



## Upcoming Events

### July 26

Networking Membership luncheon, 11:30am at The Warehouse, 4499 Admiralty Way in Marina del Rey

July 29, 2005 Course 505 - Advanced Relocation Assistance I (Residential)

### August

Dark

Education Calendar – See Page 15 and 16



## President's Message

By: Holly Rockwell, Epic Land Solutions, Inc.

Thank You to **Bill von Klug, SR/WA, R/W – RAC** and **Fred Arevalo, R/W – RAC** and the rest of the Relocation Committee!! One of our members

gave the highest level of praise which was that the Relocation Seminar continued to promote the exceptional caliber of educational opportunities that he has come to expect from Chapter 1. It was a great turnout, and the panel-style presentation was very much enjoyed. As a pleasant lunchtime treat, Bill von Klug provided us with an overview of the similarities and differences between No Limit Texas Hold'Em and Right of Way Negotiations.

## Membership Luncheon

Date: June 28, 2005

Time: 11:30am

Speaker: Joel Sewell, co-founder of Paragon Partners Ltd.

Topic: Managing your Right of Way Program with PDQ

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

Luncheon choice: Chicken Oscar: Breast of chicken with asparagus, crab & bernaise sauce or Triangle of Beef: served in natural juices

Price: \$16 per person RSVP: Tom Hanley at [hanleyt@scrra.net](mailto:hanleyt@scrra.net) or 213-452-0256 no later than Friday, June 24

If you were unable to attend the Relocation seminar, you can still purchase the CD delineating changes in the Uniform Act regulations for \$25. Information for obtaining the CD is included with this newsletter.

**Rudy Romo** and the Fall Seminar committee are already busy planning our next seminar. The Fall Seminar features speakers from a variety of topics and will be held on Wednesday, October 19<sup>th</sup>.

Another calendar item – the Chapter 1 SR/WA review session will be held September 14<sup>th</sup> – 16<sup>th</sup>. You do not have to have completed all of the classes for SR/WA to sit for the exam. However, you do have to be an SR/WA candidate. If you are interested in “getting the exam out of the way”, be sure to get your SR/WA application in as soon as possible.

If you are interested in becoming an instructor for IRWA, the San Diego Chapter (Chapter 11) has gotten permission to hold an instructors clinic in late August/early September. The instructors' clinics are usually only given once a year at the Annual Conference. If you are interested, please contact James Anthony, SR/WA at [janthony@sandiego.gov](mailto:janthony@sandiego.gov).

The week of June 13<sup>th</sup>, **Tom Hanley** and I will be representing Chapter 1 at the Annual International Education Conference, which will be held in Toronto, Ontario, Canada. If you are planning on attending, please let either Tom or I know. We'd love to get the Chapter 1 folks together!

Finally, our July luncheon will be held at Marina Del Rey. This is always a fun event, and this year will be special for a couple of reasons. One, we will be honoring the Chapter 1 Past Presidents. These are the people who have helped make our Chapter so successful. Secondly, the meeting will be an informal networking luncheon. There will be a buffet style meal with only brief announcements and a case of the month. The rest of the time will be for getting caught up with those members you don't get to see very often. The luncheon will be held at The Warehouse, 4499 Admiralty Way in Marina del Rey. Although the cost of having lunch there is higher than our standard price, the Chapter 1 Board approved a subsidy so that the cost remains at \$16 per person.

Our membership cash drawing is growing quite large. At our May luncheon, the prize was \$130. Ray Jackson of BP Pipelines and a Chapter 1 Past President was the winner, but unfortunately wasn't in attendance. Fortunately, for everyone else the drawing is now up to \$140. Good reason to come participate at our June luncheon and potentially walk away with the grand prize! I look forward to seeing you there.

