

STOREY COUNTY PLANNING DEPARTMENT

Storey County Courthouse
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To: Storey County Board of Highway Commissioners

From: Storey County Planning Department

Meeting Date: February 5, 2026

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Storey County, Nevada

Staff Contact: Jessica Prager

Request: RESOLUTION 26-812 establishing a minor county public road identified as Homestead, Storey County Road Number 910170, pursuant to Nevada Revised Statutes 403.170 and 405.191. This request is to establish the minor county road on land managed by the Bureau of Land Management.

Location: Segment 1: The road is approximately located south of Virginia City, and north of Gold Hill, connecting to Occidental Grade (SR 341) and Main Street. The road appears to traverse through portions of APN 002-272-06. The roadway segment is approximately 1,138 linear feet in length and approximately 20 feet wide. The road is on land identified as public land.

Segment 2: The road is approximately located south of Virginia City, and north of Gold Hill, connecting to Occidental Grade (SR341) and Main Street. The road appears to traverse through portions of APN 002-272-06. The roadway segment is approximately 4,048 linear feet in length and approximately 20 feet wide. The road is on land identified as public land.

Background & Analysis

Storey County has commenced the process of identifying existing public access roadways located on public land. Nevada Revised Statutes Section 405.191 identifies what is considered a public road. Storey County is following this definition to designate roadways that meet the following:

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.

Storey County entered into a contract with Mr. Jerry Elkins to do the research on various roadway sections located within Storey County that had not previously been researched by Storey County or identified as a county-recognized road. Utilizing this research, Storey County is recognizing each roadway segment that meets the NRS Section 405.191 definition on public property. The research, map, legal description and photographs are included for each roadway segment and a Resolution recognizing the roadway segment by the Storey County Board of Highway Commissioners is generated for each segment.

Upon recordation of the Resolution, each segment of roadway will be added to the overall Storey County map of county roads and designated as a minor county road. The map will then be presented to the State of Nevada Department of Transportation as identified in NRS Section 403.190.

It should be noted that NRS 403.170(1)(c) states that county roads designated as minor county roads do not have to be maintained and it further provides that the state and county are immune from liability for damages suffered by anyone using a minor county road. The statute also does not require signage to create immunity from liability.

County staff are proceeding with recognizing the roadways that are located on publicly owned land only. Some of the research does include other roadway areas, including areas privately owned. If the need arises in the future, this research is anticipated to be utilized in the legal process of identifying public access across private property.

The applicable NRS sections identified in this report are attached as exhibits to this staff report.

Homestead / Tunnel Road, Storey County Road Number 910170

These roadway segments are approximately located south of Virginia City, and north of Gold Hill, connecting to Occidental Grade or Nevada Highway 341 and Main Street. The roadway segments appear to traverse through APN 002-272-06 which is managed by Bureau of Land Management. The total road length is approximately 5,186 feet in length and approximately 20 feet wide. The effect of identifying the road as a minor county road is to identify it as a public road, available for public use but that it is not maintained by Storey County. It must be used by motorists at their own risk.

Attached to this staff report is a legal description of the Homestead / Tunnel Road Storey County Road Number 910170, which includes maps and photographs of the roadway. A Resolution establishing the roadway on public land as a minor public road is also attached for consideration for adoption. Staff is recommending approval of the proposed Resolution.



Red line indicates approximate location of the roadway segment



Red line indicates approximate location of the roadway segment



Red line indicates approximate location of the roadway segment



Red line indicates approximate location of the roadway segment

Suggested Motion

In coordination with the recommendation by staff, I (commissioner) move to adopt Resolution 26-812, identifying Storey County Road Number 910170 (2 Segments), commonly known as Homestead / Tunnel Road, Total Road Segment Length (in Horizontal Distance): 5,186 (0.99 Miles) Overall Average Disturbed Width: Approximately twenty (20) feet, as a minor county road. The effect of identifying the road as a minor county road is to identify it as a public road, available for public use but not maintained by Storey County. It must be used by motorists at their own risk.

