

# LOS ANGELES



IRWA  
CHAPTER 1



September  
2006

## Upcoming Events

October 24, 2006

Annual Fall Seminar at Quiet Cannon, Montebello – See Flyer

November 14, 2006

901 – Engineering Plan Development and Application. Contact: Dan Kazden, 805-578-2400, ext. 104 [dankazden@sbcglobal.net](mailto:dankazden@sbcglobal.net)

December 6, 2006

Tri Chapter Installation Luncheon at Grand Californian in Disneyland



## President's Message

By: Tom Hanley, Paragon Partners

Well here we are again, autumn is upon us, before we know it the holidays will be here and the New Year will begin. Your board is actively getting ready for 2007 even as we try

to tie up things for 2006. The last board meeting is scheduled for 11:30 AM Tuesday September 26, 2006 at Steven's Steakhouse. There are a lot of things to discuss: new officers for 2007, comprehensive job descriptions for all board positions, possibly adding a bookkeeper to the board to take care of the ever oppressive entry of financial data, and nominations for employers and professional of the year. Hopefully we will also finalize the three new annual chapter awards, which we have been discussing throughout the year. As always all board meetings are open to the membership. Usually we do

## Membership Luncheon

*September Dark*

not have attendees who are not board members but let me remind you that you can come and participate, although only board members can vote and make motions. If you plan to come, please email me at [thanley@paragon-partners.com](mailto:thanley@paragon-partners.com) so we can arrange a lunch for you.

It is normally not our chapter policy to be involved in politics. However Proposition 90, the Anderson Initiative, if passed, will have far reaching effects on the entire right of way profession. Therefore your board deemed it appropriate to get the word out on what this proposition actually says as opposed to what the commercials say it says. We have included a copy of the September 2006 California Budget Project Budget Brief, which takes an in depth look at this proposition with some honest discussion as to its effects.

Vivian Howell and committee have completed the speaker schedule for the annual Fall Seminar on October 24 at the Quiet Cannon in Montebello. Mark your calendar and spend the day listening to presentations on current issues of interest to the right of way profession. If you can't spend the entire day, come just for the morning, afternoon, or for lunch. I promise it will be well worth spending whatever time you can.

Bryan Riggs and I will be attending the Fall Forum in Sacramento the weekend of October 13, 14. Representatives from all Region 1 chapters (California, Nevada, and Arizona) attend this meeting. As always, we welcome concerns from our Chapter that are of interest to the entire region. Bryan and I will report on this meeting in the November newsletter.

This year Orange County Chapter 67 will host the Tri-Chapter Installation Luncheon on December 6, 2006 at the Grand Californian at Disneyland. Please mark your calendars if you can possibly attend this wonderful yearly event. More information will be available in this and subsequent newsletters.

As you know, we have experimented this year with a reduction in the number of membership meetings, hopefully lessening the burden of participation on our employers and our workloads. If you have any thoughts on this, positive or negative, please let me know. Our very active board member, Bill Von Klug, is at home recuperating from major surgery and he is doing well. We all wish him well, Godspeed in his recovery and hope to see him back at work and at IRWA soon.

I hope everything is going well in your professional and person lives. I will keep you informed concerning all areas of interest to our chapter.

