

LOS ANGELES



IRWA
CHAPTER 1



October
2004

Upcoming Events

November 9

Board of Directors meeting:
11:30 AM to 1:00 PM
Nossaman offices:
445 S. Figueroa St, 31st Floor,
Los Angeles

November 23

Chapter 1 Membership Meeting (and Past Presidents Free Luncheon)
11:45 am - 1:30 pm
Stevens Steak House,
5332 Stevens Place,
Commerce (675-G/3)

December 8

Tri-Chapter Installation Banquet
10:30 Optional Tour,
11:30 Check-in,
12:15 Luncheon
Mission Inn,
3649 Mission Inn Avenue,
Riverside



President's Message

By: Linda Cunningham Esq.,
Nossaman, Guthner, Knox, & Elliott,
LLP

It hardly seems possible, but Fall is already upon us, and we are rapidly approaching the end of another year. We have scheduled several events over the next few months that we think will be informative and interesting, and should also provide excellent opportunities for networking with other IRWA members and guests.

Fall Seminar

The annual Fall Seminar and membership luncheon will be held on Tuesday, October 26, at the Quiet Cannon in Montebello. This year's seminar includes a variety of informative sessions, including relocation topics, appraisal and others. OREA, SR/WA and MCLE credits are pending. For further details on the Fall Seminar, see the enclosed flyer or contact Michael Fischer at (213) 922-2413, e-mail: fischerm@metro.net.

Membership Luncheon and Fall Seminar

Date: October 26, 2004

Time: 11:45am

Speaker: Bradley Pierce, Esq., will speak on Effectively Communicating the Agency's Position to the Jury

Location: Quiet Cannon
901 N. Via San Clemente,
Montebello (636-A/7)

Please contact Michael Fischer,
Fall Seminar Chair at (213)-
992-2413 or
FischerM@metro.net

Fall Forum

The Regional Fall Forum, hosted by Chapter 46 (Reno), will be held on October 15 and 16 at Lake Tahoe, Nevada. For further information, contact Carolyn Carrica at CCarrica@SPPC.com.

Tri-Chapter Installation Luncheon

Don't forget to mark your calendars for this year's Tri-Chapter Installation luncheon, hosted by Chapter 57 (Riverside). The luncheon will be held on December 8 at the Mission Inn, 3649 Mission Inn Avenue, in Riverside. We hope to have a good turnout from Chapter 1 to support the installation of next year's officers.

Thanks again to all of our new and continuing members, Board Members and Committee Chairs for your support and participation in Chapter 1 luncheons, education courses and seminars. Your comments and suggestions for improving our membership services are appreciated.

