

LEGISLATIVE BILL 1277

Approved by the Governor March 21, 1972

Introduced by Rudolf C. Kokes, 41st District

AN ACT to amend section 39-1725, Revised Statutes Supplement, 1971, relating to highways; to provide for vacation, abandonment or relocation of county roads by a two-thirds vote of county commissioners; and to repeal the original section.

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

Section 1. That section 39-1725, Revised Statutes Supplement, 1971, be amended to read as follows:

39-1725. After the public hearing the county board shall by resolution at its next meeting or as soon thereafter as may be practicable, relocate, vacate, or abandon or refuse relocation, vacation, or abandonment, as in the judgment of the board the public good may require; Provided, that vacation and abandonment shall not be ordered except upon unanimous vote of two-thirds of all members of the board and the prior approval of the governing body of a city of the metropolitan, primary or first class has been obtained when any public road or any part thereof is within the area of the zoning jurisdiction of such city; and provided further, that if said road lies within a township in a county operating roads on a township basis the same shall not be vacated or abandoned unless an offer has been made to relinquish to the township in the manner provided in section 39-1726.

In the event that the county board decides to relocate, vacate, or abandon, its resolution shall state upon what conditions, if any, the relocation, vacation, or abandonment shall be qualified and particularly whether or not the title or right-of-way to any relocated, vacated, or abandoned fragment or section of road shall be sold, revert to private ownership, or remain in the public; Provided, that if the county board fails to specify in a resolution as to the disposition of right-of-way, and if there shall be nonuser of such right-of-way for any public purpose for a continuous period of not less than ten years, the right-of-way shall revert to the owners of the adjacent real estate, one half on each side thereof.

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Sec. 2. That original section 39-1725, Revised Statutes Supplement, 1971, is repealed.