

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, October 3, 2023 at 4:00 PM in the Hastings Public Library , 314 N Denver Ave, Hastings NE.

AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday , September 29, 2023. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers, which is accessible to members of the public.
6. Special Order of Business
 - a. Discuss Annexation - North Industrial Park Area
7. Public Hearings.
8. Reports
 - a. Committee Reports
 - b. Chairman Comments
 - c. Staff Reports

Adjourn

Staff Memorandum



To: Hastings Planning Commission

From: Chad Bunger, AICP, CFM Director of Development Services

Date: September 26, 2023

Meeting Date: October 3, 2023

Re: Work Session to Discuss Annexation of Sites with the North Industrial Park Area.

Section 2-606 of the City Code of Ordinance requires that the Planning Commission review areas eligible for unilateral annexation every three years, as well as county industrial areas every two years. 2023 is the year to conduct both of these reviews. This process began on May 16, 2023, when the Planning Commission held a work session to discuss the annexation review topic and give direction on areas that the City staff should consider. At that work session, City staff proposed 10 different areas adjacent to or surrounded by the City limits as potential properties to be considered in this round of annexation review. The result was the identification of 42 separate properties to be considered for this round of reviews.

If the annexation review proceeds to a recommendation to annex to the City Council, the City must follow the process identified in the Nebraska Revised Statutes (N.R.S 16-116 through 16-130).

City staff has engaged these 42 property owners to introduce the topic, explain the annexation process, and hear comments at a series of neighborhood meetings from August 22nd – August 31st at the Hastings Public Library.

This work session is intended to discuss the annexation review process further and also specifically discuss the 27 properties in the North Industrial Park area. Work sessions were held on September 5, 2023, to discuss the areas along E. 26th Street and N. 2nd Avenue and on September 19, 2023, to discuss the Industrial Park West and East Industrial Area along Highway 6 and Showboat Boulevard.

As part of the requirements of the State Statutes, an extension of the City services plan must be provided for each area proposed to be unilaterally annexed into a City. Development Services staff has prepared individual property sheets that describe the subject site, the zoning, utilities available to the site, and public services available in the area. It is intended for these individual property sheets to serve as the basis for the required extension of City services plan. Each property sheet for the 27 properties at the focus of this work session is attached.

Generally speaking, these 27 properties are industrial uses that all are customers of Hastings Utilities for water, sanitary sewer, electricity, and gas.

No formal decision should be made at this work session. City staff would appreciate direction on the staff's review of each property and how to proceed. City staff would also recommend that the property owners in this area review and the public be invited to ask questions and provide comments at this work session.

The Development Services staff appreciate the opportunity to review this project and gain direction from the Planning Commission.

3312 Yost Avenue – Westland Park, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Westland Park, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

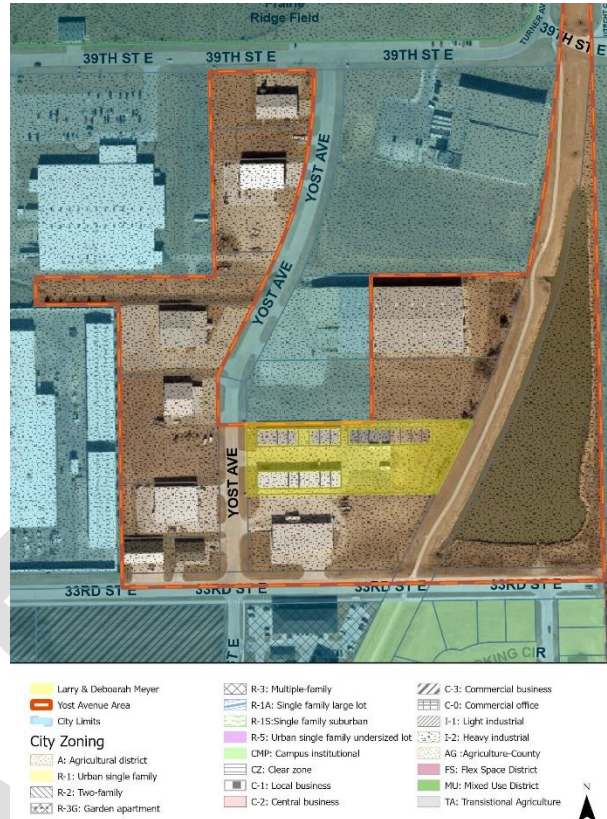
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$295.07, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Westland Park, LLC			#010019416			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 69,621.00	\$ 73,251.00	\$ 73,251.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 12.78	0.017446	\$ 12.78	0%
CRA		0.000000	\$ -	0.026000	\$ 19.05	100%
City		0.000000	\$ -	0.424342	\$ 310.83	100%
Community College		0.090272	\$ 66.13	0.090272	\$ 66.13	0%
County		0.423456	\$ 310.19	0.423456	\$ 310.19	0%
ESU 9		0.015000	\$ 10.99	0.015000	\$ 10.99	0%
Fire		0.038805	\$ 28.43	0.000000	\$ -	0%
Library		0.008717	\$ 6.39	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 16.13	0.022015	\$ 16.13	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 55.44	0.075686	\$ 55.44	0%
School Districts		0.708894	\$ 519.27	0.708894	\$ 519.27	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,025.73	1.803111	\$ 1,320.80	28.77%

525 E 33rd Street
Northeast of the Intersection of
East 33rd Street and Yost Avenue

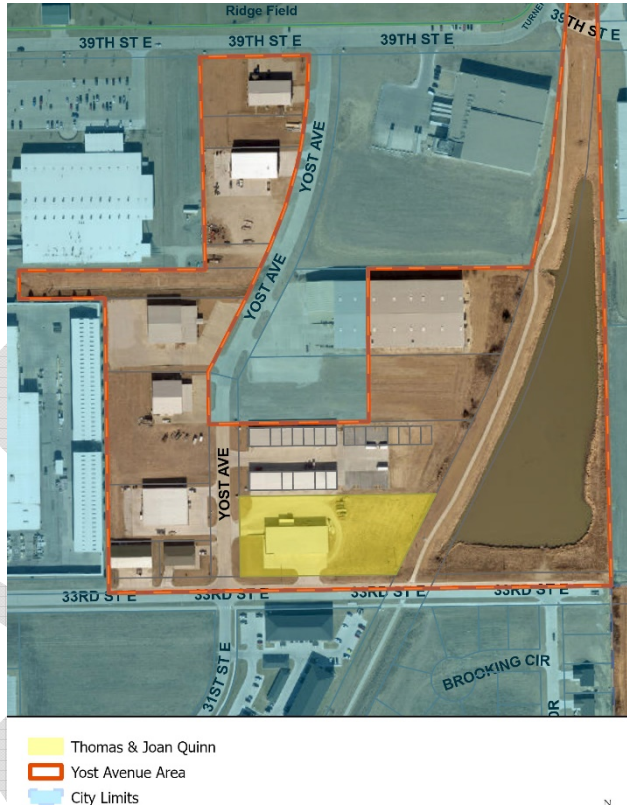
Owner: Thomas and Joan Quinn

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.43 acres in area. The site consists of one industrial building generally located in the center of the site.

The property immediately to the east of the site is in rural Adams County. Other properties to the south and east of the site are located within City limits.

The properties generally along Yost Avenue are not in the City limits. This area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

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- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2018. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. Had the incremental annexation effort continued, the site would have begun the effort in 2028 and be fully annexed in 2033. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. 33rd Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the E. 33rd Street right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

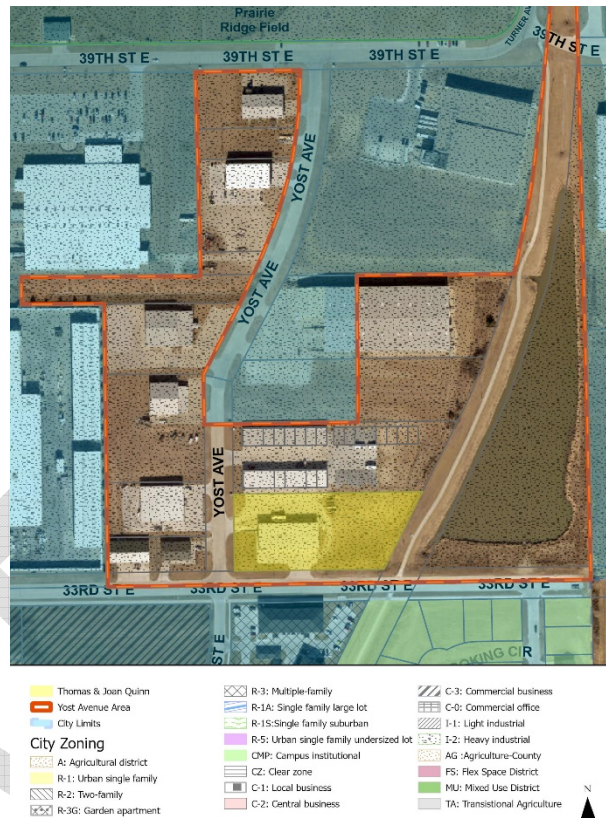
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has one large driveway onto E. 33rd Street, which is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

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As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year, as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,197.62, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Thomas & Joan Quinn			#010018644			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 90,641.00	\$ -	\$ 454,918.00	\$ 545,559.00	\$ 545,559.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 95.18	0.017446	\$ 95.18	0%
CRA		0.000000	\$ -	0.026000	\$ 141.85	100%
City		0.000000	\$ -	0.424342	\$ 2,315.04	100%
Community College		0.090272	\$ 492.49	0.090272	\$ 492.49	0%
County		0.423456	\$ 2,310.20	0.423456	\$ 2,310.20	0%
ESU 9		0.015000	\$ 81.83	0.015000	\$ 81.83	0%
Fire		0.038805	\$ 211.70	0.000000	\$ -	0%
Library		0.008717	\$ 47.56	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 120.10	0.022015	\$ 120.10	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 412.91	0.075686	\$ 412.91	0%
School Districts		0.708894	\$ 3,867.44	0.708894	\$ 3,867.44	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 7,639.41	1.803111	\$ 9,837.03	28.77%

3310 Yost Avenue – Sand Water, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Sand Water, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



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- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

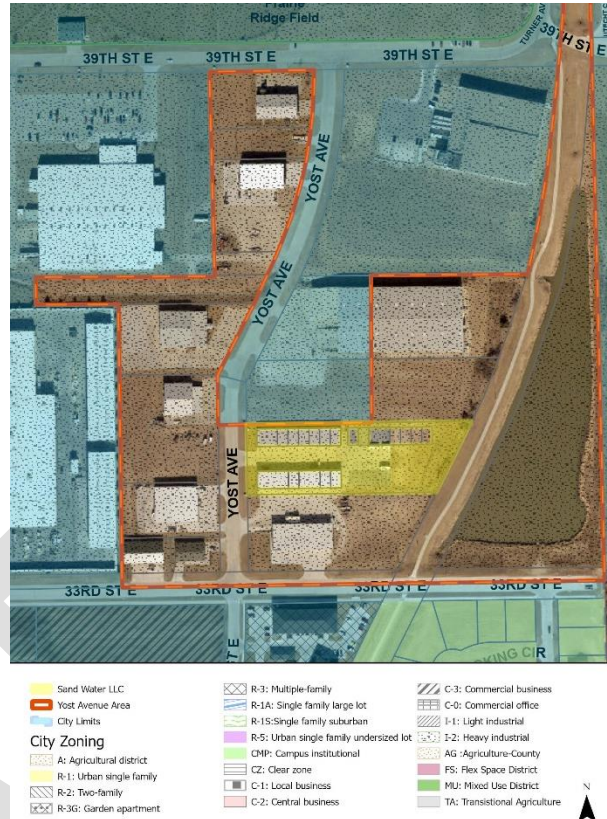
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.



Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$351.92, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Sandwater, LLC			#010019422			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 83,733.00	\$ 87,363.00	\$ 87,363.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 15.24	0.017446	\$ 15.24	0%
CRA		0.000000	\$ -	0.026000	\$ 22.71	100%
City		0.000000	\$ -	0.424342	\$ 370.72	100%
Community College		0.090272	\$ 78.86	0.090272	\$ 78.86	0%
County		0.423456	\$ 369.94	0.423456	\$ 369.94	0%
ESU 9		0.015000	\$ 13.10	0.015000	\$ 13.10	0%
Fire		0.038805	\$ 33.90	0.000000	\$ -	0%
Library		0.008717	\$ 7.62	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 19.23	0.022015	\$ 19.23	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 66.12	0.075686	\$ 66.12	0%
School Districts		0.708894	\$ 619.31	0.708894	\$ 619.31	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,223.34	1.803111	\$ 1,575.25	28.77%

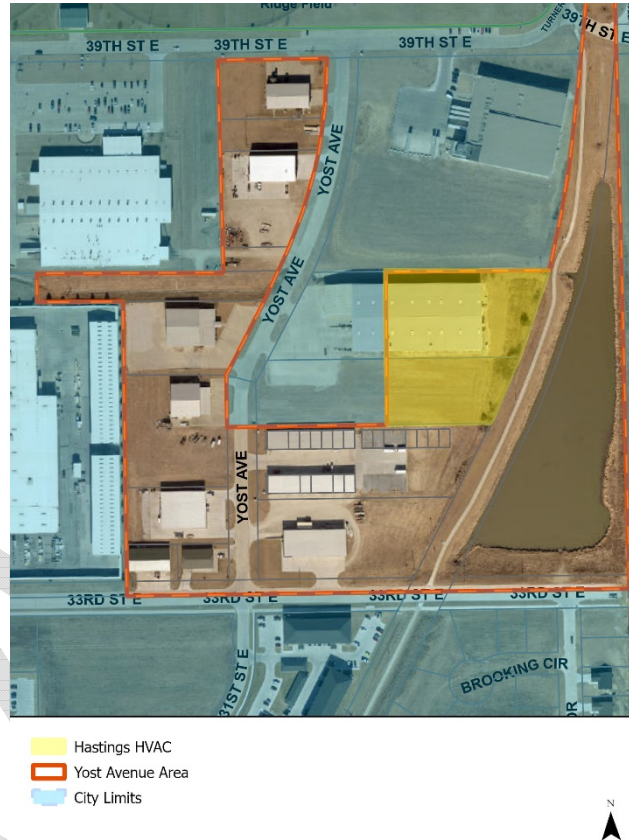
3606 Yost Avenue
Approximately 500 feet north of the intersection of
E. 33rd Street and Yost Avenue

Owner: P M P, LLC

Subject Site:

The subject site is approximately 6.42 acres in area that is comprised of two adjacent lots. The site gradually slopes to the east towards a detention pond. On the site is a large manufacturing building.

Of the 6.42-acre site, approximately 3.5 acres remain in rural Adams County. The reason for this is due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.
 - (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.

- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records, Centennial Plastics was established in 2002. The site would have been eligible for the incremental annexation in 2012. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the property, as defined in (B)(i) for some time, but stopped in the mid-2010s.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

The site is within the Adams Central Public Schools District.

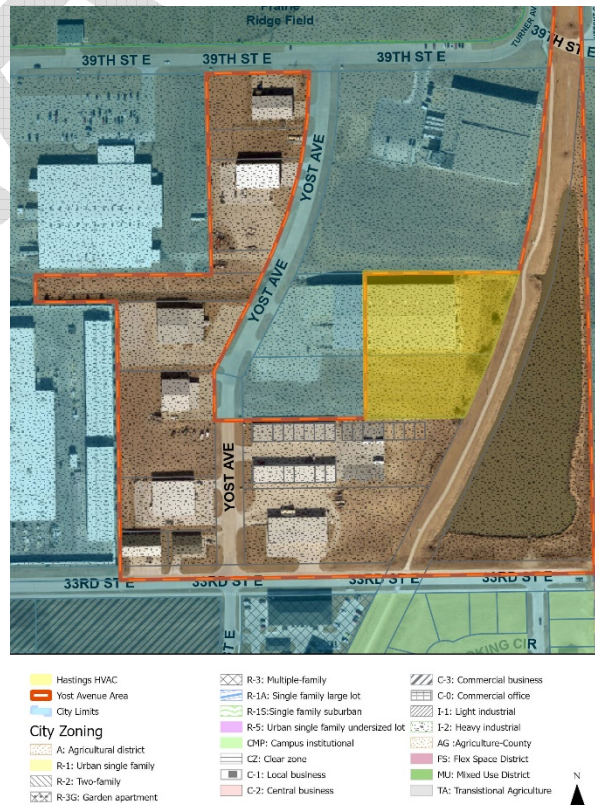
Zoning: The site and surrounding areas to the north, east, south, and west are currently zoned County I-2, Heavy Industrial District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.



Gas – A Hastings Utilities’ gas line is located in the Yost Avenue right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has a large circular driveway that gains access from Yost Avenue. This Driveway provides access to the business’s parking lot and truck loading area. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City’s fire and police department once any annexation in the industrial park was done. However, the City’s Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

Although the agreement, as part of the industrial park designation application states a process to incrementally annex and assess property taxes, it was determined in the 2010s that this manner of annexing and applying mill levies was against the state standards. This practice was halted and this property has been assessed as if it was fully in the Hastings corporate limits since at least 2013. No changes to the property owner's tax statement will occur if the property is annexed.

Summary:

The use of the property is a manufacturing plant. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties or public right-of-way within the City of Hastings to the north, east, south, and west. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. This property specifically was annexed, in part, following the conditions of the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 21 years since the plant became operational.

The property owner's tax assessment will not increase if the property is annexed. It was determined in the 2010s that the incremental annexation of properties in the designated industrial park and subsequent incremental changes to the property's tax statement were against state standards. Since at least 2015 the property has been assessed as if the property was entirely inside the City limits.

Staff Recommendation

Per the agreement, this property was to be fully annexed by at least 2017. It was determined around that time that the incremental annexation of each site was inappropriate and the effort stopped. Following through with the annexation of the entire property at this time would fulfill the original agreement, approximately seven years after the agreed-upon time.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

DRAFT

Property Address			PID		
Industrial Park North Sub #3			#010018426		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 101,516.00	\$ -	\$ 2,205,372.00	\$ 2,306,888.00	\$ 2,306,888.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 402.46	0.017446	\$ 402.46	0%
CRA	0.026000	\$ 599.79	0.026000	\$ 599.79	100%
City	0.424342	\$ 9,789.09	0.424342	\$ 9,789.09	100%
Community College	0.090272	\$ 2,082.47	0.090272	\$ 2,082.47	0%
County	0.423456	\$ 9,768.66	0.423456	\$ 9,768.66	0%
ESU 9	0.015000	\$ 346.03	0.015000	\$ 346.03	0%
Fire	0.000000	\$ -	0.000000	\$ -	0%
Library	0.000000	\$ -	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 507.86	0.022015	\$ 507.86	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 1,745.99	0.075686	\$ 1,745.99	0%
School Districts	0.708894	\$ 16,353.39	0.708894	\$ 16,353.39	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.803111	\$ 41,595.75	1.803111	\$ 41,595.75	0.00%

3709 Yost Avenue
Approximately 300 South of the Intersection of
East 39th Street and Yost Avenue, on the West Side of Yost Avenue

Owner: Michael Bonifas

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.65 acres in area. The site consists of one large industrial building generally located in the northeast of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2007. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have begun in 2017 and the site would have been fully annexed in 2022. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the north, east, south, and west are currently zoned County I-2, Heavy Industrial District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

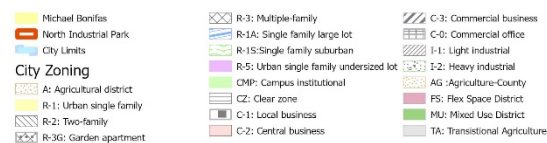
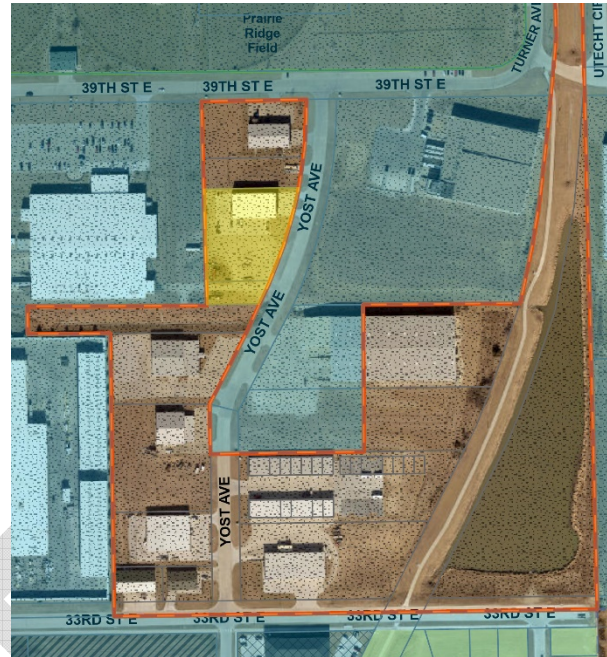
Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a circular driveway that serves as a parking lot for the building as well as access to the building's overhead doors. To the south of the building is a gravel storage yard for materials and equipment. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.



Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial

park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. The building was constructed in 2007. Had the incremental annexation process continued, the site would have begun being annexed in 2017 and fully annexed in 2022.

The property owner's tax assessment for the property is anticipated to increase by approximately \$4,378.30 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property would have been partially annexed, starting in 2017 and completely annexed in 2022. Following through with the annexation of the entire property at this time would generally fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
Michael Bonifas			#010018182		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$72,874.00	\$-	\$1,014,041.00	\$1,086,915.00	\$ 1,086,915.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$88.82	0.017446	\$ 189.62	11349%
CRA	0.000000	\$-	0.026000	\$ 282.60	100%
City	0.000000	\$-	0.424342	\$ 4,612.24	100%
Community College	0.090272	\$459.56	0.090272	\$ 981.18	0%
County	0.423456	\$2,155.77	0.423456	\$ 4,602.61	0%
ESU 9	0.015000	\$163.04	0.015000	\$ 163.04	0%
Fire	0.038805	\$197.55	0.000000	\$ -	0%
Library	0.008717	\$44.38	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$112.08	0.022015	\$ 239.28	0%
SID	0.000000	\$-	0.000000	\$ -	0%
School Bonds	0.075686	\$385.31	0.075686	\$ 822.64	0%
School Districts	0.708894	\$3,608.90	0.708894	\$ 7,705.08	0%
TIF	0.000000	\$-	0.000000	\$ -	0%
Townships	0.000000	\$-	0.000000	\$ -	0%
Totals	1.400291	\$15,219.98	1.824	\$ 19,598.28	28.77%