IRWA Chapter 1, Los Angeles

2004 Board Officers and Committee Chairs

<p>President & International Director: Linda Cunningham Esq. Nossaman, Guthner, Knox, & Elliott, LLP 445 S. Figueroa St. Los Angeles, CA 90071 Phone (213) 612-7800 E-mail lcunningham@nossaman.com</p>	<p>President Elect & International Director: Holly Rockwell Epic Land Solutions, Inc. 24050 Madison St., Suite 205 Torrance, CA 90505 Phone (310) 378-0771 E-mail hollyrockwell@epicland.com</p>	<p>Vice President: Tom Hanley Southern Calif. Regional Rail Authority (Metrolink) 700 S. Flower St. Suite 2600 Los Angeles, CA 90017 Phone (213) 452-0256 E-mail hanleyt@scrta.net</p>
<p>Secretary: Ken Robinson Paragon Partners Ltd. 5762 Bolsa Ave., Suite 201 Huntington Beach, CA 92649 Phone (714) 379-3376 E-mail krobinson@paragon-partners.com</p>	<p>Treasurer: Bryan Riggs, MAI Riggs & Riggs, Inc. 4195 Valley Fair St. Suite 207 Simi Valley, CA 93063 Phone (805) 578-2400 Ext. 101 E-mail riggsinc@pacbell.net</p>	<p>Chapter 1 Webmaster & Region 1 Valuation Committee Rep: Rudy M. Romo Paragon Partners Ltd. 5762 Bolsa Ave., Suite 201 Huntington Beach, CA 92649 Phone (714) 379-3376 E-mail romo@paragon-partners.com</p>
<p>Professional Development Committee Chair: Lourdes Romero, SR/WA Los Angeles World Airports 5757 W. Century Blvd, Suite 102 Los Angeles, CA 90045 Phone (310) 417-6486 E-mail lxromero@lawa.org</p>	<p>Education Chair: Deborah Martinez Paragon Realty Resources 5762 Bolsa Ave., Suite 201 Huntington Beach, CA 92649 Phone (714) 379-3376, ext. 242 E-mail dmartinez@paragon-partners.com</p>	<p>Assistant Education Chair: Lorna Foster Calif. Dept. of Transportation 464 W. Fourth St., 7th Fl. San Bernardino, CA 92401 Phone (909) 383-4473 E-mail lorna_foster@dot.ca.gov</p>
<p>Newsletter Editor Chair: Natalie Michelson Riggs & Riggs, Inc. 4470 Libbit Ave. Encino, CA 91436 Phone (818) 634-6932 E-mail amntaliec@aol.com</p>	<p>Membership Chair: William Larsen Integra Realty Resources 20720 Ventura Blvd., Ste 240 Woodland Hills, CA 91364 Phone (818) 593-7200 X 19 E-mail wlarsen@irr.com</p>	<p>Property Management Chair: Duncan Robb, SR/WA LA County Metro. Transp. Authority (MTA) One Gateway Plaza MS 99-13-08 Los Angeles, CA 90012 Phone (213) 922-2435 E-mail robdd@mta.net</p>
<p>Law Chair: Bradley Pierce Esq. Demetriou, Del Guercio, Springer & Francis 801 S. Grand Ave. 10th Flr Los Angeles, CA 90017 Phone (213) 624-8407 bpierce@ddsfirm.com</p>	<p>Environmental Chair: Mohammad Estiri Phd. Eco & Associates, Inc. 11262 Darlene Drive Santa Ana, CA 92705 Phone (714) 832-5427 E-mail mestiri@jps.net</p>	<p>Fall Seminar Co-Chair: Augusto Parcerero, SR/WA LA City Dept. of Public Works 600 S. Spring St., Suite 700 Los Angeles, CA 90014 Phone (213) 847-5580 E-mail aparcerero@eng.lacity.org</p>
<p>Pipeline Chair: Gary Valentine, MAI, SR/WA 23942 Lyons Avenue, Suite 212 Santa Clarita, CA 91321 Phone (661) 288-0198 E-mail: gsv@valentineappraisal.com</p>	<p>Relocation Chair & Relocation Seminar Cochair: Freddy Arevalo Community Development Commission of the County of Los Angeles 2 Coral Circle Monterey Park, CA 91755 Phone (323) 890-7473 fred.arevalo@lacdcl.org</p>	<p>Luncheon Chair: Tracy Washburn Sanli Pastore & Hill, Inc. 1990 S. Bundy Drive, Suite 800 Los Angeles, CA 90025 Phone (310) 571-3400 Fax (310) 571-3420 Email twashburn@sphvalue.com</p>
<p>Valuation Seminar Chair: Elaine McDaniel Desmond, Marcello & Amster 6060 Center Drive, Suite 825 Los Angeles, CA 90045 Phone (310) 216-1400 emcdaniel@dmavalue.com</p>	<p>Title Chair: Teri Kortens Lawyers Title 19300 South Hamilton Ave. Suite 130 Gardena, CA 90248 Phone (310) 768-2000 E-mail terikortens@msn.com</p>	<p>Public Agency Liaison Chair: George Koury, SR/WA Property Management The Port of Los Angeles 425 S. Palos Verdes Street San Pedro, CA 90731 Phone (310) 732-3865 E-mail gkoury@portla.org</p>
<p>Engineering/Survey Chair: Tony Pratt, PLS City of Los Angeles Bureau of Engineering 201 N. Figueroa St., Suite 1100 Los Angeles, CA 90012 Phone (213) 482-7180 E-mail tp Pratt@eng.lacity.org</p>	<p>Relocation Seminar Chair: Bill Von Klug, SR/WA Community Development Commission of the County of Los Angeles 2 Coral Circle Los Angeles, CA 91755 Phone (323) 890-7434 bill.vonklug@lacdcl.org</p>	<p>Valuation Committee: Paul Norlen, MAI Metropolitan Water District 700 N. Alameda St. Los Angeles, CA 90012 Phone (213) 217-7665 E-mail pnorlen@mwdh2o.com</p>
<p>Fall Seminar Chair Michael Fischer MTA Real Estate One Gateway Plaza Mail Stop 99-13-8 Los Angeles, CA 90012-2952 Phone (213) 922-2413 E-mail fischer@metro.net</p>	<p>Past President, Nominations and Awards Chair; Region Spring Forum Chair: Michael Popwell, SR/WA Community Development Commission of the County of Los Angeles 2 Coral Circle Monterey Park, CA 91755 Phone (323) 890-7195 michael.popwell@lacdcl.org</p>	<p>Region Spring Forum Co-Chair & Membership Co-Chair Henry Nunez Henry Nunez Coordinated Land Services 11 E. Huntington Drive Arcadia, CA 91006 Phone (626) 254-0524 E-mail henry@hnrealestate.com</p>

