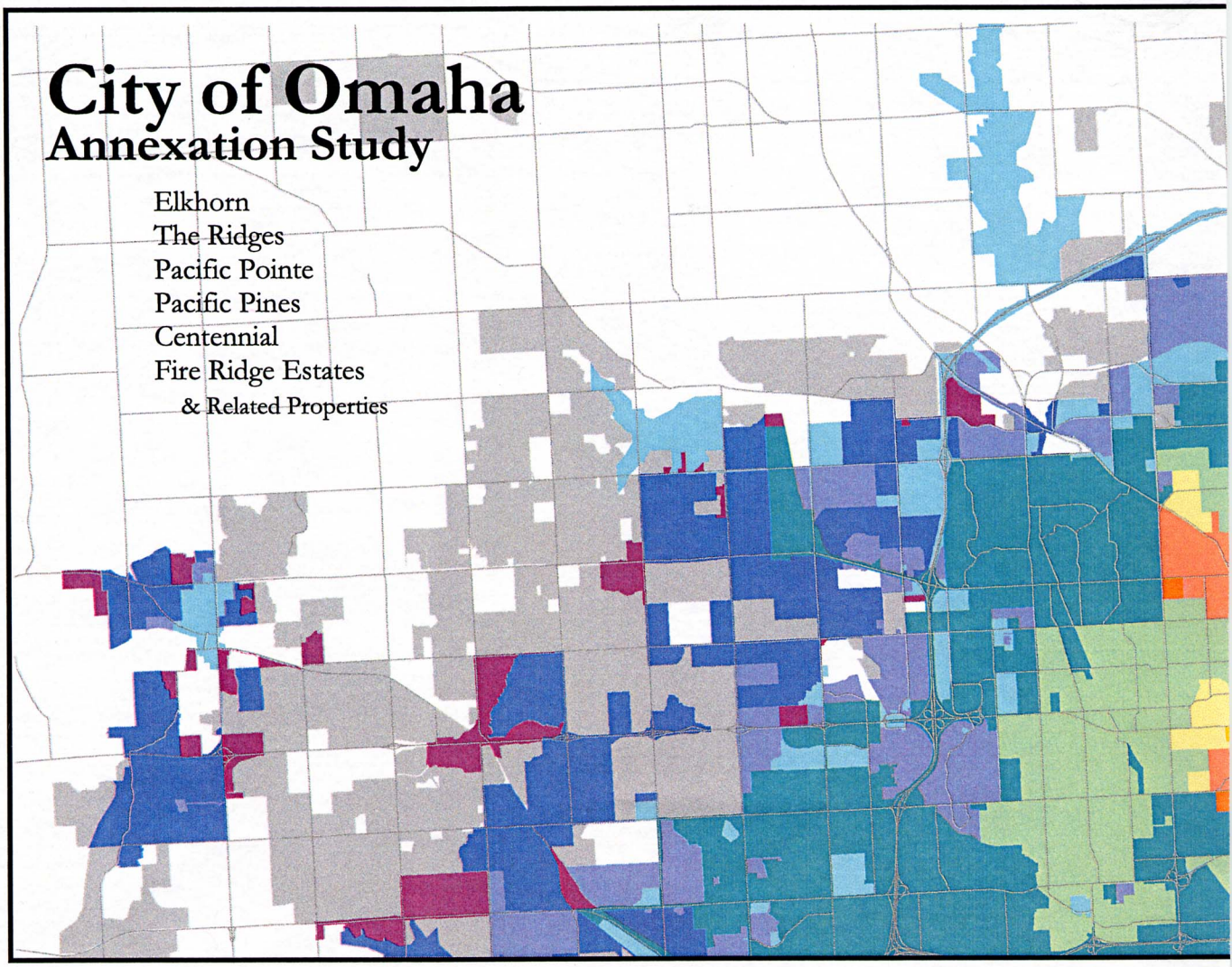
City of Omaha
Annexation Study

Elkhorn
The Ridges
Pacific Pointe
Pacific Pines
Centennial
Fire Ridge Estates
& Related Properties



Prepared by Omaha City Planning Department
Mike Fahey Mayor
February 2005
Report # 293

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Omaha's Annexation History

The Nebraska Legislature has always recognized the fact that cities will grow and need to enlarge their city limits, and State Statutes have wisely spelled out the procedures and limitations, which all classes of cities must observe when extending their corporate limits.

State Statutes permit a city to annex new urban growth by ordinance. A popular vote is not required for the democratic reason that if the interests of the majority of the citizens will be best served by timely enlargement of the city limits, then the "annexed minority" should not have an overruling veto. The city council, representing the majority and subject to judicial review, makes the determination as to whether the general interest of the majority will be best served by annexation.

These statutory provisions have served the cities of Nebraska throughout the state's history and most, larger cities have grown manyfold by virtue of these laws. Omaha, which was incorporated 10 years before Nebraska became a state, has grown from 1 ½ to 120 square miles during the past 150 years. This growth comes as a result of 517 separate annexation ordinances. (See Figure 1)

Just prior to World War I, Omaha's city limits had grown south, west and north to the extent that they adjoined four separate, incorporated satellite towns – South Omaha (28,000 population), Dundee (1,000 population), Benson (3,000 population), Florence (3,000 population) respectively – and the City faced a major policy decision. The City could stop annexing and let all future population growth be added to these four satellite towns, or consolidate these towns so Omaha could continue to grow and annex as it had in the past. Fortunately, the decision was made to annex all four towns, and on June 20, 1915, South Omaha and Dundee became a part of Omaha. Two years later, June 5, 1917, Benson and Florence also became part of the city.

The annexation involving the two towns of South Omaha and Dundee was without precedent in Nebraska; therefore, it was deemed advisable to conduct an election wherein all the citizens, both in Omaha and in the two satellite towns, could express their opinions. The results of the election showed an overwhelming majority in favor of annexation. The total vote in Omaha and the two towns was 11,428 with only 1,585 voting against; only in Dundee did the "noes" outnumber the "ayes".

GROWTH OF OMAHA

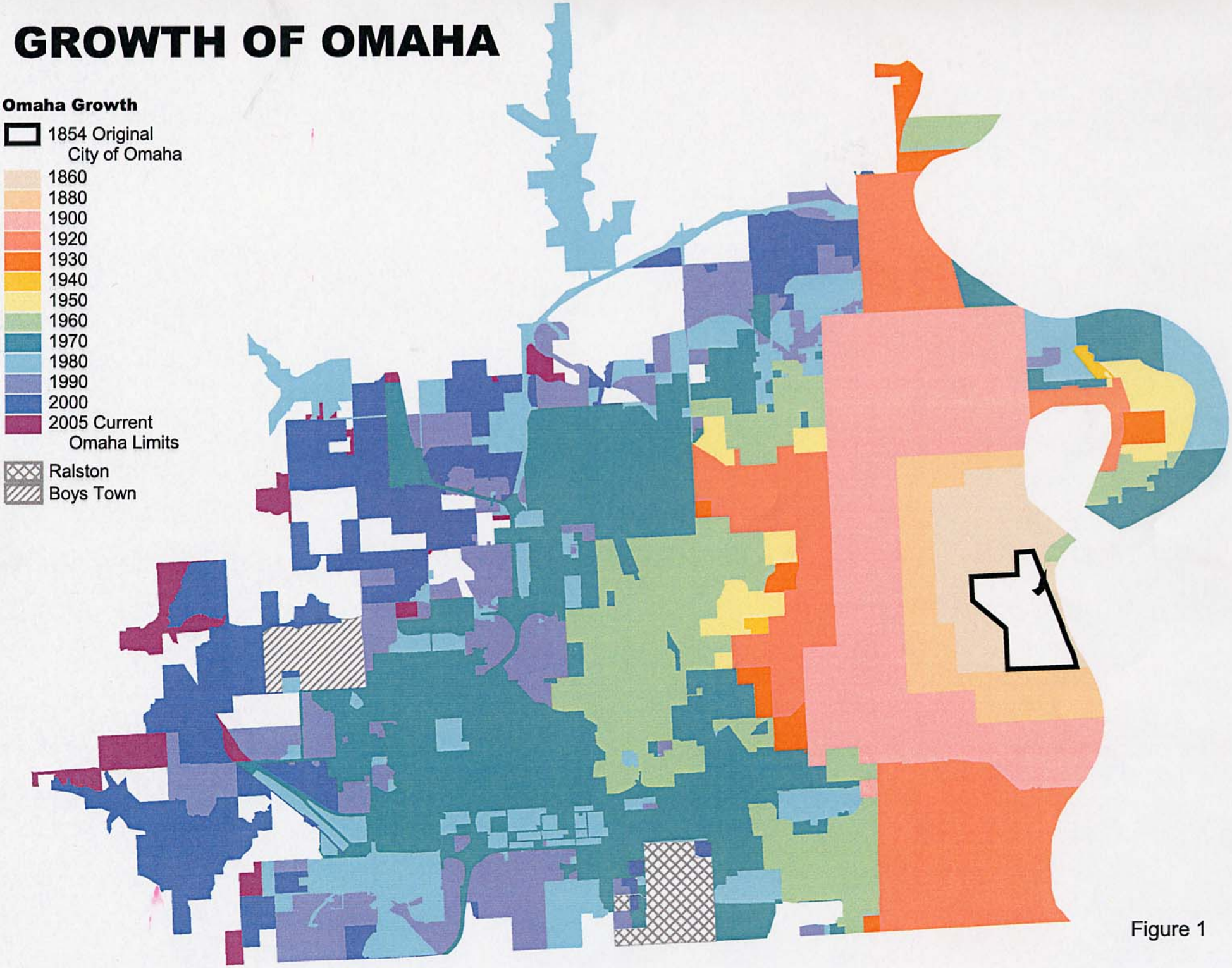


Figure 1

Following the annexation of these two satellite towns, the Legislature amended the State Statutes to permit metropolitan areas to annex satellite towns (under 10,000 populations) without a vote of the people. The towns of Benson and Florence were annexed under these amended statutes.

In 1967, the Omaha City Council voted to annex Millard, a growing small city of 6,000 on the edge of Omaha. The annexation of Millard was fought all the way to the U.S. Supreme Court. The Court refused to hear the case, which put Millard's annexation into effect in 1971.

Even before the annexation of Millard, much of Omaha's growth came about through annexation of subdivisions growing on the edges of the city. However, up through the 1970's, a consistent approach to evaluating the costs and benefits of annexation was lacking, resulting in a shifting approach between annexing everything possible to annexing very little. The uncertainty toward annexation made it difficult for suburban areas to anticipate being annexed and hindered sound financial planning for the City as a whole.

In the 1980 census, Omaha found that an overly cautious approach had caused the city's population to drop by over 33,000, while population in the surrounding subdivisions grew by a corresponding amount. As a result, an annexation policy was developed to provide an objective guide for studying potential annexation areas. The policy establishes criteria for annexation study (an area must meet one or more), provides consistency from year to year in the process, and uses long-term financial projection of debt and service costs vs. revenue.

The effect of the policy is:

- *It combines higher debt residential S&ID's with others that have sales tax revenue or cash-on-hand to offset the debts. (This allows residential areas to be annexed that we could not otherwise afford.)*
- *Long-term balance of revenues and costs avoids raising Omaha's taxes to pay for annexation debts and service costs.*
- *It ensures that services to newly annexed areas are budgeted at the same level as the rest of the city.*
- *Omaha has grown since 1980 by over 80,000 in population and 27 square miles in area.*
- *Omaha maintains its AAA bond rating due to the ability to ensure a growing tax base through annexation.*

This is in contrast to some metropolitan cities in other states with restrictive annexation laws, where central cities have experienced losses in population, jobs, and property tax base to growing suburbs and surrounding cities.

Annexation packages as large as Elkhorn and the five S&ID's have been successfully integrated into Omaha in the past. In 1998 and 1999, for example, annexation packages of 9,600 people and 14,000 people, respectively, were annexed into Omaha's city limits.

Legal Basis for Annexation

GENERAL INTENT OF STATE LAW AND CITY POLICIES

State law provides for the orderly growth of cities through the use of an extra-territorial jurisdiction and annexation authority. It is the intent of state law that cities in Nebraska continue to grow in an orderly fashion.

State law has always assumed the orderly and continued growth of the City of Omaha by giving it a three mile jurisdiction, the largest of any city in the state, and by giving it the authority to annex cities under 10,000 people in size. Omaha has exercised this authority through the years to annex South Omaha, Florence, Benson, Dundee, Millard and hundreds of smaller subdivisions.

The City's Master Plan also stresses the importance of the orderly and continued growth of the city. To that end, the plan calls for the City's government to pro-actively manage the growth of the city in order to:

- *Ensure that all public services are located in a way that supports and promotes the City's desired pattern of growth and redevelopment.*
- *Provide services in an efficient, equitable, and cost efficient manner.*
- *Promote the orderly extension of public services and utilities.*
- *Improve the allocation of limited capital resources for new construction*
- *More effectively utilize the existing service and facility infrastructure*
- *Establish a contiguous and compact pattern of growth*
- *Ensure the timely pay-off of the debt of Sanitary and Improvement Districts to allow for their annexation within 15 years*
- *Ensure that those who benefit from city services will pay for the services they receive.*

It is clear from these statements that managing the growth of the city is of paramount importance to the City of Omaha. The reason is that only by managing the city's growth is it possible to achieve the related objectives of providing high-quality public services efficiently and equitably. It is also important to ensure that those who use and benefit from the city's facilities and resources should help pay for the benefit they receive.

STATE LAW

Chapter 14, Revised Statues of Nebraska contains the existing state enabling legislation and the following are excerpts from the law:

§14-117 – Corporate limits; how fixed; annexation of cities or villages; limitation; powers and duties of city council.

The corporate limits of any city of the metropolitan class shall be fixed and determined by ordinance by the council of such city. The city council of any city of the metropolitan class may at any time extend the corporate limits of such city over any contiguous or adjacent lands, lots, tracts, streets or highways, such distance as may be deemed proper in any direction, and may include, annex, merge or consolidate with such city of the metropolitan class, by such extension of its limits, any adjoining city of the first class having less than ten thousand population or any adjoining city of the second class or village. Any other laws and limitations defining the boundaries of cities or villages or the increase of area or extension of limits thereof shall not apply to lots, lands, cities or villages annexed, consolidated or merged under this section.

§14-118 – Annexation of merger of city or village; rights and liabilities; rights of franchise holders and licensees.

Whenever any city of the metropolitan class shall extend its boundaries so as to annex or merge with it any city or village, the laws, ordinances, powers and government of such metropolitan city shall extend over the territory embraced within such city or village so annexed or merged with the metropolitan city from and after the date of annexation. The date of annexation or merger shall be set forth in the ordinance providing for the same, and after said date the metropolitan city shall succeed to all the property and property rights of every kind, contracts, obligations and chooses in action of every kind held by or belonging to the city or village annexed or merged with it, and the metropolitan city shall be liable for and recognize, assume and carry out all valid contracts, obligations and licenses of any city or village so annexed or merged with the metropolitan city. Any city or village so merged or annexed with the metropolitan city shall be deemed fully compensated by virtue of such annexation or merger and assumption of its obligations and contracts for all its properties and property rights of every kind acquired as aforesaid by the metropolitan city, PROVIDED, HOWEVER, that any public franchise, license or privilege granted to or held by any person or corporation from any of the cities or villages annexed or merged with any metropolitan city before such annexation or merger, shall not by virtue of such annexation or merger be extended into, upon or over the streets, alleys or public places of the metropolitan city involved in such consolidation and merger.

§14-120. Annexed or merged city or village; taxes; fines; fees; claims; payment; collection.

All taxes, assessments, fines, license fees, claims and demands of every kind, due or to become due or owing to any city or village thus annexed or merged with any metropolitan city, shall be paid to and collected by the metropolitan city.

