

ASSEMBLY BILL NO. 135—ASSEMBLYMAN CARRILLO

FEBRUARY 13, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing easements. (BDR 22-545)

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; revising provisions governing the manner in which to terminate certain easements; requiring a public hearing to take action on a tentative map; requiring tentative and final maps to include certain information; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines “tentative map” for purposes of provisions governing planning and zoning as a map that is made to show the design of a proposed subdivision and the existing conditions in and around the proposed subdivision. (NRS 278.019) Existing law provides that a final map is based on an approved tentative map. (NRS 278.360) Existing law requires a governing body or planning commission to approve, conditionally approve or disapprove a tentative map within 45 days or 60 days, depending on the population of the county which the map pertains to, after: (1) the planning commission accepts a complete application of a tentative map; (2) the governing body receives the planning commission’s recommendations; or (3) the map is filed with the clerk of the governing body. (NRS 278.330, 278.349) Existing law authorizes the governing body to establish by ordinance a procedure by which, after complying with certain notification requirements, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map. (NRS 278.480)

Section 6 of this bill authorizes the governing body or planning commission, after complying with certain notification and hearing requirements, to approve a vacation or abandonment of a street or easement owned by a city or county, or any portion thereof, in conjunction with the public hearing held for the approval or conditional approval of a tentative map. Section 6 further provides that, upon recordation of a final map, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. Section 6 authorizes the governing body to establish by local ordinance a simplified procedure for the



24 vacation or abandonment of an easement owned or controlled by the governing
25 body in certain circumstances. **Section 6** additionally authorizes the governing
26 body or planning commission to terminate a private easement that is owned by or
27 benefits an abutting property owner in conjunction with the public hearing held for
28 the approval or conditional approval of a tentative map if the abutting property
29 owner obtains a written release of the easement from each abutting property owner
30 that owns or is benefited by the private easement. **Sections 1 and 2** of this bill
31 make conforming changes by clarifying that a public hearing must be held to
32 approve a tentative map. **Sections 1-4** of this bill make conforming changes by
33 requiring a tentative map and final map to specifically list any street or easement
34 that, pursuant to **section 6**, is proposed for approval or is approved to be vacated,
35 abandoned or terminated, as applicable.

36 **Section 6** clarifies that a street or easement may be vacated or abandoned.
37 **Section 8** of this bill makes a conforming change. **Section 6** further clarifies that
38 the governing body, planning commission or other authorized entity may act when
39 vacating or abandoning a street or easement.

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

1 **Section 1.** NRS 278.330 is hereby amended to read as follows:
2 278.330 1. The initial action in connection with the making
3 of any subdivision is the preparation of a tentative map.

4 2. The subdivider shall file copies of the map with the planning
5 commission or its designated representative, or with the clerk of the
6 governing body if there is no planning commission, together with a
7 filing fee in an amount determined by the governing body.

8 3. The commission, its designated representative, the clerk or
9 other designated representative of the governing body or, when
10 authorized by the governing body, the subdivider or any other
11 appropriate agency shall distribute copies of the map and any
12 accompanying data to all state and local agencies and persons
13 charged with reviewing the proposed subdivision.

14 4. If there is no planning commission, the clerk of the
15 governing body shall submit the tentative map to the governing
16 body at its next regular *public* meeting.

17 5. Except as otherwise provided by subsection 6, if there is a
18 planning commission, ~~the~~ *the planning commission* shall ~~the~~, *at a*
19 *public meeting*:

20 (a) In a county whose population is 700,000 or more, within 45
21 days; or

22 (b) In a county whose population is less than 700,000, within 60
23 days,

24 ↪ after accepting as a complete application a tentative map,
25 recommend approval, conditional approval or disapproval of the
26 map in a written report filed with the governing body.



