

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 6, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
COMPREHENSIVE PLAN — AMENDMENT (NEW CHAPTER 9)	◆ 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 the addition of a new chapter, 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 the addition of a new chapter, Chapter 9, Annexation Plan.

The Comprehensive Plan currently has a section in Chapter 8, Plan Maintenance and Implementation, regarding an annexation policy which briefly describes that any annexation will be in conformance with Nebraska State Statutes. Staff is proposing to add a new chapter, Chapter 9, which will provide a more detailed annexation plan consisting of a narrative section, a chart and a map.

The Planning Commission held a public hearing on September 17, 2009 and recommended approval to the City Council.

# 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 the 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 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.

## **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 (#7 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

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 to owners of property within the area proposed for annexation postmarked at least 10 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 Council introduces the annexation ordinance (first reading).

(9) 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.

(10) The City Council considers the third and final reading of the annexation ordinance.

(11) 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  
FY10

General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	2009 Valuation	Tax Revenue Generated	Long-Term Debt FY08 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand
<b>One - Five Year</b>												
108th & Harrison	La Vista			0.523500	1,018,941,739	5,334,160	62,600,000	6.14%	5,334,160	18,938 <sup>1</sup>		
1a	Oakdale/Brookvalley	1971	59	0.280000	144,926,663	405,795	4,895,000	3.38%	758,691			3,121,136
120th & Giles	Papio Valley	2000	214	0.430000	29,944,516	128,761	350,000	1.17%	156,760			231,203
1c	Pink Grading Property	Unplatted			398,484	-	-	0.00%	2,086			
120th & Giles	McCormicks	Unplatted			257,065	-	-	0.00%	1,346			
124th & Harrison	Performance Auto Plaza	2001			7,465,000	-	-	0.00%	39,079			
124th & Harrison	KV Development(storage)	Unplatted			2,033,426	-	-	0.00%	10,645			
126th & Giles	Otte-Sarpy Ind Park				665,635	-	-	0.00%	3,485			
<b>Five-Ten Year</b>												
96th & Giles	Mayfair	1998	195	0.505000	43,925,392	221,843	2,890,000	6.58%	229,970	511	560	
96th & Harrison	Cimarron Woods	2004	237	0.900000	89,147,264	802,325	7,492,420	8.40%	466,686	766	2382	
72nd & Giles	Giles Corner	2003	239	0.880000	15,031,160	132,274	2,687,747	17.88%	78,688	127	332	2,015,704
100th & Giles	Portal Ridge	2006	276	0.900000	17,414,211	156,728	4,371,655	25.10%	91,163	101	696	

<sup>1</sup> Population estimate.

**City of La Vista  
SID Summary  
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General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	2009 Valuation	Tax Revenue Generated	Long-Term Debt FY08 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand
<b>Ten + Years</b>												
126th & Giles	Omaha Dev Foundation				120,074	-	-	0.00%	629			
96th & Portal	<sup>2</sup> Crossroads Ind Park	1979	82	0.787200	4,786,607	37,680	120,000	2.51%	25,058			
132nd & Giles	<sup>3</sup> Claas Unplatted				13,700,000	-	-	0.00%	71,720			
114th & Giles	<sup>4</sup> OTC Business Park	2004			34,392,366	-	-	0.00%	180,044			
136th & Giles	Centech Business Park	1995	172	0.944001	43,743,462	412,939	2,310,000.00	5.28%	228,997			
I-80 & Sapp Brothers	I-80 Industrial Park	1993	163	0.409998	43,229,010	177,238	2,405,000.00	5.56%	226,304			
144th & Chandler	Chalco Valley Bus Park	1991			14,880,000	-	-	0.00%	77,897			
SE 132nd & Harrison	Millard Highland South	1976	104	0.460000	123,809,299	569,523	2,355,000.00	1.90%	648,142	3760	4688 <sup>5</sup>	
SE 138th & Harrison	Southridge	1985	133	0.580000	38,851,148	225,337	1,325,000.00	3.41%	203,386	821	821	
SE Hwy 50 & Harrison	Stonybrook South	1977	111	0.624766	63,145,791	394,513	1,630,000.00	2.58%	330,568	974	974	
Hwy 50 & Harrison	Willow Creek	1974	96	0.434573	38,181,407	165,926	672,024.00	1.76%	199,880	*	*	
SW 144th & Harrison	Echo Hills	1975	68	0.651238	25,948,730	168,988	630,000.00	2.43%	135,842	*	*	
156th & Harrison	Emerald Oaks/Birchfield	1992	156	0.540000	65,239,300	352,292	3,185,000.00	4.88%	341,528	*	1150	
NE 156th & Giles	Rock Creek	1974	92	0.708427	29,095,961	206,124	960,000.00	3.30%	152,317	<i>Included with Chalco Point</i>		
156th & Giles	Chalco Point	1994	165	0.625000	17,329,735	108,311	1,090,000.00	6.29%	90,721	*	1046	
166th & Giles	Giles Ridge	2001	225	0.900002	23,997,363	215,977	3,210,000.00	13.38%	125,626	*	457	
159th & Giles	Springhill Ridge	2003	233	0.900000	76,109,676	684,987	6,510,000.00	8.55%	398,434	1751	1751	
SW 156th & Harrison	Millard Park	1994	162	0.700000	137,353,889	961,477	8,935,000.00	6.51%	719,048	*	312	
SE 168th & Harrison	Millard Park South	2000	216	0.750001	82,638,571	619,790	6,978,964.00	8.45%	432,613	*	951	
E of Hwy 50 S of Giles	The Meadows	1972	65	0.563823	64,587,158	364,157	1,270,000.00	1.97%	338,114	1587	1587	
<b>Total Valuation and revenue at La Vista's valuation</b>						<b>\$6,006,774</b>						
<b>Total Debt in SID's</b>						<b>\$7,107,191</b>						
<b>Total Population</b>							<b>\$61,377,810</b>			<b>29,336</b>	<b>36,645</b>	

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

<sup>3</sup> Address the issue of 132nd & Giles being in the City's legal limits.

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

<sup>5</sup> Includes an estimated 400 multi-family units @ Bella La Vista

\* Count in progress