



SCOTTSBLUFF CITY
PLANNING COMMISSION AGENDA
Monday, October 12, 2015, 6:00 PM
City Hall, Council Chambers, 2525 Circle Drive

**PLANNING
COMMISSIONERS**

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A Minutes**
Approve Minutes of 9/14/15
- 7. NEW BUSINESS:**
 - A Ag Estate Dwelling Site**
AEDS: E 1/2 of SW 1/4 of Section 10
Applicant(s): Jean Pieper Family Trust/Accustar Surveying
Owner(s): Jean Pieper Family Trust
Location: N of W 42nd St., south of Scottsbluff Drain
 - B Tabled Ordinance Text Chg Chapter 21**
Ord Text Change: Subdivision Code - Alley location
Applicant(s): City
Owner(s): N/A
Location: N/A
- 8. ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

City of Scottsbluff, Nebraska
Monday, October 12, 2015
Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 9/14/15

Staff Contact: Annie Urdiales

**Planning Commission Minutes
Regular Scheduled Meeting
September 14, 2015
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, September 14, 2015, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on September 4, 2015. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

ITEM 1: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Mark Westphal, Dana Weber, Callan Wayman, David Gompert, Jim Zitterkopf, Henry Huber, and Becky Estrada. Absent: Angie Aguillo. City officials present: Annie Urdiales, Planning Administrator, and Annie Folck, City Planner.

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase in the back area of the City Council Chamber, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: None.

ITEM 4: Business not on agenda: None

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of August 10, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Zitterkopf. **"YEAS":** Zitterkopf, Huber, Wayman, Gompert, Chadwick, and Estrada. **"NAYS":** None. **ABSTAIN:** Weber, & Westphal. None. **ABSENT:** Aguillo. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a special use permit request from Darwin Adams, property owner of 210 East Overland. Mr. Adams recently purchased the building along with empty lots to the east of the building. These lots have been used as a parking lot for the previous business. The building has an existing apartment on the top floor (approximately 800 sq. ft.) and Mr. Adams would like to renovate the existing apartment in the upper level of the building and possibly extend the apartment to the ground floor (upper & lower area would be approximately 1600 sq. ft.).

Mr. Adams is proposing to move an existing business (Infinite Graphics) into the building and will use the three lots to the east of the building as parking for the business. He may either rent the apartment out or use as a place for a security guard for the building.

The property is zoned C-3 Heavy Commercial. The applicant has submitted all proper paper work for the permit. The surrounding properties are C-3 Heavy Commercial with some R-1A single family residential to the east on 3rd Avenue and apartments to the north on East Overland. Findings include: 1) The use is consistent with the surrounding zonings and uses; 2) The use will not be injurious to neighboring uses; 3) The use will not create special hazards or problems; 4) the use is harmonious with the general area; 5) The use is in accordance with the intents and purposes of the code.

A building permit must be issued within one year of approval of the Special Use Permit or the Permit expires and per 25-13-11 the permit may not be transferred with change of ownership of the land.

A couple of property owners to the south along 3rd Avenue (Sam Rose, and Terry Schaub representing Gary Schaub) expressed concerns about the alley along the building property and the vacant lots. If Mr. Adams were to request that the City vacate the alley in would have to go before the Planning Commission and the City Council. The City would recommend that the alley remain in place as this access would be necessary for the existing commercial lots along the west side of 3rd Avenue. Mr. Rose and Mr. Schaub expressed no opposition to the apartment in the commercial building, as long as the business use remains.

Conclusion: A motion was made by Gompert and seconded by Chadwick to make a positive recommendation to approve the special use permit to allow residential use within the business located at 210 East Overland located in a C-3 - Heavy Commercial zoning district. **"YEAS":** Weber, Zitterkopf, Chadwick, Gompert, Wayman, Westphal, and Huber. **"NAYS":** Estrada. **ABSTAIN:** None. **ABSENT:** Aguillo. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a proposed text amendment change to Chapter 21 of the Subdivision Code 21-1-20 alley location – an alley shall be provided at the rear of every lot proposed for business purposes. Lately we have had a few commercial developments/subdivisions come before the Planning Commission and one of the things we have discussed is the placement of alleys on these developments. We have approved a couple of different plans for the developments - access easements or a plan showing how emergency and maintenance vehicles will access the site. These alley requirements have hindered some of the proposed developments and the developers have asked for variances to this requirement. We checked with legal and they proposed some language to the code. The proposed ordinance will add three exceptions to this code. An alley shall be provided at the rear of every lot used or proposed to be used for business purposes. Provided, however, a subdivision may be approved without an alley at the rear of a lot, if the following conditions are met:

