

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 21, 2013 AGENDA**

Subject:	Type:	Submitted By:
ANNEXATION — SID # 195 (MAYFAIR), MISC. LOTS #1 (MAYFAIR NON-SID LOTS), I-80 BUSINESS PARK 2 ND ADDITION, MISC. LOTS #2 & ADJOINING STREET ROW'S	RESOLUTION ◆ ORDINANCES (3) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

First reading of the ordinances has been scheduled for Council to consider the annexation of the following property:

(1) SID # 195

- Mayfair: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 98, 99, 100, 101, 102, 103 and 104
- Mayfair Replat One: Lots 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132 and 133
- Mayfair 2nd Addition: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 118
- Mayfair 2nd Addition, Replat One: Lots 1, 2, 3, 4A and 11A
- Mayfair 2nd Addition, Replat Two: Lot 9A
- Mayfair 2nd Addition, Replat Three: Lot 2
- Mayfair 2nd Addition, Replat Four: Lot 1
- Mayfair 2nd Addition, Replat Five: Lots 1 and 2
- Mayfair 2nd Addition, Replat Six: Lots 1 and 2

(2) Miscellaneous Lots #1

- Mayfair: Outlot A
- Mayfair 2nd Addition: Lot 21

(3) I-80 Business Park – 2nd Addition and Tax Lots 17 and 18

- I-80 Business Park, 2nd Addition: Lots 1 and 2
- Tax Lots 17 and 18 (17-14N-12E)

(4) Miscellaneous Lots #2

- Tax Lots 11 and 15 (17-14N-12E)

(5) And Any Adjoining Street Rights-of-Way

FISCAL IMPACT

	<u>Assessed Valuation</u>	<u>Net Debt</u>
SID #195 - Mayfair	\$ 43,350,273	\$ 1,460,000
Miscellaneous Lots #1	\$ 295,009	\$ ---
I-80 Business Park – 2 nd Add.	\$ 378,738	\$ ---
Miscellaneous Lots #2	\$ 78,035	\$ ---

Additional detail can be found in the annexation plan.

RECOMMENDATION

Approval.

BACKGROUND

On March 5, 2013, the Council adopted an amendment to Chapter 9 of the Comprehensive Plan, which provides a detailed annexation plan. The areas proposed for annexation are identified within the plan, on the SID Summary spreadsheet, as areas 2, 2a, 2b, and 2c.

A detailed annexation analysis was prepared and on April 16, 2013, the City Council adopted Resolution No. 13-030 stating the Council was considering the annexation and setting 7 P.M. on June 4th as the time and date of the public hearing. Notice of the City Council public hearing has been mailed to owners of property within the area proposed for annexation according to statutory requirements.

The Planning Commission held a public hearing on May 9, 2013, and on a vote of 6 in favor with one abstaining, recommended approval of the annexation to the City Council.

The following areas being considered for annexation are comprised of the following:

- SID #195 (Mayfair) — 194 developed single family lots, 1 developed quasi-public lot (church), 7 developed commercial lots, 7 vacant lots. Estimated population is 537.
- Miscellaneous Lots #1 — 1 developed single family lot, 1 outlot. Estimated population is 3.
- I-80 Business Park 2nd Addition — 1 developed industrial lot and 3 undeveloped industrial lots. Estimated population is 0.
- Miscellaneous Lots #2 — 2 undeveloped lots. Estimated population is 0
- Any adjoining street rights-of-way.

NOTE: Updates to the annexation study are noted by **yellow high-lighting on the annexation schedule and by red on the SID reports (see attached revised pages). Changes to the reports are as follows:**

Annexation Schedule – item (16), regarding date to provide Public Works services.

SID #195 – page 6, regarding the City's net debt to assessed valuation ratio.

Misc. Lots #2 – pages 1 and 2, regarding the recommendation.

Plan to Extend Services – pages 1 and 2, regarding street, sewer and park maintenance services to be extended on or before July 31, 2013.

NOTE: Prepare update to **COMPREHENSIVE PLAN, CHAPT. 9, ANNEXATION PLAN** for public hearings and adoption by Planning Commission and City Council prior to step (2) below.

PC Public Hearing 2/21
CC Public Hearing and
Adoption 3/5

ANNEXATION SCHEDULE

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

(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.

Packets to depts. 1/25
Info. due back 3/1
Draft study 3/4-11
Depts. review draft 3/11
Revisions due back 3/22
Prepare final draft 3/25

Final Report 4/1

(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.

