

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 15, 2008 AGENDA**

Subject:	Type:	Submitted By:
FIRE PROTECTION DISTRICT MERGER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute an agreement with the Papillion Fire Protection District to amend the boundaries of the district to coincide with the City's corporate limits.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

The recent annexation of Val Verde, Southwind, Villas at Southwind, Southwind Two and Windstone has put these areas in the city limits of La Vista, however they are still in the Papillion Fire Protection District. The City Attorney has negotiated an agreement with the Papillion Fire Protection District for those areas and prepared the necessary documents for approval by the District Court of the merger of a portion of the Papillion fire district into the City. La Vista's pro rata portion of the Fire District's Bond Liability is \$0.00.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE PAPILLION FIRE PROTECTION DISTRICT FOR PARTIAL MERGER AND CHANGE OF BOUNDARIES AND APPROVING THE APPORTIONMENT OF DEBT.

WHEREAS, by reason of annexations the City of La Vista has annexed a part of the territory within a fire protection district and Neb. Rev. Stat. §31-766 requires that by mutual agreement an equitable distribution of the assets, liabilities, maintenance and other obligations shall be determined and submitted to the district court for approval of such merger and change in boundaries of the fire protection district; and

WHEREAS, the City Attorney has prepared an agreement to merge and change the boundaries as well as establish the apportionment of debt which is \$0.00.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the Mayor to execute an agreement with the Papillion Fire Protection District for partial merger and change of boundaries to reflect the September 4, 2007 annexation Val Verde, SID #198; Southwind, Villas at Southwind, Southwind Two and Windstone, SID #200; and certain adjacent land by the City of La Vista, which included areas of the Papillion Fire Protection District.

PASSED AND APPROVED THIS 15TH DAY OF APRIL 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**AGREEMENT FOR PARTIAL MERGER AND CHANGE
OF BOUNDARIES OF PAPILLION FIRE PROTECTION DISTRICT**
(Resulting from annexations by City of La Vista)

This Agreement, made and entered into this _____ day of April, 2008, by and between the City of La Vista, a municipal corporation within Sarpy County, Nebraska (“City”) and Papillion Fire Protection District, a governmental corporation located within Sarpy County, Nebraska (the “Fire District”).

WHEREAS, the City did, on September 4, 2007, annex tracts of land comprising Val Verde, Southwind, Villas at Southwind, Southwind Two and Windstone, and certain adjacent land effective September 19, 2007 (the “Val Verde and Southwind annexations”), all of said lands being herein collectively referred to as the “Annexed Territory,” and are more fully described on Exhibit “A” attached hereto and incorporated herein by reference; and

WHEREAS, said Annexed Territory was within the taxing jurisdiction of the Fire District, but by virtue of said annexations are now within the taxing jurisdiction of the City; and

WHEREAS, the Annexed Territory constitutes only a portion of the territory within the Fire District, and the parties seek only a partial merger of the Fire District; and

WHEREAS, by reason of the above described City’s Val Verde and Southwind Annexation, the City’s pro rata share of the Fire District’s bond liability outstanding on August 20, 2007, is \$0.00 as computed on Exhibit “B” attached hereto.

NOW, THEREFORE, in consideration of the mutual covenants and agreements and other good and valuable consideration, the parties hereby agree as follows:

1. That in respect to La Vista’s above described Val Verde and Southwind Annexation effective September 19, 2007, the debt balances, valuations, amount and computations shown on Exhibit “B” reflect a fair and equitable division of the assets and liabilities of the Fire District and that as shown thereby La Vista’s pro rata portion of the Fire District’s Bond Liability is \$0.00. The parties therefore agree that the City shall be fully discharged from any liability to the Fire District relating to the above described annexations.
2. The parties hereto acknowledge that this Agreement must be approved by the Trustees of the Fire District and by the governing body of the City and that said Agreement will not be effective until submitted to and approved by the District Court of Sarpy County, Nebraska.
3. The parties further acknowledge that it may be necessary for actual notice of the hearing before the District Court of Sarpy County, Nebraska on the application for approval of this Agreement to be given to the current holders of the Fire District’s bonds.

4. This Agreement shall remain in full force and effect until City shall have paid the entire sum owing to Fire District pursuant to Paragraph 1 above.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _____ day of April, 2008.

