



**FEBRUARY 2012**

**President's Message — Konstantin Akhrem**

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Just as it is impossible to imagine Los Angeles without freeways, it is impossible to imagine it without film industry. I have been a proud Angelino for 27 years and I am very proud that our chapter's territory includes the Entertainment Capital of the World and the home of the Oscars Night, watched by a billion viewers around the world.

Last week's Oscars Awards night was every bit inspirational – not just because of the above, but because every film is a PROJECT! Some of the film budgets can be compared to budgets of some major public work projects and make some agencies envy...

*Continued on page 3*

**For your Calendar...**

**Education Courses:**

**4/05/12 - Negotiating Effectively with Diverse Clientele** (C 209)

**5/03/12 - Relocation Assistance** (C 501)

**5/09/12 - Business Relocation** (C 502)

**5/11/12 - Mobile Home Relocation** (C 503)

*For details see page 4.*

**March 21, 2012** - Federal Agency Update, Washington, D.C.

**March 27, 2012** - Quarterly Luncheon. Joint function with *Southern California Chapter of Appraisal Institute* (See [page 2](#) for details).

**April 24, 2012** - Annual Valuation Conference, Montebello, CA.

**May 22, 2012** - General Membership Meeting, Officer Elections and Installations (Tentative. Location TBD)

**June 10 - 13, 2012**— Annual International Education Conference, Seattle, WA

**July 1, 2012** - New Fiscal Year, New Board of Directors begins its term.

**July 24, 2012** - Past Presidents Luncheon

**Details & Updates are regularly posted at [www.irwa-chapter1.org](http://www.irwa-chapter1.org)**

# March 27, 2012 – Joint Luncheon

## with Southern California Chapter of Appraisal Institute

*“Attending a chapter meeting is like swimming in a sea of business contacts.”*

**Randy A. Williams,**  
SR/WA, MAI, FRIC

International President  
of IRWA.

**David Graeler, Esq.**  
Nossaman LLP  
President-Elect

**Aaron Aftergut**  
Integra Realty Resources  
Luncheon Chair

### Admission & Schedule

Admission: \$16

11:30 - Doors open  
12:00 - Program begins  
1:00 - Program ends

**Reservations are highly recommended.**

**RSVP to:**

Aaron Aftergut  
Luncheon Chair  
818-290-5434  
[aaftergut@irr.com](mailto:aaftergut@irr.com).

*You are cordially invited to Joint Luncheon with  
Southern California Chapter of Appraisal Institute  
on  
Tuesday, March 27, 2012,  
at Steven's Stake House in Commerce.*

### Guest Speaker:

### RSVP

**David Zoraster, MAI**

### Topic:

Mr. Zoraster will discuss employment trends in Los Angeles County and relate them to the types of real estate which are occupied by the various employment sectors. He will discuss which types of real estate have enjoyed strong demand, and which types of real estate have experienced weak demand, due to trends in employment.



**Learn...**

**Connect...**

**Advance...**



**Be there!..**

*Speaking of Project Management (continued from page 1)*

As a Project Manager, I can't help but think of all the elements of *Project Management* whenever I see any successful project, whether it's a grade separation project or a Hollywood motion picture. Every Oscar Night is like a parade of successful projects, each with its own stakeholders, program managers, project team, etc.

Through the eyes of the *Project Management* discipline the Hollywood studios can be compared to Government Agencies, to whom all professional services are catered. Executive Producers can be compared to Program Directors. Film Directors, like Scorsese, Spielberg, are akin Project Managers, and Film Crews are the Project Teams. Both industries utilize prime and subcontractors to optimize use of resources and technical expertise.

Although "pitching a script" to stakeholders of a film project has very few similarities to taking a Right of Way project through environmental approvals, both involve feasibility analysis, thorough planning and budgeting, and seeking the stakeholders' approvals and funding to implement the plans.

Then, of course, you have the "project constraints", i.e. deadlines, costs, resource availability, etc. The "release date" of a film is a critical target which dictates all the other deadlines in the course of *project delivery*. The release dates often have strategic marketing significance. Major films (with big names and budgets behind them) carefully choose their release dates to best complete with unveiling of other films while taking into consideration a multitude of market forces and factors which may impact the box office on the date of the premiere and thus determine the financial success of the "project". In the course of the project delivery, the film Director must manage similar range of challenges as a Right of Way project manager – definition and negotiations of scope and fees, development of work plans, resolving scheduling conflicts, dealing with weather conditions, delays, etc.

