STUDIES OF HIGHWAY IMPACT IN INDIANA

PROGRESS REPORT NO. 3

A STUDY OF PARTIAL TAKINGS FOR A
PORTION OF INTERSTATE 65

JUNE 1961

NO. 19

Joint
Highway
Research
Project

PURDUE UNIVERSITY
LAFAYETTE INDIANA

by

J. A. FLETCHER

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STUDIES OF HIGHWAY IMPACT IN INDIANA
PROGRESS REPORT NO. 3
A STUDY OF PARTIAL TAKINGS FOR A PORTION OF INTERSTATE 65

TO: K. B. Woods, Director
Joint Highway Research Project

FROM: H. L. Michael, Assistant Director
Joint Highway Research Project

June 21, 1961

File: 3-5-3
Project: C-36-64C

The third progress report on the research study "Studies of Highway Impact in Indiana" and titled "A Study of Partial Takings for a Portion of Interstate 65" is attached. This report has been prepared by Mr. J. A. Fletcher, Jr., Graduate Assistant on the staff, under the direction of Professor H. L. Michael.

This report presents an analysis of the right-of-way costs including damages for that portion of Interstate 65 between Lebanon and Indianapolis. The large number of condemnations are noted and the tremendous differences between appraisals made by State and Court appraisors are evaluated and discussed. Although no solutions are offered to this problem, the seriousness of the difficulties is emphasized and further study is planned.

The report is presented for the record. The report will also be presented to the State Highway Commission of Indiana and the Bureau of Public Roads for their review and information.

Respectfully submitted,

Harold L. Michael

Harold L. Michael, Secretary

HLM:kms

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STUDIES OF HIGHWAY IMPACT IN INDIANA

Progress Report No. 3

A STUDY OF PARTIAL TAKINGS FOR A PORTION OF INTERSTATE 65

by

J. A. Fletcher, Jr.
Graduate Assistant

Joint Highway Research Project

File: ~~8-5-3~~ 3-5-3

Project: C-36-64C

Purdue University
Lafayette, Indiana

June 21, 1961

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PARTIAL TAKINGS

Introduction

The acquisition of right-of-way for highway improvements creates extremely difficult public relations problems. Because the acquisition of land is not a sale consummated between a willing buyer and a willing seller, bitterness caused by misunderstandings is likely to occur, and has occurred in the past. Improved public relations brought about by increased knowledge is one of the objectives of this portion of the study.

A partial taking occurs when the State does not acquire an entire parcel for right-of-way, but takes only a portion of the tract. In this situation, and especially in rural areas most transactions are of this type, the property owner may receive proximity damages and/or severance damages. Proximity damages are compensation for a reduction in value, usually of some improvement to the property, caused by its nearness to the highway facility. Proximity damages would be paid, for example, if a facility were constructed so close to a garage that the owner could no longer drive his automobile into the garage. The garage itself would not be physically damaged, but its intended function would be impaired, justifying proximity damages of such amount, possibly, as to

enable the property owner to remodel the garage and relocate his driveway to enter from another direction.

Severance damages may occur when a facility splits a parcel into two or more tracts. Damages may be justified because of reducing the efficiency of a farming operation, for example, or because one of the remaining tracts is too small to serve a useful purpose. Severance damages are extremely difficult to determine. Severance and proximity damages may be paid in addition to payments for the land taken for right-of-way, and for the improvements damaged or destroyed. By State law, compensation cannot be paid for "damages" such as increased traffic in the area, increased noise level, or additional driving distance required to gain access to a given facility, nor can damages be paid to any property owner whose property is not involved in a partial or total take.

Procedure

The Right-of-Way Division of the Indiana State Highway Department furnished construction plans for the four construction projects included in the section of Interstate 65 under study (Facility 2 in Figure 1) and strip maps for two of the construction projects. These strip maps were complete and showed the right-of-way required for the facility, the owners of the parcels from which right-of-way was acquired, and the acreages of the parcels both before and after the acquisition. For the other two construction projects, summary sheets of the right-of-way costs were furnished. These summary sheets indicated the amounts of the State appraisal for each parcel

LOCATION OF STUDY FACILITIES

Figure 1

for land taken, improvements taken or damaged, severance damages, proximity damages, and other damages.

