by the public under the provisions of this subdivision regulation after the effective date of this regulation. Buffalo County does not assume maintenance nor ownership of private streets,
- ~~B.~~ **Subdivisions created prior to effective date desiring public ownership and maintenance** For subdivisions created prior to adoption and effective date of this Regulation, Buffalo County shall not assume ownership and maintenance of roads and streets and/or parts thereof dedicated for public use until the streets in the subdivision or portion thereof comply with regulations as to Chapters 4 (design standards), 5 (minimum improvements), and 6 (subdivisions within flood plain). Upon application in writing of the lesser of: (a) party or parties owning twenty (20) percentage of street frontage or (b) three owners of land in the subdivision delivered to Buffalo County Clerk, the Board will consider application for public ownership and maintenance and then only after review and report by County Highway Superintendent to this Board and public hearing. Applicants shall bear any and all costs of engineer statements as to need of and placement of water conveyances, determining road grades and angles, and any other matter needing study and review to meet such standards.

The following specific sections in Chapters 4, 5, and 6 that shall not prohibit county acceptance:

1. Sec. 4.04 relating Minimum easement reservation, front, side, and rear.
 2. Sec. 4.06 relating to block length.
 3. Sec. 4.09 regarding maintenance of common facilities.
- C. **Private Streets** Buffalo County assumes no responsibility for maintenance of private roads, streets, and ways as allowed under this Chapter. Any dedication to the public for a private road, street, or way is solely for reservation of potential public street use and granting of easements.

Sec. 4.11 DRAINAGE The area to be subdivided shall be designed and laid out so as to provide proper and sufficient drainage with evaluation of location, size, and need of storm drain pipes, water conveyances, culverts, ditch liners, and other drainage facilities being submitted in writing by professional engineer in form of statement or letter accompanying preliminary plat.

Sec. 4.12 STREET AND ROAD DESIGN Rural Local Classification Standard 2 Conformance Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.

Sec. 4.13 ACCESS REQUIREMENTS Access to and within a subdivision can be accomplished by use of private and public ways, streets, and/or roads. Public streets are permitted in any type of subdivision and are strongly encouraged.

- A. **Public Street Access** Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.
- B. **Private Street Operative as Granting Easement(s)** Private Streets may be permitted when the private street clearly provides rights-of-way sixty-six (66) feet in width and provides easements for public utilities and provide rights of access to public utilities without further approval or conveyance.
- C. **Private Street Disclosure** Any plat containing private streets shall disclose the following on its plat:

“One or more of the access easements shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by Buffalo County. The property owner and successor thereto agrees to not request road maintenance from Buffalo County until such time as the private streets are brought to the then applicable Buffalo County’s Subdivision Public Street Minimum Improvement Requirement standards”.

- D. **Private streets grant access to public safety** Private streets shall not be blocked to ingress and egress of government, emergency, or public service company vehicles.
- E. **Private Street Maintenance** Private street maintenance shall be the sole responsibility of adjacent property owners and not the responsibility of Buffalo County.

MINIMUM IMPROVEMENTS

Sec. 5.01 STREET AND ROAD IMPROVEMENTS All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. All streets, roads, and ways whether designated public or private within the subdivision shall be surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing.

Sec. 5.02 WATER AND WASTEWATER: All individual and community water and wastewater systems shall comply with any state health regulations.

Sec. 5.03 DRAINAGE Storm drain pipes, water conveyances, culverts, ditch liners and other drainage facilities shall be installed as recommended by written professional engineer drain study and as additionally required by Planning and Zoning Commission and Board.

Sec. 5.04 TEMPORARY TURNAROUND AND BARRICADES A thirty-three (33) foot radius surfaced temporary turnaround shall be constructed at the end of all temporary dead-end streets and roads which extend more than one hundred fifty (150) feet beyond the nearest intersection with another street, road, or private roadway. The temporary turnaround and barricade shall be removed when the temporary dead-end street or road is extended therefrom.

Sec. 5.05 STREET NAME AND TRAFFIC CONTROL SIGNS The design, location and installation of all street signs designating the name of streets, roads, private roadways, and traffic control signs shall be approved by the Buffalo County Highway Department.

