



July - August 2010

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- **9/28/10— Joint ASA Membership Lunch, Steven's Steakhouse, Commerce**
- **10/26/10—Fall Seminar, Quiet Cannon, Montebello**


**Ed Course Schedule—refer to details on page 4**


- ◆ C-403 Easement Valuation, 9/10/10
- ◆ C-803 Eminent Domain Law Basics, 9/29-30/10
- ◆ C-600 Envir. Awareness, 10/8/10
- ◆ C-802 Legal Aspects of Easements, 10/22/10
- ◆ C-900 Principles of RE Engineering, 12/6-7/10

**President's Message—William Larsen**





Good air quality, clear blue sky... it's not what we ordinarily associate with downtown high-rise office districts but that characterized Downtown Calgary, the site of this year's Annual Education Conference. Konstantin Akhrem, Vivian Howell, SR/WA, R/W-RAC, R/W-NAC, Neilia LaValle, and I were among the Chapter 1 members attending the conference held June 26-July 1 at the Telus Convention Center. This was my second visit to Calgary and it was great to see the city during warm weather conditions.

 The turnout was strong this year, with approximately 970 participating in a full slate of education sessions, committee meetings, and special events. I enjoyed attending five sessions put on by the International Transportation Committee, of which I am a member, as well as sessions sponsored by the Engineering and Pipeline committees.

 The Board amended three by-laws at the Conference — refer to the IRWA website for a summary of the amendments. The Board also approved the 2010-2011

budget and elected Lee Hamre, SR/WA, RW-RAC to the International Executive Committee. The other members of the 2010-2011 Executive Committee are President Ken Davis, SR/WA; President Elect Randy Williams, SR/WA; Vice President Patricia Petitto, SR/WA, R/W-RAC; and Secretary Lisa Harrison, SR/WA, R/W-RAC, R/W-NAC. Donald Sherwood, SR/WA won the Balfour Professional of the Year Award and Region 1 member Jim Finnegan, SR/WA won the Lifetime Achievement Award.

 Chapter 1 has offered seven education courses to date in 2010 and will offer five additional courses by year end. Education Chair and Past President Tom Hanley, SR/WA has done an excellent job managing the program and deserves the gratitude of all. Refer to the schedule of remaining courses in this issue.

 The Chapter hosted successful Valuation and Right of Way and the Law seminars in spring and summer, respectively. We hope to see you September 28 at our annual Joint Luncheon Meeting with ASA and October 26 at the Fall Seminar, which will be chaired by David Graeler, Esq., and Kelly Kitasato, R/W-AMC.

2010 Annual Education Conference, Alberta, Ontario



Neilia LaValle and 2009 Int’l President Sandy Grigg, SR/WA



Vivian Howell, SR/WA, R/W-RAC, R/W-NAC, center, moderates Relocation Talkshow session



Chris Banks, SR/WA, Region 1 Chair, left, and Renee Marruffo, SR/WA, Region 1 Vice Chair, second from left



Chapter 1 member Darryl Root, R/W-RAC, second from right, moderated the URA v. Canadian Expropriation Act session



LoAnn Weight, Region 1 ITC Representative, and William Larsen, Chapter 1 President



Lee Hamre, SR/WA, who was elected to the IEC at the conference



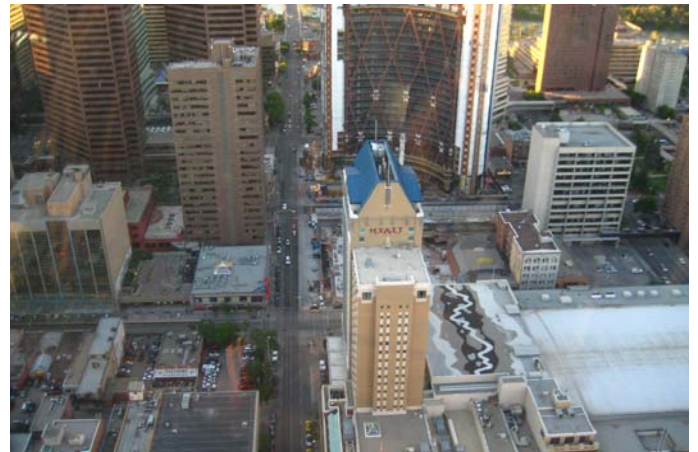
Region 1 member Jim Finnegan, SR/WA, right, received Lifetime Achievement Award from Sandy Grigg, SR/WA, 2009 Int'l President, left



Faith Roland, SR/WA, and Konstantin Akhrem, Chapter 1 President Elect



Conference attendees moving into exhibit room for session



Aerial view of Telus Convention Center and conference hotel



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**Aaron D. Amster, ASA**  
 President

Chapter 1 Education Chair Tom Hanley, SR/WA is interested in your feedback regarding courses you are seeking. Tom may be reached at [thanley@paragon-partners.com](mailto:thanley@paragon-partners.com).