1 6. ~~HF~~ *Subject to the provisions of subsection 7, if* the
2 governing body has authorized the planning commission to take
3 final action on a tentative map, the planning commission shall ~~HF~~,
4 *at a public meeting:*

5 (a) In a county whose population is 700,000 or more, within 45
6 days; or

7 (b) In a county whose population is less than 700,000, within 60
8 days,

9 ~~HF~~ after accepting as a complete application a tentative map,
10 approve, conditionally approve or disapprove the tentative map in
11 the manner provided for in NRS 278.349. The planning commission
12 shall file its written decision with the governing body.

13 *7. The tentative map must specifically list any street or*
14 *easement owned by a city or county, or any portion thereof, or any*
15 *private easement that is owned by or benefits an abutting property*
16 *owner which is proposed to be vacated, abandoned or terminated*
17 *pursuant to subsection 2 or 13 of NRS 278.480.*

18 **Sec. 2.** NRS 278.349 is hereby amended to read as follows:

19 278.349 1. ~~HF~~ *Subject to the provisions of subsection 3*
20 *and except* as otherwise provided in subsection 2, the governing
21 body, if it has not authorized the planning commission to take final
22 action, shall, *at a public meeting*, by an affirmative vote of a
23 majority of all the members, approve, conditionally approve or
24 disapprove a tentative map filed pursuant to NRS 278.330:

25 (a) In a county whose population is 700,000 or more, within 45
26 days; or

27 (b) In a county whose population is less than 700,000, within 60
28 days,

29 ~~HF~~ after receipt of the planning commission's recommendations.

30 2. ~~HF~~ *Subject to the provisions of subsection 3, if* there is no
31 planning commission, the governing body shall, *at a public*
32 *meeting, by an affirmative vote of a majority of all the members,*
33 approve, conditionally approve or disapprove a tentative map:

34 (a) In a county whose population is 700,000 or more, within 45
35 days; or

36 (b) In a county whose population is less than 700,000, within 60
37 days,

38 ~~HF~~ after the map is filed with the clerk of the governing body ~~HF~~
39 *pursuant to NRS 278.330.*

40 3. *The tentative map must specifically list any street or*
41 *easement owned by a city or county, or any portion thereof, or any*
42 *private easement that is owned by or benefits an abutting property*
43 *owner which is proposed to be vacated, abandoned or terminated*
44 *pursuant to subsection 2 or 13 of NRS 278.480.*



1 4. The governing body, or planning commission if it is
2 authorized to take final action on a tentative map, shall consider:

3 (a) Environmental and health laws and regulations concerning
4 water and air pollution, the disposal of solid waste, facilities to
5 supply water, community or public sewage disposal and, where
6 applicable, individual systems for sewage disposal;

7 (b) The availability of water which meets applicable health
8 standards and is sufficient in quantity for the reasonably foreseeable
9 needs of the subdivision;

10 (c) The availability and accessibility of utilities;

11 (d) The availability and accessibility of public services such as
12 schools, police protection, transportation, recreation and parks;

13 (e) Conformity with the zoning ordinances and master plan,
14 except that if any existing zoning ordinance is inconsistent with the
15 master plan, the zoning ordinance takes precedence;

16 (f) General conformity with the governing body's master plan of
17 streets and highways;

18 (g) The effect of the proposed subdivision on existing public
19 streets and the need for new streets or highways to serve the
20 subdivision;

21 (h) Physical characteristics of the land such as floodplain, slope
22 and soil;

23 (i) The recommendations and comments of those entities and
24 persons reviewing the tentative map pursuant to NRS 278.330 to
25 278.3485, inclusive;

26 (j) The availability and accessibility of fire protection, including,
27 but not limited to, the availability and accessibility of water and
28 services for the prevention and containment of fires, including fires
29 in wild lands; and

30 (k) The submission by the subdivider of an affidavit stating that
31 the subdivider will make provision for payment of the tax imposed
32 by chapter 375 of NRS and for compliance with the disclosure and
33 recording requirements of subsection 5 of NRS 598.0923, if
34 applicable, by the subdivider or any successor in interest.

