



December  
2007

IRWA  
CHAPTER 1

## Upcoming Events

[February 19-22, 2008](#)  
[Principles of Land Acquisition](#)

## President's Message

By: Bryan Riggs, MAI,  
SR/WA



As we wind down this year and start to look forward, I would like to thank Chapter 1 Board of Directors for their hard work and continued commitment to

our chapter in 2007 and those who were recently installed as new officers and/or appointed chairpersons for 2008.

I would like to thank and congratulate our newly elected 2008 Chapter 1 Officers: Andrew Thompson, SR/WA, President, Vivian Howell, SR/WA, R/W-RAC, President Elect, Bill Larsen, Treasurer, Konstantin Akhrem, Secretary, and Michael Popwell, SR/WA, our

Professional Development Chair.

Also, I would like to acknowledge and thank Tom Hanley, Keith Dang, MAI, SR/WA, Alan Sozio, Esq., Cheryl DeMucci, Mark Brusca, Natalie Michelson, Michael Yoshiba, Esq., Paul Norlen, MAI, Bill Von Klug, SR/WA, R/W-RAC, Joyce Riggs, MAI, SR/WA, Dan Kazden, Art Corero, PLS, SR/WA, Mohammed Estiri, Ph.D, Gary Valentine, MAI, SR/WA, Duncan Robb, SR/WA, R/W-RAC, and Teri Kortens who all served on the Chapter 1 Board in 2007. Having your support really made 2007 a great year for our membership.

The year has quickly passed and as I reflect on 2007, we had a very successful financial year with record attendance in our courses and strong turnouts at our seminars. In January, we rolled out three new chapter awards and a scholarship program to encourage SR/WA completion. **I encourage all of our Chapter 1 Members to kick off the New Year at our January "Free" Luncheon Meeting at Stevens Steakhouse on January 22, 2008.**

It has been a real pleasure to serve as Chapter 1 2007 President and I look forward to seeing all of you at our upcoming events in 2008. Happy Holidays and a New Year!

## Membership Luncheon

[January 22, 2008](#)

[Membership Luncheon](#) at  
[Steven's Steakhouse](#) –  
[networking at 11:30am, lunch at](#)  
[12 noon](#)

## Volunteers Needed

In 2008, Chapter 1 will be hosting a variety of events, courses and seminars. If you have that desire to help out or are interested in becoming more involved with the IRWA, we are looking for volunteers. Currently we are looking for a few individuals to help coordinate the Fall Seminar and Transportation Seminar with ASA. Anyone interested should contact me by phone at (213) 244-5032 or email [athompson@semprautilities.com](mailto:athompson@semprautilities.com).