When a release date (i.e. "final deliverable") is tied to a particular holiday (e.g. "Independence Day" or some Christmas films), even a 1-week delay could be unforgiving for the financial success of the film project. That's why an Oscar Night is a parade of success stories and successful Project Managers, whether the Project Manager (i.e. Director) has received his/her Oscar or not.

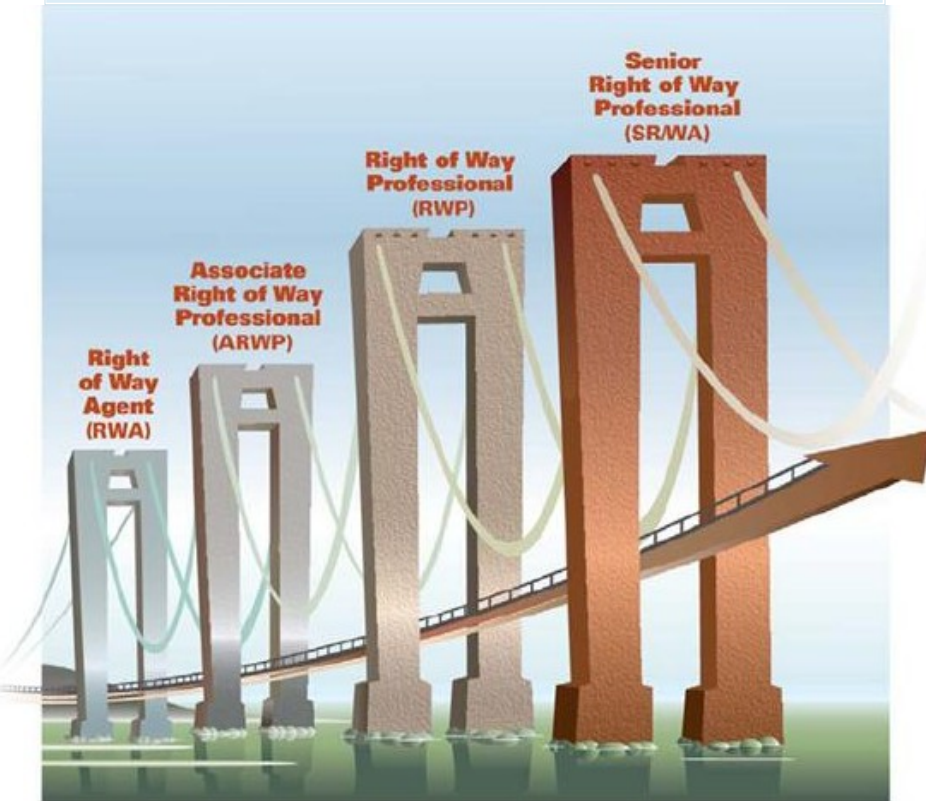
Great Project Managers create winning teams, made up of professionals who are passionate about their work and never compromise on quality in their pursuit of excellence. They lead their teams to success which the whole team gets to share. Behind every Oscar award there is a winning team, including a passionate Project Manager.

I especially enjoy this comparison of the Oscars Award to something IRWA does every year at its Annual International Conferences — Professional Excellence Awards, our own annual festivity where excellence in the Right of Way is recognized and rewarded.

***Here is to all the professionals who passionately pursue excellence in their work!..*** ◆

## Focus On: Education

### Right of Way Professional Career Path



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- Right of Way Agent
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- Right of Way Professional
- Senior Right of Way Agent

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- Environmental (R/W-EC)
- Negotiations (R/W-NAC)
- Relocation Assistance (R/W-RAC)
- Uniform Act (R/W-URAC)

*Qualifying criteria applies. For details, please contact the Chapter's **Professional Development Chair** (see p. 18)*

For information on credentialing visit [www.irwa-chapter1.org](http://www.irwa-chapter1.org)

