### IDJI 7.16.5 – Additional severance damage instruction

INSTRUCTION NO. \_\_\_

Severance damages may arise where the property being taken is only part of a larger parcel belonging to the defendant. Severance damage consists of either or both of the following:

a. A diminution in the value of the remainder caused by the taking or severance of the parcel taken from the remainder; or

b. A diminution in the value of the remainder caused by the construction upon and use put to the property taken.

Severance damages are calculated by ascertaining the fair market value of the remainder immediately before the taking, and deducting from this value the fair market value which results after the severance of the part taken and after the construction of the project in the manner proposed by the plaintiff.

Comments:

Recommendation: Include both 7.16.1 and 7.16.5 in severance damage situations.