

Superseded 5/13/2014

78B-6-505 Negotiation and disclosure required before filing an eminent domain action.

- (1) A political subdivision of the state that seeks to acquire property by eminent domain or that intends to use eminent domain to acquire property if the property cannot be acquired in a voluntary transaction shall:
 - (a) before the governing body, as defined in Subsection 78B-6-504(2)(a), of the political subdivision takes a final vote to approve the filing of an eminent domain action, make a reasonable effort to negotiate with the property owner for the purchase of the property; and
 - (b) except as provided in Subsection (3), as early in the negotiation process described in Subsection (1)(a) as practicable, but no later than 14 days before the day on which a final vote is taken to approve the filing of an eminent domain action:
 - (i) advise the property owner of the owner's rights to mediation and arbitration under Section 78B-6-522, including the name and current telephone number of the property rights ombudsman, established in Title 13, Chapter 43, Property Rights Ombudsman Act;
 - (ii) provide the property owner a complete printed copy of the materials provided on the Office of the Property Rights Ombudsman website in accordance with Section 13-43-203 regarding the acquisition of property for a public purpose and a property owner's right to just compensation; and
 - (iii) provide the property owner a written statement explaining that oral representations or promises made during the negotiation process are not binding upon the person seeking to acquire the property by eminent domain.
- (2) A person, other than a political subdivision of the state, that seeks to acquire property by eminent domain or that intends to use eminent domain to acquire property if the property cannot be acquired in a voluntary transaction shall:
 - (a) before filing an eminent domain action, make a reasonable effort to negotiate with the property owner for the purchase of the property; and
 - (b) except as provided in Subsection (3), as early in the negotiation process described in Subsection (2)(a) as practicable, but no later than 14 days before the day on which the person files an eminent domain action:
 - (i) advise the property owner of the owner's rights to mediation and arbitration under Section 78B-6-522, including the name and current telephone number of the property rights ombudsman, established in Title 13, Chapter 43, Property Rights Ombudsman Act;
 - (ii) provide the property owner a complete printed copy of the materials provided on the Office of the Property Rights Ombudsman website in accordance with Section 13-43-203 regarding the acquisition of property for a public purpose and a property owner's right to just compensation; and
 - (iii) provide the property owner a written statement explaining that oral representations or promises made during the negotiation process are not binding upon the person seeking to acquire the property by eminent domain.
- (3) The court may, for good cause, shorten the 14-day period described in Subsection (1)(b) or (2)(b).