**IRWA Chapter 1  
2005 Officers and Executive Board**

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| <i>President-Elect and International Director</i> | <b>Tom Hanley</b><br>Metrolink   | 213-452-0256 | <a href="mailto:hanleyt@scrra.net">hanleyt@scrra.net</a>                         |
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| <i>Professional Development</i>                   | <b>Michael Popwell, SR/WA</b><br>LA Community Dev. Com.                  | 323-890-7195 | <a href="mailto:michael.popwell@lacdc.org">michael.popwell@lacdc.org</a>         |
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| <i>Membership</i>                                 | <b>Bill Larsen</b><br>Integra Realty Resources                           | 818-593-7200 | <a href="mailto:wlarsen@irr.com">wlarsen@irr.com</a>                             |
| <i>Luncheon</i>                                   | <b>Nancy Ocampo</b><br>Century Law Group                                 | 310-642-6900 | <a href="mailto:nancy@centurylawgroup.com">nancy@centurylawgroup.com</a>         |
| <i>Communications</i>                             | Vacant   |              |  |
| <i>Webmaster</i>                                  | <b>Mark Brusca</b><br>Riggs & Riggs, Inc.                                | 805-578-2400 | <a href="mailto:markbrusca@sbcglobal.net">markbrusca@sbcglobal.net</a>           |
| <i>Newsletter</i>                                 | <b>Natalie Michelson</b><br>JPI Studios, Inc.                            | 818-634-6932 | <a href="mailto:aunttaliee@aol.com">aunttaliee@aol.com</a>                       |
| <i>Law</i>  | <b>Bradley Pierce Esq.</b><br>Demetriou, Del Guercio, Springer & Francis | 213-624-8407 | <a href="mailto:bpierce@ddsffirm.com">bpierce@ddsffirm.com</a>                   |
| <i>Valuation Seminar</i>                          | <b>Paul Norlen, MAI</b><br>Metropolitan Water District                   | 213-217-7765 | <a href="mailto:pnorlen@mwdh2o.com">pnorlen@mwdh2o.com</a>                       |
| <i>Relocation Seminar</i>                         | <b>Bill Von Klug, SR/WA, R/W - RAC</b><br>LA Community Dev. Com.         | 323-890-7434 | <a href="mailto:bill.vonklug@lacdc.org">bill.vonklug@lacdc.org</a>               |
| <i>Fall Seminar</i>                               | <b>Rudy Romo</b><br>Independent Consultant                               | 951-662-7997 | <a href="mailto:rudromo@aol.com">rudromo@aol.com</a>                             |
| <i>Tri-Chapter Installation Chair</i>             | <b>Tom Hanley</b><br>Metrolink   | 213-452-0256 | <a href="mailto:hanleyt@scrra.net">hanleyt@scrra.net</a>                         |
| <i>Historian</i>                                  | <b>Gus Parcero, SR/WA</b><br>City of Los Angeles – BOE                   | 213-847-5580 | <a href="mailto:aparcero@eng.lacity.org">aparcero@eng.lacity.org</a>             |
| <i>Engineering/Survey</i>                         | <b>Tony Pratt, PLS</b><br>City of Los Angeles – BOE                      | 213-482-7180 | <a href="mailto:tp Pratt@eng.lacity.org">tp Pratt@eng.lacity.org</a>             |
| <i>Environmental</i>                              | <b>Mohammed Estiri, PhD</b><br>Eco & Associates, Inc.                    | 714-832-5427 | <a href="mailto:mestiri@panenv.com">mestiri@panenv.com</a>                       |
| <i>Local Public Agency</i>                        | <b>George Koury, SR/WA</b><br>Port of Los Angeles                        | 310-732-3865 | <a href="mailto:gkoury@portla.org">gkoury@portla.org</a>                         |
| <i>Pipeline</i>                                   | <b>Gary Valentine, SR/WA, MAI</b><br>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><br>Metropolitan Trans. Auth.        | 213-922-2435 | <a href="mailto:robbsd@mta.net">robbsd@mta.net</a>                               |
| <i>Relocation</i>                                 | <b>Fred Arevalo, R/W – RAC</b><br>LA Community Dev. Com.                 | 323-890-7473 | <a href="mailto:fred.arevalo@lacdc.org">fred.arevalo@lacdc.org</a>               |
| <i>Title</i>                                      | <b>Teri Kortens</b><br>Lawyers Title                                     | 310-210-6741 | <a href="mailto:terikortens@msn.com">terikortens@msn.com</a>                     |
| <i>Transportation</i>                             | Vacant   |              |  |
| <i>Utilities</i>                                  | <b>Andrew Thompson</b><br>Sempra Utilities                               | 310-244-5032 | <a href="mailto:athompson@semprautilities.com">athompson@semprautilities.com</a> |



## *Chapter 1 – Los Angeles County*

### **PRESENTS**

*Changes to the  
Uniform Relocation Assistance and  
Real Properties Acquisition Policies Act Regulations*

### **CD**



Each CD contains the following:

- A color-coded Microsoft Word document with the new regulations superimposed on top of the old regulations. The reader will not only be able to read the new regulations but will be able to see exactly what was changed. This document also allows the user to copy and paste sections of the Regulations to other documents and to hyperlink to referenced paragraphs within the document.
- A Portable Document Format (PDF) file from the Federal Highway Administration (FHWA). This file contains the new regulations with a preamble explaining why the changes were made.

**Price: \$25 per CD** (If you attend the Relocation Seminar on May 24, 2005 you will receive a credit of \$25 on the cost of the seminar.)

**To Order your CD:**

**NAME:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_

**COMPANY:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_


**ADDRESS:** \_\_\_\_\_ **CITY:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**NUMBER OF CDs:** \_\_\_\_\_

**AMOUNT ENCLOSED:** \_\_\_\_\_

Make checks payable to **IRWA Chapter One** and mail to:

Joe Damm, Epic Land Solutions, Inc. , 24050 Madison Street, Suite 205, Torrance, CA 90505  
(Tel# 310-378-1178) (Fax# 310-378-0558) (Email: joedamm@epicland.com)

## June 2005 Membership Luncheon

### Managing Your Right of Way Program with PDQ - A Software System Designed Specifically for the Right of Way Professional

Joel Sewell, co-founder of Paragon Partners Ltd. and designer of Paragon Data Quest (PDQ) will discuss the advantages of using PDQ in the management, reporting and daily tasks of right-of-way projects. System benefits include: customized design, secure web-enabled access, real-time data entry/management and critical path tracking, enhanced quality control, and instant reporting.