## IRWA Chapter 1 2006 Officers and Executive Board

<i>President and International Director</i>	<b>Tom Hanley</b> Paragon Partners	714-379-3376	<a href="mailto:thanley@paragon-partners.com">thanley@paragon-partners.com</a>
<i>President-Elect and International Director</i>	<b>Bryan Riggs, MAI, SR/WA</b> Riggs & Riggs, Inc.	805-578-2400 ext 101	<a href="mailto:riggsinc@sbcglobal.net">riggsinc@sbcglobal.net</a>
<i>Treasurer</i>	<b>Andrew Thompson, SR/WA</b> Sempra Utilities	310-244-5032	<a href="mailto:athompson@semprautilities.com">athompson@semprautilities.com</a>
<i>Secretary</i>	<b>Vivian Howell, SR/WA</b> Los Angeles World Airports	310-417-0450	<a href="mailto:vhowell@lawa.org">vhowell@lawa.org</a>
<i>Professional Development</i>	<b>Michael Popwell, SR/WA</b> LA Community Dev. Com.	323-890-7195	<a href="mailto:michael.popwell@lacdc.org">michael.popwell@lacdc.org</a>
<i>Nominations and Awards</i>	<b>Holly Rockwell</b> Epic Land Solutions	310-378-0771	<a href="mailto:hollyrockwell@epicland.com">hollyrockwell@epicland.com</a>
<i>Education</i>	<b>Lynette Overcamp</b> Epic Land Solutions, Inc.	310-378-1178	<a href="mailto:lynetteovercamp@epicland.com">lynetteovercamp@epicland.com</a>
<i>Membership</i>	<b>Bill Larsen</b> Integra Realty Resources	818-593-7200	<a href="mailto:wlarsen@irr.com">wlarsen@irr.com</a>
<i>Luncheon</i>	Vacant		
<i>Webmaster</i>	<b>Mark Brusca</b> Riggs & Riggs, Inc.	805-578-2400 ext 105	<a href="mailto:markbrusca@sbcglobal.net">markbrusca@sbcglobal.net</a>
<i>Newsletter</i>	<b>Natalie Michelson</b> JPI Studios, Inc.	818-634-6932	<a href="mailto:aunttaliee@aol.com">aunttaliee@aol.com</a>
<i>Law</i>	<b>Alan Sozio Esq.</b> Burke, Williams, & Sorenson, LLP	213-236-2819	<a href="mailto:asozio@bwsllaw.com">asozio@bwsllaw.com</a>
<i>Valuation Seminar</i>	<b>Dave Roberts</b> LA City General Services Asset Management	213-922-8546	<a href="mailto:djRobert@gsd.LACity.org">djRobert@gsd.LACity.org</a>
<i>Relocation Seminar</i>	<b>Bill Von Klug, SR/WA, R/W - RAC</b> LA Community Dev. Com.	323-890-7434	<a href="mailto:bill.vonklug@lacdc.org">bill.vonklug@lacdc.org</a>
<i>Fall Seminar</i>	<b>Vivian Howell, SR/WA</b> Los Angeles World Airports	(310) 417-0450	<a href="mailto:vhowell@lawa.org">vhowell@lawa.org</a>
<i>Historian</i>	Vacant		
<i>Engineering/Survey</i>	Vacant		
<i>Environmental</i>	<b>Mohammed Estiri, PhD</b> Eco & Associates, Inc.	714-832-5427	<a href="mailto:mestiri@panenv.com">mestiri@panenv.com</a>
<i>Local Public Agency</i>	Vacant		
<i>Pipeline</i>	<b>Gary Valentine, MAI, SR/WA</b> Valentine Appraisal & Assoc.	661-288-0198	<a href="mailto:gsv@valentineappraisal.com">gsv@valentineappraisal.com</a>
<i>Property Management</i>	<b>Duncan Robb, SR/WA, R/W - AMC</b> Metropolitan Trans. Auth.	213-922-2435	<a href="mailto:robdd@mta.net">robdd@mta.net</a>
<i>Relocation</i>	<b>Fred Arevalo, R/W - RAC</b> Property Services Bureau	562-570-6836	<a href="mailto:fred_arevalo@longbeach.gov">fred_arevalo@longbeach.gov</a>
<i>Title</i>	<b>Teri Kortens</b> Lawyers Title	310-210-6741	<a href="mailto:terikortens@msn.com">terikortens@msn.com</a>
<i>Transportation</i>	Vacant		
<i>Utilities</i>	Vacant		

# IRWA Chapter 1 – Los Angeles County’s

## 2006 ANNUAL FALL SEMINAR

### Right of Way – Past, Present and Future

October 24, 2006

### Quiet Cannon Montebello

We are thrilled that you saved the date as there is something for every professional!

The presenters are proven to be leaders in their fields and will provide us with lessons-learned on topics including survey engineering, functional replacement, valuation of inverse condemnation, title, relocation, in addition to project lessons from three (3) different transportation agencies; California High-Speed Rail Authority, Los Angeles County METRO, and Los Angeles World Airports.

