

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**RESOLUTION CEDING JURISDICTION OF LAND TO THE CITY OF GRETNA**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2012), 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;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board; and

WHEREAS, pursuant to Neb. Rev. Stat. § 13-327 (Reissue 2012), the City Council of the Gretna has voted to request that the County Board cede and transfer to the City of Gretna extraterritorial jurisdiction over land outside the area extending one mile from the corporate boundaries of the City of Gretna.

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

- I. On December 17, 2013, the City Council of the City of Gretna voted to request that Sarpy County cede jurisdiction for the subject property legally described as follows:
  - a. West Half of the Southeast Quarter of Section 29, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.
- II. The City of Gretna letter of request, map, and plat are attached hereto and incorporated herein as Exhibit A.
- III. Sarpy County has a Comprehensive Plan adopted pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2012).
- IV. The City of Gretna is currently exercising extraterritorial jurisdiction over territory within the boundaries of Sarpy County.
- V. The requested territory is within the projected growth pattern of the City of Gretna and would be within the city's extraterritorial jurisdiction by reason of annexation within a reasonable period of years.
- VI. Not more than a total of twenty-five percent of the territory of Sarpy County located outside the corporate boundaries of the City of Gretna has been ceded to the jurisdiction of the City of Gretna within the last ten years.
- VII. No portion of the requested subject property lies within an area extending one-half mile from the extraterritorial jurisdiction of any other city of the first or second class or village.

VIII. The landowner has no objections to placing the subject property within the jurisdiction of the City of Gretna.

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 of the above described property to the City of Gretna, wherein such transfer shall take effect on the effective date of the ordinance as provided for in Neb. Rev. Stat. § 17-1002 (Reissue 2012).

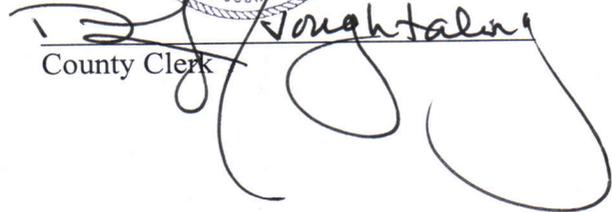
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 14<sup>th</sup> day of January, ~~2012~~: 2014

Attest

SEAL



  
Sarpy County Board Chairman

  
County Clerk



# Office of the County Attorney

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Hall of Justice • 1210 Golden Gate Drive • Suite 3147  
Papillion, NE 68046-2889  
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L. Kenneth Polikov  
Sarpy County Attorney

## MEMORANDUM

To: Sarpy County Board of Commissioners  
From: Bonnie Moore  
RE: City of Gretna's request to cede jurisdiction  
Date: January 10, 2014

The City of Gretna has requested that Sarpy cede and transfer to the City of Gretna, extraterritorial jurisdiction over land outside the area extending one mile from the corporate boundaries of the City of Gretna. The subject area is part of the Aspen Creek development. A copy of the letter request, map, and plat are attached to and incorporated with the resolution as Exhibit A.

**YOUNG & WHITE**  
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January 10, 2014

Via Email [bmoore@sarpy.com](mailto:bmoore@sarpy.com)

Ms. Bonnie N. Moore  
Sarpy County Attorney's Office  
1210 Golden Gate Drive  
Papillion, NE 68046-2889

RE: City of Gretna Request that Sarpy County Board Cede ETJ  
W ½ of SE 1/4 S29, T14N, R11E

Dear Ms. Moore:

Our office serves as the City Attorney for the City of Gretna, and in that capacity we are respectfully submitting on behalf of the Gretna Mayor and City Council, this formal request pursuant to Neb. Rev. Stat. § 13-327(1) (Reissue 2012) that the Sarpy County Board formally cede and transfer to Gretna its extraterritorial jurisdiction over land outside of the area extending one mile from the corporate boundaries of Gretna which comprises the West Half of the Southeast Quarter of Section 29, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. This request was approved by a majority vote of Gretna's City Council on December 17, 2013, and the subject area is shown and depicted as "Aspen East" on the separately attached Gretna Partial Zoning Map, which is a portion of an official map of Gretna.

In support of this request, it is respectfully suggested that the Sarpy County Board consider the following.

First, the requirements for granting the request, as set forth in Neb. Rev. Stat. §§ 13-327(2)(a)-(e) are fully met, and, in particular, the subject area is within Gretna's projected growth pattern and would be within Gretna's extraterritorial jurisdiction by reason of annexation within a reasonable period of years. Neb. Rev. Stat. § 13-327(2)(c).



