

LOS ANGELES



IRWA
CHAPTER 1



May
2008

Upcoming Events

[May 20, 2008](#)

LA Infrastructure Seminar,
Montebello CA

[June 22-25, 2008](#)

Annual International Education
Conference, Austin, TX

[July 22, 2008](#)

Past President's Luncheon



President's Message

By: Andrew Thompson,
SR/WA

Part of the responsibility of your local IRWA Chapter is to coordinate a variety of courses for members to be able to achieve their SR/WA designation within a certain

certain time frame. In Chapter 1 we have committed to hosts these courses within a 3-5 year cycle. However, we have recognized that a working partnership between our neighboring Chapters provides an enhanced service to those members who may need just one or two courses to complete their designation/certifications. Therefore please note that Chapter 1 will include all course flyers for Chapters 11 (San Diego), 57 (Inland Empire), and 67

Membership Luncheon

[May 20, 2008](#)

LA Infrastructure Seminar, Quiet
Cannon, 901 N. Via San Clement,
Montebello, 90640

Orange County) within the monthly Newsletter, as they are received. For those individuals who need more information relating to the requirements for SR/WA designation or Certifications, please contact Michael Popwell, 2008 PDC Chair, or visit the IRWA website at www.irwaonline.org.

LAST CHANCE! – MAY 20TH

2008 Los Angeles Infrastructure Seminar

As a joint venture between IRWA Chapter 1 and the Southern California Chapter of the Appraisal Institute, the 2008 LA Infrastructure Seminar: PLANES, TRAINS, AUTOMOBILES and the FUTURE FOR SOUTHERN CALIFORNIA will be held May 20, 2008 at the Quiet Cannon in Montebello. The speaker line-up and topics make this an event not to be missed. Please see the attached flyer for details. Walk-in registrations will be accepted. MCLE, OREA and SR/WA credits are available!

AND THE LUCKY WINNER IS?...If you were at the April Membership Luncheon held during the Annual Valuation Seminar at the Quiet Cannon in Montebello, you were treated to Douglas Evertz, Esq. presenting *Eminent Domain Case Law and Statutory Update*. I want to thank Mr. Evertz and all our speakers presenting at the Valuation Seminar. As a follow up, I promised that we would hold our monthly Membership Drawing after the fact. The lucky winner would have been Maria Valenzuela. Had Maria been in attendance she would have received a cash prize of \$130. The May drawing will be \$140 so what other reason do you need to attend!?!

