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**Easements: Litigation Assumes All Rights Taken  
Will Be Used to Fullest Extent**

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Assuming a condemnor has the legal authority to condemn private property and property rights, the primary question to be decided in a condemnation proceeding is the amount of just compensation that must be paid. Appraisal techniques have been developed, applied and critiqued in courts across the country for most if not all aspects of determining just compensation, including fair market value, easements, consequential damages, business damages, relocation benefits. While specific methods, rules and proceedings vary from state to state, fair market value is the standard for condemnation appraisals with few exceptions. Whether temporary or permanent, the taking of easement rights also requires payment of just compensation. Easements can be classified as surface, sub-surface and overhead, with typical uses for utilities, pipelines, slope, construction, drainage, and avigation. In theory, the nature of an easement in which only a portion of the total rights is conveyed assumes the owner retains some benefit, use or ownership of the underlying fee, subject to the dominant easement. In reality, the limited taking of rights with an easement can lead to substantial often permanent damage to the remainder property. This paper explores