

LOS ANGELES



IRWA
CHAPTER 1



October
2006

Upcoming Events

November 14, 2006

901 – Engineering Plan Development and Application. Contact: Dan Kazden, 805-578-2400, ext. 104 dankazden@sbcglobal.net

December 6, 2006

Tri Chapter Installation Luncheon at Grand Californian in Disneyland



President's Message

By: Tom Hanley, Paragon Partners

Last weekend Bryan Riggs and I attended the Fall Forum in Sacramento. The Fall Forum is one of two yearly meetings for the entire Region 1 chapter leaders. Region 1

chapter leaders includes California, Nevada, and Arizona. Carolyn Carrica is the new Region 1 Chair and Carolyn Banks is the new Vice Chair. The two Carolyns did a wonderful job keeping the meeting interesting and organized. As usual, there were lively discussions about scheduling of courses and related financial issues. There were other interesting tidbits also discussed.

Membership Luncheon and Annual Fall Seminar

Date: October 24, 2006

Location: Quiet Cannon, Montebello

See Flyer

- Starting in 2007 members to pay dues online.
- Dues in 2007 will increase by \$10.00 for regular and \$5.00 for retired members.
- There is now an online training for course coordinators, which is good for two years. Now we can give some guidance as to course coordinator duties in a uniform way.
- If you have thought about a part time position as a course instructor, those forms are also available online.
- There is a map showing the location of all IRWA addresses available upon request to Carolyn Carrica. This may be helpful in locating clusters of IRWA members.

Hey you all know what? If you do a Yahoo search with keyword IRWA a link to our Chapter 1 website appears in the fifth position. It looks like Mark Brusca's hard work is finally coming to fruition, with a very good and graphically pleasing Chapter 1 website. Thank you Mark.

Vivian Howell and committee have completed the speaker schedule for the annual Fall Seminar on October 24 at the Quiet Cannon in Montebello. It is only days away now so mark your calendar and spend the day listening to presentations on current issues of interest to the right of way profession. If you can't spend the entire day, come just for the morning, afternoon, or for lunch. I promise it will be well worth spending whatever time you can.

This year Orange County Chapter 67 will host the Tri-Chapter Installation Luncheon on December 6, 2006 at the Grand Californian at Disneyland. Please mark your calendars if you can possibly attend this wonderful yearly event. More information will be available in this and subsequent newsletters.

Our very active board member, Bill Von Klug, is at home recuperating from major surgery and he is doing well. We all wish him well, Godspeed in his recovery and hope to see him back at work and at IRWA soon.

Finally it is with sorrow and regret that I must inform you that a Chapter 1 member, Tracy Blackshire Coburn, passed away late last week from a very virulent and aggressive form of breast cancer. We knew her as Tracy Washburn or Tracy Blackshire. She was our luncheon chair for two years and was always there for us. We will really miss her. We send our condolences to her husband, children, and family.

On Monday October 23, we at Paragon have agreed to wear pink and donate \$5.00 apiece to support research for a cure for breast cancer through the Susan G. Komen Foundation. Perhaps we can all make a little extra effort to support this cause in our own lives.

IRWA Chapter 1 2006 Officers and Executive Board

<i>President and International Director</i>	Tom Hanley Paragon Partners	714-379-3376	thanley@paragon-partners.com
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<i>Luncheon</i>	Vacant		
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<i>Valuation Seminar</i>	Dave Roberts LA City General Services Asset Management	213-922-8546	djRobert@gsd.LACity.org
<i>Relocation Seminar</i>	Bill Von Klug, SR/WA, R/W - RAC LA Community Dev. Com.	323-890-7434	bill.vonklug@lacdc.org
<i>Fall Seminar</i>	Vivian Howell, SR/WA Los Angeles World Airports	(310) 417-0450	vhowell@lawa.org
<i>Historian</i>	Vacant		
<i>Engineering/Survey</i>	Vacant		
<i>Environmental</i>	Mohammed Estiri, PhD Eco & Associates, Inc.	714-832-5427	mestiri@panenv.com
<i>Local Public Agency</i>	Vacant		
<i>Pipeline</i>	Gary Valentine, MAI, SR/WA Valentine Appraisal & Assoc.	661-288-0198	gsv@valentineappraisal.com
<i>Property Management</i>	Duncan Robb, SR/WA, R/W - AMC Metropolitan Trans. Auth.	213-922-2435	robdbd@mta.net
<i>Relocation</i>	Fred Arevalo, R/W - RAC Property Services Bureau	562-570-6836	fred_arevalo@longbeach.gov
<i>Title</i>	Teri Kortens Lawyers Title	310-210-6741	terikortens@msn.com
<i>Transportation</i>	Vacant		
<i>Utilities</i>	Vacant		

IRWA Chapter 1 – Los Angeles County’s

2006 ANNUAL FALL SEMINAR

Right of Way – Past, Present and Future

October 24, 2006

Quiet Cannon Montebello

We are thrilled that you saved the date as there is something for every professional!

The presenters are proven to be leaders in their fields and will provide us with lessons-learned on topics including survey engineering, functional replacement, valuation of inverse condemnation, title, relocation, in addition to project lessons from three (3) different transportation agencies; California High-Speed Rail Authority, Los Angeles County METRO, and Los Angeles World Airports.

If you are unable to spend the day with us, plan on joining us for lunch. The luncheon Keynote Address is “...Fly California, without ever leaving the ground,” presented by Dan Leavitt, Deputy Director of the California High-Speed Rail Authority. Yes, that bullet train is coming!

