

## Bellevue City Council Meeting

Thursday, June 6, 2019 6:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
3. OPEN MEETINGS ACT - Posted in the Entry to the Council Chambers
4. APPROVAL OF AGENDA, CONSENT AGENDA, CLAIMS, AND ADVISORY COMMITTEE REPORTS:
  - a. Approval of the Agenda
5. ORDINANCES FOR ADOPTION (3rd reading):
  - a. Ordinance No. 3945 (Annexation Area # 5) Request to annex Lots 67, 68, west 122.96' of Lot 69, east 182.04' of Lots 69, 70A, 70B, 71A, 71B, west 100' of north 175' of Lots 72, 73 and south 122' of Lots 72, 74, Lot 75 and west ½ vacated 19<sup>th</sup> Street, east ½ vacated 19<sup>th</sup> Street adjacent to Lots 75, 76, 78, 80A, 80B, 80C, 81, 82, 83, 84, south 85' of south 187' Lot 85, north 102' of south 187' of Lot 85, north 110' of Lots 85, 86A2, 86B, 86A1A, 86A1B, 87, Lot 90 and south ½ vacated Cary Street, 97, 98, east ½ of Lots 99, 100A1, 100A2, 100A3, 100B, 100C, 103A, 103B, 106A, 106B, 107A, 107B, 108, 112, Lot 113 and south ½ of vacated Concord Street, Lots 115 and north ½ vacated Cary Street, 116B, and 117, Childs Estate Acres, Lots 1 and 2, Childs Estate Acres Replat IV, Lots 86 and 87, Spring Creek, Lot 1, Bohac Addition, Lot 1, Schram's Estate Acres, Lot 1 and north ½ vacated Cary Street, and 2, Linden Ridge, Lots 1 and 2, Amber Acres, Lots 1 and 2, Crawford's Addition Replat 1, Lot 1, Hunter's Hollow, Lots 1 through 3, Flojoe Holubar Estates, Lots 1 and 2, Dukes Addition, Lots 1 and 2, Proksel's Addition, Lots 1 and 2, Timmerman Acres, South 41' of Lot 1, and Lot 2, Cascio's Thoroughbred Acres, Lots 1, 5, 6, 7A, 7B, and 8 through 27, Caroline Addition, Lot 1, Caroline Addition Replat I, Lot 2, Rancho La Estrella, Tax Lot 3B, irregular part of Tax Lot 12 adjacent to Lot 1, Bohac Addition, part of Tax Lots 12 and 13, irregular 33' x 1279' strip of Tax Lot 13A lying south of Tax Lot 3B, located in Section 22, Township 14 North, Range 13 East of the 6<sup>th</sup> P.M., and irregular easterly 665' of Tax Lots 12C and 14, except part taken for right of way, Section 15, T14N, R13E of the 6<sup>th</sup> P.M.; and all abutting county road rights-of-way.  
Applicant: City of Bellevue. (Planning Director)
  - b. Ordinance No. 3946 (Annexation Area #7) Request to annex Lots 2, 4, 5, 6A1, 6A2, 7, 8, 9, 10, 12B, 12C, 13A1, 13B1, 14A, 15A, 15B, 15C, 18, 19, and 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1 through 3, Old Orchard Place III, Lots 1 and 2, Old Orchard place Replat I, Lots 4 and 5, High School View, Lots 1 and 2, Vacek Addition, Lots 1 and 2, Vacek's 2<sup>nd</sup> Addition, Lot 59, except part to road, and Lot 60, except part to road, Childs Estate Acres, Tax Lots 8B1 and 12A1, located in Section 22, T14N, R13E of the 6<sup>th</sup> P.M., and Tax Lots 11-2A, 11-2B, and east 15' of Tax Lot 16A, located in Section 15, T14N, R13E of the 6<sup>th</sup> P.M.;

and all abutting county road rights-of-way. Applicant: City of Bellevue. (Planning Director)

c. Ordinance No. 3947 (Annexation #8) Request to annex Lots 1, 2, 3, 11, and 12, Dvorsky's Industrial Subdivision, Lots 1 and 2, Dvorsky's Industrial Sub. Replat I, Lots 1 and 2, T and L Addition, the southeast corner of Tax Lot 4, located in Section 12, T13N, R13E of the 6<sup>th</sup> P.M., Tax Lot K, part of Tax Lot J, Tax Lot Z, located in Section 6, T13N, R13E of the 6<sup>th</sup> P.M., Tax Lot 26, and part of Tax Lot 28 adjacent, located in Section 1, T13N, R13D of the 6<sup>th</sup> P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue. (Planning Director)

d. Ordinance No. 3948 (Annexation #9) Request to annex part of Lot 10A east of relocated Mopac railroad and south of drainage ditch, part of Lot 10A west of relocated Mopac railroad and south of drainage ditch, part of Lot 10B south and west of drainage ditch, Palmtag's Subdivision, abandoned railroad right-of-way adjacent and Lot 5 and part of Lot 6, part of Lot 7 and vacated street adjacent Lots 5, 6, and 7, Butterfield's Subdivision, Tax Lot E in northwest  $\frac{1}{4}$ , located in Section 11, T13N, R13E of the 6<sup>th</sup> P.M., Tax Lots 1 and 2A, and part of Tax Lot 2, Tax Lot 6, east of railroad and abandoned railroad (parcel #010614230), Tax Lot 2B, part of Tax Lot 6 and part of Tax Lot 1, irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest  $\frac{1}{4}$ , Tax Lot 11 except west 51.42 acres and except road right-of-way, irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest  $\frac{1}{4}$ , Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south  $\frac{1}{2}$ , irregular easterly 148' of Tax Lot 12 in southeast  $\frac{1}{4}$ , located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue. (Planning Director)

## 6. ADJOURNMENT



# City of Bellevue

## PLANNING COMMISSION RECOMMENDATION

APPLICANT: City of Bellevue

CITY COUNCIL HEARING DATE: June 4, 2019

REQUEST: to annex Lots 67, 68, west 122.96' of Lot 69, east 182.04' of Lot 69, 70A, 70B, 71A, 71B, west 100' of north 175' of Lot 72, 73 and south 122' of Lot 72, 74, Lot 75 and west ½ vacated 19<sup>th</sup> Street, east ½ vacated 19<sup>th</sup> Street adjacent to Lot 75, 76, 78, 80A, 80B, 80C, 81, 82, 83, 84, south 85' of south 187' Lot 85, north 102' of south 187' of Lot 85, north 110' of Lot 85, 86A2, 86B, 86A1A, 86A1B, 87, Lot 90 and south ½ vacated Cary Street, 97, 98, east ½ of Lot 99, 100A1, 100A2, 100A3, 100B, 100C, 103A, 103B, 106A, 106B, 107A, 107B, 108, 112, Lot 113 and south ½ of vacated Concord Street, Lot 115 and north ½ vacated Cary Street, 116B, and 117, Childs Estate Acres, Lots 1 and 2, Childs Estate Acres Replat IV, Lots 86 and 87, Spring Creek, Lot 1, Bohac Addition, Lot 1, Schram's Estate Acres, Lot 1 and north ½ vacated Cary Street, and 2, Linden Ridge, Lots 1 and 2, Amber Acres, Lots 1 and 2, Crawford's Addition Replat 1, Lot 1, Hunter's Hollow, Lots 1 through 3, Flojoe Holubar Estates, Lots 1 and 2, Dukes Addition, Lots 1 and 2, Proksel's Addition, Lots 1 and 2, Timmerman Acres, South 41' of Lot 1, and Lot 2, Cascio's Thoroughbred Acres, Lots 1, 5, 6, 7A, 7B, and 8 through 27, Caroline Addition, Lot 1, Caroline Addition Replat I, Lot 2, Rancho La Estrella, Tax Lot 3B, irregular part of Tax Lot 12 adjacent to Lot 1, Bohac Addition, part of Tax Lots 12 and 13, irregular 33' x 1279' strip of Tax Lot 13A lying south of Tax Lot 3B, located in Section 22, Township 14 North, Range 13 East of the 6<sup>th</sup> P.M., and irregular easterly 665' of Tax Lots 12C and 14, except part taken for right of way, Section 15, T14N, R13E of the 6<sup>th</sup> P.M.; and all abutting county road rights-of-way.

On April 25, 2019, the City of Bellevue Planning Commission voted eight yes, zero no, zero abstained, and one absent to recommend:

**APPROVAL** based upon positive financial impact to the city, and the natural growth and development of the city

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Casey						Jacobson
	Perrin						
	Cain						
	Aerni						
	Ackley						
	Cutsforth						
	Ritz						
	Smith						

Planning Commission Hearing (s) was held on: April 25, 2019



## City of Bellevue

Office of the Planning Department

**To:** Mayor Hike  
City Council  
City Administrator Jim Ristow  
**From:** Chris Shewchuk, Planning Director *CMS*  
**Date:** May 15, 2019  
**Subject:** City of Bellevue annexation proposal

As a result of its recent Strategic Planning session, the City is taking the position that it is in its best interest to annex areas adjacent to the existing city limits; it is also part of the natural growth and development of a city. We are proposing the annexation of a large number of unincorporated lots adjacent or close to the existing city limits. The overall annexation package consists of nine different areas; this proposal consists of four areas which have been labeled as Areas 5, 7, 8, and 9. These areas consist of 161 parcels and an estimated population of 275. The City Council approved the annexation of Areas 1, 2, 3, 4, and 6 at its May 7, 2019 regular meeting.

Unlike with the annexation of Sanitary and Improvement Districts, the City does not assume any debt with the annexation of these unincorporated areas. The City will, however, begin receiving property tax revenue from these areas beginning in 2020. The current assessed value of the properties in this annexation proposal is \$25,886,983. Based upon the City's current levy, the increase in property tax receipts for the City would be approximately \$157,000; this figure will change in the future based upon changes in assessed valuation and the City's property tax rate. In addition to property tax revenue, the City will receive an additional \$75,000 in State Highway Allocation funding, plus other revenue including such things as sales taxes on items delivered to these areas. Estimates of these amounts are not available.

The properties involved in this annexation will see an increase in their tax levy in future years as a result of the City's levy being added to the tax bill; annexation will also result in the elimination of the levy assessed by the Eastern Sarpy Fire District. Based upon current property tax levies, the net effect of the change in levy will be a levy increase of 0.424217 beginning with taxes payable in 2020. This levy increase will result in a property tax increase of \$636.33 on a property assessed at \$150,000.

Upon the effective date of the annexation residents will begin receiving City services. In some cases, residents are already receiving the benefits of city services, such as snow removal and fire protection; in other cases, the City is restricted in providing needed services, such as Code Enforcement, to areas that are outside the city limits. This annexation proposal was distributed to other departments for review with a request to determine what additional resources they would require, in terms of manpower and equipment, to deliver services to the residents of these areas. Most departments indicated the ability to serve these areas with existing resources, however, the

Street Department indicated a need for additional manpower and equipment, plus an additional annual maintenance budget of approximately \$35,000.

The City recognizes the need for infrastructure improvements in some of these areas. Discussions with the City Administrator and Public Works Director indicate that after final action by the Council on the annexation proposals, the City will undertake a comprehensive review of infrastructure needs and develop a long term plan to address these needs.

The financial aspects of this annexation proposal have been discussed with the City Administrator and Finance Director and both agreed the financial impacts of the annexation are within the City's budgetary means.

#### **DEPARTMENT RECOMMENDATION**

APPROVAL based upon the positive financial impact on the City and the natural growth and development of the City.

#### **PLANNING COMMISSION RECOMMENDATION**

APPROVAL of the annexation proposal with the exception of the following parcels with greenbelt status:

Area #5—None

Area #7—Lots 2, 7, 8, and 9, Old Orchard Place; Lot 1, Vacek Addition; Lot 1, Vacek's 2<sup>nd</sup> Addition

Area #8—Tax Lot 26 and part of Tax Lot 28 adjacent, Section 1, T13N, R13E

Area #9—irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼; Tax Lot 11 except west 51.42 acres and except road right-of-way; irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼; Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ½; irregular easterly 148' of Tax Lot 12 in southeast ¼; all located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M.

It should be noted that the Planning Commission did not exclude all greenbelt lots in the proposal; the Commission recommended annexing those greenbelt lots which did not appear to be being used for agricultural purposes.