### Upcoming Education Courses:

Date	No.	Title	Instructor	Coordinator
April 5 - 6, 2012	# 209	Negotiating Effectively with Diverse Clientele.	Joseph Pestinger, SRWA	<b>Dan Kazden</b> (805) 578-2400 (x 104) <a href="mailto:dKazden@riggsandriggsinc.com">dKazden@riggsandriggsinc.com</a>
May 3 - 4, 2012	# 501	Relocation Assistance	William (Will) Von Klug, SRWA, R/W-RAC	<b>Natasa Lenic</b> 310-720-9517 <a href="mailto:Natasa.Lenic@yahoo.com">Natasa.Lenic@yahoo.com</a>
May 9 - 10, 2012	# 502	Business Relocation	William (Will) Von Klug, SRWA, R/W-RAC	<b>Natasa Lenic</b> 310-720-9517 <a href="mailto:Natasa.Lenic@yahoo.com">Natasa.Lenic@yahoo.com</a>
May 11, 2012	# 503	Mobile Home Relocation	William (Will) Von Klug, SRWA, R/W-RAC	<b>Natasa Lenic</b> 310-720-9517 <a href="mailto:Natasa.Lenic@yahoo.com">Natasa.Lenic@yahoo.com</a>



**Tom Hanley, P.E.**  
Education Chair

*If you did not find the course you need to meet your professional education goals, we want to hear from you!.. Please contact Tom at (714) 379-3376, Ext. 284 [thanley@paragon-partners.com](mailto:thanley@paragon-partners.com)*



**Michael F. Yoshiba, Esq.**  
Richards Watson & Gershon,  
a Professional Corporation  
Law Chair

*California Supreme Court will be reviewing a fundamentally important issue of handling conflicts between state and federal law...*



*The High Court granted review of two cases.*

*These cases will decide the extent of police powers ...*



## Legal Update: Case of the Month

### CALIFORNIA SUPREME COURT TO DECIDE WHETHER CITIES MAY BAN MEDICAL MARIJUANA DISPENSARIES

*Mitchell E. Abbott\* and T. Peter Pierce\*\**

The California Supreme Court will decide whether cities throughout the State may ban medical marijuana dispensaries. The high court granted review on January 18 in two cases raising the question of whether the "Compassionate Use Act," adopted as Proposition 215 in 1996, or the "Medical Marijuana Program," adopted in 2003, preempts the power of cities to prohibit medical marijuana dispensaries through their zoning or business license ordinances. The lead case is ***City of Upland v. G3 Holistic, Inc.*** (Case No. S198395). The Supreme Court also granted review in a companion case, ***City of Riverside v. Inland Empire Patient's Health and Wellness Center*** (Case No. S198638). These cases will decide whether the broad police power authority enjoyed by cities throughout California extends to an outright ban on dispensaries, or whether various state statutes limit that authority such that cities are required to allow dispensaries. The Supreme Court is expected to decide the cases in the next 18 to 24 months. There are approximately 125 cases raising these issues now pending in the California state courts.

The Supreme Court also granted review in two cases addressing other aspects of medical marijuana regulation – ***Pack v. Superior Court*** (Case No. S197169), which involves the City of Long Beach's regulatory program allowing medical marijuana dispensaries, and ***Traudt v. City of Dana Point*** (Case No. S197700), raising the question of who may file a lawsuit challenging a ban on medical marijuana dispensaries.

\* *Mitchell E. Abbott is certified as a specialist in appellate law by the State Bar of California Board of Legal Specialization, and is a member of the California Academy of Appellate Lawyers. Mitchell represents public entities and other clients in cases involving constitutional and land use and zoning issues. Mitchell has argued before the California Supreme Court, the U.S. Ninth Circuit Court of Appeals, the California Court of Appeal, and various trial courts at the federal and state levels.*

\*\* *T. Peter Pierce is certified as a specialist in appellate law by the State Bar of California Board of Legal Specialization. Peter represents public entities and other clients in cases involving constitutional and land use and zoning issues. Peter has argued before the California Supreme Court, the U.S. Ninth Circuit Court of Appeals, the California Court of Appeal, and various trial courts at the federal and state levels.*

## Legal Update... continued



### DISSOLUTION OF CALIFORNIA REDEVELOPMENT AGENCIES AND THE IMPACTS TO RIGHT OF WAY PRACTITIONERS

In December 2011, the California Supreme Court upheld the California Legislature's action to dissolve California's redevelopment agencies, and struck down the companion "voluntary" participation scheme, effectively ending redevelopment in California. In *California Redevelopment Ass'n. v Matosantos*, the challenge filed by the CRA and others, the Court held that the Legislature acted within its legislative authority in adopting AB 1X 26, the dissolution measure. As to AB 1X 27, which would have allowed agencies to continue in existence if the agency's community sponsor made significant payments to the State, the Court found that Proposition 22 prohibits such payments and struck down the entire statute.



