
ZONING & PLANNING - NEBRASKA

Main St Properties LLC v. City of Bellevue

Supreme Court of Nebraska - December 6, 2024 - N.W.3d - 318 Neb. 116 - 2024 WL 4996916

Landowner brought actions against city, seeking declaratory and injunctive relief and challenging, pursuant to a petition in error, the validity and enforcement of ordinance that rezoned landowner's property to its former status after landowner's repeat violations of conditional zoning agreement with city for landowner's vehicle and trailer rental business.

After consolidation of cases, the District Court granted summary judgment for city. Landowner appealed.

The Supreme Court held that:

- City's adoption of rezoning ordinance was a legislative act not subject to petition-in-error jurisdiction;
- Statutory stay during appeal to a zoning board of adjustment did not apply to preclude city from adopting rezoning ordinance;
- Landowner forfeited issue of any judicial admission relating to city's interpretation of agreement;
- Agreement did not require notice to rezone to former classification following three or more violations; and
- Any cure of violations by landowner did not preclude rezoning following three or more violations.

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