

## LEGISLATIVE BILL 340

Approved by the Governor May 18, 1977

Introduced by Cope, 36

AN ACT to amend section 19-709, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to restrict eminent domain powers of first and second-class cities and villages as prescribed; and to repeal the original section.

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

Section 1. That section 19-709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-709. The mayor and city council of any city of the first or second class or the chairman and members of the board of trustees of any village shall have power to purchase or appropriate private property or school lands for the use of the city or village for streets, alleys, avenues, parks, parkways, boulevards, sanitary sewers, storm water sewers, public squares, public auditoriums, public fire stations, training facilities for firemen, market places, public heating plants, power plants, gas works, electric light plants, wells, or waterworks, including mains, pipe lines, and settling basins therefor, and to acquire outlets and the use of streams for sewage disposal. When necessary for the proper construction of any of the works above provided, the right of appropriation shall extend such distance as may be necessary from the corporate limits of the city or village, except that no city of the first or second class or village may acquire through the exercise of the power of eminent domain or otherwise any real estate within the zoning jurisdiction of any other city of the first or second class or village for any of the works enumerated in this section if the use for which the real estate is to be acquired would be contrary to or would not be a use permitted by the existing zoning ordinances and regulations of such other city or village, but such real estate may be acquired within the zoning jurisdiction of another city of the first or second class or village for such contrary or nonpermitted use if the governing body of such other city or village shall approve such acquisition and use. Such power shall also include the right to appropriate for any of the above purposes any plant or works already constructed, or any part thereof, whether the same lies wholly within the city or village or part within and part without the city or village or

beyond the corporate limits of such city or village, including all real estate, buildings, machinery, pipes, mains, hydrants, basins, reservoirs, and all appurtenances reasonably necessary thereto and a part thereof, or connected with such works or plants, and all franchises to own and operate the same, if any. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, except as to property specifically excluded by section 76-703 and as to which sections 19-701 to 19-707 are applicable.

Sec. 2. That original section 19-709, Reissue Revised Statutes of Nebraska, 1943, is repealed.