**IRWA Chapter 1
2008 Officers and Executive Board**

<i>President and International Director</i>	Andrew Thompson, SR/WA Southern California Gas Company	213-244-5032	athompson@semprautilities.com
<i>President-Elect and International Director and Tri-Chapter Chair</i>	Vivian Howell, SR/WA, R/W-RAC, R/W-NAC LAWA	310-417-0450	vhowell@lawa.org
<i>Treasurer</i>	Bill Larsen Integra Realty Resources	818-593-7200	wlarsen@irr.com
<i>Secretary</i>	Konstantin Akhrem Paragon Partners, Ltd.	714-379-3376	kakhrem@paragon-partners.com
<i>Professional Development</i>	Michael Popwell, SR/WA LA Community Dev. Com.	323-890-7195	michael.popwell@lacdc.org
<i>Nominations and Awards</i>	Bryan Riggs, MAI, SR/WA Riggs & Riggs, Inc.	805-578-2400 ext 101	riggsinc@sbcglobal.net
<i>Education</i>	Keith Dang, MAI, SR/WA AFI Valuation Group, Inc.	310-378-0309	afivaluation@aol.com
<i>Membership</i>	Dan Kazden Riggs & Riggs, Inc.	805-578-2400 ext 104	dankazden@sbcglobal.net
<i>Luncheon</i>	Cheryl DeMucci Epic Land Solutions, Inc.	310-378-2061	cheryldemucci@epicland.com
<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	aunttalie@aol.com
<i>Law</i>	Michael Yoshiba, Esq. Richards, Watson & Gershon	213-626-8484	myoshiba@rwglaw.com
<i>Valuation Seminar</i>	Artemis Manos Southern California Gas Company	714-634-3141	agmanos@semprautilities.com
<i>LA Infrastructure Seminar</i>	Kelly Kitasato City of Pasadena		kkitasato@cityofpasadena.net
<i>Fall Seminar</i>	David Graeler, Esq. Nossaman, Guthner, Knox & Elliott LLP	213-612-7800	dgraeler@nossaman.com
<i>Historian</i>	Heather Riggs Riggs & Riggs, Inc.	805-578-2400	hnriggs@sbcglobal.net
<i>Engineering/Survey</i>	Art Cordero, PLS, SR/WA City of Los Angeles	213-482-7192	apcor75a@yahoo.com
<i>Environmental</i>	Mohammed Estiri, PhD Eco & Associates, Inc.	714-832-5427	mestiri@panenv.com
<i>Pipeline/Utility</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	909-627-2590	duncary@msn.com
<i>Liaison</i>	Tom Hanley, P.E. Paragon Partners	714-379-3376 ext 222	thanley@paragon-partners.com
<i>Title</i>	Teri Kortens Land America Commercial Services	213-330-3084 310-210-6741 cell	tkortens@landam.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 \$100 and increases \$10 for each month that there isn't a winner. We haven't had a winner in a while. May's drawing will be for \$140 so be sure to be there in case your name is drawn!

Case of the Month

**Prescriptive Water Rights Between Private Property Owners:
"Reclaim It or Lose It"
BREWER v. MURPHY
Filed 4/3/08
2008 SOS 2033
(Fifth Appellate District)**

by: Michael F. Yoshiba, Esq., Richards Watson & Gershon, a Professional Corporation

Plaintiffs Lyle Brewer and Elizabeth Brewer acquired property in 1979 in eastern Fresno County. At the time of their purchase, the water source for the property was a spring located on a parcel now owned by defendants Dean Murphy and Keith Klein. The parcel owned by defendants is approximately one mile to the east of plaintiffs' property. The spring water is transported to plaintiffs' property through a galvanized pipe that runs from the spring, through a culvert beneath Tollhouse Road, and across other parcels until it reaches plaintiffs' property. Mr. Brewer testified that he has used the spring and water line to supply a house on his property since 1979.

Defendants argued that "by law, water rights may not be acquired by adverse possession, because the California Water Code provides the exclusive means of acquiring appropriated water." Plaintiffs contend that, because they are riparian landowners, they fall within an exception to this rule. Defendants respond by asserting that plaintiffs are not riparian landowners because their property is not adjacent to a watercourse emanating from defendants' property.

The essential elements that create a claim of prescriptive water right, like a claim for prescriptive easement, include use that is (1) actual, (2) open and notorious, (3) hostile and adverse to the original owner, (4) continuous and uninterrupted, (5) under a claim of right, (6) for the statutory period of five years. (Civ. Code, § 1007; City of Barstow v. Mojave Water Agency, supra, 23 Cal.4th at p. 1241; see also Saxon v. DuBois, supra, 209 Cal.App.2d at p. 719 [prescriptive water right is established when "[t]he use was for more than five years, was open, notorious, continuous, peaceable, and uninterrupted under a claim of right"].)

The elements necessary to establish a prescriptive easement "are designed to insure that the owner of the real property which is being encroached upon has actual or constructive notice of the adverse use and to provide sufficient time to take necessary action to prevent that adverse use from ripening into a prescriptive easement." (Zimmer v. Dykstra (1974) 39 Cal.App.3d 422,431.)

There was substantial evidence in the record to support the trial court's finding that "the waterline actually ran a substantial distance over the ground on defendants' property and was visible, had the defendants inspected their property in a reasonable" manner.

The trial court did not err in determining that the visibility of the water line provided constructive notice of the diversion of water because a reasonable person with notice of the water line would have inquired into its purpose and learned that water was being diverted.

