

78B-6-520.3 Property sold under threat of eminent domain -- Right to repurchase property if property not used for purpose for which acquired.

- (1) As used in this section:
 - (a) "Acquired property" means property that a condemnor purchases after May 11, 2009 from a condemnee under threat of condemnation.
 - (b) "Acquisition price" means the price which a condemnor pays a condemnee for property that the condemnor acquires under threat of condemnation.
 - (c) "Condemnee" means an owner of property who sells the property to a condemnor under threat of condemnation.
 - (d) "Condemnor" means a person who acquires property by purchase from a condemnee under threat of condemnation.
 - (e) "Under threat of condemnation" means the circumstances under which a condemnor, with the right to acquire the property by eminent domain, acquires property from a condemnee in a transaction that occurs:
 - (i) without a judgment having been entered in an eminent domain action; and
 - (ii) after the condemnor has sent the condemnee a written notice indicating an intent to pursue an eminent domain action to a judgment compelling the transaction.
- (2) At the time of or within a reasonable time after an acquisition of property under threat of condemnation, a condemnor shall provide the condemnee a written statement identifying the public use for which the property is being acquired.
- (3) Subject to Subsection (6), before the acquired property may be put to a use other than the public use for which the property was acquired, the condemnor shall send a written offer by certified mail to the condemnee at the condemnee's last known address, offering to sell the acquired property to the condemnee at the acquisition price.
- (4)
 - (a) A condemnee may accept an offer under Subsection (3) if the offer is accepted within 90 days after the offer is sent to the condemnee.
 - (b) A condemnee's purchase of acquired property under this section shall be concluded within a reasonable time after the condemnee accepts the condemnor's offer to sell the acquired property.
- (5) If the condemnee does not accept an offer under Subsection (3) within the time specified in Subsection (4), the condemnor has no further obligation under this section to the condemnee with respect to the acquired property.
- (6) If a condemnor puts acquired property to the public use for which the property was acquired, the condemnor's obligation under Subsection (3) to offer to sell the acquired property to the condemnee terminates, even if the acquired property is subsequently put to a use other than the public use for which the property was acquired.
- (7) A sale or transfer of acquired property none of which has been put to the public use for which the property was acquired is:
 - (a) considered to be a use other than the public use for which the property was acquired; and
 - (b) governed by this section and not Section 78B-6-521.
- (8) Nothing in this section may be construed to affect any right or obligation under Section 78B-6-521.
- (9) A condemnee may waive the condemnee's right to purchase acquired property as provided in this section by executing a written waiver.

Enacted by Chapter 322, 2009 General Session