

AMENDMENTS TO LB 597

Introduced by Urban Affairs

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 13-327, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 13-327 (1) The governing body of any city of the first
6 class or city of the second class may, by majority vote of its
7 members, request that the county board formally cede and transfer
8 to the city extraterritorial jurisdiction over land outside the
9 area extending two miles from the corporate boundaries of a city of
10 the first class as described in subsection (1) of section 16-901 or
11 three miles from the corporate boundaries of a city of the first
12 class as described in subsection (2) of section 16-901 and one mile
13 from the corporate boundaries of a city of the second class as
14 described in subsection (1) of section 17-1001 or two miles from
15 the corporate boundaries of a city of the second class as described
16 in subsection (2) of section 17-1001. In making its request, the
17 city shall describe the territory over which jurisdiction is being
18 sought by metes and bounds or by reference to an official map.

19 (2) Unless prohibited pursuant to section 13-328, the
20 county board may, by majority vote of its members, grant the
21 request with regard to some or all of the requested territory if:

22 (a) The county has formally adopted a comprehensive
23 development plan and zoning resolution pursuant to section 23-114

1 not less than two years immediately preceding the date of the
2 city's request;

3 (b) The city, on the date of the request, is exercising
4 extraterritorial jurisdiction over territory within the boundaries
5 of the county;

6 (c) The requested territory is within the projected
7 growth pattern of the city and would be within the city's
8 extraterritorial jurisdiction by reason of annexation within a
9 reasonable period of years;

10 (d) Not more than a total of twenty-five percent of the
11 territory of the county located outside the corporate boundaries of
12 any city within the county shall be ceded to the jurisdiction of
13 one city within ten years after the date upon which the initial
14 request for the cession of territory to the city was approved by
15 the governing body of the city; and

16 (e) No portion of the territory ceded to the city's
17 jurisdiction by the county lies within an area extending one-half
18 mile from the extraterritorial jurisdiction of any other city of
19 the first or second class or village on the date the request is
20 approved by the governing body of the city.

21 (3) If the county board approves the cession and transfer
22 of extraterritorial jurisdiction to a city pursuant to this
23 section, such transfer shall take effect on the effective date
24 of the ordinance as provided for in ~~subsection (1)~~ subdivision
25 (1)(a) or (b) of section 16-902 in the case of a city of the
26 first class or as provided for in ~~subsection (1)~~ subdivision (1)(a)
27 or (b) of section 17-1002 in the case of a city of the second

1 class. Upon the effective date of such transfer, the transferred
2 jurisdiction shall be treated for all purposes as if such land were
3 located within two miles of the corporate boundaries of a city of
4 the first class as described in subsection (1) of section 16-901 or
5 three miles from the corporate boundaries of a city of the first
6 class as described in subsection (2) of section 16-901 or within
7 one mile of the corporate boundaries of a city of the second class
8 as described in subsection (1) of section 17-1001 or two miles from
9 the corporate boundaries of a city of the second class as described
10 in subsection (2) of section 17-1001.

11 Sec. 2. Section 16-901, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 16-901 (1) Except as provided in section 13-327,
14 any city of the first class, other than a city described in
15 subsection (2) of this section, may apply by ordinance any
16 existing or future zoning regulations, property use regulations,
17 building ordinances, electrical ordinances, plumbing ordinances,
18 and ordinances authorized by section 16-240 to the unincorporated
19 area two miles beyond and adjacent to its corporate boundaries
20 with the same force and effect as if such outlying area were
21 within the corporate limits of such city, except that no such
22 ordinance shall be extended or applied so as to prohibit, prevent,
23 or interfere with the conduct of existing farming, livestock
24 operations, businesses, or industry. For purposes of sections
25 70-1001 to 70-1020, the zoning area of a city of the first class
26 shall be one mile beyond and adjacent to the corporate area. The
27 fact that such unincorporated area is located in a different county

1 or counties than some or all portions of the municipality shall
2 not be construed as affecting the powers of the city to apply such
3 ordinances.

