

**HASTINGS CITY COUNCIL
WORKSESSION AGENDA**

**Hastings Public Library
314 N. Denver Avenue
October 16, 2023
5:30 PM**

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MOTION TO ADOPT CURRENT AGENDA for October 16, 2023 Worksession.

PUBLIC NOTICE - Official Notice of the Worksession was published in the Hastings Tribune on Friday, October 13, 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 available. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

DISCUSSION ITEMS

1. Discussion on annexation.
2. Discussion on City Council mission, vision and norms.

ADJOURN:

The Mayor and City Council reserve the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the Mayor and City Council to take up the items on the agenda in sequential order. However, the Mayor and City Council reserve the right to take up matters in a different order to accommodate the schedules of the city council members, person having items on the agenda, and the public.

Worksession meetings are intended to allow for communication and discussion amongst the elected officials. At the prerogative of the presiding officer of the worksession, city staff, consultants or citizens may be requested or allowed to address specific items on the worksession agenda.

Staff Memorandum



To: Hastings City Council

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

Date: October 10, 2023

Meeting Date: October 16, 2023

Re: Work Session to Discuss Annexation Review Project

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 identified 42 separate properties within four areas of the City to be considered for this round of reviews. The four areas are areas: along E. 26th Street and N. 2nd Avenue, the Industrial Park West Area, Industrial Park North, and the east industrial area along U.S. Highway 6, and Showboat Boulevard.

If the review proceeds to a recommendation to annex, 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. The Planning Commission also held work sessions on September 5th, September 19th, and October 3rd to go over the efforts that City staff has made to review these areas and to get comments from the property owners. A complete list and meeting minutes of the neighborhood meetings and work sessions are attached.

This City Council work session is intended to discuss the annexation review process and also generally discuss the four areas and 42 properties.

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 have 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 42 properties is attached.

East 26th Street and North 2nd Avenue

This area consists of eight separate properties. Generally speaking, these eight properties are single-family homes with some level of agricultural production or undeveloped land that is being row-cropped. One property is owned by the City and is a future expansion area of the City's Parkview Cemetery. Properties have a mix of services, including water, sanitary sewer, electricity, and gas. All of the properties gain access from roads that are maintained by the City.

Industrial Park West Area

This area includes three properties within the Industrial Park West subdivision and one additional property at the end of L Street. The properties in the industrial park were designated as a County Industrial Area in 1987. As part of this designation, an agreement between the City, County, the Hastings Economic Development Corporation (HEDC), and property owners outlined when a property within this area could be annexed into the City. This agreement also outlined how the City would serve these properties over the years. Most of the properties were annexed, per the terms of the agreement. However, in 2015, the annexation of these remaining properties stopped because the County determined that how the properties were being incrementally annexed and assessed City taxes was inappropriate.

The fourth property is not within the County Industrial Area. This area has been on the edge of the City limits and has not previously been considered for annexation.

All four properties are served by the City utility services and streets or have access to public utilities.

Industrial Park North

The Industrial Park North area includes 27 properties. In 2006, this area was also designated as a County Industrial Area. A similar agreement between the City, County, HEDC, and the property owners was created ahead of the designation. The annexation of this area was also impacted by the County's determination that the incremental annexation and assessment of City taxes was inappropriate. The effort to annex this area stopped at that time.

All properties in this area are customers of Hastings Utilities and gain access to a public street that is maintained by the City.

East Industrial Area along U.S. Highway 6 and South Showboat Boulevard

This area, generally located along U.S. Highway 6 and S. Showboat Boulevard, consists of eight property owners. In 1967, this area was designated as a County Industrial Area. However, unlike the other two designated County Industrial Areas, no such agreement between the property owners, City, County, and HEDC was created. Because of the lack of an agreement, Nebraska Revised Statute 13-1115 prohibits the City from annexing this County Industrial Area, unless the County or the property owners agree to have the land un-designated and to allow for the

annexation. Because of this fact, this area will no longer be considered for annexation, unless the situation changes.

Summary

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 City Council.

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annexation. Because of this fact, this area will no longer be considered for annexation, unless the situation changes.

Summary

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 City Council.

Approximately 2400 feet south of the Intersection of E. 26th Street and N. 2nd Avenue

Owner: Colleen Hohlen Trust

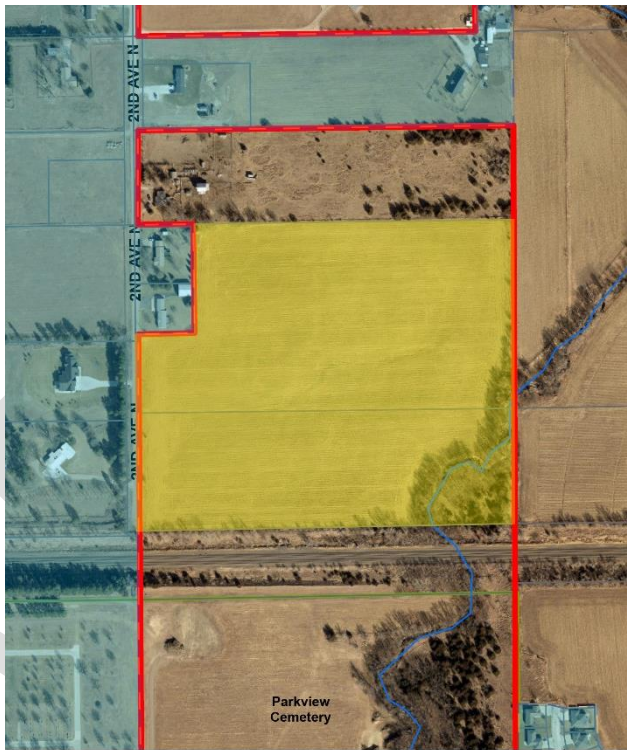
Subject Site:

The subject site consists of two large pieces of land that is approximately 30.7 acres in area. The north tract is approximately 18.3 acres in area. The south tract is roughly 12.4 acres. The site is used for row crop agriculture. No buildings are present on the site.

Properties to the north, east, and south are in rural Adams County. Properties to the west are located in the City. This includes two single-family homes immediately adjacent to the property on the east side of N. 2nd Avenue.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The eastern edge of both tracts is located in FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain), and the mapped Floodway (Map Panel # 31001C0176C). The special flood hazard area encompasses roughly 15% of the site.



- Colleen Hohlen Trust
- E. 26th St & N. 2nd Ave Area
- City Limits



Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1A, Lot Lot Single-Family Residential District.

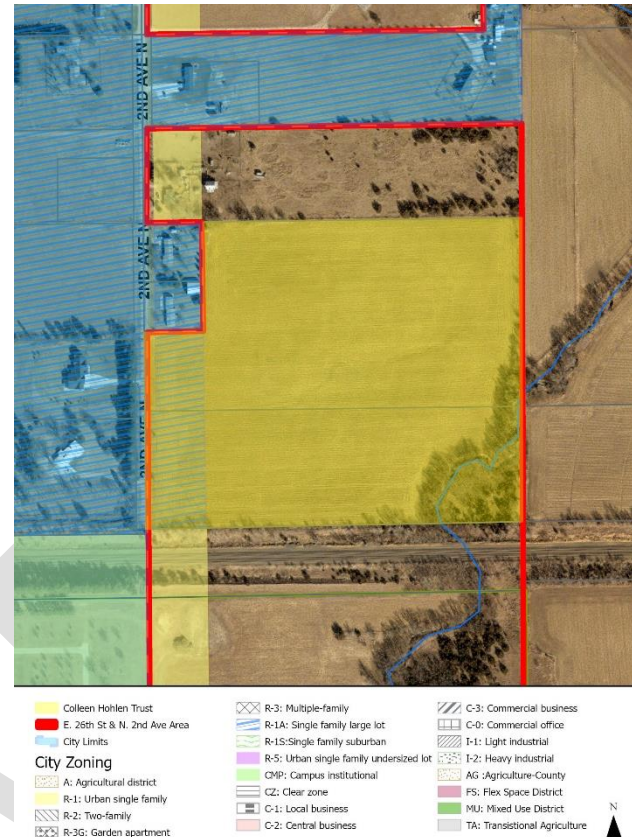
The properties to the north are zoned County A District and City R-1A, Large Lot Single-Family Residential District.

The adjacent properties to the east are zoned County A, Agricultural District.

To the south, the land is zoned City R-1A District, County A District, and County A District.

To the west, adjacent to the property and also across N. 2nd Avenue is land zoned City R-1A District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is an 8-inch water main adjacent to the site in the N. 2nd Avenue right-of-way that could serve the site. The land is currently not connected to the City's water infrastructure. Being that the land is presently being used for dryland row crop production, no water service is needed

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. Hastings Utilities would determine the appropriate connection rate based on the development type and area of development on the site.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may change in the future, based on City policy updates.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer in the N. 2nd Avenue right-of-way. The land is currently not connected to the City's infrastructure. Being that the land is presently being used for dryland row crop production, no sanitary sewer service is needed.

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. Hastings Utilities would determine the appropriate connection rate based on the development type and area of development on the site.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may change in the future, based on City policy updates.

Gas – A Hastings Utilities’ gas line is located to the west of the property on the west side of N. 2nd Avenue. The property is not currently a customer of that utility enterprise.

Electricity - Hastings Utilities’ has electrical service in the immediate area to provide electricity to the site. The property is not currently a customer of that utility enterprise.

Access to Public Roads – The site can gain access onto N. 2nd Avenue, a gravel road. North 2nd Avenue is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to City sanitary sewer, electricity, and gas. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department’s service area and response times to the site would be within the acceptable times established by the departments. 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 for agriculture production. There are no buildings or developments on the site. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped.

The property is next to properties or 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. Public utilities are in the immediate area to serve the site if requested. 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.

The property owner's tax assessment is anticipated to increase by approximately \$210 or 20.59%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is being used for agricultural production in the County A District. The use of the site does not require any public utilities. Because utilities are in the immediate area, the property could be served by public utilities, if requested.

The area is on the eastern edge of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site along E. 26th Street and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions that would be adjacent to similar subdivisions rather than be at the end of a dead-end gravel road.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that this property not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID			
TL23			#010003870			
Current Value Information						
Land Value		Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$	56,366.00	\$ -	\$ -	\$ 56,366.00	\$	52,241.00
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 9.11	0.017446	\$ 9.11	0%
CRA		0.000000	\$ -	0.026000	\$ 13.58	100%
City		0.000000	\$ -	0.424342	\$ 221.68	100%
Community College		0.090272	\$ 47.16	0.090272	\$ 47.16	0%
County		0.423456	\$ 221.22	0.423456	\$ 221.22	0%
ESU 9		0.015000	\$ 7.84	0.015000	\$ 7.84	0%
Fire		0.038805	\$ 20.27	0.000000	\$ -	0%
Library		0.008717	\$ 4.55	0.000000	\$ -	0%
NRD 2 Little Big Blue		0.020621	\$ 10.77	0.020621	\$ 10.77	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 104.48	0.200000	\$ 104.48	0%
School Districts		1.142000	\$ 596.59	1.142000	\$ 596.59	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.956317	\$ 1,022.00	2.359137	\$ 1,232.44	20.59%

765 E. 26th Street
Northeast of the Intersection of
E. 26th Street and N. Elm Lane

Owner: Sharlene K. Dyer

Subject Site:

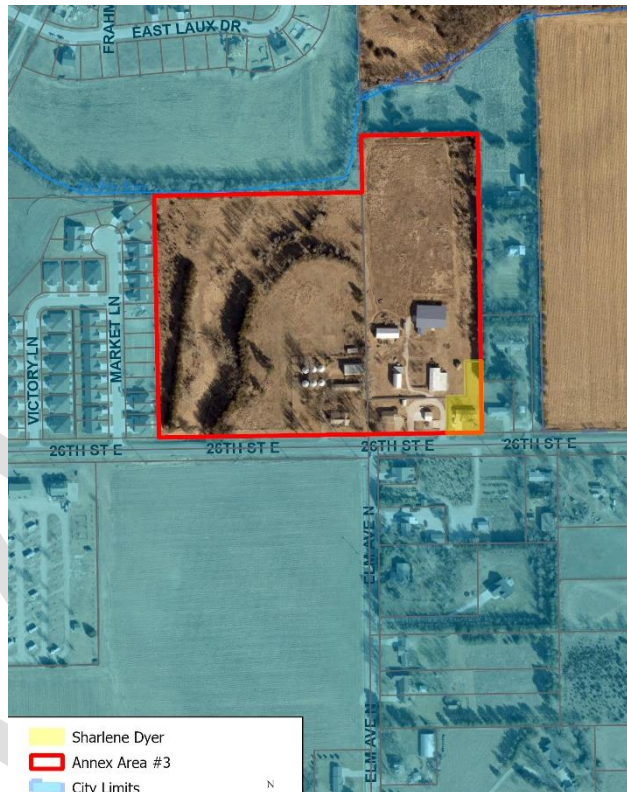
The subject site is a generally flat piece of land that is approximately 0.50 acres in area. The property is a single-family home with a footprint of approximately 2,000 square feet that includes a detached garage.

Properties to the immediate south and east are located within the City limits. Immediate properties in the general area to the north and west are outside of the City limits.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0176C).

The site is within the Adams Central Public Schools District.



Zoning: The site is currently zoned County A, Agricultural District.

The properties to the north are zoned County A district, and City A, Agricultural District.

The adjacent properties to the east are zoned City, R-1A, Single-Family Large Lot Residential District, and City A, Agricultural District. Further to the east of these properties is land zoned County A District.

To the south, across E 26th Street are properties zoned City R-1, Urban Single-Family Residential District, and City R-1A District.

To the west is land zoned County A District, and a newer subdivision zoned City R-3, Multiple-Family Residential District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.

Public Utilities:

Water – There is a 10-inch water main adjacent to the site on the south side of the E. 26th Street right-of-way that serves the site. The home is connected to the City’s water infrastructure and is a current customer of the City’s utility.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located on the south side of E. 26th Street and provides service to the site. The home is connected to the City’s sanitary sewer infrastructure and is currently a customer of the City’s utility.

Gas – A Hastings Utilities’ gas line is located to the south of the property on E. 26th Street. The property is a customer of that utility enterprise and pays the standard rate for a 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 property within the City limits.

Access to Public Roads – The site has one driveway onto E. 26th Street. East 26th Street is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire



incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to these utilities. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. 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 a single-family home and generally 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 A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The property is surrounded by properties or 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.

The property owner's tax assessment is anticipated to increase by approximately \$628 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utilities water, sanitary sewer, gas, and electrical services to the property.

The area can be considered a donut hole within the corporate limits, although less than 250 feet from the east property line is properties outside of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if existing private water wells and septic systems were to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

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 not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

DRAFT

DRAFT

Property Address			PID		
DYER SHARLENE K			#010000152		
Current Value Information					
		Improvement		Net Taxable	
Land Value	Dwelling Value	Value	Total Value	Value	
\$23,460	\$ 118,708.00	\$ -	\$142,168	\$ 155,856.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 27.19	0.017446	\$ 27.19	0%
CRA	0.000000	\$ -	0.026000	\$ 40.52	100%
City	0.000000	\$ -	0.424342	\$ 661.36	100%
Community College	0.090272	\$ 140.69	0.090272	\$ 140.69	0%
County	0.423456	\$ 659.98	0.423456	\$ 659.98	0%
ESU 9	0.015000	\$ 23.38	0.015000	\$ 23.38	0%
Fire	0.038805	\$ 60.48	0.000000	\$ -	0%
Library	0.008717	\$ 13.59		\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 34.31	0.022015	\$ 34.31	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 117.96	0.075686	\$ 117.96	0%
School Districts	0.708894	\$ 1,104.85	0.708894	\$ 1,104.85	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.400291	\$ 2,182.44	1.803111	\$ 2,810.26	28.77%

**750 E. 26th Street
Northeast of the Intersection of
E. 26th Street and N. Elm Lane**

Owner: Jon and Pamela Petersen

Subject Site:

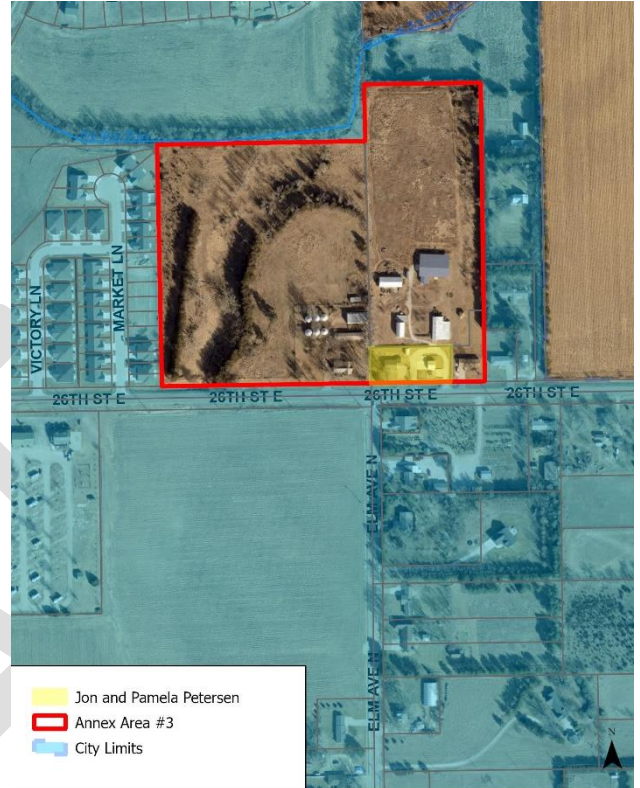
The subject site is a generally flat piece of land that is approximately 0.81 acres in area. The property has a single-family home on it with a footprint of approximately 1,700 square feet and a couple of accessory buildings. The accessory buildings are a total of roughly 1,000 square feet in area.

Properties to the immediate south are located within the City limits. Properties in the general area to the east, north, and west are within the City limits.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0176C).

The site is within the Adams Central Public Schools District.



Zoning: The site is currently zoned County A, Agricultural District.

The properties to the north are zoned County A district, and City R-1, Urban Single-Family Residential District.

The adjacent properties to the east are zoned County A District, City A, Agricultural District, and R-1A, Large Lot Single-Family Residential District. Further to the east of these properties is land zoned County A District.

To the south, across E 26th Street are properties zoned City R-1 District and City R-1A District.

To the west is land zoned County A District, and a newer subdivision zoned City R-3, Multiple-Family Residential District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is a 10-inch water main adjacent to the site on the south side of the E. 26th Street right-of-way that could serve the site. The use is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$5,400.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located on the south side of E. 26th Street and could provide service to the site. Because of the ridgeline generally at N. Elm Avenue, the connection to the sewer line would need to be appropriately engineered. The buildings are currently served by a private septic system.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

The Outside of District connection rate would apply if the property owners were to connect to the adjacent City sanitary sewer main, regardless of being annexed. This rate would be applied at \$34.00 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$4,800.

If the property remains outside of the City limits, the fee to connect to the City service is \$51.00 per linear foot of property frontage. This rate may change in the future, based on City policy updates.

Gas – A Hastings Utilities' gas line is located to the south of the property on E. 26th Street. The property is a customer of that utility enterprise and pays the standard rate for a 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 property within the City limits.

Access to Public Roads – The site has three driveways onto E. 26th Street. The west driveway leads to an attached garage associated with the house. The other two driveways create a circle driveway to the accessory structures. The property to the north utilizes this circle driveway for access to the property. East 26th Street is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area and no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. 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 appears to be single-family and generally 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 A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1, Single-Family Large Lot Residential District to better align with the single-family home.

The property is surrounded by properties or 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 gas and electricity from Hastings Utilities. Sanitary sewer and water are in the immediate area and can serve the site and existing use with no need to extend or upsize public mains. 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.

The property owner's tax assessment is anticipated to increase by approximately \$706 or 28.77%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the A District. The residents of the home and the agricultural buildings are served by private sanitary sewer and water. Hastings Utilities provides gas and electrical services to the property.

The area can be considered a donut hole within the corporate limits, although less than 400 feet from the east property line is properties outside of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if existing private water wells and septic systems were

to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

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 not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

DRAFT

Property Address			PID			
PETERSEN JON R & PAMELA S			#010000153			
Current Value Information						
		Improvement		Net Taxable		
Land Value	Dwelling Value	Value	Total Value	Value		
\$23,000	\$ 117,881.00	\$ 11,750.00	\$152,631	\$ 175,019.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 30.53	0.017446	\$ 30.53	0%
CRA		0.000000	\$ -	0.026000	\$ 45.50	100%
City		0.000000	\$ -	0.424342	\$ 742.68	100%
Community College		0.090272	\$ 157.99	0.090272	\$ 157.99	0%
County		0.423456	\$ 741.13	0.423456	\$ 741.13	0%
ESU 9		0.015000	\$ 26.25	0.015000	\$ 26.25	0%
Fire		0.038805	\$ 67.92	0.000000	\$ -	0%
Library		0.008717	\$ 15.26	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.022015	\$ 38.53	0.022015	\$ 38.53	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 132.46	0.075686	\$ 132.46	0%
School Districts		0.708894	\$ 1,240.70	0.708894	\$ 1,240.70	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 2,450.78	1.803111	\$ 3,155.79	28.77%

2150 N. 2nd Avenue
Approximately 950 feet of the Intersection of
E. 26th Street and N. 2nd Avenue

Owner: James Berck, Et Al

Subject Site:

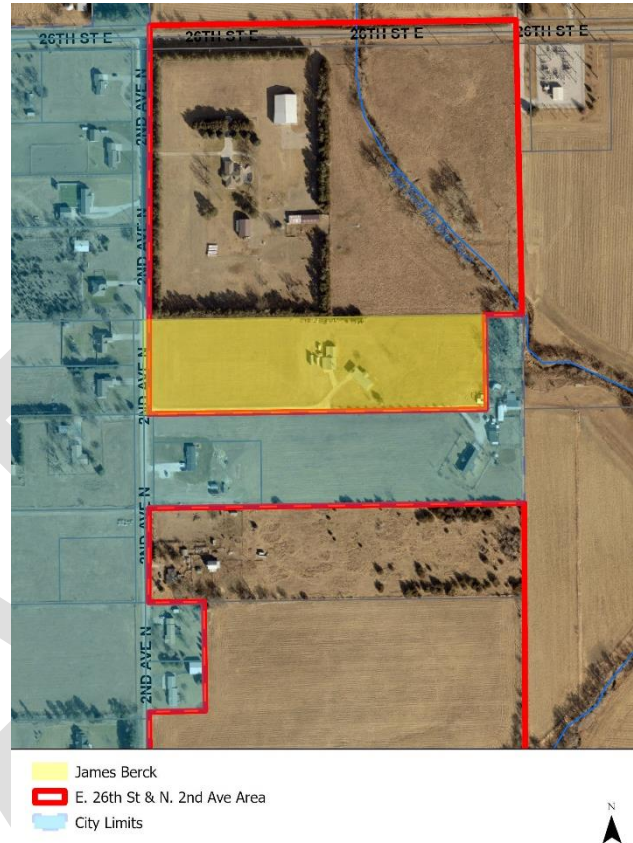
The subject site is a large piece of that is approximately 9.11 acres in area. On the property is a single-family home and a detached accessory building. The home has a footprint of approximately 3,600 square feet. The detached building has a footprint of approximately 3,600 square feet.

Properties to the north are located outside of the City limits. The property to the immediate south is uniquely shaped, with a “panhandle” that extends to the east of the subject site. This property is located in the City limits. Properties beyond this neighboring panhandle are in rural Adams County. Properties further to the south are outside of the City limits. Properties to the west are located in the City.

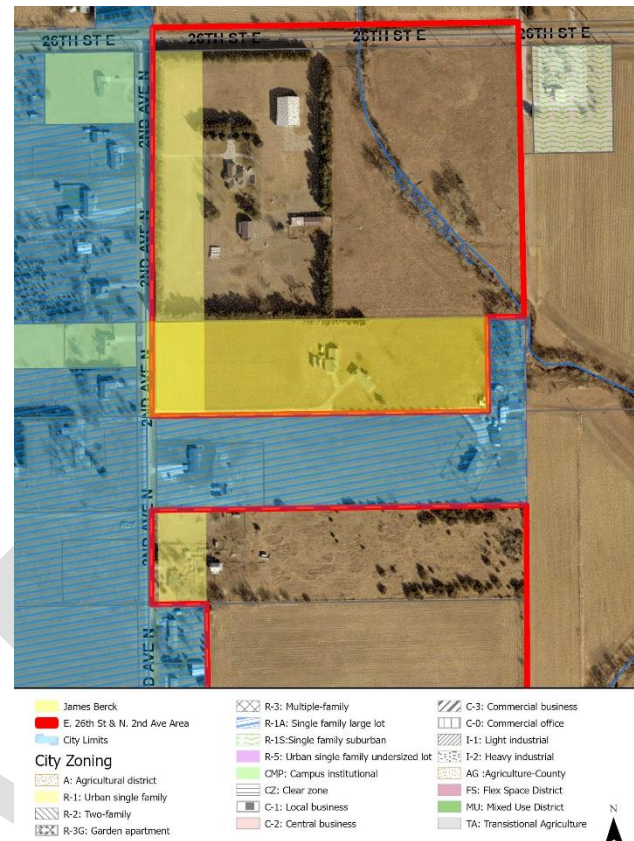
The site is within the Hastings Public Schools District.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The extreme east edge of this tract is in the FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain), and FEMA Floodway. The pasture land (east tract) is in the FEMA Zone AE and Floodway (Map Panel # 31001C0176C). The mapped flood hazard areas make up less than a quarter of an acre.



