

# **City of Scottsbluff, Nebraska**

**Monday, March 9, 2015**

**Regular Meeting**

## **Item NewBiz2**

### **Ordinance change Re-plats**

*Ordinance: Amending 21-1-68*

*Applicant(s): N/A*

*Owner(s): N/A*

*Location: N/A*

**Staff Contact: Annie Folck**



# SCOTTSBLUFF PLANNING COMMISSION Staff Report

**To:** Planning Commission  
**From:** Staff Development Services  
**Date:** March 9, 2015  
**Subject:** Proposed Ordinance text changes in Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting number of times a plat can be redone

Staff had previously discussed changing the number of times a final plat can be re-platted or amended. When a property is final platting it is assumed this will be the last time the property will be changed and access and size will be developed as shown on the final plat, but there are times when the original final plat was approved several years back and current circumstances have changed, a new plan may work better with the surrounding development and a change in the layout may be a better fit with the surrounding lots either in size or access onto the property which would be a better fit, a re-plat or amended plat could be filed with the Planning Commission for review and approval with final approval from City Council. In working with the Register of Deeds we have found it is easier for them, title companies, and others to track a property if it is vacated instead of repeatedly re-platted. The George Baltes subdivision is one of the subdivisions that have had several amendments and re-platting making it difficult to research and tract the individual lots as they are sold and resold. Also when the surveyor re-plats a lot they have to go back to the very beginning and list this in the title of the plat, this can be quite lengthy when it has been platting and changed several times, and if something is missed has to be done over.

Annie Folck did some research with other cities and talked with Jean Bauer at the Register of Deeds on how this could be improved, changing our code to allow a minimum of two re-plats/amendments, seems to be a good fit for the City and if more than two requests for change are made an ordinance to vacate will be required to accompany a new final plat for the requested changes, the ordinance and plat can be done simultaneously.

## RECOMMENDATION

### Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a final plat can be amended or re-platted subject to the following condition(s):

### Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a final plat can be amended or re-platted for the following reason(s):

### Table

Make the motion to TABLE the proposed ordinance text amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a final plat can be amended or re-platted for the following reason(s):



February 20, 2015

City of Scottsbluff  
Planning Commission  
2525 Circle Drive  
Scottsbluff, NE 69361

RE: Hearing – March 9, 2015 – Replatting Changes

Dear Commission Members:

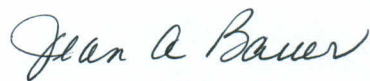
On March 9, 2015, the City of Scottsbluff's Planning Commission will hear from City employees and others concerning changes to the City code which affect the platting and replatting of lots/subdivisions within the City of Scottsbluff. Due to a prior commitment, I am unable to attend this meeting as I will be out of town, but offer this letter in support of the changes requested by Annie Folck.

When developing a parcel of property, the builder has a vision for what he wants that parcel to look like once it is fully developed. The builder plats the property into lots to be sold to various buyers for further development. The plat is then filed with the Register of Deeds office creating lots/blocks out of what was previously unplatted ground. In the process of selling those lots to buyers, the seller often realizes that what the vision was for a particular parcel is not going to be workable for the buyer. For example, the buyer needs more land, less land, more frontage, etc. The seller then finds that the lot(s) need to be replatted to accommodate what the buyer wants to build. A surveyor is hired to prepare a new plat (replatting the old lots); the replat goes through the planning commission and is approved; and ultimately the replat is filed at the Register of Deeds office. The buyer purchases the lot(s), builds residential or commercial development, and all is good with the world. Typically, we see a development platted once and then possibly one or two replats on specific lots. The property is never again replatted or altered in any way.

Contrary to the above scenario, we have been seeing an increase in the number of areas which have been replatted upward of five (5) to ten (10) times. For some reason, we cannot seem to understand why this happens, but there are a few areas in town which have fallen into this category. You may be asking why this is an issue. I will try to explain.

