

Use of Eminent Domain by Local Governments

Political Subdivisions Interim Committee

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL

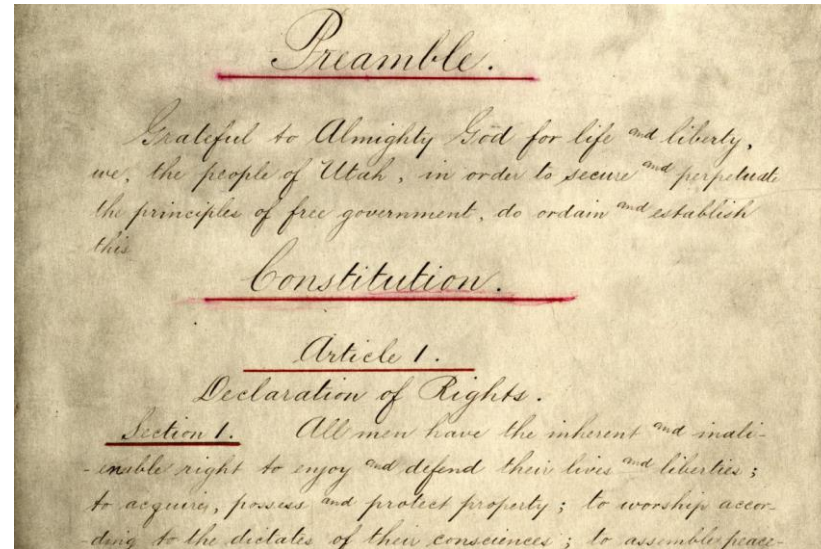
Sarah Flanigan

May 18, 2022



What Is Eminent Domain?

The legal process by which government forces the sale of property for public use



What Is Just Compensation?

Just compensation means the **fair market value** of the property being taken.

Compensation may include other damages associated with the taking.



Public Use

- **Utah Code 78B-6-501. Eminent domain – Uses for which right may be exercised.**
 - “...all other public uses authorized by the Legislature...”
 - “...all other public uses for the benefit of any county, city, or town, or its inhabitants.”
- **Private entities may condemn for public use**



Utah Eminent Domain Process – Part 1

Negotiation Phase

Property is identified that would fulfill “the greatest public good and the least private injury”



Local government attempts to negotiate the purchase of the property



Local government provides property owner with info on rights, including materials from OPRO

Required!

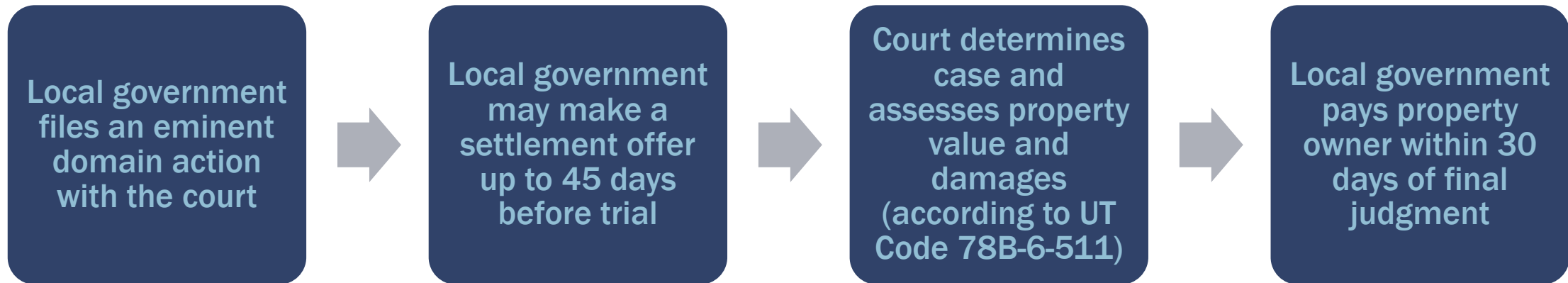
Utah Eminent Domain Process – Part 2

Public Hearings



Utah Eminent Domain Process – Part 3

Court Proceedings





Recent Legislation

- **General Session 2022**

- HB 357 – Eminent Domain Appraisal Amendments
- HB 85 – Eminent Domain Amendments (*did not pass*)

- **General Session 2021**

- HB 83 – Migratory Bird Production Area Amendments
- HB 317 – Eminent Domain Amendments (*did not pass*)
- HB 449 – Eminent Domain for Trails (*did not pass*)
- SB 65 – Community Reinvestment Agency Amendments
- SB 71 – Property Acquisition Amendments (*did not pass*)