

President's Message

Greetings Fellow IRWA Members,

It's hard to believe that graduation season is upon us and we're merely days away from welcoming summer. Personally, it's a bittersweet time of year. On the one hand, there's much to celebrate as my daughter graduates middle school in just a few days. Of course, at Chapter 1, we are also celebrating Crimson Midstream, LLC as the Chapter's Large Employer of the Year, Los Angeles County Sanitation Districts as Small Employer of the Year, and Doug Harman as Professional of the Year. Congratulations to all of our awardees. On the other hand, it's the culmination of my time in office as President of Chapter 1 where I've had the pleasure of serving my right-of-way colleagues. Leaving office after four years of service is sure to create a void and will most certainly be a difficult transition.

While my time is coming to an end, the remainder of the chapter officers are moving up and are looking forward to continuing the great work that the chapter has been doing. We are incredibly fortunate to have Natasa



Artin Shaverdian, Ch. 1 President

Lenic as Chapter 1's incoming President, Ann Kulikoff as President-Elect, Craig Justesen as Treasurer, and Diana Knezevic as Secretary. The future of Chapter 1 is bright as Natasa and the board are already hard at work planning the upcoming year. The Past President's luncheon combined with a half-day relocation seminar is already on the books for July 18th. You won't want to miss this seminar as it's sure to be filled with the latest information on relocation and great speakers.

Before I hand off the baton, I would be remiss if I did not recognize and thank my hard-working board for their support and dedication, and of

course the membership at large for entrusting me with the responsibility to lead this great chapter. It's been extremely rewarding to serve as the President of an organization whose talented members are responsible for delivering the most significant infrastructure projects in the country. The work all of you do affects people every day. You are making a real difference when you get people out of cars and onto trains for more productive commutes. You help people get home on-time for family dinners instead of sitting in traffic. You work on projects to deliver housing, water, gas, electricity and other life necessities. You all are making a real difference and should be proud of what you do, and this great organization is an invaluable platform which gives us the tools and opportunities to accomplish these goals. So thank you once again for all that you do and for the opportunity to have a small part in these accomplishments.

Artin Shaverdian



Inside this issue:

President's Message	1
Newsletter Chair's Message	2
Joint IRWA-IA Luncheon	3
Chapter 1 Elections & Awards Breakfast	4
Upcoming Education	5
Region 1 Spring Forum	6
Dissecting the Litigation Appraisal (Pt. 2)	7
PDC Highlights	8
LA Metro's Network of Rail Rights-of-Way	14
Legal Corner	16
Flyer for Upcoming Event	17

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Newsletter Chair's Message



**David Williams,
Newsletter Chair**

Maybe I'm the only one scratching my head over how it got to be the front edge of summer with still no meaningful amount of sunshine, but time is moving fast. Here at Chapter 1, we have new officers and a board with big plans to increase education offerings. There has never been a better time to be on the path to certification, a core mission for the chapter.

Here at the newsletter, we have some worthy articles for your consumption. Asset Management Committee Chair, Frances Impert delves into LA Metro's network of Rail Rights-of-Way, how they were acquired and the impact

of ground leases. Law Committee Chair, Mike Yoshida presents Part II of Dissecting the Litigation Appraisal, and Brad Kuhn discusses the intricacies of Crafting Settlement Agreements in Eminent Domain.

This, plus our showcasing new designees, recertification and new members, upcoming education and more.

On a more sober note, this is my last issue as Newsletter Chair. It has been my privilege to get to know many of you and to work with Doug Harman (layout design), Frances Impert (exacting

proofreader) and Micole Alfaro (intrepid reporter), all of whom helped deliver a newsletter worthy of our membership. I leave the newsletter in the very capable hands of Doug Harman (Professional of the Year, no less!), who I know will elevate the publication to new heights.

Happy summer, everyone!

David Williams is Director of Valuation Services at Colliers International Valuation & Advisory Services (CIVAS). He can be reached at dave.a.williams@colliers.com

Wanted: writers and editors! They said it couldn't be done, but the newsletter is growing. Whether you have just minutes or your entire lifetime to contribute, we would very much like to hear from you. Elevate your professional presence and branding - join the newsletter team! (newsletterchair@irwa1.org)



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Joint IRWA–AI Luncheon

On March 21 at the IRWA and SCCAI annual Joint Luncheon, Marisa Katnish, Director of Strategic Commercial Management at Los Angeles World Airports (LAWA) discussed plans for the agency's Landslide Access Modernization Program (LAMP).

