

Publication Table of Contents

NICHOLS ON EMINENT DOMAIN®

VOLUME 1

-
- | | |
|-------------------|---|
| PART 1 | INTRODUCTION AND JURISDICTION |
| CHAPTER 1 | THE NATURE, ORIGIN, EVOLUTION AND CHARACTERISTICS OF THE POWER |
| CHAPTER 1A | EMINENT DOMAIN LAW AND ECONOMICS |
-

VOLUME 1A

-
- | | |
|-------------------|---|
| PART 1 | INTRODUCTION AND JURISDICTION |
| CHAPTER 1B | EMINENT DOMAIN LAW IN EUROPE |
| CHAPTER 1C | EMINENT DOMAIN LAW IN ASIA |
| CHAPTER 2 | JURISDICTION WITH RESPECT TO THE RES |
| CHAPTER 3 | CAPACITY TO CONDEMN |
| CHAPTER 4 | DUE PROCESS OF LAW AND EQUAL PROTECTION OF THE LAWS
PROPERTY AND OWNERSHIP |
-

VOLUME 2

-
- | | |
|------------------|--------------------------------------|
| PART 1 | INTRODUCTION AND JURISDICTION |
| CHAPTER 5 | PROPERTY AND OWNERSHIP |
-

VOLUME 2A

-
- | | |
|------------------|--|
| PART 1 | INTRODUCTION AND JURISDICTION |
| CHAPTER 6 | TAKING OF PRIVATE PROPERTY FOR PUBLIC USE |
| CHAPTER 7 | THE PUBLIC USE |

VOLUME 3

PART 2	CONSTITUTIONAL RIGHTS AND LIMITATIONS
CHAPTER 8	COMPENSATION
CHAPTER 8A	ENHANCEMENT

PART 3	TITLE ACQUIRED AND SERVITUDES THEREON
CHAPTER 9	TITLE ACQUIRED BY EMINENT DOMAIN
CHAPTER 10	TITLE TO HIGHWAYS AND ADDITIONAL SERVITUDES
CHAPTER 11	TITLE ACQUIRED FOR USES OTHER THAN HIGHWAYS

VOLUME 4

PART 4	VALUATION AND DAMAGES
CHAPTER 12	VALUATION GENERALLY
CHAPTER 12A	MARKET VALUE—TIME OF VALUATION
CHAPTER 12B	VALUATION OF THE FEE INTEREST
CHAPTER 12C	ABSENCE OF MARKET VALUE AND EFFECT OF RESTRICTIONS
CHAPTER 12D	VALUATION OF INTERESTS OTHER THAN FEE INTERESTS
CHAPTER 12E	VALUATION FOR THE PURPOSE OF COMPENSATING A TEMPORARY TAKING
CHAPTER 13	FAIR MARKET VALUE—PHYSICAL CHARACTER

VOLUME 4A

PART 4	VALUATION AND DAMAGES
CHAPTER 14	PARTIAL TAKINGS: GENERAL CONCEPTS
CHAPTER 14A	PARTIAL TAKINGS: CALCULATION OF DAMAGES
CHAPTER 14B	DAMAGE TO SEPARATE PARCELS: UNITY OF USE
CHAPTER 15	DAMAGES FOR CONDEMNATION OF PUBLIC PROPERTY

