



Federal Aviation Administration

Memorandum

Date: October 7, 2019

To: Director, Aviation Property Management, APM-1

From: Deputy Assistant Administrator for Acquisition and Business Services, ACQ-1 *W. J. Tan*

Subject: Eminent Domain Delegation of Authority

Pursuant to the authority delegated to me as the FAA Acquisition Executive by the Administrator, I hereby designate to the position listed above unlimited authority to acquire real property by eminent domain (also known as condemnation). Set forth below are the circumstances pursuant to which the majority of eminent domain actions are initiated:

Price disagreement;
Title defects;
Missing or unknown landowner;
Landowner violates terms of contract for sale;
Landowner's request or necessity; or
Landowner unwillingness to sell at any price or unwilling to lease the property to the FAA and FAA officials have demonstrated a long-term continuing need for the real property.

To the extent that a proposed eminent domain proceeding does not come within the scope of any of the circumstances described in this delegation, you may institute an action provided you have a rational basis for doing so, supported by substantial evidence. All such actions should comport with the Department of Justice rules and title requirements on condemnation, and FAA real property policy and guidance including FAA procedural guide, "Acquisition of Real Property by Eminent Domain."

Eminent domain is an essential attribute of government power. Therefore, legal participation is required on all condemnations. Additionally, given the degree of difficulty, the length of time, and the considerable expense involved in litigating a condemnation action, FAA generally seeks to avoid acquisition of non-permanent interests such as short-term leaseholds by condemnation, although such short-term acquisitions are not prohibited.

This delegation rescinds and replaces all previously-issued delegations for authority to acquire real property by eminent domain.