Additional and supplementary information concerning the individual tracts was then obtained from the files of the Right-of-Way Division. Land use data, appraised value of land and improvements before and after the take, amounts offered the property owners for land and damages, and any other pertinent information available were collected. The files of the Right-of-Way Division contained information on all parcels involved in partial takings except those requiring condemnation. Similar data were obtained from the Office of the Attorney General for the tracts involved in condemnation proceedings, and in addition the figures on value of land taken, damage to improvements, damage to residue, and other damages as shown by the Court appraisal were obtained. There were no detailed breakdowns of the Court appraisal figures available. Except for two parcels, the final Court awards or judgements have not been made, and therefore the figures obtained are not final.

According to the information obtained from the Right-of-Way Division, seventy-six separate parcels were affected by right-of-way acquisition for the portion of Interstate 65 under study. Complete information regarding appraisals, actual right-of-way costs and condemnation actions, where such were required, has been obtained for sixty-two of these parcels. Information could not be obtained from the Office of the Attorney General at this time for seven of the parcels

involved in condemnation proceedings. Four tracts owned by different members of the same family were compensated by one lump sum, and the amounts received by the various owners could not be ascertained from the records available. Two tracts owned by several members of another family were appraised separately by the State, one appraisal could not be found, and the condemnation proceedings were apparently combined into one Court action, with the Court appraisal data not broken down for each tract. No information could be found for the remaining parcel, but it is assumed to be involved in condemnation action. Collection of data has been hampered by the fact that the various departments of the State government have just moved their offices and records into the new Indiana State Office Building, and sufficient time has not elapsed to enable them to completely organize their files. Of the sixty-two tracts for which complete data have been obtained, thirty-two involved condemnation proceedings.

For each parcel involved in a partial taking, a file is being maintained for this study for the purpose of determining, over a period of years, the changes in use and value of the portion or portions of land remaining after the acquisition of land for right-of-way. The ultimate purpose of this information will be to permit the analysis of the damages or benefits accruing with time to parcels of land involved in various types of partial takings. This information should result in more equitable future right-of-way transac-

tions. The information included in each file is:

1. The name of the property owner at the time of the right-of-way acquisition,
2. The State Highway Department project number and parcel number,
3. The code number of the parcel as shown on the key map prepared for this study,
4. The State appraisal figures, as complete as possible, indicating the appraised value of the property before the take, after the take, and the damages.
5. The Court appraisal figures, if a condemnation case, and the final award or judgement,
6. A drawing of the parcel showing the right-of-way acquired,
7. The legal description of the parcel,
8. The current land use, and changes in use as they occur,
9. The names of buyers of the remainder or remainders and the dates of purchase,
10. The changes in value of the remainder or remainders as indicated by the selling prices.

Three examples of current files are shown and discussed in Appendix A.

Results

The purpose of this portion of the study, as previously stated, is to permit the determination of equitable

TABLE 1

VALUES PER ACRE - PAID

AGRICULTURAL PARCELS NOT CONDEMNED - PROJECT I - 03 - 4(8)

Parcel Number	Acreage Taken	Value	Value Per Acre
4	3.65	\$1186	\$325
5	14.18	4254	300
8	2.80	1120	400
14	11.50	3850	335
15	6.60	1980	350
16	5.00	2500	500
18	1.40	630	450
19	0.05	60	420
21	1.80	900	500
TOTALS	46.98	\$16480	\$350 Average

compensation for affected property owners. A brief summary of results in Boone County may indicate why this is necessary. Construction projects I - 03 - 4(8) and I - 03 - 4(11) are entirely within Boone County, and twenty-nine of the thirty-three parcels affected by right-of-way taken for these projects are used for agricultural purposes.

In construction project I - 03 - 4(8), nine of eighteen agricultural tracts were settled without condemnation proceedings. The average value of land taken is shown in Table 1, as indicated by the negotiated agreements between the State and the property owners, and was \$350, ranging from a low of

TABLE 2

VALUES PER ACRE - APPRAISED

AGRICULTURAL PARCELS CONDEMNED - PROJECT I - 03 - 4(8)

Parcel Number	Acreage Taken	State		Court	
		Value	Value Per Acre	Value	Value Per Acre
2	1.34	\$ 570	\$425	\$ 2000	\$1493
7	0.242	120	500	150	620
10	14.03	5260	375	7147	509
11	5.91	2360	400	3600	609
12	19.60	6370	325	11000	561
13	3.42	1710	500	1200	351
17	22.04	9367	425	8932	405
20	23.60	10030	425	16171	685
22	9.30	3490	375	4650	500
TOTALS	99.48	\$39277	\$395 Average	\$54850	\$551 Average

\$300 per acre to a high of \$500 per acre. These figures are the figures paid by the State for the land alone, not including improvements. For the nine parcels requiring condemnation, Table 2 , the State offers for the land ranged from a low of \$325 per acre to a high of \$500 per acre, and averaged \$395 per acre, slightly higher than for the parcels settled by agreement. The Court appraisals for the land alone ranged from a low of \$351 per acre to a high of \$1493 per acre, and averaged \$551 per acre.

