

RESOLUTION # 18-022

MINERAL COUNTY BOARD OF HIGHWAY COMMISSIONERS  
MINERAL COUNTY, NEVADA

A RESOLUTION ESTABLISHING A MINOR COUNTY PUBLIC ROADS PURSUANT TO NEVADA REVISED STATUTES 403.170 and 405.191.

**WHEREAS**, in response to the urging of the Nevada Legislature in Senate Concurrent Resolution No. 9, in the 75<sup>th</sup> Legislative Session of 2009, the Mineral County Board of Highway Commissioners (Board) on December 5, 2018, approved of a project to inventory and map all roads or rights-of-way that qualify to be classified as minor county roads under Nevada law and which were granted for public use under what was formerly codified as section 2477 of the Revised Statutes of the United States, 43 U.S.C. § 932 (R.S. 2477), and which were expressly recognized and preserved when R.S. 2477 was repealed under the enactment of the Federal Land Policy and Management Act of 1976, (See § 701(a)); and

**WHEREAS**, the Board pursuant to NRS 405.191 is empowered to locate and determine the width of those rights-of-way and open those rights-of-way for public use for the purpose of designating county roads pursuant to NRS 403.170; and

**WHEREAS**, the Board pursuant to NRS 403.170 is tasked with laying out and designating roads which are neither main nor general county roads but have been established by usage, or were constructed for use by the public, and shall designate these roads as minor county roads; and

**WHEREAS**, the Board has examined the documents attached as **Exhibit 1**, Mineral County Master Plan/Minor County Public Roads, or also known as Mineral County Master Plan Minor County Roads. **Exhibit 2**, List of Roads with names and numbers, and concludes that the roads or rights-of-way depicted therein qualify to be designated as minor county roads and open to the public; and

**WHEREAS**, pursuant to NRS 403.170 a public hearing was held on December 19, 2018;

**NOW THEREFORE BE IT RESOLVED**, that the Mineral County Board of Highway Commissioners does hereby locate, open for public use, layout and designate the public county road right-of-way known as Mineral County Master Plan Minor County Roads; and

**BE IT FURTHER RESOLVED**, that the Mineral County Board of Highway Commissioners does hereby determine and declare that the minor county roads known as Mineral County Master Plan Minor County Roads as more fully described in the attached Exhibit 1, has been: (a) established by usage or (b) was constructed for use by the public and prior to the October 21, 1976 repeal of R.S. 2477; and

**BE IT FURTHER RESOLVED**, that the Mineral County Board of Highway Commissioners does hereby acknowledge and determine that the county minor roads known as Mineral County Master

Plan Minor County Roads, applies only to the segments of the roads that traverse land managed by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the roads that traverse land owned by any other person or entity; and

**BE IT FURTHER RESOLVED**, and hereby ordered that the minor county roads known as Mineral County Master Plan Minor County Roads shall be represented on the Mineral County Road Inventory as a minor county roads; and

**BE IT FURTHER RESOLVED**, and hereby ordered that the Exhibit 1, designating county minor roads known as Mineral County Master Plan Minor County Roads shall be filed with the Clerk of the Mineral County Board of Highway Commissioners, the Nevada Department of Transportation, and the County Recorder; and

**BE IT FURTHER RESOLVED**, that the Mineral County Board of Highway Commissioners pursuant to Nevada Revised Statutes 403.190, does hereby declare the filing of Exhibit 1 is evidence of the existence and location of the minor county roads known as Mineral County Master Plan Minor County Roads, and

**BE IT FURTHER RESOLVED**, that the Mineral County Board of Highway Commissioners pursuant to Nevada Revised Statutes 403.170 does hereby determine that no maintenance is required on minor county roads and there will be no change in the maintenance schedule by the Mineral County Road Department until and at such time it is determined to be necessary; and

**BE IT FURTHER RESOLVED**, that the Mineral County Board of Highway Commissioners does hereby determine that signs indicating the road number, lack of maintenance, common name or any other informational message deemed appropriate by the Mineral County Road Department may be placed on the minor county roads known as Mineral County Master Plan Minor County Roads.

This resolution shall be effective upon its adoption.

PROPOSED AND ADOPTED this 19th day of December, 2018.

