



Upcoming Events

March 28, 2006

7th Annual Joint Membership Luncheon with the Southern California of the Appraisal Institute at Steven's Steakhouse. Mr. Jeffery Kagen will speak on, The ABC's of Inverse Condemnation and Sima Salek will speak on Direct Condemnation from Orbach, Huff & Suarez

April 25, 2006

The Annual Valuation Conference at the Quiet Cannon in Montebello
February 24, 2006
Course 213 – Conflict Management with Instructor, Vivian Howell, SR/WA



President's Message

By: Tom Hanley, Metrolink

Well we started the new year off with a bang. The January luncheon was our annual "free" lunch. We had over 80 attendees, which is double the number at most recent luncheons. The keynote

speaker, Henry Nunez, presented an interesting and appropriate topic for the occasion. His analysis of recent economic trends turned data and bar charts into useful information for our chapter. Thank you again Henry.

I had the honor of presenting plaques to the three new SR/WA's, Brad Thompson, Andrew Thompson, and Bryan Riggs. All three said a few word encouraging other to finish their SR/WA requirements especially those who are almost there. Bill Larsen introduced four new members.

Membership Luncheon

February DARK

Date: March 28, 2006

Time: 11:45 Lunch

Speaker: Mr. Jeffrey Kagen and Sima Salek

Topic: The ABC's of Direction and Inverse Condemnation

Location: Steven's Steakhouse, 5332 Steven's Place, Commerce, CA 90040

Joyce Riggs presented annual awards for Small Employer of the Year, The Gas Company, Large Employer of the Year, Epic Land Solutions, and Professional of the Year, Holly Rockwell. This is the first time that this award has gone to the chapter president and it is a testimony to her 1 ½ years of service way above and beyond what is normally expected.

Please note the new trial luncheon schedule for 2006. The new schedule is a result of the recent membership survey. The Chapter 1 Board elected to reduce the number of luncheon and seminar meetings to six in total. It is hoped that the logistical problems of trying to get anywhere in Southern California traffic and employer reluctance to give time away from work will decrease and make it easier for more members to participate. The next meeting will be March 28 and will feature presentations on Inverse Condemnation by Jeffrey Kagan, Esq. and Sima Salek, Esq. of Orbach, Huff & Suarez. It will be a joint meeting with the Appraisal institute and all SR/WA's will receive a \$5.00 lunch. There will be **no meeting in February** so please mark your calendar for March.

We are still looking for a **luncheon chair** for this year. Since there are only 6 luncheons, it is hoped that this important position can be filled without the intense monthly time requirement of previous years. Also we are looking for a **newsletter chair** who has experience with importing Excel data into Microsoft Outlook and can generally handle electronic formatting and mailing of the monthly newsletter with up to date information and addresses for the members. There are other tasks that need to be delegated as well. If we call and ask for your help we will do our best to describe the task and the expected time commitment.

Well that about sums up the first month of my presidency. Leading the Chapter at the first luncheon meeting had me nervous at first but after we got started it was so much fun watching the delight on the faces of the award recipients. Although I did forget to lead the Pledge of Allegiance, I really enjoyed the acceptance and support of everyone. So thanks again to everyone. It will be a good year.



New SR/WA's, Brad Thompson MAI, SR/WA , Andrew Thompson, SR/WA and Bryan Riggs, MAI, SR/WA



Small Employer of the Year award recipient, The Gas Company



Large Employer of the Year award recipient, Epic Land Solutions



Professional of the Year, Holly Rockwell with past President Joyce Riggs, MAI, SR/WA

