

January 16, 1980

LB 235

SENATOR WARNER: Does the Register of Deeds have to accept the subdivision?

SENATOR NICHOL: No, sir.

SENATOR WARNER: Senator Beutler is on his feet, maybe he can clarify it. Okay, I have no quarrel with the past, I understand that problem, and there is no problem about that.

SENATOR NICHOL: May I just say, Senator Warner, if they do they can file an objection and stop you.

SENATOR WARNER: Who?

SENATOR NICHOL: The City of Lincoln accepts this and the City of Lincoln or their zoning committee.

SENATOR WARNER: You mean I've got to pay property tax to have somebody sit down there every day and see who files...

SENATOR NICHOL: If they are in a zoning entity, you bet.

PRESIDENT: One minute, Senator Warner.

SENATOR WARNER: Senator Beutler, can you clear this up?

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: If I understand the bill correctly, and Senator Nichol please correct me if I don't have it correctly, it states in here that upon filing an affidavit such government authority shall have a 120 days from the receipt of the written notice to record an objection, or such conveyance shall be fully valid. So, in other words, when you go down and file the deed...when you go down and file the deed, if it is not correctly subdivided, the deed is still void. The deed becomes all right at that point in time when the affidavit is filed and the city fails to file an objection. So the problem with the law the way it has been is that we have always relied upon the Register of Deeds to distinguish good subdivisions from bad subdivisions, and the Register of Deeds is simply not equipped to do that, and so oftentimes these deeds are filed, time passes, and then the problem comes up later when it is almost impossible, or, if not impossible, extremely expensive to correct the situation, especially in small towns and cities where frankly not a whole lot of attention is paid to subdivision permits and subdivisions generally. So I think the main...oh, I am sorry, Senator Warner, I am taking up your time, I guess. I will speak later.

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