

2018

Annexation Study
City of Fort Calhoun, Nebraska

Adopted: November 19, 2018

JEO Project No. 151046.02



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Introduction

The Fort Calhoun City Council retained the services of JEO Consulting Group, Inc. to analyze the potential for annexation of multiple tracts of land (Figure 1) along the perimeter of the City's Corporate Limits. The process for this study was as follows:

- The City Council authorized the collection of information regarding properties surrounding the City of Fort Calhoun.
- Once title information was reviewed for the properties identified, a visual inspection and analysis were completed in order to assess the eligibility of each property in accordance with the Revised Nebraska State Statutes and Nebraska case law.
- Recommendations were made to the City Council in the form of this study.
- The study was then complete.

Nebraska municipalities receive their authority to annex property from the Nebraska Revised State Statutes. As a Second Class city, the authority for the City of Fort Calhoun to annex property is set forth in the Revised Nebraska State Statutes in Section 17-405.01 Annexation; Powers; Restrictions. This section reads as follows:

Section §17-405.01. Annexation; Powers; Restrictions.

(1) Except as provided in subsection (2) of this section, **the mayor and council of any city of the second class** or the chairperson and members of the board of trustees of any village may by ordinance, **except as provided in sections 13-1111 to 13-1118, at any time, include within the corporate limits of such city or village *any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character, and in such direction as may be deemed proper.*** Such grant of power shall not be construed as conferring power to **extend the limits of any municipality over any agricultural lands which are *rural in character.***

(2) **The mayor and city council of any city of the second class** or the chairperson and members of the board of trustees of any village may, **by ordinance, annex any lands, lots, tracts, streets, or highways which constitute a redevelopment project area so designated by the city** or village or its community redevelopment authority in accordance with the provisions of the Community Development Law and sections 18-2145 to 18-2154 when such annexation is for the purpose of implementing a lawfully adopted redevelopment plan containing a provision dividing ad valorem taxes as provided in subsection (1) of section 18-2147 and which will involve the construction or development of an agricultural processing facility, notwithstanding that such lands, lots, tracts, streets, or highways are not contiguous or adjacent or are not urban or suburban in character. Such annexation shall comply with all other provisions of law relating to annexation generally for cities of the second class and villages. The city or village shall not, in consequence of the annexation under this subsection of any noncontiguous land, exercise the authority granted to it by statute to extend its jurisdiction beyond its corporate boundaries for purposes of planning, zoning, or subdivision development without the agreement of any other city, village, or county currently exercising such jurisdiction over the area surrounding the annexed redevelopment project area. The annexation of any noncontiguous land undertaken pursuant to this subsection shall not result in any change in the service area of any electric utility without the express agreement of the electric utility serving the annexed noncontiguous area at the time of annexation, except that at such time following the annexation of the noncontiguous area as the city or village lawfully annexes

sufficient intervening territory so as to directly connect the noncontiguous area to the main body of the city or village, such noncontiguous area shall, solely for the purposes of section 70-1008, be treated as if it had been annexed by the city or village on the date upon which the connecting intervening territory had been formally annexed.

(3) For the purposes of subsection (2) of this section, agricultural processing facility means a plant or establishment where value is added to agricultural commodities through processing, fabrication, or other means and where eighty percent or more of the direct sales from the facility are other than the ultimate consumer of the processed commodities. A facility shall not qualify as an agricultural processing facility unless its construction or development involves the investment of more than one million dollars derived from nongovernmental sources.

For the purpose of this study, it was determined that only subsection (1) of Section 17-405.01 pertains to the issues being reviewed by the City of Fort Calhoun. In addition to Section 17-405.01, the following two sections also apply to the study eligibility; Section 17-405.02 and Section 17-405.04. These two sections read as follows:

Section 17-405.02. Contiguous Land, Defined.

Lands, lots, tracts, streets, or highways shall be deemed contiguous although a stream, roadway, embankment, strip, or parcel of land not more than five hundred feet wide lies between the same and the corporate limits.

Section 17-405.04. Inhabitants of Annexed Land; Benefits; Ordinances.

The inhabitants of territories annexed under the provisions of sections 17-405.01 to 17-405.05 shall receive substantially the benefits of other inhabitants of such municipality as soon as practicable, and adequate plans and necessary city council or village board of trustees action to furnish such benefits as police, fire, snow removal, and water service must be adopted not later than one year after the date of annexation, and such inhabitants shall be subject to the ordinances and regulations of such municipality; PROVIDED, that such one-year period shall be tolled pending final court decision in any court action to contest such annexation.

There are a number of Nebraska State Supreme Court cases regarding annexation and the annexation of land used for agriculture. The three specific cases referenced in this annexation study are as follows:

- 1) 183 Neb. 511; Sullivan v. City of Omaha; 162 N. W. 2d 227 (1968) (referred to herein as **Sullivan**)
- 2) 186 Neb. 232; Voss v. City of Grand Island; 182 N. W. 2d 427 (1970) (referred to herein as **Voss**)
- 3) 188 Neb. 117; Holden v. Tecumseh; 195 N. W. 2d 225 (1972) (referred to herein as **Holden**)

In the **Sullivan** case the Nebraska State Supreme Court ruled the following: *“The use of land for agricultural purposes does not necessarily mean it is rural in character. It is the nature of its location as well as its use which determines whether it is rural or urban in character.”*

In the **Voss** case the Nebraska Supreme Court continued to hold similar findings to the Sullivan case but added: *“The term ‘agricultural lands which are rural in character’ clearly lends the inference that lands may be currently utilized in an agricultural fashion and still not be rural in character and meet the test of urban and suburban in character. ... The statute does not prescribe, nor does*

reason dictate, that annexation must be blindly confined to land and areas that have already been zoned and developed into nonagricultural uses. Any such construction of the statute would seriously impair intelligent planning and coordination of the change-over in the use of land for urban purposes.”

The **Holden** case with similar findings states: *“Although the principal use made by the Holden tract is for agricultural purposes, the evidence shows that its value for residential or commercial use exceeds its value as agricultural land. Because of the development of the city it has become urban and suburban in character rather than rural.”*

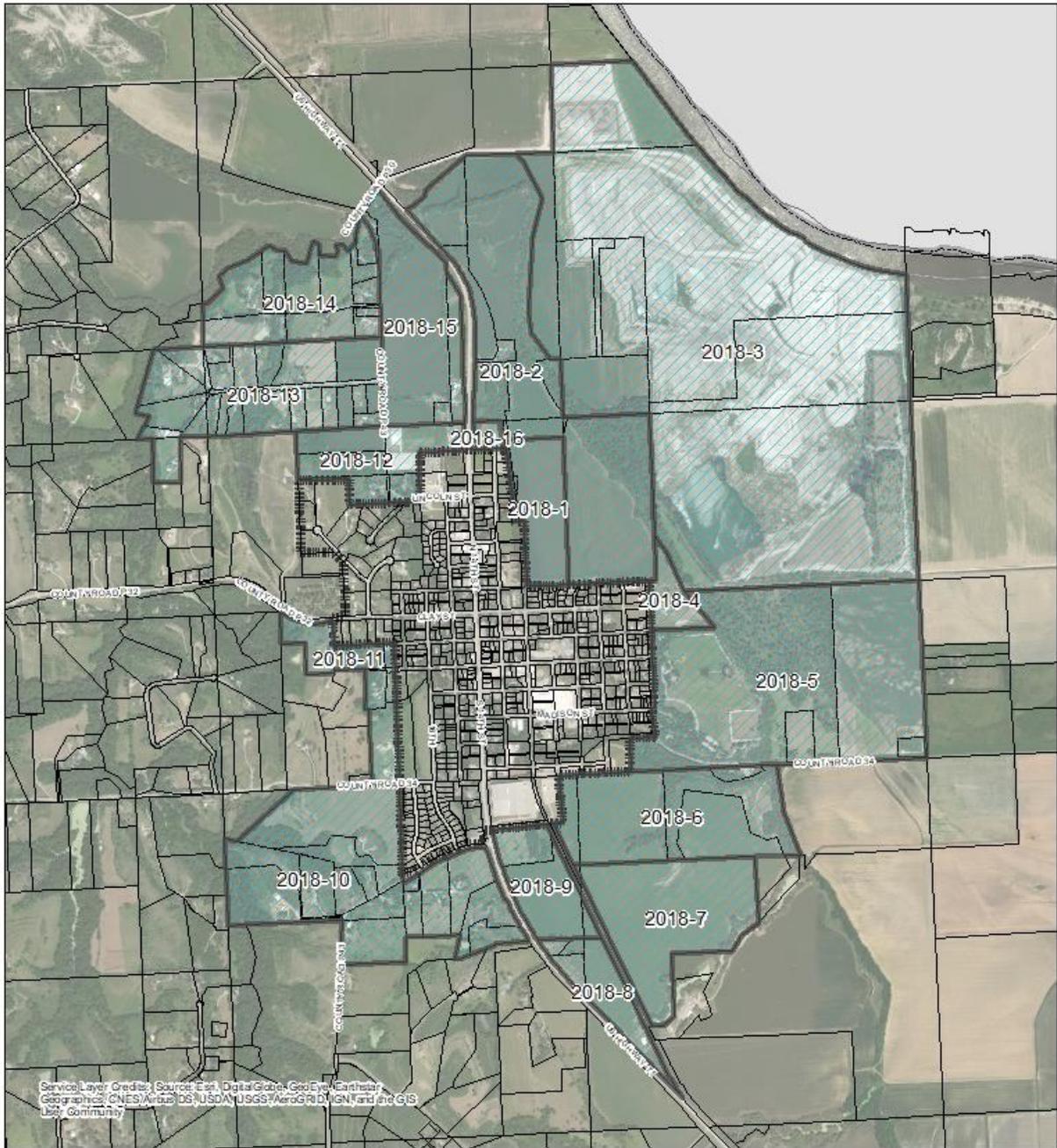
These above mentioned Revised Nebraska State Statute sections and Nebraska State Supreme Court case decisions guided the analysis of this study. Upon completion of this study and submission to the City of Fort Calhoun, it shall be the responsibility of the City Council, as well as the City Attorney to review the findings and recommendations and provide the appropriate input on these and/or other properties.