October Membership Luncheon and Fall Seminar

Our October luncheon presentation will be part of our fantastic line-up for the Fall Seminar held at the Quiet Cannon. Bradley Pierce, Esq., will be speaking on Effectively Communicating the Agency's Position to the Jury. Mr. Pierce, is a partner at the downtown Los Angeles law firm of Demetriou, Del Guercio, Springer & Francis, LLP. He has acted as special counsel to counties, cities, redevelopment agencies and special districts throughout California. His other work involves environmental and land use issues and includes representing and advising clients in litigation in state and federal courts, as well as litigation avoidance. In addition to his position as the law chair for IRWA Chapter 1, he sits on the Advisory Board for the Program in Environmental, Land Use, and Real Estate Law for Chapman University School of Law. If you are unable to make it for the full day, please join us for the luncheon presentation.

Date: October 26th, 2004

Time: 11:45 am

Location: Quiet Cannon,
Montebello,
901 Via San Clemente,
Montebello, CA 90640

Luncheon choice: Chicken Dijonaise or Sliced Roast New York Strip

Cost: \$20 before October 19, 2004 and \$25 after October 19, 2004

To reserve your space and make your luncheon selection, please contact our Fall Seminar Chair, Michael Fischer at 213-922-2413 or FischerM@metro.net.

If you are planning on attending the full seminar, please complete the seminar reservation form included in this newsletter.

**IRWA Chapter 1
2004 Calendar of Events**

October 12	Board of Directors meeting: 11:30 AM to 1:00 PM Nossaman offices: 445 S. Figueroa St, 31 st Floor, Los Angeles
October 14 & 15	Education Course 200 (Principles of Real Estate Negotiations) (SR/WA) Contact Deborah Martinez, Education Co-Chair, at (714) 379-3376; dmartinez@paragon-partners.com
October 26	Fall Seminar (and Membership Meeting) Quiet Cannon, 901 N. Via San Clemente, Montebello (636-A/7) Contact Michael Fischer, Fall Seminar Chair, at (213) 992-2413.
November 9	Board of Directors meeting: 11:30 AM to 1:00 PM Nossaman offices: 445 S. Figueroa St, 31 st Floor, Los Angeles
November 23	Chapter 1 Membership Meeting (and Past Presidents Free Luncheon) 11:45 am - 1:30 pm Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)
December 8	Tri-Chapter Installation Banquet 10:30 Optional Tour, 11:30 Check-in, 12:15 Luncheon Mission Inn, 3649 Mission Inn Avenue, Riverside

Looking for a Few Good Members

Chapter 1 continues to be an incredibly strong chapter with 285 current members. Participating in the leadership of the Chapter is a fantastic opportunity to grow, learn, meet new people, develop relationships, and contribute to the organization. Now is the time to step forward! Even if you are only able to pledge a limited amount of time, we would love for you to participate in one of our committees! If you are interested in getting involved in 2005, please contact Holly Rockwell, President-Elect at 310-378-0771. Ask any current Chapter 1 Board member – the rewards are tremendous!

**NOTICE INVITING STATEMENTS OF QUALIFICATIONS FROM EXPERIENCED
CONSULTANTS TO PROVIDE FULL REAL ESTATE AND RELATED EXPERT CONSULTING
SERVICES ON A PREQUALIFIED BASIS ON VARIOUS
LOS ANGELES HARBOR DEPARTMENT PROJECTS**

The City of Los Angeles is encouraging all firms with applicable experience to respond to this Request For Qualifications. If you are interested in receiving a copy of the Notice Inviting Statements of Qualifications, or need any additional information, please contact George Koury, of Property Management staff, at (310) 732-3865.

Litigation Seminar

The Southern California Chapter of the Appraisal Institute is presenting the 37th Annual Litigation Seminar on Friday, November, 19, 2004. It will be held at the Westin Bonaventure Hotel in downtown Los Angeles. Please contact the Appraisal Institute at 818-957-5111 or info@sccai.org for more information.

