

EMINENT DOMAIN AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Gage Froerer

LONG TITLE

General Description:

This bill amends provisions related to the disposal of surplus property.

Highlighted Provisions:

This bill:

amends provisions concerning the Utah Department of Transportation's disposal of surplus property.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-5-111, as last amended by Laws of Utah 2012, Chapters 121 and 129

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

Section 1. Section 72-5-111 is amended to read:

72-5-111. Disposal of real property.

(1) (a) If the department determines that any real property or interest in real property, acquired for a highway purpose, is no longer necessary for the purpose, the department may lease, sell, exchange, or otherwise dispose of the real property or interest in the real property.

(b) (i) Real property may be sold at private or public sale.

(ii) Except as provided in Subsection (1)(c) related to exchanges and Subsection (1)(d)

30 related to the proceeds of any sale of real property from a maintenance facility, proceeds of any
31 sale shall be deposited with the state treasurer and credited to the Transportation Fund.

32 (c) If approved by the commission, real property or an interest in real property may be
33 exchanged by the department for other real property or interest in real property, including
34 improvements, for highway purposes.

35 (d) Proceeds from the sale of real property or an interest in real property from a
36 maintenance facility may be used by the department for the purchase or improvement of
37 another maintenance facility, including real property.

38 (2) (a) In the disposition of real property at any private sale, first consideration shall be
39 given to the original grantor [~~or the original grantor's heirs~~].

40 (b) Notwithstanding the provisions of Section 78B-6-521, if no portion of a parcel of
41 real property acquired by the department is used for transportation purposes, then the original
42 grantor [~~or the grantor's heirs~~] shall be given the opportunity to repurchase the parcel of real
43 property at the department's original purchase price from the grantor.

44 (c) In accordance with Section 72-5-404, this Subsection (2) does not apply to property
45 rights acquired in proposed transportation corridors using funds from the Marda Dillree
46 Corridor Preservation Fund created in Section 72-2-117.

47 (d) Nothing in this Subsection (2) or Section 78B-6-521 creates an assignable right.

48 (3) (a) Any sale, exchange, or disposal of real property or interest in real property made
49 by the department under this section, is exempt from the mineral reservation provisions of Title
50 65A, Chapter 6, Mineral Leases.

51 (b) Any deed made and delivered by the department under this section without specific
52 reservations in the deed is a conveyance of all the state's right, title, and interest in the real
53 property or interest in the real property.