

**13-710. Damages without taking.**

In this case, none of the owner's property was taken. However, if you find that the property was damaged by the project, you should award the owner the difference between the fair market value of the property immediately before the damage and the fair market value immediately after the damage.

**USE NOTE**

If the jury finds owner entitled to compensation where no land was taken, but damage was suffered, then the above instruction, giving the measure or yardstick of damages, is proper. Instances of liability in such cases are rare, but do exist, as in the Harris case below.