

**ADVERSE POSSESSION OF REAL PROPERTY**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: Don L. Ipson

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**LONG TITLE**

**General Description:**

This bill prohibits a person from acquiring certain real property through adverse possession, prescriptive use, or acquiescence that is held by a metropolitan water district.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person from acquiring certain real property through adverse possession, prescriptive use, or acquiescence that is held by a metropolitan water district; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78B-2-216**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-2-216** is amended to read:

**78B-2-216. Adverse possession of public streets or ways -- Water facilities.**



28 (1) As used in this section:

29 (a) "Government entity" means a town, city, county, or metropolitan water district.

30 (b) "Water facility" means any improvement or structure used, or intended to be used,  
 31 to divert, convey, store, measure, or treat water.

32 [A] (2) Except as provided in Subsection (3), a person may not acquire by adverse  
 33 possession, prescriptive use, or acquiescence any right in or title to any real property:

34 (a) held by a [town, city, or county] government entity; and

35 (b) designated for any present or future public use [as streets, lanes, avenues, alleys,  
 36 parks or public squares, or any other public purpose, unless the town, city, or county has sold,  
 37 or otherwise disposed of, and conveyed the], including:

38 (i) a street;

39 (ii) a lane;

40 (iii) an avenue;

41 (iv) an alley;

42 (v) a park;

43 (vi) a public square;

44 (vii) a water facility; or

45 (viii) a water conveyance right-of-way or water conveyance corridor.

46 (3) ~~§~~ [Subsection (2) does not apply if] Notwithstanding Subsection (2) and Subject to  
 46a Subsection (4), a person may acquire title if ~~§~~ :

47 (a) a government entity sold, disposed of, or conveyed the right in, or title to, the real  
 48 property to a purchaser for valuable consideration[;]; and [more than seven years subsequent to  
 49 that conveyance]

50 (b) the purchaser or the purchaser's grantees or successors in interest[;] have been in  
 51 [the] exclusive, continuous, and adverse possession of the real [estate] property for at least  
 52 seven consecutive years after the day on which the real property was sold, disposed of, or  
 53 conveyed as described in Subsection (3)(a).

53a ~~§~~ (4) A person who acquires title under Subsection (3) is subject to all other applicable  
 53b provisions of law. ~~§~~

Legislative Review Note  
 as of 12-9-09 9:55 AM

Office of Legislative Research and General Counsel

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**S.B. 103 - Adverse Possession of Real Property**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill may benefit certain metropolitan water districts.

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