And substantial evidence supports the trial court's finding that plaintiffs asserted a claim of right that was hostile and adverse to defendants' rights to the water and to defendants' exclusive use of the land over which the water line ran. The appellate court ruled that the plaintiffs acquired prescriptive rights to take water from a spring on the defendants' property and to maintain a water line across the defendants' property for that purpose.

The trial court's judgment finding the prescriptive water right was affirmed by the appellate court. Plaintiffs to recover their costs on appeal.

JOB OPPORTUNITY:

"Southern California Edison Company has posted positions for a Manager and a Land Services Agent in its Government Lands Division within the SCE Corporate Real Estate Department. The Government Lands Division handles the acquisition and maintenance of rights-of-way across federal, state, and tribal lands. Anyone interested in these positions should obtain further details from the SCE career website at <https://www2.sce.com/pljb/edison/careers/applicant/index.jsp>.



**LA INFRASTRUCTURE SEMINAR:
PLANES, TRAINS, AUTOMOBILES and the FUTURE FOR SOUTHERN CALIFORNIA
Tuesday, May 20, 2008
Quiet Cannon – Montebello
901 N. Via San Clement, Montebello, CA 90640
323-724-4500**

SEMINAR SCHEDULE:

- 8:00am CHECK-IN & CONTINENTAL BREAKFAST
- 8:25am WELCOME and GENERAL INTRODUCTION:
- 8:30am Goods Movement and Transportation Planning in the Southern California Region
Speaker: Hasan Ikhata (Executive Director of Southern California Association of Governments)
- 9:30am Break
- 9:35am METRO Infrastructure Expansion in Southern California
Speaker: Diego Cardoso (Executive Officer of METRO Transportation, Development, and Implementation)
- 10:35am Break
- 10:50am CALTRANS and Macro Infrastructure Expansion in Southern California
Speaker: Doug Failing (CALTRANS District Director)
- 12:00pm Lunch
Metro Gold Line Foothill Extension Project
Speaker: Jerry Sims (Administrative Manager and LA/Ontario International Airport Extension Study Project Manager of the Metro Gold Line Foothill Extension Construction Authority)
- 1:30pm Transportation Leasing: The Recent Decision in County of Ventura vs. Channel Island Marina
Speaker: Jed Z. B. Springer (Partner at Demetriou, Del Guercio, Springer & Francis, LLP)
- 2:30pm Break
- 2:45pm The Port of Los Angeles, Where Opportunity Docks
Speaker: Michael Galvin (Director of Real Estate for the Port of Los Angeles)
- 3:30 p.m. Break
- 3:45 p.m. LAX Modernization
Speaker: Roger Johnson (Deputy Executive Director for Facilities and Environmental Planning at Los Angeles World Airports)
- 4:30 p.m. Close

Southern California Chapter
of the Appraisal Institute

&



REGISTRATION FOR LA INFRASTRUCTURE SEMINAR May 20, 2008 – CHAPTER 1

Space is Limited, Please Register Early

Name _____ IRWA Chapter & Member No. _____
Firm _____ E-mail _____
Phone _____ Fax _____
Address _____

For Continuing Education:

7.0 HOURS OREA CONTINUING EDUCATION CREDITS APPROVED

8.0 HOURS SR/WA RECERTIFICATION CREDITS – APPROVED

6.25 HOURS MCLE CREDITS – APPROVED

OREA Certification No. _____
(If applicable)

SR/WA Recertification Credit Desired? Yes or No

SRWA No. _____
(If applicable)

CA State Bar No. _____
(MCLE) (If applicable)

\$100 Members; \$110 Non-Members
Lunch Only - \$25

Lunch is Chicken with Mushroom Gravy
Vegetarian Available Upon Request

Make check payable to IRWA Chapter 1 and send to:

IRWA Chapter 1
C/o Kelly Kitasato
City of Pasadena
100 N. Garfield Avenue, Room S-116
Pasadena, CA 91109
(626) 744-7356 (bus); (626) 744-4773 (fax)
kkitasato@cityofpasadena.net