**Date:** June 28, 2005

**Time:** 11:30am

**Speaker:** Joel Sewell, co-founder of Paragon Partners Ltd.

**Topic:** Managing your Right of Way Program with PDQ

**Location:** Steven's Steakhouse 5332 Steven's Place,

Commerce, CA 90040

**Luncheon choice:** Chicken Oscar: Breast of chicken with asparagus, crab & bernaise sauce or Triangle of Beef: served in natural juices

**Price:** \$16 per person

**RSVP** to Tom Hanley at [hanleyt@scrra.net](mailto:hanleyt@scrra.net) or 213-452-0256 no later than Friday, June 24th

### Seeking Candidates for IRWA's 2005 Instructors Clinic

The International Right of Way Association (IRWA) will be conducting an Instructor Clinic (Clinic) during its 51<sup>st</sup> Annual International Education Conference in Toronto, Ontario, Canada. The conference runs from June 13-16, 2005 and the Clinic is scheduled immediately following on **Friday, June 17 and Saturday, June 18, 2005.**

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 David Layne, SR/WA and IPDC representative, is scheduled 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 15 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. The IPDC will evaluate the applications and make the final selection of participants. Successful Candidates will be notified in late March.

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



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Aaron D. Amster, ASA  
President

## **Amendment to Chapter 1 By-Laws**

The IRWA Chapter 1 Board has approved two changes to the Chapter 1 by-laws. One relates to a change in the structure of the Chapter 1 officer positions and the other one relates to a change in the structure of the Professional Development Committee. For the first item, Chapter 1's elected officers currently consist of President, President-Elect, Vice-President, Treasurer and Secretary. Each position is elected annually by the membership and traditionally officers start at the Secretary position and move through the ranks until they are President. It was agreed by the Board that the Vice-President and President-Elect position could be combined. Therefore the Board voted to propose to the Chapter a change in the by-laws to eliminate the Vice-President position.

For the second item, Chapter 1's by-laws currently require the Professional Development Committee to have nine members, each of whom is to serve in that capacity for three years. The Chapter 1 Board has approved revising the Professional Development Committee to be a minimum of three members.

Any change to the by-laws requires a 2/3 vote of the members present at any membership meeting. Below is a full copy of the by-laws with the amended portions marked. The by-law amendments will be voted on at the May membership luncheon. If you have any questions or concerns about either of these changes, please don't hesitate to contact me at [hollyrockwell@epicland.com](mailto:hollyrockwell@epicland.com) or 310-378-0771.

### **BYLAWS of LOS ANGELES CHAPTER NO.1** **INTERNATIONAL RIGHT OF WAY ASSOCIATION**

#### **ARTICLE I – GENERAL**

Section 1. The name of this Chapter shall be Los Angeles Chapter No. 1, International Right of Way Association.

Section 2. This Chapter is a chapter of the International Right of Way Association, a corporation formed under the laws of the State of California and all of its rights and powers are subject to the laws of said State, the Articles of incorporation of said Association, and the Bylaws, Rules and Regulations of said Association, including the requirement that all bylaws and amendments thereto are not effective until their approval by the International Executive Committee of said International Right of Way Association.

Section 3. Each member of this Chapter must conduct himself or herself in such a manner as to reflect honesty and the integrity of the International Right of Way Association and each is bound by the code of Ethics and Rules of Professional Conduct of said Association. A member may be suspended or expelled from this Chapter and from said Association on such grounds and in the same manner provided for in the International Bylaws.

Section 4. This Association being non-political, non-partisan, and non-sectarian, no member shall represent himself or herself as a representative of the Association in respect to any religious or political activity without proper authorization from the Association. In any presentation wherein a member is in any way identified as a member of the Association, said member shall specifically indicate that the opinions expressed represent only private opinions and are not intended to reflect policy positions of the Association or this Chapter.

#### **ARTICLE II – MEMBERSHIP**

Section 1. The classes of membership in this Chapter and the requirements for such membership shall be those established in the International Bylaws of the International Right of Way Association.

#### **ARTICLE III – MEETINGS**

Section 1. Regular meetings of this Chapter shall be held at the time and place designated by the President. Regular meetings shall be held at least four (4) times each calendar year at intervals not less than 28 days apart. A scheduled regular meeting, except the annual meeting, may be postponed by the President with the concurrence of a majority of the Chapter Executive Board.

Section 2. An annual meeting of the members of this Chapter shall be held prior to the fifteenth day of November of each year. Annual reports of all officers and committees will be presented at that time. Chapter officers including International Directors, shall be elected at said meeting and such other business as may be presented may be conducted.

Section 3. Special meetings may be called at any time by the President and shall be called upon receipt of a written request signed by four (4) members of the Chapter Executive Board or by ten (10) active members of the Chapter.

Section 4. Notice of all meetings shall be given to the active members in writing at least five (5) days prior to such meeting, or by telephone prior to such meeting.

Section 5. A majority of the active members or twenty (20), whichever is the smaller, shall constitute a quorum.

#### ARTICLE IV – OFFICERS

Section 1. The officers of this Chapter shall be a President, President Elect, ~~Vice President~~, Treasurer, Secretary, ~~Treasurer~~, and together with such other officers as may be appointed by the President with the concurrence of the Chapter Executive Board. The President Elect, on assuming the duties of that office, shall at the same time assume the duties of International Director, which latter duties he or she shall retain for two (2) consecutive years.

