



# City of Grand Island

Tuesday, March 13, 2012

Council Session

## Item F1

**#9363 - Consideration of Annexation of Property Located South of US Highway 34 and West of South Blaine Street - Annexation Area 8b (includes Rainbow Lake Area) (Final Reading)**

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Hall County Regional Planning Department

**Meeting:** March 13, 2012

**Subject:** Annexation Area Identified as 8b (Final Reading)

**Item #'s:** F-1

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

## **Background**

At the March 22, 2011 meeting of the Grand Island City Council a resolution was passed that directed the planning department and other city staff as follows:

- to proceed with preparing annexation plans (as required and defined by statute),
- to notify property owners and school districts as required by law, and
- to forward the annexation plans to the Regional Planning Commission for review.

Eight areas were identified as eligible for annexation into the Grand Island municipal limits. Council has acted on 6 of the 8 areas. An annexation plan is available for annexation area 8b, the seventh of 8 areas.

The annexation plan for area 8b (Rainbow Lake) is complete and was considered by the Regional Planning Commission after a public hearing at their meeting held January 4, 2012. The annexation plans for the area identified as 8b are available from the Grand Island City Clerk, the Hall County Regional Planning Department and on the Grand Island Website at [www.grand-island.com](http://www.grand-island.com).

Council approved Resolution #2012-13 on January 10, 2012. This resolution set a public hearing date for annexation of this area and approved the annexation plan. Council held a public hearing and approved this annexation on first reading on February 14, 2012 and second reading on February 28, 2012.

## **Discussion**

Nebraska Revised Statute §16-117 provides for the process of annexation. In following the process approved by Council on March 22<sup>nd</sup>, 2011 annexation plans have been

prepared by staff and referred to the Regional Planning Commission for recommendation. The second action in this process is for Council to pass a resolution stating their intent to annex, approve annexation plans and set public hearings for comment on the annexations before council.

## **Alternatives**

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

1. Approve the ordinance to annex on first reading,
2. Choose not to approve the ordinance to annex,
3. Modify the ordinance to annex, or
4. Postpone the issue

## **Recommendation**

At the January 4, 2012 meeting of the Hall County Regional Planning Commission a public hearing was held to take comment on the annexation plans for area 8b. Two members of the public spoke in opposition to the annexation of area 8b. One was a resident of Rainbow Lake and the other represented the owner of a 40+ acre parcel with a single house located between Rainbow Lake and U.S. Highway 34. The minutes of the Planning Commission Meeting pertaining to this item are attached. Planning Commission took separate votes on each area and recommended approval of all of the areas.

City staff also recommends that the Council approve the ordinance to annex this area on final reading.

## **Sample Motion**

Move to approve the Ordinance to annex Area 8b on final reading.

From the January 4, 2012 Planning Commission Minutes

#### **4. Public Hearing – Public Hearing – Annexation - (C-04-2012GI)**

**Annexation Area 8b** - This property is located in the southwest part of the city. It is south of US Hwy 34 and east of south Blaine Street. This property includes the Rainbow Lake area. Part of the SW ¼ of Section 28, Township 11 North, Range 9 and Part of the NW ¼ of Section 33, Township 11 North, Range 9 West of the 6<sup>th</sup> P.M.

O'Neill opened the Public Hearing.

Nabity explained to the Planning Commission and to the members of the audience that annexation was first talked about back in January of 2011 at the City Council retreat. Council then decided on potential area for Annexation and how this is part of the Comprehensive Plan for Grand Island. The Comprehensive Plan was adopted in 2004. On March 22, 2011, Council gave the go ahead to Planning to state the annexation process. Last fall there were five areas annexed into the City of Grand Island.

The City provides police, EMS and Fire protection. This area is also within the city's two mile jurisdiction and is subject to the current City building codes. With the annexation this would allow access to the City library without having to pay the Hall County fee.

Nabity noted that privately owned lakes within the City limits would still be privately owned lakes with no public access.

Vi Sheeks, 3623 S Blaine spoke against the annexation, she commented a few years ago when the Rainbow Lake area had issues with the sewer and came to the City for help they were refused. Homeowners then gathered together and paid to fix the issue themselves. She asked about Northwest High School and how they would be affected? She noted that those wanting sewer and water should be the ones to pay for this not the homeowner who already has functioning service and like the way things are now.