I am writing this letter in support of Ms. Folck's request that the City of Scottsbluff limit the number of replats on property. There are many counties/cities across our state which do not allow replats and simply make the property owner go through the process of vacating the previous plat and starting over. It is my understanding the vacation process can be done simultaneously with the approving of a new plat. By limiting the number of replats, you are allowing my office to have cleaner records which are more easily searchable by the public, surveyors, banks, attorneys and title companies. The Scotts Bluff County Register of Deeds office would like to encourage you to approve the limiting of replats.

Sincerely,



Jean A. Bauer  
Register of Deeds

/jab  
Enclosures



When property is bought, sold and mortgaged, documents are filed at the Register of Deeds office which transfer and mortgage the property. Those documents contain legal descriptions which reference what property is being sold and mortgaged. When we have replat after replat, the legal descriptions on these documents become a problem. Let me give you an example of a property which is confusing:

1. On April 9, 2012, Zitterkopf Subdivision was platted creating Lots 1, 2 and 3.
2. On May 23, 2012, Lots 1-2-3 of Zitterkopf Subdivision were replatted into Lots 1A and 2A, Zitterkopf Subdivision.
3. On November 15, 2012, Lots 1A and 2A, Replat of Lots 1-2-3 Zitterkopf Subdivision were again replatted into Lots 1, 2 and 3, **Block 1**, Zitterkopf Subdivision.

While #1 through #3 above are somewhat confusing, the legal descriptions associated with these replats are even more so. In **#1 above**, the legal would read **Lots 1, 2 and 3, Zitterkopf Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska**. In **#2 above**, the legal would read **Lots 1A and 2A, Replat of Lots 1, 2 and 3, Zitterkopf Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska**. In **#3 above**, the legal would read **Lots 1, 2 and 3, Block 1, Replat of Lots 1A and 2A, Replat of Lots 1, 2 and 3, Zitterkopf Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska**. Honestly, this area is pretty light on the replats compared to what we are experiencing in some other areas. Essentially, each time you replat, you need to refer to that replat in your legal description. The more replats, the more you have for reference on your legal description.