In Memoriam

M. R. "Mac" McMillan, SR/WA, retired member of IRWA, Chapter 1 and long-time Right of Agent for the Santa Fe Railroad in Los Angeles, has passed away after a lengthy illness on September 23, 2004 and leaves a widow, a daughter and grand-

Case of the Month

SFPP, L.P. et.al., v. the Burlington Northern & Santa Fe Railway Company Court of Appeal of California, Fifth Appellate District

By: Imran Hayat Esq., NOSSAMAN, GUTHNER, KNOX & ELLIOTT

This case involves a dispute in which a railroad company, The Burlington Northern & Santa Fe Company (“BNSF”) and a pipeline company SFPP¹ and its affiliate, Kinder-Morgan (collectively “SFPP”) disagreed over whether a pipeline existing in the railroad’s right-of way-should be moved before the railroad built a second track in the right-of-way.

The second track was necessary for the use of AMTRAK. Under federal law, railroads are required to make their rights-of-way available for use by AMTRAK in an effort to reduce highway congestion. In order to further reduce congestion and reduce travel times and the overall efficiency of the AMTRAK system, CALTRANS² had BNSF conduct a study to determine what areas of train traffic were most impacted by congestion. The study concluded that converting a portion of BNSF’s existing tracks from single tracks to double tracks would greatly reduce the congestion found by the study. SFPP’s pipeline laid beneath the right-of-way the double track would be placed on.

BNSF contended that it needed to install the second track to the east of its existing track, above the pipeline. In order to make room for the second track, BNSF requested that SFPP move its pipeline to the other side (west) of the existing track. According to BNSF this is necessary to allow for maintenance on either line without closing both tracks and the existing track is located near two underpasses. Thus, placing a track to the west of the existing track would require costly (several million dollars) reconstruction of the underpasses. BNSF further contended that placing the additional tracks with the pipeline remaining beneath it posed risks that would be lessened by moving the pipeline to west of the tracks. BNSF based this argument on a report prepared by Parsons Transportation Group.

SFPP did not argue with the contention regarding the inadequacy of space for another track on the west side of the existing track, but contended that the proposed track could be added as desired by BNSF without relocating the pipelines and refused to move the pipelines.

SFPP was allowed to maintain a portion of its pipeline system on the SFPP right-of-way through various licensing agreement between SFPP, its predecessors in interest and SFPP. The licensing agreements, in part, provided that:

“SFPP shall...locate, construct and maintain the PIPELINE in such a manner...that it will not at any time be a source of danger to or interference with present or future tracks...or the safe operations of its railroad,” and that if SFPP fails to carry out the above “BNSF may at its election forthwith revoke this License.”

BNSF revoked the License and SFPP filed a lawsuit seeking to condemn a five-foot easement around the existing location of the pipeline. In order to resolve the dispute the parties, by stipulation employed a retired judge (“Referee”) pursuant to Code of Civil Procedure sections 638 and 644 (a). (“Stipulation”). The referee ruled in favor of BNSF.

SFPP appealed on the grounds that 1) it had no opportunity to challenge ambiguities or omissions in the statement of decision and their right to object was limited to moving for a new trial or filing an appeal, 2) Code of Civil Procedure section 1240.030 was applied incorrectly as the Referee considered evidence of other locations and 3) Code of Civil Procedure section 1240.510 was improperly applied.

As to SFPP’s first contention the court ruled that SFPP had the opportunity to challenge ambiguities or omissions in the statement of decision as the Stipulation, though expressly entered into under CCP §§ 638 and 644 (a), was broad enough to allow SFPP with recourse after the statement of decision was filed and entered. The Court ruled that since the language in the Stipulation stated that “[a]ll proceedings shall be conducted in accordance with the Code of Civil Procedure and the Evidence Code as well as all other applicable statutory and case law as if the proceedings were conducted by the Superior Court of the State of California,” SFPP was not limited to CCP §§ 638 and 644 (a) but also had available to it CCP §§ 634 and 664 which allow for the very remedies SFPP claims it was denied.

¹ The pipeline in question is used in delivering jet fuel to the Lemoore Naval Air Station.

² The State’s Department of Transportation (“CALTRANS”) has entered into various agreements with AMTRAK to provide additional equipment and costs, enabling AMTRAK to increase passenger rail services and thereby reducing highway congestion and

The court similarly dismissed BNSF second contention that the Referee incorrectly applied CCP §1240.030. CCP §1240.030 provides that “[t]he power of eminent domain may be exercised to acquire property for a proposed project if all of the following are established: a) [t]he public interest and necessity require the project, b) [t]he project is located in the manner that will be most compatible with the greatest public good and the least private injury and (c) the property sought to be acquired is necessary for the project.

