

LOS ANGELES



IRWA
CHAPTER 1

August

2004

Upcoming Events

September 28

September's luncheon speaker will be Dawnna Lawrence of County of Los Angeles, Department of Public Works speaking on Contract Procurement.

October 26

Fall Seminar (and Membership Meeting)

Quiet Cannon, 901 N. Via San Clemente, Montebello (636-A/7)
Contact Michael Fischer, Fall Seminar Chair, at (213) 992-2413



President's Message

By: Linda Cunningham Esq.,
Nossaman, Guthner, Knox, & Elliott,
LLP

July Luncheon at Shanghai Red's

Chapter 1 held its annual Summer Luncheon on July 27 at Shanghai Red's in Marina Del Rey. The Case of the Month was provided by Catrina Archuleta (Demetriou, DelGuercio, Springer & Francis). The luncheon speaker, Yogi Ramesh from the Universal Yoga Center, gave a demonstration of "desk yoga" methods of stress reduction and breathing techniques. The luncheon was well-attended and the presentation provided an entertaining change of pace.

Upcoming Events

As the summer rushes by, don't forget to mark your calendars for our upcoming September luncheon, which will be held at Stevens Steak House on September 28. Our speaker will be Dawnna Lawrence of the Los Angeles County Department of Public works, speaking on Contract Procurement. Also keep in mind that the

Membership Luncheon

Chapter 1 Dark

No membership meeting for August.

Fall Seminar (October 26) will offer a variety of informative sessions, including relocation topics, appraisal and others, and will provide continuing education credits for SR/WA and MCLE. For further information on the Fall Seminar, contact Michael Fischer at 213-922-2413 or fischerm@metro.net.

As a reminder, there will be no membership luncheon in August.

Once again, I want to thank all of our new and continuing members, Board Members and Committee Chairs for your support and participation in Chapter 1 luncheons, education courses and seminars. Your comments and suggestions for improving our membership services are always welcome. Enjoy the rest of the summer!!

IRWA Chapter 1, Los Angeles

2004 Board Officers and Committee Chairs

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<p><u>Valuation Seminar Chair:</u> Elaine McDaniel Desmond, Marcello & Amster 6060 Center Drive, Suite 825 Los Angeles, CA 90045 Phone (310) 216-1400 emcdaniel@dmavalue.com</p>	<p><u>Title Chair:</u> Teri Kortens Lawyers Title 19300 South Hamilton Ave. Suite 130 Gardena, CA 90248 Phone (310) 768-2000 E-mail terikortens@msn.com</p>	<p><u>Public Agency Liaison Chair:</u> George Koury, SR/WA Property Management The Port of Los Angeles 425 S. Palos Verdes Street San Pedro, CA 90731 Phone (310) 732-3865 E-mail gkoury@portla.org</p>
<p><u>Engineering/Survey Chair:</u> Tony Pratt, PLS City of Los Angeles Bureau of Engineering 201 N. Figueroa St., Suite 1100 Los Angeles, CA 90012 Phone (213) 482-7180 E-mail tp Pratt@eng.lacity.org</p>	<p><u>Relocation Seminar Chair:</u> Bill Von Klug, SR/WA Community Development Commission of the County of Los Angeles 2 Coral Circle Los Angeles, CA 91755 Phone (323) 890-7434 bill.vonklug@lacdclorg</p>	<p><u>Valuation Committee:</u> Paul Norlen, MAI Metropolitan Water District 700 N. Alameda St. Los Angeles, CA 90012 Phone (213) 217-7665 E-mail pnorlen@mwdh2o.com</p>
<p><u>Fall Seminar Chair</u> Michael Fischer MTA Real Estate One Gateway Plaza Mail Stop 99-13-8 Los Angeles, CA 90012-2952 Phone (213) 922-2413 E-mail fischer@metro.net</p>	<p><u>Past President, Nominations and Awards Chair, Region Spring Forum Chair:</u> Michael Popwell, SR/WA Community Development Commission of the County of Los Angeles 2 Coral Circle Monterey Park, CA 91755 Phone (323) 890-7195 michael.popwell@lacd.org</p>	<p><u>Region Spring Forum Co-Chair & Membership Co-Chair</u> Henry Nunez Henry Nunez Coordinated Land Services 11 E. Huntington Drive Arcadia, CA 91006 Phone (626) 254-0524 E-mail henry@hnrealestate.com</p>

**IRWA Chapter 1
2004 Calendar of Events**

August	Chapter 1 dark , No Membership Meeting
September 14	Board of Directors meeting: 11:30 AM to 1:00 PM Nossaman offices: 445 S. Figueroa St, 31 st Floor, Los Angeles
September 16 & 17	Education Course 800 (Principles of Real Estate Law) (SR/WA) Contact Deborah Martinez, Education Co-Chair, at (714) 379-3376; dmartinez@paragon-partners.com
September 28	Chapter 1 Membership Meeting (and SR/WA Free Lunch with RSVP) Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)
October 12	Board of Directors meeting: 11:30 AM to 1:00 PM Nossaman offices: 445 S. Figueroa St, 31 st Floor, Los Angeles
October 14 & 15	Education Course 200 (Principles of Real Estate Negotiations) (SR/WA) Contact Deborah Martinez, Education Co-Chair, at (714) 379-3376; dmartinez@paragon-partners.com
October 26	Fall Seminar (and Membership Meeting) Quiet Cannon, 901 N. Via San Clemente, Montebello (636-A/7) Contact Michael Fischer, Fall Seminar Chair, at (213) 992-2413.
November 9	Board of Directors meeting: 11:30 AM to 1:00 PM Nossaman offices: 445 S. Figueroa St, 31 st Floor, Los Angeles
November 23	Chapter 1 Membership Meeting (and Past Presidents Free Luncheon) Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)
December	Tri-Chapter Installation Banquet Chapter 57, Riverside, is Host

August 2004 IRWA, Chapter 1, New Members

Paul B. Strader, Director of Property Management, Real Estate Consulting Services, Inc.; Tustin

CASE OF THE MONTH

Mt. San Jacinto Community College Dist. v. Superior Court

(2004) 117 Cal.App.4th 98

By: Catrina M. Archuleta, Esq.