35 ~~4.~~ 5. The governing body or planning commission shall, *at a*
36 *public meeting*, by an affirmative vote of a majority of all the
37 members, make a final disposition of the tentative map. The
38 governing body or planning commission shall not approve the
39 tentative map unless the subdivider has submitted an affidavit
40 stating that the subdivider will make provision for the payment of
41 the tax imposed by chapter 375 of NRS and for compliance with the
42 disclosure and recording requirements of subsection 5 of NRS
43 598.0923, if applicable, by the subdivider or any successor in
44 interest. Any disapproval or conditional approval must include a
45 statement of the reason for that action.



1 **Sec. 3.** 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
28 numbered 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:

32 (a) The definite location of the subdivision, particularly its
33 relation to surrounding surveys.

34 (b) The area of each lot and the total area of the land in the
35 subdivision in the following manner:

36 (1) In acres, calculated to the nearest one-hundredth of an
37 acre, if the area is 2 acres or more; or

38 (2) In square feet if the area is less than 2 acres.

39 (c) Any roads or easements of access which the owner intends to
40 offer for dedication.

41 (d) Except as otherwise provided in NRS 278.329, an easement
42 for public utilities that provide gas, electric and telecommunications
43 services and for any video service providers that are authorized
44 pursuant to chapter 711 of NRS to operate a video service network
45 in that area.



1 (e) Except as otherwise provided in NRS 278.329, an easement
2 for public utilities that provide water and sewer services.

3 10. *The final map must specifically list any street or easement*
4 *owned by a city or county, or any portion thereof, or any private*
5 *easement that is owned by or benefits an abutting property owner*
6 *which is approved to be vacated, abandoned or terminated*
7 *pursuant to subsection 2 or 13 of NRS 278.480.*

8 11. The final map for a condominium must also indicate, for
9 the purpose of assessing taxes, whether any garage units, parking
10 spaces or storage units may be conveyed separately from the units
11 within the condominium or are parceled separately from those units.
12 As used in this subsection, "condominium" has the meaning
13 ascribed to it in NRS 116.027.

14 ~~11.~~ 12. The final map must also satisfy any additional survey
15 and map requirements, including the delineation of Nevada state
16 plane coordinates established pursuant to chapter 327 of NRS, for
17 any corner of the subdivision or any other point prescribed by the
18 local ordinance.

19 **Sec. 4.** NRS 278.460 is hereby amended to read as follows:

20 278.460 1. A county recorder shall not record any final map
21 unless the map:

22 (a) Contains or is accompanied by the report of a title company
23 and all the certificates of approval, conveyance and consent required
24 by the provisions of NRS 278.374 to 278.378, inclusive, and by the
25 provisions of any local ordinance; ~~and~~

26 (b) Is accompanied by a written statement signed by the
27 treasurer of the county in which the land to be divided is located
28 indicating that all property taxes on the land for the fiscal year have
29 been paid and that the full amount of any deferred property taxes for
30 the conversion of the property from agricultural use has been paid
31 pursuant to NRS 361A.265 ~~;~~ *and*

32 (c) *Specifically lists any street or easement owned by a city or*
33 *county, or any portion thereof, or any private easement that is*
34 *owned by or benefits an abutting property owner which is*
35 *approved to be vacated, abandoned or terminated pursuant to*
36 *subsection 2 or 13 of NRS 278.480.*

37 2. The provisions of NRS 278.010 to 278.630, inclusive, do not
38 prevent the recording, pursuant to the provisions of NRS 278.010 to
39 278.630, inclusive, and any applicable local ordinances, of a map of
40 any land which is not a subdivision, nor do NRS 278.010 to
41 278.630, inclusive, prohibit the recording of a map in accordance
42 with the provisions of any statute requiring the recording of
43 professional land surveyor's records of surveys.