RESOLUTION 26-812

STOREY COUNTY BOARD OF HIGHWAY COMMISSIONERS
STOREY COUNTY, NEVADA

A RESOLUTION ESTABLISHING A MINOR COUNTY PUBLIC ROAD IDENTIFIED AS COUNTY ROAD NUMBER 910170, (2 SEGMENTS), HOMESTEAD (SEGMENT 1), TUNNEL RD (SEGMENT 2) 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. 6, in the 75th Legislative Session of 2009, the Storey County Board of Commissioners (Board) on February 18, 2020, 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 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 February 3, 2026,

NOW THEREFORE BE IT RESOLVED, that the Storey County Board of Highway Commissioners does hereby locate, open for public use, layout and designate the public county road right-of-way Storey County Road Number 910170, commonly known as Homestead Rd (Segment 1), Total Road Segment Length (in Horizontal Distance): 1,138' (0.22 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, and Tunnel Rd (Segment 2), Total Road Segment Length (in Horizontal Distance): 4,048' (0.77 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, as a minor county road;

BE IT FURTHER RESOLVED, that the Storey County Board of Highway Commissioners does hereby determine and declare that the minor Storey County Road Number 910170, commonly known as Homestead Rd (Segment 1), Total Road Segment Length (in Horizontal Distance): 1,138' (0.22 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, and Tunnel Rd

(Segment 2), Total Road Segment Length (in Horizontal Distance): 4,048' (0.77 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, as a minor county road; 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 Storey County Board of Highway Commissioners does hereby acknowledge and determine that Storey County Road Number 910170, commonly known as Homestead Rd (Segment 1), Total Road Segment Length (in Horizontal Distance): 1,138' (0.22 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, and Tunnel Rd (Segment 2), Total Road Segment Length (in Horizontal Distance): 4,048' (0.77 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, as a minor county road; as more fully described in the attached Exhibit 1, applies only to the segments of the road that traverse land managed by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity; and

BE IT FURTHER RESOLVED, and hereby ordered that the minor Storey County Road Number 910170, commonly known as Homestead Rd (Segment 1), Total Road Segment Length (in Horizontal Distance): 1,138' (0.22 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, and Tunnel Rd (Segment 2), Total Road Segment Length (in Horizontal Distance): 4,048' (0.77 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, as a minor county road; as more fully described in the attached Exhibit 1, shall be represented on the Storey County Road Inventory as a minor road; and

BE IT FURTHER RESOLVED, and hereby ordered that the Exhibit 1, designating county minor road, Storey County Road Number 910170, commonly known as Homestead Rd (Segment 1), Total Road Segment Length (in Horizontal Distance): 1,138' (0.22 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, and Tunnel Rd (Segment 2), Total Road Segment Length (in Horizontal Distance): 4,048' (0.77 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, as more fully described in the attached Exhibit 1, shall be filed with the Clerk of the Storey County Board of Highway Commissioners, the Nevada Department of Transportation, and the County Recorder; and

BE IT FURTHER RESOLVED, that the Storey 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 Storey County Road Number 910170, commonly known as Homestead Rd (Segment 1), Total Road Segment Length (in Horizontal Distance): 1,138' (0.22 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, and Tunnel Rd (Segment 2), Total Road Segment Length (in Horizontal Distance): 4,048' (0.77 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, as more fully described

in the attached Exhibit 1; and

BE IT FURTHER RESOLVED, that the Storey 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 Storey County Public Works Department until and at such time it is determined to be necessary; and

BE IT FURTHER RESOLVED, that the Storey 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 Storey County Public Works Department may be placed on the county minor road, Storey County Road Number 910170, commonly known as Homestead Rd (Segment 1), Total Road Segment Length (in Horizontal Distance): 1,138' (0.22 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, and Tunnel Rd (Segment 2), Total Road Segment Length (in Horizontal Distance): 4,048' (0.77 miles), Overall Average Disturbed Width: Approximately twenty (20) feet, as more fully described in the attached Exhibit 1.

This resolution shall be effective upon its adoption.

PROPOSED AND ADOPTED this ____ day of _____, 2026.

THOSE VOTING AYE: _____

THOSE VOTING NAY: _____

STOREY COUNTY BOARD OF
HIGHWAY COMMISSIONERS

By: Chairman _____

ATTEST:

Clerk of the Board _____

Beginning and Ending Points and Legal Description

The road is the monument.

