

1 **LOCAL GOVERNMENT DISPOSAL OF REAL**
2 **PROPERTY ACQUIRED BY EXACTION**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne L. Niederhauser**

6 House Sponsor: Michael T. Morley

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies county and municipal land use, development, and management
11 provisions.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ extends from five years to 15 years the period of time that a county or municipality
15 must own surplus real property acquired by exaction before the county or
16 municipality is no longer subject to a requirement that the county or municipality
17 offer to reconvey the property to the original owner.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-9a-508**, as last amended by Laws of Utah 2007, Chapter 291

25 **17-27a-507**, as last amended by Laws of Utah 2007, Chapter 291

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

28 Section 1. Section **10-9a-508** is amended to read:

29 **10-9a-508. Exactions -- Requirement to offer to original owner property acquired**

30 **by exaction.**

31 (1) A municipality may impose an exaction or exactions on development proposed in a
32 land use application if:

33 (a) an essential link exists between a legitimate governmental interest and each exaction;
34 and

35 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of
36 the proposed development.

37 (2) (a) If a municipality plans to dispose of surplus real property that was acquired
38 under this section and has been owned by the municipality for less than [~~five~~] 15 years, the
39 municipality shall first offer to reconvey the property, without receiving additional
40 consideration, to the person who granted the property to the municipality.

41 (b) A person to whom a municipality offers to reconvey property under Subsection
42 (2)(a) has 90 days to accept or reject the municipality's offer.

43 (c) If a person to whom a municipality offers to reconvey property declines the offer,
44 the municipality may offer the property for sale.

45 (d) Subsection (2)(a) does not apply to the disposal of property acquired by exaction by
46 a community development or urban renewal agency.

47 Section 2. Section **17-27a-507** is amended to read:

48 **17-27a-507. Exactions -- Requirement to offer to original owner property**
49 **acquired by exaction.**

50 (1) A county may impose an exaction or exactions on development proposed in a land
51 use application provided that:

52 (a) an essential link exists between a legitimate governmental interest and each exaction;
53 and

54 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of
55 the proposed development.

56 (2) (a) If a county plans to dispose of surplus real property under Section 17-50-312
57 that was acquired under this section and has been owned by the county for less than [~~five~~] 15

58 years, the county shall first offer to reconvey the property, without receiving additional
59 consideration, to the person who granted the property to the county.

60 (b) A person to whom a county offers to reconvey property under Subsection (2)(a) has
61 90 days to accept or reject the county's offer.

62 (c) If a person to whom a county offers to reconvey property declines the offer, the
63 county may offer the property for sale.

64 (d) Subsection (2)(a) does not apply to the disposal of property acquired by exaction by
65 a community development or urban renewal agency.