Study Areas

The properties (shown in Figure 1) along the perimeter of the City of Fort Calhoun's Corporate Limits analyzed for potential annexation include the following:

- Area 2018-1
- Area 2018-2
- Area 2018-4
- Area 2018-5
- Area 2018-6
- Area 2018-7
- Area 2018-8
- Area 2018-9
- Area 2018-10
- Area 2018-11
- Area 2018-12
- Area 2018-13
- Area 2018-14
- Area 2018-15
- Area 2018-16

Figure 1: Study Area



Annexation Study
Fort Calhoun, Nebraska

-  Proposed Annexation
-  Annexation Parcels
-  Current Corporate Limits



N



0 1,000 2,000 4,000 Feet

Created by: C. Sloss
Date: July 2016
Revised by: C. Sloss
Date: June 2018
Software: ArcGIS 10.4
File: 151046.02

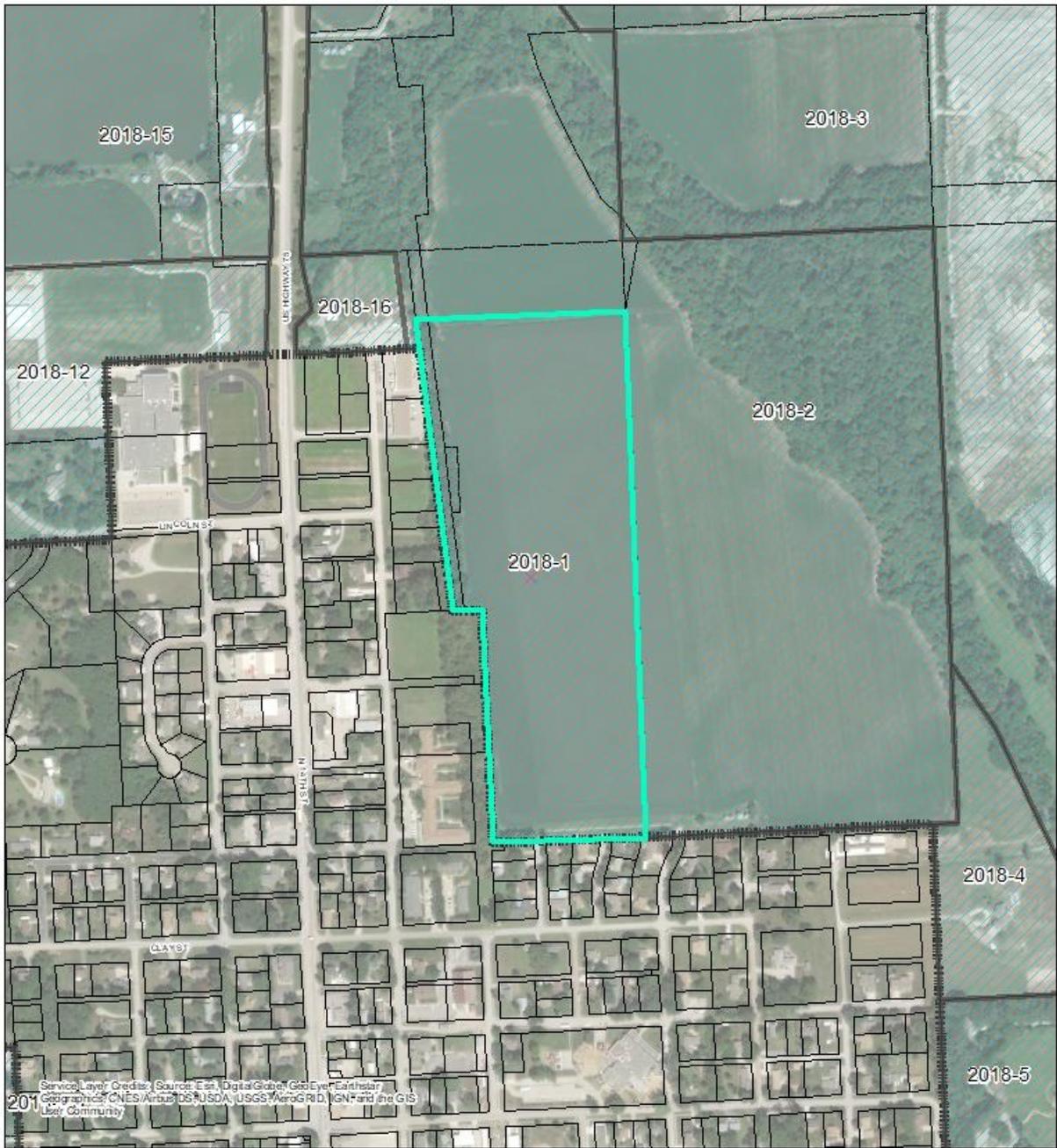


JEG
CONSULTING GROUP INC

Area 2018-1

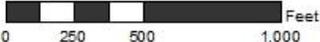
General Description

2018 Valuation	\$203,545.00	Total Acres	Approx. 36.60
Adherence to State Statutes	Annexation is appropriate.		
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.		
Zoning	Agricultural (Vacant)	Surrounding Zoning	North Agricultural
			East Agricultural
			South Single Family
			West Commercial
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs
		\$245,500.00	\$245,500.00
		Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.	
		Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.	
		Future Infrastructure/ Services that need to be extended or provided: Water services provided by 6” water main extension. Sewer service provided by duplex submersible lift station.	
Notes: The duplex submersible lift station is sized to convey flows from 2018-1 & 2018-2.			



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 Annexation Parcels
 Current Corporate Limits

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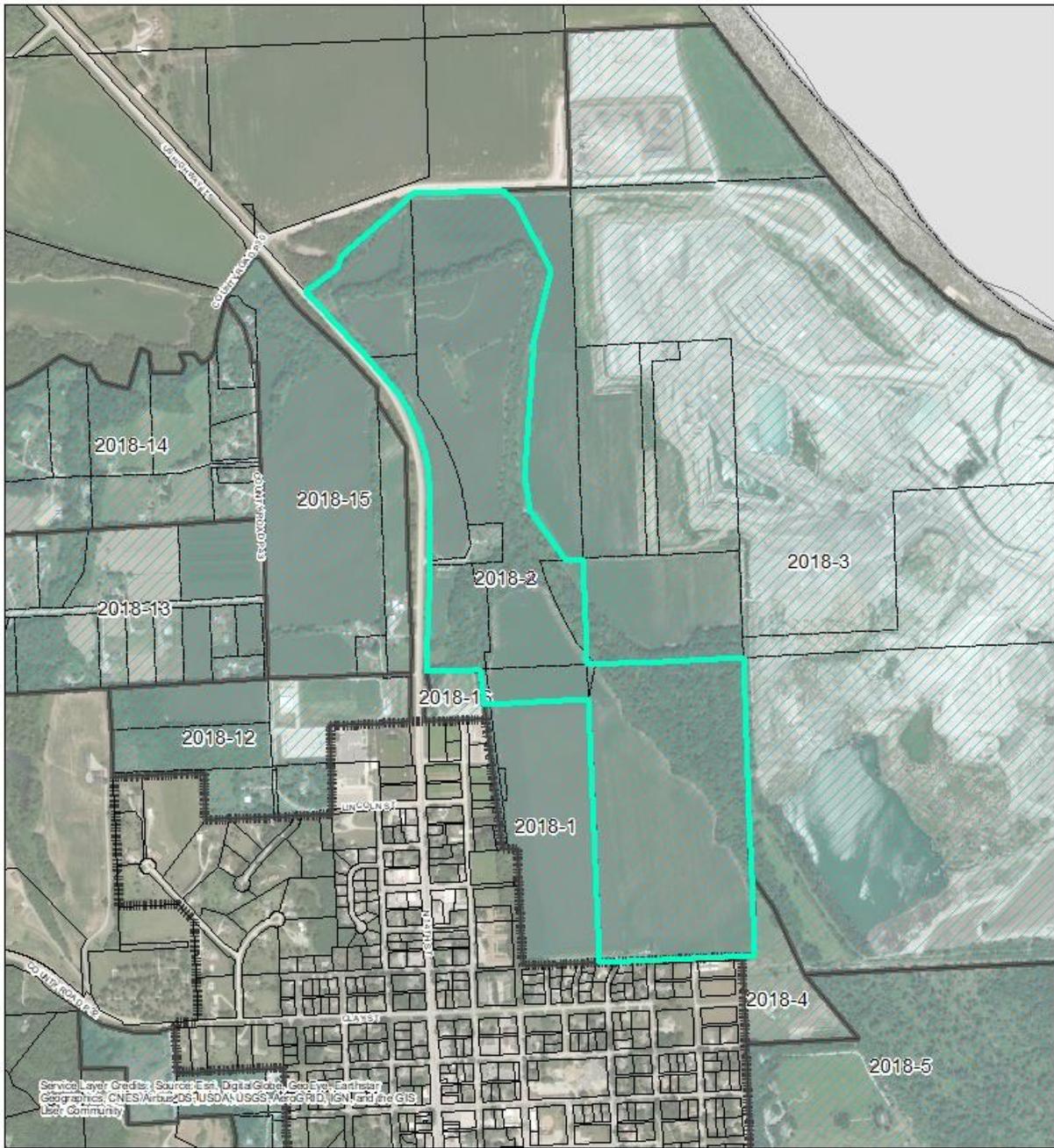


Area 2018-2

General Description

2018 Valuation	Approx. \$1,029,765.00	Total Acres	Approx. 190.66	
Adherence to State Statutes	Annexation is appropriate.			
At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does not meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Agricultural	Surrounding Zoning	North	Agricultural
			East	Agricultural
				Industrial
			South	Agricultural
Single Family				
West	Agricultural			
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$210,630.00	\$210,630.00	
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.			
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.			
	Future Infrastructure/ Services that need to be extended or provided: Water services provided by 6” water main extension. Sewer service provided by duplex submersible lift station.			
Notes: The duplex submersible lift station is sized to convey flows from 2018-1 & 2018-2.				

*Based on the 2018 Valuation and city mill levy as 2017.



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 Current Corporate Limits

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 0 500 1,000 2,000 Feet

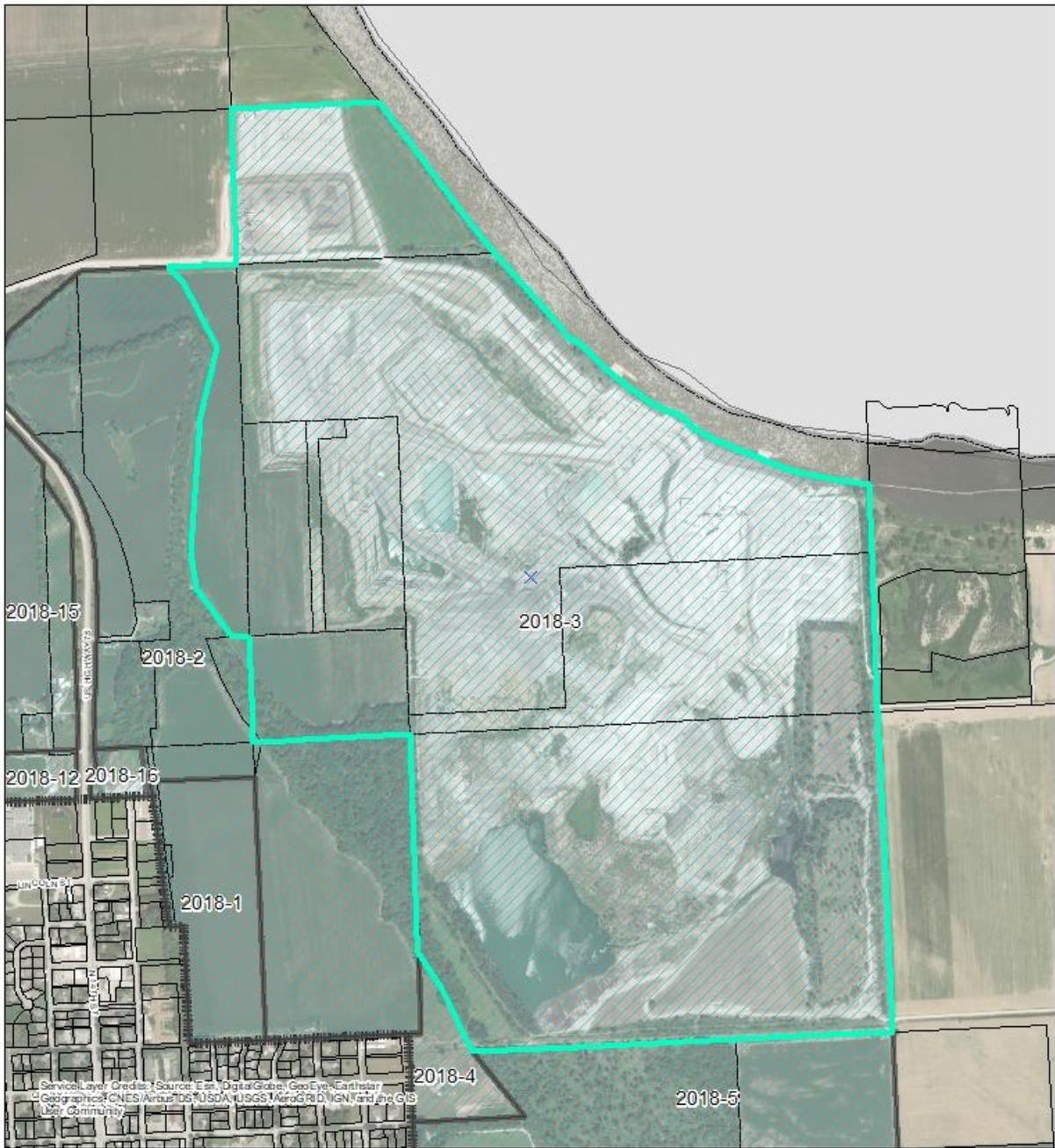
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Area 2018-3

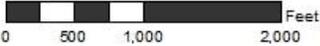
General Description

2018 Valuation	\$3,147,465.00	Total Acres	Approx. 682.00
Adherence to State Statutes	Annexation is not appropriate at this present time.		
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does not meet</i> the definition of contiguous. The property <i>is not eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.		
Zoning	Agricultural (Vacant)	Surrounding Zoning	North Agricultural
			East Agricultural
			South Single Family; Agricultural
			West Agricultural
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs
		\$401,630.00	\$401,630.00
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.		
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.		
	Future Infrastructure/ Services that need to be extended or provided: Sewer service provided by connection to existing City pump station. Water service provided by 6" water main extension.		
Notes: Water service extension planned to run north along highway 75.			



