

ADVERSE POSSESSION OF REAL PROPERTY

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Don L. Ipson

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

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:

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).

S.B. 103 - Adverse Possession of Real Property

Fiscal Note

2010 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 may benefit certain metropolitan water districts.