To the west, across N. 2nd Avenue is land zoned City R-1A District.



The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.

Public Utilities:

Water – There is an 8-inch water main adjacent to the site in the N. 2nd Avenue right-of-way that could serve the site. The land is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$12,700.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may change in the future, based on City policy updates.

Sanitary Sewer – A 30-inch gravity flow sanitary sewer main runs diagonally across the property to the north. The home is connected to this City’s sanitary sewer infrastructure and is currently a customer of the City’s utility.

Gas – A Hastings Utilities’ gas line is located to the west of the property on the west side of N. 2nd Avenue. The property is a customer of that utility enterprise and pays the standard rate for a 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 property within the City limits.

Access to Public Roads – The site has one driveway onto N. 2nd Avenue, a gravel road. North 2nd Avenue is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to City sanitary sewer, electricity, and gas. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department’s service area and response times to the site would be within the acceptable times established by the departments. 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 a single-family and generally 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 A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The property is next to properties or 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.

The property owner's tax assessment is anticipated to increase by approximately \$1,379 or 20.59%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utilities sanitary sewer, gas, and electrical services to the property. The home is on a private well for water.

The area is on the eastern edge of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site along E. 26th Street and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if the existing private water well was to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that this property not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision

Property Address			PID			
BERCK JAMES W ETAL			#010003866			
Current Value Information						
		Improvement		Net Taxable		
Land Value	Dwelling Value	Value	Total Value	Value		
\$60,450	\$ 295,900.00	\$ 1,805.00	\$358,155	\$ 342,329.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 59.72	0.017446	\$ 59.72	0%
CRA		0.000000	\$ -	0.026000	\$ 89.01	100%
City		0.000000	\$ -	0.424342	\$ 1,452.65	100%
Community College		0.090272	\$ 309.03	0.090272	\$ 309.03	0%
County		0.423456	\$ 1,449.61	0.423456	\$ 1,449.61	0%
ESU 9		0.015000	\$ 51.35	0.015000	\$ 51.35	0%
Fire		0.038805	\$ 132.84	0.000000	\$ -	0%
Library		0.008717	\$ 29.84	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.020621	\$ 70.59	0.020621	\$ 70.59	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 684.66	0.200000	\$ 684.66	0%
School Districts		1.142000	\$ 3,909.40	1.142000	\$ 3,909.40	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.956317	\$ 6,697.04	2.359137	\$ 8,076.01	20.59%

Northeast Corner of Parkview Cemetery

Owner: City of Hastings

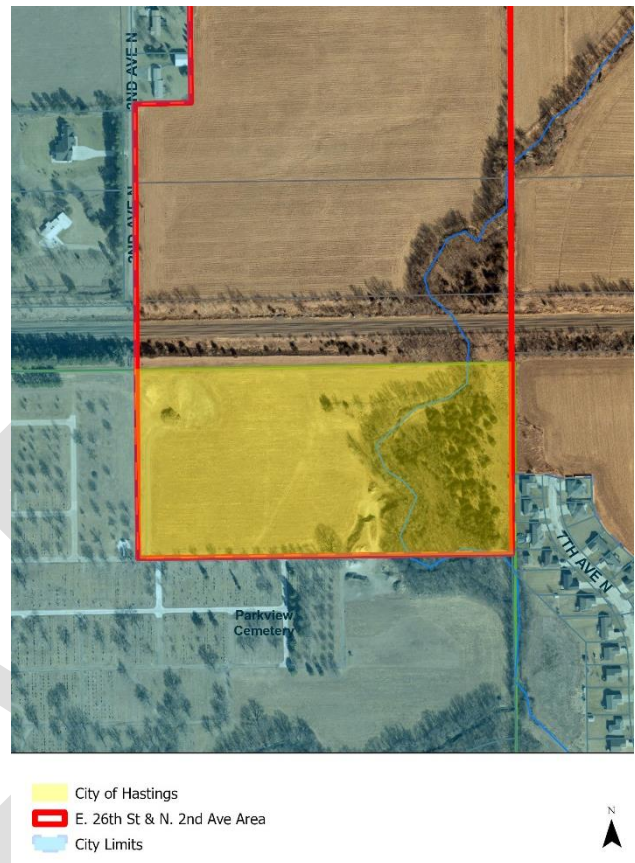
Subject Site:

The subject site is a 19.9 acre tract of land designated for a future expansion of the City's Parkview Cemetery. The land slopes to the east toward a tributary of the West Fork of the Big Blue River.

Properties to the north are in rural Adams County. The Eastridge Meadows residential properties to the east of the site are in the City limits. The farm ground further to the east is in rural Adams County. Properties to the west and south are located in the City. The immediate properties to the west and south are part of the cemetery.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The eastern edge of land is located in FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain), and the mapped Floodway (Map Panel # 31001C0176C). The special flood hazard area encompasses roughly 20% of the site.



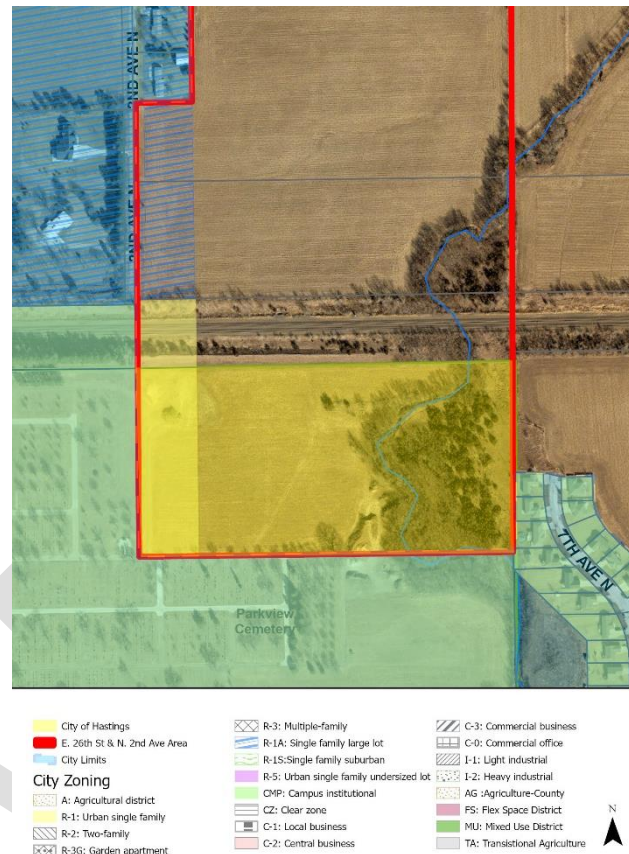
Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

The properties to the north are zoned County A District and City R-1A, Large Lot Single-Family Residential District.

The adjacent properties to the east are zoned County A, Agricultural District, and City R-1, Urban Single-Family Residential District.

To the south and west, the land is zoned City R-1 District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District, or R-1 District to match the rest of the cemetery.



Public Utilities:

Water – The cemetery is already served by water mains along N. Elm Street and E. 12th Street. Any extension of services to the annexed area for landscape irrigation or other public needs will be completed by the City as the cemetery is extended to this area.

Sanitary Sewer – The cemetery is already served by the sanitary sewer infrastructure along E. 12th Street. The City will extend service lines to this area, as needed, when the cemetery is expanded.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

Gas – Hastings Utilities' gas lines are located in the area along N. Elm Avenue and E 12th Street and can be extended to the area by the City, as needed.

Electricity - Hastings Utilities' electrical lines are located in the area along N. Elm Avenue and E 12th Street and can be extended to the area by the City, as needed.

Access to Public Roads – The site can gain access to N. Elm Avenue via internal driveways in the cemetery.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire

incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. 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, this land is to be a future expansion of the Parkview Cemetery. access to utilities, public roadways, and emergency and protective services are readily available and in the immediate area. The City will extend services, as needed, when the cemetery is expanded in this area.

Potential Tax Implications:

This land is owned by the City of Hastings, which makes it tax exempt from property taxes. There are not implications for potential taxes with the current ownership.

Summary:

The use of the property is undeveloped land intended for a future expansion of the Parkview Cemetery. There are no buildings or developments on the site. If annexed, it would be recommended to remain as A, Agricultural District or could be rezoned to R-1 to make the rest of the cemetery land..

The property is next to properties or 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. Public utilities are in the immediate area to serve the site if requested. 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.

Staff Recommendation

As discussed, the site is owned by the City of Hastings and is intended to be used for a future expansion of the Parkview Cemetery. Considering, City staff is recommending that this property be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

2020 N. 2nd Avenue
Approximately 1600 feet south of the Intersection of
E. 26th Street and N. 2nd Avenue

Owner: Laurie Sheets

Subject Site:

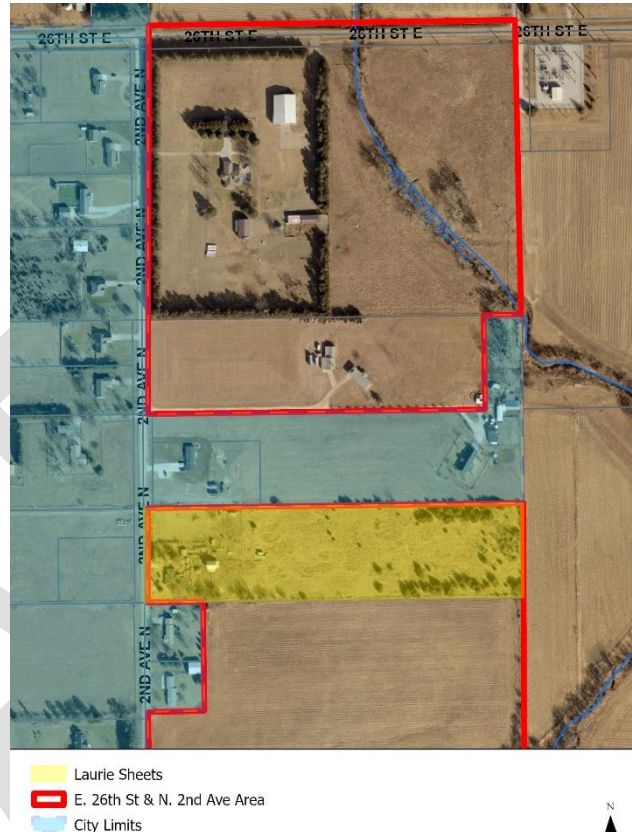
The subject site is a large piece of that is approximately 10.1 acres in area. On the property is a single-family home and several detached accessory buildings. The home has a footprint of approximately 2,000 square feet. The detached buildings have footprints that total roughly 3,300 square feet. The detached buildings are related to a small agricultural production on the site.

The property to the immediate north is located in the City limits. Further to the north are properties located in rural Adams County. Properties to the east are outside of the City in rural Adams County. The single-family homes to the south of the site are within the City limits. The undeveloped land to the south of the land is outside of the City limits. Properties to the west are located in the City.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0176C).

The property is within the Hastings Public Schools District



Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

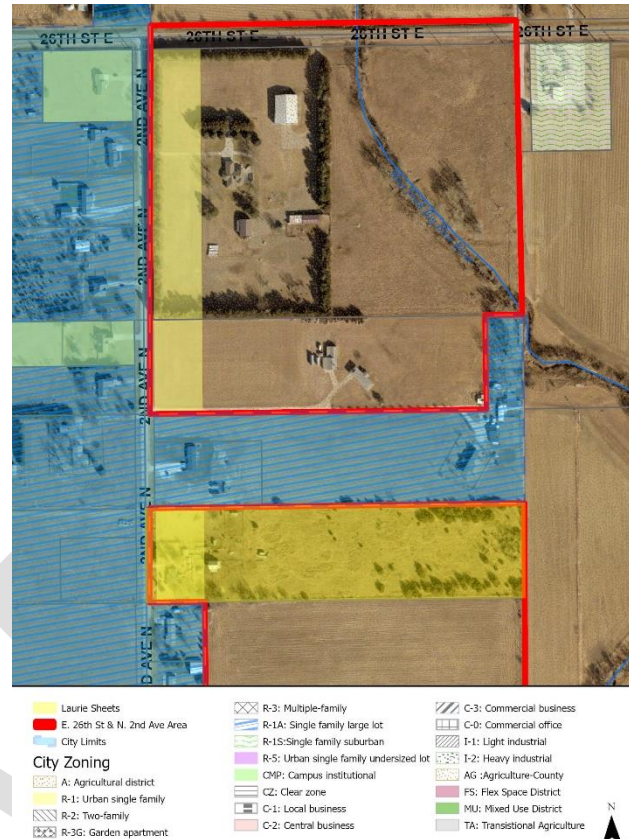
The properties to the north are zoned City R-1A, Large Lot Single-Family Residential District, County A district, and County R-1.

The adjacent properties to the east are zoned County A, Agricultural District.

To the south, land is zoned City R-1A District, County A District, and County A District.

To the west, across N. 2nd Avenue is land zoned City R-1A District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.



Public Utilities:

Water – There is an 8-inch water main adjacent to the site in the N. 2nd Avenue right-of-way that could serve the site. The land is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$8,100.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may change in the future, based on City policy updates.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer in the N. 2nd Avenue right-of-way. The home is connected to this City’s sanitary sewer infrastructure and is currently a customer of the City’s utility. The buildings are not connected to the City’s sanitary sewer service and are currently served by a private septic system.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

The Outside of District connection rate would apply if the property owners were to connect to the adjacent City sanitary sewer main, regardless of being annexed. This rate would be applied at \$34.00 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$7,200.

If the property remains outside of the City limits, the fee to connect to the City service is \$51.00 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Gas – A Hastings Utilities' gas line is located to the west of the property on the west side of N. 2nd Avenue. The property is not currently a customer of that utility enterprise.

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 property within the City limits.

Access to Public Roads – The site has one driveway onto N. 2nd Avenue, a gravel road. North 2nd Avenue is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to City sanitary sewer, electricity, and gas. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. 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 a single-family and small agriculture production, The use and buildings generally appear 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 A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The property is next to properties or 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 sanitary sewer. The public utilities are in the immediate area to serve the site if requested. 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.

The property owner's tax assessment is anticipated to increase by approximately \$618 or 20.59%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utilities for electrical service to the property. The home is on a private well and septic systems. Because utilities are in the immediate area, the property could be served by public utilities, if requested

The area is on the eastern edge of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site along E. 26th Street and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if the existing private water well was to

fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that this property not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision

DRAFT

Property Address			PID		
2020 N 2ND AVE			#010003869		
Current Value Information					
		Improvement		Net Taxable	
Land Value	Dwelling Value	Value	Total Value	Value	
\$ 62,140.00	\$ 96,257.00	\$ 6,154.00	\$ 164,551.00	\$ 153,390.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 26.76	0.017446	\$ 26.76	0%
CRA	0.000000	\$ -	0.026000	\$ 39.88	100%
City	0.000000	\$ -	0.424342	\$ 650.90	100%
Community College	0.090272	\$ 138.47	0.090272	\$ 138.47	0%
County	0.423456	\$ 649.54	0.423456	\$ 649.54	0%
ESU 9	0.015000	\$ 23.01	0.015000	\$ 23.01	0%
Fire	0.038805	\$ 59.52	0.000000	\$ -	0%
Library	0.008717	\$ 13.37	0.000000	\$ -	0%
NRD 2 Little Blue	0.020621	\$ 31.63	0.020621	\$ 31.63	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.200000	\$ 306.78	0.200000	\$ 306.78	0%
School Districts	1.142000	\$ 1,751.71	1.142000	\$ 1,751.71	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.956317	\$ 3,000.79	2.359137	\$ 3,618.68	20.59%

655 E. 26th Street
Approximately 300 feet east of the
intersection of E. 26th Street and Market Lane

Owner: Paul and Patricia Dietz

Subject Site:

The subject site is approximately 22.70 acres in area and consists of two separate tracts of land owned by the same individuals. Tract 1 (west tract) is approximately 14.25 acres. Tract 2 (northeast tract) is roughly 8.45 acres. The property appears to be used as a single-family home, farm production and storage, and pasture ground. The land slopes to the northwest toward the West Fork of the Big Blue River, which is located to the north of the site. To the west side of the site is a large ravine that runs towards the river.

There are a total of 15 buildings on the site, including a home, silos and outbuildings, and barns related to the agricultural use. The house has a footprint of approximately 2,600 square feet. The detached buildings have footprints that total to be roughly 9,000 square feet.

Properties to the immediate north, south, east, and west are located within the City limits. The Osborne View Estatic single-family development is located immediately to the west of the site.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The majority of the site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The western portion of the west tract and the extreme northern portion of the east tract are in FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain) (Map Panel #31001C0157C and 31001C0176C).

The mapped special flood hazard area makes up approximately 20% of the land.



Zoning:

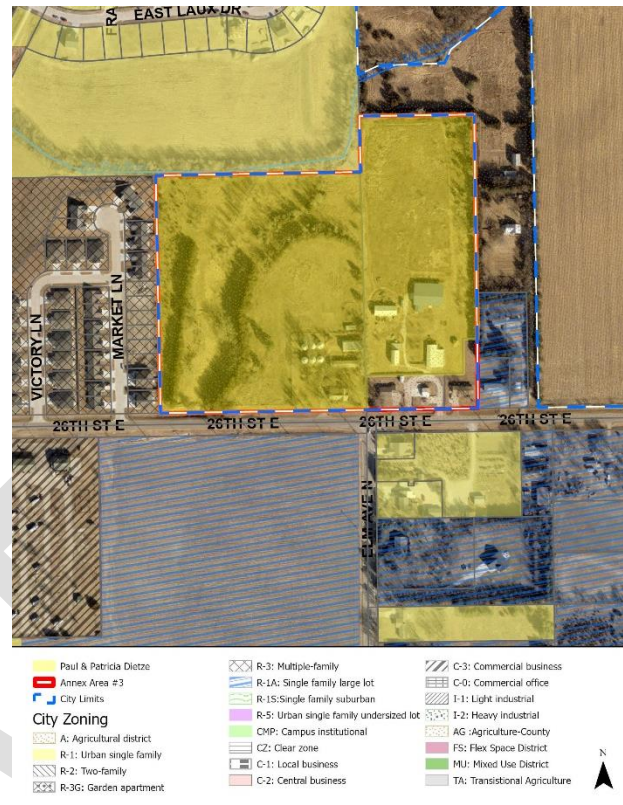
The site is currently zoned County A, Agricultural District. All buildings on the property (15 in total) appear to meet minimum setback and maximum height requirements for the District.

The properties to the north are zoned City R-1, Urban Single-Family Residential, and County A District.

The adjacent properties to the east are zoned County A District, City A District, and City R-1A District. Further to the east of these properties is land zoned County A District.

The properties to the south are zoned County, A District, City R-1A Large Lot Single-Family Residential District, and City R-1 District.

To the west is a newer subdivision zoned City R-3, Multiple-Family Residential District.



The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.

Public Utilities:

Water – There is a 10-inch water main adjacent to the site on the south side of the E. 26th Street right-of-way that could serve the site. The use is currently not connected to the City’s water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City’s infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$10,250.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may change in the future, based on City policy updates.

Sanitary Sewer – A 10-inch gravity flow sanitary sewer main is located on the south side of E. 26th Street that could provide service to the site. Because of the ridgeline generally at N. Elm Avenue, and the change of grade along the property, the connection to the sewer line would need to be appropriately engineered. The buildings are not connected to the City's sanitary sewer service and are currently served by a private septic system.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-509](#)).

The Outside of District connection rate would apply if the property owners were to connect to the adjacent City sanitary sewer main, regardless of being annexed. This rate would be applied at \$34.00 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$9,050.

If the property remains outside of the City limits, the fee to connect to the City service is \$51.00 per linear foot of property frontage. This rate may rate change in the future, based on City policy updates.

Gas – Hastings Utilities' gas line is located to the south of the property on E. 26th Street. The user on the property is currently not a customer of that utility enterprise.

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 property within the City limits.

Access to Public Roads – Based on aerial photos, the site gains access to E. 26th Street via a driveway to the western tract, and the eastern tract gains access to the City road by a circular driveway on an adjacent property. It is assumed that an agreement is in place between these two property owners. East 26th Street is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Generally, the Hastings Police Department would only respond to the site for a crime or an emergency at the request of the Adams County Sheriff's Office.

If this property was annexed into the Corporate limits, both Hastings Fire Department 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area and no extension of services is required. Additionally, the site is located within the Fire and Police Department’s service area and response times to the site would be within the acceptable times established by the departments. 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 appears to be agricultural and generally conforms to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as A, Agricultural District, until such time that it would be redeveloped.

The property is surrounded on four sides by properties or 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 electricity from Hastings Utilities. Sanitary sewer, water, and gas are in the immediate area and can serve the site and existing use with no need to extend or upsize public mains. 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.

The property owner’s tax assessment for the two properties is anticipated to increase by approximately \$2,163 or 28.57%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered an agricultural use, which includes a single-family home. The residents of the home and the agricultural buildings are served by private sanitary sewer and water and do not have gas service. The only Hastings Utilities service that the property is connected to is electricity.

The area can be considered a donut hole within the corporate limits, although less than 200 feet from the northern property boundary and less than 650 feet from the east property line are properties outside of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision immediately to the west of the site and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings. Also, nearly 20% of the site is in a special hazard flood area, which limits the ability to develop.

If this land were to ever develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if existing private water wells and septic systems were to fail, requiring a new service, the City would require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

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 not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
DIETZE PAUL J & PATRICIA J - 655			#010000138		
Current Value Information					
		Improvement		Net Taxable	
Land Value	Dwelling Value	Value	Total Value	Value	
\$66,645	\$ 176,055.00	\$ 51,976.00	\$294,676	\$ 301,375.00	
			Annexed		
Tax Information	Current Levy	Current Tax	Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 52.58	0.017446	\$ 52.58	0%
CRA	0.000000	\$ -	0.026000	\$ 78.36	100%
City	0.000000	\$ -	0.424342	\$ 1,278.86	100%
Community College	0.090272	\$ 272.06	0.090272	\$ 272.06	0%
County	0.423456	\$ 1,276.19	0.423456	\$ 1,276.19	0%
ESU 9	0.015000	\$ 45.21	0.015000	\$ 45.21	0%
Fire	0.038805	\$ 116.95	0.000000	\$ -	0%
Library	0.008717	\$ 26.27	0.000000	\$ -	0%
NRD 1 Upper Big Blue	0.022015	\$ 66.35	0.022015	\$ 66.35	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 228.10	0.075686	\$ 228.10	0%
School Districts	0.708894	\$ 2,136.43	0.708894	\$ 2,136.43	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.400291	\$ 4,220.13	1.803111	\$ 5,434.13	28.77%

Property Address			PID			
DIETZE PAUL J & PATRICIA J			#010000154			
Current Value Information						
Land Value	Dwelling Value	Improvement	Total Value	Net Taxable		
\$15,749	\$ -	\$ 223,664.00	\$239,413	\$ 239,413.00		
Tax Information		Current Levy	Current Tax	Annexed	Annexed Tax	% Change?
Ag Society		0.017446	\$ 41.77	0.017446	\$ 41.77	0%
CRA		0.000000	\$ -	0.026000	\$ 62.25	100%
City		0.000000	\$ -	0.424342	\$ 1,015.93	100%
Community College		0.090272	\$ 216.12	0.090272	\$ 216.12	0%
County		0.423456	\$ 1,013.81	0.423456	\$ 1,013.81	0%
ESU 9		0.015000	\$ 35.91	0.000000	\$ -	0%
Fire		0.038805	\$ 92.90	0.000000	\$ -	0%
Library		0.008717	\$ 20.87	0.008717	\$ 20.87	0%
NRD 1 Upper Big Blue		0.022015	\$ 52.71	0.022015	\$ 52.71	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 181.20	0.075686	\$ 181.20	0%
School Districts		0.708894	\$ 1,697.18	0.708894	\$ 1,697.18	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.400291	\$ 3,352.48	1.796828	\$ 4,301.84	28.32%

2420 N. 2nd Avenue
Southeast of the Intersection of
E. 26th Street and N. 2nd Avenue

Owner: Richard and Melanie Curry

Subject Site:

The subject site is a large piece of land (28.96 acres in total), consisting of two separate tracts. The west tract is approximately 14.4 acres and consists of a single-family home and detached accessory buildings. The home has a footprint of approximately 4,800 square feet. The detached buildings have footprints that total approximately 14,700 square feet. This west tract is largely surrounded by a dense row of trees.