(1) The applicant has provided and will maintain access sufficient for emergency vehicles and City vehicles needed for trash, sewer, water or other City services, as well as access for delivery vehicles; or

(2) The applicant has provided and maintains an access easement(s) sufficient for the City to use for emergency vehicles, other city vehicles for trash, sewer or water; and

(3) The City, through its Planning and Development Department, Public Works Department and Fire Department, has reviewed the proposed subdivision for sufficient access or easements and the Mayor or Council President signs a written waiver on behalf of the City for the required alley and its location."

The Planning Commission questioned what would be done if the access easements and utility easements were not maintained as stated in the ordinance, they would like some language put in place to define accountability if the easements are not sufficiently maintained, also who will be responsible for checking that the access/easements are maintained? If it is an alley the City will usually maintain to a point – property owners are usually responsible to the center of the alley regarding weeds, trash, etc. Access easements would be the property owner's responsibility if they are being used daily maintenance should not be a problem as the traffic will keep weeds down; hopefully the business owner would want their development to look nice. If these easements are not maintained code enforcement could write notices as they do now when we get complaints on property, the City has one code enforcement employee and they cannot monitor all easements within the City. Staff will ask legal for suggestions on how to enforce the maintenance of the easements if they are not maintained as a suitable access for emergency and maintenance vehicles.

Conclusion: A motion was made by Westphal and seconded by Chadwick to table the ordinance amendment change to 21-1-20 until language can be added on disciplinary action or accountability on the maintenances of the access easements and alleys on commercial development. **"YEAS":** Huber,

Weber, Westphal, Chadwick, Gompert, Zitterkopf, Wayman, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Aguillo. Motion carried.

ITEM 7C: The Planning Commission was addressed by Annie Folck, progress has been made on the Comprehensive Development, utility studies show that there are existing areas within the City with existing infrastructure that could be developed now, consultants have reviewed and have some options on where the City can develop in the future. Annie F. and Daniel Bennett with PADD have also been working on setting up some public hearings, hoping to get feedback from the public. Usually we have the same people show up for our public hearings so they have decided to team up with the schools and have public hearings when parent-teacher conference are being held in October. The hope is to have volunteers from the Planning Commission along with Daniel Bennett, Annie F. and Annie U. at each conference to answer questions from the public regarding the comprehensive plan; we hope to have information on transportation, parks, quality of life, capital improvement projects. We also plan to set up a booth and the Winter Farmers Market with information available to the public we will also have an on line survey people can do on line; the media will help get information out for us. The schools have also agree to have their computer labs open and made available to the public who do not have access to a computer, they will be able to take a few minutes and fill out the survey when they are at parent-teacher conferences, we will also have (Spanish) interpreters available at Roosevelt School. Parent teacher conference will be held on October 27th at Bluff's Middle School 4:00 p.m. to 7:30 p.m., the 28th Roosevelt Elementary School 4:00 p.m. to 7:30 p.m., and the 29th Westmoor Elementary from 8:00 a.m. to 11:00 a.m.

ITEM 8. Unfinished Business: The Planning Commission was also reminded about the conference in Kearney on September 28th and 29th. Annie Folck will be attending. This conference is to help boards/commissions to make good decisions for zoning and development within Cities and Counties. A bill had been introducing which would allow the State to overturn decisions made by local boards. The APA/NPZA was able to address this bill and it did not pass. The conference is meant to train the boards to make decisions according to code and findings of fact, and not to be pressured by public opposition.

Annie F. also mentioned the workshop we will hold here on October 15th at the Civic Center and will get more information out when the final agenda is ready.

There being no further business, a motion to adjourn was made by Gompert and seconded by Chadwick. The meeting was adjourned at 6:45 p.m. **"YEAS"**: Gompert, Zitterkopf, Wayman, Weber, Westfield, Chadwick, Huber, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Aguillo. Motion carried.