3304 Yost Avenue – Legend Trail Properties, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

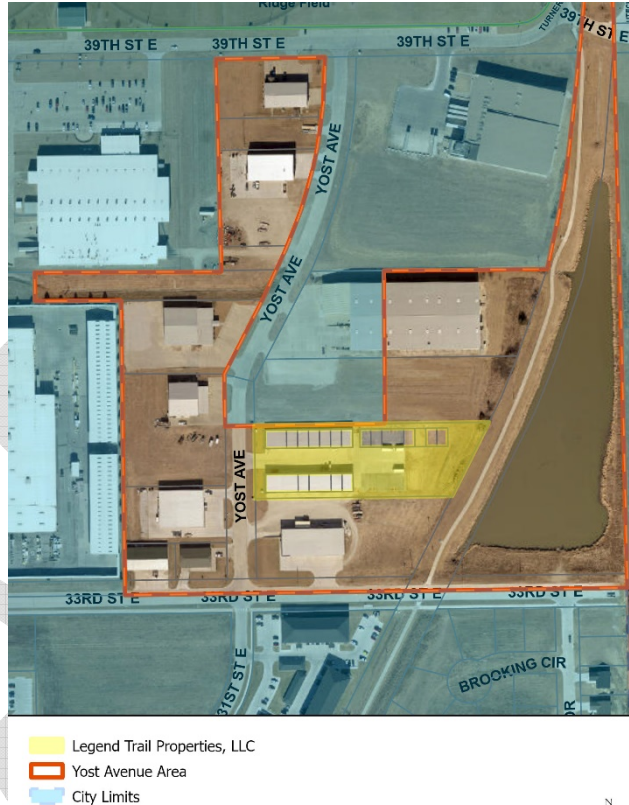
Owner: Legend Trail Properties

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

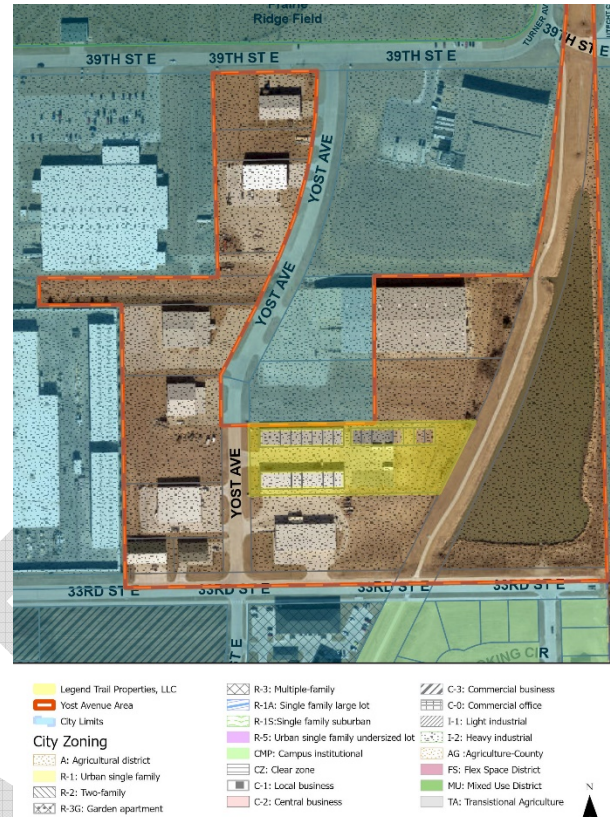
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement. The building was constructed in 2022. If the incremental annexation process was continued, the site would have begun being annexed in 2032 and fully annexed in 2037.

The property owner's tax assessment for the property is anticipated to increase by approximately \$631.35, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Legend Trial Properties, LLC			#010019424			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 153,103.00	\$ 156,733.00	\$ 156,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 27.34	0.017446	\$ 27.34	0%
CRA		0.000000	\$ -	0.026000	\$ 40.75	100%
City		0.000000	\$ -	0.424342	\$ 665.08	100%
Community College		0.090272	\$ 141.49	0.090272	\$ 141.49	0%
County		0.423456	\$ 663.70	0.423456	\$ 663.70	0%
ESU 9		0.015000	\$ 23.51	0.015000	\$ 23.51	0%
Fire		0.038805	\$ 60.82	0.000000	\$ -	0%
Library		0.008717	\$ 13.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 34.50	0.022015	\$ 34.50	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 118.62	0.075686	\$ 118.62	0%
School Districts		0.708894	\$ 1,111.07	0.708894	\$ 1,111.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,194.72	1.803111	\$ 2,826.07	28.77%

3312 Yost Avenue – Larry & Deborah Meyer
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

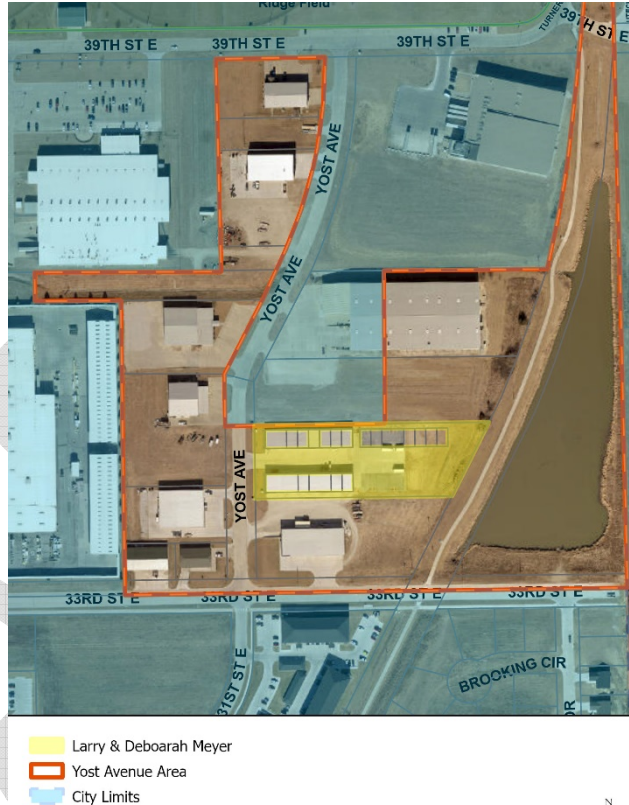
Owner: Larry & Deborah Meyer

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
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 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

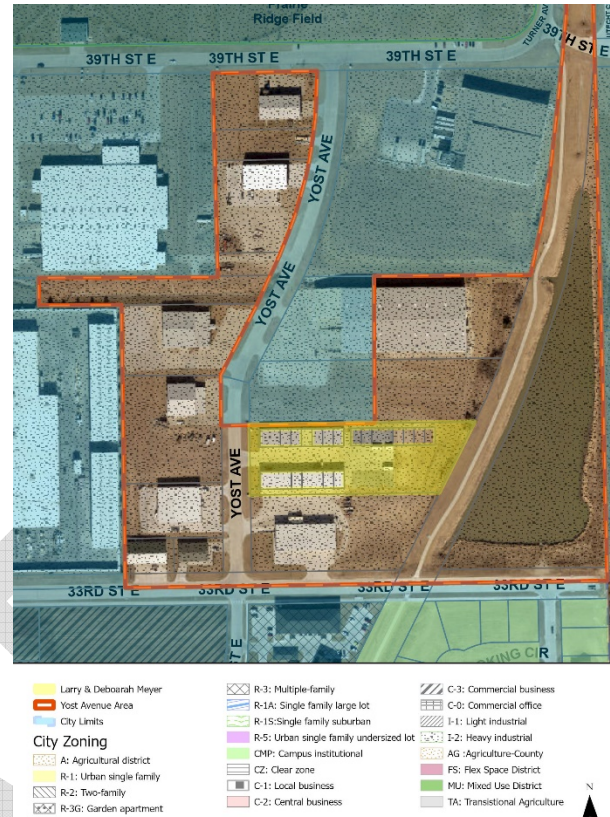
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$295.07, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Larry & Deborah Meyer			#010019259			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 69,621.00	\$ 73,251.00	\$ 73,251.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 12.78	0.017446	\$ 12.78	0%
CRA		0.000000	\$ -	0.026000	\$ 19.05	100%
City		0.000000	\$ -	0.424342	\$ 310.83	100%
Community College		0.090272	\$ 66.13	0.090272	\$ 66.13	0%
County		0.423456	\$ 310.19	0.423456	\$ 310.19	0%
ESU 9		0.015000	\$ 10.99	0.015000	\$ 10.99	0%
Fire		0.038805	\$ 28.43	0.000000	\$ -	0%
Library		0.008717	\$ 6.39	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 16.13	0.022015	\$ 16.13	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 55.44	0.075686	\$ 55.44	0%
School Districts		0.708894	\$ 519.27	0.708894	\$ 519.27	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,025.73	1.803111	\$ 1,320.80	28.77%

3307 Yost Avenue
Approximately 150 North of the Intersection of
East 33rd Street and Yost Avenue, on the West Side of Yost Avenue

Owner: L & P Commercial Rentals LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.0 acres in area. The site consists of one large industrial building generally located in the center of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



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 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2019. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the incremental annexation effort had continued, the property would have begun the effort in 2029 and it would have been completely annexed in 2034. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

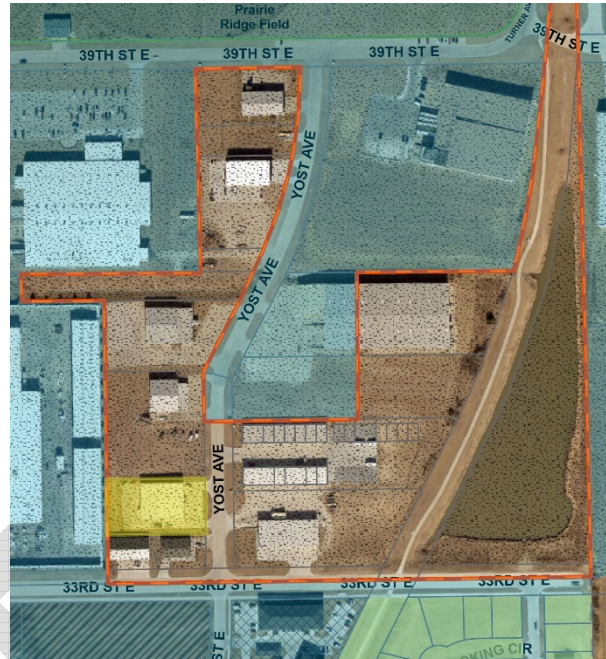
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a circular driveway that serves as a parking lot for the building as well as access to the building's overhead doors. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,546.88 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
3307 YOST AVENUE			#010018192			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 62,065.00	\$ -	\$ 570,198.00	\$ 632,263.00	\$ 632,263.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 110.30	0.017446	\$ 110.30	0%
CRA		0.000000	\$ -	0.026000	\$ 164.39	100%
City		0.000000	\$ -	0.424342	\$ 2,682.96	100%
Community College		0.090272	\$ 570.76	0.090272	\$ 570.76	0%
County		0.423456	\$ 2,677.36	0.423456	\$ 2,677.36	0%
ESU 9		0.015000	\$ 94.84	0.015000	\$ 94.84	0%
Fire		0.038805	\$ 245.35	0.000000	\$ -	0%
Library		0.008717	\$ 55.11	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 139.19	0.022015	\$ 139.19	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 478.53	0.075686	\$ 478.53	0%
School Districts		0.708894	\$ 4,482.07	0.708894	\$ 4,482.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 8,853.52	1.803111	\$ 11,400.40	28.77%

3301 Yost Avenue
Northwest of the Intersection of
East 33rd Street and Yost Avenue

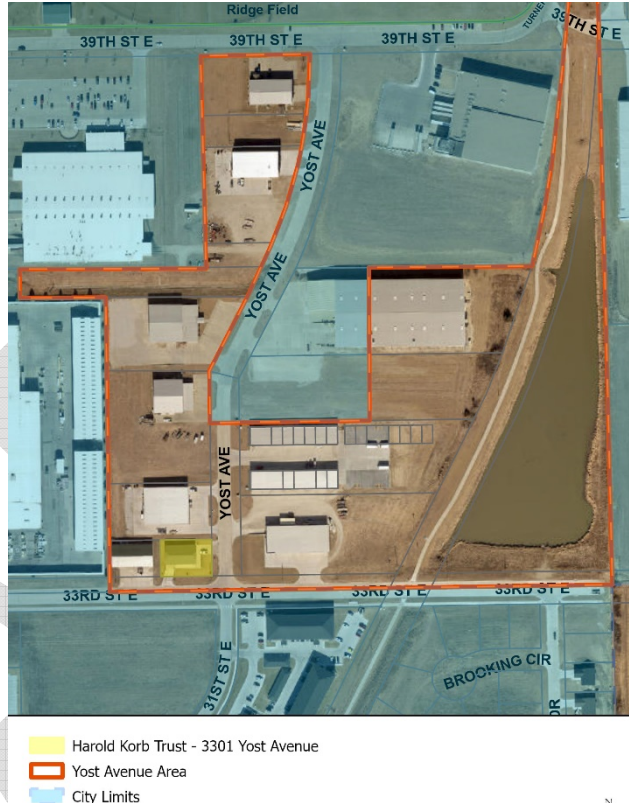
Owner: Harold Korb Trust

Subject Site:

The subject site is a generally flat piece of land that is approximately .32 acres in area. The site consists of one industrial building generally located in the center of the site.