THOSE VOTING AYE:

Commissioner Price  
Commissioner Tipton

THOSE VOTING NAY:

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\_\_\_\_\_  
\_\_\_\_\_


Commissioner

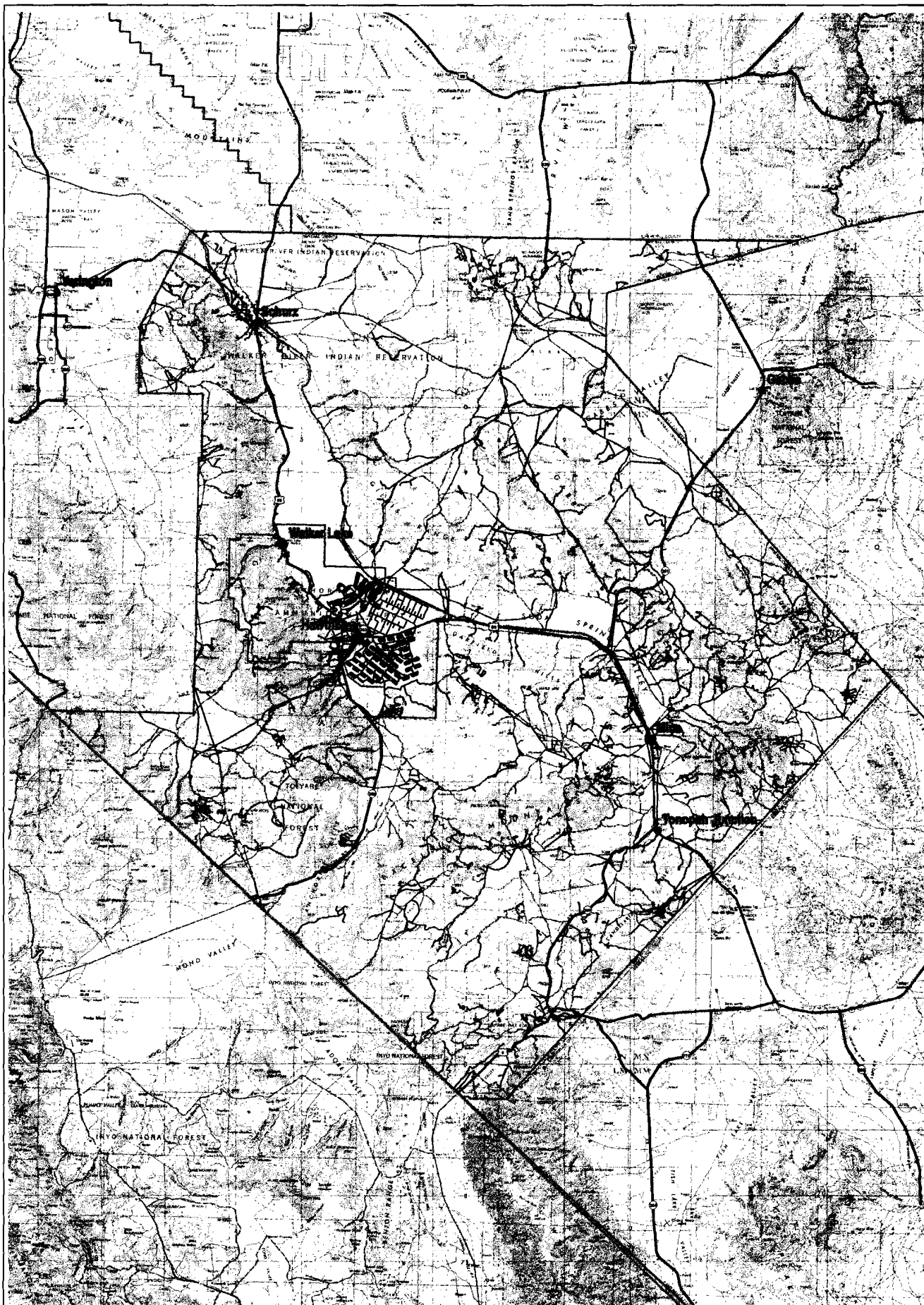
Commissioner Heagy

MINERAL COUNTY BOARD OF  
HIGHWAY COMMISSIONERS

  
By: Chairman

ATTEST:

  
Clerk of the Board



**Legend**

- State Route
- US Highway
- Local, Rural, and City Roads
- Railroad
- Old Railroad
- Best in the West Race Courses
- Maintained Roads
- Unmaintained Roads

*Min Co Master Plan Minor Co Public Roads*

**Local, Rural, County, and Jeep Roads**

**Mineral County Master Plan**



**NRS 403.170 Designation of main, general and minor county roads; immunity of State and county from liability resulting from use of minor county roads; reclassification and abandonment of roads; hearing.**

1. The board of county highway commissioners of each of the several counties of the State of Nevada shall:

(a) Lay out and designate which of the roads, generally termed public highways, are the most important to the people of the whole county and over which there is the greatest amount of general public travel and shall designate these roads as main county roads.

