

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION CEDING JURISDICTION OF LAND TO THE CITY OF PAPIILLION

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, pursuant to Neb. Rev. Stat. §13-327, the City Council of the City of Papillion has voted to request that the County Board cede and transfer to the City of Papillion extraterritorial jurisdiction over land outside the area extending two miles from the corporate boundaries of the City of Papillion (Resolution R11-0103); and,

WHEREAS, the City of Papillion has requested that Sarpy County cede jurisdiction of land which is partially within a ½ mile of the extraterritorial jurisdiction of the City of La Vista; and,

WHEREAS, Neb. Rev. Stat. §13-327 specifically precludes a county from ceding jurisdiction to a city of any land within a ½ mile of another city's extraterritorial zoning jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

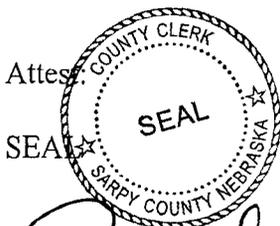
- I. On August 16, 2011, the City Council of the City of Papillion approved resolution R11-0103, which resolution requests that Sarpy County cede jurisdiction of zoning and platting rights for the property East of 132nd Street, North of Highway 370 and more than one-half mile South of Giles road, hereinafter "Requested Property".
- II. The City of Papillion letter of request, resolution, and map are attached hereto and incorporated herein at Exhibit A and said Requested Property is outlined on the map.
- III. A portion of the Requested Property lies within a ½ mile of the City of La Vista's extraterritorial zoning jurisdiction, said restricted portion is that portion of the Requested Property which lies north of Cornhusker Road.

- IV. That portion of Requested Property which begins at Cornhusker Road and continues south is outside of the ½ mile of the City of La Vista's extraterritorial zoning jurisdiction.
- V. Sarpy County has a Comprehensive Plan adopted pursuant to Neb. Rev. Stat. §23-114.
- VI. The City of Papillion is currently exercising extraterritorial jurisdiction over territory within the boundaries of Sarpy County.
- VII. The Requested Property is within the projected growth pattern of the City of Papillion and would be within the city's extraterritorial jurisdiction by reason of annexation within a reasonable period of years.
- VIII. Not more than a total of twenty-five percent of the territory of Sarpy County located outside the corporate boundaries of the City of Papillion has been ceded to the jurisdiction of the City of Papillion within the last ten years.
- IX. The property owners have no objections to the transfer of jurisdiction.