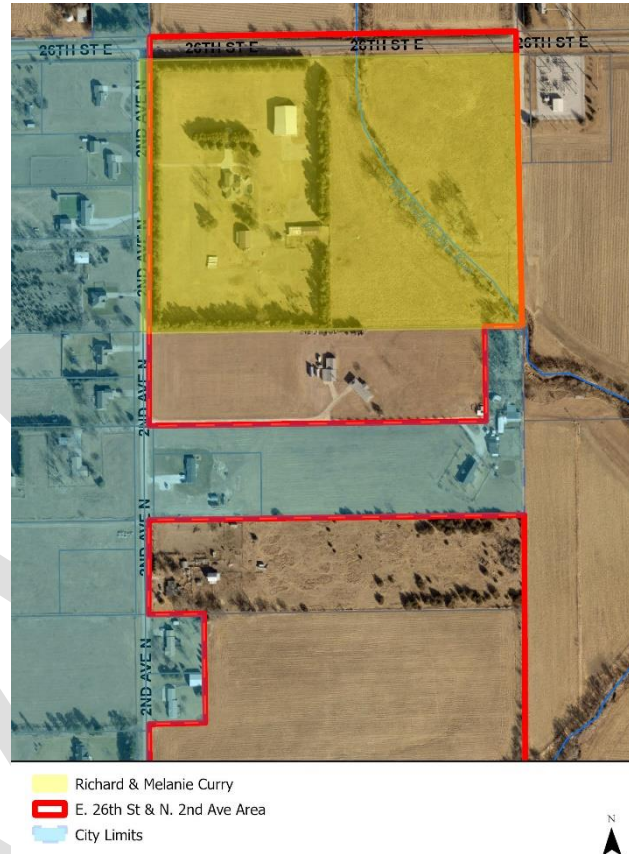
The east tract (approximately 14.5 acres) is undeveloped pasture land that is almost entirely within a mapped floodplain. The West Fork of the Big Blue River flows through the middle of this tract.

Properties to the north and east are located outside of the City limits. One relatively small tract is within the City limits and is zoned R-1A, Single-family Large Lot Residential District. The large property to the immediate south is also located out of the City limits. Properties further to the south are located in the City. Properties to the west are also located in the City.

The property is in the Hastings Public Schools District.

Floodplain Information:

The majority of the home site (west tract) is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain). The extreme east edge of this tract is in the FEMA Zone AE, 1% Annual Chance Floodplain (100-year floodplain). The pasture land (east tract) is in the FEMA Zone AE and Floodway (Map Panel # 31001C0176C). Approximately 8 acres of the 14.5-acre tract is in the Floodway.



Zoning: Most of the site is currently zoned County A, Agricultural District. The approximately front 170 feet of the western tract is zoned County R-1, Single-Family Residential District.

The properties to the north are zoned County A district, with one relatively small tract that is zoned City R-1A, Large Lot Single-Family Residential District

The adjacent properties to the east are zoned County A, Agricultural District.

To the south, the land is zoned County A District, County R-1 District and City R-1A District.

To the west, across N. 2nd Avenue is land zoned City R-1A District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be A, Agricultural District.

Public Utilities:

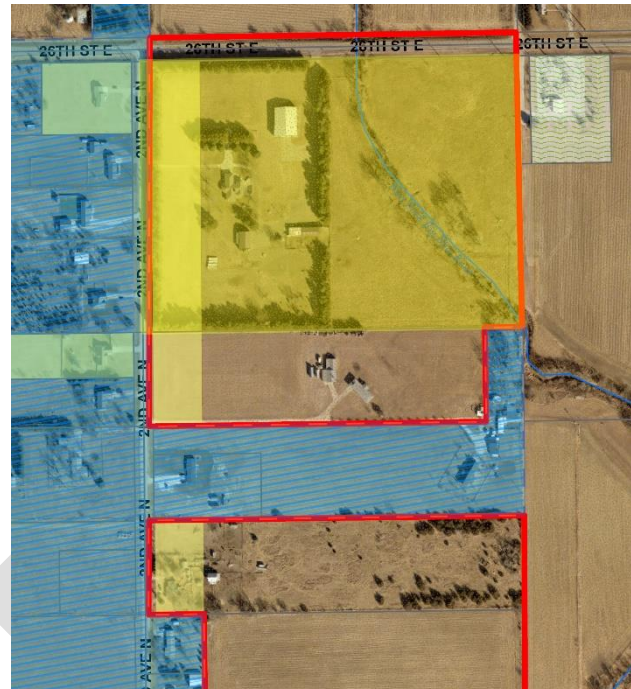
Water – There is an 8-inch water main adjacent to the site in the N. 2nd Avenue right-of-way that could serve the site. The land is currently not connected to the City's water infrastructure and is using a private well providing potable water to the buildings.

Properties with a private system can maintain that system until such time that it would fail. When the system fails, the property owner will be required to connect to the City's infrastructure (City Code of Ordinance [Sec. 32-605](#) and [Sec. 32-606](#)).

If the property owners were to connect to the adjacent City water main after being annexed, the Outside of District connection rate would apply. This rate would be applied at \$38.50 per linear foot of property frontage. In speaking to Hastings Utilities, factors, such as the developable area of the site, home location, and overall lot width, are considered that could reduce the property frontage width. The Outside of District connect fee for water service could be upwards of \$13,500.

If the property remains outside of the City limits, the fee to connect to the City service is \$57.75 per linear foot of property frontage. This rate may change in the future, based on City policy updates.

Sanitary Sewer – A 30-inch gravity flow sanitary sewer main runs diagonally across the eastern tract, generally following the stream channel. The home is connected to this City's sanitary sewer infrastructure and is currently a customer of the City's utility.



Richard & Melanie Curry	R-3: Multiple-family	C-3: Commercial business
E. 26th St & N. 2nd Ave Area	R-1A: Single family large lot	C-0: 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-County
R-1: Urban single family	CZ: Clear zone	FS: 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

Gas – A Hastings Utilities’ gas line is located to the west of the property on the west side of N. 2nd Avenue. The property is a customer of that utility enterprise and pays the standard rate for a 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 property within the City limits.

Access to Public Roads – The site has one driveway onto N. 2nd Avenue, a gravel road. North 2nd Avenue is maintained by the City of Hastings.

Public Safety – Being that the land is outside of the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Similarly, if a violent incident occurs on the property, the Hastings Police Department would respond at the request of the Adams County Sheriff's Office. 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area. The property is currently connected to City sanitary sewer, electricity, and gas. Thus, no extension of services is required. Additionally, the site is located within the Fire and Police Department’s service area and response times to the site would be within the acceptable times established by the departments. 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 a single-family, as well as agricultural uses and generally 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 A, Agricultural District, until such time that it would be redeveloped. The property could also be rezoned to R-1A, Single-Family Large Lot Residential District to better align with the single-family home.

The eastern tract has significant limitations to development due to the mapped Floodway of the West Fork of the Big Blue River.

The property is next to properties or 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.

The property owner's tax assessment is anticipated to increase by approximately \$2,316 or 20.59%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered a single-family home in the County A District. The residents of the home are served by Hastings Utilities sanitary sewer, gas, and electrical services to the property. The home is on a private well for water.

The area is on the eastern edge of the City limits.

There are development pressures in the area, as evidenced by the new single-family subdivision to the west of the site along E. 26th Street and also to the north of the site, along W 33rd Street. Although there is pressure to develop in the surrounding area, there appears to be land better suited to develop new subdivisions (e.g. open agricultural land), rather than the need to demolish existing buildings on a relatively small tract of land. Additionally, nearly a third of the site is restricted to most development due to the mapped Floodway.

If this land were to develop into suburban residential subdivisions or nonresidential uses, the City would most likely require the new development to be annexed. Similarly, if the existing private water well were to fail, requiring a new service, the City would most likely require the property to connect to the public infrastructure, which could be an opportune time to be included in the City limits.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that this property not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
2420 N 2nd Avenue			#010003867		
Current Value Information					
		Improvement		Net Taxable	
Land Value	Dwelling Value	Value	Total Value	Value	
\$ 90,088.00	\$ 396,351.00	\$ 156,670.00	\$ 643,109.00	\$ 574,919.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 100.30	0.017446	\$ 100.30	0%
CRA	0.000000	\$ -	0.026000	\$ 149.48	100%
City	0.000000	\$ -	0.424342	\$ 2,439.62	100%
Community College	0.090272	\$ 518.99	0.090272	\$ 518.99	0%
County	0.423456	\$ 2,434.53	0.423456	\$ 2,434.53	0%
ESU 9	0.015000	\$ 86.24	0.015000	\$ 86.24	0%
Fire	0.038805	\$ 223.10	0.000000	\$ -	0%
Library	0.008717	\$ 50.12	0.000000	\$ -	0%
NRD 2 Little Blue	0.020621	\$ 118.55	0.020621	\$ 118.55	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.200000	\$ 1,149.84	0.200000	\$ 1,149.84	0%
School Districts	1.142000	\$ 6,565.57	1.142000	\$ 6,565.57	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.956317	\$ 11,247.24	2.359137	\$ 13,563.13	20.59%

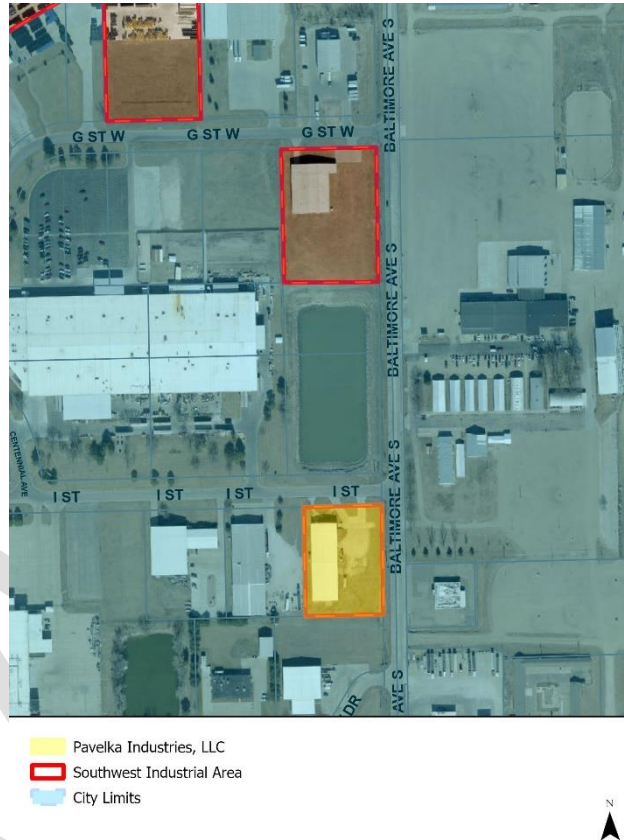
**1503 West I Street
Southwest of the intersection of
South Baltimore Avenue and West I Street**

Owner: Pavelka Industries, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.9 acres in area. The site consists of one industrial building located along the west property line of the site.

The property is completely surrounded by properties and rights-of-way that are within the corporate limits of Hastings. 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 1987. 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) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

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)(1) for some time, but stopped in the 2010s.



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 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.

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 1987 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 1987. 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 16 years since the facility became operational.

The property owner's tax assessment for the property is anticipated to increase by approximately \$3,146 or 28.80%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed by at least 2022. It was determined that the incremental annexation of each site was inappropriate and the effort stopped in the area and never began at this site. 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.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on July 7, 1987, at 10:00 o'clock a.m. in the Boardroom of the Adams County Courthouse of Hastings, Nebraska, did consider the application filed by Hastings Economic Development Corporation; Great Plains Packaging, Inc.; Dana Corporation; Thermo King Corporation; Scherbarth, Inc.; Monfort of Colorado; Tri-City Industrial Investors; and Tom Lauvetz to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a Resolution designating the said tract as an Industrial Area subject to the applicants' filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area; and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcels of real estate, to-wit:

Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

be and the same are hereby designated an Industrial Area, under the terms and conditions more particularly set out in the

Application For Designation of County Industrial Area filed with the Adams County Clerk on May 26, 1987, and attached hereto and incorporated herein as Exhibit 1.

ADAMS COUNTY BOARD OF
SUPERVISORS

By *D.W. Maloney*
Chairman

EXHIBIT 1

APPLICATION FOR DESIGNATION

OF

COUNTY INDUSTRIAL AREA

TO THE COUNTY CLERK AND THE BOARD OF SUPERVISORS OF ADAMS COUNTY,
NEBRASKA:

We, the undersigned owners of real estate consisting of more than twenty (20) acres of contiguous real estate situated in Adams County, Nebraska, no part of which is within the boundaries of any incorporated city or village, hereby make application for the designation of the real estate described in the attached Exhibit A, as an Industrial Area pursuant to the provisions of Sections 19-2501 R.R.S. 1943, as amended.

In Support of this application, the undersigned allege:

1. That the real estate described is suitable for use as an Industrial Area;
2. That such designation will be generally beneficial to the community; and
3. The undersigned owners of the land described in Exhibit A have all consented to such designation subject to the following terms and conditions being agreed to by the City of Hastings.
 - (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
 - (B) That after the above mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and

Page 1

Filed 5-26-57

10:20 A.M.

Anita Hawes

Adams County Clerk

-4-

dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

- (2) The physical annexation will start at the point where the property line meets the street fronting the properties, and move away from this point toward the rear of the property.
- (3) That upon annexation, the portions(s) annexed shall be considered one (1) tax district within the City, and the remaining portion shall be considered another separate tax district outside of the City.
- (4) That upon the initial annexation of any property, the City will also annex all of the streets within said industrial area, so that all of the property will be contiguous to the City limits.
- (5) That City police and fire protection will be provided by the City of Hastings to the entire Industrial Area once any annexation of same takes place; and
- (6) That once any annexation takes place the City of Hastings agrees to purchase from Hastings Economic Development Corporation Lot One (1), Block Two (2) except the west fifty (50) feet, and the Southeast corner of the Industrial Park as retention cells for the sum of Forty Five Thousand and no/100's (45,000.00). Payment for the retention cells shall not begin until revenues are received by the City as a result of the annexation. Payment of principal will be extended over five years with a 10% compounded interest rate on the unpaid balance. The lake cell between Dana Corporation and Thermo King Corporation will be reviewed by the City Engineer to determine whether it remains necessary to retain this cell as more than twice as many acre feet of storage has been built in the Park than was originally requested by the Planning and Zoning Commission. If the lake cell is determined to be needed by the Engineer's office this property shall be included in the acquisition by the City and maintained as a retention cell from then on. At no time will any of this property be sold by the City of Hastings for purposes other than retention cells.

We respectfully request that a time be set for hearing this Petition and that notice thereof be given by publication all as required by law.

DATED at Hastings, Nebraska the 26th day of May, 1987.

HASTINGS ECONOMIC DEVELOPMENT CORP.

By Doran J. Bunker

GREAT PLAINS PACKAGING, INC.

By John J. Seppel

DAVA CORPORATION

By Thomas E. Mersiers

THERMO KING CORPORATION

By Harold Hule

SHERBATH INCORPORATED

By Robert L. Sherbath

TRI-CITY INDUSTRIAL INVESTORS

By James J. [Signature]

MONFORT OF COLORADO

By David J. Brater

TOM LAUVETZ

By Thomas J. Lauvetz

EXHIBIT A

Hastings Economic Development Corporation, owners of Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Great Plains Packaging, Inc., owners of Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Dana Corporation, owners of Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Thermo King Corporation, owners of Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Scherbarth, Inc., owners of Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Monfort of Colorado, owners of Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tri-City Industrial Investors, owners of Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tom Lauvetz, owner of Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

CERTIFICATION

I, Anita Hawes, the duly elected and acting County Clerk of the County of Adams, State of Nebraska do hereby certify that I am also the Clerk of the County Board of Supervisors and that the within and attached order was duly entered by the said Board at a meeting of the Adams County Board of Supervisors held at 10:00 A.M. on July 7, 1987, in the Boardroom of the Adams County Courthouse, Hastings, Nebraska, by affirmative unanimous vote of all members present. Teller, absent and not voting.

Dated at Hastings, Nebraska this 7th day of July, 1987.



Anita Hawes

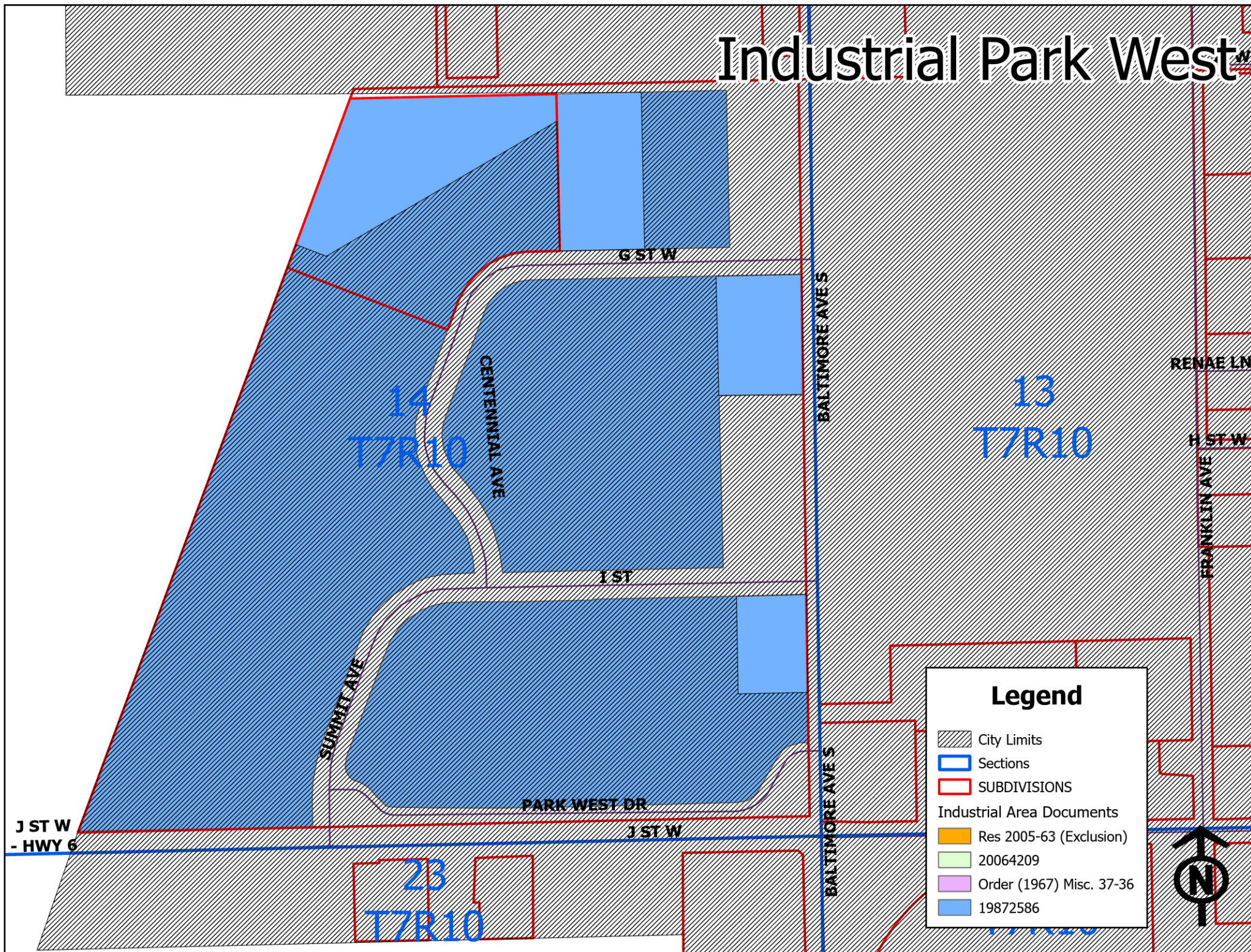
Anita Hawes, Adams County Clerk

Num 0-105 RD Computer ✓
 Comp ✓
 Tax ID — Cad — A.O. ✓

FILED
 INST. NO. 872586
 1987 JUL 15 PM 2:34
Deane Thompson
 REC'D CLERK
 ADAMS COUNTY

*Anita Hawes
 Chg 41.50 - Bd. of Supervisors
 Ret. Adams Co. Clerk*

Industrial Park West



Property Address			PID			
1503 W I STREET			#010003155			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$73,382	\$ 707,704.00	\$ -	\$781,086	\$ 781,086.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 136.27	0.017446	\$ 136.27	0%
CRA		0.000000	\$ -	0.026000	\$ 203.08	100%
City		0.000000	\$ -	0.424342	\$ 3,314.48	100%
Community College		0.090272	\$ 705.10	0.090272	\$ 705.10	0%
County		0.423456	\$ 3,307.56	0.423456	\$ 3,307.56	0%
ESU 9		0.015000	\$ 117.16	0.015000	\$ 117.16	0%
Fire		0.038805	\$ 303.10	0.000000	\$ -	0%
Library		0.008717	\$ 68.09	0.000000	\$ -	0%
NRD 2 Little Blue		0.020621	\$ 161.07	0.020621	\$ 161.07	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 591.17	0.075686	\$ 591.17	0%
School Districts		0.708894	\$ 5,537.07	0.708894	\$ 5,537.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.398897	\$ 10,926.59	1.801717	\$ 14,072.96	28.80%

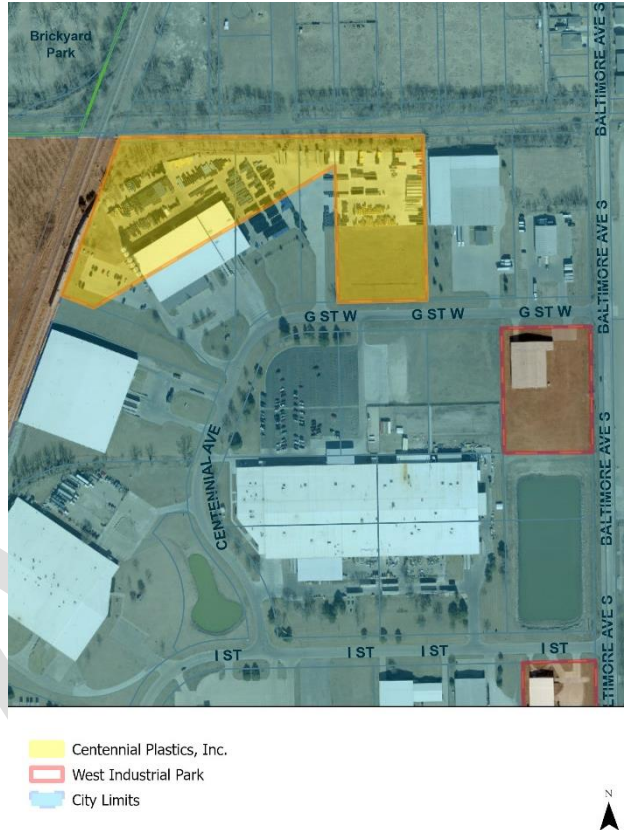
1830 Centennial Avenue
Approximately 600 feet west of the intersection of
South. Baltimore Avenue and West. G Street

Owner: Centennial Plastics, Inc.

Subject Site:

The subject site is a generally flat piece of land that is approximately 14.9 acres in area. The site consists of four separate tracts that have been combined by the owner for a manufacturing plant that creates plastic pipes.

Of the 14.9-acre site, approximately 10.2 acres remain in rural Adams County. The reason for this is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 1987. 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) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records, Centennial Plastics was established in 2000. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the property, as defined in (B)(1) for some time, but stopped in the 2010s.

Properties to the immediate north, east, and south are located within the City limits. Immediate properties in the general area to the west, across the rail line are outside of the City limits.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

The site is partially within the Adams Central Public Schools District and partially in the Hastings Public School District.

Zoning: The site is currently zoned County I-2, Heavy Industrial District.

The properties to the north are a mix of zoned City I-1, Light Industrial District, I-2 District, and R-1, Urban Single-family Residential District.

To the east and south are properties zoned City I-2 District.

To the west is land zoned County R-1 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.

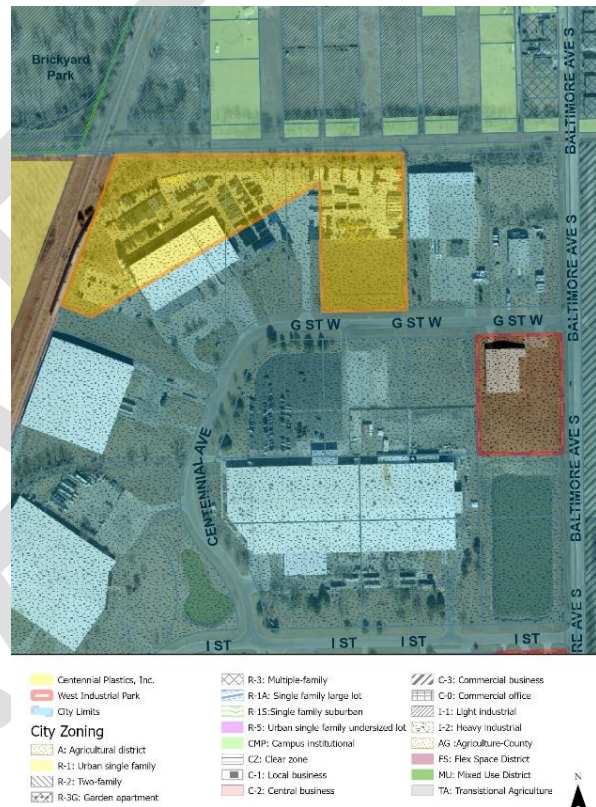
Public Utilities:

Water – A 10-inch water main is located in the Centennial Avenue and West G 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 – An 8-inch gravity flow sanitary sewer main is located in the Centennial Avenue and West G Street rights-of-way and 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 Centennial Avenue and West G Street rights-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 three driveways onto Centennial Avenue and West G Street, which is maintained by the City of Hastings. A circular driveway provides access to the customer and employee parking areas, as well as a truck loading dock. The first driveway provides access to the storage yard to the north and east of the building.