Construction project I - 03 - 4(11) involved eleven

agricultural tracts, of which only three were settled out of court. For these three parcels, Table 3 , the State paid an average of \$405 per acre. The State offered an average of \$422 per acre, again slightly higher, for the land involved in the eight condemnation cases, and the individual values ranged from \$350 per acre to \$500 per acre. The Court appraisals, Table 4 , however, ranged from a low of \$307 per acre to a high of \$1023 per acre, and averaged \$827 per acre for these eight parcels. It is extremely unfortunate that detailed figures for the Court appraisals were not available, as the justification for this extreme variation in land value for parcels within a three or four mile distance of each other would be quite interesting. The latter figures quoted are not final awards or judgements. These are appraised values of land taken from agricultural tracts, and are not supposed to include compensation for any type of damages sustained by the remaining acreages.

It is apparent from the detailed State appraisals that the amounts paid or offered by the State were considered more than fair by the State appraisers, because the land was usually listed at a dollar value per acre, including improvements, and in most cases this amount was then paid or offered to the property owner for the land alone, excluding improvements. Obviously, the presence of improvements on agricultural land increases the value of the land itself, as improvements permit the utilization of the land for a specific purpose. The total appraised values of the properties, however,

TABLE 3

VALUES PER ACRE - PAID

AGRICULTURAL PARCELS NOT CONDEMNED - PROJECT I - 03 - 4(11)

Parcel Number	Acreage Taken	Value	Value Per Acre
4	11.08	\$4432	\$400
6	0.676	338	500
9	2.42	968	400
TOTALS	14.176	\$5738	\$405 Average

TABLE 4

VALUES PER ACRE - APPRAISED

AGRICULTURAL PARCELS CONDEMNED - PROJECT I - 03 - 4(11)

Parcel Number	Acreage Taken	State		Court	
		Value	Value Per Acre	Value	Value Per Acre
1	13.75	\$ 6189	\$450	\$ 6435	\$ 468
2	7.64	2674	350	4800	628
3	11.11	5000	450	11158	1004
5	0.23	92	400	70	307
8	11.08	5540	500	6600	596
10	14.74	5896	400	14133	959
11	27.60	11040	400	28227	1023
13	4.07	1628	400	3224	792
TOTALS	90.22	\$38059	\$422 Average	\$74647	\$ 827 Average

were in most cases based solely on this value per acre multiplied by the number of acres owned, and subtracting the value of the improvements from this total results in a reduced value of the land alone, per acre. In practically all cases, however, the State offered or paid the higher figure for the land, and additional amounts for damages to improvements, if any.

A study of severance damages for these same two projects shows similar differences. For all parcels in these two construction projects, the Court appraisals of severance damages were greater, and in most cases considerably greater, than the State appraisals. An extreme example is shown by parcel number three in construction project I - 03 - 4(11). Referring to Figure 2 it is seen that this farm consisted of two tracts of approximately eighty acres each, a total of 159.58 acres, separated by a county road. This road was closed by the limited access provision of Interstate 65. U. S. 52 passes diagonally through the south half of this farm, separating approximately twenty acres from the rest of the farm. The new facility takes a corner from the north eighty acres, and divides the south eighty acres into two additional tracts. The total taking for right-of-way is 11.11 acres. The remaining acreage is 148.47 acres, in four tracts. The improvements are located on tracts A and B, and are not affected by the taking. The access to tract A has not been changed to any degree. The State appraisal allowed \$150 damages per acre for 44.85 acres (all except four acres

PARCEL 2-B-197
PARTIAL TAKING FOR RIGHT-OF-WAY
PROJECT 1-03-4(II), PARCEL NO.3

Figure 2

of tracts B and C), and \$200 per acre for the remaining four acres of tracts B and C (not shown in Figure 2) damaged by a ditch location, for a total of \$7527. The Court appraisal allowed \$50,000 damages, or an average of \$400 per acre if the entire remaining acreage east of the existing U. S. 52 (tracts B, C and D) were damaged. It is difficult to justify a reduction in market value in the amount of \$400 per acre for the remainder of the north eighty acres (tract D). Because this parcel is located approximately one and one-quarter miles from an interchange, requiring farming equipment to travel approximately two and one-half miles to reach the tract, there has certainly been a reduction in the efficiency of the farming operation. However, the discrepancy between the State and Court appraisals is hardly reasonable.

