

## **Article 13 State Highways**

### **(C) Designation of System**

#### **Section**

- 39-1311 State Highway System; Department of Roads; maintain current map; contents; corridor location; map; notice.**
- 39-1311.01 Corridor map; copy; transmit.**
- 39-1311.02 Corridor; building permit; required.**
- 39-1311.03 Corridor; building permit; notice; statement of intent; issuance.**
- 39-1311.04 Corridor; building permit; county clerk; issuance; when.**
- 39-1311.05 Act; no condition precedent to acquisition of rights-of-way; purchase; eminent domain.**

**39-1311. State highway system; Department of Roads; maintain current map; contents; corridor location; map; notice.**

(1) The Department of Roads at all times shall maintain a current map of the state, which shall show all the roads, highways, and connecting links which have been designated, located, created, or constituted as part of the state highway system, including all corridors. All changes in designation or location of highways constituting the state highway system, or additions thereto, shall be indicated upon the map. The department shall also maintain six separate and additional maps. These maps shall include (a) the roads, highways, and streets designated as federal-aid primary roads as of March 27, 1972, (b) the National System of Interstate and Defense Highways, (c) the roads designated as the federal-aid primary system as it existed on June 1, 1991, (d) the National Highway System, (e) the Highway Beautification Control System as defined in section 39-201.01, and (f) scenic byways as defined in section 39-201.01. The National Highway System is the system designated as such under the federal Intermodal Surface Transportation Efficiency Act. The maps shall be available at all times for public inspection at the offices of the Director-State Engineer and shall be filed with the Legislature of the State of Nebraska each biennium.

(2) Whenever the department has received a corridor location approval for a proposed state highway to be located in any county or municipality, it shall prepare a map of such corridor sufficient to show the location of such corridor on each parcel of land to be traversed. If the county or municipality in which such corridor is located does not have a requirement for the review and approval of a preliminary plat or a requirement that a building permit be obtained prior to commencement of a structure, the department shall send notice of the approval of such corridor by certified mail to the owner of each parcel traversed by the corridor at the address shown for such owner on the county tax records. Such notice shall advise the owner of the requirement of sections 39-1311 to 39-1311.05 for preliminary subdivision plats and for building permits.

**39-1311.01. Corridor map; copy; transmit.**

The department shall transmit a copy of the map required by subsection (2) of section 39-1311 to the officer responsible for review of preliminary subdivision plats and to the officer responsible for issuance of building permits or, if subdivision plats or building permits are not required in the county or municipality, to the county clerk of the county in which the corridor is located.

**39-1311.02. Corridor; building permit; required.**

(1) A review of a preliminary subdivision plat shall be required for all proposals to subdivide land or to make public or private improvements on all land within an approved corridor.

(2) A building permit shall be required for all structures within an approved corridor if the actual cost of the structure exceeds one thousand dollars. Structures include, but are not limited to, any construction or improvement to land such as public or private streets, sidewalks, and utilities; golf course tee boxes, fairways, or greens; drainage facilities; storm water detention areas; mitigation sites; green space; landscaped areas; or other similar uses. Any application for a building permit shall include a plat drawn by a person licensed as a professional engineer or architect under the Engineers and Architects Regulation Act or registered as a land surveyor as provided in Sections 81-8,108 to 81-8,127, showing the location of all existing and proposed structures in the area subject to corridor protection.

**39-1311.03. Corridor; building permit; notice; statement of intent; issuance.**

(1) Upon the filing of a request for a review of a proposed subdivision plat on a parcel located within a corridor, the officer responsible for reviewing subdivision plats or, if the review of a subdivision plat is required only by virtue of sections 39-1311 to 39-1311.05, the county clerk shall give the department notice of the filing of a request for a review of a preliminary subdivision plat. The officer responsible for review of subdivision plats shall not approve or forward for approval a subdivision plat for a period of sixty days from the date of mailing notice of the filing of the request with the department unless the department waives in writing the time period. Within the sixty-day period, the department may if it wishes file with such officer a statement of intent to negotiate with the owner of the land involved. Upon the filing of such statement of intent, the department shall be allowed six months for negotiations with the landowner. At the end of such six-month period, if the landowner has not withdrawn his or her request for review of a subdivision plat, the officer responsible for the review of subdivision plats shall proceed with consideration of such preliminary plat if it meets all other applicable codes, ordinances, and laws.

(2) Upon the filing of a request for a building permit on a parcel located within a corridor, the officer responsible for issuance of building permits or, if a building permit is required only by virtue of sections 39-1311 to 39-1311.05, the county clerk shall give the department notice of the filing of the request for a building permit. The officer responsible for issuance of building permits shall not issue a permit for a period of sixty days from the date of mailing notice of the filing of the request with the department unless the department waives in writing the time period. Within the sixty-day period, the department may if it wishes file with such officer a statement of intent to negotiate with the owner of the land involved. Upon the filing of such statement of intent, the department shall be allowed six months for negotiations with the landowner. At the end of such six-month period, if the landowner has not withdrawn his or her application for a permit, it shall be issued if it meets all other applicable codes, ordinances, and laws.

**39-1311.04. Corridor; building permit; county clerk; issuance; when.**

When an officer is not now authorized to issue building permits, the county clerk shall be authorized to review and approve subdivision plats or issue building permits required by the provisions of sections 39-1311 to 39-1311.05.

**39-1311.05. Sections; no condition precedent to acquisition of rights-of-way.**

Nothing in sections 39-1311 to 39-1311.05 shall be deemed a condition precedent to the acquisition of rights-of-way by purchase or by eminent domain