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PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

WORK SESSION

Assembly Committee on Government Affairs

SENATE BILL 354

(First Reprint)

Revises certain provisions relating to temporary and final maps for subdivisions of land. (BDR 22-598)

Sponsored by: Senate Committee on Transportation
Date Heard: May 1, 2003

Senate Bill 354 requires a final subdivision map to include any roads or easements of access that the owner of the lot intends to offer for dedication. The map must also show existing or proposed easements for public utilities within the subdivision as well as any easements for community antenna television within the franchise area of a community antenna television company. Further, the measure requires the final map to contain a certificate signed by the landowner granting any permanent easement for the installation of community antenna television cable, along with a statement approving such easement signed by the television company. The bill also provides that tentative and final subdivision maps must show any easements for community antenna television within the franchise area of a community antenna television company.

Amendments: Clarifying amendments were proposed by Cox Communications and the Nevada State Cable Telecommunications Association.

A mock-up of the proposed amendments is attached.

Opposition: None

Fiscal Impact: Local Government: No
State Government: No

5/12/2003

ASSEMBLY GOVERNMENT AFFAIRS

DATE: 5/13/03 ROOM: 3143 EXHIBIT D. 1 of 7

SUBMITTED BY: *Susan Scholay*

MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 354
FIRST REPRINT

PREPARED FOR COMMITTEE ON GOVERNMENT AFFAIRS

MAY 8, 2003

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) *green bold dashed underlining* is deleted language in the original bill that is proposed to be retained in this amendment.

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

1 Section 1. Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A governing body or its authorized representative may relieve a*
4 *person who proposes to divide land pursuant to NRS 278.360 to 278.460,*
5 *inclusive, or 278.471 to 278.4725, inclusive, from the requirement to*
6 *dedicate easements to public utilities that provide gas, electric,*
7 *telecommunications, water and sewer services and any franchised*
8 *community antenna television companies pursuant to paragraph (d) or*
9 *(e) of subsection 9 of NRS 278.372 or paragraph (c) or (d) of subsection*
10 *4 of NRS 278.472 if the person demonstrates to the public body or its*
11 *authorized representative that there is not an essential nexus to the*
12 *public purpose for the dedication and the dedication is not roughly*
13 *proportional in nature and extent to the impact of the proposed*
14 *development.*

15 Sec. 2. NRS 278.372 is hereby amended to read as follows:

16 278.372 1. The final map must be clearly and legibly drawn in
17 permanent black ink upon good tracing cloth or produced by the use of
18 other materials of a permanent nature generally used for such purpose in

1 the engineering profession. Affidavits, certificates and acknowledgments
2 must be legibly stamped or printed upon the final map with permanent
3 black ink.

4 2. The size of each sheet of the final map must be 24 by 32 inches. A
5 marginal line must be drawn completely around each sheet, leaving an
6 entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2
7 inches at the left edge along the 24-inch dimension.

8 3. The scale of the final map must be large enough to show all details
9 clearly. The final map must have a sufficient number of sheets to
10 accomplish this end.

11 4. Each sheet of the final map must indicate its particular number, the
12 total number of sheets in the final map and its relation to each adjoining
13 sheet.

14 5. The final map must show all surveyed and mathematical
15 information and data necessary to locate all monuments and to locate and
16 retrace all interior and exterior boundary lines appearing thereon, including
17 the bearings and distances of straight lines, central angle, radii and arc
18 length for all curves and such information as may be necessary to
19 determine the location of the centers of curves.

20 6. Each lot must be numbered or lettered.

21 7. Each street must be named and each block may be numbered or
22 lettered.

23 8. The exterior boundary of the land included within the subdivision
24 must be indicated by graphic border.

25 9. The final map must show ~~{the}~~ :

26 (a) The definite location of the subdivision, particularly its relation to
27 surrounding surveys.

28 ~~{10. The final map must show the}~~

29 (b) The area of each lot and the total area of the land in the subdivision
30 in the following manner:

31 ~~{(a)}~~ (1) In acres, calculated to the nearest one-hundredth of an acre, if
32 the area is 2 acres or more; or

33 ~~{(b)}~~ (2) In square feet if the area is less than 2 acres.

34 ~~{(c)}~~ (c) Any roads or easements of access which the owner intends
35 to offer for dedication.

36 ~~{(d) Any easements for public utilities which exist or are proposed.~~

37 ~~{(e) Any easements for community antenna television within the~~
38 ~~franchise area of a community antenna television company.~~

39 (d) Except as otherwise provided in section 1 of this act, an easement
40 for public utilities that provide gas, electric and telecommunications
41 services and for any community antenna television companies that have
42 a franchise to operate a community antenna television system in that
43 area.

44 (e) Except as otherwise provided in section 1 of this act, an easement
45 for public utilities that provides water and sewer services.

1 10. The final map must also satisfy any additional survey and map
2 requirements, including the delineation of Nevada state plane coordinates
3 established pursuant to chapter 327 of NRS, for any corner of the
4 subdivision or any other point prescribed by the local ordinance.

5 ~~Sec. 2.~~ Sec. 3. NRS 278.374 is hereby amended to read as follows:

6 278.374 1. Except as otherwise provided in subsection 2, a final
7 map presented for filing must include a certificate signed and
8 acknowledged, in the manner provided in NRS 240.1665 or 240.167, by
9 each person who is an owner of the land:

10 (a) Consenting to the preparation and recordation of the final map.

