



Upcoming Events

April 25, 2006

The Annual Valuation Conference at the Quiet Cannon in Montebello

May 23, 2006

Relocation Seminar/Luncheon at Quiet Cannon (See Flyer)



President's Message

By: Tom Hanley, Metrolink

The Chapter 1 board met on February 28 apart from a normal luncheon meeting. This is the first time that we have not had a February luncheon and follows board approval of the six

meeting schedule for 2006. It is hoped that this will cut down on the chapter time commitment for luncheon attendance of members and encourage more support from employers. We are all feeling the crunch of time and commitments. Even the board met via conference call so none of us needed to travel. The conference call format, which actually was started last year, was a brainchild of Holly Rockwell and it continues now. Thanks to Andrew Thompson who kept up with the minutes using voice recognition.

Membership Luncheon

Date: March 28, 2006

Time: 11:45 Lunch

Speaker: Mr. Jeffrey Kagen, Esq. and Sima Salek, Esq.

Topic: The ABC's of Direction and Inverse Condemnation

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

Since there are fewer meetings this year, the board has recognized the importance of having worth while luncheon programs. So we have an extra special program for the March luncheon joint meeting with the Appraisal Institute. Our speakers will be Jeffrey Kagan Esq. and Sima Salek Esq. of Orbach, Huff & Suarez, who will discuss the complex issues around inverse condemnation, a topic of interest to both organizations. Two 2 hrs OREA, SR/WA and AI Continuing Education credits will be offered. See the flyer in this newsletter and get your reservation in early. For all SR/WA's this lunch will be \$5.00.

At the request of President Elect Bryan Riggs the Chapter approved in concept three new yearly awards to be distributed at the chapter level, a scholarship award, a professional service award and a luncheon award for a free course. Bryan, Paul Norlen, and George Khoury agreed to serve on a temporary task force to put together the award process. We hope to dutifully reward with public thanks, all members who do more than they need to for our Chapter. Task force work is scheduled for completion before the Valuation Seminar in April.

As a reminder, put the **Valuation Conference** on your calendars, **April 25, 2006**. Dave Roberts is chairing the Valuation Conference and he and his committee have completed the lineup. (Please see that Newsletter attachment.) The annual **Relocation Seminar**, chaired by Freddy Arevalo, has a final scheduled date of **May 23, 2006** at the Quiet Cannon in Montebello. Also save the date for the **Fall Seminar** scheduled for **October 24, 2006**. Vivian Howell is hard at work getting this day ready.

During the weekend of March 17-18, Michael Fischer and Tom Hanley will represent our chapter at the Region 1 Spring Forum in Riverside at the Mission Inn. Please relate any concerns that are regional or national in nature to Michael or Tom.

I will keep you all posted on this and all issues of importance. Thank you all for your participation and commitment.

IRWA Chapter 1 2006 Officers and Executive Board

<i>President and International Director</i>	Tom Hanley Metrolink	213-452-0256	hanleyt@scrra.net
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<i>Law</i>	Alan Sozio Esq. Burke, Williams, & Sorenson, LLP	213-236-2819	asozio@bwslaw.com
<i>Valuation Seminar</i>	Dave Roberts LA City General Services Asset Management	213-922-8546	dlRobert@gsd.LACity.org
<i>Relocation Seminar</i>	Bill Von Klug, SR/WA, R/W - RAC LA Community Dev. Com.	323-890-7434	bill.vonklug@lacdc.org
<i>Fall Seminar</i>	Vivian Howell, SR/WA Los Angeles World Airports	(310) 417-0450	vhowell@lawa.org
<i>Historian</i>	Vacant		
<i>Engineering/Survey</i>	Vacant		
<i>Environmental</i>	Mohammed Estiri, PhD Eco & Associates, Inc.	714-832-5427	mestiri@panenv.com
<i>Local Public Agency</i>	Vacant		
<i>Pipeline</i>	Gary Valentine, MAI, SR/WA Valentine Appraisal & Assoc.	661-288-0198	gsv@valentineappraisal.com
<i>Property Management</i>	Duncan Robb, SR/WA, R/W - AMC Metropolitan Trans. Auth.	213-922-2435	robdd@mta.net
<i>Relocation</i>	Fred Arevalo, R/W - RAC LA Community Dev. Com.	323-890-7473	fred.arevalo@lacdc.org
<i>Title</i>	Teri Kortens Lawyers Title	310-210-6741	terikortens@msn.com
<i>Transportation</i>	Vacant		
<i>Utilities</i>	Vacant		

7th ANNUAL JOINT LUNCHEON

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

“ABC’s of Direct and Inverse Condemnation”

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

TOPIC:

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

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

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

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

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

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

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

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

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

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

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

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

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

Valuation Seminar - April 26, 2006

Chapter members its that times again for the Chapter 1 Annual Valuation Seminar. The valuation committee has prepared a diverse lineup that will cover a number of topics of interest to the right of way industry. This year, we return back to the Quiet Cannon Country Club and Golf Course in Montebello on April 25, 2006. The session will begin at 8:30 a.m. with registration at 8:00 a.m. and we will end the day at 4:30 p.m. A continental breakfast will be provided after the first segment.

