

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:

1 Existing law sets forth a procedure for the vacation and abandonment of streets
2 and easements owned by a city or county. (NRS 278.480) This bill authorizes a city
3 or county to establish by ordinance a simplified procedure for the vacation or
4 abandonment of such a street for the purpose of conforming the legal description of
5 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:

1 **Section 1.** NRS 278.480 is hereby amended to read as follows:
2 278.480 1. Except as otherwise provided in ~~subsection~~
3 *subsections* 11 ~~11~~ and 12, any abutting owner or local government
4 desiring the vacation or abandonment of any street or easement
5 owned by a city or a county, or any portion thereof, shall file a
6 petition in writing with the planning commission or the governing
7 body having jurisdiction.



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

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

8 (a) The governing body; or

9 (b) The planning commission, hearing examiner or other
10 designee, if authorized to take final action by the governing body,
11 without conducting a hearing on the vacation if the applicant for
12 the vacation obtains the written consent of each owner of property
13 abutting the proposed vacation and any utility that is affected by the
14 proposed vacation.

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

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

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

29 5. Except as otherwise provided in subsection 6, if, upon public
30 hearing, the governing body, or the planning commission, hearing
31 examiner or other designee, if authorized to take final action by the
32 governing body, is satisfied that the public will not be materially
33 injured by the proposed vacation, it shall order the street or
34 easement vacated. The governing body, or the planning commission,
35 hearing examiner or other designee, if authorized to take final action
36 by the governing body, may make the order conditional, and the
37 order becomes effective only upon the fulfillment of the conditions
38 prescribed. An applicant or other person aggrieved by the decision
39 of the planning commission, hearing examiner or other designee
40 may appeal the decision in accordance with the ordinance adopted
41 pursuant to NRS 278.3195.

42 6. In addition to any other applicable requirements set forth in
43 this section, before vacating or abandoning a street, the governing
44 body of the local government having jurisdiction over the street, or
45 the planning commission, hearing examiner or other designee, if



1 authorized to take final action by the governing body, shall provide
2 each public utility and video service provider serving the affected
3 area with written notice that a petition has been filed requesting the
4 vacation or abandonment of the street. After receiving the written
5 notice, the public utility or video service provider, as applicable,
6 shall respond in writing, indicating either that the public utility or
7 video service provider, as applicable, does not require an easement
8 or that the public utility or video service provider, as applicable,
9 wishes to request the reservation of an easement. If a public utility
10 or video service provider indicates in writing that it wishes to
11 request the reservation of an easement, the governing body of the
12 local government having jurisdiction over the street that is proposed
13 to be vacated or abandoned, or the planning commission, hearing
14 examiner or other designee, if authorized to take final action by the
15 governing body, shall reserve and convey an easement in favor of
16 the public utility or video service provider, as applicable, and shall
17 ensure that such easement is recorded in the office of the county
18 recorder.

19 7. The order must be recorded in the office of the county
20 recorder, if all the conditions of the order have been fulfilled, and
21 upon the recordation, title to the street or easement reverts to the
22 abutting property owners in the approximate proportion that the
23 property was dedicated by the abutting property owners or their
24 predecessors in interest. In the event of a partial vacation of a street
25 where the vacated portion is separated from the property from which
26 it was acquired by the unvacated portion of it, the governing body
27 may sell the vacated portion upon such terms and conditions as it
28 deems desirable and in the best interests of the city or county. If the
29 governing body sells the vacated portion, it shall afford the right of
30 first refusal to each abutting property owner as to that part of the
31 vacated portion which abuts his or her property, but no action may
32 be taken by the governing body to force the owner to purchase that
33 portion and that portion may not be sold to any person other than the
34 owner if the sale would result in a complete loss of access to a street
35 from the abutting property.

36 8. If the street was acquired by dedication from the abutting
37 property owners or their predecessors in interest, no payment is
38 required for title to the proportionate part of the street reverted to
39 each abutting property owner. If the street was not acquired by
40 dedication, the governing body may make its order conditional upon
41 payment by the abutting property owners for their proportionate part
42 of the street of such consideration as the governing body determines
43 to be reasonable. If the governing body determines that the vacation
44 has a public benefit, it may apply the benefit as an offset against a



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1 determination of reasonable consideration which did not take into
2 account the public benefit.

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

6 10. In any vacation or abandonment of any street owned by a
7 city or a county, or any portion thereof, the governing body, or the
8 planning commission, hearing examiner or other designee, if
9 authorized to take final action by the governing body, may reserve
10 and except therefrom all easements, rights or interests therein which
11 the governing body, or the planning commission, hearing examiner
12 or other designee, if authorized to take final action by the governing
13 body, deems desirable for the use of the city or county.

14 11. The governing body may establish by local ordinance a
15 simplified procedure for the vacation or abandonment of an
16 easement for a public utility owned or controlled by the governing
17 body.

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

24 13. As used in this section:

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

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

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

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

