Eminent Domain Definition

29-17-102. Part definitions.

As used in this part, unless the context otherwise requires:

(1) "Eminent domain" means the authority conferred upon the government, and those entities to whom the government delegates such authority, to condemn and take, in whole or in part, the private property of another, so long as the property is taken for a legitimate public use in accordance with the fifth and fourteenth amendments to the United States Constitution, the Constitution of Tennessee, Article I, § 21, and chapter 863 of the Public Acts of 2006; and

(2) "Public use" does not include recreational facilities, recreational purposes, or parks; private use or benefit; or the indirect public benefits resulting from private economic development and private commercial enterprise, including increased tax revenue and increased employment opportunity, except as follows:

(A) The acquisition of any interest in land necessary for a road, highway, bridge, or other structure, facility, or project used for public transportation;

(B) The acquisition of any interest in land necessary to the function of a public or private utility, a governmental or quasi-governmental utility, a common carrier, or any entity authorized to exercise the power of eminent domain under title 65;

(C) The acquisition of property by a housing authority or community development agency to implement an urban renewal or redevelopment plan in a blighted area, as authorized by title 13, chapter 20, part 2 or title 13, chapter 21, part 2;

(D) The acquisition of any interest in land for parks or natural areas by this state, in accordance with title 11; brownfield projects, as defined in § 68-212-202; or the redevelopment of brownfield sites, as defined in § 7-53-316; or

(E) Private use that is merely incidental to a public use, so long as no land is condemned or taken primarily for the purpose of conveying or permitting the incidental private use.

History