**27.07B EASEMENT – NOMINAL DAMAGES**

If you determine that the fair market value of the easement is zero, the government must pay the owner $1.00.

Use Note

This instruction should follow Article 27.02 (Fair Market Value).

Comment

For a discussion of nominal damages, see Scavenius v. City of Anchorage, 539 P.2d 1181, 1185 (Alaska 1975), in which the court held that the failure to award nominal damages was not unconstitutional where the owner failed to object to a jury instruction that allowed the jury to award no compensation.