### Chapter 1 –Sponsored Upcoming Courses

Course	Dates	Location	Facilitator
403 – Easement Valuation	9/10/10	ERC, Downey	Michael Popwell, SR/WA
803 – Eminent Domain Law Basics for ROW Professionals	9/29-30/10	ERC, Downey	Bruce Beach, Esq.
600 – Environmental Awareness	10/8/10	Sanitation Districts of LA County, Whittier	John Bare, SR/WA, R/W-EC
802 – Legal Aspects of Easements	10/22/10	ERC, Downey	Bruce Beach, Esq.
900 – Principles of RE Engineering	12/6-7/10	TBA	TBA

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## Member Spotlight

### Duncan Robb, SR/WA, R/W-AMC



#### **Duncan holds raffle award certificate at Chapter 1 membership meeting**

My right of way career began over thirty years ago in the Engineering Department of the Santa Fe Railroad as a member of a land survey crew working on property and construction surveys throughout the southwestern states of California, Arizona and New Mexico. I was then promoted to the Right of Way Section where I performed a variety of right of way duties throughout Santa Fe's vast multi-state territory and developed an affinity for the right of way profession. I joined the International Right of Way Association and achieved my SRWA in 1981.

When the Santa Fe and Southern Pacific Railroads merged their real estate ownership in 1985 and became known as Catellus Development, I was promoted to Regional Manager of Lands for the states of California, Arizona, Nevada and Utah. I was also designated as Catellus' Corporate Broker which required me to obtain and maintain real estate brokers' licenses in these four states. I currently retain an active California Real Estate Broker License.

In 1991, I went to work for the public sector when I was offered a position as Real Estate Project Manager with the Los Angeles County Metropolitan Transportation Authority (Metro) in Los Angeles. I was fortunate to be part of the real estate team for Metro that acquired and managed rights of way and other real properties for many of Metro's projects, such as the Blue Line, Red Line, Orange Line and Gold Line. I especially enjoyed working on the acquisition of hundreds of miles of railroad rights of way purchased from the Santa Fe, Union Pacific and Southern Pacific Railroads. These rights of way were developed by

Metro into many of its transit projects, as well as being developed by SCRRA for its Metrolink operations. During this time, I obtained my certification in asset management (R/W-AMC) from the IRWA.

After my retirement from Metro in 2007, I accepted an opportunity with Epic Land Solutions, Inc. as a Project Manager. I alternate between Epic's Torrance and Riverside offices on a variety of projects in Los Angeles, Riverside and San Bernardino Counties.

Throughout my career, I have been an active member of IRWA's Chapter 1 and have been its Property Management Chair for over ten years. I have taken advantage of the many classes and networking opportunities offered by IRWA and Chapter 1 to further my career and have been fortunate that my employers over the years have been supportive of IRWA. In fact, Epic's promotion of the right of way profession through its generous support of IRWA and several chapters in Southern California was one of the factors that motivated me to return to work with Epic Land Solutions.

While not working, I enjoy spending time at our Chino Hills home with my high school sweetheart and wife, Carolyn, who is a retired elementary school teacher. Our two sons, Bryan and Mike, have blessed us with six grandchildren who ski with Grandpa on frequent ski trips to our condo in Mammoth Lakes. Both of our sons are alumni of USC, so we enjoy attending Trojan football games, especially when they beat UCLA.



Epic Land Solutions, Inc. is a full-service Right of Way/ Real Property consulting firm whose purpose is to acquire and manage real property interests for clients who need to construct and maintain infrastructure facilities.