If you are unable to spend the day with us, plan on joining us for lunch. The luncheon Keynote Address is “...Fly California, without ever leaving the ground,” presented by Dan Leavitt, Deputy Director of the California High-Speed Rail Authority. Yes, that bullet train is coming!

Just added to the lunch schedule will be an update on the Anderson Initiative that is slated for California’s 2006 November Ballot. John C. Murphy, a Partner with the law firm of Nossaman Guthner Knox Elliott, LLP will provide us with a sound-bite on the current provisions.

Now if the wealth of information that you will receive coupled with a great networking opportunity are not enough, continuing education credits are approved for 8.5 hours from IRWA, pending from OREA, and MCLE and will be approved for 8.0 hours from DRE.

While we have ample space at this time, make your reservations early to ensure your attendance. Please refer to the attached flyer for a line-up of speakers and their bios.

**Reserve your space today!**



## Chapter 1 – Los Angeles County

### 2006 ANNUAL FALL SEMINAR RIGHT OF WAY -Past, Present and Future

*Tuesday, October 24, 2006*

*Quiet Cannon Montebello (323) 724-4500*

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

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7:45 AM – 8:30 AM	<b>REGISTRATION AND CONTINENTAL BREAKFAST</b>
8:30 AM – 8:35 AM	<b>OPENING REMARKS:</b> Vivian Howell, SRWA (Seminar Chair)
8:35 AM – 9:35 AM	<b>SESSION I: Survey Engineering - Project Efficiencies and the Use of Generational Technology and Demonstration</b> Steve Shambeck, PLS – Principal, Hall & Foreman, Inc., Orange County
9:35AM – 9:55 AM	<b>MORNING BREAK AND REFRESHMENTS</b>
9:55 AM – 10: 55 AM	<b>SESSION II: Difficulties in Valuing Unique and Problem Properties- “But What’s It Worth?”</b> Sima Salek, Esq., Orbach, Huff & Suarez, LLP, and Richard “Rik” A. Neustein, MAI, SRA, CRE, FRICS
11:00 AM – 12:00 AM	<b>SESSION III: Acquisition – Your Project and Functional Replacement, a How, What, When and Where (Authority and Policy)</b> Robert Merryman, Senior Vice President, O.R. Colan Associates, Inc.

Noon – 1:30 PM	<b>CHAPTER 1 MONTHLY LUNCH PROGRAM - Lessons Learned on Agency Title Work, Policies and Insurance - John Marten, Chief Title Officer, LandAmerica Commercial Services</b>  <b>KEYNOTE ADDRESS:</b> <b>“...Fly California...without ever leaving the ground”</b> Dan Leavitt, Deputy Director California High-Speed Rail Authority
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1:30 PM – 2:30 PM	<b>SESSION IV: Los Angeles County Metropolitan Transportation Authority [METRO] Projects – Planning, Entitlement, and Property Management</b> Roger Moliere, Executive Officer, Real Property Management and Development
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**Chapter 1 – Los Angeles County**  
**2006 ANNUAL FALL SEMINAR**  
**RIGHT OF WAY -Past, Present and Future**  
*Tuesday, October 24, 2006*

- 2:35 PM – 3:35 PM      **SESSION V: Relocation –Relax! It’s only Rehabilitation and Relocation**, Cecilia Melanson, Director of Training and Development, Overland Pacific & Cutler, Inc.
- The Uniform Act Requires a Displacee Receive Advisory Assistance and Here’s Why**, William (Bill) Von Klug, Senior Project Manager, Paragon Partners, Ltd.
- 3:35 PM – 3:50 PM      **AFTERNOON BREAK AND REFRESHMENTS**
- 3:50 PM – 4:50 PM      **SESSION VI: Los Angeles World Airports’ Project Lessons – Planning, Entitlement, LAX Master Plan Re-Study and Economic Development**  
Michael J. Doucette, AIA, Director of Regional Airports Planning  
Lyle Haynes, Director of Economic Development
- 4:50 PM – 4:52 PM      **CLOSING REMARKS:**
- 4:52 PM – 5:00 PM      **DISTRIBUTION OF COMPLETION CERTIFICATES TO ATTENDEES**

**APPROVALS: PENDING**

- State of California, Department of Real Estate for 8.0 Consumer Protection Hours, 100% seminar attendance is required.