Just added to the lunch schedule will be an update on the Anderson Initiative that is slated for California’s 2006 November Ballot. John C. Murphy, a Partner with the law firm of Nossaman Guthner Knox Elliott, LLP will provide us with a sound-bite on the current provisions.

Now if the wealth of information that you will receive coupled with a great networking opportunity are not enough, continuing education credits are approved for 8.5 hours from IRWA, pending from OREA, and MCLE and will be approved for 8.0 hours from DRE.

While we have ample space at this time, make your reservations early to ensure your attendance. Please refer to the attached flyer for a line-up of speakers and their bios.

Reserve your space today!



Chapter 1 – Los Angeles County
2006 ANNUAL FALL SEMINAR
RIGHT OF WAY -Past, Present and Future
Tuesday, October 24, 2006
Quiet Cannon Montebello (323) 724-4500

- 7:45 AM – 8:30 AM **REGISTRATION AND CONTINENTAL BREAKFAST**
- 8:30 AM – 8:35 AM **OPENING REMARKS:** Vivian Howell, SRWA (Seminar Chair)
- 8:35 AM – 9:35 AM **SESSION I: Survey Engineering - Project Efficiencies and the Use of Generational Technology and Demonstration**
Steve Shambeck, PLS – Principal, Hall & Foreman, Inc., Orange County
- 9:35AM – 9:55 AM **MORNING BREAK AND REFRESHMENTS**
- 9:55 AM – 10: 55 AM **SESSION II: Difficulties in Valuing Unique and Problem Properties- "But What's It Worth?"**
Sima Salek, Esq., Orbach, Huff & Suarez, LLP, and
Richard "Rik" A. Neustein, MAI, SRA, CRE, FRICS
- 11:00 AM – 12:00 AM **SESSION III: Acquisition – Your Project and Functional Replacement, a How, What, When and Where (Authority and Policy)**
Robert Merryman, Senior Vice President, O.R. Colan Associates, Inc.

Noon – 1:30 PM **CHAPTER 1 MONTHLY LUNCH PROGRAM - Lessons Learned on Agency Title Work, Policies and Insurance - John Marten, Chief Title Officer, LandAmerica Commercial Services**

KEYNOTE ADDRESS:
"...Fly California...without ever leaving the ground"
Dan Leavitt, Deputy Director California High-Speed Rail Authority

1:30 PM – 2:30 PM **SESSION IV: Los Angeles County Metropolitan Transportation Authority [METRO] Projects – Planning, Entitlement, and Property Management**
Roger Moliere, Executive Officer, Real Property Management and Development

Chapter 1 – Los Angeles County
2006 ANNUAL FALL SEMINAR
RIGHT OF WAY -Past, Present and Future
Tuesday, October 24, 2006

- 2:35 PM – 3:35 PM **SESSION V: Relocation –Relax! It’s only Rehabilitation and Relocation**, Cecilia Melanson, Director of Training and Development, Overland Pacific & Cutler, Inc.
- The Uniform Act Requires a Displacee Receive Advisory Assistance and Here’s Why**, William (Bill) Von Klug, Senior Project Manager, Paragon Partners, Ltd.
- 3:35 PM – 3:50 PM **AFTERNOON BREAK AND REFRESHMENTS**
- 3:50 PM – 4:50 PM **SESSION VI: Los Angeles World Airports’ Project Lessons – Planning, Entitlement, LAX Master Plan Re-Study and Economic Development**
Michael J. Doucette, AIA, Director of Regional Airports Planning
Lyle Haynes, Director of Economic Development
- 4:50 PM – 4:52 PM **CLOSING REMARKS:**
- 4:52 PM – 5:00 PM **DISTRIBUTION OF COMPLETION CERTIFICATES TO ATTENDEES**

APPROVALS: PENDING

- State of California, Department of Real Estate for 8.0 Consumer Protection Hours, 100% seminar attendance is required.

State of California Department of Real Estate Disclaimer

If this course is approved for continuing education credit by the California Department of Real Estate, such approval will not constitute an endorsement of the views or opinions which are expressed by the course sponsor, instructor, authors or lecturers.

State of California Department of Real Estate Course and Instructor Evaluation Opportunity

The Department of Real Estate has a course and instructor evaluation form available on their web site at www.dre.ca.gov .

- State of California, Office of Real Estate Appraisers for 8.5 Continuing Education Hours, 90% seminar attendance is required.
- **APPROVED:** International Right of Way Association for Senior Designation Re-certification Credits (SR/WA) 8.5 Course Hours, 100% seminar attendance is required.
- Minimum Continuing Legal Education (MCLE) credit of 8.5 Hours, 100% seminar attendance is required.

PLEASE BRING IDENTIFICATION OF DESIGNATION FOR EACH PROFESSIONAL CREDIT DESIRED FOR THE SEMINAR COMPLETION CERTIFICATE (I.E., VERIFICATION OF DRE OR OREA LICENSE NO.)