Sec. 5.06 PLACEMENT OF STREET SIGNS All streets, roads, and public ways within a subdivision shall have street signs and posts put in place by developer at all intersections of streets within the subdivision. All streets, roads, and ways, whether public or private shall have street signs and posts put in place where such streets, roads, and ways intersect with existing roads.

Sec. 5.07 MAINTENANCE OF STREET SIGNS AND TRAFFIC CONTROL DEVICES

- A. **Streets dedicated to public** After subdivider placement of streets signs and traffic control devices on publicly dedicated and accepted roads, responsibility for maintenance for such signs and devices is a county maintenance item.
- B. **Private Streets and Roads** Responsibility for signs and traffic control devices on private roads shall be a private responsibility maintained by entities using such road(s). If a private road is not properly maintaining and posting the road with signs, the Buffalo County Board may, after

notice of intent to place sign and assess costs of the improvement upon entities using the road, construct and place sign(s).

CHAPTER 6

SUBDIVISION WITHIN FLOODPLAIN

Sec. 6.01 SUBDIVISION OF LAND WITHIN FLOODPLAIN In addition to all other requirements set forth in this subdivision regulations, all platting or subdivision of land shall comply with all existing federal, state, and Buffalo County Flood Plain Regulations. There shall be no platting or subdivision of land allowed by the Board within the area defined as a floodplain unless the following conditions are met:

- A. **Grade and Elevations** The proposed centerline grade of streets, roads, or private roadways located within the floodplain that are necessary to serve the proposed development shall not be placed at an elevation higher than one (1) foot below the 10-year frequency flood elevation. Subdivider shall furnish professional engineer or surveyor written comment certifying this elevation criterion.
- B. **Roads, culverts, and water holding/carrying devices** Any subdivision having any proposed and/or placement of roads, water conveyance system, culvert, water drops, and/or similar water carrying/holding devices in flood plains shall have appropriate written hydrological study submitted by licensed professional engineer with subdivision plans concluding that the construction, structures, and/or devices proposed when considering preliminary plat and installed in place when considering a final plat can fulfill 25-year frequency flood demands.
- C. **Borrow and Fill Areas** The subdivider shall obtain the approval of the County Floodplain Administrator for the location or design of the borrow area or areas within the flood plain all as provided in Buffalo County Floodplain Regulations. If fill material is to be brought into the flood plain area from outside the food plain, the amount of fill and location of where fill is to be placed shall be indicated.

CHAPTER 7

FORM OF PRELIMINARY PLAT

Sec. 7.01 INFORMATION ON A PRELIMINARY PLAT The preliminary plat shall be accurately and legibly drawn to a scale that clearly shows all pertinent information required in this chapter. The proposed layout and design of all the features of the subdivision shall conform to this resolution and to the rules and regulations adopted by the Board. The following required information shall be identified and shown on the preliminary plat:

- A. **Name of the subdivision** The name of the subdivision shall not duplicate or approximate the name of an existing or previously vacated subdivision