§14-121. Annexed or merged city or village; authorized taxes or assessments; city of the metropolitan class; powers.

All taxes or special assessments which any city or village so annexed or merged was authorized to levy or assess, but which are not levied or assessed at the time of such annexation or merger for any kind of public improvements made by it or in process of construction or contracted for, may be levied or assessed by such metropolitan city as consolidated. Such metropolitan city shall have the power to reassess all special assessments or taxes levied or assessed by such city or village thus consolidated with it in all cases where any city or village was authorized to make reassessments or relevies of such taxes or assessments.

§14-122. Annexed or merged city or village; licenses; extension for remainder of license year; city of the metropolitan class; powers.

Where, at the time of any such annexation or merger, the municipal license year, for any kind of license, of any city or village so consolidated with the metropolitan city extends beyond or overlaps the municipal license year of the metropolitan city, then the proper authorities of the metropolitan city are hereby authorized to issue to the lawful holder of any yearly license issued by any such city or village annexed or merged with the metropolitan city, or to any new applicants applying for licenses to continue the business at the place covered by such expiring city or village license, a new license under such conditions as may be provided in the laws or ordinances governing the metropolitan city for the remainder of the metropolitan city license year, extending from the expiration of such city or village license up to the end of the metropolitan city license year, and charging and collecting; therefore, only such portion of the yearly amount fixed for any such license by the laws or ordinances governing the metropolitan city as will represent proportionately the time for which the new license shall be granted.

§14-123. Annexed or merged city or village; actions pending; claims; claimants' rights.

All actions in law or in equity pending in any court in favor of or against any city or village thus annexed or merged with the metropolitan city at the time such annexation or merger takes effect, shall be prosecuted by or defended by such metropolitan city. All rights of action existing against any city or village consolidated with such metropolitan city at the time of such consolidation, or accruing thereafter on account of any transaction had with or under any law or ordinance of such city or village, may be prosecuted against such metropolitan city as existing after annexation or merger.

§14-124. Annexed or merged city or village; books, records or property; transfer to city of the metropolitan class; offices; termination.

All officers of any city or village so annexed or merged with the metropolitan city, having books, papers, bonds, funds, effects or property of any kind in their hands or under their control belonging to any such city or village shall, upon the taking effect of such consolidation, deliver the same to the respective officers of the metropolitan city as may be by law or ordinance or resolution of such metropolitan city entitled or authorized to receive the same. Upon such annexation and merger taking effect the terms and tenure of all offices and officers of any city or village so consolidated with the metropolitan city shall terminate and entirely cease except as herein otherwise provided.

Why Omaha should continue its sound annexation policy

While size and population are not the most important criteria in judging the quality of urban life, Omaha's growth has provided increased employment, educational, cultural, and recreational opportunities and improved business and industrial opportunities to everyone in the area. With the recent large-scale development of the downtown area, the Qwest Center and the Missouri riverfront Omaha has transformed itself into a major regional center that has become the "image center" of the region and the heart of the larger Omaha metropolitan area.

As important as the overall image of the metropolitan area might be, for most people annexation is primarily an issue of the quality, cost and efficiency of public services. Any study of the alternatives to annexations lead inescapably to the conclusion that the Omaha pattern of urban growth is far more efficient and responsive to urban needs than the alternative of a metropolitan area made up of a collection of smaller communities.

For example, imagine the City of Omaha split into 55 or more separate incorporated towns of approximately 10,000 in population (a "magical number" discussed as the "ideal size" by many opponents of annexation). Imagine 55 separate city halls, 55 fire departments, 55 police departments, 55 mayors, councils and public employees. Imagine 55 sewage treatment plants. The absurdity of such an alternative is readily apparent and yet this situation does exist to a large extent on the perimeter of many large cities that have not been able to annex contiguous suburban areas. Figure 2 shows what the City of Omaha might look like as a group of separate incorporated towns.

Omaha's annexation authority and ability to grow has been routinely referred to as one of the reasons for Omaha's financial health. Few cities in the country have a similar authority. The Des Moines Register in a full-page editorial in 2000 cited Omaha's annexation authority as the primary reason Omaha has avoided the financial problems experienced by the City of Des Moines.

The City's past annexations have continually increased the City's tax base with the result that the burden of local government expense has been spread equitably over most of the urban area. New commercial, office and industrial areas can be annexed so that they can contribute their fair share of the cost of local government as do their competitors in older sections of the city. If industry and business move out of the city, their tax burden must be shifted to residential property. If, in addition, new residential construction is not annexed and only the middle aged or older homes in the city must carry the tax load, tax rates on homes can become so prohibitive as to discourage

HOW WOULD OMAHA LOOK IF DIVIDED INTO CITIES OF APPROXIMATELY 8,000 - 12,000

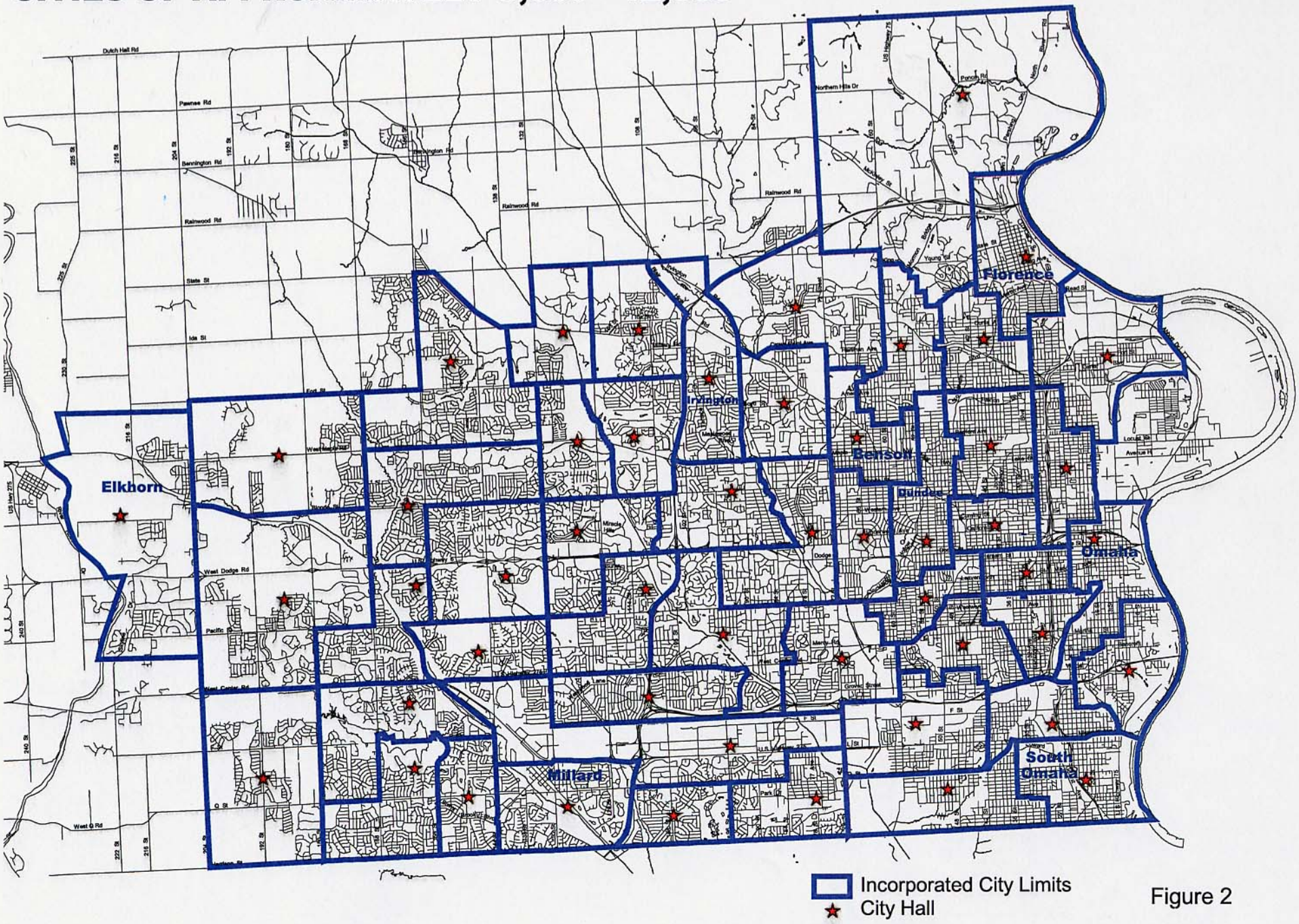


Figure 2

home ownership, proper maintenance and even encourage the deterioration of older neighborhoods. The ability to annex the new tax base is a critical part of maintaining Omaha's AAA bond rating, which allows the City to issue bonds under the most favorable interest rates.

In most areas of the U.S. and most cities in Nebraska (such as Lincoln), cities annex future development areas as infrastructure and capital improvements are extended. In Omaha (and a few other jurisdictions like Kearney), the city agrees to the temporary creation of S&ID's (Sanitary & Improvement Districts) as quasi-governmental units with limited authority to issue public bonds for capital improvements, similar to the City's capital improvement bond issues. As a mechanism for financing capital improvements in new development, S&ID's are intended to be temporary, and are to eventually become part of the city.

Residents of S&ID's pay taxes to the S&ID for the purpose of making payments on the S&ID debt and maintaining the S&ID's infrastructure. The City annexes when the debt incurred for the cost of the infrastructure can be absorbed without increasing taxes to the city's residents. In the interim, S&ID residents receive some services from the County, and benefit from the use of the City-funded parks, streets and cultural facilities.

Omaha property owners are paying for the cost of S&ID and Elkhorn residents' use of City-financed facilities. Omaha property owners also pay for most of the cost of certain county services that are provided only to people outside of Omaha, such as the Sheriff's Department and Douglas County snow removal and road maintenance. If Omaha property owners were not subsidizing services provided outside of Omaha, and if everyone were paying for their use of the City facilities and services, the City would be able to afford a higher quality of service, or could reduce taxes. This is the case for nearby communities that benefit from Omaha services while not paying for them.

Omaha's annexation power has also allowed it to avoid the costly jurisdictional battles faced by many other cities. Financial incentives to entice retailers, such as Wal-Mart, to locate on one side or another of a jurisdictional boundary in order to capture sales taxes are unheard of in Omaha but common elsewhere.

Higher costs for service due to overlapping and irregular city limits are only now beginning to appear within Omaha's jurisdiction. Examples include the cost of cultural, entertainment, park and emergency services provided by Omaha taxpayers without charge to nearby neighborhoods and communities.

If Omaha can no longer annex, it will no longer be able to continue to provide services to the larger metropolitan area without charge. Regional authorities will need to provide coordination between communities. In addition, large scale government restructuring and/or changes in the distribution of taxes may also have to be instituted.

Annexation is necessary to maintain Omaha's population base as well as the tax base, as older areas of the city experience a decline in housing units and population.

Between 1970 and 1980, Omaha annexed less than 6,000 people in addition to the 7,500 people brought in by the settlement of the Millard annexation. As a result, the 1980 census showed a population loss of 33,000 in Omaha. As new housing was built in suburban areas, and demolitions continued in the older areas, there was an outward movement of our population. If we do not annex as much as we can afford, there is a danger that Omaha could experience a net loss as occurred in 1980. Omaha would be greatly harmed by a negative image resulting from a declining population, as well as reduced income from federal and state per capita funding sources.

As long as suburban residents are outside of the city, they will not be able to vote on City government issues. Decisions regarding land use and the provision of public services are two areas in particular that residents adjacent to the city often are concerned about but cannot directly address through the voting process.

Due to its proximity to state, city and county boundaries, currently less than 25% of Omaha's jurisdiction actually extends a full three miles. Less than 15% can eventually be expanded through future annexations. No other city in the state, including Lincoln, has a similar restriction. The expansion of Elkhorn's jurisdiction through their proposed annexation further restricts Omaha's jurisdictional boundary. (See Figure 3)

As discussed earlier, cities that cannot annex and grow will decline as they lose population and tax base. Nebraska state law recognizes the necessity of annexation by giving cities broad authority to annex, and courts are supportive of actions that are taken "to provide for the orderly growth of the city". The City's Master Plan reinforces the need to annex in order to effectively manage the growth of the city.

Annexation ensures that the city can grow in a contiguous and orderly fashion. It ensures that the city can plan for the orderly extension of sewers, efficient maintenance of streets, the proper placement of park and recreation facilities, and the systematic distribution of maintenance crews, and police and fire personnel. It also allows the city to plan for the placement of libraries, maintenance facilities, police and fire stations and other necessary public facilities. It helps prevent the unnecessary and expensive duplication of public facilities such as parks and fire stations. Annexation also helps eliminate the costly problems of competing and overlapping service boundaries and jurisdictions.

Omaha residents have also never experienced the problems associated with zoning decisions made by one city that impact residents of the adjacent city. In these cases the elected officials of the city involved in the decision do not need to be concerned about the impact on the residents of the other city because they do not vote for the official making the decision.

Communities experience a continuous annexation race always hoping to annex the financially attractive developments while leaving the costly annexations to their neighboring city. The resulting city boundaries further complicate the provision of public services as police and fire personnel are required to provide service within the resulting permanent meandering city limits. These inefficiencies further add to

ELKHORN'S EXPANDED JURISDICTION

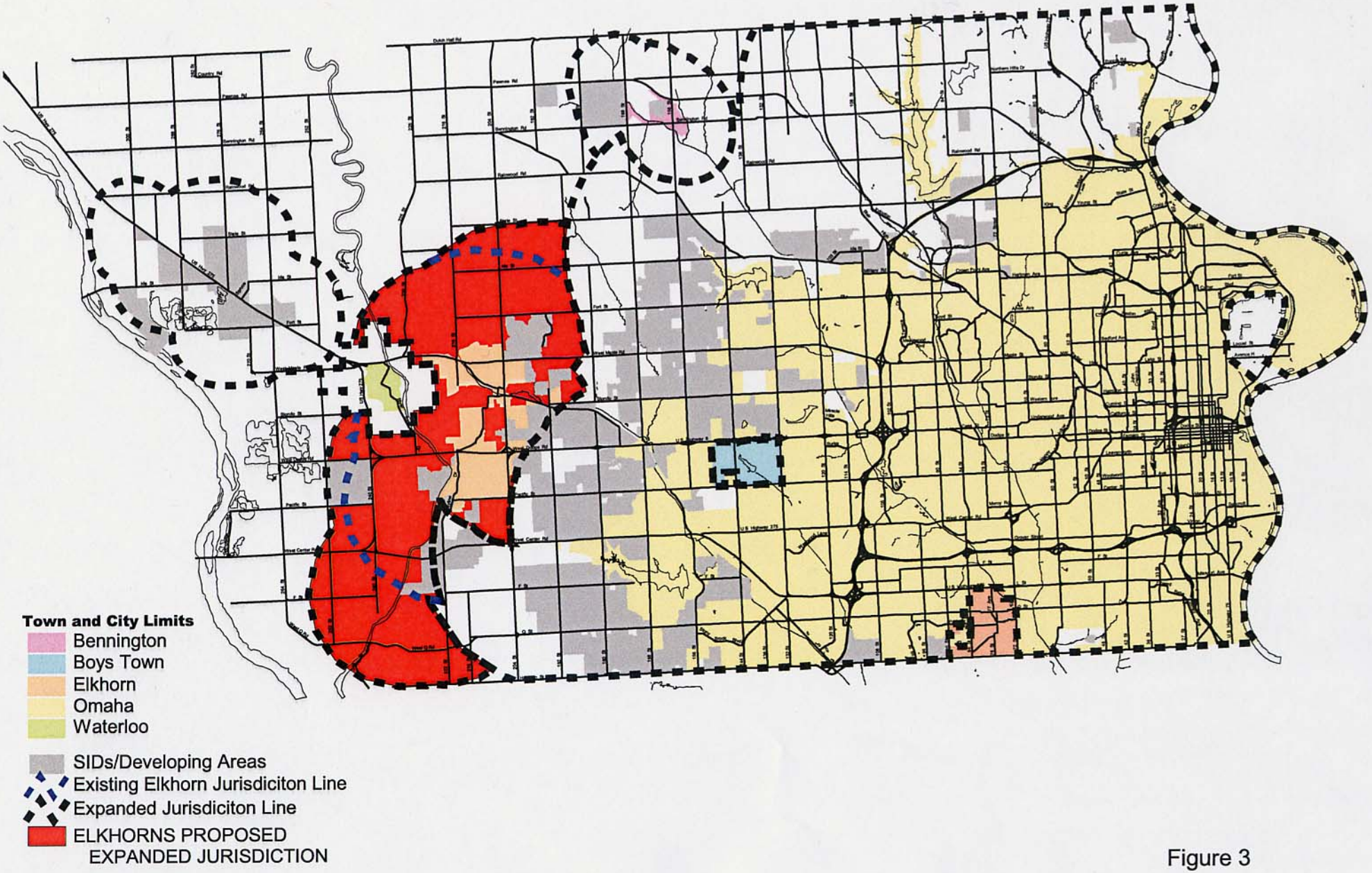


Figure 3

the cost of providing public services as well as the duplication of facilities mentioned earlier.