## Services

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- ◆ Franchising/Permitting
- ◆ Asset Management
- ◆ Right of Entry Permits
- ◆ Database Development & Mgmt
- ◆ Title Examination
- ◆ Appraisal
- ◆ Excess Land Disposal
- ◆ Appraisal Review
- ◆ Feasibility/Cost Studies
- ◆ Community Outreach
- ◆ Utility Coordination/Relocation
- ◆ Escrow & Legal Support
- ◆ Clearance & Demolition Services

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### Portland

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## Welcome 2010 New Chapter 1 Members

Nancy Floyd	Technical Specialist Supervisor	Southern California Edison
Oscar Castro	Civil Engineer Draft Tech	City of LA DWP
Martin Rodriguez	Real Estate Officer	City of LA DWP
Walter Ramirez	Civil Engineer	City of LA DWP
Brandy Roybal-Valdez	Real Estate Officer	City of LA DWP
Gary Otsby	Title Examiner	City of LA DWP
Vaughn Hosmann	General Certified Appraiser	Vaughn Hosmann Appraisal
Jeffrey Horowitz, Esq.	Attorney	Jeffrey Horowitz Attorney at Law
Monica Bouthier	Land Service Assistant	Southern California Edison
Lillian Kim	Lease Accountant	City of LA Dep't of General Svcs.
Mangione Mitchell	Land Specialist	Southern California Edison
Scott McGookin	Redevelopment Project Manager	City of Burbank

Chapter 1 is proud to welcome new 12 members to the Chapter thus far this year. We currently have 275 members. Please contact Membership Chair Daniel Kazden at (805) 2400 x 104 to inquire regarding joining the Chapter.

## Updating Your IRWA Membership

1. Visit [www.irwaonline.org](http://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.

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### Case of the Month

By: Michael F. Yoshiba, Esq.

Caltrans may sell or let property for below market value in accordance with State Constitution.

Opinion of Edmund G. Brown, Jr., Attorney General

2010 DJDAR 72

Filed December 30, 2009

Issue:

Does the Constitution prohibit the Department of Transportation from selling or renting real property at less than the property's fair market value or fair rental value when the department acquired the property with motor vehicle fuel and use tax revenues, and the property meets the definition of "surplus residential property" under the affordable housing legislation known as the Roberti Law?

Analysis:

To facilitate the construction of state roads and highways, state law permits the California Department of Transportation (Department) to buy real property, as well as to acquire real property by condemnation and eminent domain. The Department typically pays for such acquisitions with funds from the State Highway Account. The funds in the State Highway Account consist in large part of revenues through the imposition of motor vehicle fuel and use taxes ("gas taxes") that are set aside under the Constitution for certain transportation-related purposes, including "payment for property taken or damaged for such purposes"

If the Department finds that a parcel of real property acquired for highway purposes is no longer necessary, it may sell or exchange the property under terms, standards, and conditions established by the California Transportation Commission, and then use the proceeds or the new property for future state highway purposes. Properties no longer needed for present highway purposes are characterized as "excess" under the Streets and Highways Code. Although the Department is under no particular time constraints under which it must determine a given property to be excess, it is required to the greatest extent possible to dispose of a property within one year from the date that property is actually determined to be excess. The Department may also lease its excess property pending its sale or exchange.

The Department owns numerous residential properties in and around the City of South Pasadena and nearby communities that were acquired with gas tax funds for a now-abandoned highway project to extend the 710 freeway through the area. Many of these properties, if determined to be excess, would also meet the definition of state-owned "surplus residential property" under the affordable-housing legislation commonly known as the Roberti Law. This legislation directs that certain properties be offered for sale to purchasers who have low or moderate income at "affordable" price that is at least equal to the state's original acquisition cost, but which in many cases would be less than the properties' current fair market value.

This opinion arises because the propriety of such below-market sales has been called into question. In essence, the question is whether the affordable-housing provisions of the Roberti Law are unconstitutional to the extent that they provide for the sale of property, acquired with gas tax funds, for less than fair market value.

Two articles of the Constitution are relevant to the analysis. The first is article XIX, which states that gas tax revenues must be used only for transportation-related purposes. The second is article XVI, which prohibits the Legislature from making gifts of public funds.

Although the Constitution generally prohibits the Department from disposing of gas tax property for less than fair market value, the Roberti Law establishes a valid exception to the general rule. Below-market sales or rental of such properties are constitutionally permissible as a limited exception to this general prohibition if the property qualifies as "surplus residential property" under the affordable-housing legislation known as the Roberti Law.