Public Safety – Per the 1987 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 1987 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 of plastic piles. 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, and south. 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 1987 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 1987. 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 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 22 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 2013 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 2015. 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.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on July 7, 1987, at 10:00 o'clock a.m. in the Boardroom of the Adams County Courthouse of Hastings, Nebraska, did consider the application filed by Hastings Economic Development Corporation; Great Plains Packaging, Inc.; Dana Corporation; Thermo King Corporation; Scherbarth, Inc.; Monfort of Colorado; Tri-City Industrial Investors; and Tom Lauvetz to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a Resolution designating the said tract as an Industrial Area subject to the applicants' filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area; and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcels of real estate, to-wit:

Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

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be and the same are hereby designated an Industrial Area, under the terms and conditions more particularly set out in the

Application For Designation of County Industrial Area filed with the Adams County Clerk on May 26, 1987, and attached hereto and incorporated herein as Exhibit 1.

ADAMS COUNTY BOARD OF
SUPERVISORS

By *D.W. Maloney*
Chairman

EXHIBIT 1

APPLICATION FOR DESIGNATION

OF

COUNTY INDUSTRIAL AREA

TO THE COUNTY CLERK AND THE BOARD OF SUPERVISORS OF ADAMS COUNTY,
NEBRASKA:

We, the undersigned owners of real estate consisting of more than twenty (20) acres of contiguous real estate situated in Adams County, Nebraska, no part of which is within the boundaries of any incorporated city or village, hereby make application for the designation of the real estate described in the attached Exhibit A, as an Industrial Area pursuant to the provisions of Sections 19-2501 R.R.S. 1943, as amended.

In Support of this application, the undersigned allege:

1. That the real estate described is suitable for use as an Industrial Area;
2. That such designation will be generally beneficial to the community; and
3. The undersigned owners of the land described in Exhibit A have all consented to such designation subject to the following terms and conditions being agreed to by the City of Hastings.
 - (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
 - (B) That after the above mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and

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10:20 A.M.

Anita Hawes

Adams County Clerk

-4-

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- (2) The physical annexation will start at the point where the property line meets the street fronting the properties, and move away from this point toward the rear of the property.
- (3) That upon annexation, the portions(s) annexed shall be considered one (1) tax district within the City, and the remaining portion shall be considered another separate tax district outside of the City.
- (4) That upon the initial annexation of any property, the City will also annex all of the streets within said industrial area, so that all of the property will be contiguous to the City limits.
- (5) That City police and fire protection will be provided by the City of Hastings to the entire Industrial Area once any annexation of same takes place; and
- (6) That once any annexation takes place the City of Hastings agrees to purchase from Hastings Economic Development Corporation Lot One (1), Block Two (2) except the west fifty (50) feet, and the Southeast corner of the Industrial Park as retention cells for the sum of Forty Five Thousand and no/100's (45,000.00). Payment for the retention cells shall not begin until revenues are received by the City as a result of the annexation. Payment of principal will be extended over five years with a 10% compounded interest rate on the unpaid balance. The lake cell between Dana Corporation and Thermo King Corporation will be reviewed by the City Engineer to determine whether it remains necessary to retain this cell as more than twice as many acre feet of storage has been built in the Park than was originally requested by the Planning and Zoning Commission. If the lake cell is determined to be needed by the Engineer's office this property shall be included in the acquisition by the City and maintained as a retention cell from then on. At no time will any of this property be sold by the City of Hastings for purposes other than retention cells.

We respectfully request that a time be set for hearing this Petition and that notice thereof be given by publication all as required by law.

DATED at Hastings, Nebraska the 26th day of May, 1987.

HASTINGS ECONOMIC DEVELOPMENT CORP.

By Doran J. Bunker

GREAT PLAINS PACKAGING, INC.

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By Thomas E. Mersers

THERMO KING CORPORATION

By Harold Hule

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TRI-CITY INDUSTRIAL INVESTORS

By James J. [Signature]

MONFORT OF COLORADO

By David J. Brater

TOM LAUVETZ

By Thomas J. Lauvetz

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CERTIFICATION

I, Anita Hawes, the duly elected and acting County Clerk of the County of Adams, State of Nebraska do hereby certify that I am also the Clerk of the County Board of Supervisors and that the within and attached order was duly entered by the said Board at a meeting of the Adams County Board of Supervisors held at 10:00 A.M. on July 7, 1987, in the Boardroom of the Adams County Courthouse, Hastings, Nebraska, by affirmative unanimous vote of all members present. Teller, absent and not voting.

Dated at Hastings, Nebraska this 7th day of July, 1987.



Anita Hawes

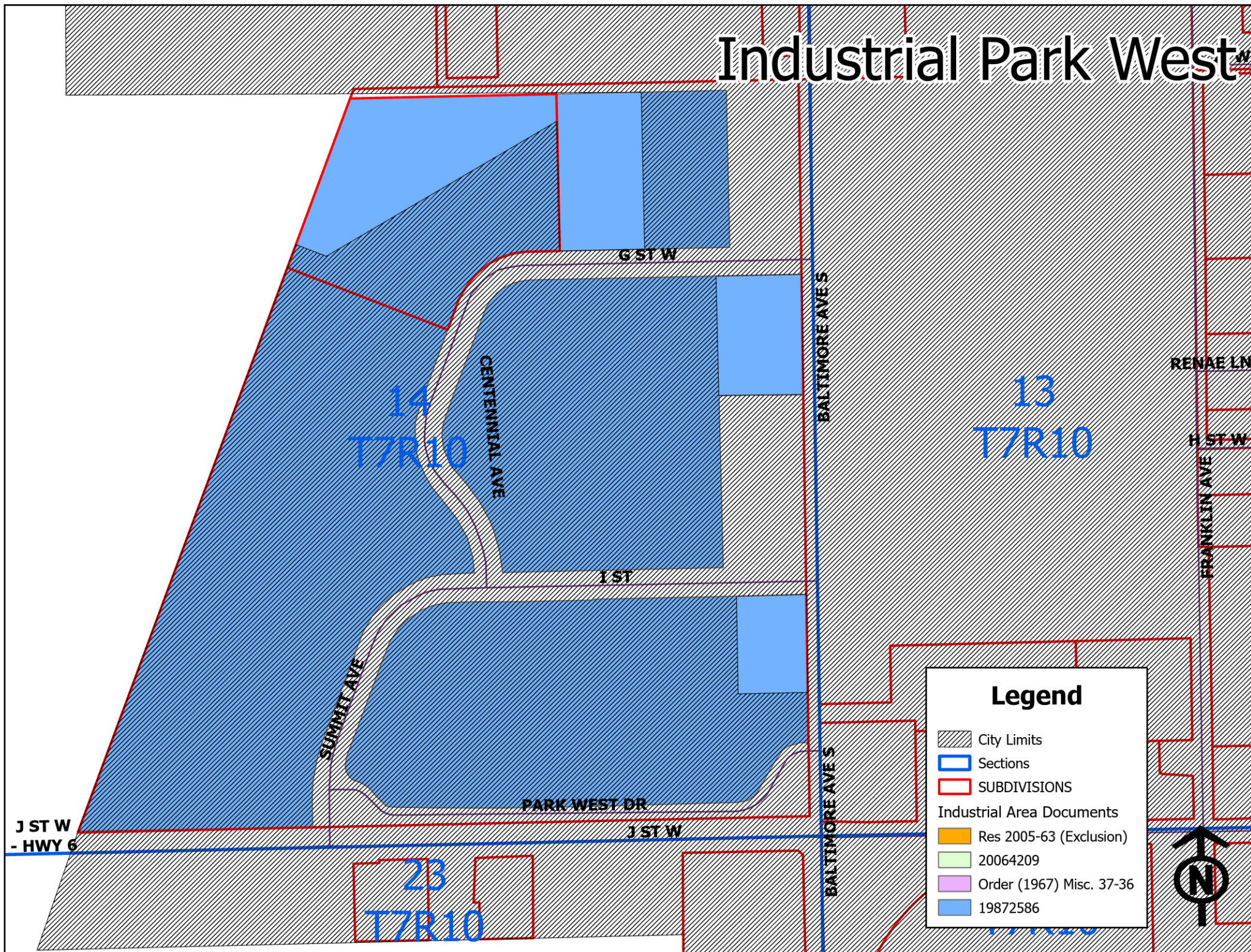
Anita Hawes, Adams County Clerk

Num 0-105 RD Computer ✓
 Comp ✓
 Tax ID — Cad — A.O. ✓

FILED
 INST. NO. 872586
 1987 JUL 15 PM 2:34
Deane Thompson
 REC'D CLERK
 ADAMS COUNTY

*Anita Hawes
 Chg 41.50 - Bd. of Supervisors
 Ret. Adams Co. Clerk*

Industrial Park West



Property Address			PID			
CENTENNIAL PLASTICS INC			#010003165			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 32,799.00	\$ -	\$ 209,880.00	\$ 242,679.00	\$ 242,679.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 42.34	0.017446	\$ 42.34	0%
CRA		0.026000	\$ 63.10	0.026000	\$ 63.10	100%
City		0.424342	\$ 1,029.79	0.424342	\$ 1,029.79	100%
Community College		0.090272	\$ 219.07	0.090272	\$ 219.07	0%
County		0.423456	\$ 1,027.64	0.423456	\$ 1,027.64	0%
ESU 9		0.015000	\$ 36.40	0.015000	\$ 36.40	0%
Fire		0.000000	\$ -	0.000000	\$ -	0%
Library		0.000000	\$ -	0.000000	\$ -	0%
NRD 2 Little Blue		0.020621	\$ 50.04	0.020621	\$ 50.04	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 485.36	0.200000	\$ 485.36	0%
School Districts		1.142000	\$ 2,771.39	1.142000	\$ 2,771.39	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		2.359137	\$ 5,725.13	2.359137	\$ 5,725.13	0.00%

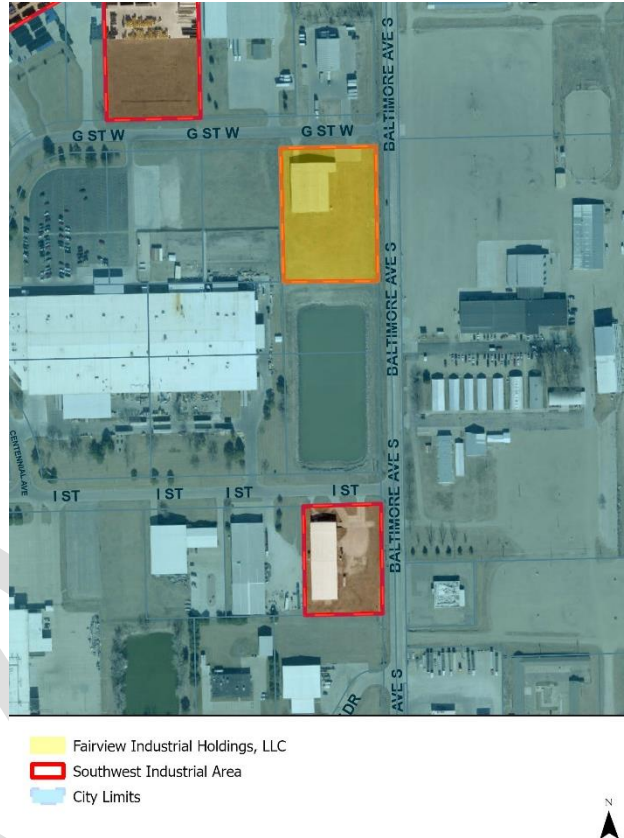
1503 West G Street
Southwest of the intersection of
South Baltimore Avenue and West G Street

Owner: Fairview Industries Holdings, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.9 acres in area. The site consists of one industrial building located in the northwest corner of the site.

The property is completely surrounded by properties and rights-of-way that are within the corporate limits of Hastings. 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 1987. 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) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records and building permits, the building was established in 1999. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B)(1) for some time, but stopped in the 2010s.

The site is within the Hastings Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

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

The properties to the east, across S. Baltimore Avenue, are zoned C-3, Commercial Business 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 W. G Street and S. Baltimore Avenue rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the W. G Street right-of-way. A 15-inch sanitary sewer main is located in the S. Baltimore Avenue right-of-way. These mains provide 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 W. G 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 two driveways onto W. G Street, which is maintained by the City of Hastings. The east driveway provides access to a parking lot. The west driveway is to a loading dock at the building.

Public Safety – Per the 1987 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 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.

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 1987 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 1987. 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 23 years since the facility became operational.

The property owner's tax assessment for the property is anticipated to increase by approximately \$1,543.81 or 20.66%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed by at least 2014. 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 eight 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.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on July 7, 1987, at 10:00 o'clock a.m. in the Boardroom of the Adams County Courthouse of Hastings, Nebraska, did consider the application filed by Hastings Economic Development Corporation; Great Plains Packaging, Inc.; Dana Corporation; Thermo King Corporation; Scherbarth, Inc.; Monfort of Colorado; Tri-City Industrial Investors; and Tom Lauvetz to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a Resolution designating the said tract as an Industrial Area subject to the applicants' filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area; and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcels of real estate, to-wit:

Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

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By *D.W. Maloney*
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DATED at Hastings, Nebraska the 26th day of May, 1987.

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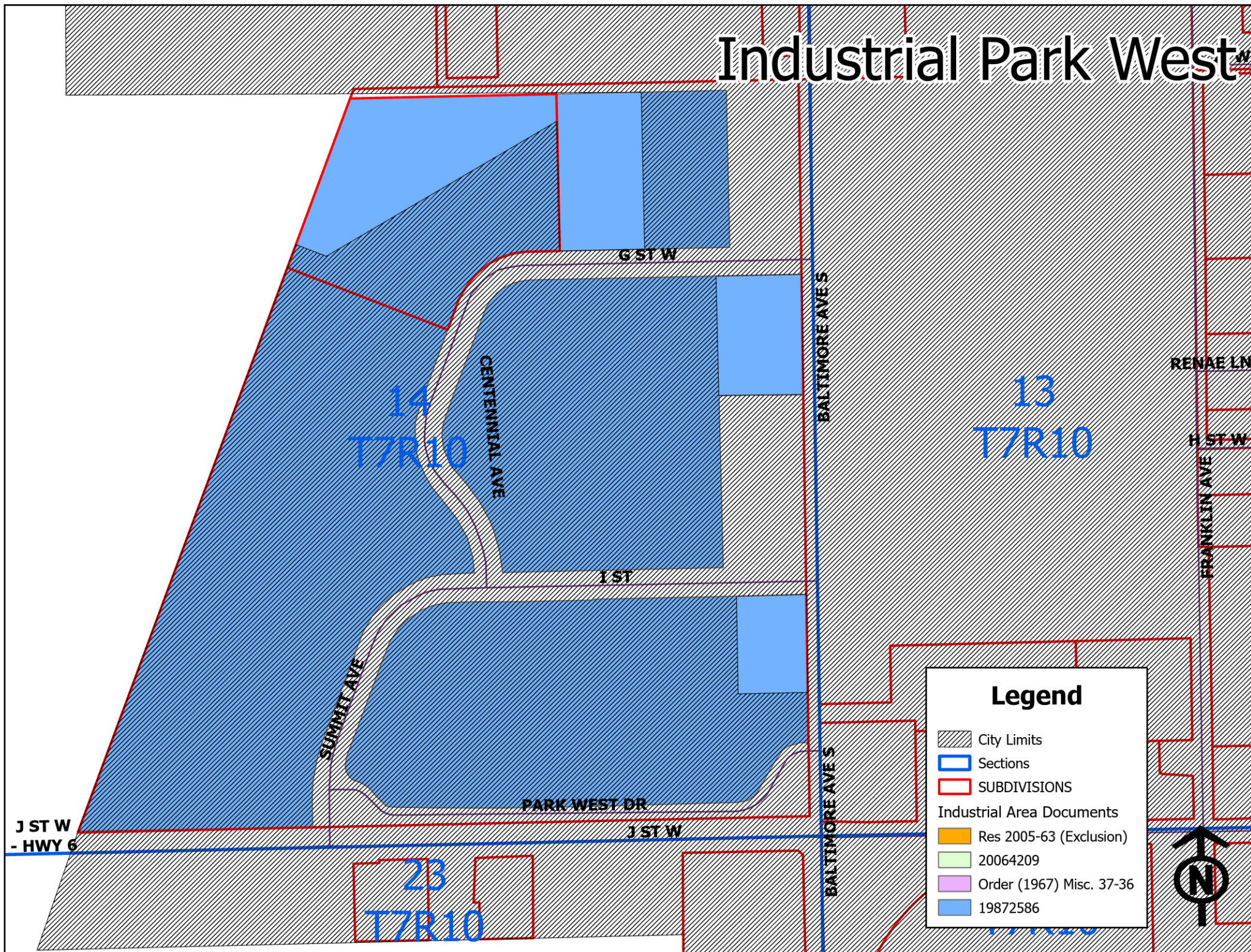
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Num 0-105 RD Computer ✓
 Comp ✓
 Tax ID — Cad — A.O. ✓

FILED
 INST. NO. 872586
 1987 JUL 15 PM 2:34
Debra Thompson
 REC'D CLERK
 ADAMS COUNTY

*Anita Hawes
 Chg 41.50 - Bd. of Supervisors
 Ret. Adams Co. Clerk*

Industrial Park West



Property Address			PID			
1503 W G STREET			#010003163			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 83,042.00	\$ 298,888.00	\$ -	\$ 381,930.00	\$ 381,930.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 66.63	0.017446	\$ 66.63	0%
CRA		0.000000	\$ -	0.026000	\$ 99.30	100%
City		0.000000	\$ -	0.424342	\$ 1,620.69	100%
Community College		0.090272	\$ 344.78	0.090272	\$ 344.78	0%
County		0.423456	\$ 1,617.31	0.423456	\$ 1,617.31	0%
ESU 9		0.015000	\$ 57.29	0.015000	\$ 57.29	0%
Fire		0.038805	\$ 148.21	0.000000	\$ -	0%
Library		0.008717	\$ 33.29	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.020621	\$ 78.76	0.022015	\$ 84.08	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 763.86	0.200000	\$ 763.86	0%
School Districts		1.142000	\$ 4,361.64	1.142000	\$ 4,361.64	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.956317	\$ 7,471.76	2.360531	\$ 9,015.58	20.66%

**Approximately 475 feet west of the
intersection of E. 26th Street and Market Lane**

Owner: Municipal Supply, Inc.

Subject Site:

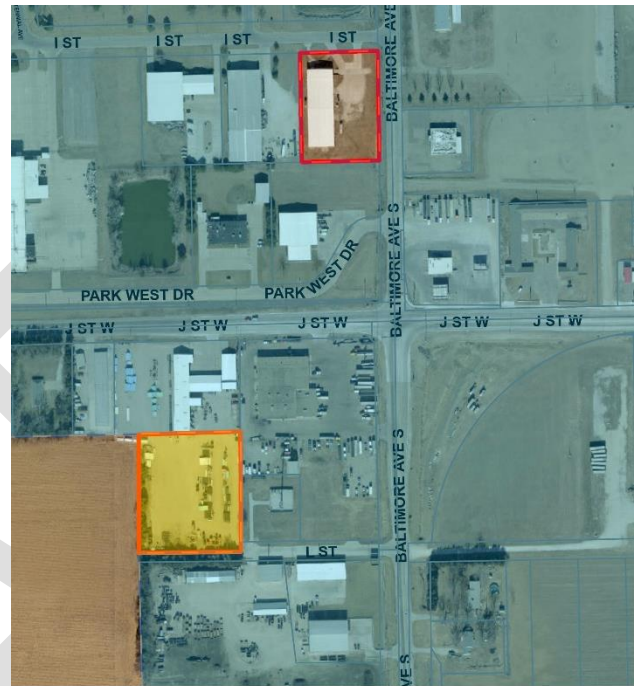
The subject site is approximately 2.7 acres in area and is used as an equipment and materials storage yard for the industrial business to the north of the site. Both sites are owned by the same property owner and largely function as one site. However, the subject site was created as a separate tract that was not previously annexed.

Properties to the immediate north, south, and east, are located within the City limits. The undeveloped agricultural field to the west is outside of the City limits.

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 #31001C0160C).



1615 W J St
Southwest Industrial Area
City Limits

Zoning:

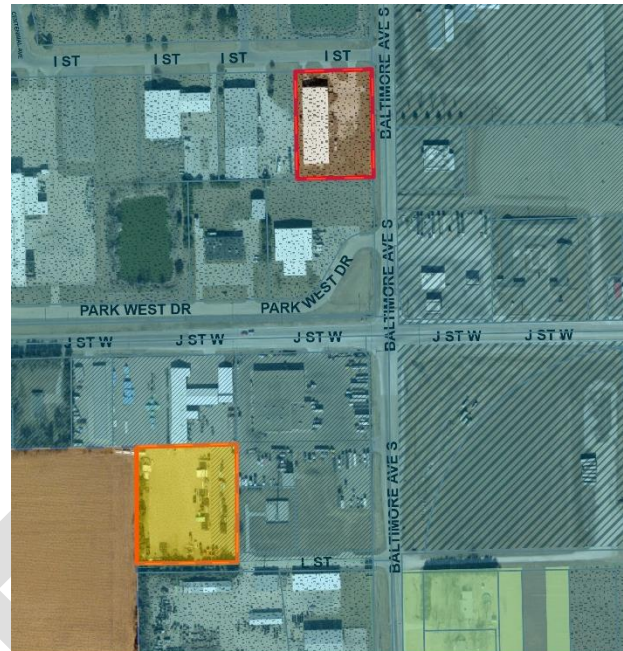
The site is a combination of the County A, Agricultural District, and I-1, Light Industrial District. The approximately east 80 feet of the site is zoned I-1 District. The remaining part of the site is zoned A District.

The adjacent properties to the north, including the “parent tract” with the industrial building, and east are zoned City I-1 District.

To the south of the site is property zoned City I-2, Heavy Industrial District.

To the west is undeveloped agricultural land zoned County A 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-1 District. This would necessitate a rezoning in the future. The existing use could be considered a nonconforming situation if annexed.



1615 W J St	R-3: Multiple-family	C-3: Commercial business
Southwest Industrial Area	R-1A: Single family large lot	C-0: 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-County
R-1: Urban single family	CZ: Clear zone	FS: 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

Public Utilities:

The use of the site is a storage yard that does not necessitate most utilities. The main site is served by all public utilities.

Water – There is a 10-inch water main in the S. Baltimore Avenue right-of-way, approximately 500 feet east of the site. As mentioned, the main site is served by the City utility. The City would most likely consider this an in-city service unless the site was sold and developed for a different use in the future. If the site were to develop, water could be provided either from the S. Baltimore Avenue main or the water service along W. J Street.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the L Street right-of-way that could provide service to the site. As mentioned, the main site is served by the City utility. The City would most likely consider this an in-city service unless the site was sold and developed for a different use in the future. If the site were to develop, sanitary sewer could be provided either from L Street. main or the service along W. J Street.

Gas – Hastings Utilities’ gas line is located along the S. Baltimore Avenue right-of-way. The use of the subject site does not currently require gas service. However, the main site is a customer of Hastings Utilities for gas service.

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 property within the City limits.

Access to Public Roads – Based on aerial photos, the site gains access from L Street, and to W. J Street through internal paths. The City of Hastings maintains the surrounding roadways.

Public Safety – Because the land is outside the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Generally, the Hastings Police Department would only respond to the site for a crime or an emergency at the request of the Adams County Sheriff's Office.

If this property was annexed into the Corporate limits, both Hastings Fire Department 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 utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area and no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. 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 appears to be industrial (storage of materials and equipment) related to its “parent tract” to the north. The site is mostly zoned County A, Agricultural District, with the eastern 80 feet of the site zoned County, I-1, Light Industrial District. The current use of the site could be considered a nonconforming condition to the A District. It would be most appropriate to rezone the site to I-1 District to bring the site into conformance.

The property is surrounded on three sides by properties or 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. All Hastings Utilities are present in the area and can service the site. However, the existing use does not require most of these 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.

The property owner’s tax assessment for the two properties is anticipated to increase by approximately \$156 or 28.57%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered an industrial use, and is being used as a storage area for equipment and materials related to the industrial facility on the “parent tract.” Because of the use of the site, it does not need any public utilities or is gaining service from the parent tract to the north.