ORDINANCE NO. 3945

AN ORDINANCE TO ANNEX TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, CERTAIN LANDS, LOTS AND REAL ESTATE LYING WITHIN THE BELOW DESCRIBED BOUNDARIES, TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, ALL OF THE LOTS, LANDS, AND REAL ESTATE LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS, AND SHOWN ON THE ATTACHED MAP, TO WIT:

Lots 67, 68, west 122.96' of Lot 69, east 182.04' of Lot 69, 70A, 70B, 71A, 71B, west 100' of north 175' of Lot 72, 73 and south 122' of Lot 72, 74, Lot 75 and west ½ vacated 19<sup>th</sup> Street, east ½ vacated 19<sup>th</sup> Street adjacent to Lot 75, 76, 78, 80A, 80B, 80C, 81, 82, 83, 84, south 85' of south 187' Lot 85, north 102' of south 187' of Lot 85, north 110' of Lot 85, 86A2, 86B, 86A1A, 86A1B, 87, Lot 90 and south ½ vacated Cary Street, 97, 98, east ½ of Lot 99, 100A1, 100A2, 100A3, 100B, 100C, 103A, 103B, 106A, 106B, 107A, 107B, 108, 112, Lot 113 and south ½ of vacated Concord Street, Lot 115 and north ½ vacated Cary Street, 116B, and 117, Childs Estate Acres;

Lots 1 and 2, Childs Estate Acres Replat IV;

Lots 86 and 87, Spring Creek;

Lot 1, Bohac Addition;

Lot 1, Schram's Estate Acres;

Lots 1 and north ½ vacated Cary Street, and 2, Linden Ridge;

Lots 1 and 2, Amber Acres;

Lots 1 and 2, Crawford's Addition Replat 1;

Lot 1, Hunter's Hollow;

Lots 1, 2, and 3, Flojoe Holubar Estates;

Lots 1 and 2, Dukes Addition;

Lots 1 and 2, Proksel's Addition;

Lots 1 and 2, Timmerman Acres;

South 41' of Lot 1, and Lot 2, Cascio's Thoroughbred Acres;

Lots 1, 5, 6, 7A, 7B, and 8 through 27, Caroline Addition;

Lot 1, Caroline Addition Replat I;

Lot 2, Rancho La Estrella;

Tax Lot 3B, irregular part of Tax Lot 12 adjacent to Lot 1, Bohac Addition, part of Tax Lots 12 and 13, irregular 33' x 1279' strip of Tax Lot 31A lying south of Tax Lot 3B, located in Section 22, Township 14 North, Range 13 East of the 6<sup>th</sup> P.M.;

Irregular easterly 665' of Tax Lots 12C and 14, except part taken for right of way, Section 15, T14N, R13E of the 6<sup>th</sup> P.M.;

and all abutting county road rights-of-way.

ARE CONTIGUOUS AND ADJACENT TO THE CITY OF BELLEVUE, NEBRASKA, AND ARE URBAN OR SUBURBAN IN CHARACTER, AND

WHEREAS, SAID REAL ESTATE WILL RECEIVE MATERIAL BENEFITS AND ADVANTAGES FROM ANNEXATION TO THE SAID CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. All of the real estate lying within the area heretofore described be and the same hereby is included within the boundaries and territory of the City of Bellevue, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all of the rules, regulations, ordinances, taxes, and all other burdens and benefits of other persons and territory included with the City of Bellevue, Nebraska.

Section 2. This ordinance shall become effective after its passage, approval, and publication according to law.

ADOPTED by the Mayor and City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST

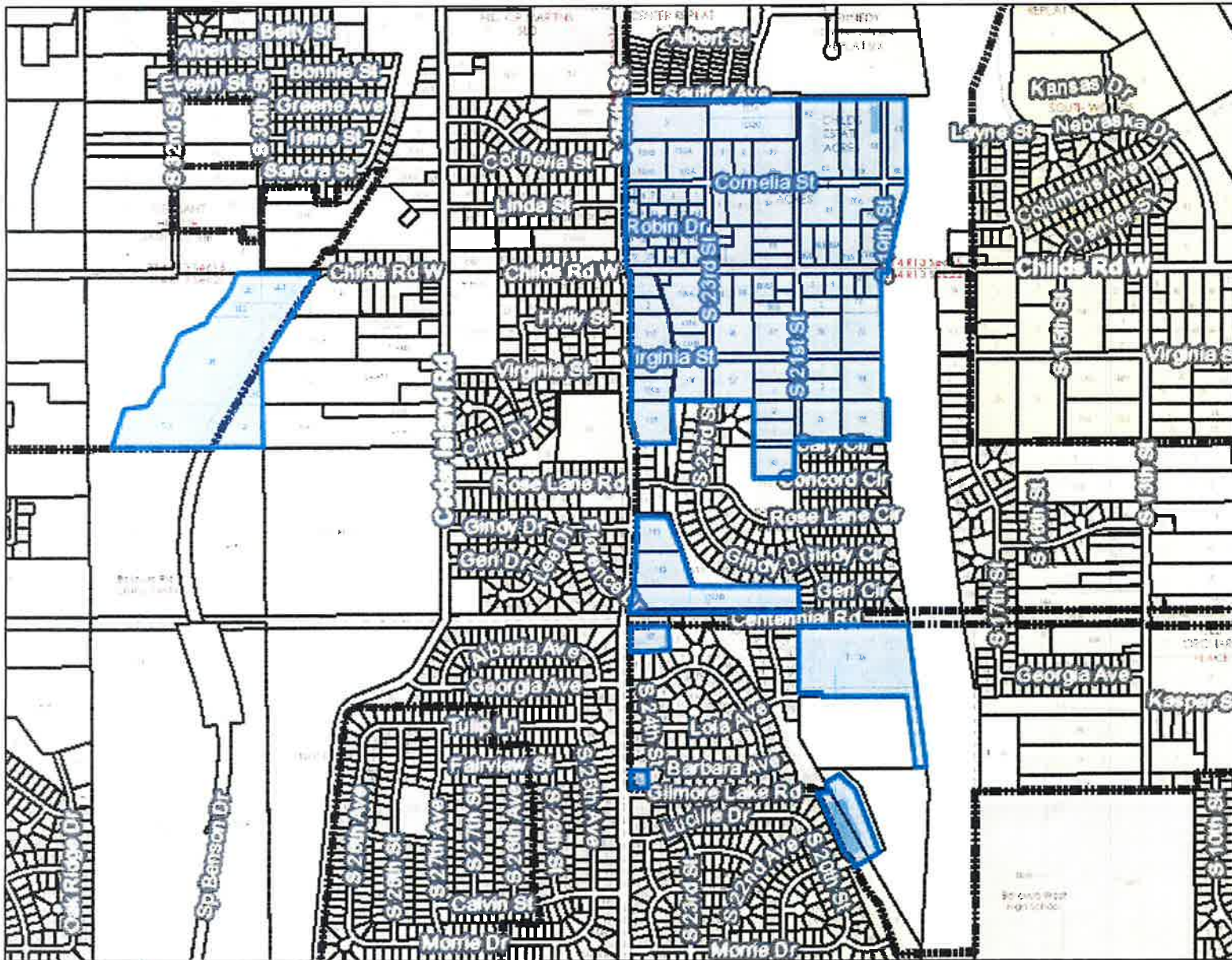
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_





## Annexation Area #5



### Location



### Legend

-  Road Centerlines
-  Municipal Boundaries



1: 13,285

0 554 1107 2214  
Feet

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

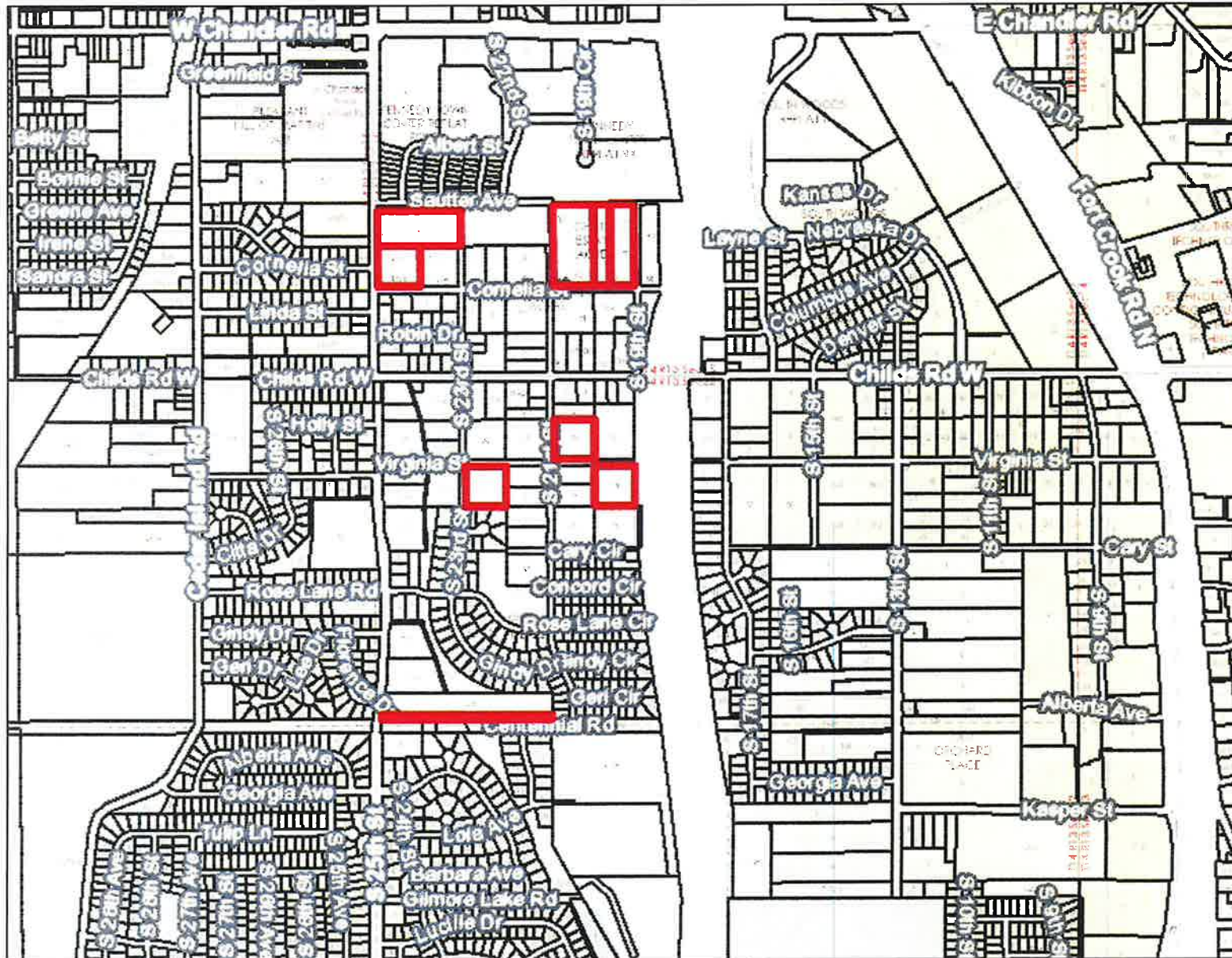
### Sarpy County GIS



1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com



## Area 5 Greenbelt lots



Location



Legend

Road Centerlines



1: 13,285

0 554 1107 2214  
Feet

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

Sarpy County GIS



1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com

I am Joanna Meinders and I reside at 2211 Cornelia Street.

I again oppose the annexation of my property.

I would like to refresh your memories, that in 2012 and 2013 my house was included in a proposed annexation package. The City of Bellevue removed my neighborhood from the annexation proposal because it was NOT in the best interest of the city, as it is too costly to annex us.

First, I would like to call your attention to a memorandum from Chris Shewchuk to the Planning Commission dated January 18, 2013.

This Memo references the fact that necessary street maintenance repairs in my little neighborhood, at the time in 2013, would be approximately \$275,000. I quote Mr. Shewchuk from the memo, "There are uncertainties with regard to the installation and maintenance of infrastructure in these areas, the Planning Department recommends that they not be annexed."

Pursuant to an email dated April 24, 2019, Mr. Shewchuk advised me that the city will first complete the annexation process then evaluate the infrastructure! I say, this is fiscally irresponsible to the citizens in Bellevue. I suggest that the City again get an estimate from the Street Superintendent, as they did in 2013 prior to this annexation being blindly pushed through. Today, the amount needed could easily be \$400,000 or maybe even double the previous estimate and cost a ½ a million tax payer dollars!

Next, I would like to call your attention to an email from Jerry Hare to Chris Shewchuk dated July 19, 2012 that reads,

"Chris,

...It's good to see us trying to fill in some gaps in our city limits but my main concerns at this time are **money** and **increased needs**. Unless a specific area (business or industrial) will result in taxes above added expenses, it doesn't seem like this is a good time to be annexing.

**Residential and non-developed areas (generally) cost us more than the amount of increased taxes..."**

Jerry

I point out that there are no business or industrial area included in this annexation package!

Now I would like to quote **Mr. Knutson** from the Minute Record dated February 25, 2013 when he said, **"He agrees with the Planning Department that it would be best to pull these from the annexation package."**

I quote **Mr. Cook** from this same Minute Record when he said, **"He had driven by some of the areas and saw the roads in need of repair, lack of street lighting and other issues."**

Finally, I ask you to oppose the annexation of my neighborhood, as previous city leaders so wisely decided because they actually took the time to look into it, as it is too costly and NOT in the best interest of the city.

Joanna Meinders

May 20, 2019

Bellevue City Council  
1500 Wall Street  
Bellevue, NE 68005

To: Bellevue City Council

From: Eric L. Rombach

Subject: Annexation Area #5 (Ordinance No. 3945)

I am sending this letter on behalf members of the Veterans of Foreign Wars Post #10727 located at 9501 South 25<sup>th</sup> Street in Bellevue, Nebraska.

Currently, our Post home and Canteen reside on the properties located on Lot 1, Bohac Addition and Tax Lot3B, irregular part of Tax Lot 12 adjacent to Lot 1, Bohac Addition, part of Tax Lots 12 and 13 and have since our Post founding in 1991.