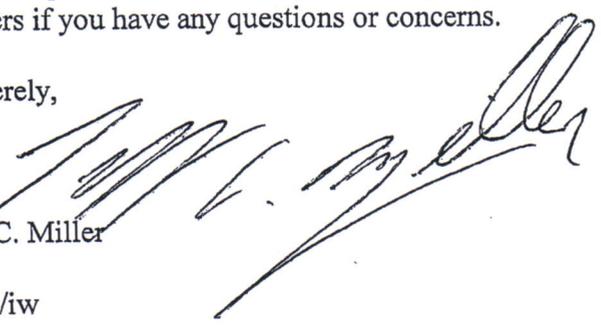
Ms. Bonnie Moore  
Sarpy County Attorney's Office  
January 10, 2014  
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Second, the subject area is being proposed to be developed by Jerry Torczon doing business as BHI Development, Inc., 11205 South 150<sup>th</sup> Avenue, Suite 100, Omaha, NE 68138 (402-592-6942), as the third phase (and as a small part of the second phase) of his entire Aspen Creek development, which is being planned as consisting of 349 single family residential lots, a multi-family lot, twenty commercial lots, and a partial public middle school lot. The entire Aspen Creek development is being proposed to be one sanitary and improvement district and Gretna will be providing the entire Aspen Creek development with public sanitary sewer and water. Mr. Torczon has a contact with the owners to purchase the subject area, and a preliminary plat which includes the subject area as a portion thereof has been submitted to Gretna. The first, second and fourth phases of Mr. Torczon's Aspen Creek development are owned by Mr. Torczon and are within Gretna's existing extraterritorial jurisdiction. The first, second and fourth phases are the major portion of the entire Aspen Creek development and Gretna has approved or is in the process of approving preliminary and/or final plats therefor. A copy of the most current revised preliminary plat of the entire Aspen Creek development is separately attached for the review and convenience of all involved persons.

In these circumstances, it is respectfully submitted that it serves the public's interests that the planning of the entire Aspen Creek development be coordinated and controlled by a single governmental entity and that the entire Aspen Creek development also be subject to the same single set of zoning, planning, and building regulations and requirements. Accordingly, it is respectfully submitted that it serves the public's interests for the Sarpy County Board to grant Gretna's request and cede extraterritorial jurisdiction for the subject area.

Your cooperation in this matter is greatly appreciated. Please feel free to call so as to expedite matters if you have any questions or concerns.

Sincerely,



Jeff C. Miller

JCM/iw  
Enclosure

c: Gretna City Administrator Jeff Kooistra  
Gretna City Engineer Steve Perry  
Patrick J. Sullivan, Esq.



<p>SHEET NO. 1 of 1</p>	<p>PROJECT NO. 13004-10 DATE DECEMBER 2013</p>	<p>ASPEN CREEK &amp; ASPEN EAST 192ND STREET &amp; HIGHWAY 370</p>	<p>CITY OF GRETNA PARTIAL ZONING MAP GRETNA, NEBRASKA</p>	<p>OLMSTED &amp; PERRY CONSULTING ENGINEERS INC. 10730 PACIFIC STREET SUITE 232 OMAHA, NEBRASKA</p>
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CITY OF GRETNA, NEBRASKA

ORDINANCE NO. 1036

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GRETNA, NEBRASKA SO AS TO EXTEND THE CITY OF GRETNA'S EXTRATERRITORIAL ZONING JURISDICTION TO INCLUDE THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, AND TO DESIGNATE THE ZONING DISTRICT THEREOF AS TRANSITIONAL AGRICULTURE WITH A MIXED USE COMMERCIAL AND BUSINESS PARK OVERLAY, AS SHOWN AND DEPICTED IN THE CITY OF GRETNA'S OFFICIAL ZONING MAP.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GRETNA, SARPY COUNTY, NEBRASKA.

Section 1. The Mayor and Council previously submitted a formal request pursuant to Neb. Rev. Stat. § 13-327(1) (Reissue 2012) that the Sarpy County Board formally cede and transfer to the City of Gretna extraterritorial jurisdiction over land outside of the area extending one mile from the corporate boundaries of the City of Gretna which comprises the West Half of the Southeast Quarter of Section 29, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, and via Resolution 2014-33 approved January 14, 2014 the ceding and transfer of extraterritorial jurisdiction over said land was approved by the Sarpy County Board. The Mayor and the City Council find that all notices and hearings have been had, that the Council has received the recommendation of the Planning Commission of the City, and all other legal requirements of the state statutes, Comprehensive Development Plan, and the Municipal Code and Zoning Regulations have been fulfilled.

Section 2. The Official Zoning Map of the City of Gretna referred to in City of Gretna Zoning Regulations 3.02.01 and 5.02 shall be amended so as to extend the City of Gretna's extraterritorial zoning jurisdiction to include the West Half of the Southeast Quarter of Section 29, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, and to designate the Zoning District thereof as Transitional Agriculture with a Mixed Use Commercial and Business Park overlay, as shown and depicted in the City of Gretna's Official Zoning Map, a true and complete copy of which is attached hereto and incorporated herein as Exhibit "A" and is hereby approved and adopted as the City of Gretna's Official Zoning Map.

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and take effect after passage, approval and publication hereof as provided by law.

PASSED AND APPROVED this 18<sup>th</sup> day of March, 2014.

Attest:

CITY OF GRETNA, NEBRASKA

  
\_\_\_\_\_  
Tammy L. Tisdall, City Clerk

  
\_\_\_\_\_  
James W. Timmerman, Mayor