

LOS ANGELES



IRWA
CHAPTER 1



July
2006

Upcoming Events

July 27th - 28th

Course 203 – Alternative Dispute Resolution. Contact Konstantin Akhrem 323-854-0866
akhrem@yahoo.com

August 14th – 15th

Course 700 – Introduction to Property Management. Contact Lynette Overcamp 310-378-1178
lynetteovercamp@epicland.com

October 24, 2006

Annual Fall Seminar at Quiet Cannon, Montebello - Save the Date -



President's Message

By: Tom Hanley, Metrolink

Please welcome our new **Treasurer, Andrew Thompson**, and new **Secretary, Vivian Howell**. Both agreed to step up and finish 2006 in these board positions when Michael

Fischer reluctantly resigned as treasurer due to new employment. In keeping with our board rotation, Andrew will become President Elect and Vivian will become Treasurer in 2007. Thank you, Andrew and Vivian, for your commitment to our chapter. We also wish Michael well in his new endeavor.

If you have an interest in serving our chapter as Secretary during 2007, please contact Holly Rockwell. If things go as normal, the nominating committee headed by Holly will be coming to a worthy candidate to request

Membership Luncheon honoring Chapter 1 Past Presidents

Date: July 25, 2006

Time: 11:30

Location: The Warehouse Restaurant, 4499 Admiralty Way, Marina Del Rey (TG-672/A6)

RSVP: Tom Hanley (213) 452-0256 by July 20th

(See Flyer enclosed)

service as 2007 Secretary. Please consider service if you desire the position or are otherwise asked to serve.

Andrew Thompson and I have just returned from the annual IRWA 52nd Annual International Education Conference representing our chapter. As usual there was a variety of topics at the conference sessions, which allowed for all conference attendees to learn something new. There were the usual social events and annual awards and time to meet old friends and make some new ones. I belong to several other professional organizations but I see a spirit and passion with IRWA members that I do not see elsewhere. As I say almost every month in my message, it is the people who make IRWA great and the reason why I stay involved.

Congratulations to all members who received international awards. Our sister Chapter 67 won the **Newsletter of the Year** award for chapters with more than 100 members. How gratifying it was to be there when **Chapter 67** newsletter editor, **Joe Munsey**, accepted the award.

This month the International Website goes online. I was there for two sessions on the website and it looked really good. Of particular note is that registration for education courses will now be available online. The class coordinator will be notified immediately by email about any new registration. The email will also include method of payment so that for the first time our chapter treasurer will be able to directly reconcile class credit card registrations with the roster list. For the first time also, we will have a complete breakdown of all class registrants and be able to reconcile everything with the international invoice. Suddenly all local chapter treasures will have an easier time of it. Hopefully it will work as planned. So stay tuned.

The annual **Past President's luncheon** is schedule for **July 25, 2006**. (See the attached flyer) So far we have 20 or so pre-registered. This was really a wonderful event last year and this year we will hear from several past presidents with nostalgia for the past and hope for the future. Also remember to save the date for the **Fall Seminar** scheduled for **October 24, 2006**. Vivian Howell is hard at work getting this day ready.

As always I will do my best to keep everyone informed about issues of interest to our chapter. I hope everyone's summer is going well and that everyone has the opportunity to rest a bit.

PAST PRESIDENTS LUNCHEON

IRWA - Chapter 1

☆☆☆☆☆☆

SPEAKER/

TOPIC:

A networking luncheon with open conversation. We will have a brief discussion with some Chapter Past Presidents recalling their years as President, and how times have changed in IRWA.

DAY/DATE:

Tuesday - July 25, 2006

TIME:

Check-in 11:30 a.m.; Lunch 12:00 p.m.

LOCATION:

The Warehouse Restaurant

4499 Admiralty Way
Marina Del Rey
(TG 672/A6)

COST FOR

BUFFET:

\$16.00 (Prime Rib or Grilled Chicken Breast) *or*
Free to Chapter 1 Past Presidents who RSVP

RSVP TO:

Tom Hanley (213) 452-0256

Accurate reservation count is required by July 20, 2006.
Payment to be made at check-in. Make check payable to IRWA Chapter 1.

