

ASSEMBLY BILL NO. 487—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to boundaries of cities in certain larger counties. (BDR 21-878)

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 cities; expanding the authority of the governing body of an incorporated city in a larger county to annex certain territory; authorizing the governing body of certain such cities to deannex territory in 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:

Section 1. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a city incorporated under a special legislative act or special charter that prohibits gaming in a county whose population is 400,000 or more may reduce the size of its corporate boundaries by deannexation of territory to the board of county commissioners of the county if:

(a) The territory proposed for deannexation is undeveloped;

(b) At least 67 percent of the aggregate external boundaries of the territory proposed for deannexation is bounded by land in the unincorporated area of the county;

(c) The governing body of the city has received a written statement from the board of county commissioners indicating that the board does not object to the deannexation and agrees to accept the deannexed territory; and



(d) All the owners of record of individual lots or parcels of land within the territory to be deannexed sign a petition requesting the governing body of the city to deannex the territory.

2. If the requirements of subsection 1 are satisfied, the governing body of the city may by ordinance deannex the territory. The ordinance must set forth the legal description of the territory and indicate the specific date on which the deannexation becomes effective. That date may be fixed for any date within 12 months after the date of passage of the deannexation ordinance except that no deannexation may become effective within 90 days next preceding any general election at which state or county officers or officers of the deannexing city are chosen.

Sec. 2. NRS 268.570 is hereby amended to read as follows:

268.570 The provisions of NRS 268.570 to 268.608, inclusive, **and section 1 of this act** apply only to cities located in a county whose population is 400,000 or more.

Sec. 3. NRS 268.578 is hereby amended to read as follows:

268.578 Any city exercising authority ~~under~~ **pursuant to** NRS 268.570 to **268.596, inclusive, and 268.598 to** 268.608, inclusive, shall make plans for the extension of services to the territory proposed to be annexed and shall, at least 20 days before the public hearing provided for in NRS 268.590, prepare and file with its city clerk a report setting forth the plans to provide services to the territory. The report must include:

1. An accurate map or plat of the territory proposed to be annexed, prepared under the supervision of a competent surveyor or engineer.

2. A map or maps of the city and the adjacent territory to show the following information:

(a) The present and proposed boundaries of the annexing city.

(b) The present streets and sewer interceptors and outfalls and, if the annexing city operates its own water system or furnishes other utility services, the present major trunk water lines and other utility lines.

(c) The proposed extensions of the present streets, sewer interceptors and outfalls, major trunk water mains and utility lines, as the case may be, as required in subsection 4.

(d) The present and proposed general land use pattern in the territory proposed to be annexed.

3. A statement showing that the territory proposed to be annexed meets the requirements of NRS 268.580.

4. A statement setting forth the plans of the annexing city for extending into the territory proposed to be annexed each major municipal service performed within the annexing city at the time of annexation. Specifically, such plans:



1 (a) Must provide for extending police protection, fire protection,
2 street maintenance and garbage collection to the territory proposed
3 to be annexed on the effective date of the annexation, on
4 substantially the same basis and in the same manner as such services
5 were provided by the annexing city to the property owners and
6 residents within the remainder of the city immediately before the
7 effective date of the annexation.

8 (b) Must provide for the extension of streets, sewer interceptors
9 and outfalls and other major municipal services into the territory
10 proposed to be annexed so that when the streets and utility services
11 are so extended, property owners and residents in the territory
12 proposed to be annexed will be able to secure such services,
13 according to the policies in effect in the annexing city for furnishing
14 such services to individual lots or subdivisions.

