# **Index**

## **ABANDONMENT**

Condemnation procedures, reimbursement of expenses when condemnation abandoned or denied, § 2-10

Taking vs damaging of property, abandonment of easement, § 5-26

## ABATABLE NUISANCE

Remedies of property owners, § 8-3

## ABUTTING PROPERTY

Easement rights and compensation, § 4-6

#### **ACCESS**

Easement of access, persons or interests entitled to compensation, § 4-6 Measure of damages for impairment of access, § 6-11 Taking vs Damaging of Property, this index

## ADMISSIBILITY OF EVIDENCE

Generally, §§ 7-1, 7-8

## **AMENDMENT**

Special master method to create special master panel, § 2-5

# ANNOUNCEMENT OF PROJECT

Measure of compensation, § 6-4

Value of property and compensation, effect on announcement of public improvement on, § 5-2

# "ANNOYANCE AND DISCOMFORT" NUISANCE

Remedies of property owners, § 8-3

#### **APPEALS**

Condemnation Procedures, this index Measure of compensation, interest, §§ 6-18, 6-19 Purposes for eminent domain, § 3-4 Relocation benefits, § 9-3

# APPRAISAL

Admissibility of evidence, § 7-1 Taking vs damaging of property, § 5-2

## **APPRAISERS**

Impeachment, § 7-12

## **ASSESSORS**

Condemnation Procedures, this index

#### ATTORNEY FEES AND EXPENSES

Measure of compensation, § 6-19

#### AVIGATION EASEMENTS

Taking vs damaging of property, § 5-27

## **BLIGHT OR BLIGHTED PROPERTY**

Defined, § 3-5

## **BOARD OF ASSESSORS**

Declaration of taking, § 2-6

#### **BURDEN OF PROOF**

Condemnor's burden of proof, § 7-1
Jury trial, condemnor's burden of proof, § 2-9

#### **BUSINESS DAMAGE**

Measure of compensation, § 6-9

Taking vs Damaging of Property, this index

#### **CABLE**

Federal Cable Communication Policy Act of 1984, taking vs damaging of property, § 5-29

#### CIRCUITY OF TRAVEL

Taking vs damaging of property, § 5-19

## **COMPARABLE SALES**

Evidence, this index

Fair market value, determination of, § 6-2

## **COMPETING PUBLIC USES**

Persons or interests entitled to compensation, determination of greater importance, § 4-5

## **CONDEMNATION PROCEDURES**

Generally, §§ 2-1 to 2-10

Amendment to special master method to create special master panel, § 2-5 Appeals

Assessor's award, appeal from, § 2-4

Declaration of taking, § 2-6

Rights to appeal, § 2-10

Special master method and proceedings, §§ 2-5, 2-10

## Assessors

Appeal from assessor's award, § 2-4

Assessor method of condemnation, § 2-4

Board of assessors, declaration of taking, § 2-6

Compensation, § 2-10

Costs and expenses, § 2-4

Court proceedings, § 2-10

Entry of findings by assessor, § 2-10

In rem condemnations, § 2-4

Landowner's Notice of Rights, § 2-10

Non-governmental entity proceedings before assessors, Landowner's Notice of Rights, § 2-10

#### CONDEMNATION PROCEDURES—Cont'd

Assessors-Cont'd

Questions of law, § 2-4

Real Estate Appraiser and Classification Act, selection of assessor under, § 2-4

Reimbursement of expenses if condemnation denied or abandoned, § 2-10

Selection, §§ 2-4, 2-10

Three assessor method, § 2-1

Award of special master/special master panel, § 2-10

Board of assessors, declaration of taking, § 2-6

Burden of proof of condemnor in jury trial, § 2-9

Compensation

Assessors, § 2-10

Just compensation, § 2-2

Reconveyance for additional compensation, title acquisition and reversion,  $\S~2\text{--}8$ 

Special master's plan, § 2-5

Costs and expenses, assessor method of condemnation, § 2-4

Court proceedings, non-governmental entity proceedings, Landowner's Notice of Rights, § 2-10

