

Amendment No. 174

Senate Amendment to Senate Bill No. 342

(BDR 22-665)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

HAC/MSN



Date: 4/8/2013

S.B. No. 342—Revises provisions governing the vacation and abandonment of certain streets. (BDR 22-665)



SENATE BILL NO. 342—SENATORS GOICOECHEA;
AND GUSTAVSON (BY REQUEST)

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN ELLISON AND OSCARSON

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the vacation and abandonment of certain streets. (BDR 22-665)

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 land use planning; authorizing certain local governments to establish simplified procedures for the vacation and abandonment of streets owned by the local government under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a procedure for the vacation and abandonment of streets and easements owned by a city or county. (NRS 278.480) This bill authorizes a city or county to establish by ordinance a simplified procedure for the vacation or abandonment of such a street for the purpose of conforming the legal description of real property to a recorded survey or map of the relevant area.

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

Section 1. NRS 278.480 is hereby amended to read as follows:

278.480 1. Except as otherwise provided in ~~subsection~~ *subsections 11 and 12*, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

1 (a) The governing body; or
2 (b) The planning commission, hearing examiner or other designee, if
3 authorized to take final action by the governing body,

4 without conducting a hearing on the vacation if the applicant for the vacation
5 obtains the written consent of each owner of property abutting the proposed
6 vacation and any utility that is affected by the proposed vacation.

7 4. Except as otherwise provided in subsection 3, if any right-of-way or
8 easement required for a public purpose that is owned by a city or a county is
9 proposed to be vacated, the governing body, or the planning commission, hearing
10 examiner or other designee, if authorized to take final action by the governing
11 body, shall, not less than 10 business days before the public hearing described in
12 subsection 5:

13 (a) Notify each owner of property abutting the proposed abandonment. Such
14 notice must be provided by mail pursuant to a method that provides confirmation of
15 delivery and does not require the signature of the recipient.

16 (b) Cause a notice to be published at least once in a newspaper of general
17 circulation in the city or county, setting forth the extent of the proposed
18 abandonment and setting a date for public hearing.

19 5. Except as otherwise provided in subsection 6, if, upon public hearing, the
20 governing body, or the planning commission, hearing examiner or other designee, if
21 authorized to take final action by the governing body, is satisfied that the public
22 will not be materially injured by the proposed vacation, it shall order the street or
23 easement vacated. The governing body, or the planning commission, hearing
24 examiner or other designee, if authorized to take final action by the governing
25 body, may make the order conditional, and the order becomes effective only upon
26 the fulfillment of the conditions prescribed. An applicant or other person aggrieved
27 by the decision of the planning commission, hearing examiner or other designee
28 may appeal the decision in accordance with the ordinance adopted pursuant to NRS
29 278.3195.

30 6. In addition to any other applicable requirements set forth in this section,
31 before vacating or abandoning a street, the governing body of the local government
32 having jurisdiction over the street, or the planning commission, hearing examiner or
33 other designee, if authorized to take final action by the governing body, shall
34 provide each public utility and video service provider serving the affected area with
35 written notice that a petition has been filed requesting the vacation or abandonment
36 of the street. After receiving the written notice, the public utility or video service
37 provider, as applicable, shall respond in writing, indicating either that the public
38 utility or video service provider, as applicable, does not require an easement or that
39 the public utility or video service provider, as applicable, wishes to request the
40 reservation of an easement. If a public utility or video service provider indicates in
41 writing that it wishes to request the reservation of an easement, the governing body
42 of the local government having jurisdiction over the street that is proposed to be
43 vacated or abandoned, or the planning commission, hearing examiner or other
44 designee, if authorized to take final action by the governing body, shall reserve and
45 convey an easement in favor of the public utility or video service provider, as
46 applicable, and shall ensure that such easement is recorded in the office of the
47 county recorder.

48 7. The order must be recorded in the office of the county recorder, if all the
49 conditions of the order have been fulfilled, and upon the recordation, title to the
50 street or easement reverts to the abutting property owners in the approximate
51 proportion that the property was dedicated by the abutting property owners or their
52 predecessors in interest. In the event of a partial vacation of a street where the
53 vacated portion is separated from the property from which it was acquired by the

1 unvacated portion of it, the governing body may sell the vacated portion upon such
2 terms and conditions as it deems desirable and in the best interests of the city or
3 county. If the governing body sells the vacated portion, it shall afford the right of
4 first refusal to each abutting property owner as to that part of the vacated portion
5 which abuts his or her property, but no action may be taken by the governing body
6 to force the owner to purchase that portion and that portion may not be sold to any
7 person other than the owner if the sale would result in a complete loss of access to a
8 street from the abutting property.

9 8. If the street was acquired by dedication from the abutting property owners
10 or their predecessors in interest, no payment is required for title to the proportionate
11 part of the street reverted to each abutting property owner. If the street was not
12 acquired by dedication, the governing body may make its order conditional upon
13 payment by the abutting property owners for their proportionate part of the street of
14 such consideration as the governing body determines to be reasonable. If the
15 governing body determines that the vacation has a public benefit, it may apply the
16 benefit as an offset against a determination of reasonable consideration which did
17 not take into account the public benefit.

18 9. If an easement for light and air owned by a city or a county is adjacent to a
19 street vacated pursuant to the provisions of this section, the easement is vacated
20 upon the vacation of the street.

21 10. In any vacation or abandonment of any street owned by a city or a county,
22 or any portion thereof, the governing body, or the planning commission, hearing
23 examiner or other designee, if authorized to take final action by the governing
24 body, may reserve and except therefrom all easements, rights or interests therein
25 which the governing body, or the planning commission, hearing examiner or other
26 designee, if authorized to take final action by the governing body, deems desirable
27 for the use of the city or county.

28 11. The governing body may establish by local ordinance a simplified
29 procedure for the vacation or abandonment of an easement for a public utility
30 owned or controlled by the governing body.

31 12. *The governing body may establish by local ordinance a simplified*
32 *procedure for the vacation or abandonment of a street for the purpose of*
33 *conforming the legal description of real property to a recorded map or survey of*
34 *the area in which the real property is located. Any such simplified procedure*
35 *must include, without limitation, the requirements set forth in subsection 6.*

36 13. As used in this section:

37 (a) "Government patent easement" means an easement for a public purpose
38 owned by the governing body over land which was conveyed by a patent.

39 (b) "Public utility" has the meaning ascribed to it in NRS 360.815.

40 (c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

41 **Sec. 2.** This act becomes effective upon passage and approval.