Section 2. Except for officers appointed by the President as provided in Section 1 of this Article, and further except for the President, all officers shall be elected from the active membership of the Chapter; the officers so elected and appointed shall serve for one (1) year beginning the following January 1 or until their successors are duly elected or appointed and installed. Each year, the President shall be that member who during the prior year served as President Elect.

Section 3. If the office of International Director shall become vacant, the Chapter shall, at an election scheduled for and held at the next regular meeting of the Chapter following the date the vacancy occurs, elect a Director to hold the office during the unexpired term. If the Chapter fails to elect a new Director and to certify such election to the International Secretary prior to the next meeting of the International Board of Directors, said Board, by a majority vote of those Directors in attendance, shall elect a Director from the membership of the Chapter present at the Board of Directors' meeting who shall hold office for the unexpired term.

If the office of President shall become vacant, the President elect shall immediately succeed to the duties and office of the President. In the event of a vacancy in any other office, said office shall be filled by appointment by the President from the active members of the Chapter, with the concurrence of the Chapter Executive Board.

Section 4. No officer may be re-elected to the same office until two (2) years have elapsed following the end of the term to which elected, provided, however that this limitation shall not apply to the offices of Secretary, Treasurer, or International Director, who shall be eligible to succeed himself or herself for one (1) additional term, nor to a President who is filling out the term of a predecessor and succeeded to office to fill a vacancy.

Section 5. The officers of this organization shall perform the duties as hereinafter set forth.

A. International Directors. The International Directors shall act as liaison between the International and Chapter structures of the Association working in close cooperation with the Regional Chairperson and Vice Chairperson. They shall inform the Chapter Executive Board of all actions and activities occurring at meetings of the International Board of Directors and of such other matters as may come to their attention.

B. President. The President shall be the Chief Executive Officer of the Chapter and ex-officio member of all committees and shall, subject to the control of the Executive Board, have general supervision, direction and control of the business and officers of the Chapter. The President shall preside at all meetings of the Chapter and of the Executive Board, and shall have the general powers and duties usually vested in the office of President, and such other powers and duties as may be prescribed by the Bylaws of the Association, this Chapter, or the Chapter Executive Board.

C. President Elect. The President Elect shall have the general powers and duties of a President Elect; shall act as President in the case of absence or disability of the President; shall advise and assist the President when called on to do so, and shall perform such other duties as may be required by the Executive Board. In case the office of President becomes vacant, the President Elect shall become President. In addition to other duties the President Elect shall perform such duties in connection with the supervision of standing committees as may, from time to time, be directed by the President.

~~D. Vice President. The Vice President shall have the general powers and duties of a Vice President; shall act as President in case of absence or disability of the President and President Elect; shall advise and assist the President when called on to do so, and shall perform such other duties as may be required by the Executive Board.~~

D. F. Treasurer. The Treasurer shall receive all the funds of the Chapter and keep a proper record thereof; shall deposit said funds in a convenient, responsible bank; and shall disburse them only upon receipt of proper authority from the Chapter Executive Board. The Treasurer shall perform such other duties as are delegated to that officer by the Chapters Executive Board.

E. Secretary. The Secretary shall keep a book of all minutes of all the meetings of the Chapter and the Executive Board; shall carry on all correspondence of the Chapter; and shall perform such duties as may be required by the Executive Board.

#### ARTICLE V – EXECUTIVE BOARD AND COMMITTEES

Section 1. Executive Board. The elected Chapter officers, immediate Past President, and the Committee Chairpersons shall constitute the Executive Board of this Chapter.

The Executive Board shall have the power and duty to conduct and direct all the business and affairs of this Chapter.

Section 2. Professional Development Committee. ~~There shall be in this Chapter a Professional Development Committee consisting of nine (9) members, each of whom shall be elected for a three (3) year term at the same time and in the same manner as the officers of this Chapter are elected; provided, however, that at the first election following establishment of this committee nine (9) committee members shall be elected for a one (1) year term. All members of said Chapter Professional Development Committee must have attained the designation of Senior Member – International Right of Way Association.~~  
There shall be in this Chapter a Professional Development Committee consisting of a minimum of three (3) members. The Chairperson of the Professional Development Committee shall be elected at the same time and in the same manner as the officers of this Chapter are elected. All members of said Chapter Professional Development Committee must have attained the designation of Senior Member – International Right of Way Association.

Section 3. Committee on Nominations and Elections. A committee on Nominations and Elections shall be appointed by the President not later than the July regular meeting and shall consist of a Chairperson and at least three members. This committee shall present and recommend a slate of officers to the membership for their consideration not later than the September regular meeting.

Section 4. Advisory Committee. All Past Presidents of Los Angeles Chapter No.1, International Right of Way Association, so long as they remain members of the Chapter in good standing, shall constitute the Advisory Committee. The Advisory Committee shall be available to counsel and make recommendations with respect to any matter that may be referred to the Committee by the President. Members of the Advisory Committee shall receive notice of and may attend all meetings of the Chapter Executive Board and may take part in the deliberations, but unless also serving as International Director or in some other capacity carrying a vote, shall not have a vote.

