

ASSEMBLY BILL NO. 270—ASSEMBLYWOMAN PETERS

MARCH 15, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Authorizes a regional transportation commission to dispose of certain property. (BDR 22-579)

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 regional transportation commissions; authorizing a regional transportation commission to sell certain property acquired through eminent domain proceedings or threat thereof at a public auction; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a regional transportation commission, under certain circumstances, to exercise the power of eminent domain. (NRS 277A.250) This bill, with limited exception, authorizes a regional transportation commission to sell at a public auction property acquired through eminent domain proceedings or purchased under the threat of eminent domain proceedings that is no longer needed for public use.

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

**Section 1.** Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in NRS 37.270 and except as otherwise provided by federal law, all real property, interests therein or improvements thereon and personal property acquired by a commission pursuant to chapter 37 of NRS or purchased under the threat of eminent domain proceedings may, after approval by the commission and if no longer needed for reasonable public use, be disposed of in accordance with the provisions of subsection 2, except that:*



\* A B 2 7 0 \*

(a) If the property was originally donated to the commission, no charge may be made if the property is returned to the original owner or to the holder of the reversionary right.

(b) If in the opinion of the commission, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner;

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public street or highway; or

(4) The property is too small to establish an economically viable use by anyone other than an adjoining property owner,

↳ the commission may sell, lease, convey or otherwise dispose of the property for a reasonable price as determined by resolution to be in the best interest of the commission.

2. All property, interests or improvements not included within the provisions of paragraph (a) or (b) of subsection 1 must first be offered for sale by the commission singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the commission's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auction and opening of bids must be conducted by the commission. If the property cannot be sold for 90 percent or more of its fair market value, the commission may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell, lease, convey or otherwise dispose of the property for a reasonable price as determined by resolution to be in the best interest of the commission.

3. It is conclusively presumed in favor of the commission and any purchaser for value that the commission acted within its lawful authority in acquiring and disposing of the property, and executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature, and the commission shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the commission or its employees for a violation of this section.

5. The commission may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section. The easements, rights or interests include, without limitation:



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

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

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

**Sec. 2.** NRS 37.260 is hereby amended to read as follows:

37.260 1. Except as otherwise provided in NRS 37.270, any real property, interest therein or improvement thereon which has been acquired in accordance with the provisions of this chapter or purchased under the threat of eminent domain proceedings by an association, commission, corporation, partnership or political subdivision other than a county, ~~for~~ incorporated city *or regional transportation commission created pursuant to NRS 277A.170* may be disposed of as surplus by that entity only in accordance with the provisions of this section.

2. The governing body of the entity desiring to dispose of the property pursuant to this section must first adopt a resolution declaring that the property is no longer required for the purposes for which it was acquired or for other reasonable public use.

3. The property, interest or improvement disposed of pursuant to this section must be sold by the entity to the highest bidder bidding for the property, either at public auction or by sealed bids, the notice and terms of which must be published in a newspaper of general circulation in the county where the property is situated at least once not less than 15 nor more than 45 days before the sale. When, in the opinion of the governing body of the entity, the property cannot be sold by means of public auction or sealed bids without working an undue hardship upon a property owner either as a result of a severance of that owner's property or a denial of access to a public street or highway, the governing body may first offer the property to that owner at a price determined by the governing body to be in the best interest of the corporation, partnership, association, commission or political subdivision.

4. If property is disposed of pursuant to this section, it is conclusively presumed in favor of any purchaser for value and without notice of any such real property, interest therein or improvement thereon conveyed pursuant to this section that the entity disposing of it acted within its lawful authority in acquiring and disposing of the property, and that the officers thereof acted within their lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and must not carry any warranty of title.

