

ASSEMBLY BILL NO. 385—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

MARCH 15, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing county property and local improvements.
(BDR 20-175)

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

~

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

AN ACT relating to local government; revising provisions governing the sale, exchange or reconveyance of certain property and land by counties; authorizing a governing body to levy an assessment for the maintenance of overpass projects and underpass projects; revising provisions governing the levy of an assessment for transportation projects; 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.** NRS 244.276 is hereby amended to read as follows:
2 244.276 1. Except as *otherwise* provided in subsection 2, any county
3 may buy, sell or exchange property in the manner set forth in subsection 3,
4 and without complying with the provisions of NRS 244.281, when deemed
5 necessary or proper to *establish, align*, realign, change, vacate or otherwise
6 adjust any of the streets, alleys, avenues , ~~or~~ other thoroughfares ~~or~~ *or*
7 *public facilities*, or portions thereof, within its limits.
8 2. If the county acquired the property by dedication, the property may
9 not be sold and ownership must revert to the abutting property owners in
10 the proportion that the property was dedicated by them or their
11 predecessors in interest. In the case of realignment, the property may be
12 exchanged for other real property.
13 3. When a petition signed by all property holders owning or
14 controlling property abutting on any street, avenue, alley , ~~or~~ other
15 thoroughfare ~~or~~ *or public facility* which may be affected by *the*
16 *establishment, alignment*, realignment, change, vacation or adjustment ~~or~~
17 is presented to any board of county commissioners, praying to have the
18 street, alley, avenue , ~~or~~ other thoroughfare *or public facility established,*
19 *aligned*, realigned, changed, vacated or otherwise adjusted, or upon the



* A B 3 8 5 R 1 *

1 resolution of the board of county commissioners, the board of county
2 commissioners may make the *establishment, alignment*, realignment,
3 change, vacation or other adjustment as it may deem proper, by purchase,
4 sale, proceedings in eminent domain or exchange of county property,
5 including portions of streets, alleys, avenues, ~~for~~ other thoroughfares ~~in~~
6 ~~order~~ or *public facilities* to carry out any necessary *establishment,*
7 *alignment*, realignment, change, vacation or other adjustment whenever
8 the board of county commissioners considers it to be in the best interests of
9 the county.

10 *4. As used in this section, "public facilities" means water, sanitary*
11 *sewer, storm sewer, street, parks, fire, police and flood protection.*

12 **Sec. 2.** NRS 244.281 is hereby amended to read as follows:

13 244.281 Except as otherwise provided in NRS *244.276*, 244.279 and
14 244.288:

15 1. When a board of county commissioners has determined by
16 resolution that the sale or exchange of any real property owned by the
17 county will be ~~for purposes other than to realign, change, vacate or~~
18 ~~otherwise adjust any street, alley, avenue or other thoroughfare, or portion~~
19 ~~thereof, within the county and will be~~ in the best interest of the county, it
20 may:

21 (a) Sell the property at public auction, in the manner prescribed for the
22 sale of real property in NRS 244.282.

23 (b) Sell the property through a licensed real estate broker, or if there is
24 no real estate broker resident of the county, the board of county
25 commissioners may negotiate the sale of the property. No exclusive listing
26 may be given. In all listings, the board of county commissioners shall
27 specify the minimum price, the terms of sale and the commission to be
28 allowed, which must not exceed the normal commissions prevailing in the
29 community at the time.

30 (c) Exchange the property for other real property of substantially equal
31 value, or for other real property plus an amount of money equal to the
32 difference in value, if it has also determined by resolution that the
33 acquisition of the other real property will be in the best interest of the
34 county.

35 2. Before the board of county commissioners may sell or exchange any
36 real property as provided in paragraphs (b) and (c) of subsection 1, it shall
37 publish a notice of its intention to sell or exchange once a week for 3
38 weeks in a newspaper qualified under chapter 238 of NRS. In case of:

39 (a) A sale, the notice must state the name of the licensed real estate
40 broker handling the sale and invite interested persons to negotiate with
41 him.

42 (b) An exchange, the notice must call for offers of cash or exchange.
43 The commission shall accept the highest and best offer.

44 3. If the board of county commissioners by its resolution further finds
45 that the property to be sold is worth more than \$1,000, the board shall
46 appoint one or more disinterested, competent real estate appraisers to
47 appraise the property, and, except for property acquired pursuant to NRS
48 371.047, shall not sell or exchange it for less than the appraised value.



* A B 3 8 5 R 1 *

1 4. If the property is appraised at \$1,000 or more, the board of county
2 commissioners may sell it either for cash or for not less than 25 percent
3 cash down and upon deferred payments over a period of not more than 10
4 years, secured by a mortgage or deed of trust, bearing such interest and
5 upon such further terms as the board of county commissioners may specify.

6 **Sec. 3.** NRS 244.290 is hereby amended to read as follows:

7 244.290 1. Except as otherwise provided in NRS 278.480 for the
8 vacation of streets and easements, the board of county commissioners of
9 any county may reconvey all the right, title and interest of the county in
10 and to any land donated, dedicated, acquired in accordance with chapter 37
11 of NRS, or purchased under the threat of an eminent domain proceeding
12 for a public park, public square, public landing, agricultural fairground,
13 aviation field, automobile parking ground or facility for the
14 accommodation of the traveling public, or land held in trust for the public
15 for any other public use or uses, or any part thereof, to the person:

16 (a) By whom the land was donated or dedicated or to his heirs, assigns
17 or successors, upon such terms as may be prescribed by a resolution of the
18 board; or

19 (b) From whom the land was acquired in accordance with the provisions
20 of chapter 37 of NRS, or purchased under the threat of an eminent domain
21 proceeding, or to his heirs, assigns or successors, for an amount equal to
22 the appraised value of the land at the time of the reconveyance.

