

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

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Michael T. Morley

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ extends from five years to 15 years the period of time that a county or municipality may own surplus real property acquired by exaction in order for the county or municipality to be subject to a requirement that the county or municipality offer to reconvey the property to the original owner.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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.**

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

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

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

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

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

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

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

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

47 **17-27a-507. Exactions.**

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

50 (a) an essential link exists between a legitimate governmental interest and each
51 exaction; and

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

54 (2) (a) If a county plans to dispose of surplus real property under Section 17-50-312
55 that was acquired under this section and has been owned by the county for less than [~~five~~] 15
56 years, the county shall first offer to reconvey the property, without receiving additional
57 consideration, to the person who granted the property to the county.

58 (b) A person to whom a county offers to reconvey property under Subsection (2)(a) has

59 90 days to accept or reject the county's offer.

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

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

Legislative Review Note

as of 1-28-08 5:10 PM

Office of Legislative Research and General Counsel

S.B. 177 - Local Government Disposal of Real Property Acquired by Exaction

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
