

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 5, 2013 AGENDA**

Subject:	Type:	Submitted By:
AMENDMENT TO THE COMPREHENSIVE PLAN — CHAPTER 9, ANNEXATION PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared to amend the Comprehensive Plan by adopting an update to Chapter 9, Annexation Plan.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and a resolution prepared to consider the following amendment to the Comprehensive Plan:

Update to Chapter 9, Annexation Plan

As part of the annual strategic planning process, the Mayor and City Council identified the need to annually review the City's Annexation Plan. It is also an Action Strategy of the Comprehensive Plan to conduct an annual review of the Comprehensive Plan that includes the Annexation Plan as Chapter 9.

Through staff's annual review of the Comprehensive Plan, it was identified that modifications to the Annexation Plan were warranted. Changes to the fiscal analysis worksheets were completed to update the sheets to the current fiscal status. One modification to the Annexation Map is proposed:

- Designation of areas along 66th Street for consideration in the 5-10 year timeline.

On February 28, 2013, by a vote of 8-0, the Planning Commission recommended approval of the amendments to the City of La Vista Comprehensive Plan, Chapter 9, Annexation Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING CHAPTER 9, ANNEXATION PLAN, OF THE COMPREHENSIVE PLAN

WHEREAS, the Comprehensive Plan currently has an Annexation Plan in Chapter 9 which includes a narrative section, a chart and a map; and

WHEREAS, amendments are proposed to update the Plan based on an annual review; and

WHEREAS, the Planning Commission has recommended approval of the amendments to Chapter 9, Annexation Plan; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to Chapter 9, Annexation Plan, of the Comprehensive Plan.

PASSED AND APPROVED THIS 5TH DAY OF MARCH 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Chapter 9

ANNEXATION PLAN

INTRODUCTION

Annexation is a means of bringing unincorporated property into the corporate limits of the city and extending municipal services, regulations, voting privileges and taxing authority to new territory. It is also a tool for growth management by establishing more sensible jurisdictional boundaries, facilitating economic development, and fostering more coordinated land development. Annexation is also a means of ensuring that residents and businesses outside the city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services.

A city can only annex land within its extra-territorial jurisdiction (ETJ). The ETJ of a city is the contiguous unincorporated land adjacent to its corporate limits that is not within another city's ETJ. The size of a city's ETJ varies according to population, ranging from one mile for communities with less than 5,000 persons, to three miles for cities greater than 100,000. La Vista currently has a two-mile ETJ.

From an annexation perspective, a city's ETJ serves two functions. First, it prevents another municipality from annexing into another's ETJ. This provides a city with land that it alone can potentially annex. Second, cities are authorized to enforce their subdivision regulations, zoning regulations, and building codes within their ETJ. This is intended to be a means of ensuring that cities will not have to assume maintenance responsibilities for substandard infrastructure upon annexation. This however may not hold true for areas within La Vista's current ETJ and future growth area which have been developed while under the Sarpy County's control.

Annexation is critical to the long-term well being of La Vista. This document details many of the considerations for annexation including conformity with Nebraska law, as well as a list of general policies, and finally it identifies areas for further study based on a one-to-five year, five-to-ten year, and ten-plus year schedule.

ANNEXATION POLICIES

- The City will pursue an annexation program that adds to the economic stability of the city, protects and enhances its quality of life, and protects its environmental resources.
- The City will pursue an annexation program that promotes orderly growth and the provision of municipal services and preserves the city's fiscal position.
- The City will consider annexation of an area to increase the quality of life, upgrade public facilities, and provide the necessary services to meet the needs of the residents of the area.
- Upon annexation, the City will consider the extension of its ETJ as a means of managing growth and providing zoning and building controls.
- The City will oppose the extension of another municipality's jurisdiction or the creation of a special purpose district within the city's ETJ unless the city determines it cannot provide the necessary

services. The City will acknowledge interlocal cooperation agreements regarding growth boundaries created in ~~cooperation~~ cooperation-with other municipalities.

