
SENATE BILL NO. 186—SENATORS GOICOECHEA, BUCK, TITUS,
HANSEN; AND DONDERO LOOP

FEBRUARY 22, 2023

JOINT SPONSORS: ASSEMBLYMEN DICKMAN AND GURR

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain state property.
(BDR S-197)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 state property; requiring, under certain circumstances, the State Land Registrar to transfer certain real property to the City of Ely and the Nevada Northern Railway Foundation, Inc. or its successor organization; setting forth certain restrictions on the use of such real property; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires, under certain circumstances, the State Land Registrar to
2 enter into leases and transfer land owned by the State of Nevada. (NRS 321.003)
3 **Section 1** of this bill requires the State Land Registrar to transfer the East Ely
4 Depot and the Freight Barn to the City of Ely and the Nevada Northern Railway
5 Foundation, Inc., or its successor organization, jointly and without consideration, if
6 the City of Ely and the Nevada Northern Railway Foundation, Inc., or its successor
7 organization, agree to: (1) pay the costs relating to the transfer of the real property;
8 and (2) enter into a lease for the use of the upstairs portion of the East Ely Depot by
9 the State of Nevada. **Section 3** of this bill provides the legal description of the East
10 Ely Depot and the Freight Barn.
11 **Section 2** of this bill requires the deed transferring the real property to include,
12 without limitation, the following restrictions: (1) protecting the historical and
13 recreational value of the real property; (2) guaranteeing public access to the real
14 property; and (3) prohibiting the sale, lease, encumbrance, alienation or disposal of
15 the real property. **Section 2** also requires the deed to include a reversionary clause
16 that may be exercised by the Legislature by a concurrent resolution under certain
17 circumstances upon a breach of such restrictions.



18 **Section 4** of this bill sets forth the terms of the lease which must be entered into
19 by the State Land Registrar and the City of Ely and the Nevada Northern Railway
20 Foundation, Inc., or its successor organization, concurrently with the transfer of the
21 real property.

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

1 **Section 1.** The State Land Registrar must transfer to the City
2 of Ely and the Nevada Northern Railway Foundation, Inc., or its
3 successor organization, jointly and without consideration, all interest
4 of the State of Nevada in the real property described in section 3 of
5 this act if the City of Ely and the Nevada Northern Railway
6 Foundation, Inc., or its successor organization:

- 7 1. Pay the costs relating to the transfer of the real property; and
- 8 2. Concurrently enter into the lease required by section 4 of
9 this act.

10 **Sec. 2.** Each deed transferring ownership of the real property
11 described in subsections 1 and 2 of section 3 of this act from the
12 State of Nevada to the City of Ely and the Nevada Northern Railway
13 Foundation, Inc., or its successor organization, jointly, must:

- 14 1. Transfer the real property to the City of Ely and the Nevada
15 Northern Railway Foundation, Inc., or its successor organization, as
16 equal tenants in common with an undivided one-half interest.

17 2. Include restrictions that:

18 (a) Protect all historical and recreational value of the real
19 property in a manner consistent with or greater than prior practice;

20 (b) Guarantee public access to the real property in a manner
21 consistent with or greater than prior practice; and

22 (c) Prohibit the City of Ely and the Nevada Northern Railway
23 Foundation, Inc., or its successor organization, jointly, from selling,
24 leasing, encumbering, alienating or otherwise disposing of the real
25 property or any interest in the real property without authorization by
26 a concurrent resolution of the Legislature.

27 3. Except as otherwise provided in subsection 2, contain no
28 restrictions or conditions.

29 4. Provide for the reversion of title to the real property to the
30 State of Nevada upon the breach of any restriction specified in
31 subsection 2. This reversionary right must not extinguish, under the
32 doctrine of merger or for any other reason, current and prior rights,
33 reservations, reversionary interests and exceptions in favor of either
34 the City of Ely or the Nevada Northern Railway Foundation, Inc., or
35 its successor organization, and must be conditioned on obtaining:



1 (a) An order that is final and not appealable from a court of
2 competent jurisdiction finding that a restriction in the deed has been
3 violated; and

4 (b) An election by the State of Nevada, after obtaining the order
5 that is final and not appealable, to exercise the reversionary right by
6 a concurrent resolution of the Legislature.

7 **Sec. 3.** The real property that the State Land Registrar is
8 required to transfer to the City of Ely and the Nevada Northern
9 Railway Foundation, Inc., or its successor organization, jointly,
10 pursuant to section 1 of this act is commonly known as the:

11 1. East Ely Depot and is described as follows:

12 Beginning at a point whence the Street Center Monument at the
13 intersection of 10th Street East and Avenue "B" in the Ely City
14 Townsite, bears South 44°35'17" West, a distance of 533.13 feet,

15
16 Thence North 22°12'30" West, 81.4 feet,
17 Thence North 67°49'15" East, 100.18 feet,
18 Thence South 22°12'30" East, 81.34 feet,
19 Thence South 67°47'09" West, 100.18 feet

20
21 to the point of beginning and containing 8,152.23 square feet
22 more or less of Section 15, Township 16 North, Range 63 East,
23 M.D.B. & M.

24 2. The Freight Barn and is described as follows:

25 Beginning at a point whence the Street Center Monument at the
26 intersection of 10th Street East and Avenue "B" in the Ely City
27 Townsite, bears South 22°17'11" East, a distance of 210.01 feet,

28
29 Thence North 22°10'38" West, 81.59 feet,
30 Thence North 67°50'34" East, 340.22 feet,
31 Thence South 22°10'37" East, 81.25 feet,
32 Thence South 67°47'09" West, 340.22 feet

33
34 to the point beginning and containing 27,700.27 square feet more
35 or less of Section 15, Township 16 North, Range 63 East, M.D.B. &
36 M.

37 **Sec. 4.** The State Land Registrar must, subject to the
38 provisions of section 1 of this act, enter into an agreement with the
39 City of Ely and the Nevada Northern Railway Foundation, Inc., or
40 its successor organization, for the lease of the upstairs portion of the
41 East Ely Depot, as described in subsection 1 of section 3 of this act.
42 The lease must:

43 1. Be for a period of 99 years;



1 2. Limit usage of the leased premises solely to the East Ely
2 Depot Museum of the Division of Museums and History of the
3 Department of Tourism and Cultural Affairs;

4 3. Provide visitors to and employees of the East Ely Depot
5 Museum use of the lessor's parking lot and access to the leased
6 premises through the lessor's real property;

7 4. Require neither the payment of rent nor expenses relating to
8 insurance, utilities, repairs, maintenance or taxes, if any, by the State
9 of Nevada; and

10 5. Include any other reasonable terms and provisions agreed to
11 by the parties, including, without limitation, communications
12 between the parties, procedures for renovations and a reciprocal
13 indemnity clause.

14 **Sec. 5.** This act becomes effective upon passage and approval.

