

STATE OF NEBRASKA }  
Lancaster County } ss  
in said county, the 20th day of February 1980  
at 4:30 o'clock P. M. File No. 80-996  
Fee Paid \$

Microfilmed for record in the  
Clerks Office in Lincoln

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

R-3424  
10 pgs  
996

W. H. Waggoner

County Clerk in The Office of Approval )  
of the Final Plat of )  
Waggoner Subdivision )

RESOLUTION NO. 3424

WHEREAS, William H. Waggoner and Darlene M. Waggoner, husband and wife, as subdividers desire to plat the following described real estate:

A Subdivision of Lots 26, 27 and 40,  
Irregular Tracts of the NW 1/4,  
Section 27, Township 10 North, Range  
5 East, of the 6th P.M., Lancaster  
County, Nebraska;

The said real estate to be designated Waggoner Subdivision, the plat having been filed in the Office of the Lincoln-Lancaster County Planning Commission with a request for approval and acceptance thereof; and

WHEREAS, it is for the health, safety and welfare of the inhabitants of the County of Lancaster and for the public that said plat be approved and accepted as filed.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lancaster County, Nebraska, that the plat of Waggoner Subdivision filed in the Lincoln-Lancaster County Planning Commission be and hereby is approved and accepted, and the subdividers are hereby given the right to plat the said Waggoner Subdivision as an addition to the County of Lancaster, Nebraska, in accordance therewith. Such acceptance and approval are conditioned as follows:

1) That all streets within this subdivision shall be graded to their full width including side slopes and to the appropriate grades as per the street grades submitted with the final plat and shall be surfaced in accordance with the applicable design specification of the County.

2) That the subdivider, his successors and assigns agree that an individual septic tank or other individual disposal system approved by the City-County Health Department be constructed and installed on each lot within this subdivision and that the design and location of said individual septic tank or other approved sewage disposal system shall be submitted to the City-County Health Department for their review and approval prior to the construction, and that the construction and installation of said individual septic tank or other approved individual sewage disposal system shall be in accordance with all applicable State laws and regulations, County Resolution #2832 and shall be accomplished under the direction, control and supervision of the City-County

Health Department.

3) That the subdivider, his successors and assigns agree to arrange a time with the City-County Health Department when additional percolation tests are to be performed to determine whether or not individual lots will be allowed a septic tank system or be required to have a treatment facility with a polishing lagoon. A representative from the City-County Health Department should be present to observe all percolation tests.

4) That the subdivider, his successors and assigns agree that no building permit shall be issued on a lot until the City-County Health Department has granted an individual sewage system construction permit as required by County Resolution #2832.

5) That the subdivider, his successors and assigns agree that the County of Lancaster in approving and accepting this final plat is in no way waiving or relieving the subdivider, his successors and assigns from complying with all State laws and regulations and County Resolution #2832.

6) That the subdivider construct wells or a community water supply system so that an adequate supply of potable water will be available to each lot in this subdivision at the time improvements are erected on said lots. The design of the well and/or the community water supply system shall be submitted to the City-County Health Department for their review and approval and the construction and installation of the well and/or the community water supply system shall be in accordance with all applicable State laws and regulations and shall be accomplished under the direction, control and supervision of the City-County Health Department and the County Engineer.

7) That the subdivider agrees to construct a temporary turn around at the east end of "West Waggoner" and the subdivider agrees to remove said temporary turn around at his own costs and expense at such time as said street is extended into the adjacent property.

Dated this 29th day of January, <sup>1980</sup>~~1979~~, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

*Joseph R. Edwards*  
*Don Lange*  
*John D. ...*

APPROVED AS TO FORM  
THIS 29 DAY OF Jan 1980

*Bar Lahn*  
LANCASTER COUNTY ATTORNEY

RDL/MEI/jh  
12/11/79

## A G R E E M E N T

WHEREAS, William H. Waggoner and Darlene M. Waggoner, husband and wife, have made application to the County of Lancaster, Nebraska, for permission to plat, and approval of the plat of Waggoner Subdivision, described as follows:

A Subdivision of Lots 26, 27 and 40, Irregular Tracts of the NW 1/4, Section 27, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Resolution approving said plat contains certain provisions requiring the installation of special improvements and other conditions to be performed.

NOW, THEREFORE, IT IS AGREED by William H. Waggoner and Darlene M. Waggoner, husband and wife, and Lancaster County, Nebraska, as follows:

As a condition to, and in consideration for the approval of the plat of Waggoner Subdivision, William H. Waggoner and Darlene M. Waggoner, husband and wife, hereby agree:

1) That all streets within this subdivision shall be graded to their full width including side slopes and to the appropriate grades as per the street grades submitted with the final plat and shall be surfaced in accordance with the applicable design specifications of the County.