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>	Andrew Thompson, SR/WA Sempra Utilities	310-244-5032	athompson@semprautilities.com
<i>Secretary</i>	Vivian Howell, SR/WA Los Angeles World Airports	310-417-0450	vhowell@lawa.org
<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@bwsllaw.com
<i>Valuation Seminar</i>	Dave Roberts LA City General Services Asset Management	213-922-8546	djRobert@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 Property Services Bureau	562-570-6836	fred_arevalo@longbeach.gov
<i>Title</i>	Teri Kortens Lawyers Title	310-210-6741	terikortens@msn.com
<i>Transportation</i>	Vacant		
<i>Utilities</i>	Vacant		

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 www.epicland.com

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 Fax: 310-378-0558
 Cell: 310-722-9911

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. July's drawing will be for \$200 so be sure to be there in case your name is drawn!

Chapter 1, New Members

<u>Name</u>	<u>Job Title</u>	<u>Firm/Agency</u>
Jeri James	ROW Specialist	Chevron Pipe Line Co.
Jesse Ortiz	Relocation Agent	Epic Land Solutions, Inc.

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.

Case of the Month

METROPOLITAN WATER DISTRICT v. CAMPUS CRUSADE FOR CHRIST, INC.

E034248

COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION TWO

135 Cal. App. 4th 568; 37 Cal. Rptr. 3d 598; 2005 Cal. App. LEXIS 2029; 2006 Cal. Daily Op. Service 254; 2006 Daily Journal DAR 280

filed December 19, 2005; rev. granted April 19, 2006

By: Alan A. Sozio, Esq. and Elizabeth Del Cid of Burke, Williams & Sorensen, LLP

This Case of the Month deals with, a second issue decided by the Court of Appeal in the *Campus Crusade* matter discussed last month, which is whether proof of delay in construction may be presented to support a claim of severance damages, or whether such proof may be too speculative to be allowed as evidence at trial.

In this case, MWD condemned both fee and easement interests from the property owner ("Campus Crusade") in order to construct a segment of a 12" welded steel pipeline from Devil Canyon to Diamond Valley Lake as part of the Inland Feeder Project. Most of the

pipeline was buried hundreds of feet below the earth's surface. However, portions of the pipeline ranged between 10 to 12 feet below the surface, and at some points, were raised to about four to five feet below ground. The pipeline cut across the most valuable and developable portion of Campus Crusade's property. A segment of MWD's pipeline was designed and constructed across the San Andreas fault.

At trial, Campus Crusade intended to show that the pipeline decreased the value of its remainder property (i.e., severance damages) due to, among other things, the inability to plan, finance, and market the property because of MWD's alleged delays in constructing the project. Specifically, Campus Crusade desired to present the jury with the following analysis from its appraiser, Robert Swing:

...the most significant impact on Campus Crusade's property would occur during construction. During that time, Campus Crusade would have difficulty proceeding with development, especially in regards to obtaining financing and marketing the property. Thornburgh specifically noted the temporary easements directly affected Campus Crusade's access to its property and its plans to construct certain improvements, such as a golf course.

In a pretrial motion, the trial court denied Campus Crusade the opportunity to present this opinion to a jury because the trial court did not believe the alleged delay affected the value of the property.

The Court of Appeal disagreed with the trial court's ruling, noting that Campus Crusade was allowed to seek compensation for the temporary construction easement resulting from the delay as well as severance damages resulting from a loss of property value to the remainder.

However, the Court of Appeal acknowledged that Campus Crusade's damages were limited to those constituting more than "ordinary annoyances" arising from the delay because it could not clearly conclude that the annoyances themselves caused the property value to decrease. Such unrecoverable annoyances include a reasonable rise in "traffic, noise, dust, and fumes" resulting from construction of the public improvement. Needless and/or substantial delays could be recoverable. Citing prior cases on this issue, the Court of Appeal noted that the amount of temporary severance damages is based on two factors: (1) the "date of valuation" and (2) the "project as proposed." This means severance damages considers the value and extent of actual injuries, rather than injuries that have yet to or could occur.

In the case before it, the Court of Appeal determined Campus Crusade was entitled to seek some temporary severance damages regarding the decrease in property value for the remainder caused by the delay of construction. Also, Campus Crusade could seek temporary severance damages for injuries that probably would arise from substantial interference on its property rights due to the construction (to be decided by the court). However, the Court of Appeals agreed with the trial court that (a) common annoyances and (b) injuries from speculative injuries - ones outside of the valuation date - were excluded.