John Niedfelt, 1515 W Husker Hwy., spoke against the annexation. His mother owns 40+ acres and this would be an extreme expense to install sewer and water to the house. Niedfelt said this property will not become a developed property. He also questioned the upfront costs or future costs.

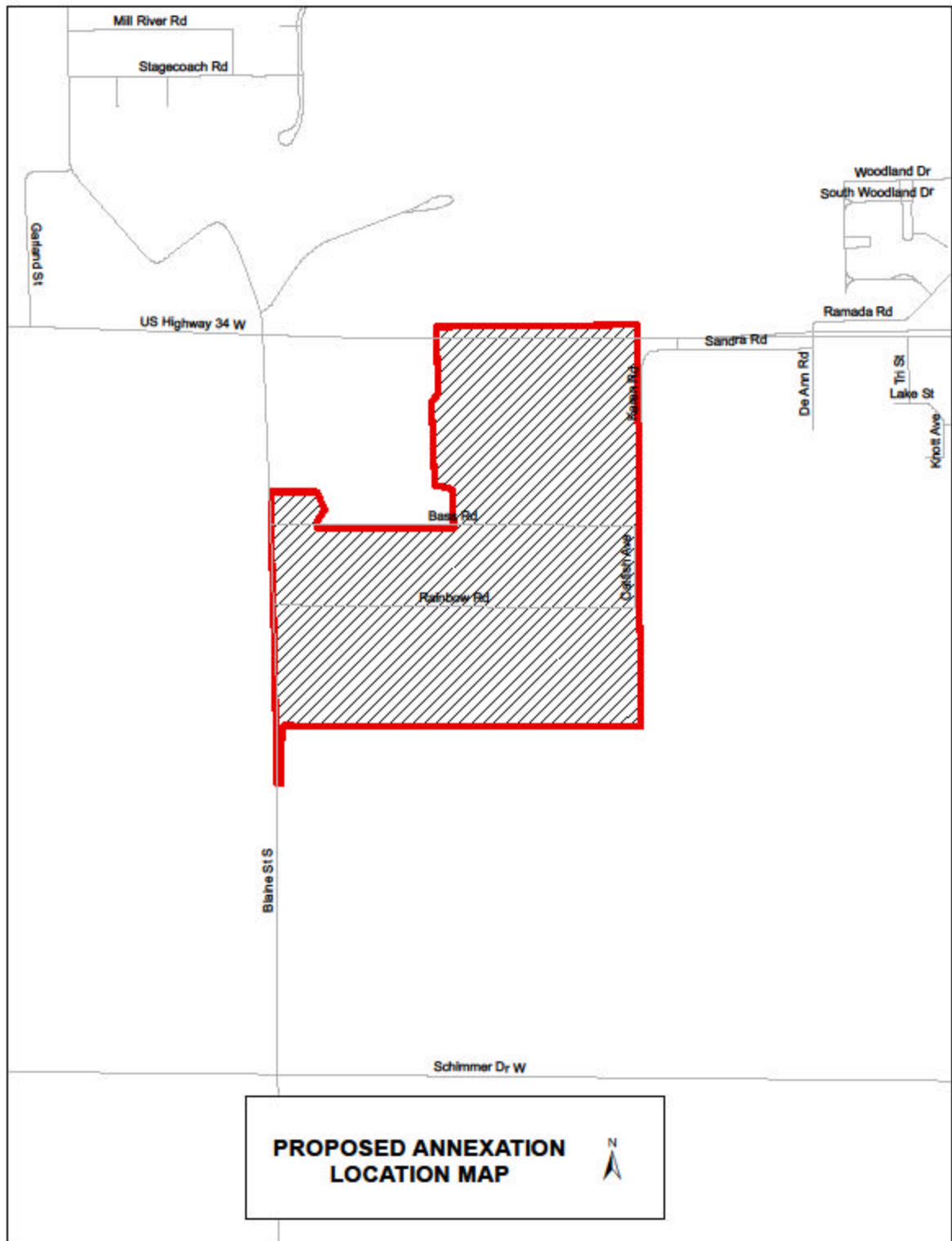
Nabity stated public works has formulated a plan to eliminate the lift station that is currently serving Rainbow Lake. A gravity main could be extended from the Knot subdivision northeast of Rainbow across the Robb property east of Catfish Avenue. The cost to run a gravity sewer line to the Rainbow Lake area is estimated at \$410,000.

O'Neill closed the Public Hearing.

