

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 289**

Introduced by Mines, 18

Read first time January 10, 2005

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities of the first class; to amend section  
2 16-117, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to annexation; to provide powers and  
4 duties; to harmonize provisions; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1.    Section 16-117, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   16-117. (1) ~~The corporate limits of a city of the first~~  
4 ~~class shall remain as before, and the mayor and council may by~~  
5 ~~ordinance, except~~ Except as provided in sections 13-1111 to ~~13-1118~~  
6 13-1120 and subject to ~~subsections (3) through (6) of~~ this section,  
7 the mayor and city council of a city of the first class may by  
8 ordinance at any time include within the corporate limits of such  
9 city any contiguous or adjacent lands, lots, tracts, streets, or  
10 highways as are urban or suburban in character and in such  
11 direction as may be deemed proper. Such grant of power shall not  
12 be construed as conferring power upon the mayor and city council to  
13 extend the limits of a city of the first class over any  
14 agricultural lands which are rural in character.

15                   (2) The invalidity of the annexation of any tract of land  
16 in one ordinance shall not affect the validity of the remaining  
17 tracts of land which are annexed by the ordinance and which  
18 otherwise conform to state law.

19                   (3) The city council ~~desiring~~ proposing to annex land  
20 under the authority of this section shall first adopt both a  
21 resolution stating that the city is ~~considering~~ proposing the  
22 annexation of the land and a plan for extending city services to  
23 the land. The resolution shall state:

24                   (a) The time, date, and location of the public hearing  
25 required by subsection (5) of this section;

26                   (b) A description of the boundaries of the land proposed  
27 for annexation; and

28                   (c) That the plan of the city for the extension of city

1 services to the land proposed for annexation is available for  
2 inspection during regular business hours in the office of the city  
3 clerk.

4 (4) The plan adopted by the city council shall contain  
5 sufficient detail to provide a reasonable person with a full and  
6 complete understanding of the ~~intentions of the city~~ proposal for  
7 extending city services to the land proposed for annexation. The  
8 plan shall (a) state the estimated cost impact of providing the  
9 services to such land, (b) state the method by which the city plans  
10 to finance the extension of services to the land and how any  
11 services already provided to the land will be maintained, (c)  
12 include a timetable for extending services to the land proposed for  
13 annexation, and (d) include a map drawn to scale clearly  
14 delineating the land proposed for annexation, the current  
15 boundaries of the city, the proposed boundaries of the city after  
16 the annexation, and the general land-use pattern in the land  
17 proposed for annexation.

18 (5) A public hearing on the proposed annexation shall be  
19 held within sixty days following the adoption of the resolution  
20 proposing to annex land to allow the city council to receive  
21 testimony from interested persons. The city council may recess the  
22 hearing, for good cause, to a time and date specified at the  
23 hearing.

24 (6) A copy of the resolution providing for the public  
25 hearing shall be published in the official newspaper in the city at  
26 least once not less than ten days preceding the date of the public  
27 hearing. A map drawn to scale delineating the land proposed for  
28 annexation shall be published with the resolution. A copy of the

1 resolution providing for the public hearing shall be sent by  
2 first-class mail following its passage to the school board of any  
3 school district in the land proposed for annexation.

4 (7) Any owner of property contiguous or adjacent to a  
5 city of the first class may by petition request that such property  
6 be included within the corporate limits of such city. The mayor  
7 and city council may include such property within the corporate  
8 limits of the city without complying with subsections (3) through  
9 (6) of this section.

10 (8) Notwithstanding the requirements of this section, the  
11 mayor and city council are not required to approve any petition  
12 requesting annexation or any resolution or ordinance proposing to  
13 annex land pursuant to this section.

14 Sec. 2. Original section 16-117, Reissue Revised  
15 Statutes of Nebraska, is repealed.