

Effective 5/10/2016

17C-1-902 Use of eminent domain -- Conditions.

- (1) Except as provided in Subsection (2), an agency may not use eminent domain to acquire property.
- (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:
 - (a) within an urban renewal project area if:
 - (i) the board makes a finding of blight under Chapter 2, Part 3, Blight Determination in Urban Renewal Project Areas; and
 - (ii) the urban renewal project area plan provides for the use of eminent domain;
 - (b) that is owned by an agency board member or officer and located within a project area, if the board member or officer consents;
 - (c) within a community reinvestment project area if:
 - (i) the board makes a finding of blight under Section 17C-5-405;
 - (ii) the community reinvestment project area plan provides for the use of eminent domain; and
 - (iii) the agency creates a taxing entity committee in accordance with Section 17C-1-402;
 - (d) that:
 - (i) is owned by a participant or a property owner that is entitled to receive tax increment or other assistance from the agency;
 - (ii) is within a project area, regardless of when the project area is created, for which the agency made a finding of blight under Section 17C-2-102 or 17C-5-405; and
 - (iii)
 - (A) the participant or property owner described in Subsection (2)(d)(i) fails to develop or improve in accordance with the participation agreement or the project area plan; or
 - (B) for a period of 36 months does not generate the amount of tax increment that the agency projected to receive under the project area budget; or
 - (e) if a property owner requests in writing that the agency exercise eminent domain to acquire the property owner's property within a project area.
- (3) An agency shall, in accordance with the provisions of this part, commence the acquisition of property described in Subsections (2)(a) through (c) by eminent domain within five years after the day on which the project area plan is effective.

Renumbered and Amended by Chapter 350, 2016 General Session