

LEGISLATIVE BILL 421

Approved by the Governor March 27, 1989

Introduced by Smith, 33; Abboud, 12

AN ACT relating to cities of the first class; to amend sections 16-117 and 16-120, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the annexation of land; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 16-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-117. (1) The corporate limits of a city of the first class shall remain as before, and the mayor and council may by ordinance, except as provided in sections 13-1111 to 13-1118, and amendments thereto and subject to subsections (3) through (6) of this section, at any time, include within the corporate limits of such city any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character, and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power upon the mayor and council to extend the limits of a city of the first class over any agricultural lands which are rural in character.

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

(3) The city council desiring to annex land under the authority of this section shall first adopt both a resolution stating that the city is considering the annexation of the land and a plan for extending city services to the land. The resolution shall state:

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

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

(c) That the plan of the city for the extension of city services to the land proposed for annexation is available for inspection during regular business hours in the office of the city clerk.

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

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

(6) A copy of the resolution providing for the public hearing shall be published in the official newspaper in the city at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district in the land proposed for annexation.

Sec. 2. That section 16-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-120. The inhabitants of territories annexed to such city shall receive substantially the benefits services of other inhabitants of such city as soon as practicable. Adequate ; and adequate plans and necessary city council action to furnish such benefits as police; fire; snow removal; and water service must services shall be adopted not later than one year after the date of annexation, and such inhabitants shall be subject to the ordinances and regulations of such city, except that the ; PROVIDED; that such one-year period shall be tolled pending final court decision in any court action to contest such annexation.

Sec. 3. That original sections 16-117 and 16-120, Reissue Revised Statutes of Nebraska, 1943, are

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repealed.