Chapter 1 – Los Angeles County
2006 ANNUAL FALL SEMINAR
RIGHT OF WAY -Past, Present and Future
Tuesday, October 24, 2006

PLEASE MAIL THIS PORTION WITH PAYMENT

REGISTRATION Space is Limited, Please Register Early
--

Name _____

Chapter No./Member No. _____

Firm _____

Email _____

Address _____

Phone _____

Fax _____

California Appraisal License No. _____
(If applicable)

State of California DRE No. _____

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SR/WA Recertification Credit Needed? Yes or No

\$85 Member; \$100 Non-Member for Seminar and Luncheon***
Lunch Only - \$30.00***; Please Select One _____ Beef

_____ Chicken _____ Vegetarian

Amount Enclosed: _____

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****All refund requests must be in writing. 50% of the registration fee may be retained if the cancellation notice is postmarked less than 10 days before the program. ****

Speaker Bio's
IRWA Chapter 1's 2006 Annual Fall Educational Seminar

Vivian D. Howell, MBA, SR/WA, R/W-NAC is IRWA Chapter 1's 2006 Fall Education Seminar Chair,

Board Secretary and member of the Professional Development Committee as well as a member of other professional organizations. Ms. Howell earned her MBA from Loyola Marymount's Executive MBA Program and her Bachelor of Science in Business Administration – Finance from California State University, Los Angeles. She is a licensed California State Real Estate Broker and has worked in the field of real estate for over 20 years. Ms. Howell has worked in the public arena in various departments of the City of Los Angeles in right of way related capacities and is currently a manager at its Los Angeles World Airports' Real Estate and Economic Development Group. Ms. Howell manages and trains professionals in negotiation, acquisition, relocation and subdivisions. She is a certified instructor for the IRWA, a member of the Strategic Planning Committee of the IRWA International Relocation Committee and chairs its Research and Study Committee. Since 1996, Ms. Howell has been a volunteer mediator and facilitator with the Dispute Resolution Program, City Attorney's Office of the City of Los Angeles. She continues to make presentations on right of way and development projects to numerous public entity's educational seminars and conventions.

Steve Shambeck is the Vice President of Surveying and Mapping for Hall & Foreman, Inc. (HFI), a

civil engineering, land surveying and land planning firm headquartered in Irvine, Ca. In this role, he is responsible for the growth and development of the firm's Geomatics Division, which includes keeping up with the considerable changes in the technologies utilized by surveyors. From slide rules to laser scanners, Mr. Shambeck has seen many changes in technology and offers unique insight on how they affect our industries. Mr. Shambeck, a Principal with HFI, has been with the firm since 1988. He is a Licensed Land Surveyor in the State of California, received his bachelors degree in Surveying and Photogrammetry from CSU Fresno and has a Diploma from the Swiss School for Photogrammetry Operators. Mr. Shambeck is the current President Elect of the California Land Surveyor's Association.

Sima R. Salek is a Partner at the law firm of Orbach, Huff & Suarez LLP and manages its land use

department. Ms. Salek represents public entities in real property acquisition, environmental and construction labor matters. Ms. Salek's extensive condemnation experience includes pre-condemnation acquisitions, Resolutions of Necessity, Orders of Immediate Possession, Writs of Assistance, Code of Civil Procedure § 1260.040 legal issues motions, right to take challenges, valuation issues, loss of business goodwill, furniture, fixtures and equipment, relocation benefits, leasehold interests, easements, *Klopping* delay claims, zoning, loss of access, noise and regulatory takings cases. Ms. Salek's practice involves representing public agencies both in court litigation and in administrative review proceedings. She graduated from Boston University School of Law *cum laude*. Ms. Salek is a member of the Coalition for Adequate School Housing Legislative Advisory Committee, Urban School Facilities Committee, Legal Advisory Committee and Labor Compliance Best Practices Subcommittee (Co-Chair), and received its Coalition for Adequate School Housing Membership Services Award in 2004. Additional professional affiliations include the, American Bar Association State and Local Government Law Section, the California Bar Association Environmental Law Section, the Los Angeles County Bar Association Condemnation and Land Valuation Committee and the Los Angeles County Office of Education Facilities Network.

Speaker Bio's
IRWA Chapter 1's 2006 Annual Fall Educational Seminar

Richard (Rik) A. Neustein, MAI, SRA, CRE, FRICS Rik Neustein is a real estate Appraiser, Broker, Counselor and Expert Witness. He has been appraising real property and counseling clients for three decades, and has provided expert testimony and litigation support for more than fifteen years. His practice includes eminent domain, contamination, geotechnical problems, title defects and easements, habitat, and a wide variety of property damages. Rik holds a Bachelors degree in Mechanical Engineering and an MBA, in addition to the Appraisal Institute's MAI, SRPA and SRA designations and the CRE designation from the Counselors of Real Estate. He was recently named a Fellow of the Royal Institution of Chartered Surveyors.

Robert N. Merryman, SR/WA, is the Senior Vice President of O.R. Colan and Associates, Inc., involved in all aspects of the firm's right of way work. Mr. Merryman is a 1972 graduate of the University of Missouri with a bachelor of science, business administration degree. Following graduation he began working in the right of way section of the Missouri Highway Department where he worked in all the functional areas—titles, appraisals, negotiations and relocation. In 1978 he began working for O.R. Colan Associates Inc. He has written four text books used by the National Highway Institute of the Federal Highway Administration (FHWA) and a current text used by the Federal Aviation Administration Academy. He is the author of several studies and research reports, and was a contributor to the recent national educational program involving the Federal Regulations. Mr. Merryman was selected by FHWA to offer its regulation update training seminars around the country. He has instructed 6 offerings of the sessions in various Federal Regions.