The court held this evidence should have been admitted at the trial court because it showed how the proposed project adversely affected Campus Crusade's exercise of property rights.

This matter is currently pending before the California Supreme Court, and thus may not be cited in legal briefs to the court. However, the principles on which the court of appeal reached its decision are based on existing prior law, at least for now. This case serves a reminder to public agencies when budgeting for their project to consider including a contingency for construction delays, which may translate into additional acquisition costs if capitalized upon by a property owner.

METRO GOLD LINE EASTSIDE EXTENSION

Project Overview:

Another six miles of train tracks will extend the Metro Gold Line from Union Station to Pomona and Atlantic, offering the Eastside faster and more convenient access to many destinations. With the construction of the Eastside Extension, the communities of Little Tokyo/Arts District, Boyle Heights and East Los Angeles will be connected by rail to Long Beach, Hollywood, the San Fernando Valley, Downtown Los Angeles, Pasadena and other areas. With construction of the Eastside Extension, the Metro Rail system will expand to serve 70 stations.

Project at a Glance:

- ï Six miles long
- ï Directly connects to existing Metro Gold Line to Pasadena without passengers having to transfer
- ï Estimated ride time between Union Station and Atlantic Station will be 17 minutes
- ï Total of eight new stations including 2 that are underground
- ï Twin tunnels under Boyle Heights with a length of 1.8 miles
- ï Budget: \$898 million
- ï Start of construction: 2004
- ï Forecasted opening: Late 2009
- ï Park & Ride provided at Atlantic station
- ï Powered electrically with overhead catenary wires

Project Process:

Metro has been working with local community residents and businesses since 1991 to plan and develop the details of this rail project and will continue working with the community through construction. Since its inception, Metro's Real Estate Department has been actively involved with the acquisition of various real property interests, and the relocation and property management work associated with this project.

**Alternative Dispute Resolution
COURSE 203**

Re-certification Credit: 16 hours

Class may be used to fulfill part of the Education requirement for the SR/WA
Designation and Certification Program: 2 days

Class Description: Dispute Resolution for Right of Way Professionals - Solving Problems. This full discussion of mediation, arbitration and "Getting to Yes" is full of solutions for practically most situations. Learn how to bust through deadlock, how to save money when negotiation doesn't work, and how to avoid getting into court proceedings. What do you do to get landowners to the table and reach fair and equitable settlements? Written and taught by an attorney who has mediated more than 1,000 right of way issues to conclusion, this course is engaging, stimulating, and designed to give you more tools for success. Course tuition includes: Student Manual

Required reading material: "Getting a Yes, Negotiating Agreement without Giving In" textbook. Can be purchase at local bookstores and the Internet at a retail price of \$12.00. Students should read the book prior to attending the class.

INSTRUCTOR:

Vivian D. Howell, SR/WA, MBA is an administrator through the offices of the Deputy Executive Director of Long Range Planning at Los Angeles World Airports with over 22 years of experience at the City of Los Angeles (City) in right of way, land use, finance and management in varying positions such as Real Estate Officer, Assistant Division Director and Director of Property Management. Her professional projects have been in the fields of negotiation, acquisition, condemnation, relocation, appraisal, asset management, business development and conflict management. Ms. Howell is also a Facilitator and Mediator through the City's Dispute Resolution Program in the Office of the City Attorney. She is an approved instructor for IRWA, a member of the International Relocation Committee and Co-Chair of Chapter 1's Professional Development Committee.

