

South Dakota Codified Laws

Title 49. Public Utilities and Carriers (Refs & Annos)

Chapter 49-41B. Energy Conversion and Transmission Facilities (Refs & Annos)

SDCL § 49-41B-4.4

49-41B-4.4. Trans-state transmission facility--Eminent domain--Acquisition of fee in land contiguous to right-of-way--Divestiture of agricultural land

Currentness

In the exercise of the authority of eminent domain pursuant to chapter 21-35 to acquire right-of-way or other property for a trans-state transmission facility as defined by subdivision 49-41B-2(9) a property owner shall have the option to require the utility to take a fee interest in any amount of contiguous land outside the designated right-of-way which he owns and elects in writing to transfer to the utility within sixty days of receipt of the notice of filing of a petition pursuant to § 21-35-1. The fee acquisition of contiguous lands as required by this section shall be considered a taking for a public purpose and for use in the operation of the utility. However, the utility shall be required to divest itself completely of all lands used for farming or capable of being used for farming within five years after the date of acquisition pursuant to this section. If these lands are not divested as provided by this section they shall be sold at a public sale as provided by chapter 21-47 relating to foreclosure of a real property mortgage by action. No land more than one-half mile from the center line of the power line need be taken.

**Credits**

**Source:** SL 1980, ch 327, § 9.

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SDCL § 49-41B-4.4, SD ST § 49-41B-4.4

Current through the 2013 Regular Session and Supreme Court Rule 13-17

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