ANNEXATION - NEBRASKA

U.S. Cold Storage, Inc. v. City of La Vista

Supreme Court of Nebraska - March 29, 2013 - N.W.2d - 285 Neb. 579

Court approves annexation, holding that previous annexation statute did not create a constitutionally protected vested right.

Property owner and sanitary and improvement district brought class action against city challenging validity of annexation ordinance that sought to annex district, which included industrial area.

The Supreme Court of Nebraska held that:

- City's failure to strictly comply with notice requirements for annexation did not render ordinance seeking to annex sanitary and improvement district invalid;
- City did not undertake annexation of sanitary and improvement district solely for purposes of obtaining revenue;
- Amended annexation statute permitted city to annex district regardless of industrial area's value;
- Previous annexation statute did not create a constitutionally protected vested right; and
- Statute regarding annexation of sanitary and improvement districts stayed merger of the district with city until determination on the merits of property owners' challenge to annexation.

Previous statute regarding annexation, which prevented annexation of an industrial area with a valuation of more than $286,000 absent the consent of the owners of a majority of the value of the area, did not create a contract between city and landowners in the industrial area that would preclude application of the amended statute, which allowed annexation of an industrial area regardless of actual valuation if it was located in a county with a population in excess of 100,000 persons and the city did not approve the original designation of such tract as an industrial area.

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