Common Name: HOMESTEAD
County: Storey
County Road Number: 910170

Segment 1

Beginning Latitude/Longitude: 39.295333 N, -119.657449 W
Beginning Legal Description: Township 17 N, Range 21 East, Within Section 32
Ending Latitude/Longitude: 39.293118 N, -119.654895 W
Ending Legal Description: Township 17 N, Range 21 East, Within Section 32

Total Road Segment Length (in Horizontal Distance):1,138' (0.22
Miles) Overall Average Disturbed Width: Approximately
twenty (20) feet.

All Projections are NAD 1983 StatePlane Nevada West FIPS 2702 Feet in Decimal Degrees
The collected centerline report for this road is in a database maintained by the Storey County GIS
Outsource Contractor.

This road provides access to other roads, private property, water rights, and mining claims or to hunting, fishing, firewood, wildlife viewing, camping, hiking, motor vehicle recreation, mineral exploration or other general outdoor recreation areas, or any combination thereof.

“The RS 2477 assertion is to the segments of the road that traverse land reserved and managed by the Bureau of Land Management and US Forest Service, United States Department of the Interior and segments of the road that traverse land owned by any other person or entity.”

Beginning and Ending Points and Legal Description

The road is the monument.

Common Name: Tunnel Road
County: Storey
County Road Number: 910170

Segment 2

Beginning Latitude/Longitude: 39.293118 N, -119.654895 W
Beginning Legal Description: Township 17 N, Range 21 East, Within Section 32
Ending Latitude/Longitude: 39.297268 N, -119.648921 W
Ending Legal Description: Township 17 N, Range 21 East, Within Section 32

Total Road Segment Length (in Horizontal Distance):4,048' (0.77
Miles) Overall Average Disturbed Width: Approximately
twenty (20) feet.

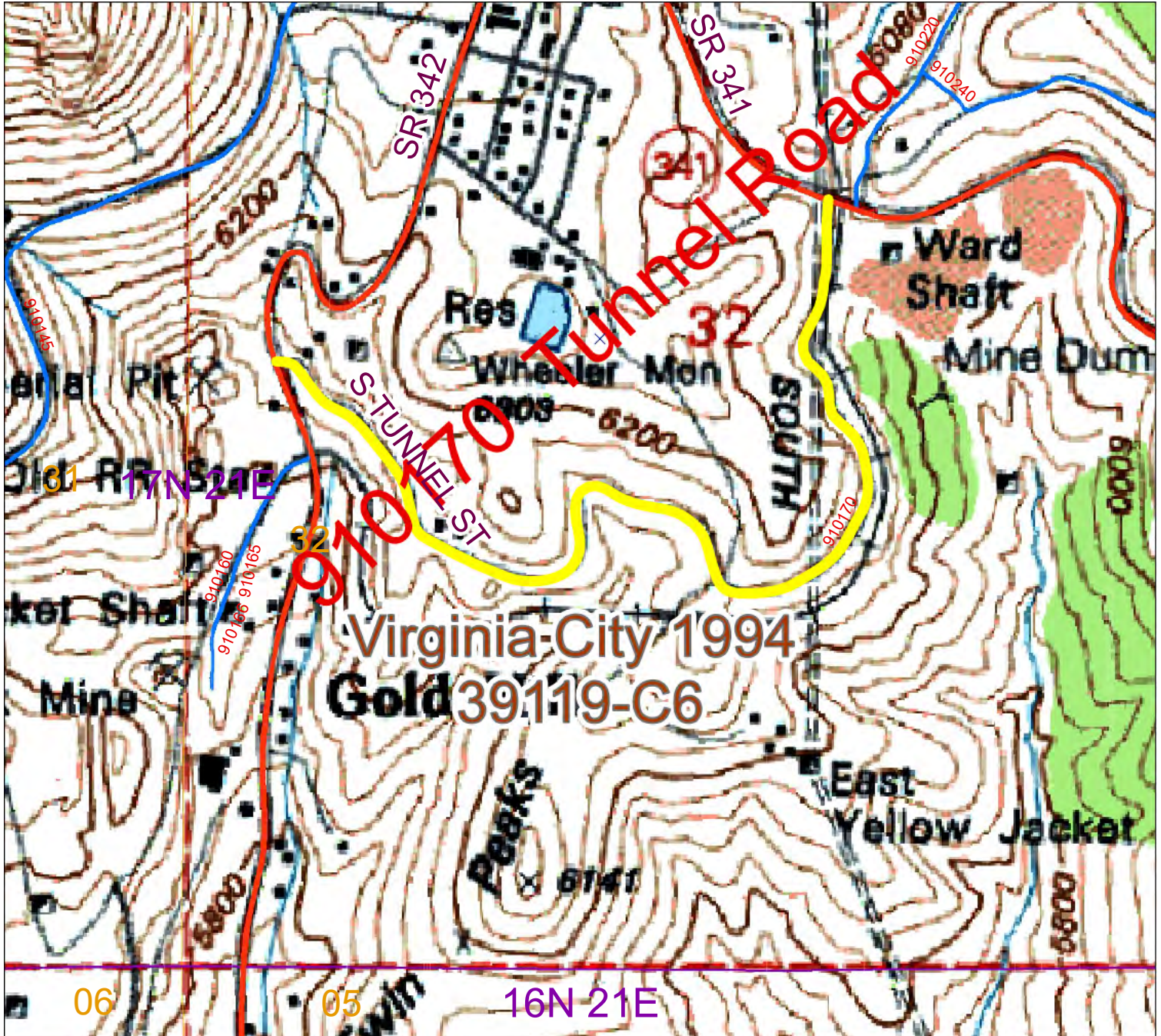
All Projections are NAD 1983 StatePlane Nevada West FIPS 2702 Feet in Decimal Degrees
The collected centerline report for this road is in a database maintained by the Storey County GIS
Outsource Contractor.

