



December 22, 2024

Eminent Domain

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 2023 Chapter 19

SECTION 1. Eminent domain must not be used in Sumner County to acquire privately owned real property for parks, trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use, unless the privately-owned real property is parallel to, runs directly along the length of, and extends in the same direction as a highway, road, or street, and applies to the following entities with the power to condemn in Tennessee:

- (1) Airport authorities under T.C.A. §§ 42-3-108-42-3-109; 42-3-204;
- (2) County airports under T.C.A. § 42-5-103;
- (3) County controlled access highways under T.C.A. § 54-16-104;
- (4) County electric plants under T.C.A. § 7-52-105;
- (5) County industrial parks under T.C.A. § 13-16-103;
- (6) County levees under T.C.A. § 69-4-105;
- (7) County public transportation systems under T.C.A. § 7-56-106;
- (8) County public works projects under T.C.A. § 9-21-107;
- (9) County railroad systems under T.C.A. § 7-56-207;
- (10) County recreational land under T.C.A. § 11-24-102;
- (11) County roads under T.C.A. §§ 29-17-801 et seq.; 54-10-205;
- (12) County schools under T.C.A. §§ 49-6-2001 et seq.;
- (13) County solid waste sites under T.C.A. § 68-211-919;
- (14) Drainage and levee districts under T.C.A. §§ 29-17-901 et seq.; 69-5-201 et seq.;
- (15) Hospitals under T.C.A. § 29-16-126;
- (16) Housing authorities under T.C.A. §§ 13-20-104; 13-20-108 - 13-20-109; 13-20-212;
- (17) Light, power, and heat companies under T.C.A. § 65-22-101;
- (18) Pipeline companies under T.C.A. § 65-28-101;
- (19) Road improvement districts under T.C.A. § 54-12-152;
- (20) Solid waste authorities under § 68-211-908;
- (21) Utility Districts under T.C.A. § 7-82-305;
- (22) Water and Wastewater Authorities under T.C.A. § 68-221-61 O; and
- (23) Water and Waterworks Companies under T.C.A. § 65-27-101.

SECTION 2. This act does not apply upon written agreement between the owner of the real property and a:

- (1) Planned unit development;
- (2) Homeowner's association; or
- (3) Business or related entity.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

Passed: May 11, 2023.

Source URL: <https://www.ctas.tennessee.edu/private-acts/eminant-domain>