

BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA**RESOLUTION: GRANT SECOND 90-DAY EXTENSION OF FILING DEADLINE WITH THE REGISTER OF DEEDS FOR THE LINOMA LIGHTHOUSE FINAL PLAT**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board of Commissioners; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Subdivision Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-374 (Reissue 2007); and,

WHEREAS, said Sarpy County Subdivision Regulations require final plats to be filed with the Sarpy County Register of Deeds Office within 90 days of approval by the County Board of Commissioners. Further Section 7.6 of the Sarpy County Subdivision Regulation allows the County Board of Commissioners to grant two separate ninety day extensions of the filing deadline with the Register of Deeds; and

WHEREAS, the final plat for Linoma Lighthouse was approved by Resolution 2011-344 on October 18, 2011 on the following described property, to wit:

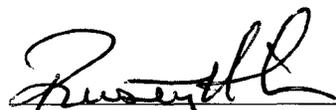
Tax Lot "C1" and Tax Lot "C2" in the S ½ of Section 29, T 13N, R10E of the 6th p.m. of Sarpy County, Nebraska.

WHEREAS, by Resolution No 2012-117 the County Board of Commissioners extended the Linoma Lighthouse final plat filing deadline with the Register of Deeds from January 16, 2012 until April 15, 2012.

WHEREAS, the applicant, Linoma Lighthouse, LLC has requested to extend the Linoma Lighthouse final plat filing deadline with the Register of Deed for an additional ninety (90) days beginning on April 15, 2012 and expiring on July 14, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT the Linoma Lighthouse final plat filing deadline with the Register of Deeds is hereby extended for a second period of ninety (90) days, said extension to retroactively begin on April 15, 2012 and expire on July 14, 2012.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 17th day of April 2012.


Sarpy County Board Chairman




County Clerk



Sarpy County Board of Commissioners
Staff Report Prepared: April 12, 2012
County Board Meeting Date: April 17, 2012

Subject	Type	By
Resolutions to approve two 90-day extensions for the Final Plat of Linoma Lighthouse Subdivision	Resolutions	Bruce Fountain, AICP, EDFP Planning Director

According to Section 7.6 of the Sarpy County Subdivision Regulations a Final Plat must be filed with the Register of Deeds within 90 days of Board approval. The purpose of the 90 day timeline is to ensure all taxes are paid and current on the property.

On October 18, 2011 the County Board approved the Final Plat for the Linoma Lighthouse Subdivision but staff recently discovered that the owner had not yet filed the plat with the Register of Deeds Office as required. Section 7.6 also allows the Board of Commissioners to grant up to two (2) ninety (90) day extensions for the filing of a final plat upon the request of the applicant. Attached is the request for the extensions submitted by David Lutton, one of the property owners. The County Attorney's Office has advised that it is acceptable to grant the extensions to be retroactive to January 16, 2012.

Staff recommends approval of the two extensions from January 16, 2012 to April 15, 2012 and from April 15, 2012 to July 14, 2012. The owner will still have to obtain certification from the County Treasurer confirming that all taxes are paid on the property before the Final Plat can be filed with the Register of Deeds.

Please feel free to contact me if you have any questions.

Respectfully submitted,

Bruce Fountain, AICP, EDFP
Planning Director

LUTTON LAW OFFICE

CITIZENS NATIONAL BANK BUILDING
1442 Silver Street
Ashland, Nebraska 68003

Claude D. Lutton (1941-1999)
David N. Lutton
luttonlaw@yahoo.com

Telephone (402) 944-3383
Fax (402) 944-2211

April 9, 2012

Bruce Fountain
Sarpy County Planning

RE: Linoma Lighthouse LLC

Dear Bruce:

On behalf of Linoma Lighthouse LLC, I would respectfully request two 90 day extensions of time to file the subdivision plat for the Lighthouse. Due to unforeseen circumstances, we were not able to get all of the required signatures prior to January 1, 2012. When we did receive them, we were informed that we had to pay all 2011 real estate taxes prior to filing. We were not able to pay the taxes until recently.

I apologize for any inconvenience this may cause. If you have any questions, please feel free to contact me.

Sincerely,

David N. Lutton