2) That the subdivider, his successors and assigns agree that an individual septic tank or other individual disposal system approved by the City-County Health Department be constructed and installed on each lot within this subdivision and that the design and location of said individual septic tank or other approved sewage disposal system shall be submitted to the City-County Health Department for their review and approval prior to the construction, and that the construction and installation of said individual septic tank or other approved individual sewage disposal system shall be in accordance with all applicable State laws and regulations, County Resolution #2832 and shall be accomplished under the direction, control and supervision of the City-County Health Department.

3) That the subdivider, his successors and assigns agree to arrange a time with the City-County Health Department when additional percolation tests are to be performed to determine whether or not individual lots will be allowed a septic tank system or be required to have a treatment facility with

a polishing lagoon. A representative from the City-County Health Department should be present to observe all percolation tests.

4) That the subdivider, his successors and assigns agree that no building permit shall be issued on a lot until the City-County Health Department has granted an individual sewage system construction permit as required by County Resolution #2832.

5) That the subdivider, his successors and assigns agree that the County of Lancaster in approving and accepting this final plat is in no way waiving or relieving the subdivider, his successors and assigns from complying with all State laws and regulations and County Resolution #2832.

6) That the subdivider construct wells or a community water supply system so that an adequate supply of potable water will be available to each lot in this subdivision at the time improvements are erected on said lots. The design of the well and/or the community water supply system shall be submitted to the City-County Health Department for their review and approval and the construction and installation of the well and/or the community water supply system shall be in accordance with all applicable State laws and regulations and shall be accomplished under the direction, control and supervision of the City-County Health Department and the County Engineer.

7) That the subdivider agrees to construct a temporary turn around at the east end of "West Waggoner" and the subdivider agrees to remove said temporary turn around at his own costs and expense at such time as said street is extended into the adjacent property.

This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of each of the parties hereto.

BY THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

Dated this 29th day of  
January, 1979.  
1980

Joseph R. Edwards  
James H. ...  
John ...

Dated this 27 day of  
January, 1979.

William H. Waggoner  
WILLIAM H. WAGGONER  
Darlene M. Waggoner  
DARLENE M. WAGGONER

APPROVED TO FORM  
THIS 27 DAY OF Jan 1980

Row L. ...  
LANCASTER COUNTY ATTORNEY

ACKNOWLEDGEMENT

STATE OF NEBRASKA )  
                          ) ss.  
County of Lancaster )

The foregoing instrument was acknowledged before me this 22 day of December, 1979, by William H. Waggoner and Darlene M. Waggoner, husband and wife, and the aforesaid acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand in notarial seal on this 22 day of December, 1979.



W. C. Hagdon  
Notary Public



WAGGONER SUBDIVISION FINAL PLATPROPOSAL:

This final plat is located generally east of S.W. 98th Street and ½ mile south of West "O" Street. The subdivider, William H. Waggoner, is proposing to create 3 single family lots on a tract of land containing approximately 17.3 acres, all of which is presently zoned AG-Agriculture. This subdivision is in the county's jurisdiction.

DISCUSSION OF PROPOSAL BY PLANNING STAFF:

10-17-79

The preliminary plat for this final plat was denied by the Planning Commission of February 28, 1979. The subdivider appealed to the County Board. On April 10, 1979, the County Board approved the preliminary plat. This final plat is in conformance with that approved preliminary plat.

With the County Board's adoption of the new zoning regulations and the new zoning district map, this subdivision does not comply with the minimum lot size requirements. The Planning staff has discussed this with Mike Heavican, County Attorney's office. It was concluded that since this subdivision received preliminary plat approval prior to the change in the zoning regulations, a decision by the County Board must be made regarding this subdivision's "Grandfather Rights". The subdivider should contact the County Attorney's office about what information would be appropriate in aiding the County Board in arriving at a decision.