There is a nice discussion and corresponding case citations on the constitutional prohibition against gifts of public funds.

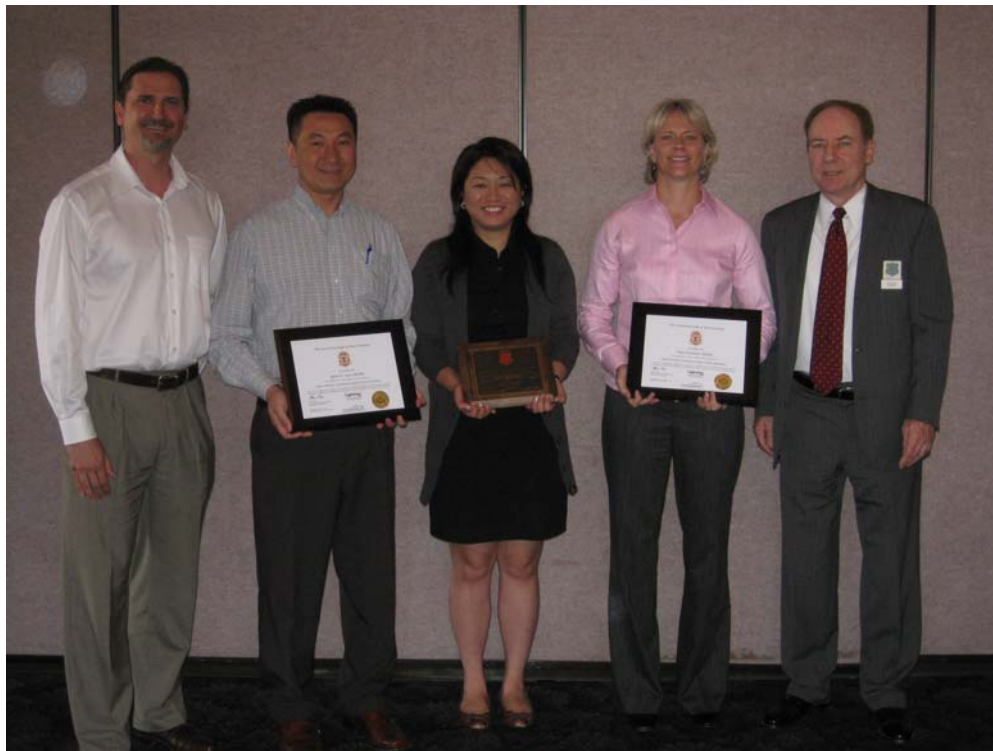
### Chapter 1 Membership Meeting Photos



PDC Chair Andrew Thompson, SR/WA presents Large Employer of the Employer Award to Neilia LaValle, President of Paragon Partners



Education Chair Tom Hanley, SR/WA, receives the Professional of the Year Award from Andrew Thompson, SR/WA



Awarding of SR/WA designations. From the left: PDC Committee Chair Andrew Thompson, SR/WA, David Law, SR/WA; Jenny Li, SR/WA; Holly Rockwell, SR/WA, and Chapter President William Larsen

### Chapter 1 Membership Meeting Photos



Frances Impert, SR/WA of LACMTA holds up raffle award. Duncan Robb, SR/WA, is visible in background, left.



March 2010 meeting speaker Greg Angelo, LACMTA Director of New Business Development



Awarding of SR/WA designations. From the left: Thurman Hodges, SR/WA, Armando Parra, SR/WA, Janelle Carpena, SR/WA, R/W-AMC, Chapter President William Larsen, and PDC Committee Chair Andrew Thompson, SR/WA

### Chapter 1 Membership Meeting Photo



Front row, from the left: William Larsen, new members Jeffrey Horowitz, Esq., and Gary Ostby, and Membership Committee Chair Daniel Kazden.  
Back row: Speaker Philip Law, SCAG, and Chapter President Elect Konstantin Akhrem



Spring Forum in San Diego, left to right: William Larsen, Konstantin Akhrem, and Joe Freeman, President of Chapter 44/Las Vegas



Left to right: PDC Chair Andrew Thompson, SR/WA, and Stephen Vollucci, SR/WA

### Chapter 1 2010 Valuation Seminar Photos



Left to right: Marnie Christine Cody, Esq. of Hamlin, Cody, & Moore; Donna Desmond, ASA, of Donna Desmond & Assoc.



