

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 971**

Introduced by Pedersen, 39; Kopplin, 3.

Read first time January 15, 2008

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections  
2 15-104, 15-111, 15-112, 16-122, and 17-402, Reissue  
3 Revised Statutes of Nebraska, section 14-117, Revised  
4 Statutes Cumulative Supplement, 2006, and section 16-117,  
5 Revised Statutes Supplement, 2007; to require voter  
6 approval for actions related to annexation of cities  
7 or villages; to harmonize provisions; and to repeal the  
8 original sections.

9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 14-117, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           14-117 The corporate limits of any city of the  
4 metropolitan class shall be fixed and determined by ordinance by  
5 the council of such city. The city council of any city of the  
6 metropolitan class may at any time extend the corporate limits of  
7 such city over any contiguous or adjacent lands, lots, tracts,  
8 streets, or highways, such distance as may be deemed proper in any  
9 direction, and except that the city council may include, annex,  
10 merge, or consolidate with such city of the metropolitan class, by  
11 such extension of its limits, any adjoining city of the first class  
12 having less than ten thousand population or any adjoining city of  
13 the second class or village only if the action is approved by a  
14 majority of the registered voters of the adjoining city or village  
15 voting on the issue at a statewide primary or general election.  
16 Any other laws and limitations defining the boundaries of cities or  
17 villages or the increase of area or extension of limits thereof  
18 shall not apply to lots, lands, cities, or villages annexed,  
19 consolidated, or merged under this section.

20           Sec. 2. Section 15-104, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           15-104 The corporate limits of ~~such~~ a city of the primary  
23 class shall remain as before and the city council may by ordinance  
24 at any time include within the corporate limits of such city any  
25 contiguous or adjacent lands, lots, tracts, streets, or highways

1 such distance and in such direction as may be deemed proper,  
2 and except that the city council may include, annex, merge, or  
3 consolidate with such city by such extension of its corporate  
4 limits, any village which is within the limits of such city, and  
5 which it serves with water service or supply or with a sanitary  
6 sewerage system and service, or both such water and sanitary  
7 sewerage service, only if the action is approved by a majority  
8 of the registered voters of the village voting on the issue at  
9 a statewide primary or general election. Such city shall have  
10 power by ordinance to compel owners of land so brought within the  
11 corporate limits to lay out streets and public ways to conform  
12 to and be continuous with the streets and ways of such city, or  
13 otherwise as appears best for the convenience of the inhabitants of  
14 such city and the public. It may vacate any public road established  
15 through such land when necessary to secure regularity in the  
16 general system of its public ways.

17           Sec. 3. Section 15-111, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           15-111 A city of the second class or village, which  
20 adjoins a city of the primary class, as well as other villages  
21 either adjoining such city of the second class or villages, or  
22 supplied in whole or in part with gas, electric light, or street  
23 transportation service or supply from manufacturing or power plants  
24 and systems mainly located in and maintained and operated mainly  
25 from chief headquarters or offices within such city of the primary

1 class, may be consolidated with such city of the primary class  
 2 in the manner ~~hereinafter set out~~, provided in this section and  
 3 section 15-112. It shall be the duty of the officers of such cities  
 4 of the second class and villages twenty days prior to any general  
 5 city or village election, to submit to the electors thereof at such  
 6 general city or village election whenever petitioned to do so by  
 7 twenty percent of the qualified electors thereof, the question of  
 8 the consolidation of such adjoining cities or villages with the  
 9 city of the primary class. Such question shall be submitted in  
 10 substantially the following form:

11            Shall the city of ..... be consolidated with the  
 12 city of ..... ? Or, as the case may be, Shall the village of  
 13 ..... be consolidated with the city of ..... ? The ballot  
 14 shall provide in the usual manner for a Yes ~~and~~ or No vote on the  
 15 question.

16            Sec. 4. Section 15-112, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18            15-112 If at such election a majority of the vote cast  
 19 in such municipality ~~shall be on the issue of consolidation is in~~  
 20 favor of such consolidation, the result shall be certified to the  
 21 city council of the city of the primary class. If the city council  
 22 of such city of the primary class approves of the consolidation,  
 23 an ordinance shall be passed extending the limits of such city  
 24 to include all the territory of the city of the second class or  
 25 village voting for consolidation, and the city or cities, village

1 or villages, so consolidated with the city of the primary class  
2 shall become a part thereof.

3 Sec. 5. Section 16-117, Revised Statutes Supplement,  
4 2007, is amended to read:

5 16-117 (1) Except as provided in sections 13-1111 to  
6 13-1120 and subject to this section, the mayor and city council of  
7 a city of the first class may by ordinance at any time include  
8 within the corporate limits of such city any contiguous or adjacent  
9 lands, lots, tracts, streets, or highways as are urban or suburban  
10 in character and in such direction as may be deemed proper, except  
11 that an ordinance shall not include the annexation of any other  
12 city or village unless the annexation is approved by a majority of  
13 the registered voters of the other city or village voting on the  
14 issue at a statewide primary or general election. Such grant of  
15 power shall not be construed as conferring power upon the mayor and  
16 city council to extend the limits of a city of the first class over  
17 any agricultural lands which are rural in character.

18 (2) The invalidity of the annexation of any tract of land  
19 in one ordinance shall not affect the validity of the remaining  
20 tracts of land which are annexed by the ordinance and which  
21 otherwise conform to state law.