23 The reconveyance may be made whether the land is held by the county
24 solely or as tenant in common with any municipality or other political
25 subdivision of this state under the dedication.

26 2. *In lieu of reconveying land pursuant to subsection 1, the board of*
27 *county commissioners may sell the land to any member of the general*
28 *public if the board first grants to the person from whom the land was*
29 *received or acquired, or his successor in interest, for 90 days after the*
30 *date on which the board makes a determination to sell the land, the*
31 *opportunity to purchase the land. If the land was acquired through the*
32 *exercise of the power of eminent domain, the land must be offered to the*
33 *person from whom it was acquired, or his successor in interest, for an*
34 *amount equal to the value of the land at the time it was acquired from the*
35 *person, prorated accordingly if less than the entire parcel of land that*
36 *was acquired from the person is being sold, plus interest at the rate*
37 *established pursuant to NRS 99.040. If the land was acquired or received*
38 *other than through the exercise of the power of eminent domain, the land*
39 *must be offered to the person from whom it was acquired or received for*
40 *an amount equal to the appraised value of the land at the time of*
41 *proposed sale. If a person to whom the right of first refusal is granted*
42 *pursuant to this subsection, does not exercise his right of first refusal by*
43 *responding within the 90-day period, the board may proceed with the sale*
44 *of the land to any member of the general public.*

45 3. If the county has a planning commission ~~†~~ *and the board of county*
46 *commissioners is considering the reconveyance, sale or exchange of land*
47 *that was acquired for a public purpose described in subsection 1 which*
48 *has been abandoned,* the board shall refer the proposal for reconveyance ,
49 *sale or exchange* to the planning commission . ~~†which†~~ *The planning*



1 *commission* shall consider the proposal and submit its recommendation to
2 the board.

3 ~~§ 4.~~ The board *of county commissioners* shall hold at least one
4 public hearing upon the proposal for reconveyance ~~§~~, *sale or exchange*.
5 Notice of the time and place of the hearing must be:

6 (a) Published at least once in a newspaper of general circulation in the
7 county;

8 (b) Mailed to all owners of record of real property located within 300
9 feet of the land proposed for reconveyance ~~§~~, *sale or exchange*; and

10 (c) Posted in a conspicuous place on the property and, in this case, must
11 set forth additionally the extent of the proposal for reconveyance ~~§~~, *sale*
12 *or exchange*.

13 The hearing must be held not less than 10 days nor more than 40 days after
14 the notice is so published, mailed and posted.

15 ~~§ 5.~~ If the board ~~§~~ *of county commissioners*, after the hearing,
16 determines that maintenance of the property by the county solely or with a
17 co-owner is unnecessarily burdensome or that reconveyance *, sale or*
18 *exchange* would be otherwise advantageous to the county and its citizens,
19 the board shall formally adopt a resolution stating that determination. Upon
20 the adoption of the resolution, the chairman of the board shall execute a
21 deed of reconveyance *, sale or exchange* on behalf of the county and the
22 county clerk shall attest the deed under the seal of the county.

23 ~~§ 6.~~ The board *of county commissioners* may sell land which has
24 been donated, dedicated, acquired in accordance with chapter 37 of NRS,
25 or purchased under the threat of an eminent domain proceeding, for a
26 public purpose described in subsection 1, or may exchange that land for
27 other land of equal value, if ~~§~~

28 ~~—(a) The person from whom the land was received or acquired or his~~
29 ~~successor in interest refuses to accept the reconveyance or states in writing~~
30 ~~that he is unable to accept the reconveyance; or~~

31 ~~—(b) The~~ *the* land has been combined with other land owned by the
32 county and improved in such manner as would reasonably preclude the
33 division of the land, together with the land with which it has been
34 combined, into separate parcels. *The board is not required to comply with*
35 *the provisions of subsection 2 before it sells land pursuant to this*
36 *subsection.*

37 *7. The board of county commissioners shall not reconvey, sell or*
38 *exchange land pursuant to this section that is subject to eminent domain*
39 *until title to the land has been transferred to the county.*

40 **Sec. 4.** NRS 271.369 is hereby amended to read as follows:

41 271.369 1. In each year after a governing body acquires a
42 transportation project, *an overpass project or an underpass project*, the
43 governing body shall prepare an estimate of expenditures required in the
44 ensuing fiscal year to maintain, operate, *provide public safety for*, improve
45 and repair the project, and deduct from that amount the estimated revenue
46 from the project which will be available to pay such costs.

47 2. The governing body may levy an assessment against the property
48 which was assessed to acquire the project to provide the money necessary
49 to maintain, operate, *provide public safety for*, improve and repair the



* A B 3 8 5 R 1 *

1 project, in the amount estimated pursuant to subsection 1. The assessment
2 must be apportioned in the same manner as the initial assessment. The
3 proceeds of the assessment must be placed in a special fund and used only
4 to maintain, operate, *provide public safety for*, improve and repair the
5 project.

