

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 21, 2010 AGENDA

Subject:	Type:	Submitted By:
COMPREHENSIVE PLAN — AMENDMENT CHAPTER 9, ANNEXATION PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared to approve an amendment to the City's Comprehensive Plan which is a revision to Chapter 9, Annexation Plan.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an amendment to the City's Comprehensive Plan which is a revision to Chapter 9, Annexation Plan.

In October of 2009, the Council adopted a new Chapter 9 to the Comprehensive Plan, which provides a detailed annexation plan consisting of a narrative section, a chart and a map. The City's Strategic Plan identifies maintaining a long-range annexation plan as a key objective and indicates that it should be reviewed and updated annually.

The amendments include the following:

1. In the narrative, under Annexation Policies, the last policy identifies guidelines for the prioritization of annexation. A new guideline has been added which states "Logical extension of boundaries to fill in gaps or clarify jurisdictional boundaries for improved provision of services."
2. Under Annexation Study Process, item (3) identifies entities to be notified prior to the Planning Commission public hearing. The school district and fire district have been added to the list.
3. The SID Summary chart has been updated.
4. The map has been updated and the "10+ Year" category has been changed to "10-15 Years" and "15+ Years", and adjustments have been made to the areas considered for annexation in each of the four categories.

The Planning Commission held a public hearing on September 16, 2010 and unanimously recommended approval to the City Council.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,
NEBRASKA, IN SUPPORT OF AMENDING CHAPTER 9, ANNEXATION PLAN, OF THE
COMPREHENSIVE PLAN**

WHEREAS, the Comprehensive Plan currently has an Annexation Plan in Chapter 9 which includes a narrative section, a chart and a map; and

WHEREAS, amendments are proposed to update the Plan based on an annual review; and

WHEREAS, the Planning Commission has recommended approval of the amendments to Chapter 9, Annexation Plan; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to Chapter 9, Annexation Plan, of the Comprehensive Plan.

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

**Pamela A. Buethe, CMC
City Clerk**

Chapter 9

ANNEXATION PLAN

INTRODUCTION

Annexation is a means of bringing unincorporated property into the corporate limits of the city and extending municipal services, regulations, voting privileges and taxing authority to new territory. It is also a tool for growth management by establishing more sensible jurisdictional boundaries, facilitating economic development, and fostering more coordinated land development. Annexation is also a means of ensuring that residents and businesses outside the city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services.

A city can only annex land within its extra-territorial jurisdiction (ETJ). The ETJ of a city is the contiguous unincorporated land adjacent to its corporate limits that is not within another city's ETJ. The size of a city's ETJ varies according to population, ranging from one mile for communities with less than 5,000 persons, to three miles for cities greater than 100,000. La Vista currently has a two-mile ETJ.

From an annexation perspective, a city's ETJ serves two functions. First, it prevents another municipality from annexing into another's ETJ. This provides a city with land that it alone can potentially annex. Second, cities are authorized to enforce their subdivision regulations, zoning regulations, and building codes within their ETJ. This is intended to be a means of ensuring that cities will not have to assume maintenance responsibilities for substandard infrastructure upon annexation. This however may not hold true for areas within La Vista's current ETJ and future growth area which have been developed while under Sarpy County's control.

Annexation is critical to the long-term well being of La Vista. This document details many of the considerations for annexation including conformity with Nebraska law, as well as a list of general policies, and finally it identifies areas for further study based on a one-to-five year, five-to-ten year, and ten-plus year schedule.

ANNEXATION POLICIES

- The City will pursue an annexation program that adds to the economic stability of the city, protects and enhances its quality of life, and protects its environmental resources.
- The City will pursue an annexation program that promotes orderly growth and the provision of municipal services and preserves the city's fiscal position.
- The City will consider annexation of an area to increase the quality of life, upgrade public facilities, and provide the necessary services to meet the needs of the residents of the area.
- Upon annexation, the City will consider the extension of its ETJ as a means of managing growth and providing zoning and building controls.
- The City will oppose the extension of another municipality's jurisdiction or the creation of a special purpose district within the city's ETJ unless the city determines it cannot provide the necessary

services. The City will acknowledge interlocal cooperation agreements regarding growth boundaries created in corporation with other municipalities.