11 (b) Offering for dedication that part of the land which the person
12 wishes to dedicate for public use, subject to any reservation contained
13 therein.

14 (c) Reserving any parcel from dedication.

15 (d) Granting any permanent easement for utility *or community*
16 *antenna television cable* installation or access, as designated on the final
17 map, together with a statement approving such easement, signed by the
18 public utility, *community antenna television company* or person in whose
19 favor the easement is created or whose services are required.

20 2. If the map presented for filing is an amended map of a common-
21 interest community, the certificate need only be signed and acknowledged
22 by a person authorized to record the map under chapter 116 of NRS.

23 3. A final map of a common-interest community presented for
24 recording and, if required by local ordinance, a final map of any other
25 subdivision presented for recording must include:

26 (a) A report from a title company in which the title company certifies
27 that it has issued a guarantee for the benefit of the local government which
28 lists the names of:

29 (1) Each owner of record of the land to be divided; and

30 (2) Each holder of record of a security interest in the land to be
31 divided, if the security interest was created by a mortgage or a deed of
32 trust.

33 The guarantee accompanying a final map of a common-interest community
34 must also show that there are no liens of record against the common-
35 interest community or any part thereof for delinquent state, county,
36 municipal, federal or local taxes or assessments collected as taxes or
37 special assessments.

38 (b) The written consent of each holder of record of a security interest
39 listed pursuant to subparagraph (2) of paragraph (a), to the preparation and
40 recordation of the final map. A holder of record may consent by signing:

41 (1) The final map; or

42 (2) A separate document that is filed with the final map and
43 declares his consent to the division of land.

44 4. For the purpose of this section the following shall be deemed not to
45 be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.

~~Sec. 3.~~ Sec. 4. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, a person who proposes to make a division of land pursuant to NRS 278.471 to 278.4725, inclusive, must first:

(a) File a tentative map for the area in which the land is located with the planning commission or its designated representative or with the clerk of the governing body if there is no planning commission; and

(b) Pay a filing fee of no more than \$750 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

~~(c) Any easements for public utilities which exist or which are proposed.~~

~~(d) Any easements for community antenna television within the franchise area of a community antenna television company.~~

(c) Except as otherwise provided in section 1 of this act, an easement for public utilities that provide gas, electric and telecommunications services and for any community antenna television companies that have a franchise to operate a community antenna television system in that area.

(d) Except as otherwise provided in section 1 of this act, an easement for public utilities that provides water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

~~{(e)}~~ (f) An indication of any existing road or easement which the owner does not intend to dedicate.

~~{(f)}~~ (g) The name and address of the owner of the land.

~~Sec. 4.~~ Sec. 5. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or the governing body or its authorized representative has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission. The map

1 must be accompanied by a written statement signed by the treasurer of the
2 county in which the land to be divided is located indicating that all
3 property taxes on the land for the fiscal year have been paid.

4 2. This map must be:

5 (a) Entitled "Map of Division into Large Parcels."

6 (b) Filed with the governing body or its authorized representative or, if
7 authorized by the governing body, with the planning commission not later
8 than 1 year after the date that the tentative map was first filed with the
9 planning commission or
10 the governing body or its authorized representative or that the requirement
11 of its filing was waived.

12 (c) Prepared by a professional land surveyor.

13 (d) Based upon an actual survey by the preparer and show the date of
14 the survey and contain the certificate of the surveyor required pursuant to
15 NRS 278.375.

16 (e) Clearly and legibly drawn in permanent black ink upon good
17 tracing cloth or produced by the use of other materials of a permanent
18 nature generally used for this purpose in the engineering profession.
19 Affidavits, certificates and acknowledgments must be legibly stamped or
20 printed upon the map with permanent black ink.

21 (f) Twenty-four by 32 inches in size with a marginal line drawn
22 completely around each sheet, leaving an entirely blank margin of 1 inch at
23 the top, bottom, and right edges, and of 2 inches at the left edge along the
24 24-inch dimension.

25 (g) Of scale large enough to show clearly all details.

26 3. The particular number of the sheet and the total number of sheets
27 comprising the map must be stated on each of the sheets, and its relation to
28 each adjoining sheet must be clearly shown.

29 4. This map must show and define:

30 (a) All subdivision lots by the number and actual acreage of each lot.

31 (b) Any roads or easements of access which exist and which the owner
32 intends to offer for dedication, any roads or easements of access which are
33 shown on the applicable master plan and any roads or easements of access
34 which are specially required by the planning commission or the governing
35 body or its authorized representative.

36 ~~(c) Any easements for public utilities which exist or are proposed.~~

37 ~~(d) Any easements for community antenna television within the~~
38 ~~franchise area of a community antenna television company.~~

39 (c) Except as otherwise provided in section 1 of this act, an easement
40 for public utilities that provide gas, electric and telecommunications
41 services and for any community antenna television companies that have
42 a franchise to operate a community antenna television system in that
43 area.

44 (d) Except as otherwise provided in section 1 of this act, an easement
45 for public utilities that provides water and sewer services.

- 1 (e) Any existing easements for irrigation or drainage, and any normally
- 2 continuously flowing watercourses.

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