

Inside this issue:

President's Message	1
Tri-Chapter Triumph!	2
Newsletter Chair's Message	2
Fall Seminar Smashing Success	3
January 16 Luncheon	4
Upcoming Events	4
Case of the Month	5
PDC News	7
Job Postings	8
2018 Valuation Seminar	8

President's Message

Look out, here comes Chapter 1! We're off to a great start this fiscal year, exceeding expectations at the Fall Seminar on November 2 and the Tri-Chapter Luncheon on December 12. I tip my hat to Fall Seminar Chair Konstantin Akhrem and his committee for delivering double the attendance over last year's Seminar. And I congratulate the 16 members of the Tri-Chapter Luncheon who put on a first-class event at the Petersen Automotive Museum with speaker Therese McMillan, Chief Planning Officer at Metro.

Our next major event is the Valuation Seminar, scheduled February 13 at Quiet Cannon. (See article for further details.) Our next luncheon is on January 16 and will address the sensitive and timely topic of Homeless Encampments on agency land. LA County Department of Public Works, Metro and Southern Cal Edison will participate



Ray Mehler, Ch. 1 President
SR/WA, R/W-RAC, PMP

in a panel discussion to present their thoughts and exchange ideas. Please join us at Luminarias and bring your questions.

I am very pleased with the increasing energy of our chapter; truly we are building upon last year's Chapter of the Year Award. If you haven't jumped in to participate in some way with our chapter, the door is open and we welcome your involvement.

Lastly, do remember our International Conference in June in Edmonton, Alberta, very near the Canadian Rockies! IRWA Headquarters has released our block of hotel rooms, so please make your reservations! As someone who once lived near our Neighbors to the North, I will vouch that Canadians are the most polite people you will ever hope to meet, and they serve superior brews.



Come join the high-voltage right of way energy at an upcoming event!

Ray Mehler, SR/WA, R/W-RAC, PMP

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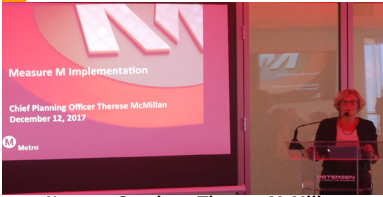
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Tri-Chapter Triumph!



Keynote Speaker: Therese McMillan



Carol Chiodo, Keith McCullough



Joe Villegas, Jennifer Dienhart, Joan Rudisil

Chapter 1 hosted the 2017 Tri-Chapter Luncheon on December 12 at the Petersen Automotive Museum. Almost 150 guests from our neighboring chapters in Orange County and the Inland Empire gathered to enjoy some spirits, network and enjoy excellent fair.

Keynote speaker Therese McMillan, Chief Planning Officer at Metro addressed the transportation agency's long range plans for Measure M and other funding sources, and discussed preparations for the 2028 Olympics.

Chapter 1 presented a Lifetime Achievement Award to Ralph Brown, SR/WA for teaching IRWA professional

development courses for 43 years.

The luncheon was honored with guests from San Francisco, Fresno and San Diego, as well as IRWA Headquarters. Chief Executive Mark Rieck, Sr VP of International Relations Dan Stekol and Director of Field Operations Tim Drennan all joined us from Headquarters.

The luncheon drew large groups from DM&A, Lea Associates, Caltrans, Paragon Partners, MWD, Metro, Murphy Evertz, Epic Land Solutions and OPC.

Chapter Presidents Emily Madueno (57), Artemis Manos (67) and Ray Mehler (1)

addressed the audience with messages from each chapter. Many attendees took advantage of the museum admission included with the luncheon to view the Petersen's outstanding collection of perfectly-restored automobiles.

Special thanks to the Tri-Chapter Committee who started work in late spring to make this event such a success: Artin Shaverdian, Marilyn Stuart, Maria Garcia, Dayna Rothman, Julia Miranda, Diane Dominguez, Nick Estrada-Szamet, Mike Yoshiba, Doug Harman, Greg Tsujiuchi, Darryl Root, Natasa Lenic, Marcus Pigrom, Ann Kulikoff and Konstantin Akhrem.



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Newsletter Chair's Message



David Williams,
Newsletter Chair

Welcome to the 1st Quarter 2018 edition of the Chapter 1 newsletter. This is the second edition in the new format, which has been well-received by our fellow members. One of the ways we gauge this is that, in the past three months, we've seen significant interest from our members in advertising with in these pages. Advertising can make you and your company top-of-mind to any

of the approximately ±220 chapter members, and visibility raises prospects for increased business. Rates for the newsletter vary by ad size and placement, and opportunities are still available. I invite you to contact me at newsletter@IRWA1.org to discuss your specific needs.