- The guidelines for the prioritization of annexation should include consideration of the following major issues:
 - Ability to meet State contiguity requirements.
 - Exploration of the cost/benefit ratio through a detailed fiscal plan.
 - Infrastructure capacities and feasibility of provision of services.
 - Importance for economic development purposes, controlling entrances to the city, or other reasons related to fostering more coordinated development or the provision of services.
 - Logical extension of boundaries to fill gaps or clarify jurisdictional boundaries for improved provision of services.

ANNEXATION PLAN CONTENTS

The Annexation Plan for La Vista identifies annexations that include Sanitary and Improvement Districts and other major tracts of land; miscellaneous lots and other tracts of land and rights-of-way may not be identified until a detailed annexation study is performed. The details of the provision of services and other provisions of State law which must be followed in annexing properties will also be identified in a detailed annexation study.

Attached to this plan narrative is a spreadsheet which primarily summarizes the cost and benefit of each area, organized by an annexation timeframe; and a map of the City's corporate limits, ETJ and future growth area which graphically identifies the annexation boundaries by timeframe.

ANNEXATION STUDY PROCESS

(Per R.S. 495 and R.S. 1943, § 16-117, Annexation; powers; procedure; hearing.)

- (1) Prepare a plan with complete information on the city's intentions for extending city services to the land proposed for annexation and state:
 - a. The estimated cost impact of providing the services;
 - b. The estimated method by which the city plans to finance the extension of services and how any services already provided will be maintained;
 - c. A timetable for extending the services;
 - d. A map drawn to scale delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after annexation, and the general land use pattern in the land proposed for annexation.
- (2) The City Council adopts the resolution stating that the city is considering the annexation of the land and the plan for extending services. The resolution shall state:
 - a. The time, date and location of the public hearing (#10 below);
 - b. A description of the boundaries proposed for annexation;
 - c. The plan for the extension of city services is available for inspection in the office of the City Clerk.

(3) Not later than 14 days prior to the Planning Commission public hearing, the City Clerk must send notice of the proposed annexation by certified mail, return receipt requested to any of the following entities serving customers in the City or area proposed for annexation:

- a. Natural gas public utility
- b. Natural gas utility owned or operated by the city
- c. Metropolitan utilities district
- d. Any municipality
- e. Public power district
- f. Public power and irrigation district
- g. Electric cooperative
- h. Any other governmental entity providing electronic services
- i. *School District*
- j. *Fire District*

This mailing must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(4) The City must provide written notice of Planning Commission public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. A certified letter must also be sent to the SID clerk. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(5) The Planning Commission reviews the proposed annexation plan and forwards a recommendation to the City Council.

(6) A copy of the resolution providing for the public hearing shall be published in the newspaper at least once not less than 10 days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution.

(7) A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district proposed for annexation.

(8) The City must provide written notice of City Council public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of City Council hearing
- c. How further information can be obtained, including an email or phone number

