

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1126

Introduced by Christensen, 44.

Read first time January 19, 2012

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections 13-327,
2 13-328, and 17-1002, Reissue Revised Statutes of
3 Nebraska; to provide and change extraterritorial
4 jurisdiction of a village as prescribed; to harmonize
5 provisions; and to repeal the 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 (a) two miles from the corporate
8 boundaries of a city of the first class, (b) ~~and~~ one mile from the
9 corporate boundaries of a city of the second class, and (c) to the
10 closest boundaries of the surrounding quarter sections of land from
11 the corporate boundaries of a village. In making its request, the
12 city or village shall describe the territory over which jurisdiction
13 is being sought by metes and bounds or by reference to an official
14 map.

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 between the corporate
2 boundaries of a village and the closest boundaries of the surrounding
3 quarter sections of land.

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

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

14 Sec. 3. Section 17-1002, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 17-1002 (1) Except as provided in section 13-327: ~~any~~
17 (a) Any city of the second class ~~or village~~ may designate
18 by ordinance the portion of the territory located within one mile of
19 the corporate limits of such city ~~or village~~ and outside of any other
20 organized city or village within which the designating city ~~or~~
21 ~~village~~ will exercise the powers and duties granted by this section
22 and section 17-1003 or section 19-2402; and -

23 (b) Any village may designate by ordinance the portion of
24 the territory located between the corporate boundaries of the village
25 and the closest boundaries of the surrounding quarter sections of

1 land and outside of any other organized city or village within which
2 the designating village will exercise the powers and duties granted
3 by this section and section 17-1003 or section 19-2402.

4 (2) No owner of any real property located within the area
5 designated by a city or village pursuant to subsection (1) of this
6 section may subdivide, plat, or lay out such real property in
7 building lots, streets, or other portions of the same intended to be
8 dedicated for public use or for the use of the purchasers or owners
9 of lots fronting thereon or adjacent thereto without first having
10 obtained the approval of the city council or board of trustees of
11 such municipality or its agent designated pursuant to section 19-916
12 and, when applicable, having complied with sections 39-1311 to
13 39-1311.05. The fact that such real property is located in a
14 different county or counties than some or all portions of the
15 municipality shall not be construed as affecting the necessity of
16 obtaining the approval of the city council or board of trustees of
17 such municipality or its designated agent.

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

21 (4) In counties that have adopted a comprehensive
22 development plan which meets the requirements of section 23-114.02
23 and are enforcing subdivision regulations, the county planning
24 commission shall be provided with all available materials on any
25 proposed subdivision plat, contemplating public streets or

1 improvements, which is filed with a municipality in that county, when
2 such proposed plat lies partially or totally within the
3 extraterritorial subdivision jurisdiction being exercised by that
4 municipality in such county. The commission shall be given four weeks
5 to officially comment on the appropriateness of the design and
6 improvements proposed in the plat. The review period for the
7 commission shall run concurrently with subdivision review activities
8 of the municipality after the commission receives all available
9 material for a proposed subdivision plat.

10 Sec. 4. Original sections 13-327, 13-328, and 17-1002,
11 Reissue Revised Statutes of Nebraska, are repealed.