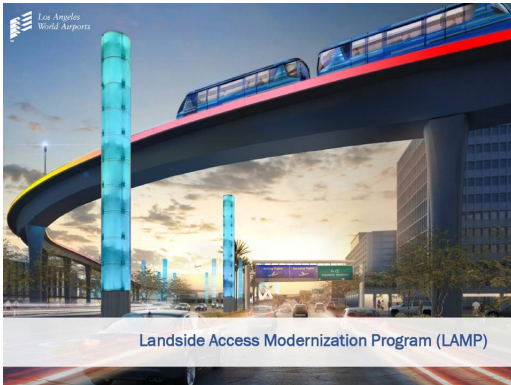
The four-year endeavor will feature a 2.25-mile Automated People Mover (APM) that

will include six stations and carry 200 passengers per train with luggage within ten minutes. The stations or terminal cores will improve circulation and connect departing passengers without baggage directly to the APM.

In 2021 shuttles will transport passengers to and from terminals via an Intermodal Transportation Facility

– West until 2023, when an Airport Metro Connector Station will connect passengers via APM to regional transportation at an Intermodal Transportation Facility – East.

The project implementation will require acquisition of private property and relocation of existing airport uses.



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Chapter 1 Election and Awards Breakfast

The Chapter 1 election and awards breakfast was held on May 23rd at Luminarias Restaurant in Monterey Park. This final meeting of the 2018-2019 fiscal year kicked off with a presentation on the Virgin Hyperloop One project. Ismael Babur, Senior Civil Engineer with the project, explained that the hyperloop is a pressurized aluminum tube in which trains (pods of 15 to 30 people) can travel long distances at a speed of 250 mph. An intercity system can be built on existing rights of way, thus lowering the time and expense of land

acquisition. Virgin has assembled a prototype north of Las Vegas and is working with transportation departments in several areas of the country to construct the initial projects; for example, St. Louis to Kansas City, and Dallas to Fort Worth. Successful implementation of this technology will have far-reaching impacts by greatly reducing barriers of time and distance to move cargo and passengers quickly and safely.

The second half of the program was hosted by ex-president Ray Mehler. The

chapter honored Crimson Midstream, LLC as Large Employer of the Year, Los Angeles County Sanitation Districts as Small Employer of the Year, and Doug Harman as Professional of the Year.

The breakfast concluded with the installation of the incoming 2019-2020 officers, Natasa Lenic as Chapter 1's incoming President, Ann Kulikoff as President-Elect, Craig Justesen as Treasurer, and Diana Knezevic as Secretary. Congratulations new officers and we look forward to a rewarding year.



Ismael Babur,
Virgin Hyperloop One



April Harvey
Crimson Midstream, LLC



Margarita Cabrera
LA County Sanitation Districts



Doug Harman
LA County Sanitation Districts



Left to right: Marilyn Stuart, Ann Kulikoff, Natasa Lenic, Diana Knezevic & Ray Mehler

Upcoming Chapter 1 Education

Course No.	Days	Begin	End	Course Name	Location	Instructor
200	2	19-Jun	20-Jun	Principles of Real Estate Negotiation	MWD - Union Station	Faith Roland

Fiscal Year 2019-20 Chapter 1 Education

Month to be Scheduled	Course No.	Course Name	Course Days	Gen	O&G	E&U	Trans	Location
Sept.	203	Alternative Dispute Resolution	2	X	X		X	TBD
Sept.	225	Social Ecology: Listening to Community	1		X	X	X	Metro Water District
Oct.	201	Communication in Real Estate Acquisition	3	X	X	X	X	TBD
Nov.	215	ROW Acquisition for Pipeline Projects	2	X	X			TBD
Dec.	604	Spot On! (Phase I class)	1	X	X	X	X	Metro Water District
Dec.	802	Legal Aspects of Easements	2	X	X	X		TBD
Jan.	421	The Valuation of Partial Acquisitions	4	X		X	X	TBD
Feb.	230	Oil/Gas Land Basics & Related Surface Rights Issues	1		X			TBD
Feb.	801	United States Land Titles	2		X	X	X	TBD
Mar.	213	Conflict Management	1	X		X	X	TBD
Mar.	900	Principles of Real Estate Engineering	2	X	X	X	X	TBD
Apr.	205	Bargaining Negotiations	2	X				Metro Water District
Apr.	501	Residential Relocation Assistance	2	X			X	TBD
May	400	Principles of Real Estate Appraisal	2	X	X	X	X	TBD
Jun.	218	ROW Acquisition for Electrical Transmission Projects	2	X		X		TBD



