

January 13, 1982

LB 239

SENATOR NICHOL: Have you all voted? Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SENATOR NICHOL: Senator Labeledz or Lowell Johnson, which one of you wishes to explain the bill?

SENATOR LABEDZ: We both will, I am sure.

SENATOR NICHOL: All right, we have an amendment I understand but we probably ought to understand the bill first. Senator Labeledz.

SENATOR LABEDZ: Okay, fine. Thank you, Mr. Chairman. I would like to first explain what LB 239 provides. First of all, number one, if a person knowingly buys an isolated tract of land or sells off surrounding property leaving an isolated tract of land, he could not petition the county for a road. In other words, if he cannot obtain access rights from his neighbors then he is out of luck. Number two, if his land is isolated through no fault of his own, the county may at its discretion use its rights of eminent domain and acquire a right of way for an access to the isolated property. The access road could be a one-lane driveway or could be a two-lane public road at the discretion of the county board. All costs for acquiring the right of land and the building of the road would be paid by the person owning the isolated land. Of course, the owner would also have to pay for the upkeep. Under the present law, we provide that if, number one, a person owns a piece of land that does not have any access to a public road and is surrounded on all sides by real estate owned by others, and, number two, if he is unable to purchase from any adjoining landowner the necessary right of way to gain access, he may petition the county board to lay out a public road for his property. Also under the law...the present law, the county must obtain the necessary right of way through eminent domain and build the petitioner a road to his property. The petitioner then is required to pay for the right of way acquired. Under the existing law a person can buy a piece of property that is isolated or can sell off adjoining property leaving him with a piece of isolated land and then force the county to build a road to his isolated land. In the past few years counties have been getting a number of requests for providing access to isolated land and most of the requests are ridiculous. Many have to do with the small tracts of land along a river that someone wants to build a house or a cabin. Two examples I will give you are from Douglas County where a man came to