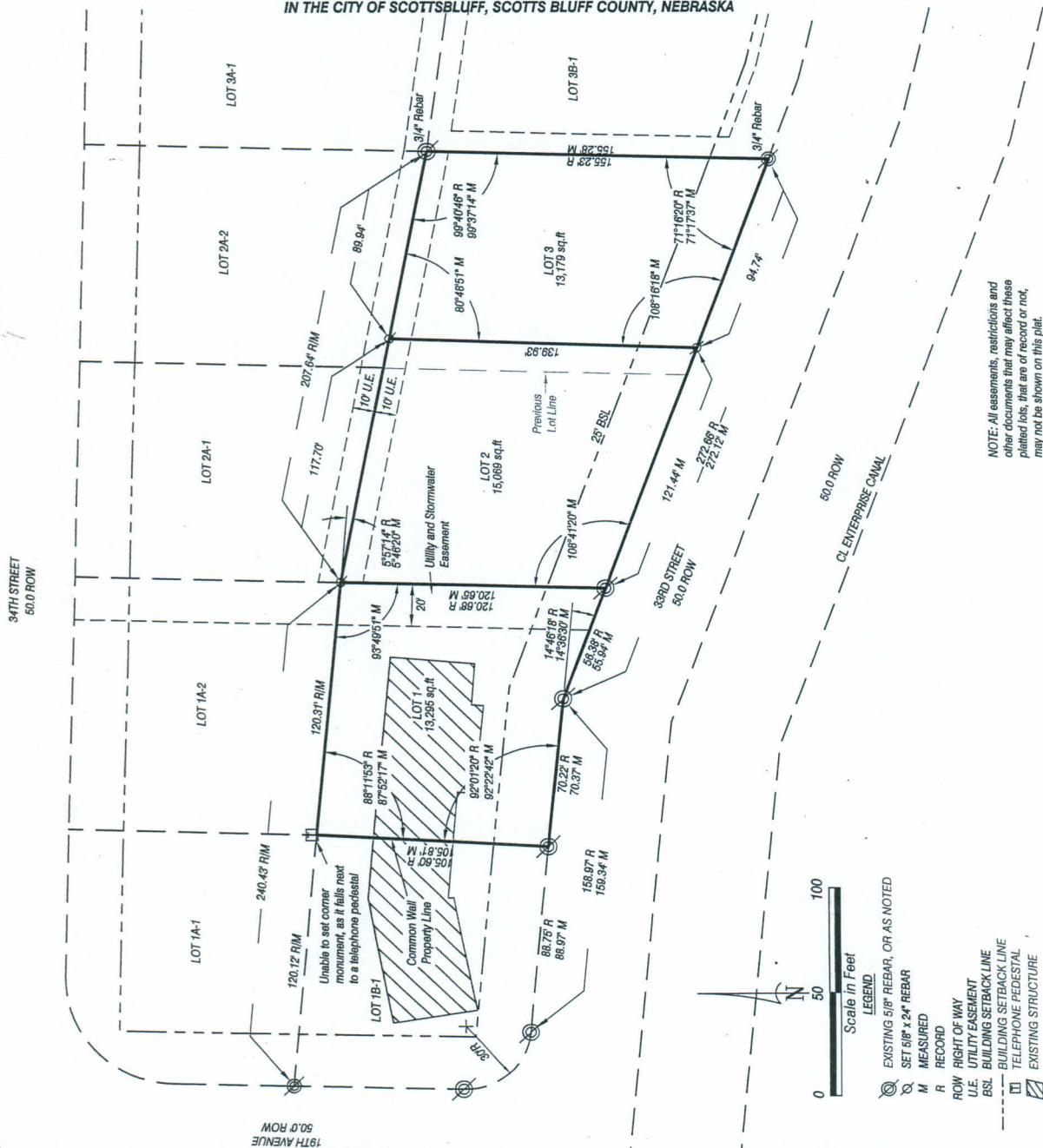
Obviously, this becomes more of an issue with multiple replats, but sometimes with even one replat, the Register of Deeds office experiences problems with filings. In the Zitterkopf Subdivision, you just have these three (3) lots. Imagine having ten (10) blocks with multiple lots in each block, and multiple replats of those lots. The legal descriptions can get pretty dicey and cause error on behalf of banks, attorneys and title companies when filing deeds and deeds of trust.

**FINAL PLAT**

**LOTS 1, 2 AND 3, ZITTERKOPF SUBDIVISION,  
IN THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA**

SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13,  
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA

A PLAT OF VACATED LOTS 4B AND 2B2, BLOCK 1, DITCH NORTH ADDITION,  
IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA



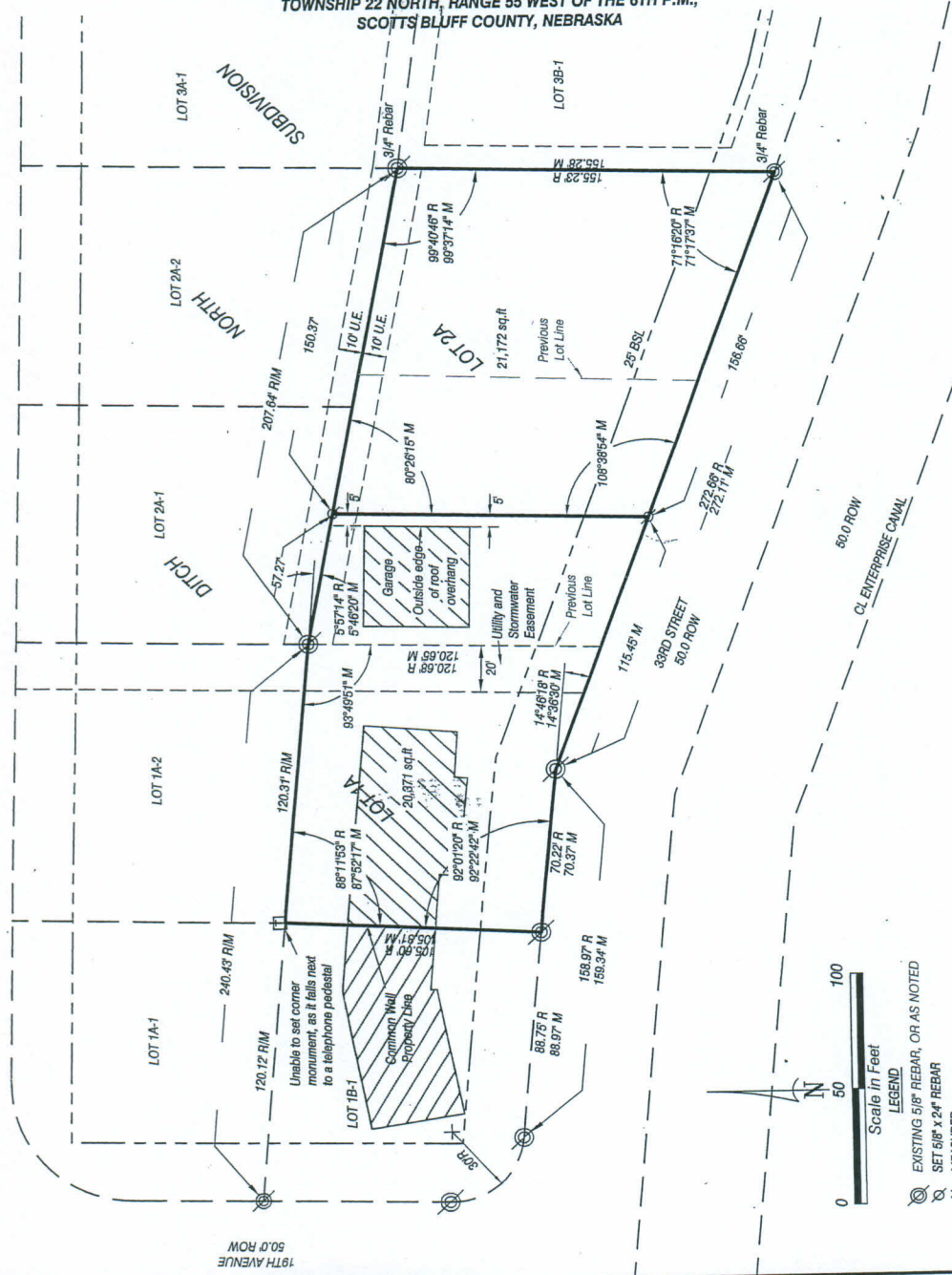


**FINAL PLAT**

**LOTS 1A AND 2A, ZITTERKOPF SUBDIVISION,  
IN THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA**

A REPLAT OF LOTS 1, 2 AND 3, ZITTERKOPF SUBDIVISION,  
IN THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA

SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13,  
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA



NOTE: All easements, restrictions and other documents that may affect these platted lots, that are of record or not, may not be shown on this plat.



2012-6277

NUM INDEX 1750  
COMPUTER C/N  
PICTURED C  
IMAGED

NUM PAGES 3  
DATE 11-15-12 PD 17:50 CHG 17:50 RET  
TOTAL 17:50 CHG 17:50 RET  
RECD James Zitterkopf  
RET

