

**JANUARY 2013**



**President's Message – David Graeler, Esq.**

Dear Members:

Happy New Year! I hope everyone had an opportunity to take some time off over the holidays and to spend quality time with their families. On December 11, Chapter 67 hosted the annual Tri-Chapter Luncheon at the Marconi Automotive Museum. I was unfortunately unable to attend the luncheon this year, but I am told that it was a very successful and entertaining event. Thank you to Chapter 67 for a great job hosting this year!

2013 promises to be a very exciting and active year for the IRWA, and it begins on January 29 with our first luncheon of the calendar year taking place at Steven's Steakhouse in the City of Commerce. As is our tradition, the first luncheon is free to all Chapter 1 members, so please be sure to register now. Our guest speaker will be Mark Rieck, Executive Vice President of IRWA, who will discuss IRWA and its plans for 2013.

Chapter 1 is also hosting a great assortment of courses in 2013. The courses offered over the

next couple months include: Course 100 (Principles of Land Acquisition) on January 28-31; Course 105 (The Uniform Act Executive Summary) on February 1; and Course 201 (Communications in Real Estate Acquisition) on February 20-22. As many of you know, Chapter 1's practice is to never cancel a course as long as we have at least one student enrolled, so you can be confident when you enroll in a Chapter 1 course that your plans are confirmed! Please be sure to take advantage of Chapter 1's educational promotion where all Chapter 1 members who have paid their 2013 dues will receive one free day for any course hosted by Chapter 1. Vouchers for this program provide further details. This is a great opportunity and you don't want to miss out!

I look forward to seeing you at one of our many Chapter 1 events. Here's to a great 2013!

Sincerely,

*David Graeler, Esq.*  
Chapter 1 President

**For your calendar:**

- **1/28/13**— Principles of Land Acquisition (Course #100)
- **1/29/13**— January Luncheon at Steven's Steakhouse in Commerce
- **2/1/13**— Uniform Act Executive Summary (Course #105)
- **2/12/13**— Chapter 67 Hosted Winter Education Seminar
- **2/20/13**— Communications in Real Estate Acquisition (Course #201)

**Inside this issue:**

Luncheon Invite	2
Upcoming Courses	3
Legal Case of the Month	4
Asset Management Report	6
Education Report	7
Behind the Scenes	8
Railroad Safety	9
Tri-Chapter Lunch Photos	11
Announcements	22
Chapter BOD Roster	27

# YOU'RE INVITED!

IRWA CHAPTER 1 LUNCHEON ON JANUARY 29

Host: Aaron Aftergut

When: Tuesday, January 29 from 11:30 AM to 1:00 PM

Phone:  818-290-5434

Where: Stevens Steak House  
5332 Stevens Place  
City of Commerce, CA 90040



**Mark Rieck,**  
IRWA Executive Vice President

Happy New Year!

All members are cordially invited to join IRWA Chapter 1 at our first luncheon of the year, which is free to all members of IRWA Chapter 1. The luncheon will be held on Tuesday, January 29, 2013 at Stevens Steak House in the City of Commerce.

Our guest speaker will be Mark Rieck, Executive Vice President of IRWA, who will discuss IRWA and its plans for 2013.

We will open the doors at 11:30, and the program will begin at 12:00.

Once again, this luncheon is free to all members of IRWA Chapter 1. The price is \$16 for all other attendees.

### Luncheon Guest Speaker—Mark Rieck

Mark Rieck is an innovation leader in association management, with over twenty-five years of experience leading volunteer driven organizations.

Mark serves as chief staff officer of the International Right of Way Association (IRWA). Headquartered in the South Bay of Los Angeles, CA, the IRWA is a membership organization, providing professional education, networking and credentialing to over 10,000 land acquisition professionals through its 76 chapters across North America and affiliates in Japan and South Africa.

Mark's expertise in marketing, brand building and corporate relations sets him apart from other non-profit managers. "I have always thought of myself as a general business manager", Mark says. "It is important to me to make the association visible and drive value for the individual member, making them very proud to be associated with their organization".

Mark earned a bachelor in science in Sociology from Illinois State University, completed the Not-For-Profit Institute of the Graduate School of Business at Columbia University in New York and the Executive Leadership Program at the Haas School of Business, UC, Berkeley.

"I have always thought of myself as a general business manager", Mark says. "It is important to me to make the association visible and drive value for the individual member, making them very proud to be associated with their organization".

## Upcoming IRWA Chapter 1 Courses:

Date	No.	Title	Coordinator	Instructor
Jan 28-31, 2013	# 100	Principles of Land Acquisition	Natasa Lenic 310-720-9517 <a href="mailto:natasa.lenic@yahoo.com">natasa.lenic@yahoo.com</a>	Ralph C. Brown, SR/WA
Feb 1, 2013	# 105	Uniform Act Executive Summary	Natasa Lenic 310-720-9517 <a href="mailto:natasa.lenic@yahoo.com">natasa.lenic@yahoo.com</a>	Cecilia Melanson, R/W-RAC
Feb 20-22, 2013	# 201	Communications in R.E. Acquisition	Konstantin Akhrem 310-617-0251 <a href="mailto:konstantin@irwa-chapter1.org">konstantin@irwa-chapter1.org</a>	Stephen M. Kiley, SR/WA
Mar 14-15, 2013	# 218	Linear Acquisition for Non-Transportation (to be confirmed)	Natasa Lenic 310-720-9517 <a href="mailto:natasa.lenic@yahoo.com">natasa.lenic@yahoo.com</a>	Ralph C. Brown, SR/WA



**Tom Hanley, P.E.**  
Crimson Pipeline  
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  
(562) 285-4128  
[thanley@crimsonpl.com](mailto:thanley@crimsonpl.com)

For Instructors' Bios, details, and updates visit [www.irwa-chapter1.org](http://www.irwa-chapter1.org)

