

NAMING PRIVATE STREETS

SUBDIVISIONS—GENERALLY

§ 41-35

- (2) Each seller and each purchaser shall sign and acknowledge the notice; and
- (3) Following the execution, acknowledgment and closing of the sale and purchase, the notice shall be recorded in the real property records of the county in which the property is located.

(c) The failure of any seller to comply with this section shall constitute a misdemeanor punishable upon conviction by a fine of not more than \$500.00. Each person who constitutes a seller shall be criminally responsible and each sale or conveyance for which the seller has failed to comply with this section shall constitute a separate offense.

(Ord. No. 89-1312, § 2, 9-20-89)

Secs. 41-12—41-33. Reserved.

ARTICLE II. NAMING PRIVATE STREETS

Sec. 41-34. Approval by planning commission.

In those instances where subdivision plats or any other type of plat required to be submitted to and approved by the planning commission which may contain private streets, as that term is defined in section 41-1 of this Code, the planning commission is hereby authorized to approve the designation of street names upon private streets contained on such plats. Nothing herein shall be construed to mean, however, that names shall be designated or required to be designated on such private streets by the planning commission. The naming of such private streets shall be in conformance with the duly adopted rules and policies of the planning commission pertaining to the naming of public streets and subject to such additional rules and standards as provided for herein.

(Code 1968, § 42-24; Ord. No. 77-652, § 1, 3-29-77; Ord. No. 95-104, § 1, 1-25-95)

Sec. 41-35. Approval by the city council.

(a) In those instances where the owners of property containing existing private streets desire to establish an official name for such existing

private street or streets which are located within the confines of said property, such owners may submit a written petition to the director of the planning and development department requesting the city council to officially adopt an ordinance establishing such name on the subject private street or streets. Such written petitions shall be signed by not less than a majority (51 percent) of the property owners along the subject private street concurring in the proposed name to be established for such private street and shall be accompanied by:

- (1) A current title report, statement or opinion, title policy or certificate or letter from a title guaranty company or a licensed attorney certifying that the owners listed on the subject petition are in fact all the current owners of record having a legal interest in said private street (lienholders excluded) and represent not less than a majority (51 percent) of the property owners along the subject private street;
- (2) A written metes and bounds description of the property occupied by such private street; and
- (3) A boundary survey map of the property occupied by such private street, said survey map showing all engineering and survey data prepared by an engineer or surveyor and sufficient to accurately locate said private street on the ground. Such survey map must also be prepared in conformance with the official survey system as provided for in division 2 of article III of chapter 33 of this Code.

(b) The director of the planning and development department shall review all such petitions and forward his written recommendations to the mayor and city council for their approval. The director of the planning and development department shall also maintain a permanent record of all such petitions and upon final passage of an appropriate ordinance by city council approving and establishing a name for a private street, such name shall be entered into all appropriate records of the city. No private street name shall be approved or established for an existing private street by action of the city council unless such name is in