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Area 2018-4

General Description

2018 Valuation	\$689,365.00	Total Acres	Approx. 13.84
Adherence to State Statutes	Annexation is appropriate.		
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does not meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.		
Zoning	Agricultural	Surrounding Zoning	North Agricultural
			East Agricultural
			South Agricultural
			West Single Family
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs
		\$41,850.00	\$41,850.00
		Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.	
		Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.	
		Future Infrastructure/ Services that need to be extended or provided: Water service is already provided. Sewer service provided by 2" forcemain extension north on 8th Street.	
Notes:			



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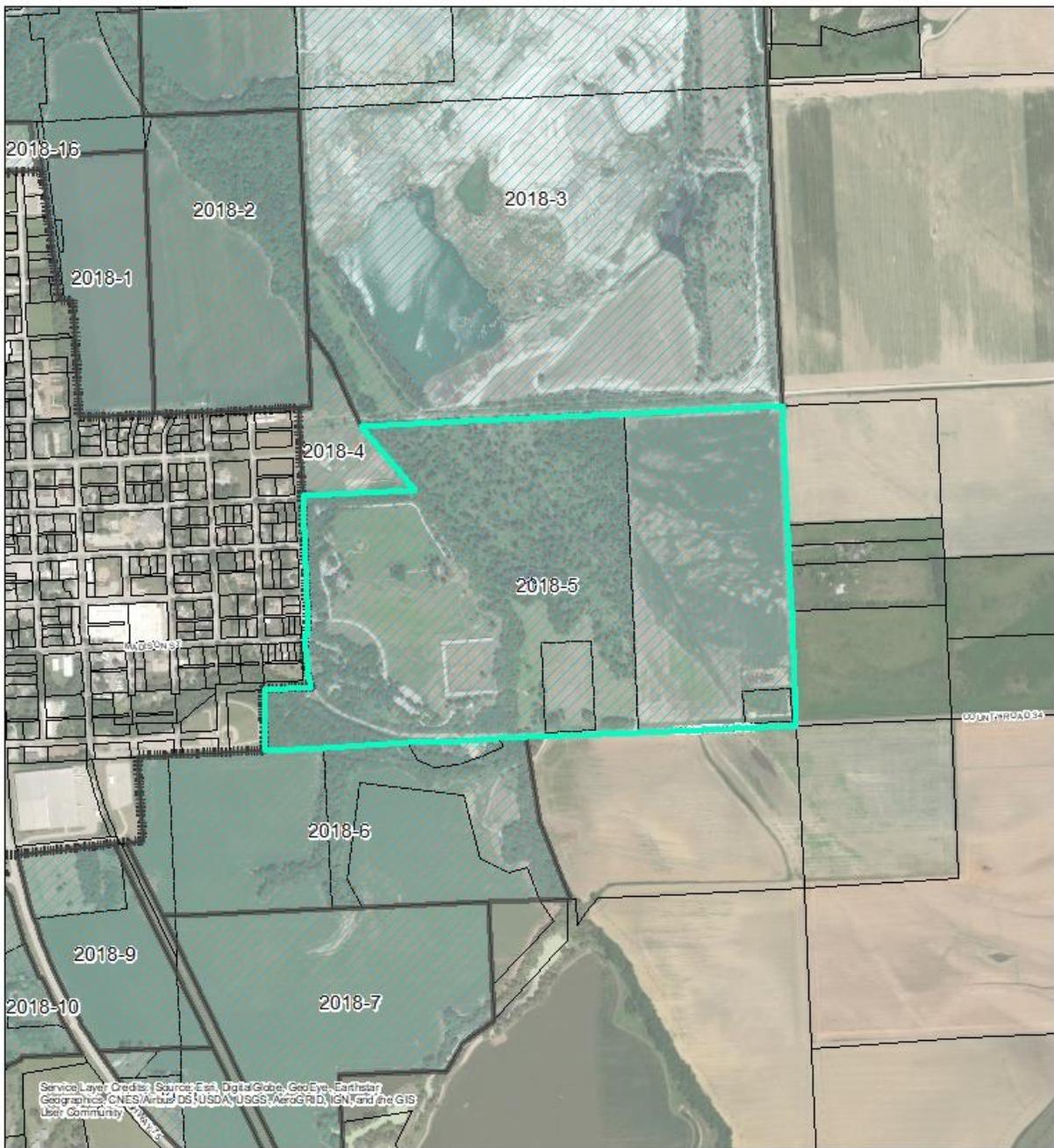
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Area 2018-5

General Description

2018 Valuation	Exempt \$393,160.00	Total Acres	Approx. 238.13
Adherence to State Statutes	Annexation is appropriate.		
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.		
Zoning	Agricultural	Surrounding Zoning	North Agricultural
			East Agricultural
			South Agricultural
			West Single Family Residential
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs
		\$0	\$0
		Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.	
		Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.	
		Future Infrastructure/ Services that need to be extended or provided: Water and sewer service already provided.	
Notes:			



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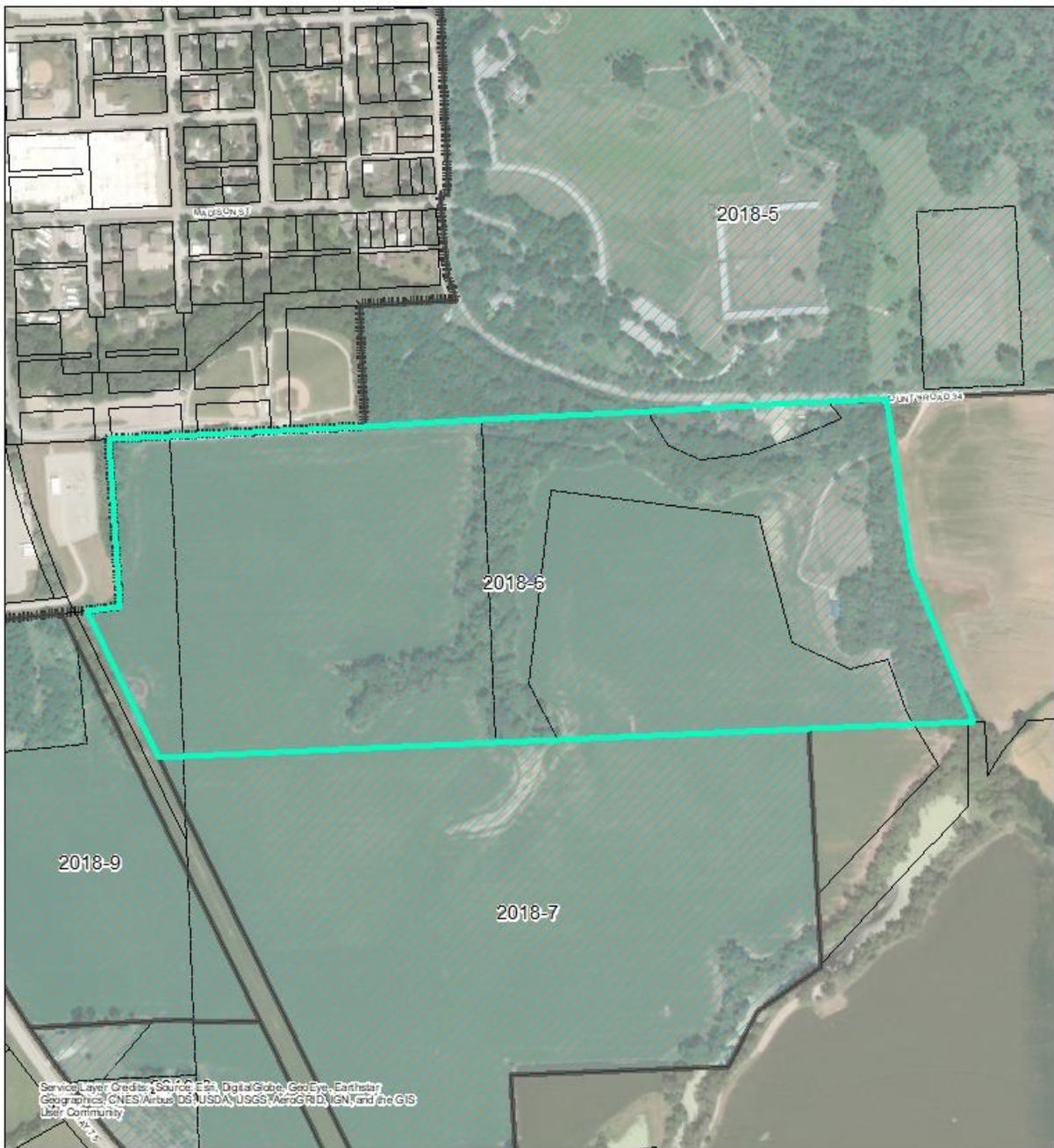

0 500 1,000 2,000 Feet



Area 2018-6

General Description

2018 Valuation	Approx. \$689,760.00	Total Acres	Approx. 101.8	
Adherence to State Statutes	Annexation is appropriate.			
At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Agricultural	Surrounding Zoning	North	Agricultural Exempt (Baseball field) Single Family
			East	Agricultural
			South	Agricultural
			West	Agricultural
				Exempt (Baseball field)
				Single Family
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Cost	
		\$147,960.00	\$147,960.00	
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.			
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.			
	Future Infrastructure/ Services that need to be extended or provided: Water service provided by 6" extension. Sewer service provided by 8" gravity extension.			
Notes: Gravity sewer extension planned to connect to the existing 8” trunk sewer.				



