

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 309

Introduced by Urban Affairs Committee: McGill, 26, Chairperson;
Coash, 27; Cook, 13; Krist, 10; Schumacher, 22; Smith,
14.

Read first time January 12, 2011

Committee: Urban Affairs

A BILL

- 1 FOR AN ACT relating to municipalities; to provide for reapportionment
- 2 of special assessments as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Whenever a tract of land against which a
2 special assessment has been levied is divided or subdivided by any
3 platting, replatting, or other form of division creating separate
4 lots or tracts, the governing body of any city of the first class,
5 city of the second class, or village which has levied such special
6 assessments may (a) on application of the owner of any part of the
7 tract or (b) on its own motion, determine the apportionment of such
8 special assessment remaining unpaid among the various lots and
9 parcels in the tract resulting from the division or subdivision. Any
10 such reapportionment shall be on such fair and equitable terms as the
11 governing body shall determine after notice and hearing on the
12 reapportionment.

13 (2) Notice of hearing on the reapportionment shall be
14 given by publication one time in a newspaper published or of general
15 circulation in the city or village not less than ten days prior to
16 the hearing. Notice of the hearing shall be sent by mail to the
17 owners of record title of each lot or parcel affected by any proposed
18 or determined reapportionment in the same manner as is required under
19 section 25-520.01.

20 (3) In making the determination as to reapportionment,
21 the governing body shall take into consideration its own requirements
22 as to security for payment of the amounts owing and may, if
23 determined appropriate, allocate based upon either front footage or
24 square footage or other such method or reapportionment as may be
25 determined appropriate based upon the facts and circumstances. No

1 such reapportionment shall result in a reduction or remittance of the
2 total amount originally assessed and then remaining outstanding and
3 unpaid. Notice of the reapportionment when determined shall be sent
4 by mail to the owners of record title of each lot or parcel affected
5 by the reapportionment.

6 (4) Any notice required under this section may be waived
7 in writing by any owner of any lot or parcel affected by any
8 reapportionment.

9 (5) Any owner of real property who feels aggrieved by the
10 reapportionment of any special assessment under this section may
11 appeal such reapportionment in the same manner as applies for appeals
12 from special assessments under sections 19-2422 to 19-2425, but only
13 matters related to such reapportionment shall be considered upon any
14 such appeal.