

**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

**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:



28 **78B-6-501.5. Exception for trails, paths, and other ways for walking, bicycling,**  
29 **and equestrian use.**

30 Notwithstanding Subsections 78B-6-501(3)(e) and (11)(b), a municipality may acquire  
31 private property by eminent domain for walking, hiking, bicycling, and equestrian use if:

32 (1) the municipality has determined on the record that a trail, path, or right of way  
33 segment:

34 (a) is essential to connect or complete a discrete portion of a master planned urban trail  
35 system, the acquisition of which is at least 70% complete; and

36 (b) requires no more than one-half mile in trail length from an individual property  
37 owner under this provision;

38 (2) the property is within:

39 (a) the incorporated boundary of the municipality;

40 (b) the annexation boundaries identified in the current annexation policy plan that the  
41 municipality has adopted pursuant to Section 10-2-401.5; or

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

44 (3) the municipality has explored with the property owner:

45 (a) alternate trail segment alignments to achieve:

46 (i) the least disruptive trail segment alignment for the property owner; and

47 (ii) the municipality's reasonable objectives for the public investment in the trail  
48 system; and

49 (b) screening or fencing to protect the property owner's reasonable expectation of  
50 privacy and security:

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

52 (ii) at the municipality's expense.

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**Legislative Review Note**  
**as of 2-15-12 6:16 AM**

**Office of Legislative Research and General Counsel**