

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION TO CEDE AND TRANSFER ZONING JURISDICTION TO THE CITY
OF GRETNA, NEBRASKA

WHEREAS, the County Board of Commissioners has the power to cede and transfer a portion of its extraterritorial jurisdiction to a city pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007); and,

WHEREAS, the City of Gretna, Nebraska made a request pursuant to Neb. Rev. Stat. §13-327 (Reissue 2007) that Sarpy County cede and transfer to the extraterritorial jurisdiction of the City of Gretna, the property legally described as Tax Lot 4A (two parcels) in the Southwest 1/4 of Section 7, T13N, R11E of the 6th P.M. in Sarpy County Nebraska, as further shown on the attached letter of the the Gretna Zoning Administrator; and,

WHEREAS, that a portion of the described property is currently within the extraterritorial jurisdiction of the City of Gretna, that the property owner has no objection to said transfer, and the requirements of Neb. Rev. Stat. §13-327(e) (Reissue 2007) have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT that the request of the City of Gretna, Nebraska to cede and transfer to the City of Gretna extraterritorial jurisdiction over the property described as Tax Lot 4A (two parcels) in the Southwest 1/4 of Section 7, T13N, R11E of the 6th P.M. in Sarpy County Nebraska is hereby granted.

DATED this 21st day of June, ~~2010~~ ²⁰¹¹.

Moved by Jim Warren, seconded by Jim Nekuda, that the above Resolution be adopted. Carried.

YEAS:

Kevin H

NAYS:

none

ABSENT:

Jim Thompson

Jim Young
J. Melrose
Tom Wickert

ABSTAIN:

none

Dec Loughran
County Clerk



Gretnathe
life

From the Desk of:
Donna Lynam
Zoning Administrator
City of Gretna
204 N. McKenna Ave
Gretna, NE 68028
402-332-3336 x202
donna@cityofgretna.com

Mike Smith
Deputy County Attorney
Sarpy County
1210 Golden Gate Drive
Papillion, NE 68046

**RE: EXTENSION OF THE EXTRATERRITORIAL ZONING JURISDICTION
CITY OF GRETNA**

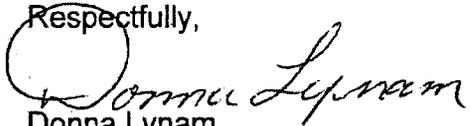
Dear Mr. Smith:

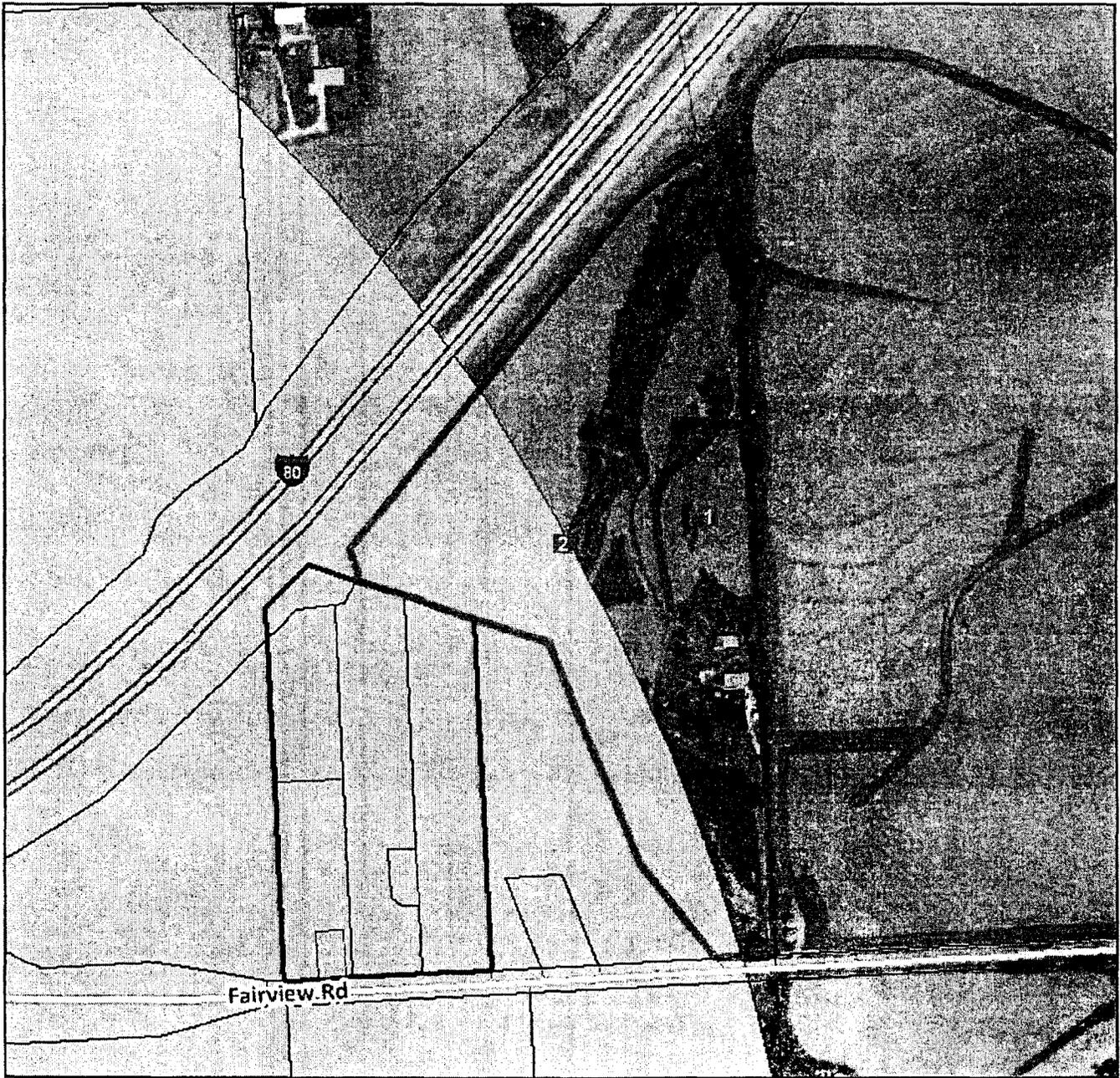
Pursuant to a majority vote of the elected members of the Gretna City Council, we respectfully request that Sarpy County formally cede jurisdiction of the following described property to the City of Gretna Nebraska.

