

ASSEMBLY BILL NO. 56—ASSEMBLYMAN NEIGHBORS

PREFILED JANUARY 30, 2001

Referred to Committee on Government Affairs

SUMMARY—Authorizes counties to transfer or sell certain real property to certain persons without offering property to public under certain circumstances. (BDR 20-96)

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 counties; authorizing counties to transfer or sell real property obtained from the Federal Government to certain persons without offering the property to the public under certain circumstances; establishing a price for the sale of such property under certain circumstances; requiring a county to collect certain amounts from a person before selling or transferring the property to that person; and providing other matters properly relating thereto.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may transfer real property which was acquired by the county directly from the Federal Government to a person without complying with the provisions of NRS 244.281 if the board of county commissioners determines that:

(a) The property is part of an original mining townsite;

(b) The person and his predecessors in interest, if any, have continuously claimed, possessed and occupied such property for at least the 25 years immediately preceding the date of the transfer;

(c) The person's claim of right to possession of the property is based upon a written instrument issued to him or his predecessors in interest by a person who claimed a right to possess the property; and

(d) The person or his predecessors in interest have paid all taxes that have been assessed against the property for the period during which the person and his predecessors in interest have claimed, possessed and occupied the property.

2. The board of county commissioners may sell real property which was acquired by the county directly from the Federal Government to a person without complying with the provisions of NRS 244.281 if the board of county commissioners determines that the requirements set forth in paragraphs (a) and (b) of subsection 1 apply to the property. To establish a price for a sale pursuant to this subsection, a board of county commissioners shall obtain an appraisal of the property from a person who is certified to appraise real estate pursuant to chapter 645C of NRS. The price of property sold pursuant to this subsection must be equal to the sum of the appraised value of the property plus the greater of:

(a) One hundred dollars; or
(b) The balance of the state, county and municipal taxes that are due and owing on the land for the 5 years immediately preceding the date of the sale.

3. For purposes of this section, a person shall be deemed to have continuously possessed and occupied real property if during the time the person claims that he and his predecessors in interest, if any, have possessed and occupied the real property, the real property has been:

(a) Usually inhabited, cultivated or improved by the person or his predecessors in interest;

(b) Protected by a substantial enclosure erected by the person or his predecessors in interest; or

(c) Used by the person or his predecessors in interest for the production of fuel, timber, ore or minerals, for husbandry or pasturage or for any other habitual use that the board of county commissioners determines to be indicative of possession and occupancy.

4. Before submitting documents to the county recorder to record a transfer or sale of property to a person pursuant to this section, the board of county commissioners shall:

(a) Charge and collect from the person to whom the real property is being transferred or sold a payment in an amount equal to the sum of:

(1) If applicable, the sales price determined pursuant to subsection 2; and

(2) The total cost to the county of:

(I) Acquiring the property from the Federal Government; and

(II) Conveying the property to the person; and

(b) Submit the money collected pursuant to this section to the county treasurer.

5. As used in this section, "original mining townsite" means real property owned by the Federal Government upon which improvements were made:

(a) Because a mining operation was located near the property; and

(b) Based upon the belief that:

(1) The property had been or would be acquired from the Federal Government by the entity that operated the mine; or

(2) The person who made the improvement had a valid claim for acquiring the property from the Federal Government.

1 **Sec. 2.** NRS 244.281 is hereby amended to read as follows:
2 244.281 Except as otherwise provided in NRS 244.279 and 244.288 ~~and~~
3 *and section 1 of this act:*

4 1. When a board of county commissioners has determined by
5 resolution that the sale or exchange of any real property owned by the
6 county will be for purposes other than to realign, change, vacate or
7 otherwise adjust any street, alley, avenue or other thoroughfare, or portion
8 thereof, within the county and will be in the best interest of the county, it
9 may:

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

12 (b) Sell the property through a licensed real estate broker, or if there is
13 no real estate broker resident of the county, the board of county
14 commissioners may negotiate the sale of the property. No exclusive listing
15 may be given. In all listings, the board of county commissioners shall
16 specify the minimum price, the terms of sale and the commission to be
17 allowed, which must not exceed the normal commissions prevailing in the
18 community at the time.

19 (c) Exchange the property for other real property of substantially equal
20 value, or for other real property plus an amount of money equal to the
21 difference in value, if it has also determined by resolution that the
22 acquisition of the other real property will be in the best interest of the
23 county.

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

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

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

33 3. If the board of county commissioners by its resolution further finds
34 that the property to be sold is worth more than \$1,000, the board shall
35 appoint one or more disinterested, competent real estate appraisers to
36 appraise the property, and, except for property acquired pursuant to NRS
37 371.047, shall not sell or exchange it for less than the appraised value.

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

43 **Sec. 3.** NRS 371.047 is hereby amended to read as follows:

44 371.047 1. A county may use the proceeds of the tax imposed
45 pursuant to NRS 371.045, or of bonds, notes or other obligations incurred
46 to which the proceeds of those taxes are pledged to finance a project
47 related to the construction of a highway with limited access, to:

48 (a) Purchase residential real property which shares a boundary with a
49 highway with limited access or a project related to the construction of a

1 highway with limited access, and which is adversely affected by the
2 highway. Not more than 1 percent of the proceeds of the tax or of any
3 bonds to which the proceeds of the tax are pledged may be used for this
4 purpose.

5 (b) Pay for the cost of moving persons whose primary residences are
6 condemned for a right of way for a highway with limited access and who
7 qualify for such payments. The board of county commissioners shall, by
8 ordinance, establish the qualifications for receiving payments for the cost
9 of moving pursuant to this paragraph.

10 2. A county may, in accordance with NRS 244.265 to 244.296,
11 inclusive, *and section 1 of this act*, dispose of any residential real property
12 purchased pursuant to this section, and may reserve and except easements,
13 rights or interests related thereto, including, but not limited to:

14 (a) Abutter's rights of light, view or air.

15 (b) Easements of access to and from abutting land.

16 (c) Covenants prohibiting the use of signs, structures or devices
17 advertising activities not conducted, services not rendered or goods not
18 produced or available on the real property.

19 3. Proceeds from the sale or lease of residential real property acquired
20 pursuant to this section must be used for the purposes set forth in this
21 section and in NRS 371.045.

22 4. For the purposes of this section, residential real property is
23 adversely affected by a highway with limited access if the construction or
24 proposed use of the highway:

25 (a) Constitutes a taking of all or any part of the property, or interest
26 therein;

27 (b) Lowers the value of the property; or

28 (c) Constitutes a nuisance.

29 5. As used in this section:

30 (a) "Highway with limited access" means a divided highway for
31 through traffic with full control of access and with grade separations at
32 intersections.

33 (b) "Primary residence" means a dwelling, whether owned or rented by
34 the occupant, which is the sole principal place of residence of that
35 occupant.

36 (c) "Residential real property" means a lot or parcel of not more than
37 1.5 acres upon which a single-family or multifamily dwelling is located.

38 **Sec. 4.** This act becomes effective upon passage and approval..