

Effective 5/13/2014

78B-6-522 Dispute resolution.

- (1) In any dispute between a condemner and a private property owner arising out of this chapter, or a dispute over the taking of private property for a public use without the prior use of eminent domain, the private property owner may submit the dispute for mediation or arbitration to the Office of the Property Rights Ombudsman under Section 13-43-204.
- (2) An action submitted to the Office of the Property Rights Ombudsman under authority of this section does not bar or stay any action for occupancy of premises authorized by Section 78B-6-510.
- (3)
 - (a)
 - (i) A mediator or arbitrator, acting at the request of the property owner under Section 13-43-204, has standing in an action brought in district court under this chapter to file with the court a motion to stay the action during the pendency of the mediation or arbitration.
 - (ii) A mediator or arbitrator may not file a motion to stay under Subsection (3)(a)(i) unless the mediator or arbitrator certifies at the time of filing the motion that a stay is reasonably necessary to reach a resolution of the case through mediation or arbitration.
 - (b) If a stay is granted pursuant to a motion under Subsection (3)(a) and the order granting the stay does not specify when the stay terminates, the mediator or arbitrator shall file with the district court a motion to terminate the stay within 30 days after:
 - (i) the resolution of the dispute through mediation;
 - (ii) the issuance of a final arbitration award; or
 - (iii) a determination by the mediator or arbitrator that mediation or arbitration is not appropriate.
- (4)
 - (a) The private property owner or displaced person may request that the mediator or arbitrator authorize an additional appraisal.
 - (b) If the mediator or arbitrator determines that an additional appraisal is reasonably necessary to reach a resolution of the case, the mediator or arbitrator may:
 - (i) have an additional appraisal of the property prepared by an independent appraiser; and
 - (ii) require the condemner to pay the costs of the first additional appraisal.

Amended by Chapter 59, 2014 General Session