



Condemnation for Future Needs

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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The propriety of the condemner acquiring property for expected future needs has never been addressed by a Tennessee court, but other courts have found that the time of the taking, like the location and extent of the property to be acquired, is a question for the legislative branch that will not be disturbed by the courts absent fraud or arbitrary and capricious action. [59] As long as the future need for the property can be fairly anticipated by the condemner, the courts will not interfere with the condemner's determination of necessity. [60] Since the condemner in Tennessee is not barred from the exercise of common sense or good business judgment in the operation or construction of public facilities, [61] it is likely that Tennessee courts would permit the condemnation of property the condemner fairly expects will be needed to satisfy the condemner's future needs.

Notes:

[59] *Rindge Co. v. County of Los Angeles*, 262 U.S. 700, 43 S.Ct. 689, 67 L. Ed. 1186 (1922); *United States ex rel. Tennessee Valley Authority v. Dugger*, 89 F. Supp. 877 (E.D. Tenn. 1948); *Commonwealth, Department of Highways v. Burchett*, 367 S.W.2d 262 (Ky. Ct. App. 1963). See also Sackman and Rohan 1A Nichols' *The Law of Eminent Domain*, § 4.11 [2] (Rev. 3d Ed. 1990).

[60] *Rindge Co. v. County of Los Angeles*, *supra*.

[61] *City of Knoxville v. Heth*, *supra*.

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