

Vacation or Abandonment



Lincoln County Planning Department
181 Main Street P.O. Box 329
Pioche, Nevada 89043
Phone: (775) 962-8071
Fax: (775) 962-5877

APPLICANT INFORMATION:

Applicant(s) Name: _____ Phone: _____

Applicant's Mailing Address: _____

City: _____ State: _____ Zip: _____

Fax: _____ Cell Phone: _____

E-Mail Address: _____ Alt Phone: _____

Owner (s) Name: _____

Signature of Owner (s): _____

Date Application Completed: _____

APPLICATION INFORMATION:

Vacation or Abandonment of Right of Way Vacation or Abandonment of Easement

Parcel(s) APN: _____

Major Cross Streets: _____

Current Zoning: _____ Master Plan Designation: _____

Site Address: _____ Address verified? Yes / No _____

Water/ sewer provider: _____ Fire District: _____

Power: _____ Communications: _____

Planning Overlays: _____ FEMA: _____

SITE VISITATION: Signature on this Application provides permission for site visitation by County representatives to review your request. It must be signed by the owner of the property and attested to in the affidavit of ownership and verified by the assessor's office.

Receipt # _____

AMOUNT PAID \$ _____

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REQUIRED DOCUMENTATION WORKSHEET

FEES: See county fee schedule

<u>Required Information</u>	<u>Where Do I Find It?</u>
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Parcel Number(s)	Assessor's Office
Owner's Affidavit (page 3 of this application)	Complete and Notarize
Copy of Deed/Easement Map	Recorder's Office
Legal Description	Recorder's Office
Assessor's plat for your parcel	Assessor's Office
Town Board Approval (if applicable)	Town Board
Attach a written justification for this request	Applicant
Written consent of each owner of property abutting and any utility that is affected by the proposed vacation/abandonment	Applicant
Petition in Writing NRS 278.480 (attached) Statement of purpose describing request: supporting documents, pictures, maps, letter describing or showing why you are making this request	Applicant

PLEASE NOTE!! Applicants should understand that applying for Vacation or Abandonment does not guarantee your request will be granted. No refunds are available from a denied request.

All Documentation must be in the Planning Office 3 weeks before the next scheduled Planning Commission Meeting, please review the planning deadline calendar in the Planning Commission Office.

Incomplete applications will be held until completed by applicant and will be scheduled for the next available meeting after submission fees are paid.

Applicant or authorized representative should attend the Planning Commission meeting.

Please be advised that this application will need to be approved by the Board of County Commissioners also, there will be a 7 day appeal period for the applicant and public after the date of the final decision of the Board of County

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Commissioners.

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OWNER'S AFFIDAVIT

State of Nevada)
County of Lincoln) ss

I, _____

Being Duly Sworn, depose and say that I am an owner of the property involved in this Planning Application _____ and having been authorized by the other property owners (***if applicable***) that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

SIGNED: _____

Print Name _____

Address _____

City _____ State _____ Zip _____

Phone: _____

Subscribed and sworn before me this _____ day _____ 20__

Notary Public in and for said County and State

My commission expires _____

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NRS 278.480 Vacation or abandonment of street or easement: Petition; authority to approve in conjunction with tentative map; government patent easements; notice; hearing; appeal; continuation of utility easements; recordation of order of vacation; reversion or purchase of vacated portion; adjacent easements for light and air; reservation or exception of easements; simplified procedure for certain utility easements.

1. Except as otherwise provided in subsection 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to [NRS 278.349](#).

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

(a) The governing body; or

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

4. Except as otherwise provided in subsection 3, if any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall notify by certified mail each owner of property abutting the proposed abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing, which must be not less than 10 days and not more than 40 days after the date the notice is first published.

5. Except as provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

6. If a utility has an easement over the property, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide in its order for the continuation of that easement.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, 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. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to

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force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

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

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city, the county or any public utility.

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. As used in this section, "government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

[30:110:1941; 1931 NCL § 5063.29]—(NRS A 1967, 268, 696; 1969, 588; 1973, 1830; 1975, 164; 1977, 1506; 1979, 600; 1981, 165, 580; 1987, 663; 1993, 2580; 1997, 2436; [2001](#), [1451](#), [2815](#), [2822](#))

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