Becky Estrada, Chairperson

Attest: _____
Annie Urdiales

City of Scottsbluff, Nebraska
Monday, October 12, 2015
Regular Meeting

Item NewBiz1

Ag Estate Dwelling Site

AEDS: E 1/2 of SW 1/4 of Section 10

Applicant(s): Jean Pieper Family Trust/Accustar Surveying

Owner(s): Jean Pieper Family Trust

Location: N of W 42nd St., south of Scottsbluff Drain

Staff Contact: Annie Urdiales

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To:	Planning Commission	Zoning:	Agricultural
From:	Development Services Department	Property Size:	2.06 ± acres
Date:	October 12, 2015		
Subject:	Tract in E ½ of SW ¼ of Section 10, T22N R55W		
Location:	N of West 42 nd St. & South of the Scottsbluff Drain, in our Extra Territorial Jurisdiction		

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property.

Background

The applicant(s), Jean Pieper Family Trust applied for a variance from the Board of Adjustment on an AED on the southwest corner of their farm. The farm property is addressed as 1605 W. 42nd Street owned by Jean Pieper Family Trust. The variance requested was to allow for two (2) Agricultural Estate Dwellings sites (AEDS) on the farm ground. The property is situated in our extra territorial jurisdiction northwest of the City and zoned Agricultural, our code allows for one Agricultural Estate Dwelling is allowed in an A - Agricultural zoning district. The Pieper Family was approached about buying a separate two acres of land on the southwest corner which is cut off by the Scottsbluff drain which makes the area difficult & unproductive to farm. In the future, if the property were to be subdivided, this area would remain cut off from the rest of the property by the Scottsbluff Drain the family asked for the variance to allow them to do two Ag Estate Dwellings on the farm land. The Board of Adjustment approved the variance at their meeting of August 10, 2015. Both areas front West 42nd Street (an existing dedicated public road) and will have a width of 150 feet; they will also meet the two acre minimum lot size requirement for an AEDS. City sewer runs along 42nd Street and to the back of the area on the SW corner. A well will be used for water.

Analysis

The property owner is proposing to separate approximately 2.06 acres more or less of the property separating an area to allow for a home & other buildings. Access onto the site will be from West 42nd Street (an existing dedicated public road) City sewer runs along 42nd Street and to the back of the area on the SW corner, a well will be used for water. The Development Services staff has reviewed the application and the lot will meet the necessary requirements of an Agricultural Estate Dwelling (AED) in an Agricultural Zoning District.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve the AED for property described as a tract of land (2.06 acres) in the E ½ of the SW Quarter of Section 10, Township 22 North, Range 55 West of the 6th P.M Scotts Bluff County, Nebraska subject to the following condition(s):

