

Assembly Bill No. 380—Assemblyman Yeager

Joint Sponsors: Senators Cannizzaro, Denis, Ford,  
Gustavson, Harris, Roberson and Segerblom

CHAPTER.....

AN ACT relating to real property; authorizing the recording of certain documents relating to real property; limiting an action constituting an easement by prescription under certain circumstances; authorizing the governing body of a city or county to adopt certain ordinances governing a sign posted by an owner of land; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the recording of certain documents relating to real property. (Chapter 111 of NRS) **Section 1** of this bill authorizes an owner of real property to record a notice in the office of any county recorder, wherein the subject property is located, which provides that public use for pedestrian access of the owner's real property is with the permission of and subject to the control of the owner.

Existing law limits certain actions for the recovery of real property. (NRS 11.030-11.180) **Section 3** of this bill: (1) authorizes an owner of land to post certain notice stating that the right to pass over such land is by permission and subject to the control of the owner; and (2) prohibits a person from maintaining an action constituting an easement by prescription regardless of whether the owner posts certain notice on the property or records a notice pursuant to **section 1**. **Section 3** also authorizes a governing body of a city or county to adopt ordinances governing a sign posted by an owner of land under certain circumstances.

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

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

**Section 1.** Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any owner of real property, who opens any part of his or her real property for use by the public for pedestrian access and has improved such real property for that specific purpose, may record in the office of the county recorder of the county or counties in which any part of the real property is situated, a description of the real property and notice in substantially the following form:*



*The right of the public or any person to make use of the real property described or any portion thereof, for pedestrian access, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication, is by permission, and subject to control, of owner pursuant to section 1 of this act.*

*2. The recording of a notice pursuant to this section is conclusive evidence that subsequent use of the real property during the time such notice is in effect by the public or any person for pedestrian access, other than any use in accordance with a right granted by a written or recorded map, agreement, grant of easement, deed or dedication, is permissive and with consent in any judicial proceeding involving the issue as to whether all or any portion of such real property has been dedicated to public use or whether any person has a prescriptive right in such real property or any portion thereof. The notice may be revoked by the owner of the real property by recording a notice of revocation in the office of the county recorder where the notice is recorded. After recording the notice, and before any revocation of such notice, the owner of the real property shall not prevent any appropriate pedestrian access by physical obstruction, notice or otherwise.*

*3. The notice pursuant to this section shall not be deemed to affect rights vested at the time of recording.*

*4. Permission for the use of real property by the public or any person, for pedestrian access, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication described in the notice recorded pursuant to subsection 1, may be conditioned upon reasonable restrictions on the time, place and manner of such use. Any use of the real property in violation of such restrictions may not be considered public use for the purposes of a finding of implied dedication.*

**Sec. 2.** NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, ~~for~~ any conveyance of real property or instrument in writing setting forth an agreement to convey real property *or a notice pursuant to section 1 of this act* unless the document being recorded contains:



(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

- (a) A grant, bargain or deed of sale;
- (b) Quitclaim deed;
- (c) Warranty deed; or
- (d) Trustee's deed upon sale,

↳ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

**Sec. 3.** Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. If an owner of land opens his or her land for use by the public for pedestrian access and has improved such land for that specific purpose, no such use by any person or the public, no matter for how long of a period, of any land shall ever ripen into***



*an easement by prescription, if the owner of the land posts at each entrance to the land or at intervals of not more than 200 feet along the boundary of such land a sign reading substantially as follows:*

*Right to pass by permission, and subject to control, of owner: section 3 of this act.*

*2. Regardless of whether an owner of land has recorded a notice pursuant to section 1 of this act or has posted signs on such land pursuant to subsection 1, if an owner of land opens his or her land for use by the public for pedestrian access and has improved such land for that specific purpose, no such use of such land by any person or the public on or after October 1, 2017, shall ever ripen to confer upon the public or any governmental entity a vested right to continue to make such use permanently, in the absence of an express written grant of easement or other conveyance of such land for such use, or irrevocable offer of dedication of such property for such use, made by the owner, which has been accepted by the governmental entity to which the offer of dedication was made.*

*3. The governing body of any city or county pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, may by ordinance establish provisions governing the size, placement and composition of a sign posted by an owner of land pursuant to subsection 1.*

*4. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 363C.040.*

**Sec. 4.** NRS 107A.200 is hereby amended to read as follows:

107A.200 "Submit for recording" means to submit a document complying with applicable legal standards, with required fees and taxes, to the appropriate governmental office pursuant to NRS 111.310 to 111.365, inclusive **H**, and section 1 of this act.