This decision means that California redevelopment agencies activities are suspended and agencies will be required to wind-up activities, dispose of agency assets and dissolve.

Be on the lookout for an upcoming IRWA Chapter 1 **Legal Seminar** concerning this Legislative action and the impacts to right of way practitioners going forward. ♦



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**Michael F. Yoshiba**  
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- Asset Management

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*of the International Right of Way Association*
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Valuation Seminar Chair  
IRWA Chapter No. 1  
wlarsen@irr.com  
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## Industry Buzz: Consulting

### OPC Continues to Grow, Ready for New Challenges—

To meet the growing demand for its services in the public and private sector, this year Overland, Pacific & Cutler has brought on board four new professionals, including one principal and three key employees, whose experience and skill sets are expected to add strength and expertise throughout OPC's California offices.

*Min Saysay*, who joined OPC as a *Principal*, is going to manage OPC's Transportation Programs out of OPC's corporate headquarters in Long Beach. Mr. Saysay has served as a Right of Way Program Manager for two of Southern California's major transportation agencies for the past 10 years, Orange County Transportation Authority and Riverside County Transportation Commission. He has worked on several large transportation projects supervising acquisition of rights of way for highway, transit, and rail projects. Min will be joining IRWA Chapter 1 as a new member.

*Stephen Bray*, will serve as a *Project Manager* and OPC's *Utility Coordination Group Manager* and will fulfill a variety of functions including project planning and management, complex part-take analysis and mitigation planning, risk assessment, cost controls/management, scheduling, cost estimates, and condemnation coordination on projects of varying size, complexity, and delivery method. Steve's past experience includes project management of the SR-22, one of California's first design-build highway projects. Steve previously worked with Hatch Mott McDonald as a Project Controls Analyst/Contract Manager.

*Michael S. Romo, SR/WA, R/W-RAC*, who has over 20 years of experience in delivering high profile, complex transportation projects throughout the Inland Empire, will be serving as a *Program Manager* at OPC's Riverside Office. His years of experience with the County of Riverside Economic Development Agency and with Caltrans District 8 have resulted in positive relationships with Regional Transportation Agencies, the Federal Highway Administration, and Caltrans Headquarters Management. Michael is a Senior member of IRWA.

*Burt Presnell*, whose track record includes 30 years of experience and many notable projects in the public and commercial real estate sectors throughout Southern California, brings expertise in Acquisition and Development Consulting. As a *Project Manager*, he has accumulated a depth of understanding of the California political and economic environment and its relationship to, and impact on, the real estate market. His past experience includes appraisal work, feasibility studies, complex negotiations, and site selection. Burt is a member of IRWA.

OPC, who marked its 30th anniversary in 2010, is an example of a successful corporate merger. In 2003 three entities, Overland Resources, Inc., Pacific Relocation Consultants, and Cutler & Associates, Inc. joined forces and formed OPC as part of their quest to provide comprehensive solutions and value-added real estate services to clients in the public and private sectors. ♦

#### Have news?...

Share your updates with the Right of Way community of Los Angeles region and beyond on the pages of this Newsletter.

We want your press releases, announcements, and technical articles.

**Please submit your material to:**

Konstantin Akhrem, President

[konstantin@irwa-chapter1.org](mailto:konstantin@irwa-chapter1.org)

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## Federal Agency Update Conference

Wednesday, March 21, 2012  
Washington, D.C.