CC Resolution 4/16
PC Public Hearing 5/9
CC Public Hearing 6/4

Update City website and social media sites.

(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 (Section 16-130(6)):

- 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

This mailing must include:

- a. Copy of proposed annexation ordinance
- b. The date, time and place of public hearing before Planning Commission on proposed annexation ordinance
- c. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- d. How further information can be obtained, including an email **AND** phone number

Mail 4/22
(Last date to send 4/25)
(Ownership list no earlier than 4/12)

(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 **AND** phone number

Mail 4/22
(Last date to send 4/24)

(5) 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. **Also notify Fire District.**

Mail 4/17 to PLVSD

(6) The Planning Commission conducts a public hearing on the proposed annexation ordinance and forwards a recommendation to the City Council.	PC 5/9 (PC 5/16 if continued)
(7) A copy of the resolution providing for the public hearing shall be published in the newspaper at least once <u>not less than 10 days</u> preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution.	Publish 5/22 (Email ad and map 5/17)
(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 AND phone number	Mail 5/16 (Last date to send 5/20)
(9) The City Council introduces the annexation ordinance (first reading).	CC 5/21 (1st 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).	CC 6/4 (Public Hearing)
(11) The City Council considers the second reading of the annexation ordinance.	CC 6/4 (2nd Reading)
(12) Prior to the final adoption of the annexation ordinance, the minutes of the City Council meeting at which the final adoption was considered shall reflect formal compliance with #3 above.	CC 6/18
(13) The City Council considers the third and final reading of the annexation ordinance.	CC 6/18 (3rd Reading)
(14) The City Clerk publishes the annexation ordinance and it becomes effective 15 days after passage*. *Specify effective date of 7/31/2013.	Publish 6/26 *Effective 7/31
(15) The City Clerk notifies:	
a. SID Chairman – request information on contracts, outstanding bills, name/contact information for auditor, an audit up to the date of annexation, and accounting per Section 31-764.	
b. Reporting of annexation pursuant to various statutes, such as: i. (Section ?) – notice to Postmaster General of Nebraska ii. Section 13-509(2) – taxable valuation as of Aug. 1 iii. Section 18-1753 – report additional population to tax commissioner iv. Section 77-27,143 – sales and use tax administration	
c. Determination if redistricting is required pursuant to Section 19-3052 (within 180 days)	
d. County Offices, utility companies, others?	
e. 911 notification – request change to who is dispatched in annexed areas.	6/19
(16) DATE TO PROVIDE SERVICES Note: Dates may be revised during preparation of final report, see item (1) above, but prior to (2) above.	POLICE: 7/31/2013 FIRE: 10/1/2013 LIBRARY: 7/31/2013 RECREATION: 7/31/2013 PUB WORKS: 7/31/2013

Denotes special meeting.

Denotes not required by statute.

Revised 5-10-13

ⁱ Owner means owner of a piece of property as indicated on the records of the office of the register of deeds as provided to or made available to the city no earlier than the last business day before the 25th day preceding the public hearing by the planning commission on the annexation proposed for the subject property (Section 19-5001(7)).

Additionally, 101st Street is plowed by the City from Giles Road to the city limits on the north side of the subdivision. The sidewalks along 96th and Giles within the Mayfair subdivision are also being plowed.

3. The Police Department has been responding to calls if officers are in the area when the call comes out. The Department has handled 15 of the service calls (17%) to assist other agencies.
4. A total of 18 households in Mayfair currently pay for library cards because they do not reside within the city limits. An additional number of non-residents likely visit the library; however, there is no data on these users because they are not allowed to check out material without a card.
5. From a financial standpoint, the proposed annexation's annual property tax revenue falls short of the annual debt service payment by approximately \$98,990. While the total annual income from all funds exceeds the total annual expenses by \$125,601.
6. The SID's net debt to assessed valuation is 2.96%, which may be lowered when remaining lots are developed.
7. The City's net debt to assessed valuation ratio would be reduced from ~~5.31%~~4.61% to ~~5.54%~~4.54%.

B. Policy Alternatives

1. Annex.
2. Postpone annexation until debt level is reduced.

C. Recommendations/Conclusions

The annexation of SID 195 will bridge a gap in the City limits between the Val Vista and Southwind subdivisions. This will reduce confusion regarding jurisdictional boundaries and the provision of services. The City's Police and Fire Departments are currently responding to calls on a limited basis in this area. Public Works is also providing snow removal service on the perimeter and through the subdivision as a route between areas already within the City limits.