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Region 1 Spring Forum, March 15

By Micole Alfaro

Chapter 1 delegates gathered with other IRWA regional representatives at Region 1 Spring Forum in Reno, Nevada on March 15, 2019. Sponsored by Chapter 46, the forum highlighted projects in and around Lake Tahoe to improve mobility and access.

Discussion topics included multi-jurisdictional efforts to improve tourism-related transportation infrastructure, including separating automobiles from bicycles and pedestrians. Several counties, cities and two states having vested interests in these projects, which include completing a bike loop around the lake.

Awards were presented for Region 1 Professional of the Year, Alis Gause of Chapter 44 (Las Vegas) and Young Professional of the Year, Sara Williams of Chapter 27 (Sacramento).

The Forums occur twice a year and provide opportunities for local chapter members to learn about right of way issues unique to other chapters. They also provide opportunities for Region 1 (California, Nevada and Arizona) leaders to learn about issues the Association is involved in and meet as a governance task force.



Left to right: Chapter 44 President Meghan Ricks, Alis Gause and VP, Todd Salvatore.



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Dissecting the Litigation Appraisal (Part 2 of 2)



Michael F. Yoshiba, Esq.,
Law Chair

This is part 2/2 to the last edition, covering specific areas of strength and weakness in appraisal reporting for litigation. Appraisers are not limited to any one specific template for preparing valuation reports for use in condemnation cases. There are two extremes in reporting and I will leave it to you to decide what type best fits your assignment, client needs, or if your comfort level is something in between a Statement of Valuation and Self-Contained Appraisal Report.

STATEMENT OF VALUATION

Statements of valuation must be prepared and exchanged with the opposing side in eminent domain matters for each person the party wants to testify concerning valuation. This format offers the very minimum information requirements. Code of Civil Procedure Section 1258.260 does not require a narrative summary, instead only responses to a few questions.

A few of the key requisite opinions to be included in the statement of valuation are (1) the name of the valuation witnesses, (2) the interest being valued, (3) date of valuation, (4) highest and best

use, zoning and the probability of zone change, and (5) whether there are severance damages. A major benefit with this type of reporting is the simplicity of preparation and minimal costs to assemble this report. Taking and defending depositions verifying the basis for the valuation opinion, however, will likely be lengthy and challenging. Most of the bases for the valuation opinions will not be listed in the Statement of Valuation, therefore new and unanticipated information will emerge that will be used to support or refute the proffered valuation opinions. And notably, this manner of reporting may not comply with USPAP requirements or the oversight and funding agencies on review or audit.

SELF-CONTAINED APPRAISAL REPORT

A Self-Contained Appraisal Report is the most detailed type of valuation report. It contains and describes all information for the solution of an appraisal problem. While far exceeding the requirements for compliance with the Code of Civil Procedure, this will have a comprehensive analysis that your clients will appreciate. Some

clients and agencies require this form of reporting for consistency and thoroughness. Included in the report are the scope of work, purpose of the assignment, valuation methodology, research and data sources, analysis, communications, verifications, descriptions and depictions of properties referenced, and final conclusions used to develop the appraisal. The intended users of the Self-Contained Appraisal Report will find all significant data reported in comprehensive detail. The most thorough reporting also means that it will take the most time to prepare and the most costly. Organizing, sorting, collating, reviewing, editing and proofing this type of report is an absolute necessity. And the more information provided in the report, the more opportunity for contradictory information and statements.

Whichever style of reporting you select or require, be aware of the limitations and strengths of each and be prepared to address each limitation and strength when submitting the report to your client, and before getting ready for deposition and trial.