VOLUME 5

PART 4	VALUATION AND DAMAGES
CHAPTER 16	CONSEQUENTIAL DAMAGES AS A RESULT OF PROPOSED USE

CHAPTER 17 AMOUNT OF AWARD

PART 5 EVIDENCE

CHAPTER 18 EVIDENCE IN CONDEMNATION PROCEEDINGS

CHAPTER 19 EVIDENCE OF INCOME

CHAPTER 20 VALUATION OF IMPROVED PROPERTY BY THE COST APPROACH

CHAPTER 21 SALES AND OFFERS: INDICATORS OF MARKET VALUE

CHAPTER 22 VALUATION FOR OTHER PURPOSES

CHAPTER 23 EXPERT AND OPINION EVIDENCE

VOLUME 6

PART 6 PROCEDURE

CHAPTER 24 GENERAL PROCEDURES

**CHAPTER 25 ADMINISTRATIVE AND LEGISLATIVE TECHNIQUES FOR
RESOLVING VESTED RIGHTS AND CONDEMNATION ISSUES**

CHAPTER 26A PLEADINGS AND PARTIES

CHAPTER 26B SERVICE OF PROCESS, PLEADINGS, AND DEFENSES

CHAPTER 26C DISCOVERY

**CHAPTER 26D ABANDONMENT, DISMISSAL OF ACTION AND ASSESSMENT OF
DAMAGES**

CHAPTER 26E JUDGMENT, APPEAL AND REVIEW

VOLUME 6A

PART 6 PROCEDURE

CHAPTER 27 FEDERAL EMINENT DOMAIN PROCEDURE

PART 7 REMEDIES OF OWNER

CHAPTER 28 REMEDIES OF OWNERS

CHAPTER 29 LIABILITY OF THE UNITED STATES FOR INJURIES TO PROPERTY

CHAPTER 30 LIABILITY OF THE STATE FOR INJURIES TO PROPERTY

CHAPTER 31 LIABILITY OF MUNICIPAL CORPORATIONS

**CHAPTER 32 LIABILITY OF A PRIVATE CORPORATION FOR INJURIES TO
PROPERTY**

**CHAPTER 33 ENVIRONMENTAL PROTECTION REQUIREMENTS GOVERNING
EXERCISE OF THE POWER OF EMINENT DOMAIN**

- CHAPTER 34 THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT**
CHAPTER 35 COASTAL AREAS AND WETLANDS TAKINGS
CHAPTER 36 INVERSE CONDEMNATION—AIRCRAFT FLIGHTS
-

VOLUME 7

PART 8 CONDEMNATION PRACTICE

- CHAPTER G1 INTRODUCTION TO THE PRACTICE OF EMINENT DOMAIN**
CHAPTER G1A PRE-CONDEMNATION PLANNING
CHAPTER G1B DETERMINING THE PROPERTY RIGHTS ACQUIRED AND DEALING WITH MODIFICATIONS OR ATTEMPTED MODIFICATIONS TO THE TAKING
CHAPTER G2 TAKING PROCEDURE
CHAPTER G2A TAKING PROCEDURE IN THE FIFTY STATES AND THE DISTRICT OF COLUMBIA
CHAPTER G3 PRESENTING VALUATION TO THE JURY
CHAPTER G4 THE APPRAISAL PROCESS IN EMINENT DOMAIN
CHAPTER G5 ALTERNATIVES TO THE USE OF EMINENT DOMAIN
CHAPTER G6 SETTLEMENT ISSUES AND TECHNIQUES
CHAPTER G7 PRETRIAL DISCOVERY IN EMINENT DOMAIN
CHAPTER G7A DISCOVERY OF MULTIPLE APPRAISALS AND COMPELLING TESTIMONY OF ADVERSARY'S APPRAISERS
CHAPTER G8 TRIAL PROCEDURES AND TECHNIQUES
CHAPTER G8A AN INTRODUCTION TO TAX CONSEQUENCES OF CONDEMNATION AWARDS
-

VOLUME 7A

PART 8 CONDEMNATION PRACTICE

- CHAPTER G9 APPELLATE PRACTICE**
CHAPTER G9A EVIDENTIARY ISSUES IN CONDEMNATION CASES
CHAPTER G10 TAX ISSUES IN CONDEMNATION CASES
CHAPTER G11 CONDEMNATION AND THE LANDLORD-TENANT RELATIONSHIP
CHAPTER G12 PARTIAL TAKINGS
CHAPTER G13 TRIAL TACTICS AND STRATEGIES IN THE PRESENTATION OF COMPARABLE SALES
CHAPTER G13A ILLUSTRATIVE CONDEMNATION PROCEEDING