Left to right: Michael Waldron, MAI of Waldon & Assoc.; Michael Leifer, Esq. and Patrick Hennessey, Esq., both of Palmieri, Tyler, Wiener, Wilhelm, & Waldron



William Larsen, Valuation Seminar Moderator



Left to right: Christopher Hardy, MAI, of Parkcenter Realty Advisors, and Paul Norlen, MAI, of Metropolitan Water District

### 2010 Officers and Executive Board

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<i>Professional Development</i>	<b>Andrew Thompson, SR/WA</b> So Cal Gas Company	213 244-5032	<a href="mailto:athompson@semprautilities.com">athompson@semprautilities.com</a>
<i>Nominations and Awards</i>	<b>Vivian Howell,</b> <b>SRWA, R/W-RAC, R/W-NAC</b> Los Angeles World Airports	310 417-0450	<a href="mailto:vhowell@lawa.org">vhowell@lawa.org</a>
<b>2010 Appointed Board Chairs</b>			
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<i>Education</i>	<b>Tom Hanley, P.E., SR/WA</b> Paragon Partners	714 379-3376 x 284	<a href="mailto:thanley@paragon-partners.com">thanley@paragon-partners.com</a>
<i>Engineering/Survey</i>	<b>Art Cordero, SR/WA, PLS</b> City of LA, Bureau of Engineering	213 482-7192	<a href="mailto:apcor75a@yahoo.com">apcor75a@yahoo.com</a>
<i>Environmental</i>	<b>Mohammed Estiri, Ph.D</b> Eco & Associates, Inc.	714 289-0995	<a href="mailto:mestiri@ecoinc.info">mestiri@ecoinc.info</a>
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<i>Luncheon</i>	<b>Aaron Aftergut</b> Integra Realty Resources	818 290-5434	<a href="mailto:aaftergut@irr.com">aaftergut@irr.com</a>
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## September – December 2010 Calendar of Events

September	28	10:15 -11:30AM 11:30 - 1:30PM	Board of Directors Meeting <b>Joint Membership Luncheon with ASA</b> Aaron Atergut, Luncheon Chair	Stevens Steak House 5332 Stevens Place Commerce, CA
October	1-2	7:00 AM-5:00 PM	Region 1 Fall Forum	Sacramento Sheraton Hotel
October	26	8:00 - 5:00PM	Fall Seminar David Graeler, Esq. and Kelly Kitasato, R/W-AMC	Quiet Cannon 901 Via San Clemente Montebello, CA
December	TBD	TBD	Tri-Chapter Holiday Luncheon Hosted By IRWA Chapter 57	TBD

## 2011 SR/WA & CERIFICATION SCHOLARSHIPS

Chapter 1 of the International Right of Way Association is sponsoring educational scholarships for Chapter 1 SR/WA designation and professional Certification candidates. The scholarships support the professional development of Chapter 1 members. The 2011 calendar year Scholarship Award Applications **must be received by mail no later than Friday, October 15, 2010**, by the Chapter 1 Professional Development Committee Co-Chair at the following address:

Michael Popwell, SR/WA  
MPA, Inc.  
2345 Zorada Court  
Los Angeles, CA 90046

Applications received after the due date and/or incomplete Applications will not be processed by the Professional Development Committee.

The 2011 Chapter 1 Scholarship Awards consist of a five-day IRWA class equivalent for those Classes sponsored by Chapter 1 during the award calendar year for each Award recipient (i.e., may be allocated to multiple classes for up to five days duration). Candidates must be in good standing with a current SR/WA designation and/or professional Certification candidate status at the time of the Scholarship application and award. Please review the IRWA Chapter 1 Scholarship Policy and Procedures for details.

Included in this article are the IRWA Chapter 1 Scholarship Policy and Procedures, the Scholarship Award Application, the 2011 Calendar Year Scholarship Award Timetable, and the roster of the Chapter 1 Professional Development Committee who will be evaluating the Scholarship Award Applications and recommending applicants to the Chapter 1 Board of Directors for final award presentation at the January 25, 2011 general membership meeting.