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 0 250 500 1,000 Feet

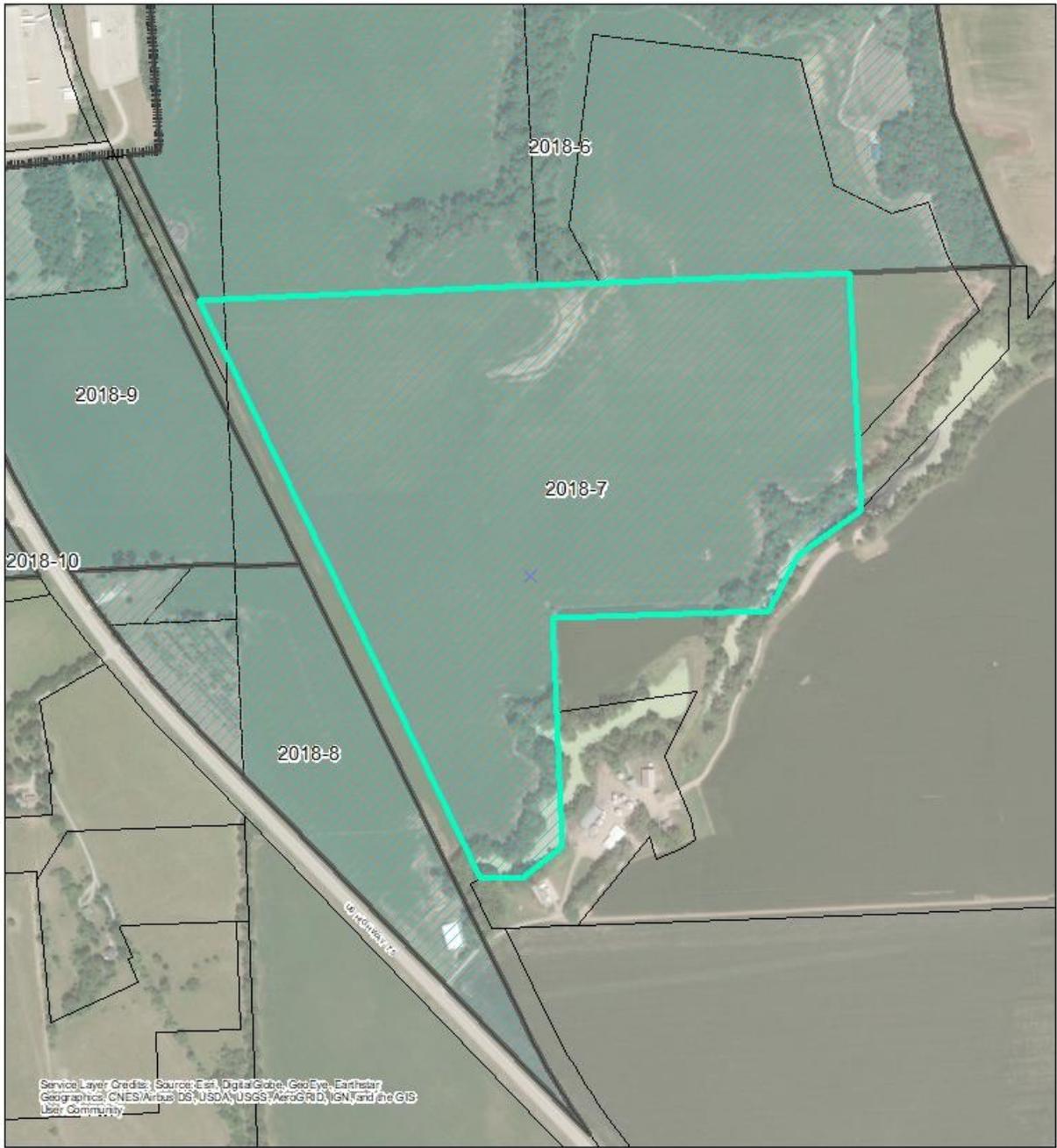
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Area 2018-7

General Description

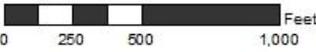
2018 Valuation	\$475,745.00	Total Acres	Approx. 87.55
Adherence to State Statutes	Annexation is not appropriate at this present time.		
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land does not meet the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract does not meet the definition of contiguous. The property is not eligible for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.		
Zoning	Agricultural (Vacant)	Surrounding Zoning	North Agricultural
			East Agricultural
			South Single Family; Agricultural
			West Agricultural
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs
		\$327,380.00	\$327,380.00
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.		
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.		
	Future Infrastructure/ Services that need to be extended or provided: Water service provided by 6" extension. Sewer service provided by new submersible duplex lift station which will serve 2018-7, 2018-8, and 2018-9.		
Notes: Lift station costs split equally between areas 2018-7, 2018-8, and 2018-9.			



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 Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS
 User Community

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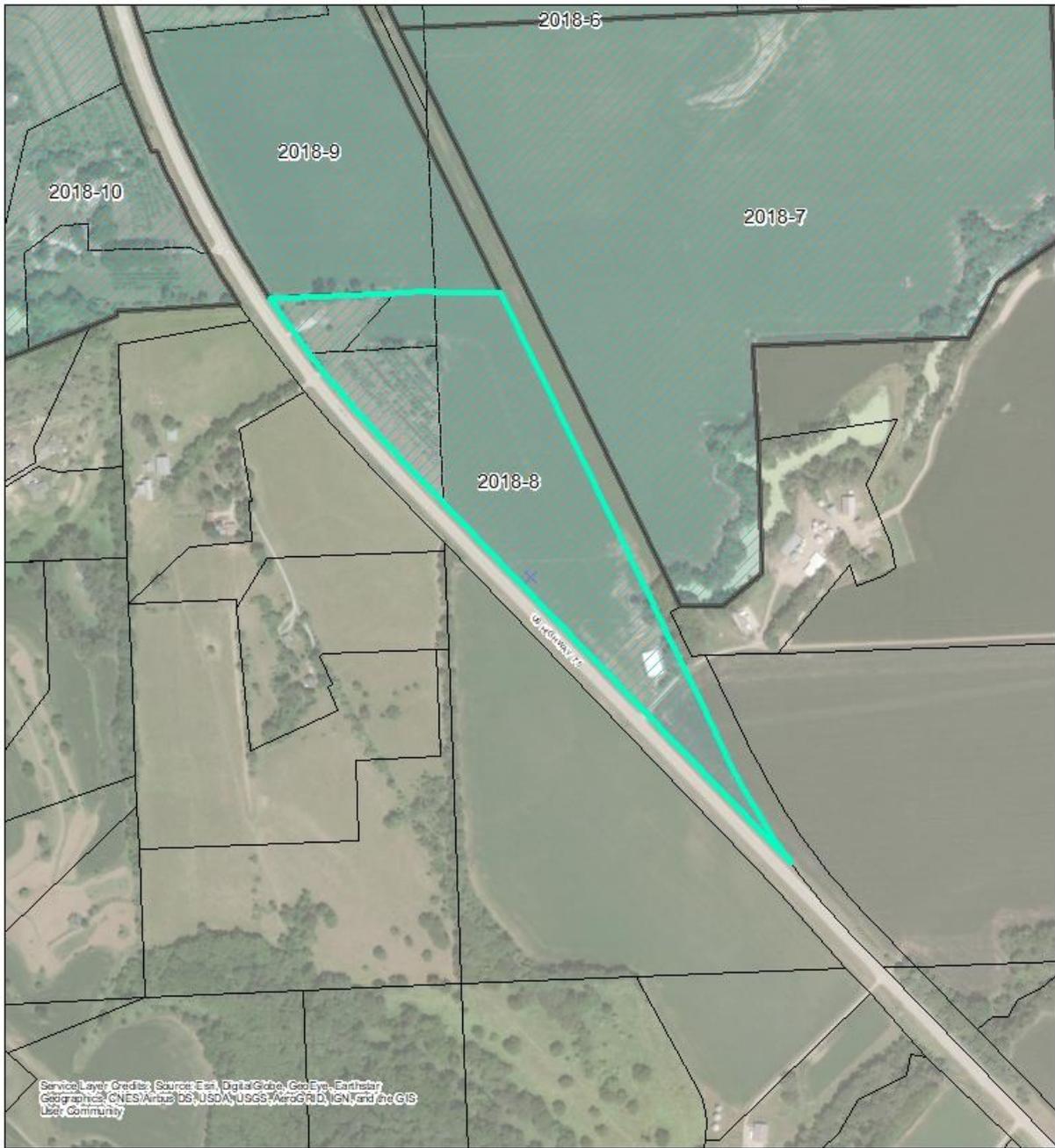
JEO CONSULTING GROUP INC

Area 2018-8

General Description

2018 Valuation	Approx. \$368,005.00	Total Acres	Approx. 27.37	
Adherence to State Statutes	Annexation is not appropriate at this time. The area is not adjacent to current corporate limits.			
At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does not meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does not meet</i> the definition of contiguous. The property <i>is not eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Agricultural	Surrounding Zoning	North	Agriculture
				Industrial
			East	Agriculture
				Single Family
			South	Agriculture
Single Family				
West	Agriculture			
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$391,230.00	\$391,230.00	
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.			
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.			
	Future Infrastructure/ Services that need to be extended or provided: Water service provided by 6" extension. Sewer service provided by new submersible duplex lift station which will serve 2018-7, 2018-8, and 2018-9.			
Notes: Lift station costs split equally between areas 2018-7, 2018-8, and 2018-9.				

*Based on the 2018 valuation and city mill levy as 2017.



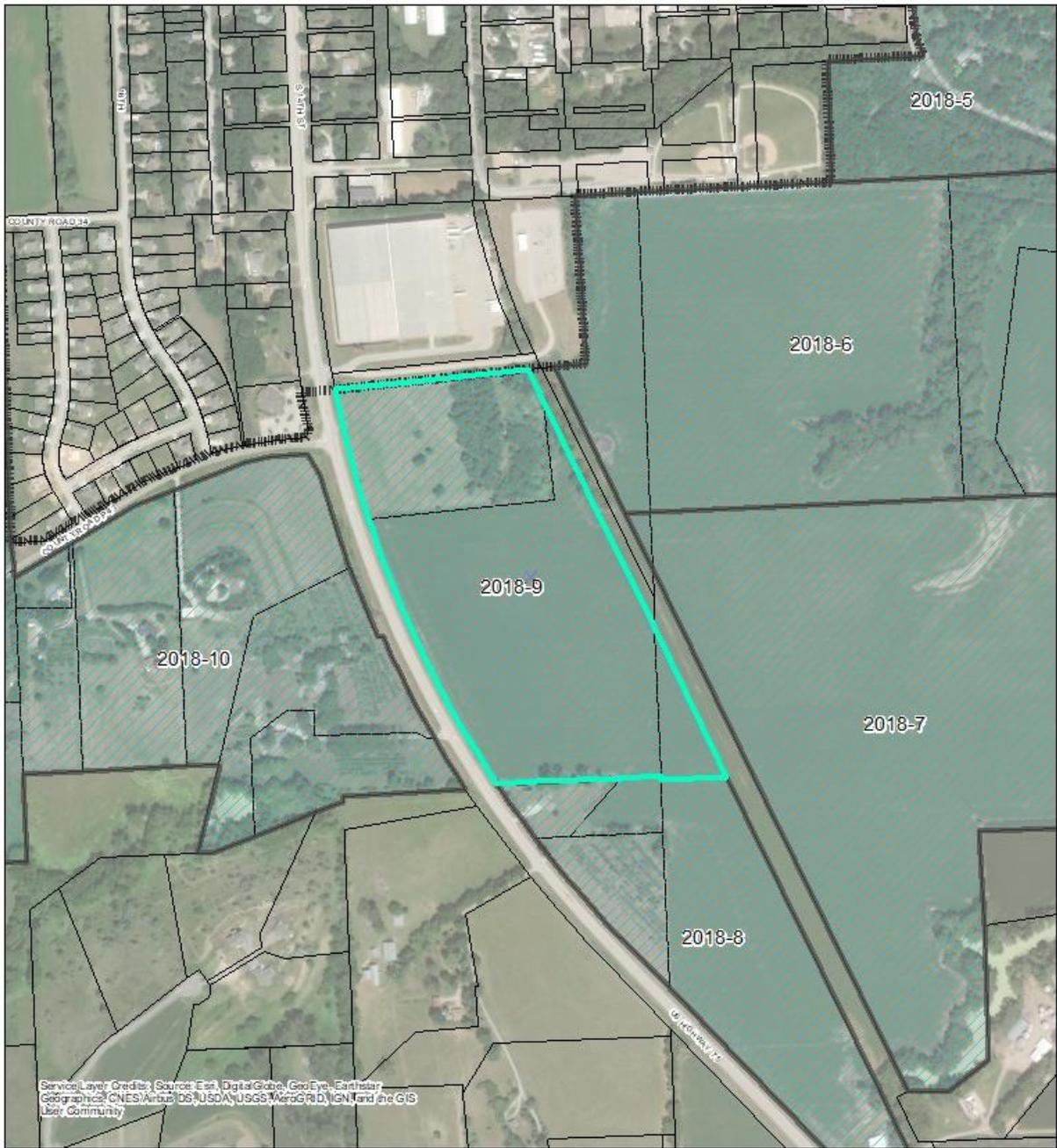
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	<p>Proposed Annexation</p>			
	<p>Current Corporate Limits</p>		<p>Proposed Annexation</p>	

Area 2018-9

General Description

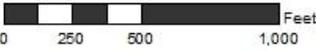
2018 Valuation	Approx. \$263,995.00		Total Acres	Approx. 36.48
Adherence to State Statutes		Annexation is appropriate with development.		
At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does not meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is not eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Agriculture	Surrounding Zoning	North	Single-Family Industrial
			East	Agriculture
			South	Agriculture
			West	Agriculture
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$187,500	\$187,500.00	
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.			
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.			
	Future Infrastructure/ Services that need to be extended or provided: Water service provided by 6" extension. Sewer service provided by submersible duplex lift station which will serve 2018-7, 2018-8, and 2018-9.			
Notes: Lift station costs split equally between areas 2018-7, 2018-8, and 2018-9.				



