FILED
NOV 2 7 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-530 / 89-43

TED FUNKE and **MARY FUNKE**,

Petitioners-Appellants,

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vs.

CITY OF GREENFIELD, IOWA,

Respondent-Appellee.

Appeal from the Iowa District Court for Adair County, Jerrold W. Jordan, Judge.

Petitioners appeal the decree of the district court condemning a portion of their acreage and awarding them $3,000. **AFFIRMED.**

Martin L. Fisher of Fisher, Fisher & Fisher, P.C., Adair, for appellants.

Steven A. Jensen of Williams & Jensen, Greenfield, for appellee.

Heard by Schlegel, P.J., and Hayden and Sackett, JJ.

SACKETT, J.

The issue in this appeal is whether a condemnation award made by the trial court is erroneous. We affirm.

Petitioners-appellants Ted Funke and Mary Funke own four acres near Greenfield Municipal Airport. The City of Greenfield condemned a portion of the property for a perpetual aviation easement. A compensation commission appraised appellants' damages at $2,300. Appellants appealed this award to the district court. The district court determined appellants' property was worth $35,000 before the taking and $32,000 after the taking and awarded appellants $3,000 plus fees and costs. Appellants appeal this award, contending there was error in the award. Finding none, we affirm.

The question is whether there is substantial evidence to support the trial court's decision. Goodwin v. Iowa State Highway Comm'n, 369 N.W.2d 816, 819-20 (Iowa 1985); Nelson v. Iowa State Highway Comm'n, 253 Iowa 1248, 1256, 115 N.W.2d 695, 700 (1962). The proper basis for a damage award is the difference in the fair market value of the property immediately before and after condemnation. Dolezal v. City of Cedar Rapids, 209 N.W.2d 84, 88 (Iowa 1973); Crozier v. Iowa-Illinois Gas & Elec. Co., 165 N.W.2d 833, 835 (Iowa 1969).

The appellants' complaint is the trial court erred in relying on the condemnation award made by the commission

because the award was made by assessing the damage rather than by determining the value of the property before and after the taking. There is no merit to that contention. The trial court made its own independent determination after consideration of all evidence and a viewing of the premises. We find substantial evidence to support the award.

Appellants contend they should be compensated for dirt work done on the land to secure a building which, because of the easement, cannot be affixed. We find no basis for this claim. These damages were considered by the trial court in making the award. We find no error on this issue.

Appellants ask for attorney fees if they were successful on appeal. We have affirmed the trial court, and, therefore, we need not address the issue of attorney fees.

AFFIRMED.