State of California Department of Real Estate Disclaimer

If this course is approved for continuing education credit by the California Department of Real Estate, such approval will not constitute an endorsement of the views or opinions which are expressed by the course sponsor, instructor, authors or lecturers.

State of California Department of Real Estate Course and Instructor Evaluation Opportunity

The Department of Real Estate has a course and instructor evaluation form available on their web site at [www.dre.ca.gov](http://www.dre.ca.gov) .

- State of California, Office of Real Estate Appraisers for 8.5 Continuing Education Hours, 90% seminar attendance is required.
- **APPROVED:** International Right of Way Association for Senior Designation Re-certification Credits (SR/WA) 8.5 Course Hours, 100% seminar attendance is required.
- Minimum Continuing Legal Education (MCLE) credit of 8.5 Hours, 100% seminar attendance is required.

**PLEASE BRING IDENTIFICATION OF DESIGNATION FOR EACH PROFESSIONAL CREDIT DESIRED FOR THE SEMINAR COMPLETION CERTIFICATE (I.E., VERIFICATION OF DRE OR OREA LICENSE NO.)**

**Chapter 1 – Los Angeles County**  
**2006 ANNUAL FALL SEMINAR**  
**RIGHT OF WAY -Past, Present and Future**  
*Tuesday, October 24, 2006*

**PLEASE MAIL THIS PORTION WITH PAYMENT**

<b>REGISTRATION</b> Space is Limited, Please Register Early
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Name \_\_\_\_\_

Chapter No./Member No. \_\_\_\_\_

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Phone \_\_\_\_\_

Fax \_\_\_\_\_

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(If applicable)

State of California DRE No. \_\_\_\_\_

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SR/WA Recertification Credit Needed? Yes or No

\$85 Member; \$100 Non-Member for Seminar and Luncheon\*\*\*  
Lunch Only - \$30.00\*\*\*; Please Select One \_\_\_\_\_ Beef

\_\_\_\_\_ Chicken \_\_\_\_\_ Vegetarian

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*\*\*\*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. \*\*\**

**Speaker Bio's**  
**IRWA Chapter 1's 2006 Annual Fall Educational Seminar**

**Vivian D. Howell, MBA, SR/WA, R/W-NAC is IRWA Chapter 1's 2006 Fall Education Seminar Chair,**

Board Secretary and member of the Professional Development Committee as well as a member of other professional organizations. Ms. Howell earned her MBA from Loyola Marymount's Executive MBA Program and her Bachelor of Science in Business Administration – Finance from California State University, Los Angeles. She is a licensed California State Real Estate Broker and has worked in the field of real estate for over 20 years. Ms. Howell has worked in the public arena in various departments of the City of Los Angeles in right of way related capacities and is currently a manager at its Los Angeles World Airports' Real Estate and Economic Development Group. Ms. Howell manages and trains professionals in negotiation, acquisition, relocation and subdivisions. She is a certified instructor for the IRWA, a member of the Strategic Planning Committee of the IRWA International Relocation Committee and chairs its Research and Study Committee. Since 1996, Ms. Howell has been a volunteer mediator and facilitator with the Dispute Resolution Program, City Attorney's Office of the City of Los Angeles. She continues to make presentations on right of way and development projects to numerous public entity's educational seminars and conventions.

**Steve Shambeck is the Vice President of Surveying and Mapping for Hall & Foreman, Inc.** (HFI), a

civil engineering, land surveying and land planning firm headquartered in Irvine, Ca. In this role, he is responsible for the growth and development of the firm's Geomatics Division, which includes keeping up with the considerable changes in the technologies utilized by surveyors. From slide rules to laser scanners, Mr. Shambeck has seen many changes in technology and offers unique insight on how they affect our industries. Mr. Shambeck, a Principal with HFI, has been with the firm since 1988. He is a Licensed Land Surveyor in the State of California, received his bachelors degree in Surveying and Photogrammetry from CSU Fresno and has a Diploma from the Swiss School for Photogrammetry Operators. Mr. Shambeck is the current President Elect of the California Land Surveyor's Association.

