

**EASEMENTS - COUNTIES AND MUNICIPALITIES**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Aaron Tilton**

Senate Sponsor: Mark B. Madsen

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**LONG TITLE**

**General Description:**

This bill addresses the realignment of easements acquired by a county or municipality.

**Highlighted Provisions:**

This bill:

- ▶ allows a property owner to realign certain easements acquired by a county or municipality using eminent domain powers at the owner's expense; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-8-14.5**, as last amended by Chapter 64, Laws of Utah 2004

ENACTS:

**17-15-29**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-8-14.5** is amended to read:



28 **10-8-14.5. Utility easements -- Use for water or sewerage service.**

29 (1) If a municipality grants a general utility easement for the provision of electric, gas,  
30 or telephone service, the grant may also provide that the easement [~~can~~] may be used by the  
31 corporation or other entity that provides water or sewerage service to the municipality's  
32 residents.

33 (2) A general utility easement described in Subsection (1) is subject to the provisions  
34 imposed on a public utility easement under Section 54-3-27.

35 (3) If a municipality acquires ~~H~~→ [~~an~~] a utility ←~~H~~ easement through the exercise  
35a of its eminent domain  
36 power for use under this section, the owner of the servient estate may realign the easement at  
37 the servient estate owner's expense unless the alignment cannot be reasonably changed because  
38 of engineering or safety requirements.

39 Section 2. Section **17-15-29** is enacted to read:

40 **17-15-29. Easement for utility use -- Realignment at property owner's expense.**

41 (1) As used in this section, "utility easement" means an easement acquired by a county  
42 through the use of eminent domain to provide utility services to the county's residents.

43 (2) The owner of a servient estate subject to a utility easement may realign the  
44 easement at the servient estate owner's expense unless the alignment cannot be reasonably  
45 changed because of engineering or safety requirements.

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**Legislative Review Note**  
**as of 1-24-07 7:32 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 188 - Easements - Counties and Municipalities**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/29/2007, 8:37:29 AM, Lead Analyst: Wardrop, T.*

**Office of the Legislative Fiscal Analyst**