CHAPTER G13B CONTAMINATED PROPERTY AND THE EXERCISE OF EMINENT DOMAIN
CHAPTER G14 EMERGING PROBLEM AREAS

VOLUME 8

PART 8 CONDEMNATION PRACTICE

CHAPTER G14A VALUATION OF PUBLIC UTILITIES
CHAPTER G14B CONDEMNATION BY PUBLIC AUTHORITIES
CHAPTER G14C ENVIRONMENTAL ISSUES
CHAPTER G14D OPEN SPACE
CHAPTER G14E INVERSE CONDEMNATION
CHAPTER G14F APPROPRIATION AND VALUATION OF MINERAL DEPOSITS

VOLUME 8A

PART 8 CONDEMNATION PRACTICE

CHAPTER G15 COSTS AND ATTORNEYS' FEES
CHAPTER G16 SEVERANCE DAMAGES—REDUCTION IN VALUE OF REMAINDER
CHAPTER G17 RIGHT-OF-WAY RESERVATIONS
CHAPTER G18 CONDEMNATION BLIGHT
CHAPTER G19 FOREIGN TAKINGS BY THE UNITED STATES
CHAPTER G20 RELOCATION BENEFITS IN EMINENT DOMAIN
CHAPTER G21 RAILROAD RIGHTS-OF-WAY
CHAPTER G22 PROMOTING ECONOMIC DEVELOPMENT AND PREVENTING BUSINESS PLANT AND SPORTS FRANCHISE CLOSINGS AND RELOCATIONS: THE EXPANSION OF THE "PUBLIC USE" DOCTRINE IN EMINENT DOMAIN
CHAPTER G23 CONDEMNATION OF BILLBOARD INTERESTS
CHAPTER G24 [RESERVED]
CHAPTER G25 ALTERNATIVE METHODS OF DISPUTE RESOLUTIONS IN CONDEMNATION PROCEEDINGS
CHAPTER G26 EMINENT DOMAIN, POWERLINES, AND ELECTROMAGNETIC FIELDS
CHAPTER G27 WETLANDS ISSUES IN EMINENT DOMAIN CASES
CHAPTER G28 FIXTURES
CHAPTER G29 LOSS OF BUSINESS GOODWILL
CHAPTER G30 VALUATION OF RETAIL PROPERTY

VOLUME 9

PART 8 CONDEMNATION PRACTICE

CHAPTER G31 CONDEMNATION AND VALUATION OF INDUSTRIAL PROPERTY

**CHAPTER G32 CONDEMNATION AND VALUATION OF TEMPORARY
EASEMENTS**

CHAPTER G33 ANALYZING LEGAL DESCRIPTIONS AND CONSTRUCTION PLANS

CHAPTER G34 WATER ISSUES

PART 9 APPENDICES

**APPENDIX A BIBLIOGRAPHY—CONDEMNATION PROCEDURES AND
TECHNIQUES**

APPENDIX B APPRAISERS, APPRAISALS, AND APPRAISAL SOCIETIES

APPENDIX B-1 [RESERVED]

APPENDIX B-2 [RESERVED]

APPENDIX B-2(a) [RESERVED]

**APPENDIX B-2(b) CONDEMNOR'S APPRAISAL—COST AND COMPARABLE SALES
APPROACHES**

APPENDIX B-2(c) [RESERVED]

**APPENDIX B-2(d) THE TAKING BY THE STATE OF TOWN ROADS AND
SURROUNDING PRIVATELY-HELD LAND—*Town of New Windsor v.
State of New York Metropolitan Transportation Authority***

APPENDIX B-2(e) [RESERVED]

APPENDIX B-2(f) [RESERVED]

APPENDIX B-2(g) [RESERVED]

APPENDIX B-2(h) CONDEMNOR'S APPRAISAL—PARTIAL TAKING

APPENDIX B-2(i) [RESERVED]

APPENDIX B-2(j) [RESERVED]

APPENDIX B-2(k) [RESERVED]

**APPENDIX B-2(l) FORM—APPRAISAL OF CLAIMANT'S EXPERT OF PARTIAL
TAKING—A PRIVATE LAKE**

APPENDIX B-2(m) [RESERVED]

