

SENATE BILL NO. 354—COMMITTEE ON TRANSPORTATION

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Requires certain subdividers of land to dedicate easements to certain public utilities and franchised community antenna television companies under certain circumstances. (BDR 22-598)

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 property; requiring certain subdividers of land to dedicate easements to certain public utilities and franchised community antenna television companies; providing an exception; 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.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *A governing body or its authorized representative may relieve a*
4 *person who proposes to divide land pursuant to NRS 278.360 to*
5 *278.460, inclusive, or 278.471 to 278.4725, inclusive, from the*
6 *requirement to dedicate easements to public utilities that provide*
7 *gas, electric, telecommunications, water and sewer services and*
8 *any franchised community antenna television companies pursuant*
9 *to paragraph (d) or (e) of subsection 9 of NRS 278.372 or*
10 *paragraph (c) or (d) of subsection 4 of NRS 278.472 if the person*
11 *demonstrates to the public body or its authorized representative*
12 *that there is not an essential nexus to the public purpose for the*
13 *dedication and the dedication is not roughly proportional in*
14 *nature and extent to the impact of the proposed development.*



* S B 3 5 4 R 2 *

- 1 **Sec. 2.** NRS 278.372 is hereby amended to read as follows:
2 278.372 1. The final map must be clearly and legibly drawn
3 in permanent black ink upon good tracing cloth or produced by the
4 use of other materials of a permanent nature generally used for such
5 purpose in the engineering profession. Affidavits, certificates and
6 acknowledgments must be legibly stamped or printed upon the final
7 map with permanent black ink.
8 2. The size of each sheet of the final map must be 24 by 32
9 inches. A marginal line must be drawn completely around each
10 sheet, leaving an entirely blank margin of 1 inch at the top, bottom,
11 and right edges, and of 2 inches at the left edge along the 24-inch
12 dimension.
13 3. The scale of the final map must be large enough to show all
14 details clearly. The final map must have a sufficient number of
15 sheets to accomplish this end.
16 4. Each sheet of the final map must indicate its particular
17 number, the total number of sheets in the final map and its relation
18 to each adjoining sheet.
19 5. The final map must show all surveyed and mathematical
20 information and data necessary to locate all monuments and to
21 locate and retrace all interior and exterior boundary lines appearing
22 thereon, including the bearings and distances of straight lines,
23 central angle, radii and arc length for all curves and such
24 information as may be necessary to determine the location of the
25 centers of curves.
26 6. Each lot must be numbered or lettered.
27 7. Each street must be named and each block may be numbered
28 or lettered.
29 8. The exterior boundary of the land included within the
30 subdivision must be indicated by graphic border.
31 9. The final map must show ~~the~~ :
32 (a) *The* definite location of the subdivision, particularly its
33 relation to surrounding surveys.
34 ~~[10.—The final map must show the]~~
35 (b) *The* area of each lot and the total area of the land in the
36 subdivision in the following manner:
37 ~~[(a)]~~ (1) In acres, calculated to the nearest one-hundredth of an
38 acre, if the area is 2 acres or more; or
39 ~~[(b)]~~ (2) In square feet if the area is less than 2 acres.
40 ~~[(11.)]~~ (c) *Any roads or easements of access which the owner*
41 *intends to offer for dedication.*
42 (d) *Except as otherwise provided in section 1 of this act, an*
43 *easement for public utilities that provide gas, electric and*
44 *telecommunications services and for any community antenna*



1 *television companies that have a franchise to operate a community*
2 *antenna television system in that area.*

3 (e) *Except as otherwise provided in section 1 of this act, an*
4 *easement for public utilities that provide water and sewer services.*

5 10. The final map must also satisfy any additional survey and
6 map requirements, including the delineation of Nevada state plane
7 coordinates established pursuant to chapter 327 of NRS, for any
8 corner of the subdivision or any other point prescribed by the local
9 ordinance.

10 **Sec. 3.** NRS 278.374 is hereby amended to read as follows:

11 278.374 1. Except as otherwise provided in subsection 2, a
12 final map presented for filing must include a certificate signed and
13 acknowledged, in the manner provided in NRS 240.1665 or
14 240.167, by each person who is an owner of the land:

15 (a) Consenting to the preparation and recordation of the final
16 map.

17 (b) Offering for dedication that part of the land which the person
18 wishes to dedicate for public use, subject to any reservation
19 contained therein.

20 (c) Reserving any parcel from dedication.

21 (d) Granting any permanent easement for utility *or community*
22 *antenna television cable* installation or access, as designated on the
23 final map, together with a statement approving such easement,
24 signed by the public utility , *community antenna television*
25 *company* or person in whose favor the easement is created or whose
26 services are required.

27 2. If the map presented for filing is an amended map of a
28 common-interest community, the certificate need only be signed and
29 acknowledged by a person authorized to record the map under
30 chapter 116 of NRS.

31 3. A final map of a common-interest community presented for
32 recording and, if required by local ordinance, a final map of any
33 other subdivision presented for recording must include:

34 (a) A report from a title company in which the title company
35 certifies that it has issued a guarantee for the benefit of the local
36 government which lists the names of:

37 (1) Each owner of record of the land to be divided; and

38 (2) Each holder of record of a security interest in the land to
39 be divided, if the security interest was created by a mortgage or a
40 deed of trust.

