



City of Grand Island

Tuesday, May 28, 2019

Council Session

Item F-3

**#9730 - Consideration of Approving Annexation of Property
Located between U.S. Highway 281 and Old Nebraska Highway 2,
West of Eagle Scout Park (City of Grand Island) (Third Reading)**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, Regional Planning Director

Meeting: May 28, 2019

Subject: An Ordinance to Annex Property located South of U.S. 281, North of Old Nebraska Highway 2 and East of Eagle Scout Park all adjoining Right-of -Way and/or Easements for Road or Trail Purposes (Third Reading)

Presenter(s): Chad Nabity, Regional Planning Director

Background

The Annexation Component of the Grand Island Comprehensive Development Plan as adopted by the Grand Island City Council on July 13, 2004 sets as the policy of Grand Island that County Industrial Tracts should periodically be reviewed as allowed by Revised Nebraska State Statutes for consideration of annexation and that all areas encompassed by the Corporate Limits of Grand Island should be considered for annexation.

The City of Grand Island, owner of property has petitioned the City of Grand Island to consider annexation of this property.

This property is adjacent to and contiguous with the municipal limits of the city on the south and east sides and part of the west side.

Based on the request from the City, staff has prepared an ordinance for annexation that would become effective 15 days after passage on third and final reading. Council will consider this on its third reading on May 28, 2019. Based on the requirements outlined in §16-117 (7) the City can consider an ordinance for annexation and pass that ordinance after three readings by Council. Also based on §16-117 (7) there is no requirement for a public hearing on this annexation. Annexation ordinances must be passed on three separate readings.

Discussion

Staff has prepared an ordinance in accordance with the requirements of Nebraska Revised Statute §16-117 (7). Annexation ordinances must be read on three separate occasions.

This is the third reading of the ordinance. This ordinance includes exhibits showing the property to be considered for annexation and the legal descriptions of those properties.

There is no impact to the extraterritorial zoning jurisdiction of with this annexation.

No existing residences would be added to the City as a result of this annexation.

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 the Council pass the annexation ordinance.

Sample Motion

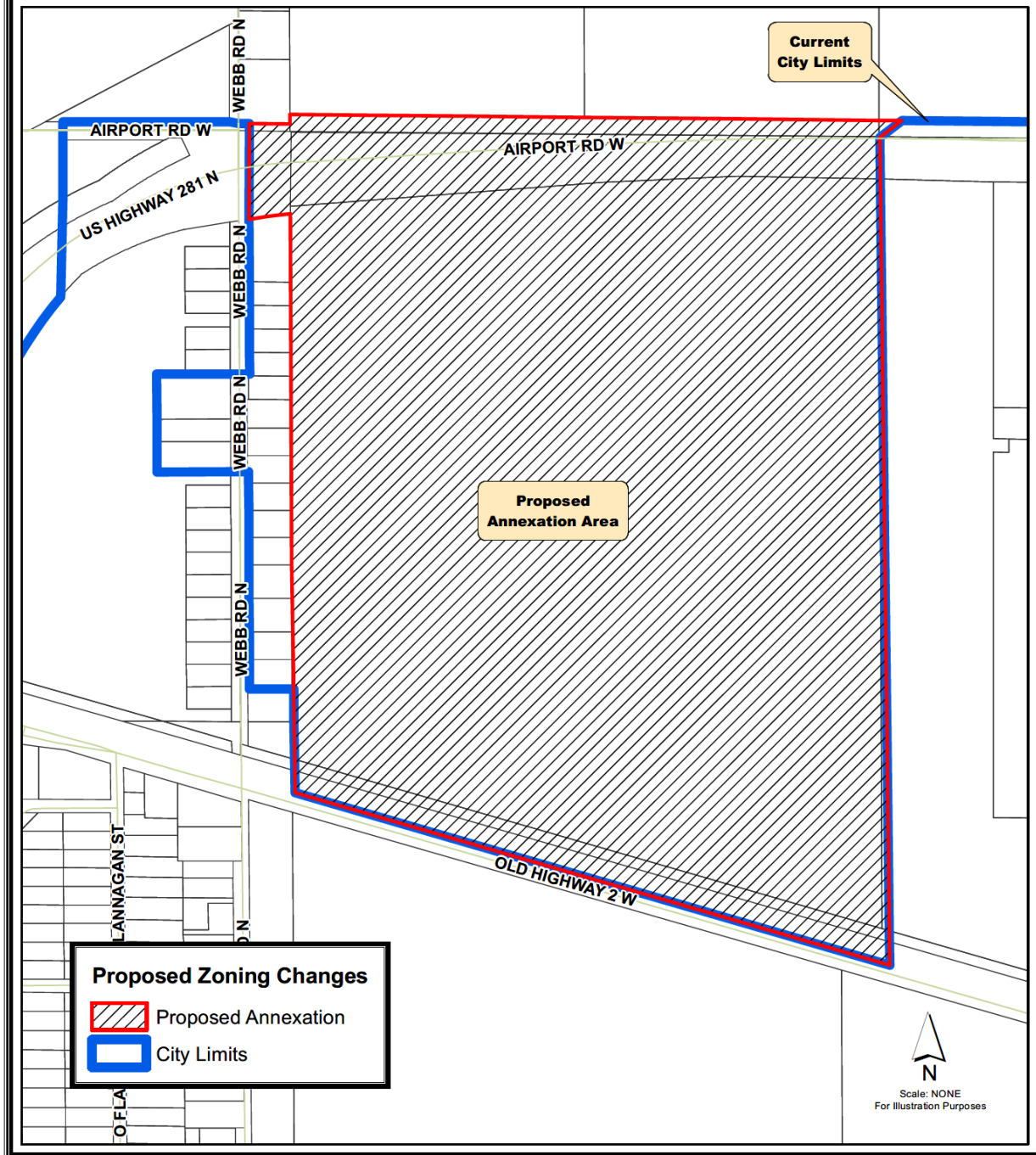
Move to approve the annexation ordinance on third reading.