Declaration of taking method, § 2-6

Duties of assessors, Landowner's Notice of Rights, § 2-10

Electric transmission line, § 2-7

Entry of findings by assessor, § 2-10

Exceptions

Non-value exceptions, appeals based on in special master proceedings, § 2-10 Special master's plan, § 2-5

Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, § 2-2

Fee simple titles, § 2-8

Finality of judgments, § 2-10

Governmental condemnor, pre-taking procedures, § 2-3

Hearings

Judge, hearings before, § 2-10

Special master, hearings before, § 2-10

In Rem Condemnations, this index

Jury trials, § 2-9

Just compensation by condemning authority, § 2-2

Landowner's Bill of Rights and Private Property Protection Act of 2006, §§ 2-4, 2-5, 2-8

Landowner's Notice of Rights, § 2-10

Nongovernmental condemnor, pre-taking procedures, § 2-3

Non-governmental entity proceedings before assessors, Landowner's Notice of Rights, § 2-10

Non-value exceptions, appeals based on in special master proceedings, § 2-10 Notice

Landowner's Notice of Rights, § 2-10

Pre-taking procedures, § 2-3

Petroleum pipeline companies, condemnation for special purposes, § 2-7

#### CONDEMNATION PROCEDURES—Cont'd

Power companies, condemnation for special purposes, § 2-7

Pre-condemnation negotiation, § 2-2

Preliminary survey or appraisal by condemning authority, § 2-1

Pre-taking procedures for condemnor, § 2-3

Private ways, eminent domain to acquire ingress or egress to property, § 2-7

Public road and street or public transportation purposes, declaration of taking, § 2-6

Questions of law, authority of assessor to decide, § 2-4

Quotient verdict by jury, § 2-9

Real Estate Appraiser and Classification Act, selection of assessor under, § 2-4

Reasonable necessity standard in title acquisition, § 2-8

Reconveyance for additional compensation, § 2-8

Reimbursement of expenses when condemnation abandoned or denied, § 2-10

Rights to appeal, § 2-10

Selection of assessors

Court proceedings, non-governmental entity proceedings, Landowner's Notice of Rights, § 2-10

Real Estate Appraiser and Classification Act, § 2-4

Setting aside, finality of judgment, § 2-10

Special master method and proceedings

Generally, §§ 2-1, 2-5

Amendment to create special master panel, § 2-5

Appeals, §§ 2-5, 2-10

Award of special master/special master panel, § 2-10

Compensation, § 2-5

Exceptions, § 2-5

Hearings, § 2-10

In rem condemnations, § 2-5

Persons or interests entitled to compensation, § 4-5

Reimbursement of expenses if condemnation denied or abandoned, § 2-10

Special purposes, condemnation for, § 2-7

Telegraph companies, condemnation for special purposes, § 2-7

Three assessor method, § 2-1

Title acquired and reversions, § 2-8

Water-works companies, condemnation for special purposes, § 2-7

#### CONFISCATORY ZONING RESTRICTIONS

Remedies of property owners, § 8-6

## CONSEQUENTIAL DAMAGES OR BENEFITS

Measure of compensation, § 6-6

Taking vs damaging of property, §§ 5-5, 5-6, 5-8

# CONSTITUTIONAL LAW

Generally, § 1-1

#### **CONTIGUITY OF PROPERTY**

Taking vs Damaging of Property, this index

#### **CONTRACT RIGHTS**

Persons or interests entitled to compensation, § 4-4

## **CONTRACTOR'S LIABILITY**

Remedies of property owners, § 8-5

## **COST APPROACH**

Fair market value, determination of, § 6-2

## **COSTS AND EXPENSES**

Assessor method of condemnation, § 2-4

Attorney fees and expenses, measure of compensation, § 6-19

## **COURT PROCEEDINGS**

Landowner's notice of rights, non-governmental entity proceedings, § 2-10

## **CUL-DE-SAC RULE**

Taking vs damaging of property, § 5-21

## **DAMAGE CLAUSE**

Constitutionality, § 1-1

## **DAMAGING PROPERTY**

Taking vs Damaging of Property, this index

#### DATE

Remedies of property owners, date of stabilization and inverse condemnation, 8 8-1