For well over two decades, our Post has been located at the bottom of a dirt road that extends east off 25<sup>th</sup> Street down towards Gilmore Lake. Over the past 15 years, we have been working with Bellevue City officials, Sarpy County officials, officials from the Nebraska Resource District, and a multitude of housing developers over the years to have this road hardtop paved. Around 2005, an agreement was made between multiple entities to have this road paved. Unfortunately, when the Great Recession hit our country in 2007, the developers of the Spring Creek addition went bankrupt and claimed they would no longer pay for a portion of the road (25 percent). This again was addressed during the City Planning Commission meeting on April 25, 2019. Mr. Shewchuk stated during this meeting that, "the agreement with Spring Creek is no longer valid because of the time lapse" (Meeting Record, 2019, p.4). Additionally, "Shewchuk indicated the Spring Ridge development has land near the VFW property which cannot be developed until Gilmore Lake Road is improved" (Meeting Record, 2019, p.4). As we are fully aware of this, it is at times difficult to understand how the zoning for the Spring Creek development was even approved due to the fact that at the time there was only one ingress and egress to the neighborhood. Although it might have appeared that there were two, the second entry/exit point to the Spring Creek development has been blocked off for years now along with the one that extends from the Green Meadows addition. Currently, there now two entry/exit points in the Spring Creek development, but this is due to the Spring Ridge development connecting 21<sup>st</sup> Street to it within the last five years. Unfortunately, we are now at a point that if the City of Bellevue was to hard-pave Gilmore Lake Road, it would prevent any and all access to our Post home and Canteen.

Also, we understand that times change and do see the vision of this City's Administration concerning its financial future as it is working through its annexation plans. However, we do present some hesitations to this as we are a non-profit Veteran and Community Organization.

RECEIVED

MAY 29 2019

CITY CLERK



With that being said, the majority of our activities are designed and utilized for the raising of funds to support a multitude of programs. The funds raised by our Canteen are used to maintain the building and the property (ie taxes, maintenance, utilities). If we are brought into the Bellevue City limits, we will see a large increase not only in our property taxes, but our sales taxes at our Canteen as well. This 1.5% increase is estimated at an additional \$1,400. Although, this might not seem like a whole lot, it is when it comes to our organization.

As stated before, we support and understand what the current city administration sees for our city. However, with the increase of taxes and no hard-paved road, it makes it very difficult to understand and see how we are to not struggle in the coming years. I have been in contact with members of the City Street Department whom have stated that we are due to see Gilmore Lake Road hard-paved, but not until Fiscal Year 2023. This was addressed after seeing \$350,000 in the City's 1-year & 6-year Plan presented in February 2019 under Resolution No. 2019-03 and another \$350,000 presented for FY 2018 in February 2017 under Resolution No. 2017-05 for a total of approximately \$800,000.

Finally, we ask that since the City of Bellevue has approved zoning that locked us in at the bottom of a dirt road, and we have seen approximately \$800,000 budgeted for road improvements that are currently non-existent for over a decade, that we insist and require that we be exempt from paying the 1.5% increase in sales tax that will come with our annexation until the City of Bellevue can either pave the road prior to FY2023 or remove these properties mentioned above from Annexation Area #5 until the road is hard-paved. Annexing us into the City of Bellevue at this time without a hard-paved road will only bring us a loss of income for an already struggling organization.

Very Respectfully,

Eric L. Rombach  
Junior Vice Commander  
VFW Post #10727

Reference:

Minute Record. (April 25, 2019). Bellevue Planning Commission Meeting, p. 4. Retrieved from <https://meeting.sparqdata.com/public/Agenda/Bellevue?meeting=44553>

RECEIVED

MAY 29 2019

CITY CLERK

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE:	May 21, 2019	AGENDA ITEM TYPE:
SUBMITTED BY:  Chris Shewchuk, Planning Director <i>CMS</i>	SPECIAL PRESENTATION	<input type="checkbox"/>
	LIQUOR LICENSE	<input type="checkbox"/>
	ORDINANCE	<input checked="" type="checkbox"/>
	PUBLIC HEARING	<input type="checkbox"/>
	RESOLUTION	<input type="checkbox"/>
	CURRENT BUSINESS	<input type="checkbox"/>
	OTHER (SEE CLERK)	<input type="checkbox"/>

SUBJECT:

Request to annex Lots 2, 4, 5, 6A1, 6A2, 7, 8, 9, 10, 12B, 12C, 13A1, 13B1, 14A, 15A, 15B, 15C, 16, 18, and 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lot 1 and 2, Old Orchard Place II, Lot 1 through 3, Old Orchard Place III, Lot 1 and 2, Old Orchard Place Replat I, Lots 4 and 5, High School View, Lots 1 and 2, Vacek Addition, Lot 1 and 2, Vacek 2nd Addition, Lot 59, except part to road, and Lot 60, except part to road, Old Orchard Acres, Tax Lots 851 and 12A1, located in Section 22, T14N, R13E of the 6th P.M., and Tax Lots 11-2A, 11-2B, and east 15' of Tax Lot 16A, located in Section 15, T14N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue.

SYNOPSIS:

The City is proposing to annex a number of unincorporated lots adjacent, or nearly adjacent, to the current city limits. The proposal has been divided into nine areas—the first five were approved by the City Council on May 7; this ordinance is the second of the second group of four areas being proposed for annexation.

FISCAL IMPACT:

This annexation package would have a positive fiscal impact on the City based upon tax revenues and expected departmental expenditures.

BUDGETED ITEM: ☐ YES ☐ NO

PROJECT # & TRACKING INFORMATION:

N/A

RECOMMENDATION:

The Planning Department recommends approval of this request. The Planning Commission recommended approval of this annexation request, with the exception of Lots 2, 7, 8, and 9, Old Orchard Place, Lot 1, Vacek Addition, and Lot 1, Vacek's 2nd Addition.

BACKGROUND:

This ordinance pertains to Annexation Area #7. See the attached Planning Department memorandum regarding the complete annexation package being proposed at this time.

ATTACHMENTS:

- 1 PC recommendation
- 2 Planning Department staff memo
- 3 Proposed Ordinance and Map

4	
5	
6	

SIGNATURES:

ADMINISTRATOR APPROVAL:

*Sam Z. Kim*

FINANCE APPROVAL:

*Phil Kim*

LEGAL APPROVAL:

*A. Bruce Robbins*

# City of Bellevue

## PLANNING COMMISSION RECOMMENDATION

APPLICANT: City of Bellevue

CITY COUNCIL HEARING DATE: June 4, 2019

REQUEST: Request to annex Lots 2, 4, 5, 6A1, 6A2, 7, 8, 9, 10, 12B, 12C, 13A1, 13B1, 14A, 15A, 15B, 15C, 18, 19, and 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1 through 3, Old Orchard Place III, Lots 1 and 2, Old Orchard place Replat I, Lots 4 and 5, High School View, Lots 1 and 2, Vacek Addition, Lots 1 and 2, Vaceks 2<sup>nd</sup> Addition, Lot 59, except part to road, and Lot 60, except part to road, Childs Estate Acres, Tax Lots 8B1 and 12A1, located in Section 22, T14N, R13E of the 6<sup>th</sup> P.M., and Tax Lots 11-2A, 11-2B, and east 15' of Tax Lot 16A, located in Section 15, T14N, R13E of the 6<sup>th</sup> P.M.; and all abutting county road rights-of-way.

On April 25, 2019, the City of Bellevue Planning Commission voted six yes, two no, zero abstained, and one absent to recommend:

**APPROVAL** with the exception of Lots 2, 7, 8, and 9, Old Orchard Place, Lot 1, Vacek Addition, and Lot 1, Vaceks 2<sup>nd</sup> Addition, based on their agricultural use and greenbelt status. **APPROVAL** based upon the good of the city and in accordance with the Comprehensive Plan.

### VOTE:

Yes:	Six:	No:	Two:	Abstain:	Zero:	Absent:	One:
	Casey		Aerni				Jacobson
	Perrin		Cutsforth				
	Cain						
	Ritz						
	Ackley						
	Smith						

Planning Commission Hearing (s) was held on: April 25, 2019





## City of Bellevue

Office of the Planning Department

**To:** Mayor Hike  
City Council  
City Administrator Jim Ristow  
**From:** Chris Shewchuk, Planning Director *CMS*  
**Date:** May 15, 2019  
**Subject:** City of Bellevue annexation proposal

As a result of its recent Strategic Planning session, the City is taking the position that it is in its best interest to annex areas adjacent to the existing city limits; it is also part of the natural growth and development of a city. We are proposing the annexation of a large number of unincorporated lots adjacent or close to the existing city limits. The overall annexation package consists of nine different areas; this proposal consists of four areas which have been labeled as Areas 5, 7, 8, and 9. These areas consist of 161 parcels and an estimated population of 275. The City Council approved the annexation of Areas 1, 2, 3, 4, and 6 at its May 7, 2019 regular meeting.

Unlike with the annexation of Sanitary and Improvement Districts, the City does not assume any debt with the annexation of these unincorporated areas. The City will, however, begin receiving property tax revenue from these areas beginning in 2020. The current assessed value of the properties in this annexation proposal is \$25,886,983. Based upon the City's current levy, the increase in property tax receipts for the City would be approximately \$157,000; this figure will change in the future based upon changes in assessed valuation and the City's property tax rate. In addition to property tax revenue, the City will receive an additional \$75,000 in State Highway Allocation funding, plus other revenue including such things as sales taxes on items delivered to these areas. Estimates of these amounts are not available.

The properties involved in this annexation will see an increase in their tax levy in future years as a result of the City's levy being added to the tax bill; annexation will also result in the elimination of the levy assessed by the Eastern Sarpy Fire District. Based upon current property tax levies, the net effect of the change in levy will be a levy increase of 0.424217 beginning with taxes payable in 2020. This levy increase will result in a property tax increase of \$636.33 on a property assessed at \$150,000.

Upon the effective date of the annexation residents will begin receiving City services. In some cases, residents are already receiving the benefits of city services, such as snow removal and fire protection; in other cases, the City is restricted in providing needed services, such as Code Enforcement, to areas that are outside the city limits. This annexation proposal was distributed to other departments for review with a request to determine what additional resources they would require, in terms of manpower and equipment, to deliver services to the residents of these areas. Most departments indicated the ability to serve these areas with existing resources, however, the

Street Department indicated a need for additional manpower and equipment, plus an additional annual maintenance budget of approximately \$35,000.

The City recognizes the need for infrastructure improvements in some of these areas. Discussions with the City Administrator and Public Works Director indicate that after final action by the Council on the annexation proposals, the City will undertake a comprehensive review of infrastructure needs and develop a long term plan to address these needs.

The financial aspects of this annexation proposal have been discussed with the City Administrator and Finance Director and both agreed the financial impacts of the annexation are within the City's budgetary means.

#### **DEPARTMENT RECOMMENDATION**

APPROVAL based upon the positive financial impact on the City and the natural growth and development of the City.

#### **PLANNING COMMISSION RECOMMENDATION**

APPROVAL of the annexation proposal with the exception of the following parcels with greenbelt status:

Area #5—None

Area #7—Lots 2, 7, 8, and 9, Old Orchard Place; Lot 1, Vacek Addition; Lot 1, Vacek's 2<sup>nd</sup> Addition

Area #8—Tax Lot 26 and part of Tax Lot 28 adjacent, Section 1, T13N, R13E

Area #9—irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼; Tax Lot 11 except west 51.42 acres and except road right-of-way; irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼; Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ½; irregular easterly 148' of Tax Lot 12 in southeast ¼; all located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M.

It should be noted that the Planning Commission did not exclude all greenbelt lots in the proposal; the Commission recommended annexing those greenbelt lots which did not appear to be being used for agricultural purposes.

## ORDINANCE NO. 3946

AN ORDINANCE TO ANNEX TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, CERTAIN LANDS, LOTS AND REAL ESTATE LYING WITHIN THE BELOW DESCRIBED BOUNDARIES, TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, ALL OF THE LOTS, LANDS, AND REAL ESTATE LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS, AND SHOWN ON THE ATTACHED MAP, TO WIT:

Lots 2, 4, 5, 6A1, 6A2, 7, 8, 9, 10, 12B, 12C, 13A1, 13B1, 14A, 15A, 15B, 15C, 18, 19, and 21A, Old Orchard Place,

Lot 3, Old Orchard Place I;

Lots 1 and 2, Old Orchard Place II;

Lots 1 through 3, Old Orchard Place III;

Lots 1 and 2, Old Orchard Place Replat I;

Lots 4 and 5, High School View;

Lots 1 and 2, Vacek Addition;

Lots 1 and 2, Vaceks 2<sup>nd</sup> Addition;

Lot 59, except part to road, and Lot 60, except part to road, Childs Estate Acres;

Tax Lots 8B1 and 12A1, located in Section 22, T14N, R13E of the 6<sup>th</sup> P.M.;

Tax Lots 11-2A, 11-2B, and east 15' of Tax Lot 16A, located in Section 15, T14N, R13E of the 6<sup>th</sup> P.M.;

and all abutting county road rights-of-way.

ARE CONTIGUOUS AND ADJACENT TO THE CITY OF BELLEVUE, NEBRASKA, AND ARE URBAN OR SUBURBAN IN CHARACTER, AND

WHEREAS, SAID REAL ESTATE WILL RECEIVE MATERIAL BENEFITS AND ADVANTAGES FROM ANNEXATION TO THE SAID CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

**Section 1.** All of the real estate lying within the area heretofore described be and the same hereby is included within the boundaries and territory of the City of Bellevue, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all of the rules, regulations, ordinances, taxes, and all other burdens and benefits of other persons and territory included with the City of Bellevue, Nebraska.