A motion was made by Eriksen to not recommend Annexation of Area 8b, Rainbow Lakes to City Council and was seconded by Connelly. The motion failed with 5 members present voting in favor of not recommending Annexation to City Council (Hayes, Reynolds, Eriksen, Connelly and Snodgrass) and 6 voting against (McCarty, O'Neill, Ruge, Monter, Haskins and Bredthauer).

O'Neill looked for a new motion.

A motion was made by Bredthauer to approve the Annexation of Area 8b, Rainbow Lakes and recommend Annexation to City Council. Bredthauer noted some findings of facts were the City will assume the sewer responsibility, city sewer and water could be readily available and this area is surrounded by the City Limits and this does meet the guidelines as set forth in the Grand Island Comprehensive Plan. This was seconded by Haskins. The motion carried with 7 members present voting in favor of recommending the Annexation of Area 8b to City Council (McCarty, O'Neill, Ruge, Monter, Haskins, Bredthauer, and Snodgrass) and 4 voting no (Hayes, Reynolds, Eriksen and Connelly).



\* This Space Reserved For Register of Deeds \*

### ORDINANCE NO. 9363

An ordinance to extend the boundaries and include within the corporate limits of, and to annex into the City of Grand Island, Nebraska, tracts of land east of Blaine Street and south of U.S. Highway 34 along with all adjoining public Right-of-Way in Hall County, Nebraska referenced as annexation area “8b” as more particularly described hereinafter and as shown on 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, after public hearing on January 4, 2012, the Regional Planning Commission recommended the approval of annexing into the City of Grand Island, the following tract of land in Hall County, Nebraska:

Beginning At A Point On The East Line Of The Southwest Quarter Section 28-11-9 Where It Intersects The North Right Of Way Line Of Nebraska Hwy 34, Husker Highway Said Point Being 92.4’ North Of The Quarter Corner Common To The Southwest Quarter Section 28-11-9 And The Northwest Quarter Section 33-11-9 Thence Southerly On The Easterly Line Of Southwest Quarter Of Section 28-11-9 For A Distance Of 92.4’ To The Southeast Corner Of Southwest Quarter Section 28-11-9 Thence Continuing Southerly On The East Line Of Northwest Quarter Section 33-11-9 To The Southeast Corner Of Said Northwest Quarter Section 33-11-9 Thence Continuing Southerly On The East Line Of The Southwest Quarter Section 33-11-9 For A Distance

Approved as to Form	<input type="checkbox"/> _____
March 9, 2012	<input type="checkbox"/> City Attorney

ORDINANCE NO. 9363 (Cont.)

Of 153.29' Thence Westerly On A Line 153.29' South Of And Parallel To The North Line Of Said Southwest Quarter Section 33-11-9 To A Point On The West Line Of Section 33-11-9 Thence Northerly On The West Line Of Section 33-11-9 To The Southwest Corner Of Rainbow Lake Third Subdivision Thence Continuing North On The West Line Of Rainbow Lake Third Subdivision, Rainbow Lake Subdivision To The Northwest Corner Of Rainbow Lake Subdivision, Said Point Also Being The Northwest Corner Of North Half Of South Half Of Northwest Quarter Section 33-11-9 Thence Continuing Northerly On The West Line Of Section 33-11-9 To The Northwest Corner Lake Heritage Subdivision Thence Easterly On The North Line Of Lake Heritage Subdivision For A Distance Of 357' Thence Southeasterly On A Line For A Distance Of 136.52' Thence Southwesterly On A Line For A Distance Of 91.01' To The North Line Of Bass Road Thence South On A Line Perpendicular To The North Line Of Bass Road To The South Line Of Bass Road Thence Easterly On The South Line Of Bass Road To A Point Being An Extension Of The East Line Of Lake Heritage Second Subdivision Thence Northerly On The Line Of Lake Heritage Second Subdivision And Said Extension To A Point 223.81' North Of The North Line Of Bass Road Thence Northeasterly On A Line For A Distance Of 128.88' Thence Northerly On A Line For A Distance Of 588.44' To A Point On The South Line Of Lot 5 Lake Heritage Second Subdivision Thence Northeasterly On A Line For A Distance Of 74.74' Thence Northerly On The East Line Of Lot 5 Lake Heritage Second Subdivision And An Extension There Of To The North Line Of Nebraska State Highway No. 34 Thence Easterly On The North Line Of Nebraska Highway 34, Husker Highway To the Point Of Being.

