

88 (b) to connect other trails, paths, or other ways for walking, hiking, bicycling, or
89 equestrian use;

90 (12) pipe lines for the purpose of conducting any and all liquids connected with the
91 manufacture of beet sugar; and

92 (13) sites for mills, smelters or other works for the reduction of ores and necessary to
93 their successful operation, including the right to take lands for the discharge and natural
94 distribution of smoke, fumes, and dust, produced by the operation of works, provided that the
95 powers granted by this section may not be exercised in any county where the population
96 exceeds 20,000, or within one mile of the limits of any city or incorporated town nor unless the
97 proposed condemner has the right to operate by purchase, option to purchase or easement, at
98 least 75% in value of land acreage owned by persons or corporations situated within a radius of
99 four miles from the mill, smelter or other works for the reduction of ores; nor beyond the limits
100 of the four-mile radius; nor as to lands covered by contracts, easements, or agreements existing
101 between the condemner and the owner of land within the limit and providing for the operation
102 of such mill, smelter, or other works for the reduction of ores; nor until an action shall have
103 been commenced to restrain the operation of such mill, smelter, or other works for the
104 reduction of ores.

105 Section 2. Section **78B-6-505** is amended to read:

106 **78B-6-505. Negotiation and disclosure required before filing an eminent domain**
107 **action.**

108 ~~[Each person who]~~ (1) ~~A~~ ~~H~~→~~[government entity]~~ political subdivision of the state ←~~H~~
108a that seeks to acquire property by eminent
109 domain or ~~H~~→ ~~[who]~~ that ←~~H~~ intends to use eminent domain to acquire property if the property
109a cannot be
110 acquired in a voluntary transaction shall:

111 ~~[(1)]~~ (a) before ~~H~~→ ~~[taking]~~ the governing body, as defined in
111a Subsection 78B-6-504(2)(a), of the political subdivision takes ←~~H~~ a final vote to approve the
111b filing of an eminent domain action,
112 make a reasonable effort to negotiate with the property owner for the purchase of the property;
113 and

114 ~~[(2)]~~ (b) except as provided in Subsection (3), as early in the negotiation process
115 ~~[under]~~ described in Subsection (1)(a) as practicable, but no later than 14 days before the day
116 on which a final vote is taken to approve the filing of an eminent domain action~~[-unless the~~
117 ~~court for good cause allows a shorter period before filing]~~:

118 ~~[(a)]~~ (i) advise the property owner of the owner's rights to mediation and arbitration

119 under Section 78B-6-522, including the name and current telephone number of the property
120 rights ombudsman, established in Title 13, Chapter 43, Property Rights Ombudsman Act; and

121 ~~[(b)]~~ (ii) provide the property owner a written statement explaining that oral
122 representations or promises made during the negotiation process are not binding upon the
123 person seeking to acquire the property by eminent domain.

124 (2) A person, other than a ~~H~~→ [government entity] political subdivision of the state ←~~H~~ ,
124a that seeks to acquire property by eminent
125 domain or that intends to use eminent domain to acquire property if the property cannot be
126 acquired in a voluntary transaction shall:

127 (a) before filing an eminent domain action, make a reasonable effort to negotiate with
128 the property owner for the purchase of the property; and

129 (b) except as provided in Subsection (3), as early in the negotiation process described
130 in Subsection (2)(a) as practicable, but no later than 14 days before the day on which the person
131 files an eminent domain action:

132 (i) advise the property owner of the owner's rights to mediation and arbitration under
133 Section 78B-6-522, including the name and current telephone number of the property rights
134 ombudsman, established in Title 13, Chapter 43, Property Rights Ombudsman Act; and

135 (ii) provide the property owner a written statement explaining that oral representations
136 or promises made during the negotiation process are not binding upon the person seeking to
137 acquire the property by eminent domain.

138 (3) The court may, for good cause, shorten the 14 day period described in Subsection
139 (1)(b) or (2)(b).