

PRESIDENT'S MESSAGE



While some places in the country may be digging their way out of a cruel snowy winter. In the Central Valley of California, signs of Spring are evidenced by new budding vines growing on the grape trellises. It is such a beautiful sight. My current right of way assignment working on the California High Speed Rail Project brings a myriad of experiences and emotions. For IRWA Chapter 1, the month of March brings a joint luncheon with our colleagues from the local chapter of the Appraisal Institute. They have secured a noteworthy speaker, Mr. Don Sepulveda, from Los Angeles MTA (METRO) on Tuesday, March 17 at Stevens Steakhouse in the City of Commerce. Chapter 1's International Directors plan to attend the Region 1 Forum in Tucson, Arizona, March 20-21st. In this edition

of the newsletter you will want to take notice of the Spring Valuation Seminar planned for April 28th, with a well-rounded panel of speakers planned throughout the day for your educational continuation credit. As a reminder our next Chapter 1 luncheon will be scheduled on Tuesday, May 19, so mark your calendars. Spring Forward!

IN THIS EDITION

Updates from PDC - Changes to Right of Way Generalist Career Path

Article 1: Asset Management: Records at the Touch of a Button? Frances C. Impert, SR/WA

Article 2: Legal Case of the Month: Michael Yoshiba, Esq.

IRWA Appraisal Institute Joint Luncheon: March 17, 2015 @ 11:30 am Stevens Steakhouse, City of Commerce.

Spring Valuation Seminar Registration: April 28, 2015. Quiet Cannon, Mentebello.

UPCOMING COURSES

COURSE	DATE/LOCATION	INSTRUCTOR	COORDINATOR
303-Managing the Consultant Process	3/18-19/15 Steven's - Commerce	Mike Heineke, SR/WA	Bill Larsen, SR/WA (818) 290-5428
304-When Public Agencies Collide	3/20/15 Steven's - Commerce	Mike Heineke, SR/WA	Konstantin Akhrem, SR/WA (310) 617-0251
406B-7 hour National USPAP Course - Uniform Standards of Professional Appraisal Practice	3/30/15 Steven's - Commerce	David Layne, SR/WA	Charles Thomas, SR/WA (626) 302-4186
417-The Valuation of Environmentally Contaminated Real Estate	4/15-17/15 Steven's - Commerce	Orell Anderson, MAI	Charles Thomas, SR/WA (626) 302-4186
801-Land Titles	4/30-5/1/15 Steven's - Commerce	Sue Evans	Bill Larsen, SR/WA (818) 290-5428
403-Easement Valuation	5/13/15 Steven's - Commerce	Michael Popwell, SR/WA	Charles Thomas, SR/WA (626) 302-4186
409-Integrating Appraisal Standards	5/14/15 Steven's - Commerce	Jeff Swango, SR/WA	Charles Thomas, SR/WA (626) 302-4186
410-Reviewing Appraisals in Eminent Domain	5/15/15 Steven's - Commerce	Jeff Swango, SR/WA	Bill Larsen, SR/WA (818) 290-5428
603- Understanding Contamination in Real Estate	6/12/15 Steven's - Commerce	Mike Heineke, SR/WA	Charles Thomas, SR/WA (626) 302-4186
900- Principles of Real Estate Engineering	6/25-26/15 Steven's - Commerce	Ralph Brown, SR/WA	Bill Larsen, SR/WA (818) 290-5428

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NEWS FROM THE PROFESSIONAL DEVELOPMENT COMMITTEE

Please note that there have been recent changes to the Right of Way Generalist Career Path

The good news is that the information and all documents with regard to the Generalist Program have been updated on the IRWA website. With the retirement of ARWP Certification, we now have a three-level Generalist Program. The number of credit units of coursework required for each level are as follows:

- RWA Certification – 64 credit units of beginning courses. For details, please see the RWA Program Guide.
- RWP Certification – 80 credit units of beginning, intermediate and/or advanced courses. For details, please see the RWP Program Guide.
- SR/WA Designation – 64 credit units of intermediate and/or advanced courses. For details, please see the SR/WA Program Guide.