WHEREAS, after public hearing on February 14, 2012, the City Council of the City of Grand Island found and determined that such annexation be approved; and

WHEREAS, on February 14, 2012, the City Council of the City of Grand Island approved such annexation on first reading and on February 28, 2012 the City Council of the City of Grand Island approved such annexation on second 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.

ORDINANCE NO. 9363 (Cont.)

(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 will have no impact on 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.

(E) The plan for extending City services is hereby approved and ratified as amended.

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.

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,

ORDINANCE NO. 9363 (Cont.)

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: March 13, 2012.

---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk

ORDINANCE NO. 9363 (Cont.)

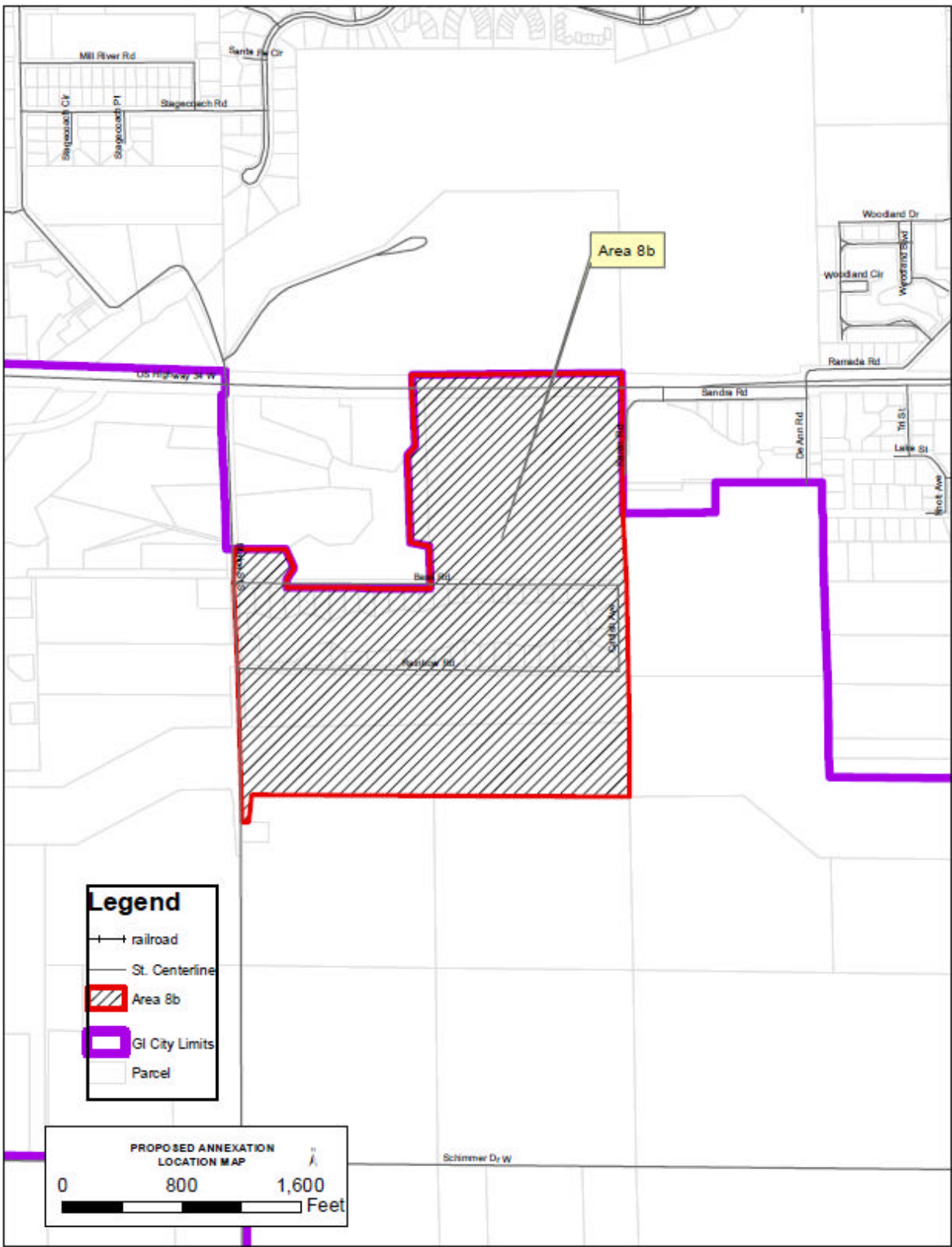


Exhibit A