Legally described as Tax Lot 4A (two parcels) in the Southwest ¼ of Section 7, T13N, R11E, of the 6th PM, Sarpy County, Nebraska, as shown on Exhibit A.

As you can see by the Exhibit A, the westerly portion of this parcel currently falls within the Extraterritorial Jurisdiction of the City of Gretna at the current time. We are requesting that the entire parcel be ceded for future Planning and Zoning purposes.

Respectfully,


Donna Lynam
Zoning Administrator
City of Gretna



1.	EHLERS, GORDON J & SHARON L 19802 FAIRVIEW RD	2.	EHLERS, GORDON J & SHARON L 19802 FAIRVIEW RD
----	--	----	--

Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 400 feet

6/15/2011



Office of the County Attorney

Hall of Justice · 1210 Golden Gate Drive · Suite 3147
Papillion, NE 68046-2889
(402) 593-2230 · FAX: (402) 593-4359

L. Kenneth Polikov
Sarpy County Attorney

June 16, 2011

Sarpy County Board of Commissioners

RE: Request by the City of Gretna to Cede Zoning Jurisdiction

The City of Gretna has asked that the County cede zoning jurisdiction to a parcel of land that now partially lies in Gretna's jurisdiction and in Sarpy's jurisdiction. The property owner allowed his daughter to build a house upon the property, as allowed by the County's regulations. However, the owner wishes to subdivide the parcel for the daughter's house and to make it possible for the daughter to obtain financing. This is problematic under the County's regulations.

I have spoken to Gretna's Zoning Administrator about this situation. She has talked with the owner's daughter and believes that Gretna can better accommodate this situation than can the County. Accordingly, Gretna has made the request to cede jurisdiction as required by statute.

I have attached a copy of the statute for your review.

Sincerely,

Michael A. Smith
Deputy County Attorney

Nebraska

Chapter 13. Cities, Counties, and Other Political Subdivisions

Article 3. Political Subdivisions; Particular Classes and Projects

(i). Extraterritorial Jurisdiction

Current through the 2011 legislative session

§ 13-327. County; cede jurisdiction; when; procedure

(1) The governing body of any city of the first class or city of the second class may, by majority vote of its members, request that the county board formally cede and transfer to the city extraterritorial jurisdiction over land outside the area extending two miles from the corporate boundaries of a city of the first class and one mile from the corporate boundaries of a city of the second class. In making its request, the city shall describe the territory over which jurisdiction is being sought by metes and bounds or by reference to an official map.

(2) Unless prohibited pursuant to section 13-328, the county board may, by majority vote of its members, grant the request with regard to some or all of the requested territory if:

(a) The county has formally adopted a comprehensive development plan and zoning resolution pursuant to section 23-114 not less than two years immediately preceding the date of the city's request;

(b) The city, on the date of the request, is exercising extraterritorial jurisdiction over territory within the boundaries of the county;

(c) The requested territory is within the projected growth pattern of the city and would be within the city's extraterritorial jurisdiction by reason of annexation within a reasonable period of years;

(d) Not more than a total of twenty-five percent of the territory of the county located outside the corporate boundaries of any city within the county shall be ceded to the jurisdiction of one city within ten years after the date upon which the initial request for the cession of territory to the city was approved by the governing body of the city; and

(e) No portion of the territory ceded to the city's jurisdiction by the county lies within an area extending one-half mile from the extraterritorial jurisdiction of any other city of the first or second class or village on the date

the request is approved by the governing body of the city.

(3) If the county board approves the cession and transfer of extraterritorial jurisdiction to a city pursuant to this section, such transfer shall take effect on the effective date of the ordinance as provided for in subsection (1) of section 16-902 in the case of a city of the first class or as provided for in subsection (1) of section 17-1002 in the case of a city of the second class. Upon the effective date of such transfer, the transferred jurisdiction shall be treated for all purposes as if such land were located within two miles of the corporate boundaries of a city of the first class or within one mile of the corporate boundaries of a city of the second class.

Source:

Laws 2002, LB 729, § 1.