John Marten, is the Chief Title Officer for LandAmerica Commercial Services in Orange and Los Angeles counties. He manages and advises all commercial title officers in both counties on title policy coverage and underwriting issues. Mr. Marten has been with LandAmerica for 25 years and in the title insurance business for over 35 years. He started in the title business when copies of all documents recorded in the county recorders offices were maintained in each title company's "Plant" and every document was manually indexed in "Lot Books." Mr. Marten has since experienced the transition from the hand posted "Plant" to a very sophisticated computerized system for maintaining real property records and sees more technological changes in the future. One of Mr. Marten's key projects was effecting the 1996 insurance of the bond issue for the County of Orange that allowed the County to emerge from bankruptcy. This encompassed over 50 County-owned properties including the court house, public parks, jails and public libraries for a total liability of Seven Hundred and Sixty Million Dollars (\$760,000,000.00).

Speaker Bio's, continued
IRWA Chapter 1's 2006 Annual Fall Educational Seminar

Dan Leavitt, is the Deputy Director for the California High-Speed Rail Authority (CHSRA) and is responsible for managing the Authority's environmental review processes for its recently completed statewide program. Mr. Leavitt has been directing the Bay Area to Central Valley High-Speed Train Program EIR/EIS process and represents the Authority's management team for the Bay Area Regional Rail Plan. He is also responsible for new ridership and revenue forecasts. In Mr. Leavitt's previous position as Interim Executive Director for of the newly created Authority in 1997, he was responsible for establishing the framework for this new State agency. His duties included initial staffing, procuring consultant teams and developing a work plan. Mr. Leavitt also served as Deputy Project Manager at Parsons Brinckeroff for the *High Speed Rail Corridor Evaluation and Environmental Constraints Analysis* and the *Los Angeles-Bakersfield High-Speed Rail Preliminary Engineering and Feasibility Study*. His efforts coupled with others resulted in developing a 20-year Intercity High Speed Rail plan that was mandated by California State Senate Resolution 6. As a result of Mr. Leavitt's efforts under his 1995 appointment by Governor Wilson, as Executive Director of the California Intercity High-Speed Rail Commission (predecessor to CHSRA) and his work with the Commission, other stakeholders and public outreach, the Final Report for the feasibility of high speed rail in California was delivered on time and within budget leading to the passage of Senate Bill 1420, which created the CHSRA. Mr. Leavitt earned his Bachelor of Science in Civil Engineering from Cal Poly University, San Luis Obispo and a dual Mater's from UC Berkeley in City Planning and Civil Engineering. As a Senior Research Assistant for the UC Berkeley's Institute of Urban and Regional Development, Mr. Leavitt managed its "CalSpeed" Transportation Study of High-Speed Trains for California and co-authored many "CalSpeed" publications.

Roger Moliere is the Executive Officer of Real Property Management and Development with the Los Angeles County Metropolitan Transportation Authority (METRO) having over 35 years in real estate law, acquisition, development and management. He is currently developing a strategic plan and is responsibly overseeing the efforts of his professional staff charged with the administration and management of all of METRO's real estate assets, rights of way and the joint development of more than 114 acres of prime METRO-owned land throughout the County of Los Angeles. Mr. Moliere's working vision is of the 22 joint development possibilities with the main goal of increasing ridership. His current projects include development of properties in or adjacent to the North Hollywood Metro, Blue Line Artesia and Orange Line Sepulveda stations, Taylor Yards, Gold Line's Eastside Extension, and the Wilshire/Western Metro station. Mr. Moliere joined METRO after 10 years with the Los Angeles County Department of Beaches and Harbors primarily involved with redevelopment in Marina Del Rey, CA. He served as Executive Vice President with Minami California, Inc. of San Diego, a Tokyo-based real estate holding company and has held senior positions with real estate firms in Los Angeles, San Francisco and Las Vegas. Mr. Moliere earned a Bachelor of Arts from Albion College, Michigan and his Juris Doctorate at the Valparaiso University School of Law, where he also was the editor of the Law Review. Mr. Moliere is a member of the Indiana State Bar Association and a Fellow of the Indiana Bar Foundation.

Speaker Bio's, continued
IRWA Chapter 1's 2006 Annual Fall Educational Seminar

Cecilia Melanson, SR/WA is Director, Training & Development with Overland, Pacific & Cutler, Inc., a full-service acquisition, relocation and property management firm, where she plans, develops, coordinates and implements the staff training program covering acquisition and relocation policies and procedures. Ms. Melanson has more than 23 years experience in Real Estate acquisition and relocation. As Manager of Real Estate Services for the Los Angeles County Metropolitan Transportation Authority (MTA), she was responsible for the acquisition and relocation of residential and commercial occupants displaced from MTA's rail and bus projects. She also served as Director of Rehousing and Property Management for the City of Los Angeles Community Redevelopment Agency. Ms. Melanson received her undergraduate degree in Organizational Management from the University of LaVerne in Southern California. She has been active in the International Right of Way Association (IRWA), serving on various local chapter and international committees since 1984, as a member of the International Relocation Assistance, International Education and International Professional Resources Committees. Ms. Melanson has assisted in the development of Relocation Assistance courses, which lead to a professional certification by the IRWA as a Relocation Assistance Specialist.

