

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 467

Introduced by McCoy, 39; Price, 3.

Read first time January 20, 2009

Committee: Urban Affairs

A BILL

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

1 Section 1. Section 14-117, Reissue Revised Statutes of
2 Nebraska, 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, Reissue Revised Statutes of
4 Nebraska, 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 of the first class, if the
3 following conditions 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
7 ~~shall desire~~ seeks 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 14-117, 15-104, 15-111, 15-112,

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1 16-117, 16-122, and 17-402, Reissue Revised Statutes of Nebraska,
2 are repealed.