Section 5. There may be such other standing committees as the Executive Board shall from time to time determine to be necessary, provided, however, that there shall be established Chapter committees corresponding to those International Committees for Chapter counterparts established by the International Board of Directors or the International Executive Committee.

The Chairpersons and members of all standing committees shall be appointed by the President of the Chapter, or by the President Elect, or the Vice President, as may be directed by the President, subject to the concurrence of the President in the appointments made. They shall be appointed from the active members of the Chapter to serve at the pleasure of the President, or of such of the other officers of the Chapter as the President may have delegated the supervision of the committee in question. The President, or such other officer of the Chapter as designated by the President, shall be an ex-officio member of each standing committee.

## ARTICLE VI – DUES

Section 1. Annual dues of Active Members of this Chapter shall be such sum as is provided by the International Bylaws of this Association as and for the annual per capita assessment plus the sum of \$20.00 for Chapter dues.

Section 2. Annual dues of Associate Members of this Chapter shall be \$20.00.

Section 3. No dues shall be required of Honorary Members.

Section 4. Annual dues of Retired Members of this Chapter shall be such sum as is provided by the International Bylaws of this Association as and for the annual per capita assessment and an optional subscription to “Right of Way” at said amount set by the International Board of Directors.

Section 5. Delinquencies. Any member who has not paid his or her dues prior to March 1 of the year for which dues shall be delinquent. A member paying his or her dues for the year between the first day of March and the fifteenth day of April, shall pay in addition to the regular Chapter dues, a delinquency penalty of \$1.00. If such dues and penalty are not paid by April 15<sup>th</sup>, the member shall be suspended. In the event the member applies for reinstatement within two years thereafter, the member may be reinstated, but only upon payment of the penalty and a reinstatement fee of \$4.00, in addition to payment of the Chapter dues and International dues. The reinstatement fee shall be divided equally between the Chapter and the Association.

## ARTICLE VII – RULES OF ORDER

Section 1. Except as otherwise provided for in these Bylaws, “Robert’s Rules of Order, Revised” are hereby adopted as the rules for the procedures and conduct of all meetings of the Chapter, its Executive Board and Committees.

## ARTICLE VIII – AMENDMENTS

Section 1. These Bylaws may be repealed, amended, or new Bylaws adopted at any regular meeting of the Chapter by an affirmative two-thirds vote of the active members present after the same has been submitted in writing and read at a previous regular meeting or a copy thereof sent by mail to the active members of the Chapter at least ten (10) days prior to the meeting. Said action by the Chapter shall not become effective until approved by the International Executive Committee.

## SR/WA & CERTIFICATION PROGRAM CANDIDATES

Are you working on your SR/WA Program or Certification Program? Have you registered your candidacy with International? Time to do so now!

Go to [www.irwaonline.org](http://www.irwaonline.org), click on the **RESOURCES** tab, click on the **FORMS & APPLICATIONS** dropdown tab, and choose the “SR/WA and Certification Candidacy Application” form, fill it out and send it with a check for \$20 made out to IRWA to me, your Chapter 1 Professional Development Chair, as follows:

Michael Popwell, SR/WA  
Community Development Commission  
Economic/Redevelopment Division  
2 Coral Circle  
Monterey Park, CA 91755

Should you need help or require additional information, please feel free to contact me at 323.890.7195 or by email at [michaelpopwell@lacdc.org](mailto:michaelpopwell@lacdc.org). You may also contact any of the other members on the Chapter 1 Professional Development Committee for guidance and assistance as follows:

- Co-Chair            Marianne Cooper, SR/WA, Sempra Energy  
Voice 213.244.5076 Email [mcooper@sempra.com](mailto:mcooper@sempra.com)
  
- Co-Chair            Vivian Howell, SR/WA, Los Angeles World Airports  
Voice 310.417.0450 Email [yhowell@lawa.org](mailto:yhowell@lawa.org)
  
- Co-Chair            Bill Von Klug, SR/WA, Community Development Commission  
Voice 323.890.7434 Email [bill.vonklug@lacdc.org](mailto:bill.vonklug@lacdc.org)
  
- Co-Chair            Joyce Riggs, MAI, SR/WA, Riggs & Riggs, Inc.  
Voice 805.578.2400 Email [riggsinc@sbcglobal.net](mailto:riggsinc@sbcglobal.net)
  
- Co-Chair            Gary Valentine, MAI, SR/WA, Valentine Appraisal & Associates  
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## IRWA'S 51<sup>ST</sup> ANNUAL INTERNATIONAL EDUCATION CONFERENCE

The IRWA is pleased to announce the 2005 Annual International Education Conference on June 13-16, 2005 where IRWA will celebrate its 51<sup>st</sup> Annual International Education Conference in beautiful Toronto, Ontario, Canada.

Appropriately themed "*Where the World Meets*," the 2005 conference boasts a colorful and energetic educational experience in one of the biggest metropolitan cities in North America.

Toronto is heralded as one of the most multicultural cities in the world. In the spirit of the city's rich culture, the conference will bring members from the United States and Canada with affiliates in South Africa and Japan. And for the first time, the conference introduces "International Tracks" throughout the educational breakout sessions. These sessions will address right of way issues and challenges across international borders.

