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Public Entities; Alternative Annexation Procedures in Large Counties

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- property.²³ Id. §10 (amending NRS 118.291(1)(c)).
24. Id. §8 (adding NRS 118.270(6)). See generally Hale v. Morgan, 22 Cal.3d 388, 149 Cal.Rptr. 375, 584 P.2d 512 (1978).
25. Ch. 692 §13 (adding NRS 118.340(2)).
26. Id. §18 (adding to NRS Ch. 489).

PUBLIC ENTITIES; ALTERNATIVE ANNEXATION
PROCEDURES IN LARGE COUNTIES

Adds to NRS Chapter 268

SB 427 (Committee on Government Affairs); STATS 1979, Ch 432

Chapter 432 provides for a streamlined procedure by which a city in a large county may annex vacant or unimproved land, when all owners of the territory to be annexed petition the city government for annexation.¹ Chapter 432 also raises the population level that determines which are large counties.²

Two entirely different sets of rules for annexation exist; one set of rules applies to cities in large counties,³ another for smaller counties.⁴ Chapter 432 raises the threshold population level for large counties to 250,000 from 200,000.⁵

Under the normal procedure, the governing body of a city may begin annexation proceedings upon receipt of a petition of only 10% of the property owners⁶ or upon petition of the board of county commissioners.⁷ However, this procedure consists of: (1) the adoption of a resolution stating the city's intent to annex the territory;⁸ (2) completion and approval of an extensive report of the territory to be annexed and the effect of annexation on city services;⁹ (3) a hearing, scheduled between thirty and sixty days after adoption of the resolution to annex,¹⁰ and for which there has been twenty days notice;¹¹ (4) a fifteen day period following the hearing during which written objections to the annexation may be filed by property owners of the territory to be annexed;¹² and (5) if the majority of property owners do not protest, an ordinance passed by the governing body of the city, extending the corporate limits of the city.¹³

Chapter 432 establishes an alternative procedure by which a city government can pass an ordinance within a few days after submission of a petition by property owners. However, in order to qualify for the streamlined procedure, the request for

annexation must be by petition of 100% of the record owners of property within the territory, and must be accompanied by a letter of intent to develop the property.¹⁴

Property to be annexed under this procedure is subject to general requirements for annexation as provided in NRS 268.580.¹⁵ These requirements are of two types: first, the area to be annexed must be contiguous to the annexing city, and not part of any other city,¹⁶ and second, the area must be either already developed for urban purposes¹⁷ or have other characteristics making it appropriate for annexation.¹⁸ One characteristic is that owners of at least 75% of the individual parcels in the territory sign a petition requesting annexation,¹⁹ so that any territory annexed under the new procedure will automatically conform to the second requirement.

Upon receipt of the proper petition and letter of intent, the city government need simply notify the clerk of the board of county commissioners; it is then free to accept or reject the petition.²⁰ If the petition is accepted, an ordinance annexing the area may be adopted immediately.²¹

There are no provisions for objection or judicial review under the alternative procedure, apparently because the prerequisite that 100% of all record owners must petition for annexation should preclude any need for review. Phillips v. City of Reno²² held that under a similar procedure set up for small counties, protestors had no judicial standing to challenge an annexation.

Wesley Kumagai

FOOTNOTES

1. 1979 Nev. Stats. ch. 432 (hereinafter "Ch. 432") §1 (adding to NRS Ch. 268).
2. Id. §3 (amending 1979 Nev. Stats. ch. 338 §58).
3. NRS 268.570 to 268.608, inclusive.
4. NRS 268.610 to 268.670, inclusive.
5. Ch. 432 §§2, 3 (amending NRS 268.570, 1979 Nev. Stats. ch. 338 §58).
6. NRS 268.582.
7. Id.
8. NRS 268.584.
9. NRS 268.578, 268.588.

10. NRS 268.584(1)(b).
11. NRS 268.586.
12. NRS 268.592.
13. Id.
14. Ch. 432 §1 (adding to NRS Ch. 268).
15. Id.
16. NRS 268.580(1).
17. NRS 268.580(2).
18. NRS 268.580(3), (4), (5).
19. NRS 268.580(5).
20. Ch. 432 §1 (adding to NRS Ch. 268).
21. Id.
22. Phillips v. City of Reno, 92 Nev. 563, 565, 554 P.2d 740, 741 (1976).

PUBLIC ENTITIES; ANNEXATION PROCEDURES FOR
UNINCORPORATED TOWNS IN SMALL COUNTIES

Adds to NRS Chapter 269

AB 113 (Marvel); STATS 1979, Ch 185

Chapter 185 provides standards for annexation of contiguous territory by unincorporated towns in small counties. Previously, the only provision for changing boundaries of unincorporated towns applied to towns in large counties, or in counties which had adopted the Unincorporated Town Government Law.¹ Effective July 1, 1979, areas contiguous or adjacent to unincorporated towns with populations of less than 25,000 located in counties with populations of less than 250,000 or less, may be annexed by ordinance of either the town board or the board of county commissioners.² The ordinance must require the town boundary to be surveyed, mapped, platted and enlarged to include the annexed area.³

Annexation proceedings authorized by section 2 of this act⁴ may be commenced by (1) petition of a majority of the taxpayers in the area to be annexed; (2) recommendation of the county planning commission; or (3) resolution of the board of county commissioners.⁵

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