

12-105.

(E) PARKS

(1) FOR TAKING ENTIRE TRACT.

THE DAMAGES TO BE AWARDED FOR THE TAKING OF AN ENTIRE TRACT OWNED AND DESIGNATED BY A PUBLIC BODY AS PARK LAND, OPEN SPACE OR RECREATION ~~[[AREAS]]~~ AREA SHALL BE THE FAIR MARKET VALUE, AS DEFINED IN SECTION 12-106 HEREIN, AS OF THE VALUATION DATE, OF OTHER PROPERTY ~~[[IMPROVED OR UNIMPROVED,]]~~ SUBSTANTIALLY SIMILAR IN SIZE AND CHARACTER, IN CLOSE PROXIMITY TO THE TAKEN PROPERTY AND OF COMPARABLE QUALITY FOR ~~[[RECREATION OR]]~~ PARK, OPEN SPACE OR RECREATION PURPOSES FOR THE COMMUNITY WHICH MADE USE OF THE PROPERTY TO BE TAKEN; PROVIDED THAT SUCH OTHER PROPERTY IS ACQUIRED FOR PARK, OPEN SPACE OR RECREATION PURPOSES. IN NO EVENT SHALL THE DAMAGES TO BE AWARDED BE LESS THAN THE FAIR MARKET VALUE OF THE PROPERTY TO BE TAKEN.

(2) WHERE PART OF TRACT TAKEN.

THE DAMAGES TO BE AWARDED FOR THE TAKING OF PART OF A TRACT OF PARK LAND, OPEN SPACE OR RECREATION ~~[[AREAS]]~~ AREA SHALL BE THE FAIR MARKET VALUE, AS DEFINED IN SECTION 12-106, OF SUCH PART TAKEN, BUT NOT LESS THAN THE ACTUAL VALUE OF THE REPLACEMENT PROPERTY AS DEFINED IN SECTION 12-105(E)(1) PLUS THE SEVERANCE OR RESULTING DAMAGES, IF ANY, TO THE REMAINDER OF THE TRACT BY REASON OF THE TAKING AND OF THE FUTURE USE BY THE PLAINTIFF OF THE PART TAKEN. SUCH SEVERANCE OR RESULTING DAMAGES ARE TO BE DIMINISHED TO THE EXTENT OF THE VALUE OF THE SPECIAL (PARTICULAR) BENEFITS TO THE REMAINDER ARISING FROM THE PLAINTIFF'S FUTURE USE OF THE PROPERTY TAKEN.

(3) DAMAGES FOR IMPROVEMENTS TAKEN.

WHERE THE TRACT, OR PART THEREOF, TAKEN PURSUANT TO THIS SUBSECTION CONTAINS IMPROVEMENTS, THE DAMAGES TO BE AWARDED, IN ADDITION TO THAT PROVIDED FOR IN (1) AND (2) OF THIS SUBSECTION, SHALL INCLUDE THE REASONABLE COST, AS OF THE VALUATION DATE, OF PROVIDING NEW IMPROVEMENTS OF SUBSTANTIALLY THE SAME SIZE ~~[[OF]]~~ AS, COMPARABLE CHARACTER TO, AND FOR THE SAME PURPOSE AS THOSE TAKEN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 21, 1973.

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