

72-7-207 Junkyards not adaptable to screening -- Authority of department to acquire land -- Compensation.

- (1) If the department determines that the topography of the land adjoining the interstate and primary systems will not permit adequate screening of junkyards or that screening would not be economically feasible, the department may acquire by gift, purchase, exchange, or eminent domain the interests in lands necessary to secure the relocation, removal, or disposal of the junkyards.
- (2) If the department determines that it is in the best interests of the state, it may acquire lands, or interests in lands, necessary to provide adequate screening of junkyards.
- (3) The acquisitions provided for in this section may not be undertaken unless:
 - (a) the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state; and
 - (b) the department has received approval to seek federal grants, loans, or participation in federal programs under Title 63J, Chapter 5, Federal Funds Procedures Act.
- (4) Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.
- (5) Just compensation shall be paid the owner for the relocation, removal, or disposal of a junkyard lawfully established under the laws of this state and which must be relocated, removed, or disposed of under this part.

Amended by Chapter 382, 2008 General Session