

THE FAIR MARKET VALUE OF PROPERTY IN A CONDEMNATION PROCEEDING IS THE PRICE AS OF THE VALUATION DATE FOR THE HIGHEST AND BEST USE OF THE PROPERTY WHICH A VENDOR, WILLING BUT NOT OBLIGATED TO SELL, WOULD ACCEPT FOR THE PROPERTY, AND WHICH A PURCHASER, WILLING BUT NOT OBLIGATED TO BUY, WOULD PAY, EXCLUDING ANY INCREMENT IN VALUE PROXIMATELY CAUSED BY THE PUBLIC PROJECT FOR WHICH THE PROPERTY CONDEMNED IS NEEDED. IN ADDITION, FAIR MARKET VALUE INCLUDES ANY AMOUNT BY WHICH THE PRICE REFLECTS A DIMINUTION IN VALUE OCCURRING BETWEEN THE EFFECTIVE DATE OF LEGISLATIVE AUTHORITY FOR THE ACQUISITION OF THE PROPERTY AND THE DATE OF ACTUAL TAKING IF THE TRIER OF FACTS FINDS THAT THE DIMINUTION IN VALUE WAS PROXIMATELY CAUSED BY THE PUBLIC PROJECT FOR WHICH THE PROPERTY CONDEMNED IS NEEDED, OR BY ANNOUNCEMENTS OR ACTS OF THE PLAINTIFF OR ITS OFFICIALS CONCERNING THE PUBLIC PROJECT, AND WAS BEYOND THE REASONABLE CONTROL OF THE PROPERTY OWNER.

(C) ASSESSED VALUE.

THE DEFENDANT PROPERTY OWNER MAY ELECT TO PRESENT AS EVIDENCE IN A CONDEMNATION PROCEEDING, THE ASSESSED VALUE OF THE PROPERTY, AS DETERMINED BY THE DEPARTMENT OF ASSESSMENTS AND TAXATION, IF THE ASSESSED VALUE IS GREATER THAN THE APPRAISED VALUE PLACED ON THE PROPERTY BY THE CONDEMNING AUTHORITY.

REVISOR'S NOTE: This section presently appears as Art. 21, §12-106 of the Code. The only changes are in style.

12-106. COSTS; INTEREST ON AWARD; ~~[[REMOVAL OF]]~~ REMOVAL OF PROPERTY FROM TAX ROLLS.

(A) PLAINTIFF PAYS COSTS.

THE PLAINTIFF SHALL PAY ALL THE COSTS IN THE TRIAL COURT.

(B) COSTS INCLUDED ON AWARD.

THE COSTS IN A CONDEMNATION PROCEEDING INCLUDE:

- (1) THE USUAL PER DIEM TO THE JURORS;
- (2) THE COST OF TRANSPORTING THE TRIER OF FACT TO VIEW THE PROPERTY;
- (3) THE COST OF MEALS FOR THE JURY IF THE COURT SO ORDERS;
- (4) THE COST OF RECORDING THE INQUISITION AMONG THE LAND RECORDS AND OF ALL DOCUMENTARY STAMPS