This road provides access to other roads, private property, water rights, and mining claims or to hunting, fishing, firewood, wildlife viewing, camping, hiking, motor vehicle recreation, mineral exploration or other general outdoor recreation areas, or any combination thereof.

“The RS 2477 assertion is to the segments of the road that traverse land reserved and managed by the Bureau of Land Management and US Forest Service, United States Department of the Interior and segments of the road that traverse land owned by any other person or entity.”

Locator Map

Excerpt from current USGS Topographical maps,



Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Map Source: Central Nevada GIS and Cartography Services, LLC. (CNGIS)
Jerry Elkins 775-761-7777

Data Source: Base Map – USGS Topographical maps,
State and Local County Roads – supplied by Storey County's contracted 3rd party GIS provider.
RS2477 Roads – Digitally collected by CNGIS

Date: 9/17/2020

Legend

- Subject Road
- RS2477 Roads
- Road in Process
- State and County Roads
- SIX MILE CANYON RD
- SR 341
- SR 342
- SR 439
- USGS Quadrangle Grid



910170 (1)



910170 (2)



910170 (3)



910170 (4)

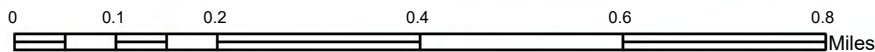
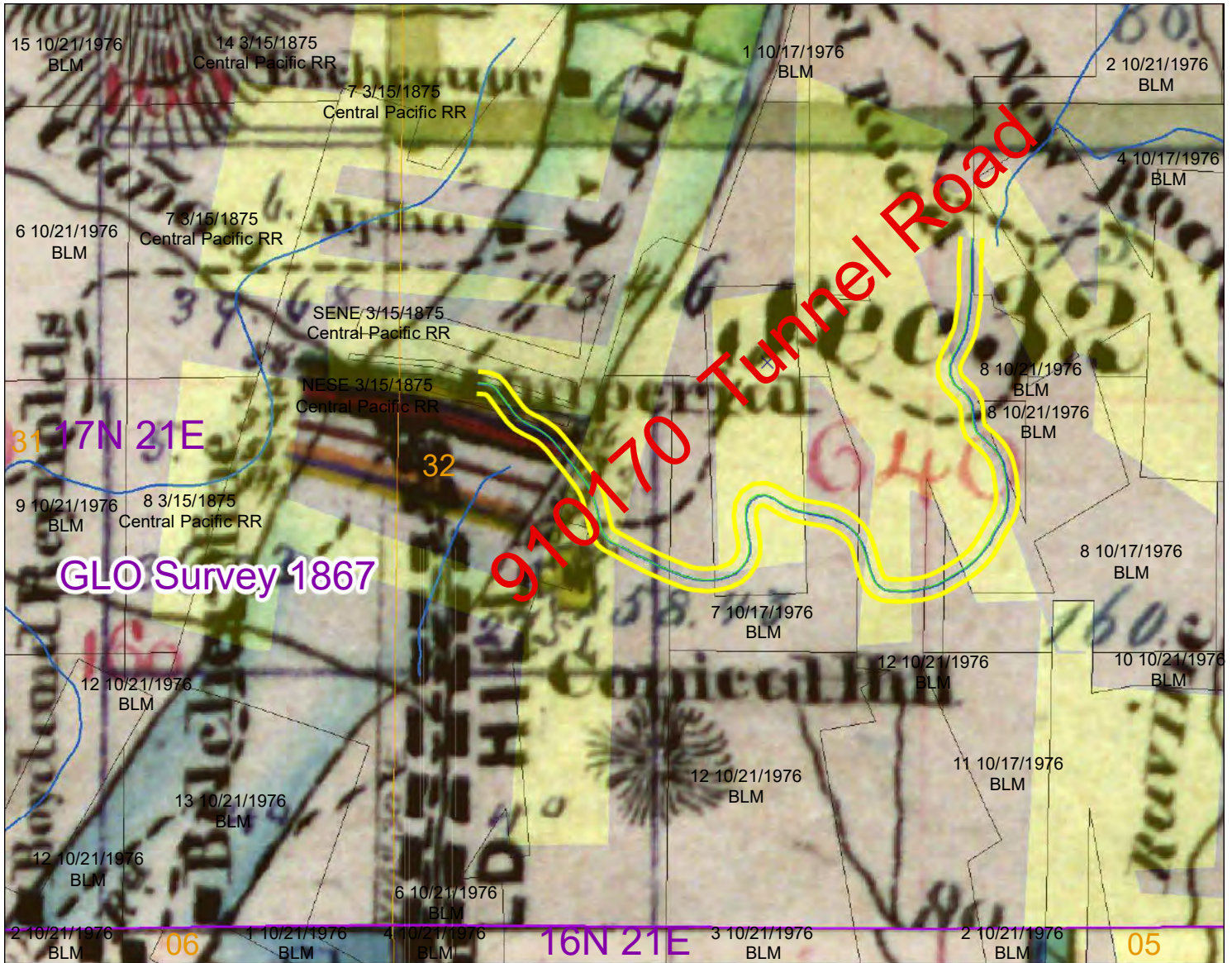


910170 (5)



Proof Map

Excerpt from historic maps: USGS Topographical maps, GLO Survey maps, BLM Surface Management maps, various State and NDOT transportation maps



Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Map Source: Central Nevada GIS and Cartography Services, LLC. (CNGIS)
Jerry Elkins 775-761-7777

Data Source: Base Map – USGS Topographical maps, GLO Survey maps, BLM Surface Management maps, various historic State and NDOT Transportation maps.