The orderly and systematic annexation of nearby developments and communities not only allows the city to manage its growth, it also helps to ensure that those who benefit from city facilities and services help to pay for their operation and maintenance. Without annexation residents of subdivisions and communities on the edge of Omaha are able to take advantage of city facilities and services without being required to help pay for those services. This means that city residents throughout Omaha actually subsidize those who do not live in the city. Annexation eliminates this subsidy.

Annexation also allows those who live outside the city to have a voice in the decisions made by the Omaha's elected officials. Annexation allows for political participation in City affairs by the suburban population, reducing the sense of separation between different areas of the community.

The annexation program, by continually moving the city limits outward to include new residential areas, has had the effect of recruiting community leadership from new as well as older areas. It is interesting to note, that only four members of the present City Council would meet the "resident of the City" qualification if the City had stopped its annexation program in 1915. Similarly, the voters in newly annexed areas have consistently been willing and even anxious to support good local government and a study of the voting records shows they have played an active role in achieving governmental reforms and voting for necessary Capital Improvement bond issues.

This annexation package is similar to many annexations the city has undertaken in recent years. The inclusion of the City of Elkhorn in the package, although rare, is also not without precedent. The City of Omaha has systematically and routinely annexed nearby communities. In fact, the City of Omaha would be a quite different place today if it were not for previous annexations of nearby cities. The State of Nebraska makes clear the importance of allowing for the continued growth of Omaha through the annexation powers granted to Omaha through State law. The future growth of Omaha and its ability to control development and provide for the orderly, efficient and cost effective extension of public facilities and services depends on the City's ability to annex nearby communities.

The proposed annexation package allows the city to continue its orderly growth while providing excellent services in a cost effective manner. The sections of the study that follow provide a statistical review of the City of Elkhorn and a detailed analysis of the estimated service needs and costs and the anticipated revenue to pay for the cost of service to the annexed areas.

The analysis shows that the city will be able to provide Elkhorn and S&ID residents with the same or in many cases a better level of service than they currently have at a lower cost. It is extremely important to note that the study also shows that those services can be provided without decreasing the level of service provided to

current city of Omaha residents.

The annexation of the City of Elkhorn, the nearby S&ID's and other properties continues Omaha's long history of orderly, systematic annexation. The annexation package ensures the future growth of Omaha and secures its ability to provide public services efficiently and equitably to all of the city's present and future residents.

Elkhorn Statistics

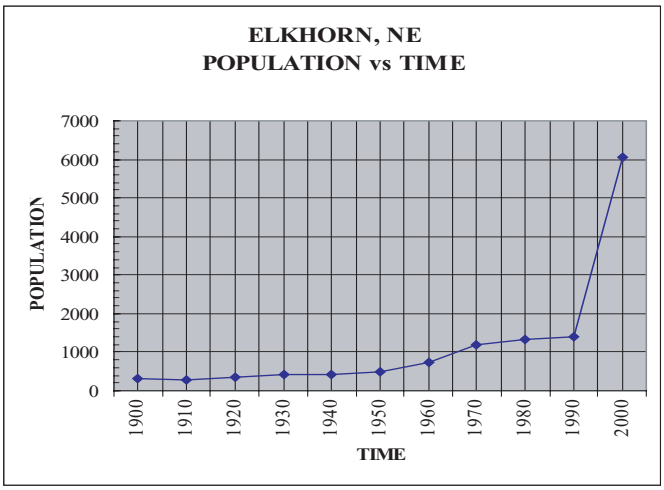
ELKHORN'S PLANNING AREA

The focus of this section of the plan is the city of Elkhorn and its two-mile zoning jurisdiction, an area that encompasses 16,270 acres of land. (See Figure 4) **(**Five subdivisions in Omaha's planning jurisdiction are also included in the annexation but are within Omaha's jurisdiction. These areas are included in Omaha's Master Plan statistics and are therefore not covered here.)

ELKHORN'S POPULATION GROWTH

The city of Elkhorn, was originally located almost 20 miles west of Omaha, and was one of the earliest towns in Douglas County. Initially, it was named Chicago after the precinct in which the town was located, but because mail was frequently delivered to Chicago, Illinois the name was changed to Elkhorn. Elkhorn became an incorporated town on December 30, 1886 and was platted in early 1867.

As illustrated in the following tables, the population in Elkhorn experienced relatively moderate growth in the early 1900's, peaking in 1990 to 1,398 people. The large growth in population to 6,062 in the 2000 census reflects the annexations of the mid-late 1990's.

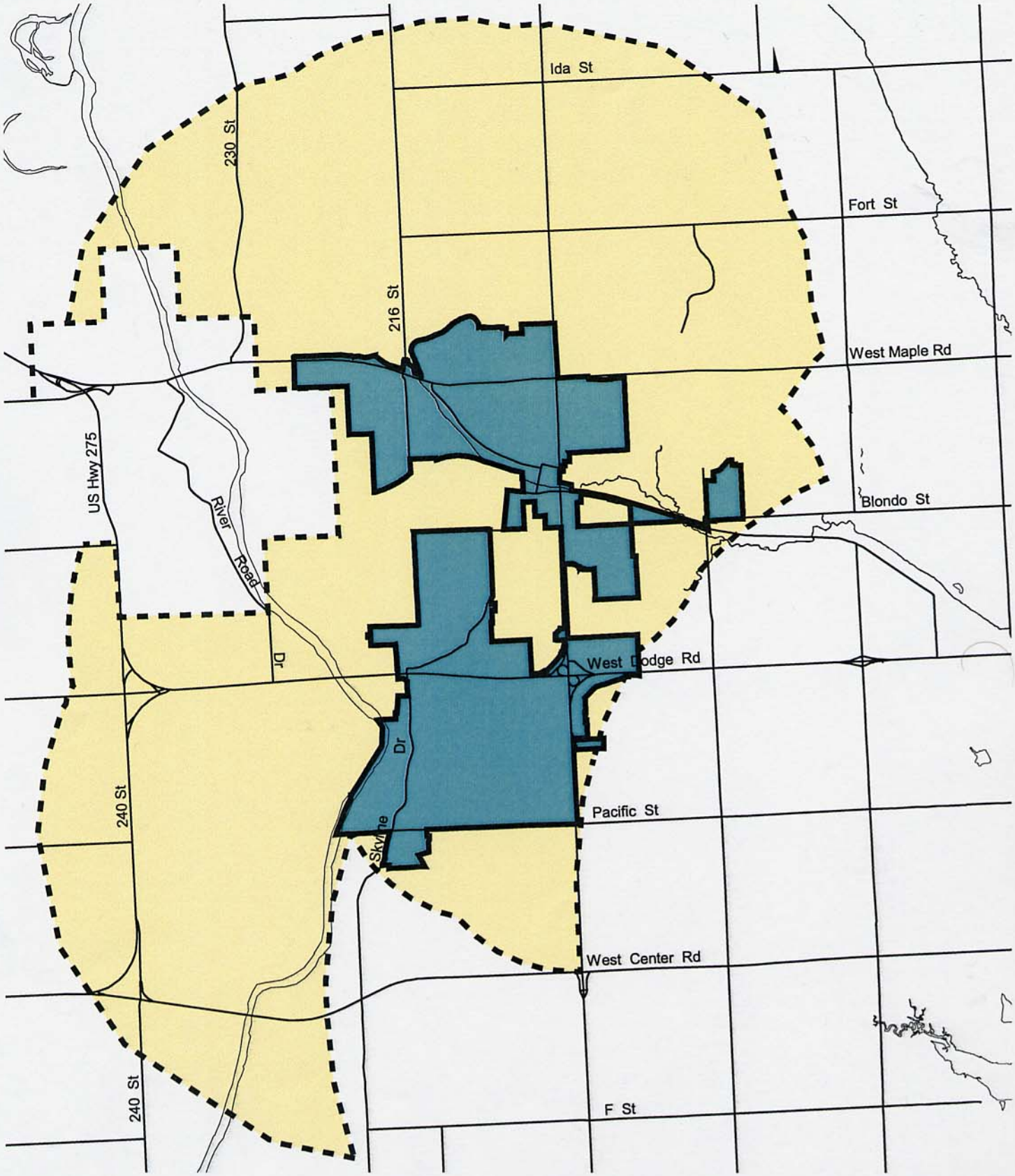


ELKHORN'S ANNEXATION GROWTH

As shown in Figure 5, in 1980, the city limits of Elkhorn extended from West Maple Road south to Blondo Street, along the 204th Street corridor. At that time, their extraterritorial jurisdiction (ETJ) reached from Fort Street to West Dodge Road and from about 190th Street to 222nd Street.

In recent years, Elkhorn has shown an ongoing pattern of annexations aimed at extending their jurisdiction. This has accelerated in recent years as noted in a May 7th, 1996 article from the Douglas County Post Gazette, "The city of Elkhorn is con-

ELKHORN CITY LIMITS AND EXTRATERITORIAL JURISDICTION LINE



Elkhorn 2005 City Limits
Elkhorn 2005 Jurisdiction Area

Figure 4

GROWTH OF ELKHORN

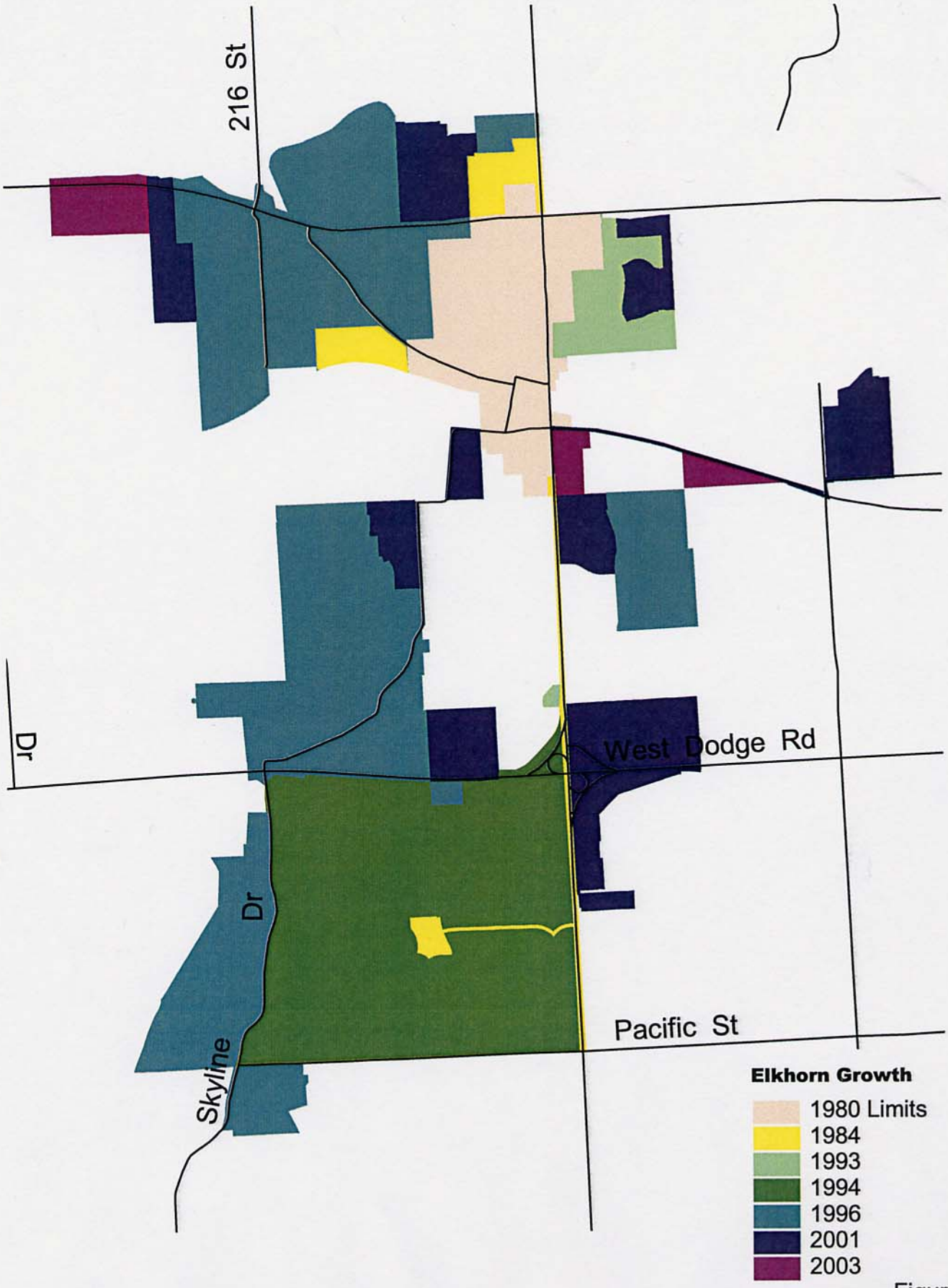


Figure 5

tinuing its aggressive annexation… It is the intent of the city to indeed reach a population of at least 5,000. This number would move Elkhorn from a second class classification, to a first class classification." This change in classification would expand Elkhorn's planning jurisdiction from one mile to two miles, increasing Elkhorn's potential growth area exponentially.

Census	Elkhorn's Population
1900	299
1910	291
1920	333
1930	411
1940	429
1950	476
1960	749
1970	1184
1980	1344
1990	1398
2000	6062

The first milestone annexation was a 2-mile strip of highway and street to a school in March of 1984 that extended Elkhorn's jurisdiction south two miles from West Dodge Road to West Center Road. The second was an even larger annexation package that was approved in August of 1996. This annexation package was designed to increase the city size above 5,000 people, which under state law extended their jurisdiction to two miles.

In 2001, Elkhorn annexed 346-acres that extended the city limits east of 192nd Street for the first time. As a result of that annexation, Elkhorn extended its boundary into area that had been part of Omaha's planning jurisdiction.