It takes a team to put out this newsletter and I'm grateful to Doug Harman in charge of

layout, Marcus Pigrom, ASA as event photographer and Chapter president, Ray Mehler SR/WA, PMP for ongoing and much-appreciated guidance.

As always, I appreciate your feedback and invite you to contact me at the above email address with thoughts, ideas and concerns.

Chapter 1 Fall Seminar a Smashing Success

Chapter 1 hosted its 2017 Fall Seminar on November 2 with the theme “*Focus on Best Practices: Improving the Right of Way Delivery Process.*” Fifteen top-notch presenters focused on best practices to address challenges in right of way delivery. This seminar was consistent with Chapter 1’s brand of high quality education and professional development which it has built over the years.

Survey results showed that the most popular session was *Transportation Project Development and Right of Way*, presented by **Michael Boraks**, PE and **Jason Lemon**, PE, transportation Program Directors at Parsons, who revealed mysteries of the engineering perspective and emphasized the importance of involvement of real estate professionals in the early stages of project development.

The second most popular topic was *Best Practices for Delivering R/W in a Design-Build World*, presented by two members of the California High-Speed Rail Authority (CHSRA) who traveled from Sacramento. This was the first time the audience met the recently-appointed

CHSRA Director of Real Estate, **Jeffrey Mathews**, who brings expertise from public and private sectors. His gracious announcement of the imminent retirement of Deputy Director **Don Grebe** prompted a spontaneous standing ovation.

Other presenters were **Mike Lahodny**, valuation expert at Bender Rosenthal, Inc., **Rick Rayl**, Partner at Nossaman LLC, **Jason Fries** CEO and nationally known forensic expert of 3D-Forensic, **Andrew Nierenberg**, Deputy District Director of Right Way at Caltrans District 7, **Bradley Pierce**, of Pierce Law Firm, PC, and **Chad Herrington**, of Burke, Williams & Sorensen, LLP.

The program featured an expert panel addressing *Cross-Cutting Issues in Relocation and Valuation* moderated by **Uriel Jimenez**, Chief R/E Officer of the City of Los Angeles Bureau of Engineering. The panel included **Beth Finestone**, MAI, AI-GRS, FRICS, CRE of Integra Realty Resources, **Darryl Root**, JD, MBA, R/W-RAC of Overland, Pacific & Cutler, and **Rich Hodges**, ASA of Hodges Lacey & Associates.

William Busch, SR/WA, who travelled from Kentucky, concluded the event using dynamic approach to facilitate an active exchange among the participants and share valuable insights about project coordination and agency communication.

The seminar was fully accredited for recertification by IRWA, California Bureau of Real Estate Appraisers (CBREA), American Society of Appraisers (ASA), and California Legal Education (CLE). It was attended by over 90 professionals and enjoyed 11 generous corporate sponsorships, including *Parsons* as the exclusive Diamond Sponsor.

The seminar theme, very relevant to today’s right of way work, was developed by **Konstantin Akhrem**, SR/WA, R/W-RAC, the Program Chair, who put tremendous energy into recruiting speakers, sponsors and attendees to assemble and deliver a high-value education and networking event. Konstantin led a committee including **Natasa Lenic**, SR/WA, R/W-RAC, **Tom Hanley**, PE, **Julia Miranda**, **Amy Betonte**, and **Diane Dominguez**, SR/WA.



Bernard Johnson, Michael Popwell



Bill Busch leading Project Communications Session



Michael Boraks speaking about Transportation Project Delivery

January 16 Luncheon

Chapter 1 will host a special and timely Panel Discussion at its January 16 Luncheon. LA County Department of Public Works, Metro and Southern Cal Edison will present their approaches to Homeless Encampments.

This is a great opportunity for agency staff or consultants to learn the issues presented by homeless encampments and how some agencies address the challenge. A question-and-answer session will follow.

RSVP today to reserve your seat at Luminarias.

<http://irwa1.org/events/chapter-1-luncheon-january/>

Upcoming Events

- January 16, 2018** Chapter Luncheon: Panel Discussion about Homeless Encampments. LA County DPW, Metro and SCE to present at Luminarias restaurant in Monterey Park
- February 13, 2018** Ch. 1 Valuation Seminar at the Quiet Cannon restaurant in Montebello
- March 20, 2018** Partner Luncheon with Appraisal Institute at Luminarias restaurant in Monterey Park Speaker TBA.
- May 16, 2018** Ch. 1 Luncheon (Board Elections)