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Highlights from Chapter 1 Professional Development Committee

Please join us in congratulating the following Chapter 1 Members on their professional accomplishments:

SR/WA Designation:

Micole Alfaro, SR/WA, Bender Rosenthal



Micole Alfaro is an experienced right-of-way professional who has performed residential and non-residential acquisition and relocation assistance services for major corridor improvement projects across the state. In 2008, Micole began his career in the right-of-way industry at Paragon Partners, Ltd., where he analyzed displacement impacts and wrote Environmental Impact Reports for proposed projects. Over the last ten years he has provided residential and commercial relocation assistance services for such key projects as the Central Subway Project in San Francisco, the 91 Corridor Improvement Project in Corona, and has acquired easements for Southern California Gas Company, as part of its Distribution Integrity Management Program. In addition to right of way services, Micole has worked with community and agency partners to improve safety and mobility as a Public Information Officer for the California Department of Transportation. Micole credits the professionals he has worked with for his ability to effectively deliver projects while building public confidence and trust. When not working Micole enjoys traveling with his wife Sheila and kids, David and Mila.

R/W-RAC Certification:

Francisco Mendez, R/W-RAC, Del Richardson & Associates, Inc (DRA)



Francisco "Frank" Mendez has over 11 years of experience as an established relocation professional. Mr. Mendez's work experience over the past 11 years includes working in both the public and private sector projects, working with many of the nation's leading public transportation firms. He has provided permanent and temporary professional relocation services to transit districts, department of transportation, economic and community development agencies, redevelopment agencies, non-profit housing agencies, public housing authorities and private developers.

Prior to right-of-way, he worked as a production assistant for a music festival production company and toured all over the country and Canada. Working with tight schedules and under pressure to make sure events were successful have helped him develop a strong work ethic and become a problem solver. He has successfully achieved his R/W-RAC designation and he is in the process of obtaining his Project Management Professional (PMP) Certification and start working towards his SR/WA designation. In his free time, he enjoys spending time with his family and friends and play the guitar and bass on his spare time.

R/W-AC Cross Certification

Stephen O'Rourke, R/W-AC Cross Certification, BTI Appraisals



Mr. Stephen O'Rourke, Senior Vice President and Certified General Real Estate Appraiser in the States of California, Arizona and Nevada, has been appraising since 2003. He is an ASA, the senior designation of the American Society of Appraisers, in Real Estate. He has obtained the Right-of-Way - Appraisal Certified (R/W-AC) Certification from, and is a member of, the International Right-of-Way Association. He had previous experience appraising real property at KTR Newmark Real Estate Services. Prior to appraising he was in the Enterprise Risk Services division of Deloitte & Touche in Los Angeles. Mr. O'Rourke is a graduate of the University of Southern California with a degree in business administration. He is a licensed California real estate broker and a Marshall & Swift Certified Appraiser. He resides in Sherman Oaks with his wife Megan and two sons, Robbie and Danny, whom he enjoys coaching at Sherman Oaks Little League.

Highlights from Chapter 1 Professional Development Committee (continued)

Please join us in congratulating the following Chapter 1 Members on their professional accomplishments:

SR/WA Recertification:

Joyce Riggs, SR/WA, Riggs & Riggs, Inc.



Joyce L. Riggs, MAI, SR/WA is a real estate appraiser and consultant with Riggs & Riggs, Inc. since 2001. Joyce entered the real estate field in 1988. She holds the MAI designation with the Appraisal Institute, SR/WA designation with the International Right of Way Association, and is certified by the State of California as a General Real Estate Appraiser. Joyce was President of the Chapter 1 - Los Angeles of the International Right of Way Association in 2000, and was President of the Southern California Chapter of the Appraisal Institute in 2003. She has since chaired a number of seminars for both organizations and has served on the Professional Development Committee for Chapter 1 since 2005. Joyce received the Professional Services Award - Presented by International Right of Way Association, Chapter 1 in 2007 and Volunteer of Distinction - Presented by the Appraisal Institute in 2012. Joyce is also an Associate Member of Chapter 47 - Ventura, Santa Barbara, and San Luis Obispo. Joyce enjoys hiking, swimming, and spending time with family.

Joyce is Vice President of Riggs & Riggs, Inc., which is an appraisal and consulting firm in Simi Valley, California. Appraisal and consulting services rendered include expert witness testimony, appraisal report preparation of full and partial acquisitions of fee, permanent easement, or temporary easement right-of-way assignments, and appraisal report preparation for private and lending assignments. Property types include retail, office, industrial, agricultural, mobile home parks, and residential uses, including determination of severance damages and/or benefits for condemnation acquisitions, redevelopment acquisitions, property tax appeals, deficiency judgments, financial decisions, and planning purposes. Appraisal assignments have been undertaken in the counties of Fresno, Kern, Kings, Los Angeles, Madera, Ventura, Orange, Riverside, San Bernardino San Diego, and Santa Barbara. Joyce specializes in the appraisal of partial acquisitions for right-of-way projects, as well as other litigation matters. Joyce has qualified as an expert witness in the Superior Courts of Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties.