Demetriou, Del Guercio, Springer & Francis, LLP

The case of the month is a California Appellate Court decision in which Petitioner, condemnor instituted eminent domain proceedings regarding property owned by real party in interest condemnee, in which evidence of increased value from construction on the property was barred. The condemnee then filed the underlying inverse condemnation action.

Condemnor, a community college district (the "District") filed and served a complaint in eminent domain against condemnee, a private educational corporation (the "Corporation"), seeking to condemn vacant land that the Corporation had purchased in which it intend to build educational facilities upon. The District deposited probable compensation for the property. Several months later, the Corporation began constructing educational facilities on the property without obtaining advance court approval for the improvements under California Code of Civil Procedure Section 1263.240, subd. (c).¹ When construction was nearly complete, the District sought and thereafter was granted, possession of the property.

At the bifurcated eminent domain trial, the trial court granted a motion to prohibit the introduction of evidence of the value of the post-summons improvements. The Corporation promptly filed an inverse condemnation action against the District seeking the value of the same improvements. The District moved for summary judgment. Respondent trial court denied the District's summary judgment motion in the inverse condemnation action. The District then petitioned for a writ of mandate.

On appeal, the court held that the trial court should have granted summary judgment to the District in the inverse condemnation action because the Corporation made improvements to the property, thus increasing its value, without first obtaining permission pursuant to Section 1263.240(c). Therefore, the Corporation could not demonstrate that it made the improvements in good faith. The court stated that the Corporation, having made improvements to the property after it was served with summons in the eminent domain action without seeking advance court approval under Section 1263.240(c), could not sue the condemning community college district in inverse condemnation for the value of the improvements.

The court held that even under the rules of inverse condemnation the Corporation could not recover the value of the improvements to the property because the Corporation was at fault for not diligently pursuing its available remedy under Section 1263.240(c). The Corporation had an obligation to minimize its losses but attempted to maximize them by building on the condemned property.

Compensating the Corporation for any portion of the improvements in the inverse condemnation action would have directly contravened the trial court's ruling in the eminent domain action, frustrated the purposes of Section 1263.240(c), and circumvented the Eminent Domain Law, Code of Civil Procedure Section 1263.010 et seq. The Corporation was at fault for not diligently pursuing a remedy under Section 1263.240(c). It could not assert that its construction of educational facilities established a taking and valuation date for the improvements in the inverse condemnation suit that was subsequent to the taking and valuation date for the property in the eminent domain action.

Therefore, the Court of Appeal issued a peremptory writ of mandate directing the trial court in the inverse condemnation action to enter an order granting the District's summary judgment motion.

ARTICLE OF THE MONTH

Relocation Differentials In Today's Housing Market

Written by Deborah Martinez
Acquisition/Relocation Agent for Paragon Partners Ltd.
Education Chair for IRWA Los Angeles Chapter 1

The Relocation Assistance matters of a public agency project must always be budgeted to insure that project costs are available and adequate at the time your project is underway. Thus, the purchase and rent differentials require careful analysis early in the relocation planning phase of a project.

The current housing market, with double digit inflation rates and high rents, has affected the purchase and rent differential entitlements agencies must pay at the time relocatees vacate the subject properties. We are currently finding purchase differentials may well reach into \$100,000 limits! Rent differentials on the other hand are easily cast into \$40,000 to \$60,000 amounts (exceeding statutory limits and requiring funds under Last Resort Housing!). This has driven project costs up and also raises questions about the validity and reliability of our appraisals and dates of value of the subject properties.

As with other uncontrollable factors, the economy via market conditions, is a driving force that influences value. Our appraisals are current and reliable, however, the longer we wait to complete our housing studies and deliver our relocation packages, the market has already changed! Thus, it is vital and important that we make every effort to complete our housing studies as quickly as possible, so we can meet with our displacees and provide them with the purchase or rent differential that is most reflective of the time frame of displacement.

Unfortunately, we cannot control the market conditions but we can ask for a copy of the appraisal as soon as it becomes available in order to begin our search for listings and rentals reflective of our subject properties. Although we have to wait to obtain income data from our tenants, the more pro-active and ready we are, the more efficient we can be once this information is provided.

If you have a large-scale project, with a considerable amount of displacements, a rent schedule can be effective if immediately implemented (don't forget to have your agency approve it!). If you have a small-scale project with a handful of displacements, you may have to employ more research to justify your differentials.

In any event, like anything else, you have to be attuned to what is happening in the market place. Read your daily papers, keep abreast of the housing market in your areas, and watch the economy. The more information you have, the better able you will be to provide your agency and consultants with accurate project costs and successfully move forward with your relocations!




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Courses scheduled for 2004

Dates	Class code	Class Title	Instructor	Location	Coordinator	Phone	Email
Sep 16 & 17	800	Principles of Real Estate Law (SR/WA)	Ralph Brown	Torrance	Deborah Martinez	(714) 379-3376	dmartinez@paragon-partners.com
Oct 14 & 15	200	Principles of Real Estate Negotiations (SR/WA)	Ralph Brown	Torrance	Deborah Martinez	(714) 379-3376	dmartinez@paragon-partners.com

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