

ASSEMBLY BILL NO. 175—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF ASSEMBLYMAN DOUGLAS BACHE)

FEBRUARY 16, 2001

Referred to Committee on Transportation

SUMMARY—Requires board of directors of department of transportation to relinquish portions of certain state highways to county or city under certain circumstances. (BDR 35-820)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to highways; requiring the board of directors of the department of transportation to relinquish portions of certain state highways to a county or city under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 408 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *1. A board of county commissioners or the governing body of an*
4 *incorporated city may adopt a resolution requesting that the board*
5 *relinquish to the county or city any portion of a state highway designated*
6 *in the resolution other than a federal-aid highway or a freeway. Except*
7 *as otherwise provided in subsection 3, if a board of county*
8 *commissioners or the governing body of an incorporated city adopts such*
9 *a resolution, the board shall, upon receipt of the resolution from the*
10 *county or city, require the director to negotiate the terms of an agreement*
11 *with the county or city to relinquish to the county or city that portion of*
12 *the state highway designated in the resolution.*

13 *2. Except as otherwise provided in subsection 3, the board and the*
14 *board of county commissioners or the governing body of the city*
15 *adopting the resolution shall, by agreement entered into between the*
16 *board and the county or city, determine the amount of money that the*
17 *department would have expended to own, operate, maintain, overlay,*
18 *rehabilitate, improve or control that portion of the state highway*
19 *relinquished to the county or city for the period determined by the board*



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1 *and the board of county commissioners or the governing body of the city*
2 *adopting the resolution. Not later than 30 days after making that*
3 *determination, the board shall, in accordance with the provisions of the*
4 *agreement, pay to the county or city the amount of money specified in the*
5 *agreement.*
6 *3. If the board and the board of county commissioners or the*
7 *governing body of the city adopting the resolution fail to make a*
8 *determination pursuant to the provisions of subsection 2 within 1 year*
9 *after the resolution is adopted, the board of county commissioners or the*
10 *governing body of the city adopting the resolution shall, unless it*
11 *withdraws the request submitted pursuant to the provisions of subsection*
12 *1, submit the matter for arbitration in accordance with the provisions of*
13 *subsection 4.*
14 *4. Any matter that is submitted for arbitration pursuant to the*
15 *provisions of subsection 3 must be submitted to an arbitration panel*
16 *consisting of three arbitrators. The board and the board of county*
17 *commissioners or the governing body of the city adopting the resolution*
18 *shall each appoint one arbitrator to the panel. As soon as practicable*
19 *after their appointment, the arbitrators shall appoint an additional*
20 *arbitrator who serves as the chairman of the panel. Each arbitrator*
21 *appointed to the panel must be a resident of this state. Not later than 30*
22 *days after all the arbitrators are appointed, the arbitrators shall:*
23 *(a) Make the determination required pursuant to the provisions of*
24 *subsection 2; and*
25 *(b) Submit the results of that determination to the board and the board*
26 *of county commissioners or the governing body of the city adopting the*
27 *resolution.*
28 *The determination submitted by the arbitration panel is final and binding*
29 *upon the parties. Except as otherwise provided in this subsection, the*
30 *provisions of NRS 38.015 to 38.205, inclusive, apply to any arbitration*
31 *proceeding conducted pursuant to the provisions of this subsection.*
32 *5. During any period in which an agreement is negotiated pursuant*
33 *to the provisions of subsection 2 or a matter is arbitrated pursuant to the*
34 *provisions of subsection 4, the department shall maintain or control the*
35 *portion of the state highway that is the subject of the agreement or*
36 *arbitration proceeding in the manner that the department would have*
37 *maintained or controlled that portion of the state highway if that portion*
38 *of the state highway had not been relinquished.*
39 *6. A relinquishment of a portion of a state highway pursuant to the*
40 *provisions of this section must be made by a resolution adopted by the*
41 *board. A certified copy of the resolution must be filed with the board of*
42 *county commissioners or the governing body of the city that requested*
43 *the relinquishment. The resolution must be recorded in the office of the*
44 *county recorder where the land is located and, upon recordation, all*
45 *right, title and interest of the state to that portion of the state highway*
46 *vests in the county or city to which it is relinquished.*
47 *7. If the board relinquishes any property or any easement or other*
48 *interest in property pursuant to the provisions of this section, and the*
49 *purpose for which the property, easement or interest is abandoned or*



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1 *ceases to exist, the county or city may abandon or vacate the property,*
2 *easement or interest without reversion to the department.*

3 **Sec. 2.** NRS 408.523 is hereby amended to read as follows:

4 408.523 1. ~~The~~ *Except as otherwise provided in section 1 of this*
5 *act, the* board may retain or may summarily vacate and abandon any
6 portion of a state highway if that portion has been superseded by relocation
7 or has been determined to be in excess of the needs of the department.