IRWA Chapter 1 2006 Officers and Executive Board

<i>President and International Director</i>	Tom Hanley Metrolink	213-452-0256	hanleyt@scrra.net
<i>President-Elect and International Director</i>	Bryan Riggs, MAI, SR/WA Riggs & Riggs, Inc.	805-578-2400 ext 101	riggsinc@sbcglobal.net
<i>Treasurer</i>	Michael Fischer Metropolitan Trans. Auth.	213-922-2413	fischerm@metro.net
<i>Secretary</i>	Andrew Thompson, SR/WA Sempra Utilities	310-244-5032	athompson@semprautilities.com
<i>Professional Development</i>	Michael Popwell, SR/WA LA Community Dev. Com.	323-890-7195	michael.popwell@lacdc.org
<i>Nominations and Awards</i>	Holly Rockwell Epic Land Solutions	310-378-0771	hollyrockwell@epicland.com
<i>Education</i>	Lynette Overcamp Epic Land Solutions, Inc.	310-378-1178	lynetteovercamp@epicland.com
<i>Membership</i>	Bill Larsen Integra Realty Resources	818-593-7200	wlarsen@irr.com
<i>Luncheon</i>	Vacant		
<i>Webmaster</i>	Mark Brusca Riggs & Riggs, Inc.	805-578-2400 ext 105	markbrusca@sbcglobal.net
<i>Newsletter</i>	Natalie Michelson JPI Studios, Inc.	818-634-6932	aunttaliee@aol.com
<i>Law</i>	Alan Sozio Esq. Burke, Williams, & Sorenson, LLP	213-236-2819	asozio@bwslaw.com
<i>Valuation Seminar</i>	Dave Roberts LA City General Services Asset Management	213-922-8546	dRobert@gsd.LACity.org
<i>Relocation Seminar</i>	Bill Von Klug, SR/WA, R/W - RAC LA Community Dev. Com.	323-890-7434	bill.vonklug@lacdc.org
<i>Fall Seminar</i>	Vivian Howell, SR/WA Los Angeles World Airports	(310) 417-0450	vhowell@lawa.org
<i>Historian</i>	Vacant		
<i>Engineering/Survey</i>	Vacant		
<i>Environmental</i>	Mohammed Estiri, PhD Eco & Associates, Inc.	714-832-5427	mestiri@panenv.com
<i>Local Public Agency</i>	Vacant		
<i>Pipeline</i>	Gary Valentine, MAI, SR/WA Valentine Appraisal & Assoc.	661-288-0198	gsv@valentineappraisal.com
<i>Property Management</i>	Duncan Robb, SR/WA, R/W - AMC Metropolitan Trans. Auth.	213-922-2435	robdd@mta.net
<i>Relocation</i>	Fred Arevalo, R/W - RAC LA Community Dev. Com.	323-890-7473	fred.arevalo@lacdc.org
<i>Title</i>	Teri Kortens Lawyers Title	310-210-6741	terikortens@msn.com
<i>Transportation</i>	Vacant		
<i>Utilities</i>	Vacant		

March Membership Luncheon

7th ANNUAL JOINT LUNCHEON

IRWA – Chapter 1 and
Southern California Chapter of the Appraisal Institute
presents on March 28, 2006

“ABC’s of Direct and Inverse Condemnation”

Jeffrey Kagan, Esq. and Sima Salek, Esq. of Orbach, Huff & Suarez

Mr. Kagan will speak on inverse condemnation focusing on physical takings, intangible intrusions, regulatory takings, and general components and defense thereto. These concepts will be summarized and supported by case law.

Ms. Salek will address procedural and substantive requirements of “direct” condemnation process in California. She will be focusing on the date of valuation as that issue is currently being grappled with by the California Courts, public use issues, procedural pitfalls, and any proposed legislative changes to eminent domain jurisprudence.

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The Valuation Seminar is scheduled to take place at the Quiet Cannon Country Club and Golf Course in Montebello on April 25, 2006. The seminar will kick off with a continental breakfast followed by registration at 8:00 a.m, speakers/program, and end at 4:30 p.m.

7th ANNUAL JOINT LUNCHEON

The IRWA – Chapter 1
and
Southern California Chapter of the Appraisal Institute
present

“ABC’s of Direct and Inverse Condemnation”

SPEAKER/ Jeffrey Kagan, Esq. and Sima Salek, Esq. of Orbach, Huff & Suarez

TOPIC:

Mr. Kagan will speak on inverse condemnation focusing on physical takings, intangible intrusions, regulatory takings, and general components and defense thereto. These concepts will be summarized and supported by case law.

Ms. Salek will address procedural and substantive requirements of “direct” condemnation process in California. She will be focusing on the date of valuation as that issue is currently being grappled with by the California Courts, public use issues, procedural pitfalls, and any proposed legislative changes to eminent domain jurisprudence.

DAY/DATE: **Tuesday – March 28, 2006**

TIME: **Check-in 11:30 am Lunch 12:00 pm**

LOCATION: **Steven’s Steak House** ✦ [5332 Stevens Place, Commerce](http://www.stevenssteakhouse.com)
(TG 675 G3)

COST/
ENTRÉE: \$16.00/Chicken or Prime Rib for members and non-members

\$5.00/Chicken or Prime Rib for SR/WA’s who RSVP

RSVP TO : SCCAI (818)957-5111 ext 20 or memberservices@sccai.org

Accurate reservation count is required by March 21, 2006. Please specify *Entree Selection*.