- within Buffalo County except as hereafter provided. A subdivision name may duplicate or approximate the name of an existing adjacent subdivision if such subdivision is an expansion thereof and shall be made by adding the suffix "First Addition" to the first duplication of the name, and then continuing in sequence. A subdivision name may duplicate or approximate a previously vacated subdivision and shall be made by adding wording such as "First Addition" or appropriate numerical sequence that distinguishes the name of the submitted plat from a prior vacated subdivision.
- B. **North arrow and scale, map details** North arrow, scale of drawing, date prepared, the sheet number and total number of sheets included within each set of the preliminary plat submittal.
 - C. **Contour** Contour lines, not to exceed five (5) feet, to duplicate adequately the existing and proposed topography and land form within and adjacent to the subdivision. The scaled distance between contour lines shall not exceed two hundred (200) feet.
 - D. **Existing Streets Shown** Existing and proposed streets and private roadways within and adjacent thereto. This shall include the right-of-way and driving surface width, tangent length, the centerline radius of each curve and its interior angle, the angle of intersection with all other streets and private roadways, and the name or number of each. Where the preliminary plat submitted covers only a portion of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part of the tract shall be furnished; and the street system of the part being platted shall be considered in connection with the proper projection of streets into the portion of the tract not being presently platted.
 - E. **Existing Boundaries Shown** The locations of the present property lines, monuments, section or quarter-section lines, the lines of incorporated areas, and subdivision jurisdiction lines utilizing no less than two (2) such established survey items.
 - F. **Lot Dimensions** All lot lines and their dimensions. The dimensions along curvilinear lines shall be noted as being chord and arc length.
 - G. **Lot and Block Numbering and Sequence, Outlots** Lot and block numbers and outlot letters with the total number of each. All lots shall be numbered in sequence beginning with the number one (1) and continuing consecutively through each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing through the alphabet. Areas, except streets, to be dedicated or reserved for public or private parks or other public areas shall be outlots.
 - H. **Public Use Areas** Areas for schools, parks, playgrounds, fire stations, and other common areas for public use, along with any requested consideration for such area.
 - I. **Easement Information** The location, width, and purpose of all existing and proposed easements within or adjacent to the subdivision and all flowage easements.

- J. **Boundary Lines of Subdivision** A certified accurate boundary survey showing sufficient linear, angular and curve data to determine the bearing and length of all boundary lines of the subdivision, a legal description thereof, and the number of acres therein. (This survey shall be field measured and shall mathematically close with an error of not more than one in twenty-five thousand (1/25,000). This survey shall also locate and identify all section corners and section lines. Where the subdivision abuts on an existing plat or other surveyed tracts, the distances, angles, and bearing of any common lines shall be shown; and any differences along common lines of the original survey and the survey of this subdivision shall be noted.
- K. **Certification from Planning and Zoning Administrator** A certificate for the signature of the Chairman of the Commission in a form approved by the Planning and Zoning Administrator.

Sec. 7.02 INFORMATION ON OR ACCOMPANYING A PRELIMINARY PLAT

The following required information shall be identified and shown on the preliminary plat or on accompanying sheets:

- A. **Grade and Elevation Profiles** Centerline profiles of all existing and proposed streets and private roadways within and adjacent to the subdivision. The profile shall show points of intersection with all other streets and private roadways, stationing, the existing ground surface elevations, the proposed street grades, the length of vertical curves between changes in grade, and the profiles and horizontal alignment of temporary dead-end streets extending three hundred (300) feet beyond the limits of the subdivision.
- B. **Drainage Study** The drainage study shall include the following:
 - 1. A topographic map showing the drainage area and resulting runoff from all land lying outside the limits of the preliminary plat which discharges storm water runoff into or through the plat.
 - 2. A topographic map showing proposed contour lines and all subdrainage areas and resulting runoff within the limits of the preliminary plat.
- C. **Surrounding Areas** A vicinity sketch showing the general location of the preliminary plat in relation to existing streets and section lines.
- D. **Waivers** These provisions may be waived by zoning administrator, planning and zoning commission, and/or Buffalo County Board when satisfactory pre-existing studies, infrastructure, and/or accessible data from other sources exists.

Sec. 7.03 ADDITIONAL REQUIRED INFORMATION Accompanying the preliminary plat submittal, the following information shall be submitted in a statement from the subdivider:

- A. **Interest of Subdivider in surrounding lands** Any interest the subdivider has in the land surrounding the preliminary plat and the nature of such interest.

- B. **Disclosure of Need for Special Provisions** All requests to be submitted to the Board for special use permits, changes of zone, vacations, and variances (variances submitted to Board of Adjustment) which are required to complete the development.
- C. **Information concerning Subdivider** The name, telephone number, and mailing address of the subdivider, any other person the subdivider may want informed of the preliminary plat process, and any person authorized to act on the subdivider's behalf.
- D. **Needed Deviations from Adopted Rules and Regulations** All deviations from this resolution and the adopted rules and regulations shall be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent, and why the proposal should be accepted.

