

1.

The Court charges the jury that in the condemnation of lands for ways and rights of ways for public highways, you must, in fixing the amount of compensation to be awarded the owner for lands taken for this use, take into consideration the value of the enhancement to the remaining lands of such owner that such highway may cause.

*Refused*  
*Jeffrey G. MacLaren*  
*Judge.*

The Court charges the jury that the final inquiry as to the compensation to be awarded, if any, is the difference between the value of the entire tract immediately before the taking and the value of the part of the tract remaining after the taking, giving effect to any enhancement in value of the part remaining resulting from the construction of the road. If the part remaining is worth as much as or more after completion of the project than the entire tract was worth immediately before the taking, the landowner has sustained no damage and is not entitled to any compensation.

Respectfully  
Jeffrey J. Madleson  
Judge

The Court charges the jury that in a condemnation proceeding for highway purposes where only a part of a tract is taken the owner is entitled to the difference between the value of the entire tract immediately before the taking and the value of the part remaining after the taking, giving effect to any enhancement in value to the part remaining. And in determining the value of the property after the taking, you should consider any factor or circumstance which would either depreciate or enhance that value in any way.

Jensen,  
Jeffrey W. Marshall  
Judge

4.

The Court charges the jury that the owner of a tract of land, a part of which is condemned for highway purposes, is entitled to be put in as good a position from a pecuniary standpoint as he would have occupied had his property not been taken: and if you are reasonably satisfied from the evidence in this case that the landowner is just as well off from a pecuniary standpoint after this taking as he was before the taking, then he is not entitled to any damages.

*Refused,  
Seymour Washburn  
Judge*