

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 377

Introduced by Johnson, 23.

Read first time January 18, 2013

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to county roads; to amend section 39-1702,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to annexation of a county road by a
4 city or village; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1702, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1702 (1) The county board is hereby authorized to
4 acquire, either temporarily or permanently, lands, real or personal
5 property or any interest therein, or any easements deemed to be
6 necessary or desirable for present or future county road purposes by
7 gift, agreement, purchase, exchange, condemnation, or otherwise. Such
8 lands or real property may be acquired in fee simple or in any lesser
9 estate.

10 (2) County road purposes, as referred to in subsection
11 (1) of this section, shall include provisions for, but shall not be
12 limited to, the following: (a) The establishment, construction,
13 reconstruction, relocation, improvement, or maintenance of any county
14 road. The right-of-way for such roads shall be of such width as is
15 deemed necessary by the county board; (b) adequate drainage in
16 connection with any road, cut, fill, channel change, or the
17 maintenance thereof; (c) shops, offices, storage buildings and yards,
18 and road maintenance or construction sites; (d) road materials, sites
19 for the manufacture of road materials, and access roads to such
20 sites; (e) the preservation of objects of attraction or scenic value
21 adjacent to, along, or in close proximity to county roads and the
22 culture of trees and flora which may increase the scenic beauty of
23 county roads; (f) roadside areas or parks adjacent to or near any
24 county roads; (g) the exchange of property for other property to be
25 used for rights-of-way or other purposes set forth in this subsection

1 or subsection (1) ~~or (2)~~ of this section if the interest of the
2 county will be served and acquisition costs thereby reduced; (h) the
3 maintenance of an unobstructed view of any portion of a county road
4 so as to promote the safety of the traveling public; (i) the
5 construction and maintenance of stock trails and cattle passes; (j)
6 the erection and maintenance of marking and warning signs and traffic
7 signals; and (k) the construction and maintenance of sidewalks and
8 road illumination.

9 (3) The county board may (a) designate and establish
10 controlled-access facilities, (b) design, construct, maintain,
11 improve, alter, and vacate such facilities, and (c) regulate,
12 restrict, or prohibit access to such facilities so as to best serve
13 the traffic for which such facilities are intended. No road, street,
14 or highway shall be opened into or connected with such facility
15 without the consent of the county board. In order to carry out the
16 purposes of this subsection, the county board may acquire, in public
17 or private property, such rights of access as are deemed necessary.
18 Such acquisitions may be by gift, devise, purchase, agreement,
19 adverse possession, prescription, condemnation, or otherwise and may
20 be in fee simple absolute or in any lesser estate or interest. An ~~and~~
21 ~~Provided, that an~~ adjoining landowner ~~cannot~~ shall not be denied
22 reasonable means of egress and ingress. When a county road adjoins
23 the corporate limits of any city or village, the powers granted in
24 this subsection may be exercised by the governing body of such city
25 or village.

1 (4) When a city or village annexes a county road, the
2 powers that are granted to the county board in this section and any
3 recorded or prescriptive easement held by the county on the annexed
4 property for road purposes are transferred to and may be exercised by
5 the governing body of the city or village.

6 Sec. 2. Original section 39-1702, Reissue Revised
7 Statutes of Nebraska, is repealed.