Sec. 7.04 DEVELOPMENT WITHIN FLOODPLAIN Areas within Zone "A" of adopted or amended flood plain maps of Buffalo County shall be shaded on the preliminary plat

CHAPTER 8

FORM OF FINAL PLAT

Sec. 8.01 FINAL PLAT REQUIREMENTS The final plat shall comply with the subdivision design standards set out in Chapter 4 hereof, shall comply with the approved preliminary plat, and shall consist of an accurate map or plat designating specifically the land so laid out and particularly describing the lots, blocks, streets, roads, alleys, public ways or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto.

Sec. 8.02 FORM OF THE FINAL PLAT The plat in its final form submitted for approval shall be as follows:

- A. **Size** The size of each sheet of said final plat shall be eighteen by twenty-four (18 X 24) inches. All lots and, wherever practicable, blocks in their entirety, shall be shown on one sheet.
- B. **Mylar** Said final plat shall be accurately, clearly, and legibly drawn in black waterproof India ink or photographed upon clear mylar which is a minimum of three thousandths (.003) of an inch thick or its equivalent. Affidavits, certificates, legal descriptions, and acknowledgements shall be legibly lettered or printed upon the final plat with opaque ink. Signatures shall be in black opaque ink.
- C. **Margins** A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of at least one-half inch.
- D. **Scale** The final plat shall be drawn to one of the following scales only: 1 inch equals 100 feet.
- E. **Sheet Numbering and Index** If more than one sheet is used, the particular number of the sheet and the total number of sheets comprising

the final plat shall be stated on each of the sheets; and the relationship to each adjoining sheet shall be clearly shown. If more than two sheets are used, an index sheet the same size as required above shall be included showing, at whatever scale is necessary, the entire subdivision with an indication by the use of dotted lines of the component areas which are shown on the other sheets.

- F. **Boundaries** The boundary of the subdivision shall be clearly identified on the final plat. All lines shown on the final plat which do not constitute a part of the subdivision itself shall be clearly distinguishable from those lines which are a part of the subdivision, and any area enclosed by such lines shall be labeled "not a part of this subdivision."

Sec. 8.03 CERTIFICATES AND ACKNOWLEDGEMENTS ON FINAL PLAT

The final plat shall show the following:

- A. **Property Owner Acknowledgment and Dedication** Owner's and lienholder's acknowledgement and offer of dedication, if any. Such plat shall be signed and acknowledged by the owner or owners of the land subdivided in the same manner and form as the acknowledgment of a deed conveying real estate, before some officer authorized to take the acknowledgments of deeds;
- B. **Surveyor's Certificate** Certificate of the surveyor; (Illustrated Exhibit C)
- C. **Planning Commission Approval** Certificate of approval by the Planning and Zoning Commission;
- D. **County Board Approval** Certificate of the County Clerk showing approval by the Board and acceptance of the offer of dedication; (illustrated Exhibit B)
- E. **Treasurer's Statement Concerning Taxes.** Statement by County Treasurer: (illustrated Exhibit B)
- F. **Other Declarations** All affidavits, certificates, acknowledgments, endorsements, dedications, and notarial seals as are required by law and the provisions of this resolution shall be as approved by the County Attorney. (illustrated Exhibit B)
- G. **Names of Signers Typed Under Signature Line** All signatures shall have typed/clearly printed names of signers below or next to signatures.

Sec. 8.04 DATA REQUIRED ON A FINAL PLAT Various data is required to be disclosed on the final plat. The particulars are as follows:

- A. The final plat shall be accurately and legibly drawn and shall show the following:
 - 1. **Survey Information and data** All survey and mathematical information with sufficient linear, angular, and curve data necessary to locate all existing and placed monuments and stakes, and to locate and retrace all lots, blocks, and parcels within the subdivision, and the boundary of the subdivision. Where the land being subdivided abuts on an existing plat, the distances, angles,

