

Condemnation Concerns — TN

Property Owners Must Move Fast to Protect Rights

With state, local, and federal governments beginning a new emphasis on infrastructure growth and improvements, many individuals owning property along roadways, railways, and other infrastructure areas, may soon find themselves confronted with a governmental entity seeking to take possession of their real property. Both the United States Constitution and Tennessee state law provide protections to property owners when the government comes to take their land. Understanding your rights early on can significantly impact a property owners' opportunity to challenge the government's right to take their land and maximize the compensation to which they are entitled. But be aware, you may have as little as 30 days to protect your interests!

Landowners should take care to monitor discussions by governmental entities if they have concerns that their property is near an upcoming infrastructure project. Once the condemnation process begins, it will move quickly, and unprepared landowners may find themselves hampered by their lack of preparation. Key issues to consider:

- Has a public use of the land been sufficiently stated?
- Is the stated public use and authorized grounds for the taking by the entity in question?
- Is the property necessary for public use?
- How was the value calculated, and is it correct?
- Are the correct procedures being followed?

The landowner needs to understand the various processes the government may choose to exercise eminent domain over their property and the best strategies for responding to or otherwise challenging the same. Even if an objection to the right to take the property does not exist, the landowner will want to be certain that they are obtaining full compensation due for their property. Establishing fair market value of the property can often lead to varying amounts depending upon the strategy selected by the appraiser. Should a landowner be unprepared, they may ultimately receive less than they could have received with preparation and representation by counsel that understands the eminent domain law.

If you have concerns about potential condemnation of property you own, please reach out to our team at Chambliss to discuss the process and your rights regarding the same. Contact [Steve Barham](#), [Rick Hitchcock](#), or your relationship attorney for more information.