

Senate Study Bill 3132

Bill Text

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1 1 Section 1. Section [306.11](#), Code 1999, is amended to read
1 2 as follows:
1 3 306.11 HEARING PLACE DATE.
1 4 In proceeding to the vacation and closing of

~~any~~

- a road,
1 5 part thereof, or railroad crossing, the agency in control of
1 6

~~said~~

- the road, or road system, shall fix a date for a hearing
1 7

~~thereon~~

- on the vacation and closing in the county where

~~said~~

- the road, or part thereof, or crossing, is located, and if
1 9 located in more than one county, then in a county

~~wherein~~

- in
1 10 which any part of

~~such~~

- the road or crossing is located. If
1 11 the road to be vacated or changed is a secondary road located
1 12 in more than one county, the boards of supervisors of

~~such~~

- the
1 13 counties, acting jointly, shall fix a date for a hearing
1 14

~~thereon~~

- on the vacation or change in either or any of the
1 15 counties where

~~such~~

- the road, or part thereof, is located. If
1 16 the proposed vacation is of a road right-of-way held by
1 17 easement and will not change the existing traveled portion of
1 18 the road or deny access to the road by adjoining landowners, a
1 19 hearing is not required.

1 20 Sec. 2. Section [306.12](#), Code 1999, is amended to read as
1 21 follows:

1 22 306.12 NOTICE SERVICE.

1 23 Notice of the hearing under section 306.11 shall be
1 24 published in a newspaper of general circulation in the county
1 25 or counties where the road is located, not less than four nor
1 26 more than twenty days prior to the date of hearing. The
1 27 agency which is holding the hearing shall notify all adjoining
1 28 property owners, all utility companies whose facilities adjoin
1 29 the road right-of-way or are on the road right-of-way, and the

1 30 department, boards of supervisors, or agency in control of
1 31 affected state lands, of the time and place of the hearing, by
1 32 certified mail

~~1 33 , and shall notify all property owners located~~

1 33

~~1 34 outside the boundary of a city, who own ten or more acres of~~

1 34

~~1 35 land within one mile of the road, by regular mail~~

1 35

EXPLANATION

2 1 This bill provides that the agency which has jurisdiction
2 2 over a road may vacate a road right-of-way held by easement
2 3 without a public hearing if the vacation will not change the
2 4 existing traveled portion of the road or deny access to the
2 5 road by adjoining landowners.

2 6 The bill also eliminates a requirement that an agency
2 7 holding a hearing on the vacation of a road, part of a road,
2 8 or railroad crossing within its jurisdiction notify by regular
2 9 mail all property owners located outside the boundary of a
2 10 city who own 10 or more acres of land within one mile of the
2 11 road. The public notice requirements and the notice
2 12 requirements for adjoining landowners remain in place.

2 13 LSB 6584SC 78

2 14 nh/as/5