*****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. *****

Updating your IRWA Membership Information

1. Visit www.irwaonline.org
2. Highlight "Resources" in the upper right hand corner and then click on "Membership Directory".
3. Click on Update Member Profile.
4. Enter your User Name and Password and click on Login. Your User Name is your membership number (contained on your membership card and dues renewal notice) and the Password is your last name. The Password is case sensitive, so ensure you capitalize the first letter and leave the rest in non-caps.
5. Update your information and click on "Submit. A new page will come up and you can choose to "Exit" or "Logout".
6. That's it! Your information will be automatically updated on the headquarters master list, which is also the one the Chapter uses for communications. Going forward, Chapter 1 monthly newsletters will be sent out via e-mail so it's important to ensure your e-mail address is current.
7. If you do not have access to the Internet or have any questions about updating membership information, call Bonnie Gray at 310-538-0233.

Below are the classes Chapter 1 has scheduled for 2008. 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 contact Keith Dang, the Education Chair for 2007-2008 at AFIValuation@aol.com.

Chapter 1 2008 Education Schedule

Course/Seminar	Date	Location	Coordinator
400 – Principles of RE Appraisal	October 6-7, 2008	DPW	Colleen McKenna
502 – Business Relocation	September 4-5, 2008	MTA	Diane Dominguez
600 – Intro to Environmental Issues	September 22, 2008	MTA	Diane Dominguez
803 – Eminent Domain Law Basics	October 23-24, 2008	MWD	Lizeth Olague



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- ◆ Franchising/Permitting
- ◆ Asset Management
- ◆ Right of Entry Permits
- ◆ Database Development & Mgmt
- ◆ Title Examination
- ◆ Appraisal
- ◆ Excess Land Disposal
- ◆ Appraisal Review
- ◆ Feasibility/Cost Studies
- ◆ Community Outreach
- ◆ Utility Coordination/Relocation
- ◆ Escrow & Legal Support
- ◆ Clearance & Demolition Services

Los Angeles

2601 Airport Drive
Suite 115
Torrance, CA 90505
Phone: 310-626-4848
Fax: 310-891-3348

Riverside

3850 Vine Street
Suite 200
Riverside, CA 92507
Phone: 951-321-1800
Fax: 951-321-1836

San Diego

2815 Camino Del Rio South
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San Diego, CA 92108
Phone: 619-822-2763
Fax: 619-574-2667

Portland

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Thomas Long James Powers Bill Pellman Kathlynn Smith
James Vorhis Michael Thornton Rick Friess F. Gale Connor
Rick Rayl Katherine Contreras Brad Kuhn Ben Rubin

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LOS ANGELES SAN FRANCISCO ORANGE COUNTY SACRAMENTO WASHINGTON, D.C. / VIRGINIA AUSTIN SEATTLE

Register Online www.irwaonline.org or Fax this Entire Page to IRWA: 310-538-1471

Name: _____ Title: _____ Membership #: _____
Company: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Fax: _____ E-Mail: _____

Registration Fees:


	Member	Non-Member	Amount
Early Reg:	\$400.00	\$505.00	\$ _____
Regular: After 4/24/2008	\$425.00	\$530.00	\$ _____
Total:			\$ _____

* (MATERIALS NOT INCLUDED MAY BE ORDERED ONLINE AT WWW.IRWAONLINE.ORG)

PRINT NAME AS IT APPEARS ON CARD: _____

Amex MC Visa Card #: _____ Exp: _____ 3-Digit CVV: _____

Signature: _____ Amount to be Charged: _____


IRWA
INTERNATIONAL RIGHT OF WAY ASSOCIATION
Harbor Business Center
19750 South Vermont Avenue, Suite 220
Torrance, CA 90502-1144
Tel: 310-538-0233

