

**72-5-103 Acquisition of rights-of-way and other real property -- Title to property acquired.**

- (1) The department may acquire any real property or interests in real property necessary for temporary, present, or reasonable future state transportation purposes by gift, agreement, exchange, purchase, condemnation, or otherwise.
- (2)
  - (a)
    - (i) Title to real property acquired by the department or the counties, cities, and towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway rights-of-way or other transportation purposes may be in fee simple or any lesser estate or interest.
    - (ii) Title to real property acquired by the department for a public transit project shall be transferred to the public transit district responsible for the project.
    - (iii) A public transit district shall cover all costs associated with any condemnation on its behalf.
  - (b) If the highway is a county road, city street under joint title as provided in Subsection 72-3-104(3), or right-of-way described in Title 72, Chapter 5, Part 3, Rights-Of-Way Across Federal Lands Act, title to all interests in real property less than fee simple held under this section is held jointly by the state and the county, city, or town holding the interest.
- (3) A transfer of land bounded by a highway on a right-of-way for which the public has only an easement passes the title of the person whose estate is transferred to the middle of the highway.

Amended by Chapter 79, 2001 General Session