**Sima R. Salek is a Partner at the law firm of Orbach, Huff & Suarez LLP** and manages its land use

department. Ms. Salek represents public entities in real property acquisition, environmental and construction labor matters. Ms. Salek's extensive condemnation experience includes pre-condemnation acquisitions, Resolutions of Necessity, Orders of Immediate Possession, Writs of Assistance, Code of Civil Procedure § 1260.040 legal issues motions, right to take challenges, valuation issues, loss of business goodwill, furniture, fixtures and equipment, relocation benefits, leasehold interests, easements, *Klopping* delay claims, zoning, loss of access, noise and regulatory takings cases. Ms. Salek's practice involves representing public agencies both in court litigation and in administrative review proceedings. She graduated from Boston University School of Law *cum laude*. Ms. Salek is a member of the Coalition for Adequate School Housing Legislative Advisory Committee, Urban School Facilities Committee, Legal Advisory Committee and Labor Compliance Best Practices Subcommittee (Co-Chair), and received its Coalition for Adequate School Housing Membership Services Award in 2004. Additional professional affiliations include the, American Bar Association State and Local Government Law Section, the California Bar Association Environmental Law Section, the Los Angeles County Bar Association Condemnation and Land Valuation Committee and the Los Angeles County Office of Education Facilities Network.

**Speaker Bio's**  
**IRWA Chapter 1's 2006 Annual Fall Educational Seminar**

**Richard (Rik) A. Neustein, MAI, SRA, CRE, FRICS** Rik Neustein is a real estate Appraiser, Broker, Counselor and Expert Witness. He has been appraising real property and counseling clients for three decades, and has provided expert testimony and litigation support for more than fifteen years. His practice includes eminent domain, contamination, geotechnical problems, title defects and easements, habitat, and a wide variety of property damages. Rik holds a Bachelors degree in Mechanical Engineering and an MBA, in addition to the Appraisal Institute's MAI, SRPA and SRA designations and the CRE designation from the Counselors of Real Estate. He was recently named a Fellow of the Royal Institution of Chartered Surveyors.

**Robert N. Merryman, SR/WA, is the Senior Vice President of O.R. Colan and Associates, Inc.,** involved in all aspects of the firm's right of way work. Mr. Merryman is a 1972 graduate of the University of Missouri with a bachelor of science, business administration degree. Following graduation he began working in the right of way section of the Missouri Highway Department where he worked in all the functional areas—titles, appraisals, negotiations and relocation. In 1978 he began working for O.R. Colan Associates Inc. He has written four text books used by the National Highway Institute of the Federal Highway Administration (FHWA) and a current text used by the Federal Aviation Administration Academy. He is the author of several studies and research reports, and was a contributor to the recent national educational program involving the Federal Regulations. Mr. Merryman was selected by FHWA to offer its regulation update training seminars around the country. He has instructed 6 offerings of the sessions in various Federal Regions.

**John Marten, is the Chief Title Officer for LandAmerica Commercial Services** in Orange and Los Angeles counties. He manages and advises all commercial title officers in both counties on title policy coverage and underwriting issues. Mr. Marten has been with LandAmerica for 25 years and in the title insurance business for over 35 years. He started in the title business when copies of all documents recorded in the county recorders offices were maintained in each title company's "Plant" and every document was manually indexed in "Lot Books." Mr. Marten has since experienced the transition from the hand posted "Plant" to a very sophisticated computerized system for maintaining real property records and sees more technological changes in the future. One of Mr. Marten's key projects was effecting the 1996 insurance of the bond issue for the County of Orange that allowed the County to emerge from bankruptcy. This encompassed over 50 County-owned properties including the court house, public parks, jails and public libraries for a total liability of Seven Hundred and Sixty Million Dollars (\$760,000,000.00).