## Upcoming IRWA Chapter 57, 67 and 11 Courses:

Date	No.	Title	Coordinator	Instructor
Feb 11-14, 2013	# 100	Principles of Land Acquisition	Mike Flanagan, SR/WA 858-522-6914 <a href="mailto:mflanagan@sdca.org">mflanagan@sdca.org</a>	Carol L. Brooks, SR/WA
Feb 27-28, 2013	# 209	Negotiating Effectively with a Diverse Clientele	Hector Casillas 909-888-5429 <a href="mailto:hector_casillas@dot.ca.gov">hector_casillas@dot.ca.gov</a>	Stephen M. Kiley, SR/WA
Mar 12-13, 2013	# 501	Residential Relocation Assistance	Mike Williams 858-712-8334 <a href="mailto:mike.williams@hdrinc.com">mike.williams@hdrinc.com</a>	Michele Folk, SR/WA, R/W-RAC, R/W-NAC
Mar 14-15, 2013	# 502	Business Relocation Assistance	Clara Castaneda 714-368-5604 <a href="mailto:clara.castaneda@hdrinc.com">clara.castaneda@hdrinc.com</a>	Michele Folk, SR/WA, R/W-RAC, R/W-NAC
Mar 20-22, 2013	# 201	Communications in Real Estate Acquisition	Mike Flanagan, SR/WA 858-522-6914 <a href="mailto:mflanagan@sdca.org">mflanagan@sdca.org</a>	Carol L. Brooks, SR/WA
Apr 8, 2013	# 603	Understanding Environmental Contamination in Real Estate	Mike Flanagan, SR/WA 858-522-6914 <a href="mailto:mflanagan@sdca.org">mflanagan@sdca.org</a>	Fred Walasavage

Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!



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

When the State condemns property, its owner has a constitutional right to "just compensation." (U.S. Const., amend. V; Cal. Const., art. I, § 19.)

A business owner is entitled to a jury trial on the amount of goodwill lost by a taking only if he or she first establishes, as a threshold matter, that the business had goodwill to lose.

## Case of the Month:

### *You Must First Have Goodwill to Lose Goodwill* **The People of ex rel. Department of Transportation**

v.

### **Dry Canyon Enterprises, LLC**

Filed 11/28/12

2012 Cal. App. LEXIS 1217

In the Court of Appeal of the State of California  
 Second Appellate District, Division Six

Business owner-defendant Dry Canyon Enterprises, LLC (Dry Canyon) makes wine. In its business plan, Dry Canyon planned to develop a premium wine to be marketed under the label "Chumeia." By 2009, Dry Canyon had blended and sold a few vintages of its Chumeia label wine, but encountered persistent financial difficulties and hadn't turned a profit for Chumeia. Later in 2009, the plaintiff People of the State of California, by and through the Department of Transportation (State) needed a portion of Dry Canyon's land for a highway widening project. The State sought to condemn Dry Canyon land containing 1,466 vines used for growing the Chumeia grapes. The acquisition left Dry Canyon with a reduced crop area to produce the Chumeia wine, and as a result Dry Canyon asserted a damage claim against State for prospective lost profits and loss of business goodwill.

When the State condemns property, its owner has a constitutional right to "just compensation." (U.S. Const., amend. V; Cal. Const., art. I, § 19.) That right does not, however, provide compensation for the loss of goodwill. The State Legislature created a statutory right for business owners to obtain recompense for loss of goodwill. (Code of Civ. Proc. § 1263.510.) The Legislature defined "goodwill" as "the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage." (Code of Civ. Proc § 1263.510, subd. (b).) A business owner has the right to a jury determination on the amount of goodwill lost but only if the owner first meets "the qualifying conditions for such compensation.

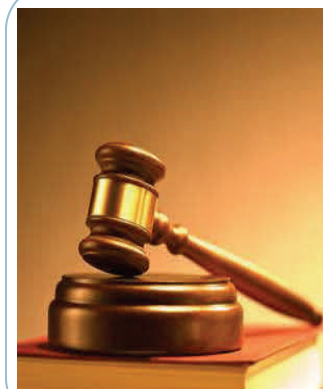
The qualifying conditions that establish the owner's entitlement to a jury trial on the amount of compensation are set forth in section 1263.510, subdivision (a). The owner must prove that the goodwill loss "is caused by the taking of the property..." Proof of preexisting goodwill is a prerequisite to claim compensation. A business owner is entitled to a jury trial on the amount of goodwill lost by a taking only if he or she first establishes, as a threshold matter, that the business had goodwill to lose.

In the condemnation process, trial courts upon objection must evaluate and assure that the valuation opinions being offered as evidence are not speculative and are not based on unconventional matters or grounded in unsupported reasoning. Over the speculation and foundational objections by the State, Dry Canyon's appraiser attempted to offer loss of business goodwill testimony based upon two valuation methods: cost-to-create and premium pricing.

The trial court considered and then rejected Dry Canyon’s cost-to-create methodology because there was no independent proof that the business possessed goodwill. Dry Canyon inappropriately added up business formulation costs and then called the total "goodwill". The cost-to-create methodology has been narrowly applied to only those cases where there is clear proof of preexisting goodwill and a total loss of that goodwill. This attempted application of the cost-to-create methodology did not reflect the cost of creating any actual goodwill.

Dry Canyon next argued that the trial court was incorrect to reject its premium pricing methodology. This methodology was admittedly invented by Dry Canyon's valuation expert and not approved by any court of law. The selection of this product was entirely within the expert's control, and therefore subject to his manipulation. It was deemed inherently subjective because the "premium" that drives the value of the alleged business' goodwill depended largely on the competitive product selected by the valuation expert. Dry Canyon’s expert calculated lost future profits on a product that had yet to be profitable, and then labeled those losses as "goodwill." The court found that the goodwill statute was not meant to compensate for hypothetical or potential goodwill, and the trial court rejected this newly proposed valuation methodology.

Ultimately, the appellate court affirmed the trial court’s rejection of the two Dry Canyon goodwill methodologies for lack of credibility because the proffered evidence was insufficient to establish the existence of business goodwill. You must establish that you have business goodwill before making a claim for loss of business goodwill.



You must establish that you have business goodwill before making a claim for loss of business goodwill.