- and bearing of all common lines and the street centerline points shall be shown and any differences in measurements so noted.
2. **Scale** All dimensions on the final plat shall be stated to the nearest one-hundredth (.01) of a foot.
 3. **Lot and Block Line data** Lot, outlot, and block lines. All such lines shall be shown and dimensioned.
 - a. Where such lines are curved at street intersections, the length of tangents shall be shown.
 - b. Where such lines abut curvilinear streets, chord or arc distances shall be shown and noted.
 - c. All angles of deflection or bearings of such lines other than those which are at right angles to the centerline of a street or on a radial line of a curved street.
 4. **Lot and Block Numbering** Lot, outlot, and block identity. Within each block all lots shall be numbered in sequence, beginning with the number one (1) and continuing consecutively throughout each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing consecutively through the alphabet.
 5. **Dedications and Reservation data** Areas to be dedicated or reserved for public use. For streets, private roadways, and other public ways within and adjacent to the subdivision, the location, name, centerline, centerline radius, length, and interior angle of horizontal curves, tangent length, and width. All areas shall be located and identified which are to be dedicated or reserved for public use, including park land and other public areas. All such parcels shall be outlots except streets dedicated to the public. A clear distinction shall be made as to which parcels are to be dedicated to the public from those parcels to be privately owned by or reserved for public use.
 6. **Legal Descriptions prior to and after Subdivision process** Location of the subdivision, including legal description of the property, prior to subdivision including location of boundary lines in relation to section, township, range, county and state.
 7. **Government Survey Corners and Monument Locations** The location and identification of all quarter-section corners, section corners, section lines, monuments and stakes found and placed. The boundary lines shall be located in reference to existing official monuments. Describe the stakes, monuments, or other evidence used to determine the boundaries of the subdivision.
 8. **Square Feet of Lots and Outlots** The lot area in square feet for each lot and outlot, the number of acres, total number of lots and outlots within the subdivision.

9. **Disclosure of Areas Not Subdivided** All areas not a part of the plat due to other ownership(s) shall be clearly shown as “NOT A PART”.
- B. The following data shall be shown on each sheet of the final plat:
 1. The name of the subdivision, the use of first (1st), second (2nd), third (3rd), etc. for additions or subdivisions shall be made in sequence, but only if the final plat is located adjacent to a plat with the same name.
 2. Scale.
 3. North arrow.
 4. Sheet number and the total number of sheets comprising the final plat.
 5. The name and date of approval of the Preliminary Plat upon which the Final Plat is based.
 6. Date of the subdivision.
 7. This information shall appear directly beneath the name of the Final Plat.

Sec. 8.05 ADDITIONAL INFORMATION REQUIRED Accompanying the final plat submittal, the following items and information shall be submitted by subdivider:

- A. **Surrounding Land Interest Disclosure** Any interest the subdivider has in the land surrounding the final plat and the nature of such interest.
- B. **Special Requests** All requests to be submitted to the Board for special use permits, changes of zone, vacations, and variances (variances submitted to Board of Adjustment) which are required to complete the development.
- C. **Subdivider Information** The name, telephone number, mailing address of the subdivider, record owner, and any other person the subdivider may want informed of the final plat process, and any person who has the authorization to act on behalf of the subdivider.
- D. **Street Profile Information** Street profiles that show existing ground surface elevations based on a current field survey, the grades, and the lengths of all vertical curves of the streets within the final plat which are to be dedicated to the public. The grades shall be in accordance with the minimum standards of the Board.
- E. **Flood Plain Zone Information** At least one copy of final plat submitted shall shade areas that lie within Zone “A” of adopted or amended county flood plain maps.

Sec. 8.06 SURVEY REQUIREMENTS Plats and the surveys that accompany them shall disclose the following information:

- A. **Survey Data** A land survey is required to support data furnished on the final plat, and this survey shall conform to all requirements set forth in this paragraph. All angles and dimensions shown on the plat shall be field measured. The survey of the centerline of all streets within the plat and

the periphery of the plat shall mathematically close with an error of not more than one in twenty-five thousand (1/25,000). The final plat shall include a certificate signed by a registered land surveyor certifying that he has accurately surveyed the subdivision and attesting to the accuracy of the survey, the correct location of all permanent survey monuments shown, and that the lots, blocks, streets, alleys, public ways, and grounds are staked and marked as herein required. The surveyor's certificate shall include a metes and bounds traverse description of the land being subdivided and the number of acres included. The surveyor's names, land surveying registration number, address, and if applicable, firm name shall appear below his signature.