Exhibit A

Legal description as follows:

Beginning at the northeast property corner of Lot 2 Schumman Subdivision and proceeding in a northerly direction along the west line of Section 5, Township 11 north, Range 9 west of the 6th P.M. to the northeast corner of Lot 1 Lawton Subdivision, thence in a westerly direction to the northwest corner of Lot 1 Lawton Subdivision the edge of the Webb Road right of way, thence northerly along the Webb Road right of way to the Intersection of the Webb Road and Airport Road right of way, thence easterly to the west line of parcel 400187192 owned by the Nebraska Department of Transportation as right of way for U.S. Highway 281, thence north to the northwest corner of the Nebraska Department of Transportation right of way, thence easterly along the north right of way line to the current municipal limits of the City of Grand Island, thence in a southwesterly direction to a point at the southeast corner of parcel 400187192 owned by the Nebraska Department of Transportation as right of way for U.S. Highway 281, thence in a southerly direction along the municipal limits line of the City of Grand Island to the northerly right of way line of Old Nebraska Highway 2, thence in a northwesterly direction along the north right of way line of Old Nebraska Highway 2 to the west line of Section 5, Township 11 north, Range 9 west of the 6th P.M., thence north along the west line of Section 5, Township 11 north, Range 9 west of the 6th P.M. to the point of beginning.

Propozed Annexation Location Map



* This Space Reserved For Register of Deeds *

ORDINANCE NO. 9730

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, a tract of land comprised of property in Section 5, Township 11 north, Range 9 west of the 6th P.M. and all adjoining right-of-way in Hall County, Nebraska as more particularly described hereinafter and as shown on the subdivision plat Exhibit “A” attached hereto; to provide service benefits thereto; to repeal any ordinance or resolutions or parts of thereof in conflict herewith; to provide for publication in pamphlet form; and to provide the effective date of this ordinance.

WHEREAS, the Grand Island City Council approved Resolution 2019-135 on April 9, 2019, and as owner of the property petition the City of Grand Island to consider annexation of said property into the City of Grand Island; and

WHEREAS, the Annexation Component of the Comprehensive Development Plan for the City of Grand Island encourages the annexation of adjacent property when request by the property owner; and

WHEREAS, according to NRRS §16-177 the City of Grand Island can upon petition of the property owner(s) of property contiguous and adjacent to the City Limits annex said property by ordinance; and

Approved as to Form	☐
June 20, 2019	☐ City Attorney

ORDINANCE NO. 9730 (Cont.)

