

SENATE BILL NO. 110—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

FEBRUARY 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to purchase, sale or exchange by county of certain real property and provisions relating to notice that county must provide before selling or exchanging certain real property. (BDR 20-273)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to counties; revising provisions relating to the purchase, sale or exchange by a county of certain real property; revising provisions relating to the notice that a board of county commissioners must provide before selling or exchanging certain real property; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 244.276 is hereby amended to read as follows:
2 244.276 1. Except as *otherwise* provided in subsection 2, any
3 county may buy, sell or exchange property in the manner set forth in
4 subsection 3 ~~[, and]~~ without complying with the provisions of NRS
5 244.281 ~~[.]~~ when deemed necessary or proper to *establish, align,*
6 *realign, change, vacate or otherwise adjust* ~~[any of the streets, alleys,~~
7 ~~avenues or other thoroughfares, or portions]~~ *a street, alley, avenue*
8 *or other thoroughfare, or portion* thereof, *or a flood control*
9 *facility* within its limits.
10 2. If the county acquired the property by dedication, the
11 property may not be sold and ownership must revert to the abutting



* S B 1 1 0 R 1 *

1 property owners in the proportion that the property was dedicated by
2 them or their predecessors in interest. In the case of realignment, the
3 property may be exchanged for other real property.

4 3. When a petition signed by all property holders owning or
5 controlling property abutting on ~~any~~ *a proposed or existing* street,
6 avenue, alley or other thoroughfare, *or a flood control facility*
7 which may be affected by *an establishment, alignment,*
8 realignment, change, vacation or *other* adjustment is presented to
9 any board of county commissioners, praying to have the *proposed*
10 *or existing* street, alley, avenue or other thoroughfare, *or the flood*
11 *control facility established, aligned,* realigned, changed, vacated or
12 otherwise adjusted, or upon the resolution of the board of county
13 commissioners, the board of county commissioners may make the
14 *establishment, alignment,* realignment, change, vacation or other
15 adjustment as it may deem proper, by purchase, sale, proceedings in
16 eminent domain or exchange of county property, including portions
17 of streets, alleys, avenues or other thoroughfares, *or flood control*
18 *facilities,* in order to carry out any necessary *establishment,*
19 *alignment,* realignment, change, vacation or other adjustment
20 whenever the board of county commissioners considers it to be in
21 the best interests of the county.

22 4. *As used in this section, "flood control facility" means any*
23 *natural or artificial water facility for the collection, channeling,*
24 *impoundment and disposal of rainfall, other surface and*
25 *subsurface drainage waters, and storm and floodwaters, including,*
26 *without limitation, ditches, ponds, dams, spillways, retarding*
27 *basins, detention basins, lakes, reservoirs, canals, channels,*
28 *levees, revetments, dikes, walls, embankments, bridges, inlets,*
29 *outlets, connections, laterals, other collection lines, intercepting*
30 *sewers, outfalls, outfall sewers, trunk sewers, force mains,*
31 *submains, water lines, sluices, flumes, syphons, sewer lines, pipes,*
32 *conduits, culverts, other transmission lines, pumping stations,*
33 *gauging stations, ventilating facilities, stream gauges, rain gauges,*
34 *engines, valves, pumps, meters, junction boxes, manholes, other*
35 *inlet and outlet structures, apparatus, fixtures, structures and*
36 *buildings, flood-warning service and appurtenant telephone,*
37 *telegraph, radio and television apparatus, and other water*
38 *diversion facilities.*

39 **Sec. 2.** NRS 244.281 is hereby amended to read as follows:
40 244.281 Except as otherwise provided in NRS **244.276,**
41 **244.279, 244.2825 and 244.288:**

42 1. When a board of county commissioners has determined by
43 resolution that the sale or exchange of any real property owned by
44 the county will be for purposes other than to *establish, align,*
45 realign, change, vacate or otherwise adjust any street, alley, avenue



1 or other thoroughfare, or portion thereof, *or flood control facility*
2 within the county and will be in the best interest of the county, it
3 may:

4 (a) Sell the property at public auction, in the manner prescribed
5 for the sale of real property in NRS 244.282.

6 (b) Sell the property through a licensed real estate broker, or if
7 there is no real estate broker resident of the county, the board of
8 county commissioners may negotiate the sale of the property. No
9 exclusive listing may be given. In all listings, the board of county
10 commissioners shall specify the minimum price, the terms of sale
11 and the commission to be allowed, which must not exceed the
12 normal commissions prevailing in the community at the time.

13 (c) Exchange the property for other real property of substantially
14 equal value, or for other real property plus an amount of money
15 equal to the difference in value, if it has also determined by
16 resolution that the acquisition of the other real property will be in
17 the best interest of the county.