Thank you,  
Andrew Thompson  
2007 Chapter 1 President Elect

**IRWA Chapter 1  
2007 Officers and Executive Board**

<i>President and International Director</i>	<b>Bryan Riggs, MAI, SR/WA</b> Riggs & Riggs, Inc.	805-578-2400 ext 101	<a href="mailto:riggsinc@sbcglobal.net">riggsinc@sbcglobal.net</a>
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<i>Nominations and Awards</i>	<b>Tom Hanley, P.E.</b> Paragon Partners	714-379-3376 ext 222	<a href="mailto:thanley@paragon-partners.com">thanley@paragon-partners.com</a>
<i>Education</i>	<b>Keith Dang, MAI, SR/WA</b> AFI Valuation Group, Inc.	310-378-0309	<a href="mailto:afivaluation@aol.com">afivaluation@aol.com</a>
<i>Membership</i>	<b>Alan Sozio Esq.</b> Burke, Williams, & Sorenson, LLP	213-236-2819	<a href="mailto:asozio@bwslaw.com">asozio@bwslaw.com</a>
<i>Luncheon</i>	<b>Cheryl DeMucci</b> Epic Land Solutions, Inc.	310-378-2061	<a href="mailto:cheryldemucci@epicland.com">cheryldemucci@epicland.com</a>
<i>Webmaster</i>	<b>Mark Brusca</b> Riggs & Riggs, Inc.	805-578-2400 ext 105	<a href="mailto:markbrusca@sbcglobal.net">markbrusca@sbcglobal.net</a>
<i>Newsletter</i>	<b>Natalie Michelson</b> JPI Studios, Inc.	818-634-6932	<a href="mailto:aunttaliee@aol.com">aunttaliee@aol.com</a>
<i>Law</i>	<b>Michael Yoshiba, Esq.</b> Richards, Watson & Gershon	213-626-8484	<a href="mailto:myoshiba@rwglaw.com">myoshiba@rwglaw.com</a>
<i>Valuation Seminar</i>	<b>Paul Norlen, MAI</b> Metropolitan Water District	213-217-7665 ext 102	<a href="mailto:pnorlen@mwdh2o.com">pnorlen@mwdh2o.com</a>
<i>Relocation Seminar</i>	<b>Bill Von Klug, SR/WA, R/W - RAC</b> LA County Development Commission	323-890-7495	<a href="mailto:Billvonklug@LACDC.org">Billvonklug@LACDC.org</a>
<i>Fall Seminar</i>	<b>Joyce L. Riggs, MAI, SR/WA</b> Riggs & Riggs, Inc.	805-578-2400 ext 102	<a href="mailto:jlriggs@sbcglobal.net">jlriggs@sbcglobal.net</a>
<i>Historian</i>	<b>Dan Kazden</b> Riggs & Riggs, Inc.	805-578-2400 ext 104	<a href="mailto:dankazden@sbcglobal.net">dankazden@sbcglobal.net</a>
<i>Engineering/Survey</i>	<b>Art Cordero, PLS, SR/WA</b> City of Los Angeles	213-482-7192	<a href="mailto:apcor75a@yahoo.com">apcor75a@yahoo.com</a>
<i>Environmental</i>	<b>Mohammed Estiri, PhD</b> Eco & Associates, Inc.	714-832-5427	<a href="mailto:mestiri@panenv.com">mestiri@panenv.com</a>
<i>Pipeline/Utility</i>	<b>Gary Valentine, MAI, SR/WA</b> Valentine Appraisal & Assoc.	661-288-0198	<a href="mailto:gsv@valentineappraisal.com">gsv@valentineappraisal.com</a>
<i>Property Management</i>	<b>Duncan Robb, SR/WA, R/W - AMC</b>	909-627-2590	<a href="mailto:duncary@msn.com">duncary@msn.com</a>
<i>Liaison</i>	<b>Tom Hanley, P.E.</b> Paragon Partners	714-379-3376 ext 222	<a href="mailto:thanley@paragon-partners.com">thanley@paragon-partners.com</a>
<i>Title</i>	<b>Teri Kortens</b> Land America Commercial Servies	213-330-3084 310-210-6741 cell	<a href="mailto:tkortens@landam.com">tkortens@landam.com</a>

**Membership Drawing**

At each chapter luncheon we draw a name from the Chapter 1 roster and if that person is in attendance, they win a cash prize. The drawing starts at \$100 and increases \$10 for each month that there isn't a winner. We haven't had a winner in a while. January's drawing will be for \$100 so be sure to be there in case your name is drawn!

## **IRWA Chapter 1's**

**January 22, 2008 Economic Update Luncheon**

**Guest Speaker**

**David Rosenthal, MAI, MBA and Principal of  
Curtis-Rosenthal, Inc and MAB Rosenthal, LLC**



**David Rosenthal** is a guest lecturer at UCLA and Loyola Marymount Universities, frequent author of articles for commercial real estate publications including Real Estate Southern California and Western Real Estate Business and his “Economic Update Report” is a regular feature on RENTV.com. Mr. Rosenthal has over 24 years of commercial appraisal experience, worked as a corporate banking lending officer, and is the Director of MAB American Property REIT, Inc.

**Come out on January 22, 2008 and hear in what directions the economy is going!**

**Case of the Month**  
***Relocation Assistance Law***  
***Untimely Relocation Claims and Appeals***  
**BI-RITE MEAT & PROVISIONS CO., v. REDEVELOPMENT AGENCY OF THE CITY OF  
HAWAIIAN GARDENS et al.**

**Filed October 24, 2007, publication ordered November 19, 2007,  
Cite as 2007 SOS 6792**

**( Second District, Div. Seven)**

***by: Michael F. Yoshida, Esq., Richards Watson & Gershon, a Professional Corporation***

Appellant Bi-Rite Meat and Provisions Company ("Bi-Rite") sought to overturn a trial court's ruling concerning the Redevelopment Agency of the City of Hawaiian Gardens ("Agency"). The Agency held an administrative relocation assistance program hearing which denied Bi-Rite's demand for relocation benefits because it was untimely. The trial court held that the Agency board's decision that (1) Bi-Rite did not timely submit a claim and (2) Bi-Rite failed to provide evidence to support good cause to be relieved from the statute of limitations did not abuse the board's discretion, was in accordance with the law and was not arbitrary, capricious or without evidentiary support. The trial evidence showed that Bi-Rite untimely filed a claim for relocation benefits and that the Agency's board did not err in finding no good cause to extend the statute of limitations.

