

## LEGISLATIVE BILL 377

Approved by the Governor May 7, 2013

Introduced by Johnson, 23.

FOR AN ACT relating to county roads; to amend section 39-1702, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation of a county road by a city or village; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

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

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

(2) County road purposes, as referred to in subsection (1) of this section, shall include provisions for, but shall not be limited to, the following: (a) The establishment, construction, reconstruction, relocation, improvement, or maintenance of any county road. The right-of-way for such roads shall be of such width as is deemed necessary by the county board; (b) adequate drainage in connection with any road, cut, fill, channel change, or the maintenance thereof; (c) shops, offices, storage buildings and yards, and road maintenance or construction sites; (d) road materials, sites for the manufacture of road materials, and access roads to such sites; (e) the preservation of objects of attraction or scenic value adjacent to, along, or in close proximity to county roads and the culture of trees and flora which may increase the scenic beauty of county roads; (f) roadside areas or parks adjacent to or near any county roads; (g) the exchange of property for other property to be used for rights-of-way or other purposes set forth in this subsection or subsection (1) ~~or (2)~~ of this section if the interest of the county will be served and acquisition costs thereby reduced; (h) the maintenance of an unobstructed view of any portion of a county road so as to promote the safety of the traveling public; (i) the construction and maintenance of stock trails and cattle passes; (j) the erection and maintenance of marking and warning signs and traffic signals; and (k) the construction and maintenance of sidewalks and road illumination.

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

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

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