Specifically, SPFF argues that Referee considered evidence regarding other locations and BNSF’s purported offer of another location in contravention of CCP §1240.030 to support its findings that “1) the pipelines were not located in the manner that will be most compatible with the public good and the least private injury and 2) SFPP [] failed to establish a legal necessity for the taking of this property.

As noted above, the Court affirmed the Referee’s findings. In affirming so, the Court noted that there was no contention as to prong (a) of CCP §1240.030. The Court then turned to SPFF’s argument that the Referee erred by considering alternative locations under CCP §1240.030 (b) because the Referee 1) improperly balanced the equities between the parties, 2) did not give presumption of public necessity applicable to the existing location of the pipeline and 3) failed to consider the wide discretion of the condemnor in selecting a location.

In answering the question of whether or not the Referee was authorized by subdivision (b) of plain language of the statute to determine whether or not CCP §1240.030 allows for the comparison of CCP §1240.030 the Court first looked at the plain language of the statute, then the legislative history, and finally the case law and related arguments of defendants.

In reviewing the plain language, the court held that words such as “most,” “greatest” and “least” are clearly comparative terms and unambiguously show the legislature’s intent that the condemnor’s proposed location be compared with the other potential locations. The Court then looked at the Legislative Committee comment appended to CCP §1240.030 and found that it was in fact the legislature’s intent to provide for comparison.

The Court affirmed the referee’s findings on this basis but went on to analyze the case law cited by SPFF and found it was inapplicable. SPFF cited *Kacadoorian v. Calwa Water Dist.* (1979) 96 Cal. App.3d 741, 749 to support its contention that it met the requirement of CCP § 1240.030. In *Kacadoorian*, a municipal utility operated a water line on land that had been a public alley, which was abandoned. The owner of the alley brought a suit to quiet title and the trial court ruled in its favor. (*Id.* at 747.) The Court of Appeal however ruled that the proper form of relief was damages based on inverse condemnation, provided that the public utility could establish public use the necessity to maintaining that use. (*Id.* at 747.) The Court of Appeal went on to say that the standard of necessity was met if the land was reasonably suitable and useful for the improvement and that the absence of substantial use is not shown by the existence of other physical alternatives. (*Id.* at 749.) The Court then looked at the fact that the pipeline had been at its present location for 50 years and adopted a presumption of necessity, which was not overcome by the property owner. The pipeline therefore stayed in tact and the owner was allowed to pursue damages for the taking of his property.

The Court however distinguished *Kacadoorian* from the instant appeal noting that in *Kacadoorian* among other things, 1) the trial court did not make any findings regarding the requirements of subdivision (b) of CCP §1240.030; 2) the issues regarding the greatest public good and the least private injury were not addressed on appeal; and 3) the decision did not mention any facts that suggested any public good resulting from the landowner’s use of the property would be adversely affected by continuing to operate the pipeline at that location.

The Court therefore ruled that *Kacadoorian* was inapplicable and held that a finder of fact inquiring into the greatest public good and least private injury should consider all facts and circumstances, and the preexisting location of a an improvement is only one of the factors relevant to that inquiry.

The Court also looked at whether or not evidence relating to BNSF’s offer to move the pipeline to the western side of the track was improperly considered by the Referee. SPFF contend that it was since it was no in fact legally an offer. The Court concluded whether or not it was an offer was irrelevant because it was used to show that an alternate location allows for the achievement of greater public good in comparison to the location of the easement sought by SFPP.

SFPP finally argued that the court erred by stating that “[u]nder CCP §1240.510, SFPP must establish that its proposed use of the pipeline in its current location will not interfere with or impair the continuance of BNSF’s use as it currently exists or may reasonably be expected to exist in the future.”

The Court however held that the Referee was aware, as evidence by the Statement of decision, of the reasonableness requirement of CCP § 1240.510 and impliedly found that the pipeline’s interference with the proposed second track was unreasonable.

Based on the above the Court affirmed the Referee’s findings in their entirety.

ARTICLE OF THE MONTH

Maintaining the “Right” Attitude in Right of Way Dealings

By: Kenneth Robinson
Acquisition/Right of Way Agent for Paragon Partners, Ltd.
Secretary for IRWA Los Angeles Chapter 1

In the field of Right of Way, our form of work and its activities vary from day to day, week to week, and month to month. For some it can even vary from year to year. Such varying Right of Way activities calls for diversity on our part and maintaining the right attitude to such changes that can impact our lives.

How a Right of Way Professional deals with diversity sets the stage for the type of attitude he or she develops in current and future responsibilities. We can take the “I don’t care” attitude, or we can jump right in and deal with the matters at hand to accomplish the task successfully. Sometimes we can be overly critical about the least of matters but “why sweat the small stuff?” Our attitude plays an important role in how we look at our assignments from a Right of Way perspective.

