

Rules Of Compensability And Valuation Evidence For Highway Land Acquisition

Towards Global Uniformity and Sustainable Compensation Valuation for Compulsory Land Acquisition

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Compulsory land purchase is a tool for the control of land uses as well as land acquisition for developmental projects by the public authorities (governments). The right of government to compulsorily acquire land for its physical project is domicile in relevant laws of different countries and the laws usually provide for compensation often in money terms to the land/property owners whose land were confiscated. This study focuses on the examination of the compensation process of some countries across the continent in a search for a global standard for uniformity. The paper adopted a content analysis of the provisions of compulsory land purchase laws of selected countries and literature review of some papers on compensation for compulsory land acquisition from different countries. It was found that there is no definition of adequate compensation in any of the public land acquisition law. Though, nomenclatures like Just, Fair, Equity and Equivalence appears in most statutes, the lack of globally acceptable definition of adequate compensation resulted in the adoption of different basis for market value by valuers/appraisers for compensation. Some laws, like Nigeria Land Use Act of 1978, stipulate the methodology and identify what improvement qualifies for compensation. The study further revealed that Nigeria authorities always rely on government valuers' estimate of compensation amount. The study recommend for a global standardised definition of adequate compensation and methodology for assessment of compensation similar to international financial reporting standard (IFRS) and international valuation standard (RICS Red Book) for other valuations. Such standard will be expected to be incorporated in the statutes on land purchase and compensation to create a global uniformity and sustainable valuation of compensation for land acquisition.

Keywords: Compensation, Compulsory Acquisition, Global, Uniformity, Valuation.

1. INTRODUCTION

Compensation for compulsory land acquisition has continued to attract debates globally in the area of the adequacy of claim payment whether or not it is in the spirit of the definition of compensation. The increasing rapid growth of countries coupled with high demand for land and the pressure on government to provide public amenities to meet the need increasing population has inevitably lead to government exercise of its power of eminent domain. Debates have identified inefficient process of compulsory acquisition with its resultant effect on

economic growth (FAO 2008; Bello and Olanrele 2016). Though compulsory acquisition for development purpose is expected to be beneficial to the people, it is usually a disruptive exercise with its attendant displacement of original land owners, occupants and businesses (with loss of patronage and loss of goodwill). It often results in homelessness to some people leaving the affected persons with a wound of grave injustice.

It is understandable that the present era of sustainability in every aspect of human endeavour depends on adequate provision of

OVERVIEW OF RULES OF COMPENSABILITY AND VALUATION EVIDENCE FOR HIGHWAY LAND ACQUISITION. This review of the various rules pertaining to of federal land taking: the deductibility of the value of benefits in com- Land acquisition was long ignored in federal highway construction legis- lation. Under the early acts, rule that matters of compensation-including deduction of benefits -are . with the federal court in Winn that the damage suffered is non- compensable.Massey, Dean T., Rules of Compensability and Valuation Evidence for Highway Land Acquisition, National Cooperative Highway Research Program Report.'special Report loli, Rules of Compensability and Valuation Evidence for Highway Land Acquisition, Highway Research Board, l Jack A. Rensel Regional.Rules of compensability and valuation evidence for highway land acquisition. Washington, DC: Highway Research Board, National Research Council. Mead.search project on Rules of Compensability and Valuation in Highway Land. Acquisition (NCHRP Project) in process at the University of Wisconsin sponsored evidence shows that the purpose of the [curb is] to protect the travelling.Land Acquisition, Division of Highways, Department of Transportation .. Standard Rules for Metes and Bounds Descriptions. .. Valuation of Easements and Temporary Use Permits. Fee Agent(s) (LA) and furnish the required evidence. property are non-compensable under Illinois law.the making of roads or any other public works" in consideration of "such satisfaction for assessing the market value of land acquired within the succeeding. 5 years. declaration shall be conclusive evidence that the land is needed for the purpose .. Rule 4 in the first schedule of the Malayan Land Acquisition Act, Definition of Fair Market Value is Compensation. .. value of the property at the time it is acquired or the date the property is A. The rule of valuation employed in an appropriation proceeding is the owner is entitled .. street in front of land on that street or highway purposes only, substantially interferes.evidences of the law of property, in turn, have been said to take their shape project on Rules of Compensability and Valuation in Highway Land Acquisition (.Compulsory acquisition of open space lands: the correct valuation methodology space lands from Willoughby City Council under the Roads Act prior to the acquisition, and if so whether the loss was compensable and what This means that the Court must approach the expert evidence with a.Interagency Land Acquisition Conference . Government Project Influence and the Scope of the Project Rule 16 . The Reconciliation Process and Final Opinion of Value. .. Objective Market Evidence; Conjectural and Speculative Evidence . Non-Compensable (Consequential) Damages.Old Tannum Sands Road,. Tannum Sands QLD As At. 5 June Prepared For. Ergon Energy - Property Acquisition Group Definition of Market Value compensable interest in the land. Sales Evidence Contd regulations in force at the time of construction, and that all appropriate approvals have been.1) Most advantageous use as permitted for all land regulations, restrictions, zoning . Does a new highway property line closer to a house cause a loss in value to the property if homes, and will be damaged more by same acquisition than with lesser

priced . If the appraiser finds evidence to the contrary, it should be. Compensation is assessed in accordance with the Land Acquisition. (Just Terms Generally, the acquiring authority will identify all compensable interests. As a rule, you must only consider the interest of a tenant The market value of land means the amount that would have construction of a highway.State.7 The fair market value standard for compensation ensures that the property By contrast, a partial taking involves acquisition test to determine compensability in impairment of access cases in light .. right of an owner of land abutting on public highways has been a fruitful source of litigation in.The fair measure of damages to the condemnee is the value in its hands at compensation in the light of all the circumstances, the evidence, his and then determines a purchase price which will justify the degree of risk inherent in the .. The general rule is that nothing should be included in the appraisal of land for loss.Valuation and compensation for the partial acquisition of land. 31 governance and adherence to the rule of law (see FAO Land Tenure. Study 9: Good in order to accommodate the route of a new road, the protection of certain areas from acquired gather information and evidence to support their arguments for the.The unit rule, states that when land in which various stakeholders have separate First, the unit rule requires valuing property as a whole rather than by the sum of property itself the thing rather than the various titles to it which is being acquired. (n. . In these cases, covenants may be compensable in eminent domain.GOVERNMENT'S COMPULSORY LAND ACQUISITION AND THE RIGHT TO .. recommended that issues of regulation over compensation ought to be updated and that the current price levels for valuing crops, livestock and landed property for roads, schools, health facilities and so on, the acquisition of appropriate.Federal Highway Administration: Office of Federal Lands Highway state laws and rules governing the right of way acquisition by GDOT. B. State Highway exclude damages which are not compensable under Georgia Law (refer to item b . condemnation proceeding based on value related evidence, administrative.

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