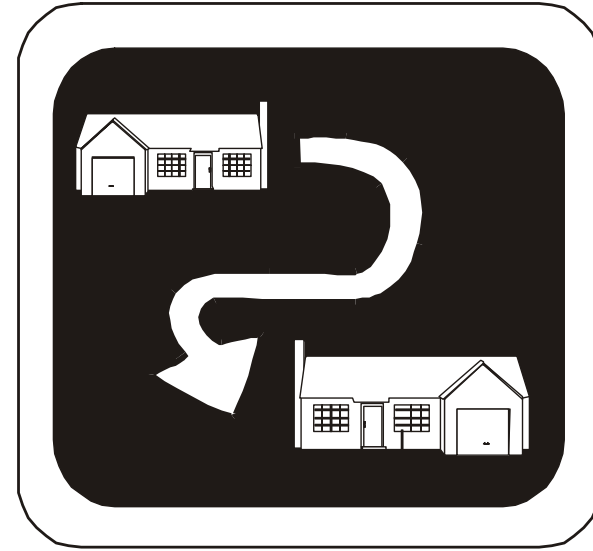
Business Relocation

IRWA Course 502

May 22-23, 2008

San Diego, CA

Sponsored by Chapter 11




IRWA
INTERNATIONAL RIGHT OF WAY ASSOCIATION

Course Descriptions:

An intermediate level course for relocation assistance practitioners or an advanced course for multi-disciplined professionals, Business Relocation presents the step-by-step processes necessary to relocate a business, from the initial interview stage to final claim work. Learn how to apply provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act toward the successful relocation of business.

Topics:

- General Eligibility Requirements
- The Survey Method
- The Search Process
- The Movement of Personal Property
- Calculations Payments for Property Not Moved
- Substitute Equipment
- Fixed Payments for Businesses
- Appeals Process
- Advisory Assistance to Businesses

Course Tuition Includes: Participant's Manual; Federal Register

Materials Not Included With Tuition: Right of Way Textbook (recommended)
Real Estate Dictionary (recommended)

Who Should Take This Course: This course is designed to provide the experienced relocation person with the critical elements involved in the relocation of commercial and business properties

Sponsored By: Chapter 11

Date	Time	Days
5/22-23/08	8am-5pm	2

Location:

Caltrans District 11 - Wallace Room
4050 Taylor Street
San Diego, CA 92110
Phone: (619) 220-7363

Late Registration Fee of \$25.00 After:
4/24/2008

Accommodations:

Padre Trail Inn (Old Town)
4200 Taylor Street
San Diego, CA 92110
Phone: (800) 255-9988

Rates:

Single \$79.95 + 12.5% Tax

Please contact the hotel directly.

Four Ways to Register:

Online: www.irwaonline.org

Fax: 310-538-1471

Phone: 310-538-0233 x134

Contact Coordinator

Mail to Course Coordinator:

Sandra Durbin
Caltrans, District 11, Right of Way Division
4050 Taylor Street, MS-310
San Diego, CA 92110
Phone: (619) 688-6082
Fax: (619) 688-2570
Email: sandra.durbin@dot.ca.gov

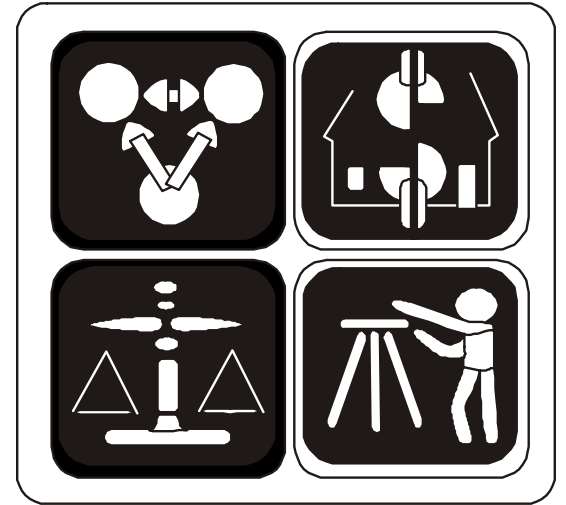
Please make checks payable to:
International Right of Way Association