41 The guarantee accompanying a final map of a common-interest
42 community must also show that there are no liens of record against
43 the common-interest community or any part thereof for delinquent
44 state, county, municipal, federal or local taxes or assessments
45 collected as taxes or special assessments.



1 (b) The written consent of each holder of record of a security
2 interest listed pursuant to subparagraph (2) of paragraph (a), to the
3 preparation and recordation of the final map. A holder of record
4 may consent by signing:

- 5 (1) The final map; or
- 6 (2) A separate document that is filed with the final map and
7 declares his consent to the division of land.

8 4. For the purpose of this section the following shall be deemed
9 not to be an interest in land:

- 10 (a) A lien for taxes or special assessments.
- 11 (b) A trust interest under a bond indenture.

12 5. As used in this section, "guarantee" means a guarantee of the
13 type filed with the Commissioner of Insurance pursuant to
14 paragraph (e) of subsection 1 of NRS 692A.120.

15 **Sec. 4.** NRS 278.4713 is hereby amended to read as follows:

16 278.4713 1. Unless the filing of a tentative map is waived, a
17 person who proposes to make a division of land pursuant to NRS
18 278.471 to 278.4725, inclusive, must first:

19 (a) File a tentative map for the area in which the land is located
20 with the planning commission or its designated representative or
21 with the clerk of the governing body if there is no planning
22 commission; and

23 (b) Pay a filing fee of no more than \$750 set by the governing
24 body.

25 2. This map must be:

- 26 (a) Entitled "Tentative Map of Division into Large Parcels"; and
- 27 (b) Prepared and certified by a professional land surveyor.

28 3. This map must show:

29 (a) The approximate, calculated or actual acreage of each lot and
30 the total acreage of the land to be divided.

31 (b) Any roads or easements of access which exist, are proposed
32 in the applicable master plan or are proposed by the person who
33 intends to divide the land.

34 (c) ~~[Any easements]~~ *Except as otherwise provided in section 1*
35 *of this act, an easement for public utilities ~~[which exist or which~~*
36 *are proposed.] that provide gas, electric and telecommunications*
37 *services and for any community antenna television companies that*
38 *have a franchise to operate a community antenna television*
39 *system in that area.*

40 (d) *Except as otherwise provided in section 1 of this act, an*
41 *easement for public utilities that provide water and sewer services.*

42 (e) Any existing easements for irrigation or drainage, and any
43 normally continuously flowing watercourses.

44 ~~[(e)]~~ (f) An indication of any existing road or easement which
45 the owner does not intend to dedicate.



1 ~~(f)~~ (g) The name and address of the owner of the land.
2 **Sec. 5.** NRS 278.472 is hereby amended to read as follows:
3 278.472 1. After the planning commission or the governing
4 body or its authorized representative has approved the tentative map
5 or waived the requirement of its filing, or 60 days after the date of
6 its filing, whichever is earlier, the person who proposes to divide the
7 land may file a final map of the division with the governing body or
8 its authorized representative or, if authorized by the governing body,
9 with the planning commission. The map must be accompanied by a
10 written statement signed by the treasurer of the county in which the
11 land to be divided is located indicating that all property taxes on the
12 land for the fiscal year have been paid.
13 2. This map must be:
14 (a) Entitled "Map of Division into Large Parcels."
15 (b) Filed with the governing body or its authorized
16 representative or, if authorized by the governing body, with the
17 planning commission not later than 1 year after the date that the
18 tentative map was first filed with the planning commission or
19 the governing body or its authorized representative or that the
20 requirement of its filing was waived.
21 (c) Prepared by a professional land surveyor.
22 (d) Based upon an actual survey by the preparer and show the
23 date of the survey and contain the certificate of the surveyor
24 required pursuant to NRS 278.375.
25 (e) Clearly and legibly drawn in permanent black ink upon good
26 tracing cloth or produced by the use of other materials of a
27 permanent nature generally used for this purpose in the engineering
28 profession. Affidavits, certificates and acknowledgments must be
29 legibly stamped or printed upon the map with permanent black ink.
30 (f) Twenty-four by 32 inches in size with a marginal line drawn
31 completely around each sheet, leaving an entirely blank margin of 1
32 inch at the top, bottom, and right edges, and of 2 inches at the left
33 edge along the 24-inch dimension.
34 (g) Of scale large enough to show clearly all details.
35 3. The particular number of the sheet and the total number of
36 sheets comprising the map must be stated on each of the sheets, and
37 its relation to each adjoining sheet must be clearly shown.
38 4. This map must show and define:
39 (a) All subdivision lots by the number and actual acreage of
40 each lot.
41 (b) Any roads or easements of access which exist and which the
42 owner intends to offer for dedication, any roads or easements of
43 access which are shown on the applicable master plan and any roads
44 or easements of access which are specially required by the planning
45 commission or the governing body or its authorized representative.



- 1 (c) ~~[Any easements]~~ *Except as otherwise provided in section 1*
2 *of this act, an easement* for public utilities ~~[which exist or which~~
3 ~~are proposed.]~~ *that provide gas, electric and telecommunications*
4 *services and for any community antenna television companies that*
5 *have a franchise to operate a community antenna television*
6 *system in that area.*
7 (d) *Except as otherwise provided in section 1 of this act, an*
8 *easement for public utilities that provide water and sewer services.*
9 (e) Any existing easements for irrigation or drainage, and any
10 normally continuously flowing watercourses.