Maintaining the right attitude really says much about us. It is reflected in how we deal with others. Maintaining the right attitude in working within a group of people can be beneficial. It can be contagious by the fact that others can develop similar qualities within the group. This affords a better working environment for all and accomplishments are better appreciated. So what can we do to help us maintain the right attitude? Here are a few tips that can help:

1. Think outside the box.
2. Smile! – it’s a start toward changing your attitude.
3. Change your actions – do things differently to start thinking differently.
4. Change your environment – make your environment reflect your attitude.
5. Help others – one fast way to change your attitude.
6. Get a little help from a friend – enlist their support to help you change & give you ideas.
7. Be patient – recognize most changes occur slowly!

These are only a few tips that can help us maintain the right attitude in our Right of Way dealings, which serves to benefit us as professionals now and in the future.



**CHAPTER ONE PRESENTS
THE ANNUAL FALL SEMINAR
AND REGULAR MEMBERSHIP LUNCHEON MEETING**

Tuesday, October 26, 2004

8:30 – 5:00 p.m.

*Quiet Cannon, Montebello, 901 Via San Clemente, Montebello, CA 90640, on Garfield
Exit from the 60 Freeway (Thomas Guide: 636-A-7) Ph. 323-724-4500*

7:30 a.m. – 8:30 a.m. Registration and Continental Breakfast

8:30 a.m. – 8:35 a.m. Opening Remarks Michael A. Fischer
Seminar Chair

8:35 a.m. – 9:45 a.m. (70 Minutes)

**Appraisal – Appraisal Testimony from An Attorney's Perspective & Current
Conditions in Districts of Downtown Los Angeles**

Speakers: Allison Burns, Esq., David Zoraster, MAI

Moderator: Bill Larson

9:45- a.m. 10:00 a.m. Morning Break and Refreshments

10:00 a.m. – 11:15a.m. (75 Minutes)

**Acquisition - Key Elements of Commercial Acquisition & 1500 Parcels in 90
Days – How to Respond to an Aggressive Acquisition Schedule**

Speakers: Rudy Romo, Neilia LaValle

11:15 p.m. – 12:00 p.m. (45 Minutes)

Engineering - Engineering Design and the Right-Of-Way Process

Speaker: Joanne Kulachok

Moderator: Tony Pratt, P.L.S.

12:00 noon – 1:15 p.m. (75 Minutes) Lunch

Legal – Effectively Communicating the Agency's Position to the Jury

Speaker: Bradley Pierce, Esq.

1:15 p.m. 2:15 p.m. (60 Minutes)

Property Management - Property Management and Leasing Practices at the Port of Long Beach

Speaker: Kathryn McDermott

Moderator: Duncan Robb, SR/WA

2:15p.m. – 2:30 p.m.

Afternoon Break and Refreshments

2:30 p.m. – 3:30 p.m. (60 Minutes)

Acquisition/Relocation - Hot Topics in Acquisition/Relocation (URA)

Speaker: William Von Klug, SR/WA

3:30 p.m. – 4:30 (60 Minutes)

Environmental - AB 389, USEPA'S "All Appropriate Inquiries" Regulations & Legislative Developments

Speaker: John Harris, Esq.

Moderator: Mohammad Estiri, P.h.D.

4:30 p.m. – 4:35 p.m.

Closing Remarks

Linda Cunningham, SR/WA
President

4:35 p.m. – 5:00 p.m.

Distribution of Completion Certificates

FALL SEMINAR SPEAKERS

Allison Burns, ESQ., received her J.D. from the University of California at Davis, where she was Senior Articles Editor of the U.C. Davis Law Review and Articles Editor of the Journal of Juvenile Law and Policy. Ms. Burns is a member of the State Bar of California and admitted to practice in the Central District of the United States District Court. Ms. Burns served as a judicial extern to Justice Fred K. Morrison of the Third District Court of Appeal of the State of California and to the Honorable Garland E. Burrell of the United States District Court of the Eastern District of California. Ms. Burns is experienced in eminent domain, foreclosure, business contract disputes and CEQA litigation and is a member of Stradling, Yocca Carlson & Rauth's Public Law Litigation Department.

David Zoraster, MAI, is nationally recognized as a commercial appraisal expert specializing in properties located in Los Angeles, County. In 30+ years of appraising commercial and industrial properties, Mr. Zoraster has appraised many of the County's landmark properties, including the Pacific Design Center, Grand Central Square, Broadway Plaza, and Times Mirror Square. Mr. Zoraster is also recognized as an expert in the appraisal of complex partial interests, including air rights, transferable development rights, and various types of easements.

