

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB495**

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**Hearing Date:** Tuesday March 10, 2009  
**Committee On:** Urban Affairs  
**Introducer:** Friend  
**One Liner:** Change provisions relating to additions and platting of cities and villages

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**  
**Aye:** 7 Senators Coash, Cook, Friend, Lathrop, McGill, Rogert, White  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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<b>Proponents:</b> Senator Friend Gary Krumland Roger K. Johnson	<b>Representing:</b> Introducer League of NE Municipalities City of Plattsmouth
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<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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**Summary of purpose and/or changes:**

This bill deals with subdivision approval and annexation, proposing to clarify the point at which dedicated streets and public areas become the property of the municipality. Its provisions would be applicable to first and second class cities and villages.

This legislation proposes to amend Section 19-916 which governs the approval of additions to a city of the first or second class or a village. An amendment to this section enacted in 2001 (LB 210) raised questions of interpretation relating to the ownership of dedicated streets in approved subdivisions.

The current language (stricken passage found on page 4 Of the bill, lines 9 to 15) is replaced by the new language (found on page 6 of the bill in lines 11 to 17) which makes clear that the municipality becomes the owner of the dedicated streets and public areas upon annexation and not upon mere approval of the plat, since formal annexation must follow the approval of the plat in the process set out in this statute.

This provision represents the sole significant substantive amendment in the bill. The remainder of the bill largely rearranges the existing provisions of the statute without substantively amending them.

LB 495 would restructure Section 19-916 to (1) clearly provide that approval of subdivisions of property in a city, or village, extraterritorial zoning jurisdiction are to be done as provided in Sections 16-901 to 16-905 and Sections 17-1001 to 17-1004, (2) allow designated employee to approve further subdivisions of existing lots (current law), and (3) consolidate the procedure for a governing body to approve additions to a city or village.

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Mike Friend, Chairperson