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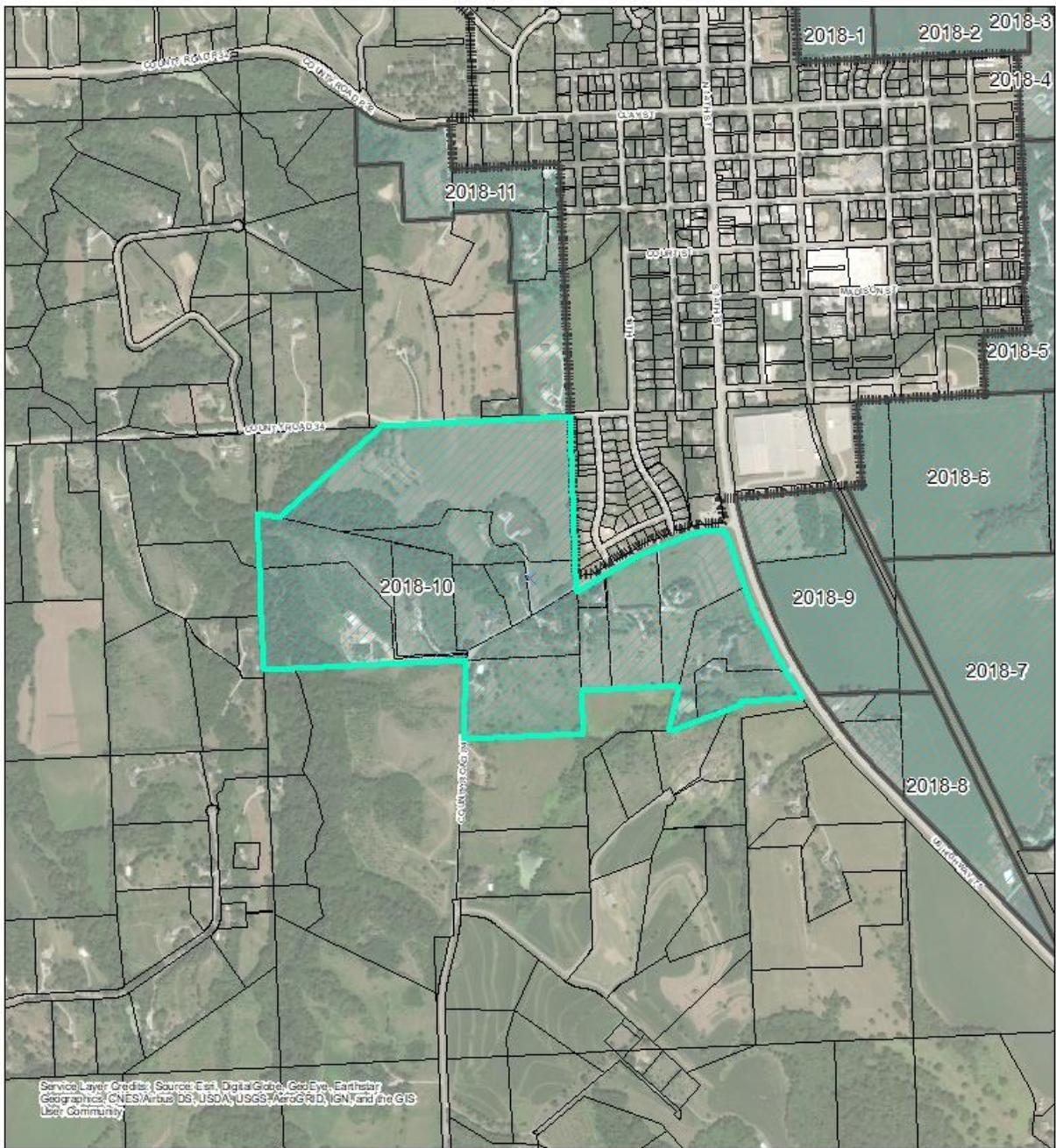


JEO CONSULTING GROUP INC

Area 2018-10

General Description

2018 Valuation	\$4,342,505.00	Total Acres	Approx. 165.46	
Adherence to State Statutes	Annexation is appropriate.			
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.			
Zoning	Rural Residential	Surrounding Zoning	North	Agricultural/Rural Residential
			East	Single Family Residential
			South	Agricultural
			West	Agricultural
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$357,250.00	\$357,250.00	
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.			
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.			
	Future Infrastructure/ Services that need to be extended or provided: Water service provided by 6” extension. Sewer service provided by 3” common force main for individual positive displacement pump connections.			
Notes: Water service extension planned to come from Southern Heights.				



Annexation Study
Fort Calhoun, Nebraska

-  Proposed Annexation
-  Annexation Parcels
-  Current Corporate Limits



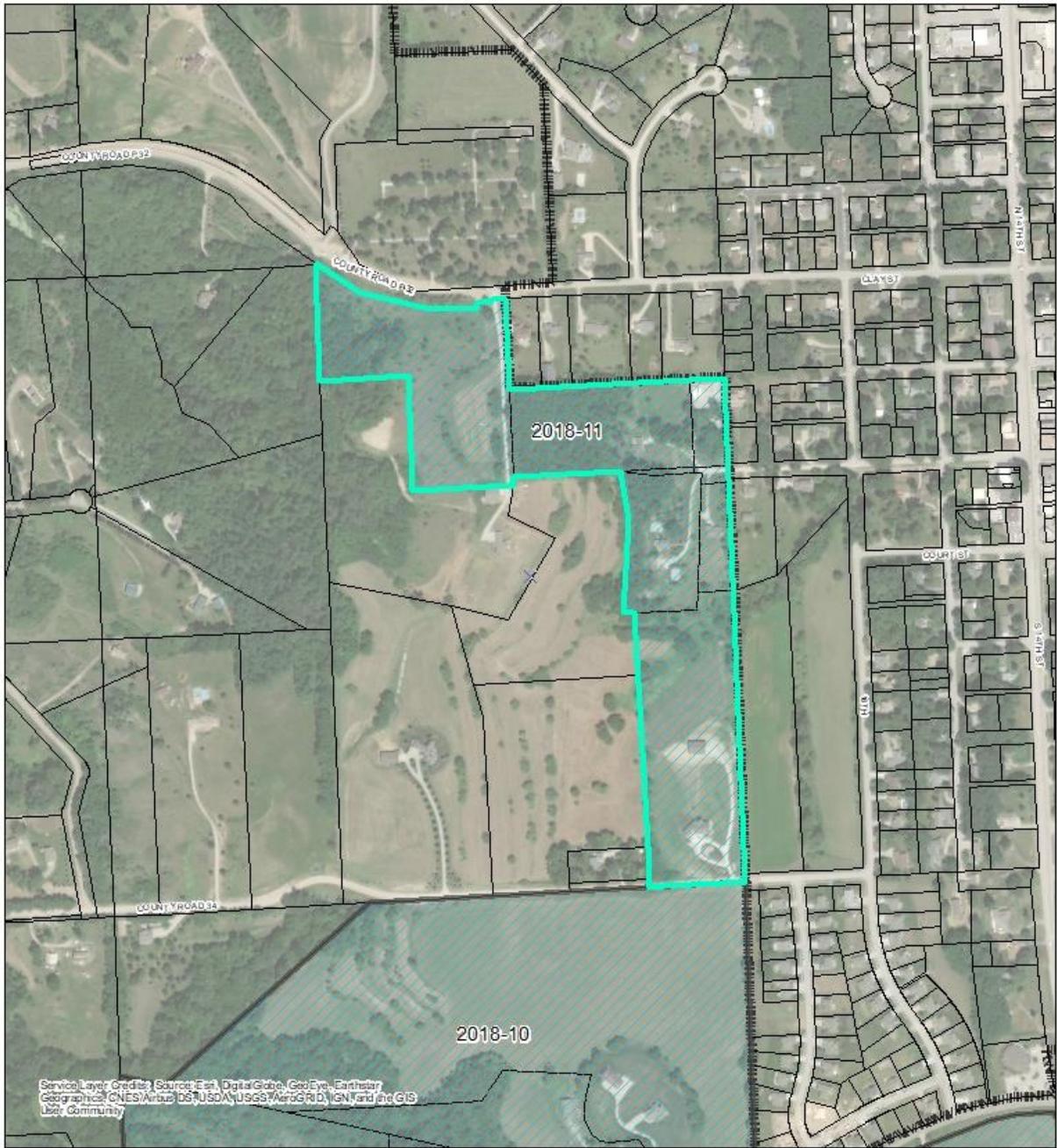

Created by: C. Sloss
 Date: July 2016
 Revised by: C. Sloss
 Date: June 2018
 Software: ArcGIS 10.4
 File: 151046.02



Area 2018-11

General Description

2018 Valuation	\$1,296,155.00	Total Acres	Approx. 34.30	
Adherence to State Statutes	Annexation is appropriate.			
At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Single Family Agriculture	Surrounding Zoning	North	Agricultural Single Family
			East	Agricultural Single Family
			South	Agricultural Single Family
			West	Agricultural Single Family
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$69,000.00	\$69,000.00	
		Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.		
		Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.		
		Future Infrastructure/ Services that need to be extended or provided: Water service is already provided. Sewer service provided by 8” gravity sewer extension.		
Notes:				



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Annexation Study
Fort Calhoun, Nebraska

-  Proposed Annexation
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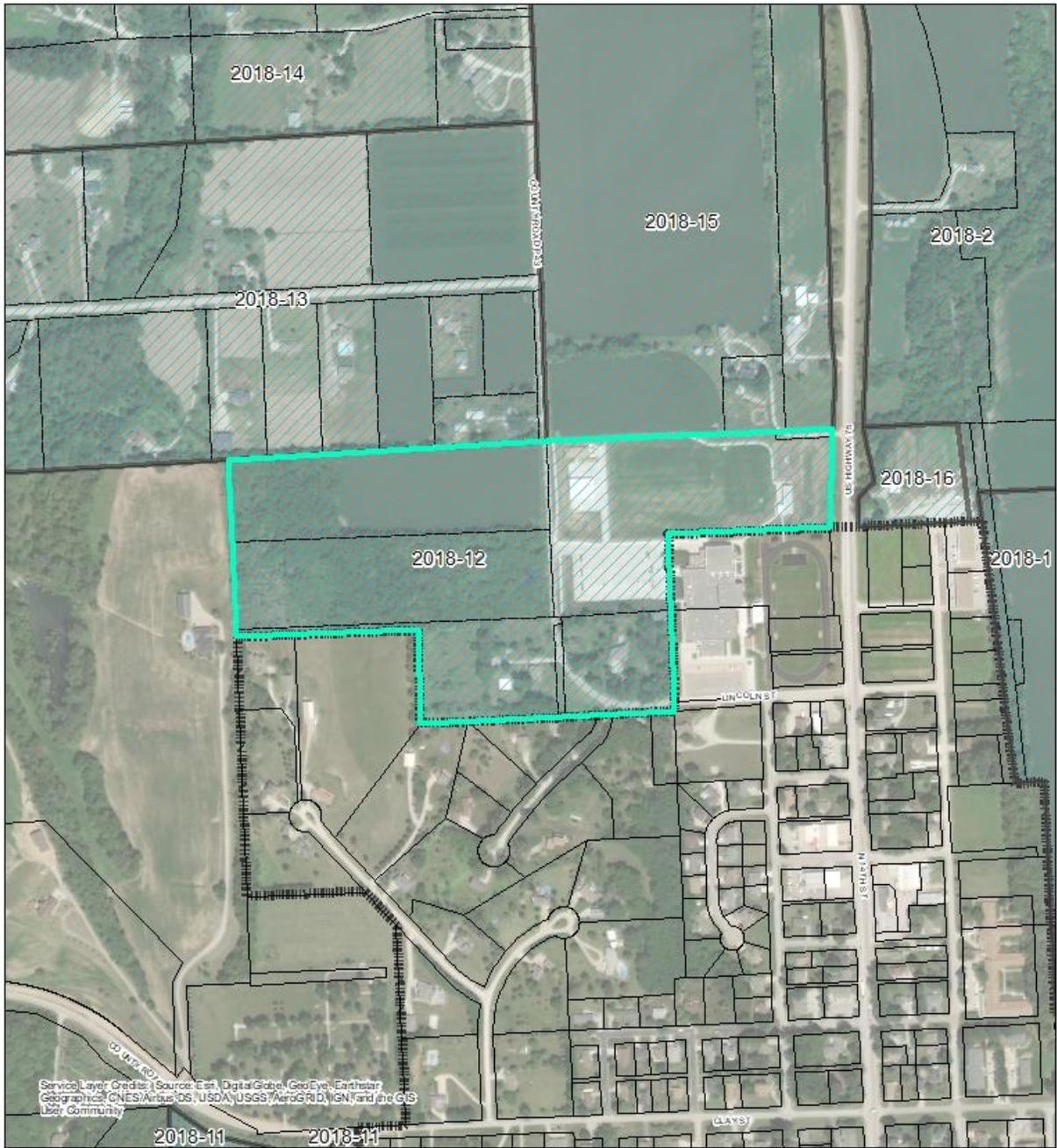