8 2. The board shall act to abandon any easement, or to vacate any
9 highway, by resolution. A certified copy of the resolution may be recorded
10 without acknowledgment, certificate of acknowledgment, or further proof,
11 in the office of the county recorder of each county wherein any portion of
12 the easement to be abandoned, or the highway to be vacated, lies. No fee
13 may be charged for such recordation. Upon recordation, the abandonment
14 or vacation is complete.

15 3. When a highway for which the state holds only an easement is
16 abandoned, or when any other easement is abandoned, the property
17 previously subject thereto is free from the public easement for highway
18 purposes. ~~Where~~ *If* the state owns in fee the property on which the
19 vacated highway was located, the department shall dispose of that property
20 as provided in NRS 408.533.

21 4. In any proceeding for the abandonment or vacation of any state
22 highway or part thereof, the board may reserve and except therefrom any
23 easements, rights or interests in the highway deemed desirable and in the
24 best interests of the state.

25 **Sec. 3.** NRS 408.527 is hereby amended to read as follows:

26 408.527 1. ~~Whenever~~ *Except as otherwise provided in section 1 of*
27 *this act, if* the department and the county or city concerned have entered
28 into an agreement providing therefor, and the ~~legislative~~ *governing* body
29 of the county or city has adopted a resolution consenting thereto, the board
30 may relinquish to the county or city any portion of any state highway
31 which has been deleted from the state highway system by legislative
32 enactment. The department may likewise relinquish any portion of any
33 state highway which has been superseded by relocation or which the
34 department determines exceeds its needs.

35 2. By resolution of the board, the department may upon request
36 relinquish to the division of state lands of the state department of
37 conservation and natural resources for the public use of another state
38 agency any portion of any state highway which has been superseded by
39 relocation or which the department determines exceeds its needs.

40 3. Relinquishment must be made by a resolution. A certified copy of
41 the resolution must be filed with the ~~legislative~~ *governing* body of the
42 county or city concerned. The resolution must be recorded in the office of
43 the county recorder of the county where the land is located and, upon
44 recordation, all right, title and interest of the state in and to that portion of
45 any state highway vests in the county, city or division, as the case may be.

46 4. ~~Nothing in NRS 408.523 limits~~ *The provisions of NRS 408.523*
47 *do not limit* the power of the board to relinquish abandoned or vacated
48 portions of a state highway to a county, city or the division.



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1 5. If the board relinquishes property pursuant to *the provisions of*
2 subsection 4, and the purpose for which the property was relinquished is
3 abandoned or ceases to exist, then:

4 (a) If the interest of the department in the property before it was
5 relinquished was held in fee simple, all right, title and interest of the
6 county, city or division reverts to the department.

7 (b) If the interest of the department in the property before it was
8 relinquished was an easement or other lesser interest, the county, city or
9 division may abandon or vacate the property without reversion to the
10 department.

11 6. The vesting of all right, title and interest of the department in and to
12 portions of any state highways relinquished previously by the department
13 in the city, county or state agency to which it was relinquished is hereby
14 confirmed.

15 **Sec. 4.** If the board of directors of the department of transportation
16 receives a resolution from a county or city requesting that the board
17 relinquish a portion of a state highway pursuant to the provisions of section
18 1 of this act, the board shall give priority to that request if the portion of the
19 state highway requested includes any portion of the following roads located
20 in Clark County, Nevada:

21 1. Charleston Boulevard from:

22 (a) The boundary of the Summerlin real estate development to Hualapai
23 Way; or

24 (b) 25th Street to Nellis Boulevard;

25 2. Cheyenne Avenue from Pecos Road to Nellis Boulevard;

26 3. Craig Road from Pecos Road to Las Vegas Boulevard North;

27 4. Flamingo Road from Rainbow Boulevard to Nellis Boulevard;

28 5. Jones Boulevard from Sahara Avenue to Tropicana Avenue;

29 6. Lake Mead Boulevard from Pecos Road to the boundary of the Lake
30 Mead National Recreation Area;

31 7. Las Vegas Boulevard from:

32 (a) The boundary of Jean, Nevada, to Sahara Avenue; or

33 (b) Pecos Road to Nellis Boulevard;

34 8. Nellis Boulevard from:

35 (a) U.S. Interstate 515 to Charleston Boulevard; or

36 (b) Charleston Boulevard to Las Vegas Boulevard North;

37 9. Paradise Road from Sahara Avenue to Tropicana Avenue;

38 10. Rainbow Boulevard from Sahara Avenue to Blue Diamond Road;

39 11. Russell Road from U.S. Interstate 15 to Las Vegas Boulevard
40 South;

41 12. Sahara Avenue from:

42 (a) Rainbow Boulevard to Matterhorn Street, if that street is extended to
43 intersect Rainbow Boulevard; or

44 (b) The tracks of the Union Pacific Railroad to Nellis Boulevard;

45 13. Sunset Road from Las Vegas Boulevard South to Annie Oakley
46 Drive; or

47 14. Tropicana Avenue from Industrial Road to Boulder Highway.

