

The Devil Is in the Details: Exercising Eminent Domain Powers in Tennessee

City and county attorneys and those representing other governmental entities within Tennessee may soon find themselves regularly exercising their eminent domain powers as infrastructure projects increase across the state and country. The ability to condemn private property for public use is an inherent power of the state and one granted to other governmental entities through various Tennessee Code provisions. Regardless of the entity, it is of utmost importance that the condemning entity follows the statutes' processes, procedures, and requirements when using their eminent domain authority. Missteps or incorrectly applying the required procedures could cost the governmental entity significant time and money as they seek to secure improvements for their citizenry. Key concerns for using eminent domain powers include:

- Properly identifying the entity's authority to condemn property;
- Correctly stating the public use;
- Giving timely and sufficient notice to all interested parties;
- Selecting the correct method and following the proper judicial procedures; and
- Obtaining and using an appropriate valuation of the land.

Obtaining the assistance of knowledgeable counsel in the process can streamline the process and lead to a successful condemnation so that infrastructure projects can move forward without delay. Attorneys representing Tennessee entities that are considering exercising their eminent domain authority and are unsure of the process should consider seeking the assistance of experienced counsel.

Chambliss is experienced with assisting governmental entities with eminent domain matters. Please contact [Steve Barham](#), [Rick Hitchcock](#), or your relationship attorney for more information.