Link to Right of Way Generalist Career Path Overview:

<http://www.irwaonline.org/eweb/dynamicpage.aspx?webcode=generalist>

For the list of beginning, intermediate and advanced courses, please see the Course Listing Overview.

https://www.irwaonline.org/EWEB/upload/bundles/2015/Overview_of_IRWA_Courses.pdf

In addition to the Generalist Career Path, IRWA also offers Specialist Certification Programs in six disciplines:

- R/W-AC Appraisal Certification
- R/W-AMC Asset/Property Management
- R/W-NAC Negotiation and Acquisition Certification
- R/W-RAC Relocation Assistance Certification Program
- R/W-URAC Uniform Act Certification Program
- Appraisal Cross Certification Program

Link to Right of Way Specialist Career Path Overview:

<http://www.irwaonline.org/eweb/dynamicpage.aspx?site=IRWA2010&webcode=specialist>

WOULD YOU LIKE TO KNOW WHAT YOU NEED TO DO TO OBTAIN AN IRWA CERTIFICATION?

Your Chapter Professional Development Committee can help you develop a plan to reach your professional goals leading to the prestigious SR/WA designation or a specialist certification.

Chapter 1 Professional Development Committee members are available to provide guidance and assistance with your career path planning. We want to help you reach your professional goals!

Earning an IRWA Professional Certification or the SR/WA designation could expand your employment opportunities, increase salary potential, boost chances for career advancement and demonstrate your professional commitment.

"Never give up on a dream just because of the time it will take to accomplish it. The time will pass anyway."

Earl Nightengale.

Feel free to contact any of the Professional Development Committee Co-Chairs listed below for more information about the IRWA Professional Career Path programs or for questions about the scholarship program or the requirements needed to attain your specific goals for professional development. We're here to assist you!

Marilyn Stuart, PDC Chair - marilyn.stuart.lb@gmail.com – (702) 250-2865

Gus Parcerro - augusto.parcerro@lacity.org - (213) 485-5775

Michael Popwell - michael@mpopwell.com - (323) 874-2384

Joyce Riggs - jriggs@sbcglobal.net – (805)578-2400

Andrew Thompson - athompson@semprautilities.com - (213) 244-5032

Gary Valentine - gsv@valentineappraisal.com - (661) 288-0198

****GREAT NEWS! IF YOU HAVE NOT USED YOUR 2014 CHAPTER 1 FREE COURSE VOUCHER YOU CAN STILL USE IT THROUGH JUNE 30, 2015!****


The 2014 Free Course Voucher will be valid through June 2015 so plan ahead to take advantage of this great benefit if you have not used it yet. The voucher program has been restructured to concur with the new fiscal year and a new voucher period will begin on July 1, 2015!

This is a wonderful opportunity for all Chapter 1 members to help you fulfill your IRWA educational requirements for certifications, SR/WA designation, or to receive continuing education credit.

If you have not yet taken advantage of this wonderful benefit, there are still many more courses that will be offered this year by the chapter.

How do you use the Free Course voucher? All you need to do is contact the course coordinator of any Chapter 1 sponsored class to register. You will send them your registration form and provide the voucher to them. There is copy of the voucher provided below for your convenience. As long as you are a member in good standing, current on your 2015 IRWA membership dues, and have not yet used the voucher during 2014 or 2015, authorization will be provided to the course coordinator for you to receive the appropriate credit.

Your voucher can be redeemed for a free 1-day Chapter 1 sponsored IRWA class or equivalent credit if applied to the tuition of a multiple day class.