**Section 2.** This ordinance shall become effective after its passage, approval, and publication according to law.

**A**DOPTED by the Mayor and City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2019.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

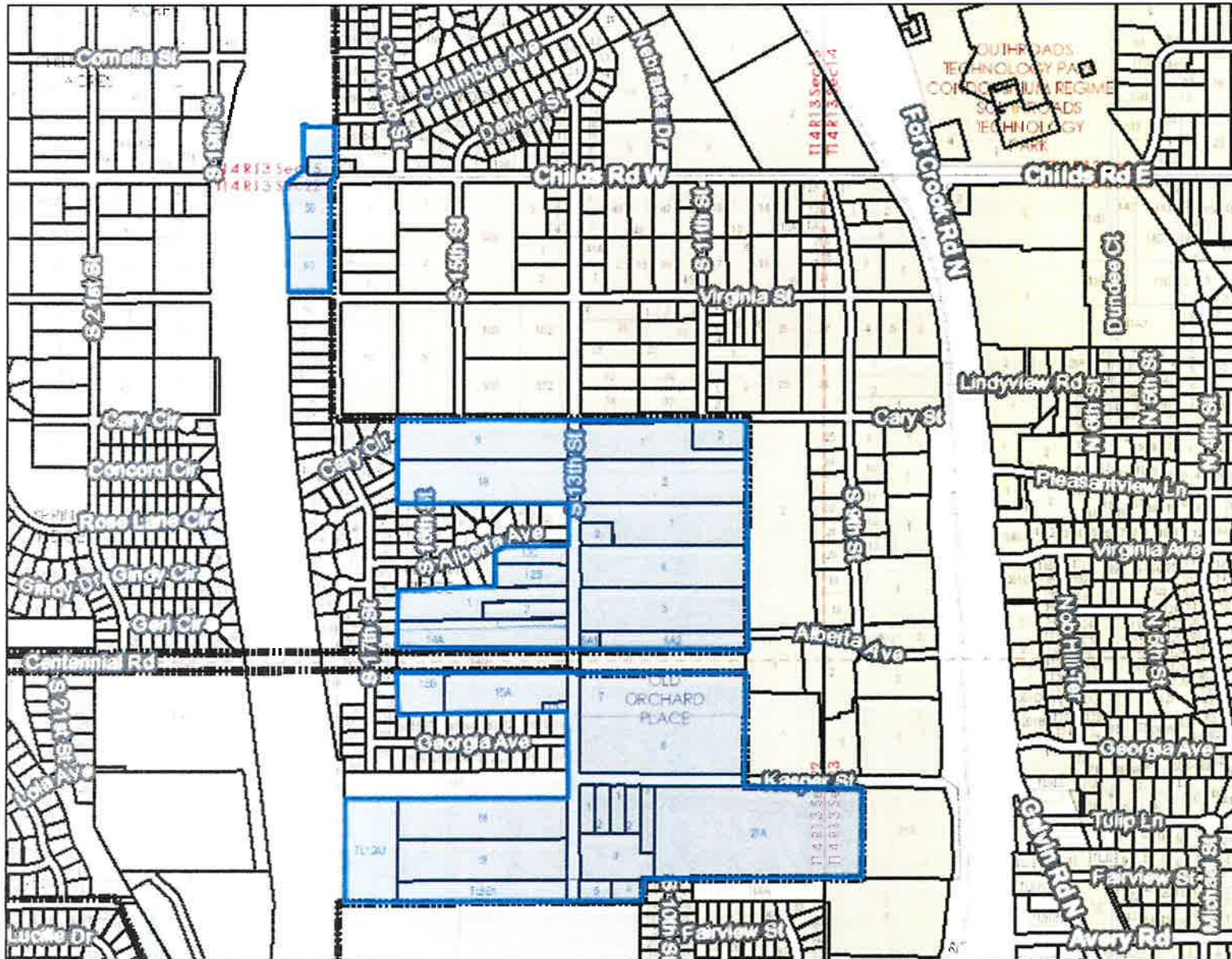
ATTEST

\_\_\_\_\_  
City Clerk

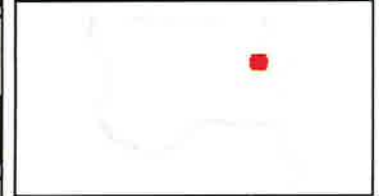
\_\_\_\_\_  
Mayor

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_



## Annexation Area #7



### Location



### Legend

-  Road Centerlines
-  Municipal Boundaries

1:9,600

0 400 800 1600  
Feet

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

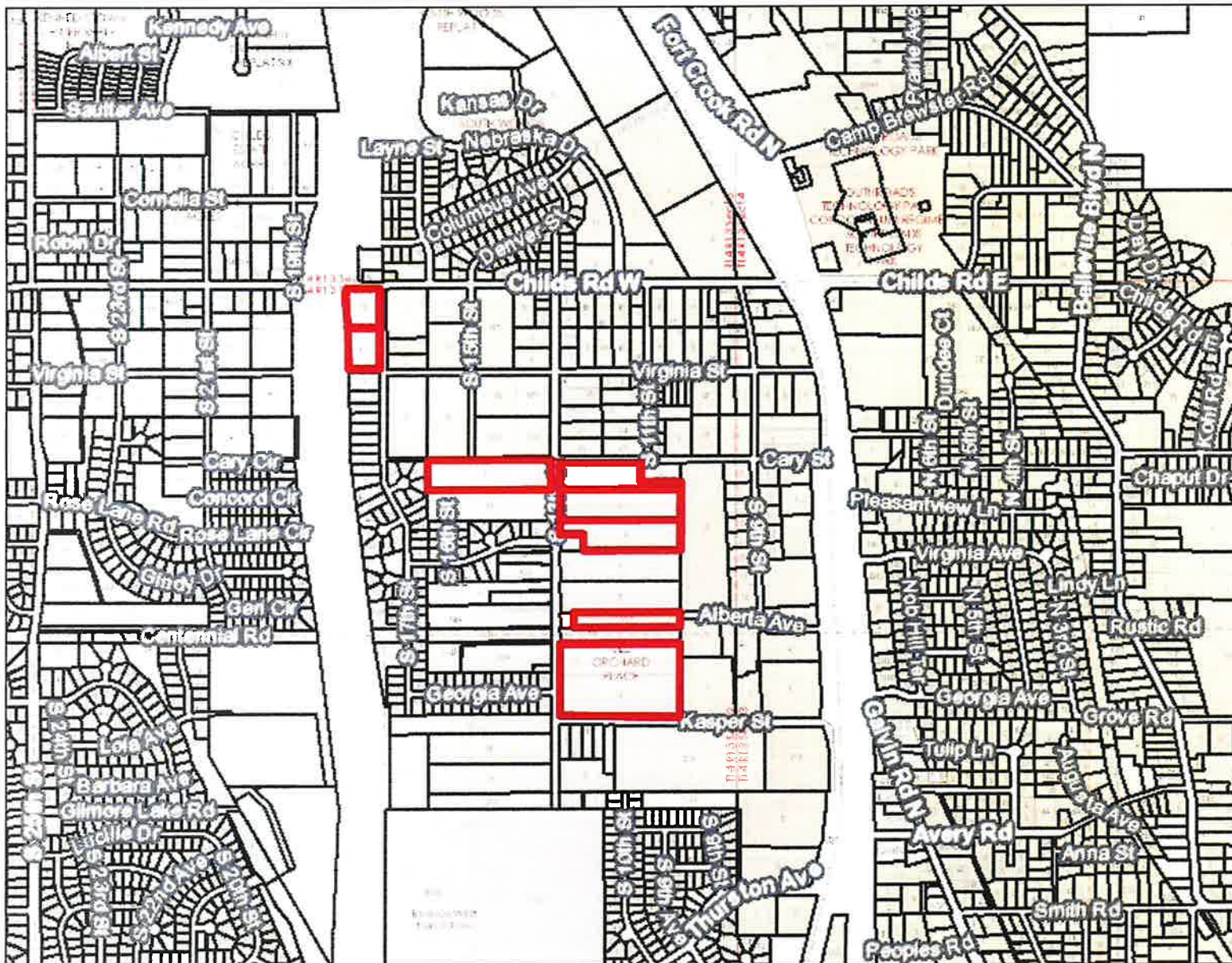
Sarpy County GIS

1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com





## Area 7 Greenbelt lots



Location



Legend

Road Centerlines



1: 13,285

0 554 1107 2214

Feet

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Sarpy County GIS



1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE:	May 21, 2019	AGENDA ITEM TYPE:
SUBMITTED BY:  Chris Shewchuk, Planning Director <i>CMS</i>		SPECIAL PRESENTATION <input type="checkbox"/>
		LIQUOR LICENSE <input type="checkbox"/>
		ORDINANCE <input checked="" type="checkbox"/>
		PUBLIC HEARING <input type="checkbox"/>
		RESOLUTION <input type="checkbox"/>
		CURRENT BUSINESS <input type="checkbox"/>
		OTHER (SEE CLERK) <input type="checkbox"/>

## SUBJECT:

Request to annex Lots 1, 2, 3, 11, and 12, Dvorsky's Industrial Subdivision, Lots 1 and 2, Dvorsky's Industrial Sub, Replat I, Lots 1 and 2, T and L Addition, the southeast corner of Tax Lot 4, located in Section 12, T13N, R13E of the 6th P.M., Tax Lot K, part of Tax Lot J, Tax Lot Z, located in Section 6, T13N, R13E of the 6th P.M., Tax Lot 26, and part of Tax Lot 28 adjacent, located in Section 1, T13N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue.

## SYNOPSIS:

The City is proposing to annex a number of unincorporated lots adjacent, or nearly adjacent, to the current city limits. The proposal has been divided into nine areas—the first five were approved by the City Council on May 7; this ordinance is the third of the second group of four areas being proposed for annexation.

## FISCAL IMPACT:

This annexation package would have a positive fiscal impact on the City based upon tax revenues and expected departmental expenditures.

BUDGETED ITEM: ☐ YES ☐ NO

## PROJECT # &amp; TRACKING INFORMATION:

N/A

## RECOMMENDATION:

The Planning Department recommends approval of this request. The Planning Commission recommended approval of this annexation request, with the exception of Tax Lot 26, and part of Tax Lot 28 adjacent, located in Section 1, T13N, R13E of the 6th P.M..

## BACKGROUND:

This ordinance pertains to Annexation Area #8. See the attached Planning Department memorandum regarding the complete annexation package being proposed at this time.

## ATTACHMENTS:

- 1 PC recommendation
- 2 Planning Department staff memo
- 3 Proposed Ordinance and Map

- 4
- 5
- 6

## SIGNATURES:

ADMINISTRATOR APPROVAL:

FINANCE APPROVAL:

LEGAL APPROVAL:

*[Signature]*  
*[Signature]*  
*A. Bruce Robbins*

# City of Bellevue

## PLANNING COMMISSION RECOMMENDATION

APPLICANT: City of Bellevue

CITY COUNCIL HEARING DATE: June 4, 2019

REQUEST: Request to annex Lots 1, 2, 3, 11, and 12, Dvorsky's Industrial Subdivision, Lots 1 and 2, Dvorsky's Industrial Sub. Replat I, Lots 1 and 2, T and L Addition, the southeast corner of Tax Lot 4, located in Section 12, T13N, R13E of the 6<sup>th</sup> P.M., Tax Lot K, part of Tax Lot J, Tax Lot Z, located in Section 6, T13N, R13E of the 6<sup>th</sup> P.M., Tax Lot 26, and part of Tax Lot 28 adjacent, located in Section 1, T13N, R13E of the 6<sup>th</sup> P.M.; and all abutting county road rights-of-way.

On April 25, 2019, the City of Bellevue Planning Commission voted eight yes, zero no, zero abstained, and one absent to recommend:

**APPROVAL** with the exception of Tax Lot 26 and part of Tax Lot 28 adjacent, based on their agricultural use and greenbelt status. **APPROVAL** based upon the good of the city and in accordance with the Comprehensive Plan.

### VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Casey						Jacobson
	Perrin						
	Aerni						
	Cain						
	Ritz						
	Ackley						
	Cutsforth						
	Smith						

Planning Commission Hearing (s) was held on: April 25, 2019





## City of Bellevue

Office of the Planning Department

**To:** Mayor Hike  
City Council  
City Administrator Jim Ristow  
**From:** Chris Shewchuk, Planning Director CWS  
**Date:** May 15, 2019  
**Subject:** City of Bellevue annexation proposal

As a result of its recent Strategic Planning session, the City is taking the position that it is in its best interest to annex areas adjacent to the existing city limits; it is also part of the natural growth and development of a city. We are proposing the annexation of a large number of unincorporated lots adjacent or close to the existing city limits. The overall annexation package consists of nine different areas; this proposal consists of four areas which have been labeled as Areas 5, 7, 8, and 9. These areas consist of 161 parcels and an estimated population of 275. The City Council approved the annexation of Areas 1, 2, 3, 4, and 6 at its May 7, 2019 regular meeting.