**RICHARDS | WATSON | GERSHON**  
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION



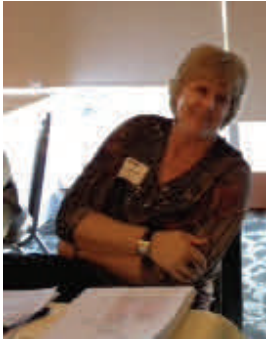
**Michael F. Yoshiba**  
attorney at law

**richards | watson | gershon**

ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION



355 South Grand Avenue, 40<sup>th</sup> Floor  
Los Angeles, California 90071-3101  
Telephone 213.626.8484  
Facsimile 213.626.0078  
myoshiba@rwglaw.com



**Kelly Kitasato, RW-AMC**  
**Asset Management & Local**  
**Public Agency Chair**  
**City of Pasadena**

## Asset Management & Local Public Agency Report:

### **Asset Management**

At its October meeting, the International Professional Development Committee (IPDC) recommended that the 700 series of courses (Asset/Property Management) be on the priority list for course revision. The International Asset Management Committee (IAMC) is currently reviewing the existing courses in order to recommend changes, and preparing to recommend additional courses. They are currently reviewing proposed new courses in order to determine those that would offer the most value to the IRWA membership.

### **Local Public Agency**

The International Local Public Agency Committee (ILPAC) has been tasked to review 300 series courses in the Management series.

IPDC recommended that the 700 series of courses (Asset/Property Management) be on the priority list for course revision



## REAL PROPERTY APPRAISALS AND LITIGATION SUPPORT

### CONTACT

John G. Ellis, MAI, CRE, FRICS  
 jellis@irr.com  
 818.290.5444

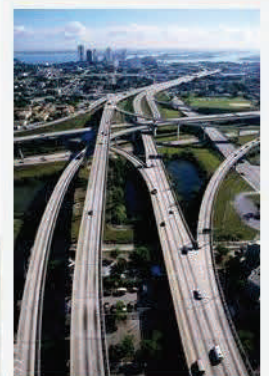
Beth B. Finestone, MAI, FRICS  
 bfinestone@irr.com  
 818.290.5455

William Larsen, SR/WA  
 wlarsen@irr.com  
 818.290.5428

Aaron Z. Aftergut  
 aaftergut@irr.com  
 818.290.5434

[www.irr.com/losangeles](http://www.irr.com/losangeles)

- Alternative project property acquisition cost analyses
- Eminent domain appraisals for full or partial takings, including easements
- Appraisals governed by state or federal standards (including “Yellow Book” standards)
- Inverse condemnation analysis
- Appraisals for land-secured bond financing
- Expert testimony
- Approved by the State Bar of California as a Multiple Activity Provider for MCLE Credit



## Education Report:

### Chapter 1 Education Classes

Chapter 1 continues to offer a wide range of in class courses, two in December and two in January. Course 100 is one of the January offerings and we all know how important it is to get that one under your belt. It is four days but required for the RWA, ARWP, RWP, and SRWA certifications. Ralph Brown has taught Course 100 many times before and remains one of our most popular and respected Facilitators. See the Chapter 1 website for more information about all of the Chapter 1 education offerings.

### Chapter 1 Course Facilitators and Coordinators

A special thanks to our out of town Facilitators (Joe Pestinger, Fred Clark, Jeff Swango, Ceci Melanson, and Fred Walasavage) who fly in or drive long distances to help make the Chapter 1 IRWA Education Program a success. Also thanks to Ralph Brown and Michael Popwell who are Chapter 1 members scheduled as Facilitators in the near future and have served as such multiple times before. Finally thanks to Bill Larsen, Natasa Lenic, Theresa Armistead, Dan Kazden, Margarita Cabrera, and Konstantin Akhrem who have recently or are scheduled to serve as Course Coordinators.

### Online Courses

Chapter 1 is now fully supporting the online course offerings. Although the Chapter 1 Board is still discussing the specifics of the interaction between online and classroom education, there will probably be changes to the number of classroom offerings based on the availability of online courses. It is possible that the Board could decide to schedule only courses not available online. If that is the case, Chapter 1 could then offer all classroom only courses on a two year schedule instead of the three year schedule we use now. But whatever the Board decides it would begin with Fiscal 2014 in July 2013. So please give the Board any input or ideas you may have. It is very hard to know for sure the right thing to do without trying something out so please let us know.

### Chapter 1 Scholarships

Your Chapter 1 Board has recently approved a scholarship program that will allow every Chapter 1 member a free course day once a year. For now this does not apply to online courses. Details about the scheduled coordinator for each class can be found on the Chapter 1 website. Contact the Coordinator for help with specifics about this program.

### If You Need a Particular Course

If you have a particular class requirement or would like a particular class, please feel free to contact the Education Chair Tom Hanley at 562-619-7044 and request it. We have a fairly full schedule for Fiscal 2013 but can schedule more as needed. Even if Chapter 1 goes to online course support, we envision that we will still offer classroom education depending on needs of our members.

### Course Marketing

Recently there have been many more emails with state of the art graphics promoting Chapter 1's courses and schedule. Big thanks to Konstantin Akhrem and Natasa Lenic who have volunteered their time and efforts toward online presentation and promotion of Chapter 1's course schedule. Lately they have also been helping with promotions for other Chapters as well. So if you see an email from Chapter 1 have a look because the graphics are bold and colorful and it may very well be about a course you need.



**Tom Hanley, PE**  
Crimson Pipeline  
Education Chair

Thanks to Ralph Brown and Michael Popwell who are Chapter 1 members scheduled as Facilitators in the near future and have served as such multiple times before.



Participants at recently held C603—Understanding Environmental Contamination in Real Estate, in Downey



Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!



BY CYNTHIA GAN, SR/WA

## The Variables Impacting New Course Development

Education and professional development is a major part of why all of us are involved with IRWA. That's why it is so imperative that a lot of care goes in to developing and planning our educational offerings. Our goal is to ensure that the professional educational needs of all our diverse members are met and even exceeded. So you might be wondering, who is it that determines when a new course needs to be developed, and what is the process used to approve and develop it.