Alternative Dispute Resolution Course 203

July 27-28, 2006

Los Angeles, CA



INTERNATIONAL RIGHT OF WAY ASSOCIATION
Harbor Business Center
19750 South Vermont Avenue, Suite 220
Torrance, CA 90502-1144

FAX REGISTRATION FORM

FOR CREDIT CARD PAYMENTS, REGISTER ONLINE USING EXTRAWEB AT IRWAONLINE.ORG OR IRWA FAST FAX AT (310) 538-1471

Name _____ Title _____ Membership # _____

Company _____ Address _____

City _____ State _____ Zip Code _____

Phone () _____ Fax () _____ E-mail _____

Registration Fees:	Member	Non-Member	Fill In Amount
Advance	\$405.00	\$510.00	\$ _____
After Deadline	\$430.00	\$535.00	\$ _____

Optional

- 1) Principles of Right of Way Textbook - \$50.00 \$ _____
2) Real Estate Dictionary - \$5.00 \$ _____

See Course Description For Required Reading Material

Total Enclosed \$ _____

Please confirm my credit card registration by: Fax E-mail

AMEX M/C Visa Card Number: _____ Exp. Date: _____

NAME AS IT APPEARS ON CARD: _____

Signature: _____ Amount to be Charged: _____

All classes scheduled by the IRWA are subject to cancellation. Although every effort is made to run each class as scheduled, occasionally a class must be cancelled due to insufficient enrollment or unavailability of instructor. Payments made to IRWA, for tax purposes, are not deductible as charitable contributions; but may qualify as a usual and necessary business expense.

4 WAYS TO REGISTER

EXTRA WEB at www.irwaonline.org

FAST FAX: 310-538-1471

PHONE: 310-538-0233 x138

MAIL TO: class coordinator's address

REGISTRATION DEADLINE:

July 13, 2006

MAKE CHECK PAYABLE TO:

INTERNATIONAL RIGHT OF WAY ASSOCIATION

MAIL CHECK TO CLASS COORDINATOR:

Konstantin Akhrem

For additional information, please contact

Class Coordinator:

Konstantin Akhrem

PO Box 48483

Los Angeles, CA 90048

Phone: (323) 854-0866

Fax: (323) 658- 8777

Email: akhrem@yahoo.com

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 \$25 fee will be charged for registrations received after deadline and for those registering on day of class.



Alternative Dispute Resolution
Course 203

SPONSORED BY

Chapter 1

DATE	TIME	DAYS
July 27-28, 2006	8AM to 5PM Daily	2

LOCATION/ACCOMMODATIONS

HILTON Los Angeles Airport (LAX)

5711 W. Century Blvd.

Los Angeles, CA 90045

Phone: 310-410-4000

Fax: 310-410-6250

RATES

Single: \$189.00 + 14% tax. Please contact hotel directly for reservations.

Below are the classes Chapter 1 has scheduled for 2006. 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 let me know also. We have two classes below for which we need coordinators, so feel free to volunteer to coordinate one of those. My contact info is lynetteovercamp@epicland.com.

Chapter 1 2006 Education Schedule

Course/Seminar	Date	Coordinator	Instructor
203 – Alternative Dispute Resolution	July 27 th - 28 th , 2006	Konstantin Akhrem 323-854-0866 akhrem@yahoo.com	Vivian Howell, SR/WA
700 – Introduction to Property Management	August 14 th – 15 th , 2006	Lynette Overcamp 310-378-1178 lynetteovercamp@epicland.com	Joe Pestinger
801 – Land Titles	August 16 th – 17 th , 2006	Gloria Casabona 213-485-5781 Gloria.Casabona@lacity.org	Joe Pestinger
602 – Project Development and the Environmental Process	September, 2006	TBD	TBD
901 – Engineering Plan Development and Application	November, 2006	Dan Kazden 805-578-2400 dkazden@sbcglobal.net	TBD

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.

Other IRWA Educational Events

Date	Course #	Course Name	Location
August, 2006	402	Income Capitalization Approach	San Diego
August, 2006	403	Easement Valuation	San Diego
September, 2006	800	Principles of Real Estate Law	Orange County
September, 2006	201	Communications in Real Estate Acquisition	San Diego
September, 2006	506	Advanced Business Relocation	Riverside
September, 2006	701	Property Management: Leasing	San Diego
September, 2006	703	Real Property Asset Management	San Diego
October, 2006	803	Eminent Domain Law Basics for Right of Way Professionals	Orange County
October, 2006	501	Relocation Assistance	San Diego
October, 2006	214	Skills of Expert Testimony	Riverside
October, 2006	209	Negotiating Effectively with a Diverse Clientele	San Diego
November, 2006	902	Property Descriptions	Orange County
November, 2006	403	Easement Valuation	Riverside
January, 2007	103	Ethics and the Right of Way Profession	San Diego

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