18 2. Before the board of county commissioners may sell or
19 exchange any real property as provided in paragraphs (b) and (c) of
20 subsection 1, it shall ~~publish a notice of its intention to sell or~~
21 ~~exchange~~ :

22 (a) *Post copies of the resolution described in subsection 1 in*
23 *three public places in the county; and*

24 (b) *Cause to be published at least* once a week for 3 *successive*
25 *weeks* , in a newspaper qualified under chapter 238 of NRS ~~[. In]~~
26 *that is published in the county in which the real property is*
27 *located, a notice setting forth:*

28 (1) *A description of the real property proposed to be sold or*
29 *exchanged in such a manner as to identify it;*

30 (2) *The minimum price, if applicable, of the real property*
31 *proposed to be sold or exchanged; and*

32 (3) *The places at which the resolution described in*
33 *subsection 1 has been posted pursuant to paragraph (a), and any*
34 *other places at which copies of that resolution may be*
35 *obtained.*

36 *If no qualified newspaper is published within the county in which*
37 *the real property is located, the required notice must be published*
38 *in some qualified newspaper printed in the State of Nevada and*
39 *having a general circulation within that county.*

40 3. *In addition to the requirements set forth in paragraph (b)*
41 *of subsection 2, in case of:*

42 (a) A sale, the notice must state the name of the licensed real
43 estate broker handling the sale and invite interested persons to
44 negotiate with him.



1 (b) An exchange, the notice must call for offers of cash or
2 exchange. The commission shall accept the highest and best offer.

3 ~~[3.]~~ 4. If the board of county commissioners by its resolution
4 further finds that the property to be sold is worth more than \$1,000,
5 the board shall appoint one or more disinterested, competent real
6 estate appraisers to appraise the property, and, except for property
7 acquired pursuant to NRS 371.047, shall not sell or exchange it for
8 less than the appraised value.

9 ~~[4.]~~ 5. If the property is appraised at \$1,000 or more, the board
10 of county commissioners may sell it either for cash or for not less
11 than 25 percent cash down and upon deferred payments over a
12 period of not more than 10 years, secured by a mortgage or deed of
13 trust, bearing such interest and upon such further terms as the board
14 of county commissioners may specify.

15 *6. As used in this section, "flood control facility" has the*
16 *meaning ascribed to it in NRS 244.276.*

17 **Sec. 3.** NRS 244.282 is hereby amended to read as follows:

18 244.282 1. Except as otherwise provided in NRS 244.279,
19 before ordering the sale at auction of any real property the board
20 shall, in open meeting by a majority vote of the members, adopt a
21 resolution declaring its intention to sell the property at auction. The
22 resolution must:

23 (a) Describe the property proposed to be sold in such a manner
24 as to identify it.

25 (b) Specify the minimum price and the terms upon which it will
26 be sold.

27 (c) Fix a time, not less than 3 weeks thereafter, for a public
28 meeting of the board to be held at its regular place of meeting, at
29 which sealed bids will be received and considered.

30 2. Notice of the adoption of the resolution and of the time and
31 place of holding the meeting must be given by:

32 (a) Posting copies of the resolution in three public places in the
33 county not less than 15 days before the date of the meeting; and

34 (b) ~~[Publishing the resolution not less than]~~ *Causing to be*
35 *published at least* once a week for ~~[2]~~ 3 successive weeks before the
36 meeting, in a newspaper ~~[of general circulation]~~ *qualified under*
37 *chapter 238 of NRS that is* published in the county ~~[, if any such~~
38 ~~newspaper is published therein.]~~ *in which the real property is*
39 *located, a notice setting forth:*

40 *(1) A description of the real property proposed to be sold at*
41 *auction in such a manner as to identify it;*

42 *(2) The minimum price of the real property proposed to be*
43 *sold at auction; and*

44 *(3) The places at which the resolution described in*
45 *subsection 1 has been posted pursuant to paragraph (a), and*



1 *any other places at which copies of that resolution may be*
2 *obtained.*

3 *If no qualified newspaper is published within the county in which*
4 *the real property is located, the required notice must be published*
5 *in some qualified newspaper printed in the State of Nevada and*
6 *having a general circulation within that county.*

7 3. At the time and place fixed in the resolution for the meeting
8 of the board, all sealed bids which have been received must, in
9 public session, be opened, examined and declared by the board. Of
10 the proposals submitted which conform to all terms and conditions
11 specified in the resolution of intention to sell and which are made by
12 responsible bidders, the bid which is the highest must be finally
13 accepted, unless a higher oral bid is accepted or the board rejects all
14 bids.

15 4. Before accepting any written bid, the board shall call for oral
16 bids. If, upon the call for oral bidding, any responsible person offers
17 to buy the property upon the terms and conditions specified in the
18 resolution, for a price exceeding by at least 5 percent the highest
19 written bid, then the highest oral bid which is made by a responsible
20 person must be finally accepted.

21 5. The final acceptance by the board may be made either at the
22 same session or at any adjourned session of the same meeting held
23 within the 10 days next following.

24 6. The board may, either at the same session or at any
25 adjourned session of the same meeting held within the 10 days next
26 following, if it deems the action to be for the best public interest,
27 reject any and all bids, either written or oral, and withdraw the
28 property from sale.

29 7. Any resolution of acceptance of any bid made by the board
30 must authorize and direct the chairman to execute a deed and to
31 deliver it upon performance and compliance by the purchaser with
32 all the terms or conditions of his contract which are to be performed
33 concurrently therewith.

34 8. All money received from sales of real property must be
35 deposited forthwith with the county treasurer to be credited to the
36 county general fund.