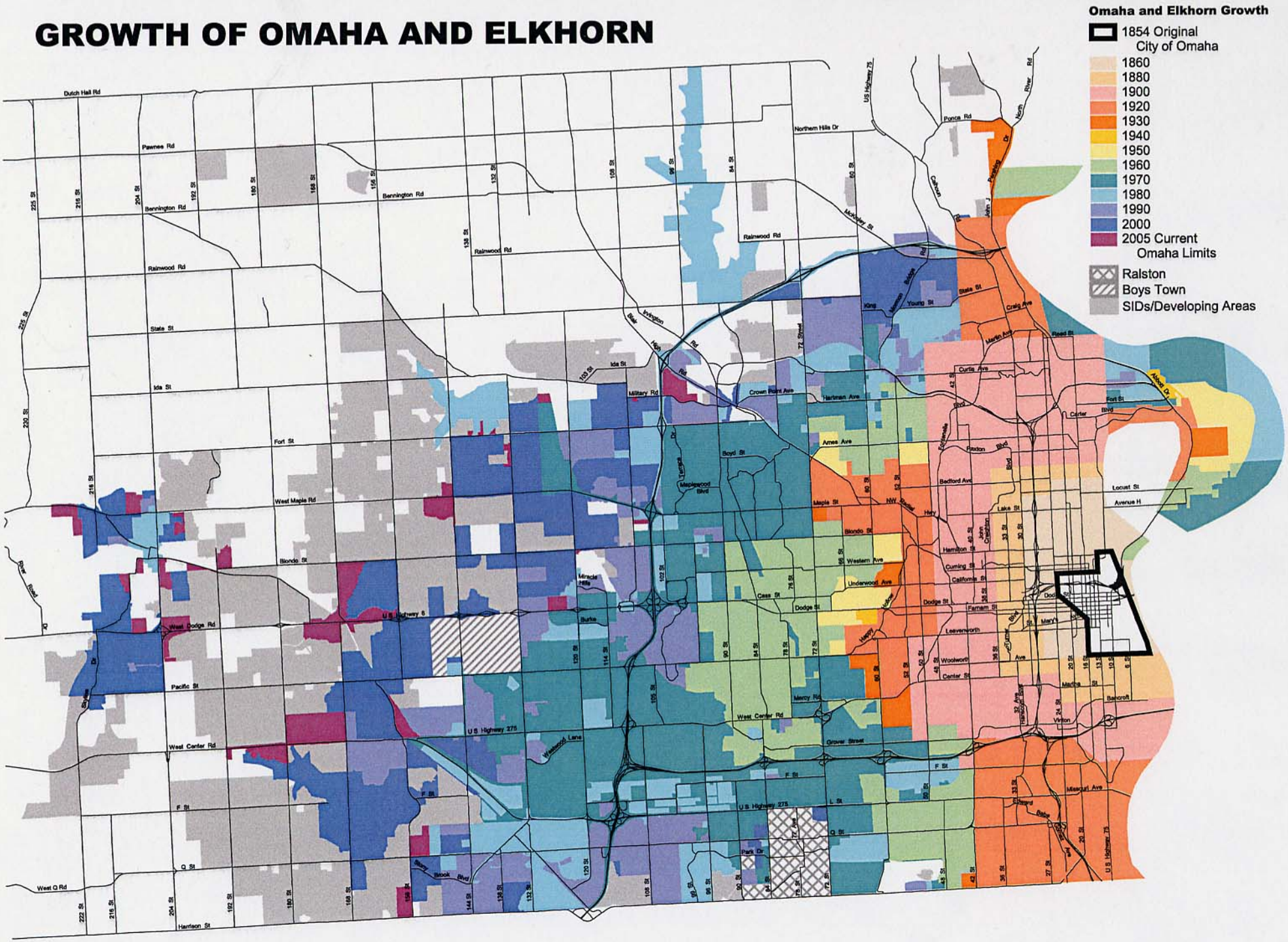
There is no doubt that Omaha and Elkhorn are growing together. (See Figure 6) Subdivisions, acreage-type housing and public facilities are now connected from the edge of Omaha's city limits to Elkhorn's limits. Some plats overlap the jurisdictional boundary between the two cities, as does a "Signature Park" under development at 192nd and West Dodge.

ELKHORN LAND USE

The following existing land use information was compiled from the Elkhorn Comprehensive Plan Update 2003. The proposed 3-mile jurisdiction land use was based on Douglas County property file land use designation. (See Figure 7)

Elkhorn City Limits		
Land Use Category	**Acres**	**Land**
Residential	1,411.10	50.6
Commercial	118.6	4.3
Greenspace	71.9	2.6
Institutional	237.7	8.5
Industrial	30.9	1.1
Agriculture	414.6	14.9
Transportation	502.2	18
Total Acres	2,787.00	100

GROWTH OF OMAHA AND ELKHORN


Omaha and Elkhorn Growth
1854 Original City of Omaha
1860
1880
1900
1920
1930
1940
1950
1960
1970
1980
1990
2000
2005 Current Omaha Limits
Ralston
Boys Town
SIDs/Developing Areas
Dutch Hall Rd
Pawnee Rd
Bennington Rd
Rainwood Rd
State St
Ida St
Fort St
West Maple Rd
Blonde St
West Dodge Rd
Pacific St
West Center Rd
F St
Q St
West Q Rd
Harrison St
Northern Hills Dr
Ponca Rd
Military Rd
Crown Point Ave
Hartman Ave
Ames Ave
Boyd St
Maplewood Blvd
Maple St
Underwood Ave
Western Ave
Cass St
Dodge St
Burke
Miracle Hills
U S Highway 6
U S Highway 275
Westwood Lane
Grover Street
Mercy Rd
Park Dr
Blue Brook River
Irvington
Blair
Hess Rd
Trenton
Fontenelle
Saratoga
Lake St
Hamilton St
Cuming St
California St
Farnam St
Leavenworth
Woolworth
Center St
Harney
Hickory
Cass
Dodge
Burt
Maple
Ames
Hartman
Crown Point
Military
Ida
State
Pacific
West Center
Q
Harrison
Northern Hills
Ponca
Craig Ave
Reed St
Curtis Ave
Fort St
Center
Locust St
Avenue H
Abbott Dr
Bedford Ave
Paxton Blvd
Martha St
Bancroft
Vinton
Missouri Ave
Edward
Baker
Sylvan
Pacific
Bennington
Rainwood
Pawnee
Dutch Hall
Northern Hills
Ponca
Military
Crown Point
Hartman
Ames
Boyd
Maple
Blonde
Western
Underwood
Cass
Dodge
Burt
Miracle Hills
Westwood
Grover
Mercy
Park
Blue Brook
Irvington
Blair
Hess
Trenton
Fontenelle
Saratoga
Lake
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Cuming
California
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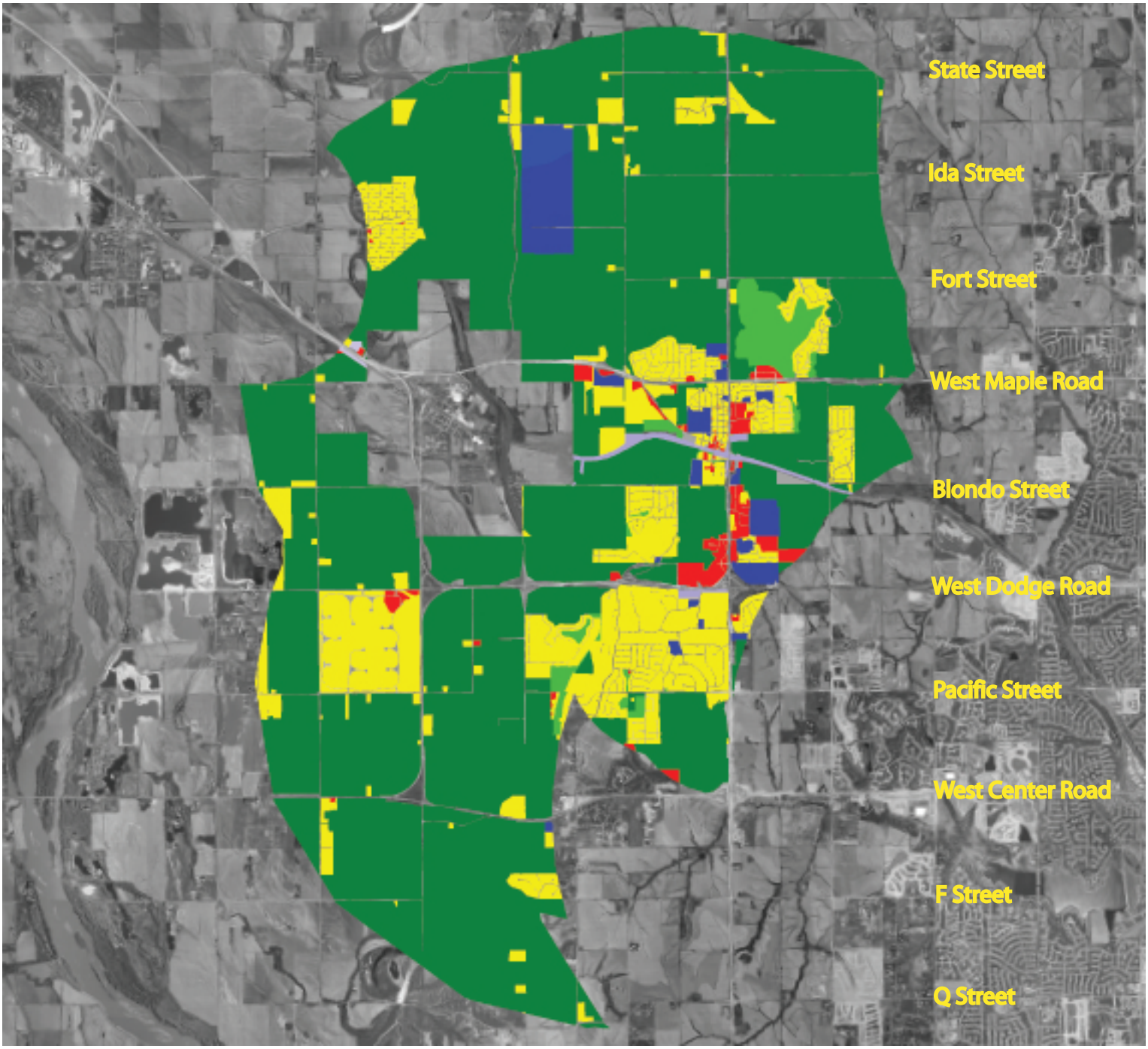
Hartman
Crown Point
Military
Ida
State
Pacific
West Center
Q
Harrison
Northern Hills
Ponca
Craig
Reed
Curtis
Fort
Center
Locust
Avenue H
Abbott
Bedford
Paxton
Martha
Bancroft
Vinton
Missouri

Elkhorn Land Use

Three-mile zoning jurisdiction



Legend

- Agriculture
- Greenspace
- Single-Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Institutional
- Transportation

PLANNING • OMAHA

Figure 7

Residential *uses represent the most dominant land use at 50.6% within the Elkhorn city limits. It includes both single-family and multi-family uses.*

Commercial *includes downtown and highway commercial uses, offices, wholesale services, and business service activities. Commercial uses comprise 4.3% of the existing land uses in Elkhorn.*

Greenspace *includes parks and open space and trails and accounts for 2.6 of the land in Elkhorn.*

Industrial *uses make up a very small portion of the land uses in, 1.1%, which is in keeping with the residential character of the city.*

Institutional *includes schools, churches and other civic facilities.*

Agriculture *use comprises 14.9% of the city of Elkhorn and is characterized by on-site production of plant and animal products. Agriculture is by far the largest land use within the two-mile jurisdiction at 73%.*

Unclassified *includes miscellaneous land uses not covered in the other land use categories.*

Transportation *occupies 18% of the area in Elkhorn and is comprised of public and private street corridors.*

2-Mile Jurisdiction		
Land Use Category	**Acres**	**Land**
Residential	1,956.90	12
Commercial	156.5	1
Greenspace	417.4	2.6
Institutional	341.5	2.1
Industrial	42.4	0.3
Agriculture	11,808.00	72.5
Unclassified	500	3.1
Transportation	1,047.30	6.4
Total Acres	16,270.00	100

Proposed 3-mile Jurisdiction		
Land Use Category	**Acres**	**Land**
Residential	7,387.30	30.2
Commercial	581.2	2.4
Greenspace	672.9	2.7
Institutional	481.7	2
Industrial	72.2	0.3
Agriculture	11,766.60	48.1
Unclassified	500	2
Transportation	3,019.90	12.3
Total Acres	24,481.80	100.00

ELKHORN HOUSING UNITS

The 1970 census found 366 housing units in Elkhorn, which include both single-family and multi-family units. Housing units increased to 463 and 509 in the 1980 and 1990, respectively. The housing units in the Elkhorn city limits soared after the annexations in the 1990's to 2,022 in the 2000 census.

Building permit records show a few multi-family units built in the early 1990's and again in the early 2000's. Construction in Elkhorn seems to be primarily single-family residential as illustrated in the following table:

Single Family building Permits:

Building Permits	Elkhorn	Elkhorn ETJ
1990	39	0
1991	52	24
1992	75	22
1993	55	6
1994	37	20
1995	23	35
1996	53	35
1997	41	48
1998	19	71
1999	8	41
2000	11	11
2001	12	25
2002	22	34
2003	11	70
2004	16	114

How annexation would affect Elkhorn and S&ID residents

IDENTITY

During the 50 years that followed the annexation of South Omaha, Dundee, Benson and Florence, the City continued to grow in area, population and valuation. The town of Millard, subdivisions, Sanitary and Improvement Districts (S&ID's), acreages, and individual parcels were all added to the City of Omaha. As the new areas and their residents became a part of Omaha, the character of the city changed. Omaha became more than a small mid-western city on the edge of the western plains. Rather than the newly annexed communities losing their identity they added to the diversity and character of Omaha as a whole.

When residents from smaller communities in the Omaha metropolitan area travel around the country and are asked where they are from they seldom say, "Valley, Nebraska". Rather they say, "I'm from Omaha". For better or worse all Omaha metropolitan area residents are judged by the image of the City of Omaha and its overall economic health.

At the same time, Omaha has become a community of diverse neighborhoods. It is made up of a mix of citizens with a wide variety of cultures and backgrounds. It is this diversity that makes Omaha what it is today. It is this variety that makes Omaha economically stronger and culturally richer, more interesting and unique.

As new areas are brought into the city they add to the city's economic health and cultural enrichment. It is why Omahan's relate not only to their city at large but also to their neighborhood and its unique identity.

One of the most commonly mentioned effects that have been expressed by the Elkhorn residents is the one pertaining to their identity. The fear of losing identity after annexation is unfounded. An area can and does retain its identity after annexation.

The original identity of Elkhorn as a small town is already changing as the community transforms into a developing suburban area. Much like Millard, growth in the form of new subdivisions does not distinguish the area from new subdivisions in Omaha; it is the school district and the business district that are the focus of identity. Those do not change as a result of annexation.

The cities of South Omaha, Florence, Dundee and Benson were annexed in

the early 1900's and are still called by those names. Millard was annexed in 1971 and continues to be known by its original name. They have all definitely maintained their identity and maintain a voice in city affairs. They all continue to serve as a central focus for the surrounding neighborhoods, with annual celebrations and special events bringing attention to their existence. Neighborhood and business district improvement plans are carried out to continue the vitality of those areas.

HISTORIC PRESERVATION

Upon annexation into Omaha, Elkhorn's historic properties could be included in Omaha's historic preservation program. Omaha's Heritage Preservation Commission and Preservation Administrator would help Elkhorn in preserving their historic properties. Omaha is considered a "Certified Local Government" (CLG) by the State Historical Society. This allows Omaha to work with local property owners who are interested in obtaining historic preservation tax credits and other incentives.

SCHOOLS

Any fear that the Elkhorn School District would be incorporated into the Omaha District is unfounded. Annexation does not affect school district boundaries.

