

PROPERTY ACQUISITION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: _____

LONG TITLE

General Description:

This bill provides a property owner the opportunity to petition the Department of Transportation to acquire the entire fee interest of a property affected by transportation corridor acquisition or preservation, and if the Department of Transportation does not acquire the fee interest, the Department of Transportation may not limit or restrict the development of the affected property.

Highlighted Provisions:

This bill:

▶ provides a property owner the opportunity to petition the Department of Transportation to acquire the entire fee interest of a property affected by transportation corridor acquisition or preservation; and

▶ if the Department of Transportation does not acquire the fee interest, the Department of Transportation may not limit or restrict the development of the affected property.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **72-5-405**, as last amended by Laws of Utah 2008, Chapter 382



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

31 Section 1. Section **72-5-405** is amended to read:

32 **72-5-405. Private owner rights.**

33 (1) The department, counties, and municipalities shall observe all protections conferred
34 on private property rights, including Title 63L, Chapter 3, Private Property Protection Act,
35 Title 63L, Chapter 4, Constitutional Takings Issues Act, and compensation for takings.

36 (2) (a) ~~[Private property owners]~~ A private property owner from whom less than fee
37 simple rights are obtained for transportation corridors or transportation corridor preservation
38 have the right to petition the department, a county, or a municipality to acquire the entire fee
39 simple interest in the affected property.

40 (b) If the department does not acquire the interest in the property requested by the
41 property owner when petitioned under Subsection (2)(a), the department may not exercise any
42 of the powers granted under this part to limit or restrict the affected property's development.

43 (3) (a) A private property owner whose property's development is limited or restricted
44 by a power granted under this part may petition the county or municipality that adopted the
45 official map to acquire less than or the entire fee simple interest in the affected property, at the
46 option of the property owner.

47 (b) If the county or municipality petitioned under Subsection (3)(a) does not acquire
48 the interest in the property requested by the property owner, then the county or municipality
49 may not exercise any of the powers granted under this part to limit or restrict the affected
50 property's development.