The site is generally considered and functions as part of the parent tract to the north. Including the site into the City’s corporate limit would square off the corporate limit and avoid any potential confusion with fire or police response.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
MUNICIPAL SUPPLY INC			#010003201		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$38,650	\$ -	\$ -	\$38,650	\$ 38,650.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 6.74	0.017446	\$ 6.74	0%
CRA	0.000000	\$ -	0.026000	\$ 10.05	100%
City	0.000000	\$ -	0.424342	\$ 164.01	100%
Community College	0.090272	\$ 34.89	0.090272	\$ 34.89	0%
County	0.423456	\$ 163.67	0.423456	\$ 163.67	0%
ESU 9	0.015000	\$ 5.80	0.015000	\$ 5.80	0%
Fire	0.038805	\$ 15.00	0.000000	\$ -	0%
Library	0.008717	\$ 3.37	0.000000	\$ -	0%
NRD 2 Little Blue	0.020621	\$ 7.97	0.020621	\$ 7.97	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 29.25	0.075686	\$ 29.25	0%
School Districts	0.708894	\$ 273.99	0.708894	\$ 273.99	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.398897	\$ 540.67	1.801717	\$ 696.36	28.80%

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.

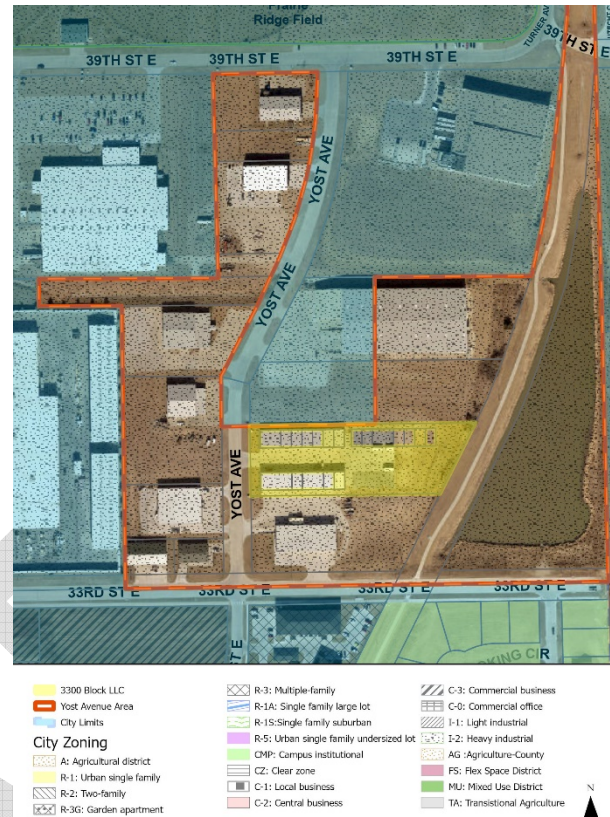
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

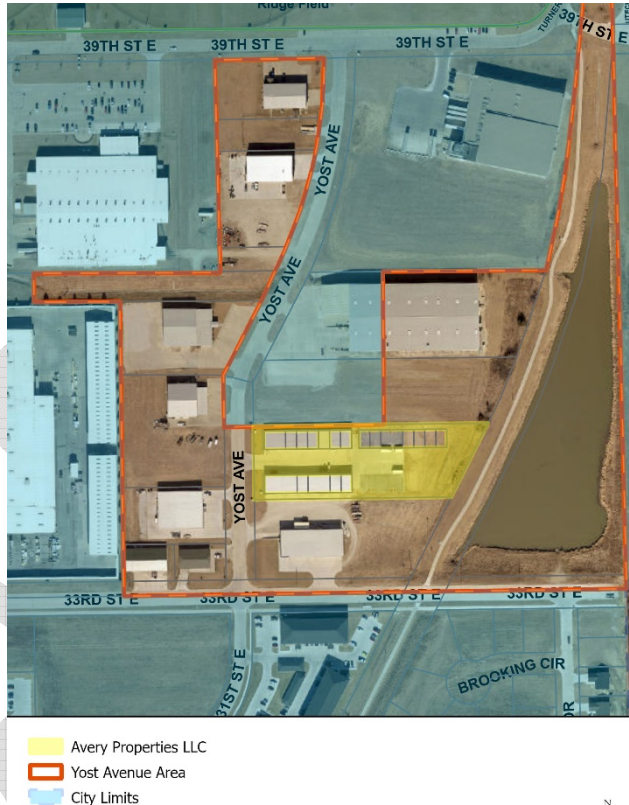
Owner: Bumgardner Rentals, LLC

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.

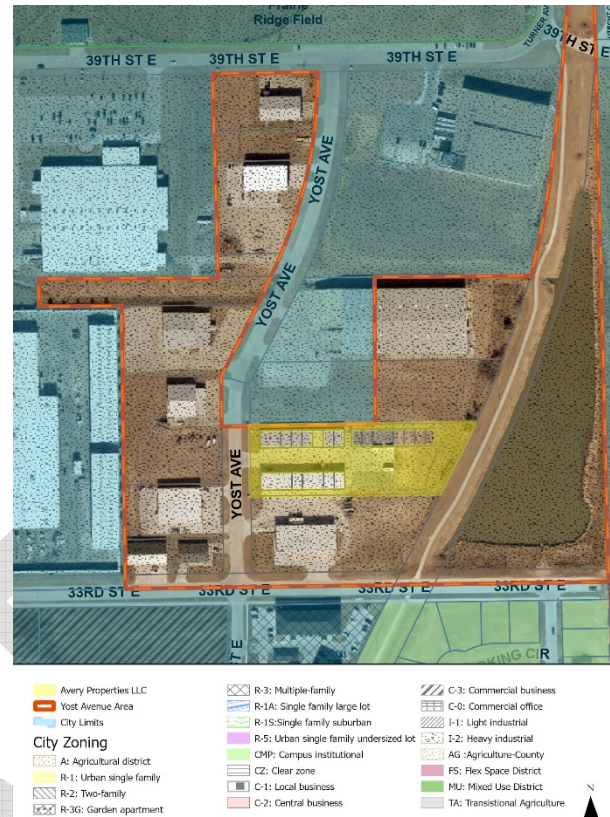
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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.

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 \$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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

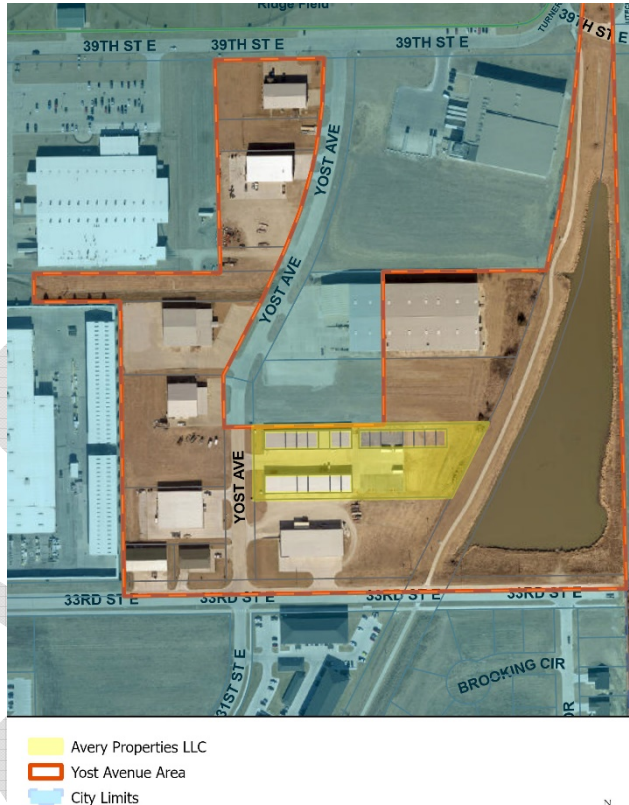
Owner: Avery Properties, LLC

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.



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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 - (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.

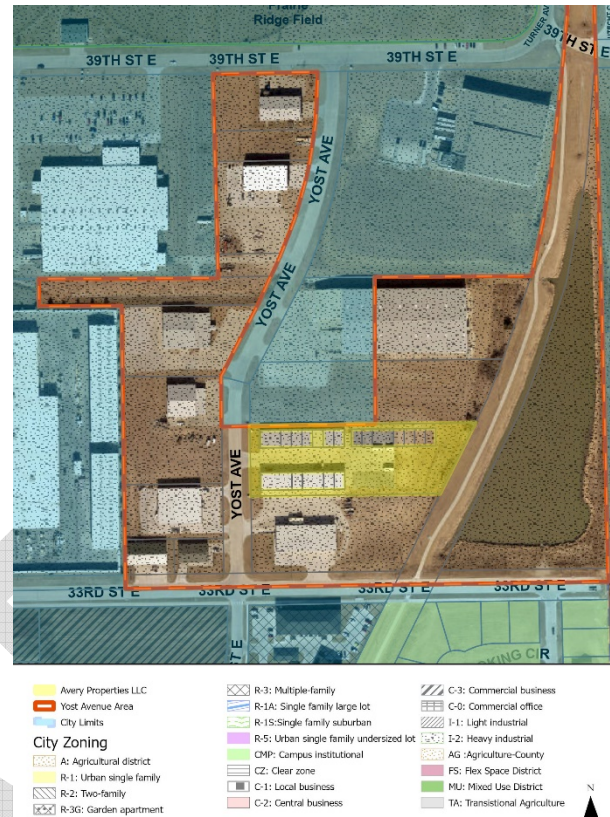
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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 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 \$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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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:
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- (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).

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.

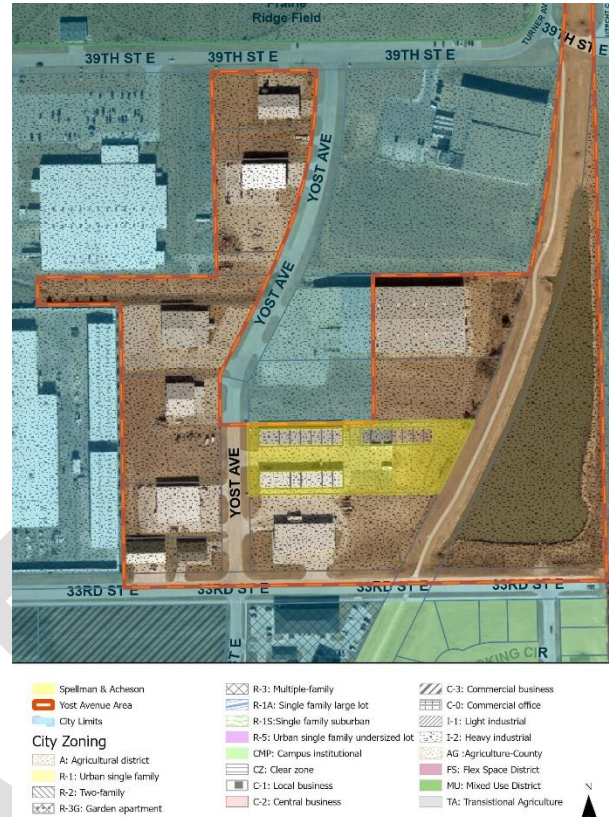
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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			
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%
				\$	-	

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

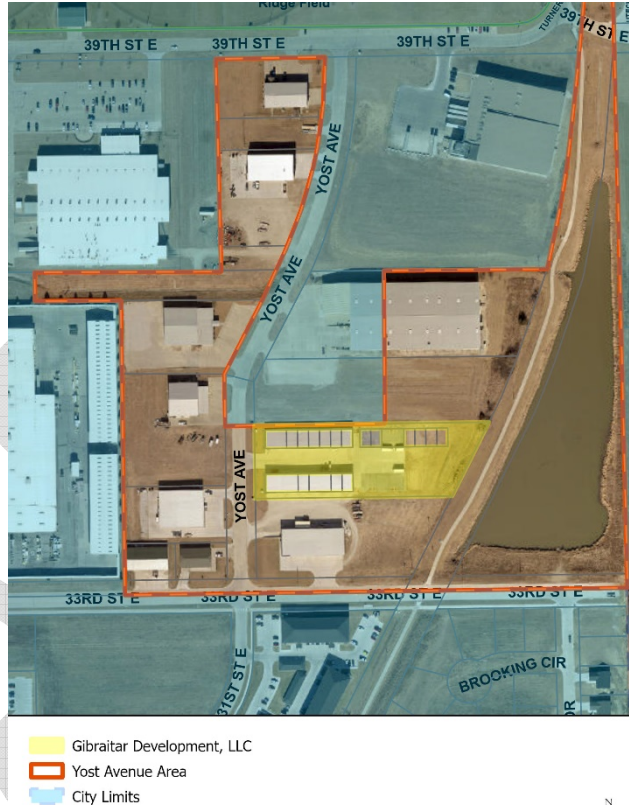
Owner: Gibraitar Development, LLC

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:

- (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).

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.

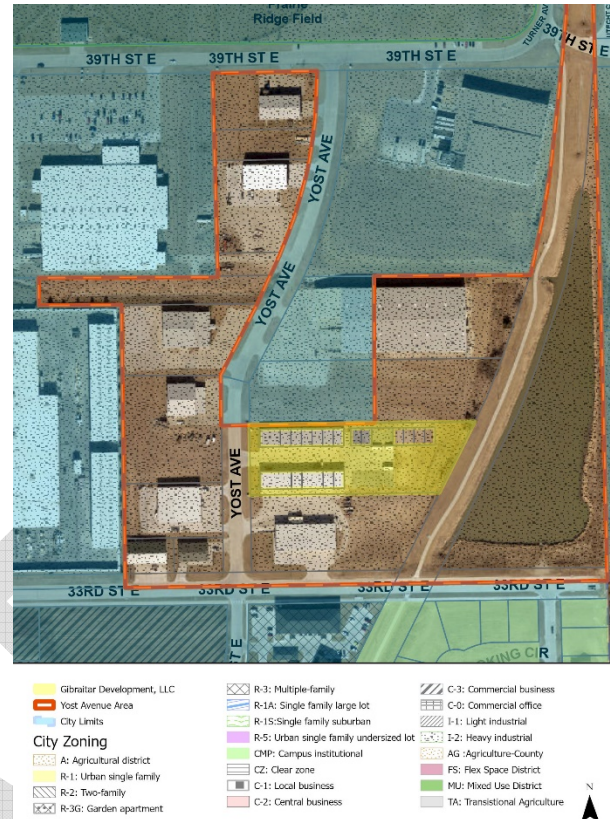
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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 \$1,091.53, 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			
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%
City		0.000000	\$ -	0.424342	\$ 1,149.84	100%
Community College		0.090272	\$ 244.61	0.090272	\$ 244.61	0%
County		0.423456	\$ 1,147.44	0.423456	\$ 1,147.44	0%
ESU 9		0.015000	\$ 40.65	0.015000	\$ 40.65	0%
Fire		0.038805	\$ 105.15	0.000000	\$ -	0%
Library		0.008717	\$ 23.62	0.000000	\$ -	0%
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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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.

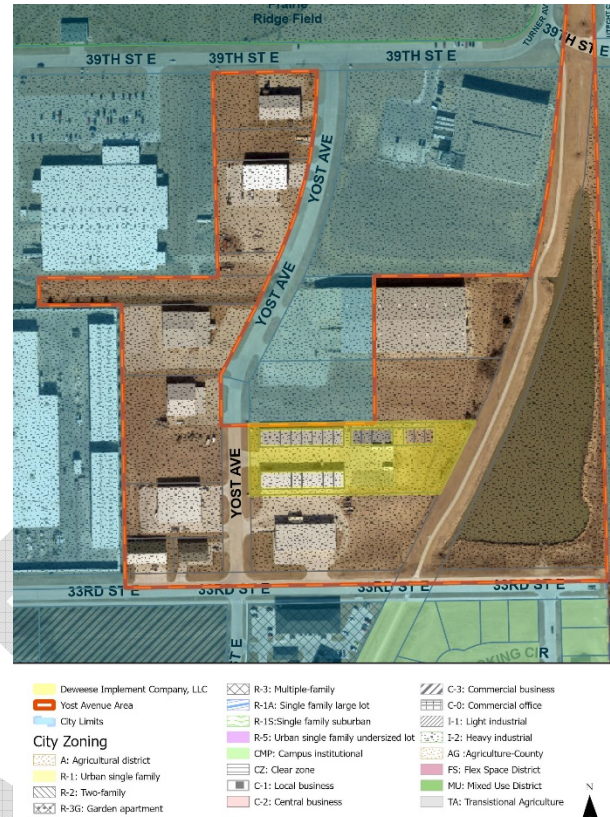
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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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 - (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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

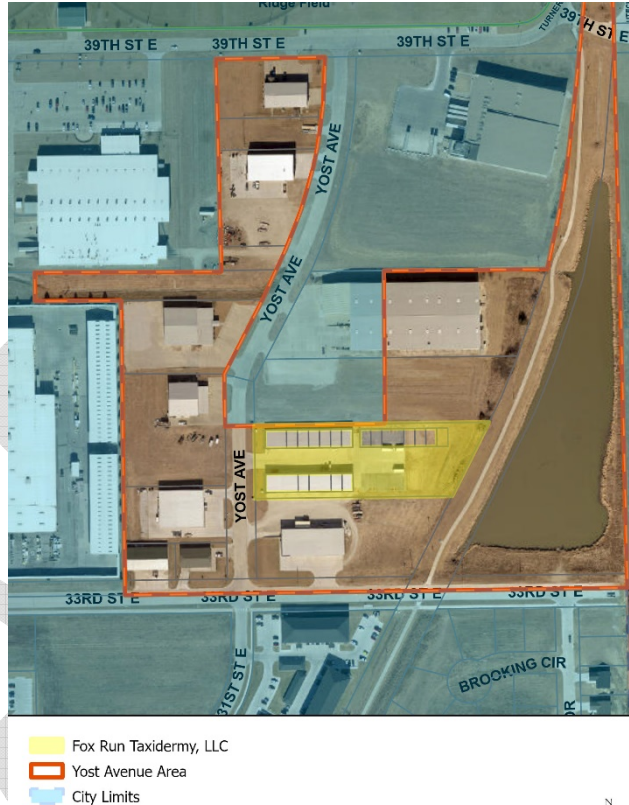
Owner: Fox Run Taxidermy, LLC

Subject Site:

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.
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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 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:

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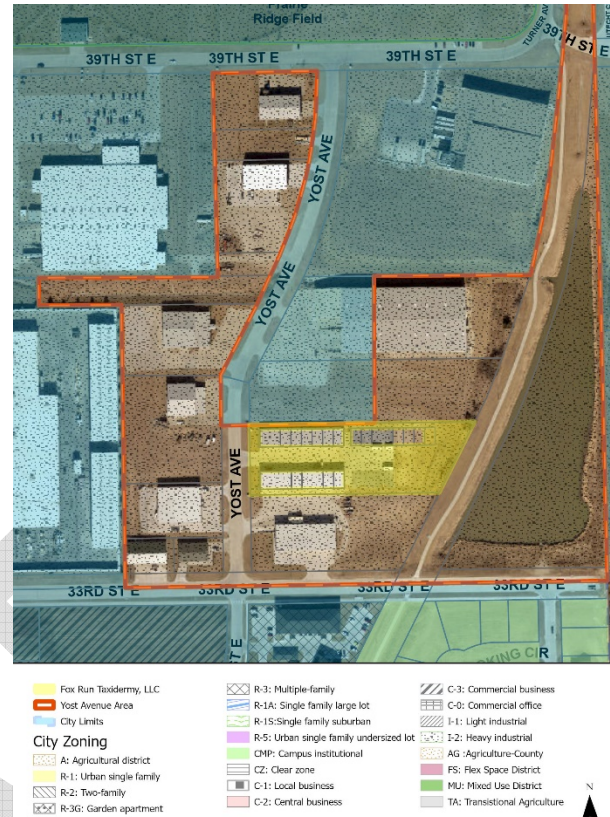
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Note: During the research for the annexation review, it was discovered that an error had occurred in the legal description of an Administrative Plat in 2016 that caused Adams County to misidentify this property as being annexed into the City. The result 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.

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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?
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Totals		1.400291	\$ 2,194.72	1.803111	\$ 2,826.07	28.77%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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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- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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.

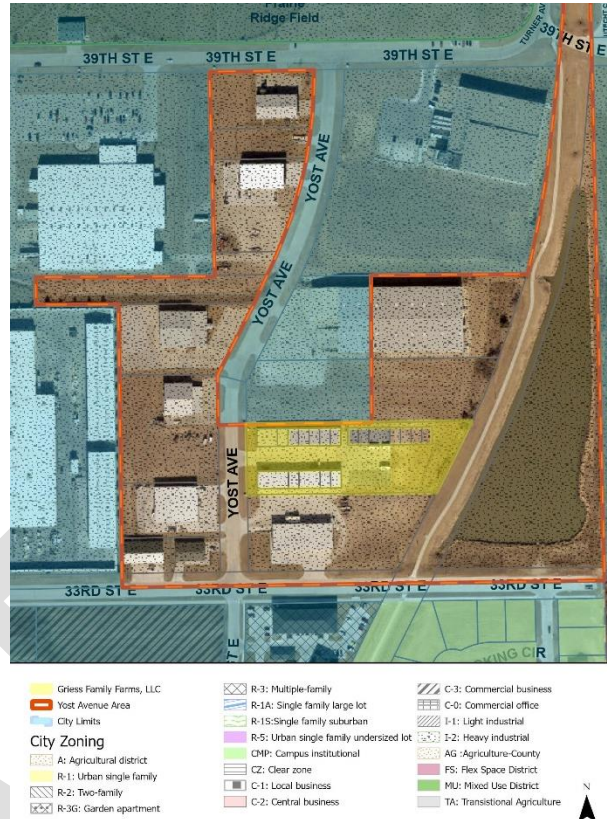
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

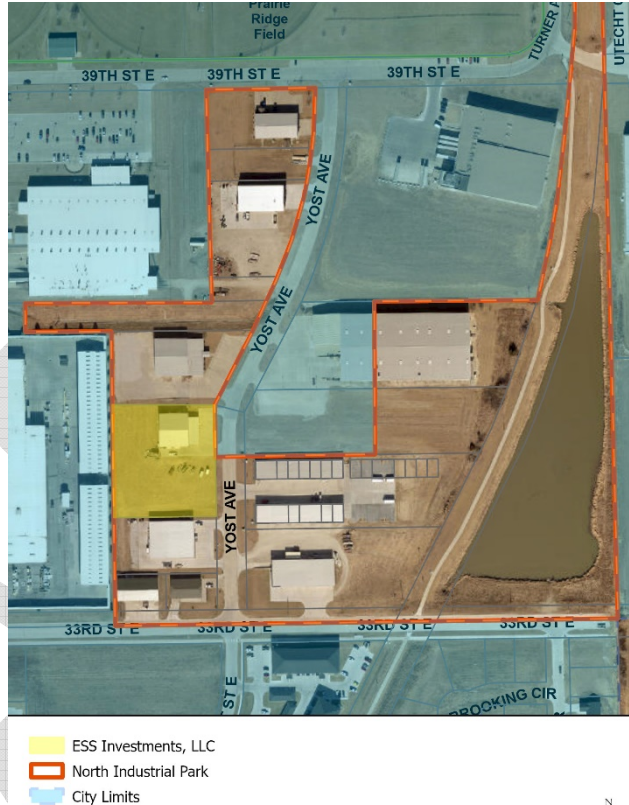
Owner: ESS Investments, LLC

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.
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- (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.

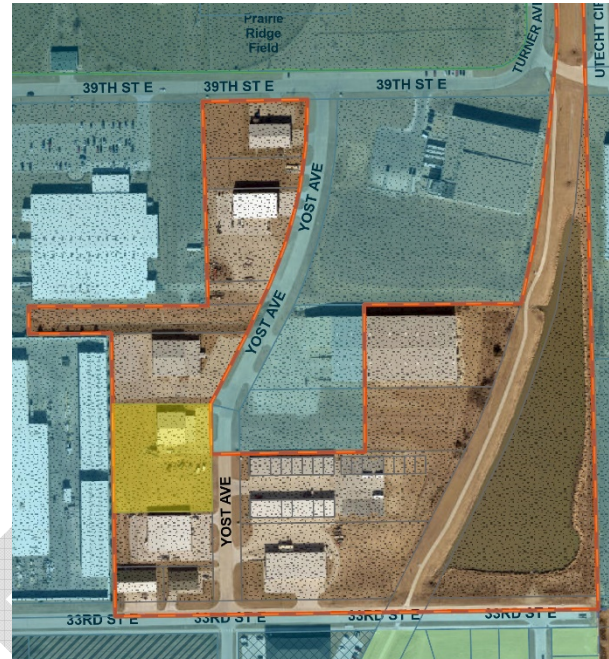
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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-0: 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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

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

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

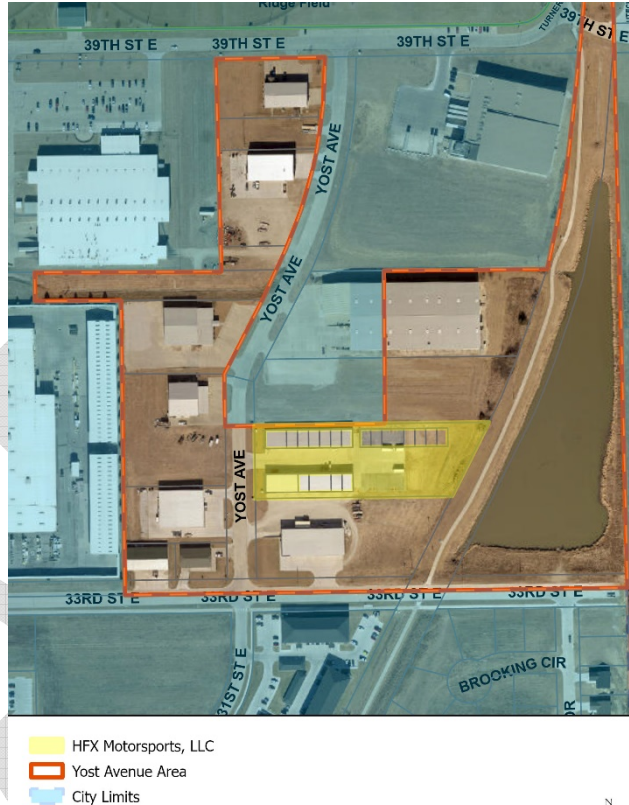
Owner: HFX Motorsports, LLC

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:
 - (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.

