

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

Framble. Grateful to Almighty God for life and liberty, the people of Utak, in order to secure and perpetude principle of free government, do ordain and establish Constitution Article 1. Declaration of Rights . All men have the inherent and inale. mable right to enjoy and defend their lives and liberties ; to acquire, posses and protect property; to worship accor to the dictates of their consciences ; to assemble peace

What Is Just Compensation?

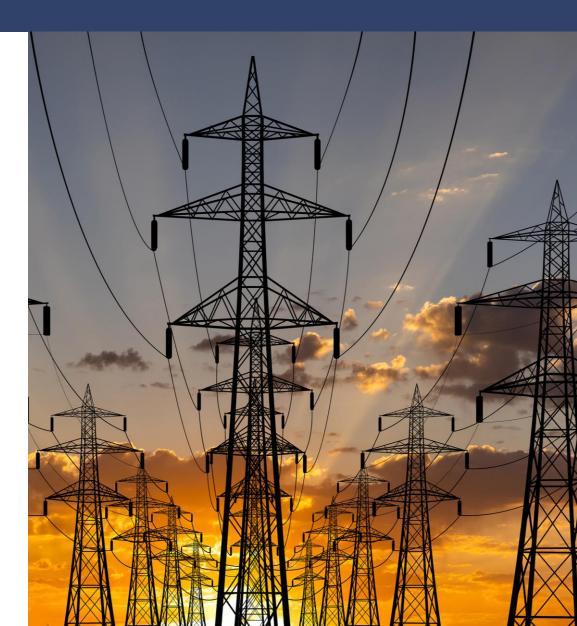
Just compensation means the fair market value of the property being taken.

Compensation may include other damages associated with the taking.





- 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





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

Required!

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



Public Hearings

Legislative body of local government gives property owner notice of public meeting about the taking

Legislative body hears testimony about the property during a public meeting



Legislative body votes to approve the taking (usually in a resolution)

Utah Eminent Domain Process – Part 3

Court Proceedings

Local government files an eminent domain action with the court Local government may make a settlement offer up to 45 days before trial Court determines case and assesses property value and damages (according to UT Code 78B-6-511)

Local government pays property owner within 30 days of final judgment

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)