44 3. A county recorder shall accept or refuse a final map for
45 recordation within 10 days after its delivery to the county recorder.



1 4. A county recorder who records a final map pursuant to this
2 section shall, within 7 working days after he or she records the final
3 map, provide to the county assessor at no charge:

4 (a) A duplicate copy of the final map and any supporting
5 documents; or

6 (b) Access to the digital final map and any digital supporting
7 documents. The map and supporting documents must be in a form
8 that is acceptable to the county recorder and the county assessor.

9 **Sec. 5.** NRS 278.464 is hereby amended to read as follows:

10 278.464 1. Except as otherwise provided in subsection 2, if
11 there is a planning commission, it shall:

12 (a) In a county whose population is 700,000 or more, within 45
13 days; or

14 (b) In a county whose population is less than 700,000, within 60
15 days,

16 ↪ after accepting as a complete application a parcel map,
17 recommend approval, conditional approval or disapproval of the
18 map in a written report. The planning commission shall submit the
19 parcel map and the written report to the governing body.

20 2. If the governing body has authorized the planning
21 commission to take final action on a parcel map, the planning
22 commission shall:

23 (a) In a county whose population is 700,000 or more, within 45
24 days; or

25 (b) In a county whose population is less than 700,000, within 60
26 days,

27 ↪ after accepting as a complete application the parcel map,
28 approve, conditionally approve or disapprove the map. The planning
29 commission shall file its written decision with the governing body.
30 Unless the time is extended by mutual agreement, if the planning
31 commission is authorized to take final action and it fails to take
32 action within the period specified in this subsection, the parcel map
33 shall be deemed approved.

34 3. If there is no planning commission or if the governing body
35 has not authorized the planning commission to take final action, the
36 governing body or, by authorization of the governing body, the
37 director of planning or other authorized person or agency shall:

38 (a) In a county whose population is 700,000 or more, within 45
39 days; or

40 (b) In a county whose population is less than 700,000, within 60
41 days,

42 ↪ after acceptance of the parcel map as a complete application by
43 the governing body pursuant to subsection 1 or pursuant to
44 subsection 3 of NRS 278.461, review and approve, conditionally
45 approve or disapprove the parcel map. Unless the time is extended



1 by mutual agreement, if the governing body, the director of planning
2 or other authorized person or agency fails to take action within the
3 period specified in this subsection, the parcel map shall be deemed
4 approved.

5 4. The planning commission and the governing body or
6 director of planning or other authorized person or agency shall not
7 approve the parcel map unless the person proposing to divide the
8 land has submitted an affidavit stating that the person will make
9 provision for the payment of the tax imposed by chapter 375 of NRS
10 and for compliance with the disclosure and recording requirements
11 of subsection 5 of NRS 598.0923, if applicable, by the person
12 proposing to divide the land or any successor in interest.

13 5. Except as otherwise provided in NRS 278.463, if unusual
14 circumstances exist, a governing body or, if authorized by the
15 governing body, the planning commission may waive the
16 requirement for a parcel map. Before waiving the requirement for a
17 parcel map, a determination must be made by the county surveyor,
18 city surveyor or professional land surveyor appointed by the
19 governing body that a survey is not required. Unless the time is
20 extended by mutual agreement, a request for a waiver must be acted
21 upon:

22 (a) In a county whose population is 700,000 or more, within 45
23 days; or

24 (b) In a county whose population is less than 700,000, within 60
25 days,

26 ↪ after the date of the request for the waiver or, in the absence of
27 action, the waiver shall be deemed approved.

28 6. A governing body may consider or may, by ordinance,
29 authorize the consideration of the criteria set forth in subsection ~~3~~
30 4 of NRS 278.349 in determining whether to approve, conditionally
31 approve or disapprove a second or subsequent parcel map for land
32 that has been divided by a parcel map which was recorded within
33 the 5 years immediately preceding the acceptance of the second or
34 subsequent parcel map as a complete application.