- The guidelines for the prioritization of annexation should include consideration of the following major issues:
 - Ability to meet State contiguity requirements.
 - Exploration of the cost/benefit ratio through a detailed fiscal plan.
 - Infrastructure capacities and feasibility of provision of services.
 - Importance for economic development purposes, controlling entrances to the city, or other reasons related to fostering more coordinated development or the provision of services.
 - *Logical extension of boundaries to fill in gaps or clarify jurisdictional boundaries for improved provision of services.*

ANNEXATION PLAN CONTENTS

The Annexation Plan for La Vista identifies annexations that include Sanitary and Improvement Districts and other major tracts of land; miscellaneous lots and other tracts of land and rights-of-way may not be identified until a detailed annexation study is performed. The details of the provision of services and other provisions of State law which must be followed in annexing properties will also be identified in a detailed annexation study.

Attached to this plan narrative is a spreadsheet which primarily summarizes the cost and benefit of each area, organized by an annexation timeframe; and a map of the City's corporate limits, ETJ and future growth area which graphically identifies the annexation boundaries by timeframe.

ANNEXATION STUDY PROCESS

(Per LB 495 and R.S. 1943, § 16-117, Annexation; powers; procedure; hearing.)

(1) Prepare a plan with complete information on the city's intentions for extending city services to the land proposed for annexation and state:

- a. The estimated cost impact of providing the services;
- b. The estimated method by which the city plans to finance the extension of services and how any services already provided will be maintained;
- c. A timetable for extending the services;
- d. A map drawn to scale delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after annexation, and the general land use pattern in the land proposed for annexation.

(2) The City Council adopts the resolution stating that the city is considering the annexation of the land and the plan for extending services. The resolution shall state:

- a. The time, date and location of the public hearing (#10 below);
- b. A description of the boundaries proposed for annexation;
- c. The plan for the extension of city services is available for inspection in the office of the City Clerk.

(3) Not later than 14 days prior to the Planning Commission public hearing, the City Clerk must send notice of the proposed annexation by certified mail, return receipt requested to any of the following entities serving customers in the City or area proposed for annexation:

- a. Natural gas public utility
- b. Natural gas utility owned or operated by the city
- c. Metropolitan utilities district
- d. Any municipality
- e. Public power district
- f. Public power and irrigation district
- g. Electric cooperative
- h. Any other governmental entity providing electronic services
- j. *School district*
- k. *Fire district*

This mailing must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(4) The City must provide written notice of Planning Commission public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. A certified letter must also be sent to the SID Clerk. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(5) The Planning Commission reviews the proposed annexation plan and forwards a recommendation to the City Council.

(6) A copy of the resolution providing for the public hearing shall be published in the newspaper at least once not less than 10 days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution.

(7) A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district proposed for annexation.

(8) The City must provide written notice of the City Council public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of the City Council hearing
- c. How further information can be obtained, including an email or phone number

(9) The City Council introduces the annexation ordinance (first reading).

(10) The City Council holds the public hearing on the proposed annexation within 60 days following the adoption of the resolution (the City Council may recess the hearing, for good cause, to a time and date specified at the hearing). The City Council considers the second reading of the annexation ordinance.

- (11) The City Council considers the third and final reading of the annexation ordinance.
- (12) The City Clerk publishes the annexation ordinance and it becomes effective 15 days after passage.

CONCLUSION

This document has been prepared to assist with the decision-making regarding annexation. The information provided is intended to ensure compliance with State law and aid in more complete and well thought out decisions by the city about future annexations. The city's goal is that the policies stated above be evaluated in order for annexation to have the least negative impact on the city and its residents and that the positive attributes and reasons for annexation may be more easily identified and applied to future decisions regarding city growth.

