

SENATE BILL 3609

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 13,  
Chapter 20; Title 29, Chapter 16 and Title 29,  
Chapter 17, relative to eminent domain.

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

SECTION 1. Tennessee Code Annotated, Section 29-17-903, is amended by adding the following language as a new subsection:

(e)

(1) The owner of property or property rights condemned pursuant to this chapter or chapter 16 of this title shall be entitled to payment by the condemning authority of all of such owner's costs and fees resulting from the condemnation proceeding, if:

(A) The owner of the property or property rights is not satisfied with the amount deposited by the condemning authority with the court following the required appraisal; and

(B) Whether by negotiated settlement, court proceeding or otherwise, such owner receives more for the condemned property than the appraised amount deposited with the court.

(2) As used in this section "costs and fees" includes:

(A) All court costs;

(B) Appraisal fees incurred by the owner;

(C) The cost of any depositions paid by the owner;

(D) Reasonable attorney fees; and

(E) Any other fees or costs reasonably incurred by the owner and found by the court to relate to the condemnation proceeding.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 17, Part 10, is amended by adding the following as a new section:

§ 29-17-1005.

(a) Notwithstanding any other law to the contrary, in any condemnation proceeding in this state for which an appraisal is required by § 29-17-1004, and for which the condemning authority deposits a proposed compensation amount with the court, the owner of the property or the property rights condemned shall be entitled to payment by the condemning authority of all of such owner's costs and fees resulting from the condemnation proceeding, if:

(1) The owner of the property or property rights is not satisfied with the amount deposited by the condemning authority with the court following the required appraisal; and

(2) Whether by negotiated settlement, court proceeding or otherwise, the owner receives more for the condemned property than the appraised amount deposited with the court.

(b) As used in this section "costs and fees" includes:

(1) All court costs;

(2) Appraisal fees incurred by the owner;

(3) The cost of any depositions paid by the owner;

(4) Reasonable attorney fees; and

(5) Any other fees or costs reasonably incurred by the owner and found by the court to relate to the condemnation proceeding.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to all condemnation proceedings commenced on or after such date.