

Airport Construction and Expansion

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal 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 municipal 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 MTAS website material.

Sincerely,

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Reference Number: MTAS-79

Authority to Use City Resources

Any city may use public funds to plan, establish, develop, construct, enlarge, improve, equip, operate, regulate, protect, and police airports and air navigation facilities, whether or not they are inside city boundaries. A city may use land it already owns, or a city may acquire land through purchase, gift, lease, or eminent domain. Land also may be acquired for aviation easements or to remove or protect against airport hazards. County approval is required before a city may acquire property outside its corporate limits by eminent domain for an airport. T.C.A. § 42-5-103.

A city also may acquire existing airport or air navigation facilities by any of the above means. However, if the facility is owned or controlled by the state or other public agency, it may not be taken over without that agency's consent. T.C.A. § 42-5-104.

The city may not be prevented from going onto the land in question to conduct surveys and other examinations relating to the proceedings. It may take possession of the land any time after initiating proceedings and may abandon such proceedings any time before a final decree is entered. T.C.A. § 42-5-108.

Annexation of Airport Property

If three or more municipalities and counties jointly create a regional airport commission and the regional airport property is not located within a municipality's boundary, no municipality may annex any regional airport property without the prior consent of the legislative bodies of the participating municipalities and counties. T.C.A. § 6-51-117.

The property of an airport with regularly scheduled commercial passenger service that is in a county rather than in the creating municipality is an annexation-free zone unless the annexation is approved by the governing body of the creating municipality. T.C.A. § 6-58-116.

Construction Over Public Waters or Submerged Lands

Municipal airports may be established on any public waters, submerged lands, or reclaimed lands within or bordering the city's territorial limits. T.C.A. § 42-5-105.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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