LIBRARIES

Elkhorn has one public library providing services to its residents, and participates in an inter-local agreement with Douglas County and the six municipalities within the County. Under that agreement, Elkhorn residents have access to the libraries in the other Douglas County municipalities. Elkhorn's library is open 58 hours per week, including some evenings, but is closed on Sundays. The library has a full-time staff of five, with part-time staff varied throughout the year. Reading programs and outreach programs are offered.

Omaha has ten library branches, and also participates in the inter-local agreement with Douglas County and the six municipalities. As residents of the municipality with the largest library resources, Omaha property owners are not required to pay the County Library Tax. Omaha's library branches have hours ranging from 40 to 59 per week, including three open on Sunday. The Omaha Library system runs many adult, teen, and children's programs, and sponsors book clubs, computer classes and art exhibits.

Upon annexation of Elkhorn, Omaha would run Elkhorn's library with a staff of seven full-time and two part-time positions. The County Library Tax would no longer be imposed on the annexed properties.

STREET MAINTENANCE

The City of Omaha Public Works Department currently maintains approxi-

mately 4,000 lane miles of roadway. The City of Elkhorn has approximately 100 lane miles of streets while the S&ID's included in the annexation package add another 48 lane miles. These amount to a 2.5% and 1.2% increase, respectively, in the Omaha's lane mile totals.

Snow plowing, street sweeping, crack sealing and other related maintenance expenses will increase as a result of annexation. Omaha's average residential plowing area is 26 lane miles per plow. Based on this figure, Omaha would add 4 new plow routes to its current system for Elkhorn and 2 for the S&ID's.

By previous agreement, Douglas County will continue to provide plowing service to the S&ID's for the remaining budget year following annexation. Omaha will also discuss the options available to determine if the state will continue to plow West Maple, West Dodge, and 204th Streets for no cost, as they do for the City of Elkhorn today. This would allow the City of Omaha to put more emphasis on the residential street plowing, much as Elkhorn can do today. In similar cases within the City of Omaha, the state has worked with the City on a cost allocation arrangement rather than providing plowing services.

The Public Works Department estimates that personnel, non-personnel and equipment costs for street maintenance in Elkhorn will run roughly $761,734 per year. The S&ID related street maintenance costs are estimated at $284,800.

In addition, Public Works estimates that the cost of crack sealing, major street resurfacing, residential street rehabilitation, and street surface restoration programs will add another $113,250 per year to overall street maintenance expenses. The S&ID's scheduled to be annexed have newly constructed concrete streets. Therefore, it is

Subdivision	Street Classification	Lane Miles	Linear Miles
City of Elkhorn	Residential/Arterial	98.52	49.26
The Ridges	Residential	22.14	11.07
Pacific Pointe	Residential	3.78	1.89
Pacific Pines	Residential	1.4	0.7
Centennial	Residential	3.23	1.62
Fire Ridge	Residential	7.52	3.76
		136.59	**68.3**
Street Segments			
Pacific - 180 to 192	Minor Arterial	3	1
Pacific - 192 to 198	Minor Arterial	1.5	0.5
West Dodge - 192 to 198	Expressway/Freeway	2	0.5
192 - North of West Dodge	Minor Arterial	0.5	0.25
180 - South of Pacific	Major Arterial	1.5	0.5
192 - South of Pacific	Minor Arterial	3	1
		11.5	**3.75**
	Totals	**148.09**	**72.05**

anticipated these areas will not need rehab or surface restoration for some time. This would also include our sidewalk, concrete panel repair and the bridge maintenance program.

Traffic engineering expenses for streetlights, signals, signs, pavement markings, traffic calming projects, etc. are anticipated to cost $237,429 per year for Elkhorn. The S&ID traffic engineering costs are projected at $146,324.

The City of Omaha would also assume much of the Elkhorn share of major-street and trail construction projects that are contained in the MAPA Transportation Improvement Program. Projects already underway would be completed, as would others programmed for the future.

PARKS AND RECREATION

The Elkhorn Parks Department maintains three city parks and the Elkhorn Swimming Pool. Ta-Ha-Zouka is the largest of the parks and is the home to The Legion Baseball Field, a Softball Field, soccer fields, tennis courts, horseshoe pit, three covered pavilions, walking trails, restroom facilities and two playgrounds.

Antler Park located on Maple Street and Chapel Hill Park in the Chapel Hill area also has covered pavilions and playground equipment.

Upon annexation the City of Omaha would maintain and conduct recreation programs for these properties and facilities just as it presently does for existing parks and facilities.

Parks in the S&ID's to be annexed include Fire Ridge, 3.88 acres, Centennial, 2.04 acres, and Pacific Pines, 2.62 acres. The Fire Ridge Park is part of a larger future park that will be the south part of a "signature park" at 192nd & West Dodge. Centennial and Pacific Pines contain small portions of a larger neighborhood park located immediately south of their subdivisions. Upon annexation, the City of Omaha would provide maintenance, coordinating with Pacific Pointe Estates (S&ID 498) that owns the remaining part of the neighborhood park.

Omaha's newest park is located immediately outside of the City of Elkhorn and would serve both Elkhorn and suburban Omaha residents. Omaha's Suburban Park Master Plan calls for the creation of a "signature park" located on both sides of W. Dodge Road west of 192nd Street.

The 160-acre park is located on the west side of 192nd Street, on both the north and south sides of West Dodge Road. The Plan calls for this park, which will be highly visible from Dodge Street, to serve as a scenic gateway for the metropolitan

area. Roughly 120 acres of this future park are included in the annexation package.

The Papio-Missouri River Natural Resources District has been coordinating the acquisition and development of a flood-control lake that will be a highlight of the 80-acre northern park's scenic character. Currently, the Omaha and Elkhorn planning jurisdictions split through the middle of the future lake, with plans for Omaha to own the parkland under half of the lake and the southeast portion of the park. Elkhorn would own the land under the northeast half of the lake. A development has been proposed on the northwest side of the park, in the current jurisdiction of Elkhorn. Annexation of Elkhorn would consolidate the ownership and eliminate any boundary issues.

The southern 80 acre portion of the "signature park" contains the 40 acre State owned property included in the City's proposed annexation. The City intends to negotiate the purchase of the land from the State once they have finished using it for the W. Dodge construction project. Together the northern and southern parks are to be "…of the highest quality design and craftsmanship" and will create one grand park similar to the Memorial Park / Elmwood Park area in central Omaha.

WATER, GAS AND ELECTRIC SERVICE

Elkhorn and the S&ID's are served by MUD (Metropolitan Utilities District) for public water service. There would be no change resulting from annexation.

Omaha Public Power District and Aquila have franchises or contracts with Elkhorn. Elkhorn pays a flat fee per pole for streetlights, just as Omaha does. Any changes in gas would be a result of the Metropolitan Utilities District's rights in service provision.

POLICE

Elkhorn presently has a full time police force of 14 officers, including the police chief. This gives them a ratio of 1.7 per thousand persons. Omaha presently has a ratio of 1.9 officers per thousand; it is anticipated after the annexation of Elkhorn that it would remain at 1.9, due to the addition of 15 positions. In addition, 3-4 officers will be added based on the S&ID population being annexed. Cruisers and equipment are included in the costs.

Omaha Police Force is a metropolitan-type force with many specialized divisions utilizing sophisticated methods and techniques that are not generally available to smaller communities.

FIRE

The Rural/Suburban Fire district boundaries were originally set by state statute in 1954, although annexations have since changed them. The Elkhorn Suburban Fire Department currently has a combination of employees consisting of 20 full-time

and 17 volunteer firefighters and responds to approximately 1,100 incidents annually. The fire department covers a response area of 55 square miles within the Elkhorn Suburban Fire District #2 including the City of Elkhorn. Upon annexation, the city of Elkhorn would be served by full-time, professional fire protection by the Omaha Fire Department.

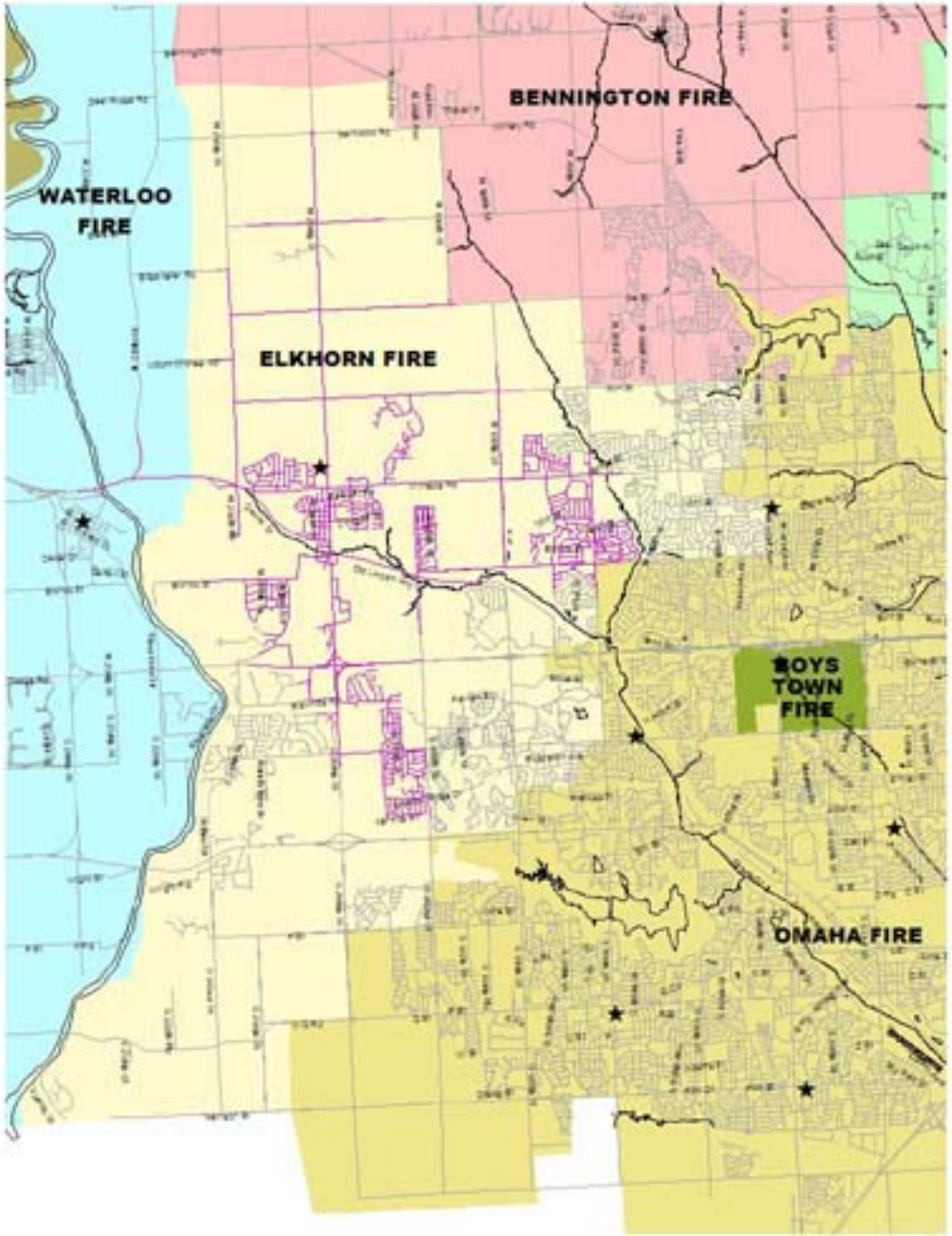
Currently, the Omaha and Elkhorn Fire Districts have a Mutual Aid Agreement where firefighters are dispatched across fire boundaries to answer calls in another's jurisdiction. Not surprisingly, most of those second response calls are for Omaha to provide back up to the Elkhorn firefighters. With only six full-time firefighters on staff during each shift, Elkhorn must rely on volunteer firefighters to respond if a second call is received while the full-time staff is dispatched.

On-staff Omaha firefighters can be, and routinely are, sent more expediently to answer calls in the Elkhorn Fire jurisdiction. Past studies have indicated that West Omaha stations could provide better coverage for as much as 60% of the currently developed portions of the Elkhorn Fire District.

Elkhorn's fire district is funded through a combination of general funds from city residents and a tax levy collected from property within their district. Many S&ID residents located within the Elkhorn Fire District are actually in closer proximity to an Omaha fire station that would be able to more efficiently serve them. In effect, these S&ID residents are paying their taxes to Elkhorn's fire district although they rely heavily on emergency service from Omaha's firefighters. Also, Omaha residents are, in effect, subsidizing emergency services for the Elkhorn Fire District.

Figures 8 and 9 illustrate Omaha and Elkhorn's current coverage areas based on a 4-minute response time. Figure 8 shows that Elkhorn's emergency personnel cannot cover large portions of the Elkhorn district within the desired 4-minute response time. Figure 9 shows that Omaha's stations can, and do, provide an important and necessary backup for much of Elkhorn's eastern area between 144th and 168th Streets from Blondo Street to the north. It also shows the benefits of merging Omaha and Elkhorn Fire Districts following annexation in order to properly serve not only the new areas within the City of Omaha but also to improve service to the existing underserved areas of the Elkhorn Fire District.

Figure 9 shows the current coverage of Elkhorn and Omaha by their existing fire stations along with the new Omaha city limits following annexation. It's important to note that while the areas covered by both Omaha and Elkhorn are adequately served, not all of the S&ID's in the Elkhorn fire district can be reached within 4 minutes. With a growing population and a slower volunteer response time, more and more new residents will not be served within the 4-minute response time.



Elkhorn - 4 min.
Fire Stations
Omaha Annexation Area

Fire Jurisdictions

- BENNINGTON FIRE
- BOYSTOWN FIRE
- ELKHORN FIRE
- IRVINGTON FIRE
- OMAHA FIRE
- WATERLOO FIRE

N

5000 0 5000 10000 15000 Feet

Current Elkhorn Fire 4 Minute Response

Figure 8

Omaha Fire Dept Western Stations - 4 min.
Elkhorn - 4 min.
Fire Stations
Omaha Annexation Area

Fire Jurisdictions

- BENNINGTON FIRE
- BOYSTOWN FIRE
- ELKHORN FIRE
- IRVINGTON FIRE
- OMAHA FIRE
- WATERLOO FIRE

N

5000 0 5000 10000 15000 Feet

Current 4 Minute Coverages With Proposed Annexation of Elkhorn by Omaha

Figure 9

To rectify this situation, the Elkhorn Fire District has proposed to construct a new station in the southern portion of their district. They have acquired property at 208th and Pacific Street (See Figure 10) to construct a future fire station to cover a portion of the area in the southern sections of their district. Elkhorn has indicated that a bond issue may be necessary to finance the cost of the building. It is scheduled for construction by the end of 2007.

Although this station is needed it will continue to leave residents in the eastern portions of the Elkhorn district described earlier with poor service from Elkhorn Fire personnel. That will mean that residents of the underserved area will be paying for a bond issue to help finance a station that is of little value to them. At the same time, Omaha taxpayers will pay to continue to provide necessary service to these residents.

