



# City of Grand Island

Tuesday, March 22, 2011

Council Session

## Item G8

**#2011-70 - Approving Request that Hall County Review the  
County Industrial Tracts within the City Limits**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Chad Nabity, AICP  
**Meeting:** March 22, 2011  
**Subject:** County Industrial Tract Resolution  
**Item #'s:** G-8  
**Presenter(s):** Chad Nabity, AICP

## Background

In 1957 the State of Nebraska allowed for the creation of County Industrial Tracts near municipalities for the purpose of encouraging industrial development. Under the original law it was not possible for cities to annex property designated as a County Industrial Tract as long as the property was used for industrial purposes. Nebraska Statute §13-1111 identifies those allowed uses:

### **13-1111. Terms, defined; application for designation; exceptions.**

As used in sections 13-1111 to 13-1120, unless the context otherwise requires: (1) Industrial area shall mean a tract of land used or reserved for the location of industry, except that such land may be used for agricultural purposes until the use is converted for the location of industry as set forth in sections 13-1111 to 13-1120; and (2) industry shall mean (a) any enterprise whose primary function is to manufacture, process, assemble, or blend any agricultural, manufactured, mineral, or chemical products; (b) any enterprise that has as its primary function that of storing, warehousing, or distributing, and specifically excluding those operations whose primary function is to directly sell to the general public; or (c) any enterprise whose primary function is research in connection with any of the foregoing, or primarily exists for the purpose of developing new products or new processes, or improving existing products or known processes. The owner or owners of any contiguous tract of real estate containing twenty acres or more, no part of which is within the boundaries of any incorporated city or village, except cities of the metropolitan or primary class, may file or cause to be filed with the county clerk of the county in which the greater portion of such real estate is situated if situated in more than one county, an application requesting the county board of such county to designate such contiguous tract as an industrial area.

Two County Industrial Tract Areas were approved by Hall County in 1958. The first is an area near Adams Street and Anna Street; the remaining portions of this area include the

property where Diamond Engineering, Platte Valley Construction, Aurora Coop and Island Supply are located. The second area includes the location of Hornady Manufacturing at Old Potash Highway and Claude Road.

Statutes were amended to include §13-1121 so that beginning in 1980 counties could review County Industrial Tracts for compliance with §13-1111 or that cities could request that counties conduct this review in March of even numbered years.

**13-1121. Designation; review by county board; notice; hearing; removal of designation**

Beginning in 1980 and every even-numbered year thereafter during the month of March, the appropriate county board may, of its own volition or shall, at the request of the municipal governing body having zoning jurisdiction over the designated industrial tract, review any or all industrial areas in its jurisdiction. When the review is at the request of the municipal governing body having zoning jurisdiction over the designated industrial tract, the county board shall notify such municipal governing body of the date, time, and location of the review. If the county board determines during the review that there is a problem with the industrial area designation of any tract, or a portion of such tract, the county board shall give notice of a hearing by registered or certified mail to the owners of the tract, or a portion of such tract, if such owners are known, within ninety days prior to the hearing, and if the owners are not known or cannot be located, then by publishing a notice three successive weeks in some newspaper published and of general circulation in the county or counties in which the real estate is located, and if no newspaper is published in the county, such notice shall be published in some newspaper having a general circulation in such county. If after the hearing the county board finds that the industrial area or a portion thereof is no longer suitable for industrial purposes, or is being used for nonindustrial enterprises, or has had no improvements or industrial buildings thereon within seven years from the date of original industrial designation, or is not in compliance with the zoning ordinances of any city or village exercising zoning control of it, or is not platted in accordance with such zoning ordinances or is no longer in compliance with the definition of industry as set forth in section 13-1111, such county board shall remove the designation of industrial area from such tract or portion of such tract. Any tract or portion of such tract used or reserved for industry prior to August 24, 1979, shall not be removed from the industrial area designation against the wishes of its owners as long as the use of such tract or portion continues to be in compliance with the definition of industry as set forth in section 13-1111. A certified copy of such order shall be filed with the register of deeds and the county assessor of the county or counties in which the real estate is located.

It is not known if Hall County has ever conducted such a review. The next time that Hall County can conduct this review is in March of 2012.

## **Discussion**

The City does not have any authority to annex these properties but can request that Hall County review the uses in the County Industrial Tracts to confirm that they are still consistent with the intent of the law. If the County finds that the uses are not consistent they are required to hold a hearing, make finding and if they find that the property is not being used in a manner consistent with §13-1111 remove the County Industrial Tract designation. At that point the property becomes eligible for annexation.

The attached resolution is a formal request from the City of Grand Island asking Hall County to conduct this review in March of 2012.

## **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 approve the resolution and identify in the motion or motions which areas staff should concentrate on when preparing annexation plan and recommendations.

## **Sample Motion**

Move to approve Resolution #2011-70 requesting that Hall County review the County Industrial Tracts adjacent to the City of Grand Island in March of 2012.

RESOLUTION 2011-70

WHEREAS, there are four areas within the City of Grand Island that have been designated by Hall County as County Industrial Tracts; and

WHEREAS, all four of these County Industrial Tract areas are surrounded by the municipal limits of the City of Grand Island; and

WHEREAS, the City of Grand Island desires to provide municipal services throughout the City in an efficient and cost effective manner; and

WHEREAS, these County Industrial Tracts are holes in the middle of the city that may cause confusion about who is responsible for providing services; and

WHEREAS, the Nebraska Revised State Statutes §13-1121 gives the City the authority to request that Hall County review these County Industrial Tracts to insure that they comply with the use limitation as defined in §13-1111 in March of even numbered years, and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, do hereby request that Hall County conduct a review of the four areas designated as county industrial tracts as shown on the attached map to determine if they should still qualify as county industrial tracts in March of 2012.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 22, 2011.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

