

8112 EMINENT DOMAIN: AIR RIGHTS

The term "air rights" has been used during the trial. Air rights means a right of the owner to the air space above the property. This right is not absolute. The right extends only to that part of the air space necessary for a full and complete use and enjoyment of the property.

COMMENT

This instruction and comment were approved in 2006.

Wis. Stat. § 114.03.

Maitland v. Twin City Aviation Corp., 254 Wis. 541, 545, 37 N.W.2d 74 (1949).

See also sec. 5 Nichols on Eminent Domain 3rd Ed.