

8110 EMINENT DOMAIN: CHANGE IN GRADE*

You have heard testimony about a change in grade on the property.

A change in grade may affect the fair market value of the remaining property. If the completed public project changes the grade of the remaining property, you are to consider the change in grade when you determine the fair market value of the remaining property immediately after (date of evaluation) as if the public project was completed by (date of evaluation).

COMMENT

This instruction and comment were approved in 2006. The instruction was revised in 2008.

*This instruction is to be used only in partial taking cases. Read in conjunction with Wis. JI-Civil 8102. See also Wis. Stat. § 32.09 (6)(f).

There can also be a change in grade under Wis. Stat. § 32.18 where no property has been taken. A modification of this instruction should be used in such cases.