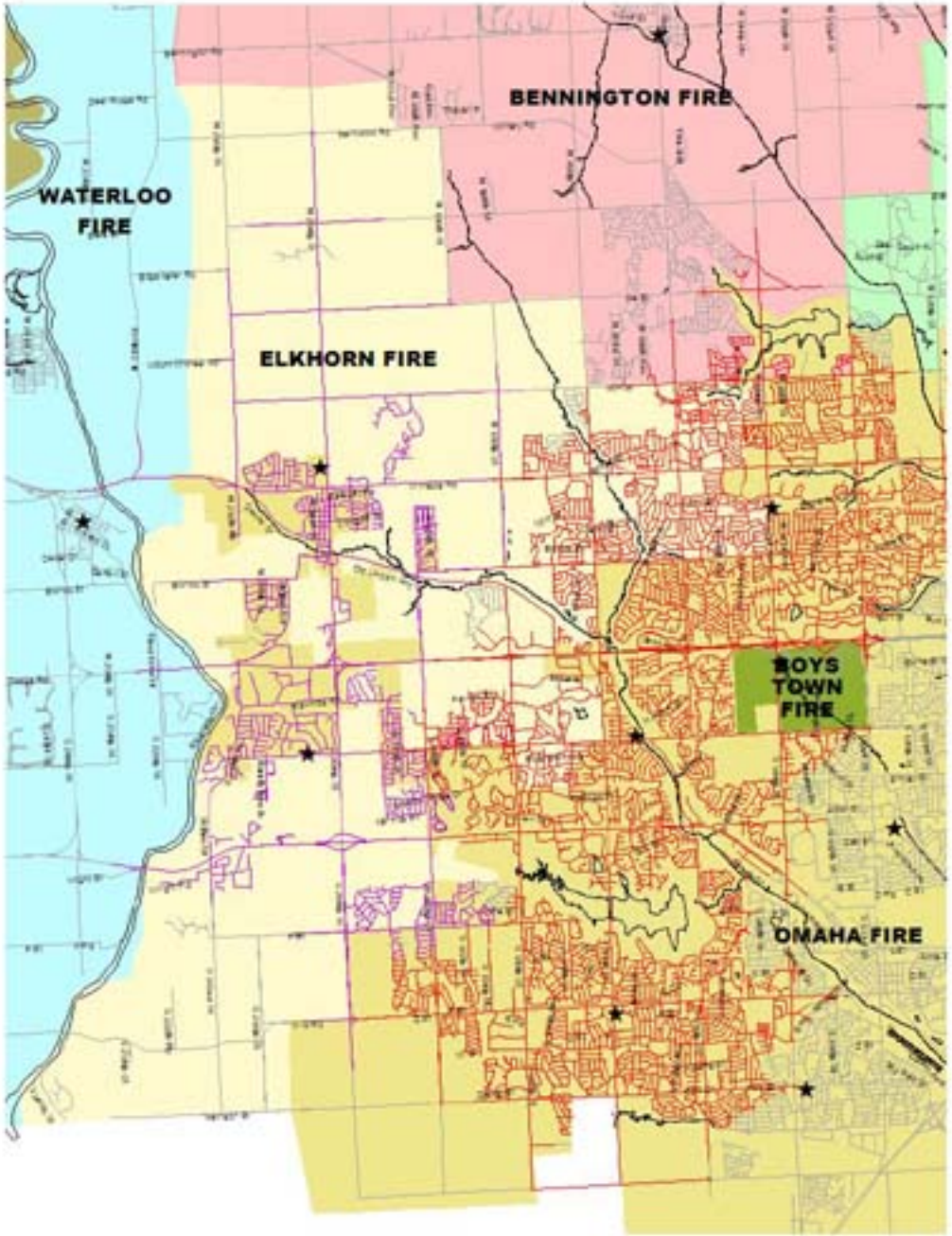
The map showing the location of the new Elkhorn fire station (See Figure 10) shows that a large portion of the southern section of the Elkhorn fire district will continue to be beyond the desired 4-minute response time. As a result, an additional fire station would be necessary to serve the far southern portion of the Elkhorn Fire District. At the same time, the Elkhorn fire station would not be capable of reaching newly developing sections of the Omaha / Millard Fire Districts. This will require either the City of Omaha, or Elkhorn Fire, or both, to construct new stations to properly serve these developing areas. (See Figure 11)

Omaha has acquired a site for a new fire station in a location that would allow for better coverage of both the Omaha and Elkhorn Fire Districts in this far southwestern edge of Omaha. Omaha offered to provide the land for free in exchange for developing an inter-local agreement to pay for the construction, equipment, staffing and maintenance of a single joint facility. It was hoped that such an arrangement would allow the two districts to construct and maintain a single station rather than being required to build two stations. As a part of the proposed arrangement Omaha suggested that Omaha emergency personnel could become first responders in the underserved eastern section of the Elkhorn district. Elkhorn declined Omaha's offer and decided to build a station of their own.

The final fire coverage map (See Figure 12) shows how the southern portion of the Elkhorn Fire District could be more efficiently served with one fire station if Elkhorn and Omaha were to work together to consolidate services and locate a single station in the general area of 204th and Spring Street.

Omaha's proposed annexation would provide an opportunity for the Elkhorn and Omaha Fire Districts to pursue an inter-local agreement similar to the one in place with the Millard Fire District. Consolidation of fire districts has shown to result in improved service, efficiencies in terms of shared equipment and personnel, as well as numerous other cost savings. In addition, and most importantly, a consolidated district would provide a more rapid emergency response leading to better public safety at a lower cost.

According to the Fire Department, insurance companies indicate that insurance rates are lower for properties in Omaha's fire protection class than for properties in the fire district class in which the Elkhorn Fire District falls.



Omaha Fire Dept Western Stations - 4 min.
Elkhorn With Proposed Station at 208th & Pacific - 4 min.
Fire Stations
Omaha Annexation Area

Fire Jurisdictions

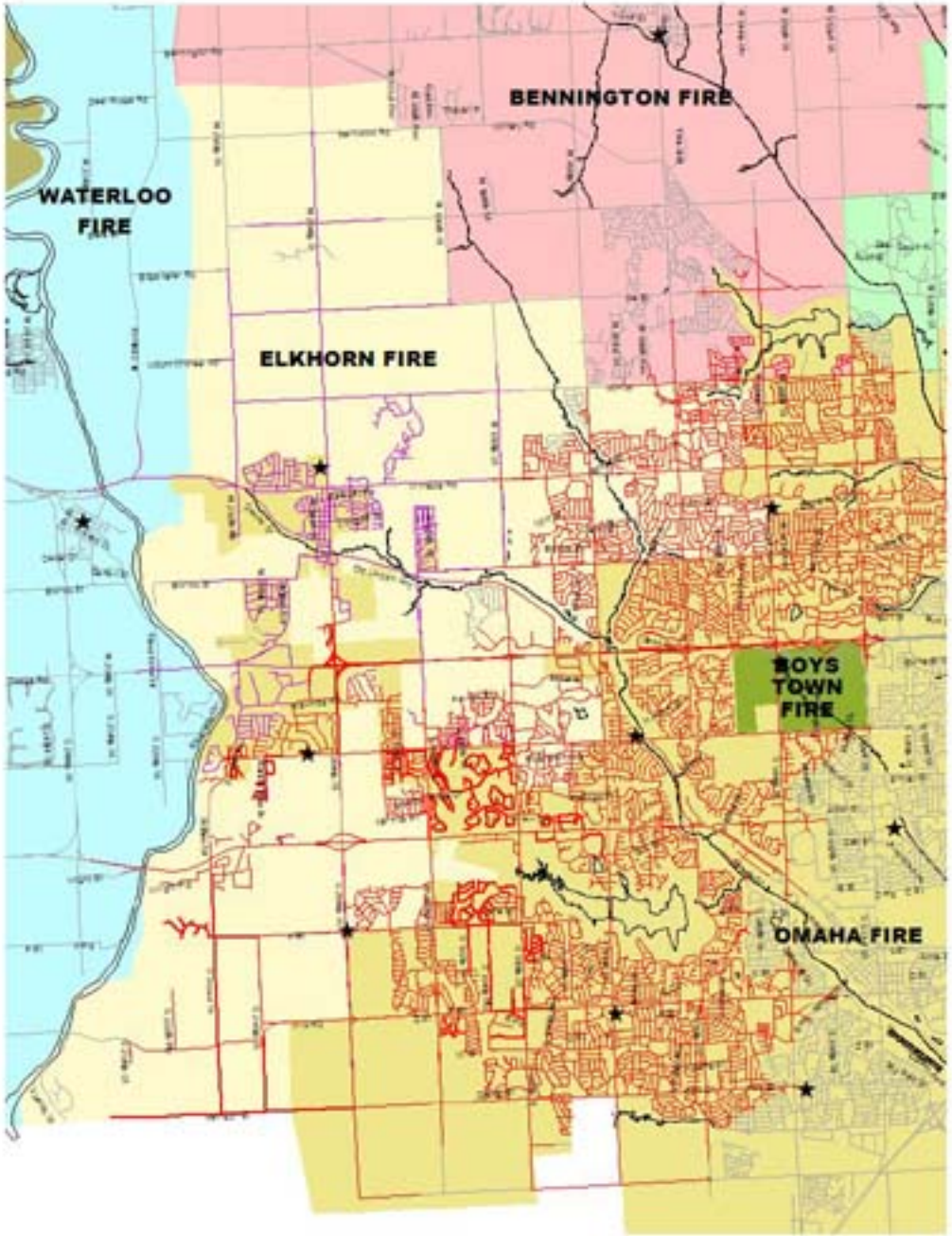
- BENNINGTON FIRE
- BOYSTOWN FIRE
- ELKHORN FIRE
- IRVINGTON FIRE
- OMAHA FIRE
- WATERLOO FIRE

N

5000 0 5000 10000 15000 Feet

Coverage With New Proposed Elkhorn Station at 208th & Pacific Street

Figure 10



Omaha Fire Dept Western Stations With Proposed Station at 204th & F St. - 4 min.
Elkhorn With Proposed Station at 208th & Pacific - 4 min.
Fire Stations
Omaha Annexation Area

Fire Jurisdictions

- BENNINGTON FIRE
- BOYSTOWN FIRE
- ELKHORN FIRE
- IRVINGTON FIRE
- OMAHA FIRE
- WATERLOO FIRE

N

5000 0 5000 10000 15000 Feet

4 Minute Response Times With Omaha and Elkhorns Proposed Stations

Figure 11

Proposed Omaha Station 4 min. - 204th & Spring St.
Omaha Fire Dept. Western Stations - 4min.
Elkhorn - 4 min.
Fire Stations
Omaha Annexation Area

Fire Jurisdictions

BENNINGTON FIRE
BOYSTOWN FIRE
ELKHORN FIRE
IRVINGTON FIRE
OMAHA FIRE
WATERLOO FIRE

N

5000 0 5000 10000 15000 Feet

4 minute response coverage with proposed new Omaha Fire Station at 204th & Spring St.

Figure 12

SANITARY SEWERS AND WASTEWATER TREATMENT PLANT

The current Elkhorn Plant was constructed within the last 15 years; the plant is operating according to a NPDES permit and has some capacity for expansion. Elkhorn has 3 certified wastewater treatment plant operators. Two are certified by the State of Nebraska.

Continued operation of the Elkhorn plant would be the best short-term solution. It is anticipated that new permit requirements, may mandate increased treatment due to the stream into which the plant discharges. At that time, the efficiency of continued operation will have to be evaluated against decommissioning the plant and connecting to the Omaha interceptor sewer system.

The recently adopted City of Omaha Interceptor Sewer Master Plan for the Papillion Creek Watershed indicates future extensions of the Omaha interceptor system to serve the entire watershed upstream from the Elkhorn plant. The plan anticipates the eventual closing of the Elkhorn plant. No increases in pipe sizes or relief lines are shown as being needed to collect the sewage from the plant's service area.

All of the costs and revenues for the construction of the new interceptor lines have been identified in the interceptor plan. Revenue from sanitary interceptor sewer fees has been projected and is sufficient to pay for the extensions. Revenue for the maintenance of the sewer system is collected through the sewer use fee and is sufficient to cover the current costs of maintaining the new lines and Papillion Creek Treatment Plant.

The programmed lines would allow for full development of the area between Omaha and Elkhorn south of Blondo Street. Platting is currently underway throughout the area between the two cities. All of the interceptor lines needed to serve the S&ID's contained in the annexation package have been constructed and are currently being maintained by the City.

The Papillion Creek Treatment Plant has sufficient capacity to treat any additional flow from the City of Elkhorn if the Elkhorn plant is decommissioned. The population currently served by the Elkhorn treatment plant represents roughly 1.8% of the total population currently served by the Omaha plant.

Information provided to the city indicates that Elkhorn's current sanitary sewer collection system is in fair to good shape. Parts of it are very old and in need of capital improvements. Elkhorn has an estimated 150,000 feet of sanitary sewer mains.

With this additional footage added to Omaha's 5-year cleaning program, other lines that will require more frequent maintenance, anticipated repairs due to age,

and maintenance of the storm sewer system, the addition of 3.95 positions (approx. two crews) seems reasonable from a personnel standpoint. An additional jet truck would also be a necessary purchase. Upon annexation, all customers will be charged Omaha retail rates.

SOLID WASTE

The City of Elkhorn does not provide solid waste collection service. Residents of Elkhorn contract privately for solid waste services. The S&ID's contained in the annexation package have the same arrangement for solid waste collection.

The City of Omaha provides solid waste collection and disposal for Omaha residents at no additional cost. All residents of Elkhorn and the S&ID's that are being annexed would receive this service without additional cost. They would be able to continue their current arrangement with private contractors if they desired. However, virtually all residents of S&ID's that have been annexed into Omaha have opted to discontinue their previous private collection contract.

Annual solid waste costs would be about $100/year/residence added. Monthly average would be about $8.40/residence. The number would be higher in the summer months due to yard-waste collection and processing.

2005 Annual Cost of Solid Waste Services

- Elkhorn: $ 259,586.91
- S&ID's (current residents) homes est.) $78,700/year (787

ZONING, PERMITS, INSPECTIONS AND OTHER ADMINISTRATIVE MATTERS

Zoning.

The City of Omaha has expertise in converting other jurisdictions' zoning to its zoning classifications. Every time Omaha annexes land the zoning classifications covering the new land are converted to the most comparable zoning classifications contained in Omaha's zoning ordinance. Omaha has also converted zoning on a much larger scale: in 1971 when Omaha annexed the town of Millard and in 1987 when Omaha adopted a new zoning ordinance (this required that virtually every property within its jurisdiction be converted).

When converting zoning, Omaha consistently uses policies that minimize nonconformance, protect existing zoning rights to the maximum degree possible, and insure widespread public review of zoning conversion maps. City officials publish the conversion policies to ensure that they are consistently applied. (see appendix) After the draft zoning conversion maps are completed, (depending on land area) one or more public meetings are held for everyone to see what their properties are zoned and to enquire about their new zoning. In an attempt to be completely fair, the City allows property owners to appeal their conversions. In fact, after the 1987 conversion, the City allowed property

owners up to one year to appeal the conversion.

Over the years jurisdictional problems have increased between the Cities of Omaha and Elkhorn pertaining to platting, zoning, zoning enforcement, issuance of permits and inspection controls. Jurisdictional boundary lines usually are not shaped in a fashion that allow lots to be platted, and existing parcels to be located, completely in one jurisdiction. As a result many properties lie in both jurisdictions.

New proposed subdivision plats that straddle the jurisdictional boundary line must seek subdivision and zoning approvals from both jurisdictions. Developers are required to submit applications and filing fees with both cities. Additional effort is then required by City employees to attempt to coordinate jurisdictional decisions. This inefficiency continues as building permits are issued, construction occurs and buildings are inspected. It is entirely possible for an inspector from Omaha to inspect a structure while an Elkhorn inspector is inspecting the structure next door.

Omaha's Planning Department also mistakenly receives enquiries about zoning and land development for properties in Elkhorn's jurisdiction. Apparently, those enquiring assume the subject properties are in the larger jurisdiction. Simply put, split jurisdictions with different zoning and land development regulations equal confusion and inefficiency.

