

1 **BILL NO. 2008-48**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO UPDATE THE NOTICE REQUIREMENTS AND APPROVAL  
4 PROCEDURES FOR VACATING RIGHTS-OF-WAY, EASEMENTS AND GOVERNMENT  
PATENT RESERVATIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Jorge Cervantes, Director of Public Works      Summary: Updates the notice requirements and  
6 approval procedures for vacating rights-of-way,  
easements and government patent reservations.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
8 AS FOLLOWS:

9 SECTION 1: Title 18, Chapter 20, Sections 50 and 60, of the Municipal Code of the  
10 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

11 SECTION 2: Title 18, Chapter 20, of the Municipal Code of the City of Las Vegas,  
12 Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated respectively  
13 as Sections 50 and 60, reading as follows:

14 **18.20.050:** (A) In the case of a petition for the vacation of a dedicated right-of-way, the  
15 Planning Commission shall hold a public hearing on the petition for vacation. Thereafter, the  
16 Planning Commission shall make its finding regarding the petition by way of recommendation, and  
17 shall report that recommendation to the City Council.

18 (B) The City Council shall consider the recommendation at a public hearing. Not  
19 less than ten business days before the public hearing, notice of the hearing, setting forth the extent of  
20 the proposed vacation and setting the date for the hearing, shall be:

21 (1) Sent by mail, sufficient to meet the requirements of NRS 278.480, to  
22 each owner of property abutting the proposed vacation; and

23 (2) Published at least once in a newspaper of general circulation in the City.

24 (C) If, following the public hearing, the City Council is satisfied that the public will  
25 not be materially injured by the proposed vacation, it may order the right-of-way vacated. The City  
26 Council may make the order conditional, and the order shall become effective only upon the  
27 fulfillment of the conditions prescribed.

28 **18.20.060:** (A) In the case of a petition for the vacation of an easement or government patent

1 reservation, the Planning Commission shall hold a public hearing on the petition. Not less than ten  
2 business days before the public hearing, notice of the hearing, setting forth the extent of the proposed  
3 vacation and setting the date for the hearing, shall be:

4 (1) Sent by mail, sufficient to meet the requirements of NRS 278.480, to  
5 each owner of property abutting the proposed vacation; and

6 (2) Published at least once in a newspaper of general circulation in the City.

7 (B) Following the public hearing, the Planning Commission shall take final action  
8 on the petition. If the Planning Commission is satisfied that the public will not be materially injured  
9 by the proposed vacation, it may order the easement or government patent reservation vacated. The  
10 Planning Commission may make the order conditional, and the order shall become effective only upon  
11 the fulfillment of the conditions prescribed. In the case of a government patent reservation, the order  
12 may take the form of a relinquishment of interest or its equivalent, and the order shall be treated as  
13 an order of vacation under the provisions of this Chapter.

14 SECTION 3: Title 18, Chapter 20, Section 70, of the Municipal Code of the City of  
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **18.20.070:** If a utility has an easement over any dedicated right-of-way which is vacated, the City  
17 Council shall provide in its order for the continuation of that easement. [When the City Council  
18 vacates its interest in U.S. Government Patent Reservations,] In the case of a vacation of the City's  
19 interest in a government patent reservation, easements for utilities will not be retained because they  
20 are not included within the City's interest and, therefore, are not affected by vacation of the City's  
21 interest.

22 SECTION 4: Title 18, Chapter 20, Section 80, of the Municipal Code of the City of  
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **18.20.080:** [Whenever the City Council approves] Following the approval of a vacation, all  
25 applicable City code requirements and design standards of all City departments must be met prior to  
26 recordation of the Order of Vacation.

27 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or  
28 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

1 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
6 invalid or ineffective.

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,  
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

11 APPROVED:

12  
13 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 \_\_\_\_\_  
16 BEVERLY K. BRIDGES, CMC  
City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 9-17-08  
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2008, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of  
5 \_\_\_\_\_, 2008, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

\_\_\_\_\_  
BEVERLY K. BRIDGES, CMC  
City Clerk