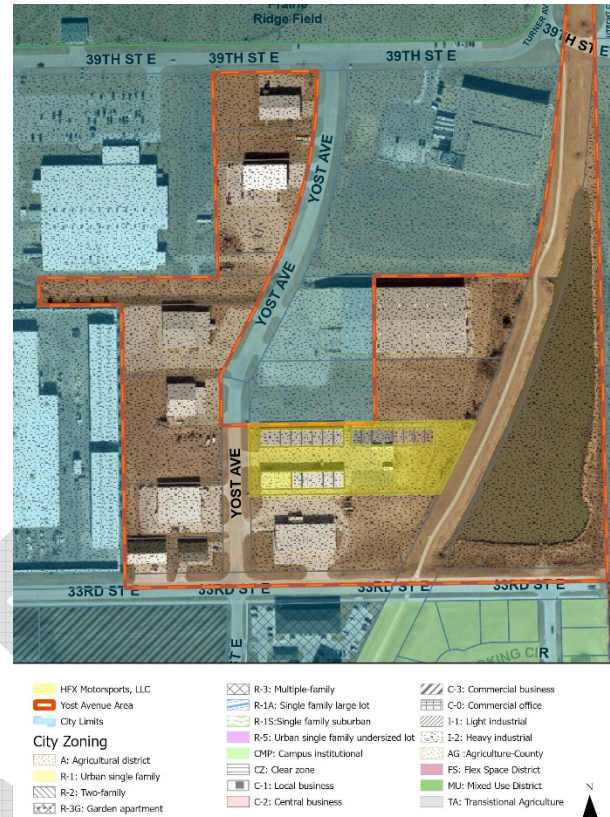
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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 \$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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

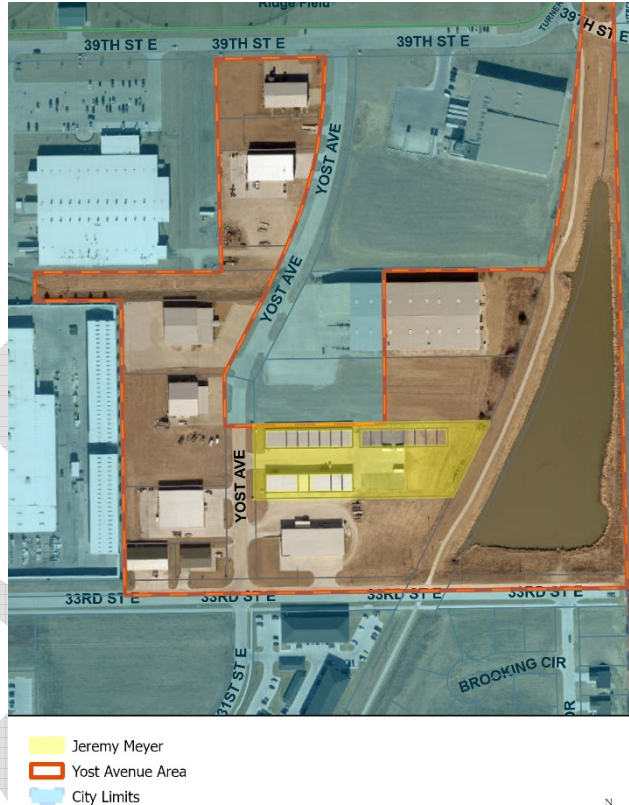
Owner: Jeremy Meyer

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:

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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 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.

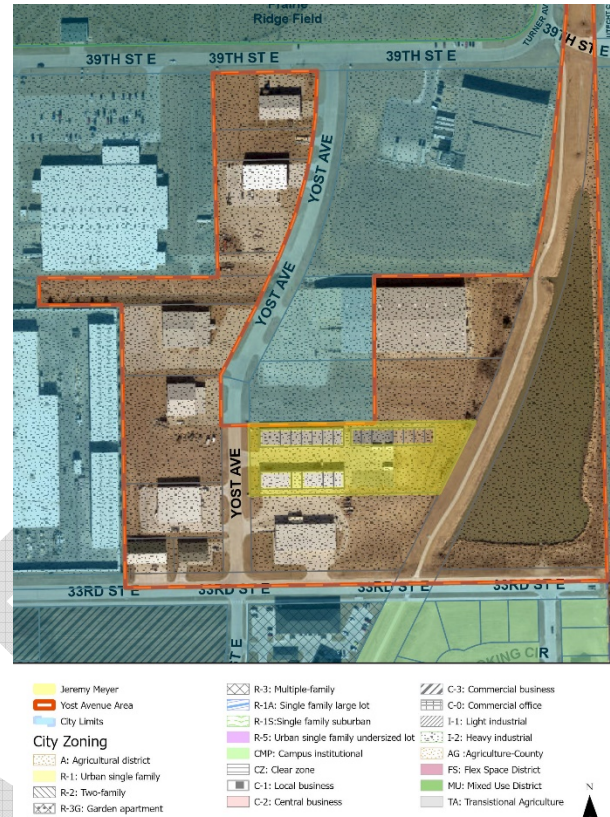
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Access to Public Roads – The site gains access to Yost Avenue via a driveway that serves as a parking lot and loading area for the warehouses. Yost Avenue is maintained by the City of Hastings.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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:

- (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 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.

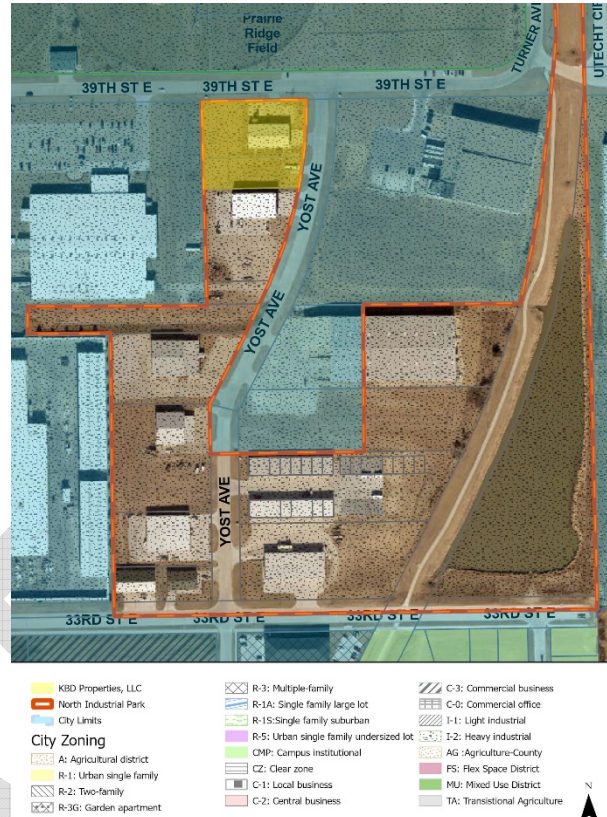
Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

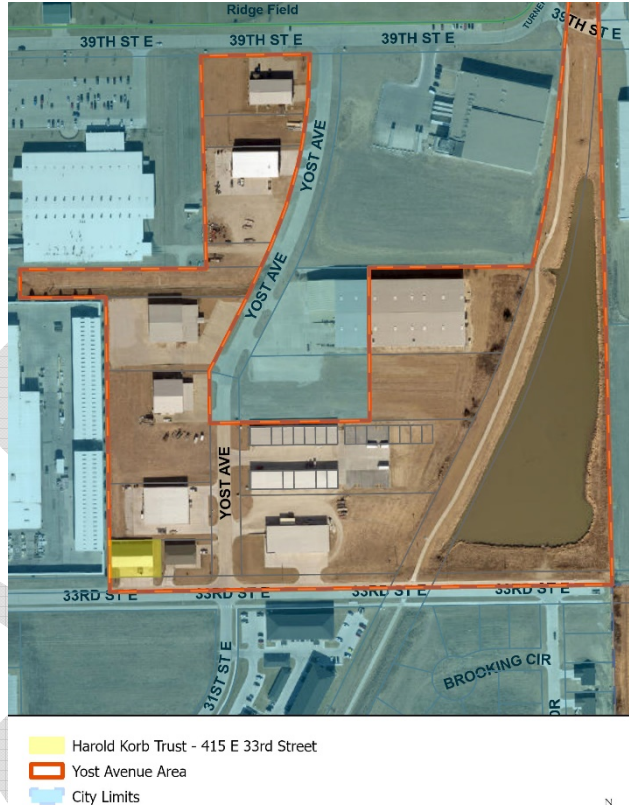
415 E 33rd Street
Approximately 200 Feet West of the Intersection
of East 33rd Street and Yost Avenue

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

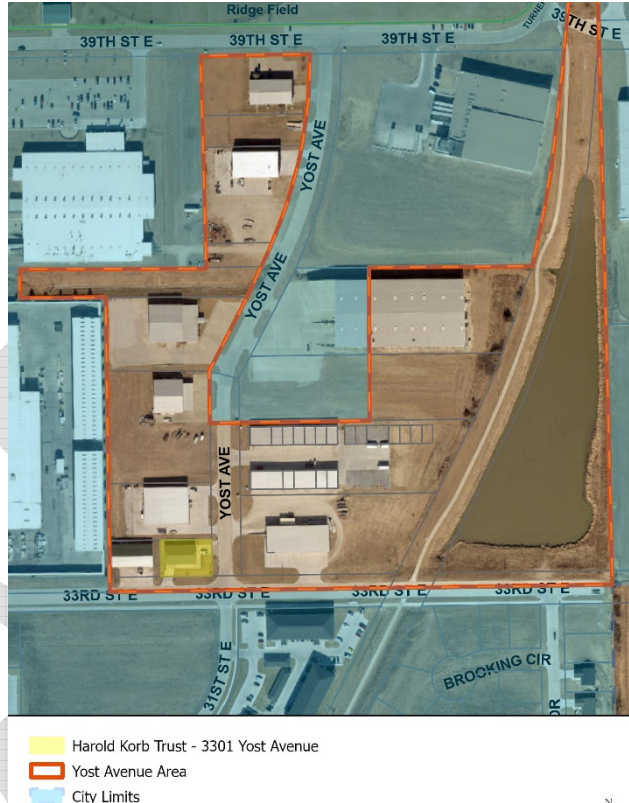
Owner: Harold Korb Trust

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.

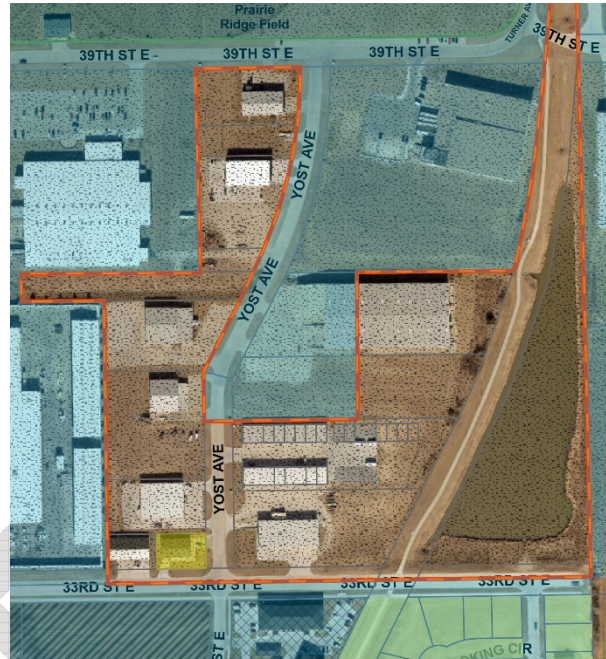
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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.



Harold Korb Trust - 3301 Yost Avenue	R-3: Multiple-family	C-3: Commercial business
Yost Avenue Area	R-1A: Single family large lot	C-6: Commercial office
City Limits	R-1S: Single family suburban	I-1: Light industrial
	R-5: Urban single family undersized lot	I-2: Heavy industrial
City Zoning	CHP: Campus institutional	AG: Agriculture-Country
A: Agricultural district	CZ: Clear zone	FS: Flex Space District
R-1: Urban single family	C-1: Local business	MU: Mixed Use District
R-2: Two-family	C-2: Central business	TA: Transitional Agriculture
R-3G: Garden apartment		

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

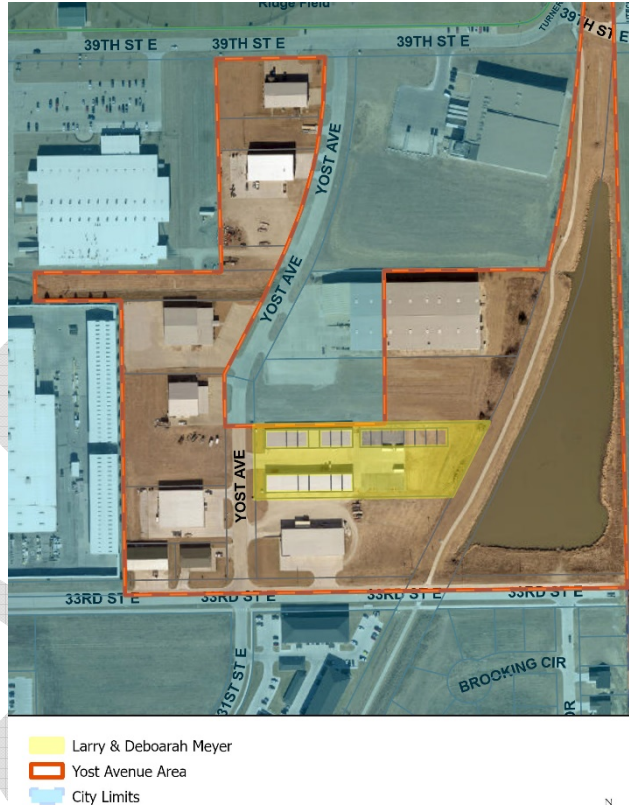
Owner: Larry & Deborah Meyer

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.
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- (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.

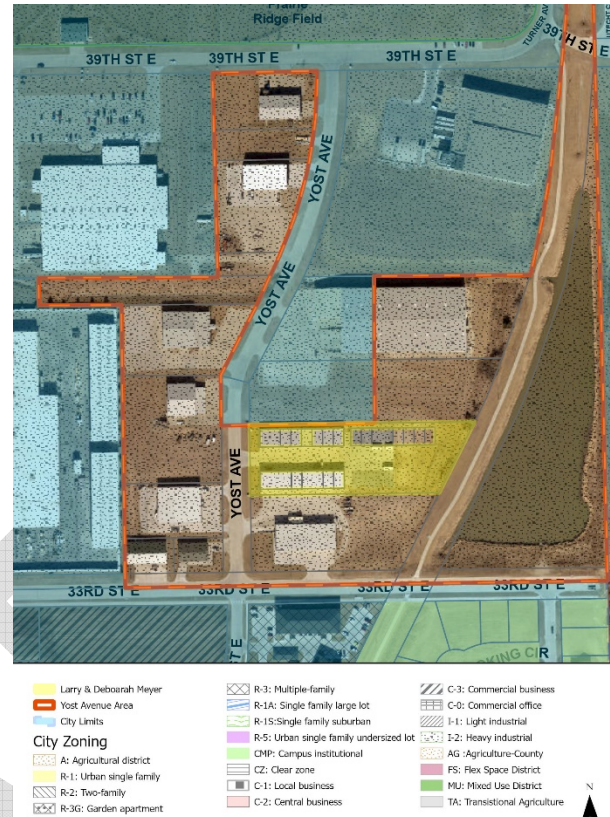
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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.



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 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.

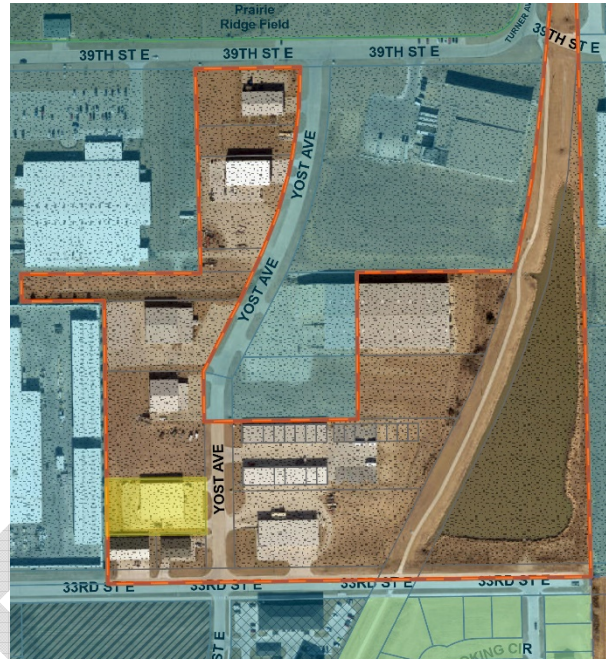
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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.



- L & P Commercial Rentals, LLC - Yost Avenue Area - City Limits	- R-3: Multiple-family - R-1A: Single family large lot - R-1S: Single family suburban - R-5: Urban single family undersized lot - CHP: Campus institutional - R-1: Urban single family - R-2: Two-family - R-3G: Garden apartment	- C-3: Commercial business - C-6: Commercial office - I-1: Light industrial - I-2: Heavy industrial - AG: Agriculture-Country - FS: Flex Space District - MU: Mixed Use District - TA: Transitional Agriculture
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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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

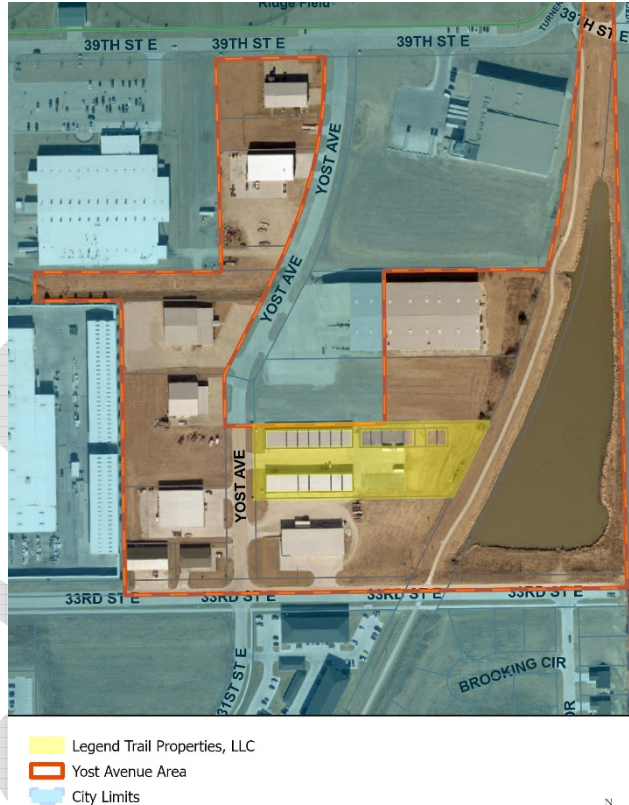
Owner: Legend Trail Properties

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.

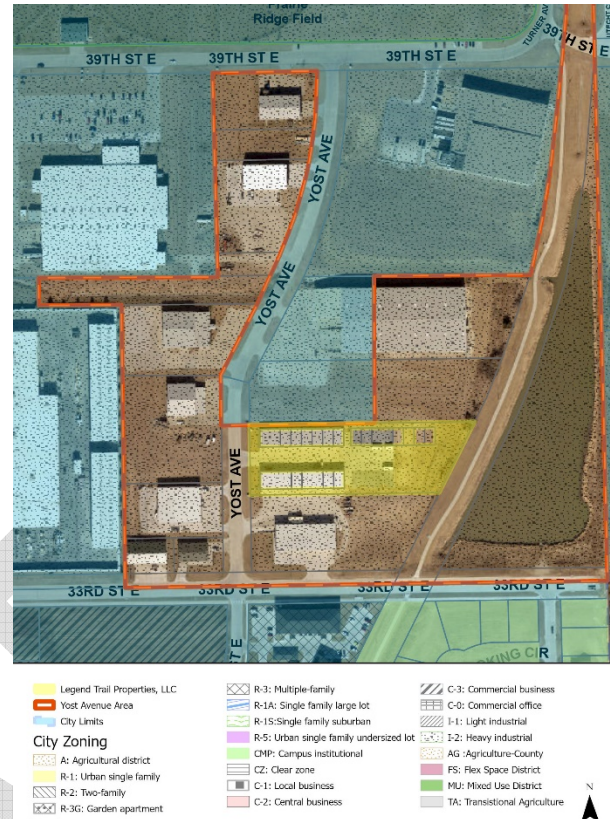
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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.

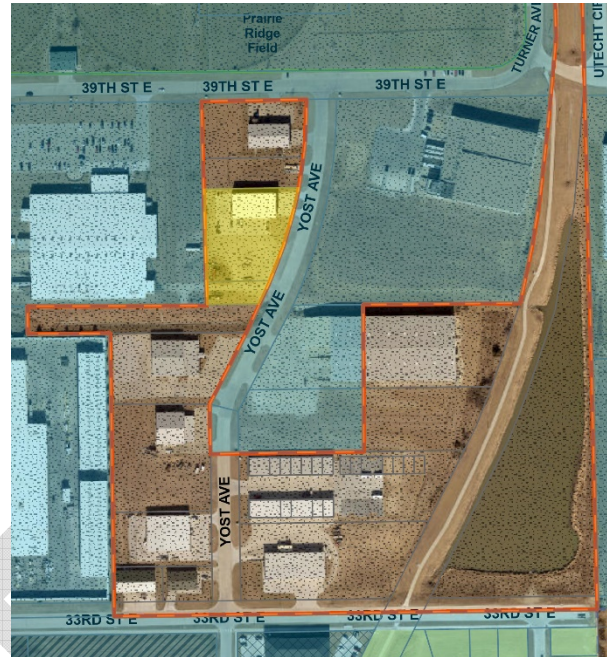
Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

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.



Michael Bonifas	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-County
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

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

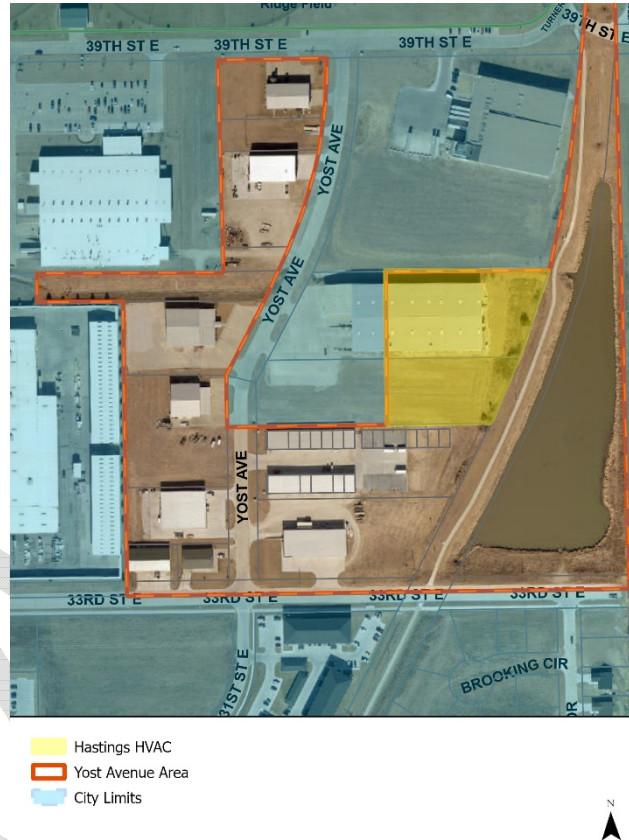
3606 Yost Avenue
Approximately 500 feet north of the intersection of
E. 33rd Street and Yost Avenue

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.