The annual conference showcases professional speakers as well as intensive workshops on all aspects of the right of way process. The educational programs are supplemented by an exhibit area and networking opportunities with other professionals from around the world.

The venue for the 2005 Annual Conference will be the Westin Harbour Castle hotel. A 20-year recipient of the CAA/AAA Four Diamond Award, The Westin Harbour Castle is a landmark in hospitality in the cosmopolitan city of Toronto. Featuring a scenic waterfront setting, the hotel is located near major attractions, such as the Air Canada Centre, CN Tower, financial and theatre districts and the Eaton Centre

If your professional world involves the Right of Way profession, then this is the place where you want to be this June. The 2005 Conference Host Committee led by Chair, Kevin Paul, SR/WA and Vice Chair, Robert Alstrom, SR/WA and the entire IRWA headquarters staff invite you come to Toronto and be at the place "*Where the World Meets*."

For more information, and to register, go to [www.irwaonline.org](http://www.irwaonline.org).

Holly Rockwell  
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### IRWA Instructors Wanted

If you have ever considered becoming an IRWA course instructor, San Diego Chapter 11 is currently in discussions with San Diego State University and IRWA Headquarters regarding the holding of a local Train-the-Trainer course. It would be an acceptable alternate to the IRWA Instructors Clinic that normally is only held at the Annual Education Conference. This year the Conference is in Toronto, Canada. If you have an interest in this, please contact James Anthony at 619-533-6509 or [janthony@sandiego.gov](mailto:janthony@sandiego.gov). Instructors are paid approximately \$500 per day, plus expenses, to facilitate a class.

## Case of the Month

### **San Diego Metropolitan Transit Development Board v. RV Communities**

Court of Appeal of California, Fourth Appellate District, Division One

127 Cal.App.4<sup>th</sup> 1201

March 29, 2005

By: Larry Permaul, Nossaman

#### **INTRODUCTION**

The recent opinion announced in *San Diego Metropolitan Transit Development Board v. RV Communities* (2005) 127 Cal.App.4<sup>th</sup> 1201, allows the court to change the statutorily defined date of value in eminent domain actions in order to satisfy the California constitutional requirements for just compensation. The court, in *RV Communities* determined that statutory provisions must defer to constitutional requirements. (*Saratoga Fire Protection Dist. v. Hackett* (2002) 97 Cal.App.4<sup>th</sup> 895, 906; see also *Mt. San Jacinto Community College Dist. v. Superior Court* (2004) 117 Cal.App.4<sup>th</sup> 98, 104 [because just compensation is constitutionally required, it cannot be made to depend upon state statutory provisions].) The opinion supports a broad authority allowing the court to change the date of valuation where the original statutory date will not result in the constitutionally required just compensation for condemned property. Although the court's opinion in *RV Communities* covers several other principles, this article will focus on the court's reasoning with regard to issues concerning the date of value and its affects on just compensation.

In *RV Communities*, the court stated that, "If, under the circumstances of a particular case, using the valuation date prescribed by law for condemned property will not satisfy the constitutional requirement of just compensation, the court has inherent authority to use a valuation date that will satisfy that constitutional requirement." (*RV Communities, supra*, 127 Cal.App.4<sup>th</sup> at p. 1220 (emphasis added).) The California constitution requires that property condemned be used for a public purpose after just compensation is paid to the property owner. (Cal. Const. art. I, § 19.) Consequently, courts may disregard Code of Civil Procedure section 1263.110, which indicates that the date of value is the date of deposit, if it believes that the fair market value based on that date of value will not result in just compensation. This opinion provides property owners with an argument to move the date of value to their advantage even though the agency may have deposited the reasonable amount of probable compensation and that money has been withdrawn.

#### **FACTS**

The ruling in *RV Communities* may be limited in its application to similar facts only. The court noted that "Under the unique circumstances of this case, the [trial court's] ruling changing the valuation date to the date of trial comported with the constitutional requirement of just compensation." (*RV Communities, supra*, 127 Cal.App.4<sup>th</sup> at p. 1220 (emphasis added).) The unique circumstances in this instant action included an insufficient deposit and multiple delays in bringing the action to trial. As the court notes, the Resolution of Necessity was adopted on September 13, 2001 seeking to condemn property in fee simple as well as to acquire temporary construction easements and a drainage easement. On September 18, 2001 the condemnation action was filed. On September 27, 2001 the trial court accepted a deposit of probable compensation in the amount of \$79,357 supported by a statement of valuation based on a date of value of April 26, 2001. Despite the five month difference between the deposit date and the date of valuation, the trial court still issued an Order For Possession effective after 90 days. In November 2001 defendants RV Communities answered the complaint. A few months later in February 2002 RV Communities withdrew the entire deposit amount of \$79,357.

The valuation trial was originally set for August 23, 2002 (within one year of the complaint being filed). However, on June 12, 2002 the Metropolitan Transit Development Board ("MTDB") filed a motion to continue the valuation trial to April 4, 2003 based on a need to determine actual construction damages claimed by RV Communities for construction not yet completed at the time. The trial court continued the trial date to January 10, 2003. Thereafter, MTDB filed an ex parte application to bifurcate the valuation trial. The application requested that the legal issues be heard on the existing trial date and the valuation trial be heard two months later. The court granted the bifurcation and advanced the legal issues hearing to December 13, 2002.