Taking vs damaging of property, § 5-2

## **DEAD END**

Taking vs damaging of property, §§ 5-19, 5-21

# **DEFINITIONS**

Economic development, § 3-5

Fair market value, § 6-2

Public use, § 3-3

Taking, § 5-1

Uniqueness, § 5-12

#### **DEFORESTATION**

Measure of compensation for property condemned for deforestation, § 6-12

## **DEMONSTRATIVE EVIDENCE**

Generally, § 7-10

## DEVELOPMENT AUTHORITIES LAW

Purposes for which eminent domain may be exercised, § 3-5

## **DRAWINGS**

Demonstrative evidence, § 7-10

#### **DUST**

Taking vs damaging of property, § 5-10

#### **EASEMENTS**

Measure of compensation, § 6-10
Persons or interests entitled to compensation, § 4-6
Taking vs damaging of property, § 5-26

## **ECONOMIC DEPRECIATION**

Replacement cost and measure of compensation, § 6-13

## **ECONOMIC DEVELOPMENT**

Defined, § 3-5

#### **ELECTRIC TRANSMISSION LINE**

Condemnation procedures, § 2-7

#### ENHANCEMENT OF VALUE

Announcement of project, § 6-4

#### **ESTATES FOR YEARS**

Measure of compensation, § 6-7

#### **EVIDENCE**

Generally, §§ 7-1 to 7-14 Admissibility, §§ 7-1, 7-8

Appraisal, admissibility of, § 7-1

Appraiser, impeachment of, § 7-12

Burden of Proof, this index

Comparable sales

Basis for expert opinion, § 7-5

Direct evidence, § 7-4

Demonstrative evidence, § 7-10

Direct evidence of comparable sales, § 7-4

Drawings, demonstrative evidence, § 7-10

Effects of other condemnations, § 7-11

Exclusion of evidence as special rule of evidence, § 7-1

Exclusive listing agreements, admissibility, § 7-8

Expert Witnesses, this index

Impeachment, § 7-12

Jury view, § 7-14

Maps, demonstrative evidence, § 7-10

Models, demonstrative evidence, § 7-10

Motion in limine, sufficiency of evidence, § 7-13

Non-expert witnesses, § 7-3

Offers, options, and contracts, § 7-8

Other condemnations, effects of, § 7-11

Photographs, demonstrative evidence, § 7-10

Plats, demonstrative evidence, § 7-10

Purchase option, admissibility, § 7-8

Sales

Subject party, § 7-6

Threat of condemnation, sales under, § 7-7

Signed but unclosed contract, admissibility, § 7-8

#### EVIDENCE—Cont'd

Sufficiency of evidence, § 7-13

Summary judgment, § 7-13

Tax assessments and returns, § 7-9

Unaccepted offers, admissibility, § 7-8

Unclosed but signed contract, admissibility, § 7-8

#### **EXCEPTIONS**

Condemnation Procedures, this index

Special master's plan, § 2-5

## **EXCLUSION OF EVIDENCE**

Special rule of evidence, § 7-1

## **EXCLUSIVE LISTING AGREEMENTS**

Admissibility, § 7-8

## **EXPERT WITNESSES**

Generally, § 7-2

Comparable sales, basis for expert opinion, § 7-5

Measure of compensation, use to determine value, § 6-1

Non-expert witnesses, § 7-3

## **EXPRESS AUTHORITY**

Condemnation of property for public use, § 4-5

## **EXPRESS DEDICATION**

Taking vs damaging of property, street created by express dedication, § 5-29

#### FAIR MARKET VALUE

Measure of compensation, § 6-2

## FEDERAL CABLE COMMUNICATION POLICY ACT OF 1984

Taking vs damaging of property, § 5-29

# FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Condemnation procedures, § 2-2

## **FEE OWNER**

Taking vs damaging of property, business damage, § 5-13

#### **FEE SIMPLE**

Condemnation procedures, fee simple title, § 2-8

Taking vs damaging of property, § 5-4

## FINALITY OF JUDGMENTS

Condemnation procedures, § 2-10

## FLOW OF TRAFFIC

Taking vs damaging of property, § 5-20

#### FRANCHISE RIGHTS

Persons or interests entitled to compensation, § 4-4

#### **FUNCTIONAL DEPRECIATION**

Replacement cost and measure of compensation, § 6-13

## **FUTURE BENEFITS OR DAMAGES**

Fee simple acquisition, § 5-4

#### **GRADE**

Taking vs damaging of property, change in grade, § 5-22

## **HEARINGS**

Condemnation Procedures, this index

## HOUSING AUTHORITY OF THE CITY OF DECATUR v. SCHROEDER

Taking vs damaging of property, § 5-3

#### IMPAIRMENT OF ACCESS

Measure of damages, § 6-11

#### **IMPEACHMENT**

Evidence, § 7-12

## **IMPLIED AUTHORITY**

Persons or interests entitled to compensation, condemnation of property for public use, § 4-5

## **IMPROVEMENTS**

Measure of compensation, § 6-12

## **INCOME APPROACH**

Fair market value, determination of, § 6-2

#### INCONSISTENT MULTIPLE PUBLIC USE OF PROPERTY

Persons or interests entitled to compensation, determination of greater importance, § 4-5