About the Facilitator:

James H. Finnegan, SR/WA is Senior Vice President, Western Division, of Universal Field Services, Inc. Prior to joining Universal Field Services he operated his own consulting business, providing project management services. Mr. Finnegan spent over 20 years with the California Department of Transportation, having held several top management positions including that of Chief Appraiser. He has been a consultant to the U.S. Office of Management and Budget, providing guidance in the drafting of regulations relating to the Uniform Relocation Assistance and Real Property Acquisition Act. Mr. Finnegan has also testified before Congress on matters pertaining to the Uniform Act. Mr. Finnegan has held several IRWA committee positions, including having served on the Association's International Executive Committee, and was the 2006-2007 International President of the Association.

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 fee may be charged for registrations received after deadline and for those registering on day of class.



Course Description:

Upon completion of this class, the participants will have the ability to apply real estate law terms and concepts; understand the concepts of metes and bounds and be familiar with the three views of engineering plans and the fundamentals in property description systems; learn the methods of acquiring/transferring title to realty; definition and requirements to a valid contract; information on easements, deeds and lease; know what an appraisal is and what it is not, understand the appraisal process; know the three basic methods of appraising fee property; understand the various types of negotiations, understand the basic concepts of successful negotiations; be aware of the environmental concerns, review process, site assessments, audits, litigation issues and implications; and the applicable relocation requirements involved with property acquisition and management.

Topics:

- Real Property Law Concepts
- Acquisition / Negotiations
- Property Descriptions
- Relocation Due to Acquisition of Real Property Interest
- Environmental Concerns
- Appraisal of Real Property
- Asset (Property) Management

Required Materials:

Hand Held Calculator (recommended)

Course Tuition Includes:

Participant's Manual, Principles of Right of Way Textbook, Engineering Tools (engineering scale, protractor and straight edge), USPAP Text, Real Estate Dictionary

Who Should Take This Course:

This course is directed toward the new right-of-way person - a person who has little or no experience in the right of way field; individuals specializing in one area; or, right of way managers desiring a refresher course.

Sponsored By: Chapter 11

Date	Time	Days
6/9-12/2008	8am-5pm	4

Location:

Caltrans District 11 – Wallace Room
4050 Taylor Street
San Diego, CA 92110
Phone: (619) 220-7363

Late Registration Fee of \$25.00 After:
5/12/2008

Accommodations:

Padre Trail Inn (Old Town)
4200 Taylor Street
San Diego, CA 92110
Phone: (800) 255-9988

Rates:

Single \$79.95 + 12.5% Tax

Please contact the hotel directly and mention IRWA.

Four Ways to Register:

Online: www.irwaonline.org

Fax: 310-538-1471

Phone: 310-538-0233 x134

Contact Coordinator

Mail to Course Coordinator:

Jim Kuhns
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123
Phone: (858) 522-6875
Fax: (858) 522-6563
Email: jkuhns@sdcwa.org

*Please make checks payable to:
International Right of Way Association*

About the Facilitator:

Carol L. Brooks, SR/WA is a Right-of-Way Consultant, who entered the right-of-way profession in 1989. Her expertise includes easement and land acquisition, negotiations, easement valuation, permitting, easement law, project management, and eminent domain support. Brooks authored four articles on "The Art of Successful Negotiations" for which she was awarded the International Right of Way Association's Mark A. Green Award, 2000. She served as Chair of the International Liaison Committee, Region One Rep to the International Nominations & Elections Committee, 1999/2004 President and Chair of Professional Development Committee, Chapter 11. Brooks has received the 1999/2004 Professional of Year, Chapter 11 and 1999 Frank C. Balfour Professional of the Year Finalist. She graduated from the University of Redlands, receiving a Bachelor's Degree in Business Administration and Management with Distinction and a Fellow of the Leadership Society of Alfred North Whitehead Center for Lifelong Learning.

Cancellation Policy

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