William Von Klug, SR/WA, R/W-RAC, has recently joined the Paragon Partners, Ltd., team as its Senior Project Manager overseeing various acquisition and relocation contracted programs. Previously Mr. Von Klug was the Acquisition/Relocation Coordinator for the Community Development Commission of the County of Los Angeles California (LACDC). Mr. Von Klug also owns and operates Von Klug and Associates, Inc. (VKA), a private consulting firm based in Southern CA. At LACDC he was responsible for the oversight of acquisition and relocation projects throughout the County of Los Angeles. With VKA, he limits his consulting work to developing and teaching classes on acquisition, negotiations, and relocation, developing and implementing right of way policies and procedures for public agencies, overseeing and managing other consulting firms, and acting as a hearing officer on formal relocation appeals. Mr. Von Klug has over 35 years of acquisition and relocation experience. He has testified to the United States Congress on relocation issues and taught over 375 classes or seminars for numerous and varied professional associations. Mr. Von Klug was voted professional of the year by IRWA Chapter One and was the past president of an Orange County chapter.

Michael Doucette, AIA, is the Director of Regional Airports Planning with Los Angeles World Airports of the City of Los Angeles leading the Long Range and Regional Planning projects for the airport and overseeing the Master Plan development for Los Angeles International Airport (LAX), Ontario International Airport and Palmdale Regional Airport. Mr. Doucette has over 18 years of experience exclusively in the field of airport terminal planning and airport master planning at over 50 airports throughout the United States as well as projects in Europe, Asia, and Australia. His planning project experience ranges from large hub international airports such as LAX, Chicago O'Hare, JFK, and Munich to small resort type airports such as Palm Springs, Monterey California, and Aspen Colorado. Additional airport projects have included Anchorage, Seattle, San Diego Lindbergh Field, Austin, LAX Terminal 5, Phoenix Sky Harbor Terminal 4, Vancouver International and Chicago Midway. Mr. Doucette holds a Bachelors of Architecture from California Poly at Pomona and his professional memberships include the American Institute of Architects.

Speaker Bio's, continued
IRWA Chapter 1's 2006 Annual Fall Educational Seminar

Lyle Haynes is Director of Economic Development with Los Angeles World Airports of the City of Los Angeles responsible for the administration and management of a professional staff members overseeing real estate projects and developments in the its four airports: Los Angeles International, Ontario International, Van Nuys General Aviation and Palmdale Regional Airport. Mr. Haynes has over 17 years of public sector redevelopment, economic development, and asset management experience within 3 Southern California cities: La Mirada, Chula Vista, and Los Angeles. During the past 9 years Mr. Haynes has served in the capacity of a senior department manager through his leading and directing major redevelopment and economic development programs, which includes almost 7 years as the Assistant Community Development Director for the City of Chula Vista. Mr. Haynes earned his Bachelor of Arts, in Political Science at Sonoma State University and his Master of Public Administration at California State University, Long Beach. He is a member of the Corporate Real Estate Network (CORENET) and the California Association for Local Economic Development (CALED).

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Case of the Month

BORDER BUSINESS PARK, INC. v. CITY OF SAN DIEGO

E035881

COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION TWO

142 Cal.App.4th 1538; 2006 Cal.App.LEXIS 1439; 2006 Cal. Daily Op. Servic3e 8909

filed September 19, 2006

By: Alan A. Sozio, Esq. of Burke, Williams & Sorensen, LLP

This Case of the Month deals with, among other things, the issue of when announcements made by a city about future public plans to use property amount to a compensable taking. The second aspect of this case will be discussed in a subsequent case of the month.

In this case, a real estate developer ("Border") was developing a business park in Otay Mesa, an area adjacent to the Mexican border. Border asserted a cause of action for inverse condemnation, which arose from the city's public announcements of a plan to create a jointly operated airport situated on both sides of the California-Mexico border ("TwinPort airport") in Otay Mesa. Border contended that these public announcements--including, among other things, a published study by the San Diego Association of Governments ("SANDAG Report")--substantially interfered with sales of property within the business park and diminished the value of the property. Border's claim was based on the theory that the city acted unreasonably during the period it was considering developing the airport in Otay Mesa, because it failed to first ascertain that Mexico either had an interest in developing the TwinPort, or would permit the use of its airspace if the city developed an international airport solely on the California side of the border. Border believed the city's actions went beyond unreasonable and amounted to recklessness, since it turned out that Mexico had no interest in the TwinPort airport and on that basis the project was later abandoned.

To prevail on a claim of inverse condemnation, there must be an invasion of some property right that "directly and specially affect[s] the landowner to his injury." *Selby Realty Co. v. City of San Buenaventura* (1973) 10 Cal.3d 110, 119-120. In other words, the landowner's property must be "singled out for singular and unique treatment" in contrast to the other landowners who could be affected by the proposed public work. *Smith v. State of California* (1975) 50 Cal.App.3d 529, 537.

At trial, Border demonstrated that the City's proposal showed, under one proposed configuration of the airport, that some of the runways ran directly through Border Business Park. However, the proposals showed runways running through other properties as well. Testimony elicited at trial demonstrated that the SANDAG Report had a substantial impact "on anybody who's thinking about buying ... in Border or other parks that are underneath the runways." Border produced no other evidence that the airport proposal affected it in any unique manner.

Based on the foregoing, on appeal, the court found that it did not have to decide the issue of whether the City's conduct was unreasonable. Instead, the court found, as a matter of law, that Border was not subjected to any unique injury though the published proposed runway configurations. On the contrary, the court held the City's proposal concerning the airport affected all of the owners of the business and industrial parks in Otay Mesa, and in the same ways, by placing a cloud on development over the entire area. This was deemed not sufficient to amount to an inverse condemnation of the Border property.

Interestingly, the trial court had ruled in favor of Border on this issue. By this ruling, the court of appeal appears to have taken special pains to protect what otherwise appears to have been questionable behavior on the part of the City. This case will likely be hailed as a victory for public agencies, to be used to further insulate them from liability where maps are produced singling out particular properties to be affected by public works improvements.