#### IN LIMINE MOTION

Sufficiency of evidence, § 7-13

## IN REM CONDEMNATIONS

Assessor method, use of, § 2-4

Declaration of taking method, § 2-6

Special master method, § 2-5

#### **INJUNCTIONS**

Remedies of property owners, § 8-4

## **INTEREST**

Measure of compensation, § 6-18

#### **INTERSECTION**

Taking vs damaging of property, closing of intersection, §§ 5-20, 5-21

## **INVERSE CONDEMNATION**

Generally, § 1-1

Condemnation procedures, § 2-10

Measure of compensation, § 6-19

#### INVERSE CONDEMNATION—Cont'd

Relocation benefits, § 9-3

Remedies of property owners, §§ 8-1 to 8-4, 8-6

Taking vs damaging of property, §§ 5-1, 5-27

## **JURY TRIAL**

Condemnation procedures, § 2-9

Evidence, § 7-14

# JUST COMPENSATION

Constitutionality, § 1-1

# LANDOWNER'S BILL OF RIGHTS AND PRIVATE PROPERTY PROTECTION ACT OF 2006

Condemnation procedures, §§ 2-4, 2-5, 2-8

Relocation benefits, § 9-1

## LANDOWNER'S NOTICE OF RIGHTS

Condemnation procedures, § 2-10

## LATERAL SUPPORT

Taking vs damaging of property, § 5-23

#### LEASEHOLD EVALUATION

Measure of Compensation, this index

## LEASEHOLD INTERESTS

Persons or interests entitled to compensation, § 4-2

# LIGHT, AIR, AND VIEW

Taking vs damaging of property, § 5-24

## LOSS OF BUSINESS

Taking vs damaging of property, § 5-11

#### **MAPS**

Demonstrative evidence, § 7-10

## MARKET APPROACH

Fair market value, determination of, § 6-2

## MEASURE OF COMPENSATION

Generally, §§ 6-1 to 6-19

Access, impairment of, measure of damages, § 6-11

Announcement of project, § 6-4

Attorney fees and expenses, § 6-19

Business damage, measure of, § 6-9

Comparable sales method, determination of fair market value, § 6-2

Condition of taking, § 6-5

Consequential damages or benefits, measure of, § 6-6

Cost approach, determination of fair market value, § 6-2

Definition of fair market value, § 6-2

Deforestation purposes, property condemned for, § 6-12

Easement evaluation, § 6-10

#### MEASURE OF COMPENSATION—Cont'd

Economic depreciation, replacement cost, § 6-13

Enhancement of value from announcement of project, § 6-4

Estates for years and usufructs, leasehold evaluation, § 6-7

Expert witnesses, use to determine value, § 6-1

Fair market value, § 6-2

Functional depreciation, replacement cost, § 6-13

Impairment of access, measure of damages, § 6-11

Improvements, § 6-12

Income approach, determination of fair market value, § 6-2

Interest, § 6-18

Inverse condemnation, § 6-19

Leasehold evaluation

Estates for years and usufructs, § 6-7

Lessee, § 6-7

Lessor, § 6-8

Rental loss, lessor, § 6-8

Market approach, determination of fair market value, § 6-2

Mitigation of damages, § 6-17

Permanent business damage, measure of, § 6-9

Physical depreciation, replacement cost, § 6-13

Planned upgraded business, business losses based on, § 6-9

Pro rata method in determining value of remaining property, § 6-1

