



City of Grand Island

Tuesday, August 22, 2017

Council Session

Item F-3

#9645 – Consideration of Intent to Annex Cornhusker Army Ammunition Plant

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: August 22, 2017

Subject: Ordinance of Intent to Annex

Presenter(s): Chad Nabity, AICP, Regional Planning Director

Background

The Grand Island City Council has approved all of the property between 60th Road and Schauppsville Road and Husker Highway and Airport Road in Hall County as Blighted and Substandard. This is the former Cornhusker Army Ammunition Plant (CAAP). As a formerly used defense site in a County with a City of the First Class it is possible for the City Council to approve redevelopment projects within boundaries of CAAP provided certain requirements are met. One of those is that the City Council must pass an ordinance of intent to annex the formerly used defense site.

Discussion

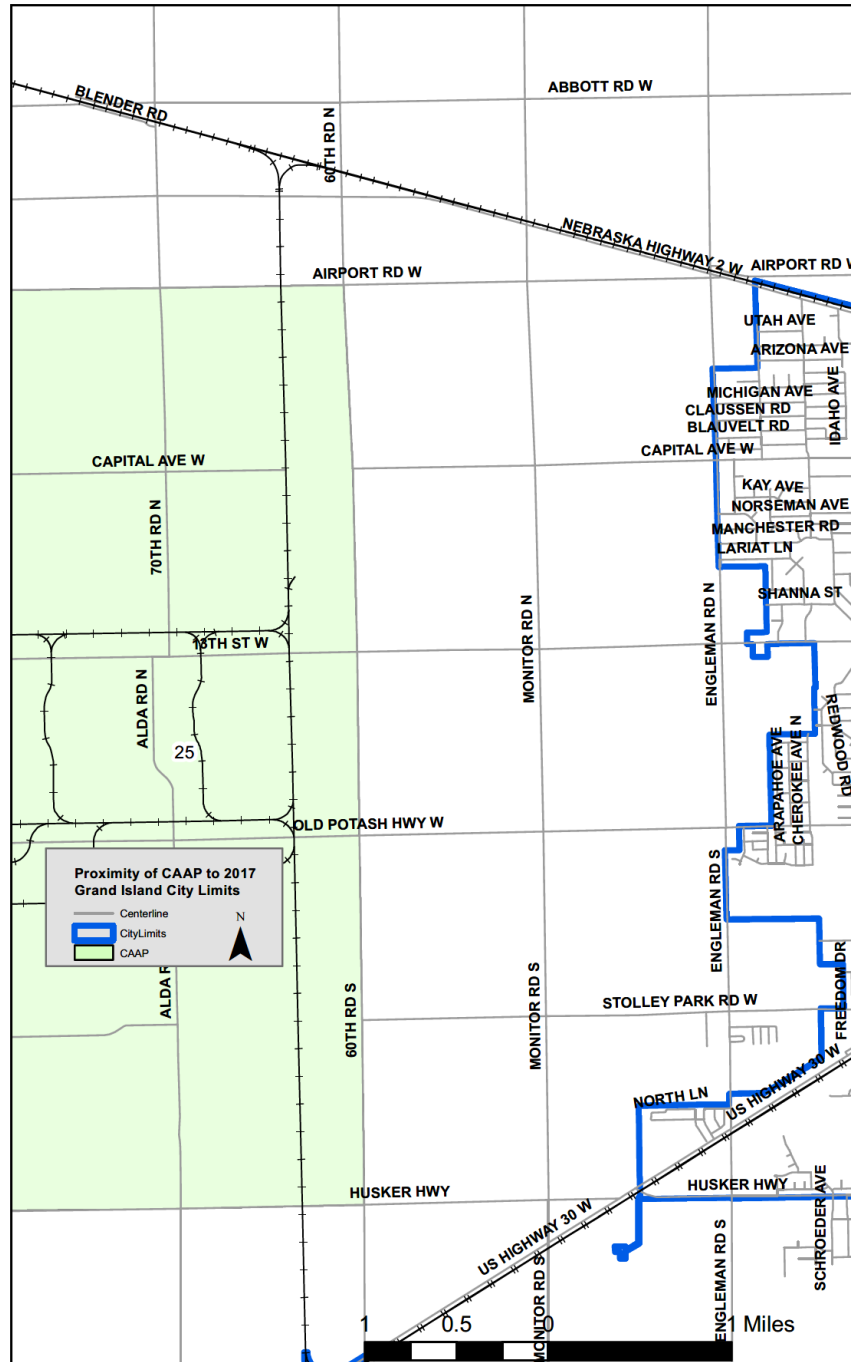
Attached you will find an ordinance that has been drafted expressing the intent of the Grand Island City Council to annex the property at CAAP. This ordinance, as drafted, indicated that the City of Grand Island will consider annexation of all or a part of the CAAP grounds if:

- The property is urban or suburban in character,
- Contiguous with Grand Island City Limits,
- The annexation is consistent with the Grand Island comprehensive development plan, and
- Is in the best interest of the City.