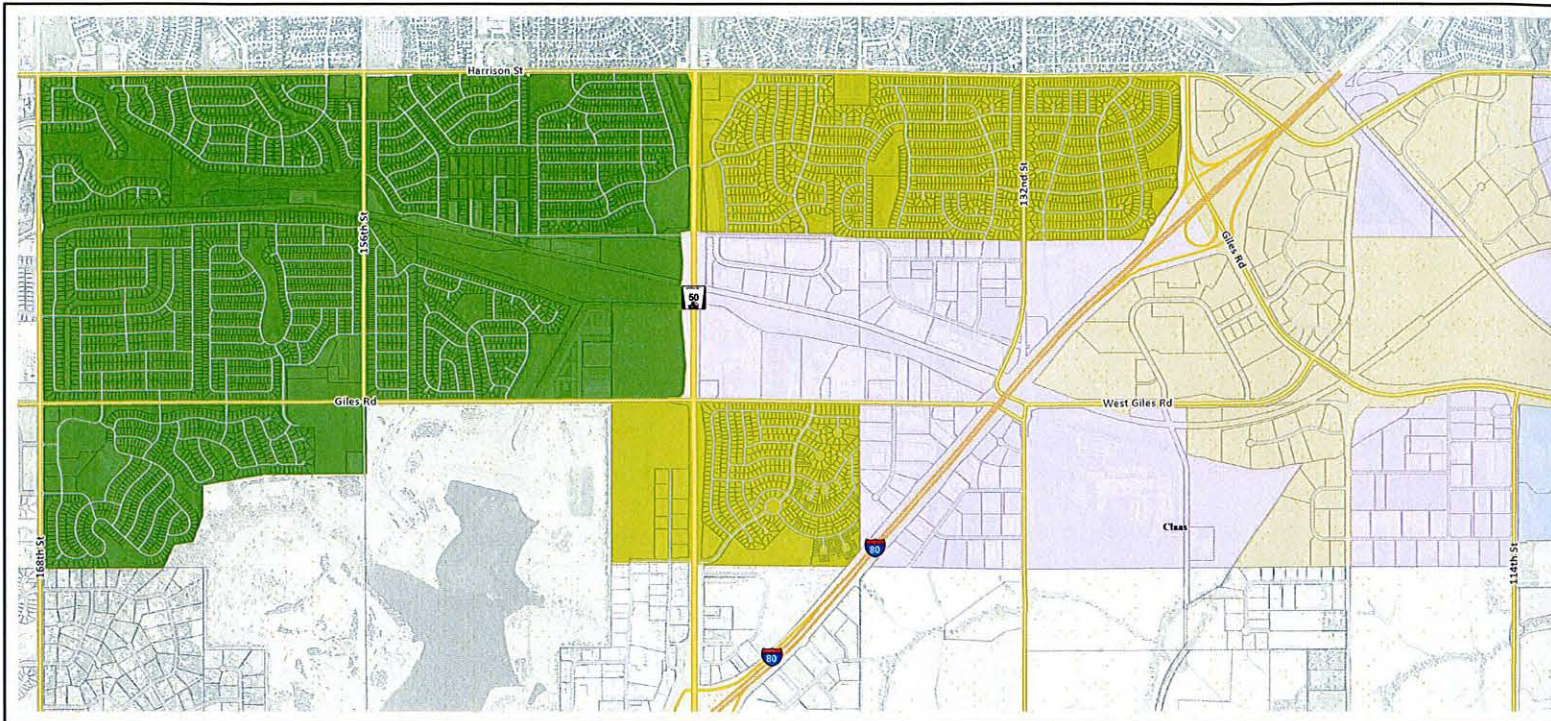
(9) The City Council introduces the annexation ordinance (first reading).

(10) The City Council holds the public hearing on the proposed annexation within 60 days following the adoption of the resolution (the City Council may recess the hearing, for good cause, to a time and date specified at the hearing). The City Council considers the second reading of the annexation ordinance.

- (11) The City Council considers the third and final reading of the annexation ordinance.
- (12) The City Clerk publishes the annexation ordinance and it becomes effective 15 days after passage.

CONCLUSION

This document has been prepared to assist with the decision-making regarding annexation. The information provided is intended to ensure compliance with State law and aid in more complete and well thought out decisions by the city about future annexations. The city's goal is that the policies stated above be evaluated in order for annexation to have the least negative impact on the city and its residents and that the positive attributes and reasons for annexation may be more easily identified and applied to future decisions regarding city growth.