**City of La Vista
SID Summary
FY11**

General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	2010 Valuation	Tax Revenue Generated	Long-Term Debt FY09 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand 7/31/2010
La Vista												
One - Five Year												
108th & Harrison	1 Oakdale/Brookvalley	1971	59	0.260000	96,552,400	251,036	3,191,450	3.31%	505,452			972,519
108th & Harrison	1a Brookvalley II	1998	59	0.260000	39,769,413	103,400	1,303,550	3.28%	208,193			397,226
124th & Harrison	1b Performance Auto Plaza	2001			7,465,000	-	-	0.00%	39,079			
124th & Harrison	1c KV Development(storage)	Unplatted			2,033,965	-	-	0.00%	10,648			
72nd & Giles	1d Giles Corner	2003	239	0.791952	18,669,243	147,851	1,650,000	8.84%	97,733	239	332	941,852
96th & Portal	1e ² Crossroads Ind Park	1979	82	0.787193	4,895,605	38,538	125,000	2.55%	25,628			48,798
126th & Giles	2 ³ Otte-Sarpy Ind Park	1998			2,065,635	-	-	0.00%	10,814			
126th & Giles	2a ³ Omaha Dev Foundation	1998			120,074	-	-	0.00%	629			
136th & Giles	2b ³ Interstate Industrial Park	1990			13,265,000	-	-		69,442			
132nd & Giles	2c ³ Claas	Unplatted			13,700,000	-	-	0.00%	71,720			
136th & Giles	2d Centech Business Park	1995	172	0.750002	49,071,171	368,035	2,195,000.00	4.47%	256,888			464,544
I-80 & Sapp Brothers	2e ³ I-80 Industrial Park	1993	163	0.410000	41,525,666	170,255	2,055,000.00	4.95%	217,387			337,494
144th & Chandler	2f ³ Chalco Valley Bus Park	1991			16,742,417	-	-	0.00%	87,547			
Port Grace & Eastport	3 Sod Farm	Unplatted			50,816	-	-	0.00%	266			
118th & Harry Anderson	4 ³ I-80 Business Park-2nd Add	2001			413,969	-	-	0.00%	2,167			
Five-Ten Year												
96th & Giles	1 Mayfair	1998	195	0.505000	42,976,398	217,031	2,780,000	6.47%	224,981	511	560	1,544,409
96th & Harrison	2 Cimarron Woods	2004	237	0.680000	99,421,809	676,068	6,325,000	6.36%	520,473	766	2382	1,538,209
100th & Giles	4 Portal Ridge	2006	276	0.900000	21,331,919	191,987	5,003,367	23.45%	111,673	101	696	1,475,967
114th & Giles	⁴ OTC Business Park	2004			34,392,366	-	-	0.00%	180,044			
Ten - Fifteen Year												
SE 132nd & Harrison	Millard Highland South	1976	104	0.460005	124,010,620	570,455	2,000,000.00	1.61%	649,196	3760	4688 ⁵	914,704
SE 138th & Harrison	Southridge	1985	133	0.580000	39,185,004	227,273	1,265,000.00	3.23%	205,133	821	821	378,972
SE Hwy 50 & Harrison	Stonybrook South	1977	111	0.659852	62,360,419	411,486	1,455,000.00	2.33%	326,457	974	974	599,557
E of Hwy 50 S of Giles	The Meadows	1972	65	0.586720	64,474,750	378,286	1,175,000.00	1.82%	337,525	1587	1587	411,635
144th & Giles	Lakeview South II				5,189,383			0.00%	27,166			

¹ Population estimate.