	<h2>IRWA CHAPTER 1</h2> <h3>FREE ONE DAY COURSE VOUCHER</h3>
<p>THIS VOUCHER IS REDEEMABLE FOR A ONE DAY CHAPTER 1 SPONSORED IRWA COURSE OR EQUIVALENT CREDIT APPLIED TO ONE DAY OF A MULTIPLE DAY COURSE*</p>	
<p>*Terms of Voucher Usage:</p>	
<p>Valid for IRWA Chapter 1 Members for attendance at Chapter 1 Sponsored Courses Only</p>	
<p>Voucher Use is Limited to the First 10 Enrollees Per Each Chapter 1 Course</p>	
<p>This Voucher NOT Valid for Online Courses, is NOT Transferrable and has NO Cash Value</p>	
<p>Course Registration Must be Arranged in Advance Through Course Coordinator</p>	
<p>MEMBER NAME _____</p>	
<p>COURSE COORDINATOR SIGNATURE _____</p>	
<p>Must be presented to course coordinator at registration - Expires JUNE 30, 2015</p>	



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Asset Management: “Records at the Touch of a Button...?”

LA Metro’s Property Management Section of the Real Estate Department plans to go completely electronic and jump fully into the 21st Century.

By: Frances C. Impert, SR/WA

The Property Management Section of the Los Angeles County Metropolitan Transportation Authority (LA Metro) is undergoing a large project of digitizing all of its records: approximately 5,500 of lease/license/easement files, large railroad acquisition files, Metro’s bus divisions and terminals files, and large railroad maps.

This effort is the brainchild of Thurman Hodges, Manager, who saw an excellent opportunity during a recent department move. With the sheer volume of records, it was simply too easy for files to be misplaced, which often led to wasted staff time searching for files. The project has required months of sorting, boxing, and sending to Metro Records Management for scanning, then shipment to off-site storage. Many outdated files were reviewed, then either scanned and shredded, or sometimes just shredded.



BEFORE: Deep flat files with boxes piling up over the years, and overflowing shelves on the right.



Presently, Property Management is in the process of sorting the approximately 1,000 “revenue” agreement files, those that are invoiced for rent on a regular basis. The hope is to ultimately send these to off-site storage, although for now they will stay in the file room. When the revenue files are finally sent off-site, it would mean managing leases/licenses solely using electronic files. When necessary, hardcopies can be retrieved with one or two days’ notice.

The final leg of this project is to sort and scan the approximately 4,000 “non-revenue” agreement files, such as utility license and easement agreements that do not require recurring invoices. These, too, will be sent to off-site storage.

Managing with Electronic Files

Property Management believes that using strictly electronic files to manage LA Metro’s vast right-of-way and real estate holdings is not only feasible but more efficient. Technologies are already available today that can be utilized, and they get more user-friendly even as they continue to get more sophisticated. For now the iPad, or other similar tablets, are an important tool for real-time access to information even when one is out on the field. Here are just a few examples of how these tools can benefit LA Metro’s Property Management Department:

- Access to electronic copies of lease/license file
- Access to Metro’s right-of-way drawings, Google Maps, LandVision or other Assessor’s records for ownership or property boundary information
- Access to LA Metro’s financial accounting system
- Completing and executing some agreements on site or at the tenant’s office

- Property inspection reports
- Work orders with photos of site conditions to Metro's Facilities Maintenance, such as graffiti, illegal dumping, etc.
- Work orders with photos of site conditions of illegal transient encampments to Metro's Security Department
- Reports to Metro's Environmental Department for problems such as illegally-dumped 55-gallon drums containing hazardous waste/questionable materials, paint, motor oil, etc.

These also have applications for other large agencies in the right-of-way field, and are likely already being utilized by smaller firms. It may still be considered futuristic to some, and it does require a change in mindset from the old ways of property management, which has always been a very paper-driven industry. The goal is not impossible even if the process can be laborious.

The Property Management Section of LA Metro aims to free up valuable office space, make the research and maintenance of records more efficient and accurate, be more environmentally-friendly, and finally help take LA Metro's Real Estate Department into the 21st Century.

Frances C. Impert is a Principal Real Estate Officer at LA Metro, and Chapter 1 Asset Management Chair.