Legend

Annexation Areas 2013

Annexation

- 1-5 Years
- 5-10 Years
- 10-15 Years
- 15+ Years



CITY OF LA VISTA

Febr



**City of La Vista
Annexation Summary
FY13**

General Description		Jurisdiction	Year Platted	SID #	Tax Levy /\$100	Fire Levy	COMP Levy	2013 Valuation	Tax Revenue Generated
		<i>La Vista</i>			<i>0.550000</i>		<i>0.550000</i>	<i>1,060,374,615</i>	<i>5,832,060</i>
One - Five Year									
108th & Harrison	1	Oakdale/Brookvalley	1971	59	0.270000			137,598,226	371,515
96th & Giles	2	Mayfair	1998	195	0.505000	0.14511	0.650113	43,350,273	218,919
96th & Giles	2a	Mayfair NON-SID	1998					295,009	-
Port Grace & Eastport	2b	Sod Farm	Unplatted					78,035	-
118th & Harry Anderson	2c	I-80 Business Park-2nd Add & Lots	2001					378,738	-
126th & West Giles	3	² Otte-Sarpy Ind Park	1998					2,008,985	-
126th & West Giles	3a	² Omaha Dev Foundation	1998					109,856	-
136th & Giles	3b	² Interstate Industrial Park	1990					13,439,269	-
132nd & Giles	3c	² Claas	Unplatted					12,210,342	-
136th & Chandler	3d	² Centech Business Park	1995	172	0.619999	0.0925	0.712499	47,192,774	292,595
136th & Chandler	3e	² Centech NON-SID	1995					145,838	-
I-80 & Giles	3f	² I-80 Industrial Park	1993	163	0.425286	0.0925	0.517786	41,924,754	178,300
144th & Chandler	3g	Chalco Valley Bus Park	1991					17,704,127	-
132nd & Chandler	3h	Bella La Vista						198,546	-
Five-Ten Year									
66th Street		³ All Purpose UT						2,303,231	-
96th & Harrison		Cimarron Woods	2004	237	0.560000	0.14511	0.705113	116,914,604	654,722
100th & Giles		Portal Ridge	2006	276	0.900000	0.14511	1.045113	31,385,425	282,469
114th & Giles		⁴ OTC Business Park	2004					34,392,366	-

¹ Population estimate - US Census Bureau 2011

² Look @ 132nd interchange timing, cost, implications - 2013 bid letting (short term) \$2.9M (10% City share & 10% County share)

³ Look @ funding split for 66th Street Improvements

⁴ In accordance with the Subdivision agreement can not annex until 12/31/19.

⁵ Not located in the current ETJ.

* Count in progress

**City of La Vista
Annexation Summary
FY13**

General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	Fire Levy	COMP Levy	2013 Valuation	Tax Revenue Generated
Ten - Fifteen Year								
SE 132nd & Harrison	Millard Highland South	1976	104	0.440005	0.0925	0.532505	122,657,729	539,700
SE 138th & Harrison	Southridge	1985	133	0.545100	0.0925	0.637600	37,543,352	204,649
SE Hwy 50 & Harrison	Stonybrook South	1977	111	0.570001	0.0925	0.662501	62,444,320	355,933
E of Hwy 50 S of Giles	The Meadows	1972	65	0.587156	0.0925	0.679656	64,397,753	378,115
144th & Giles	Lakeview South II		48 ⁵	0.100000	0.0925	0.192500	78,137,842	78,138
144th & Giles	Tax Lot 4 23-14-11	Unplatted					114,160	-
Fifteen + Years								
Hwy 50 & Harrison	Willow Creek	1974	96 ⁵	0.400000	0.0925	0.492500	38,889,766	155,559
SW 144th & Harrison	Echo Hills	1975	68 ⁵	0.597046	0.0925	0.689546	25,101,923	149,870
156th & Harrison	Emerald Oaks/Birchfield	1992	156 ⁵	0.530000	0.0925	0.622500	62,774,029	332,702
Kearny Ave&Chandler	Chalco Industrial Park/Other	1887					6,563,797	-
NE 156th & Giles	Rock Creek	1974	92 ⁵	0.724833	0.0925	0.817333	28,972,164	210,000
NE 156th & Giles	Rock Creek Non-SID	2000					28,560,484	-
156th & Giles	Chalco Point	1994	165 ⁵	0.700000	0.0925	0.792500	17,210,627	120,474
156th & Giles	Giles Ridge	2001	225 ⁵	0.900001	0.0925	0.992501	27,410,302	246,693
159th & Giles	Springhill Ridge	2003	233 ⁵	0.650000	0.0925	0.742500	77,483,599	503,643
159th & Giles	Springhill Ridge NON-SID	2003					9,526,674	-
SW 156th & Harrison	Millard Park	1994	162 ⁵	0.800000	0.0925	0.892500	135,530,902	1,084,247
SE 168th & Harrison	Millard Park South	2000	216 ⁵	0.749999	0.0925	0.842499	94,207,491	706,555
168th & Giles	Stonecrest	2004	257	0.970000	0.0925	1.062500	80,072,405	776,702
168th & Giles	Meridian Park	2007					1,567,130	-
Total Valuation and revenue at La Vista's levy				0.550000			2,561,171,462	\$14,086,443
Total SID valuation and revenue at SID's levy								\$7,841,502
Total Debt in SID's								
Total Population								