Unlike with the annexation of Sanitary and Improvement Districts, the City does not assume any debt with the annexation of these unincorporated areas. The City will, however, begin receiving property tax revenue from these areas beginning in 2020. The current assessed value of the properties in this annexation proposal is \$25,886,983. Based upon the City's current levy, the increase in property tax receipts for the City would be approximately \$157,000; this figure will change in the future based upon changes in assessed valuation and the City's property tax rate. In addition to property tax revenue, the City will receive an additional \$75,000 in State Highway Allocation funding, plus other revenue including such things as sales taxes on items delivered to these areas. Estimates of these amounts are not available.

The properties involved in this annexation will see an increase in their tax levy in future years as a result of the City's levy being added to the tax bill; annexation will also result in the elimination of the levy assessed by the Eastern Sarpy Fire District. Based upon current property tax levies, the net effect of the change in levy will be a levy increase of 0.424217 beginning with taxes payable in 2020. This levy increase will result in a property tax increase of \$636.33 on a property assessed at \$150,000.

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Street Department indicated a need for additional manpower and equipment, plus an additional annual maintenance budget of approximately \$35,000.

The City recognizes the need for infrastructure improvements in some of these areas. Discussions with the City Administrator and Public Works Director indicate that after final action by the Council on the annexation proposals, the City will undertake a comprehensive review of infrastructure needs and develop a long term plan to address these needs.

The financial aspects of this annexation proposal have been discussed with the City Administrator and Finance Director and both agreed the financial impacts of the annexation are within the City's budgetary means.

#### **DEPARTMENT RECOMMENDATION**

APPROVAL based upon the positive financial impact on the City and the natural growth and development of the City.

#### **PLANNING COMMISSION RECOMMENDATION**

APPROVAL of the annexation proposal with the exception of the following parcels with greenbelt status:

Area #5—None

Area #7—Lots 2, 7, 8, and 9, Old Orchard Place; Lot 1, Vacek Addition; Lot 1, Vacek's 2<sup>nd</sup> Addition

Area #8—Tax Lot 26 and part of Tax Lot 28 adjacent, Section 1, T13N, R13E

Area #9—irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼; Tax Lot 11 except west 51.42 acres and except road right-of-way; irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼; Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ½; irregular easterly 148' of Tax Lot 12 in southeast ¼; all located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M.

It should be noted that the Planning Commission did not exclude all greenbelt lots in the proposal; the Commission recommended annexing those greenbelt lots which did not appear to be being used for agricultural purposes.

ORDINANCE NO. 3947

AN ORDINANCE TO ANNEX TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, CERTAIN LANDS, LOTS AND REAL ESTATE LYING WITHIN THE BELOW DESCRIBED BOUNDARIES, TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, ALL OF THE LOTS, LANDS, AND REAL ESTATE LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS, AND SHOWN ON THE ATTACHED MAP, TO WIT:

Lots 1, 2, 3, 11, and 12, Dvorsky's Industrial Subdivision;

Lots 1 and 2, Dvorsky's Industrial Sub. Replat I;

Lots 1 and 2, T and L Addition;

The southeast corner of Tax Lot 4, located in Section 12, T13N, R13E of the 6<sup>th</sup> P.M.;

Tax Lot K, part of Tax Lot J, Tax Lot Z, located in Section 6, T13N, R13E of the 6<sup>th</sup> P.M.;

Tax Lot 26, and part of Tax Lot 28 adjacent, located in Section 1, T13N, R13E of the 6<sup>th</sup> P.M.;

and all abutting county road rights-of-way.

ARE CONTIGUOUS AND ADJACENT TO THE CITY OF BELLEVUE, NEBRASKA, AND ARE URBAN OR SUBURBAN IN CHARACTER, AND

WHEREAS, SAID REAL ESTATE WILL RECEIVE MATERIAL BENEFITS AND ADVANTAGES FROM ANNEXATION TO THE SAID CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. All of the real estate lying within the area heretofore described be and the same hereby is included within the boundaries and territory of the City of Bellevue, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all of the rules, regulations, ordinances, taxes, and all other burdens and benefits of other persons and territory included with the City of Bellevue, Nebraska.

Section 2. This ordinance shall become effective after its passage, approval, and publication according to law.

ADOPTED by the Mayor and City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

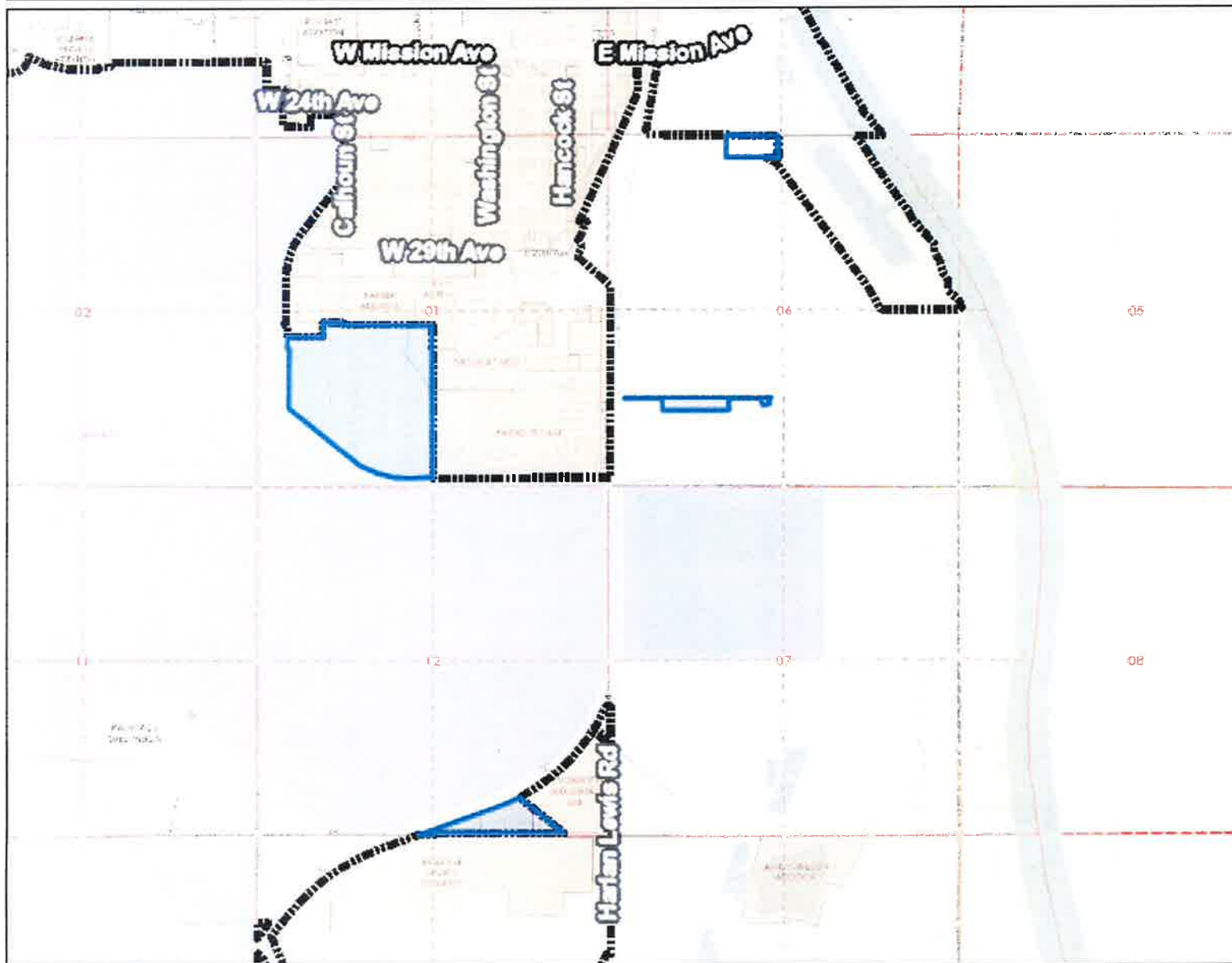
ATTEST

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

# Annexation Area #8



## Location



## Legend

- Road Centerlines
- Municipal Boundaries

1: 26,570

0 1107 2214 4428  
Feet

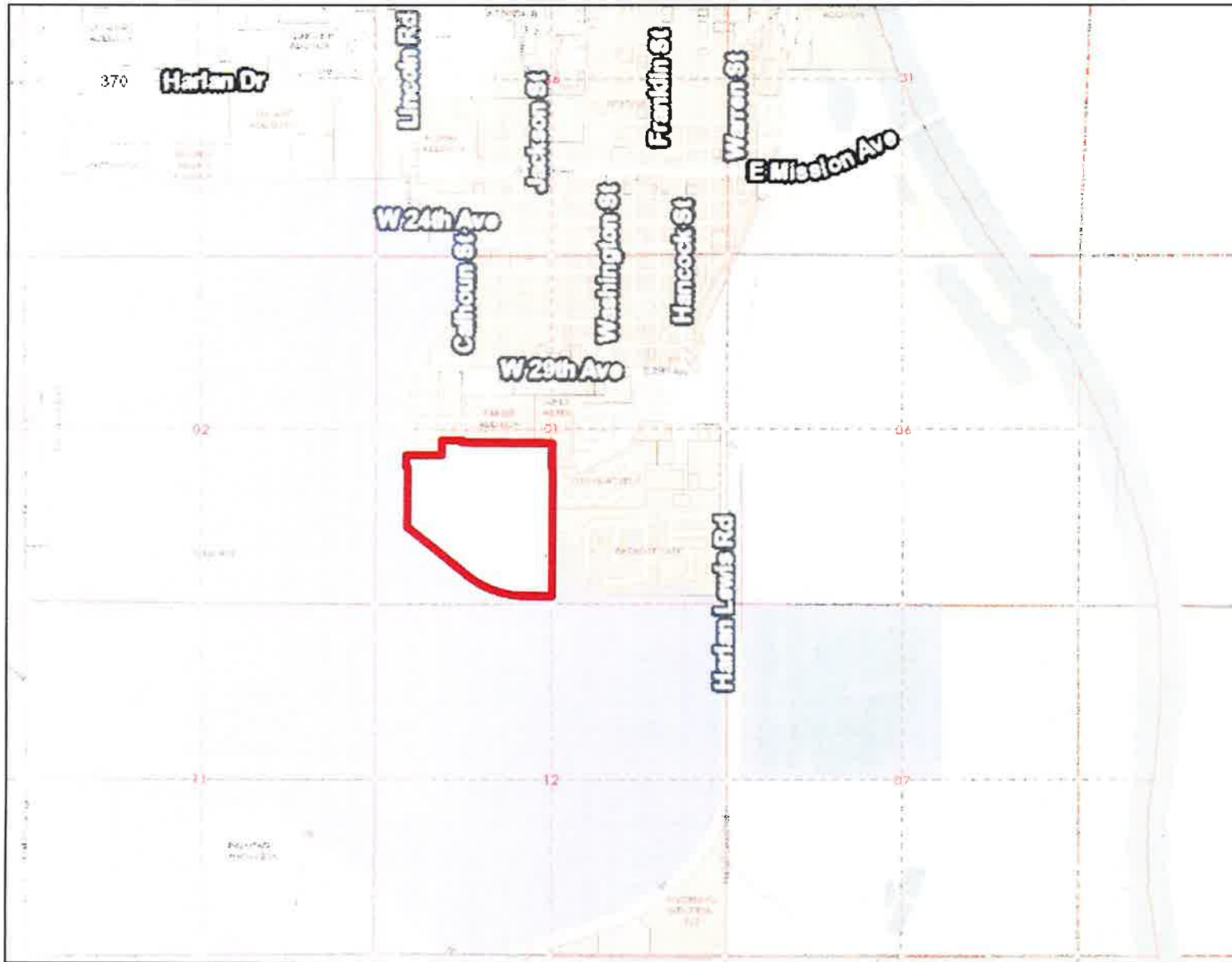
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## Sarpy County GIS



1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com

## Area 8 Greenbelt lots



### Location



### Legend

Road Centerlines



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[maps.sarpy.com](http://maps.sarpy.com)



ADAMS & SULLIVAN<sup>PC, LLO</sup>  
ATTORNEYS AT LAW

PATRICK J. SULLIVAN\*  
TIMOTHY J. BUCKLEY  
C.G. (DOOLEY) JOLLY

\*ALSO LICENSED IN IOWA

1246 GOLDEN GATE DRIVE, STE. 1  
PAPILLION, NEBRASKA 68046-2843  
TELEPHONE: (402) 339-9550  
FAX: (402) 339-0401  
WWW.ADAMSANDSULLIVAN.COM

MOLLY J. MILLER\*\*  
TRAVIS M. JACOTT  
DIXON G. ADAMS  
(1924 - 2009)

\*\*ALSO LICENSED IN ILLINOIS

May 14, 2019

Mayor Rusty Hike  
City of Bellevue  
1500 Wall Street  
Bellevue, NE 68005

Councilmember Don Preister  
City of Bellevue  
1500 Wall Street  
Bellevue, NE 68005

Councilmember Pat Shannon  
City of Bellevue  
1500 Wall Street  
Bellevue, NE 68005

Councilmember Bob Stinson  
City of Bellevue  
1500 Wall Street  
Bellevue, NE 68005

Councilmember Paul Cook  
City of Bellevue  
1500 Wall Street  
Bellevue, NE 68005

Councilmember Kathy Welch  
City of Bellevue  
1500 Wall Street  
Bellevue, NE 68005

Councilmember Thomas Burns  
City of Bellevue  
1500 Wall Street  
Bellevue, NE 68005

RE: Kouba Family Property

Dear Mayor & Councilmembers:

Our firm represents the Kouba family that owns Tax Lot 26 and part of Tax Lot 28 in Section 1, Township 13 North, Range 13 East. It is party of annexation area #8.