Our first panel will include Allison Burns, Esq., John Cutler, Overland Pacific Cutler, Bill Larsen, Integra Realty who will discuss acquisition appraisals of large multi-parcel projects. The second panel will include Richard Hodges, ASA and Madeleine Mamaux, of Desmond, Marcello & Amster. The third and final morning panel will include Orell Anderson, MAI and Mark Johnson, Esq. who will cover environmental concerns affecting R/W valuations.

In the afternoon, Faith Mitchell, Esq. will be our key luncheon speaker, who will speak on mediation. For the third panel, Todd Amspoker, Esq. and Gary Valentine, will report on valuing transportation corridors. The final presentation of the day will be a joint presentation by Kirsten Bowman, Esq. and Andy Nierenberg of the Department of Transportation, who will speak on the importance of analyzing land entitlements. Please reserve the date of April 25, 2006 on your calendar. We look forward to seeing you all there!

For more information, please see the attached seminar flyer.

Dave Roberts, 2006 Valuation Chairperson



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IRWA CHAPTER 1

ANNUAL VALUATION CONFERENCE

Tuesday, April 25, 2006

***Quiet Cannon Montebello
901 North Via San Clemente, Montebello (TG 636-A7)***

CONFERENCE SCHEDULE

8:00 AM	CHECK-IN	12:30 PM	Chapter 1 Monthly Lunch Program & Keynote Address: PREPARING FOR EFFECTIVE MEDIATION: THE ROLES RIGHT OF WAY PROFESSIONALS PLAY
8:30 AM	ACQUISITION APPRAISAL OF LARGE MULTI-PARCEL PROJECTS		Faith A. Mitchell, Esq., <i>Metropolis Mediations</i>
	Allison E. Burns, Esq., <i>Stradling, Yocca, Carlson & Rauth</i>		
	John Cutler, Principal Consultant, <i>Overland Pacific Cutler -</i>	2:00 PM	APPROACHES TO VALUING TRANSPORTATION CORRIDORS - SUPPORTING CASE LAW & COMMON SENSE
	William Larsen, Senior Analyst, <i>Integra Realty Resources</i>		
9:45 AM	BREAK		Todd A. Amspoker, Esq., <i>Price, Postal & Parma</i>
10:00 AM	WHEN APPRAISAL ISSUES OVERLAP	3:15 PM	BREAK
	Richard Hodges, <i>Desmond, Marcello & Amster</i>	3:30 PM	THE IMPACT OF LAND ENTITLEMENTS ON PROPERTY VALUE IN LITIGATION
	Madeleine Mamaux, <i>Desmond, Marcello & Amster</i>		
11:05 AM	TOXIC GOO, SHOULD USE, AND OTHER ISSUES AFFECTING R/W VALUATIONS		Kirsten R. Bowman, Esq., <i>Richards, Watson & Gershon</i>
	Mark D. Johnson, Esq., <i>Manatt, Phelps & Phillips, LLC</i>		Andrew P. Nierenberg, District R/W Manager, <i>State of California, Department of Transportation</i>
	Orell C. Anderson, MAI, <i>Bell Anderson & Sanders, LLC</i>	4:30 PM	Close

REGISTRATION

Name _____ Chapter No./Member No. _____
Firm _____ Email _____
Address _____
Phone _____ Fax _____
California Appraisal License No. _____ SR/WA Recertification Credit Needed? Yes or No
(If applicable)

Make check payable to IRWA Chapter 1 and send to:

C/o Joyce Riggs, MAI, SR/WA
Riggs & Riggs, Inc.
4195 Valley Fair Street, Suite 207
Simi Valley, CA 93063-2900

\$85 Member; \$100 Non-Member
Lunch Only - \$22; Lunch is Breast of Chicken Montebello
Vegetarian Available Upon Request
Space is Limited, Please Register Early

8.0 HOURS SR/WA APPROVED; DRE & OREA CONTINUING EDUCATION CREDITS PENDING

Note: OREA Credit Approval may not be approved until June 1, 2006

*****All refund requests must be in writing. 50% of the registration fee may be retained if the cancellation notice is postmarked less than 10 days before the program. *****



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Membership Drawing

At each chapter luncheon we draw a name from the Chapter 1 roster and if that person is in attendance, they win a cash prize. The drawing starts at \$50 and increases \$10 for each month that there isn't a winner. We haven't had a winner in a while. March's drawing will be for \$200 so be sure to be there in case your name is drawn!

Chapter 1, New Members

<u>Member Name</u>	<u>Job Title</u>	<u>Firm/Agency</u>
Vivian Epperson	ROW Specialist	San Diego Gas & Electric
Edward Stapleton	RE Officer	City of LA, GSA



Billy Cooper, SR/WA, far left, and Membership Chair Bill Larsen, far right, welcome new members Lowell Anderson, Arlene Chung, and Chiu Eng at January Chapter 1 luncheon meeting

Case of the Month

CATHEDRAL CITY REDEV. AG. v. SAM STICKLES

E036456

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

134 Cal. App. 4th 1406 (filed December 19, 2005)

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

This Case of the Month deals with the on-going debate regarding the proper date of valuation for an eminent domain case. At issue was whether a subsequent voluntary deposit on the part of the condemning agency triggered a change in the date of value, which was determined by the date of the initial deposit. The court answered that, on the facts before it, there was no change in the date of valuation.