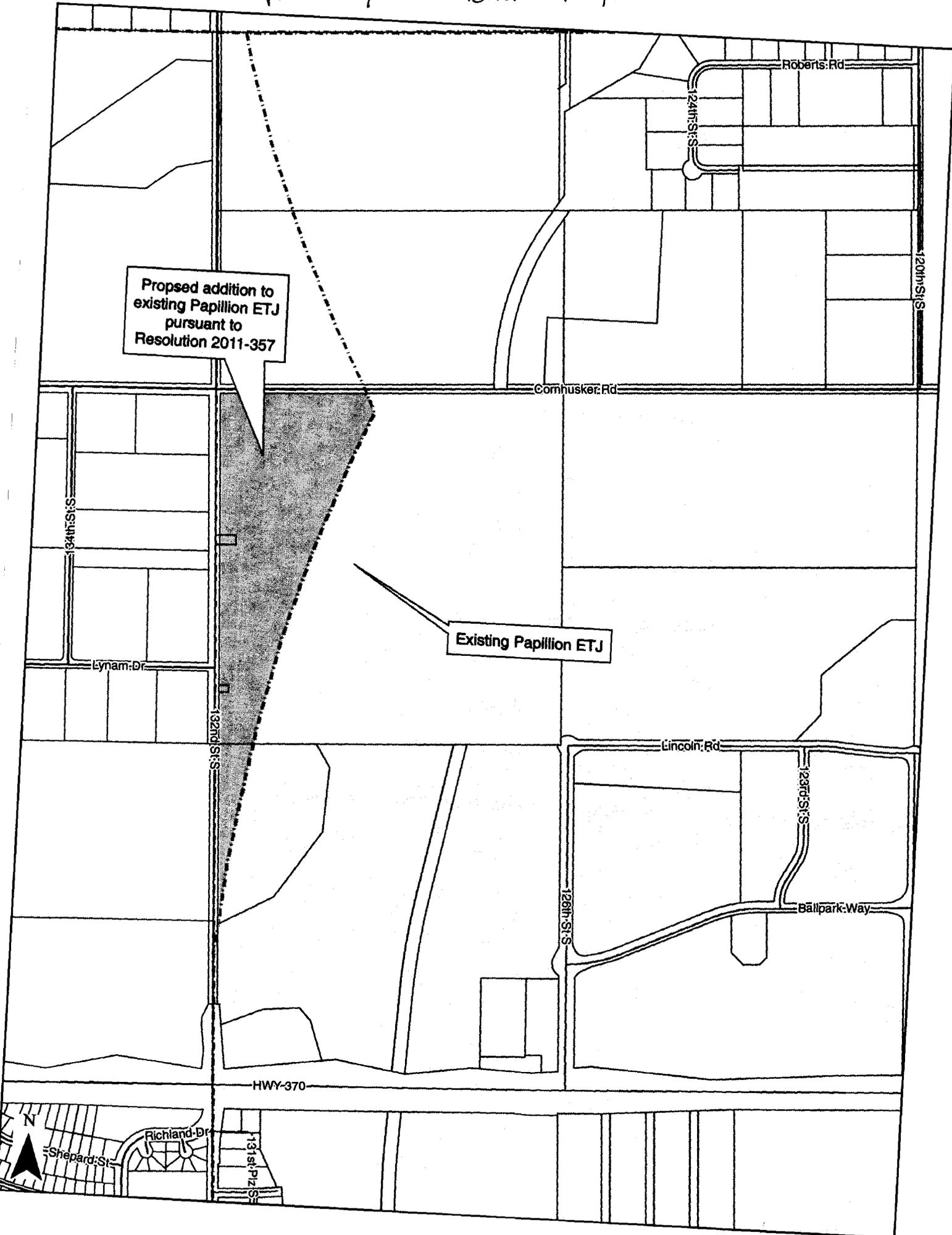
FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the cession and transfer to the City of Papillion of that portion of the Requested Property shown on the attached map which begins at Cornhusker Road and continues south. Wherein such transfer shall take effect on the effective date of the ordinance as provided for in Neb. Rev. Stat. §17-1002.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 25th day of October, 2011.

Tom Richal
Sarpy County Board Chairman



Gene Lausman Deputy
County Clerk

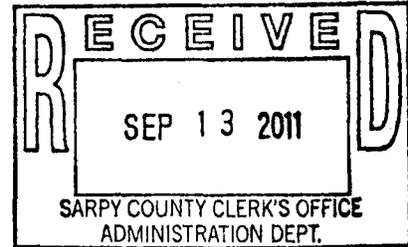


Proposed addition to existing Papillion ETJ pursuant to Resolution 2011-357

Existing Papillion ETJ



CITY OF PAPILLION
David P. Black, Mayor
Jeffrey L. Thompson, P.E., CPECS, CFM
Manager of Engineering Services
122 East Third Street
Papillion, Nebraska 68046
Phone 402-898-9092
Fax 402-339-0670
E-Mail: jefft@papillion.org



September 12, 2011

Sarpy County Board of Commissioners
c/o Sarpy County Administrator Mark Wayne
1210 Golden Gate Drive, Suite 1126
Papillion, NE 68046

RE: Request to Cede Jurisdiction

Dear Commissioners,

On August 16, 2011, the Papillion City Council approved RES. #R11-0103 to request that Sarpy County cede the jurisdiction identified by the Baseball Stadium Outfall Sewer Interlocal Cooperation Agreement. Section 12 of the Interlocal Cooperation Agreement requires Sarpy County to cede jurisdiction of zoning and platting rights for the property east of 132nd Street, north of Highway 370, and more than one-half mile south of Giles road to the City of Papillion. A copy of the approved resolution and associated exhibit showing the area to be ceded is enclosed. We would ask at this time that the County Board take all the necessary and appropriate action required to formally cede those right to the City of Papillion.