Probability of zoning change, § 6-16

Profit, damages for loss of business without showing loss of, § 6-9

Reasonable expenses, payment of attorney fees and expenses, § 6-19

Rental loss to lessor, leasehold evaluation, § 6-8

Repair cost, § 6-14

Replacement cost, § 6-13

Separate award for trees and shrubs, § 6-12

Trees, shrubs, and improvements, § 6-12

Uniqueness test, § 6-3

Usufructs, leasehold evaluation, § 6-7

Value for particular purpose, § 6-15

Value to owner, § 6-3

Zoning change, probability of, § 6-16

## MITIGATION OF DAMAGES

Measure of compensation, § 6-17

#### **MODELS**

Demonstrative evidence, § 7-10

## MOTION IN LIMINE

Sufficiency of evidence, § 7-13

#### **MULTIPLE PROPERTIES**

Taking vs damaging of property, § 5-1

#### **NEGATIVE EASEMENT**

Persons or interests entitled to compensation, § 4-6

#### "NO MARKET VALUE" TEST

Taking vs damaging of property, § 5-12

#### NOISE

Taking vs damaging of property, § 5-10

## **NON-EXPERT WITNESSES**

Evidence, § 7-3

## NONGOVERNMENTAL CONDEMNOR

Pre-taking procedures, § 2-3

## NON-VALUE EXCEPTIONS

Appeals based on in special master proceedings, § 2-10

#### **NOTICE**

Condemnation Procedures, this index

#### **NUISANCES**

Remedies of property owners, § 8-3

## OFFERS, OPTIONS, AND CONTRACTS

Evidence, § 7-8

Relocation benefits, amount of offer to purchase, § 9-3

## PARTIAL TAKING

Business damage, § 5-16

#### PERMANENT BUSINESS DAMAGE

Measure of compensation, § 6-9

#### PERMANENT NUISANCE

Remedies of property owners, § 8-3

## PERMISSIVE ACCESS

Taking vs damaging of property, § 5-18

## PERSONS OR INTERESTS ENTITLED TO COMPENSATION

Generally, §§ 4-1 to 4-6

Abutting property, easement rights and compensation, § 4-6

Access, easement of, § 4-6

Competing public uses of property, determination of greater importance, § 4-5

Contract and franchise rights, § 4-4

Distribution of condemnation proceedings, § 4-3

Easements, § 4-6

Express authority, condemnation of property for public use, § 4-5

Franchise rights, § 4-4

Implied authority, condemnation of property for public use, § 4-5

Inconsistent multiple public use of property, determination of greater importance, § 4-5

Leasehold interests, § 4-2

#### PERSONS OR INTERESTS ENTITLED TO COMPENSATION—Cont'd

Negative easement, § 4-6

Prescription or implication, easement created by, § 4-6

Public use, property devoted to, § 4-5

Restrictive covenants, § 4-4

Secured interests, § 4-3

Special master procedures, condemnation of property for public use, § 4-5

State's power to condemn property previously devoted to public use, § 4-5

## PETROLEUM PIPELINE COMPANIES

Condemnation for special purposes, § 2-7

#### **PHOTOGRAPHS**

Demonstrative evidence, § 7-10

#### PHYSICAL DEPRECIATION

Replacement cost and measure of compensation, § 6-13

#### PLANNED UPGRADED BUSINESS

Measure of compensation for business losses based on planned upgraded business, § 6-9