Payment to be made at check-in. Make check payable to SCCAI.

2 hrs OREA, SR/WA and AI CE Pending Approval

Each meeting, attendees have many opportunities — to network with peers and to learn from local experts about noteworthy and timely topics. Be sure to refer to the SCCAI’s 2006 Education and Meeting Schedule for up-to-the-minute information. To do so, go to <http://www.sccai.org>

SCCAI Office: 2609 Honolulu Avenue, Suite 202 □ Montrose, CA 91020-1710 □ Phone: (818) 957-5111 x 20 □ Fax: (818) 957-0702



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www.epicland.com

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 \$50 and increases \$10 for each month that there isn't a winner. We haven't had a winner in a while. March's drawing will be for \$200 so be sure to be there in case your name is drawn!

January New Members

<u>Applicant Name</u>	<u>Job Title</u>	<u>Firm/Agency</u>
Lowell W. Anderson	Right of Way Agent	Cal Trans
David V. Castillo	Title Examiner	Bureau of Engineering, City of LA
Robert A. Castillo	Title Examiner	Bureau of Engineering, City of LA
Arlene Chung	ROW Agent	Cal Trans
Chiu W. Eng	ROW Agent	Cal Trans
John H. Holloway	Attorney	Best, Best, & Krieger
Guy C. Lammers	R.E. Officer	Los Angeles World Airports
John E. Mackel	Partner	Demetrious, Del Guercio, Springer, & Francis
Raymond D. Mehler	Project Manager	Epic Land Solutions
Edward J. Szczepkowski	Attorney	Best, Best, & Krieger
Sumita Thappa	R.E. Officer	Los Angeles World Airports

Case of the Month

D & M FINANCIAL CORPORATION v. CITY OF LONG BEACH

B173977

COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION THREE

2006 Cal. App. LEXIS 117 (filed January 30, 2006)

By: Alan A. Sozio, Esq. of Burke, Williams & Sorensen, LLP

This Case of the Month deals with a single question, namely, may a beneficiary of a deed of trust hold a sufficient ownership interest to be entitled to just compensation in an eminent domain or inverse condemnation proceeding? “Yes” was the answer by the court.

D & M Financial Corporation (“D&M”) held a security interest in real property on which the City of Long Beach (“City”) demolished an alleged substandard apartment building. D&M alleged that its interest in the property had been condemned by the City and demanded compensation as a result. The City challenged D&M’s standing to bring an action in inverse condemnation for compensation, claiming D&M as a beneficiary had no compensable interest in the property.

The court noted at the outset that, to be constitutionally entitled to compensation, a party must own a compensable property interest taken by the state. The determination as to whether one owns a compensable property interest does not turn on strict categories of estates in real property or contractual rights. Rather, such recovery turns on “whether the condemnation has deprived the claimant of a valuable right rather than by whether his right can technically be called an ‘estate’ or ‘interest’ in the land.” Prior cases had identified recoverable interests to include “fee interests, easements, rights-of-way, and building restrictions,” holders of “an unexercised option to purchase property, a mortgagor whose interest has been foreclosed, the executor of a property owner’s estate in which the decedent held an interest with a spouse, and an insurer-subrogee seeking recovery in the name of the insurer or of its insured.”

The court went on to state that when a portion of real property constituting a security for the deed of trust is taken by eminent domain, the trust deed holder’s remedy is typically to participate in an apportionment proceeding to recover an amount equivalent to the impairment of the security interest. However, the court acknowledged that parties to the trust deed may agree to permit the trust deed holder to recover a condemnation award directly. Under such circumstances--as were present in this case¹--“a beneficiary of a deed of trust on property has a sufficient ownership interest to be entitled to just compensation in inverse condemnation.” It is important to recall that an inverse condemnation action “is the equivalent of an eminent domain proceeding, except that the plaintiff is the property owner, not the condemnor. Equivalent principles govern the parties’ rights in both actions.” Consequently, this ruling arguably applies equally to straight condemnation actions.

Oftentimes (especially in partial takings), eminent domain complaints overlook naming as defendants the beneficiaries of deeds of trust that show up on title reports. While this is not the preferred practice, this case confirms that a beneficiary of a deed of trust on property has a sufficient ownership interest to be entitled to participate, if it so chooses, in the eminent domain process. Even though many beneficiaries in partial takings do not ultimately participate in the condemnation process and agree to disclaim their interests or have their default taken, prudence dictates that they be named as defendants so as to avoid any argument that they were deprived of notice of the taking of the property. In this manner, a public entity will avoid the uncertainty of having the beneficiary file an inverse condemnation proceeding against it.

