

109TH CONGRESS
1ST SESSION

S. 164

To provide for the acquisition of certain property in Washington County,
Utah.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2005

Mr. BENNETT introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To provide for the acquisition of certain property in
Washington County, Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ACQUISITION OF CERTAIN PROPERTY IN WASH-**

4 **INGTON COUNTY, UTAH.**

5 (a) DEFINITIONS.—In this section:

6 (1) OWNER.—The term “owner” means an
7 owner that is able to convey to the United States
8 clear title to property taken under subsection (b).

9 (2) RESERVE.—The term “Reserve” means the
10 Red Cliffs Reserve in Washington County, Utah.

1 (b) TAKING OF PROPERTY.—Notwithstanding any
 2 other provision of law, effective 30 days after the date of
 3 enactment of this Act, there is vested in the United States
 4 all right, title, and interest in and to, and the right to
 5 immediate possession of certain land located in a master
 6 planned community development in Washington County,
 7 Utah, known as “PAHO”, owned by Environmental Land
 8 Technology, Ltd., Rocky Mountain Ventures, and James
 9 Doyle, within the Reserve, consisting of—

10 (1) the fee simple interest in approximately
 11 1,516 acres of real property; and

12 (2) the fee simple interest in 34 acres of real
 13 property adjacent to the Reserve owned by Environ-
 14 mental Land Technology, Ltd.

15 (c) JUST COMPENSATION.—

16 (1) IN GENERAL.—The United States shall pay
 17 the owner just compensation determined as of the
 18 date of enactment of this Act.

19 (2) AMOUNT.—Payment of just compensation
 20 shall be in the amount equal to the sum of—

21 (A) the valuation of the property deter-
 22 mined by judgment awarded by a United States
 23 court of competent jurisdiction;

24 (B) interest from the date of the enact-
 25 ment of this Act; and

1 (C) any other costs, expenses, and dam-
2 ages, as determined by the court.

3 (3) INTEREST.—Interest under this subsection
4 shall be compounded in the same manner as under
5 subsection (b)(2)(B) of the first section of the Act
6 of April 17, 1954 (16 U.S.C. 429b(b)(2)(B)), except
7 that the reference in that provision to the date of
8 enactment of the Manassas National Battlefield
9 Park Amendments of 1988 shall be deemed to be a
10 reference to the date of enactment of this Act.

11 (4) SOURCE OF PAYMENT.—Payment of the
12 amount under paragraph (2) shall be made from ap-
13 propriated funds.

14 (5) FULL FAITH AND CREDIT.—The full faith
15 and credit of the United States is pledged to the
16 payment of any judgment entered against the
17 United States with respect to the taking of property
18 under subsection (b).

19 (6) ADMINISTRATION.—Any property taken
20 under subsection (b) shall be—

21 (A) included in the Reserve; and

22 (B) administered by the Secretary of the
23 Interior (acting through the Director of the Bu-
24 reau of Land Management), in accordance with
25 the laws applicable to public land, including the

1 Federal Land Policy and Management Act of
2 1976 (43 U.S.C. 1701 et seq.).