As of August 22, 2017 it is 1.5 miles from the nearest point of the Grand Island City limits to the CAAP grounds, along Husker Highway. The City of Grand Island can only annex property that is contiguous and adjacent to the City. The Nebraska Revised State Statute §16-118 defines contiguous as:

Annexation of land; deemed contiguous; when.

Lands, lots, tracts, streets, or highways shall be deemed contiguous although a stream, embankment, strip, or parcel of land not more than two hundred feet wide lies between the same and the corporate limits.



The majority of the property is at least two miles from the Grand Island City Limits. It is not anticipated that annexation will occur in the near future.

At the September Community Redevelopment Authority meeting the CRA will be considering two redevelopment plans at CAAP. The first will be for O'Neill Wood Resources and the second will be for Farm Progress at the Husker Harvest Days site. Both of those sites are within Sanitary Improvement Districts and are eligible to have redevelopment projects approved pending approval of this ordinance of intent to annex.

Approval of this ordinance of intent to annex will enable redevelopment projects at CAAP to move forward.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that Council approve the Ordinance of Intent to Annex as presented.

Sample Motion

Move to approve as recommended.

ORDINANCE NO. 9645

An ordinance expressing an intent to annex territory in the future and to provide for publication and the effective date of this ordinance.

WHEREAS, Nebraska Revised Statutes §18-2123.01 authorizes cities to undertake a redevelopment project that includes real property located outside the corporate limits of any such city if the following requirements have been met:

- (a) The real property located outside the corporate limits of the city is a formerly used defense site;
 - (b) The formerly used defense site is located within the same county as the city approving such redevelopment project;
 - (c) The formerly used defense site is located within a sanitary and improvement district;
 - (d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and
 - (e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site;
- and

WHEREAS, the lands located within the following described boundaries was formerly owned by or otherwise possessed by the United States under the jurisdiction of the United States Secretary of Defense and utilized by the Department of the Army for production of munitions, to wit:

Beginning at the Northwest Corner of Section Two (2), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska, thence proceeding easterly along and upon the section boundaries to the Northeast Corner of Section Five (5), Township Eleven (11) North, Range Ten (10) West of the 6th P.M.

Approved as to Form	by _____
August 18, 2017	City Attorney

ORDINANCE NO. 9645 (Cont.)

in said county, thence proceeding southerly along and upon the section boundaries to the Southeast Corner of Section Twenty-nine (29), Township Eleven (11) North, Range Ten (10) West of the 6th P.M in said County, thence proceeding westerly along and upon the section boundaries to the Southwest Corner of Section Twenty-six (26), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M. in said County, thence proceeding northerly along and upon the section boundaries to the point of beginning, the lands enclosed thereby referred to herein as the “Formerly Used Defense Site”;

and

WHEREAS, the Formerly Used Defense Site is located outside the municipal boundaries of the City of Grand Island; and

WHEREAS, on July 25, 2017, the City of Grand Island found and declared the Formerly Used Defense Site to be blighted and substandard; and

WHEREAS, in anticipation of approving future redevelopment plans and redevelopment projects for areas within the Formerly Used Defense Site, the City Council of and for the City of Grand Island desires to express its intention to annex the Formerly Used Defense Site in the future, provided any such annexation shall be contingent upon satisfaction of the conditions set forth herein.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. It is the express intention of the City of Grand Island to annex the Formerly Used Defense Site in the future contingent upon satisfaction of the following conditions existing at the time of annexation:

- A. The area proposed for annexation shall be urban or suburban in character and contiguous with city limits (as such terms are defined by statute and applicable case law);

ORDINANCE NO. 9645 (Cont.)

- B. If the area proposed for annexation is adjacent to City Limits and the owner is seeking subdivision approval, annexation shall be done during the platting process by platting the property as an addition to the City;
- C. Annexation shall be consistent with the annexation plan as expressed in the Grand Island Comprehensive Development Plan;
- D. No annexation shall be approved, passed and ordained unless the City Council finds such annexation to be in the best interest of the City;
- E. Annexation shall comply with Nebraska Revised Statutes as then in effect and shall require a reading of the ordinance of annexation by title on three different days, if required by law.

SECTION 2. The approval, passage and adoption of this Ordinance of Intent shall not confer any rights as a beneficiary or otherwise upon any person or persons.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within fifteen days as provided by law.

Enacted: August 22, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk