

S-23-0940 *Main Street Properties, LLC (MSP) (Appellant) v. City of Bellevue (Appellee)*

Appeal from the District Court for Sarpy County, Judge George A. Thompson

Attorneys: Adam J. Sipple (Sipple Law for Appellant) Ryan M. Kunhart and Claire E. Monroe (Dvorak Law Group, LLC for Appellee) and Aimee Bataillon (City Attorney for the City of Bellevue for Appellee)

Civil: Zoning ordinances and declaratory judgment

After Main Street Properties, LLC (hereinafter, MSP) purchased real estate in the Bellevue, Nebraska (hereinafter, the City), the City and MSP agreed to conditionally rezone it from residential to general business. Pursuant to the agreement, MSP promised that U-Haul trucks would not be parked in certain areas. At some point, MSP and the City disagreed on the location where U-Haul trucks were not to be parked, and the City issued MSP three (3) zoning violations. Due to the three (3) zoning violations, the City rezoned the property back to general residential use. MSP then sued the City to stop it from enforcing the rezoning. After a hearing, the district court dismissed MSP's lawsuit, and on appeal to the Nebraska Supreme Court, it reversed the district court's decision and reinstated the case. *Main Street Properties, LLC v. City of Bellevue*, 310 Neb. 669, 968 N.W.2d 625 (2022).

When the case was remanded back to the district court, both MSP and the City requested summary judgment. A summary judgment is when the parties argue that the relevant facts are not in dispute and that they are legally entitled to judgment in their favor. In this case, the district court agreed with the City and granted it summary judgment, which has the effect of dismissing MSP's lawsuit. On appeal, MSP argues district court erred in granting the City summary judgment because the City improperly rezoned the property, that it was never given notice of the three zoning violations, and the City is acting in ill-will, arbitrarily, and capriciously. In response, the City asserts that the district court correctly granted it summary judgment and that MSP's arguments lack merit. Both parties filed briefs with the Nebraska Supreme Court, and the Court is ready to hear arguments from the parties. Each party will have ten minutes to argue the case before the Supreme Court and to answer questions from Supreme Court Justices.