

1                                   **MUNICIPAL CODE CONDEMNATION**

2   **AMENDMENTS**

3   2004 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: LaVar Christensen**

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7   **LONG TITLE**

8   **General Description:**

9                   This bill modifies a provision relating to a municipality's purchase, lease, or  
10 condemnation of water and waterworks systems.

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ establishes a presumption of the value of property in a condemnation proceeding  
14 involving the taking of water, a waterworks system, water supply, or connected  
15 property; and

16                   ▶ prohibits the section amended by this bill from being construed to allow a  
17 municipality to condemn a political subdivision or its property.

18 **Monies Appropriated in this Bill:**

19                   None

20 **Other Special Clauses:**

21                   None

22 **Utah Code Sections Affected:**

23 AMENDS:

24                   **10-7-4**, Utah Code Annotated 1953

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26 *Be it enacted by the Legislature of the state of Utah:*

27                   Section 1. Section **10-7-4** is amended to read:



28 **10-7-4. Water supply -- Acquisition -- Condemnation -- Protest -- Special election.**

29 (1) The board of commissioners, city council or board of trustees of any city or town  
30 may acquire, purchase or lease all or any part of any water, waterworks system, water supply or  
31 property connected therewith, and whenever the governing body of a city or town shall deem it  
32 necessary for the public good such city or town may bring condemnation proceedings to  
33 acquire the same; provided, that if within thirty days after the passage and publication of a  
34 resolution or ordinance for the purchase or lease or condemnation herein provided for one-third  
35 of the resident taxpayers of the city or town, as shown by the assessment roll, shall protest  
36 against the purchase, lease or condemnation proceedings contemplated, such proposed  
37 purchase, lease or condemnation shall be referred to a special election, and if confirmed by a  
38 majority vote thereat, shall take effect; otherwise it shall be void.

39 (2) In all condemnation proceedings the value of land affected by the taking must be  
40 considered in connection with the water or water rights taken for the purpose of supplying the  
41 city or town or the inhabitants thereof with water.

42 (3) In determining just compensation in a condemnation proceeding under this section  
43 where a determination of market value of what is proposed to be taken is impractical because  
44 there is no meaningful market for what is proposed to be taken, the value shall be presumed to  
45 be the amount the owner paid to acquire ownership of what is proposed to be taken, as adjusted  
46 by a change in value due to post-acquisition deterioration and any other factor reasonably and  
47 equitably bearing on the value of what is proposed to be taken.

48 (4) This section may not be construed to provide the basis for a municipality's  
49 condemnation of a political subdivision of the state or of the political subdivision's property or  
50 holdings.

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**Legislative Review Note**  
**as of 2-2-04 7:04 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0147**

**Municipal Code Condemnation**

*13-Feb-04*

*10:37 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**