

EMINENT DOMAIN LIMITATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill excludes certain uses for which the eminent domain right may be exercised.

Highlighted Provisions:

This bill:

- ▶ defines "century farm";
- ▶ prohibits a person from exercising the right of eminent domain for the purpose of establishing a public park on certain century farm property; and
- ▶ consolidates uses for which the eminent domain right may not be exercised.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-501, as last amended by Laws of Utah 2014, Chapter 59

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

Section 1. Section **78B-6-501** is amended to read:

78B-6-501. Eminent domain -- Uses for which right may be exercised.

[Subject] (1) ~~H~~→ ~~(a)~~ ←~~H~~ As used in this section, "century farm" means real property that

is:

H.B. 198



28 ~~Ĥ~~→ [(†)] (a) ←~~Ĥ~~ assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act; and
 29 ~~Ĥ~~→ [(iii)] (b) ←~~Ĥ~~ owned or held by the same family for a continuous period of 100 years or
 29a more.

30 ~~Ĥ~~→ [(b) "Century farm" includes real property designated as a century farm and ranch by
 30a the
 31 Utah Farm Bureau Federation.] ←~~Ĥ~~

32 (2) Except as provided in Subsection (3) and subject to the provisions of this part, the
 33 right of eminent domain may be exercised on behalf of the following public uses:

34 [(†)] (a) all public uses authorized by the federal government;

35 [(2)] (b) public buildings and grounds for the use of the state, and all other public uses
 36 authorized by the Legislature;

37 [(3)-(a)] (c) (i) public buildings and grounds for the use of any county, city, town, or
 38 board of education;

39 [(b)] (ii) reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water or
 40 sewage, including to or from a development, for the use of the inhabitants of any county, city,
 41 or town, or for the draining of any county, city, or town;

42 [(e)] (iii) the raising of the banks of streams, removing obstructions from streams, and
 43 widening, deepening, or straightening their channels;

44 [(†)] (iv) bicycle paths and sidewalks adjacent to paved roads;

45 [(e)] (v) roads, byroads, streets, and alleys for public vehicular use, including for access
 46 to a development[~~, excluding trails, paths, or other ways for walking, hiking, bicycling,~~
 47 ~~equestrian use, or other recreational uses, or whose primary purpose is as a foot path,~~
 48 ~~equestrian trail, bicycle path, or walkway]; and~~

49 [(†)] (vi) all other public uses for the benefit of any county, city, or town, or its
 50 inhabitants;

51 [(4)] (d) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads,
 52 plank and turnpike roads, roads for transportation by traction engines or road locomotives,
 53 roads for logging or lumbering purposes, and railroads and street railways for public
 54 transportation;

55 [(5)] (e) reservoirs, dams, watergates, canals, ditches, flumes, tunnels, aqueducts and
 56 pipes for the supplying of persons, mines, mills, smelters or other works for the reduction of
 57 ores, with water for domestic or other uses, or for irrigation purposes, or for the draining and
 58 reclaiming of lands, or for solar evaporation ponds and other facilities for the recovery of