#### **PLATS**

Demonstrative evidence, § 7-10

## **POWER COMPANIES**

Condemnation for special purposes, § 2-7

# PRECONDEMNATION MATTERS

Negotiation, § 2-2

Taking vs damaging of property, § 5-3

#### PREPAYMENT PENALTIES

Taking vs damaging of property, § 5-30

## PRESCRIPTION OR IMPLICATION

Easement created by, § 4-6

#### PRE-TAKING PROCEDURES

Condemnation procedures, § 2-3

#### **PRIVACY**

Taking vs damaging of property, privacy loss of specific realty, light, air, and view, § 5-24

# PRIVATE WAYS

Ingress or egress to property, eminent domain to acquire, § 2-7

## PRO RATA METHOD

Remaining property, determination of, § 6-1

## **PUBLIC BENEFIT THEORY**

Purposes for which eminent domain may be exercised, §§ 3-1, 3-3

#### **PUBLIC ROAD OR STREET**

Declaration of taking, § 2-6

#### PUBLIC TRANSPORTATION PURPOSES

Declaration of taking, § 2-6

## **PUBLIC USE THEORY**

Purposes for which eminent domain may be exercised, §§ 3-1, 3-2

#### **PURCHASE OPTION**

Admissibility, § 7-8

## PURPOSES FOR WHICH EMINENT DOMAIN MAY BE EXERCISED

Generally, §§ 3-1 to 3-6

Blight or blighted property, defined, § 3-5

**Definitions** 

Economic development, § 3-5

Public use, § 3-3

Development Authorities Law, § 3-5

Economic development, defined, § 3-5

Judgment of condemnor, reliance on, § 3-4

Necessity of condemnation, § 3-4

Pre-2006 law, § 3-5

Public benefit theory, §§ 3-1, 3-3

Public purpose requirement for acquisition of property, § 3-1

Public use theory, §§ 3-1, 3-2

Redevelopment, condemnation for, § 3-5

Substitute condemnation, § 3-6

Substituted compensation theory, § 3-6

2006 revisions to eminent domain law, § 3-5

Urban Redevelopment Law of 1955, § 3-5

## **QUESTIONS OF LAW**

Condemnation procedures, authority of assessor to decide questions of law, § 2-4

#### **QUOTIENT VERDICT**

Condemnation procedures, § 2-9

## REAL ESTATE APPRAISER AND CLASSIFICATION ACT

Selection of assessor, § 2-4

#### REAL PARTY IN INTEREST

Remedies of property owners, nuisances, § 8-3

## REASONABLE NECESSITY STANDARD

Title acquisition, § 2-8

#### RECONVEYANCE

Additional compensation, reconveyance for, § 2-8

## REDEVELOPMENT

Purposes for which eminent domain may be exercised, § 3-5

#### REIMBURSEMENT

Abandoned or denied condemnation, reimbursement of expenses, § 2-10

#### **RELOCATION BENEFITS**

Generally, §§ 9-1 to 9-3

Business relocation, § 9-2

Georgia case law, § 9-2

Inverse condemnation, § 9-3

Landowner's Bill of Rights and Private Property Protection Act of 2006, § 9-1

Offer to purchase, amount of, § 9-3

Renovation expenses as relocation expenses, § 9-2

Rent differential payment, § 9-3

Residential property, § 9-2

Statutory relocation benefits, § 9-3

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, § 9-3

#### "RELOCATION TEST"

Taking vs damaging of property, § 5-12

## "REMAINING PROPERTY"

Taking vs damaging of property, damages to separate parcels, § 5-7

## REMEDIES OF PROPERTY OWNERS

Generally, §§ 8-1 to 8-7

Abatable nuisance, damage for, § 8-3

"Annoyance and discomfort" nuisance, damage for, § 8-3

Balancing test to determine constitutionality of taking of property, zoning as taking, § 8-6

