

78B-6-503 Private property which may be taken.

Private property which may be taken under this part includes:

- (1) all real property belonging to any person;
- (2) lands belonging to the state, or to any county, city or incorporated town, not appropriated to some public use;
- (3) property appropriated to public use; provided that the property may not be taken unless for a more necessary public use than that to which it has already been appropriated;
- (4) franchises for toll roads, toll bridges, ferries, and all other franchises; provided that the franchises may not be taken unless for free highways, railroads, or other more necessary public use;
- (5) all rights of way for any and all purposes mentioned in Section 78B-6-501 hereof, and any and all structures and improvements on the property, and the lands held or used in connection with the property, shall be subject to be connected with, crossed, or intersected by any other right of way or improvement or structure; they shall also be subject to a limited use in common with the owners, when necessary; but uses of crossings, intersections, and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury; and
- (6) all classes of private property not enumerated if the taking is authorized by law.

Renumbered and Amended by Chapter 3, 2008 General Session