WHEREAS, on April 23, 2019 the City Council of the City of Grand Island considered such annexation and approved such annexation on first reading and on May 14, 2019 approved such annexation on second reading and on May 28, 2019 approved such annexation on third and final reading.

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

SECTION 1. It is hereby found and determined that:

(A) The above-described tracts of land are urban or suburban in character, and that the subject properties are contiguous or adjacent to the corporate limits of said City.

(B) The subject lands will receive the material benefits and advantages currently provided to land within the City's corporate limits including, but not limited to police, fire, emergency services, street maintenance, and utilities services upon annexation to the City of Grand Island, Nebraska, and that City electric, water and sanitary sewer service is available, or will be made available, as provided by law.

(C) The various zoning classifications of the land shown on the Official Zoning Map of the City of Grand Island, Nebraska, are hereby confirmed and that this annexation does not extend the extraterritorial zoning jurisdiction.

(D) There is unity of interest in the use of the said tract of land, lots, tracts, highways and streets (lands) with the use of land in the City, and the community convenience and welfare and in the interests of the said City will be enhanced through incorporating the subject land within the corporate limits of the City of Grand Island.

SECTION 2. The boundaries of the City of Grand Island, Nebraska, be and are hereby extended to include within the corporate limits of the said City the contiguous and adjacent tract of land located within the boundaries described above.

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ORDINANCE NO. 9730 (Cont.)

SECTION 3. The subject tract of land is hereby annexed to the City of Grand Island, Hall County, Nebraska, and said land and the persons thereon shall thereafter be subject to all rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the City of Grand Island, Nebraska.

SECTION 4. The owners of the land so brought within the corporate limits of the City of Grand Island, Nebraska, are hereby compelled to continue with the streets, alleys, easements, and public rights-of-way that are presently platted and laid out in and through said real estate in conformity with and continuous with the streets, alleys, easements and public rights-of-way of the City.

SECTION 5. That a certified copy of this Ordinance shall be recorded in the office of the Register of Deeds of Hall County, Nebraska and indexed against the tracts of land.

SECTION 6. Upon taking effect of this Ordinance, the services of said City shall be furnished to the lands and persons thereon as provided by law, in accordance with the Plan for Extension of City Services adopted herein.

SECTION 7. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

Enacted: May 28, 2019.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

ORDINANCE NO. 9730 (Cont.)

Exhibit A

A description of the property owned by the City of Grand Island located in Section 5, Township 11 north Range 9 west of the 6th P.M. in Hall County Nebraska along with all adjacent road rights-of-way more particularly described as:

Beginning at the northeast property corner of Lot 2 Schumman Subdivision and proceeding in a northerly direction along the west line of Section 5, Township 11 north, Range 9 west of the 6th P.M. to the northeast corner of Lot 1 Lawton Subdivision, thence in a westerly direction to the northwest corner of Lot 1 Lawton Subdivision the edge of the Webb Road right of way, thence northerly along the Webb Road right of way to the Intersection of the Webb Road and Airport Road right of way, thence easterly to the west line of parcel 400187192 owned by the Nebraska Department of Transportation as right of way for U.S. Highway 281, thence north to the northwest corner of the Nebraska Department of Transportation right of way, thence easterly along the north right of way line to the current municipal limits of the City of Grand Island, thence in a southwesterly direction to a point at the southeast corner of parcel 400187192 owned by the Nebraska Department of Transportation as right of way for U.S. Highway 281, thence in a southerly direction along the municipal limits line of the City of Grand Island to the northerly right of way line of Old Nebraska Highway 2, thence in a northwesterly direction along the north right of way line of Old Nebraska Highway 2 to the west line of Section 5, Township 11 north, Range 9 west of the 6th P.M., thence north along the west line of Section 5, Township 11 north, Range 9 west of the 6th P.M. to the point of beginning.

Exhibit B

