PROPERTY RIGHTS ELEMENT
GOALS, OBJECTIVES, & POLICIES

Goal: Ensure private real property rights are considered in local decision-making and that judicially acknowledged and constitutionally protected private property rights are respected through the inclusion of a Property Rights Element within the Walton County Comprehensive Plan. For purposes of the Property Rights Element, the term "property owner" or "real property owner'' means the person who holds legal title to the real property that is the subject of and directly impacted by the action of the County in its local decision-making. The term does not include another governmental entity.

Objective 1 Implement and maintain mechanisms to ensure that private property rights are considered in local decision-making. Provided, nothing in this Property Rights Element is intended to grant additional rights not already in existence or to supersede existing rights in accordance with the law. Further, nothing herein shall require the County to ascertain or determine the existence of any purported private interest in real property; those matters are within the jurisdiction of the circuit courts not the County (see s. 26.012(g), Florida Statutes (2021), and Art. V, Sec. 20(c)(3), Fla. Const. as may be amended from time-to-time).

Policy 1.1. When real property is the subject of and directly impacted by a proposed action being considered by Walton County, the County shall consider as part of its decision making, the following:

> **Policy 1.1.1** The right of a real property owner to physically possess and control his or her interests in the real property, including easements, leases, or mineral rights.
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> **Policy 1.1.2** The right of a real property owner to use, maintain, develop, and improve his or her real property for personal use or for the use of any other person, subject to applicable federal, state, and local law.
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> **Policy 1.1.3** The right of a real property owner to privacy and to exclude others from the property to protect the property owner's legal interests in such real property, subject to applicable federal, state, and local law.
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> **Policy 1.1.4** The right of a real property owner to dispose of his or her real property interest through sale or gift.