Confiscatory zoning restrictions, § 8-6

Contractor's liability, § 8-5

Date of stabilization and inverse condemnation, § 8-1

Injunction, § 8-4

Inverse condemnation and tort theories, § 8-2

Nuisance, § 8-3

Permanent nuisance, damage for, § 8-3

Real party in interest, nuisances, § 8-3

Rezoning, zoning as taking, § 8-6

Setting aside condemnation judgment, § 8-7

Sovereign immunity under inverse condemnation theory, waiver of, § 8-3

Zoning as taking, § 8-6

## REMOTE OR SPECULATIVE DAMAGE

Generally, § 5-1

#### RENOVATION EXPENSES

Relocation benefits, § 9-2

# RENT DIFFERENTIAL PAYMENT

Relocation benefits, § 9-3

#### **RENTAL LOSS**

Measure of compensation, leasehold evaluation, § 6-8

#### **REPAIR COST**

Measure of compensation, § 6-14

## REPLACEMENT COST

Measure of compensation, § 6-13

## **RESTRICTIVE COVENANTS**

Persons or interests entitled to compensation, § 4-4 Taking vs damaging of property, § 5-28

#### REZONING

Remedies of property owners, § 8-6

#### **SALES**

Comparable sales method, determination of fair market value, § 6-2 Evidence, this index

## **SECURED INTERESTS**

Persons or interests entitled to compensation, § 4-3

## SELECTION OF ASSESSORS

Condemnation Procedures, this index

## SENTIMENTAL DAMAGES

Generally, § 5-1

## SEPARATE COMPENSATION

Business damage to tenant, § 5-14

# SEPARATE PARCELS

Taking vs damaging of property, § 5-7

#### **SETTING ASIDE**

Condemnation procedures, finality of judgment, § 2-10
Remedies of property owners, setting aside condemnation judgment, § 8-7

## **SHRUBS**

Measure of compensation, § 6-12

## SIGNED BUT UNCLOSED CONTRACT

Admissibility, § 7-8

## **SMOKE**

Taking vs damaging of property, § 5-10

#### **SOVEREIGN IMMUNITY**

Remedies of property owners, waiver of sovereign immunity under inverse condemnation theory, § 8-3

## SPECIAL MASTER METHOD AND PROCEEDINGS

Condemnation Procedures, this index

#### **SPECIAL PURPOSES**

Condemnation procedures, § 2-7

#### SUBSTITUTED COMPENSATION THEORY

Purposes for which eminent domain may be exercised, § 3-6

## SUFFICIENCY OF EVIDENCE

Generally, § 7-13

## **SUMMARY JUDGMENT**

Evidence, § 7-13

## TAKING vs DAMAGING OF PROPERTY

Generally, §§ 5-1 to 5-31

Abandonment of easement, § 5-26

Access

Impairment of access, § 5-17

Permissive access, § 5-18

Additional servitudes, § 5-29

Announcement of public improvement, effect on value of property and compensation, § 5-2

Appraisal method used and date of taking, § 5-2

Avigation easements, § 5-27

Business damage

Generally, §§ 5-11 to 5-16

Fee owner, § 5-13

Loss of visibility from road, §§ 5-22, 5-24

Partial taking, § 5-16

Temporary loss, § 5-15

Tenant, § 5-14

Uniqueness rule, § 5-12

Cable, Federal Cable Communication Policy Act of 1984, § 5-29

Change in grade, § 5-22

Circuity of travel, § 5-19

Consequential benefits, § 5-8

Consequential damages, §§ 5-5, 5-6

Contiguity of property

Fee simple acquisition, separate owner's claim for consequential damages, § 5-4

Separate parcels, damages to, § 5-7

Cost of cure, fee simple acquisition, § 5-4

Cul-de-sac rule, § 5-21

Damage theory, § 5-1

Damages caused by the taking, § 5-6

Date of taking, § 5-2

Dead end, creation of, §§ 5-19, 5-21

**Definitions** 

Taking, § 5-1

Uniqueness, § 5-12

Dust, § 5-10

Easements, § 5-26

Express dedication, street created by, § 5-29

#### TAKING vs DAMAGING OF PROPERTY—Cont'd

Federal Cable Communication Policy Act of 1984, § 5-29

Fee owner, business damage, § 5-13

Fee simple acquisition, § 5-4

Flow of traffic, § 5-20

Future benefits or damages, consideration of, fee simple acquisition, § 5-4

Governmental function, regulation of traffic as, § 5-20

Housing Authority of the City of Decatur v. Schroeder, precondemnation damages, § 5-3