35 7. An applicant or other person aggrieved by a decision of the
36 governing body's authorized representative or by a final act of the
37 planning commission may appeal the decision in accordance with
38 the ordinance adopted pursuant to NRS 278.3195.

39 8. If a parcel map and the associated division of land are
40 approved or deemed approved pursuant to this section, the approval
41 must be noted on the map in the form of a certificate attached
42 thereto and executed by the clerk of the governing body, the
43 governing body's designated representative or the chair of the
44 planning commission. A certificate attached to a parcel map
45 pursuant to this subsection must indicate, if applicable, that the



1 governing body or planning commission determined that a public
2 street, easement or utility easement which will not remain in effect
3 after a merger and resubdivision of parcels conducted pursuant to
4 NRS 278.4925 has been vacated or abandoned in accordance with
5 NRS 278.480.

6 **Sec. 6.** NRS 278.480 is hereby amended to read as follows:

7 278.480 1. Except as otherwise provided in subsections 11 ,
8 ~~and~~ 12 ~~and~~ 13, any abutting owner or local government
9 desiring the vacation or abandonment of any street or easement
10 owned by a city or a county, or any portion thereof, shall file a
11 petition in writing with ~~the planning commission or~~ the governing
12 body having jurisdiction ~~and~~, *or the planning commission, hearing*
13 *examiner or other designee, if authorized to take final action by*
14 *the governing body.*

15 2. ~~The~~ *If the requirements for notification of public hearing*
16 *set forth in this section are complied with and if the public hearing*
17 *held for the approval or conditional approval of a tentative map*
18 *pursuant to NRS 278.330 or 278.349 is held in a manner*
19 *consistent with the provisions of subsection 5, after complying*
20 *with the requirements of this section, the governing body or*
21 *planning commission may* ~~establish by ordinance a procedure by~~
22 ~~which, after compliance with the requirements for notification of~~
23 ~~public hearing set forth in this section,~~ *approve* a vacation or
24 abandonment of a street or an easement ~~may be approved~~ *owned*
25 *by a city or a county, or any portion thereof, in conjunction with*
26 *the public hearing held for the approval or conditional approval of*
27 *a tentative map pursuant to NRS 278.330 or 278.349. Upon*
28 *recording of a final map pursuant to NRS 278.460 or 278.4725,*
29 *title to the street or easement reverts to the abutting property*
30 *owners in a manner consistent with the provisions of subsection 7.*

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

33 (a) The governing body; or

34 (b) The planning commission, hearing examiner or other
35 designee, if authorized to take final action by the governing body,
36 ↪ without conducting a hearing on the vacation *or abandonment* if
37 the applicant for the vacation *or abandonment* obtains the written
38 consent of each owner of property abutting the proposed vacation *or*
39 *abandonment* and any utility that is affected by the proposed
40 vacation ~~and~~ *or abandonment.*

41 4. Except as otherwise provided in subsection 3, if any right-
42 of-way or easement required for a public purpose that is owned by a
43 city or a county is proposed to be vacated ~~and~~ *or abandoned,*
44 the governing body, or the planning commission, hearing examiner or
45 other designee, if authorized to take final action by the governing



1 body, shall, not less than 10 business days before the public hearing
2 described in subsection 5:

3 (a) Notify each owner of property abutting the proposed
4 *vacation or* abandonment. Such notice must be provided by mail
5 pursuant to a method that provides confirmation of delivery and
6 does not require the signature of the recipient.

7 (b) Cause a notice to be published at least once in a newspaper
8 of general circulation in the city or county, setting forth the extent of
9 the proposed *vacation or* abandonment and setting a date for public
10 hearing.