Theresa A. Armistead, SR/WA, Regency Right of Way Consulting LLC



Ms. Armistead, the Principal of Regency Right of Way Consulting LLC (Regency), has an accomplished portfolio of delivering projects primarily in the rail and transit industry but has served other public agencies. Regency is her start-up right-of-way firm, established in 2013, and is credentialed as a Federal Disadvantaged Business Enterprise (DBE) and as a Small Business entity with the State of California, Department of General Services. Under Regency Ms. Armistead will bring her experience of directly managing right-of-way professionals responsible for all facets of right-of-way delivery including: project management, acquisition, negotiation, relocation, and property management.

Regency has garnered the technical skill set from comprehending the genesis of project design to undertaking project closeout that may include surplus sales. Ms. Armistead meets educational requirements from attending courses, seminars, conferences and has attained the coveted Senior Right-of-Way Agent (SR/WA) designation from the International Right-of-Way Association; and a B.S. in Public Administration. She also has a Real Estate Salesperson license and is a Notary Public. Having Regency on your team will minimize your agency's financial, legal and political risks associated with acquiring property rights crucial to building large scale infrastructure projects.

Diana Kenzevic, SR/WA, Wagner Engineering & Survey, Inc

Natasa Lenic, SR/WA, LACAL Consulting, Inc.

Important News From the Professional Development Committee

IRWA Credentialing Program

<https://www.irwaonline.org/professional-development/credentialing/>

Get Credentialed in INDUSTRY

<https://www.irwaonline.org/professional-development/industry-path/>

IRWA's 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

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

Get Credentialed in SPECIALTY

<https://www.irwaonline.org/professional-development/right-of-way-professional-career-path-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



Get Credentialed!



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

We are available to provide guidance and assistance with your career path planning. We want to help you reach your professional 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 Parcerro, 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 gsvalentineappraisal.com - (661) 288-0198

As a Chapter 1 Member You are Eligible to Attend a FREE One-Day Chapter 1 Sponsored Class!

Here is your FREE COURSE VOUCHER for the 2018/2019 Fiscal Year!

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. Please check the chapter course listing in this newsletter to make plans to enroll in courses you need and take advantage of the free 1-day course credit.

How do you use the Free Course voucher?

- You will register directly with the course coordinator of any Chapter 1 sponsored class to register.
- First, send a copy of the voucher to the PDC Chair for authorization.
- Next, send your registration form and voucher to the course coordinator to complete registration.

If you haven't redeemed your voucher yet, feel free to use the copy of the voucher provided below for your convenience.

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. The Chapter 1 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.



IRWA CHAPTER 1

2018/2019

FREE ONE DAY COURSE VOUCHER

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*

***Terms of Voucher Usage:**

Valid for IRWA Chapter 1 Members for attendance at Chapter 1 Sponsored Courses Only

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, 2019

The above voucher expires on June 30, 2019. The next newsletter will have a voucher for the 2019/2020 year.

Highlights from Chapter 1 Professional Development Committee

Please welcome the new Chapter 1 Members:

Lawford Crossman is employed with Southern California Gas Company as Land Advisor in the Land & Right-of-Way, Pipeline Integrity Division. He recently started about one month ago but has over 10 years of right of way experience. Previous employers are Overland, Pacific and Cutler as Senior Agent, B & B Energy as General Land Manager and CPR Operations as a Landman. Lawford has already registered for several classes and is pursuing his SR/WA designation. Maddy Rivera referred him to join IRWA Chapter 1.

Regino Buenrostro has been employed with Los Angeles County Metropolitan Transportation Authority (Metro) for 17 years. He has 10 years experience in right-of-way as a Senior Real Estate Officer and 7 years as a Budget Analyst. Reggie is interested in attending IRWA classes and seminars. Craig Justesen referred him to join IRWA Chapter 1.