It is recommended that the City annex SID 195 as this analysis confirms its suitability for annexation and the annexation is in conformance with the Comprehensive Plan.

Revised 4-24-13

MISCELLANEOUS LOTS #2
TAX LOTS 11 & 15 17-14-12
(SOD FARM)

1. Legal Description

TAX LOTS 11 & 15 17-14-12 (33.64 AC)
and adjoining railroad right-of-way (8.045 AC)

2. Property Owner

McDermott, ADA

3. Recommendation

~~The annexation of these lots will bridge a gap in the City limits between Harrison Hills and Performance Auto. This will reduce confusion regarding which areas are within the City limits. There are no immediate cost implications anticipated. Total anticipated property tax from this annexation is estimated to be \$429 annually.~~

This property is currently zoned TA, Transitional Agriculture District, with the FF/FW, Flood Plain Overlay District, and the Gateway Corridor Overlay District. The Future Land Use Map of the Comprehensive Plan identifies this area as "Parks and Recreation", and on the Park and Recreation Master Plan it is identified as "La Vista Commons, Future Large Urban Park." The current use of the land is as a sod farm.

Although the Park and Recreation Master Plan identifies this site as a future large urban park to be owned by the City, consideration should be given to amending this designation as a result of the adoption of the Vision Plan for 84th Street. Within the Vision Plan, the existing golf course is transformed into La Vista Civic Center Park, the signature park for the community. The Master Plan for Civic Center Park includes the facilities and services which would

make it become the community's "future large urban park", taking the place of the plan for La Vista Commons (the sod farm).

The City has had numerous inquiries regarding development of this property. Because of the restrictions associated with the floodplain designation, open recreation uses are anticipated, although potentially under private ownership. Other potential development proposals would require an amendment to the Future Land Use Map and the TA zoning district classification. Flood plain regulations would continue to place limits on development regardless of the primary zoning district classification.

The annexation of these lots will close a gap in the city limits between Harrison Hills and Southport East; the property is currently surrounded by the city limits. This will reduce confusion regarding jurisdictional boundaries. Approximately two-thirds of the sod farm property abutting this area was annexed in 1999 and is currently in the city limits.

There are no immediate cost implications anticipated with the provision of services. The total annual property tax revenue from this annexation is estimated to be \$429.

It is recommended that the City annex Miscellaneous Lots #2 as this analysis confirms its suitability for annexation and the annexation is in conformance with the Comprehensive Plan.

Revised 5-2-13

PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION

Pursuant to Nebraska Revised Statute §16-117, the following plan represents the City of La Vista's intent to serve SID #195 (Mayfair); Lot 21 Mayfair Second Addition, OUTLOT A Mayfair (Mayfair Misc. Lots); Lots 1 & 2 I-80 Business Park 2nd Addition, TAX LOT 17 17-14-12, TAX LOT 18 17-14-12 (I-80 Business Park – 2nd Addition); TAX LOTS 11 & 15 17-14-12, Irreg. NW 2816 FT of Former UP RR ROW in 17-14-12, Former UP RR ROW in NE ¼ NE1/4 18-14-12 (Sod Farm).

SID #195 - Mayfair

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

Misc. Lots #1 (Non-SID Mayfair Lots)

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

I-80 Business Park – 2nd Addition and Tax Lots 17 & 18 17-14-12

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

Misc. Lots #2 (Sod Farm)

The following city services will be extended on or before July 31, 2013:

Community/Recreation Center	Police Protection
Library Services	<u>Street Maintenance</u>
<u>Sewer Maintenance</u>	<u>Park Maintenance</u>

The following city services will be extended on or before October 1, 2013:

<u>Street Maintenance</u>	<u>Park Maintenance</u>
<u>Sewer Maintenance</u>	Fire and Rescue Services

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (SID NO.195, MAYFAIR, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, LOT 21, MAYFAIR 2ND ADDITION, AND OUTLOT "A", MAYFAIR, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Mayor and City Council of the City of La Vista, in compliance with Nebraska Revised Statutes, Section 16-117, have adopted a resolution stating that the City is considering the annexation of certain land, have approved a plan for the extension of City services to said land, and have complied with the publication, mailing and public hearing requirements required by said statute; and