Street naming is also a point of contention. Omaha tries to name all north-south streets on a numerical basis, beginning at the river and numbering consecutively as the city grows westward. For east-west streets, the same names are used consistently depending on each street's location relative to the "hundred block" north or south of Dodge Street. Elkhorn has not followed this procedure and has developed an unorthodox system that has named streets running in all directions. Such a street naming system can lead to increased response times for public safety officials, particularly as that community grows. The City of Omaha, in conjunction with Douglas County Emergency Management (911), will establish a uniform and efficient street naming system that meets the needs of public safety interests.

Permits and Inspection.

The City of Omaha is also currently evaluating the adequacy of inspector and plan examiner staffing levels based on the amount of construction activity. Current staffing levels may be increased regardless of the boundaries of our jurisdiction. Annexation will not have an impact on this process. However, if staffing levels are increased, the need for additional staff due to annexation may be reduced.

The primary impact of the proposed annexation package on the Permits & Inspections Division would be an increase in drive time – not only for Omaha's inspection staff, but also for contractors and homeowners. The City is currently in the process of upgrading its permit and inspection software program (target implementation date is January 2006). Because access to the permit database will be available via the internet, the City is, as a part of this process, evaluating the possibility of opening a satellite location (in addition to maintaining the current office in the City-County Building).

If annexed, the City of Omaha could potentially utilize the City of Elkhorn's permit office as a satellite location. This would minimize travel time for City inspectors and provide convenient access to the western areas of the community. Should this occur, and if the overall Permits and

Inspection staffing levels are increased, the City would be able to provide adequate permit, inspection and plan review service by increasing its staffing level by that which is currently provided by the City of Elkhorn.

However, if a satellite office were not established or staff levels increased, travel time would become an issue. In that case, the impact on staffing for the Permits & Inspections Division would be as follows:

- *The two (2) full-time inspectors currently employed by the City of Elkhorn would be hired to work for the City of Omaha as additional electrical and HVAC inspectors. (One is a licensed electrical contractor; the other could qualify and be trained in HVAC codes.)*
- *Omaha would hire one (1) additional plumbing inspector. (Omaha's plumbing code requires this position to be filled by a licensed plumber.)*

The City currently provides permits and inspection service to the S&ID's being annexed. As a result, no increase in staffing is needed as a result of the annexation of the S&ID's.

Code Enforcement.

There are three primary impacts of the proposed annexation package on the Code Enforcement Division. The increased territory would be an increase in drive time – not only for the City of Omaha's inspection staff, but also for tenants, contractors and homeowners. With the increased territory the City of Omaha will inherit a large inventory of older structures, farmhouses and out buildings. There will also be issues with areas such as Kings Lake and the numerous cabins constructed along the Elkhorn River.

The City of Omaha is currently evaluating the use of tablet computers by the inspectors to streamline procedures and processes. Caseloads have continued to increase and current staffing levels may need to be augmented regardless of the boundaries of the jurisdiction. Annexation will also increase the caseload.

Since code inspectors focus only on a wide range of enforcement issues, they must be well-versed in all construction-related codes. Code enforcement as conducted by the City of Omaha can result in the issuance of criminal citations and criminal prosecution. This judicial process requires inspectors to be available for court hearings.

Recognizing that current staffing levels may need to be increased regardless of jurisdictional boundaries, the City of Omaha will hire one additional code inspector to meet expanded responsibilities related to housing and zoning enforcement.

Contractor Licensing.

Both the City of Omaha and the City of Elkhorn require licensing of various contractors.

Each city has established their own licensing standards, which typically define competency testing, issuance of licenses, renewal of licenses and continuing education. Upon annexation, licensed contractors will be required to meet the licensing standards of the City of Omaha.

It is assumed that some contractors hold licenses accepted by both cities while others hold licenses accepted only by Elkhorn. The City of Omaha, in accordance with Nebraska Revised Statutes Section 14-122, will honor all trade licenses from the City of Elkhorn issued prior to approval of annexation. Renewals and continuing education requirements will follow the City of Omaha's standards.

Financial Impacts

ESTIMATED ADDITIONAL OPERATING EXPENDITURES

The table below details the assumptions used to project operating expenditures on an annualized basis, using 2005 costs. These costs would be in addition to the adopted 2005 City of Omaha budget.

Annualized 2005 Operating Expenditures		
Function	**Description**	**Estimated Cost**
S&ID's	$1,883 per acre, based on City of Omaha 2005 budget and recent annexation experience. Excludes Shadow Ridge golf course.	$1,503,071
City of Elkhorn:		
Police	· 15 positions (1.9 officers per 1,000 pop.)	$1,052,055
	· 5 cruisers	
	· non-personal costs	
Fire	· 20 positions (1 engine company, 1 medic unit)	$1,579,476
	· 1 new medic unit	
	· non-personal costs	
Library	· 7 full time positions, 2 part-time	$457,657
	· non-personal costs	
Parks and Recreation	· 3 full time positions and non-personal costs for parks maintenance and code enforcement	$1,503,508
	· 5 full time employees and non-personal costs for new community center and swimming pool ($1.2 million expenses offset by $0.7 million included in revenue projection)	
Planning & Inspection	· 4 inspectors, 1 full-time clerical position	$206,112
Street Maintenance	· 5.45 positions and non-personal costs	$761,734
Sewer Maintenance	· 3.95 positions and non-personal costs	$224,366
	· 1 new jet truck	
Traffic Engineering	· Signals, signs, pavement markings, etc.	$128,575
Street Lighting	· Street light cost	$108,854
Solid Waste Disposal	· Approximately $100 per year per residence	$259,587
Fringe Benefits	· Based on 2005 City of Omaha budget	$871,044

DEBT

The following table summarizes the current property valuation for each of the S&ID's and the City of Elkhorn, in addition to the net debt that will be assumed by the City of Omaha.

Entity	2005 Valuation	Net Debt	Debt Ratio
S&ID 367 The Ridges	$246,696,315	$8,172,531	3.31%
S&ID 461 Fire Ridge Estates	17,635,850	2,847,500	16.15%
S&ID 498 Pacific Pointe	1,148,680	2,857,758	248.79%
S&ID 467 Centennial	5,889,300	838,028	14.23%
S&ID 488 Pacific Pines	480,200	860,105	179.11%
City of Elkhorn	434,745,100	8,883,979	2.04%
TOTAL	$706,595,445	$24,459,901	3.46%

CASH FLOW

See the attached spreadsheet for a detailed forecast of revenues, expenditures, and balances over a 10-year period following annexation. Expenditures are expected to exceed revenues by about $1.5 million in the first year. However, this deficit is offset by beginning cash balances of $7.3 million resulting from annexation.

Major assumptions in the projections include the following:

- *Lot & Structure Build-out*

	No. of Lots	Price per Home
The Ridges	157	$500-800,000
Pacific Pines	60	265,000
Centennial	73	225,000
Fire Ridge	207	320,000
Pacific Pointe	46	500,000
Elkhorn	251	250,000

- *Inflation rate of 2.1% in 2006, 2.25% in 2007, 2.3% in 2009-2010, 2.2% in 2011-2014. This rate is used for operating expenditures, property valuation growth (aside from new building valuation), and Other revenues.*
- *Sales Tax growth rate of 3% per year.*
- *Debt payments assume current outstanding debt, bond financing of construction warrants @ 4.5% over 20 years, and additional debt issuance for road projects ($2.825 million issued in 2005, $1 million each year thereafter).*

IMPACT ON ANNEXED PROPERTY OWNERS

Property owners in the five S&ID's will see a significant reduction in property taxes following annexation. The current tax rate for each S&ID ranges from 70-90 cents; in addition, each S&ID pays a 6.506-cent Fire District tax, and a 2.513-cent County Library tax. Garbage collection fees are paid to a private company. These taxes and fees would be replaced by the City of Omaha property tax rate of 43.387 cents, the Metropolitan Area Transit tax of 5.054 cents, and the Metropolitan Utilities District hydrant tax of 0.699 cents, as well as the City Wheel Tax of $35 per car. A property owner with a $100,000 home would see a reduction ranging from $384 – 584 after annexation. The savings would be much greater for homes with higher property values.

The property tax rate for the City of Elkhorn is slightly lower than that of the City of Omaha, and Elkhorn residents would pay the MAT and MUD taxes after annexation. However, Elkhorn residents do not have city-provided garbage collection, which is provided by the City of Omaha. Including this payment an Elkhorn resident with a $100,000 home would see a reduction of $21.14 after annexation.

S&ID/City	Current Property Tax Rate (cents)*	Estimated Annual Garbage Collection Fee	Payment on $100,000 Home	Payment after	Change
S&ID 367 The Ridges	79.019	$ 156.00	$ 946.19	$ 561.40	$ (384.79)
S&ID 461 Fire Ridge Estates	94.019	$ 156.00	$ 1,096.19	$ 561.40	$ (534.79)
S&ID 498 Pacific Pointe	99.018	$ 156.00	$ 1,146.18	$ 561.40	$ (584.78)
S&ID 467 Centennial	99.019	$ 156.00	$ 1,146.19	$ 561.40	$ (584.79)
S&ID 488 Pacific Pines	94.4	$ 156.00	$ 1,100.00	$ 561.40	$ (538.60)
City of Elkhorn	42.654	$ 156.00	$ 582.54	$ 561.40	$ (21.14)

CITY OF OMAHA CAPACITY FOR ANNEXATION

The 2005 City of Omaha budget is $427,834,391. This includes a personnel complement of 2,676 positions (1,245 civilian and 1,431 sworn). City operations include 257 park locations, 23 fire stations, four police uniform patrol precincts, 10 libraries, 4,000 lane miles of streets, 24,436 daily stops for household refuse collection, and two wastewater treatment plants. This annexation, with $11.3 million in additional expenditures, will increase the City's budget by approximately 2.6%. The City's $20 billion property valuation will grow by 3.5%. The City has demonstrated its capacity for, and strong management of, annexations throughout its history. (See Figure 13)

City of Omaha

Schedule of 2005 Annexation Projected Revenue and Expenditures

	2005 Annualized	2006	2007	2008	2009	2010	2011	2012	2013	2014
Estimated Revenues:										
Property Taxes (net)	3,076,499	3,340,262	3,592,664	3,843,606	4,093,984	4,344,320	4,595,110	4,854,184	5,046,247	5,197,042
Motor Vehicle Taxes	211,201	215,425	219,734	224,129	228,612	233,184	237,848	242,605	247,457	252,406
Sales Tax	1,413,750	1,456,163	1,499,848	1,544,843	1,591,188	1,638,924	1,688,092	1,738,735	1,790,897	1,844,624
City Wheel Fee	122,888	122,888	130,827	137,765	144,329	150,580	156,457	162,271	168,148	172,462
Street & Highway Allocation	473,000	482,933	493,799	505,156	516,775	528,661	540,292	552,178	564,326	576,741
Special Assessments	75,964	75,964	75,964	75,964	75,964	75,964	75,964	75,964	75,964	75,964
Other	4,431,373	4,524,432	4,626,232	4,732,635	4,841,485	4,952,840	5,061,802	5,173,162	5,286,971	5,403,285
Total Revenues	9,804,675	10,218,067	10,639,068	11,064,098	11,492,337	11,924,473	12,355,565	12,799,099	13,180,010	13,522,524
Estimated Expenses:										
SID Services	1,309,078	1,336,569	1,366,642	1,398,074	1,430,230	1,378,922	1,409,259	1,440,262	1,471,949	1,504,332
Recreation	1,503,508	1,535,081	1,569,620	1,605,722	1,642,654	1,680,435	1,717,404	1,755,187	1,793,801	1,833,265
Planning Permits & Inspection	206,112	210,440	215,175	220,017	225,077	230,254	235,319	240,496	245,787	251,195
Building Maintenance	25,961	26,506	27,102	27,725	28,363	29,015	29,653	30,305	30,972	31,653
Library	457,657	467,268	477,781	488,770	500,012	511,512	522,765	534,265	546,019	558,032
Fire	1,579,476	1,321,082	1,350,806	1,381,875	1,413,658	1,446,173	1,477,989	1,510,505	1,543,736	1,577,699
Police	1,052,055	932,229	953,205	975,128	997,556	1,020,500	1,042,951	1,065,896	1,089,346	1,113,312
Street Maintenance	761,734	777,730	795,229	813,519	832,230	851,372	870,102	889,244	908,807	928,801
Sewer Maintenance	224,366	116,768	119,395	122,141	124,950	127,824	130,636	133,510	136,447	139,448
Traffic Engineering	128,575	100,645	102,910	105,277	107,698	110,175	112,599	115,076	117,608	120,195
Street Lighting	108,854	111,140	113,641	116,255	118,929	121,664	124,341	127,077	129,873	132,730
Solid Waste Disposal	259,587	265,038	271,001	277,234	283,610	290,133	296,516	303,039	309,706	316,520
Fringe Benefits	871,044	900,043	947,952	999,983	1,056,233	1,117,103	1,182,436	1,253,280	1,330,168	1,413,679
Treasurer Collection Fee	35,246	37,927	40,571	43,195	45,809	48,420	51,033	53,730	55,758	57,361
Bonds & Interest Expense	2,802,679	2,883,757	2,966,321	3,050,156	3,124,867	3,200,830	3,283,105	3,729,146	3,441,340	3,478,692
Total Expenses	11,325,932	11,022,223	11,317,351	11,625,071	11,931,876	12,164,332	12,486,108	13,181,018	13,151,317	13,456,914
Excess (Deficit) of Revenue over Expenses	(1,521,257)	(804,157)	(678,284)	(560,973)	(439,539)	(239,859)	(130,543)	(381,920)	28,693	65,610
Cash and Investment Balances:										
Beginning of Period	$7,275,378									
End of Period	5,754,121	4,949,965	4,271,681	3,710,708	3,271,170	3,031,310	2,900,767	2,518,847	2,547,540	2,613,150

FIGURE 13

Summary, Conclusions, and Recommendations.

SUMMARY OF ISSUES

1. Recent annexations have extended the Elkhorn's boundaries into Omaha's jurisdiction in several places.
2. Elkhorn's 2001 annexations extended Elkhorn's city limits east of 192nd Street for the first time.
3. With Elkhorn's proposed annexations, Elkhorn's jurisdictional boundary would stretch from Harrison to State Streets and from 186th Street to 258th Street with a future population of 60,000-70,000 people.
4. Omaha and Elkhorn are growing together. Subdivisions, acreage-type housing and public facilities are now connected from the edge of Omaha's city limits to Elkhorn's limits. Several subdivisions overlap the jurisdictional boundary between the two cities
5. The City of Omaha has opened the area between the two cities for development stretching from Blondo on the north to Harrison on the south. The area is expected to fill within 5 to 7 years.
6. The City of Omaha currently provides sewer service to portions of the City of Elkhorn. All of the City of Elkhorn could be served by an extension of Omaha's sanitary interceptor sewer system. Elkhorn's sewage treatment plant could be taken out of service when the extension is available.
7. Omaha's newly acquired park at 192nd and West Dodge abuts the city limits of the City of Elkhorn; the future lake in the park will be divided by Elkhorn and Omaha ownership.
8. Portions of the City of Elkhorn are currently beyond a 5-minute response time from the Elkhorn fire station. More areas are beyond a 4-minute response with the slower volunteer response time.
9. Crews from the Elkhorn fire district cannot reach Elkhorn fire district subdivisions located in Omaha's jurisdiction within a response time of 4 minutes or less.
10. Omaha fire crews could provide better emergency response for as much as 60% of the developed area within the Elkhorn fire district. Omaha Fire rather than Elkhorn Fire primarily serves subdivisions located in the Elkhorn Fire District, but in Omaha's planning jurisdiction. Once those areas are annexed, Omaha would place a full time fire crew within Elkhorn. At that time, Omaha crews would be the first response to nearly all calls within the Elkhorn fire district.
11. Elkhorn residents would see a drop in their overall cost of city government.