I am aware that the previous round of annexations did not exclude properties that were farm properties delineated by greenbelt status. This particular property, however, is unique and deserves to be reviewed in more detail than the typical farms that were included in the first round of annexations.

This property contains approximately 93 acres in the very southwest corner of Bellevue proper and is adjacent to the base and specifically the runway. As such, it is subject to AICUZ noise level ratings. The first and second pages to the enclosed packet illustrate the decibel ratings over the property. As you can see, nearly 80% of the property is encumbered by a combination of 70dB, 75dB and 80dB ratings.



In order to develop the property, an AICUZ permit is required which includes sending the application to the Base Civil Engineer at Offut for comments on the proposed development and its uniformity with the standards set forth in AICUZ. See page 3.

The subject property is surrounded on two sides by the base and two sides by high-density housing. See page 2. The only use that would be permitted next to high density housing would be some other housing of equal or lesser density. On page 4, you can see that in 80dB and 75dB-80dB, no housing would be allowed. In 70-75dB and 65-70dB, footnotes 25, 30 and 11 apply. If you turn to page 6, footnotes 25 and 30 require a noise level reduction in construction to 25dB and 30dB. Furthermore, not 11, I quote in full:

“Although local conditions may require residential use, it is discouraged in Ldn 65-70 and strongly discouraged in Ldn 70-75. An evaluation should be conducted prior to approvals, indicating that a demonstrated community need for residential use would not be met if development were prohibited in these zones and that there are no viable alternative locations.”

Additionally, I have been involved in potential development that is far less impacted by the AICUZ requirements and the base has taken the position almost every time that it does not want housing in the AICUZ. The simple fact is this property will never be developed as long as the base exists.

The City's comprehensive plan has a map of potential annexation and rates areas within the Bellevue vicinity of low, medium or high. This property has no potential of being annexed according to the map. See page 7.

Finally, the City annexed the property in 1993 and I brought on behalf of the owner, a petition to disconnect from the City based on its characteristics and the fact that it loses greenbelt status. The City on the petition did find that for reasons including the location and character of the property and its current exclusive use as agriculture, that it should be disconnected. See page 8.

In summary, this property is truly unique from the other greenbelt properties and by virtue of its location and proximity to the base runway, will never be anything more than a farm. I believe that this same evidence presented at the planning commission is why this property is the only property that had unanimous support of the commissioners to except it from the annexation. Accordingly, on behalf of my client, I am requesting that the city council do the same.

Very truly yours,

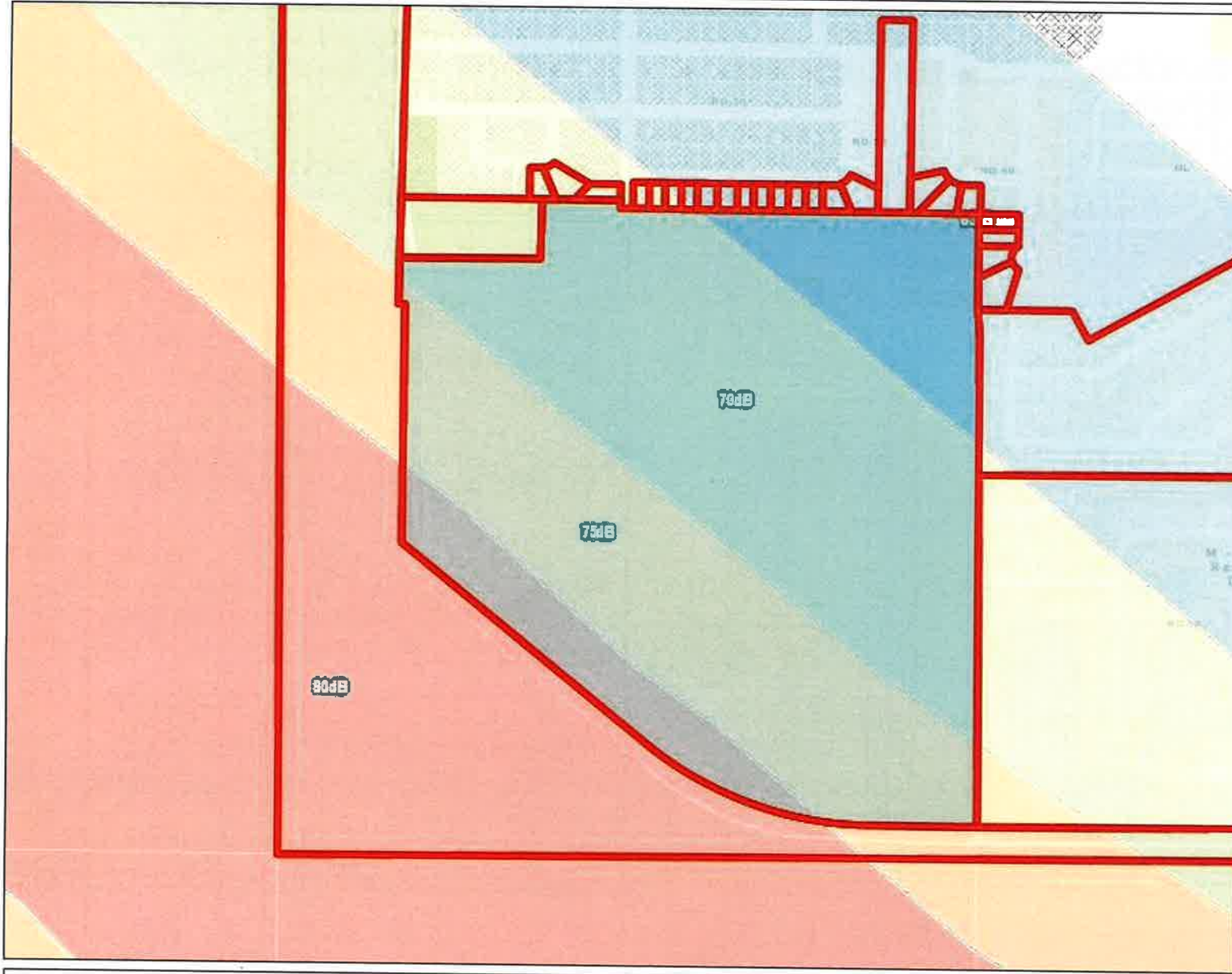


Patrick J. Sullivan

PJS/jlf  
Encs.



# Sarpy County Property Information



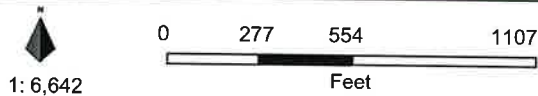
## Location



## Legend

AICUZ - Noise Level

- 65
- 70
- 75
- 80



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**Sarpy County GIS**  
1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
[maps.sarpy.com](http://maps.sarpy.com)





## 9. APPLICATION FOR APPEAL

Where a request for a permit to develop is denied by the Enforcement Officer, the applicant may apply for such permit or variance directly to the Board of Adjustment. The Board of Adjustment may grant or deny such request in accordance with the provisions of the Zoning Ordinance governing the Board of Adjustment.

**5.29.04 DEVELOPMENT PERMIT**

## 1. PERMIT REQUIRED

No person, firm, or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 5.29.04,3.

## 2. ADMINISTRATION

The Enforcement Officer is hereby appointed to administer and implement the provisions of this ordinance. The duties of the Enforcement Officer shall include, but not be limited to:

- A. Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
- B. Review permits for proposed development to assure that all necessary permits have been obtained from those federal or state governmental agencies from which prior approval is required.
- C. Notify the Base Civil Engineer at Offutt Air Force Base for comments on the proposed development and its conformance with the standards as set forth in the AICUZ Report and the requirements of this ordinance.

## 3. APPLICATION FOR PERMIT

To obtain a permit, the applicant shall first file an application, in writing, on a form furnished for that purpose. Every such application shall:

- A. Include a site plan showing all existing and proposed structures located within the property, height of all existing and proposed structures, total acreage of the parcel, distance to the property line and distance to structures which are adjacent to the property scale of the drawing, north arrow, and date of the drawing.
- B. Identify and describe the work to be covered by the permit.
- C. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- D. Indicate the use or occupancy for which the proposed work is intended.
- E. Be signed by the property owner or his authorized agent who may be required to submit evidence to indicate such authority.
- F. Include correspondence from the FAA and/or DoD to demonstrate compliance with their requirements, if applicable.
- G. Give such other information as may reasonably be required by the Enforcement Officer.

**5.29.05 ESTABLISHMENT OF ZONING DISTRICTS**

The mapped AICUZ areas within the jurisdiction of this ordinance are hereby divided into the following districts; Clear Zone (CZ), Accident Potential Zone I (APZ I), Accident Potential Zone II (APZ II), Noise Zones (NZ), and the Height and Obstruction (HO) criteria designated by the FAA and the Air Force. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the zones as identified in the AICUZ Report, and shall be indicated on the atlas of maps which is entitled "Official Zoning Map – AICUZ Overlay" incorporated herein and by this reference made a part hereof.

**5.29.06 STANDARDS FOR THE CLEAR ZONE (CZ), ACCIDENT POTENTIAL ZONE I (APZ I), ACCIDENT POTENTIAL ZONE II (APZ II), AND NOISE ZONES (NZ)**

**1. LAND USE RESTRICTIONS**

All applications for development permits submitted per the requirements of Section 5.29.04,3 shall be reviewed based on the following criteria:

Land Use		Accident Potential Zones			Noise Zones			
SLUCM NO.	NAME	CLEAR ZONE	APZ I	APZ II	65-70	70-75	75-80	80+
10	<b>Residential</b>							
11	Household units							
11.11	Single units; detached	N	N	Y <sup>1</sup>	25 <sup>11</sup>	30 <sup>11</sup>	N	N
11.12	Single units; semi detached	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
11.13	Single units; attached row	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
11.21	Two units; side-by-side	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
11.22	Two units; one above the other	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
11.31	Apartments; walk up	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
11.32	Apartments; elevator	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
12	Group quarters	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
13	Residential hotels	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	N	N
14	Mobile home parks or courts	N	N	N	N	N	N	N
15	Transient lodgings	N	N	N	25 <sup>11</sup>	30 <sup>11</sup>	35 <sup>11</sup>	N
16	Other residential	N	N	N <sup>1</sup>	25 <sup>11</sup>	30 <sup>11</sup>	N	N
20	<b>Manufacturing</b>							
21	Food & Kindred products; manufacturing	N	N <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
22	Textile mill products; manufacturing	N	N <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
23	Apparel & other finished products made from fabrics	N	N	N <sup>2</sup>	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
24	Lumber & wood products (except furniture); manufacturing	N	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
25	Furniture & fixtures; manufacturing	N	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
26	Paper & allied products; manufacturing	N	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
27	Printing, publishing, & allied industries	N	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
28	Chemicals & allied products; manufacturing	N	N	N <sup>2</sup>	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
29	Petroleum refining & related industries	N	N	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
30	<b>Manufacturing</b>							
31	Rubber & misc. plastic products; manufacturing	N	N <sup>2</sup>	N <sup>2</sup>	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
32	Stone, clay, & glass products; manufacturing	N	N <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
33	Primary metal industries	N	N <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
34	Fabricated metal products; manufacturing	N	N <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
35	Professional, scientific, & controlling instruments; photographic & optical goods; watches & clocks	N	N	N <sup>2</sup>	Y	25	30	N
39	Miscellaneous manufacturing	N	Y <sup>2</sup>	Y <sup>2</sup>	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	<b>Transportation, communications, &amp; utilities</b>							
	Railroad, rapid rail transit, & street railroad transportation	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Motor vehicle transportation	N <sup>3</sup>	Y	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Aircraft transportation	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Marine craft transportation	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
SLUCM NO.	NAME	CLEAR ZONE	APZ I	APZ II	65-70	70-75	75-80	80+
	Highway & street right-of-way	N <sup>3</sup>	Y	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Automobile parking	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Communication	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	25 <sup>15</sup>	30 <sup>15</sup>	N
	Utilities	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>
	Other transportation, communication, & utilities	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	25 <sup>15</sup>	30 <sup>15</sup>	N
	<b>Trade</b>							