- B. **Monumentation** The land surveyor who performs the survey and certifies the final plat shall be obligated to place all of monuments and stakes in the subdivision and show the same as described in Appendix D.

Sec. 8.07 Dedication Acceptance of dedicated land shall be recorded in the minutes of the County Board.

Sec. 8.08 Filing Original and copies of the Final Plat The owner or other person proposing to subdivide shall have the responsibility for transmitting to, filing with, and paying any filing fees of such documents with the Office of the Register of Deeds. Minimally the following documents shall be filed with the Office of Register of Deeds: the approved final plat; a certified copy of the resolution accepting said final plat, and any other data that must be recorded. When presented for filing, it shall consist of the original Mylar plat and five copies thereof.

CHAPTER 9

GENERAL PROVISIONS

Sec. 9.01 SEVERABILITY Each section and each subdivision of this resolution is hereby declared to be independent of every other section or subdivision of a section so far as inducement for passage of this resolution is concerned; and the invalidity of any section or subdivision of a section of this resolution shall not invalidate any other section or subdivision of a section hereof.

Sec. 9.02 PENALTY Any violation of this resolution or of any regulation made by the County Board under the provisions of this resolution shall be a misdemeanor. Any person, partnership, association, club, or corporation violating the provisions of this resolution or of any regulation of the County Board, shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

Sec. 9.03 AMENDMENTS Amendments to substantive issues in this Resolution and fees are amended as follows: The procedure for the consideration and

adoption of any such proposed amendments, excepting changes for fees, shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified.

A. Subdivision Resolution Amendments for matters other than fees:

Suggested amendments to this subdivision resolution shall be initiated by written application, filed in the Office of the County Clerk. Upon receipt of such application, the Zoning Administrator shall forward the application to amend to the Planning Commission for its recommendation. Upon public hearing with notice as prescribed in this Resolution, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) days. Upon public hearing, the County Board may allow, deny, or allow with modifications, the proposed amendment all done in resolution form.

B. Fee Amendment Fees referred to this Resolution can be reviewed and amended by County Board at public hearing without need of submission of the same to the Planning Commission.

Sec. 9.04 CONFLICTING RESOLUTIONS REPEALED All regulations, resolutions, and/or parts thereof in conflict of this regulation are hereby repealed except any regulations that impose more restrictive regulations than are imposed herein.

Sec. 9.05 PURPOSE OF CATCH HEADS The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this resolution.

Sec. 9.06 REFERENCE TO LEGAL AUTHORITY, EFFECT The reference to a legal authority or annotation stated under any of the foregoing sections, if so stated, is inserted simply for convenience and to serve the purpose of referring to suggested statutory authority or other legal authority. In no event shall such reference or annotation be indicative of sole authority of such section or regulation.

Sec. 9.07 EFFECTIVE DATE. This resolution shall take effect at 12:01 o'clock a.m. February 18, 2009 and be published according to law.

PASSED AND APPROVED THIS 17TH DAY OF FEBRUARY, 2009

APPENDIX:

EXHIBIT "A"

LIMITED TITLE REPORT (can be used for administrative or formalized subdivisions)

PREPARED FOR: Buffalo County Attorney's Office

Dated of Search:

_____, undersigned, a duly licensed abstractor hereby certifies that they have examined the records in the Office of Buffalo County, Nebraska Register of Deeds, as the same relates to the following matters only and to the following described real estate, to-wit:

OWNER'S NAME FOR ACKNOWLEDGEMENT:

LIENHOLDERS:

EASEMENTS:

Registered Abstractor

Certificate of Authority: _____

EXHIBIT B (can be used for administrative or formalized subdivisions)

Suggested language for Dedication:

KNOW ALL MEN BY THESE PRESENTS: that (owner(s), lienholders, etc.,) being all owners and other parties of interest (lienholders, etc.) of the land described hereon, have caused the same to be surveyed, subdivided and platted and designated as “ (name of subdivision), a subdivision being in the “ “ quarter of Section “ “, Township “ “, north, Township “ “, West of the 6th P.M., Buffalo County, Nebraska (state complete legal description) and said owners and other parties of interest hereby ratify and approve the disposition of their property as shown on the above plat, and do hereby dedicate (roads, etc.) to the use and benefit and enjoyment of (describe the public, particular lots, etc.,) and further dedicate the utility easements (if any) to the various utility companies as shown upon said plat, and acknowledge said addition to be made with the free consent and in accord with the desires of said owners and other parties of interest.

