

Effective 2/27/2023

78B-2-216 Adverse possession of certain real property.

- (1) As used in this section:
 - (a) "Government entity" means a town, city, county, metropolitan water district, or special district.
 - (b) "Water facility" means any improvement or structure used, or intended to be used, to divert, convey, store, measure, or treat water.
- (2) Except as provided in Subsection (3), a person may not acquire by adverse possession, prescriptive use, or acquiescence any right in or title to any real property:
 - (a) held by a government entity; and
 - (b) designated for any present or future public use, including:
 - (i) a street;
 - (ii) a lane;
 - (iii) an avenue;
 - (iv) an alley;
 - (v) a park;
 - (vi) a public square;
 - (vii) a water facility; or
 - (viii) a water conveyance right-of-way or water conveyance corridor.
- (3) Notwithstanding Subsection (2) and subject to Subsection (4), a person may acquire title if:
 - (a) a government entity sold, disposed of, or conveyed the right in, or title to, the real property to a purchaser for valuable consideration; and
 - (b) the purchaser or the purchaser's grantees or successors in interest have been in exclusive, continuous, and adverse possession of the real property for at least seven consecutive years after the day on which the real property was sold, disposed of, or conveyed as described in Subsection (3)(a).
- (4) A person who acquires title under Subsection (3) is subject to all other applicable provisions of law.

Amended by Chapter 16, 2023 General Session