Prior to the legal issues hearing, but over a year after the eminent domain action was filed, in November 2002 MTDB filed a revised "Statement of Valuation Data" indicating a fair market value of \$300,300 as of September 27, 2001. The appraiser that prepared both statements of valuation explained in deposition that the increase in value was based on substantial changes in the data provided for his original appraisal. After the legal issues hearing was completed the court set February 28, 2003 for the valuation trial.

Shortly before the valuation trial, RV Communities filed a motion to increase the deposit to \$300,300 and to change the date of value to the trial date (relying on *Saratoga Fire Protection Dist, supra*, 97 Cal.App.4<sup>th</sup> at p.899). On February 18, 2003 MTDB voluntarily deposited an additional \$220,643. On February 21, 2003 Court granted RV Communities' motion as to both requests. After the valuation trail, based on a valuation date of March 17, 2003, the jury returned a verdict for \$1,821,337 for property directly condemned.<sup>1</sup> MTDB appealed several issues including the court's authority to change the date of value.

#### **HELD**

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<sup>1</sup> Jury also found damages in the amount of \$576,267 for property taken by inverse condemnation.

Code of Civil Procedure section 1263.110(a) provides that if the plaintiff deposits an amount equal to the probable compensation to be paid to the property owner, the date of value is the date on which the deposit is made. The opinion enunciated in *RV Communities* indicates that despite CCP section 1263.110(a) and the fact that MTDB made a deposit, the date of value was the date of trial and not the date of deposit. In support of its position the court concludes that statutory provisions are just a means to accomplishing the constitutional requirements of just compensation. (*Saratoga Fire Protection Dist., supra*, 97 Cal.App.4<sup>th</sup> at p. 906; see also *Mt. San Jacinto Community College Dist., supra*, 117 Cal.App.4<sup>th</sup> at p. 104) The court reasons that just compensation is due at the time of the taking. Thus upon transfer of possession, the property owner is owed the “full and perfect monetary equivalent of the fair market value of the land...” (*RV Communities, supra*, 127 Cal.App.4<sup>th</sup> at p. 1220) “The obvious purpose of the simultaneous exchange of probable compensation for condemned property is to enable the condemnee to obtain similar or comparable replacement property of approximately equivalent value in the same market.” (*Ibid.*) The instant facts, including an admission by MTDB’s own appraiser, indicated that the amount on deposit prior to February 2003 was grossly less than the amount of probable compensation. In addition, it was undisputed that property values had increased during the time the complaint was filed and the additional deposit was made. Based on these circumstances, the court concluded that the constitutional requirement of just compensation would not be satisfied unless the date of value was changed to the date of trial.

Despite the inherent authority to disregard statutory provisions in order to uphold the constitution, the court also argued that the statutory provisions were not contravened. The insufficient deposit amount is also the basis for the court’s conclusion that a date of value was never set pursuant to CCP section 1263.110 because “probable compensation” was not deposited. (see Code Civ. Proc. § 1263.110 subd. (a).) Accordingly the proper statutory date of valuation was the date of trial pursuant to CCP section 1263.130 since the issue of compensation was not brought to trial within one year of filing the complaint and the delay was not caused by RV Communities. (see Code Civ. Proc. § 1263.130.) However, the court does not address the apparent inconsistency of its ruling with CCP section 1255.410 which indicates that an order for possession shall be issued if the court finds that the amount of probable compensation is deposited. (see Code Civ. Proc. § 1255.410 subd. (a); see also Code Civ. Proc. § 1255.030 subd. (a) [at any time after a deposit has been made, the court shall determine or redetermine whether the amount deposited is the probable amount of compensation].) Perhaps this inconsistency persuaded the court to finally rely on its much broader constitutional prerogative argument.

**CONCLUSION**

Public agencies now need to be aware that the cost certainty of establishing a date of valuation in an eminent domain action by making a deposit is now less certain. Further, attorneys should be aware that a finding that a deposit is sufficient to support an order for possession may not be sufficient to support a finding of probable compensation in order to establish a date of valuation. Consequently, great care should be given in preparing a deposit appraisal based on a contemporaneous date of value. If any updates or revisions are made, additional deposit amounts should be made right away. Plaintiff’s counsel must beware of trial continuances. Efforts should be made to establish a date of value before seeking or agreeing to a continuance of the trial date.

**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. June’s drawing will be for \$140 so be sure to be there in case your name is drawn!

**Communications Chair**

Communications are one of the most critical components of a successful Chapter. The IRWA Chapter 1 Board has determined that a new chair position needs to be added to address this very important and high profile area. If you are creative, enjoy reaching out to people and interested in getting to know the members of Chapter 1 better, you are our person! The Communications Chair will work with our newsletter chair to enhance the look and feel of our electronic newsletter, work with members and headquarters to ensure our membership information is current and maintain our e-mail roster. Please contact me at 310-378-0771 or [hollyrockwell@epicland.com](mailto:hollyrockwell@epicland.com) if you are interested.



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Annual Valuation Conference Photos



Casey Woo, City of Los Angeles



Kathi Head, LA CRA



David Guder, Southern California Edison



Mark Mendoza, Paragon Partners & Vivian Howell, SR/WA, with LAWA



Douglas Evertz, Esq. and Keith McCullough, Esq.