RECOMMENDATION BY PLANNING STAFF:

Approval with Conditions

The Planning staff finds this final plat conforms to the approved preliminary plat (however, the proposed lot sizes do not comply to the minimum lot sizes required by the AG District) and recommends approval subject to the following conditions:

1. That all streets within this subdivision shall be graded to their full width including side slopes and to the appropriate grades as per the street grades submitted with the final plat and shall be surfaced in accordance with the applicable design specification of the County.
2. That the subdivider, his successors and assigns agree that an individual septic tank or other individual disposal system approved by the City-County Health Department be constructed and installed on each lot within this subdivision and that the design and location of said individual septic tank or other approved sewage disposal system shall be submitted to the City-County Health Department for their review and approval prior to construction, and that the construction and installation of said individual septic tank or other approved individual sewage disposal system shall be in accordance with all applicable State laws and regulations, County Resolution #2832 and shall be accomplished under the direction, control and supervision of the City-County Health Department.

3. That the subdivider, his successors and assigns agree to arrange a time with the City-County Health Department when additional percolation tests are to be performed to determine whether or not individual lots will be allowed a septic tank system or be required to have a treatment facility with a polishing lagoon. A representative from the City-County Health Department should be present to observe all percolation tests.
4. That the subdivider, his successors and assigns agree that no building permit shall be issued on a lot until the City-County Health Department has granted an individual sewage system construction permit as required by County Resolution #2832.
5. That the subdivider, his successors and assigns agree that the County of Lancaster in approving and accepting this final plat is in no way waiving or relieving the subdivider, his successors and assigns from complying with all State laws and regulations and County Resolution #2832.
6. That the subdivider construct wells or a community water supply system so that an adequate supply of portable water will be available to each lot in this subdivision at the time improvements are erected on said lots. The design of the well and/or the community water supply system shall be submitted to the City-County Health Department for their review and approval and the construction and installation of the well and/or the community water supply system shall be in accordance with all applicable State laws and regulations and shall be accomplished under the direction, control and supervision of the City-County Health Department and the County Engineer.
7. That the subdivider post a \$ \_\_\_\_\_ bond at the time the County Board approves and accepts final plat to guarantee construction of culverts as determined by the drainage study submitted with the preliminary plat.
8. That the subdivider agree to construct a temporary turn around at the east end of "West Waggoner" and the subdivider agrees to remove said temporary turn around at his own costs and expense at such time as said street is extended into the adjacent property.
9. Prior to the Planning Commission Chairman signing the plat indicating the action by the Planning Commission, the following items and revisions shall be made to the final plat submitted to the Planning Department:
  - a. That the subdivider provide the additional utility easements as requested by Lincoln Telephone and Telegraph in their report dated February 6, 1979.
  - b. The legal description in the surveyor's certificate shall be revised to include all land within the limits of the subdivision.

- e. The distance between the center line of S.W. 98th and the west lot line of Lot 1 shall be shown.
  - d. The legal description in the dedication be revised to indicate the correct range in which this subdivision is located.
  - e. The County Board approval should be attested to by the County Clerk, not the City Clerk.
  - f. The marriage status of the owner should be indicated, such as; married, single, ect.
  - g. Certified information indicating the current record owner or owners of all the land within the limits of this final plat shall be submitted to the Planning Department.
10. Prior to any resolution approving and accepting any final plat being placed on the County Board agenda, the subdivider shall have:
- A. Returned to the Planning staff the following:
    - 1. Signed and executed the required bonds or approved escrow of security agreement.
    - 2. Signed the required agreement.
    - 3. The tax payment status forms completed by the County Treasurer which indicate that there are no delinquent taxes.
  - B. Paid all land subdivision fees.

PUBLIC HEARING BEFORE PLANNING COMMISSION:                      October 24, 1979

Members Present: Hacker, Mathews, Massey, Jones, Hammer, Nims, Seng, Hans

No one appeared on the matter.

RECOMMENDATION BY PLANNING COMMISSION:                      October 24, 1979

Mrs. Hammer questioned whether word had come from the County Attorney's office regarding the matter of the size of the lots in the subdivision not meeting the new requirements in the County Zoning Resolution. Staff indicated they had no report.

Mrs. Hammer moved for approval of the final plat subject to the conditions of the staff report and Mr. Hacker seconded. Mr. Hans indicated he would oppose the motion because he felt this plat was not an appropriate land use in the first place when the Commission denied the preliminary plat. The question was called and motion failed to carry on a 4-4 vote (Massey, Hammer, Nims, Seng, voting 'aye'; Hacker, Mathews, Jones and Hans voting 'nay'). Mrs. Mathews moved for denial of the final plat and Hacker seconded. Motion carried on a 6-2 vote (Hacker, Mathews, Massey, Jones, Seng and Hans voting 'aye'; Hammer and Nims voting 'nay').

# PRELIMINARY PLAT OF WAGGONER SUBDIVISION

8-10-79