	Wholesale Trade	N	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Retail trade-building materials, hardware, & farm equipment	N	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Retail trade-general merchandise	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
	Retail trade-food	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
	Retail trade-automotive, marine craft, & aircraft & accessories	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
	Retail trade-apparel & accessories	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
	Retail trade-furniture, home furnishings, & equipment	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
	Retail trade-eating & drinking establishments	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
	Other retail trade	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
	<b>Services</b>							
	Finance, insurance, & real estate services	N	N	Y <sup>6</sup>	Y	25	30	N
	Personal services	N	N	Y <sup>6</sup>	Y	25	30	N
	Cemeteries	N	Y <sup>7</sup>	Y <sup>7</sup>	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14,21</sup>
	Business services	N	Y <sup>8</sup>	Y <sup>8</sup>	Y	25	30	N
	Repair services	N	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
	Professional services	N	N	Y <sup>6</sup>	Y	20	30	N
	Hospitals, nursing homes	N	N	N	25*	30*	N	N
	Other medical facilities	N	N	N	Y	25	30	N
	Contract construction services	N	Y <sup>6</sup>	Y	Y	25	30	N
	Governmental services	N	N	Y <sup>6</sup>	Y*	25*	30*	N
	Educational services	N	N	N	25*	30*	N	N
	Miscellaneous services	N	N <sup>2</sup>	Y <sup>2</sup>	Y	25	30	N
70	<b>Cultural, entertainment, &amp; recreational</b>							
71	Cultural activities (including churches)	N	N	N <sup>2</sup>	25*	30*	N	N
71.2	Nature exhibits	N	Y <sup>2</sup>	Y	Y*	N	N	N
72	Public assembly	N	N	N	Y	N	N	N
72.1	Auditoriums, concert halls	N	N	N	25	30	N	N
72.11	Outdoor music shells, amphitheaters	N	N	N	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	N	N	N	Y <sup>17</sup>	Y <sup>17</sup>	N	N
73	Amusements	N	N	Y <sup>8</sup>	Y	Y	N	N
74	Recreational activities (inc. golf courses, riding stables, water recreation)	N	Y <sup>8,9,10</sup>	Y	Y*	25*	30*	N
75	Resort and group camps	N	N	N	Y*	Y*	N	N
76	Parks	N	Y <sup>8</sup>	Y <sup>8</sup>	Y*	Y*	N	N
79	Other cultural, entertainment, & recreation	N	Y <sup>9</sup>	Y <sup>9</sup>	Y*	Y*	N	N
80	<b>Resource production &amp; extraction</b>							
<b>SLUCM NO.</b>	<b>NAME</b>	<b>CLEAR ZONE</b>	<b>APZ I</b>	<b>APZ II</b>	<b>65-70</b>	<b>70-75</b>	<b>75-80</b>	<b>80+</b>
81	Agriculture (except livestock)	Y	Y	Y	Y <sup>18</sup>	Y <sup>19</sup>	Y <sup>20</sup>	Y <sup>20,21</sup>
81.5-81.7	Livestock farming & animal breeding	N	Y	Y	Y <sup>18</sup>	Y <sup>19</sup>	Y <sup>20</sup>	Y <sup>20,21</sup>
82	Agricultural related activities	N	Y <sup>5</sup>	Y	Y <sup>18</sup>	Y <sup>19</sup>	N	N
83	Forestry activities & related services	N <sup>5</sup>	Y	Y	Y <sup>18</sup>	Y <sup>19</sup>	Y <sup>20</sup>	Y <sup>20,21</sup>
84	Fishing activities & related services	N <sup>5</sup>	Y <sup>5</sup>	Y	Y	Y	Y	Y
85	Mining activities & related services	N	Y <sup>5</sup>	Y	Y	Y	Y	Y
89	Other resource production & extraction	N	Y <sup>5</sup>	Y	Y	Y	Y	Y

The designation of these uses as “compatible” in this zone reflects individual Federal agencies, and program consideration of general cost and feasibility factors as well as past community experiences and program objectives. Localities, when evaluating the application of these guidelines to specific situations, may have different concerns or goals to consider.



**LEGEND**

SLUCM	Standard Land Use Coding Manual, U.S. Department of Transportation.
Y (YES)	Land Use and related structures are compatible without restriction.
N (NO)	Land Use and related structures are not compatible and should be prohibited.
NLR (NOISE LEVEL REDUCTION)	NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure. See Appendix E, Vol. II.
25, 30, OR 35	Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 need to be incorporated into the design and construction of structures. See Appendix E, Vol. II.
25*, 30* and 35*	Land use generally compatible with NLR. However, measures to achieve an overall noise level reduction do not necessarily solve noise difficulties and additional evaluation is warranted.

**NOTES**

- 1 Suggested maximum density 1-2 dwelling units per acre, possibly increased under a Planned Unit Development (PUD) where maximum lot coverage is less than twenty (20) percent.
- 2 Within each land use category, uses exist where further definition may be needed due to the variation of densities in people and structures. (See Section 5.29.06,2)
- 3 The placing of structures, buildings, or above-ground utility lines in the Clear Zone is subject to severe restrictions. In a majority of the Clear Zones, these items are prohibited. See Air Force Regulation 19-9 and Air Force Regulation 86-14 for specific guidance.
- 4 No passenger terminals and no major above-ground transmission lines in APZ I.
- 5 Factors to be considered; labor intensity, structural coverage, explosive characteristics, air pollution.
- 6 Low-intensity office uses only. Meeting places, auditoriums, etc., not recommended.
- 7 Excludes chapels.
- 8 Facilities must be low intensity.
- 9 Clubhouse not recommended.
- 10 Areas for gathering of people are not recommended.
- 11 a. Although local conditions may require residential use, it is discouraged in Ldn 65-70 and strongly discouraged in Ldn 70-75. An evaluation should be conducted prior to approvals, indicating that a demonstrated community need for residential use would not be met if development were prohibited in these zones and that there are no viable alternative locations.
- b. Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB (Ldn 65-70) and 30 dB (Ldn 70-75) should be incorporated into building codes and be considered in individual approvals. Normal construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels.
- c. NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design, and use of berms and barriers can help mitigate outdoor exposure particularly from near ground level sources. Measures that reduce noise at a site should be used whenever practical in preference to measures which only protect interior spaces.
- 12 Measures to achieve NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- 13 Measures to achieve NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- 14 Measures to achieve NLR of 35 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- 15 If noise sensitive, use indicated NLR; if not, the use is compatible.
- 16 No buildings.
- 17 Land use compatible, provided special sound reinforcement systems are installed.
- 18 Residential buildings require a NLR of 25.
- 19 Residential buildings require a NLR of 30.
- 20 Residential buildings not permitted.
- 21 Land use not recommended, built if community decides use is necessary, hearing protection devices should be worn by personnel.

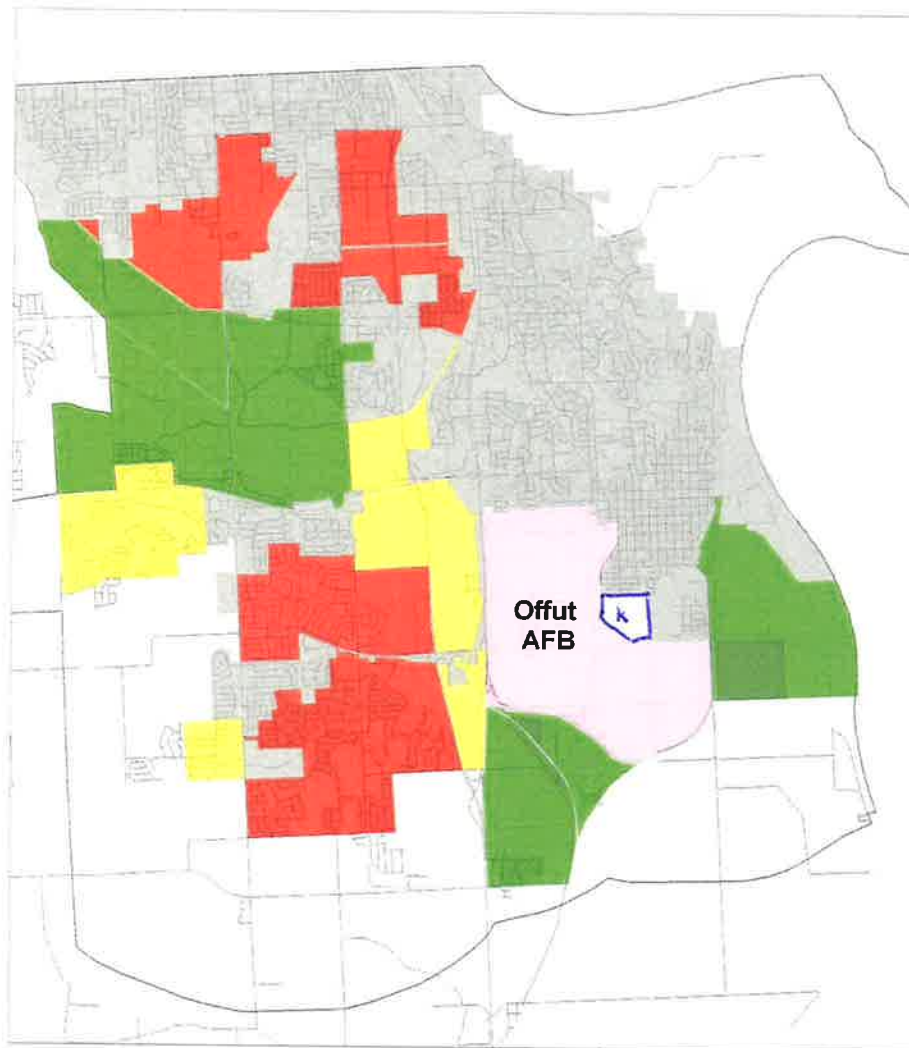
6

## Annexation Potential Plan Bellevue, Nebraska

### Legend

#### Annexation Potential Priority

- Low
- Medium
- High



Map 3-4: Annexation Potential

RESOLUTION 2004-11  
CITY OF BELLEVUE

WHEREAS, Mr. Robert Kouba ("Kouba") is the sole owner of record of certain real property ("Property") more particularly described as Tax Lot 26, located in Section 1, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, which Property consists of 92.3 acres, more or less; and

WHEREAS, as a result of the adoption of Ordinance No. 3293 ("Ordinance") by this Council on October 27, 2003, the Property is currently within and adjacent to the corporate boundaries of the City of Bellevue; and

WHEREAS, Kouba has, pursuant to Section 16-129, RRS Neb. 1943, Reissue 2004, requested that the Property be disconnected from the City of Bellevue for reasons including the location and character of the Property and that the Property's current exclusive use is agricultural; and

WHEREAS, this Council previously found that the Property may be considered urban or suburban in character because, among other reasons, the nature and character of the real estate abutting and adjacent to the Property and therefore was annexed by the Ordinance; and

WHEREAS, this Council herein finds that because of the unique location of the Property and its current exclusive agricultural use, the Property should, at this time, be disconnected in its entirety from the City of Bellevue, and

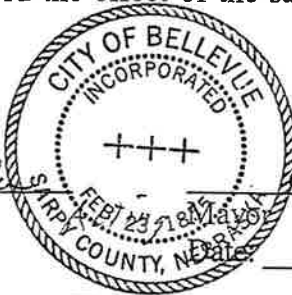
WHEREAS, the Bellevue City Council intends by this Resolution to make all findings and determinations required by Section 16-129 in order to permit the Property to be disconnected from the City of Bellevue.

NOW THEREFORE BE RESOLVED BY THE BELLEVUE CITY COUNCIL:

1. That the Property should be Ordered and hereby is Ordered disconnected from the City of Bellevue.
2. That the Bellevue City Clerk is hereby authorized and directed to promptly file and record a certified copy of this Resolution and Order with the Sarpy County Register of Deeds.
3. That the staff is hereby directed to undertake all administrative or other requirements as may be necessary or appropriate to implement this Resolution and Order, and to record the effect of the same on the books and records of the City of Bellevue.

CITY OF BELLEVUE

By: Karen Eidenmiller  
Acting Clerk



June 30, 2004

APPROVED AS TO FORM:

Attorney for City of Bellevue

By: Tina M. Miller

5d.  
6/6/19

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE:	May 21, 2019	AGENDA ITEM TYPE:
		SPECIAL PRESENTATION <input type="checkbox"/>
		LIQUOR LICENSE <input type="checkbox"/>
		ORDINANCE <input checked="" type="checkbox"/>
		PUBLIC HEARING <input type="checkbox"/>
		RESOLUTION <input type="checkbox"/>
		CURRENT BUSINESS <input type="checkbox"/>
		OTHER (SEE CLERK) <input type="checkbox"/>

SUBJECT:

Request to annex part of Lot 10A west of relocated Moquec railroad and south of drainage ditch, part of Lot 10A west of relocated Moquec railroad and south of drainage ditch, part of Lot 10B south and west of drainage ditch, Palmtop's Subdivision, abandoned railroad right-of-way adjacent to Lot 5 and part of Lot 6, part of Lot 7 and vacant street adjacent Lots 5, 6, and 7, Butterfield's Subdivision, Tax Lot 6 in northwest ¼, located in Section 11, T13N, R13E of the 6th P.M., Tax Lots 1 and 2A, and parts of Tax Lot 2 and Tax Lot 6, east of railroad and abandoned railroad (parcel #010914220), Tax Lot 2B, part of Tax Lot 6 and part of Tax Lot 1, irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼, Tax Lot 11 moved west 51.42 acres and except road right-of-way, irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼, Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ¼, irregular easterly 148' of Tax Lot 12 in southeast ¼, located in Section 14, T13N, R13E of the 6th P.M.; and all abutting county road right-of-way. Applicant: City of Bellevue.

SYNOPSIS:

The City is proposing to annex a number of unincorporated lots adjacent, or nearly adjacent, to the current city limits. The proposal has been divided into nine areas—the first five were approved by the City Council on May 7; this ordinance is the fourth of the second group of four areas being proposed for annexation.

FISCAL IMPACT:

This annexation package would have a positive fiscal impact on the City based upon tax revenues and expected departmental expenditures.

