

Bond Case Briefs

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ANNEXATION - NEBRASKA

Darling Ingredients Inc. v. City of Bellevue

Supreme Court of Nebraska - May 28, 2021 - N.W.2d - 309 Neb. 338 - 2021 WL 2172079

Landowners brought actions to challenge annexation, asking the court to declare the annexation ordinance invalid and to permanently enjoin the city from taking actions to enforce it.

The District Court entered judgment for landowners, and city appealed.

The Supreme Court held that:

- Annexation of largely agricultural area was not invalid based on the character of the use, and
- Due to neighboring baseball complex, largely agricultural area was adjacent and contiguous to the city.

Annexation of largely agricultural area was not invalid based on the character of the use, although some of the land within the area had greenbelt tax valuation status; area was not isolated but was near major road and several residential subdivisions, as well as an Air Force base which employed 10,000 people, area contained an industrial plant, city's comprehensive plan anticipated the area would be used for industrial and other nonagricultural purposes in the future, "for sale" listing for certain land in the area had divided it into several "small industrial lots," and city had initiated procedures to annex subdivision immediately south of the area.

Due to neighboring baseball complex, largely agricultural area was adjacent and contiguous to the city for purposes of annexation requirements; although prior annexation of baseball complex appeared to be isolated from the rest of the city and created distinct masses within the city, that unchallenged annexation could be used to establish adjacency.