A study of Tables 5 through 9 , which are summaries of the appraisal data obtained for the condemned parcels in this study, shows the tremendous individual variations between the State appraisal figures and the Court appraisal figures, for all elements in the appraisals.

Figures 3 through 12 show the relative importance of the various types of damages, based on the total values of the State and Court appraisal figures for the thirty-two parcels in these four construction projects requiring condemnation proceedings, and the total dollar values of these damages. These figures illustrate graphically the tremendous emphasis placed by the Court appraisers on severance damages, or damages to the residue, and indicate the dire

TABLE 5
SUMMARY OF APPRAISAL FIGURES
PROJECT I - 03 - 4(8)

Parcel Number	Appraisal	Land	Improvements	Severance	Other	Total
2	State Court	\$ 570 2000	\$ 8307 13550	\$ 0	\$ 210	\$ 9087 15550
6	State Court	165 3000	8463 7000	335 1000		8963 11000
7	State Court	120 150		2000	115 250	235 2400
9	State Court	61 125				61 125
10	State Court	5260 7147	14236 18300	4064 12540	1275	24835 37987
11	State Court	2360 3600		930 1500		3290 5100
12	State Court	6370 11000	600	6250 16000	1050 5500	14270 32500
13	State Court	1710 1200		600		1710 1800
17	State Court	9367 8932	500 6450	5813 6000	1000 13436	16680 34818
20	State Court	10030 16171		7470 8560	400 7843	17900 32574
22	State Court	3490 4650		2665 3535	475	6630 8185
23	State Court	723 850			400	723 1250
TOTALS	State Court	\$40226 58825	\$32106 45300	\$27527 51735	\$ 4525 27429	\$104384 183289

TABLE 6
SUMMARY OF APPRAISAL FIGURES
PROJECT I - 03 - 4(11)

Parcel Number	Appraisal	Land	Improvements	Severance	Other	Total
1	State Court	\$ 6187 6435	\$ 0	\$ 5728 10448	\$ 850 675	\$ 12765 17558
2	State Court	2674 4800	500	1310 3250	300 1100	4284 9650
3	State Court	5696 11158		7527 50000	555 5900	13778 67058
5	State Court	92 70		100	60 1800	152 1970
7	State Court	10062 7782	63088 59059	9600	21365	73150 97806
8	State Court	5540 6600		4499 10000	700 1500	10739 18100
10	State Court	6070 14133	1500	7715 36459	560 1758	14345 53850
11	State Court	11050 28227	9192 18000	6764 33831	1600 2750	28606 82808
13	State Court	1628 3224		296 9100	1890	1924 14214
TOTALS	State Court	\$48999 82429	\$72280 79059	\$ 33839 162788	\$ 4625 38738	\$159743 363014

TABLE 7
SUMMARY OF APPRAISAL FIGURES
PROJECT I - 03 - 3(1)

Parcel Number	Appraisal	Land	Improvements	Severance	Other	Total
4	State Court	\$ 2335 4680	\$ 0	\$ 6425 10544	\$ 10	\$ 8770 15224
6	State Court	457 1500	3203 1750	1500	480	4140 4750
11	State Court	1885 3584	2500	470 1200	160 100	2515 7384
12	State Court	570 1250			221	791 1250
13	State Court	4515 7800	9555 7400	1665 5200	2635	18370 20400
16	State Court	860 1705		6450	2855 4250	3715 12405
23	State Court	150 500		1000		150 1500
TOTALS	State Court	\$10772 21019	\$12758 11650	\$ 8560 25894	\$6361 4350	\$38451 62913

need for additional knowledge in this area.