BUDGETED ITEM: ☐ YES ☐ NO

PROJECT # & TRACKING INFORMATION:

N/A

RECOMMENDATION:

The Planning Department recommends approval of this request. The Planning Commission recommended approval of this annexation request, with the exception of irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼, Tax Lot 11 except west 51.42 acres and except road right-of-way, irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼, Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ¼, irregular easterly 148' of Tax Lot 12 in southeast ¼, located in Section 14, T13N, R13E of the 6th P.M..

BACKGROUND:

This ordinance pertains to Annexation Area #9. See the attached Planning Department memorandum regarding the complete annexation package being proposed at this time.

ATTACHMENTS:

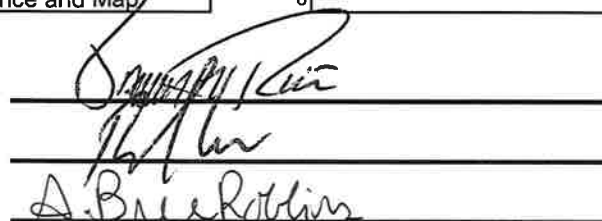
1	PC recommendation	4	
2	Planning Department staff memo	5	
3	Proposed Ordinance and Map	6	

SIGNATURES:

ADMINISTRATOR APPROVAL:

FINANCE APPROVAL:

LEGAL APPROVAL:



# City of Bellevue

## PLANNING COMMISSION RECOMMENDATION

APPLICANT: City of Bellevue

CITY COUNCIL HEARING DATE: June 4, 2019

REQUEST: Request to annex part of Lot 10A east of relocated Mopac railroad and south of drainage ditch, part of Lot 10A west of relocated Mopac railroad and south of drainage ditch, part of Lot 10B south and west of drainage ditch, Palmtag's Subdivision, abandoned railroad right-of-way adjacent and Lot 5 and part of Lot 6, part of Lot 7 and vacated street adjacent Lots 5, 6, and 7, Butterfield's Subdivision, Tax Lot E in northwest ¼, located in Section 11, T13N, R13E of the 6<sup>th</sup> P.M., Tax Lots 1 and 2A, and parts of Tax Lot 2 and Tax Lot 6, east of railroad and abandoned railroad (parcel #010614230), Tax Lot 2B, part of Tax Lot 6 and part of Tax Lot 1, irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼, Tax Lot 11 except west 51.42 acres and except road right-of-way, irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼, Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ½, irregular easterly 148' of Tax Lot 12 in southeast ¼, located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M.; and all abutting county road rights-of-way.

On April 25, 2019, the City of Bellevue Planning Commission voted eight yes, zero no, zero abstained, and one absent to recommend:

**APPROVAL** with the exception of irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼, Tax Lot 11 except west 51.42 acres and except road right-of-way, irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼, Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ½, irregular easterly 148' of Tax Lot 12 in southeast ¼, located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M., based on their agricultural use and greenbelt status. **APPROVAL** based upon the good of the city and in accordance with the Comprehensive Plan.

### VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Casey						Jacobson
	Perrin						
	Aerni						
	Cain						
	Ritz						
	Ackley						
	Cutsforth						
	Smith						

Planning Commission Hearing (s) was held on: April 25, 2019





## City of Bellevue

Office of the Planning Department

**To:** Mayor Hike  
City Council  
City Administrator Jim Ristow  
**From:** Chris Shewchuk, Planning Director  
**Date:** May 15, 2019  
**Subject:** City of Bellevue annexation proposal

As a result of its recent Strategic Planning session, the City is taking the position that it is in its best interest to annex areas adjacent to the existing city limits; it is also part of the natural growth and development of a city. We are proposing the annexation of a large number of unincorporated lots adjacent or close to the existing city limits. The overall annexation package consists of nine different areas; this proposal consists of four areas which have been labeled as Areas 5, 7, 8, and 9. These areas consist of 161 parcels and an estimated population of 275. The City Council approved the annexation of Areas 1, 2, 3, 4, and 6 at its May 7, 2019 regular meeting.

Unlike with the annexation of Sanitary and Improvement Districts, the City does not assume any debt with the annexation of these unincorporated areas. The City will, however, begin receiving property tax revenue from these areas beginning in 2020. The current assessed value of the properties in this annexation proposal is \$25,886,983. Based upon the City's current levy, the increase in property tax receipts for the City would be approximately \$157,000; this figure will change in the future based upon changes in assessed valuation and the City's property tax rate. In addition to property tax revenue, the City will receive an additional \$75,000 in State Highway Allocation funding, plus other revenue including such things as sales taxes on items delivered to these areas. Estimates of these amounts are not available.

The properties involved in this annexation will see an increase in their tax levy in future years as a result of the City's levy being added to the tax bill; annexation will also result in the elimination of the levy assessed by the Eastern Sarpy Fire District. Based upon current property tax levies, the net effect of the change in levy will be a levy increase of 0.424217 beginning with taxes payable in 2020. This levy increase will result in a property tax increase of \$636.33 on a property assessed at \$150,000.

Upon the effective date of the annexation residents will begin receiving City services. In some cases, residents are already receiving the benefits of city services, such as snow removal and fire protection; in other cases, the City is restricted in providing needed services, such as Code Enforcement, to areas that are outside the city limits. This annexation proposal was distributed to other departments for review with a request to determine what additional resources they would require, in terms of manpower and equipment, to deliver services to the residents of these areas. Most departments indicated the ability to serve these areas with existing resources, however, the

Street Department indicated a need for additional manpower and equipment, plus an additional annual maintenance budget of approximately \$35,000.

The City recognizes the need for infrastructure improvements in some of these areas. Discussions with the City Administrator and Public Works Director indicate that after final action by the Council on the annexation proposals, the City will undertake a comprehensive review of infrastructure needs and develop a long term plan to address these needs.

The financial aspects of this annexation proposal have been discussed with the City Administrator and Finance Director and both agreed the financial impacts of the annexation are within the City's budgetary means.

#### **DEPARTMENT RECOMMENDATION**

APPROVAL based upon the positive financial impact on the City and the natural growth and development of the City.

#### **PLANNING COMMISSION RECOMMENDATION**

APPROVAL of the annexation proposal with the exception of the following parcels with greenbelt status:

Area #5—None

Area #7—Lots 2, 7, 8, and 9, Old Orchard Place; Lot 1, Vacek Addition; Lot 1, Vacek's 2<sup>nd</sup> Addition

Area #8—Tax Lot 26 and part of Tax Lot 28 adjacent, Section 1, T13N, R13E

Area #9—irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼; Tax Lot 11 except west 51.42 acres and except road right-of-way; irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼; Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ½; irregular easterly 148' of Tax Lot 12 in southeast ¼; all located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M.

It should be noted that the Planning Commission did not exclude all greenbelt lots in the proposal; the Commission recommended annexing those greenbelt lots which did not appear to be being used for agricultural purposes.

ORDINANCE NO. 3948

AN ORDINANCE TO ANNEX TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, CERTAIN LANDS, LOTS AND REAL ESTATE LYING WITHIN THE BELOW DESCRIBED BOUNDARIES, TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, ALL OF THE LOTS, LANDS, AND REAL ESTATE LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS, AND SHOWN ON THE ATTACHED MAP, TO WIT:

Part of Lot 10A east of relocated Mopac railroad and south of drainage ditch, Palmtag's Subdivision; part of Lot 10A west of relocated Mopac railroad and south of drainage ditch, Palmtag's Subdivision; part of Lot 10B south and west of drainage ditch, Palmtag's Subdivision;

Abandoned railroad right-of-way adjacent and Lot 5 and part of Lot 6, Butterfield's Subdivision; part of Lot 7 and vacated street adjacent Lots 5, 6, and 7, Butterfield's Subdivision;

Tax Lot E in northwest  $\frac{1}{4}$ , Section 11, T13N, R13E of the 6<sup>th</sup> P.M.;

Tax Lots 1 and 2A, and parts of Tax Lot 2 and 6, east of railroad and abandoned railroad (parcel #010614230); Tax Lot 2B; part of Tax Lot 6 and part of Tax Lot 1; irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest  $\frac{1}{4}$ ; Tax Lot 11 except west 51.42 acres and except road right-of-way; irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest  $\frac{1}{4}$ ; Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south  $\frac{1}{2}$ ; irregular easterly 148' of Tax Lot 12 in southeast  $\frac{1}{4}$ ; all located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M.;

and all abutting county road rights-of-way.

ARE CONTINGUOUS AND ADJACENT TO THE CITY OF BELLEVUE, NEBRASKA, AND ARE URBAN OR SUBURBAN IN CHARACTER, AND

WHEREAS, SAID REAL ESTATE WILL RECEIVE MATERIAL BENEFITS AND ADVANTAGES FROM ANNEXATION TO THE SAID CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. All of the real estate lying within the area heretofore described be and the same hereby is included within the boundaries and territory of the City of Bellevue, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all of the rules, regulations, ordinances, taxes, and all other burdens and benefits of other persons and territory included with the City of Bellevue, Nebraska.

Section 2. This ordinance shall become effective after its passage, approval, and publication according to law.

ADOPTED by the Mayor and City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

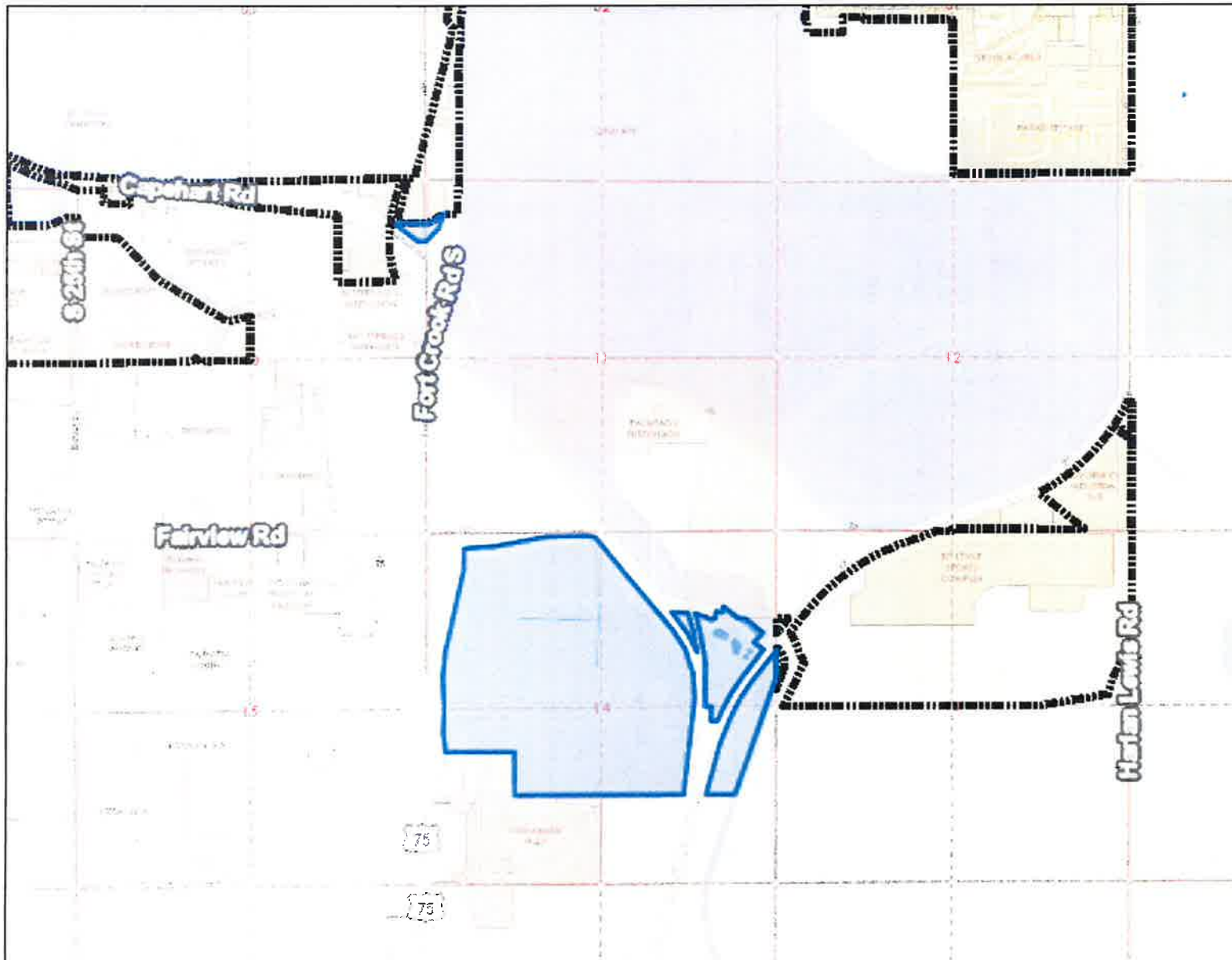
ATTEST

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

# Annexation Area #9



## Location



## Legend

- Road Centerlines
- Municipal Boundaries

1: 26,570

0 1107 2214 4428  
Feet

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

**Sarpy County GIS**  
1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com



## Area 9 Greenbelt lots

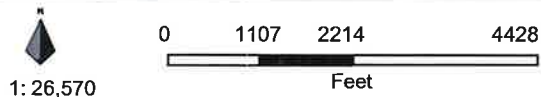


### Location



### Legend

Road Centerlines



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