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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF LINCOLN

Ordinance # 148

Lincoln County Legal Counsel

AN ORDINANCE AMENDING LINCOLN COUNTY ORDINANCE #120, "MAJOR LAND PARTITION AND STREET DEDICATION", 1979, AND DECLARING AN EMERGENCY

The Lincoln County Board of Commissioners ORDAINS as follows:

SECTION I: Section VI of Ordinance #120, 1979, is amended to read as set forth below:

"SECTION VI: DEDICATION OF PUBLIC ROADS

"A. Unless included within a major partition, a person wishing to create or enlarge a public road shall make written application to the Planning Department. The application shall include:

"1. A proposed warranty deed of dedication with a proper description of the proposed dedication signed by all owners of the property being dedicated.

"2. A map showing the proposed road and the property intended to be served by the road.

"B. The Director shall refer the application to:

"1. The County Engineer, who shall check the proposal for grade and conformance to acceptable road standards.

"2. The County Surveyor, who shall check the description for accuracy.

"3. The County Assessor's Office, who shall insure that taxes are paid on the property being dedicated.

"C. The above report shall be forwarded to the Board, along with the application for dedication. If the Board approves the dedication, the warranty deed and a standard title insurance policy shall be

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1 submitted to the Board for recording. A public
2 road will not be maintained by the County unless
3 that road is accepted by the County into the
4 County Road System.

5 "D. If, in the opinion of the Director, the creation
6 and dedication of a public road will result in the
7 abridging of the intent of this ordinance, the
8 developer may be required to conform to the parti-
9 tion or subdivision requirements of the County."

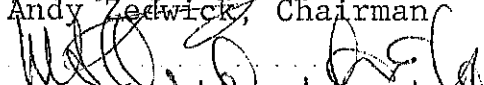
10 SECTION II. EMERGENCY CLAUSE

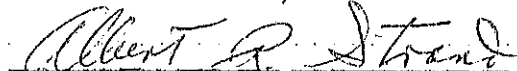
11 That this ordinance being necessary for the immediate
12 preservation of the public peace, health, and safety, an emergency
13 is declared to exist and this ordinance takes effect on its adoption

14 DATED this 26th day of November, 1980.

15 LINCOLN COUNTY BOARD OF COMMISSIONERS

16 
17 Andy Zedwick, Chairman

18 
19 W.S. Ouderkirk, Commissioner

20 
21 Albert R. Strand, Commissioner

tentative plan and conditions of approval. In addition to the information required for the tentative plan, the following shall also be included:

- a. Legal descriptions of all parcels and roads.
 - b. The deed dedicating to the public all common improvements, including, but not limited to roads.
 - c. A copy of all deed restrictions.
 - d. The certifications required by this ordinance.
 - e. Such information as the Director and County Engineer require to insure conformance with the conditions of the approved tentative plan.
2. Within ten (10) days of the receipt of the map of the partition and other information as provided in Section V of this ordinance, the Director shall approve, disapprove, or refer the request for a final approval to the Commission. The applicant shall be notified in writing of the decision. In no case shall a decision be postponed longer than 30 days. Unless appealed, the decision shall be effective on the 31st day after rendered. The map of the partition shall be filed in the office of the County Surveyor.

SECTION VI: DEDICATION OF PUBLIC ROADS

- A. Unless included within a major partition, a person wishing to create or enlarge a public road shall make written application to the Planning Department. The application shall include:
1. A ~~deed~~ ^{proposed warranty} with a proper description of the proposed dedication signed by all owners of the property being dedicated. ~~of dedication~~
 2. A map showing the proposed road and the property intended to be served by the road.
- B. The Director shall refer the application to:
1. The County Engineer, who shall check the proposal for grade and conformance to acceptable road standards.
 2. The County Surveyor, who shall check the description for accuracy.
 3. The County Assessor's Office, who shall insure that taxes are paid on the property being dedicated.

C. The above report shall be forwarded to the Board, along with the application for dedication. ^{If} When the Board approves the dedication, ~~the deed shall be recorded.~~ A public road will not be maintained by the County unless that road is accepted by the County into the County Road System.

D. If, in the opinion of the Director, the creation and dedication of a public road will result in the abridging of the intent of this ordinance, the developer may be required to conform to the partition or subdivision requirements of Lincoln County.

warranty deed and a standard title insurance policy shall be submitted to the Board for recording.

SECTION VII: MODIFICATIONS

If the Director or Commission find that a hardship to an applicant may result from the application of this ordinance, modifications may be granted provided that:

- A. The purposes of this ordinance will be fulfilled without a strict application of these regulations.
- B. The interests of the public will be served by the modification.
- C. The modification will not be detrimental to property in the surrounding area.

In granting modifications, the Director or Commission may require such conditions that will secure the objectives of this ordinance.

SECTION VIII: APPEAL PROCEDURES

- A. An appeal of any decision by the Director or Commission on a partition shall be made to the Board within 30 days of the decision.
- B. An appeal shall be on forms provided by and filed in the Planning Department. The appeal must set forth the decision or requirements being appealed as well as the reasons for the appeal.
- C. Upon receipt of the appeal, the Board shall set the matter for public hearing and give notice of the date, time and place thereof to the applicant and to all other interested persons.
- D. While hearing the appeal, the Board shall consider the record and such additional evidence as may be offered. The Board may affirm, reverse or modify, in whole or in part, the requirements or decision.