4 (2) Except as provided in section 13-327, any city of the
5 first class located wholly within a county with a population in
6 excess of one hundred thousand inhabitants in which more than forty
7 percent of the county population resides within the boundaries
8 of incorporated cities and villages, may apply by ordinance any
9 existing or future zoning regulations, property use regulations,
10 building ordinances, electrical ordinances, plumbing ordinances,
11 and ordinances authorized by section 16-240 to the unincorporated
12 area three miles beyond and adjacent to its corporate boundaries
13 within the boundaries of the county in which it is located
14 with the same force and effect as if such outlying area were
15 within the corporate limits of such city, except that no such
16 ordinance shall be extended or applied so as to prohibit, prevent,
17 or interfere with the conduct of existing farming, livestock
18 operations, businesses, or industry. For purposes of sections
19 70-1001 to 70-1020, the zoning area of such a city of the first
20 class shall be one mile beyond and adjacent to the corporate area.

21 Sec. 3. Section 16-902, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 16-902 (1) Except as provided in section 13-327, (a) any
24 a city of the first class described in subsection (1) of section
25 16-901 may designate by ordinance the portion of the territory
26 located within two miles of the corporate limits of the city and
27 outside of any other organized city or village within which the

1 designating city will exercise the powers and duties granted by
2 sections 16-902 to 16-904 or section 19-2402 and (b) a city of
3 the first class described in subsection (2) of section 16-901
4 may designate by ordinance the portion of the territory located
5 within three miles of the corporate limits of the city within the
6 boundaries of the county in which it is located and outside of any
7 other organized city or village within which the designating city
8 will exercise the powers and duties granted by sections 16-902 to
9 16-904 or section 19-2402.

10 (2) No owner of any real property located within the area
11 designated by a city pursuant to subsection (1) of this section or
12 section 13-327 may subdivide, plat, or lay out such real property
13 in building lots, streets, or other portions of the same intended
14 to be dedicated for public use or for the use of the purchasers
15 or owners of lots fronting thereon or adjacent thereto without
16 first having obtained the approval of the city council of such
17 city or its agent designated pursuant to section 19-916 and, when
18 applicable, having complied with sections 39-1311 to 39-1311.05.

19 The With regard to a city described in subsection (1) of section
20 16-901, the fact that such real property is located in a different
21 county or counties than some or all portions of the city shall not
22 be construed as affecting the necessity of obtaining the approval
23 of the city council of such city or its designated agent.

24 (3) In counties that (a) have adopted a comprehensive
25 development plan which meets the requirements of section 23-114.02
26 and (b) are enforcing subdivision regulations, the county planning
27 commission shall be provided with all available materials on

1 any proposed subdivision plat, contemplating public streets or
2 improvements, which is filed with a municipality in that county,
3 when such proposed plat lies partially or totally within the
4 extraterritorial subdivision jurisdiction being exercised by that
5 municipality in such county. The commission shall be given four
6 weeks to officially comment on the appropriateness of the design
7 and improvements proposed in the plat. The review period for
8 the commission shall run concurrently with subdivision review
9 activities of the municipality after the commission receives all
10 available material for a proposed subdivision plat.

11 Sec. 4. Section 17-1001, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 17-1001 (1) Except as provided in section 13-327, any
14 city of the second class or village, other than a city described
15 in subsection (2) of this section, may apply by ordinance any
16 existing or future zoning ordinances, property use regulation
17 ordinances, building ordinances, electrical ordinances, and
18 plumbing ordinances, to an area within one mile of the corporate
19 limits of such municipalities, with the same force and effect
20 as if such area were within their corporate limits. No such
21 ordinance shall be extended or applied so as to prohibit, prevent,
22 or interfere with the conduct of existing farming, livestock
23 operations, businesses, or industry. For purposes of sections
24 70-1001 to 70-1020, the zoning area of a city of the second class
25 or village shall be one-half mile from the corporate limits of
26 such municipalities. The fact that the zoning area or part thereof
27 is located in a different county or counties than some or all

1 portions of the municipality shall not be construed as affecting
2 the necessity of obtaining the approval of the city council or
3 board of trustees of such municipality or its agent designated
4 pursuant to section 19-916.