On appeal, Bi-Rite claimed that the trial court should have granted its petition for a writ of mandate and compelled the Agency to pay Bi-Rite's relocation benefits. Specifically, Bi-Rite argued that it (1) filed a claim for relocation assistance within the limitations period and, (2) in the alternative, even if Bi-Rite did not file within the limitations period, good cause existed to extend the limitations period.

### **1. Bi-Rite Market Displaced by Agency**

Bi-Rite operated as a specialty meat, fish and poultry market in the City of Hawaiian Gardens. Bi-Rite was a subtenant of a supermarket, Plowboys Market. In August 1993, under threat of eminent domain, the Agency acquired the property that Bi-Rite and Plowboys leased. In October 1995, Plowboys closed the supermarket and Bi-Rite left behind equipment, furniture, fixtures and an inventory of meat.

The Agency never filed an eminent domain action against Bi-Rite. On June 23, 1995, Bi-Rite filed an inverse condemnation action against the Agency. On October 1, 1996, a jury verdict awarded Bi-Rite \$800,000 in the inverse condemnation case for loss of goodwill. In addition, a \$93,000 judgment was entered into by way of stipulation to compensate Bi-Rite for the immovable property and improvements. The inverse condemnation judgment was entered on November 8, 1996, and became final on July 8, 1998. After some delay, the Agency paid Bi-Rite and satisfied the judgment on July 6, 2000.

In November 2002, Bi-Rite and Plowboy Market moved to a site in Fountain Valley, with each opening their business in May 2003.

Between October 2000 and November 10, 2004, Bi-Rite's agents and attorneys sent a series of letters regarding relocation benefits to the Agency requesting benefits and a relocation appeal hearing. The Agency complied with neither request. Bi-Rite then successfully pursued a writ of mandate from the court compelling the Agency to conduct a relocation appeal hearing to determine Bi-Rite's relocation benefits. The Agency's conducted the relocation appeal hearing and found that (1) Bi-Rite did not timely submit a claim and (2) Bi-Rite failed to provide evidence to support good cause to be relieved from the statute of limitations. Bi-Rite unsuccessfully petitioned the trial court seeking to have the administrative hearing's findings reversed, this appeal of the trial court's decision followed.

### **2. Untimely Relocation Claim for Benefits**

To obtain relocation benefits, a displaced party must file a claim with the public entity within either eighteen months of the date on which the claimant received final payment for the property or within eighteen months from the date on which the claimant moved, whichever is later. The displacing entity may extend this period upon a proper showing of good cause. (Cal. Code Regs., Title 25, § 6088.) Whether Bi-Rite complied with these requirements will depend on whether and (when) Bi-Rite submitted an appropriate "claim."

The court found that Bi-Rite's communications with the Agency did not constitute a "claim" until September 3, 2004. On that date, Bi-Rite sent a letter which substantially complied with the regulatory relocation benefit claims procedure. This letter provided contact information for Bi-Rite's agents, explained the circumstances giving rise to the claim and provided a detailed description of the obligation Bi-Rite sought the Agency to fulfill.

The applicable rule is that all claims filed with a public entity for relocation payments must be submitted within eighteen months of the date on which the claimant receives final payment for the property or the date on which the claimant moves, whichever is later. (Cal. Code Regs., Title 25, § 6088.) The court found that under either option identified in regulation 6088, Bi-Rite's claim was untimely.

### 3. Definition of "Move"

A disputed issue was the definition of the term "moves," as it is used in regulation section 6088. The regulation's purpose is to set forth the types of, and specific eligibility criteria for, relocation payments for displaced persons. (Cal. Code Regs., Title 25, § 6080.) A displaced person, in turn, is any person who moves from real property as a result of displacing activity undertaken by a public entity. (Cal. Code Regs., Title 25, §6008 (t).) Since regulation 6088 only applies to displaced persons, and displaced persons are those who move from real property, it follows that "moves" in regulation 6088 means "moves from." The court found that the legislature did not "intend to make the expiration for the 18 month period depend solely upon the claimant's choice as to when it would reopen its business at a new location." The trial court properly concluded, the term "moves" in regulation 6088 means "moves from."