Rudy M. Romo, is an Independent Consultant providing Real Estate Acquisition and Relocation Assistance services for public agencies. He has worked for private consultants and public agencies over the course of his 20 year tenure in the industry and has practiced his work in accordance with 49 CFR Part 24 and State of California Title 25 guidelines. Mr. Romo has worked on high profiled projects such as the Alameda Corridor Transportation Authority and Alameda Corridor "East" Construction Authority projects. He has also worked on numerous other Transportation Authority projects. Mr. Romo has completed numerous courses in the IRWA series and is a certified instructor for the IRWA in Relocation Assistance. Mr. Romo previously served as Chapter 1's President in 2002.

Neilia La Valle, is President & CEO of Paragon Partners Ltd. Ms. LaValle has over twenty-five years of experience in providing land and right of way services for a variety of projects. Ms. LaValle recently served as the Project Director for a 717-mile FERC regulated natural gas pipeline project. Currently, she is the Project Director/Principal-In-Charge for a 6,000 acre (1000+ parcels) acquisition/relocation project for the Los Angeles County Sanitation District. Other project experience includes serving as Paragon's Project Manager for Right of Way Program Management for the Alameda Corridor East Construction Authority. Under her direction, Paragon Partners Ltd. has in just over eleven (11) years, established four national offices with a staff of over 120 employees.

Joanne Kulachok, a licensed Civil and Traffic Engineer has been a member of IRWA since 1999 when she joined the Alameda Corridor as the Right of Way Engineering Manager for the south end of the Corridor. Currently she splits her time between the Alameda Corridor working on State Route 47 and as a Project Manager for security projects at Los Angeles International Airport. Throughout her 24 year career, property acquisition has been a vital component in the projects she has managed. She will discuss how the engineering of projects and schedule are affected by right-of-way constraints and the approaches she has used to facilitate projects.

Bradley Pierce, ESQ, is a partner at the downtown Los Angeles law firm of Demetriou, Del Guercio, Springer & Francis, LLP. His practice focuses on litigation of issues unique to public entities, with particular emphasis on condemnation. He has acted as special counsel to counties, cities, redevelopment agencies and special districts throughout California. His other work involves environmental and land use issues and includes representing and advising clients in litigation in state and federal courts, as well as litigation avoidance. In addition to his position as the law chair for IRWA Chapter 1, he sits on the Advisory Board for the Program in Environmental, Land Use, and Real Estate Law for Chapman University School of Law.

Kathryn McDermott, is currently the Director of Properties for the Port of Long Beach. Ms. McDermott has extensive knowledge of property contracts, title issues, and

has 20 years experience in the negotiation of property leases, acquisitions and easements. As the Director of Properties, McDermott heads a nine-person division responsible for negotiating leases with Port customers that generate more than \$200 million a year. Since joining the Port, she has been the lead staff negotiator for a number of major terminal leases, including International Transportation Service, Long Beach Container Terminal, Toyota, Metropolitan Stevedore and others. She has managed a staff involved in leasing, sale of port properties, soliciting proposals for new terminals, and property analysis to support the Port Planning and Engineering Divisions in determining development alternatives. Ms McDermott came to the Port after working for 12 years in the real estate department of Southern Pacific Railroad, where she coordinated the sale of transportation corridors totaling \$725 million, including rights-of-way sold to the Alameda Corridor Transportation Authority. She led negotiations in SP's sale of the former 8th Street rail yard, now the Pier B rail yard, to the Port.

William A. Von Klug, SR/WA is currently the Relocation/Acquisition Coordinator for the Community Development Commission for the County of Los Angeles, California. In his present capacity, Mr. Von Klug oversees relocation and acquisition projects throughout the County of Los Angeles and oversees the work performed by private consultants. His projects are governed by Federal relocation regulations and by State of California relocation regulations. He has owned a private consulting firm for over 28 years and still works as a consultant on a limited basis. Mr. Von Klug generally limits his consulting work to developing and teaching classes, developing and implementing acquisition/relocation procedures for agencies, acting as an appeals hearing officer. And managing the work performed by other consultants. He has over 30 years of relocation experience, has testified to Congress on relocation issues and has taught over 275 classes and seminars. Mr. Von Klug is a member of the International Right of Way Association's Relocation Committee and is a Past President of one of its chapters.