AFTER: The removal of deep flat files made room for an informal conference table and work area, even after the Real Estate Services section of the department moved in their filing cabinets. Property Management's files on the shelves on the right side are slowly disappearing!





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Case of the Month

March 2015

A Primer on the Joys [and Travails?] of Condo Living

Ryland Mews Homeowners Association, Plaintiff and Respondent, V. Ruben Munoz, Defendant and Appellant
(February 20, 2015, Sixth District, 2015 S.O.S. 1065)

This appellate court case illustrates just how complicated, or petty, living in a condominium complex can be for adjoining neighbors.

I. BACK-STORY

The Munoz' are a nice couple living the American dream. They successfully completed a purchase and move into a second-story condominium unit in Santa Clara County. When they completed the purchase, they replaced the existing carpets with hardwood floors to accommodate the spouse's severe dust allergy. Soon thereafter, the occupants of the first-floor unit directly below complained about that, "[T]he noise from upstairs at all hours of day and night became 'greatly amplified' and 'intolerable' so that [the lower unit owners] Cruz and Yborra found it difficult to relax, read a book, watch television, or sleep." The property management services firm for the Association ("HOA"), notified the Munoz' that their alteration of the flooring appeared to have been made without prior approval of the HOA. A legal dispute ensued and the HOA sued the Munoz'.

II. ANALYSIS

The HOA brought a lawsuit seeking an injunction and declaratory relief, alleging that the Munoz' had violated the restrictions applicable to all residents at the time of the floor installation. The HOA sought a preliminary injunction, "restraining and enjoining" the Munoz' from "[m]aintaining hardwood flooring" and from violating other HOA restrictions. The lower unit owners, Cruz and Yborra, signed declarations alleging that without the requested injunction they would continue to suffer "great and immediate irreparable harm in that [Munoz'] hardwood floors create an acoustic nuisance, both violating the neighboring owner's sense of quiet enjoyment, but also [sic] reducing property values for all owners within the Association." In response, the Munoz' submitted declarations describing the spouse's medical condition. The Munoz' also stated that they had received no complaints about noise between the time of installation.

After about 18 months of litigation, the trial court filed its order granting the HOA a preliminary injunction as follows:

[The Munoz'] shall reduce undue transmission of acoustic trespass or nuisance from the subject unit in violation of the governing documents. Such transmissions shall be reduced as follows: . . . 80% of the total flooring area, other than kitchen or bathrooms[,] must be covered with throw rugs or comparable sound[-]dampening material, in particular those areas with heavy travel such as hallways. . . . [The Munoz'] shall present to the Ryland Mews Homeowners Association, through its Board of Directors or design review committee, a proposal for modification to the existing floor covering, such proposal to be within the specific approved guidelines and specifications for floor covering modifications established by the Association. The modification proposal had to be submitted within 30 days. If [the HOA] rejected the proposal in good faith, based on the Association's architectural standards, [the Munoz'] then had an additional 15 days to supplement or revise his proposal. If [the Munoz'] plans were approved, [the Munoz'] had 15 days thereafter to initiate construction of the modifications and 60 days to complete the construction. [The Munoz'] then were required to notify the Association and "cooperate with a compliance inspection."

The Munoz' challenged the validity of the trial court's issuance of the preliminary injunction, but lost. The appellate court weighed two factors: (1) the likelihood that the moving party will ultimately prevail on the merits and (2) the relative interim harm to the parties from issuance or nonissuance of the injunction. The trial court was found to not have exceeded the bounds of reason or contravened the uncontradicted evidence.

A small sampling of the joys and travails that await those who choose condominium living.

MEMBER HIGHLIGHTS



Chapter 1 would like to announce and present the following five (5) new members that were approved during our January Board meeting. Welcome and thank you for joining Chapter 1. We know we can count on you to contribute your time and effort in our Chapter activities. Without our members who volunteer their time, it would not be a success.

CHAPTER 1 WELCOMES ITS
NEW MEMBERS.

Thank you for joining!