Dated this _____ day of _____, 2_____.

(signatures of all parties: _____, (typed name or
(or typed name)

Suggested language of Resolution/Clerk’s Certification:

BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS OF BUFFALO COUNTY, NEBRASKA, in regular session with quorum present, that the plat of “(name of subdivision)”, a subdivision being in the “ “ quarter of Section “ “, Township “ “, north, Township “ “, West of the 6th P.M., Buffalo County, Nebraska_ duly made out, acknowledged and certified is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by: _____, and Seconded by _____
(typed name) (typed name)
that the foregoing resolution be adopted. Said Motion carried on _____ vote.

STATE OF NEBRASKA)
) SS
COUNTY OF BUFFALO)

I (name of county clerk) , County Clerk in and for Buffalo County, Nebraska, being duly qualified, do hereby certify that the above is a true and

correct copy of the resolution as passed by the Buffalo County Board of Supervisors on the _____ day of _____, 2_____.

(seal)

(typed name), County Clerk

Suggested language for Treasurer’s Statement:

COUNTY TREASURER’S CERTIFICATE

This is to certify that I find no regular or special taxes due on the property described within the surveyor’s certificate and described within this plat, as shown on the records of this office as of this _____ day of _____, 20_____.

(seal)

Typed Name: Treasurer
For Buffalo County, Nebraska

Suggested language for Planning and Zoning Commission’s statement:

The undersigned, (name of person), Chairperson or Vice-Chairperson of the Buffalo County Planning and Zoning Commission do hereby certify that the foregoing plat of (name subdivision)), a subdivision being in the “ ” quarter of Section “ ”, Township “ ”, North, Township “ ”, West of the 6th P.M., Buffalo County, Nebraska_ was submitted to Buffalo County Planning and Zoning Commission for public meeting and review and that the recommendation by the Buffalo County Planning and Zoning Commission was made to the Buffalo County Board of Supervisors on the _____ day of _____, 2_____.

(typed name) Chairperson

REQUIRED LANGUAGE IF PRIVATE STREETS AND/OR WAYS IN SUBDIVISION:

“One or more of the access easements shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by Buffalo County. The property owner and successor thereto agrees to not request road maintenance

from Buffalo County until such time as the private streets are brought to the then applicable Buffalo County's Subdivision Street Requirement standards".

EXHIBIT "C" (can be used for administrative or formalized subdivisions)

Suggested Surveyor's Certificate:

I, (name of surveyor) do hereby certify that (he/she/surveying company) surveyed (name of subdivision) an addition to Buffalo County, Nebraska, as shown on the above plat, (crew chief, surveyor in training, etc.), that the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, the lots bear their own number, outlots are identified where present and/or noted, and that survey was made with reference to know and recorded monuments.

(seal)

(Name of Surveyor)
Neb. Reg. L.S. No. _____

EXHIBIT "D"

MONUMENTATION

The surveyor shall establish, reestablish or confirm the prior establishment of permanent monuments at each exterior boundary point including angle points, points of curvature, or change in directions on the exterior boundary of the subdivision. The surveyor shall establish permanent monuments at each block corner, lot corner, or lot otherwise created and permanent monuments shall be established at all angle points, points of curvature, or change in directions around the boundary of each new lot created by the subdivision. All permanent monuments shall be established, reestablished, or confirmed prior to recording of the plat presented for filing.

The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of a 5/8" x 24" reinforcing rod, constructed of material capable of being detected by commonly used magnetic locators. A durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each monument. The surveyor shall follow additional State of Nebraska regulations and statutes, and the minimum standards as adopted by the Professional Surveyors Association of Nebraska when extenuating circumstances dictate the required monument cannot be established with the minimum monument ingredient required herein.