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 Date: July 2016
 Revised by: C. Sloss
 Date: June 2018
 Software: ArcGIS 10.4
 File: 151046.02



Area 2018-12

General Description

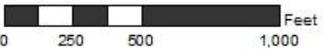
2018 Valuation	Approx. \$671,800.00	Total Acres	Approx. 46.52	
Adherence with State Statutes	Annexation is appropriate.			
At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Agriculture		North	Single Family
				Agricultural
			East	Exempt (School)
				Single Family
				Agricultural
			South	Exempt (School)
				Single Family
				Agricultural
West	Single Family			
	Agricultural			
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$145,500.00	\$145,500.00	
		Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.		
		Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.		
		Future Infrastructure/ Services that need to be extended or provided: Water service already provided. Sewer service provided by 4" common force main for positive displacement pump connections.		
Notes: 4" force main is sized to convey flows from 2018-12, 2018-15, 2018-13, and 2018-14.				



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 Geographics, CNES/Airbus/IGS, USDA, USGS, AeroGRID, IGN, and the GIS
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Annexation Study
Fort Calhoun, Nebraska

-  Proposed Annexation
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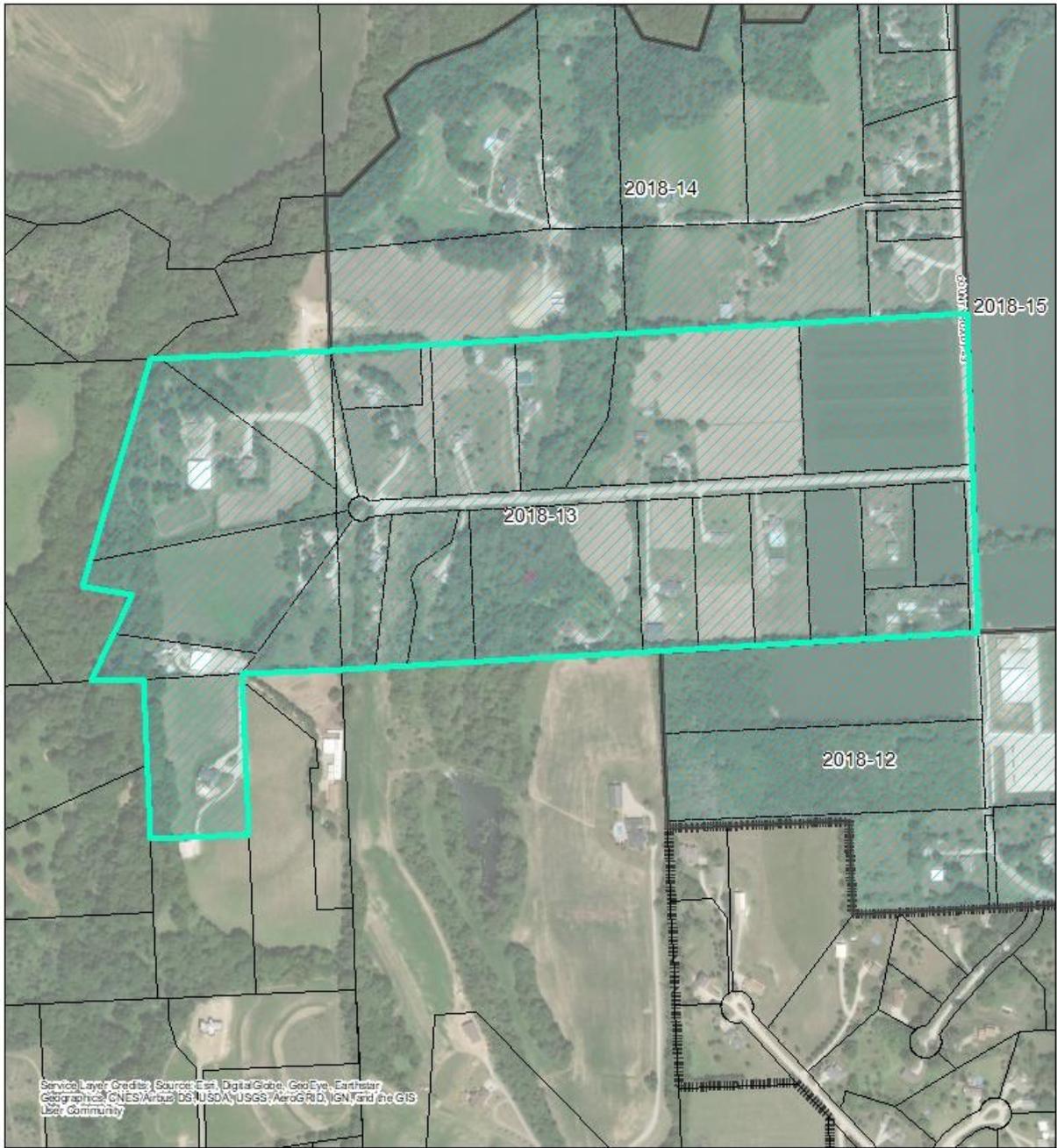
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 Date: June 2018
 Software: ArcGIS 10.4
 File: 151046.02



Area 2018-13

General Description

2018 Valuation	\$4,819,045.00	Total Acres	Approx. 113.97	
Adherence to State Statutes	Annexation is not appropriate at this present. Area is not adjacent to current corporate limits.			
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does not meet</i> the definition of contiguous. The property <i>is not eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.			
Zoning	Rural Residential	Surrounding Zoning	North	Rural Residential
			East	Agricultural
			South	Rural Residential; Agricultural
			West	Agricultural
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$365,500.00	\$365,500.00	
		Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.		
		Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.		
		Future Infrastructure/ Services that need to be extended or provided: Water service already provided. Sewer service provided by 4” common force main for positive displacement pump connections.		
Notes: 4” force main is sized to convey flows from 2018-12, 2018-15, 2018-13, and 2018-14.				



Annexation Study
Fort Calhoun, Nebraska

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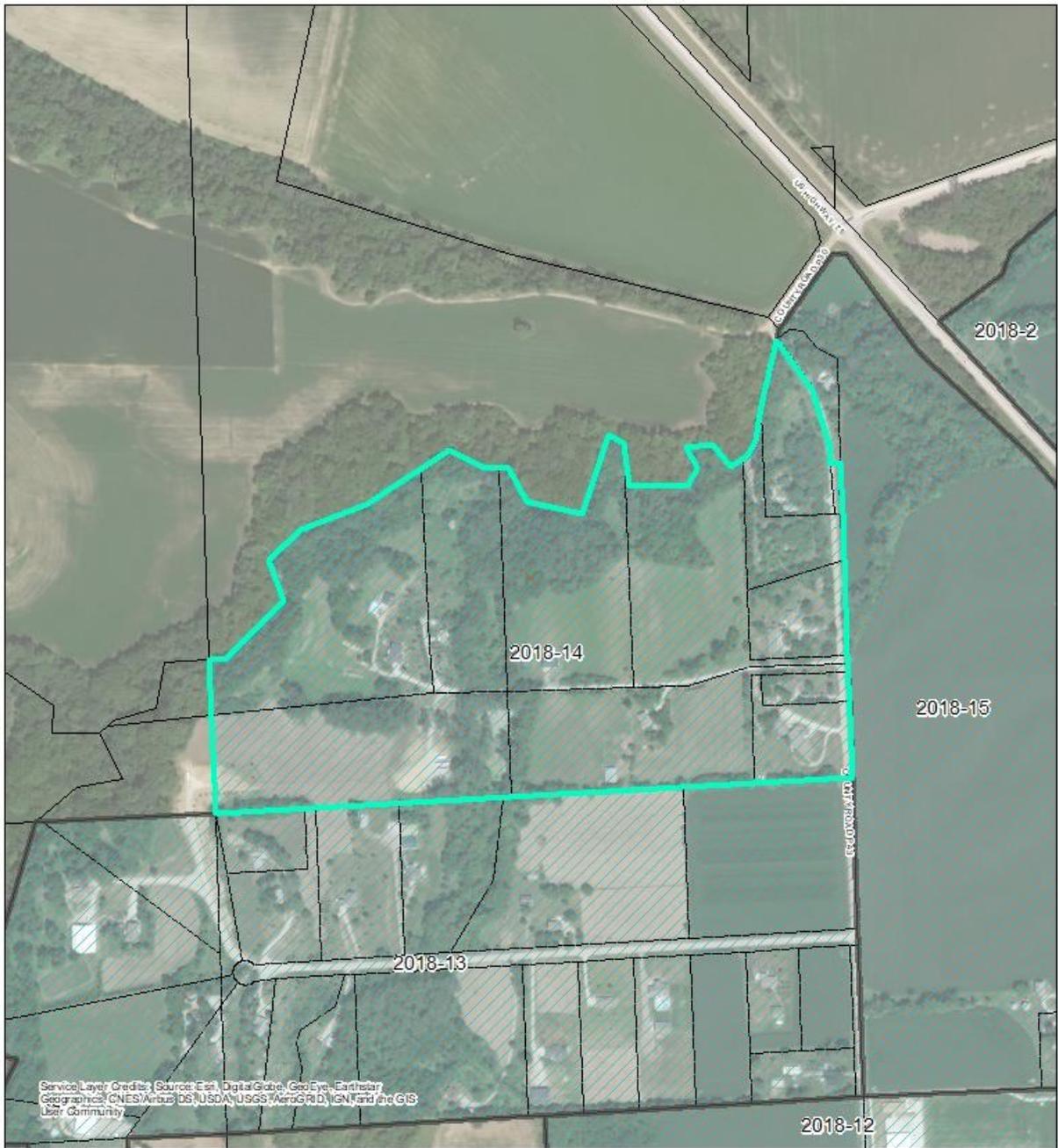

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 Date: June 2018
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Area 2018-14

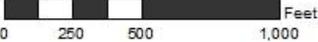
General Description

2018 Valuation	\$2,083,900.00		Total Acres	Approx. 76.69
Adherence to State Statutes	Annexation is not appropriate at this present.			
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does not meet</i> the definition of contiguous. The property <i>is not eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.			
Zoning	Agricultural (Vacant)	Surrounding Zoning	North	Rural Residential
			East	Agricultural
			South	Rural Residential
			West	Rural Residential; Agricultural
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$506,800.00	\$506,800.00	
	Existing Infrastructure/ Services provided by the City:			
	Services provided by Others:			
	Future Infrastructure/ Services that need to be extended or provided: Water service provided by 6” water main extension. Sewer service provided by 4” common force main for positive displacement pump connections.			
Notes: 4” force main is sized to convey flows from 2018-12, 2018-15, 2018-13, and 2018-14.				