Become an IRWA Instructor.

The International Right of Way Association (IRWA) will be conducting an Instructor Clinic (Clinic) during its 52nd Annual International Education Conference in Denver, Colorado. The Clinic is scheduled immediately following the conference, on Thursday, June 22 and Friday, June 23, 2006.

The Clinic is designed specifically for those individuals interested in becoming an instructor for the IRWA, and have not completed a train-the-trainer program through a comparable professional organization approved by the International Professional Development Committee (IPDC) or are not a College/University level Instructor. The Clinic registration fee, which will be collected after a Candidate is selected, is the same as that for a two day course \$370.00 (U.S. Dollars) per person. This year we have again scheduled David Layne, SR/WA and IPDC representative, to facilitate the clinic.

The purpose of the Clinic is to offer participants an intensive, two-day training program in the latest instructional methods and techniques. A maximum of 16 Candidates will be selected to attend the Clinic. Application forms will be distributed to IRWA Region and Chapter Leaders for solicitation from interested Region members and will be available on line through the IRWA website. Successful Candidates will be notified in late March.

Should you have any questions, please feel free to contact Valerie Fries, Director of Education and Professional Development, via E-mail, at fries@irwaonline.org or by telephone at (310) 538-0233 ext. 143.

The **Annual Valuation Conference** will be held on Tuesday, April 25, 2006 at the Quiet Cannon in Montebello - PLEASE MARK YOUR CALENDARS. Flyer with details to follow shortly.

UCR currently has a job opening for a Principal Leasing Analyst.

The job description is posted at <http://humanresources.ucr.edu/jobs/JobBrowse.aspx?@strJobNumber=05-10-014>.

Please note that the job description has recently been updated to reflect the full salary range for a Principal Analyst I, and the education requirement has been changed to education and/or experience equivalent to a Bachelor's degree.

Updating your IRWA Membership Information

1. Visit 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 2006. If you would like to coordinate classes (and get the class free, close to your work/home, and on a date you select!), please let me know also. We have two classes below for which we need coordinators, so feel free to volunteer to coordinate one of those.

Chapter 1 2006 Education Schedule

Course/Seminar	Date	Coordinator	Instructor
213 – Conflict Management	February 24, 2006	Konstantin Akhrem	Vivian Howell, SR/WA
700 – Introduction to Property Management	March, 2006	Michael Fischer 213-922-2413 fischerm@metro.net	TBD
203 – Alternative Dispute Resolution (new course – pending approval by IRWA)	May 15 th /16 th	TBD	Vivian Howell, SR/WA
900 - Principles of Real Estate Engineering	2006	Michael Fischer 213-922-2413 fischerm@metro.net	TBD
602 – Project Development and the Environmental Process	2006	Konstantin Akhrem	TBD
140 – Principles of Wireless Site Development	2006	TBD	TBD

Other IRWA Educational Events

Below is a list of courses/events being sponsored by International or other Chapters. Please check the IRWA website at <http://www.irwaonline.org/education/> for the most recent information.

Date	Course #	Course Name	Location
February, 2006	104	Standards of Practice for the Right of Way Professionals	San Diego
March, 2006	500	Uniform Relocation Assistance Act – Executive Summary	Orange County
March, 2006	201	Communications in Real Estate Acquisition	Riverside
March, 2006	202	Interpersonal Relations in Real Estate	San Diego
March, 2006	103	Ethics and the Right of Way Profession	Riverside
April, 2006	202	Interpersonal Relations	San Diego
April, 2006	206	Presentation Skills	Santa Ana
April, 2006	603	Understanding Environmental Contamination in Real Estate	Orange County
May, 2006	504	Business Relocation	Riverside
May, 2006	506	Advanced Relocation Assistance for Businesses	Orange County
June, 2006	402	Income Capitalization Approach	San Diego
June, 2006	800	Principles of Real Estate Law	Orange County
September, 2006	803	Eminent Domain Law Basics for Right of Way Professionals	Orange County
October, 2006	501	Relocation Assistance	San Diego
October, 2006	802	Legal Aspects of Easements	Riverside
November, 2006	902	Property Descriptions	Orange County

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