

LOS ANGELES



IRWA
CHAPTER 1



June

2006

Upcoming Events

June 5 & 6

Course 900 - Principles of Real Estate Engineering

June 26 - 30

Course 100 – Principles of Land Acquisition

October 24, 2006

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



President's Message

By: Tom Hanley, Metrolink

It is that time of year again, summer with hot days and short nights. For IRWA it is also time for the annual International Education Conference, this year in Denver. All the documents

and reports are prepared and we are ready to go. Representing our chapter will be myself and Andrew Thompson. This is my second International Conference and it will be the first for Andrew. Maybe we will see some of you there too. This year the conference starts on Sunday and ends on Wednesday. It is a day shorter and starts a day earlier, a new schedule and format. International hopes that this schedule will lessen the time commitment away from work and reduce expenses for everyone attending. I will report upon our return.

Membership Luncheon

JUNE IS DARK

Tuesday, July 25, 2006

Chapter 1 Luncheon honoring Past Presidents at the Warehouse Restaurant, Marina Del Rey
(See Flyer enclosed)

The Chapter 1 Board of Directors recently approved a new Secretary and Treasurer for the remainder of 2006. Andrew Thompson moved from Secretary to Treasurer and Vivian Howell will move to Secretary. Both appointments start with the June 27, 2006 board meeting. On behalf of the entire chapter, thank you Andrew and Vivian for your service and commitment.

The new Chapter officers were appointed following Michael Fischer's resignation as Treasurer due to his acceptance of new employment. Michael is a long standing member and we hope he can return someday. In the meantime, we all wish him well in his new job. Thanks also to Bryan Riggs for assuming the role of interim Treasurer and handling the transition from Michael to Andrew.

We recently finished the annual Relocation Seminar at the Quiet Cannon. Thanks to Bill von Klug and Freddy Arevalo for organizing an informative and interesting day.

Vivian Howell is also busy working on the annual Fall Seminar scheduled for October 24. Please mark your calendar and save the date in your calendars today.

The Past President's luncheon is scheduled for July 25 at the Warehouse Restaurant in Marina Del Rey. All past presidents get a free lunch and will be asked for some memories and reflections on IRWA past and present. Last year this informal luncheon was so popular we decided to do it again. So enjoy the food, the memories, the networking, and maybe even bring a prospective new member. See the flyer for additional information.

I hope everyone is able to get away for vacation this summer, time to regroup and reflect. Then come back with new ideas and renewed commitment to those things that are important in our lives. IRWA work that we do for no pay because we enjoy it and want to serve is good for the soul. IRWA has filled that role for me and I know it is the same for all our members.

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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 JimOvercamp@epicland.com 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. 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>
Jeffrey D. Horowitz	Attorney	Jeffrey D. Horowitz Attorney at Law
Marisa L. Katnich	RE Officer	Port of LA
Daniel Kazden	Associate RE Appraiser	Riggs & Riggs, Inc.
James R. O'Camb	Senior Title Examiner	Dep't of General SVCS., City of LA
Eugene A. Van Cise	Title Examiner	Dep't of General Svcs., City of LA
Dean Wohls	RE Officer	LAWA

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. of Burke, Williams & Sorensen, LLP

This Case of the Month deals with, among other things, the issue of whether fears of unintended consequences of the public works project may be presented to support a claim of severance damages, or whether such fears 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 Campus Crusade's most valuable and developable portion of its 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 alleged public fear that the pipeline may rupture. In a pretrial motion, the trial court found there to be insufficient evidence to show any public fear of pipeline failure and any detrimental effect on property value, and precluded Campus Crusade from presenting this argument at trial.

In reversing the ruling of the trial court, the court of appeal first noted that the public's fear of danger because of a particular construction project may result in a diminution of property value and, accordingly, compensable severance damages. Citing prior cases on this issue, the court noted that "[c]ertain damages, even if not otherwise compensable, may be appropriate in an eminent domain case if the issue 'would make the property less desirable in the eyes of a prospective purchaser.' A jury may consider the nature and severity of the risk and the likelihood of the triggering event in determining whether such risk would have evoked public fear and affected property values."

The court of appeal continued, noting that recovery has traditionally been allowed for different types of potential dangers, including fear of danger from electromagnetic radiation caused by power line, fear of electrocution from power line, danger of seepage and flood from project to raise lake waters, and enhanced danger of flood from roadway construction. The court of appeal also recognized, however, that the danger of flooding may not be admissible where the evidence is speculative or remote.

In the case before it, the court of appeal determined the fear of pipeline rupture was based on concrete facts, and not speculative. This was due, in part, to MWD's environmental impact report (EIR), which reported a "likelihood" that the pipeline and its associated facilities: could be damaged in the event of a major earthquake with an epicenter along the numerous faults traversed by the project. Liquefaction, differential settlement and ground lurching are usually the seismic shaking hazards that cause the most damage and dollar loss during an earthquake. Because these seismic shaking hazards are near-surface phenomena, pipelines are particularly susceptible to damage. ... [¶] Pipeline rupture during a seismic event could result in underground and surface spillage of delivered water supplies, with the potential for localized flooding, soil saturation and mudslides, depending on where and in what subsurface material a rupture occurs...

There was also evidence that MWD selected to use a pipeline for this segment of the project, as opposed to tunneling which, Campus Crusade was prepared to argue, was because a pipeline would be readily accessible in case of rupture. Campus Crusade was also prepared to put on evidence that "a pipeline rupture could cause the property to be inundated with water at the rate of 1,000 cubic feet per second." Based upon these facts, the court of appeal determined that the potential danger of the pipeline was more than merely speculative. Consequently, the court of appeal ruled that the trial court erred when it precluded Campus Crusade from presenting evidence of the risk of pipeline failure at trial.

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 advises an acquiring agency that, in budgeting for the acquisition costs for public works project, it is prudent to evaluate the project's EIR to investigate whether there is anything in that document that may assist the owner in proving severance damages. In that regard, to the extent practicable, special care should be taken to ensure that risks resulting from a proposed project are not overstated in the EIR. As shown by Campus Crusade, the representations made in these documents may come back to haunt the public agency in an eminent domain trial.

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.

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.

**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
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July 27-28, 2006	8AM to 5PM Daily	2
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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
140 – Principles of Wireless Site Development	July 13 th - 14 th , 2006	Lynette Overcamp 310-378-1178 lynetteovercamp@epicland.com	Alan Louie
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	Lynette Overcamp 310-378-1178 lynetteovercamp@epicland.com	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
June, 2006	506	Advanced Business Relocation	Orange County
June, 2006	603	Understanding Environmental Contamination in Real Estate	Orange County
June 2006	802	Legal Aspects of Easements	Riverside
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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