Adrienne L. Gray - City of Los Angeles - Los Angeles World Airports

Rachel R Ramos - Los Angeles World Airports, Commercial
Development Group

Charles N. Tabor - Wood Group Mustang

Inez P. Wade - City of Los Angeles - Los Angeles World Airports

Carol Wianecki - City of Los Airport Department



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IRWA AND SCCAI JOINT LUNCHEON AND PROGRAM "Regional Rail Planning in Los Angeles County - The Process, Projects in Planning and Timelines"

LOCATION:

Steven's Steak House
5332 Stevens Place
Commerce, CA 90040

DATE:

March 17, 2015

TIME:

Check-in and
Networking
11:30 am
Lunch and Program
12:00pm

COST:

\$15.00

Free Parking

TOPIC:

Don will discuss the studies that go into choosing regional rail routes, the projects that are currently in planning and at what time frame each is projected to occur. If there is time he will also discuss the proposed High Speed Rail southern portion that is being fast tracked. These projects will each impact the city we live in. They are especially of interest to right of way professionals who are tasked with obtaining the routes needed to make the new transit lines a reality.

SPEAKER:

Don Sepulveda is the Executive Officer - Regional Rail for the Los Angeles County Metropolitan Transportation Authority. He leads the team responsible for Metro's involvement with high speed rail in Los Angeles County, management of the Metro owned commuter rail right-of-way, and Metro's involvement with Metrolink, Amtrak and coordination with the freight railroads. Prior to joining Metro, Don has worked in the private sector as a project manager for railroad infrastructure projects throughout Southern California and other parts of the United States. Don has been working on the high speed train system in California, in one capacity or another, since 1995. In addition to his work in railroad infrastructure, Don has led numerous railroad safety projects

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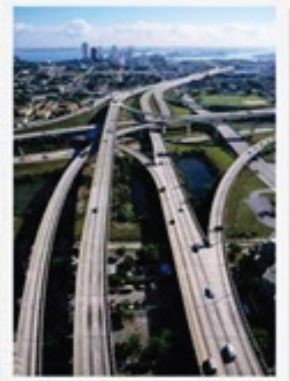
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ANNUAL VALUATION SEMINAR

Tuesday, April 28, 2015

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SEMINAR SCHEDULE

7:45 AM Registration/Continental Breakfast

8:20 AM Welcome & Introductions

Bradford D. Thompson, MAI, AI-GRS, SR/WA
Seminar Co-Chair
William Larsen, SR/WA
Seminar Co-Chair

8:30 AM Agricultural Highest and Best Use - Butter, Margarine or a KB Home?

Robert S. Purdue, MAI, SR/WA
Perdue & Russell Real Estate Appraisal
David Girbovan, ASA
Girbovan, Inc.
Rick Rayl, Esq.
Nossaman LLP

9:35 AM Effectively Educating a Jury on a Just Compensation Case - RCTC vs. Laurel Palms Apartments

Scott Ditfurth, Esq.
Best Best & Krieger LLP
Bradford Thompson, MAI, AI-GRS, SR/WA
Mason & Mason

10:20 AM Break

10:40 AM Fishback v. County of Ventura - Closing the County's Largest Illegal Dump Site

Robert Ceccon, Esq.
Richards, Watson & Gershon
Saskia Asamura, Esq.
Richards, Watson & Gershon
Michael Yoshiba, Esq.
Richards, Watson & Gershon

11:45 PM Luncheon Keynote Address:

The Quest for Entitlements and their Impact on Values

Patrick Spillane
IDS Real Estate Group
David Zoraster, MAI
CBRE

1:15 PM What You May Not Know About Temporary Construction Easements: Ignorance is Not Bliss

David Graeler, Esq.
Nossaman LLP
Artin Shaverdian, Esq.
Nossaman LLP

2:05 PM Using Pretrial Motions to Address Appraisal Problems

A.J. Hazarabedian, Esq.
California Eminent Domain Law Group
Scott Delahooke, MAI
Delahooke Appraisal Company

2:55 PM Break

3:20 PM Interim Business Losses

Jennifer McClure, Esq.
Murphy & Evertz
Emily Madueno, Esq.
Murphy & Evertz
Donna Desmond, ASA
Donna Desmond Associates

4:30 PM Close

Approved - International Right of Way Association for SR/WA Re-certification Credits (SR/WA) 7.5 Course Hours, 100% seminar attendance is required

Applications will be submitted for approval of 7.5 hours of MCLE credit and 7.5 hours of BREA (formerly OREA) credit. 100% seminar attendance will be required for each.



