

LEGISLATIVE BILL 525

Approved by the Governor May 29, 2019

Introduced by Dorn, 30.

A BILL FOR AN ACT relating to county government; to amend sections 23-107.01 and 23-174.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of county real estate; to provide for transfer of an interest in real estate by a plat as prescribed; and to repeal the original sections.

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

Section 1. Section 23-107.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-107.01 (1)(a) ~~(1)~~ Except as provided in subsection (2) of this section and section 80-329, any county board has power to sell or lease real estate owned by the county and not required for county purposes at a fair market value regardless of the value of the property. The county board of such county shall hold an open and public hearing prior to any such sale or lease at which any interested party may appear and speak for or against the sale or lease and raise any issue regarding the fair market value of the property as determined by the county board. Public notice of any such public hearing shall be run once each week for two consecutive weeks prior to the hearing date in any newspaper or legal publication distributed generally throughout the county.

(b) ~~(2)~~ The county board shall set a date of sale which shall be within two months of the date of public hearing pursuant to subdivision (1)(a) subsection (1) of this section and shall offer such real estate for sale or lease to the highest bidder.

(c) ~~(3)~~ The county board shall cause to be printed and published once at least ten days prior to the sale or lease in a legal newspaper in the county an advertisement for bids on the property to be sold or leased. The advertisement shall state the legal description and address of the real estate and that the real estate shall be sold or leased to the highest bidder.

(d) ~~(4)~~ If the county board receives no bids or if the bids received are substantially lower than the fair market value, the county board may negotiate a contract for sale or lease of the real estate if such negotiated contract is in the best interests of the county.

(2) A county board may, by majority vote, sell real estate owned by the county in fee simple to another political subdivision in fee simple in such manner and upon such terms and conditions as may be deemed in the best interest of the county. A county board shall cause to be printed and published at least thirty days prior to the sale in a legal newspaper in the county a notice of the intent to sell county real estate to another political subdivision. The notice shall state the legal description and address of the real estate to be sold.

Sec. 2. Section 23-174.03, Reissue Revised Statutes of Nebraska, is amended to read:

23-174.03 (1) No owner of any real estate located in a county in which is located a city of the primary class, except within the area over which subdivision jurisdiction has been granted to any city or village, and such city or village is exercising such jurisdiction, shall be permitted to subdivide, plat, or lay out such real estate 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 the county board of such county. In lieu of approval by the county board, the county board may designate specific types of plats which may be approved by the county planning commission or the planning director. No plat or subdivision of such real estate shall be recorded in the office of the register of deeds or have any force or effect unless the same is approved by the county board, the county planning commission, or the planning director of such county. Such a county shall have authority within the area described in this subsection (a) to regulate the subdivision of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the county shall have no power to regulate subdivision in those instances where the smallest parcel created is more than ten acres in area, (b) to prescribe standards for laying out subdivisions in harmony with the comprehensive plan, (c) to require the installation of improvements by the owner or by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements, and (d) to require the dedication of land for public purposes.

(2) For purposes of this section, subdivision means the division of a 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 subdivision when the smallest parcel created is more than ten acres in area.

(3) Subdivision plats shall be approved by the county planning commission on recommendation by the planning director and county engineer and may be

submitted to the county board for its consideration and action. The county board may withhold approval of a plat until the county engineer has certified that the improvements required by the regulations have been satisfactorily installed or until a sufficient bond guaranteeing installation of the improvements has been posted with the county or until public improvement districts are created. The county board may provide procedures in land subdivision regulation for appeal by any person aggrieved by any action of the county planning commission or planning director.

(4) Any plat shall, after being filed with the register of deeds, be equivalent to a deed in fee simple absolute to the county, from the owner, of such portion of the land as is therein set apart for public use.

Sec. 3. Original sections 23-107.01 and 23-174.03, Reissue Revised Statutes of Nebraska, are repealed.