**Speaker Bio's, continued**  
**IRWA Chapter 1's 2006 Annual Fall Educational Seminar**

**Dan Leavitt, is the Deputy Director for the California High-Speed Rail Authority (CHSRA)** and is responsible for managing the Authority's environmental review processes for its recently completed statewide program. Mr. Leavitt has been directing the Bay Area to Central Valley High-Speed Train Program EIR/EIS process and represents the Authority's management team for the Bay Area Regional Rail Plan. He is also responsible for new ridership and revenue forecasts. In Mr. Leavitt's previous position as Interim Executive Director for of the newly created Authority in 1997, he was responsible for establishing the framework for this new State agency. His duties included initial staffing, procuring consultant teams and developing a work plan. Mr. Leavitt also served as Deputy Project Manager at Parsons Brinckeroff for the *High Speed Rail Corridor Evaluation and Environmental Constraints Analysis* and the *Los Angeles-Bakersfield High-Speed Rail Preliminary Engineering and Feasibility Study*. His efforts coupled with others resulted in developing a 20-year Intercity High Speed Rail plan that was mandated by California State Senate Resolution 6. As a result of Mr. Leavitt's efforts under his 1995 appointment by Governor Wilson, as Executive Director of the California Intercity High-Speed Rail Commission (predecessor to CHSRA) and his work with the Commission, other stakeholders and public outreach, the Final Report for the feasibility of high speed rail in California was delivered on time and within budget leading to the passage of Senate Bill 1420, which created the CHSRA. Mr. Leavitt earned his Bachelor of Science in Civil Engineering from Cal Poly University, San Luis Obispo and a dual Mater's from UC Berkeley in City Planning and Civil Engineering. As a Senior Research Assistant for the UC Berkeley's Institute of Urban and Regional Development, Mr. Leavitt managed its "CalSpeed" Transportation Study of High-Speed Trains for California and co-authored many "CalSpeed" publications.

**Roger Moliere is the Executive Officer of Real Property Management and Development with the Los Angeles County Metropolitan Transportation Authority (METRO)** having over 35 years in real estate law, acquisition, development and management. He is currently developing a strategic plan and is responsibly overseeing the efforts of his professional staff charged with the administration and management of all of METRO's real estate assets, rights of way and the joint development of more than 114 acres of prime METRO-owned land throughout the County of Los Angeles. Mr. Moliere's working vision is of the 22 joint development possibilities with the main goal of increasing ridership. His current projects include development of properties in or adjacent to the North Hollywood Metro, Blue Line Artesia and Orange Line Sepulveda stations, Taylor Yards, Gold Line's Eastside Extension, and the Wilshire/Western Metro station. Mr. Moliere joined METRO after 10 years with the Los Angeles County Department of Beaches and Harbors primarily involved with redevelopment in Marina Del Rey, CA. He served as Executive Vice President with Minami California, Inc. of San Diego, a Tokyo-based real estate holding company and has held senior positions with real estate firms in Los Angeles, San Francisco and Las Vegas. Mr. Moliere earned a Bachelor of Arts from Albion College, Michigan and his Juris Doctorate at the Valparaiso University School of Law, where he also was the editor of the Law Review. Mr. Moliere is a member of the Indiana State Bar Association and a Fellow of the Indiana Bar Foundation.

**Speaker Bio's, continued**  
**IRWA Chapter 1's 2006 Annual Fall Educational Seminar**

**Cecilia Melanson, SR/WA is Director, Training & Development with Overland, Pacific & Cutler, Inc.**, a full-service acquisition, relocation and property management firm, where she plans, develops, coordinates and implements the staff training program covering acquisition and relocation policies and procedures. Ms. Melanson has more than 23 years experience in Real Estate acquisition and relocation. As Manager of Real Estate Services for the Los Angeles County Metropolitan Transportation Authority (MTA), she was responsible for the acquisition and relocation of residential and commercial occupants displaced from MTA's rail and bus projects. She also served as Director of Rehousing and Property Management for the City of Los Angeles Community Redevelopment Agency. Ms. Melanson received her undergraduate degree in Organizational Management from the University of LaVerne in Southern California. She has been active in the International Right of Way Association (IRWA), serving on various local chapter and international committees since 1984, as a member of the International Relocation Assistance, International Education and International Professional Resources Committees. Ms. Melanson has assisted in the development of Relocation Assistance courses, which lead to a professional certification by the IRWA as a Relocation Assistance Specialist.