The information cited indicates the difficulties which exist in the system now used for procuring right-of-way. Due to the impetus provided by the Interstate System, the states will be acquiring vast acreages of land for rights-of-way for new highways and highway improvements in the immediate future. The tremendous sums of money involved in these projects necessitate better methods of determining damages to prevent excesses, inequities and bitterness.

TABLE 8
SUMMARY OF APPRAISAL FIGURES
PROJECT I - 03 - 3(4)

Parcel Number	Appraisal	Land	Improvements	Severance	Other	Total
3	State Court	\$ 855 1500	\$ 0	\$ 1525 750	\$ 0	\$ 2380 2250
6	State Court	14830 12875	11605 16250	34500		26435 63625
17	State Court	1270 1376	960	650	2895 500	4165 3486
22	State Court	21320 21020	5040 5975	15290 22900	8221 12276	49871 62171
TOTALS	State Court	\$38275 36771	\$16645 23185	\$16815 58800	\$11116 12776	\$ 82851 131532

TABLE 9
SUMMARY OF APPRAISAL FIGURES
TOTAL - ALL PROJECTS

Appraisal	Land	Improvements	Severance	Other	Total
State Court	\$138272 199044	\$133789 159194	\$ 86741 299217	\$26627 83293	\$385429 740748

Figure 3

Figure 4

RELATIVE VALUE OF APPRAISAL ELEMENTS

PROJECT I-03-4(II)

Figure 5

TOTAL APPRAISALS FOR RIGHT-OF-WAY COSTS

PROJECT I-03-4(II)

Figure 6

Figure 7

Figure 8

RELATIVE VALUE OF APPRAISAL ELEMENTS
PROJECT 1-03-3(4)

Figure 9

TOTAL APPRAISALS FOR RIGHT-OF-WAY COSTS
PROJECT 1-03-3(4)

Figure 10

Figure 11

Figure 12

SUMMARY AND RECOMMENDATIONS

Summary of Results

1. Of sixty-two parcels involved in partial takings for which complete information has been obtained, thirty-two, or slightly over fifty per cent, required condemnation proceedings.
2. The Court appraisals of damages to the condemned parcels were almost one hundred per cent greater than the State appraisals.
3. The Court appraisal figures for severance damages were more than three hundred per cent of the State appraisal figures.

Recommendations

1. Final Court awards or judgments should be obtained in the condemnation cases.
2. The files on partial takings should be kept current, and information on changes in value of the remainders of property should be reported as it becomes available.

APPENDIX A

EXAMPLES OF PARTIAL TAKING FILES

Example Number One

Project I - 03 - 4(8), Parcel #11

Code Number 2 - B - 369

STATE APPRAISAL

Acreage - 50.0 Acres

Value per Acre - \$400, including improvements

Value of Improvements - \$6,912

Total Value, entire property - \$20,000

Present Use - Agriculture

Best Use - Same

Value After Acquisition - \$16,710

Value of Part Taken

Land:

5.9 Acres in R/W @ \$400

\$2360

Improvements:

One story frame house, lap siding,
composition roof, no basement, 5 rooms,
oil stove heat, 1,018 sq. ft., 75 to 80
years old.

Value \$4972

Machine shed, 30'x18'

540

One and one-half story
frame barn, 35'x40'

1400

\$6912

No improvements affected by take.

Severance Damages:

3.1 Acres separated from the farm
by limited access, has frontage road.
Left in a triangular shape.
Damage \$300 per acre

\$930

Total \$3290

COURT APPRAISAL

Land \$3600

Damage to Residue 1500

Total \$5100

FINAL COURT AWARD

\$6775 plus interest

LEGAL DESCRIPTION

Commencing at the southwest corner of the northwest quarter of Section 16, Township 18 North, Range 1 East, thence east one hundred sixty (160) rods to the southeast corner of said quarter section, thence north 1246 links on east line of quarter to a cornerstone established, thence west one hundred sixty (160) rods to an established cornerstone on west line, thence south 1258 links to the beginning, containing fifty (50) acres, more or less.

There have been no changes in land use, and no sales of the remainder since the acquisition of right-of-way.

DISCUSSION

This fifty acre tract is located approximately two miles north of the S. R. 267 interchange, and two miles south of the interchange at the south end of the Lebanon by-pass. Existing U. S. 52 splits the parcel originally into tracts A and B (Figure 13) and now serves as a frontage road. Easy access either to Lebanon or Interstate 65 is available.