Education

Course No.	Course Name	Days	Begin	End	Location	Instructor	Status
506	Advanced Business Relocation Assistance	2	1/24/18	1/25/18	MTA - Downtown	Darryl Root	Confirmed
505	Advanced Residential Relocation Assistance	1	2/22/18	2/22/18	MTA - Downtown	Darryl Root	Confirmed
203	Alternative Dispute Resolution	2	3/14/18	3/15/18	MTA - Downtown	Stephen Kiley	Confirmed
105	The Uniform Act Executive Summary	1	4/5/18	4/5/18	Public Works - Alhambra	Faith Roland	Confirmed
421	The Valuation of Partial Acquisitions	4	5/7/18	5/10/18	Public Works - Alhambra	Castellanos	Confirmed
225	Social Ecology	1	TBD	TBD	TBD	TBD	Pending

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Case of the Month**Rick Rayl, Partner at Nossaman LLP**

Two of the more complicated issues eminent domain attorneys face are analyzing whether government conduct rises to the level of a taking, and whether the government

engaged in precondemnation conduct that gives rise to damages apart from paying just compensation.

In September 2017, a California Court of Appeal decision, [Dryden Oaks v. San Diego County Regional Airport Authority](#), grappled with both issues (it was published a month later).

In *Dryden Oaks*, a developer purchased property near the Palomar Airport in Carlsbad. The property was in an area governed by the San Diego County Airport Authority, which establishes policies for land uses of properties near airports in San Diego County. Without getting too far into the weeds of the complicated fact pattern, the City approved development

of one of the developer's two parcels, over the Authority's objections, but later rejected development permits on the other property, following the Authority's objections to the developer's application.

The developer sued both the County and the Authority. Crucially, as it would turn out, the developer did not sue the City itself.

The developer claimed the Authority's policies (which the City accepted in rejecting the application at issue) constituted a taking of the developer's property. The developer also claimed that the Authority engaged in unreasonable precondemnation conduct, providing a second theory of liability.


(continued on next page)



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Case of the Month (continued)

Rick Rayl, Partner at Nossaman LLP

The Court engaged in a fairly elaborate discussion of takings jurisprudence generally, and regulatory takings in particular. It's too much to go through in a blog post, but if you want a good overview of that area of law, the [opinion itself](#) is worth a read. Ultimately, though, the Court held that the Authority's policies simply could not give rise to a takings claim, because the Authority did not have the power to make land use determinations.

Rather, it was the City that had the power to approve or reject the developer's applications, and it was the City that in fact rejected the developer's plans. The Court explained:

"Because the Authority did not have the ability to make the final

land use determination at issue in this case... the Authority met its burden on summary judgment to show [plaintiff] could not establish this element of its takings claim..."

Because the Court concluded the Authority could not be held liable in inverse condemnation, it also rejected the developer's claim that the County was liable because the Authority was acting as its agent.

The Court went on to discuss the developer's precondemnation damages claim. Again, the Court engaged in a detailed discussion of such claims, but ultimately found the issue fairly easy to resolve. Because neither the Authority nor the County had made any public announcement of an intent to condemn the developer's prop-

erty, neither was liable for pre-condemnation damages.

In the end, the opinion may be most helpful as a primer on both takings and precondemnation damages claims. Aside from that, the opinion likely will have little impact. Legally, it cannot be cited in court because it is unpublished. And factually, it presents an odd fact pattern, where the plaintiff chose not to sue the government agency actually responsible for denying the owner's development applications. (Note that the Court expressed no opinion on whether the City could have been liable for inverse condemnation or precondemnation damages under the facts presented.)



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Important News From the Professional Development Committee

New IRWA Credentialing Program

Get Credentialed in INDUSTRY

http://www.irwaonline.org/eweb/dynamicpage.aspx?webcode=irwa_industry

IRWA's new credentialing program consists of FOUR PATHWAYS that you can choose from to obtain your SR/WA designation depending on what industry experience you have or want to pursue:

- OIL & GAS
- TRANSPORTATION
- ELECTRIC & UTILITIES
- GENERALIST

Get Credentialed in SPECIALTY

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

You may also access information on how to obtain one of the specialty certifications:

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

Select an industry and go through the three simple steps:
LEARN, QUALIFY & CERTIFY



Get Credentialed!



Do you have questions about IRWA certifications or which courses you should take to reach your goals?

Feel free to contact one of the Professional Development Committee Chairs listed below for more information about the IRWA Professional Career Path programs or for questions about the scholarship program, requirements needed to attain your specific goals for professional development or are interested in having a mentor to guide you through your professional educational path. We're here to assist you!