WHEREAS, the Planning Commission of the City of La Vista has held a hearing to consider the proposed annexation and plan to provide services, and the Mayor and City Council has obtained the recommendation of the Planning Commission of the City of La Vista to annex the below described land and provide services in accordance with the plan; and

WHEREAS, the Mayor and City Council of the City of La Vista find the below described territory to be contiguous or adjacent to the City of La Vista, Nebraska, and is urban or suburban in character and not agricultural land which is rural in character; and

WHEREAS, the Mayor and City Council of the City of La Vista have determined that sewerage facilities will be sufficient to serve said territory and said territory will be serviced by the water utility franchised by the City and that the City is in a position to extend police and fire protection and other municipal services to said below-described territory, so that the inhabitants of said territory shall receive substantially the services of other inhabitants of the City of La Vista, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1.

A. The foregoing recitals shall be incorporated into this ordinance by reference and are hereby ratified, affirmed and approved.

B. The following described territory situated in Sarpy County, Nebraska to-wit:

LOTS 3 THRU 47, INCLUSIVE, AND LOTS 98 THRU 104, INCLUSIVE, MAYFAIR;

TOGETHER WITH OUTLOT "A", MAYFAIR;

TOGETHER WITH LOTS 106 THRU 133, INCLUSIVE, MAYFAIR REPLAT ONE;

TOGETHER WITH LOTS 1 THRU 20, INCLUSIVE, LOTS 22 THRU 115, INCLUSIVE, AND LOT 118, MAYFAIR 2ND ADDITION;

TOGETHER WITH LOT 21, MAYFAIR 2ND ADDITION;

TOGETHER WITH LOTS 1, 2, 3, 4A AND 11A, MAYFAIR 2ND ADDITION REPLAT ONE;

TOGETHER WITH LOT 9A, MAYFAIR 2ND ADDITION REPLAT TWO;

TOGETHER WITH LOT 2, MAYFAIR 2ND ADDITION REPLAT THREE;

TOGETHER WITH LOT 1, MAYFAIR 2ND ADDITION REPLAT FOUR;

TOGETHER WITH LOTS 1 AND 2, MAYFAIR 2ND ADDITION REPLAT FIVE;

TOGETHER WITH LOTS 1 AND 2, MAYFAIR 2ND ADDITION REPLAT SIX;

ALL SUBDIVISIONS IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH ALL PUBLIC STREETS LYING WITHIN SAID SUBDIVISIONS, THE OUTER BOUNDARY OF THE AFORE DESCRIBED PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF LOT 133 SAID MAYFAIR REPLAT ONE;

THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 133;

THENCE EASTERLY ON THE EAST LINE OF SAID LOT 133 TO THE WEST LINE OF 96TH STREET;

THENCE SOUTHERLY ON THE WEST LINE OF 96TH STREET TO THE NORTH LINE OF GILES ROAD;

THENCE WESTERLY ON THE NORTH LINE OF GILES ROAD TO THE SW CORNER OF LOT 61, SAID MAYFAIR 2ND ADDITION;

THENCE NORTHERLY ON THE WEST LINES OF LOTS 61, 62, 63 AND 65 THRU 76, INCLUSIVE, SAID MAYFAIR 2ND ADDITION TO THE NW CORNER OF SAID LOT 76;

THENCE EASTERLY ON THE NORTH LINES OF LOT 76 AND 90 THRU 102, INCLUSIVE, SAID MAYFAIR 2ND ADDITION TO THE SW CORNER OF LOT 108 SAID MAYFAIR 2ND ADDITION;

THENCE NORTHERLY ON THE WEST LINES OF LOTS 108 AND 109, SAID MAYFAIR 2ND ADDITION AND ON THE WEST LINES OF LOTS 98, 11, 12, 13 AND 15 THRU 21, INCLUSIVE, SAID MAYFAIR, TO THE NW CORNER OF SAID LOT 11;

THENCE EASTERLY ON THE NORTH LINES OF LOTS 10, 11 AND 3 THRU 8, INCLUSIVE, SAID MAYFAIR TO THE NE CORNER OF SAID LOT 3;

THENCE CONTINUING EASTERLY ON THE NORTH LINE OF LOT 106, SAID MAYFAIR REPLAT 1, TO THE NE CORNER THEREOF, SAID CORNER BEING ON THE NORTHERLY LINE OF MELISSA STREET;

THENCE EASTERLY ON THE NORTHERLY LINE OF MELISSA STREET TO THE WEST LINE OF 96TH STREET;

THENCE SOUTHERLY ON THE WEST LINE OF 96TH STREET TO THE SOUTH LINE OF MELISSA STREET;

THENCE WESTERLY ON THE SOUTH LINE OF MELISSA STREET TO THE NE CORNER OF LOT 133, SAID MAYFAIR REPLAT ONE AND THE POINT OF BEGINNING.

be and the same hereby is, annexed to and included within the corporate limits of the City of La Vista, Sarpy County, Nebraska, and that the inhabitants thereof shall, from and after the effective date of this ordinance, be subject to the ordinances and regulations of the City of La Vista, Sarpy County, Nebraska.