SCALE 1" = 600'

PARCEL 2-B-369
PARTIAL TAKING FOR RIGHT-OF-WAY
PROJECT 1-03-4(8), PARCEL NO 11

Figure 13

Tract C has definitely been damaged, as its usefulness as part of a farming operation has been destroyed. Its market value has been reduced, probably, due to the high per acre expense of a survey and abstract. Full damages could possibly be justified for this small tract, but there are slight apparent residual damages to tracts A or B.

The State appraisal figures shown are the higher of two State appraisals of the value of the damages. The Court appraisal figures indicate a land value of \$610 per acre, plus damages of \$484 per acre for tract C. The final Court award is not broken down into components, but even assuming one hundred percent damages for tract C, the value per acre awarded was over \$750. The Court appraisal was fifty-five percent higher than the State appraisal, and the Court award was one hundred six percent higher than the State appraisal and thirty-three percent higher than the Court appraisal.

Example Number Two

Project I - 03 - 4(11), Parcel #10

Code Number 2 - B - 141

STATE APPRAISAL

Acreage - 120.0 Acres

Value per Acre - \$400, including improvements

Improvements - No appraisal figures available

Total Value, entire property - \$48,000

Present Use - Agriculture

Best Use - Same

Value After Acquisition - \$33,655

Value of Part Taken

Land:

14.74 Acres in R/W @ \$400	\$5896
3.49 Acres temporary R/W @ \$50	174

Severance Damages:

Separation of 22.31 Acres (tract A) from rest of farm by limited access. Has frontage road. Damage \$150 per acre.	3346
43.69 acres (tract B) damaged due to shape. Damage \$100 per acre.	4369

Other Damages:

112 rods fence @ \$5 per rod	<u>560</u>
Total	\$14345

COURT APPRAISAL

Land	\$14133.00
Improvements	1500.00
Damage to Residue	36458.50
Construction Damages	<u>1758.50</u>
Total	\$53850.00

Condemnation proceedings for this parcel are not yet complete.

LEGAL DESCRIPTION

The east half of the Northeast Quarter of Section 1, Township 17 North, Range 1 East containing 80 acres, more or less. (Boone County).

Also, part of the North half of the Southeast Quarter of Section 1, Township 17 North, Range 1 East described as follows: Commencing at the northwest corner of the Southeast Quarter of said Section 1, run thence south 45-3/4 rods, thence east 140 rods, thence north 45-3/4 rods, thence west 140 rods to the place of beginning, containing 40 acres, more or less. (Boone County, Indiana).

There have been no changes in land use, and no sales of the remainder since the acquisition of right-of-way.

DISCUSSION

This 120 acre tract is located very close to the S. R. 334 interchange. S. R. 334 and U. S. 52 split the original tract into four tracts (Figure 14). Tract A has been separated by limited access from the rest of the farm, but has access to a frontage road, and requires little additional travel from the existing farm buildings. Damage has definitely occurred to this tract, however, because of the reduction in size and because of its triangular shape. Tract B has also been damaged due to reduction in size and change of shape, but no change has been made in tracts C, D, or E.

The Court appraisal of the land, although no breakdown of the figures is available, is somewhere between \$959 per acre and \$775 per acre. The former figure excludes any compensation for temporary right-of-way and the latter figure awards full damages for the temporary acreage. Either figure is considerably higher than the State appraisal.

The residual damage appraisal by the Court places the damage at \$552 per acre, assuming no damages to the 40 acre tract south of S. R. 334, or \$346 per acre assuming the entire tract were equally damaged. It is difficult to justify damages to tracts C, D, and E, so apparently the higher figure is the basis for the appraised damages.

The damage to improvements and the construction

SCALE 1" = 1000'

PARCEL 2-B-141
PARTIAL TAKING FOR RIGHT-OF-WAY
PROJECT 1-03-4(II), PARCEL NO. 10

Figure 14

damages are not defined in any manner, but they constitute only a small portion of the Court appraisal.

It is difficult to imagine an agricultural tract being damaged to the extent of \$53,850 when the property owner retains title to 105.26 acres of that land, and the original value of the entire property was only \$48,000, based on the State appraisal figures.

