

HOUSE BILL 952

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 17, Part 10, 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:

29-17-10___. In any case in which the state, its counties or municipalities exercise the power of eminent domain under this chapter and chapter 16 of this title or any other law, and the condemning entity determines 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 the person is deceased, 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. The original condemnee or the condemnee's heirs or assigns may purchase the property for the same amount of compensation paid to them by the condemning entity. If the property is not purchased by the heirs and assigns within sixty (60) days the property shall be offered for sale in any commercially reasonable manner to the general public. The property shall be sold for an amount not less than the fair market value, together with costs. The good faith

effort by the condemning entity to locate and contact the original condemnee or heirs or assigns satisfies the requirements of this section and the sale shall be valid.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.