

HOUSE BILL 1772

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 29,
relative to the power and use of eminent domain
and property acquired by eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, Part 10, is amended by adding the following as a new, appropriately designated section:

Section 29-17-10__.

In any case in which the state of Tennessee, its counties or municipalities exercise the power of eminent domain under the provisions of this chapter and chapter 16 of this title or any other provision of law, and the property condemned or taken by eminent domain is not used for the purpose or purposes for which it was condemned or for some other authorized public use, or if the condemning entity subsequently decides to sell it within ten (10) years of being condemned or taken, the property shall be first offered for sale to the person or persons from whom the property was condemned or taken. The person from whom the property was condemned or taken shall have sixty (60) days in which to sign an agreement to purchase the property. If such person is no longer living, the property next shall be offered for sale to the person's ascertainable heirs or assigns who were living at the time the property was taken. If such property is not purchased by such heirs and assigns within sixty (60) days, the property shall be offered for sale to any adjoining landowner. The property shall be sold for an amount not less than the fair market value, together with costs.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.