Each year, the International Professional Development Committee works with IRWA Headquarters staff in conducting an annual course assessment. There is a great deal of information to evaluate, some of which includes course statistics, evaluation reports, instructor and course material analyses, as well as the course proposal applications received throughout the year.

The findings from the annual assessment help us identify which courses are most needed. The IPDC prioritizes the courses based on the selected developer's availability, financial constraints and what's required for developing the course materials. The IPDC then projects the number of courses to be developed, revised and reviewed and develops an annual budget projection as well as a prioritized list of courses to submit to the International Executive Committee for consideration.

The need for a new course can stem from a variety of reasons. There may be an emerging topic that requires some specialized skills and training or a need for a more advanced course on a topic. In some cases, changing technology has created new opportunities that should be explored in course format. In addition to the standard method involving a response to a Request for Proposal, we receive unsolicited applications for new courses as well as recommendations from various Task Forces or International Committees.

Another method by which a new course will come about is when a seminar, presentation or workshop put on by a Chapter, Region or individual is determined to have enough content to garner member interest, to be financially viable and meet a current or future educational need that fills a gap in the existing IRWA

curriculum. If the IPDC determines it should be added to the IRWA curriculum, then IRWA HQ staff will coordinate the initial development and the pilot delivery of the new IRWA course.

The Standard Course Proposal Application Process is a six-step process:

1. A new course Request for Proposal is disseminated to interested stakeholders.
2. Qualified applicants submit an application to the IPDC.
3. IPDC and appropriate International Committee review the proposal.
4. IPDC selects qualified course developer.
5. Funds are requested and secured from the Education Foundations.
6. IRWA Headquarters staff coordinates and executes the contract and issues a letter of decision to the selected developer.

As far as timing is concerned, the variables involved with new course selection and prioritization make it difficult to establish a typical timeframe. While the IPDC and IRWA staff make every effort to expedite the process, it can easily take a year or more until a new course is piloted and offered to members.

For more information, the most recent IPDC Policies and Procedures Manual from August 2012, can be found on the IRWA website on the IPDC resources page. Included in the manual are appendices and tables that outline the application and review/approval process involved in developing new courses.

*Following a 30-year career working for the U.S. Army Corps of Engineers in the Real Estate Division of the St. Louis District, Cynthia retired in 2012.*

*She has experience in property management, disposal, acquisition and relocation assistance, and assisted with acquiring easements for the levee rehabilitation project in New Orleans, LA.*

*Serving in her third year on the IPDC, Cynthia is also a member and former Chair of the International Asset Management Committee.*



## Railroad-Safety Tips for Commuters:

- ◇ When boarding the train, please allow the other passengers to exit the car before stepping on board. Never jostle or push past people who are trying to alight at their station. Hold the handrail and watch your step when boarding and detraining.
- ◇ Do not stand in front of the doors once you have boarded the train. Find a seat or move to the center of the car. If standing, hold the hand rail or seat back while the train is in motion.
- ◇ Always offer a seat to those who may need it more than you do, such as an elderly or disabled passenger. Mothers with small children should also be given priority. Be gracious, willing and act quickly when you see a fellow passenger in need of assistance. Seats located near the door are reserved for such passengers.
- ◇ Assist fellow passengers with large bags, mothers with large strollers, and elderly passengers who might find the step off the train difficult.
- ◇ Always use the hand holds and handrails when moving about the passenger car or climbing and descending the stairs.
- ◇ Never or place your feet on the seat opposite of you. Do not take up additional seats with your bags, unless there are very few passengers. Store your items below your seat or on your lap.
- ◇ Use a quiet voice when speaking with fellow passengers or using the cell phone. Most passengers will be working, reading or resting and will appreciate it.
- ◇ If riding on the Quiet Car, please refrain from loud talking and use headphones for music and computers. Please keep the volume at a level that will not disturb your neighbors.
- ◇ Gather your coffee cup, wrappers, papers or other waste and dispose of it properly as you exit the train.



**Christos Sourmelis**  
ROW Crossings Coordinator  
SCRRA-Metrolink

Use a quiet voice when speaking with fellow passengers or using the cell phone. Most passengers will be working, reading or resting and will appreciate it.



Robert M. Lea, MAI  
John J. Gobbell, Jr., MAI

1635 Pontius Avenue  
Los Angeles, CA 90025  
(310) 477-6595 Fax: (310) 914-0249  
E-Mail: info@leaassoc.com

- Preliminary budgeting for alternate project sites
- Acquisition appraisals
- Expert testimony
- Reuse market studies and appraisals
- Valuation of public real estate for financing or disposition



**Valentine  
Appraisal &  
Associates**

Agricultural  
Commercial  
Industrial  
Residential  
Right of Way

**Gary Valentine**

MAI, ASA, SR/WA, CCIM

Certified General Real Estate Appraiser AG6526

Phone: 661.288.0198

Fax: 661.288.0197

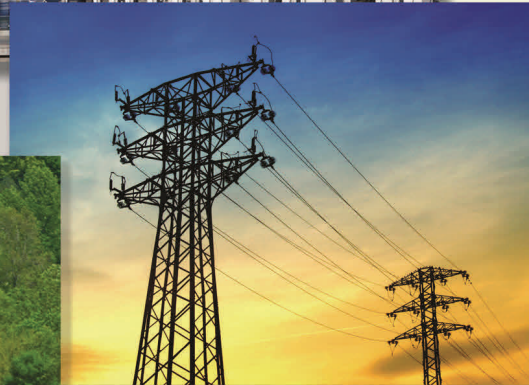
[gsv@valentineappraisal.com](mailto:gsv@valentineappraisal.com)  
[www.valentineappraisal.com](http://www.valentineappraisal.com)

23942 Lyons Avenue, Suite 212, Santa Clarita, CA 91321

Contact us today to share your expertise, announcements and

## Overland, Pacific & Cutler, Inc.

***Right of Way Services  
for your Project Team***



***Building relationships,  
delivering projects.***

Right of Way Acquisition  
Program Management  
R/W Risk Management  
Relocation Assistance  
Real Estate Appraisal  
Project Cost Studies  
R/W Data Sheets  
Utility Coordination  
Property Management

