

13-704. Partial taking; fair market value.

In this case, only a part of the defendant's property was taken. The money damages to be paid the owner for the property actually taken is the difference between the fair market value of the entire property immediately before the taking and the fair market value of the remaining property immediately after the taking.

USE NOTE

This instruction is not appropriate in cases involving partial condemnation of leaseholds. If a case is presented where there are multiple defendants owning separate properties, it is suggested that "each owner's" be inserted in lieu of the singular possessive.

[As amended, effective January 1, 1987.]