RECORDED  
SCOTTS BLUFF COUNTY, NE

Date 11-15-12 Time 1:33pm  
Inst. 2012 6277  
Jean A. Bauer

REGISTER OF DEEDS

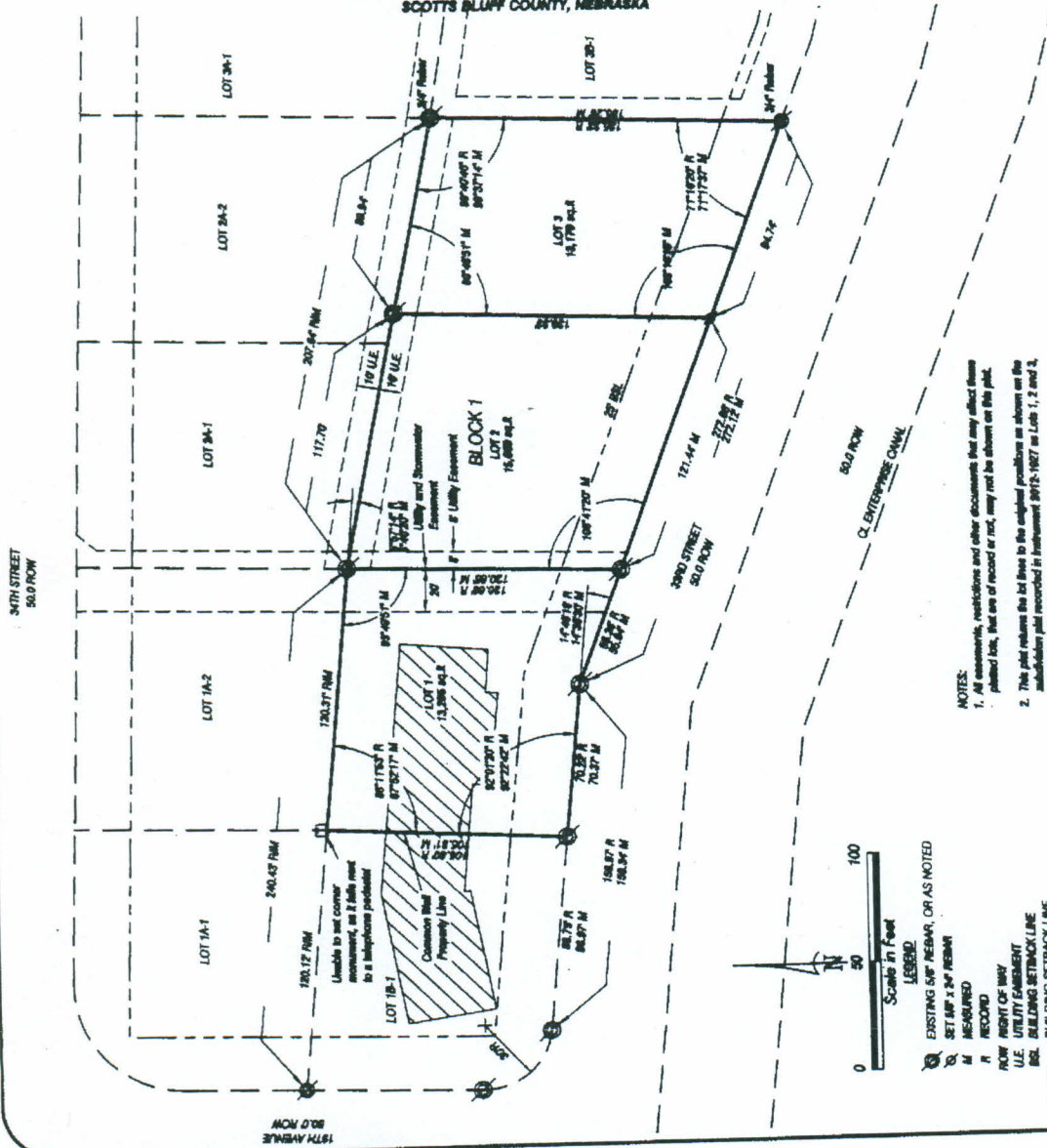
### FINAL PLAT

#### LOTS 1, 2 AND 3, BLOCK 1, ZITTERKOPF SUBDIVISION, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

A REPLAT OF LOTS 1A AND 2A, ZITTERKOPF SUBDIVISION,  
IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

A REPLAT OF LOTS 1, 2 AND 3, ZITTERKOPF SUBDIVISION,  
IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13,  
TOWNSHIP 22 NORTH, RANGE 86 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA



NOTES:  
1. All easements, restrictions and other documents that may affect these  
plotted lots, but are of record or not, may not be shown on this plat.  
2. This plat returns the lot lines to the original positions as shown on the  
subdivision plat recorded in instrument 2012-1027 in Lot 1, 2 and 3,  
Zitterkopf Subdivision.

Scale in Feet  
0 50 100  
LEGEND  
EXISTING 50' NEARBY, OR AS NOTED  
TO SET 50' x 50' NEARBY  
M MEASURED  
R RECORDED  
NEW RIGHT OF WAY  
U.E. UTILITY EASEMENT  
B.E. BUILDING SETBACK LINE  
S.E. SETBACK LINE  
TELEPHONE PRESTAL  
EXISTING STRUCTURE



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 21, ARTICLE 1, RELATING TO AMENDING OR REPLATTING A FINAL PLAT, LIMITING THE NUMBER OF TIMES A FINAL PLAT CAN BE AMENDED OR REPLATTED, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 21-1-68 of the Scottsbluff Municipal Code is amended to provide as follows:  
“21-1-68. Amended plat; limiting the number of times a final plat can be amended, procedures; notice; fees.

After approval of a final plat by the mayor and city council such final plat may be amended or replatted, either in whole or in part, a total of two (2) times. If an application for amendment or replat of a final plat or portion of an existing plat, is received by the City for a third time, the final or existing plat must be vacated by ordinance prior to any amendment or replatting, after hearings by the planning commission and the city council, before the city will approve the application by the owners. Except as specifically provided in this section the amended plat and application therefor shall conform to all requirements of this article for final plats provided however, that if only part of the final plat is amended, the certificate required by Section 21-1-59 may be made by the owner or owners of the land shown in the amended plat.

At the time of submitting the amended plat to the Planning and Building Official, the applicant shall pay a fee in the amount provided in Chapter 6, Article 6 plus the additional amount provided in Chapter 6, Article 6 for each property owner who is entitled to notice pursuant to the provisions of this section.

In addition to submitting the drawing, the applicant shall submit the plat on a 3½ inch diskette or CD ROM in AutoCAD format, latest version.

Information relating the plat datum to state plane coordinates shall be provided on the plat so that the plat can be included in the City of Scottsbluff and County of Scotts Bluff GIS data. Each entity shall be responsible for adding the data to the GIS. For plats less than 20 acres, the Point of Beginning on the plat shall be referenced to State Plane Coordinates. The datum shall be NAD 83 (in feet), or the current datum adopted by the City at the time of plat submittal. Information on existing monuments that have established state plane coordinates can be obtained from the Scotts Bluff County Surveyor. The reference can be in the form of a note on the plat that includes a description of the reference point, the coordinates in feet, and the average scale factor. For plats larger than 20 acres the Point of Beginning and one additional point at the opposite corner of the Point of Beginning shall be referenced to State Plane Coordinates. The reference can be in the form of a note on the plat that includes a description of the reference points, coordinates in feet, and the average scale factor.

An application to amend a plat shall set forth the number of times a replat or amendment has been applied for by the owner prior to this application and shall be reviewed by the Planning and Building Commission only if the proposed amendment creates more lots than existed on the original final plat or if the amended plat proposes to make changes in any public right-of-way or easement.

Section 2. Previously existing Section 21-1-68 and all other Ordinances and parts of Ordinances in conflict therewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2015.

ATTEST:

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Seal)

\_\_\_\_\_  
City Attorney