

Senator Dennis E. Stowell proposes the following substitute bill:

CONDEMNATION AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to eminent domain.

Highlighted Provisions:

This bill:

▶ requires a condemnor acquiring property under threat of condemnation to provide a written statement identifying the public use for which the property is acquired;

▶ requires a condemnor to offer to sell the acquired property to the condemnee at the acquisition price before the property is put to a use other than the public use for which it was acquired;

▶ authorizes a condemnee to accept the offer and purchase the property at the acquisition price if the offer is accepted within a specified time; and

▶ provides that a condemnor has no further obligation to a condemnee with respect to the property if the condemnee fails to accept the offer in the time specified.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 **78B-6-520.3**, Utah Code Annotated 1953

28

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

30 Section 1. Section **78B-6-520.3** is enacted to read:

31 **78B-6-520.3. Property sold under threat of eminent domain -- Right to repurchase**
32 **property if property not used for purpose for which acquired.**

33 (1) As used in this section:

34 (a) "Acquired property" means property that a condemnor purchases from a condemnee
35 under threat of condemnation.

36 (b) "Acquisition price" means the price which a condemnor pays a condemnee for
37 property that the condemnor acquires under threat of condemnation.

38 (c) "Condemnee" means an owner of property who sells the property to a condemnor
39 under threat of condemnation.

40 (d) "Condemnor" means a person who acquires property by purchase from a
41 condemnee under threat of condemnation.

42 (e) "Under threat of condemnation" means the circumstances under which a
43 condemnor, with the right to acquire the property by eminent domain, acquires property from a
44 condemnee in a transaction that occurs without a judgment having been entered in an eminent
45 domain action but with the expectation that the condemnor would pursue an eminent domain
46 action to a judgment compelling the transaction.

47 (2) At the time of or before an acquisition of property under threat of condemnation, a
48 condemnor shall provide the condemnee a written statement identifying the public use for
49 which the property is being acquired.

50 (3) Before the acquired property may be put to a use other than the public use for
51 which the property was acquired, the condemnor shall send a written offer by certified mail to
52 the condemnee at the condemnee's last known address, offering to sell the acquired property to
53 the condemnee at the acquisition price.

54 (4) A condemnee may accept an offer under Subsection (3) if the offer is accepted
55 within 90 days after the offer is sent to the condemnee.

56 (5) If the condemnee does not accept an offer under Subsection (3) within the time

57 specified in Subsection (4), the condemnor has no further obligation to the condemnee with
58 respect to the acquired property.

S.B. 83 2nd Sub. (Salmon) - Condemnation Amendments

Fiscal Note

2009 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.