(b) Lay out and designate other roads of the county over which there is general public travel, and which are generally termed county roads, and shall designate these roads as general county roads.

(c) Lay out and designate other roads which are neither main nor general county roads but have been established by usage, or were constructed for use by the public, and shall designate these roads as minor county roads. This section does not require any maintenance for minor county roads. The State and the county are immune from liability for damages suffered by a person as a result of using any road designated as a minor county road.

2. The board of county highway commissioners may, from time to time, reclassify the roads and may lay out new roads of any class, or the board may change or abandon any roads termed as public highways.

3. The designation of a new road as a main county road, as a general county road or as a minor county road, or the reclassification of any road, or the abandonment of any road does not become effective until after a public hearing is held at which parties in interest and citizens have an opportunity to be heard. At least 10 days' notice of the time and place of the hearing must be published in a newspaper of general circulation in the county.

[1: Art. 4:257:1913; 1919 RL p. 2903; NCL § 5375] — (NRS A 1979, 1173; 1993, 1399)

**NRS 405.191 "Public road" defined; county roads and highways may be established on rights-of-way over certain public lands.** As used in NRS 405.193 and 405.195, "public road" includes:

1. A United States highway, a state highway or a main, general or minor county road and any other way laid out or maintained by any governmental agency.

2. Any way which exists upon a right-of-way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § 932, commonly referred to as R.S. 2477), and accepted by general public use and enjoyment before, on or after July 1, 1979. Except as otherwise provided in this subsection, each board of county commissioners may locate and determine the width of such rights-of-way and locate, open for public use and establish thereon county roads or highways, but public use alone has been and is sufficient to evidence an acceptance of the grant of a public user right-of-way pursuant to former 43 U.S.C. § 932. In a county in which a board of county highway commissioners has exclusive control of all matters relating to the construction, repairing and maintaining of public highways, roads and bridges within the county pursuant to NRS 403.090, the board of county highway commissioners may locate and determine the width of those rights-of-way and open those rights-of-way for public use for the purpose of designating county roads pursuant to NRS 403.170 or taking any other action concerning those rights-of-way pursuant to chapter 403 of NRS.

3. Any way which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes or which is described by words of similar import.

(Added to NRS by 1979, 1174; A 1981, 923; 1993, 1427; 1997, 1615; 2011, 300)

**NRS 403.190 Map of county roads filed by board of county highway commissioners; effect of filing of map that includes an R.S. 2477 road; authority of user to file map of minor county road; fees.**

1. Except as otherwise provided in subsection 4, upon laying out and designating the county roads as required in NRS 403.170, the board of county highway commissioners shall cause a map of the county to be made, showing the county roads and their designations. The board shall file one copy of the map with the clerk of the board of county highway commissioners, one copy with the Department of Transportation, one copy with the county clerk and one copy with the county recorder.

2. If the map required pursuant to subsection 1 includes a county road located on a right-of-way that the board of county highway commissioners has located, determined the width of and opened for public use pursuant to subsection 2 of NRS 405.191:

(a) The filing of copies of the map pursuant to subsection 1 constitutes the establishment of the existence and location of a right-of-way that is open for public use; and

(b) Acceptance of the map by the Department of Transportation constitutes acknowledgment by the Department of the establishment of the existence and location of a right-of-way that is open for public use.

3. When any road has been designated by the board of county highway commissioners as a standard county road, as provided in NRS 403.180, that designation must be made on the copies of the map on file with the clerk of the board of county highway commissioners, the county clerk, the Department of Transportation and the county recorder.

4. The board of county highway commissioners need not include a minor county road upon the map required by subsection 1. Any person who uses a minor county road may file with the county recorder a map showing the location of the road, appropriately emphasized in black ink upon the map by the person filing it. The map must:

(a) Be a topographical map prepared by the United States Geological Survey, unless the board of county highway commissioners determines that other specific maps are acceptable.

(b) Have written on its face, in black ink, the townships, ranges and sections through which the road traverses.

Ê The map so filed is evidence of the existence and location of the road. Each person filing such a map shall pay to the county recorder a fee of \$17 for the first sheet of the map plus \$10 for each additional sheet.

[3: Art. 4:257:1913; 1919 RL p. 2903; NCL § 5377] — (NRS A 1979, 1174; 1993, 1400; 2001, 3220; 2011, 299)