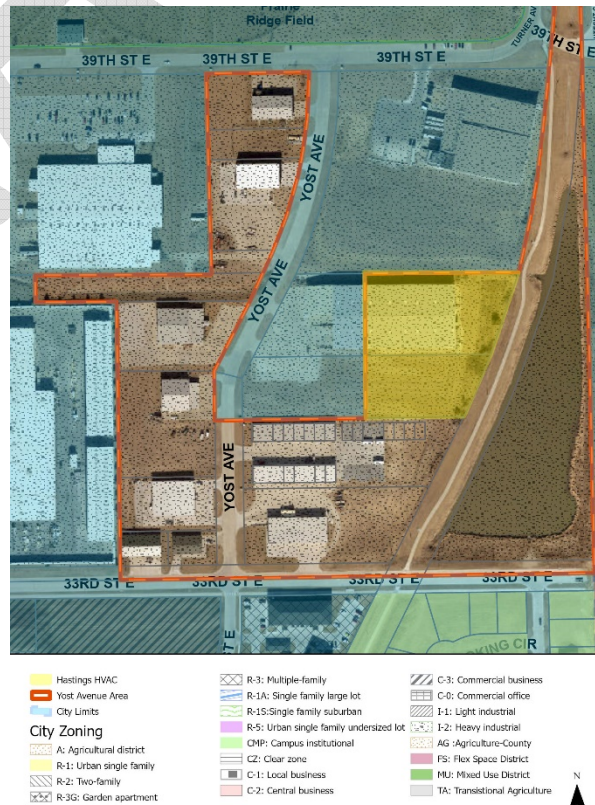
Zoning: The site and surrounding areas to the north, east, south, and west are currently zoned County I-2, Heavy Industrial District.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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.



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).

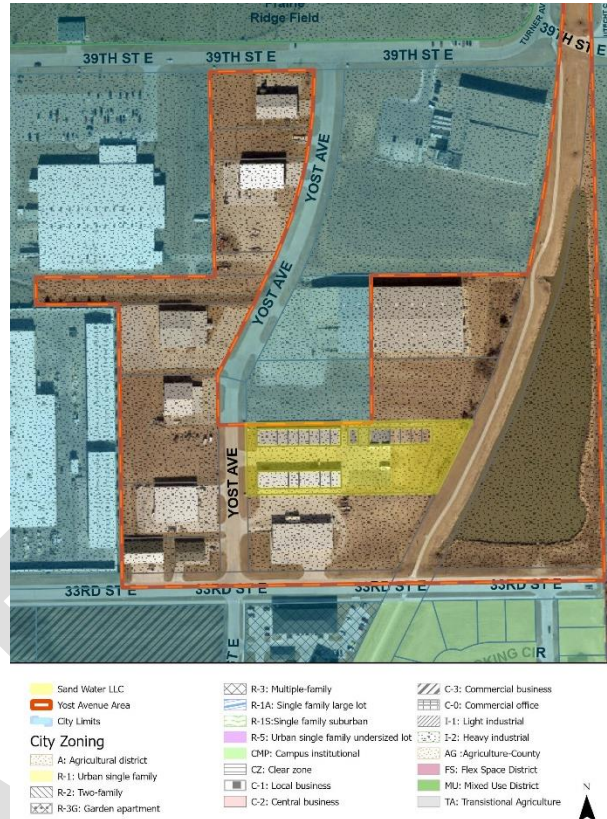
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

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 \$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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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

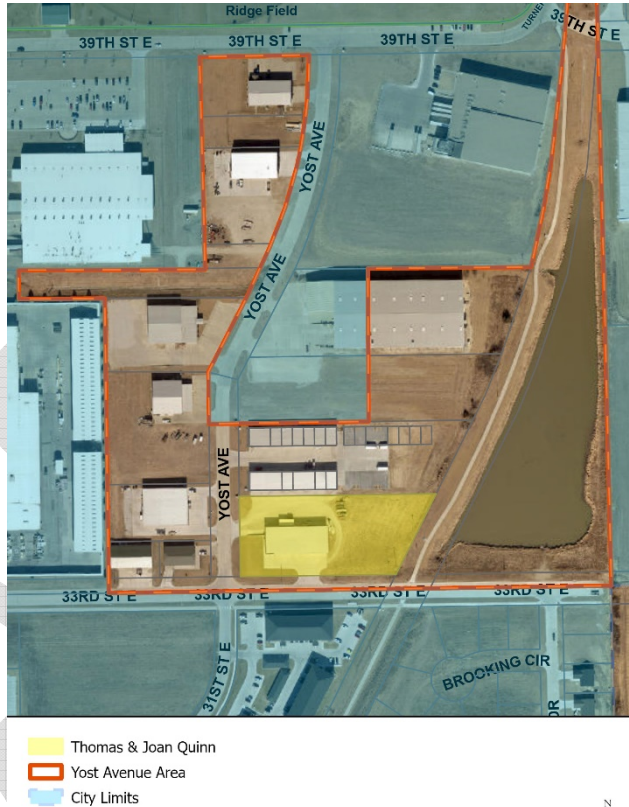
Owner: Thomas and Joan Quinn

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:

- (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 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.

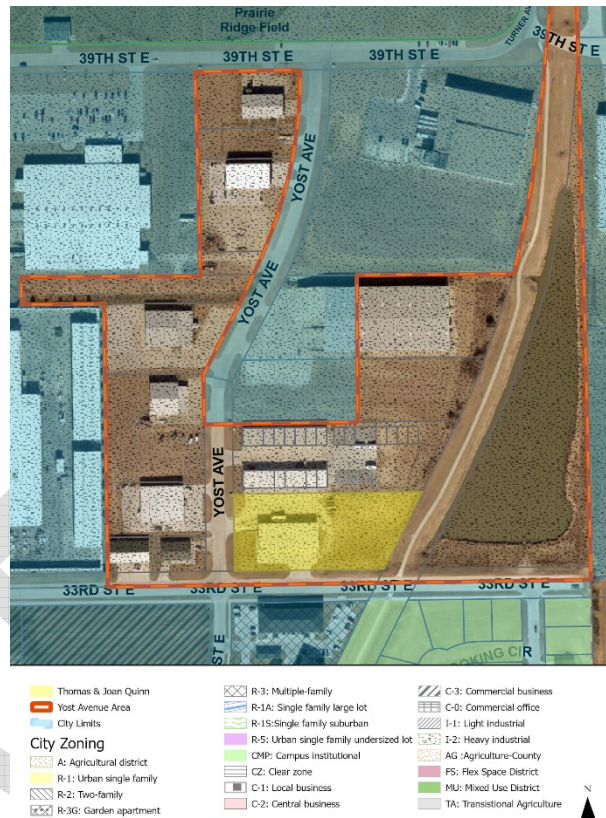
Gas – A Hastings Utilities' gas line is located in the E. 33rd Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

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:

“...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 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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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).

City Zoning

 Larry & Deborah Meyer	 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
 As: Agricultural district	 CZ: Clear zone	 FS: Flex Space District
 R-1: Urban single family	 C-1: Local business	 MU: Mixed Use District
 R-2: Two-family	 C-2: Central business	 TA: Transitional Agriculture
 R-3G: Garden apartment		

Y. A. Izrael

er main is located in the Yost Avenue right-of-way
ected to the City's sanitary sewer infrastructure and
rd commercial rate.

board of directors of the company. The board of directors is responsible for the overall management of the company and for the appointment and removal of the company's officers and directors. The board of directors is also responsible for the company's financial statements and for the company's compliance with applicable laws and regulations.

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

or commercial property within the City limits

commercial property within the city limits.

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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

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.
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- (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).

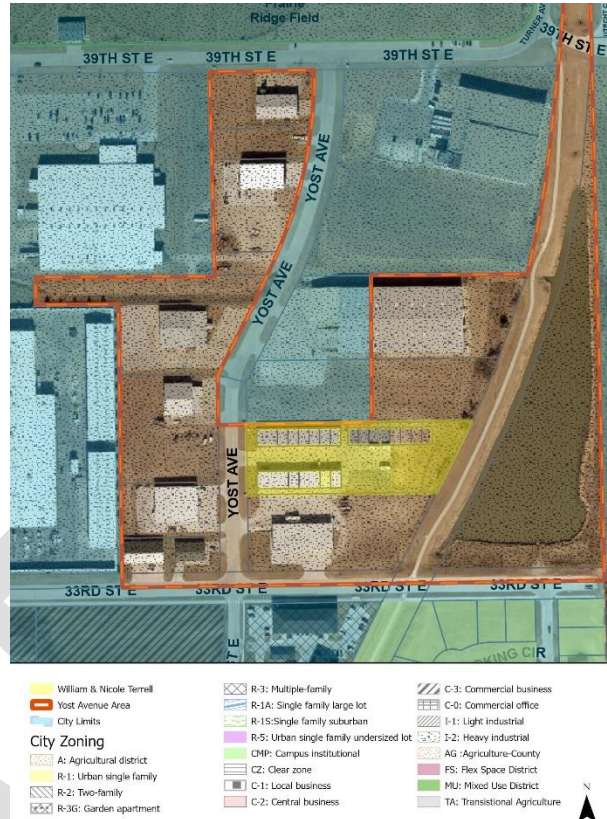
Zoning: The site and surrounding areas to the east, north, and west are currently zoned County I-2, Heavy Industrial District.

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 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.

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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%

RESOLUTION 06-09-19
ADAMS COUNTY BOARD OF SUPERVISORS

ORDER

WHEREAS, Hastings Economic Development Corporation, a Nebraska Corporation, has submitted to the County Clerk of Adams County and to the Board of Supervisors of Adams County its application for Designation of County Industrial Area under the provisions of N. R. S. 13-1111 et seq. (Reissue 1997);

WHEREAS; THE REAL ESTATE SUBJECT TO THE SAID Application is within the zoning jurisdiction of the City of Hastings, a municipal corporation which has enacted a comprehensive development plan therefore, and exercises zoning jurisdiction thereof;

WHEREAS; the real estate subject to the said application is at least 10 acres in size and is located contiguous to an area which has already been designated as a County Industrial Area;

WHEREAS, the Hastings City Council has been provided with the notice of filing of the said Application from the County Clerk of Adams County requesting approval or disapproval of the designation of the said real estate as a County Industrial Area in accordance with the said statutory provisions;

WHEREAS, the City of Hastings has approved the said designation subject to conditions agreed upon between the City of Hastings and Adams County, embodied in the City's Resolution No. 2006-43 adopted by the Hastings City Council on August 28, 2006, which Resolution has been approved by Motion of the Adams County Board of Supervisors dated September 19, 2006;

WHEREAS, the County Clerk has published notice of the hearing upon the Applicant's request, as provided by the Neb Rev Stat 13-1113 (Reissue 1997); and

WHEREAS, those interested in the matter have appeared and been heard by the Board, and the Board has considered the Application and the evidence, and is now prepared to make its findings and designation

NOW IT IS THEREFOR ORDERED AND DECREED BY THE BOARD OF SUPERVISORS OF ADAMS COUNTY, NEBRASKA, AS FOLLOWS:

1. The Board finds from the evidence produced that:
 - A. The tract described herein below is suitable for use as an industrial area;
 - B. It will be generally beneficial to the community; and

- C. The owners of all the land embraced therein have consented to such designation.

2. The Board hereby designates the following tract of land, to wit:

A part of the Northwest Quarter (NW1/4) of Section Thirty-Two (32), Township 8 North, Range 9 West of the 6th PM, in Adams County, described on Exhibit A as Industrial Park North Subdivisions Number 4 and 5.

To be a County Industrial Area, subject however to the following conditions:

- 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 excepted 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 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.

- F. The form of this Order shall be approved by the Adams County Attorney and the Hastings City Attorney.
3. Upon annexation of the fifth of the five incremental parcels, the designation of the above-described tract of land as a County Industrial Area shall be deemed to have terminated.

ADOPTED AND APPROVED THIS 19TH DAY OF September 2006.



Larry Woodman
Chairman of the Board of Supervisors

Chrissie Lewis
Adams County Clerk

Sept. 19, 2006
Date

East 26th St & North 2nd Avenue
Neighborhood Meeting Summary
August 22, 2023
5:00 pm at the Hastings Public Library



Neighbors: Rich Curry, Matt Baack (Attorney), Pam and Jon Petersen, Tricia Dietze, Ronnie Hohlen and Tom Hohlen

Staff: Melissa Woodard, Development Services Administrative Assistant, Jesse Oswald, City Attorney, Lee Vrooman, Director of Engineering, Chad Bunger, Director of Development Services

Bunger welcomed everyone and provided introductions to the meeting attendees.

Bunger then provided an overview of the annexation review project, including why the project was being conducted, applicable City Codes and State Statutes, the City's planned process, and the project's tentative schedule.

Following the project overview, City staff opened the meeting for questions and discussion.

The questions and topics of discussion include:

- Curry and Hohlen were worried about the acreages and continued farming and ranging of the land. *Staff would need to research the question of ranching of the land and how the City's code would apply.*
- Would sidewalks be required to be installed if the land was annexed into the City. *Staff stated that new sidewalks would not be required to be installed unless a major development were to occur on the site or in the area.*
- Would they have to follow city code as far as mowing if weeds were too tall? *Staff informed the group that all City codes would be required.*

Following no other questions or comments, Bunger thanked everyone for attending and let them know that he could be contacted if any questions or concerns did arise.

The presentation provided at the neighborhood meeting is attached.

**East Industrial Area
Neighborhood Meeting Summary
August 24, 2023
5:00 pm at the Hastings Public Library**



Attendees:

Neighbors: David Fisher, Bruce Hocking, Ted Grimm, Andy Beirow, Collette Joscoy, Gale Beirow and Amy Skalka

Staff: Melissa Woodard, Development Services Administrative Assistant, Jesse Oswald, City Attorney, Lee Vrooman, Director of Engineering, Chad Bunger, Director of Development Services

Bunger welcomed everyone and provided introductions to the meeting attendees.

Bunger then provided an overview of the annexation review project, including why the project was being conducted, applicable City Codes and State Statutes, the City's planned process, and the project's tentative schedule.

Following the project overview, City staff opened the meeting for questions and discussion.

The questions and topics of discussion include:

- Why the Kingswood Plaza would even be considered or needed in the city limits
- Cattle companies being large and how that would affect their clients, with the acreages, city codes, enforcements, and animals allowed
 - City staff would research the question about the agriculture use in the industrial district.

Bunger told them these were the first steps and ultimately, the City Council would decide after his referral.

Following no other questions or comments, Bunger thanked everyone for attending and let them know that he could be contacted if any questions or concerns did arise.

The presentation provided at the neighborhood meeting is attached.

**North Industrial Park
Neighborhood Meeting Summary
August 29, 2023
5:00 pm at the Hastings Public Library**



Attendees:

Neighbors: Paul Krieger, Harold Korb, Gabe Harman, Mike Bonifas

Staff: Melissa Woodard, Development Services Administrative Assistant, Jesse Oswald, City Attorney, Lee Vrooman, Director of Engineering, Chad Bunger, Director of Development Services

Bunger welcomed everyone and provided introductions to the meeting attendees.

Bunger then provided an overview of the annexation review project, including why the project was being conducted, applicable City Codes and State Statutes, the City's planned process, and the project's tentative schedule.

Following the project overview, City staff opened the meeting for questions and discussion.

The questions and topics of discussion include:

- Harman spoke of problems with not being given a choice of being on city water, sewer.
- Another person brought up 10-year industrial tract agreements that applies to their properties.

Bunger told them these were the first steps and ultimately, the City Council would decide after his referral.

Oswald and Vrooman said they would research the 10-year industrial tract agreements.

Following no other questions or comments, Bunger thanked everyone for attending and let them know that he could be contacted if any questions or concerns did arise.

**East Industrial Area
Neighborhood Meeting Summary
August 31, 2023
5:00 pm at the Hastings Public Library**



Attendees:

Neighbor: Cody Smith

Staff: Melissa Woodard, Development Services Administrative Assistant, Jesse Oswald, City Attorney, Lee Vrooman, Director of Engineering, Chad Bunger, Director of Development Services

Chad Bunger sat down with Smith, and City staff to discuss things in person, forgoing the PowerPoint.

Bunger then provided an overview of the annexation review project, including why the project was being conducted, applicable City Codes and State Statutes, the City's planned process, and the project's tentative schedule.

The questions and topics of discussion include:

- Smith stated he gets it, that they receive all the city benefits, and has no problem paying his share for the good of the city.
- Bunger provided the information known to date on the County Industrial Designation issue.

Bunger told him these were the first steps and ultimately, the City Council would decide after his referral.

Oswald and Vrooman said they would research the 10-year industrial tract agreements.

Following no other questions or comments, the meeting was adjourned.

CITY OF HASTINGS, NEBRASKA MINUTES
PLANNING COMMISSION
Tuesday, September 19, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library 314 N Denver Avenue, Hastings NE, on September 19, 2023.

1. Call to Order

The meeting was called to order at 4:00 p.m. in Regular Session by Second Vice Chair Michelle Lewis with the following members present: Michelle Lewis, Chuck Rosenberg, Jody Stutzman, Lou Kully, Jacque Cranson. Greg Sinner, Rakesh Srivastava Absent: Brian Hoffman, Shawn Rossi, Ann Hinton

2. Roll Call

Jacque Cranson, Chuck Rosenberg, Lou Kully, Michelle Lewis, Jody Stutzman, Rakesh Srivastava, Greg Sinner Absent: Ann Hinton, Shawn Rossi, Brian Hoffman. Others Present: Shawn Metcalf, City Administrator, Lee Vrooman, Director of Engineering, Chad Bunker, Development Services Director, Kevin Kubo, Chief Building Official, Jesse Oswald, City Attorney, Travis Noden, HFR Fire Inspector, Tony Herrman, Public Information Manager

3. Pledge of Allegiance

The Second Vice Chair Michelle Lewis led the Commission in recital of the Pledge of Allegiance to the United States of America.

4. Motion to adopt the current agenda for the Planning Commission Meeting

Moved by Greg Sinner. Seconded by Lou Kully to adopt the current agenda for the Planning Commission Meeting. Voice Vote-Ayes: Greg Sinner, Lou Kully, Michelle Lewis, Chuck Rosenberg, Jody Stutzman, Jacque Cranson, Rakesh Srivastava Nays: None. The motion carried.

5. Approval of Minutes

a. Approval of Planning Commission Minutes of August 15, 2023

Moved by Chuck Rosenberg. Seconded by Rakesh Srivastava to approve the minutes of August 15, 2023. Voice Vote: Ayes: Jacque Cranson, Rakesh Srivastava, Lou Kully, Chuck Rosenberg, Jody Stutzman. Abs: Greg Sinner and Michelle Lewis Nays: 0 The motion carried.

b. Approval of Planning Commission Work Session Minutes September 5, 2023

Moved by Lou Kully. Seconded by Chuck Rosenberg to approve work session minutes of September 5, 2023. Voice Vote Ayes: Rakesh Srivastava, Lou Kully, Chuck Rosenberg, Jody Stutzman, Brian Hoffman Abs: Jacque Cranson Greg Sinner, Michelle Lewis. Nays: None. The motion carried.

(Brian Hoffman arrived at 4:06 pm at the end of the voice vote and voted to pass the minutes 5 Ayes, 2 Abs)

6. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 8, 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 City Library. Also, a current copy of the Nebraska Open Meetings Act is located on the wall of the conference room, which is accessible to members of the public.

7. Work Session

a. Discuss Annexation-West Industrial Park Area and East Industrial Area-

Chad led the discussion. In May, the city had started to discuss areas to be considered, to be reviewed for annexation in the corporate limits of Hastings. We did one of these work sessions a couple weeks ago and tonight will be on Industrial Park North (meant West) and East Industrial area along Highway 6 and Showboat Boulevard. Comments for the East Industrial area are brief. Whittled down to 42 areas, as they started having meetings, property owners gave us information, the county had designated the area in the late 60's as an Industrial County area. The State Statutes at that time, and still today, prohibit a municipality from annexing that area the county designated as an industrial area, unless an agreement between the city and the county was agreed upon and filed before hand. State Statute does not allow the city to annex this area, unless the property owners wish to remove this designation to allow their property to be annexed in or the county would remove the designation and allow the city to annex this area in. So, a great majority of this lot, can't be annexed, unless we as the City, would politic the County to do that, or the property owners, so at this time, staff is recommending this area not be considered for annexation. In the future, we can consider that, if things change, right now we don't have a whole lot of choice. Any questions on the East area before moving onto the North Industrial Park, he apologized, and meant the West Industrial Park.

Brian Hoffman asked was there a reason why the city hasn't pursued the county on removal? This is creating a growth where these properties are on the edge of the city there, the Central Community College is plotted into the city, there are plenty of reasons why this should be plotted into the city?

Chad Bunker said sure, sure, being as he has only been here a few months, can't really respond to that. Except to his knowledge, no one has really pursued that.

Chuck Rosenberg said so the property owners are requesting not to be in the city I take it from the way you are talking.

Chad Bunker replied Yes, important information they provided to point out when we came to annex them, so they are not asking to be annexed. Moving on to Industrial Park West. This area, four different properties, three of which are in the Industrial Park West, that was subdivided in the late 70's and early 80's. This area here, was also designated as a County Industrial area, however, the difference is, there was an agreement, that was created, and agreed on by the owners at that time, and was part of the application of the county, to designate this area could and should be annexed. That period of time was 10 years after development. There was a formula, 20 % of that property could be incrementally annexed. If you look at the property in the NW corner of that industrial park, that odd, shaped part of the property was annexed in the city, part is not, that occurred through the early twenty ten's then it was determined that it shouldn't be done. That again was some state and county standards. They basically just stopped annexing some of these properties, but the majority of the Industrial Park was annexed, except for these three parcels. Then the property South of J Street, that is a storage area for Municipal Supply. That was not part of any designated Industrial area, that was just industrial use. The parent track, if you will, is to the North, they own both sites, this one was just not annexed, as it was County Agricultural. We can proceed with considering this area for annexation. The zoning for the area is largely industrial, some commercial properties zoned across Baltimore, and then the storage yard off L Street, they are associated with Municipal Supply, it is mostly zoned County Agriculture. There is about 20% of it that is zoned industrial, the majority is zoned county ag. We also look at property evaluation, with bringing property in, kind of an average, bringing in dollars \$150.00 up to some of the others about \$3,000 a year. Thermo King, the property to the NW, because it's half in and half out, the county is according to the assessor's office and the Treasurer's office, is assessing them as though they are entirely in the city. No property tax implications for those owners. Terms of utilities, all of them are getting City utilities, except for the storage yard, adequate utilities throughout the whole area If you read the agreement, created with the Industrial Park, the City was to provide Police Services. In talking with Chief Story, because those properties are outside the city limits, technically, it creates a real problem for them providing police protection on the property. If a crime was committed on the back half, they technically cannot respond, the State must investigate. It does leave a significant issue win terms of Police response. Fire Department, they do respond to fires. Due to the unique situations created with the Industrial area, and they are largely getting services, they are complete donut holed, in the city, the city is recommending that this area be annexed. Chad encouraged the Planning Commission to gather the property owners' feedback and is happy to answer any questions they may have.

Greg Sinner asked today is informational?

Chad Bunker Yes

Greg Sinner, so what I heard you say is that the city is going to move forward with a possible annexation? So, then there will be a public hearing, and then at that time the owner will be able to come to the podium and speak their cases, is that correct?

Chad Bunker said Yes, that is correct.

Greg Sinner said if the Chairwoman would allow, I would sure like to hear from Mr. Mertens if he would like to talk. I see him in the audience. Obviously, you have some interest and some numbers to share with us as well, so, if you don't mind.

Michelle Lewis asked Mr. Mertens to state his name and address:

Pat Mertens from Centennial Plastics, 504 South Shore Drive.

Chad Bunker apologized for talking about the wrong property.

Pat Mertens said, he was surprised receiving the letter, his understanding, all their property was annexed, and we assumed we were already annexed previously. He thought it had already been done. He has no dispute against it. As Chad stated, they are already getting taxed at the city rates. Just to give them a little background, when Dee Haussler developed this Industrial Park, there was this county procedure where the annexation wasn't going to happen. The state came on and questioned the whole process, so the whole timetable got accelerated. We weren't supposed to be annexed until about right now, but then notified that whole process had to get moved accelerated. That is why he thought they were already in the city limits. Has no dispute against it. Agrees with the Police Service situation and needing to be in the city.

Greg Sinner thanked Pat Mertens for the background information.

Chuck Rosenberg asked the City to reach out to the property owners to see if they want to be annexed.

Chad Bunker asked are you talking this area, or the East side?

Chuck Rosenberg said this area the buildings that are not in currently.

Chad Bunker explained that we have reached out to them, with a couple of neighborhood meetings, spoke with a couple of property owners, so trying to gain that feedback. This was one other opportunity to get the feedback of where to go, but like he said, we had a neighborhood meeting, the end of August for this area, there was more folks invited. Twenty-Five percent turned out, and then spoke with another property owner and did not factor their part in this. They didn't have any real dispute. They recognized the situation. They are a donut hole, surrounded by city, getting all the utilities, we were still doing research on the agreements, but provided that to them. Chad said still doing research, thinks it should be cut and dried why bringing this area into the city makes sense.

Michelle Lewis asked if there was anything else?

Greg Sinner asked Chad, what is your timetable in bringing this forward?

