



House of Representatives *State of Utah*

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February 20, 2004

Mr. Speaker:

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 147**, MUNICIPAL CODE CONDEMNATION AMENDMENTS, by Representative L. Christensen, with the following amendments:

1. *Page 2, Lines 42 through 47:*

42 (3) In determining just compensation in a condemnation proceeding under this
43 section **in a municipality located in a county of the first class**
44 where a determination of market value of what is proposed to be taken is impractical
45 because
46 there is no meaningful market for what is proposed to be taken, the value shall be ;
47 (a) presumed to
48 be the amount the owner paid to acquire ownership of what is proposed to be taken, as
49 adjusted
50 by a change in value due to post-acquisition deterioration and any other factor reasonably
51 and
52 equitably bearing on the value of what is proposed to be taken ; and
53 (b) determined by applying equitable considerations including:
54 (i) whether the owner will be unjustly enriched;
55 (ii) whether the owner acquired the property by exaction or similar method;
56 and
57 (iii) the extent to which the consideration the owner provided in acquiring the
58 property consists of an obligation to maintain the property and whether that
59 obligation will be assumed by the municipality because of the condemnation .

Respectfully,

Kory M. Holdaway
Committee Chair

Voting: 6-0-4

3 HB0147.HC1.WPD 2/20/04 9:55 am kholt/JTW RHR/JTW

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Action Class



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