Annexation Study
Fort Calhoun, Nebraska

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Area 2018-15

General Description

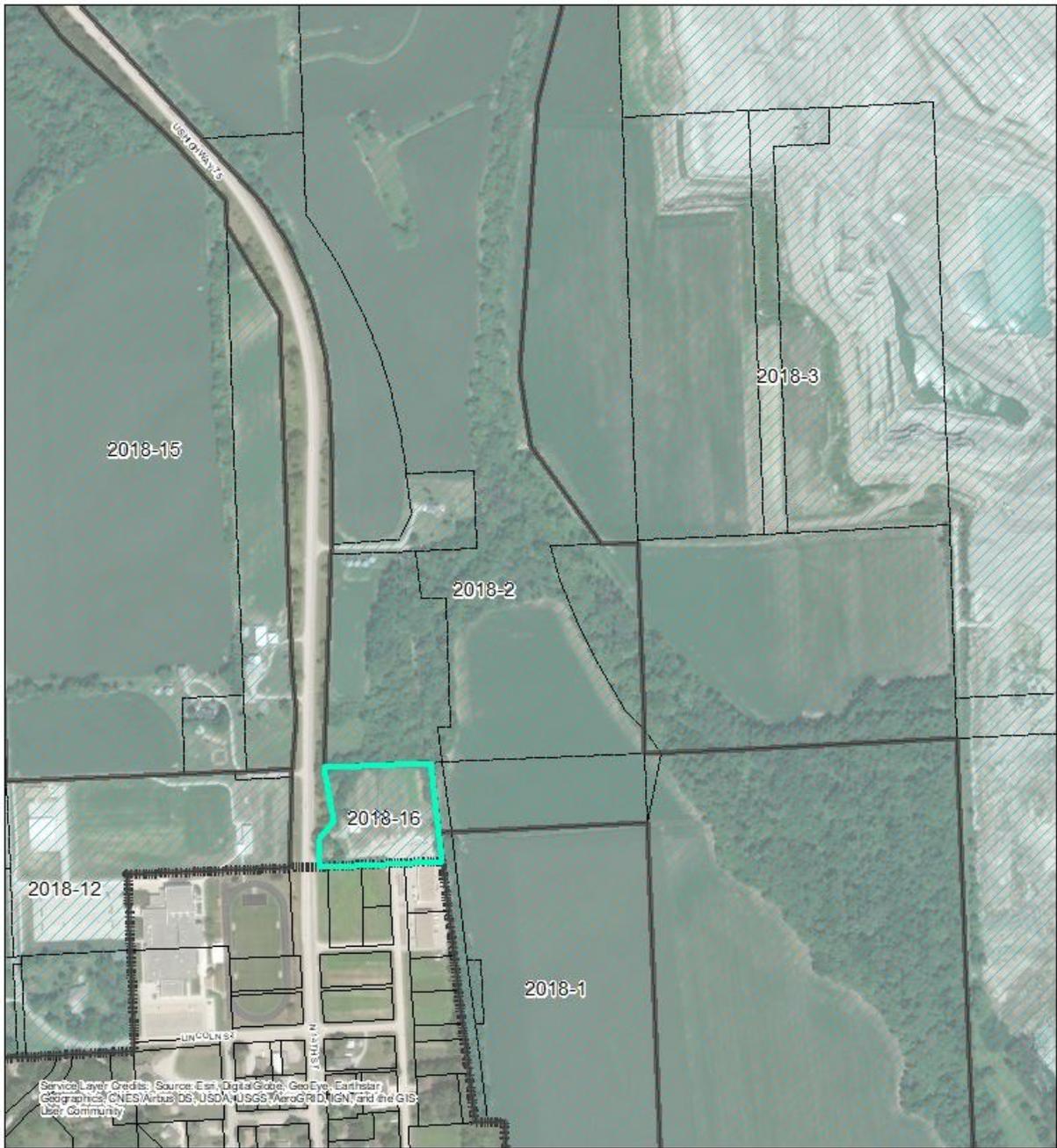
2018 Valuation	\$1,196,161.40	Total Acres	Approx. 78.64	
Adherence to State Statutes	Annexation is not appropriate at this present time – the area is not immediately adjacent to current corporate limits.			
At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does not meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does not meet</i> the definition of contiguous. The property <i>is not eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Agricultural	Surrounding Zoning	North	Agricultural
			East	Agricultural
				Single Family
			South	Agricultural
Exempt (School)				
West	Agricultural			
	Single Family			
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Extension Costs	
		\$204,000.00	\$204,000.00	
	Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.			
	Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.			
	Future Infrastructure/ Services that need to be extended or provided: Water service provided by 6" water main extension. Sewer service provided by 4" common force main for positive displacement pump connections.			
Notes: 4" force main is sized to convey flows from 2018-12, 2018-15, 2018-13, and 2018-14. Pipe quantities split equally for areas 2018-13 and 2018-14.				

*Based on the 2018 valuation and city mill levy as 2017.

Area 2018-16

General Description

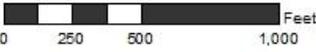
2018 Valuation	\$119,665.00		Total Acres	Approx. 4.29	
Adherence to State Statutes	Annexation is appropriate.				
	At present, it is the opinion of JEO Consulting Group, Inc. that the tract of land <i>does meet</i> the criteria of State Statute 17-405.01 Subsection (1) with regard to the term “urban or suburban in character”. The tract <i>does meet</i> the definition of contiguous. The property <i>is eligible</i> for Annexation based upon the Revised Nebraska State Statutes and Nebraska case law.				
Zoning	Agricultural	Surrounding Zoning	North	Agricultural	
			East	Agricultural	
			South	Commercial	
			West	Agricultural	
Utilities/ Services	Water/Wastewater	Capital Costs	Utility Costs		
		\$0.00	\$0.00		
		Existing Infrastructure/ Services provided by the City: The area is within the City’s one-mile jurisdiction for police protection.			
		Services provided by Others: The area is within the City’s one-mile jurisdiction for police protection which is provided by the Washington County Sherriff Department. Current fire protection is through the Fort Calhoun Rural Fire Department. Electricity is provided by Omaha Public Power District.			
		Future Infrastructure/ Services that need to be extended or provided: Water service and sewer service already provided.			
Notes: Existing water main and lift station located in the vicinity of this area.					



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Annexation Study
Fort Calhoun, Nebraska

-  Proposed Annexation
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City Policy and Plan on Providing Services to Annexed Properties

In accordance with Nebraska Revised State Statute Section 7-405.04, upon annexation, the City shall provide the basic services of fire protection, police, and snow removal on public ways (except on those public ways in which the City contracts with the State of Nebraska) available to the property owners within the Corporate Limits, except for those properties currently not served by water, electrical service and/or sanitary sewer service. The City shall make these services available upon written request of the property owner. The annexed properties that do not have City supplied water, electrical service, and/or sanitary sewer services may request the City to extend those services to said property.

All costs associated with said extension will be the responsibility of the property owner(s) and/or developer. The City may allow the creation of an Improvement/Extension District, which will allow the costs to be assessed to the property owner(s) and/or developer and paid by the property owner(s) and/or developer. Upon agreement to extend said services, the City and the property owner(s) and/or developer shall sign a legally binding agreement that assigns the associated payment costs and establishes the district by ordinance. Finally, all interior streets associated with a subdivision/development shall be the sole responsibility of the property owner(s) and/or developer.

Typically, any new subdivisions are required to pay the costs associated with all utility extensions, including main extensions to the development. In addition, all new subdivisions/developments adjacent to the Corporate Limits of Fort Calhoun may be required to voluntarily annex into the City; the primary exception of this policy would be the use of a Sanitary Improvement District (SID) to finance the subdivision/development.

For purposes of Section 17-405.04, the paragraphs in this section, as well as, the infrastructure needs listed in each area, shall constitute the required plan for extending services.

Engineering Cost Estimates

Each specific study area identified in the study area were analyzed on the estimated cost to bring utility infrastructure to the nearest boundary of the study areas. The costs associated with extending infrastructure to individual properties within the study areas were not accounted for in cost estimates. This process would warrant further analysis and negotiation of the share of costs for utility infrastructure service to individual properties.

Annexation Plat and Future Annexation Policy

According to Nebraska Statute any annexation also includes adjacent public roads. Figure 2 illustrates the approximate corporate limit boundaries if the all areas are annexed. An annexation plat would be required in the consideration of such annexation. Said annexation would require a public hearing and recommendation from the Planning Commission and a public hearing and ordinance from the City Council.

In the future, as Fort Calhoun continues to grow, the need for annexations will again become a reality. The Fort Calhoun City Council should establish the following procedures, in accordance with the Revised Nebraska State Statutes, to insure proper development and annexation.

- As developers present the community with new subdivisions contiguous to the municipality, the Planning Commission and City Council shall not recommend approval or approve any

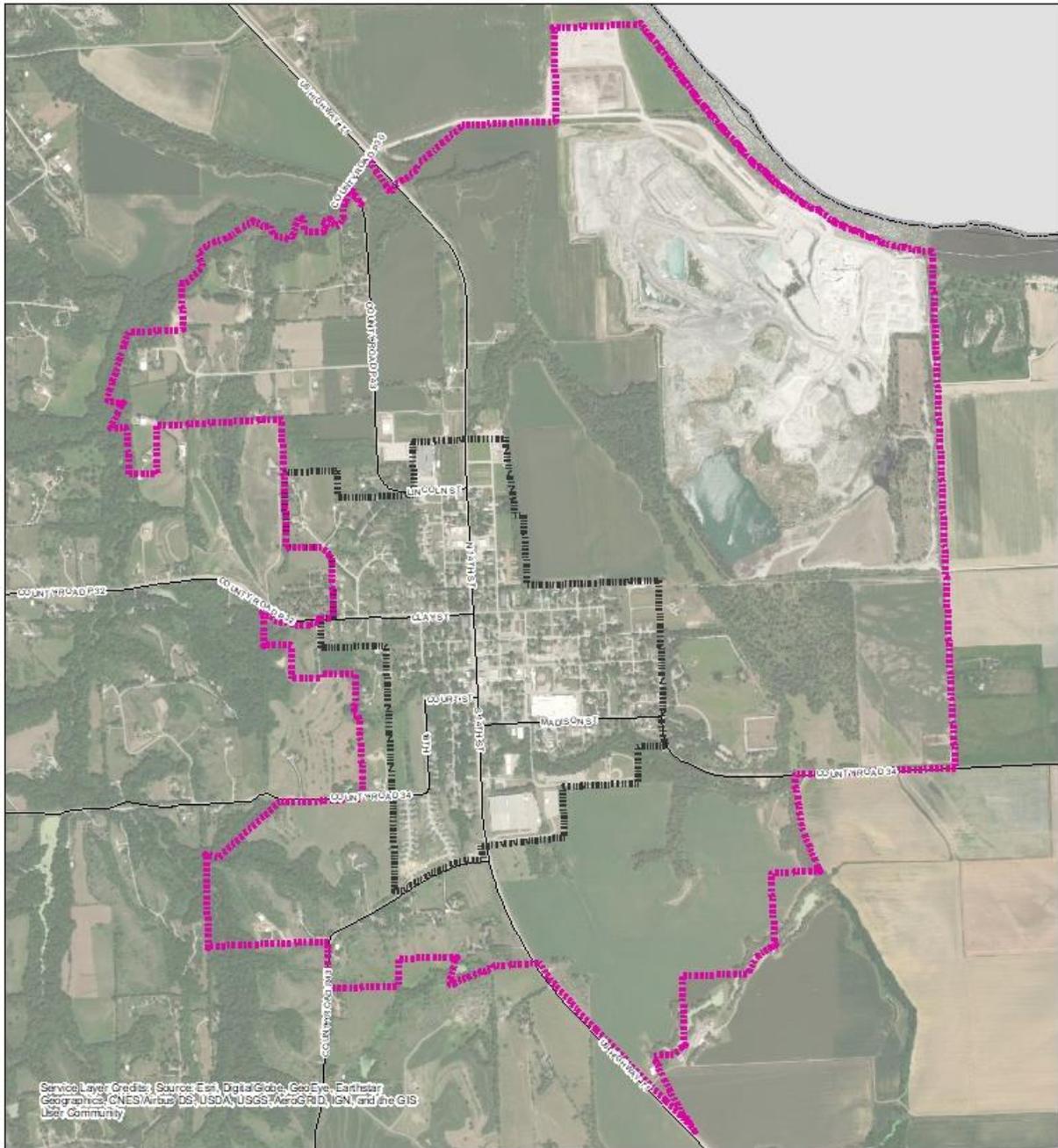
“Final Plat” until a “Subdivision Agreement” is negotiated and agreed upon by the developer and the City Council.

