

**78B-6-521 Sale of property acquired by eminent domain.**

- (1) As used in this section, "condemnation or threat of condemnation" means:
  - (a) acquisition through an eminent domain proceeding; or
  - (b) an official body of the state or a subdivision of the state, having the power of eminent domain, has specifically authorized the use of eminent domain to acquire the real property.
- (2) If the state or one of its subdivisions, at its sole discretion, declares real property that is acquired through condemnation or threat of condemnation to be surplus real property, it may not sell the real property on the open market unless:
  - (a) the real property has been offered for sale to the original grantor, at the highest offer made to the state or one of its subdivisions with first right of refusal being given to the original grantor;
  - (b) the original grantor expressly waived in writing the first right of refusal on the offer or failed to accept the offer within 90 days after notification by registered mail to the last-known address; and
  - (c) neither the state nor the subdivision of the state selling the property is involved in the rezoning of the property or the acquisition of additional property to enhance the value of the real property to be sold.
- (3) This section shall only apply to property acquired after July 1, 1983.

Renumbered and Amended by Chapter 3, 2008 General Session