**City of La Vista
SID Summary**

FY11

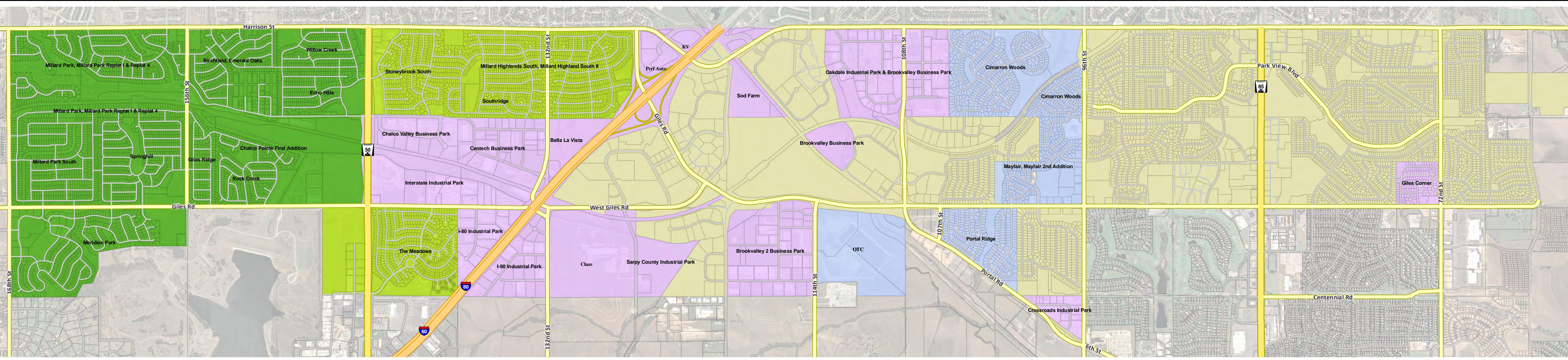
General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	2010 Valuation	Tax Revenue Generated	Long-Term Debt FY09 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand 7/31/2010
Fifteen + Years												
Hwy 50 & Harrison	Willow Creek	1974	96	0.434505	38,307,489	166,448	430,000.00	1.12%	200,540	*	*	
SW 144th & Harrison	Echo Hills	1975	68	0.621610	26,119,431	162,361	530,000.00	2.03%	136,735	*	*	
156th & Harrison	Emerald Oaks/Birchfield	1992	156	0.540000	64,976,462	350,873	3,255,000.00	5.01%	340,152	*	1150	
NE 156th & Giles	Rock Creek	1974	92	0.728623	29,290,668	213,419	845,000.00	2.88%	153,337	<i>Included with Chalco Point</i>		
NE 156th & Giles	Rock Creek Apts	2000			26,329,115	0		0.00%	137,833	<i>Included with Chalco Point</i>		
156th & Giles	Chalco Point	1994	165	0.665000	17,428,811	115,902	1,050,000.00	6.02%	91,240	*	1046	
156th & Giles	Giles Ridge	2001	225	0.899999	25,401,572	228,614	3,105,000.00	12.22%	132,977	*	457	
159th & Giles	Springhill Ridge	2003	233	0.850000	78,001,190	663,010	6,290,000.00	8.06%	408,336	1751	1751	
SW 156th & Harrison	Millard Park	1994	162	0.800000	136,816,955	1,094,536	8,285,000.00	6.06%	716,237	*	312	
SE 168th & Harrison	Millard Park South	2000	216	0.750004	86,538,230	649,040	5,505,000.00	6.36%	453,028	*	951	
168th & Giles	Stonecrest	2004	257	0.900000	68,765,475	618,889	5,479,900.00	7.97%	359,987			
Total Valuation and revenue at La Vista's valuation				0.523500	2,446,701,004	\$12,808,480						
Total Valuation and revenue at SID's valuation						\$8,014,794						
Total Debt in SID's									\$65,298,267			
Total Population										29,448	36,645	

² Complicated since the SID spans across two jurisdictions, City of La Vista and City of Papillion.

³ Address the issue of the 132nd & Giles intersection improvements agreement.

⁴ In accordance with the Subdivision agreement can not annex until 12/31/19.

* Count in progress



Legend

Annexation Areas

- 1-5 Years
- 5-10 Years
- 10-15 Years
- 15+ Years
- 2010 City Limits



CITY OF LA VISTA ANNEXATION PLAN

Sepetember 16, 2010

