

835.05 EMINENT DOMAIN - INTRODUCTORY INSTRUCTION.

*NOTE WELL: This instruction may be given to the jury as an introduction of the case and in the final instruction as well.*

Members of the jury, the [Department of Transportation] [*state other private or local public condemnor*], the [plaintiff] [defendant] in this case, has taken, for the public use or benefit, [property of the [*state name of [plaintiff(s)] [defendant(s)]*]] [an easement on the property of the [*state name of [plaintiff(s)] [defendant(s)]*]]. The owner(s) of the [property] [easement] immediately before it was taken, [is] [are] the [plaintiff(s)] [defendant(s)] in this case. While the law permits the [Department of Transportation] [*state other private or local public condemnor*] to take private property without consent of the owner for the public use or benefit, the owner of the property taken must be paid just compensation for his loss. The amount of just compensation to which the [plaintiff(s)] [defendant(s)] [is] [are] entitled to recover from the [plaintiff] [defendant] is the sole issue before you in this case.

*Here give such other preliminary instructions as are appropriate.*