*Benefit from the strength of our experience and the commitment of our people.*

800.400.7356 | [www.OPCservices.com](http://www.OPCservices.com)

Visit us on the web [www.irwa-chapter1.org](http://www.irwa-chapter1.org) for latest Chapter 1 news and announcements

**Photos: Tri-Chapter Luncheon – December 11, 2012**



*Tri-Chapter Luncheon—December 11, 2012 was hosted by Chapter 67 and found its setting in the Marconi Automotive Museum in Tustin, California; some of the automobiles there had high price tags and some were priceless*



**Epic Land Solutions, Inc.**

*Right of Way/Real Property Services*

UDBE– CA Underutilized Disadvantaged Business Enterprise  
M/W/ESB– OR Minority, Women, Emerging Small Business

*Services Offered*

- Project Management
- Negotiation/Acquisition
- Feasibility/Cost Studies
- Cost Estimating
- Construction Mitigation
- GIS & Database Development
- Appraisal & Appraisal Review
- Community Outreach
- Title Examination
- Documentation & Records Management
- Relocation Assistance
- Temporary Relocation
- Utility Relocation
- Property Management
- Demolition & Clearance
- Excess Land Disposal
- Franchising/Permitting
- Site/Route Selection
- Due Diligence
- Asset Management

*Qualifications*

- Licensed Real Estate Brokers
- Licensed Real Estate Sales Persons
- Senior Right of Way Members (SR/WA)  
*of the International Right of Way Association*
- Licensed General Contractor
- Certified Property Manager (CPM®)
- Commissioned Notaries
- Certified Public Accountant
- Bilingual Agents

**CREATING LAND SOLUTIONS FOR THE PUBLIC GOOD**  
[www.EpicLand.com](http://www.EpicLand.com)

2601 Airport Drive  
Suite 115  
Torrance, CA 90505  
(310) 626-4848

3850 Vine Street  
Suite 200  
Riverside, CA 92507  
(951) 321-1800

2815 Camino Del Rio So.  
Suite 245  
San Diego, CA 92108  
(619) 822-2763

9600 SW Oak Street  
Suite 570  
Portland, OR 97223  
(503) 213-3977

*Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!*

Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



## California's Boutique Eminent Domain Law Firm

CALIFORNIA  
**EMINENT DOMAIN**  
LAW GROUP

a Professional Corporation—Attorneys at Law

Trusted by California agencies  
to provide the highest quality and  
most cost effective legal service  
in eminent domain matters



A.J. Hazarabedian  
Glenn L. Block  
Artin N. Shaverdian

**(818) 957-0477**  
(818) 957-3477 (fax)  
info@caledlaw.com

3429 Ocean View Blvd., Suite L  
Glendale, California 91208  
www.caledlaw.com

Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!

Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



**Converse Consultants**

Geotechnical Engineering  
Environmental & Groundwater Science  
Inspection & Testing Services

**Corporate Office**

222 E. Huntington Drive, Suite 211  
Monrovia, CA 91016  
Ph (626) 930-1200 | Fax (626) 930-1212  
Contact: Norman Eke  
Senior Vice President/Managing Officer  
neke@converseconsultants.com

**Other Southern California Locations**

10391 Corporate Drive  
Redlands, CA 92374  
Ph (909) 796-0544 | Fax (909) 796-7675

185 E. Paularino Avenue, Suite B  
Costa Mesa, CA 92626  
Ph (714) 444-9660 | Fax (714) 444-9640

40810 Country Center Drive, Suite 100  
Temecula, CA 92591  
Ph (951) 696-4851 | Fax (951) 445-4301

[www.converseconsultants.com](http://www.converseconsultants.com)



Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



WWW.DMAVALUE.COM  
(310)216-1400

# DM&A

DESMOND, MARCELLO & AMSTER  
ESTABLISHED 1968

## APPRAISALS OF LOSS OF GOODWILL FIXTURES & EQUIPMENT

AARON AMSTER  
MADELEINE MAMAUX  
MARCUS PIGROM



### *Natasa Lenic*

**Relocation Planning Consultant**

- Relocation Plans • Replacement Housing Plans • Cost Estimates • Escrow Accounts • Compliance with CGC 7260, CCR Title 25, URA, HUD, LIHTC, TCAC, CDLAC • Budgets • Property Management • RE Broker

310.720.9517

nLenic@excite.com

Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!

Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



Build it. Grow it. Fight it. Lead it.  
 Defend it. Change it. Solve it.  
 Close it. Protect it. Win it.

LOS ANGELES  
 SAN FRANCISCO  
 ORANGE COUNTY  
 SACRAMENTO  
 WASHINGTON, DC  
 ARLINGTON  
 AUSTIN

**MAKING IT HAPPEN.**

Right-to-take challenges. Valuation disputes. Relocation issues.  
 Business goodwill negotiations. Pre-condemnation delay claims.

No matter what your *it* is, Nossaman gets results. Rely on a law firm that understands your eminent domain issues and delivers effective solutions. You define success. Together, we make it happen.

Check our record: [www.nossaman.com/eminentdomain](http://www.nossaman.com/eminentdomain)

 **NOSSAMAN** LLP  
[nossaman.com](http://nossaman.com)

Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!

Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



Visit us on the web [www.irwa-chapter1.org](http://www.irwa-chapter1.org) for latest Chapter 1 news and announcements

Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)



Program/Project Management

Appraisal and Appraisal Review

Right of Way Services

Property Management

Real Property Acquisition

Title Research/Due Diligence

Relocation Assistance

Federal and State Permitting



*Paragon Partners Ltd.*

*...a pattern of excellence*

**888-899-7498**

**[www.paragon-partners.com](http://www.paragon-partners.com)**

Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!

**Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)**



**Results Oriented and  
Focused on Success . . .**

**Results Count**

**Attorneys You Can Count On**

- John C. Murphy**
- Douglas J. Evertz**
- Jennifer W. Dienhart**
- Jennifer Riel McClure**
- Brad B. Grabske**
- Emily L. Madueno**
- Katherine K. Meleski**
- Lisa J. Lambert**
- Avi M. Attal**
- Ali V. Tehrani**



**650 Town Center Drive, Ste. 550  
Costa Mesa, CA 92626  
(714) 277-1700  
www.murphyevertz.com**

**Photos from Tri-Chapter Luncheon – December 11, 2012 (continued)**



*"Working Late for your Energy Needs"*

**A HIGHLY QUALIFIED STAFF WITH OVER 200 YEARS OF COMBINED EXPERIENCE!**

***Specializing in***

- Oil & Gas Title and Leasing • Right-of-Way Acquisitions, Options, and Pre-Litigation Review
- Due Diligence • Contract Negotiations • Project Management • Title Review and Analysis • Abstracts of Title • Preliminary Route Feasibility Assessments • Title Reports • Division Orders • Water Disposal Wells
- Facility Lease Acquisitions • Permitting • Entitlements • Surface Waivers • Public Relations
- Litigation/Environmental Title Abstracts • Wind Energy Land Management • In-House Contract Services • In-House ArcGIS Mapping
- Solar Energy Land Management • Surface Damage Negotiations • Expert Witness Deposition and Testimony

Richard C. Peace, President  
[Rick@WhiteWolfLand.com](mailto:Rick@WhiteWolfLand.com)

Tyler W. Tilbury, Project Manager  
[Tyler@WhiteWolfLand.com](mailto:Tyler@WhiteWolfLand.com)

1412 17th Street, Suite 560  
Bakersfield, California 93301

661.324.WOLF (9653) • 661.283.8643 (Facsimile)  
Toll Free 877.600.WOLF (9653)

Visit our website at [www.WhiteWolfLand.com](http://www.WhiteWolfLand.com)

Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!



19210 S. Vermont Avenue, Building A, Suite 100  
Gardenia, CA 90248  
Phone: (310) 538-0233  
www.irwaonline.org



Hodges Lacey & Associates, LLC

Fixtures, Machinery & Equipment

APPRAISALS · CONSULTING · LITIGATION SUPPORT

Rich Hodges, ASA

Cell: (310) 528-0608

844 9th Street, Unit 5  
Santa Monica, CA 90403

Office: (800) 308-9860

Fax: (800) 934-8092

rich@hlappraisal.com

www.hlappraisal.com

**Coming Soon!**

**Course 105:**

**The Uniform Act Executive Summary**

## Course 105: The Uniform Act Executive Summary

### Course Description:

Combining both regulatory information and practical considerations, this one-day course will benefit anyone who wants to learn more about the Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970, as amended, and will provide a better understanding of land acquisition activities that receive federal financial assistance or that utilize federal regulations. Participants will have knowledge in relocation assistance and the steps in a typical land acquisition project; specifically, project components and impacts on both project schedules and budgets.

### Credentialing:

- **Generalist:** A **beginning** course that can be applied towards the RWA, ARWP or RWP program.
- **Specialist:** Required course for the R/W-URAC program.

### Topics:

- Key components of land acquisition activities
- Federal land acquisition and relocation assistance requirements
- Steps in a land acquisition project

### Course Tuition Includes:

- Participant Manual
- Federal Register

### Required Materials:

- Financial Calculator

### Recommended Materials:

- Principles of Right of Way Textbook (desk reference)
- Real Estate Dictionary

### Who Should Take This Course:

- This course is intended for administrators, appraisers, engineers and managers with little or no background in the relocation program who want to learn more about the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.



## Topics & Speakers

### The Right of Way Engineering Process

Right of Way Engineering consists of researching public records, conducting land surveys and determining existing land boundaries, overlaying the proposed design limits over the existing land boundaries, and preparing the necessary legal descriptions and plats for the conveyance of land title rights, such as permanent easements, fee title grants, and temporary construction easements between parties in both the private and public sector. This presentation will step through the above process so that others involved in the land acquisition process will better understand the role of the surveyor and his/her responsibility to the client, other team members, and the public.

**Speaker:** Jeremy Evans, PLS, Psomas

Mr. Evans has 36 years of professional land surveying experience. He specializes in boundary determinations, topographic surveying (including the use of 3D Laser Scanning), computerized mapping, and right-of-way surveying and mapping. As the Corporate Technical Survey Director for Psomas, Mr. Evans is responsible for developing and monitoring all technical aspects and quality assurance on surveying and mapping projects including freeway and highway routes, right-of-way surveying and mapping, and boundary surveys for public and private agencies. Over and above his responsibilities at Psomas, Mr. Evans teaches land surveying classes at Santiago Canyon College. These classes include the Public Land Survey System, Land Descriptions, Boundary Surveying and Analysis, Geodesy and State Plane Coordinates, Route Surveying, Measurement Analysis and Adjustment, Photogrammetry, and GPS. He is also an instructor for the land surveyor exam review workshops presented by several chapters of the California Land Surveyors Association.

### Practice and Pitfalls of removing items from a Preliminary Title Report

One of the most interesting issues in title is how and why certain items in a Preliminary Title Report are shown. This is called the quest to remove said items by the proposed insured. This type of due diligence is put on the proposed insured or their agents to provide proof to title that certain items can be removed by certain evidence. This will be a discussion about finding out that since the due diligence is not part of the title scope of services on the unit, how to go about removing 1) an older CC&R, Easement, 2) Money matters that should have been released, 3) Vesting issues due to uninsured/handwritten recorded deeds, 4) Deeds with bad legal descriptions, 5) Tax Deeds, 6) Judgments/Liens, etc.

**Speaker:** Chris Maziar, Assistant Vice President & Commercial Title Officer, Lawyers Title Company  
Chris has been in the title industry for 27 years. He has

specialized in special governmental projects, wireless and power projects, commercial, industrial and investment transactions. For the last 20 years, Chris has been based out of Orange County and has served as a title officer and has held other positions as a title plant supervisor, title operations manager, examiner, sales and customer service. Chris has been involved in numerous major land projects within the Southern California region consisting large freeway expansions, resort expansions, wireless cell towers, solar projects and county and city engineering projects. Notable closings include the Disneyland expansion, Cal Trans Freeway Widening Project, Gestamp Solar Project in Blythe, SCE Edison Project and SDGE (Sempra) Project. Chris works with a team of coordinators and examiners and is a big proponent of paperless solutions.