Velma Marshall, MTA



Steven Norris, MAI



Gary Valentine, MAI, ASA, SR/WA

### 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 2005-2006. We are looking for additional classes to add to 2006. If you have classes that you would like to see on the 2006 schedule, please e-mail me at [lynetteovercamp@epicland.com](mailto:lynetteovercamp@epicland.com). Also, 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 three classes below for which we need coordinators, so feel free to volunteer to coordinate one of those. Also, due to a date conflict, Course 404 has been re-scheduled. See new date below.

#### Chapter 1 2005-2006 Education Schedule

| Course/Seminar   | Date  | Coordinator   | Instructor                      |
|--|---|---|---------------------------------|
| 505 - Advanced Relocation Assistance I (Residential)     | July 29, 2005   | Joe Damm<br>310-378-0134<br><a href="mailto:joedamm@epicland.com">joedamm@epicland.com</a>                          | Bill von Klug, SR/WA, R/W – RAC |
| 506 - Advanced Relocation Assistance II (Business)       | August 29 <sup>th</sup> /30 <sup>th</sup>                                     | Lynette Overcamp<br>310-378-0119<br><a href="mailto:lynetteovercamp@epicland.com">lynetteovercamp@epicland.com</a>  | Bill von Klug, SR/WA, R/W – RAC |
| 3 - SR/WA Study /Review Sessions and Examination Seminar | September 14 <sup>th</sup> – 16 <sup>th</sup>                                 | Lynette Overcamp<br>310-378-0119<br><a href="mailto:lynetteovercamp@epicland.com">lynetteovercamp@epicland.com</a>  | Michael Wolfe, SR/WA            |
| 900 - Principles of Real Estate Engineering              | October 10 <sup>th</sup> /11 <sup>th</sup>                                    | Michael Fischer<br>213-922-2413<br><a href="mailto:fischerm@metro.net">fischerm@metro.net</a>                       | TBD                             |
| Fall Seminar   | October 19 <sup>th</sup>  | Rudy Romo<br>951-662-7997<br><a href="mailto:rudromo@aol.com">rudromo@aol.com</a>                                   | Various                         |
| 404 - Appraisal Theory and Principles                    | October 31 <sup>st</sup> – November 4 <sup>th</sup><br>(please note new date) | Andrew Thompson<br>310-244-5032<br><a href="mailto:athompson@semprautilities.com">athompson@semprautilities.com</a> | TBD                             |
| 213 – Conflict Management                                | February, 2006  | TBD   | TBD                             |
| 203 – Alternative Dispute Resolution                     | 2006  | TBD   | TBD                             |
| 602 – Project Development and the Environmental Process  | 2006  | TBD   | TBD                             |
| 700 – Introduction to Property Management                | 2006  | Michael Fischer<br>213-922-2413<br><a href="mailto:fischerm@metro.net">fischerm@metro.net</a>                       | 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.

| <b>Date</b>     | <b>Course #</b> | <b>Course Name</b>                                       | <b>Location</b>          |
|-----------------|-----------------|--|--------------------------|
| June 12-16      |                 | Annual Education Conference                              | Toronto, Ontario, Canada |
| July 27-28      | 501             | Residential Relocation Assistance                        | Martinez                 |
| August 10-11    | 215             | Pipeline Right of Way Agent's Development Program        | San Diego                |
| August 12       | 213             | Conflict Management                                      | San Diego                |
| August          |                 | Instructor School  | San Diego                |
| September       |                 |  |                          |
| September       | 703             | Real Property Asset Management                           | San Diego                |
| September       | 800             | Principles of Real Estate Law                            | Sacramento               |
| October 3-7     | 401             | The Appraisal of Partial Acquisitions                    | Riverside                |
| October 20-22   |                 | Region 1 Fall Forum                                      | Oakland                  |
| October         | 502             | Business Relocation                                      | Orange County            |
| November 7-9    |                 | Uniform Relocation Act Symposium                         | Anaheim                  |
| November        | 205             | Bargaining Negotiations                                  | Riverside                |
| November        | 403             | Easement Valuation                                       | San Diego                |
| November        |                 | Uniform Relocation Act Seminar                           | San Diego                |
| November        | 801             | Land Titles  | Sacramento               |
| November        | 503             | Mobile Home Relocation                                   | Orange County            |
| January, 2006   | 103             | Ethics and the Right of Way Profession                   | Riverside                |
| February, 2006  | 500             | Uniform Relocation Assistance Act – Executive Summary    | Orange County            |
| February, 2006  | 701             | Property Management: Leasing                             | San Diego                |
| March, 2006     | 201             | Communications in Real Estate Acquisition                | Riverside                |
| April, 2006     | 202             | Interpersonal Relations                                  | San Diego                |
| 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            |

**This is not an unsolicited e-mail or spam message. You are receiving this e-mail because you are listed as requesting the IRWA Chapter 1 Newsletter by e-mail. To cancel your e-mail subscription to the IRWA Chapter 1 Newsletter, please notify us at the following address: [hollyrockwell@epicland.com](mailto:hollyrockwell@epicland.com)**