22 (3) The city council proposing to annex land under the  
23 authority of this section shall first adopt both a resolution  
24 stating that the city is proposing the annexation of the land and a  
25 plan for extending city services to the land. The resolution shall

1 state:

2 (a) The time, date, and location of the public hearing  
3 required by subsection (5) of this section;

4 (b) A description of the boundaries of the land proposed  
5 for annexation; and

6 (c) That the plan of the city for the extension of city  
7 services to the land proposed for annexation is available for  
8 inspection during regular business hours in the office of the city  
9 clerk.

10 (4) The plan adopted by the city council shall contain  
11 sufficient detail to provide a reasonable person with a full and  
12 complete understanding of the proposal for extending city services  
13 to the land proposed for annexation. The plan shall (a) state  
14 the estimated cost impact of providing the services to such land,  
15 (b) state the method by which the city plans to finance the  
16 extension of services to the land and how any services already  
17 provided to the land will be maintained, (c) include a timetable  
18 for extending services to the land proposed for annexation, and  
19 (d) include a map drawn to scale clearly delineating the land  
20 proposed for annexation, the current boundaries of the city, the  
21 proposed boundaries of the city after the annexation, and the  
22 general land-use pattern in the land proposed for annexation.

23 (5) A public hearing on the proposed annexation shall be  
24 held within sixty days following the adoption of the resolution  
25 proposing to annex land to allow the city council to receive

1 testimony from interested persons. The city council may recess  
2 the hearing, for good cause, to a time and date specified at the  
3 hearing.

4 (6) A copy of the resolution providing for the public  
5 hearing shall be published in the official newspaper in the city  
6 at least once not less than ten days preceding the date of the  
7 public hearing. A map drawn to scale delineating the land proposed  
8 for annexation shall be published with the resolution. A copy of  
9 the resolution providing for the public hearing shall be sent by  
10 first-class mail following its passage to the school board of any  
11 school district in the land proposed for annexation.

12 (7) Any owner of property contiguous or adjacent to a  
13 city of the first class may by petition request that such property  
14 be included within the corporate limits of such city. The mayor and  
15 city council may include such property within the corporate limits  
16 of the city without complying with subsections (3) through (6) of  
17 this section.

18 (8) Notwithstanding the requirements of this section, the  
19 mayor and city council are not required to approve any petition  
20 requesting annexation or any resolution or ordinance proposing to  
21 annex land pursuant to this section.

22 Sec. 6. Section 16-122, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 16-122 (1) In addition to existing annexation powers, the  
25 mayor and council of any city of the first class may by ordinance

1 annex any village or ~~second-class~~ city of the second class, which  
2 is entirely surrounded by such city, if the following conditions  
3 exist:

4 ~~(1)~~ (a) The city of the first class has water mains  
5 adjacent to the village or ~~second-class~~ city of the second class  
6 which are available for extension into and have capacity to serve  
7 the village or ~~second-class~~ city of the second class;

8 ~~(2)~~ (b) The city of the first class has sanitary sewer  
9 lines adjacent to the village or ~~second-class~~ city of the second  
10 class which are available for extension into and have capacity to  
11 serve the village or ~~second-class~~ city of the second class;

12 ~~(3)~~ (c) The city of the first class has water and sewer  
13 treatment facilities which have the capacity to serve the village  
14 or ~~second-class~~ city of the second class; and

15 ~~(4)~~ (d) The city of the first class has police, fire,  
16 and snow removal facilities which have the capacity to serve the  
17 village or ~~second-class~~ city of the second class; and -

18 (e) A majority of the registered voters of the village or  
19 city of the second class voting on the issue at a statewide primary  
20 or general election approve the annexation.

21 (2) In determining whether a village or ~~second-class~~ city  
22 of the second class is entirely surrounded by a city of the first  
23 class for annexation purposes, any land adjacent to the village or  
24 ~~second-class~~ city of the second class which is legally immune from  
25 annexation by either the city of the first class or the village, or



1 ~~second-class~~ city, of the second class shall not be considered if  
 2 the village or ~~second-class~~ city of the second class is otherwise  
 3 surrounded by the city of the first class.

4           Sec. 7. Section 17-402, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6           17-402 When any city of the second class or village shall  
 7 ~~desire~~ determines to be annexed to another and contiguous city  
 8 of the second class or village, the city council or trustees of  
 9 each city or village shall appoint three commissioners to arrange  
 10 and report to such council or trustees respectively the terms  
 11 and conditions on which the proposed annexation can be made. If  
 12 ~~+~~ ~~and,~~ ~~if~~ the council or trustees of each such city or village  
 13 approve of the terms and conditions proposed, they shall, by proper  
 14 ordinance, so declare. The ~~+~~ ~~and thereupon~~ the council or trustees  
 15 of each of such cities or villages by ordinance passed at least  
 16 one month prior to the general annual election ~~therein,~~ may in  
 17 each city or village shall submit the question of such annexation,  
 18 upon the terms and conditions so proposed, to the electors of  
 19 their respective cities or villages. If ~~+~~ ~~and~~ ~~if~~ a majority of  
 20 the electors of each city or village voting on the issue vote in  
 21 favor of such annexation, the council or trustees of each shall,  
 22 by proper ordinance, so declare. A certified copy of the whole  
 23 proceedings of the city or village shall be filed with the clerk of  
 24 the city or village to which the annexation is made.

25           Sec. 8. Original sections 15-104, 15-111, 15-112, 16-122,

LB 971

LB 971

1 and 17-402, Reissue Revised Statutes of Nebraska, section 14-117,  
2 Revised Statutes Cumulative Supplement, 2006, and section 16-117,  
3 Revised Statutes Supplement, 2007, are repealed.