The property immediately to the west of the site is in rural Adams County. Other properties to the south and west of the site are located within City limits.

The properties generally along Yost Avenue are not in the City limits. This area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2011. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. Had the incremental annexation process continued, the site would have begun the effort in 2021 and the annexation would have been completed in 2026. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. 33rd Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the E. 33rd Street right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

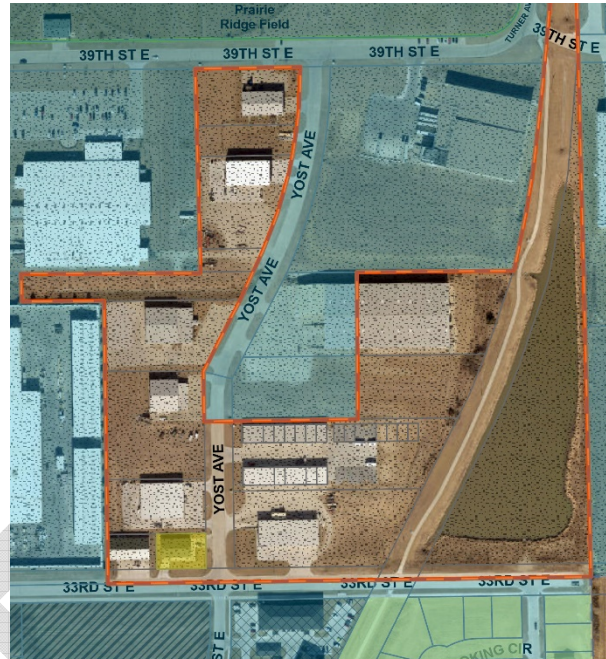
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has one large driveway onto E. 33rd Street, which is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park

designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$558.34, or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
3301 YOST AVENUE			#010018193			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 33,880.00	\$ 104,728.00	\$ -	\$ 138,608.00	\$ 138,608.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 24.18	0.017446	\$ 24.18	0%
CRA		0.000000	\$ -	0.026000	\$ 36.04	100%
City		0.000000	\$ -	0.424342	\$ 588.17	100%
Community College		0.090272	\$ 125.12	0.090272	\$ 125.12	0%
County		0.423456	\$ 586.94	0.423456	\$ 586.94	0%
ESU 9		0.015000	\$ 20.79	0.015000	\$ 20.79	0%
Fire		0.038805	\$ 53.79	0.000000	\$ -	0%
Library		0.008717	\$ 12.08	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 30.51	0.022015	\$ 30.51	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 104.91	0.075686	\$ 104.91	0%
School Districts		0.708894	\$ 982.58	0.708894	\$ 982.58	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,940.92	1.803111	\$ 2,499.26	28.77%

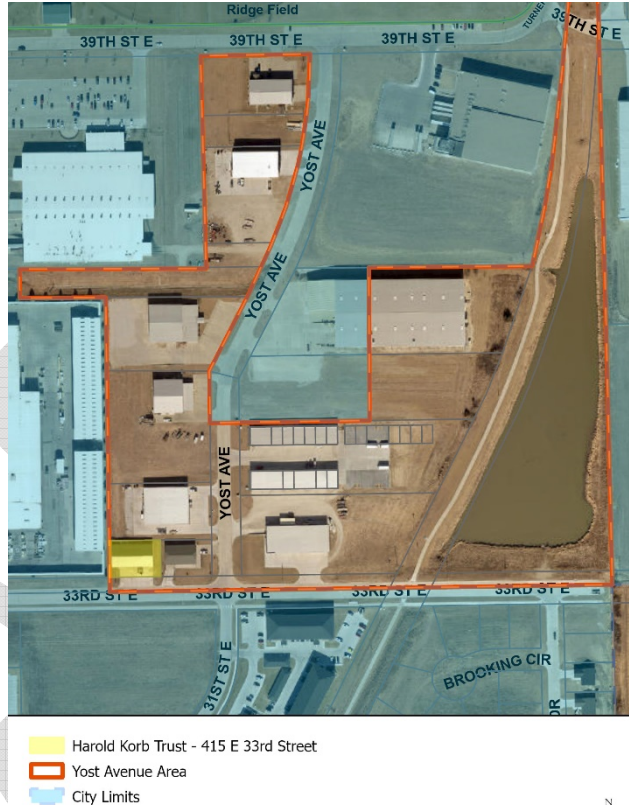
415 E 33rd Street
Approximately 200 Feet West of the Intersection
of East 33rd Street and Yost Avenue

Owner: Harold Korb Trust

Subject Site:

The subject site is a generally flat piece of land that is approximately .32 acres in area. The site consists of one industrial building located in the northwest corner of the site.

The properties to the south and west of the site are located within City limits. The properties generally along Yost Avenue are not in the City limits. This area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.
 - (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.

- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2020. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. Had the incremental annexation effort continued, the property would have begun the process in 2030, and the site would have been fully annexed in 2035. It has been 17 years since the date of the order, which would make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. 33rd Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the E. 33rd Street right-of-way that provides service to the site. The business is



connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has one large driveway onto E. 33rd Street, which is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$572.24, or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address		PID				
415 EAST 33RD STREET		#010019010				
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 33,856.00	\$ -	\$ 193,048.00	\$ 226,904.00	\$ 142,059.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 24.78	0.017446	\$ 24.78	0%
CRA		0.000000	\$ -	0.026000	\$ 36.94	100%
City		0.000000	\$ -	0.424342	\$ 602.82	100%
Community College		0.090272	\$ 128.24	0.090272	\$ 128.24	0%
County		0.423456	\$ 601.56	0.423456	\$ 601.56	0%
ESU 9		0.015000	\$ 21.31	0.015000	\$ 21.31	0%
Fire		0.038805	\$ 55.13	0.000000	\$ -	0%
Library		0.008717	\$ 12.38	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 31.27	0.022015	\$ 31.27	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 107.52	0.075686	\$ 107.52	0%
School Districts		0.708894	\$ 1,007.05	0.708894	\$ 1,007.05	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,989.24	1.803111	\$ 2,561.48	28.77%

500 E 39th St
Southwest of the Intersection of
East 39th Street and Yost Avenue

Owner: KBD Properties, LLC

Subject Site:

The subject site is a generally flat piece of land made up of two tracts of land that total approximately 1.66 acres in area. The site consists of one large industrial building generally located in the center of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

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- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2010. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2020 and the site would have been fully annexed in 2025. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the north, east, south, and west are currently zoned County I-2, Heavy Industrial District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue and E. 39th Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue and E. 39th Street rights-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

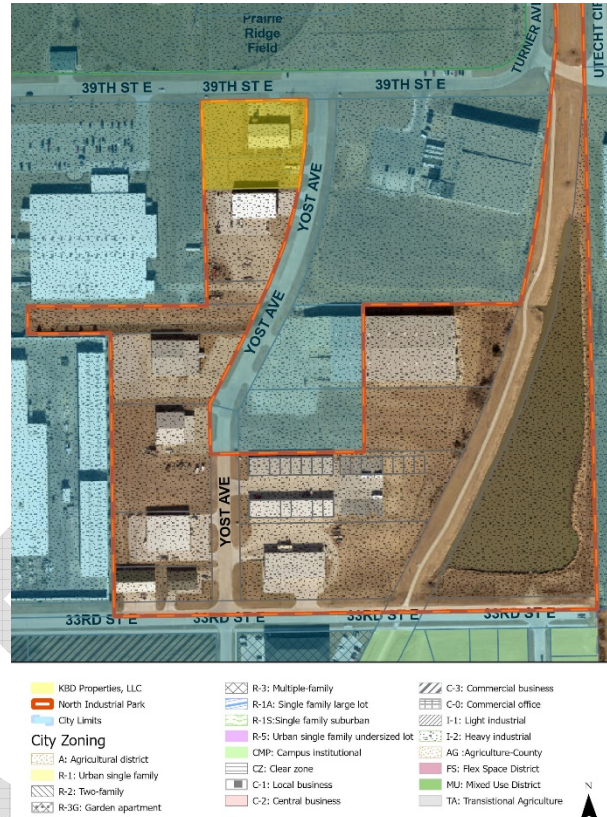
Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue and E. 39th Street by driveways leading to parking lots and garage bay. Yost Avenue and E. 39th Street are maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.



Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public rights-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial

park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. The building was constructed in 2010. The agreement also states that annexation can occur after 17 years from the signing of the document, which would be 2023.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,327.78 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property would have been partially annexed, starting in 2020 and completely annexed in 2025. It has also been 17 years since the signing of the agreement, which makes this site eligible for annexation. Following through with the annexation of the entire property at this time would generally fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
KBD Properties, LLC			10000126			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 64,757.00	\$ -	\$ 533,594.00	\$ 598,351.00	\$ 577,871.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 100.82	0.017446	\$ 100.82	0%
CRA		0.000000	\$ -	0.026000	\$ 150.25	100%
City		0.000000	\$ -	0.424342	\$ 2,452.15	100%
Community College		0.090272	\$ 521.66	0.090272	\$ 521.66	0%
County		0.423456	\$ 2,447.03	0.423456	\$ 2,447.03	0%
ESU 9		0.015000	\$ 86.68	0.015000	\$ 86.68	0%
Fire		0.038805	\$ 224.24	0.000000	\$ -	0%
Library		0.008717	\$ 50.37	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 127.22	0.022015	\$ 127.22	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 437.37	0.075686	\$ 437.37	0%
School Districts		0.708894	\$ 4,096.49	0.708894	\$ 4,096.49	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 8,091.88	1.803111	\$ 10,419.66	28.77%