Space is Limited
Please Register Early

ANNUAL VALUATION SEMINAR

REGISTRATION FORM

Name _____ Chapter No.: _____
Firm _____ Member No.: _____
E-mail _____
Address _____
Phone _____ Fax _____

Continuing Education (CE) Credit Needed? ___ Yes ___ No

Type of CE Certificate Needed: ___ BREA ___ MCLE ___ SR/WA Recertification
California State Bar No.: _____ (If applicable)
California Appraisal License No.: _____ (If applicable)

Seminar Registration Fees include luncheon.

Please choose MENU OPTION: ___ Beef; ___ Chicken; ___ Vegetarian

Advance registration (if fee received on or before 4/03/15):

___ \$95 Member; ___ \$105 Non-member

Registration fees received after 4/03/15:

___ \$110 Member; ___ \$120 Non-member

Lunch Only: \$25

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Refund Policy

Any refund requests must be in writing.

50% of the registration fee may be retained if the cancellation notice is postmarked less than 10 days before the program.

Payment is by check only. If you have any questions regarding seminar registration, please contact **Amy Washburn** at awashburn@irr.com

If you have any questions regarding speaker panels or seminar content, please contact Seminar Co-chairs

William Larsen, SR/WA or **Bradford D. Thompson, MAI, AI-GRS, SR/WA**
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Requirements in addition to wanting to work for the most innovative ROW Company around include:

- 4 year college degree
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- IRWA membership
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JOB OPPORTUNITY

County of Los Angeles Department of Public Works+

Valuation Engineer II (Real Estate Appraiser)

\$6,032.64 - \$7,494.18

Requirements: Two years of experience at the level of County of Los Angeles class of Valuation Engineer I* performing appraisals of real property and preparing narrative valuation reports for the purpose of eminent domain acquisition and direct purchase, lease, or sale of real property rights.

Essential Job Functions: performs valuations of all types of real property and property rights, including highly specialized and complex properties involving right of way acquisition, eminent domain, partial acquisitions involving benefits and damages to the remainder parcels; performs valuations of County owned properties for sale, lease, bond financing and other purposes; performs valuation of rental rates for long and short-term leases, leaseback and leasehold interest; reviews and interprets title reports, legal descriptions, engineering data from construction plans, topography maps, design details and cross sections in connection with estimating property values and damages to remainder properties; advises and coordinates with engineering personnel in the solution of complex and difficult right of way and design alteration and relocation problems; advises and assists County Counsel in trial preparations, including expert review of valuation reports submitted by opposing parties in litigation; testifies in court as an expert witness in litigation, including eminent domain acquisition litigation, and in Superior Court trials and depositions; prepares written appraisal reports to be in compliance with applicable laws and standards that govern the various types of reports; reviews and evaluates new legislation and regulations as to its effect upon real property valuations and governmental asset management



Your Partner in Precondemnation Planning and Right-of-Way Acquisition

Nossaman's eminent domain and valuation attorneys partner with their clients to identify practical and innovative solutions to the challenges that arise with critical right-of-way acquisition planning and activities. Our early partnerships with clients maximize their ability to deliver right-of-way on time and within budget.

For more than 70 years, Nossaman has been assisting public agencies on some of the most high-profile public works projects shaping California's infrastructure. Our experienced team of eminent domain attorneys keeps our clients apprised of all noteworthy events in eminent domain.

You define success. Together, we make it happen.



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