

ADVERSE POSSESSION OF REAL PROPERTY

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill prohibits a person from acquiring certain real property through adverse possession, prescriptive use, or acquiescence that is held by a metropolitan water district.

Highlighted Provisions:

This bill:

- ▶ prohibits a person from acquiring certain real property through adverse possession, prescriptive use, or acquiescence that is held by a metropolitan water district; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-2-216, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-2-216** is amended to read:

78B-2-216. Adverse possession of certain real property.

(1) As used in this section:

(a) "Government entity" means a town, city, county, or metropolitan water district.

30 **(b)** "Water facility" means any improvement or structure used, or intended to be used,
31 to divert, convey, store, measure, or treat water.

32 **[A]** (2) Except as provided in Subsection (3), a person may not acquire by adverse
33 possession, prescriptive use, or acquiescence any right in or title to any real property:

34 (a) held by a [town, city, or county] government entity; and

35 (b) designated for any present or future public use [as streets, lanes, avenues, alleys,
36 parks or public squares, or any other public purpose, unless the town, city, or county has sold,
37 or otherwise disposed of, and conveyed the], including:

38 (i) a street;

39 (ii) a lane;

40 (iii) an avenue;

41 (iv) an alley;

42 (v) a park;

43 (vi) a public square;

44 (vii) a water facility; or

45 (viii) a water conveyance right-of-way or water conveyance corridor.

46 **(3)** Notwithstanding Subsection (2) and subject to Subsection (4), a person may
47 acquire title if:

48 (a) a government entity sold, disposed of, or conveyed the right in, or title to, the real
49 property to a purchaser for valuable consideration[;]; and [more than seven years subsequent
50 to that conveyance]

51 (b) the purchaser or the purchaser's grantees or successors in interest[;] have been in
52 [the] exclusive, continuous, and adverse possession of the real [estate] property for at least
53 seven consecutive years after the day on which the real property was sold, disposed of, or
54 conveyed as described in Subsection (3)(a).

55 **(4)** A person who acquires title under Subsection (3) is subject to all other applicable
56 provisions of law.