### ALTA/ACSM Land Title Surveys

There is a national set of procedures for surveys prepared in connection with the issuance of title insurance. The criteria for such a survey is the American Land Title Association/American Congress on Survey & Mapping standards, also known as ALTA/ACSM. These provisions include the requirement to prepare a standardized plat, map or record of such surveys, all of which is to be acceptable to a title insurance company for purposes of insuring title to real property free and clear of survey matters

**Speaker:** Dave Woolley, PLS, D. Woolley and Associates

Mr. David E. Woolley is a licensed Professional Land Surveyor with over 25 years experience in the land surveying industry servicing diverse clientele, in both the private and public sector. Mr. Woolley is well versed in state laws, local ordinances and standards of practice. He is often consulted as a specialist for work that ranges from property boundary disputes, map checking, horizontal and vertical geodetic control, ALTA/ACSM Land Title Surveys and monument preservation. It is this experience that makes him one of the most sought after for surveys that involve litigation. In the last ten years he has been involved with more than 40 cases, in both state and federal court.

### Acquiring Railroad Rights of Way

Many Acquisition Agents think that "dirt is dirt". While this may be true, acquisition of railroad rights of way seem to be a slightly different animal with a language all its own. Railroad rights of way can be owned and operated by different entities, and sometimes, acquisition of property rights may not get you onto the property. This presentation will give you an overview of railroad operations, history and some insight into how railroad companies deal with property acquisitions – whether it's for the railroad company, or from it.

**Speaker:** James Staudinger, Right of Way Manager, HDR

James Staudinger is the Southern California Real Estate Services Manager for HDR. He has over 30 years of right of way experience and has managed all major functions of real estate delivery, including Acquisition, Relocation, Appraisal, Property Management, Local Assistance, Excess Land Sales, Utility Relocation, Planning and Management, and Condemnation Support. He previously held the positions of Deputy District Director of Right of Way for Caltrans District 12 and Right of Way Manager for the Central Puget Sound Regional Transit and the Orange County Transportation Authority.



2013

## Winter Education Seminar

February 12, 2013

Holiday Inn

2726 South Grand Avenue,  
Santa Ana, CA 92705

# Registration Form

## 2013 International Right of Way Association Winter Education Seminar

Name: \_\_\_\_\_

Chapter No./Member No.: \_\_\_\_\_

Company: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Amount Submitted: \_\_\_\_\_

Date: \_\_\_\_\_



Please Register Early as Space is Limited

\$75 for IRWA Members; \$85 for non-IRWA members (if received on or before January 29, 2013)

\$85 for IRWA Members; \$95 for non-IRWA members (if received after January 29, 2013)

Registration Includes Lunch

Please Make Checks Payable to:

**IRWA Chapter 67**  
c/o Teri Kahlen  
HDR Engineering  
3230 El Camino Real, Suite 200  
Irvine, CA 92602-1377  
(714) 730-2346  
Teri.Kahlen@hdrinc.com

Continuing Education:

IRWA - SR/WA recertification credit approved  
MCLE, OREA and Landmen Association  
recertification pending approval

Sponsorships available for \$100  
Included will be opportunities to display your company signs and provide marketing brochures.  
Funds go to accreditation fees to MCLE and OREA and continental breakfast.

# Schedule

7:30 - 8:00 am  
Registration and Continental Breakfast

8:00 - 9:15 am  
**The Right of Way Engineering Process**  
Speaker: *Jeremy Evans, PLS, Psomas*

9:15 - 10:15 am  
**Practice and Pitfalls of removing items from a Preliminary Title Report**  
Speaker: *Chris Maziar, Title Officer, Lawyers Title Company*

10:15 - 10:30 am  
Break

10:30 - 11:30 am  
**ALTA/ACSM Land Title Surveys**  
Speaker: *Dave Woolley, PLS, D, Woolley and Associates*

11:30 am - 1:00 pm  
Networking/Lunch

**Luncheon Topic and Speaker**  
**Acquiring Railroad Rights of Way**  
Speaker: *James Staudinger, Right of Way Manager, HDR*

Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!



# FREE COURSE OFFERING

## Exclusively for Chapter 1 Members in 2013!

GREAT NEWS! The Membership Committee Co-Chairs are very happy to share this exciting information with you!! At the September 25 meeting of the Chapter 1 Board of Directors, a pilot program was approved that will provide educational incentives in 2013 to benefit all current and new Chapter 1 members.

Every Chapter 1 member who pays their 2013 membership dues will receive a voucher in January that can be redeemed for a FREE one-day Chapter 1 sponsored IRWA course through the end of 2013. The one-day credit voucher can also be applied as partial payment for multiple day courses sponsored by the chapter.

Chapter officers and committee chairs understand that times are tight and that many organizations may only provide limited reimbursement for professional dues and educational programs. We hope that this educational voucher program will provide a great benefit to chapter members and become an incentive for membership renewal, as well as aid in the pursuit of IRWA certification and designations. More information and specific details on the program will be provided in future emails and in the next newsletter, or feel free to contact one of the Membership Co-Chairs listed below.

Diane Dominguez  
Real Estate Officer, MTA  
(213) 922-5253, [DOMINGUEZD@metro.net](mailto:DOMINGUEZD@metro.net)

Marilyn Stuart, SR/WA, RW-NAC  
Real Property Agent, Sanitation Districts of Los Angeles County  
(562) 908-4288, ext. 2756, [mstuart@lacsdc.org](mailto:mstuart@lacsdc.org)

Charles A. Thomas, SR/WA  
Real Estate Appraiser, Southern California Edison  
(626) 302-4186, [charles.thomas@sce.com](mailto:charles.thomas@sce.com)

### 2012 – 2013 Officers and Executive Board

<b>President</b> International Director	David Graeler, Esq. Nossaman LLP	(213) 612-7800	dgraeler@nossaman.com
<b>President-Elect</b> International Director	Kenneth Stanberry, SR/WA Port of Los Angeles	(310) 732-3525	kstanberry@portla.org
<b>Treasurer</b>	Theresa Armistead Overland, Pacific & Cutler, Inc	(951) 207-7890	tarmistead@opcservices.com
<b>Secretary</b>	Norman S. Eke Converse Consultants	(626) 930-1260	neke@converseconsultants.com
<b>Professional Development</b>	Andrew Thompson, SR/WA * Southern California Gas Company	(213) 244-5032	athompson@semprautilities.com