5 (2) Except as provided in section 13-327, any city of the
6 second class located wholly within a county with a population in
7 excess of one hundred thousand inhabitants in which more than forty
8 percent of the county population resides within the boundaries of
9 incorporated cities may apply by ordinance any existing or future
10 zoning ordinances, property use regulation ordinances, building
11 ordinances, electrical ordinances, and plumbing ordinances, to
12 an area within two miles of the corporate limits of such city
13 within the boundaries of the county in which it is located,
14 with the same force and effect as if such area were within its
15 corporate limits. No such ordinance shall be extended or applied
16 so as to prohibit, prevent, or interfere with the conduct of
17 existing farming, livestock operations, businesses, or industry.
18 For purposes of sections 70-1001 to 70-1020, the zoning area of
19 such a city of the second class shall be one-half mile from the
20 corporate limits of such city.

21 Sec. 5. Section 17-1002, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 17-1002 (1) Except as provided in section 13-327, (a) any
24 city of the second class described in subsection (1) of section
25 17-1001 or village may designate by ordinance the portion of the
26 territory located within one mile of the corporate limits of such
27 city or village and outside of any other organized city or village

1 within which the designating city or village will exercise the
2 powers and duties granted by this section and section 17-1003 or
3 section 19-2402 and (b) any city of the second class described in
4 subsection (2) of section 17-1001 may designate by ordinance the
5 portion of the territory located within two miles of the corporate
6 limits of such city within the boundaries of the county in which
7 it is located and outside of any other organized city or village
8 within which the designating city or village will exercise the
9 powers and duties granted by this section and section 17-1003 or
10 section 19-2402.

11 (2) No owner of any real property located within the
12 area designated by a city or village pursuant to subsection (1) of
13 this section may subdivide, plat, or lay out such real property
14 in building lots, streets, or other portions of the same intended
15 to be dedicated for public use or for the use of the purchasers
16 or owners of lots fronting thereon or adjacent thereto without
17 first having obtained the approval of the city council or board of
18 trustees of such municipality or its agent designated pursuant to
19 section 19-916 and, when applicable, having complied with sections
20 39-1311 to 39-1311.05. ~~The~~ With regard to a city or village
21 described in subsection (1) of section 17-1001, the fact that such
22 real property is located in a different county or counties than
23 some or all portions of the municipality shall not be construed
24 as affecting the necessity of obtaining the approval of the city
25 council or board of trustees of such municipality or its designated
26 agent.

27 (3) No plat of such real property shall be recorded or

1 have any force or effect unless approved by the city council or
2 board of trustees of such municipality or its designated agent.

3 (4) In counties that have adopted a comprehensive
4 development plan which meets the requirements of section 23-114.02
5 and are enforcing subdivision regulations, the county planning
6 commission shall be provided with all available materials on
7 any proposed subdivision plat, contemplating public streets or
8 improvements, which is filed with a municipality in that county,
9 when such proposed plat lies partially or totally within the
10 extraterritorial subdivision jurisdiction being exercised by that
11 municipality in such county. The commission shall be given four
12 weeks to officially comment on the appropriateness of the design
13 and improvements proposed in the plat. The review period for
14 the commission shall run concurrently with subdivision review
15 activities of the municipality after the commission receives all
16 available material for a proposed subdivision plat.

17 Sec. 6. Section 19-916, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 19-916 (1) The proprietor or proprietors of any land
20 within the corporate limits of any city of the first or second
21 class or village, or of any land within the area designated by
22 a city of the first class pursuant to ~~subsection (1)~~ subdivision
23 (1)(a) or (b) of section 16-902 or within the area designated by
24 a city of the second class or village pursuant to ~~subsection (1)~~
25 subdivision (1)(a) or (b) of section 17-1002, may lay out such
26 land into lots, blocks, streets, avenues, alleys, and other grounds
27 under the name of Addition to the City or Village

