

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 864**

FINAL READING

Introduced by Crawford, 45.

Read first time January 11, 2016

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
- 2 13-327, 16-902, and 17-1002, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to a city or village requesting
- 4 additional extraterritorial zoning jurisdiction; 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 Nebraska, is  
2 amended to read:

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

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

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

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

24 (c) The requested territory is within the projected growth pattern  
25 of the city or village and would be within the city's or village's  
26 extraterritorial zoning jurisdiction by reason of annexation within a  
27 reasonable period of years;

28 (d) Not more than a total of twenty-five percent of the territory of  
29 the county located outside the corporate boundaries of any city or  
30 village within the county shall be ceded to the jurisdiction of one city  
31 or village within ten years after the date upon which the initial request

1 for the cession of territory to the city or village was approved by the  
2 governing body of the city or village; and

3 (e) No portion of the territory ceded to the city's or village's  
4 jurisdiction by the county lies within an area extending one-half mile  
5 from the extraterritorial zoning jurisdiction of any other city of the  
6 first or second class or village on the date the request is approved by  
7 the governing body of the city or village unless such other city or  
8 village adopts a resolution in support of such request.

9 (3) If the county board approves the cession and transfer of  
10 extraterritorial zoning jurisdiction to a city or village pursuant to  
11 this section, such transfer shall take effect on the effective date of  
12 the ordinance as provided for in subsection (4 ~~1~~) of section 16-902 in  
13 the case of a city of the first class or as provided for in subsection (5  
14 ~~1~~) of section 17-1002 in the case of a city of the second class or  
15 village. Upon the effective date of such transfer, the transferred  
16 jurisdiction shall be treated for all purposes as if such land were  
17 located within two miles of the corporate boundaries of a city of the  
18 first class or within one mile of the corporate boundaries of a city of  
19 the second class or village.

20 Sec. 2. Section 16-902, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 16-902 (1) Except as provided in subsection (4) of this section  
23 ~~13-327~~, a city of the first class may designate by ordinance the portion  
24 of the territory located within two miles of the corporate limits of the  
25 city and outside of any other organized city or village within which the  
26 designating city will exercise the powers and duties granted by sections  
27 16-902 to 16-904 or section 19-2402.

28 (2) No owner of any real property located within the area designated  
29 by a city pursuant to subsection (1) or (4) of this section ~~or section~~  
30 ~~13-327~~ may subdivide, plat, or lay out such real property in building  
31 lots, streets, or other portions of the same intended to be dedicated for

1 public use or for the use of the purchasers or owners of lots fronting  
2 thereon or adjacent thereto without first having obtained the approval of  
3 the city council of such city or its agent designated pursuant to section  
4 19-916 and, when applicable, having complied with sections 39-1311 to  
5 39-1311.05. The fact that such real property is located in a different  
6 county or counties than some or all portions of the city shall not be  
7 construed as affecting the necessity of obtaining the approval of the  
8 city council of such city or its designated agent.

9 (3) In counties that (a) have adopted a comprehensive development  
10 plan which meets the requirements of section 23-114.02 and (b) are  
11 enforcing subdivision regulations, the county planning commission shall  
12 be provided with all available materials on any proposed subdivision  
13 plat, contemplating public streets or improvements, which is filed with a  
14 municipality in that county, when such proposed plat lies partially or  
15 totally within the extraterritorial zoning subdivision jurisdiction being  
16 exercised by that municipality in such county. The commission shall be  
17 given four weeks to officially comment on the appropriateness of the  
18 design and improvements proposed in the plat. The review period for the  
19 commission shall run concurrently with subdivision review activities of  
20 the municipality after the commission receives all available material for  
21 a proposed subdivision plat.

22 (4) If a city of the first class receives approval for the cession  
23 and transfer of additional extraterritorial zoning jurisdiction under  
24 section 13-327, such city may designate by ordinance the portion of the  
25 territory located within two miles of the corporate limits of the city  
26 and outside of any other organized city or village within which the  
27 designating city will exercise the powers and duties granted by sections  
28 16-902 to 16-904 or section 19-2402 and shall include territory ceded  
29 under section 13-327 within such designation.

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

1           17-1002 (1) Except as provided in subsection (5) of this section  
2 ~~13-327~~, any city of the second class or village may designate by  
3 ordinance the portion of the territory located within one mile of the  
4 corporate limits of such city or village and outside of any other  
5 organized city or village within which the designating city or village  
6 will exercise the powers and duties granted by this section and section  
7 17-1003 or section 19-2402.

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

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

24           (4) In counties that have adopted a comprehensive development plan  
25 which meets the requirements of section 23-114.02 and are enforcing  
26 subdivision regulations, the county planning commission shall be provided  
27 with all available materials on any proposed subdivision plat,  
28 contemplating public streets or improvements, which is filed with a  
29 municipality in that county, when such proposed plat lies partially or  
30 totally within the extraterritorial zoning subdivision jurisdiction being  
31 exercised by that municipality in such county. The commission shall be

1 given four weeks to officially comment on the appropriateness of the  
2 design and improvements proposed in the plat. The review period for the  
3 commission shall run concurrently with subdivision review activities of  
4 the municipality after the commission receives all available material for  
5 a proposed subdivision plat.

6 (5) If a city of the second class or village receives approval for  
7 the cession and transfer of additional extraterritorial zoning  
8 jurisdiction under section 13-327, such city or village may designate by  
9 ordinance the portion of the territory located within one mile of the  
10 corporate limits of such city or village and outside of any other  
11 organized city or village within which the designating city or village  
12 will exercise the powers and duties granted by this section and section  
13 17-1003 or section 19-2402 and shall include territory ceded under  
14 section 13-327 within such designation.

15 Sec. 4. Original sections 13-327, 16-902, and 17-1002, Reissue  
16 Revised Statutes of Nebraska, are repealed.