

**1975 Assembly Bill 224**

Date published: **April 9, 1976**

**CHAPTER 191, Laws of 1975**

AN ACT to amend 32.09 (4); and to create 32.09 (1m) and (5m) of the statutes, relating to the inclusion of fair market value decline and homeowner improvements in the determination of compensation in condemnation proceedings.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 32.09 (1m) and (5m) of the statutes are created to read:

32.09 (1m) Any decrease in fair market value resulting from the likelihood that the property or part thereof would be acquired for the proposed public improvement, other than that caused by physical deterioration within the reasonable control of the owner, shall be considered and used to increase the fair market value of the property taken.

(5m) Improvements added by a homeowner within 5 years prior to any assessment shall be given full consideration and shall be paid by the condemning authority to the extent such improvements increase the equalized valuation of the property.

SECTION 2. 32.09 (4) of the statutes is amended to read:

32.09 (4) Where a depreciation in value of property results from an exercise of the police power, even though in conjunction with the taking by eminent domain, no compensation shall be paid for such depreciation except as expressly allowed in ~~sub-~~ subs. (1m), (5m) and (6) and s. 32.19.

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