

Effective 5/10/2016

17C-5-406 Challenging a finding of blight -- Time limit -- Standards governing court review.

- (1) If a board makes a finding of blight under Subsection 17C-5-402(2)(c)(ii) and the finding is approved by resolution adopted by the taxing entity committee, a record owner of property located within the survey area may challenge the finding by filing an action in the district court in the county in which the property is located.
- (2) A person shall file an action under Subsection (1) no later than 30 days after the day on which the taxing entity committee approves the board's finding of blight.
- (3) In an action under this section:
 - (a) the agency shall transmit to the district court the record of the agency's proceedings, including any minutes, findings, orders, or transcripts of the agency's proceedings;
 - (b) the district court shall review the finding of blight under the standards of review provided in Subsection 10-9a-801(3); and
 - (c)
 - (i) if there is a record:
 - (A) the district court's review is limited to the record provided by the agency; and
 - (B) the district court may not accept or consider any evidence outside the record of the agency, unless the evidence was offered to the agency and the district court determines that the agency improperly excluded the evidence; or
 - (ii) if there is no record, the district court may call witnesses and take evidence.

Enacted by Chapter 350, 2016 General Session