

**EASEMENTS - COUNTIES AND
MUNICIPALITIES**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Tilton

Senate Sponsor: Mark B. Madsen

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

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

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

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

(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 a utility easement through the exercise of its eminent
36 domain power for use under this section, the owner of the servient estate may realign the
37 easement at the servient estate owner's expense unless the alignment cannot be reasonably
38 changed because 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.