

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 104

Introduced by Cornett, 45.

Read first time January 09, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities of the first class; to amend section
2 16-117, Revised Statutes Cumulative Supplement, 2008;
3 to eliminate resolution, public hearing, and publication
4 requirements for annexation as prescribed; to harmonize
5 provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-117, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 16-117 (1) Except as provided in sections 13-1111 to
4 13-1120 and subject to this section, the mayor and city council of
5 a city of the first class may by ordinance at any time include
6 within the corporate limits of such city any contiguous or adjacent
7 lands, lots, tracts, streets, or highways as are urban or suburban
8 in character and in such direction as may be deemed proper. Such
9 grant of power shall not be construed as conferring power upon the
10 mayor and city council to extend the limits of a city of the first
11 class over any agricultural lands which are rural in character.

12 (2) The invalidity of the annexation of any tract of land
13 in one ordinance shall not affect the validity of the remaining
14 tracts of land which are annexed by the ordinance and which
15 otherwise conform to state law.

16 ~~(3) The city council proposing to annex land under the~~
17 ~~authority of this section shall first adopt both a resolution~~
18 ~~stating that the city is proposing the annexation of the land and a~~
19 ~~plan for extending city services to the land. The resolution shall~~
20 ~~state:~~

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

23 ~~(b) A description of the boundaries of the land proposed~~
24 ~~for annexation; and~~

25 ~~(c) That the plan of the city for the extension of city~~

1 services to the land proposed for annexation is available for
2 inspection during regular business hours in the office of the city
3 clerk.

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

17 (5) A public hearing on the proposed annexation shall be
18 held within sixty days following the adoption of the resolution
19 proposing to annex land to allow the city council to receive
20 testimony from interested persons. The city council may recess
21 the hearing, for good cause, to a time and date specified at the
22 hearing.

23 (6) A copy of the resolution providing for the public
24 hearing shall be published in the official newspaper in the city
25 at least once not less than ten days preceding the date of the

1 ~~public hearing. A map drawn to scale delineating the land proposed~~
2 ~~for annexation shall be published with the resolution. A copy of~~
3 ~~the resolution providing for the public hearing shall be sent by~~
4 ~~first-class mail following its passage to the school board of any~~
5 ~~school district in the land proposed for annexation.~~

6 ~~(7) (3) Any owner of property contiguous or adjacent to a~~
7 ~~city of the first class may by petition request that such property~~
8 ~~be included within the corporate limits of such city. The mayor and~~
9 ~~city council may include such property within the corporate limits~~
10 ~~of the city without complying with subsections (3) through (6) of~~
11 ~~this section.~~

12 ~~(8) (4) Notwithstanding the requirements of this section,~~
13 ~~the mayor and city council are not required to approve any petition~~
14 ~~requesting annexation or any resolution or ordinance proposing to~~
15 ~~annex land pursuant to this section.~~

16 Sec. 2. Original section 16-117, Revised Statutes
17 Cumulative Supplement, 2008, is repealed.