ATTEST:

Pamela A. Buethe, City Clerk

CITY OF LA VISTA

By: _____
Douglas D. Kindig, Mayor

ATTEST:

Board of Trustees Secretary

PAPILLION FIRE PROTECTION
DISTRICT

By: _____
Board of Trustees Chairperson

**EXHIBIT A
Legal Description**

LOTS 1 THROUGH 254, AND OUTLOTS A, B AND C, VAL VERDE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID VAL VERDE;

TOGETHER WITH

LOTS 1 THROUGH 12 AND OUTLOT A, VAL VERDE REPLAT 1, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

PART OF 96TH STREET RIGHT-OF-WAY AND PART OF GILES ROAD RIGHT-OF-WAY ADJOINING SAID VAL VERDE;

ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 33.00 FEET WEST OF AND 50.00 FEET SOUTH OF THE NE CORNER OF THE NE 1/4 OF SECTION 21, T14N, R12E OF THE 6TH P.M., SARPY COUNTY;

THENCE SOUTHERLY ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4 TO THE SOUTH LINE OF SAID VAL VERDE;

THENCE WESTERLY ON THE SOUTHERLY LINES OF SAID VAL VERDE TO THE WESTERLY LINE THEREOF;

THENCE NORtherly ON THE WEST LINE OF SAID VAL VERDE TO A POINT 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NE 1/4;

THENCE EASTERLY ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING;

TOGETHER WITH

TAX LOT 6B IN THE NW 1/4 OF THE NW 1/4 OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH

RAILROAD RIGHT-OF-WAY IN THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 15;

TOGETHER WITH

LOTS 1 THROUGH 162 AND OUTLOT A, SOUTHWIND TWO, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID SOUTHWIND TWO;

TOGETHER WITH

HARRISON STREET RIGHT-OF-WAY AND 96TH STREET RIGHT-OF-WAY IN THE NW 1/4 OF SAID SECTION 15 ADJOINING SAID TAX LOT 6B AND SAID SOUTHWIND TWO;

TOGETHER WITH

LOTS 1 THROUGH 181 AND OUTLOTS 1 THROUGH 11, SOUTHWIND, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID SOUTHWIND;

TOGETHER WITH

LOT 1, SOUTHWIND REPLAT 2, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

LOTS 1 THROUGH 59 AND OUTLOT 1, WINDSTONE, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID WINDSTONE;

TOGETHER WITH

LOTS 1 THROUGH 44, VILLAS AT SOUTHWIND, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID VILLAS AT SOUTHWIND;

TOGETHER WITH

96TH STREET RIGHT-OF-WAY IN THE SW ¼ OF SAID SECTION 15 LYING NORTH OF GILES ROAD AND ADJOINING SAID SOUTHWIND, SAID WINDSTONE AND SAID SOUTHWIND REPLAT 2;

TOGETHER WITH

96TH STREET RIGHT-OF-WAY LYING IN THE NE ¼ AND THE SE ¼ OF SECTION 16, T14N, R12E OF THE 6TH P.M., IN SAID SARPY COUNTY LYING NORTH OF GILES ROAD AND EAST OF CIMARRON WOODS, MAYFAIR, MAYFAIR REPLAT 1 AND MAYFAIR 2ND ADDITION REPLAT 1, ALL SUBDIVISIONS IN SAID SARPY COUNTY;

ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF LOT 1, SAID SOUTHWIND TWO;

THENCE NORtherly on the east lines of SAID SOUTHWIND TWO and on the west lines of APPLE GROVE, A SUBDIVISION IN SAID SARPY COUNTY, TO THE NW CORNER OF LOT 16, SAID APPLE GROVE;

THENCE NORtherly 50.00 FEET on a line perpendicular to the north line of the NW ¼ of SAID SECTION 15 to the north line thereof;

THENCE WESTerly on the north line of SAID SECTIONS 15 AND 16 TO A POINT 64.85 FEET WEST OF THE NE CORNER OF SAID SECTION 16;

THENCE SOUTHERLY 50.00 FEET on a line perpendicular to the north line of SAID SECTION 16 TO THE NE CORNER OF LOT 380, SAID CIMARRON WOODS;

THENCE SOUTHERLY on the east lines of SAID CIMARRON WOODS, SAID MAYFAIR, SAID MAYFAIR REPLAT 1 AND SAID MAYFAIR 2ND ADDITION REPLAT 1 TO THE SOUTH LINE OF SAID MAYFAIR 2ND ADDITION REPLAT 1;

THENCE EASTERLY on the south lines of SAID SOUTHWIND AND SAID VILLAS OF SOUTHWIND TO THE EAST LINE OF SAID SOUTHWIND;

THENCE NORtherly on the easterly lines of SAID SOUTHWIND TO THE NE CORNER THEREOF;

