

## HB0429S01 compared with HB0429

~~deleted text~~ shows text that was in HB0429 but was deleted in HB0429S01.

inserted text shows text that was not in HB0429 but was inserted into HB0429S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Gage Froerer proposes the following substitute bill:

### PROPERTY RIGHTS MODIFICATIONS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill creates guidelines for an exception to eminent domain actions regarding trails, paths, and walkways in a municipality.

##### Highlighted Provisions:

This bill:

- ▶ creates an exception to the prohibition on eminent domain for trails, paths, and other recreational uses;
- ▶ provides specific guidelines for the exception; and
- ▶ sets parameters for the municipality to make decisions and work with the property owner.

##### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**78B-6-501.5**, Utah Code Annotated 1953

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

Section 1. Section **78B-6-501.5** is enacted to read:

**78B-6-501.5. Exception for trails, paths, and other ways for walking, bicycling, and equestrian use.**

(1) Notwithstanding Subsections 78B-6-501(3)(e) and (11)(b), a municipality may acquire private property by eminent domain for a trail, path, or other way for walking, hiking, bicycling, ~~and~~ or equestrian use if:

(~~1~~)a) after consultation with the property owner, the municipality has determined on the record that the segment of a trail, path, or ~~right of~~ other way ~~segment~~

— (a) is essential to connect or complete a discrete portion of ~~the~~ the municipality's master planned urban trail system, the acquisition of which is at least 70% complete; ~~and~~

(b) when combined with any other trail, path or other way for walking, hiking, bicycling, or equestrian use authorized or created under this Section, requires no more than one-half mile in trail length in the aggregate from an individual property owner ~~under this provision~~

(2) the property, including its parent, subsidiary, or related owned entities, regardless of the number of trails or trail segments within the municipality's urban trail system;

(c) the property to be acquired by the municipality is within:

(~~a~~)i) the incorporated boundary of the municipality;

(~~b~~)ii) the annexation boundaries identified in the current annexation policy plan that the municipality has adopted pursuant to Section 10-2-401.5, unless the property owner or its parent, subsidiary, or related owned entities provides a majority of municipal services on its property; or

(~~c~~)iii) an area the municipality has continuously provided one or more municipal-type services for at least one year; ~~and~~

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~~(3)d~~ the municipality has ~~explored with~~, after obtaining input from the property owner~~;~~

~~(a) alternate trail segment alignments to achieve:~~

~~(i) , adopted~~ the least disruptive trail segment alignment for the property owner~~;~~ and

~~(ii) , consistent with~~ the municipality's reasonable objectives for the public investment in the trail system; and

~~(b)e~~ if requested by the property owner, the municipality has agreed to install screening or fencing on the owner's property at the municipality's expense to protect the property owner's reasonable expectation of privacy and security~~;~~

~~(i) on the property owner's property; and~~

~~(ii) at the municipality's expense.~~

### Legislative Review Note

~~as of 2-15-12 6:16 AM~~

### Office of Legislative Research and General Counsel

(2) Any condemnation for a trail, path, or other way for walking, hiking or equestrian use shall be subordinate to competing public uses under Section 78B-6-501.