Example Number Three

Project I - 03 - 4(11), Parcel #11

Code Number 2 - B - 140

STATE APPRAISAL

Acreage - 140.54 Acres

Value per Acre - \$400, including improvements

Value of Improvements - \$9.192

Total Value, entire property - \$56,216

Present Use - Agriculture

Best Use - Same

Value After Acquisition - \$27,610

Value of Part Taken

Land:

27.6 Acres in R/W @ \$400	\$11040
0.16 Acres temporary R/W	10

Improvements:

One and one-half story frame house,
composition roof, brick foundation,
small cement cellar; outside entrance,
stove heat, 5 rooms, toilet and shower
down, 3 rooms up, 1075 sq. ft. @ \$10=
\$10750, less 40% depreciation

6450

Old frame barn, one story, metal roof, 2280 sq. ft. @ \$0.50	\$ 1140
Milk house, poor condition	50
2 car frame garage, dirt floor	400
Metal corn crib, 36'x8', 288 sq. ft. @ \$4	1152

Severance Damages:

The taking and construction of S. R. 334 separates the farm into six parcels, and takes all improvements.

Area A - 66.84 acres - no damage	
Area B - 0.49 acres - landlocked - damage \$400 per acre	196
Area C - 5.75 acres - damage \$150 per acre	862
Area D - 0.66 acres - damage \$100 per acre	66
Area E - 4.6 acres - damage \$150 per acre	690
Area F - 34.5 acres - damage \$100 per acre	3450

Taking building site - only high spot on farm, trees, well, etc.	1500
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Other Damages:

120 rods fence @ \$5	<u>600</u>
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Total	\$28606
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COURT APPRAISAL

Land	\$28227
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Improvements	18000
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Damage to Residue	33831
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Construction Damages	<u>2750</u>
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Total	\$82808
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Condemnation proceedings for this parcel are not yet complete.

LEGAL DESCRIPTION

A part of the Northeast quarter of the Southeast quarter of Section 1, Township 17 North, Range 1 East of the Second Principal Meridian, described as follows, to wit: Commencing at the northeast

corner of said quarter quarter section and run thence south to the Lafayette State Road, thence northwesterly along said road to a stone, thence north 44 rods and 24 links to the north line of said quarter quarter section, thence east along said north line 19 rods and 16 links to the place of beginning, containing 7 acres, more or less. Also, a part of the north half of the Southwest Quarter of Section 6, Township 17 North, Range 2 East of the Second Principal Meridian, described as follows, to wit: Commencing at the Northwest corner of said half quarter section and run thence south 89 degrees east on the north line thereof 106 rods and 9 links, thence south 19 rods and 12 links, thence south 59 degrees west 112 rods and 19 links, thence north 39 $\frac{1}{2}$ degrees west to the west line of said half quarter section, thence north along west line to the place of beginning, containing 33 acres, more or less.

There have been no changes in land use, and no sales of the remainder since the acquisition of right-of-way.

DISCUSSION

This tract surrounds the S. R. 334 interchange. The interchange separated the tract into six parcels, but old S. R. 334 has been eliminated and tracts C and E are now one tract, and tracts D and F are now combined into one tract (Figure 15).

The Court appraisal indicates a land value of approximately \$1020 per acre for the land alone. This figure is exclusive of damages appraised for improvements or severance, and is more than one hundred fifty percent higher than the State appraisal. The court appraisal of the value of the

Figure 15

improvements taken is almost one hundred percent higher than the State appraisal. There can be little justification of this extreme variation between appraisal figures.

The Court appraisal figure on damage to residue is equally interesting. The only "damages" occurring to tract A are a reduction in size and separation from the other tracts by limited access, but it is served by a frontage road, and still retains a relatively large acreage. The shape of the parcel is also apparently quite satisfactory. Tracts D and F, combined, have suffered little, if any, damage from the take. The acreage included in this area is only slightly less than before the acquisition, and the shape of the parcel is apparently better. Tract B is damaged, and should be awarded full damages, as it is a landlocked parcel. Tracts C and E, combined, have definitely suffered from separation, reduction, and irregular shape. Basing damages on only tracts B, C, and E, the Court appraisal figures claim damages of \$3121 per acre, and if tract F is also considered damaged equally, of \$604 per acre. Even if all of the remaining acreage after the take is awarded equal damages, the Court appraisal figure averages \$300 per acre, and it is obvious that most of the remaining acreage has not suffered a reduction in market value of that amount.

The total Court appraisal of damages suffered by this tract amounts to approximately \$26,600 more than the State appraisal of the entire value of the property before the taking of right-of-way.