APPENDIX B-2(n) [RESERVED]

**APPENDIX B-2(o) CONDEMNATION OF PERMANENT SUBSURFACE EASEMENT
AND TEMPORARY SURFACE EASEMENT**

APPENDIX B-2(p) [RESERVED]

APPENDIX B-2(q) [RESERVED]

APPENDIX B-2(r) [RESERVED]

**APPENDIX B-2(s) APPRAISAL OF BUSINESS CENTER PROPERTY ACQUIRED TO
CONSTRUCT HIGHWAY EXTENSION**

APPENDIX B-2(t) APPRAISAL OF AIR RIGHTS

APPENDIX B-2(u) [RESERVED]

**APPENDIX B-2(v) SAMPLE APPRAISAL REPORT: PARTIAL TAKING OF
COMMERCIAL PROPERTY**

**APPENDIX B-2(v)(i) SAMPLE APPRAISAL REPORT: INCOME APPROACH TO
VALUATION IN PARTIAL TAKING OF SHOPPING CENTER
PROPERTY**

APPENDIX B-2(w) [RESERVED]

APPENDIX B-2(x) [RESERVED]

VOLUME 10

PART 9 APPENDICES

**APPENDIX B-3 CODE OF PROFESSIONAL ETHICS AND STANDARDS OF
PROFESSIONAL PRACTICE**

**APPENDIX C PATTERN INSTRUCTIONS FOR USE IN THE TRIAL OF A
CONDEMNATION CLAIM**

APPENDIX C-1 [RESERVED]

APPENDIX C-3(a) FEDERAL PATTERN JURY INSTRUCTIONS

APPENDIX C-3(a)(i) FEDERAL PATTERN INSTRUCTIONS TO COMMISSIONERS

APPENDIX C-3(a)(ii) FEDERAL PATTERN INSTRUCTIONS TO COMMISSIONERS

APPENDIX C-3(b) STATE PATTERN JURY INSTRUCTIONS

APPENDIX D MODEL COMPENSATION STATUTES

**APPENDIX D-1 CHAPTER 61—UNIFORM RELOCATION ASSISTANCE AND REAL
PROPERTY ACQUISITION POLICIES FOR FEDERAL AND
FEDERALLY ASSISTED PROGRAMS**

APPENDIX D-2 MODEL CODE ON EMINENT DOMAIN

**APPENDIX D-3 UNIFORM LAW COMMISSIONERS' MODEL EMINENT DOMAIN
CODE**

APPENDIX D-3(a) ALABAMA EMINENT DOMAIN CODE

**APPENDIX D-3(b) ALABAMA STATUTES RELATING TO CONDEMNATION FOR
ECONOMIC DEVELOPMENT PURPOSES**

APPENDIX D-4 THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

**APPENDIX D-5 THE CALIFORNIA EMINENT DOMAIN LAW (Cal. Code Civ. Proc.
§ 1230.010 *et seq.*)**

APPENDIX D-6 FLORIDA LEGISLATION

**APPENDIX D-7 IDAHO EMINENT DOMAIN LAW AND REGULATORY TAKINGS
ACT**

- APPENDIX D-8 ILLINOIS EMINENT DOMAIN ACT (735 ILCS 30/1-1-1 *et seq.*)**
**APPENDIX D-9 MASSACHUSETTS EMINENT DOMAIN STATUTE (Mass. Gen. Laws
Ann. ch. 79, § 1 *et seq.*)**
APPENDIX D-10 MISSOURI
APPENDIX D-11 TENNESSEE (1994 New Laws, S.B. No. 2643, P.923)
APPENDIX D-12 UTAH: 1994 NEW LAWS (H.B. No. 163, P.1205)
APPENDIX E AMERICAN ARBITRATION ASSOCIATION
APPENDIX E-1 REAL ESTATE VALUATION ARBITRATION RULES
APPENDIX E-2 DEMAND FOR ARBITRATION AND AWARD OF ARBITRATORS
-

VOLUME ★

INDEX

TABLE OF CASES

VOLUME ★★

TABLE OF CASES (cont'd)