

Bond Case Briefs

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ANNEXATION - NEBRASKA

Sanitary and Improvement District No. 196 of Douglas County v. City of Valley

Supreme Court of Nebraska - February 6, 2015 - N.W.2d - 290 Neb. 1

Sanitary and improvement district brought declaratory judgment action against city, challenging city's annexation of land, which included district. The District Court granted summary judgment to city. District appealed.

The Supreme Court of Nebraska held that:

- Parcels of land adjacent to city had rational relation to legitimate purposes of annexation and thus could be annexed by city;
- Parcels of land used for mining gravel and sand were not agricultural land and thus could be annexed by city; and
- Particular parcel was contiguous with or adjacent to city, as would allow annexation.

Parcels of land adjacent to second-class city had rational relation to legitimate purposes of annexation and thus could be annexed by city, even if land was not already zoned and developed into a nonagricultural use, where landowner had made a request for proposals to several developers in the region to explore development opportunities on the land, and landowner financed part of the regional pumping station in order to reserve capacity for over 200 residential lots on site.

Parcels of land used for mining gravel and sand were not agricultural land and thus could be annexed by adjacent second-class city. Mining operations were not traditionally considered an agricultural use of land, there was no indication that instant mining operations were used to further an agricultural purpose, such as creation of pond to irrigate crops, and mining operations in no way involved the production of any plant or animal product.

Parcel of land was contiguous with or adjacent to second-class city, as would allow annexation of land by city, even if parcel itself did not share a common border with city, where annexed area in which parcel was situated had, as a whole, a significant shared border with existing corporate boundary of city.

Evidence that second-class city compared the relative financial health of different sanitary and improvement districts in determining what territory to annex was insufficient to establish that city's subsequent annexation of one of those districts was motivated solely by purpose of increasing tax revenue, as could make annexation unlawful. It would have been fiscally irresponsible for city to not at least take into consideration the debt load of the areas it was annexing, and debt level of district had no relation to increase in tax revenue that city stood to gain from an annexation.