3302 Yost Avenue – Jeremy Meyer
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

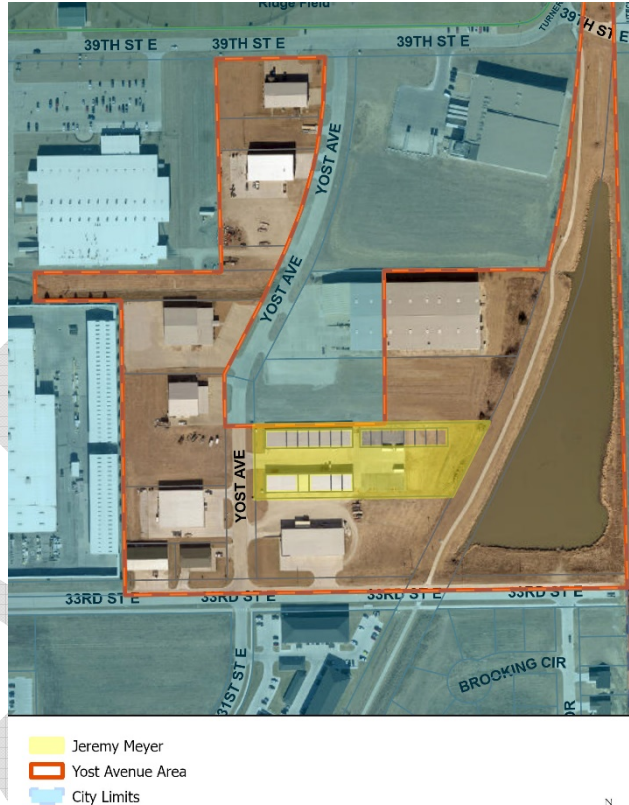
Owner: Jeremy Meyer

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

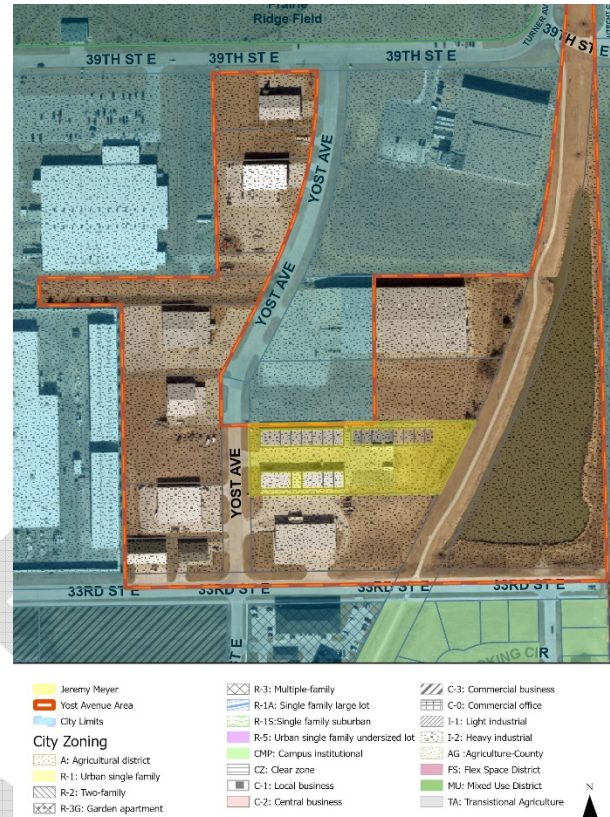
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$400.32, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
Jeremy Meyer			#010019215		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 3,630.00	\$ -	\$ 95,750.00	\$ 99,380.00	\$ 99,380.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 17.34	0.017446	\$ 17.34	0%
CRA	0.000000	\$ -	0.026000	\$ 25.84	100%
City	0.000000	\$ -	0.424342	\$ 421.71	100%
Community College	0.090272	\$ 89.71	0.090272	\$ 89.71	0%
County	0.423456	\$ 420.83	0.423456	\$ 420.83	0%
ESU 9	0.015000	\$ 14.91	0.015000	\$ 14.91	0%
Fire	0.038805	\$ 38.56	0.000000	\$ -	0%
Library	0.008717	\$ 8.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 21.88	0.022015	\$ 21.88	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 75.22	0.075686	\$ 75.22	0%
School Districts	0.708894	\$ 704.50	0.708894	\$ 704.50	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.400291	\$ 1,391.61	1.803111	\$ 1,791.93	28.77%

3302 Yost Avenue – HFX Motorsports, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

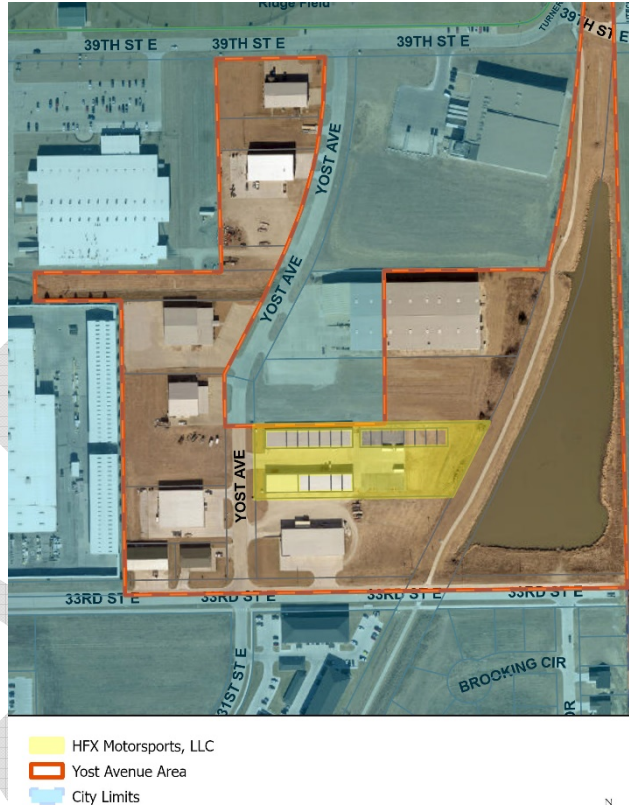
Owner: HFX Motorsports, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
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 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

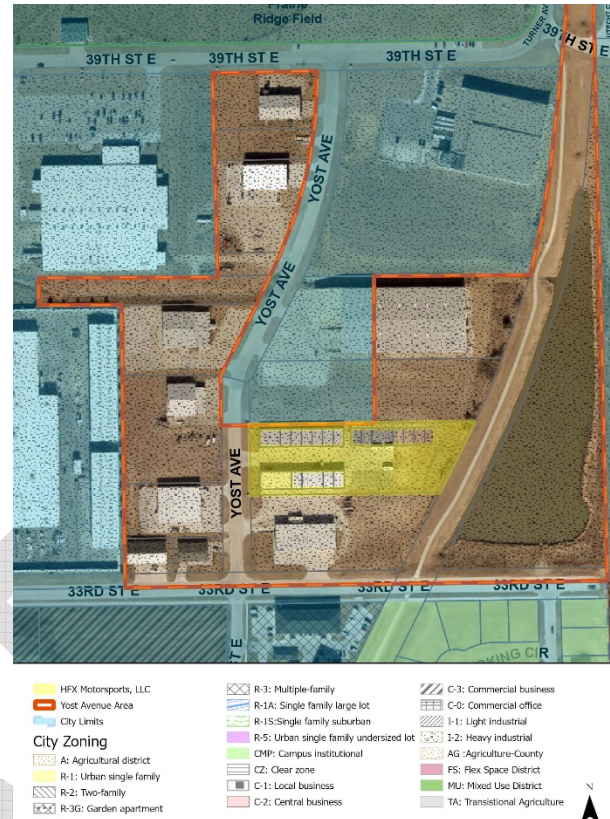
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$780.76, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
HFX Motorsports, LLC			#010019230		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 10,890.00	\$ -	\$ 182,933.00	\$ 193,823.00	\$ 193,823.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 33.81	0.017446	\$ 33.81	0%
CRA	0.000000	\$ -	0.026000	\$ 50.39	100%
City	0.000000	\$ -	0.424342	\$ 822.47	100%
Community College	0.090272	\$ 174.97	0.090272	\$ 174.97	0%
County	0.423456	\$ 820.76	0.423456	\$ 820.76	0%
ESU 9	0.015000	\$ 29.07	0.015000	\$ 29.07	0%
Fire	0.038805	\$ 75.21	0.000000	\$ -	0%
Library	0.008717	\$ 16.90	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 42.67	0.022015	\$ 42.67	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 146.70	0.075686	\$ 146.70	0%
School Districts	0.708894	\$ 1,374.00	0.708894	\$ 1,374.00	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.400291	\$ 2,714.09	1.803111	\$ 3,494.84	28.77%

3312 Yost Avenue – Griess Family Farms, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

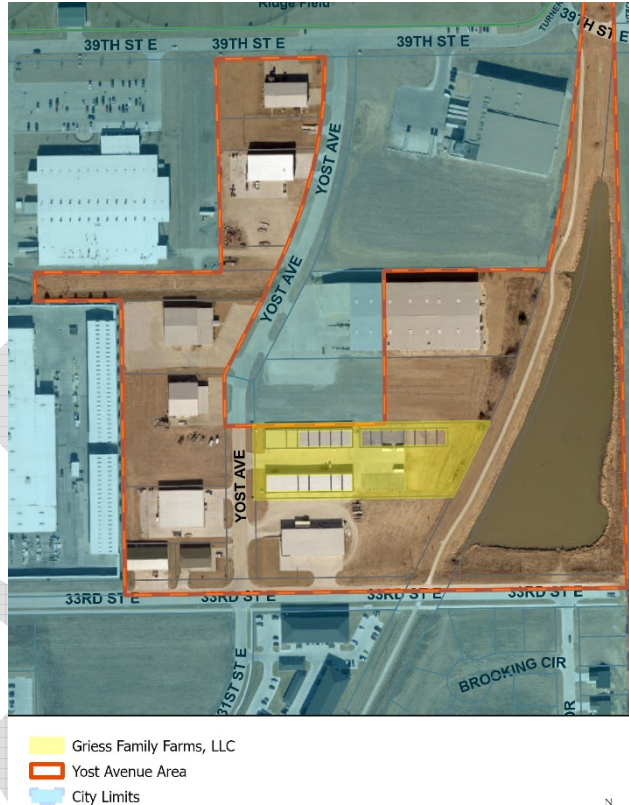
Owner: Greiss Family Farms, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns three stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

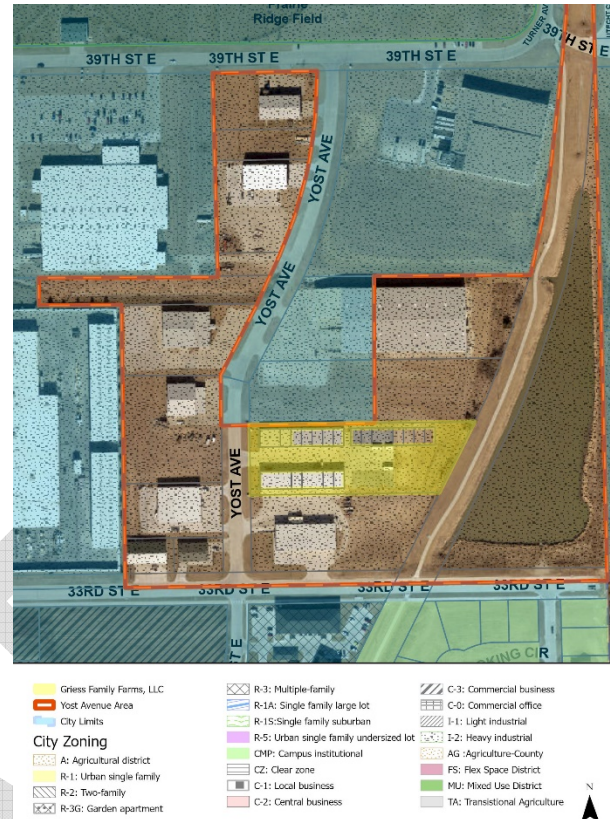
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$698.31, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Greiss Family Farms			#010019000			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 7,260.00	\$ -	\$ 166,096.00	\$ 173,356.00	\$ 173,356.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 30.24	0.017446	\$ 30.24	0%
CRA		0.000000	\$ -	0.026000	\$ 45.07	100%
City		0.000000	\$ -	0.424342	\$ 735.62	100%
Community College		0.090272	\$ 156.49	0.090272	\$ 156.49	0%
County		0.423456	\$ 734.09	0.423456	\$ 734.09	0%
ESU 9		0.015000	\$ 26.00	0.015000	\$ 26.00	0%
Fire		0.038805	\$ 67.27	0.000000	\$ -	0%
Library		0.008717	\$ 15.11	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 38.16	0.022015	\$ 38.16	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 131.21	0.075686	\$ 131.21	0%
School Districts		0.708894	\$ 1,228.91	0.708894	\$ 1,228.91	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,427.49	1.803111	\$ 3,125.80	28.77%

