

CORRECTED COPY

## LEGISLATIVE BILL 208

Approved by the Governor February 15, 1993

Introduced by Hartnett, 45; Schimek, 27; Will, 8

AN ACT relating to suburban development; to amend sections 16-902, 17-1002, and 19-921, Reissue Revised Statutes of Nebraska, 1943; to permit cities of the first and second classes or villages to designate extraterritorial jurisdiction as prescribed; to provide a duty for such cities and villages; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 16-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-902. (1) A city of the first class may designate by ordinance the portion of the territory located within two miles of the corporate limits of the city and outside of any other organized city or village within which the designating city will exercise the powers and duties granted by sections 16-902 to 16-904.

(2) ~~No owner of any real property; located within two miles of the corporate limits of any city of the first class and outside of any organized city or village, shall be permitted to~~ the area designated by a city pursuant to subsection (1) of this section may subdivide, plat, or lay out such real property in building lots, streets, or other portions of the same intended to be dedicated for public use; or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto; without first having obtained the approval thereof of the city council of such city or its agent designated pursuant to section 19-916. The fact that such real property is located in a different county or counties than some or all portions of the municipality city shall not be construed as affecting the necessity of obtaining the approval of the city council of such municipality city or its designated agent.

(3) ~~(2)~~ In counties that (a) have both adopted a comprehensive development plan which meets the requirements of section 23-114.02 and (b) are enforcing subdivision regulations, the county planning commission shall be provided with all available materials on any proposed subdivision plat, contemplating public streets or improvements, which is filed with a municipality in that county, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that municipality in such county. The commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the commission shall run concurrently with subdivision review activities of the

municipality after the commission receives all available material for a proposed subdivision plat.

Sec. 2. An ordinance of any city of the first class designating its jurisdiction over territory outside of the corporate limits of the city under section 16-901 or 16-902 shall describe such territory by metes and bounds or by reference to an official map.

Sec. 3. That section 17-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-1002. (1) Any city of the second class or village may designate by ordinance the portion of the territory located within one mile of the corporate limits of such city or village and outside of any other organized city or village within which the designating city or village will exercise the powers and duties granted by this section and section 17-1003.

(2) ~~No owner of any real property located within one mile of the corporate limits of any city of the second class or village, and outside of any organized city or village, shall be permitted to the area designated by a city or village pursuant to subsection (1) of this section~~ may subdivide, plat, or lay out such real property in building lots, ~~and~~ streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto; without first having obtained the approval ~~thereof by~~ of the city council or board of trustees of such municipality or its agent designated pursuant to section 19-916. The fact that such real property is located in a different county or counties than some or all portions of the municipality shall not be construed as affecting the necessity of obtaining the approval of the city council or board of trustees of such municipality or its designated agent.

(3) ~~(2)~~ No plat of such real property shall be recorded or have any force or effect; unless ~~the same be~~ approved by the city council or board of trustees of such municipality or its designated agent.

(4) ~~(3)~~ In counties that have ~~both~~ adopted a comprehensive development plan which meets the requirements of section 23-114.02 and are enforcing subdivision regulations, the county planning commission shall be provided with all available materials on any proposed subdivision plat, contemplating public streets or improvements, which is filed with a municipality in that county, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that municipality in such county. The commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the commission shall run concurrently with subdivision review activities of the municipality after the commission receives all available material for a proposed subdivision plat.

Sec. 4. An ordinance of a city of the second class or village designating its jurisdiction over territory outside of the corporate limits of the city or village under section 17-1001 or 17-1002 shall describe such territory by metes and bounds or by reference to an official map.

Sec. 5. That section 19-921, Reissue Revised Statutes of

Nebraska, 1943, be amended to read as follows:

19-921. For the purposes of sections 16-901 to 16-904 and 19-916 to 19-920 and section 2 of this act, in the area where the municipality has a comprehensive plan and has adopted subdivision regulations pursuant thereto, subdivision shall mean the division of lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel created is more than ten acres in area.

Sec. 6. That original sections 16-902, 17-1002, and 19-921, Reissue Revised Statutes of Nebraska, 1943, are repealed.