John Harris, ESQ., is Chair of the Environmental and Energy Department of Richards, Watson & Gershon. For the last twenty-four years, he has advised both public entity and private sector clients on the impact of environmental laws on the acquisition, sale, financing, and leasing of property. His responsibilities have included oversight of the environmental aspects of the property acquisition, construction, and remediation for numerous public agency and private sector projects. Clients have called on him to assist them in obtaining permits, waste discharge requirements and other approvals from California environmental agencies and the U.S. Environmental Protection Agency. He has negotiated remediation agreements, prospective purchaser agreements and consent decrees. Mr. Harris has also represented public entity and private sector clients in a wide variety of environmental litigation matters, including contaminated property clean-up and cost recovery cases, as well as environmental insurance coverage claims. Mr. Harris is experienced in the redevelopment of Brownfields sites, including assisting public agencies in obtaining federal grants. Mr. Harris is also an active participant in the California Redevelopment Association's Brownsfields Committee and was a member

of the Committee's negotiating team that developed the recent Environmental Oversight Agreement in partnership with the Department of Toxic Substances Control.

SR/WA Recertification Approved for 7-Hour Course

DRE, OREA, & MCLE credits pending

REFRESHMENTS & LUNCHEON CHOICE:

Continental Breakfast at 7:30 a.m. Coffee, Decaffeinated Coffee, Hot Tea and Breakfast Pastries.

Luncheon at 12:00 noon

Selection of: *CHICKEN DIJONAISE* with whole grain mustard sauce, rice pilaf, vegetable, rolls and butter, coffee, tea, milk, and dessert. *SLICED ROAST NEW YORK STRIP* with Bordelaise Sauce, roasted red potatoes, vegetable, rolls and butter, coffee, tea or milk, and dessert.

Dessert: *Peach Melba.*

Afternoon Break at 2:15 p.m. Cookies, Soft Drinks and Bottled Water.

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SEMINAR AND LUNCHEON RESERVATION:

___IRWA Members, \$75 before October 19, 2004___Members \$100 after October 19, 2004

___Non-IRWA Members, \$100 before Oct. 19, 2004___Non-Members \$125 after Oct. 19,2004

No refunds after Oct 19, 2004. No shows that do not cancel as of Oct. 19, 2004 will be billed.

LUNCHEON ONLY RESERVATION (12:00 noon):

___IRWA Members and Guests \$20 before October 19, 2004

___IRWA Members and Guests \$25 after October 19, 2004

Please choose one of the following: _____Chicken_____Beef_____Vegetarian

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

Michael A. Fischer, Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Mail Stop 99-13-8, Los Angeles, CA 90012-2952 (Tel.#213-922-2413) (Fax. #213-922-2440) email: <mailto:fischer@metro.net>

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TRI-CHAPTER INSTALLATION LUNCHEON

Sponsored by Chapter 57

Wednesday, December 8, 2004

10:30 Optional Tour*

11:30 Check-In & Networking

12:15 Luncheon

The Historic Mission Inn

3649 Mission Inn Avenue

Riverside, California

Menu Choices

Roasted Prime Rib w/Creamed Horseradish
Roasted Breast of Chicken w/Tarragon-Vermouth Sauce
Vegetable Wellington

Cost: \$39.57 per person

*Mission Inn Tour by reservation, compliments of Chapter 57
(Tour is limited to the first 60 reservations)

The Mission Inn will be featuring their Annual Festival of Lights,
for more information visit their website at:
<http://www.missioninn.com>

*Parking validation available for use of self-parking lot to the rear of
The Mission Inn on Sixth Street. No validation for valet parking.*

**For Sponsor donations, please contact
Janet Parks at (951) 955-9275 or Bob Perdue at (951) 694-6904**



**Please RSVP by November 24, 2004 to:
Reserve early, as space is limited to 128!**

Kim Reed, City of Riverside
3560 University Avenue, Suite B
Riverside, CA 92501
Phone: (951) 826-5462 Fax: (951) 826-2504

Name: _____ E-mail: _____

Employer: _____ Phone Number: (____) _____

Chapter Affiliation: 1 _____ 57 _____ 67 _____

Menu Selection: Prime Rib Chicken Vegetarian

Mission Inn Tour: Yes No

(Note: Tour is limited to the first 60 reservations)

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Courses scheduled for 2004

Dates	Class code	Class Title	Instructor	Location	Coordinator	Phone	Email
Oct 14 & 15	200	Principles of Real Estate Negotiations (SR/WA)	Ralph Brown	Torrance	Deborah Martinez	(714) 379-3376	dmartinez@paragon-partners.com

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