Deny

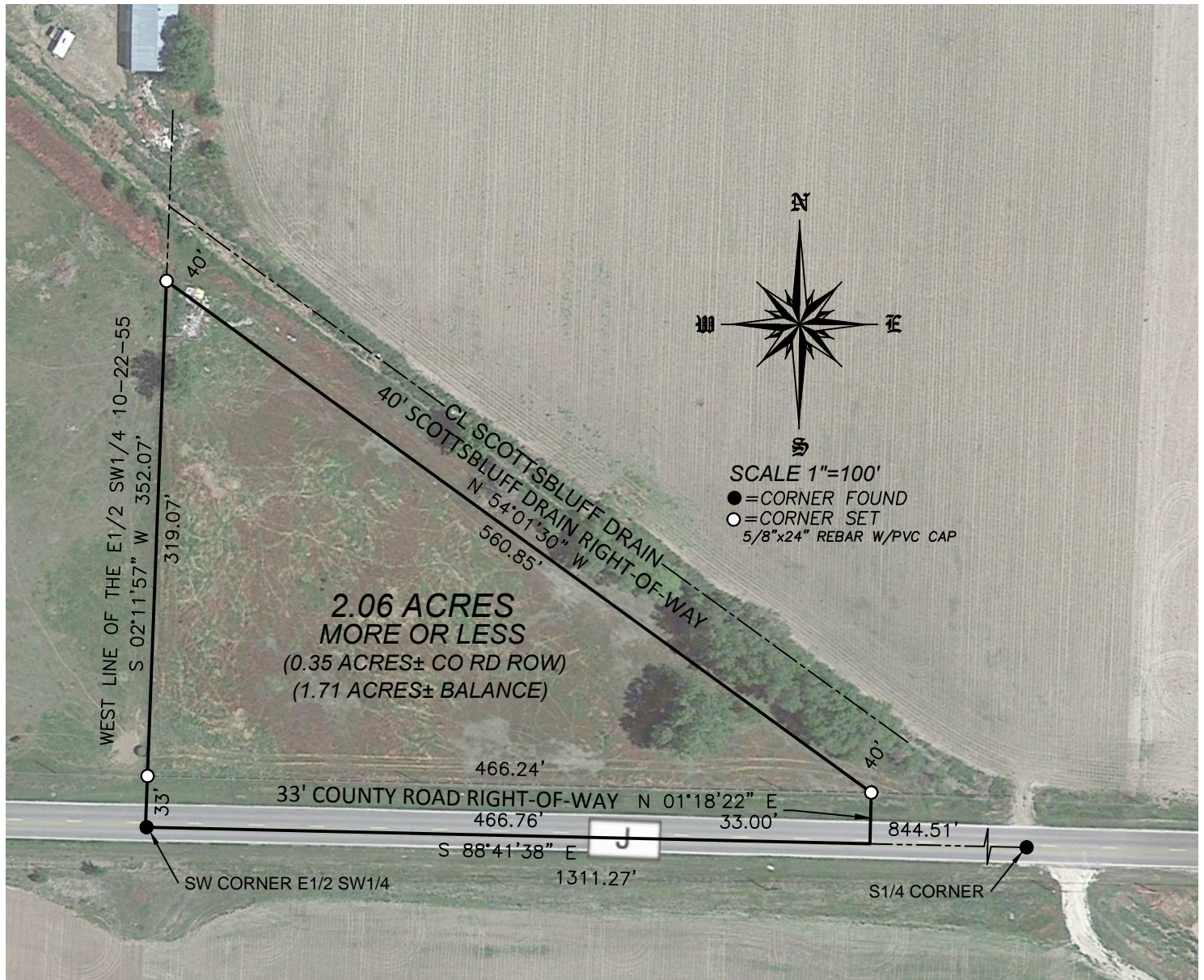
Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the AED for property described as a tract of land (2.06 acres) in the E ½ of the SW Quarter of Section 10, Township 22 North, Range 55 West of the 6th P.M Scotts Bluff County, Nebraska for the following reason(s):

TABLE

Make the motion to TABLE the AED for property described as a tract of land (2.06 acres) in the E ½ of the SW Quarter of Section 10, Township 22 North, Range 55 West of the 6th P.M Scotts Bluff County, Nebraska the following reason(s):

AEDS SURVEY EXHIBIT

TRACT OF LAND IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY,
NEBRASKA.



LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE, ON THE SOUTH LINE OF SAID SECTION, S88°41'39"E FOR A DISTANCE OF 466.76 FEET; THENCE, AT RIGHT ANGLES, N01°18'22"E TO A POINT OF INTERSECTION WITH THE NORTHERLY COUNTY ROAD RIGHT-OF-WAY AND THE SOUTHERLY RIGHT-OF-WAY FOR THE SCOTTSBLUFF DRAIN, BEING A DISTANCE OF 33.00 FEET; THENCE, ALONG THE SOUTHERLY-RIGHT-OF-WAY OF THE SCOTTSBLUFF DRAIN, N54°01'30"W TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE SAID EAST HALF, BEING A DISTANCE OF 560.85 FEET; THENCE, ALONG SAID WEST LINE, S02°11'57"W FOR A DISTANCE OF 352.07 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 2.06 ACRES, MORE OR LESS, OF WHICH 0.35 ACRES ARE CONTAINED IN COUNTY ROAD RIGHT-OF-WAY.

**SHEET
1 OF 1**

PROJECT:
AEDS 10-22-55
RON ALLEN
SCOTTSBLUFF, NEBRASKA

ACCUSTAR SURVEYING

30601 COUNTY ROAD 17
PHONE: (308) 623-0197

MITCHELL, NE 69357
CELL: (308) 631-0737

Scale 1"=100'