The deadline to file a relocation assistance claim was 18 months after the later of the date on which the claimant received final payment for the property, July 6, 2000, or the date on which the claimant moved from the property, October 1995. Therefore, the latest date when the Bi-Rite could have filed a claim was 18 months after July 6, 2000, which was January 6, 2002. Thus, Bi-Rite's September 2004 claim was untimely.

### 4. Extension of Claim Filing Period for Good Cause

The displacing entity may extend the claims filing period upon a proper showing of good cause. (Cal. Code Regs., Title 25, § 6088.)

The trial court considered the evidence presented at the Agency's hearing. Bi-Rite presented no evidence to explain why it took it so long to file the claim for relocation benefits. Although the trial court recognized that it may have been necessary for Plowboys Market to find a new location before Bi-Rite could relocate, the court found no explanation as to why it took several years. Furthermore, Bi-Rite never requested an extension to the time limit. The trial court's findings and judgment were thus supported by substantial evidence.

Furthermore, the record showed that counsel represented Bi-Rite both during the complex inverse condemnation litigation and on the current matter. It was clear that Bi-Rite knew of its right to relocation benefits. In fact, Bi-Rite's inverse condemnation complaint discussed relocation benefits and admitted that the Agency had supplied Bi-Rite with a document about the relocation benefits process. Bi-Rite even consulted with relocation specialists to assist with the relocation process, yet Bi-Rite provided no proof of any document being filed with the Agency that substantially complied with the claim requirements to receive relocation assistance until September 2004, which is over 8 years after moving from the Hawaiian Gardens location and over 4 years from when the Agency satisfied the inverse condemnation judgment.

### 5. Conclusion

The appellate court denied Bi-Rite's appeal and upheld the trial court's ruling that Bi-Rite untimely filed a claim for relocation benefits and that the Agency's board did not err in finding "no good cause" to extend the statute of limitations.

#### New Members

<u>Name</u>	<u>Company Name</u>	<u>Referred By</u>
Kathlynn Smith	Nossaman, Guthner, Knox, & Elliot, LLP	Alan Sozio

## Updating your IRWA Membership Information

1. Visit [www.irwaonline.org](http://www.irwaonline.org)
2. Highlight "Resources" in the upper right hand corner and then click on "Membership Directory".
3. Click on Update Member Profile.
4. Enter your User Name and Password and click on Login. Your User Name is your membership number (contained on your membership card and dues renewal notice) and the Password is your last name. The Password is case sensitive, so ensure you capitalize the first letter and leave the rest in non-caps.
5. Update your information and click on "Submit. A new page will come up and you can choose to "Exit" or "Logout".
6. That's it! Your information will be automatically updated on the headquarters master list, which is also the one the Chapter uses for communications. Going forward, Chapter 1 monthly newsletters will be sent out via e-mail so it's important to ensure your e-mail address is current.
7. If you do not have access to the Internet or have any questions about updating membership information, call Bonnie Gray at 310-538-0233.

**Below are the classes Chapter 1 has scheduled for 2008. If you would like to coordinate a class that you need (and get the class free, close to your work/home, and on a date you select!), please contact Keith Dang, the Education Chair for 2007-2008 at [AFIValuation@aol.com](mailto:AFIValuation@aol.com).**

### Chapter 1 2008 Education Schedule

Course/Seminar	Date	Location	Coordinator
100 – Principles of Land Acquisition	February 19-22, 2008	Sempre	Dan Kazden (805) 578-2400 ext 104
201 – Comm. In RE Acquisitions	March 3-5, 2008	DPW	Colleen McKenna
SR/WA Comprehensive Ex Review Course	April 2008	SCEC	David Guder
203 – Alternative Dispute Resolution	April 10-11, 2008	Sempre	Mark Bruska
400 – Principles of RE Appraisal	October 6-7, 2008	DPW	Colleen McKenna
502 – Business Relocation	September 4-5, 2008	MTA	Diane Dominguez
600 – Intro to Environmental Issues	September 22, 2008	MTA	Diane Dominguez
803 – Eminent Domain Law Basics	October 23-24, 2008	MWD	Lizeth Olague



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**Property Management**  
**Title Research/Due Diligence**

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<b>Registration Fees:</b>	<b>Member</b>	<b>Non-Member</b>	<b>Amount</b>
Early Reg:	\$730.00	\$910.00	\$ _____
Regular: After 2/1/2008	\$755.00	\$935.00	\$ _____
	<b>Total:</b>		\$ _____