Karen McLaurin Buresh is President/CEO of PrimeSource Project Management since 2013. Her company provides real estate and right-of-way services for public projects. Karen is an Attorney with over 30 years of right of way experience. From 1989 - 2008, she was with Nossaman specializing in eminent domain law and represented large public agencies. Karen had previously been an IRWA member but membership had lapsed.

Stephania Calsing was employed with Los Angeles County Metropolitan Transportation Authority (Metro) as a part-time Intern for Metro in September 2017 and was then promoted in July 2018 to Transportation Associate I in Real Property Asset Management. Stephania provides administrative support to the department and has no prior right-of-way experience. Currently, she is the luncheon co-chair for Chapter 1 and has assisted with other Chapter 1 events. Stephania is interested in taking classes and attending seminars to obtain a certification. Diane Dominguez referred her to join IRWA Chapter 1.

Jovan Mario Garcia is employed with Crimson Midstream as a Junior Right-of-Way Coordinator. He has 2-1/2 years of right-of-way experience collecting data and providing project support services within the Land Department. Prior work experience was with Overland, Pacific and Cutler as Administrative Project Support. He holds a California Real Estate License and is pursuing his RWA credential to be completed within the year. Jovan was referred by his Manager, April Harvey.

Jeanelyn (Joy) Kwong has been employed with Colliers International for 5 years as Director in the Valuation Department. Joy has 4 years experience in right-of-way and prior experience in appraisal services for the bank industry. Joy is interested in attending classes, seminars and chapter events. Casey Merrill referred her to join IRWA Chapter 1.

Kwan Sing Luu has been employed with Epic Land Solutions for the past 7 years as a Right-of-Way Agent and performs GIS analysis for right-of-way support. Kwan is interested in attending classes, seminars and chapter events and was referred by management to join IRWA Chapter 1.

Haylie Patterson has been employed with Los Angeles County Metropolitan Transportation Authority (Metro) for the past 5 years as Assistant Administrative Analyst in the Real Estate Services Department. Haylie has 5 years experience in Real Estate Acquisition and is a Certified Notary. Prior work experience was with the County of Los Angeles, Parks and Recreation. She is interested in taking classes to obtain a certification. Haylie was referred by Craig Justesen.

Tammy Renee Price began working at Los Angeles County Department of Public Works on May 1, 2018 as Real Property Agent 1 in the Survey Mapping - Property Management Department. Although she has no prior right-of-way experience, she has worked in the real estate industry. Tammy is a licensed Appraiser, licensed Real Estate Agent and Certified Notary. Her intention is to pursue the SR/WA designation and will be attending the various classes and seminars. Alexandra Nguyen-Rivera referred her to join IRWA Chapter 1.

Allan Sanchez began working at Los Angeles County Department of Public Works on May 1, 2018 as a Real Property Agent in the Survey Mapping - Property Management Department. Allan has less than one year of right-of-way experience. His prior experience was working as an Analyst for 5 years for an investment firm and home builder and 6 years working as a real estate agent. Allan is interested in pursuing his SR/WA designation and will be attending the various classes, seminars and chapter events. Alexandra Nguyen-Rivera referred him to join IRWA Chapter 1.

Highlights from Chapter 1 Professional Development Committee (continued)

Please welcome the new Chapter 1 Members:

Maria Santiago has been employed with Los Angeles County Department of Public Works for 10 months as Real Property Agent 1 in the Survey Mapping - Property Management Department. Maria is new to the field of right-of-way and her prior experience was working for the Orange County Assessor's Office as an Assessment Associate and in the banking industry as a Small Business Banker and Mortgage Loan Officer. Maria is interested in obtaining her SR/WA designation and will be attending classes, seminars and chapter events. Alexandra Nguyen-Rivera referred her to join IRWA Chapter 1.

Reynaldo (Rey) Rodriguez is employed with Crimson Midstream in the Right-of-Way Department as a Utility Drafting Coordinator. He has 7 years of right-of-way experience drafting permit drawings and interpreting data related to pipelines and utilities. Prior work experience is with Crimson Pipeline. Ray is certified in AutoCad and is pursuing his RWA certification within the year. Rey was referred by his Manager, April Harvey.

Michael Rottenbiller is employed with Southern California Gas Company as a Senior Land Specialist in Pipeline Safety Enhancement Plan Land Services. He has been with the Gas Company for 4 years, 1 year as full-time employee and 3 years as a contractor. Prior work experience is in urban planning and environmental permitting. Michael is interested in attending classes, seminars and chapter events. Andrew Thompson referred him to join IRWA Chapter 1.

