

150 (iii) actions for de novo review of an arbitration award or issue brought under the
151 authority of Subsection 13-43-204~~[(3)]~~(4)(a)(i); or

152 (iv) advisory opinions provided for in Sections 13-43-205 and 13-43-206.

153 Section 3. Section **13-43-204** is amended to read:

154 **13-43-204. Office of the Property Rights Ombudsman -- Arbitration or mediation**
155 **of disputes.**

156 (1) If requested by the private property owner and if otherwise appropriate, the Office
157 of the Property Rights Ombudsman shall mediate, or conduct or arrange arbitration for, a
158 dispute between the owner and a government entity:

159 (a) involving taking or eminent domain issues;

160 (b) involved in an action for eminent domain under Title 78B, Chapter 6, Part 5,
161 Eminent Domain; or

162 (c) involving relocation assistance under Title 57, Chapter 12, Utah Relocation
163 Assistance Act.

164 (2) If arbitration or mediation is requested by a private property owner under this
165 section, Section 57-12-14 or 78B-6-522, and arranged by the Office of the Property Rights
166 Ombudsman, the government entity or condemning entity shall participate in the mediation or
167 arbitration as if the matter were ordered to mediation or arbitration by a court.

168 ~~¶→ [(3) (a) If a request under this section involves an allegation of a taking by physical~~
169 ~~occupation, a private property owner may request that the mediator or arbitrator authorize an~~
170 ~~appraisal of the just compensation that would be due to the property owner if a taking has~~
171 ~~occurred.~~

172 ~~—— (b) If the mediator or arbitrator determines that an appraisal is reasonably necessary to~~
173 ~~reach a resolution, the mediator or arbitrator may:~~

174 ~~—— (i) have an appraisal prepared by an independent appraiser; and~~

175 ~~—— (ii) require the entity that is alleged to have physically taken the property to pay the~~
176 ~~cost of the appraisal.] ←¶~~

177 ~~[(3)]~~ (4) (a) (i) In conducting or arranging for arbitration under Subsection (1), the
178 Office of the Property Rights Ombudsman shall follow the procedures and requirements of
179 Title 78B, Chapter 11, Utah Uniform Arbitration Act.

180 (ii) In applying Title 78B, Chapter 11, Utah Uniform Arbitration Act, the arbitrator and

398 Section 78B-6-522, including the name and current telephone number of the property rights
399 ombudsman, established in Title 13, Chapter 43, Property Rights Ombudsman Act; [~~and~~]

400 (ii) provide the property owner a complete printed copy of the materials provided on
401 the Office of the Property Rights Ombudsman website in accordance with Section 13-43-203
402 regarding the acquisition of property for a public purpose and a property owner's right to just
403 compensation; and

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

407 (2) A person, other than a political subdivision of the state, that seeks to acquire
408 property by eminent domain or that intends to use eminent domain to acquire property if the
409 property cannot be acquired in a voluntary transaction shall:

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

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

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

418 (ii) provide the property owner a complete printed copy of the materials provided on
419 the Office of the Property Rights Ombudsman website in accordance with Section 13-43-203
420 regarding the acquisition of property for a public purpose and a property owner's right to just
421 compensation; and

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

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

427 ~~H→ [(4) (a) If an entity seeks to acquire property by eminent domain or intends to use~~
428 ~~eminent domain to acquire property if the entity cannot acquire the property in a voluntary ←H~~

429 ~~H→ transaction, the entity shall prepare and provide to the property owner as early as practicable in~~
430 ~~the negotiation process an appraisal or written calculation of the amount to be offered by the~~
431 ~~entity for the property.~~
432 ~~—— (b) The written calculation shall separately state the fair market value of the property to~~
433 ~~be acquired and any damages to the remaining real property in accordance with Section~~
434 ~~78B-6-511.~~
435 ~~—— (c) A person making the appraisal or written calculation shall:~~
436 ~~—— (i) inspect the property in the process of providing the appraisal or calculation; and~~
437 ~~—— (ii) notify the property owner or the owner's representative in advance that the property~~
438 ~~owner or property owner's representative may accompany the person making the appraisal or~~
439 ~~calculation during the inspection of the property.~~
440 ~~—— (d) An entity may not offer an amount that is less than the fair market value of the~~
441 ~~property to be acquired together with any damages to the remaining real property determined in~~
442 ~~a manner consistent with the requirements of this part.~~
443 ~~—— (5) (a) If the acquisition of a part of a property would leave its owner with an~~
444 ~~uneconomic remnant, the entity shall:~~
445 ~~—— (i) make an offer to acquire the entire property for the property's fair market value; or~~
446 ~~—— (ii) offer compensation in an amount that equals or exceeds the fair market value of the~~
447 ~~entire property.~~
448 ~~—— (b) If an entity compensates a property owner for an uneconomic remnant, but does not~~
449 ~~take title of the uneconomic remnant, the property owner may keep the uneconomic remnant.~~
450 ~~—— (c) An entity may not acquire an uneconomic remnant over the objection of the~~
451 ~~property owner.] ←H~~