

**72-5-405 Private owner rights.**

- (1) The department, counties, and municipalities shall observe all protections conferred on private property rights, including Title 63L, Chapter 3, Private Property Protection Act, Title 63L, Chapter 4, Constitutional Takings Issues Act, and compensation for takings.
- (2) Private property owners from whom less than fee simple rights are obtained for transportation corridors or transportation corridor preservation have the right to petition the department, a county, or a municipality to acquire the entire fee simple interest in the affected property.
- (3)
  - (a) A private property owner whose property's development is limited or restricted by a power granted under this part may petition the county or municipality that adopted the official map to acquire less than or the entire fee simple interest in the affected property, at the option of the property owner.
  - (b) If the county or municipality petitioned under Subsection (3)(a) does not acquire the interest in the property requested by the property owner, then the county or municipality may not exercise any of the powers granted under this part to limit or restrict the affected property's development.

Amended by Chapter 382, 2008 General Session