

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 162

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3;
Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

Read first time January 08, 2021

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to amend section
2 17-405.01, Revised Statutes Cumulative Supplement, 2020; to provide
3 procedures for detachment of real property from the corporate limits
4 of a city or village; to eliminate provisions relating to detachment
5 of real property from the corporate limits of a city of the first
6 class, city of the second class, or village; to harmonize
7 provisions; to provide a duty for the Revisor of Statutes; to repeal
8 the original section; and to outright repeal sections 16-129 and
9 17-414, Revised Statutes Cumulative Supplement, 2020.

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

1 Section 1. Section 17-405.01, Revised Statutes Cumulative
2 Supplement, 2020, is amended to read:

3 17-405.01 (1) Except as provided in subsections (2) and (3) of this
4 section and section 17-407, the mayor and city council of any city of the
5 second class or the chairperson and members of the village board of
6 trustees may by ordinance, except as provided in sections 13-1111 to
7 13-1118, at any time, include within the corporate limits of such city or
8 village any contiguous or adjacent lands, lots, tracts, streets, or
9 highways as are urban or suburban in character, and in such direction as
10 may be deemed proper. Such grant of power shall not be construed as
11 conferring power to extend the limits of any city of the second class or
12 village over any agricultural lands which are rural in character.

13 (2) The mayor and city council of any city of the second class or
14 the chairperson and members of the village board of trustees may, by
15 ordinance, annex any lands, lots, tracts, streets, or highways which
16 constitute a redevelopment project area so designated by the city or
17 village or its community redevelopment authority in accordance with the
18 provisions of the Community Development Law when such annexation is for
19 the purpose of implementing a lawfully adopted redevelopment plan
20 containing a provision dividing ad valorem taxes as provided in
21 subsection (1) of section 18-2147 and which will involve the construction
22 or development of an agricultural processing facility, notwithstanding
23 that such lands, lots, tracts, streets, or highways are not contiguous or
24 adjacent or are not urban or suburban in character. Such annexation shall
25 comply with all other provisions of law relating to annexation generally
26 for cities of the second class and villages. The city or village shall
27 not, in consequence of the annexation under this subsection of any
28 noncontiguous land, exercise the authority granted to it by law to extend
29 its extraterritorial zoning jurisdiction beyond its corporate boundaries
30 for purposes of planning, zoning, or subdivision development without the
31 agreement of any other city, village, or county currently exercising

1 zoning jurisdiction over the area surrounding the annexed redevelopment
2 project area. The annexation of any noncontiguous land undertaken
3 pursuant to this subsection shall not result in any change in the service
4 area of any electric utility without the express agreement of the
5 electric utility serving the annexed noncontiguous area at the time of
6 annexation, except that at such time following the annexation of the
7 noncontiguous area as the city or village lawfully annexes sufficient
8 intervening territory so as to directly connect the noncontiguous area to
9 the main body of the city or village, such noncontiguous area shall,
10 solely for the purposes of section 70-1008, be treated as if it had been
11 annexed by the city or village on the date upon which the connecting
12 intervening territory had been formally annexed. For purposes of this
13 subsection, agricultural processing facility means a plant or
14 establishment where value is added to agricultural commodities through
15 processing, fabrication, or other means and where eighty percent or more
16 of the direct sales from the facility are to other than the ultimate
17 consumer of the processed commodities. A facility shall not qualify as an
18 agricultural processing facility unless its construction or development
19 involves the investment of more than one million dollars derived from
20 nongovernmental sources.

21 (3) The mayor and two-thirds of the city council of any city of the
22 second class or the chairperson and two-thirds of the members of the
23 village board of trustees may, by ordinance, annex any lands, lots,
24 tracts, streets, or highways when such annexation is for the purpose of
25 relocating part or all of such city or village due to catastrophic
26 flooding, notwithstanding that such lands, lots, tracts, streets, or
27 highways are not contiguous or adjacent or are not urban or suburban in
28 character. Such annexation shall comply with all other provisions of law
29 relating to annexation generally for cities of the second class and
30 villages. The city or village shall not, in consequence of the annexation
31 under this subsection of any noncontiguous land, exercise the authority

1 granted to it by law to extend its extraterritorial zoning jurisdiction
2 beyond its corporate boundaries for purposes of planning, zoning, or
3 subdivision development without the agreement of any other city, village,
4 or county currently exercising zoning jurisdiction over the area
5 surrounding the annexed area. The annexation of any noncontiguous land
6 undertaken pursuant to this subsection shall not result in any change in
7 the service area of any electric utility without the express agreement of
8 the electric utility serving the annexed noncontiguous area at the time
9 of annexation, except that at such time following the annexation of the
10 noncontiguous area as the city or village lawfully annexes sufficient
11 intervening territory so as to directly connect the noncontiguous area to
12 the main body of the city or village, such noncontiguous area shall,
13 solely for the purposes of section 70-1008, be treated as if it had been
14 annexed by the city or village on the date upon which the connecting
15 intervening territory had been formally annexed. If, within five years
16 following an annexation undertaken pursuant to this subsection, part or
17 all of the city or village has not been relocated to the annexed area,
18 the city or village shall initiate detachment ~~disconnection~~ of such
19 annexed area pursuant to subsection (2) of section 2 of this act ~~17-414~~.
20 For purposes of this subsection, catastrophic flooding means a flooding
21 event that (a) results in total property damage within the city or
22 village which exceeds forty-five percent of the total assessed value of
23 the improvements within the city or village and (b) is declared to be a
24 major disaster by the President of the United States or the Governor.

25 Sec. 2. (1) Any person owning real property located within and
26 adjacent to the corporate limits of a city or village seeking to have
27 such property detached from the corporate limits of such city or village
28 may file a request with the city council or village board of trustees
29 asking that such property be detached. The request shall contain the
30 legal description of the property sought to be detached. If the city
31 council or village board of trustees determines that the property meets

1 the requirements of this section and that all or a part of such property
2 ought to be detached, the city council or village board of trustees
3 shall, by a majority vote of its members, order such property detached
4 from the corporate limits of the city or village. The city clerk or
5 village clerk shall file a certified copy of such order in the office of
6 the register of deeds of the county in which such property is located.

7 (2) A city or village may initiate detachment of any real property
8 located within and adjacent to the corporate limits of such city or
9 village by first publishing a proposed resolution of its intention to
10 detach such property in a legal newspaper in or of general circulation in
11 the city or village. Such resolution shall include a legal description of
12 the property to be detached. The notice shall provide the date, time, and
13 place of the meeting at which the resolution will be voted on by the city
14 council or village board of trustees. If, by a majority vote of its
15 members, the city council or village board of trustees adopts the
16 resolution ordering such property detached from the corporate limits of
17 the city or village, the city clerk or village clerk shall file a
18 certified copy of such adopted resolution in the office of the register
19 of deeds of the county in which such property is located.

20 Sec. 3. The Revisor of Statutes shall assign section 2 of this act
21 to an article in Chapter 18.

22 Sec. 4. Original section 17-405.01, Revised Statutes Cumulative
23 Supplement, 2020, is repealed.

24 Sec. 5. The following sections are outright repealed: Sections
25 16-129 and 17-414, Revised Statutes Cumulative Supplement, 2020.