### 2012 – 2013 Appointed Committees (Alphabetically)

<b>Asset Management</b>	Kelly Kitasato, R/W-AMC City of Pasadena	(626) 744-7356	kkitasato@cityofpasadena.net
<b>Communication &amp; Newsletter Editor</b>	Natasa Lenic Relocation Planning Consultant	(310) 720-9517	natasa.lenic@yahoo.com
<b>Education</b>	Tom Hanley, P.E. * Crimson Pipeline	(562) 285-4128	thanley@crimsonpl.com
<b>Engineering/Surveying</b>	Art Cordero City of Los Angeles	(213) 482-7179	apcor75a@yahoo.com
<b>Environmental</b>	Norman S. Eke Converse Consultants	(626) 930-1260	neke@converseconsultants.com
<b>Fall Conference</b>	Kelly Kitasato, R/W-AMC, Co-Chair City of Pasadena	(626) 744-7356	kkitasato@cityofpasadena.net
	David Graeler, Esq. Nossaman LLP	(213) 612-7800	dgraeler@nossaman.com
<b>Law</b>	Michael F. Yoshiba, Esq Richards Watson & Gershon	(213) 626-8484	myoshiba@rwglaw.com
<b>Local Public Agency</b>	Kelly Kitasato, R/W-AMC City of Pasadena	(626) 744-7356	kkitasato@cityofpasadena.net
<b>Luncheon</b>	Aaron Aftergut Integra Realty Resources—Los Angeles	(818) 290-5434	aaftergut@irr.com
<b>Membership</b>	Marilyn Stuart, SR/WA, R/W-NAC, Co-Chair Sanitation Districts of LA County	(562) 908-4288 ext. 2756	mstuart@lacsdsd.org
	Diane Dominguez, Co-Chair LACMTA	(213) 922-5253	dominguezd@metro.net
	Charles Thomas, SR/WA, Co-Chair Southern California Edison	(626) 302-4186	charles.thomas@sce.com
<b>Nominations &amp; Elections</b>	Konstantin Akhrem, SR/WA * Relocation Assistance Specialist	(310) 617-0251	konstantin@irwa-chapter1.org
<b>Pipeline</b>	Gary Valentine, SR/WA, MAI * Valentine Appraisal & Associates	(661) 288-0198	gsv@valentineappraisal.com
<b>Relocation</b>	Dionisio (Dio) Marquez, Co-Chair Del Richardson & Associates	(310) 645-3729 ext. 226	dionisio.marquez@drainc.com
	Konstantin Akhrem, SR/WA *, Co-Chair Relocation Assistance Specialist	(310) 617-0251	konstantin@irwa-chapter1.org
<b>Transportation</b>	Darryl Root, JB, MBA, R/W-RAC Paragon Partners Ltd	(714) 379-3376 ext. 213	droot@paragon-partners.com
<b>Utilities</b>	Mangione Mitchell Southern California Gas Company	(213) 503-1791	mmitchell@semprautilities.com
<b>Valuation</b>	William Larsen, SR/WA *, Co-Chair Integra Realty Resources—Los Angeles	(818) 290-5428	wlarsen@irr.com
	Brad Thompson, MAI, SR/WA, Co-Chair Mason & Mason	(818) 957-1881	bthompson@mason2.com
<b>Webmaster</b>	Konstantin Akhrem, SR/WA * Relocation Assistance Specialist	(310) 617-0251	konstantin@irwa-chapter1.org

*Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!*

Join...

Participate...


Grow...

## IRWA - Chapter 1

IRWA Headquarters Address  
19210 S. Vermont Ave., Building A, Suite 100  
Gardena, CA 90248  
Phone: 310-538-0233  
[www.irwaonline.org](http://www.irwaonline.org)

IRWA Chapter 1 - your valuable partner  
in the advancement of your career.

VISIT OUR  
WEBSITE  
OFTEN



Your computer may be showing old web pages of our web site from temporary files stored by your browser. To be sure you are viewing the *current* content, hit the "refresh" button in your browser.

[www.irwa-chapter1.org](http://www.irwa-chapter1.org)

**Members' NEWS Welcome.** Chapter 1 members are welcome to submit articles of interest for publication in the Chapter's Newsletter. Technical articles may be subject to evaluation and/or revision by the appropriate industry committee.

**Local Public Agencies are welcome to submit news releases, RFP/RFQ, and announcements relevant to the sphere of public real estate and right-of-way practices.** Your news will be published on the chapter's web site and/or this Newsletter.

Members can easily update their contact information simply by sending it to **Natasa Lenic**, Communication Chair:

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

Tel (310) 720-9517

Natasa will update the chapter's distribution list and submit your new contact information to the IRWA Headquarters.

## Editor's Corner:

**Talking Points—New Feature Where You Sound Off—Send Your Response Now:**  
[nLenic@irwa-chapter1.org](mailto:nLenic@irwa-chapter1.org)

1. How informative and timely did you find this issue of our newsletter?
  - A) Extremely timely and informative
  - B) Very informative and timely
  - C) Moderately informative and timely
  - D) Slightly informative and not very timely
  - E) Nothing informative or interesting and outdated
2. What did you like most in the newsletter?
  - A) Legal case of the month
  - B) Committee reports
  - C) Photos
  - D) Announcements
3. What would you like to see less of in the future?
  - A) Pages
  - B) Photos
  - C) Articles
  - D) Announcements
4. What improvements could be made to the newsletter or Chapter 1 communication methods in general?
5. Are you or your organization advertising in our newsletter? How do you like the ad placement?
  - A) Like it very much
  - B) Ad should be bigger and more prominently featured
  - C) Do not advertise

Visit us on the web [www.irwa-chapter1.org](http://www.irwa-chapter1.org) for latest Chapter 1 news and announcements