What is Location?

By: Gary Valentine, MAI, ASA, SR/WA
IRWA Chapter No. 1 Pipeline Chairman

If you ask some Realtors what the most important characteristics of real estate, they will tell you three answers: location, location, location. But when you ask them what constitutes location, they are often stuck in the mud trying to describe its definition. Now, if I tell some Realtors that the best comparable sale may be outside the subject's neighborhood, when there are other sales which I give less weight to which have significantly different physical characteristics than the subject and are located in the subject's immediate neighborhood, they will blow a gasket in their mind.

So what characteristics should we look at when analyzing location?

Among others, we should consider the four forces that influence real property. They are: (1) social trends; (2) economic circumstances; (3) governmental controls and regulations; and (4) environmental conditions.

Social Forces

Social forces relate primarily to population characteristics because population changes definitely change the demand for real estate. In fact, real property and its values are affected by the entire spectrum of human activity. This may include the composition of age, gender, rate of household formation, and the dissolution of households. These forces are also reflected in attitudes toward education, law, and lifestyle options.

Economic Forces

Supply and demand of real property is satisfied by the purchasing power of the population. The economic ability is measured by analyzing the following economic forces: employment, wage levels, industrial expansion, economic base of the region and community, price levels, the cost and availability of mortgage credit, the stock of available vacant and improved properties, new development under construction and planning, occupancy rates, price patterns of existing properties, and construction costs.

Governmental Forces

Political and legal activities at all levels of government can have a significant impact on all real property. Some of these political and legal activities are as follows:

- Public services such as fire, police, utilities, and transportation networks;
- Local zoning, building codes, and health codes;
- National, state, and local fiscal policies;
- Special legislation that may influence general property values, including rent control laws and restrictions on forms of ownership (i.e., condominiums and timeshare arrangements), homestead exemption laws, environmental legislature and regulations (wetlands and other environmental laws), and new legislation affecting loans.

Environmental Forces

These forces include natural and manmade environmental concerns that may affect real property, too. They may include the following: climate conditions; topography and soil; toxic contaminants; natural barriers to development such as rivers, mountains, lakes, and oceans; primary transportation systems, including roads, highways, railroads, airports, and waterways.

The interaction of these four forces influences the value of every parcel of real estate in the market.

Now, gently help most of the Realtors out of the mud, and tell them the real four answers that impact location the most.

Membership Drawing

At each chapter luncheon we draw a name from the Chapter 1 roster and if that person is in attendance, they win a cash prize. The drawing starts at \$50 and increases \$10 for each month that there isn't a winner. We haven't had a winner in a while. October's drawing will be for \$210 so be sure to be there in case your name is drawn!

Chapter 1, New Members

<u>Applicant</u>	<u>Job Title</u>	<u>Firm/Agency</u>
Kimberly Boss	Senior Acquisitions Agent	Paragon
Kathleen Comunetti	Acquisitions Manager	N/A
Jenny Q. Li	Associate ROW Agent	CalTrans
Melvin R. Wells	Clerk Typist	LAWA

Updating your IRWA Membership Information

1. Visit www.irwaonline.org
2. Highlight "Resources" in the upper right hand corner and then click on "Membership Directory".
3. Click on Update Member Profile.
4. Enter your User Name and Password and click on Login. Your User Name is your membership number (contained on your membership card and dues renewal notice) and the Password is your last name. The Password is case sensitive, so ensure you capitalize the first letter and leave the rest in non-caps.
5. Update your information and click on "Submit. A new page will come up and you can choose to "Exit" or "Logout".
6. That's it! Your information will be automatically updated on the headquarters master list, which is also the one the Chapter uses for communications. Going forward, Chapter 1 monthly newsletters will be sent out via e-mail so it's important to ensure your e-mail address is current.
7. If you do not have access to the Internet or have any questions about updating membership information, call Bonnie Gray at 310-538-0233.



**CHAPTER 57 PRESENTS THE NINTH ANNUAL
SEMINAR AND FUNDRAISER**

Friday October 27, 2006

The Orangecrest Club, 1175 Alessandro Blvd., Riverside

PROGRAM



- 8:15—8:40 am Check in
- 8:40—8:45 am Welcome and Overview
- 8:45—10:00 am **Session I (Planning 101)** - Gregory P. Powers, Esq., Best, Best & Krieger, LLP — Mr. Powers will present a brief overview of general plans, specific plans, variances, CUP's, planning commission/city council reviews, etc., and a discussion of current hot topics in planning
- 10:15—11:30 am **Session II (CEQA 101)** - Anne Surdzial, Jesus "Freddy" Olmos—ECORP Consulting—An overview of the CEQA process, including CEQA origins, what constitutes a CEQA "Project", determining the appropriate CEQA document, and the pros and cons of each type of document, with ample time for questions.
- 11:45—1:30 **Lunch and Keynote Speaker** - Cathy Bechtel, Project Delivery Director, Riverside County Transportation Commission - Cathy will present an overview of key Transportation projects currently in project development, including the Mid-County Parkway, State Route 79 Realignment Project, the Perris Valley Line, and an update on the Riverside County-Orange County Corridor.
- 1:45—3:00 **Session III (Smart Growth & Sustainability)** - Ken Gutierrez, Planning Director, City of Riverside—Ken will address the issues that are best articulated by the Mission Statement of the *Blakeley Center for Sustainable Urban Development*, "The challenge is not merely the number of people, but the questions of providing quality jobs, getting these people to work in a timely manner, giving them the opportunity to live with clean air, quality schools, adequate parks and all the other factors that are housed under the label quality of life. The challenge also is that this growth will take place in one of the most biologically diverse regions in the United States, in an area already lapping at the limits of its water resources, and in an area with remarkable ethnic."
- 3:15—4:45 **Session IV (Panel Discussion on the Opportunities and Challenges of Developing Projects in Today's Inland Empire)** - Mike Grant, Esq., Best, Best & Krieger, LLP(Moderator); Ken Gutierrez, Planning Director, City of Riverside; John Terell, Planning Director, City of Moreno Valley; and Darren McCleve, Vice President, Lewis Community Developers
- 4:45—5:30 **Cocktail Reception**
- 5:30—6:30 **Dinner**
- 6:30—9:00 **Casino Night Fundraiser**—Play for a chance to win lots of cool prizes, including the Grand Prize of a \$1,000 travel gift certificate!
- 9:00—9:30 **Raffle and Door Prizes**