11 5. Except as otherwise provided in subsection *2, 3 or* 6, if,
12 upon public hearing, the governing body, or the planning
13 commission, hearing examiner or other designee, if authorized to
14 take final action by the governing body, is satisfied that the public
15 will not be materially injured by the proposed vacation *or*
16 *abandonment*, it shall order the street or easement vacated *or*
17 *abandoned*. The governing body, or the planning commission,
18 hearing examiner or other designee, if authorized to take final action
19 by the governing body, may make the order conditional, and the
20 order becomes effective only upon the fulfillment of the conditions
21 prescribed. An applicant or other person aggrieved by the decision
22 of the planning commission, hearing examiner or other designee
23 may appeal the decision in accordance with the ordinance adopted
24 pursuant to NRS 278.3195.

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



1 ensure that such easement is recorded in the office of the county
2 recorder.

3 7. The order *issued pursuant to subsection 5* must be recorded
4 in the office of the county recorder, if all the conditions of the order
5 have been fulfilled, and upon the recordation, title to the street or
6 easement reverts to the abutting property owners in the approximate
7 proportion that the property was dedicated by the abutting property
8 owners or their predecessors in interest. In the event of a partial
9 vacation *or abandonment* of a street where the vacated *or*
10 *abandoned* portion is separated from the property from which it was
11 acquired by the unvacated portion of it, the governing body may sell
12 the vacated *or abandoned* portion upon such terms and conditions
13 as it deems desirable and in the best interests of the city or county. If
14 the governing body sells the vacated *or abandoned* portion, it shall
15 afford the right of first refusal to each abutting property owner as to
16 that part of the vacated *or abandoned* portion which abuts his or her
17 property, but no action may be taken by the governing body to force
18 the owner to purchase that portion and that portion may not be sold
19 to any person other than the owner if the sale would result in a
20 complete loss of access to a street from the abutting property.

21 8. If the street was acquired by dedication from the abutting
22 property owners or their predecessors in interest, no payment is
23 required for title to the proportionate part of the street reverted to
24 each abutting property owner. If the street was not acquired by
25 dedication, the governing body , *or the planning commission,*
26 *hearing examiner or other designee, if authorized to take final*
27 *action by the governing body,* may make its order conditional upon
28 payment by the abutting property owners for their proportionate part
29 of the street of such consideration as the governing body , *or the*
30 *planning commission, hearing examiner or other designee, if*
31 *authorized to take final action by the governing body,* determines
32 to be reasonable. If the governing body , *or the planning*
33 *commission, hearing examiner or other designee, if authorized to*
34 *take final action by the governing body,* determines that the
35 vacation *or abandonment* has a public benefit, it may apply the
36 benefit as an offset against a determination of reasonable
37 consideration which did not take into account the public benefit.

38 9. If an easement for light and air owned by a city or a county
39 is adjacent to a street vacated *or abandoned* pursuant to the
40 provisions of this section, the easement is vacated *or abandoned*
41 upon the vacation *or abandonment* of the street.

42 10. In any vacation or abandonment of any street owned by a
43 city or a county, or any portion thereof, the governing body, or the
44 planning commission, hearing examiner or other designee, if
45 authorized to take final action by the governing body, may reserve



1 and except therefrom all easements, rights or interests therein which
2 the governing body, or the planning commission, hearing examiner
3 or other designee, if authorized to take final action by the governing
4 body, deems desirable for the use of the city or county.

5 11. The governing body may establish by local ordinance a
6 simplified procedure for the vacation or abandonment of an
7 easement ~~for a public utility~~ owned or controlled by the governing
8 body ~~if~~ if:

9 (a) *The easement has been superseded by relocation; or*

10 (b) *The governing body has determined that the easement is in*
11 *excess of the needs of the governing body.*

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

18 13. *The governing body or planning commission may*
19 *terminate a private easement that is owned by or benefits an*
20 *abutting property owner in conjunction with the public hearing*
21 *held for the approval or conditional approval of a tentative map*
22 *pursuant to NRS 278.330 or 278.349 if the abutting property*
23 *owner obtains a written release of the private easement from each*
24 *abutting property owner that owns or is benefited by the private*
25 *easement.*

26 14. As used in this section:

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

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

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

34 **Sec. 7.** NRS 278A.110 is hereby amended to read as follows:

35 278A.110 1. An ordinance enacted pursuant to the provisions
36 of this chapter must establish standards governing the density or
37 intensity of land use in a planned unit development.

