

## LEGISLATIVE BILL 217

Approved by the Governor May 16, 1979

Introduced by Dworak, 22

AN ACT to amend sections 19-2501, 19-2501.01, and 19-2503 to 19-2507, Reissue Revised Statutes of Nebraska, 1943, relating to industrial areas; to define terms; to harmonize provisions; to provide review procedures; and to repeal the original sections, and also section 19-2508, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 19-2501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2501. As used in sections 19-2501 to 19-2510, Reissue Revised Statutes of Nebraska, 1943, unless the context otherwise requires: (1) industrial area shall mean a tract of land used or reserved for the location of industry, except that such land may be used for agricultural purposes until the use is converted for the location of industry as set forth in sections 19-2501 to 19-2510, Reissue Revised Statutes of Nebraska, 1943; and (2) industry shall mean (a) any enterprise whose primary function is to manufacture, process, assemble, or blend any agricultural, manufactured, mineral, or chemical products; (b) any enterprise that has as its primary function that of storing, warehousing, or distributing, and specifically excluding those operations whose primary function is to directly sell to the general public; or (c) any enterprise whose primary function is research in connection with any of the foregoing, or primarily exists for the purpose of developing new products or new processes, or improving existing products or known processes. The owner or owners of any contiguous tract of real estate containing twenty acres or more, no part of which is within the boundaries of any incorporated city or village, except cities of the metropolitan or primary class, may file or cause to be filed with the county clerk of the county in which the greater portion of such real estate is situated if situated in more than one county, an application requesting the county board of such county to designate such contiguous tract as an industrial area.

Sec. 2. That section 19-2501.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2501.01. Upon filing the petition under the provisions of section 19-2501, the county clerk, or if the real estate is situated in more than one county, the county clerk of the county having the greater portion of such real estate, shall notify such municipal legislative bodies in whose area of zoning jurisdiction an industrial tract is located in whole or in part as shall have developed a comprehensive development plan and shall be exercising zoning jurisdiction in the area concerned. Such notification shall request approval or disapproval by the municipal legislative body of the designation of such tract within thirty days after receipt of such notification, which approval may be conditioned upon terms agreed to between the city and county. The designation of any tract as an industrial area shall be in compliance with the zoning ordinances, subdivision regulations, and appropriate ordinances and regulations of such city or village. If formal reply to the notification of the county board's intention to designate such tract as an industrial area is not received within thirty days, the county board shall construe such inaction as approval of such designation.

Sec. 3. That section 19-2503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2503. At the time fixed in the notice or on any adjourned day thereafter, any person interested may appear and be heard at a public hearing before the county board of the county in which the petition is filed. After such hearing, if the county board shall find from the evidence produced that (1) such tract is suitable for use as an industrial area, (2) it will be generally beneficial to the community, and (3) the owners of all the land embraced therein have consented to such designation, such board shall designate such tract as an industrial area and cause a certified copy of such order to be filed and recorded in the office offices of the county assessor and the register of deeds of the county or counties in which the real estate is situated. If such tract is located in whole or in part within an unincorporated area over which any city or village exercises zoning control, the designation of such tract as an industrial area must first be approved by the municipal legislative body.

Sec. 4. That section 19-2504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2504. Upon designation of such tract as an industrial area by the county board of the county in

which the petition is filed, such designated area shall thereupon be used or reserved for use--for--industrial purposes--only the location of industry. Such land may be used for agricultural purposes until the use is converted for the location of industry as set forth in sections 19-2501 to 19-2510, Reissue Revised Statutes of Nebraska, 1943. If such tract shall have an assessed valuation of more than one hundred thousand dollars, it shall not be subject to inclusion within the boundaries of any incorporated first or second class city or village unless so stipulated in the terms and conditions agreed upon between the county and the city or village in any agreement entered into pursuant to section 19-2501.01 or unless the owners of a majority in value of the property in such tract as shown upon the last preceding county assessment roll shall consent to such inclusion in writing or shall petition the city council or village board to annex such area.

Sec. 5. That section 19-2505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2505. During the period any area is designated as an industrial area as provided by sections 19-2501 to 19-2509 19-2510, the county board in which the greater area of real estate is located shall have exclusive jurisdiction for zoning and otherwise regulating the use of the industrial area in such a way as to confer upon the owners and users thereof the benefits of a designated tract to be held and reserved for industrial purposes only; Provided, such authority shall not be granted to the county board if the zoning of such designated area is within the jurisdiction of any city or village.

Sec. 6. That section 19-2506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2506. The boundaries of the designated industrial area may be changed to include other tracts of real estate containing not less than ten acres when contiguous to the area designated as an industrial area by filing a petition, publishing a notice thereof, and having a hearing on the petition in the same manner as when an original petition to designate a contiguous tract as an industrial area is filed. The county board of the county in which the petition was filed shall designate such additional tract in the industrial area to which the tract is to be attached if the board shall find that the conditions of the provisions of section 19-2503 are complied with. After such designation by such county

board, such tract that is designated as part of the industrial area shall be governed by the provisions of sections 19-2501 to ~~19-2500~~ 19-2510 as though it was part of the original designated tract as an industrial area.

Sec. 7. That section 19-2507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2507. During the time any tract is designated as an industrial area, as provided by sections 19-2501 to ~~19-2500~~ 19-2510, the owners of such designated area shall provide at their expense for water, electricity, sewer, and fire and police protection.

Sec. 8. Beginning in 1980 and every even-numbered year thereafter during the month of March, the appropriate county board may, of its own volition or shall, at the request of the municipal governing body having zoning jurisdiction over the designated industrial tract, review any or all industrial areas in its jurisdiction. When the review is at the request of the municipal governing body having zoning jurisdiction over the designated industrial tract, the county board shall notify such municipal governing body of the date, time, and location of the review. If the county board determines during the review that there is a problem with the industrial area designation of any tract, or a portion of such tract, the county board shall give notice of a hearing by registered or certified mail to the owners of the tract, or a portion of such tract, if such owners are known, within ninety days prior to the hearing, and if the owners are not known or cannot be located, then by publishing a notice three successive weeks in some newspaper published and of general circulation in the county or counties in which the real estate is located, and if no newspaper is published in the county, such notice shall be published in some newspaper having a general circulation in such county. If after the hearing the county board finds that the industrial area or a portion thereof is no longer suitable for industrial purposes, or is being used for nonindustrial enterprises, or has had no improvements or industrial buildings thereon within seven years from the date of original industrial designation, or is not in compliance with the zoning ordinances of any city or village exercising zoning control of it, or is not platted in accordance with such zoning ordinances, or is no longer in compliance with the definition of industry as set forth in section 19-2501, such county board shall remove the designation of industrial area from such tract or portion of such tract. Any tract or portion of such tract used or reserved for industry prior to the

effective date of this act shall not be removed from the industrial area designation against the wishes of its owners as long as the use of such tract or portion continues to be in compliance with the definition of industry as set forth in section 19-2501. A certified copy of such order shall be filed with the register of deeds and the county assessor of the county or counties in which the real estate is located.

Sec. 9. That original sections 19-2501, 19-2501.01, and 19-2503 to 19-2507, Reissue Revised Statutes of Nebraska, 1943, and also section 19-2508, Reissue Revised Statutes of Nebraska, 1943, are repealed.