

#36.53

12/14/72

Memorandum 73-11

Subject: Study 36-53 - Condemnation (Just Compensation--Additional)

Attached is a copy of Memorandum 72-76 (previously sent). The unresolved issue presented by Memorandum 72-76 is the extent to which, if at all, there should be compensation for incidental business losses in eminent domain. See pages 4-6 of attached memorandum for discussion of the problem.

At the December meeting, the Commission reviewed the benefits provided by the relocation assistance statute (outlined in Exhibit XV of Memorandum 72-76) and noted that, to some extent, these benefits cover incidental business losses. No decision was made as to whether additional benefits should be provided.

Respectfully submitted,

John H. DeMouly
Executive Secretary