15 (c) May provide that the extension of streets, sewer interceptors
16 and outfalls and other major municipal services be done at the
17 expense of the property owners in the territory proposed to be
18 annexed, if it is the policy of the annexing city, at the time of the
19 annexation, to furnish such services to individual lots or
20 subdivisions at the expense of the property owners, either by means
21 of special assessment districts or the requirement of the dedication
22 of essential rights-of-way and the installation of off-site
23 improvements as a prerequisite to the approval of subdivision plats
24 or to the issuance of any building permit, rezoning, zone variance or
25 special use permit. In that event, the plans must designate which
26 services, or portions thereof, will be extended at the expense of the
27 annexing city and which services, or portions thereof, will be
28 extended at the expense of the property owners. Services extended
29 at the property owners' cost must be distributed and allocated to
30 each parcel of property based on current costs, including both
31 improvement costs and projected service costs, and must be a part of
32 the annexation plan prepared by the municipality.

33 (d) Must, if the extension of any streets, sewer interceptors and
34 outfalls or other major municipal services into the territory proposed
35 to be annexed is to be done at the expense of the annexing city, set
36 forth a proposed schedule for the construction of the extensions as
37 soon as possible following the effective date of the annexation. In
38 any event, the plans must call for contracts to be let and construction
39 to begin within 24 months following the effective date of the
40 annexation.

41 (e) Must set forth the method under which the annexing city
42 plans to finance the extension of any services into the territory
43 proposed to be annexed which is to be done at the expense of the
44 annexing city.



1 **Sec. 4.** NRS 268.597 is hereby amended to read as follows:
2 268.597 1. As an alternative to the procedures for annexation
3 set forth in NRS 268.578 to 268.596, inclusive, the governing body
4 of a city may, subject to the provisions of NRS 268.595, annex
5 territory:

6 (a) That meets the requirements of subsection 2 of NRS 268.580
7 if all of the owners of record of individual lots or parcels of land
8 within the territory sign a petition requesting the governing body to
9 annex the territory to the city;

10 (b) That, on January 1, 2001, was undeveloped land and was
11 bounded on at least 75 percent of its aggregate external boundaries
12 by the existing corporate boundaries of the annexing city, if the
13 governing body provides or will provide, within a reasonable period,
14 municipal services to the territory that are substantially equivalent to
15 the municipal services provided by the governing body to any area
16 of the city and the governing body does not, on or before October 1,
17 2001, enter into a cooperative agreement with the governing body of
18 the governmental entity within whose boundaries the territory is
19 located which provides for the cooperation of the parties to the
20 agreement concerning issues of land use and boundaries of that
21 territory; ~~for~~

22 (c) That is undeveloped land and is bounded on at least 75
23 percent of its aggregate external boundaries by the existing
24 corporate boundaries of the annexing city and for which the
25 governing body has received a written statement from a
26 governmental entity indicating that the governmental entity:

27 (1) Owns the territory; and

28 (2) Does not object to the annexation of that territory by the
29 governing body ~~for~~; or

30 *(d) That is undeveloped land which is owned by a*
31 *governmental entity and which meets the requirements of*
32 *subsection 2 of NRS 268.580 if the governing body provides or will*
33 *provide, within a reasonable period, municipal services to the*
34 *territory that are substantially equivalent to the municipal services*
35 *provided by the governing body to any area of the city.*

36 2. If:

37 (a) A petition specified in paragraph (a) of subsection 1 is
38 accepted by the governing body;

39 (b) The territory proposed for annexation meets the
40 requirements of paragraph (b) *or (d)* of subsection 1; or

41 (c) The governing body receives a written statement from a
42 governmental entity pursuant to the provisions of paragraph (c) of
43 subsection 1,



- 1 ↳ the governing body may proceed to adopt an ordinance annexing
2 the territory and to take such other action that is appropriate to
3 accomplish the annexation.
- 4 3. As used in this section, “municipal services” includes,
5 without limitation:
- 6 (a) Water;
 - 7 (b) Sewerage;
 - 8 (c) Police protection;
 - 9 (d) Fire protection;
 - 10 (e) Parks;
 - 11 (f) Maintenance of streets; and
 - 12 (g) Master planning for:
 - 13 (1) The development and use of land;
 - 14 (2) The provision of water and sewerage by the governing
15 body; or
 - 16 (3) The construction of regional infrastructure, including
17 systems for the control of floods and street and utility projects.