State and Local County Roads – supplied by Storey County's contracted 3rd party GIS provider.
RS2477 Roads – Digitally collected by CNGIS

Date: 9/15/2020

Legend

Subject Road

RS2477 Roads Project

Roads in Process

Township/Range Label

Date of Transfer from Public

Land Ownership Status

Bureau of Indian Affairs

Bureau of Land Management

Bureau of Reclamation

Private Ownership



Road Collections that don't overlay the track on the Proof Map

It frequently happens that the course of a road is altered by a washout, foreign obstacle (such as a fallen tree or rock), severe rutting or erosion. In cases like this, via the concept of 'maintenance by use', a go around from the original provable course is established. This is generally a short detour.

Occasionally, a road will start in the same close proximity, perhaps follow the provable track for a distance, and then divert substantially from the provable course. And then end up at the same approximate location served by the provable road.

In cases like this the provable track is no longer in use. But again the concept of 'maintenance by use' clearly evidences that the new track is not a new road. It is in effect the same road merely located via a more passable track serving the same destination.

These roads have been processed in the same manner as all other RS2477 qualifying roads. The only recognizable distinction is that the proof map clearly shows that there is no pre 1976 track underlying the collection. But it does show the starting and ending locations evidencing that it does serve the destination of the now unused original track.

This document is included in the Road Folders of these roads. There is also a comprehensive list of such roads by Road # maintained in the Project file.