THENCE WEST on the north line of SAID SOUTHWIND TO THE POINT OF BEGINNING;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 15, T14N, R12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA, ADJOINING APPLE GROVE, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, ADJOINING PARKVIEW HEIGHTS 2ND ADDITION, A SUBDIVISION IN SAID SARPY COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NW $\frac{1}{4}$;

THENCE SOUTH 50.00 FEET ON THE EAST LINE OF SAID NW $\frac{1}{4}$ TO THE NORTH LINE OF SAID APPLE GROVE;

THENCE WESTERLY ON THE NORtherly LINES OF SAID APPLE GROVE TO THE NW CORNER OF LOT 16, SAID APPLE GROVE;

THENCE NORtherly 50.00 FEET ON A LINE PERPENDICULAR TO THE NORTH LINE OF SAID NW $\frac{1}{4}$ TO THE NORTH LINE THEREOF;

THENCE EAST ON THE NORTH LINE OF SAID NW $\frac{1}{4}$ TO THE POINT OF BEGINNING;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND IN THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 14, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID NE $\frac{1}{4}$;

THENCE EAST ON THE NORTH LINE OF SAID NE $\frac{1}{4}$ TO THE NORtherly EXTENSION OF THE EAST LINE OF LOT 365, SAID PARKVIEW HEIGHTS 2ND ADDITION;

THENCE SOUTH 33.00 FEET ON THE NORtherly EXTENSION OF THE EAST LINE OF SAID LOT 365;

THENCE WEST ON A LINE 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NE $\frac{1}{4}$ TO THE WEST LINE THEREOF;

THENCE NORTH 33.00 FEET ON THE WEST LINE OF SAID NE $\frac{1}{4}$ TO THE POINT OF BEGINNING;

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 15, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID SECTION 15;

THENCE WEST ON THE NORTH LINE OF SAID SECTION 15 TO THE NORtherly EXTENSION OF THE WEST LINE OF TAX LOT 1 IN THE NE $\frac{1}{4}$ OF SAID SECTION 15;

THENCE SOUTH 33.00 FEET ON THE NORtherly EXTENSION OF THE WEST LINE OF SAID TAX LOT 1;

THENCE EAST ON A LINE 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINES OF SAID SECTIONS 15 AND 14 TO A POINT 90.55 FEET WEST OF THE NORtherly EXTENSION OF THE EAST LINE OF SUB LOT A OF LOT 1282, LA VISTA, A SUBDIVISION IN SAID SARPY COUNTY;

THENCE NORTH 33.00 FEET ON A LINE 90.55 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SUBLOT A TO THE NORTH LINE OF SAID SECTION 14;

THENCE WEST ON THE NORTH LINE OF SAID SECTION 14 TO THE POINT OF BEGINNING.

EXHIBIT B
PRO RATA SHARE
OF BOND LIABILITY

Order Number 14

La Vista September 2007

Fire District annexed from

Effective Date SID 198
 Papillion 9/14/2007 SID200

Fire District certified valuation	2007	9/14/2007	2,048,992,422.00
Annexation certified valuation	2007	8/16/2007	178,640,663.00

Annexation valuation percentage of District valuation	8.7185%
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Bond Principle outstanding on	8/31/2007	355,000.00
District Bond Account balance on	8/31/2007	(189,495.29)
Bond fund account balance at County Treasurer	8/31/2007	(14,947.13)
City of Papillion 1/1/99 annexation liability	case #C100-1682	(70,608.88)
City of La Vista 8/15/99 annexation liability	case #C101-1342	(27,763.73)
City of Bellevue 12-31-99 annexation liability	case #CI-03-333	(84,491.88)
City of La Vista 9-19-00 annexation liability	case #C105-1091	(1,818.55)
City of La Vista 6-4-2002 annexation liability	case #C105-1091	(697.93)
City of Papillion 6-29-2002 annexation liability	Interlocal Agreement	(1,027.39)
City of Papillion 1-1-03 annexation liability	Interlocal Agreement	(45,432.08)
City of Bellevue 3-7-03 annexation liability	unsettled	(7,891.98)
City of Papillion 5-5-04 annexation liability	Interlocal Agreement	(1,082.46)
City of Papillion 10-1-06 annexation liability	Interlocal Agreement	(254.20)
City of Papillion 11-1-06 annexation liability	Interlocal Agreement	(159.97)
City of Papillion 3-1-07 annexation liability	Interlocal Agreement	(138.28)
City of Papillion 9-4-07 annexation liability	Interlocal Agreement	0.00
District Bond liability balance*		Net debt less than 0 <u>(90,809.75)</u>

*principle - bond cash/liquid assets - prior settled annexations = liability balance

Cities pro rata portion of District Bond liability balance	0.00	Net debt less than 0
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