**IRWA CHAPTER 57
NINTH ANNUAL
SEMINAR AND
FUNDRAISER**

REGISTRATION FORM

Please register by October 17, 2006, space is limited

Name: _____ Chapter No. _____ Member No. _____

Firm: _____ Email Address: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Prices per person:

Seminar:

IRWA Member: \$75.00

Non-IRWA Member \$85.00

Casino Night:

With Seminar Attendance \$25.00

Without Seminar Attendance \$35.00

Total Enclosed \$_____

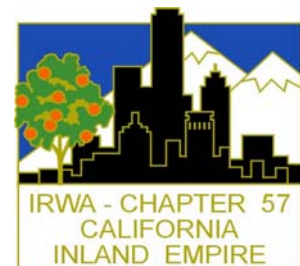
Please make checks payable to IRWA Chapter 57
and mail with this form to:

Jan Spindler
City of Riverside
3900 Main Street, 5th Floor
Riverside, CA 92522

If you have questions, please call
Jan Spindler at 951-826-5498 or
Kelly Kitasato at 951-826-5343

A separate form should be submitted for seminar attendees.

If registering for more than one person to attend Casino Night, please
indicate their name(s) here: _____





IRWA CHAPTER 57 NINTH ANNUAL SEMINAR AND FUNDRAISER

SPEAKER BIOS

Gregory P. Powers, Esq., Best, Best & Krieger, LLP

Greg Powers is an Associate in the Irvine office of Best Best & Krieger LLP, and is a member of the firm's Municipal & Redevelopment and Special Districts practice groups. He serves as Assistant City Attorney for the Cities of Lake Forest and Los Alamitos, and Deputy City Attorney for the Cities of Corona and Colton. Mr. Powers also serves as Assistant General Counsel to the March Joint Powers Authority, a California joint powers authority created for the purpose of addressing the public use, reuse, and joint use of the realigned March Air Force Base.

Mr. Powers' legal practice focuses on general municipal law, with special emphases on utilities and infrastructure law, land use, planning and zoning, and public contracting and construction. He represents city councils and planning commissions at their meetings, and assists department heads and staff with legal issues affecting their agencies and also serves as Special Counsel to various public agencies on telecommunications, housing, and energy related matters, and routinely lectures on telecommunications law, the Ralph M. Brown Act, and the Public Records Act.

Anne Surdzial, AICP, CEQA/NEPA Manager, ECORP Consulting, Inc.

Ms. Surdzial is ECORP's CEQA/NEPA Manager. In her 15 years of experience, she has prepared and managed the preparation of Initial Studies/Environmental Assessments (ISs/EAs) and Environmental Impact Reports/Environmental Impact Statements (EIRs/EISs) for a variety of projects subject to review under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Much of her experience focuses on the environmental analysis of water, wastewater, and transportation infrastructure projects. Ms. Surdzial is based in ECORP's Inland Empire office in Redlands. She has a B.S. in Environmental Science from UC Riverside and is a certified planner from the American Institute of Certified Planners (AICP).

Jesus "Freddie" Olmos, Senior Environmental Analyst, ECORP Consulting, Inc.

Mr. Olmos' professional experience involves CEQA & NEPA analysis and document preparation and management for government agencies and private clients. While his experience focuses on environmental report writing and permit preparation, he also has experience with biological resources monitoring and surveying for public facilities construction and research projects. Mr. Olmos is experienced in the bilingual English-Spanish translation of notices, documents, and handouts for CEQA and biological/cultural resources projects & has a B.A. in Environmental Analysis & Design, with a minor in Urban & Regional Planning, from UC Irvine.

Mike Grant, Esq., Best, Best & Krieger, LLP

Michael Grant is a Partner in the law firm of Best Best & Krieger LLP, in the firm's Riverside office. He graduated magna cum laude from Brigham Young University in 1970 and from the University of California, Hastings College of Law in 1977, where he became a member of the Order of the Coif legal honor society. Mr. Grant flew carrier combat missions in Vietnam for the U.S. Navy and retired from the U.S. Naval Air Reserves.

Mr. Grant specializes in transactional real estate work—representing buyers, sellers, landlords, tenants and developers of real property. This transactional work involves negotiating, structuring and documenting the purchase, sale, leasing, exchanging and development of real property. He also works with the California Department of Real Estate in processing residential common interest subdivisions for approval. While this real estate work generally involves private persons and entities, Mr. Grant also handles real estate matters for many of the firm's municipal and public agency clients.