Impairment of access, § 5-17

Inconvenience in the use of property, § 5-9

Intersection, closing of, §§ 5-20, 5-21

Inverse condemnation, §§ 5-1, 5-27

Lateral support, § 5-23

Light, air, and view, § 5-24

Loss of business, damage for, § 5-11

Multiple properties combined in condemnation action, § 5-1

"No market value" test, § 5-12

Noise, dust, smoke and vibrations, § 5-10

Non-transportation uses of street easement, § 5-29

Partial taking, business damage, § 5-16

Permanent loss of business that cannot be duplicated in new location, § 5-15

Permissive access, § 5-18

Permissive use, § 5-31

Precise unity of ownership requirement, damages to separate parcels, § 5-7

Precondemnation damages, § 5-3

Prepayment penalties, § 5-30

Privacy loss of specific realty, light, air, and view, § 5-24

"Relocation test" of uniqueness, § 5-12

"Remaining property," damages to separate parcels, § 5-7

Remote or speculative damage to property, § 5-1

Restrictive covenants, § 5-28

Rule against recovery for temporary inconvenience in use of property, § 5-9

Sentimental damages to property, § 5-1

Separate compensation, business damage to tenant, § 5-14

Separate parcels, damages to, § 5-7

Smoke, § 5-10

Special benefits, consequential benefits, § 5-8

Street purposes, use of street for, § 5-29

Temporary loss, business damage, § 5-15

Theory of damage, § 5-1

Traffic flow, § 5-20

Uniqueness rule, business damage, § 5-12

Unity of use, damages to separate parcels, § 5-7

Use and condition of property on date of taking, § 5-2

Value to owner test, § 5-12

Vibrations, § 5-10

#### TAKING vs DAMAGING OF PROPERTY—Cont'd

Visibility loss from road due to change in grade as business damage, §§ 5-22, 5-24

Water damage, § 5-25

#### TAX ASSESSMENTS AND RETURNS

Evidence, § 7-9

## **TELEGRAPH COMPANIES**

Condemnation for special purposes, § 2-7

#### **TEMPORARY LOSS**

Business damage, § 5-15

#### THREE ASSESSOR METHOD

Condemnation procedures, § 2-1

## TITLE ACQUISITIONS AND REVERSIONS

Condemnation procedures, § 2-8

## TRAFFIC FLOW

Taking vs damaging of property, § 5-20

#### **TREES**

Measure of compensation, § 6-12

## **UNACCEPTED OFFERS**

Admissibility, § 7-8

# UNCLOSED BUT SIGNED CONTRACT

Admissibility, § 7-8

# UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Generally, § 9-3

## **UNIQUENESS**

Business damage, uniqueness rule, § 5-12

Measure of compensation, uniqueness test, § 6-3

## **UNITY OF USE**

Separate parcels, damages to, § 5-7

# **URBAN REDEVELOPMENT LAW OF 1955**

Purposes for which eminent domain may be exercised, § 3-5

#### **USUFRUCTS**

Measure of compensation, leasehold evaluation, § 6-7

## VALUE TO OWNER TEST

Taking vs damaging of property, § 5-12

#### **VISIBILITY**

Business damage, visibility loss from road due to change in grade as, §§ 5-22, 5-24

## WAIVER

Remedies of property owners, waiver of sovereign immunity under inverse condemnation theory,  $\S$  8-3

## WATER DAMAGE

Taking vs damaging of property, § 5-25

# WATER-WORKS COMPANIES

Condemnation for special purposes, § 2-7

# **ZONING**

Measure of compensation, probability of zoning change, § 6-16 Remedies of property owners, zoning as taking, § 8-6