3310 Yost Avenue – Gibraitair Development, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

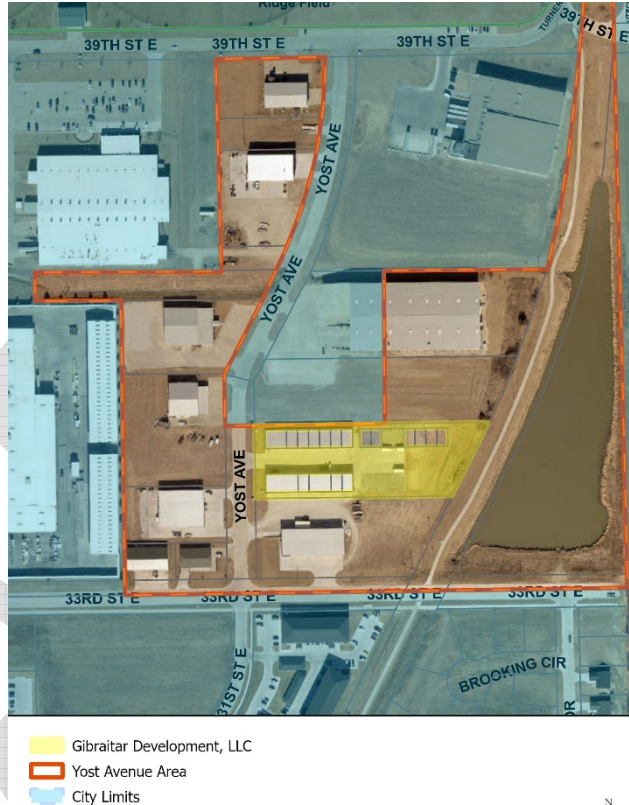
Owner: Gibraitair Development, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

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According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

City Zoning

Globalstar Development, LLC	R-3: Multiple-family	C-3: Commercial business
Yost Avenue Area	R-1A: Single family large lot	C-0: Commercial office
City Limits	R-1S: Single-family suburban	I-1: Light industrial
	R-5: Urban single family undersized lot	I-2: Heavy industrial
	CMP: Campus institutional	AG: Agriculture-County
	CZ: Clear zone	PS: Flex Space District
R-1: Urban single family	L-1: Local business	MU: Mixed Use District
R-2: Two-family	C-2: Central business	TA: Transitional Agriculture
R-3G: Garden apartment		

ver main is located in the Yost Avenue right-of-way

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33rd Street right-of-way. The property is a customer

for commercial property within the City limits

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Staff Recommendation

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Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Gibraltar Development, LLC			#010019383			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 6,300.00	\$ 264,671.00	\$ -	\$ 270,971.00	\$ 270,971.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 47.27	0.017446	\$ 47.27	0%
CRA		0.000000	\$ -	0.026000	\$ 70.45	100%
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Community College		0.090272	\$ 244.61	0.090272	\$ 244.61	0%
County		0.423456	\$ 1,147.44	0.423456	\$ 1,147.44	0%
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NRD 1 Upper Big Blue		0.022015	\$ 59.65	0.022015	\$ 59.65	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 205.09	0.075686	\$ 205.09	0%
School Districts		0.708894	\$ 1,920.90	0.708894	\$ 1,920.90	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 3,794.38	1.803111	\$ 4,885.91	28.77%

3304 Yost Avenue – Fox Run Taxidermy, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

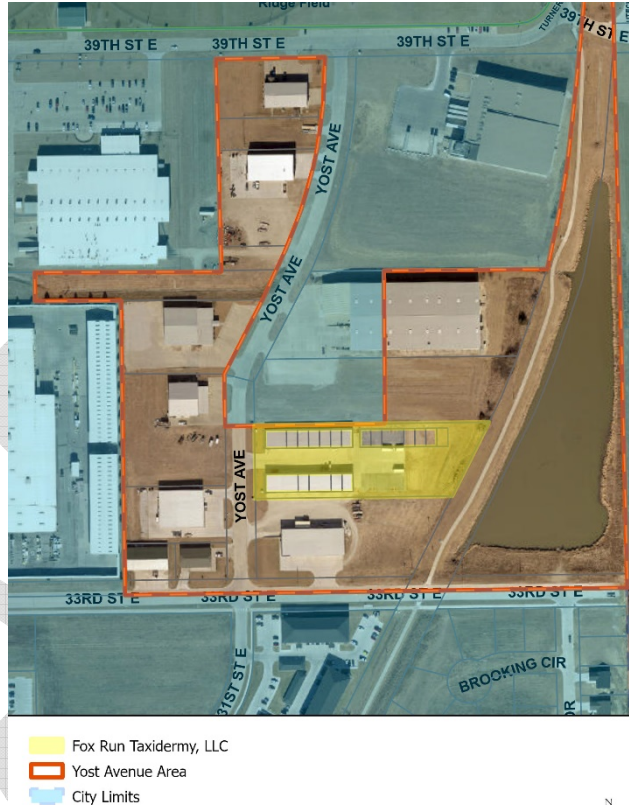
Owner: Fox Run Taxidermy, LLC

Subject Site:

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The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

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Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

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Public Utilities:

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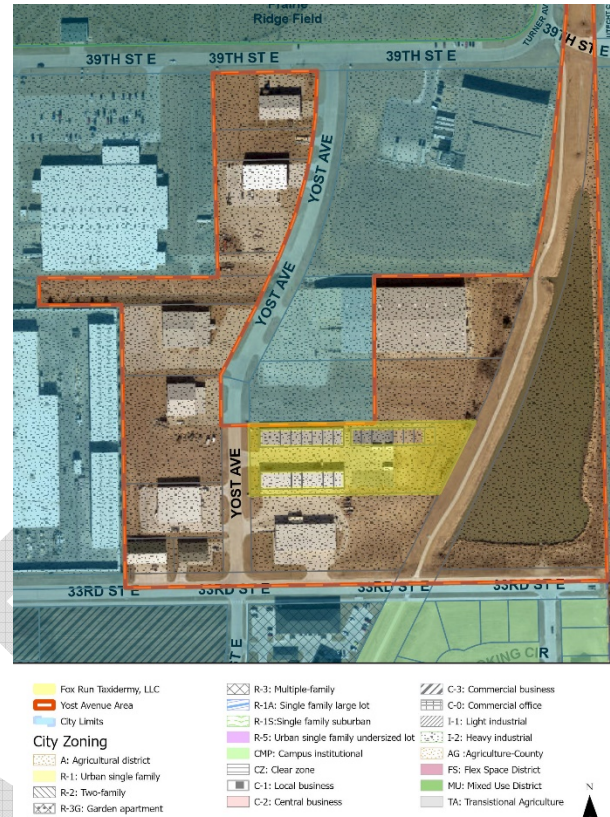
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The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$631.35, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
FOX RUN TAXIDERMY LLC			#010019426			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 153,103.00	\$ 156,733.00	\$ 156,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 27.34	0.017446	\$ 27.34	0%
CRA		0.000000	\$ -	0.026000	\$ 40.75	100%
City		0.000000	\$ -	0.424342	\$ 665.08	100%
Community College		0.090272	\$ 141.49	0.090272	\$ 141.49	0%
County		0.423456	\$ 663.70	0.423456	\$ 663.70	0%
ESU 9		0.015000	\$ 23.51	0.015000	\$ 23.51	0%
Fire		0.038805	\$ 60.82	0.000000	\$ -	0%
Library		0.008717	\$ 13.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 34.50	0.022015	\$ 34.50	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 118.62	0.075686	\$ 118.62	0%
School Districts		0.708894	\$ 1,111.07	0.708894	\$ 1,111.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,194.72	1.803111	\$ 2,826.07	28.77%

3401 Yost Avenue
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the West Side of Yost Avenue

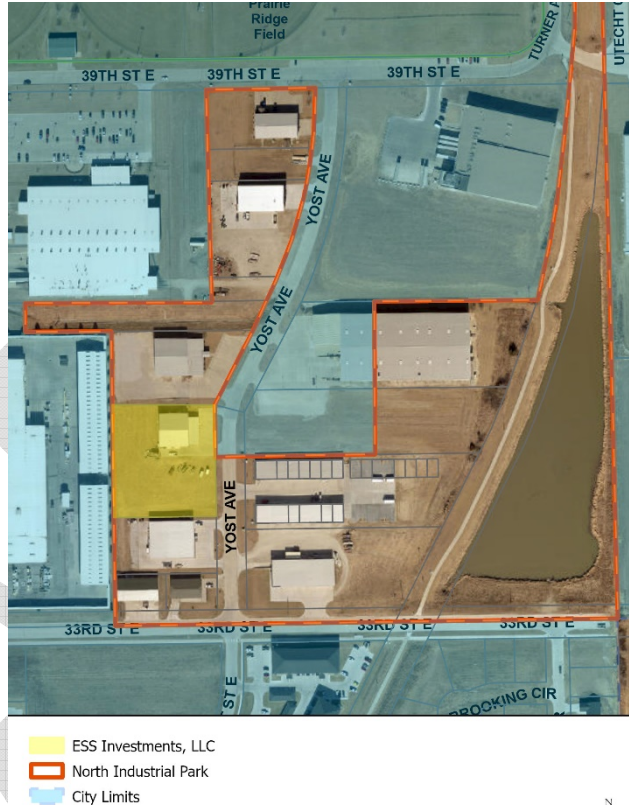
Owner: ESS Investments, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.97 acres in area. The site consists of one large industrial building generally located in the northeast of the site.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2010. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2020 and the site would have been fully annexed in 2025. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

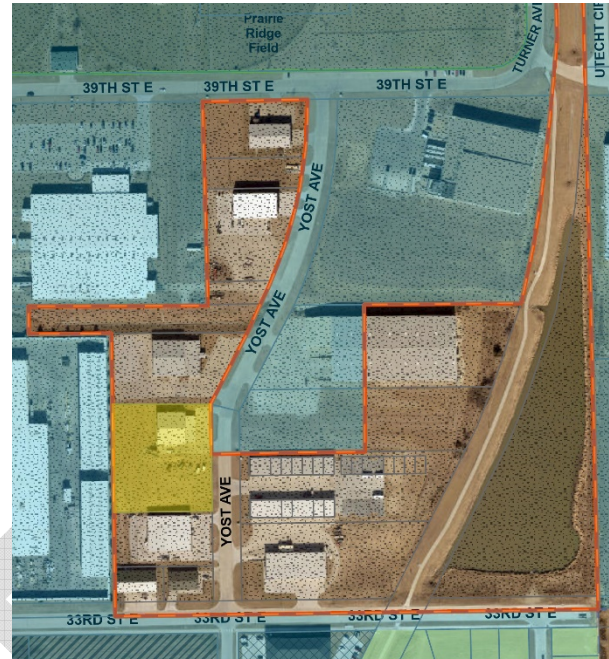
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a circular driveway that serves as a parking lot for the building as well as access to the building's overhead doors. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



ESS Investments, LLC	R-3: Multiple family	C-3: Commercial business
North Industrial Park	R-1A: Single family large lot	C-6: Commercial office
City Limits	R-1S: Single family suburban	I-1: Light Industrial
City Zoning	R-5: Urban single family undersized lot	I-2: Heavy Industrial
A: Agricultural district	CMP: Campus institutional	AG: Agriculture-Country
R-1: Urban single family	CZ: Clear zone	PS: Flex Space District
R-2: Two-family	C-1: Local business	MU: Mixed Use District
R-3G: Garden apartment	C-2: Central business	TA: Transitional Agriculture



