

Effective 5/10/2016

17C-1-903 Prerequisites to the acquisition of property by eminent domain -- Civil action authorized -- Record of good faith negotiations to be retained.

- (1) Before an agency may initiate an action in district court to acquire property by eminent domain, the agency shall:
 - (a) negotiate in good faith with the affected record property owner;
 - (b) provide to each affected record property owner a written declaration that includes:
 - (i) an explanation of the eminent domain process and the reasons for using it, including:
 - (A) the need for the agency to obtain an independent appraisal that indicates the fair market value of the property and how the fair market value was determined;
 - (B) a statement that the agency may adopt a resolution authorizing the agency to make an offer to the record property owner to purchase the property for the fair market value amount determined by the appraiser and that, if the offer is rejected, the agency has the right to acquire the property through an eminent domain proceeding; and
 - (C) a statement that the agency will prepare an offer that will include the price the agency is offering for the property, an explanation of how the agency determined the price being offered, the legal description of the property, conditions of the offer, and the time at which the offer will expire;
 - (ii) an explanation of the record property owner's relocation rights under Title 57, Chapter 12, Utah Relocation Assistance Act, and how to receive relocation assistance; and
 - (iii) a statement that the owner has the right to receive just compensation and an explanation of how to obtain it; and
 - (c) provide to the affected record property owner or the owner's designated representative a notice that is printed in a type size of at least ten-point type that contains:
 - (i) a description of the property to be acquired;
 - (ii) the name of the agency acquiring the property and the agency's contact person and telephone number; and
 - (iii) a copy of Title 57, Chapter 12, Utah Relocation Assistance Act.
- (2) A person may bring a civil action against an agency for a violation of Subsection (1)(b) that results in damage to that person.
- (3) Each agency shall keep a record and evidence of the good faith negotiations required under Subsection (1)(a) and retain the record and evidence as provided in:
 - (a) Title 63G, Chapter 2, Government Records Access and Management Act; or
 - (b) an ordinance or policy that the agency had adopted under Section 63G-2-701.
- (4) A record property owner whose property is being taken by an agency through the exercise of eminent domain may elect to receive for the real property being taken:
 - (a) fair market value; or
 - (b) replacement property under Section 57-12-7.

Renumbered and Amended by Chapter 350, 2016 General Session