### Presenters:

#### Bureau of Land Management—

#### Federal Highway Administration

- **MAP 21 – FHWA Real Estate Office will discuss the potential changes to the URA as published in the U.S. House and Senate reauthorization bills and how that might impact what we do in Right of Way from a lead agency standpoint.**
  - Voluntary Acquisitions
  - Railroad Mitigation Strategies
  - Integrating Visualization Technologies into the Right-of-Way Processes
  - Business Relocation Assistance Retrospective Study
  - New research topics...

#### Federal Transit Administration

- Joint Development
- OMB Requirements
- State Oversight & Triennial Review
- Negative Waiver


#### Federal Aviation Administration

- Summary of FAA Reauthorization - FAA Modernization and Reform Act of 2012 (Enacted February 14, 2012)
  - o Funding Levels
  - o Policy Changes
  - o New Programs
  - o FAA FY 2013 Budget Request
- Land Acquisition/Management Program Outlook
  - o Typical Projects
  - o Noise land disposal
  - o Mineral Extraction (Shale Gas)
- Update of FAA Guidance and Airport Improvement Program (AIP) Resources

#### U.S. Department of Housing & Urban Development

- Relocation authorities under which HUD works
  - o URA
  - o Section 104(d)
  - o Section 18
- Proposed Rule: Public Housing Program Demolition or Disposition of Public Housing Projects and Conversion of Public Housing to Tenant-Based Assistance
- New HUD Handbook Chapter 7: Section 104(d) Relocation and One-for-One Replacement Requirements
- Current HUD Initiatives
  - o Voluntary Acquisition Research
  - o Proposed FAQ's: Section 8 Housing Choice Vouchers
  - o Translation of HUD Relocation Claim Forms
  - o Real Estate Acquisition and Relocation Website
  - o Staffing Changes

**Be on a lookout for  
any available updates...**



#### U.S. Army Corps of Engineers —

## Basics: Contributed Article

### What's in your **Box**?

***“If you will call your troubles experiences and remember that every experience develops some latent force within you, you will grow vigorous and happy, however adverse your circumstances may seem to be.” -James Russell Miller***

BY CAROL L. BROOKS, SR/WA

Boxes come in a million different shapes and sizes. Whether intended to hold tools, fishing gear, jewelry or clothes, there seems to be one for every conceivable need.

Did you know that each of us has our own unique box, too? It holds a collection of our personal life experiences. Whether positive or negative, the lessons we've learned from these experiences are paramount for building character, growing confidence and strengthening our backbone.

When I returned to the office, I found myself chained to my desk. Even though I felt ready to work with property owners, I just wasn't getting the opportunity. So I began listening to what was going on around me. It was clear how often the other agents in my office spoke with property owners. Listening closely to their conversations, I learned to establish a partnership with the owner. More stuff for my box.

The day finally came for my first conversation with an owner. My heart raced as I dialed his number. I was ready. But when the owner answered in a gruff voice, I could feel my throat tighten in fear. It was as if I were a small child, hearing old things from my childhood that were stored in my box. I was hearing what my teachers and other adults had said, "You can't handle this! You can't ever do anything right! You need to study harder." I tried to drive out those awful memories, but continued to stutter and stumble over my own words.

Then something amazing happened. Because there were so many encouraging things stored in my box, those experiences came to my rescue. I was able to recall my grandmother saying, "There isn't anything you can't do." I remembered other adults who encouraged me to go the extra mile, telling me, "Never ever give up, because you've got what it takes." Before long, my confidence was back. After my conversation with the property owner was over, I documented the file with "Owner grants easement."

Leaning back in my chair, a realization came over me. There was junk in my box. So I decided to trash those old thoughts that were no longer true, thoughts that tried to hold me back. And if negative thoughts ever crawl back into my box, which they do from time to time, I'd toss them out again until my box held only those experiences that challenged me and grew my character.

It's essential that you fill your box with what you know is truth - for you. What you know and believe in. And when you share these experiences with others, you may just discover that you've used those life lessons to create a better, richer life, and one with more purpose. ♦

## January 2012 Luncheon Report

### If you missed the January luncheon ...

**A.J. Hazarabedian, Esq.**, founder of California Eminent Domain Law Group, APC presented Strategies for Minimizing Litigation Expenses in Property Acquisition.

Mr. Hazarabedian reminded the timeless wisdom “*an ounce of prevention is better than a pound of a cure*”, especially when it comes to litigation.