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$2,505.71 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property would have been partially annexed, starting in 2020. Following through with the annexation of the entire property at this time would generally fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
ESS Investments LLC			#010017693			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 86,772.00	\$ -	\$ 422,317.00	\$ 509,089.00	\$ 509,089.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 88.82	0.017446	\$ 88.82	0%
CRA		0.000000	\$ -	0.026000	\$ 132.36	100%
City		0.000000	\$ -	0.424342	\$ 2,160.28	100%
Community College		0.090272	\$ 459.56	0.090272	\$ 459.56	0%
County		0.423456	\$ 2,155.77	0.423456	\$ 2,155.77	0%
ESU 9		0.015000	\$ 76.36	0.015000	\$ 76.36	0%
Fire		0.038805	\$ 197.55	0.000000	\$ -	0%
Library		0.008717	\$ 44.38	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 112.08	0.022015	\$ 112.08	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 385.31	0.075686	\$ 385.31	0%
School Districts		0.708894	\$ 3,608.90	0.708894	\$ 3,608.90	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 7,128.73	1.803111	\$ 9,179.44	28.77%

3310 Yost Avenue – DeWeese Implement Company, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: DeWeese Implement Company, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

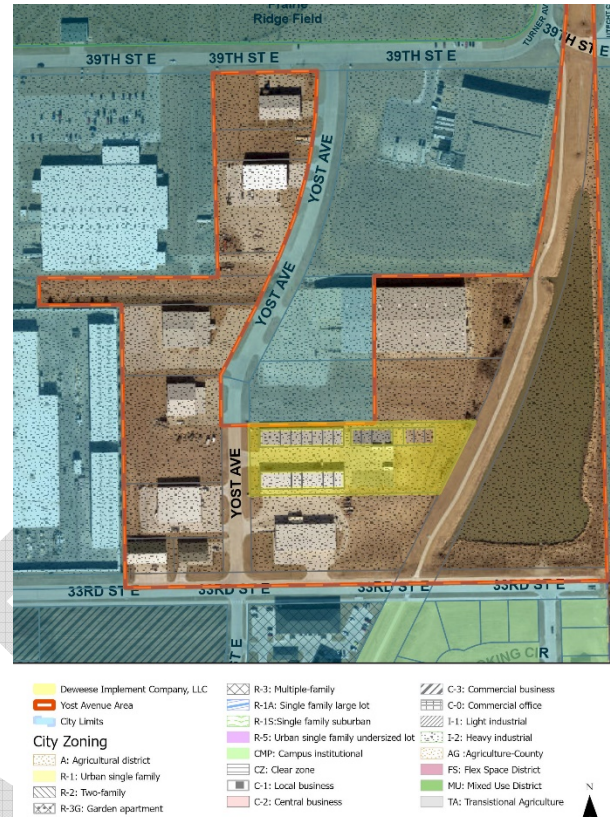
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$631.35, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
DeWeese Implement Company, LLC			#010019423			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 153,103.00	\$ 156,733.00	\$ 156,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 27.34	0.017446	\$ 27.34	0%
CRA		0.000000	\$ -	0.026000	\$ 40.75	100%
City		0.000000	\$ -	0.424342	\$ 665.08	100%
Community College		0.090272	\$ 141.49	0.090272	\$ 141.49	0%
County		0.423456	\$ 663.70	0.423456	\$ 663.70	0%
ESU 9		0.015000	\$ 23.51	0.015000	\$ 23.51	0%
Fire		0.038805	\$ 60.82	0.000000	\$ -	0%
Library		0.008717	\$ 13.66	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 34.50	0.022015	\$ 34.50	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 118.62	0.075686	\$ 118.62	0%
School Districts		0.708894	\$ 1,111.07	0.708894	\$ 1,111.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,194.72	1.803111	\$ 2,826.07	28.77%

3310 Yost Avenue – Daniel Spellman & Diana Acheson
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: Daniel Spellman & Diana Acheson

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns two stalls within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2022. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2032 and the site would have been fully annexed in 2037. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

City Zoning

Spellman & Asherson	R-3: Multiple-family	C-3: Commercial business
Yost Avenue Area	R-1A: Single family large lot	C-0: Commercial office
City Limits	R-1S: Single family suburban	I-1: Light industrial
R-5: Urban single family undersized lot	R-5: Urban single family undersized lot	I-2: Heavy industrial
A: Agricultural district	CMP: Campus institutional	AG: Agriculture-County
R-1: Urban single family	C2: Clear zone	FS: Fire Service District
R-2: Two-family	L-1: Local business	MU: Mixed Use District
R-3G: Garden apartment	C-2: Central business	TA: Transitional Agriculture

er main is located in the Yost Avenue right-of-way

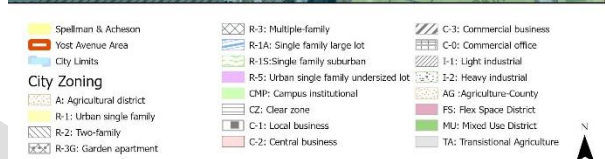
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33rd Street right-of-way. The property is a customer

or commercial property within the City limits.

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erprise and pays the standard rate for commercial



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$351.92, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Daniel Spellman & Diana Acheson			#010019421			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 83,733.00	\$ 87,363.00	\$ 87,363.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 15.24	0.017446	\$ 15.24	0%
CRA		0.000000	\$ -	0.026000	\$ 22.71	100%
City		0.000000	\$ -	0.424342	\$ 370.72	100%
Community College		0.090272	\$ 78.86	0.090272	\$ 78.86	0%
County		0.423456	\$ 369.94	0.423456	\$ 369.94	0%
ESU 9		0.015000	\$ 13.10	0.015000	\$ 13.10	0%
Fire		0.038805	\$ 33.90	0.000000	\$ -	0%
Library		0.008717	\$ 7.62	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 19.23	0.022015	\$ 19.23	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 66.12	0.075686	\$ 66.12	0%
School Districts		0.708894	\$ 619.31	0.708894	\$ 619.31	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,223.34	1.803111	\$ 1,575.25	28.77%
				\$	-	

3302 Yost Avenue – Bumgardner Rentals, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

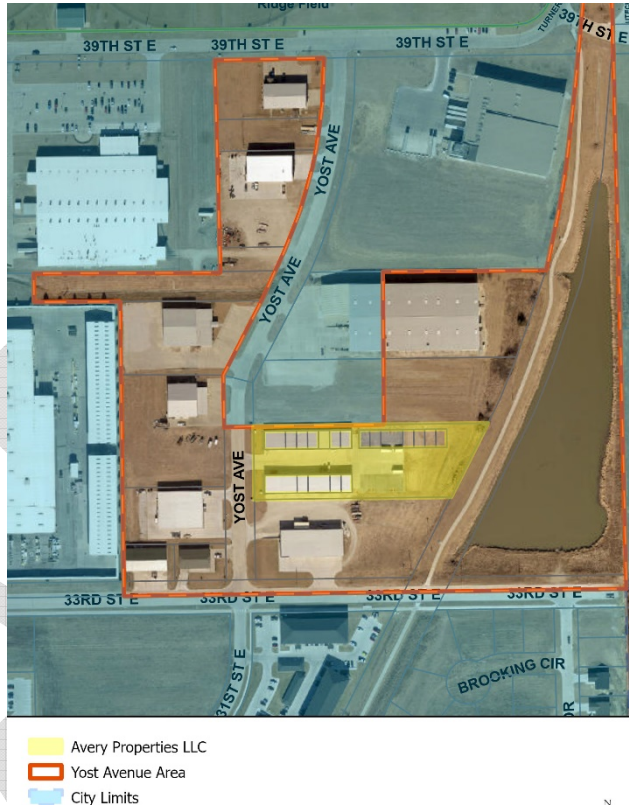
Owner: Bumgardner Rentals, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2018. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2028 and the site would have been fully annexed in 2033. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

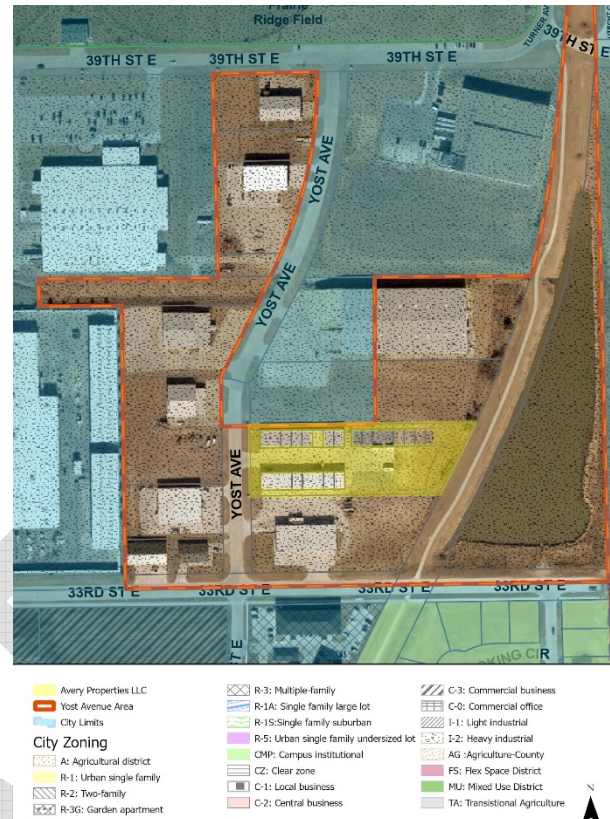
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

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Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$477.22, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Bumgardner Rentals, LLC			#010019160			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 7,260.00	\$ -	\$ 124,124.00	\$ 131,384.00	\$ 118,470.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 20.67	0.017446	\$ 20.67	0%
CRA		0.000000	\$ -	0.026000	\$ 30.80	100%
City		0.000000	\$ -	0.424342	\$ 502.72	100%
Community College		0.090272	\$ 106.95	0.090272	\$ 106.95	0%
County		0.423456	\$ 501.67	0.423456	\$ 501.67	0%
ESU 9		0.015000	\$ 17.77	0.015000	\$ 17.77	0%
Fire		0.038805	\$ 45.97	0.000000	\$ -	0%
Library		0.008717	\$ 10.33	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 26.08	0.022015	\$ 26.08	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 89.67	0.075686	\$ 89.67	0%
School Districts		0.708894	\$ 839.83	0.708894	\$ 839.83	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,658.92	1.803111	\$ 2,136.15	28.77%

3312 Yost Avenue – Avery Properties, LLC
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

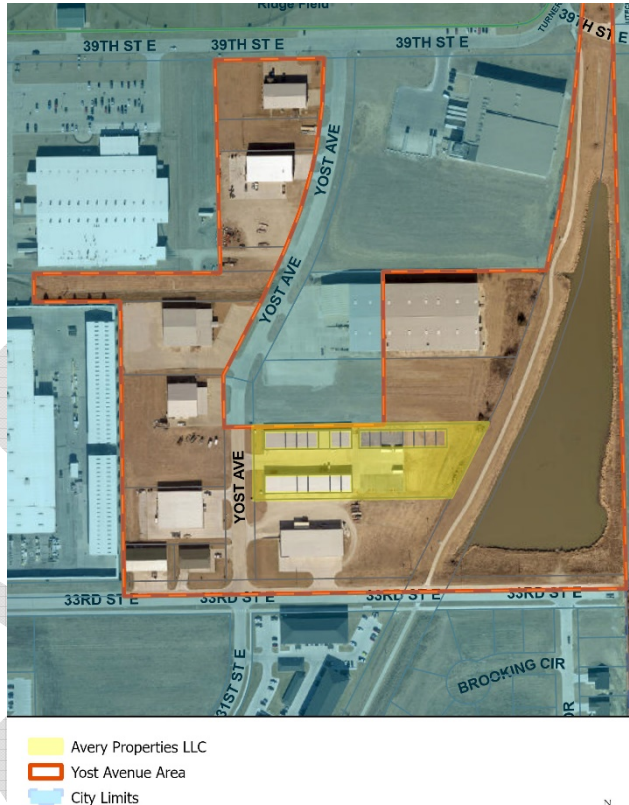
Owner: Avery Properties, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