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

Gus Parcero, PDC Co-Chair augusto.parcero@lacity.org - (213) 485-5775

Michael Popwell, PDC Co-Chair michael@mpopwell.com - (323) 874-2384

Joyce Riggs, PDC Co-Chair jriggs@sbcglobal.net - (805) 578-2400

Andrew Thompson, PDC Co-Chair athompson@semprautilities.com - (213) 244-5032


Gary Valentine, PDC Co-Chair gsv@valentineappraisal.com - (661) 288-0198

Important News From the Professional Development Committee (Continued)

Free 1-day Chapter 1 sponsored classroom course through June 30, 2018

- First, send a copy of the voucher to the PDC Chair for authorization
- Then, send your registration form and voucher to the course coordinator





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Voucher Use is Limited to the First 10 Enrollees Per Each Chapter 1 Course

This Voucher NOT Valid for Online Courses, is NOT Transferrable and has NO Cash Value

Course Registration Must be Arranged in Advance Through Course Coordinator

MEMBER NAME _____

COURSE COORDINATOR SIGNATURE _____

PDC CHAIR SIGNATURE _____

Must be presented to course coordinator at registration - Expires JUNE 30, 2018

Job Postings

- Interest Consulting Group, Real Estate Director
http://www.interwestgrp.com/printables/2017/RealEstateDirectorAd_Final9.2017.pdf
- Look for more postings in future newsletters

Valuation Seminar February 13

Chapter 1 will host its 26th Annual Valuation Seminar on Tuesday, February 13 at the Quiet Cannon in Montebello.

Presentation topics include Pre-Taking Project Planning, Highest and Best Use, Access Valuation Issues, Environmental Cleanup Issues of Property Acquired in Eminent Domain, Utilities Takings by Public Agencies, and Acquiring Railroad Right of Way.

Honorable Thomas D. Long will make the luncheon keynote address.

Please register here <http://irwa1.org/events/26th-annual-valuation-seminar/>

Register by January 26 to receive the discounted early bird rate.

Please contact Seminar Chair Bill Larsen (wlarsen@irr.com) with any questions regarding speaker panels or seminar content.

Please contact Millie Taylor (mtaylor@irr.com) with any questions regarding seminar registration.





26TH ANNUAL VALUATION SEMINAR

Tuesday, February 13, 2018

Quiet Cannon Conference Center
901 North Via San Clemente, Montebello



SEMINAR SCHEDULE

7:30 AM Registration/Continental Breakfast

8:10 AM Welcome & Introductions

William Larsen, SR/WA
Seminar Chair

8:15 AM Pre-taking Project Planning – Where Does the Planning Stop and the Taking Begin?

Keith E. McCullough, Esq.
AlvaradoSmith

9:15 AM Highest and Best Use

Michael F. Waldron, MAI
Waldron & Associates
David A. Zoraster, MAI
CBRE

10:15 AM Break

10:35 AM Valuation Issues Related to Access

Regina N. Danner, Esq.
Richards, Watson & Gershon
Frances Wolfe Mason, MAI
Mason & Mason
Jennifer R. McClure, Esq.
Murphy & Evertz

11:50 AM Luncheon Keynote Address:

Hon. Thomas D. Long
Judge, Los Angeles County Superior Court

1:20 PM Environmental Issues & Eminent Domain – Issues Arising in the Acquisition of a Property Undergoing an Environmental Cleanup

Velma Marshall
Deputy Executive Officer, LACMTA
Jason J. Barbato, Esq.
Bergman Dacey Goldsmith
Brian J. Bergman, Esq.
Bergman Dacey Goldsmith
Moderator: **Holly D. Rockwell, SR/WA, R/W-NAC**
Epic Land Solutions

2:35 PM Utilities Takings by Public Agencies

Lisa DeLorme, Esq.
Southern California Edison
Alan A. Sozio, Esq.
Burke, Williams & Sorenson

3:35 PM Break

3:55 PM Acquiring Railroad Right of Way – Issues that Impact Valuation

Bernadette M. Duran-Brown, Esq.
Nossaman LLP
Mitch Alderman
Network Rail Consulting, former Director, SBCTA

5:00 PM Close



26TH ANNUAL VALUATION SEMINAR

REGISTER AT:

<http://irwa1.org/events/26th-annual-valuation-seminar>

Seminar registration fee includes luncheon

Advance registration payments to be received on or before 1/26/18

Public agency managers/staff:

IRWA members (all chapters): \$100 payment received by 1/26/18, \$120 after

Public agency non-members: \$110 payment received by 1/26/18, \$130 after

All others:

IRWA members (all chapters): \$120 payment received by 1/26/18, \$140 after

Non-members: \$130 payment received by 1/26/18, \$150 after

Lunch Only: \$30

If you have any questions regarding *seminar registration*,

please contact **Millie Taylor** at mtaylor@irr.com

If you have any questions regarding *speaker panels* or *seminar content*,

please contact Seminar Chair

William Larsen, SR/WA

wlarsen@irr.com