Chad Bunker said, if this needs to go to the county, that process with them, will pose a wrinkle if we need to finalize. We have a meeting with staff, to iron out what that timeline looks like. We were hoping to get this buttoned up by the end of this year, first of next, to hit our February timeline spelled out of City Ordinance to get it to the City Council. The schedule created originally, had a lot of flexibility, in that we should be able to hit that timeline. First meeting in February, more like January, for the formal recommendation. The Statute is a little weird, City Council has to provide a 60-day window, from the time they have the resolution so the process will be, you will provide a formal recommendation to them, they will need to create a resolution, to pass a resolution, with the properties to hold a public hearing, that they intend to annex, so based off your recommendation, they will say fine, we intend to have a public hearing on these properties, and that resolution needs to be in place no more than 60 days. So in that 60 day window, we are looking at that resolution being created in December, would have to hold their public hearing. we are looking at that resolution being created in December and having it wrapped up in January. That's the timeline now, the county process may present a wrinkle. We will try to get it done as expediate as possible.

8. Reports

a. Committee Reports

None

b. Chairman Comments

Michelle Lewis said she would like to say it's nice to have Greg Sinner back.

Greg Sinner thanked everyone on the Commission for being patient the last seven months, but his health is getting better, where he can now start to attend meetings and get out in the public. He thanked Ann Hinton, Michelle Lewis for chairing the meetings in his absence. He thanked everyone for their thoughts, prayers, calls, texts, e-mails, cards, and stopping, and it really does help when a person is down to hear from everybody with a lot of encouragement. I would tell you where do we go from here? Well, I am here today, and Michelle is chairing, I plan on getting back into the chair next month and work closely with Chad to hit the ground running and come back that way. Told everyone it's nice to see you all.

a. Staff Reports:

Chad Bunger had a few things. One was staff working with the Plumbing and Licensing Board doing amendments Code of Ordinances that governs that board. Wants to streamline the licensing process for plumbers, HVAC folks, and mechanical folks. The proposal that is drafted now to get to the city council for consideration is to no longer be an examining board and will be an advisory board, where they will advise the Planning Commission and the City Council on changes to the City Code, as well as the adoption of any codes necessary in the future. Right now, required to go through a test with us, and we only test so often, we don't have many plumbers and the plumbers we have are really pretty good here, as are the mechanical people. We really don't have the numbers here, for larger projects, like Heartwell Renewables, they bring their own tradespersons in. Along with the Advisory Board, we will accept any plumber or mechanical tradesperson that has passed an ICC test or has an equivalent license from a 1st Class City in the state. We are not dumbing down any of the requirements, or saying you can have less experience, just looking to be more efficient and effective in bringing licensed contractors into the city to meet that need.

The Plumbing and Mechanical Board last week, recommended these changes. We are going to take that to a work session, in November, to Council, for adoption towards that. Additionally, we are adding on continuing education requirements with the license, a simple process, anyone that's a good contractor should easily hit the needed 6 hours, to assure the people working on our homes and businesses are good. Next month, excited to be making an announcement, but it's too early, on staffing, so will save that.

Michelle Lewis asked Kevin Kubo to give an update on the projects around town.

Kevin Kubo, Building Official, updated on projects: Dinsdale's, still working on interior of their service bays, offices are about 90 % complete. Mary Lanning, Temporary Final for one and two, some minor things to do with the core of the building that need done, the old elevators must be hooked up to new elevators, so if the fire alarm goes down, they can both be used as an egress component. They are working on the link between the old MOB building and the hospital, and it should take another six months. They are reducing the slope, that connects those two buildings. We did issue the Landmark Implement permit. They are going to build a big new building on Highway 6, so we have that project started. Issued Heartwell's new administration building, footings only, working on the blueprints of the interior, still some code questions on the interior, that the Fire Marshall is asking for, so we haven't completed our review on that. That will be a 14-15,000 sq ft building that will have some storage in it, some business offices and some testing. Jail is getting closer and closer every day. YMCA it's 60% there, they did get most of the pool poured last week, so they can move forward with getting everything else in that area opened back up and it's a little behind their deadline. We did do all the plumbing and the gas in the YMCA it's all operational there. All the things they installed passed codes. St. Cecelia are open for School. Portions of the school were ok which is a good thing, still working on front half of the building and some of the outside areas. They are cordoned off, students aren't allowed in that area, so it's all protected from the students and inside the building there is a one-hour fire break between occupied classrooms and the construction areas, so there are no communications, they are protected that way. Lots of houses going in and basements, hopefully more coming in, as we are getting some streets paved, some new areas will be opening. We should see a continued inflow of 5-6 houses a month. We have Jacque's project here; she's probably waiting on us. It will be a huge project downtown, another project down the street from her, is 80 % complete. Ridgeline is almost there too. Doing a lot of finish work inside.

Jacque Cranson asked about the Scott Dewitt's building that had the fire damage.

Kevin Kubo said regarding Scott Dewitt's building, he had contacted the insurance company, they had hired an Engineer to do a full review of the structure, as of last Friday, they hadn't received it yet, so once they review it, they will send it on to Kevin. They were given a timeline of when they should start to do something, if not, we will nudge them as much as we can.

Chuck Rosenberg asked Kevin Kubo to tell them about the Theatre District.

Kevin Kubo said it's a big project. Plex building is the new building. We have three tenant spaces they are working on, Hair Salon, Coffee House, and a Business Office. Plumbing and electrical have been okayed. 78 Plex Apartments, just the second floor Fire Inspection, and as soon as they fix the twenty holes we found, second floor will be to insulate sheet rock. First floor, they got a little way to go on that, third floor is complete. Kmart building, we're still waiting on electrical plans, once we get those, we will issue the permit for the KMART interior and start doing the remodel for that. Sunmart building apparently has two tenants for that lined up to go in there. So that's good.

Jody asked about the Housing Development behind Menards, saw the street is being extended, is that for more housing?

Kevin Kubo stated no, that was on our one and six.

Lee Vrooman said that was the extension of 33rd Street, at Utecht Avenue, there has been development on Utecht Avenue, increasing Commercial Development.

Kevin Kubo said most of that at the end of 33rd is Industrial Tract, they are in the process of trying to develop a lot more of that, so that will get accessibility from 2 directions.

Greg Sinner asked Lee, can you give us a quick update us on the quiet crossings?

Lee Vrooman said waiting on the railroad. Hastings Avenue is complete except for the crossing, waiting for them to install the concrete pad. Pine Avenue, is the same, don't know if we will get started on Lincoln, Denver or California, before winter comes. Werner has other work for us to do. Don't want to get it opened, then be in a situation like now, waiting on pads to be put in. So hopefully those and the next ones we be done in 2024.

9. Adjourn

Moved by Jacque Cranson. Seconded by Lou Kully to Adjourn the meeting of September 19, 2023. The motion carried.

Adjourned

CHAIRMAN

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
WORKSESSION

Tuesday, October 3, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N. Denver Avenue, Hastings NE, on October 3, 2023.

1. Call to Order

The meeting was called to order at 4:07 p.m. by Chair Greg Sinner with the following members present: Ann Hinton, Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi, Michelle Lewis, and Jacque Cranson. Absent: Lou Kully and Rakesh Srivastava

2. Roll Call

Greg Sinner, Ann Hinton, Shawn Rossi, Jody Stutzman, Michelle Lewis, Brian Hoffman, Jacque Cranson, Chuck Rosenberg Absent: Rakesh Srivastava and Lou Kully. Others Present: Lee Vrooman, Director of Engineering, Chad Bunger, Development Services Director, Kevin Kubo, Chief Building Official, Anthony Murphy, Fire Marshall

3. Pledge of Allegiance

The Chair Greg Sinner led the Commission in recital of the pledge of Allegiance to the United States of America.

4. Before accepting a motion to adopt the current agenda, Greg Sinner asked to please move item 6 which is the only action item on the agenda, to be moved to the end of the agenda and finish with that. We move through everything else, then turn it over to Chad Bunger and let them finish with the meeting. Asked if that was ok with everybody and to please add that in their motion.

Greg would entertain a motion at this time for the approval of the current agenda for the Planning Commission Worksession.

Moved by Ann Hinton to approve the current agenda with the modification of moving item 6 to the end of the meeting. Seconded by Brian Hoffman. Voice Vote taken- Ayes: Ann Hinton, Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi, Michelle Lewis, Greg Sinner, and Jacque Cranson. Yays- 8 Nays – 0 Motion passed.

5. Public Notice: The Public Notice was read into the record. - 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 City

Library. Also, a current copy of the Nebraska Open Meetings Act is located on the wall of the Conference Room, which is accessible to members of the public.

6.. Public Hearings-None

7. Reports

- a. Committee Reports
- b. Chairman Comments
- c. Staff Reports

Greg Sinner asked the Commission at this time, if it was ok, he would like these presentations to be delayed until the October 17th meeting? Seeing that it is, we will move on to item number six to the Special Order of Business, Discussion of Annexation, specifically the North Industrial Park area. Greg turned it over to Chad Bunger.

8. Special Order of Business

- a. Discuss Annexation – North Industrial Park Area

Chad Bunger provided the Commission with an overview of the annexation review of properties along East 33rd and Yost Avenue. Last May, started with a total of 42 properties, and now focused on twenty-three properties along the North Yost area. Chad provided information about the private properties and did not provide information on the building the city owned at 3505 Yost Avenue or the retention pond east of the trail. That is the liberty of the city, and not a lot of impact on property taxes. That will be included in the final round. These areas are generally all Industrial. All gaining access to our streets, some already built and platted, dedicated, and city maintained. The zoning is largely I-2, heavy industrial, on that land behind Menards, all the way to the softball complex. South of 33rd Street is that residential development, Trail Ridge, which is in the process of being built out. It's a large donut hole in the City's corporate limits. The reason for that was the designation of an industrial area by the county in 2006. Discussed the agreements, once a county designates an industrial area, it cannot be annexed by a municipality, unless there are three exceptions to that rule, one of which is the city and the county, and the property owners agree to some sort of annexation in some time. There was one for this area. The agreement accompanied the application and it's the designation with the county. It's similar to what was discussed at the other work session, where it would be left in the county for a certain period of time, the city would install an infrastructure, the property owners would purchase city utilities from the city, and there were some conditions the city would provide protection for police, and fire to some extent. The difference was a ten-year limit when the properties could begin to annex, or seventeen years after signing the agreement, whichever is earlier. Seventeen years in 2006 means 2023 was the year they could be annexed. This agreement also had that incremental annexation clause in there, that

property would be annexed at twenty percent. After that period, it could be annexed twenty percent at a time a year, until it was fully annexed. Then about 2015 it was determined by the county that would be inappropriate. They largely stopped doing that. Except for the few areas you see on that map, like Hastings HVAC was annexed incrementally, then stopped in 2015. The agreements are on hold on all these properties and just fulfilling that agreement. That was the whole area that was designated, and the areas incrementally brought in and what remains. The big factor for property owners, such as Hastings HVAC was partially brought in the city, the county declared them already in the city, annexed the whole area regardless of the incremental approach to it. Then properties Northeast of Yost and 33rd, so Raynor Garage Doors, and Storage Unit Area, or warehouse units, by mistake in 2016, they were brought in by the county, assuming they were already in the city and were taxing them. Although no official procedures between the Planning Commission and the county to officially annex them. The city and the county are working with those property owners to rectify that, and will refund them, but largely they have been paying taxes like they were in the city for several years. You can see the range of taxes will be increased as this comes along. That's all the topics he wanted to cover, the agreement laid out, would have started or already been annexed into the city, so just fulfilling that agreement.

Greg Sinner said he guesses that's why we packed them in today because they all knew. Greg asked Chad Bunger if they had been notified of the worksession today?

Chad Bunger told the Commission the property owners were all sent letters.

Greg Sinner asked when it would come before the Commission officially as a Public Hearing?

Chad Bunger stated he needed to look through that schedule, now that we know they are designated county industrial areas. We need to reach out to the County Clerk's office; see how they want us to proceed. Anticipating November, we would come back before the Planning Commission as a Formal Public Hearing, officially per the City Ordinance, we must have a recommendation to the City Council no later than the middle of February. So, we need to get a public hearing to the Planning Commission, take a resolution to the City Council, then go to the Board of County Commissioners to get their agreement to release it, then a formal annexation. There are multiple steps. The next work session with the City Council, we are taking this to them. Another opportunity to engage the public, the community, and the property owners.

Greg Sinner asked unrelated to this topic, looking ahead to the October 17th meeting, Chad, can you shed light on what we are looking at?

Chad Bunger told the Planning Commission we should have two applications, a Final Plat for the Showboat Boulevard Condos, you saw the Preliminary Plat, a couple meetings ago, and then an application to amend a Conditional Use for the Pine Patch. Bring back a couple of changes to what were originally approved conditions. There were some conditions that restricted the use of the property, how that event center was used. They would like to see if they can change it. We'll have

more details on October 17th. Since the Commission opened the discussion beyond this meeting, are there other topics the Commission would like to see discussed as a work session in the future? We'll have the Comprehensive Plan update that's not quite ready in November/December timeline, and the Housing Action Plan. Other than those two things, any other topics?

Greg Sinner told Chad this group met in January 2023, starting to talk a lot about TIF Financing. Randy Chick gave a presentation, and he was asked to come back on an annual basis, around January or February. Suggested to Chad to add that on his schedule, to work with whoever is in charge at that point, to come back to the Planning Commission and enlighten them, where they're at, what has happened in the past year, where they're at on numbers, on payback, how much they can use, and what areas are getting used? A briefing for this group, so they can make informed decisions, as they did come through them for their financing.

Chad Bunger stated and also ask the CRA to talk about that.

Brian Hoffman suggested to bring back the Code Enforcement Officer after a year to see and evaluate the policies put in place for the Home Occupation Policy and see how those are affected and how the effectiveness in the community is being used and what are things, we need to look at.

Chad Bunger stated he is starting to create some direction in our department in that realm and would appreciate the opportunity to talk in front of the Planning Commission about how we want to approach some property maintenance and building maintenance areas. It is an important subject for Hastings.

Lee Vrooman stated there have been some of those demo properties.

Jacque Cranson stated she knows the owners downtown don't have anything in their buildings and don't do snow removal. If they aren't going to maintain their buildings, like replacing their awnings until someone points it out, how do we say, you must do snow removal, it's your job? It's a privilege to own a building in this town, take care of it, follow the code! How can we enforce that and put fines on them, to either sell their buildings or take care of it?

Lee Vrooman said he and Steve both plan in either October or November BID, monthly meeting, to talk about snow removal and how that affects Steve and his challenges with downtown and how the property owners can help with that. An opportunity to get some of that out there in that meeting.

Greg Sinner asked Lee Vrooman if he could come to the Commission after that meeting and give them a briefing how they came out with the BID? So, we know where you are and what was decided?

Lee Vrooman replied they can come to the next meeting after that.

Chuck Rosenberg said I think another area too for Hastings is the Economic Development

Corporation merger. How are they recruiting businesses? Hastings has a lot of holes, businesses that are not in buildings, I know they present that to the council, but that is a different note for us.

Chad Bunger stated their director is brand new, allowing her to get her feet on the ground, she is doing a great job, maybe the first of the year, kind of recap and talk about those things, would be appropriate.

Greg Sinner said we could invite her to a meeting. Just a nice briefing on what's going on.

Chad Bunger suggested to see what their plans are moving forward and that has direct connection with land use planning and what this board does.

Greg Sinner said I don't know if this is going to pertain, but like Jacque Cranson's building here, maybe give her another two or three months, meet for a work session downtown on the street and if Jacque would be so kind to take us through her building, to see how the monies are, and what's going to happen, her vision, and what it's going to be like. That's very important in the planning process.

Jacque Cranson agreed that's important too. It's easy to see when it's all done, people say oh, I can't believe it cost that much, but when seeing them load the dumpsters. It's a good idea.

Greg Sinner suggested keeping that on the radar.

Chad Bunger said there are a lot of conversations about what could happen downtown and there are some folks taking some innovative steps to do that, there are interesting concepts. Getting into that building early, to see that change, and maybe there are a couple of other buildings, maybe a walking tour?

Jody Stutzman said she didn't know if it's possible or if it would be beneficial to the group but thinks there is an opportunity for a lot of the minority population to assist the Planning Development, somehow involving them or representative or groups to talk to the Commission or Planning Development or for them to get to know us and see how we can help them.

Chad Bunger said that's something we can do incrementally, our staff meeting with those folks, business owners, these neighborhoods, communities, are important to get an understanding of what we can do to help and bring suggestions back to the Planning Commission. Our community needs to take those big steps. Something as simple as making sure our documents are translated well is vital.

Greg Sinner said to piggyback on Jody's idea, are there any key people that could step up and lead for the rest? We could invite, talk to, and provide information to let them know what is out there. They can come to us for assistance, advice, and direction.

Jody Stutzman said there are, and she would be more than happy to help with that.

Chad Bunger said he would reach out to Jody and make those connections.

Brian Hoffman said one other topic that came up a couple weeks ago was permitting. Having a work session to discuss the level of permitting. Educate, and promote. How to best serve the community, to make sure the permits are getting pulled for all the jobs going on around the community.

Chad Bunger brought up these are topics he has recognized we need to improve as a staff. Putting together ideas, reaching out to the development communities and engagement efforts. Where to get permits, working with our community members, and downtown. Let us take a couple months to put some plans together, these are the things we want to improve upon, talk about and bring them back to the commission.

Greg Sinner said he and Chad will continue to get together and figure these out. When agendas are light, move one or two topics into the discussion.

9. Adjourn

Moved by Ann Hinton. Seconded by Chuck Rosenberg to adjourn the meeting of October 3, 2023. The motion carried.

Adjourned at 4:32pm.

CHAIRMAN

Staff Memorandum



To: City of Hastings Planning Commission

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

Date: September 13, 2023

Re: Annexation Review of East Industrial Area

In May 2023 The City Planning Commission and staff initiated the review of potential annexation sites to fill in “donut holes” and “square off” the City’s corporate boundaries. One area of focus was on the east side of the City, near the intersection of U.S. Highway 6 (E. South Street) and Showboat Boulevard.

Following the initial review to consider annexing this area, Development Services staff invited the properties of the annexation review for this area to a neighborhood meeting on August 24, 2023, to discuss the review details and potential schedule. Before and during that neighborhood meeting, affected property owners provided staff with copies of approved resolutions from the Adams County Board of Commissioners from 1967 designating this area as a County Industrial Area under Nebraska Revised Statute (N.R.S.) 13-1111 to 13-1120. A copy of the 1967 resolution and a map of the designated County Industrial Area is attached.

Generally speaking, N.R.S. 13-1115 prohibits a municipality from including tracts within a designated County Industrial Area to be included within its boundaries (annexation) unless the terms to annex properties into the municipality are stipulated in terms of an agreement between the City and County, or the property owners agree to be annexed. To date, the City can not find such an agreement between the City and County for this area. Additionally, at least one property owner that has a significant land area in this review area expressed the company’s opinion that it should not be annexed into the City because of the designation.

Considering these facts and circumstances at this time, City staff does not believe annexing the East Industrial Area is possible. Development Services staff will notify the affected property owners of this decision. If new information is found regarding past agreements or the property owners choose to be annexed into the City for current or future developments, City staff will re-address this topic.

State of Nebraska, Adams County, ss. Recorded October 26, 1967 at
10:35 A.M. in Miscellaneous Record 37, page 36.

L. L. Meredith
Register of Deeds.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on August 21, 1967, at 11:00 o'clock A.M. in the Boardroom of the Adams County Court-house of Hastings, Nebraska, did consider the application filed by Kerr-Cochran, Incorporated, Morrison-Quirk Grain Corporation, Weyerhaeuser Timber Co., and Hastings Irrigation Pipe Co. to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a resolution designating the said tract as an Industrial Area subject to the applicants filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area, and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcel of real estate, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Eight (8) except the West Three Hundred feet (W 300) thereof, and the Southwest Quarter (SW $\frac{1}{4}$) of Section Nine (9), and the Northwest Quarter (NW $\frac{1}{4}$) of Section Sixteen (16), all in Township Seven (7) North, Range Nine (9), West of the 6th P.M., Adams County, Nebraska

be and the same is hereby designated an Industrial Area.

ADAMS COUNTY BOARD OF SUPERVISORS

BY *A. Kild*
Chairman

CERTIFICATION

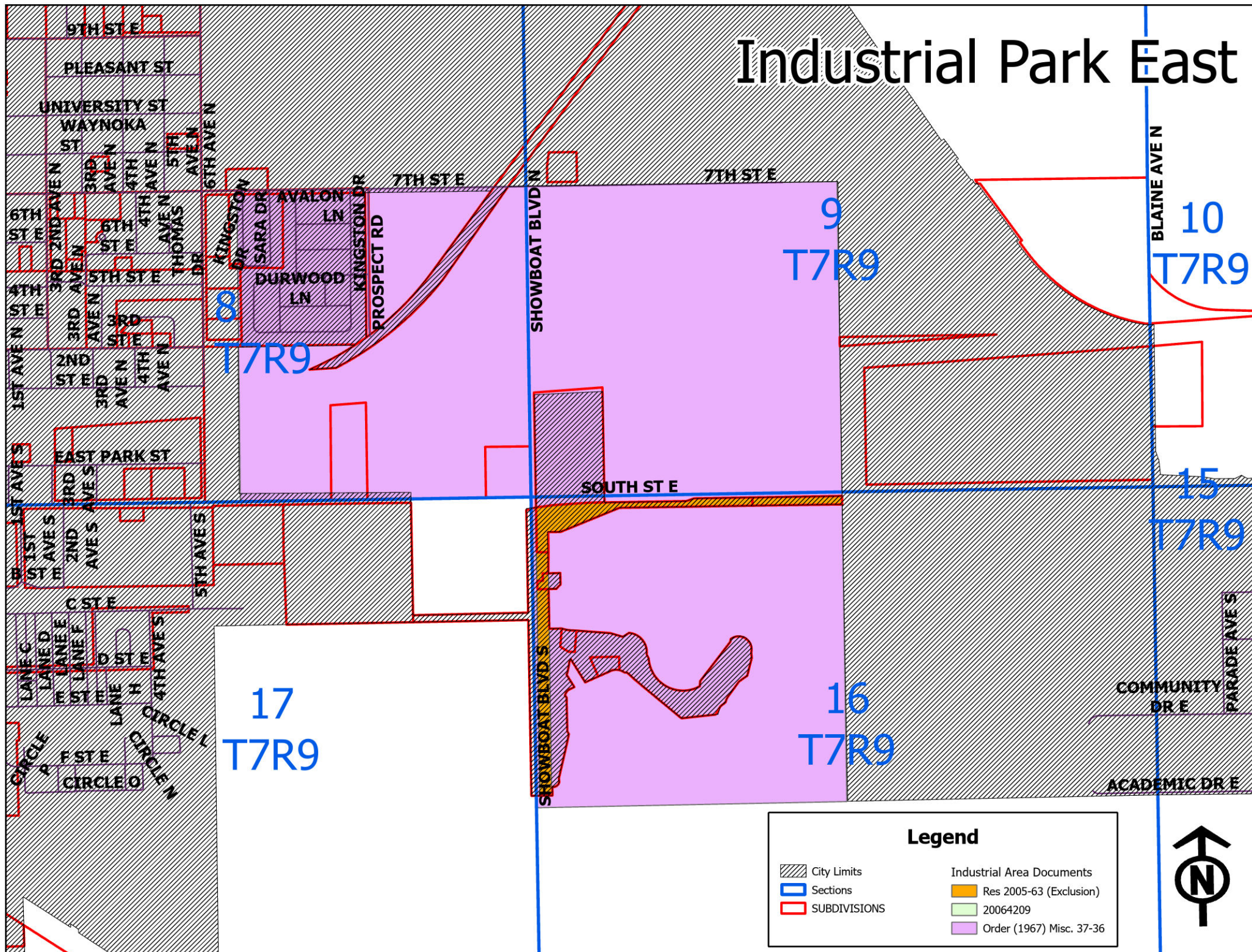
I, EMMA BERG, the duly elected and acting
County Clerk of the County of Adams, State of Nebraska,
do hereby certify that I am also the Clerk of the County
Board of Supervisors and that the within and attached
Order was duly entered by the said Board at a meeting
of the Adams County Board of Supervisors held at 11:40
o'clock on the 20th day of October, 1967, in
the Boardroom of the Adams County Courthouse, Hastings,
Nebraska, by affirmative, unanimous vote of all members
of the said Board.

DATED at Hastings, Nebraska this 20th day of
October, 1967.



Emma Berg
County Clerk

Industrial Park East





Mission & Goals

MISSION STATEMENT:

To work together for a safe, clean and thriving community for all residents and visitors.

GOALS:

1. To provide a progressive, forward-thinking City Government.
2. To assure an effective City Government that prioritizes services, projects, programs and activities through responsible fiscal investment.
3. To foster a positive community to attract new residents, visitors and businesses to Hastings.
4. To ensure a City Government that is fair and accessible to all community members.
5. To promote opportunities for all people to engage in community-related activities.
6. To inspire a sense of community pride.