Luis Albert Zometa has been employed with Los Angeles County Department of Public Works for the past 11 months as Real Property Agent in the Survey Mapping - Property Management Department. Luis has 11 months of right-of-way experience and prior work experience in Residential Real Estate. Also, he is interested in attending classes, seminars and chapter events. Alexandra Nguyen-Rivera referred him to join IRWA Chapter 1.



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LA Metro's Network of Rail Rights-of-Way



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The Los Angeles County Metropolitan Transportation Authority (Metro) owns approximately 275 miles of rail rights-of-way spanning LA County: from Lancaster to the north, south to Long Beach, and from Santa Monica on the west to Claremont on the east at the San Bernardino county line. See accompanying regional map on the following page.

Most of these R/W's have active operations for Metro's light rail and subway lines, including the Blue, Red, Gold, Purple, and Expo Lines. The Orange Line, at least for now, is a dedicated bus line that runs along the old Burbank R/W. Some of the R/W's are operated by Metrolink, which is a separate but sister agency. Other operators are Amtrak, along with freight operators Burlington Northern Santa Fe (BNSF) and Union Pacific (UP). Amtrak and freight operations are under shared use agreements.

The rail corridors that comprise the Metro R/W network were acquired in the late 1980's and early 1990's from the freight companies (predecessors of BNSF and UP). Some of the corridors were alignments for the historic Pacific Electric Red Cars. And while Metro has been busy planning and building light rail, subway, and bus projects, greatly expanding its system over the past 30 years, there remains a handful of rail corridors that are

inactive, awaiting Metro transportation projects to be planned and built.

Whether a line is operating or not, however, Metro maintains a portfolio of agreements (leases/licenses/permits) that provide rental income. These include ground leases, pipelines, overhead and underground fiber optic lines, and signboards (static and digital). There are thousands of utility crossing agreements that do not generate ongoing rent.

Over the years, as Metro's system has expanded, and lucrative ground leases terminated to make way for such projects, Metro's annual income from its real estate portfolio has naturally decreased. However, the work of issuing agreements seems endless. This work is handled by Metro's Real Property & Asset Management, headed by John Potts, Executive Officer. There is a staff of four (4) who are assigned territories and issue agreements on their respective lines, along with additional staff who provide support or have other assignments. In 2018, a total of 178 agreements were executed. We are indeed busy, and yet this constitutes only a part of our workload. We also work very closely with the teams that plan and build Metro's rail, bus, and bike & ped path projects. And then there are the special projects that are not easily categorized.

The nature of each line, whether it is operating or non-operating, and by which operating entity, makes for a somewhat complicated process of issuing agreements. Will Metro's Track Allocation be required? Or will it be flagging by Metrolink, BNSF, or UP? Prior to that, all proposed crossings or encroachments require the review of Metro's Engineering, Safety, Construction Management, and Rail and/or Bus Operations.

Even on *inactive* R/W lines, applications still require Metro Engineering to review for railroad loading and height/depth clearance standards – because, of course, we anticipate future transportation projects. Metro's review process can be more complicated than anticipated, especially to applicants who claim that “nothing is going on” along an inactive R/W.

In the same vein, Metro often gets inquiries about purchasing parts of these inactive R/W's. Their claim, you guessed it: “nothing is going on”, or “Metro doesn't need it”. Metro of course is not interested in selling. The rail R/W's were acquired, and are being held, for future transportation projects.

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Map of the rail corridors on next page



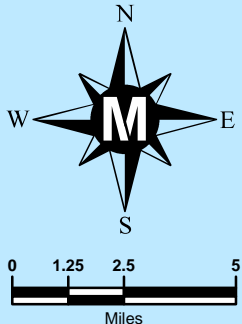
Metro

*Los Angeles County
Metropolitan Transportation Authority*



Legend

- Metro Owned Rights-of-Way
- Metro Rail or BRT Station
- Metro Rail or Busway
- Crenshaw/LAX Line
- West Santa Ana Transit Corridor
- Gold Line Extension
- Purple Line Extension
- Green Line Extension
- Metrolink Rail and Station
- County Boundary



Crafting Settlement Agreements in Eminent Domain

By [Brad Kuhn](#)



Like the vast majority of general civil litigation, eminent domain matters usually settle before going to trial. The resolution is typically documented in either a stipulated judgment or a settlement agreement. What is unique to eminent domain, however, is that the settlements oftentimes take place before the public project is fully constructed, meaning the parties are resolving their claims based on the “project as proposed,” without seeing the actual finished product or fully understanding its impacts on the property. In documenting a settlement,



property owners can sometimes attempt to retain certain rights to seek additional damages, but a recent court of appeal decision, [Sani v. People ex rel. Dept. of Transportation](#), highlights the risks, uncertainties, and limitations of coming back after a settlement to seek additional compensation.