The Chapter 1 Board of Directors and its Professional Development Committee strongly encourages all SR/WA designation and professional Certification candidates to apply for the educational scholarship. Please feel free to contact Michael Popwell, SR/WA, at 323-874-2384 with any questions you may have regarding the scholarship application requirements and award process. Michael will provide his best efforts to respond to your inquiries.

**2011 CALENDAR YEAR – IRWA CHAPTER 1 – LOS ANGELES  
EDUCATION SCHOLARSHIP POLICY & PROCEDURES**

**Scholarship Policy and Procedures**

The following IRWA Chapter 1 – Los Angeles Scholarship Policy and Procedures outline the purpose, amounts, availability, application, selection are outlined by the following Scholarship Policy and Procedures as adopted by the Chapter 1 Board of Directors (Board). The Board, with the assistance of the Chapter 1 Professional Development Committee (PDC) shall announce annually the Scholarship amounts, availability, application, selection process and timetables for the following calendar year's Scholarship awards.

**Scholarship Purpose**

The Chapter 1 Scholarship Award (Scholarship) provides Chapter 1 SR/WA designation and/or professional Certification designation Candidates assistance attaining their professional designations with respect to Chapter 1-sponsored required IRWA Classes.

**Scholarship Amounts**

Scholarship amounts are determined annually by the Board. Scholarships offset the tuition costs of Chapter 1-sponsored IRWA Classes fulfilling SR/WA designation and/or professional Certification designation requirements. Individual Scholarships are limited to one five-day IRWA Class equivalent for those Classes sponsored by Chapter 1 during the Scholarship calendar year.

**Scholarship Availability**

The Scholarship is funded annually by the Board and is available upon Board announcement to Chapter 1 members in good standing with current SR/WA designation and/or professional Certification Candidate status at the time of Scholarship application submission and award. Elected Board members as of the date of Application submission and the calendar year of Scholarship award. The Scholarship is available to qualified individual Chapter 1 members for a period of five consecutive years inclusive of the initial calendar year the Scholarship is awarded to the qualified Chapter 1 member.

**Scholarship Application**

Scholarship application is made annually by eligible Chapter 1 members by submission of a complete Chapter 1 – Los Angeles SR/WA Designation and Professional Certification Scholarship Award Application (Application) as announced annually by the Board.

**Scholarship Selection**

Initial review and selection of Scholarship Applications are made by the PDC. Only complete, properly submitted Applications will be reviewed by the PDC. The PDC will submit Scholarship recipient recommendations to the Board for final selection and award.

**2011 Calendar Year Scholarship Award Timetable**

<u>August 3, 2010</u>	<u>Scholarship availability, Policies and Procedures and Application announced by Board.</u>
<u>October 15, 2010</u>	<u>Applications must be received by PDC Co-Chair responsible for receipt of all Chapter 1 2011 Scholarship Award Applications at the following address: Michael Popwell, SR/WA MPA, Inc. 2345 Zorada Court Los Angeles, CA 90046</u>
<u>October 26, 2010</u>	<u>PDC submits to Board recommendation for Scholarship Awards.</u>
<u>January 25, 2011</u>	<u>Scholarship Award recipients honored at Chapter 1's January 25, 2011, General Membership Meeting.</u>



**IRWA CHAPTER 1**  
**2011 CALENDAR YEAR SCHOLARSHIP AWARD TIMETABLE**

August 3, 2010      Scholarship availability, Policies and Procedures and Application announced by Board.

October 15, 2010      Applications must be received by PDC Co-Chair responsible for receipt of Scholarship Award Applications at the following address:

Michael Popwell, SR/WA  
MPA, Inc.  
2345 Zorada Court  
Los Angeles, CA 90046

October 26, 2010      PDC submits to Chapter Board recommendations for Scholarship Awards.

January 25, 2011      Scholarship Award recipients honored at Chapter 1 January Membership Meeting (regular 4<sup>th</sup> Tuesday membership meeting).

**IRWA CHAPTER 1**  
**2011 PROFESSIONAL DEVELOPMENT COMMITTEE**

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Co-Chair	Joyce Riggs, MAI, SR/WA, Riggs & Riggs, Inc. Voice 805.578.2400 Email <a href="mailto:jriggs@riggsandrighgsinc.com">jriggs@riggsandrighgsinc.com</a>
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