38 2. The standards must take into account the possibility that the
39 density or intensity of land use otherwise allowable on the site under
40 the provisions of a zoning ordinance previously enacted may not be
41 appropriate for a planned unit development. The standards may vary
42 the density or intensity of land use otherwise applicable to the land
43 within the planned unit development in consideration of:

44 (a) The amount, location and proposed use of common open
45 space.



1 (b) The location and physical characteristics of the site of the
2 proposed planned development.

3 (c) The location, design and type of dwelling units.

4 (d) The criteria for approval of a tentative map of a subdivision
5 pursuant to subsection ~~3~~ 4 of NRS 278.349.

6 3. In the case of a planned unit development which is proposed
7 to be developed over a period of years, the standards may, to
8 encourage the flexibility of density, design and type intended by the
9 provisions of this chapter, authorize a departure from the density or
10 intensity of use established for the entire planned unit development
11 in the case of each section to be developed. The ordinance may
12 authorize the city or county to allow for a greater concentration of
13 density or intensity of land use within a section of development
14 whether it is earlier or later in the development than the other
15 sections. The ordinance may require that the approval by the city or
16 county of a greater concentration of density or intensity of land use
17 for any section to be developed be offset by a smaller concentration
18 in any completed prior stage or by an appropriate reservation of
19 common open space on the remaining land by a grant of easement
20 or by covenant in favor of the city or county, but the reservation
21 must, as far as practicable, defer the precise location of the common
22 open space until an application for final approval is filed so that
23 flexibility of development, which is a prime objective of this
24 chapter, can be maintained.

25 **Sec. 8.** NRS 244.290 is hereby amended to read as follows:

26 244.290 1. Except as otherwise provided in NRS 278.480 for
27 the vacation *or abandonment* of streets and easements, the board of
28 county commissioners of any county may reconvey all the right, title
29 and interest of the county in and to any land donated, dedicated,
30 acquired in accordance with chapter 37 of NRS, or purchased under
31 the threat of an eminent domain proceeding for a public park, public
32 square, public landing, public roadway, public right-of-way,
33 agricultural fairground, aviation field, automobile parking ground or
34 facility for the accommodation of the traveling public, or land held
35 in trust for the public for any other public use or uses, or any part
36 thereof, to the person:

37 (a) By whom the land was donated or dedicated or to that
38 person's heirs, assigns or successors, upon such terms as may be
39 prescribed by a resolution of the board; or

40 (b) From whom the land was acquired in accordance with the
41 provisions of chapter 37 of NRS, or purchased under the threat of an
42 eminent domain proceeding, or to that person's heirs, assigns or
43 successors, except as otherwise provided in NRS 37.270, for an
44 amount equal to the amount paid for the land by the board.



1 2. If the board determines that maintenance of the property is
2 unnecessarily burdensome to the county or that reconveyance would
3 be in the best interest of the county and its residents, the board may
4 formally adopt a resolution stating that determination. Upon the
5 adoption of the resolution, the chair or an authorized representative
6 of the board shall issue a written offer of reconveyance to the person
7 from whom the real property was received or acquired, or that
8 person's successor in interest.

9 3. If the person from whom the land was received or acquired,
10 or that person's successor in interest:

11 (a) Accepts the offer of reconveyance within 45 days after the
12 date of the offer, the board of county commissioners shall execute a
13 deed of reconveyance.

14 (b) Refuses to accept the offer of reconveyance or states in
15 writing that he or she is unable to accept the offer of reconveyance,
16 the board of county commissioners may sell or lease the real
17 property in accordance with the provisions of this chapter.