Please contact me at 402-898-9092 if you have any questions regarding this request.

Sincerely,
CITY OF PAPILLION

Jeffrey L. Thompson, P.E.
City Engineer

RESOLUTION NO. R11-0103

WHEREAS, the City of Papillion and Sarpy County entered into an Interlocal Cooperation Agreement on March 2, 2010 to allow the City of Papillion to extend a sanitary sewer line to facilitate the construction of Werner Park;

WHEREAS, Section 12 of the Interlocal Cooperation Agreement requires Sarpy County to cede jurisdiction of zoning and platting rights for the property East of 132nd Street, North of Highway 370, and more than one-half mile South of Giles road to the City of Papillion pursuant to Neb. Rev. Stat. § 13-327.

WHEREAS, the extension of the City of Papillion's extra-territorial jurisdiction will be within with the future boundary lines established by the Interlocal Cooperation Agreements with the City of La Vista and the City of Gretna.

BE IT RESOLVED by the Mayor and City Council of the City of Papillion that Sarpy County is formally requested to cede the jurisdiction identified on Exhibit A – Sewer Agreement Exhibit as required by Section 12 of the Interlocal Cooperation Agreement.

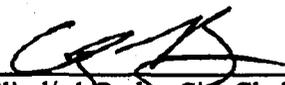
PASSED AND APPROVED THIS 16th DAY OF August, 2011.

CITY OF PAPIILLION, NEBRASKA



David P. Black, Mayor

Attest:

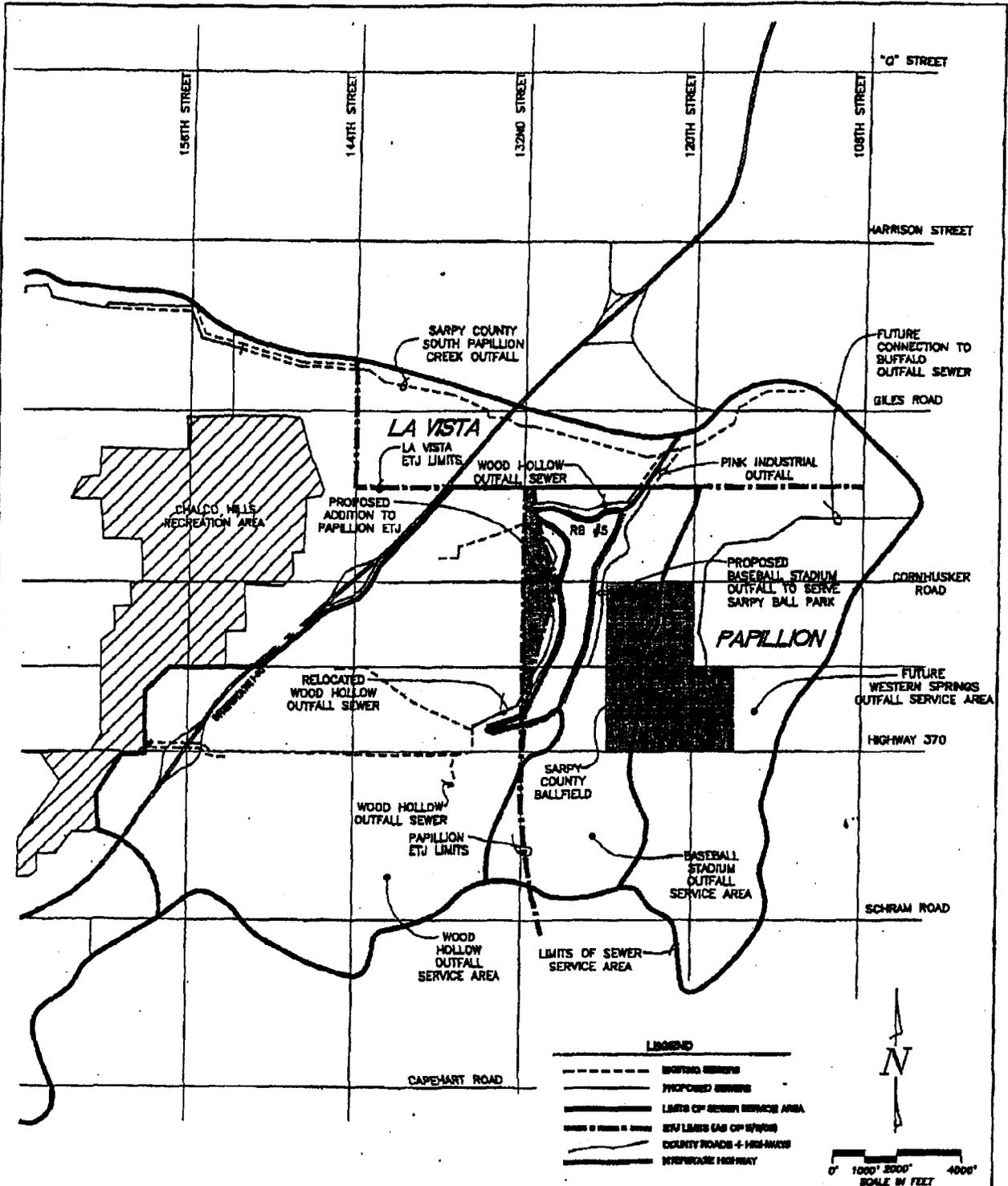


Elizabeth Butler, City Clerk

(SEAL)



Exhibit a



TD² THOMPSON, DREBSAEN & DONNER, INC.
 Consulting Engineers & Land Surveyors
 4805 OLD MILL ROAD OMAHA, NEBRASKA 68114
 PHONE: 485-6666 FAX: 485-6666 EMAIL: TD@TDND.COM
 WWW.TDND.COM

JOB NO: 181-545 181545 SEWER AGREEMENT EXHIBIT 11-8-08.dwg

SEWER AGREEMENT EXHIBIT
 SOUTH PAPILLION CREEK SEWER SYSTEMS

SARPY COUNTY NEBRASKA	CITY OF PAPILLION, NEBRASKA
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scale:	AS SHOWN
date:	11-8-08
drawn by:	ASB
checked by:	ADB
revision:	11-11-08

Sarpy County Board of Commissioners

1210 GOLDEN GATE DRIVE
PAPILLION, NE
593-4155
www.sarpy.com

ADMINISTRATOR Mark Wayne
DEPUTY ADMINISTRATOR Scott Bovick
FISCAL ADMIN./PURCHASING AGT. Brian Hanson



COMMISSIONERS

Rusty Hike District 1
Jim Thompson District 2
Tom Richards District 3
Jim Nekuda District 4
Jim Warren District 5

MEMO

To: Sarpy County Board
From: Mark Wayne, County Administrator
RE: Resolution to Cede Jurisdiction

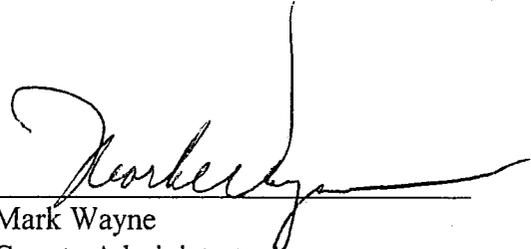
On March 2, 2010 the County Board approved an Inter-local Agreement with the City of Papillion. The Agreement along with requiring the City to construct a sanitary sewer line to the ballpark, also required the County to cede zoning jurisdiction along 132nd Street North of Highway 370. The agreement specifies the parcels to cede and includes a parcel north of Cornhusker Rd, however, it is within ½ mile of La Vista's zoning jurisdiction. Statues state that a County can not cede it's jurisdiction to a City if it is within ½ mile of the ETJ of a first class city.

The Resolution approves the ceding of jurisdiction of the ground south of Cornhusker as required, the property north of Cornhusker will not be ceded at this time.

This should not be an issue since the property north of Cornhusker is part of the dam site project owned by the NRD and will probably not be sold for development.

I recommend approving the Resolution.

October 19, 2011


Mark Wayne
County Administrator