- As a part of the “Subdivision Agreement” and the proper public hearings, the developer should be required, if in the best interest of the City, to agree to immediate annexation upon approval of “Final Plat” as prescribed in the Revised Statutes of Nebraska. This process should not be applied to any subdivision created as a Sanitary Improvement District.

Extension of the Extraterritorial Jurisdiction

Aside from the addition of properties to the municipal boundary of the community, the proposed annexation offers the City the opportunity to extend the boundary of its extraterritorial jurisdiction (ETJ) to match the new corporate boundary according to Nebraska State Statute. Such extension shall be done by ordinance with consideration of land use and City enforcement. While it may seem advantageous to extend the boundary of the ETJ at the same time as the annexation, it will be of greater advantage to the City to wait to do so until after the annexation is finalized in order to provide an easier transition for property owners on the fringe of the community as well as the City. Figure 3 illustrates the possible extended one-mile extraterritorial jurisdiction.

Figure 2: Potential Corporate Limits after Annexation



Annexation Study
Fort Calhoun, Nebraska

 Current Corporate Limits
 Proposed Corporate Limits

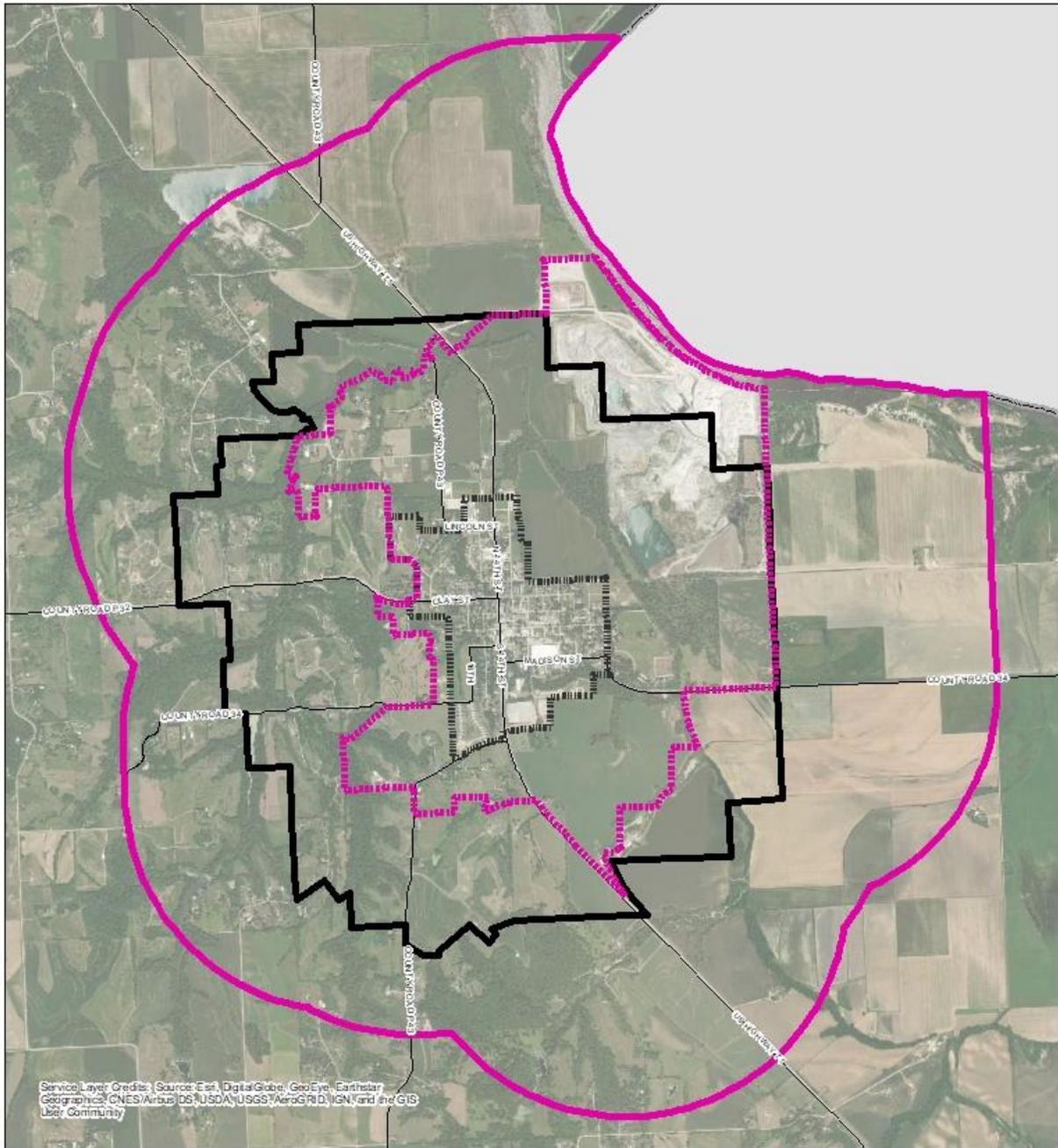
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 Date: June 2018
 Software: ArcGIS 10.4
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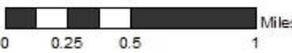
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Figure 3: Potential Extraterritorial Jurisdiction



Annexation Study
Fort Calhoun, Nebraska

-  Current Corporate Limits
-  Proposed Corporate Limits
-  Current ETJ
-  Proposed ETJ (1-mile)

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 Software: ArcGIS 10.4
 File: 151046.02



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Conclusions and Recommendations

The eligibility for annexation varies on a case by case basis. Those areas deemed contiguous and adjacent to current corporate limits are described as eligible for annexation. Those on the periphery of the study area and not found to be contiguous and/or adjacent were described as not eligible for annexation. The potential annexation of the latter areas is dependent on phased annexation of study areas connected to corporate limits.

It is the recommendation of this study, that each of the identified properties be annexed by separate ordinances. The advantage of annexing each area separately is greater control over the annexation process. This approach provides a relief valve in case one of the areas does get challenged and the challenge is successful. A successful court challenge to one area of an ordinance when annexing several areas at once, would mean that every area annexed under the ordinance would be nullified. Annexing each area individually means each area must be found to be void on its own merit before its annexation ordinance can be struck down.

The current land utilization must be a consideration of annexation decisions. Much of the study area is currently utilized for agricultural production. The annexation of agricultural areas into corporate limits may result in the loss of “greenbelt” status for crop land and lose significant benefits for property tax. The annexation of agricultural land should be limited to immediate development proposals.

Table 1 is an analysis and recommendation of each potential annexation area. The analysis was undertaken utilizing the criteria established and explained in the following section. A final recommendation is provided that takes into consideration the legal basis for annexation, a preliminary cost benefit analysis, and the current utilization of the land. The recommendations fall into the appropriateness of immediate annexation, annexation appropriate with corresponding development, and areas that are not appropriate or recommendation for annexation in the foreseeable future.

Table 1: Analysis and Recommendation

	Contiguous	Urban	Est. Utility Extension Costs	Est. Annual Benefit (Valuation x Mill rate .00573145)	Current Utilization (vacant, low, medium, high,	Dependent on other annexation	Recommendation	Priority Immediate, short-term (1-3 yrs), Medium-term (4-7yrs), or Long-term (>7yrs)
2018-1	Yes	Yes	\$245,500.00	\$1,246.75	Vacant	No	with development	Medium
2018-2	Yes	No	\$210,630.00	\$4,275.58	Low	No	with development	Medium
2018-3	No	Yes	\$401,630.00	\$17,593.89	High	Yes (2, 4 or 5)	Annexation contingent on cost-of sales tax	Short
2018-4	Yes	Yes	\$41,850.00	\$3,704.55	Medium	No	Appropriate	Immediate
2018-5	Yes	Yes	\$0	\$none	Low	No	with development	Immediate
2018-6	Yes	No	\$147,960.00	\$3,927.66	Low	No	with development	Short
2018-7	No	No	\$327,380.00	\$3,012.95	Vacant	Yes (6 or 9)	Not appropriate	Long
2018-8	No	No	\$391,230.00	\$2,116.22	Low	Yes (6 and 7 or 9 or 10)	Not appropriate	Long
2018-9	Yes	No	\$187,500.00	\$864.11	Vacant	No	with development	Short
2018-10	Yes	Yes	\$357,250.00	\$20,827.58	Low	No	Appropriate	Long
2018-11	Yes	Yes	\$69,000.00	\$12,125.86	Low	No	Appropriate	Immediate to Short
2018-12	Yes	Yes	\$145,500.00	\$3,578.51	Medium	No	with development	Short to Medium
2018-13	No	Yes	\$365,500.00	\$19,230.91	Medium	Yes (12 or 2 and 15)	Not appropriate	Long
2018-14	No	Yes	\$506,880.00	\$11,462.80	Medium	Yes (3 and 15 or 1 and 8)	Not appropriate	Long
2018-15	No	No	\$204,000.00	\$6,828.14	Low	Yes (12 or 2)	with development	Medium to Long
2018-16	Yes	Yes	\$0.00	\$661.35	Low	No	with development	Immediate

¹ Valuation dependent upon pending development of solar farm project

Additional Criteria to be Considered

Current Utilization

Current utilization considers how heavily the land is currently used. A low utilization indicates that there is potential for increased development, while a high utilization indicates that the land is close to being full developed.

Utilities (Currently Served)

Extended utilities to service an area can be a costly process. This criterion considers if the area is currently served by utilities. An estimated cost for utility extensions is included in the plan for each area.

Cost Benefit to the City

The city is entitled to tax revenue from properties within its corporate limits. This criterion estimates the cost benefit that will be derived from property taxes by applying the City's mill rate to the 2017 assessed value.

Growth Barriers

Creeks, ridgelines, tree lines and other natural features can inhibit and complicate growth of an area. This criterion considers if there are any protentional natural/logical boundaries within an area that would limit its development potential.

ETJ Issues

Annexing an area will expand the city's Extraterritorial Jurisdiction thus bringing in additional properties under the zoning jurisdiction of the city. This criterion assesses if any annexations may create negative issues based off extending the ETJ via conflicting or incompatible land uses. Positive influences include extending the city's jurisdiction along a natural or intentional growth corridor, for example. The analysis found no negative influences over the potential ETJ expansion. Positive influences include expansion of the City's jurisdiction along natural growth corridors like Highway 75.

Additional City Services that will be required

Once annexed the city will be responsible for providing services to the area, this includes police service, fire protection, and snow removal. Infrastructure condition and specifications may need to be upgraded to conform to city standards. The estimated cost of upgrading existing infrastructure to City standards in annexation areas should be built into the cost-benefit analysis to determine the fiscal appropriateness of the action.