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According to Adams County records and building permits, the building was established in 2018. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2028 and the site would have been fully annexed in 2033. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

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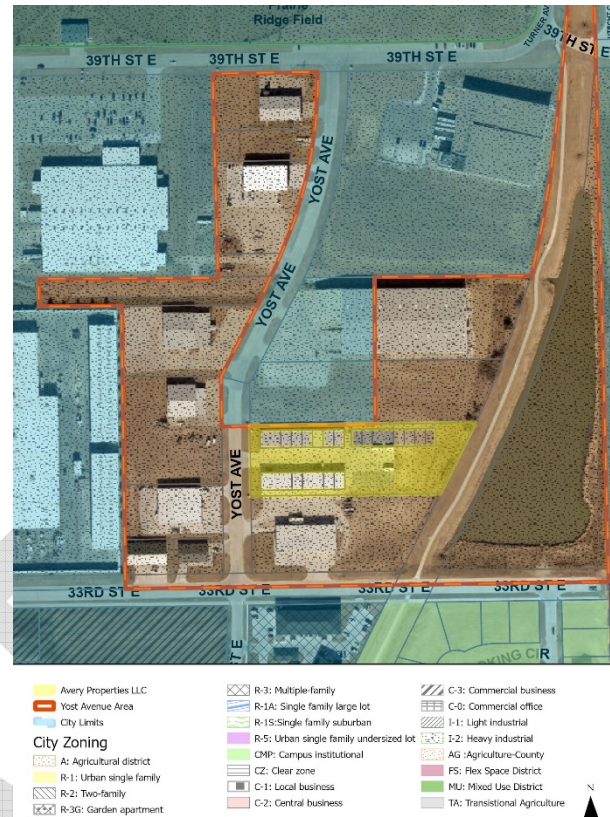
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Summary of Cost To Extend Services:

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Potential Tax Implications:

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The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$544.52, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
Avery Properties, LLC			#010019417			
Current Value Information						
Land Value		Dwelling Value	Improvement Value		Total Value	
\$	3,630.00	\$ -	\$	131,547.00	\$	135,177.00
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 23.58	0.017446	\$ 23.58	0%
CRA		0.000000	\$ -	0.026000	\$ 35.15	100%
City		0.000000	\$ -	0.424342	\$ 573.61	100%
Community College		0.090272	\$ 122.03	0.090272	\$ 122.03	0%
County		0.423456	\$ 572.42	0.423456	\$ 572.42	0%
ESU 9		0.015000	\$ 20.28	0.015000	\$ 20.28	0%
Fire		0.038805	\$ 52.46	0.000000	\$ -	0%
Library		0.008717	\$ 11.78	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 29.76	0.022015	\$ 29.76	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 102.31	0.075686	\$ 102.31	0%
School Districts		0.708894	\$ 958.26	0.708894	\$ 958.26	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,892.87	1.803111	\$ 2,437.39	28.77%

3302 Yost Avenue – William & Nicole Terrell
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: William & Nicole Terrell

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouses, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns one stall within the building.

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.

- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2016. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the mid-2010s. If the site was incrementally annexed, per the agreement, the first annexation would be in 2026 and the site would have been fully annexed in 2031. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

This aerial map shows the Ridge Field area in San Jose, California. The map is oriented with North at the top. A grid of streets is visible, including 39th St E running horizontally across the top, 33rd St E running horizontally across the bottom, and Yost Ave running vertically through the center. A large area is outlined in orange, and a specific building is highlighted in yellow. The map is labeled 'Ridge Field' at the top and '39TH ST E' and '33RD ST E' along the streets.

City Zoning

 William & Nicole Terrell	 R-3: Multiple-family	 C-3: Commercial business
 East Avenue Area	 R-1A: Single family large lot	 C-0: Commercial office
 City Limits	 R-1S: Single family suburban	 I-1: Light industrial
 A: Agricultural district	 R-5: Urban single family undersized lot	 S-2: Heavy industrial
 R-1: Urban single family	 CMP: Campus institutional	 AG: Agriculture-County
 R-2: Two-family	 CZ: Clear zone	 FS: Flex Space District
 R-3G: Garden apartment	 L-1: Local business	 MU: Mixed Use District
	 C-2: Central business	 TA: Transitional Agriculture

er main is located in the Yost Avenue right-of-way

ected to the City's sanitary sewer infrastructure and
rd commercial rate.

33rd Street right-of-way. The property is a customer

for commercial property within the City limits

or commercial property within the city limits.

the immediate area to provide electricity to the site

surprise and pays the standard rate for commercial

enterprise and pays the standard rate for commercial

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$301.04, or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
William & Nicole Terrell			#010019231			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 3,630.00	\$ -	\$ 71,103.00	\$ 74,733.00	\$ 74,733.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 13.04	0.017446	\$ 13.04	0%
CRA		0.000000	\$ -	0.026000	\$ 19.43	100%
City		0.000000	\$ -	0.424342	\$ 317.12	100%
Community College		0.090272	\$ 67.46	0.090272	\$ 67.46	0%
County		0.423456	\$ 316.46	0.423456	\$ 316.46	0%
ESU 9		0.015000	\$ 11.21	0.015000	\$ 11.21	0%
Fire		0.038805	\$ 29.00	0.000000	\$ -	0%
Library		0.008717	\$ 6.51	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 16.45	0.022015	\$ 16.45	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 56.56	0.075686	\$ 56.56	0%
School Districts		0.708894	\$ 529.78	0.708894	\$ 529.78	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 1,046.48	1.803111	\$ 1,347.52	28.77%

3302 Yost Avenue
Approximately 300 North of the Intersection of
East 33rd Street and Yost Avenue, on the East Side of Yost Avenue

Owner: 3300 Block, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.69 acres in area. The site consists of four warehouse, one of which is currently under construction. Each building has been divided into condominium ownership. The property owner currently owns the common land and four of the stalls within the building. (Note, the ownership of the condominium spaces may have changed).

The properties generally along Yost Avenue are not in the City limits. Properties surrounding this general area are within the corporate limits of Hastings.

The Yost Avenue area can be considered a donut hole in the corporate limits. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 2006. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.

The agreement between the County and City (attached) states:

- (A) No public roads, roadways, easements for roads, or other public rights of way shall be deemed to be within the boundaries of the County Industrial Area.
- (B) The real estate shall be subject to annexation in five annual increments, the first of which shall be eligible for annexation after the earlier of ten years after the development of the property or seventeen (17) years from the date of this order. If the annexation meets statutory criteria, annexation shall thereafter be accomplished as follows:
 - (i) In each of the five years, the City may annex 20% of the total value of the land and improvements within the County Industrial Area.
 - (ii) The value of each increment shall be determined by dividing the total value of the land and improvements within the County Industrial Area by five.
 - (iii) A metes and bounds survey shall be prepared for the purpose of physically describing each increment.



- (iv) During the month of January in each year during which an increment is to be annexed, the County Board shall release the parcel from the County Industrial Area.
- (C) The ability of the City to annex the tract shall apply to the entire tract included within the County Industrial Area, and no part of the tract shall be expected from the City's right to annex.
- (D) Upon annexation of each increment, said increment shall be considered one tax district within the City; the remaining parcels not yet annexed shall be considered as another separate tax district outside of the City.
- (E) Upon the initial annexation of any increment of the tract, the City will provide police and the protection to the entire County Industrial Area.

According to Adams County records and building permits, the building was established in 2018. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B) for some time but stopped in the 2010s. If the site was incrementally annexed, per the agreement, the first annexation would have been in 2028 and the site would have been fully annexed in 2033. It has been 17 years since the date of the order, which would generally make this property eligible for annexation.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0157C).

Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

The properties to the south, across E 33rd Street, are a mix of City C-3, Commercial Business District, City R-3 Multiple-Family Residential District, and City R-1, Single-Family Residential District. The residential-zoned properties are part of the Trail Ridge Neighborhood.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the Yost Avenue right-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located in the Yost Avenue right-of-way that provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

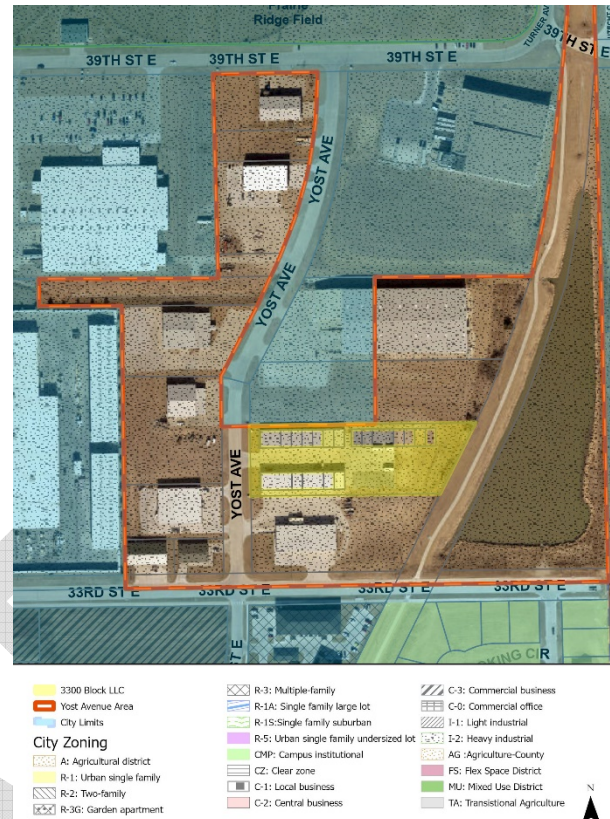
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

Public Safety – Per the 2006 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.



If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 2006 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Note: During the research for the annexation review, it was discovered that an error had occur in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result was that the County had begun assessing and levying property taxes on the property as if it was within City limits since that time. Following this discovery, the City and County have researched the issue and developed a path forward to fully reimburse the property for the excess tax bill. The City and County are in the process of meeting with the property owners to fully explain the situation and path forward.

The attached spreadsheet showing the tax implications is for the present year, as if the property was not within the City.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property and its neighbors are surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 2006 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least since 2006. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 2006. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, as stated in the agreement. Sometime in the mid-2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 17 years since the agreement was created, making the area eligible for annexation per Item B of the agreement.

The property owner's tax assessment for the property is anticipated to increase by approximately \$801.13 or 28.77%, based on the 2023-2023 valuation. The reality is that that property owner had been paying property taxes to the City, due to the error previously discussed. These taxes are being reimbursed by the City to correct the situation.

Staff Recommendation

Per the agreement, this property was to be annexed in 2023, as it has been 17 years since the agreement was completed. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
3300 Block, LLC			#010017692		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$ 84,104.00	\$ -	\$ 106,859.00	\$ 190,963.00	\$ 198,880.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 34.70	0.017446	\$ 34.70	0%
CRA	0.000000	\$ -	0.026000	\$ 51.71	100%
City	0.000000	\$ -	0.424342	\$ 843.93	100%
Community College	0.090272	\$ 179.53	0.090272	\$ 179.53	0%
County	0.423456	\$ 842.17	0.423456	\$ 842.17	0%
ESU 9	0.015000	\$ 29.83	0.015000	\$ 29.83	0%
Fire	0.038805	\$ 77.18	0.000000	\$ -	0%
Library	0.008717	\$ 17.34	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 43.78	0.022015	\$ 43.78	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 150.52	0.075686	\$ 150.52	0%
School Districts	0.708894	\$ 1,409.85	0.708894	\$ 1,409.85	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.400291	\$ 2,784.90	1.803111	\$ 3,586.03	28.77%