The slides of the speaker’s can be downloaded from the chapter’s website.

Excerpt form the speaker’s presentation:

#### **Considerations in Selecting a Counsel:**

**Retain counsel early** – do not wait until you are ready to file eminent domain litigation

**Experience** – look for counsel with significant experience in public property acquisition

**Reputation** – make sure counsel has a history/reputation for working in client’s best interest

**Rates** – look for counsel with appropriate rates for the task at hand

**Markups/admin costs** – look for counsel who do not nickel and dime admin costs

**Firm size/staffing** – size doesn’t matter; appropriate staffing does

**Technology** – look for counsel who utilize up-to-date, modern technology

**Experts/consultants** – find out about experts with whom the counsel regularly deals



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## January 2012 Luncheon – Photos

### Welcome New Members!



**New Members** Steve Stautzenbach, of Core Logic and Mel Barosai of Epic Land Solutions with Michael Popwell, SR/WA, chapter’s Membership Chair.



### Congratulations Scholarship Awardees!

The chapter’s Board of Directors has awarded three scholarship for 2012.

Andrew Thompson, SR/WA, Chair of Professional Development Committee, Adriana Raza of SDLA, Okey Njoku of City of Los Angeles, Margarita Cabrera of SDLA, and Konstantin Akhrem.



**Tom Hanley, PE**, Education Committee Chair, presented the educational opportunities.



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## Education ...

### **COURSES AVAILABLE ONLINE:**

#### **Basic Right of Way Disciplines:**

- 103 - Ethics in the Right of Way
- 104 - Standards of Practice for the R/W Professional
- 105 - The Uniform Act—Executive Summary

#### **Communication/Negotiation:**

- 200 - Principles of Real Estate Negotiation
- 203 - Alternative Dispute Resolution
- 205 - Bargaining Negotiations
- 213 - Conflict Management
- 215 - Right of Way Agent's Development Program

#### **Management :**

- 303 - Managing the Consultant Process
- 304 - When Public Agencies Collide

#### **Appraisal:**

- 400 - Principles of Real Estate Appraisal
- 402 - Introduction to the Income Capitalization Approach
- 403 - Easement Valuation

#### **Environment:**

- 600 - Environmental Awareness
- 606 - The Environmental Process

#### **Asset/Property Management:**

- 700 - Introduction to Property/Asset Management

#### **Real Estate Law:**

- 800 - Principles of Real Estate Law
- 801 - United States Titles
- 802 - Legal Aspects of Easements

#### **COMING SOON ONLINE!..**

- 100 - Principles of Land Acquisition
- 900 - Principles of Right of Way Engineering



The following series are **not available online:**

- 500 series** (*Relocation*)
- 900 series** (*Engineering*)

### **Brick & Mortar Classes...**

*Energy Resource Center* in Downey offers top quality training facilities. Participants from other states and regions frequently attend courses sponsored by Chapter 1 .



Course 207, *Practical Negotiations for U.S. Federal Funded Land Acquisitions*, facilitated by **Mike Heineke, SR/WA**, on January 12-13. at *Energy Resource Center*.



Facilitator **Mike Heineke, SR/WA** demonstrates nuances and differences in negotiating styles and approaches with **Barbara Boucher**, a course participant.



Course participant **Barbara Baerenstein** of Caltrans, shares valuable perspective on a negotiation issue.

**Benefits of IRWA Membership:**

**IRWA Members receive reduced rates on:**

- ◇ All IRWA training courses.
- ◇ Chapter Educational Conferences and events
- ◇ Annual International Educational Conferences
- ◇ Federal Agency Update Conference
- ◇ Six issues of Industry's leading publication, the Right of Way Magazine

**Other Fantastic Benefits:**

- ◇ Listing in the Member Director and Access to powerful referral network
- ◇ Chapter's announcements and updates via e-mail
- ◇ Headquarters' Announcements and Updates via e-mail
- ◇ Access to Online Right of Way Handbook, IRWA's essential body of knowledge
- ◇ Opportunities of publicity in the chapter's newsletter and the Right of Way Magazine through publication of News Releases, Publicity Releases, and Professional Articles.
- ◇ Maintaining valid professional designation and certifications.



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