

72-10-413 Purchase or condemnation of air rights or navigation easements.

A political subdivision within which the property or nonconforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, an air right, navigation easement, or other estate or interest in the property or nonconforming structure or use in question if:

- (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use;
- (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this part; or
- (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations.

Renumbered and Amended by Chapter 270, 1998 General Session