

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1126

Final Reading

Introduced by Christensen, 44.

Read first time January 19, 2012

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to villages; to amend sections 13-327 and 13-328,
2 Reissue Revised Statutes of Nebraska; to provide for a
3 county to cede and transfer extraterritorial jurisdiction
4 of land to a village as prescribed; and to repeal the
5 original sections.

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

1 Section 1. Section 13-327, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-327 (1) The governing body of any city of the first
4 ~~class or city of the second class or village~~ may, by majority vote of
5 its members, request that the county board formally cede and transfer
6 to the city or village extraterritorial jurisdiction over land
7 outside the area extending two miles from the corporate boundaries of
8 a city of the first class and one mile from the corporate boundaries
9 of a city of the second class or village. In making its request, the
10 city or village shall describe the territory over which jurisdiction
11 is being sought by metes and bounds or by reference to an official
12 map, except that a village shall not request jurisdiction over any
13 territory that is more than one-quarter mile outside the area
14 extending one mile from the corporate boundaries of a village.

15 (2) Unless prohibited pursuant to section 13-328, the
16 county board may, by majority vote of its members, grant the request
17 with regard to some or all of the requested territory if:

18 (a) The county has formally adopted a comprehensive
19 development plan and zoning resolution pursuant to section 23-114 not
20 less than two years immediately preceding the date of the city's or
21 village's request;

22 (b) The city or village, on the date of the request, is
23 exercising extraterritorial jurisdiction over territory within the
24 boundaries of the county;

25 (c) The requested territory is within the projected

1 growth pattern of the city or village and would be within the city's
2 or village's extraterritorial jurisdiction by reason of annexation
3 within a reasonable period of years;

4 (d) Not more than a total of twenty-five percent of the
5 territory of the county located outside the corporate boundaries of
6 any city or village within the county shall be ceded to the
7 jurisdiction of one city or village within ten years after the date
8 upon which the initial request for the cession of territory to the
9 city or village was approved by the governing body of the city or
10 village; and

11 (e) No portion of the territory ceded to the city's or
12 village's jurisdiction by the county lies within an area extending
13 one-half mile from the extraterritorial jurisdiction of any other
14 city of the first or second class or village on the date the request
15 is approved by the governing body of the city or village.

16 (3) If the county board approves the cession and transfer
17 of extraterritorial jurisdiction to a city or village pursuant to
18 this section, such transfer shall take effect on the effective date
19 of the ordinance as provided for in subsection (1) of section 16-902
20 in the case of a city of the first class or as provided for in
21 subsection (1) of section 17-1002 in the case of a city of the second
22 class or village. Upon the effective date of such transfer, the
23 transferred jurisdiction shall be treated for all purposes as if such
24 land were located within two miles of the corporate boundaries of a
25 city of the first class or within one mile of the corporate

1 boundaries of a city of the second class or village.

2 Sec. 2. Section 13-328, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 13-328 A county which encompasses a city of the
5 metropolitan class or city of the primary class shall not cede or
6 transfer extraterritorial jurisdiction over land to a city of the
7 ~~first class or city of the~~ second class or village if, on the date
8 the county receives a request pursuant to subsection (1) of section
9 13-327, such land lies within the area extending three miles from the
10 extraterritorial jurisdiction boundaries of such city of the
11 metropolitan class or city of the primary class.

12 Sec. 3. Original sections 13-327 and 13-328, Reissue
13 Revised Statutes of Nebraska, are repealed.