

Bond Case Briefs

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ANNEXATION - NEBRASKA

County of Sarpy v. City of Gretna

Supreme Court of Nebraska - May 28, 2021 - N.W.2d - 309 Neb. 320 - 2021 WL 2171772

County brought action for declaratory and injunctive relief against city, challenging validity of city's annexation ordinances and a zoning extension ordinance for annexation of area that was in close proximity to rapidly developing areas and that was planned for development, but that was presently undeveloped and being used for agricultural purposes.

The District Court granted county's motion for summary judgment. City appealed.

The Supreme Court held that annexed area was urban thus precluding statutory ban on annexation of agricultural lands that were rural in character by a city of the second class.

Annexed area that was in close proximity to rapidly developing areas and that was planned for development, but that was presently undeveloped and used for agricultural purposes, was "urban" and not "rural" in character, and thus city's annexation ordinances and zoning extension ordinance for annexation of area did not violate statute prohibiting a city of the second class from annexing of agricultural lands that were rural in character; city's comprehensive plan designated area to include planned interstate interchange which was designated as community entrance and special character area, city expected to develop area into city's future growth area, and city, county, state, and other governmental agencies all had plans to develop area, which was fastest growing area in the state.