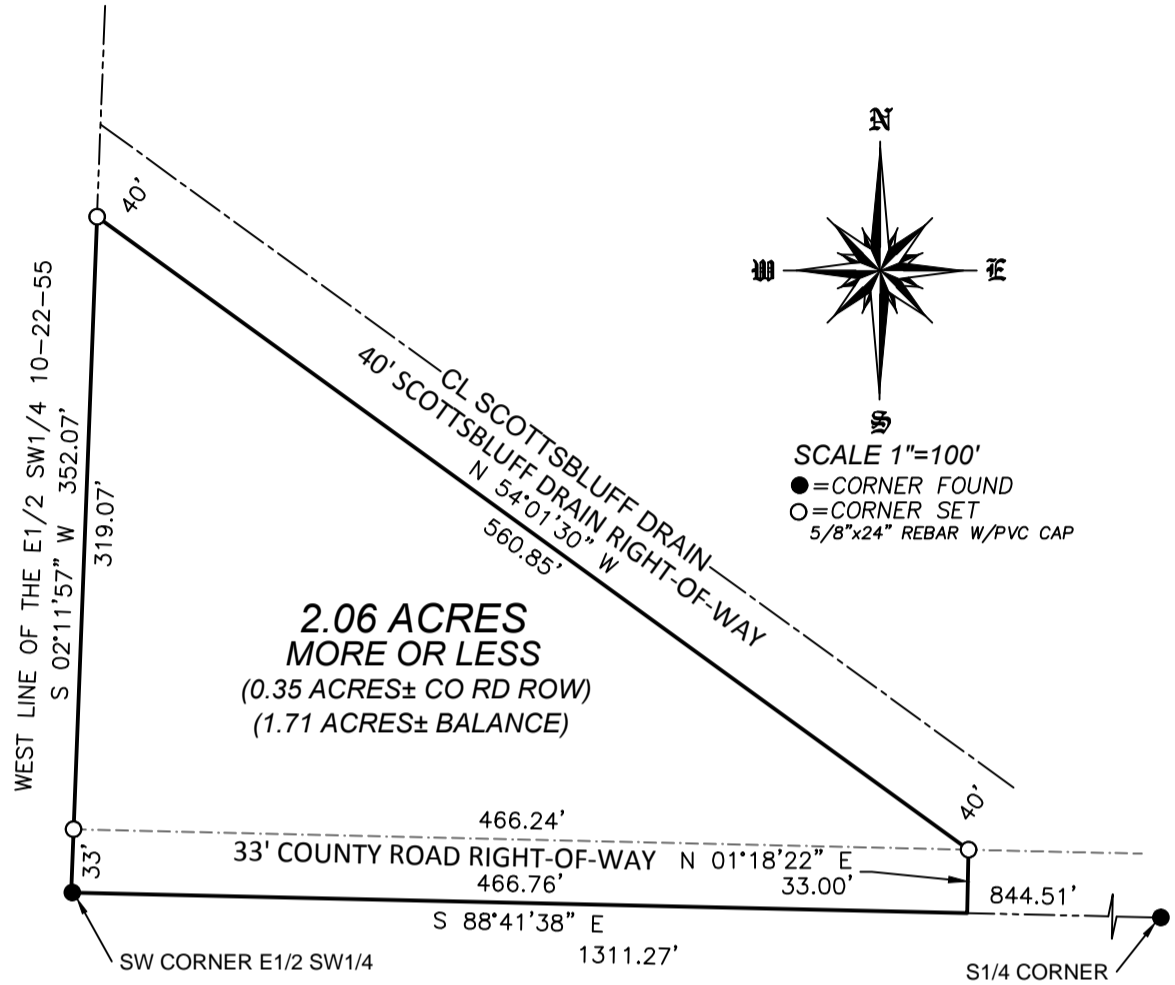
Date: SEPTEMBER 7, 2015

Dwn By SMB

REVISED:

AEDS SURVEY

TRACT OF LAND IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY,
NEBRASKA.



LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE, ON THE SOUTH LINE OF SAID SECTION, S88°41'39"E FOR A DISTANCE OF 466.76 FEET; THENCE, AT RIGHT ANGLES, N01°18'22"E TO A POINT OF INTERSECTION WITH THE NORTHERLY COUNTY ROAD RIGHT-OF-WAY AND THE SOUTHERLY RIGHT-OF-WAY FOR THE SCOTTSBLUFF DRAIN, BEING A DISTANCE OF 33.00 FEET; THENCE, ALONG THE SOUTHERLY-RIGHT-OF-WAY OF THE SCOTTSBLUFF DRAIN, N54°01'30"W TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE SAID EAST HALF, BEING A DISTANCE OF 560.85 FEET; THENCE, ALONG SAID WEST LINE, S02°11'57"W FOR A DISTANCE OF 352.07 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 2.06 ACRES, MORE OR LESS, OF WHICH 0.35 ACRES ARE CONTAINED IN COUNTY ROAD RIGHT-OF-WAY.

SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE', NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND DESCRIBED IN THE LEGAL DESCRIPTION AND SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 100 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 7th day of September, 2015.

Scott M. Bosse'
NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603



SHEET 1 OF 1	PROJECT: AEDS 10-22-55 RON ALLEN SCOTTSBLUFF, NEBRASKA	ACCUSTAR SURVEYING 30601 COUNTY ROAD 17 PHONE: (308) 623-0197 MITCHELL, NE 69357 CELL: (308) 631-0737	Scale 1"=100' Date: SEPTEMBER 7, 2015 Dwn By SMB REVISED:
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City of Scottsbluff, Nebraska
Monday, October 12, 2015
Regular Meeting

Item NewBiz2

Tabled Ordinance Text Chg Chapter 21

Ord Text Change: Subdivision Code - Alley location

Applicant(s): City

Owner(s): N/A

Location: N/A

Staff Contact: Annie Urdiales



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: October 12, 2015
Subject: Proposed Ordinance text change in Chapter 21
Subdivision Code, 21-1-20 Alleys: location

The Planning Commission tabled a proposed ordinance text change amendment at their last meeting regarding language in Chapter 21, Subdivision Code, 21-1-20, regarding placement of alleys on all lots development for commercial business.

The proposed ordinance states three exceptions to this code. 1) There is access for emergency vehicles and City vehicles needed for trash, sewer, water or other City services, as well as access for delivery vehicles; or 2) The applicant has provided access easements for the City to use for emergency vehicles, other city vehicles for trash, sewer or water; and 3) The City's Director of Public Works has reviewed the proposed subdivision for access or easements and has signed a written waiver on behalf of the City for the required alley and its location.

Some of the concerns were who will enforce if they do not maintain the access easement, what would be done if the access easements and utility easements were not maintained as stated in the ordinance.

I checked with legal regarding the Planning Commission concerns and was told the property owner granting the easement to the City will still own the property and as such would have the duty to "maintain" the easement area, (mowing weeds and grooming the property). The City will be granted the right to use the area as access and would be the dominant estate, but the property owner would still own the servient estate, just subject to the easement. By "maintain" we mean the right to drive over and not have any obstructions, then the City would have to monitor and make sure there are no obstructions to prevent its use. If there are obstructions, then the City would have to take actions to exercise the rights granted in the easement. The City could not delegate to the public its duty to maintain their property rights, as those attempts have been rejected by our supreme court. These easements will be like all the other easements throughout the City.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amendment in Chapter 21 Subdivision Code amending 21-1-20 setting forth exceptions on alley requirement/placement in business zoning districts subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amendment in Chapter 21, Subdivision Code, amending 21-1-20 setting forth exceptions on alley requirements/placement in business zoning districts subject for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance text amendment in Chapter 21 Subdivision Code amending 21-1-20 setting forth exceptions on alley requirements/placement in business zoning districts for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 21, ARTICLE 1, RELATING TO SUBDIVISION REQUIREMENTS AND SPECIFICALLY ALLEYS, AMENDING SECTION 21-1-20 RELATING TO REQUIRED ALLEYS, REPEALING FORMER SECTIONS, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Section 21-1-20 of the Scottsbluff Municipal Code is amended to provide as follows:
“21-1-20. Alleys; location; exception.

An alley shall be provided at the rear of every lot used or proposed to be used for business purposes. Provided, however, a subdivision may be approved without an alley at the rear of a lot, if the following conditions are met:

- (1) The applicant has provided and will maintain access sufficient for emergency vehicles and City vehicles needed for trash, sewer, water or other City services, as well as access for delivery vehicles; or
- (2) The applicant has provided and maintains an access easement(s) sufficient for the City to use for emergency vehicles, other city vehicles for trash, sewer or water; and
- (3) The City, through its Planning and Development Department, Public Works Department and Fire Department, has reviewed the proposed subdivision for sufficient access or easements and the Mayor or Council President signed a written waiver on behalf of the City for the required alley and its location.”

Section 2. All other Ordinances and parts of Ordinances passed and approved and in conflict herewith are now repealed.

Section 3. This Ordinance shall be published in pamphlet form and shall become effective upon its passage and approval.

PASSED AND APPROVED on _____, 2015.

Mayor

ATTEST:

City Clerk

(Seal)