

1 **NYE COUNTY RESOLUTION NO. 2017-48**

2 **A RESOLUTION SUPORTING THE RS 2477 LEGISLATION**

3 WHEREAS Nye County has over 98% public land administered by federal agencies, and

4 WHEREAS, Nye County has over 8927 miles of roads within its Transportation Plan; of which  
5 over 5461 are considered Minor County Roads as defined in Nevada Revised Statute that crosses public  
6 land administered by the federal agencies, and

7 WHEREAS, the rights-of-ways for the county roads exist under Revised Statutes 2477 (R.S.  
8 2477), but such rights-of-ways were "self-executing" upon construction, and no written easement  
9 documents the County's interest and control of such roads with the federal agencies, notwithstanding the  
10 fact that such roads do not cross reserved land, and such roads were in existence and use prior to  
11 October 21, 1976, and

12 WHEREAS, that while the authority for new rights-of-ways were repealed by the Federal Land  
13 Policy and Management Act, the existing routes and rights-of-ways were "grandfathered" as valid  
14 existing rights, but the federal agencies will not place such routes in the official records, nor formally  
15 confirm the existence of such rights-of-ways without the jurisdiction moving to quiet the title in an  
16 action with the Federal District Court, and

17 WHEREAS, the expense of direct cost and time to confirm such rights-of-way through quiet title  
18 action in Federal District Court is excessive for the County to bear.

19 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Nye  
20 hereby endorses passage of legislation in the United States Congress titled the "Preservation of Historic  
21 Routes" and following the principles and process expressed in H.R. 4313 and S. 3334 which were  
22 introduced in the 114<sup>th</sup> Congress. The bills provide an efficient process for confirming and officially  
23 recognizing such rights-of-ways, and assure expeditious resolution and recordation of assertions for such  
24 rights-of-ways that were existing October 21, 1976. Passage of the legislation will provide Nye County,  
25 as well as other neighboring counties, an expedited administrative means of securing full legal

1 confirmation and will provide for recordation in the official land records of the United States  
2 Government, (specifically the Master Title Plats MTPs), and

3 BE IT FURTHER RESOLVED that the Clerk of the Board of Commissioners transmit this  
4 endorsement to the County's representative in the House of Representatives and Senate urging their  
5 support; and

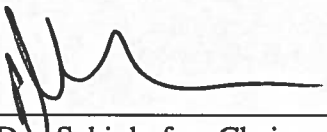
6 BE IT FURTHER RESOLVED that the Clerk transmit this endorsement to the legislation  
7 sponsors, Congressman Paul Cook, (CA, District 8), and Senator Jeff Flake (Arizona), and

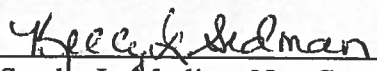
8 BE IT FURTHER RESOLVED that the Clerk transmit this endorsement to the Chairman of the  
9 House Committee on Natural Resources, and the Chairman of the Subcommittee on Public Lands, and  
10 urge prompt hearings be held on the legislative proposal; and similarly transmit a copy of the  
11 endorsement to the Chairman of the United States Senate Energy and Natural Resources Committee.

12 APPROVED this 21<sup>st</sup> day of February, 2017.

13 NYE COUNTY BOARD OF  
14 COUNTY COMMISSIONERS:

ATTEST:

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16 \_\_\_\_\_  
17 Dan Schinhofen, Chairman

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19 \_\_\_\_\_  
20 Sandra L. Merlino, Nye County Clerk  
21 and Ex-Officio Clerk of the Board

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