1 of, and shall cause an accurate map or plat thereof
2 to be made out, designating explicitly the land so laid out and
3 particularly describing the lots, blocks, streets, avenues, alleys,
4 and other grounds belonging to such addition. The lots shall be
5 designated by numbers, and streets, avenues, and other grounds,
6 by names or numbers. Such plat shall be acknowledged before some
7 officer authorized to take the acknowledgments of deeds, and shall
8 contain a dedication of the streets, alleys, and public grounds
9 therein to the use and benefit of the public, and have appended a
10 survey made by some competent surveyor with a certificate attached,
11 certifying that he or she has accurately surveyed such addition and
12 that the lots, blocks, streets, avenues, alleys, parks, commons,
13 and other grounds are well and accurately staked off and marked.
14 When such map or plat is so made out, acknowledged, and certified,
15 and has been approved by the local legislative body, the same shall
16 be filed and recorded in the office of the register of deeds and
17 county assessor of the county.

18 (2) The legislative body may designate by ordinance an
19 employee of such city or village to approve further subdivision of
20 existing lots and blocks whenever all required public improvements
21 have been installed, no new dedication of public rights-of-way
22 or easements is involved, and such subdivision complies with the
23 ordinance requirements concerning minimum areas and dimensions of
24 such lots and blocks.

25 (3) Upon approval by the legislative body or its
26 designated agent, such plat shall be equivalent to a deed in
27 fee simple absolute to the municipality from the proprietor of all

1 streets, avenues, alleys, public squares, parks and commons, and
2 of such portion of the land as is therein set apart for public
3 and municipal use, or is dedicated to charitable, religious, or
4 educational purposes.

5 All additions thus laid out and previously located within
6 the corporate boundaries of the municipality shall remain a part of
7 the municipality.

8 (4) All additions laid out adjoining or contiguous to the
9 corporate limits may be included within the corporate limits and
10 become a part of such municipality for all purposes whatsoever at
11 such time as the addition is approved if (a) after giving notice of
12 the time and place of the hearing as provided in section 19-904,
13 the planning commission and the legislative body both hold public
14 hearings on the inclusion of the addition within the corporate
15 limits. Such hearings shall be separate from the public hearings
16 held regarding approval of the addition and (b) the legislative
17 body votes to approve the inclusion of the addition within the
18 corporate boundaries of the municipality in a separate vote from
19 the vote approving the addition. If the legislative body includes
20 the addition within the corporate limits, the inhabitants of such
21 addition shall be entitled to all the rights and privileges,
22 and shall be subject to all the laws, ordinances, rules, and
23 regulations of the municipality to which such land is an addition.

24 (5) The local legislative body shall have power by
25 ordinance to provide the manner, plan, or method by which land
26 within the corporate limits of any such municipality, or land
27 within the area designated by a city of the first class pursuant

1 to ~~subsection (1)~~ subdivision (1)(a) or (b) of section 16-902
2 or within the area designated by a city of the second class or
3 village pursuant to ~~subsection (1)~~ subdivision (1)(a) or (b) of
4 section 17-1002, may be subdivided, platted, or laid out, including
5 a plan or system for the avenues, streets, or alleys to be laid
6 out within or across the same, and to compel the owners of any
7 such land in subdividing, platting, or laying out the same to
8 conform to the requirements of the ordinance and to lay out and
9 dedicate the avenues, streets, and alleys in accordance therewith.
10 No addition shall have any validity, right, or privileges as an
11 addition, and no plat of land or, in the absence of a plat, no
12 instrument subdividing land within the corporate limits of any such
13 municipality or of any land within the area designated by a city
14 of the first class pursuant to ~~subsection (1)~~ subdivision (1)(a) or
15 (b) of section 16-902 or within the area designated by a city of
16 the second class or village pursuant to ~~subsection (1)~~ subdivision
17 (1)(a) or (b) of section 17-1002, shall be recorded or have any
18 force or effect, unless the same be approved by the legislative
19 body, or its designated agent, and its or his or her approval
20 endorsed thereon.

21 Sec. 7. Original sections 13-327, 16-901, 16-902,
22 17-1001, 17-1002, and 19-916, Revised Statutes Cumulative
23 Supplement, 2006, are repealed.