SECTION 2. That the inhabitants of the above-described territory annexed to the City shall receive substantially the services of other inhabitants of such City as soon as practicable, in accordance with Neb. Rev. Stat. Section 16-120 and the Plan to Extend Services to SID No.195, Mayfair, Lot 21, Mayfair 2nd Addition, Outlot "A", Mayfair, and adjoining street rights-of-way, which Plan, as amended and submitted to the City Council, is hereby ratified, affirmed and approved. Adequate plans and necessary City Council action to furnish such services shall be adopted not later than one year after the date of annexation.

SECTION 3. This ordinance shall be in full force and effect on July 31, 2013 after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2ND ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; TAX LOTS 17 AND 18, LYING WITHIN THE NW ¼ OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NE ¼ OF SECTION 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Mayor and City Council of the City of La Vista, in compliance with Nebraska Revised Statutes, Section 16-117, have adopted a resolution stating that the City is considering the annexation of certain land, have approved a plan for the extension of City services to said land, and have complied with the publication, mailing and public hearing requirements required by said statute; and

WHEREAS, the Planning Commission of the City of La Vista has held a hearing to consider the proposed annexation and plan to provide services, and the Mayor and City Council has obtained the recommendation of the Planning Commission of the City of La Vista to annex the below described land and provide services in accordance with the plan; and

WHEREAS, the Mayor and City Council of the City of La Vista find the below described territory to be contiguous or adjacent to the City of La Vista, Nebraska, and is urban or suburban in character and not agricultural land which is rural in character; and

WHEREAS, the Mayor and City Council of the City of La Vista have determined that sewerage facilities will be sufficient to serve said territory and said territory will be serviced by the water utility franchised by the City and that the City is in a position to extend police and fire protection and other municipal services to said below-described territory, so that the inhabitants of said territory shall receive substantially the services of other inhabitants of the City of La Vista, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1.

A. The foregoing recitals shall be incorporated into this ordinance by reference and are hereby ratified, affirmed and approved.

B. The following described territory situated in Sarpy County, Nebraska to-wit:

LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2ND ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOTS 17 AND 18, LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY;

TOGETHER WITH PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY;

TOGETHER WITH THE PUBLIC STREETS LYING WITHIN THAT PART OF THE NW 1/4 OF SAID SECTION 17 AND WITHIN THAT PART OF NE 1/4 OF SAID SECTION 18 DESCRIBED HEREAFTER ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE NW 1/4 OF SAID SECTION 17;

THENCE EASTERLY ON THE NORTH LINE OF SAID NW 1/4 TO A POINT DIRECTLY NORTH OF THE MOST EASTERLY CORNER OF SAID TAX LOT 17;

THENCE SOUTH TO THE MOST EASTERLY CORNER OF SAID TAX LOT 17;

THENCE SOUTHWESTERLY ON THE SOUTHEASTERLY LINE OF SAID TAX LOTS 17 AND 18 AND ON THE NORTHERLY LINE OF HARRISON STREET TO THE MOST SOUTHERLY CORNER OF SAID TAX LOT 18, SAID CORNER BEING ON THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY;

THENCE NORTHWESTERLY ON THE SOUTHWESTERLY LINE OF SAID TAX LOT 18 AND ON THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18;

THENCE EASTERLY ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE POINT OF BEGINNING.

be and the same hereby is, annexed to and included within the corporate limits of the City of La Vista, Sarpy County, Nebraska, and that the inhabitants thereof shall, from and after the effective date of this ordinance, be subject to the ordinances and regulations of the City of La Vista, Sarpy County, Nebraska.

