

48-902. Authorization for improvement district; areas and lands excluded

A. An improvement district may be established in any unincorporated area, whether or not contiguous, by the board of supervisors of the county in which the proposed district is located, for the purpose of constructing and operating a wastewater treatment facility and making other local improvements or acquisitions in the district or for the benefit of the district that are permitted by this article, and may contract for or in any other manner provide transportation services within the district through special assessments in such districts, or the issuing of bonds or making other contractual arrangements for improvements, and levying taxes for the operation and maintenance of improvements and streets within the district or for the benefit of the district.

B. With written consent of the state land commissioner an improvement district may include state lands or state trust lands within its boundaries, but those lands shall not be included for purposes of forming or objecting to the formation or expansion of a district.

C. Notwithstanding subsection A of this section, an improvement district established for the purposes described in section 48-909, subsection A, paragraph 1, 6, 7 or 10 may include areas in an incorporated city or town with the consent of the city's or town's governing body.

D. At the time of the establishment of an improvement district, none of the following shall be included in the improvement district:

1. Territory lying within an incorporated city or town except as provided in subsection C of this section.
2. Lands owned or held by any common carrier for use in connection with interstate or intrastate commerce.
3. Unpatented mining claims.

E. Unless the improvement district is formed for the purposes described in section 48-909, subsection A, paragraph 7, at the time of establishment of an improvement district, none of the following shall be included in the improvement district if the owner objects to such inclusion as provided in subsection F of this section:

1. Lands owned or held for mining or metallurgical purposes.
2. Any tract of land of twenty or more acres in area actually used for commercial farming or commercial stock raising, or any subdivided lands of which lots or blocks have not been offered generally for sale since the lands were subdivided.

F. The owner of any property included in the classifications listed in subsection E of this section may have the property excluded from the proposed improvement district if the owner files a verified statement with the board of supervisors prior to the adoption of the resolution ordering the formation of the district, stating that the person executing the statement is one of the owners of the respective lot or parcel, the respective classification, that the lot or parcel is within such classification on the date of the statement, the legal description of the lot or parcel and that the signer requests that the lot or parcel be excluded from the improvement district. Any property owner may contest the statement at the hearing on formation of the improvement district. The board of supervisors shall rule on all such objections.

G. A domestic water improvement district may be formed or expanded in noncontiguous areas. If the proposed boundaries of a noncontiguous district are located within six miles of an incorporated city or town, the district shall obtain the consent of the governing body of the city or town prior to the formation or expansion of the district.