\*(MATERIALS NOT INCLUDED MAY BE ORDERED ONLINE AT [WWW.IRWAONLINE.ORG](http://WWW.IRWAONLINE.ORG))

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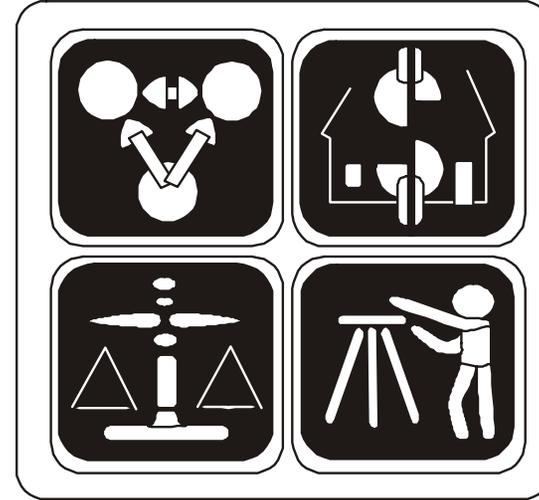
# Principles of Land Acquisition

IRWA Course 100

February 19-22, 2008

Downey, CA

Sponsored by Chapter 1



**Course Description:**

Upon completion of this class, the participants will have the ability to apply real estate law terms and concepts; understand the concepts of metes and bounds and be familiar with the three views of engineering plans and the fundamentals in property description systems; learn the methods of acquiring/transferring title to realty; definition and requirements to a valid contract; information on easements, deeds and lease; know what an appraisal is and what it is not, understand the appraisal process; know the three basic methods of appraising fee property; understand the various types of negotiations, understand the basic concepts of successful negotiations; be aware of the environmental concerns, review process, site assessments, audits, litigation issues and implications; and the applicable relocation requirements involved with property acquisition and management.

**Topics:**

- Real Property Law Concepts
- Acquisition / Negotiations
- Property Descriptions
- Relocation Due to Acquisition of Real Property Interest
- Environmental Concerns
- Appraisal of Real Property
- Asset (Property) Management

**Required Materials:**

Hand Held Calculator (recommended)

**Course Tuition Includes:**

Participant's Manual, Principles of Right of Way Textbook, Engineering Tools (engineering scale, protractor and straight edge), USPAP Text, Real Estate Dictionary

**Who Should Take This Course:**

This course is directed toward the new right-of-way person - a person who has little or no experience in the right of way field; individuals specializing in one area; or, right of way managers desiring a refresher course.

**Sponsored By:** Chapter 1

Date	Time	Days
2/19-22/08	8am-5pm	4

**Location:**

Energy Resource Center  
9240 East Firestone Road  
Downey, CA 90242  
Phone: (562) 803-7434

**Late Registration Fee of \$25.00 After:**  
2/1/2008

**Accommodations:**

Embassy Suites  
8425 Firestone Blvd.  
Downey, CA 90241  
Phone: (562) 861-1900

**Rates:**

- Single \$169.00 + Tax  
 Double \$169.00 + Tax

Please contact the hotel directly.

**Four Ways to Register:**

**Online:** www.irwaonline.org

**Fax:** 310-538-1471

**Phone:** 310-538-0233 x134

**Contact Coordinator**

**Mail to Course Coordinator:**

Dan Kazden  
4195 Valley Fair Street, Suite 207  
Simi Valley, CA 93063  
Phone: (805) 578-2400, x104  
Fax: (805) 526-6097  
Email: [dankazden@sbcglobal.net](mailto:dankazden@sbcglobal.net)

*Please make checks payable to:  
International Right of Way Association*

**About the Facilitator:**

**Ralph C. Brown, SR/WA**, has been in the right of way field for over 40 years. As a Senior Right of Way agent with Caltrans he was involved with negotiations and appraisals. He testified in court as an expert appraiser, prepared appraisals in anticipation of condemnation and supervised the preparation of narrative appraisal reports. For 16 years as a Staff V.P. with IRWA Mr. Brown managed the Association's education program. He developed courses, monitored outside course developers, conducted Instructor Certification Clinics, taught IRWA courses and presented seminars. Mr. Brown currently is an independent review appraiser specializing in partial take appraisals.

**Cancellation Policy**

*Written notification of cancellation must be received by class coordinator 15 days prior to start of class. A 75% refund will be made if written notification is received less than 15 days prior to start of class. No refund will be made after the start of class. A fee may be charged for registrations received after deadline and for those registering on day of class.*



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