SECTION 2. That the inhabitants of the above-described territory annexed to the City shall receive substantially the services of other inhabitants of such City as soon as practicable, in accordance with Neb. Rev. Stat. Section 16-120 and the Plan to Extend Services to Lots 1 and 2, I-80 Industrial Park 2nd Addition, Tax Lots 17 and 18, in the NW ¼ of Section 17, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, and Part of the NE ¼ of Section 18, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, which Plan, as amended and submitted to the City Council, is hereby ratified, affirmed and approved. Adequate plans and necessary City Council action to furnish such services shall be adopted not later than one year after the date of annexation.

SECTION 3. This ordinance shall be in full force and effect on July 31, 2013 after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buehe, CMC

City Clerk

\\Lvdcp01\Users\Administration\BRENDA\COUNCIL\ANNEX\2013 ANNEXATION\ORDINANCE - Lots 1 & 2, I-80, TL 17 & 18(Final).Doc

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (TAX LOTS 11 AND 15 LYING WITHIN THE NW ¼ OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NW ¼ OF SECTION 17 AND PART OF THE NE ¼ OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, FORMER UPRR RIGHT-OF-WAY IN THE NW ¼ OF SECTION 17, T14N, R12E AND THE NE ¼ OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Mayor and City Council of the City of La Vista, in compliance with Nebraska Revised Statutes, Section 16-117, have adopted a resolution stating that the City is considering the annexation of certain land, have approved a plan for the extension of City services to said land, and have complied with the publication, mailing and public hearing requirements required by said statute; and

WHEREAS, the Planning Commission of the City of La Vista has held a hearing to consider the proposed annexation and plan to provide services, and the Mayor and City Council has obtained the recommendation of the Planning Commission of the City of La Vista to annex the below described land and provide services in accordance with the plan; and

WHEREAS, the Mayor and City Council of the City of La Vista find the below described territory to be contiguous or adjacent to the City of La Vista, Nebraska, and is urban or suburban in character and not agricultural land which is rural in character; and

WHEREAS, the Mayor and City Council of the City of La Vista have determined that sewerage facilities will be sufficient to serve said territory and said territory will be serviced by the water utility franchised by the City and that the City is in a position to extend police and fire protection and other municipal services to said below-described territory, so that the inhabitants of said territory shall receive substantially the services of other inhabitants of the City of La Vista, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1.

A. The foregoing recitals shall be incorporated into this ordinance by reference and are hereby ratified, affirmed and approved.

B. The following described territory situated in Sarpy County, Nebraska to-wit:

TAX LOTS 11 AND 15 LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH PART OF THE NW 1/4 OF SAID SECTION 17 AND PART OF THE NE 1/4 OF 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NE 1/4 CORNER OF THE NE 1/4 OF SAID SECTION 18;

THENCE WESTERLY ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;

THENCE SOUTHEASTERLY ON THE NORTHEASTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 17;

THENCE WESTERLY ON THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 17 AND ON THE SOUTH LINES OF SAID TAX LOTS 15 AND 11 TO THE SW CORNER OF SAID TAX LOT 11, SAID CORNER BEING ON THE EAST LINE OF SOUTHPORT PARKWAY;

THENCE NORTHERLY ON THE WESTERLY LINE OF SAID TAX LOT 11 AND ON THE EASTERLY LINE OF SOUTHPORT PARKWAY AND THE SOUTH LINE OF HARRISON STREET TO THE MOST NORTHERLY CORNER OF SAID TAX LOT 11, SAID CORNER BEING ON THE SOUTHWESTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY;

THENCE NORTHWESTERLY ON THE SOUTHWESTERLY LINE OF THE FORMER UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18;

THENCE EASTERLY ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 18 TO THE POINT OF BEGINNING.

be and the same hereby is, annexed to and included within the corporate limits of the City of La Vista, Sarpy County, Nebraska, and that the inhabitants thereof shall, from and after the effective date of this ordinance, be subject to the ordinances and regulations of the City of La Vista, Sarpy County, Nebraska.

SECTION 2. That the inhabitants of the above-described territory annexed to the City shall receive substantially the services of other inhabitants of such City as soon as practicable, in accordance with Neb. Rev. Stat. Section 16-120 and the Plan to Extend Services to Tax Lots 11 and 15, in the NW ¼ of Section 17, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, together with Part of the NW ¼ of Section 17 and Part of the NE ¼ of Section 18, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, (former UPRR right-of-way), which Plan, as amended and submitted to the City Council, is hereby ratified, affirmed and approved. Adequate plans and necessary City Council action to furnish such services shall be adopted not later than one year after the date of annexation.

SECTION 3. This ordinance shall be in full force and effect on July 31, 2013 after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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