

LEGISLATIVE BILL 805

Approved by the Governor April 13, 1974

Introduced by Public Works Committee, Kremer, 34, Chrn.; Goodrich, 20; Warner, 25; Moylan, 6; Strcmer, 36; Hasebroock, 18; R. Lewis, 38; Wiltse, 1

AN ACT to amend section 39-1311, Revised Statutes Supplement, 1972, relating to state highways; to require the state to maintain a map of the corridors of the state as prescribed; to require building permits and provide procedures related thereto; and to repeal the original section.

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

Section 1. That section 39-1311, Revised Statutes Supplement, 1972, be amended to read as follows:

39-1311. (1) The department at all times shall maintain a current map of the state, which shall show all the roads, highways, and connecting links which have been designated, located, created, or constituted as part of the state highway system, including all corridors. All changes in designation or location of highways constituting the state highway system, or additions thereto, shall be indicated upon the map. There shall also be maintained by the department two separate and additional maps, one showing the current roads, highways and streets which have been designated as federal-aid primary roads, and the other map showing the roads, highways and streets designated as federal-aid primary roads as of March 27, 1972. At all times such map shall be available for public inspection at the offices of the Director-State Engineer and shall be filed with the Legislature of the State of Nebraska at each biennium.

(2) Whenever the department has received a corridor location approval for a proposed state highway to be located in any county or municipality, it shall prepare a map of such corridor sufficient to show the location of such corridor on each parcel of land to be traversed. If the county or municipality in which such corridor is located does not have a requirement that a building permit be obtained prior to commencement of a structure, the department shall send notice of the approval of such corridor by certified mail to the owner of each parcel traversed by the corridor at the address shown for such owner on the county tax records. Such notice shall advise the owner of the requirement of this act for building permits.

Sec. 2. The department shall transmit a copy of the map required by subsection (2) of section 1 of this act to the officer responsible for issuance of building permits or, if building permits are not required in the county or municipality, to the county clerk of the county in which the corridor is located.

Sec. 3. A building permit shall be required for all structures within an approved corridor if the actual cost of the structure exceeds one thousand dollars.

Sec. 4. Upon the filing of a request for a building permit on a parcel located within a corridor, the officer responsible for issuance of building permits or, if a building permit is required only by virtue of this act, the county clerk shall give the department notice of the filing of the request for a building permit. The officer responsible for issuance of building permits shall not issue a permit for a period of sixty days from the date of mailing notice of the filing of the request with the department unless the department waives in writing the time period. Within the sixty-day period, the department may if it wishes file with such officer a statement of intent to negotiate with the owner of the land involved. Upon the filing of such statement of intent, the department shall be allowed six months for negotiations with the landowner. At the end of such six-month period, if the landowner has not withdrawn his application for a permit, it shall be issued if it meets all other applicable codes, ordinances, and laws.

Sec. 5. When an officer is not now authorized to issue building permits, the county clerk shall be authorized to issue building permits required by the provisions of this act.

Sec. 6. Nothing in this act shall be deemed a condition precedent to the acquisition of rights-of-way by purchase or by eminent domain.

Sec. 7. That original section 39-1311, Revised Statutes Supplement, 1972, is repealed.