Background

In *Sani*, Caltrans was seeking to realign a section of Pacific Coast Highway in San Simeon to protect against coastal erosion (side note — see [my blog post on sea level rise and impacts on takings](#)). Caltrans filed an eminent domain action to acquire portions of two residential lots owned by the Sanis (parcels 1 and 2); the Sanis then filed a cross-complaint for inverse condemnation for additional damages to easements in favor of a third residence they owned (parcel 3).

The parties settled the eminent domain and inverse condemnation action at mediation; Caltrans acquired all of parcels 1 and 2, subject to certain easements in favor of the Sanis, and agreed to use the property for “state highway purposes” and “any use” that did not interfere with the easements benefitting parcel 3. Caltrans paid \$6.44 million for the acquisition, along with all damages associated with the acquisition and the construction and use of the project, to “fully and finally resolve” the eminent domain and inverse condemnation actions. The Sanis reserved the right to bring a “future claim in inverse condemnation for any alleged taking of or alleged diminution in value to [parcel 3] arising out of the project and construction of the project,” but waived any future claim against Caltrans based on any action done or right granted pursuant to the settlement.

A mere four months later, the Sanis filed a new inverse condemnation action against Caltrans; the complaint alleged Caltrans impacted the Sanis’ reserved easements, and post-settlement construction activities substantially interfered with parcel 3, resulting in additional damages totaling nearly \$4 million.

At a bench trial, Caltrans presented evidence that the easements were not interfered with, and construction activities were typical and standard. The court determined that the Sanis did not establish any compensable taking, as the prior settlement resolved all claims regarding the Sanis’ reserved easements, and the “minor inconveniences” to parcel 3 during construction did not give rise to the level of a taking.

The Court of Appeal

On Appeal, the Court walked through each of the Sanis’ new inverse condemnation claims:

- **Interference with Easements:** with respect to the Sanis’ claim that Caltrans’ project interfered with their easement rights, the Court concluded that the settlement agreement unambiguously barred such claims, as Caltrans acquired the original easements in favor of parcel 3, and only reserved limited rights to the Sanis. Because those easement rights were previously acquired and settled, there can be no inverse condemnation of property rights that no longer exist. While the settlement gave the Sanis the right to bring a claim for a taking of parcel 3, it was limited to one not based on “any action done or right granted” pursuant to the settlement. The easement impacts were part of the original settlement.
- **Evidence of Diminution in Value:** with respect to the Sanis’ claim that the court improperly excluded evidence of the diminished value of parcel 3 even though the settlement allowed them to bring a claim based on “any alleged diminution in value,” the Court explained that such evidence was irrelevant unless the Sanis could first establish a taking. “[I]n an inverse condemnation action, the property owner must first clear the hurdle of establishing that the public entity has, in fact, taken or damaged [their] property before [they] can reach the issue of ‘just compensation.’” “Neither the mere existence of a public use or a diminution in the value of the plaintiff’s property establishes a compensable taking or damaging of the property.” Because there was no taking, any diminution in value was irrelevant.

Post-Settlement Construction Activities: with respect to the Sanis’ claim that Caltrans’ post-settlement construction activities (particularly noise, dust, interference with views, and a decline in rental income) constituted a new claim for inverse condemnation, the Court explained that “[t]emporary injury resulting from actual construction of public improvements is generally noncompensable” and “[p]ersonal inconvenience, annoyance, or discomfort in the use of property are not actionable types of injuries.”

Conclusion

The *Sani* case is an important reminder for property owners and public agencies to carefully document their settlement agreements or stipulated judgments. If the parties intend to reserve certain claims, there needs to be clear statements to that effect. If the parties are resolving an eminent domain action prior to construction of the project, they need to fully understand what the project entails, what future construction will look like, and how these activities may disrupt the use of the property in the future.



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