Section 1263.110 of the Code of Civil Procedure provides that if the condemnor deposits the probable compensation with the court, the date of valuation is the date on which the deposit is made. In accordance with this statute, Cathedral City Redevelopment Agency (“CCRA”) deposited its initial sum of \$287,000 with the court at the time it filed its complaint in eminent domain. The property owner contended that the appraisal supporting the deposit was inadequate because it was based on an evaluation made more than one year before the complaint was filed. By agreement between the parties, the CCRA deposited an additional \$30,500, which occurred approximately one year after the complaint was filed.

The property owner moved to change the date of value from the date the complaint was filed to the date of trial. This was based on its argument that, among other things, (1) CCRA did not, by its own admission, initially deposit the “full” amount of probable compensation; (2) the \$287,000 deposit was made in “bad faith” because it was based on a then 13-month-old appraisal; and (3) in reliance upon *Saratoga Fire Protection Dist. v. Hackett* (2002) 97 Cal.App.4th 895 (*Saratoga*), Section 1263.110 was unconstitutionally applied to them because their properties substantially increased in value between the date of the original deposit and the commencement of trial.

The court first acknowledged that *Saratoga* recited the rule that statutory requirements in eminent domain proceedings must be disregarded where necessary to ensure that the property owner receives just compensation at the time of the taking. Upon review of Section 1263.110, however, the court ruled that the trial court was correct in refusing to change the date of value from the date of the initial deposit.

The court of appeal found that substantial evidence supported the trial court’s implicit determination that CCRA complied with the requirements of section 1263.110. This was based on the fact that the CCRA’s initial deposit was made based on a well-supported appraisal. Even though the determination of fair market value was reasonably disputed, it would be unfair to the agency to shift the date of valuation forward to the date of trial or even to the date of the increased deposit, particularly in a rising real estate market.

An important basis for the court’s reasoning was that the CCRA’s initial deposit of \$287,000 was “not substantially less than” the \$317,500 amount that CCRA later admitted and the trial court implicitly determined was the fair market value of appellant’s properties on the original date of value. Importantly, however, the court acknowledged that:

“[c]omplications arise where the amount of the deposit is *substantially* less than the fair market value of the property on the date of the deposit. In these cases, the equities of the case and, more generally, the principle of just compensation may require that section 1263.110 be disregarded, and that a different date of valuation be set for purposes of trial on the compensation issue. For when the deposit of probable compensation is substantially less than the fair market value of the property taken, the defendant has been deprived of his ability of investing the deposit in other property of equal value. Thus, he has been deprived of just compensation.”

In making this statement, the trial court gave a “warning shot” to all agencies to take care to ensure that the initial appraisal uses a timely date of value, and is complete. As can be shown by the abundance of recent date of value cases, the amount initially deposited with the court is now, more than ever, being closely scrutinized by both property owners and the courts.

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.

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.

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

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

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

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

Chapter 1 2006 Education Schedule

Course/Seminar	Date	Coordinator	Instructor
900 - Principles of Real Estate Engineering	June 5 th & 6 th , 2006	Michael Fischer 213-922-2413 fischerm@metro.net	Jerry Moran
100 – Principles of Land Acquisition	June 26 th – 30 th , 2006	Artemis Manos 213-244-5024. AGManos@semprautilities.com	Ralph Brown
140 – Principles of Wireless Site Development	July, 2006	TBD	TBD
203 – Alternative Dispute Resolution	July 27 th /28 th	Konstantin Akhrem 323-854-0866 akhrem@yahoo.com	Vivian Howell, SR/WA
700 – Introduction to Property Management	July/August, 2006 (pending teacher availability)	Michael Fischer 213-922-2413 fischerm@metro.net	TBD
801 – Land Titles	August, 2006	TBD	TBD
602 – Project Development and the Environmental Process	September, 2006	TBD	TBD
901 – Engineering Plan Development and Application	November, 2006	Dan Kazden (805) 578-2400 ext.104 dankazden@sbcglobal.net	TBD

Other IRWA Educational Events

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

Date	Course #	Course Name	Location
April, 2006	206	Presentation Skills	Orange County
May, 2006	505	Advanced Residential Relocation	Riverside
May, 2006	506	Advanced Business Relocation	Orange County
May, 2006	200	Principals of Real Estate Negotiations	Riverside
May, 2006	205	Bargaining Negotiations	San Diego
June, 2006	603	Understanding Environmental Contamination in Real Estate	Orange County
June, 2006	800	Principles of Real Estate Law	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	201	Communications in Real Estate Acquisition	San Diego
September, 2006	506	Advanced Business Relocation	Riverside
September, 2006	701	Property Management: Leasing	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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