CONCLUSION

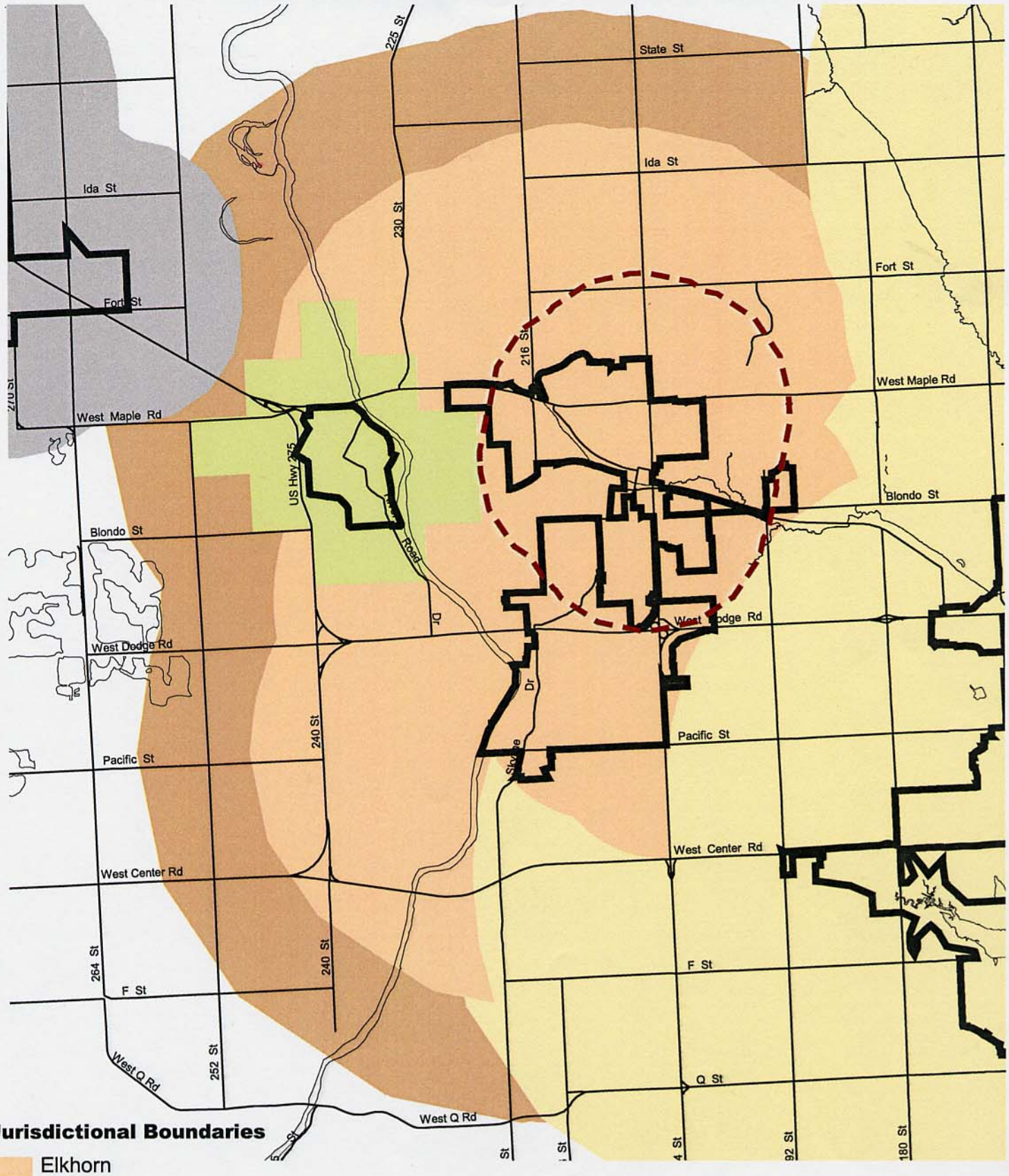
In the past, as Omaha grew out to separate small towns, the decision was made to annex those towns, allowing the city to continue orderly growth. Historical and legal precedent, as well as the experience of cities in other metropolitan areas, suggests that this is the wise course of action, and is best for the entire metropolitan area.

The situation facing Omaha today is more critical than it was in 1967 when Omaha annexed Millard. At that time, the population of Millard was around 6,000, and the danger that it could grow to the point where Omaha's growth was blocked was still in the future. Now, Elkhorn has taken a strategy of aggressive annexation to a crisis point for Omaha. The attached map (See Figure 14) shows Elkhorn's expanded jurisdiction if their current efforts to reach 10,000 in population are successful. As Elkhorn controls growth within their jurisdiction, Omaha would be almost completely surrounded by county boundaries and smaller cities, with only enough land in the Papillion Creek sanitary sewer service area for approximately 25 more years of growth. (See Figure 3)

Although concerns are expressed by people being annexed in regard to service changes, sharing in services is the most fair and effective way for a metropolitan area to function. A larger city pays the cost for certain services, amenities, and incentives that benefit the entire metropolitan area, such as business development incentives, major street projects, and regional recreation and entertainment facilities. Smaller communities benefit without paying the same share and can thereby afford some of their local services at a higher level. Omaha has demonstrated through past annexations, some as large or larger than Elkhorn and the five S&ID's, that it can expand services to annexed areas.

The other objection expressed by Elkhorn residents is the fear of loss of community and identity. As shown in the annexations of Florence, Benson, Dundee, South Omaha and Millard, those business districts and the surrounding neighborhoods do retain their identity and sense of community. Elkhorn would be similar to Millard in the fact that the school district is a large part of their community. In Omaha, school districts do not change with annexation.

JURISDICTION AREA MAP



Jurisdictional Boundaries

- Elkhorn
- Omaha
- Valley
- Waterloo
- Omaha's Extended 3 Mile
- Elkhorn's 1980 1 Mile
- Town and City Limits

Figure 14

RECOMMENDATION

1. It is recommended that Omaha annex the city of Elkhorn and S&ID's 367 (The Ridges), 498 (Pacific Pointe), 488 (Pacific Pines), 474 (Centennial), 461 (Fire Ridge Estates), the lands owned by Omaha and the State of Nebraska at 192nd and West Dodge, and all other related properties contained in the City's proposed annexation ordinance (See Figure 15)

2. The annexation should be approved without delay due to Elkhorn's annexations that are proposed for the purpose of blocking Omaha.

2005 ANNEXATION STUDY AREA

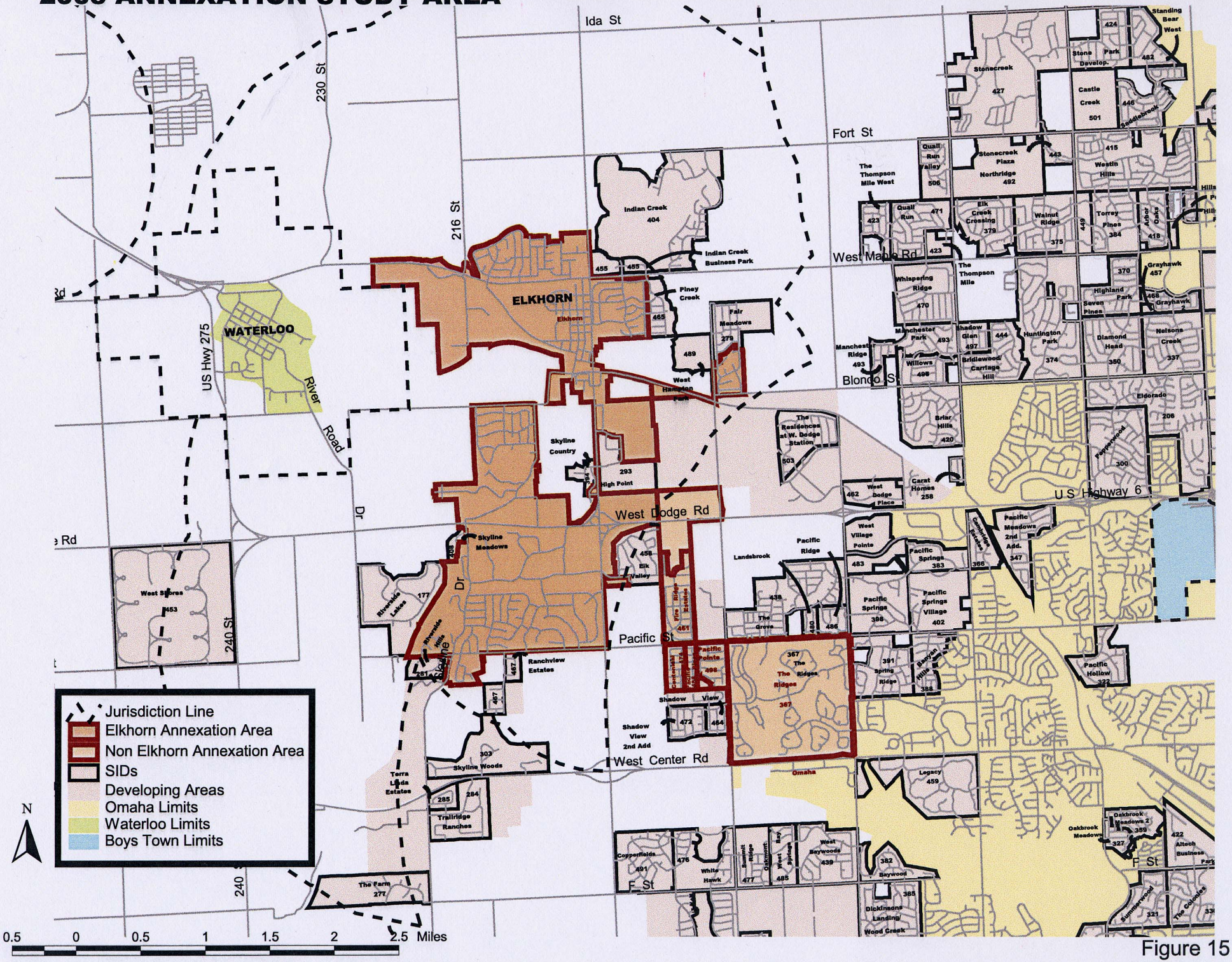


Figure 15

Appendix

GENERAL ZONING CONVERSION CRITERIA

1. Direct conversions will be made where land use conforms with existing zoning and corresponds with a new zone. If land is not fully developed, a direct conversion will be made to the corresponding new zone.

2. Where current zoning does not correspond to a new zone, conversions will be to the nearest district that provides for use conformity. This will be based on existing land use, site development conditions (e.g., building coverage, F.A.R., etc.) and zoning history.

3. In areas where existing zoning does not conform with existing land use, conversions will be determined on a case-by-case basis as follows:

a. Where land use is more intensive than current zoning, conversion will be either a direct conversion of zoning or a conversion to the zoning district closest to existing zoning. An exception to this would be single-family uses on lots smaller than current zoning district regulations. In these areas, conversion will be to the closest zoning district based on lot size.

4. Existing site development conditions will be compared with new site development regulations and standards as an aid in determining appropriate conversion in residential areas. These will be the determining factor where a use type could be typically accommodated by more than one zoning district (e.g., LO or GO for office, and LC or CC for commercial use types).

5. A site must be in one base zoning district. Where sites are currently in more than one district, the predominant district will be applied.

6. For purposes of determining direct or nearest conversion category consistent with the General Criteria, land use is considered to match zoning in the lowest intensity district where the use is permitted by right.

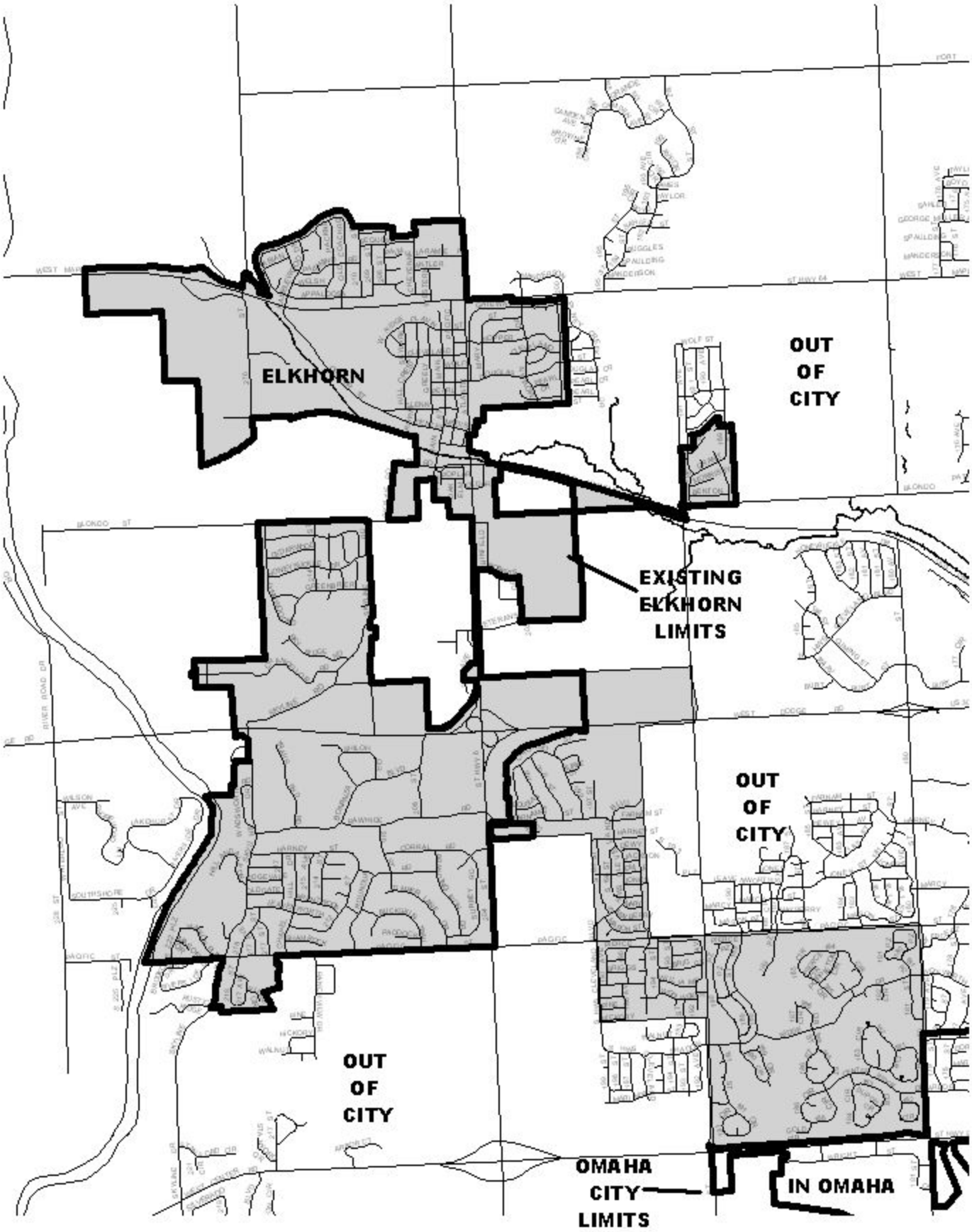
7. Schools, parks and similar uses may be converted to be consistent with neighborhood zoning.

ALTERNATIVE ANNEXATION PACKAGE

1. Exhibit A illustrates an alternative annexation package considered by the City. It has not been included in this study but was analyzed.

CITY OF ELKHORN AND ADJACENT AREAS

EXHIBIT "A"



AREA TO BE ANNEXED IS SHADED

INFORMATION SOURCES:

- Metropolitan Area Planning Agency
- Elkhorn Comprehensive Plan Update 2003
- Omaha: The Gate City and Douglas County Nebraska, Volume I, The S. J. Clarke Publishing Company, 1917
- United States Census Bureau Statistics