Ken Gutierrez, Planning Director, City of Riverside

Ken Gutierrez is the Planning Director for the City of Riverside. He began his planning career with the City of Riverside in 1980, serving in most areas of the department prior to his appointment to his current position in January 2003. During his tenure with the City of Riverside, Ken has been responsible for a number of planning projects, including the award winning Magnolia/Market Corridor Study and the innovative Downtown Specific Plan. Most recently, he has guided the preparation of a comprehensive and visionary update to the Riverside General Plan and Zoning Code. The General Plan 2025 Program reflects the shared vision of the community and will help chart the City's future course over the next 20 years. Ken has also been a speaker at numerous local, state and national workshops and conferences.





IRWA CHAPTER 57 NINTH ANNUAL SEMINAR AND FUNDRAISER

SPEAKER BIOS - Continued

John Terell, AICP, Planning Director, City of Moreno Valley

For the past ten years, Mr. Terell has been the Planning Official for the City of Moreno Valley. Prior to that time, Mr Terell was the city's Redevelopment Manager. Before coming to the city, Mr Terell worked for the City of Palm Springs in the areas of redevelopment, housing and grants. Mr. Terell attended the California Polytechnic State University, where he earned a Bachelor of Science degree in City and Regional Planning. Mr. Terell is the vice president of the Riverside affiliate of Habitat for Humanity, a board member of the Inland Empire chapter of the American Planning Association, and a member of the American Institute of Certified Planners.

Darren McCleve, Vice President, Lewis Community Developers

Darren has over 20 years of real estate experience in nearly all facets of the development business. Originally from Arizona, Darren attended and graduated from Arizona State University with a BS in finance and real estate development, and a JD from the College of Law. He practiced law at a large Phoenix law firm for nearly 10 years as a real estate/land use/development attorney prior to entering the development business. In 1993 he began with Del Webb Corporation, where he was responsible for the development of Terravita, Sun City Hilton Head, Sun City Texas and Anthem. After Del Webb, Darren started his own development company, acting as a preferred developer for PetsMart. Following the completion of 52 new stores in 18 different states, Darren sold the development business. In 2000, Darren moved to Texas to become Vice President of Real Estate for Fleming Companies, where he was responsible for a portfolio of 60 million square feet of industrial properties and 20 million square feet of grocery anchored retail space. Beginning in 2004, Darren joined Lewis Operating Corp. as Vice President Planned Community Development. Darren is principally responsible for all planned community and development activities in the New Model Colony (Ontario), Diamond Bar and several other cities and projects.

Cathy Bechtel, Project Delivery Director, Riverside County Transportation Commission

Cathy Bechtel joined the Riverside County Transportation Commission in 1991 and has served in several capacities over the years. In her current role as the Project Delivery Director, she is the Commission's key staff for our major transportation corridor planning process called CETAP and works with our capital projects team to deliver our voter approved Measure A transportation improvement program. She has broad experience in working with Riverside County government agencies, as well as our state and federal partners, which has enabled the Commission to develop successful relationships at all government levels.

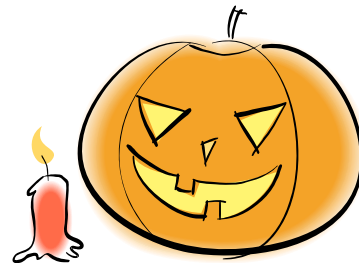
Cathy has vast experience working in the public transit arena and previously was in charge of the Commission's transit department, overseeing local public transit providers. She also has knowledge of our state and federal programming responsibilities, previously managing that department for five years.

Cathy is a lifelong resident of Southern California and is a graduate of California State University, San Bernardino.



Approvals pending:

- State of California Department of Real Estate
- State of California Office of Real Estate Appraisers
- International Right-of-Way Association
- Minimum Continuing Legal Education (MCLE)



Below are the classes Chapter 1 has scheduled for 2006/2007. If you would like to coordinate a class that you need (and get the class free, close to your work/home, and on a date you select!), please contact Keith Dang, the Education Chair for 2007 at AFIValuation@aol.com.

Chapter 1 2006/2007 Education Schedule

Course/Seminar	Date	Coordinator	Instructor
901 – Engineering Plan Development and Application	November 14 th , 2006	Dan Kazden 805-578-2400, ext. 104 dankazden@sbcglobal.net	Joe Pestinger
200 – Principles of Real Estate Negotiation	March, 2007	TBD	Ralph Brown
104 – Standards of Practice for the Right of Way Professional	April, 2007	TBD	Ralph Brown
401 – The Appraisal of Partial Acquisitions	September, 2007	TBD	Ralph Brown
800 – Principles of Real Estate Law	October, 2007	TBD	Ralph Brown

Below is a list of courses/events being sponsored by International or other Chapters. Please check the IRWA website at <http://www.irwaonline.org/education/> for the most recent information.

Other IRWA Educational Events

Date	Course #	Course Name	Location
October, 2006	803	Eminent Domain Law Basics for Right of Way Professionals	Orange County
October, 2006	501	Relocation Assistance	San Diego
October, 2006	214	Skills of Expert Testimony	Riverside
October, 2006	209	Negotiating Effectively with a Diverse Clientele	San Diego
November, 2006	902	Property Descriptions	Orange County
November, 2006	403	Easement Valuation	Riverside
January, 2007	103	Ethics and the Right of Way Profession	San Diego

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