

LEGISLATIVE BILL 493

Approved by the Governor May 8, 1973

Introduced by Public Works Committee, Kremer, 34, Chmn.;
Moylan, 6; Hasebroock, 18; Warner, 25;
Goodrich, 20; Wiltse, 1; Stromer, 36; B.
Lewis, 38

AN ACT to amend sections 39-1701 and 39-1702, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to provide an alternative means of payment; to authorize the county board to designate and establish controlled access facilities as prescribed; to provide for municipal exercise of such authority; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 39-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1701. When in the judgment of the county board it is necessary or proper for the safety or convenience of the traveling public that additional property be secured for establishment of new roads or for improvement or maintenance of existing roads within the county, such board may on behalf of the county, take, hold and appropriate such property by the exercise of the power of eminent domain, the procedure therefor to be exercised in the manner set forth in Chapter 76, article 7. All costs, expenses, and damages incurred shall be paid out of the general fund of the county or the county road fund.

Sec. 2. That section 39-1702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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 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; Provided, that an adjoining landowner cannot 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.

Sec. 3. That original sections 39-1701 and 39-1702, Reissue Revised Statutes of Nebraska, 1943, are repealed.

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Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.