**William Von Klug, SR/WA, R/W-RAC, has recently joined the Paragon Partners, Ltd., team as its Senior Project Manager** overseeing various acquisition and relocation contracted programs. Previously Mr. Von Klug was the Acquisition/Relocation Coordinator for the Community Development Commission of the County of Los Angeles California (LACDC). Mr. Von Klug also owns and operates Von Klug and Associates, Inc. (VKA), a private consulting firm based in Southern CA. At LACDC he was responsible for the oversight of acquisition and relocation projects throughout the County of Los Angeles. With VKA, he limits his consulting work to developing and teaching classes on acquisition, negotiations, and relocation, developing and implementing right of way policies and procedures for public agencies, overseeing and managing other consulting firms, and acting as a hearing officer on formal relocation appeals. Mr. Von Klug has over 35 years of acquisition and relocation experience. He has testified to the United States Congress on relocation issues and taught over 375 classes or seminars for numerous and varied professional associations. Mr. Von Klug was voted professional of the year by IRWA Chapter One and was the past president of an Orange County chapter.

**Michael Doucette, AIA, is the Director of Regional Airports Planning with Los Angeles World Airports of the City of Los Angeles** leading the Long Range and Regional Planning projects for the airport and overseeing the Master Plan development for Los Angeles International Airport (LAX), Ontario International Airport and Palmdale Regional Airport. Mr. Doucette has over 18 years of experience exclusively in the field of airport terminal planning and airport master planning at over 50 airports throughout the United States as well as projects in Europe, Asia, and Australia. His planning project experience ranges from large hub international airports such as LAX, Chicago O'Hare, JFK, and Munich to small resort type airports such as Palm Springs, Monterey California, and Aspen Colorado. Additional airport projects have included Anchorage, Seattle, San Diego Lindbergh Field, Austin, LAX Terminal 5, Phoenix Sky Harbor Terminal 4, Vancouver International and Chicago Midway. Mr. Doucette holds a Bachelors of Architecture from California Poly at Pomona and his professional memberships include the American Institute of Architects.

**Speaker Bio's, continued**  
**IRWA Chapter 1's 2006 Annual Fall Educational Seminar**

**Lyle Haynes is Director of Economic Development with Los Angeles World Airports (LAWA) of the City of Los Angeles** responsible for the administration and management of professional staff overseeing real estate acquisition and development projects at LAWA's four airports: Los Angeles International, Ontario International, Van Nuys General Aviation and Palmdale Regional Airport. Mr. Haynes has over 17 years of public sector redevelopment, economic development, and asset management experience within 3 Southern California cities: La Mirada, Chula Vista, and Los Angeles. During the past 9 years Mr. Haynes has served in the capacity of a senior department manager leading and directing major redevelopment and economic development programs, including almost 7 years as the Assistant Community Development Director for the City of Chula Vista. Mr. Haynes earned his Bachelor of Arts, in Political Science at Sonoma State University and his Master of Public Administration at California State University, Long Beach. He is a member of the Corporate Real Estate Network (CORENET) and the California Association for Local Economic Development (CALED).

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## Case of the Month

### **Regency v City of Los Angeles**

Co-written by Alan A. Sozio, Esq. and Vinodhini Ramagopal, Esq. of  
Burke, Williams & Sorensen, LLP

This month's case of the month, which deals with the issue of billboards, is *Regency v. Los Angeles*, 39 Cal. 4th 507; 46 Cal. Rptr. 3d 742; 2006 Cal. LEXIS 9499; 2006 Daily Journal DAR 10276 (filed August 7, 2006).

As part of a roadway beautification project in advance of the 2000 Democratic National Convention, the City of Los Angeles ("City") planted a number of palm trees on City-owned property along Century Boulevard, a public street. Plaintiff Regency Outdoor Advertising, Inc. ("Regency") claims that the trees made several of its roadside billboards less visible, at least as seen from particular perspectives along the boulevard. Regency asserted that the City was required to compensate it for the diminishing the value of its billboards pursuant to inverse condemnation principles, as well as under state law concerning billboards specifically (Bus. & Prof. Code § 5412). The superior court conducted a bench trial on Regency's inverse condemnation claim, ultimately ruling that the trees did not constitute a "taking." The trial court then awarded the City costs and expert witness fees pursuant to Code of Civil Procedure Section 998, with this award including an amount attributable to expert witness fees that the City incurred before, as well as after, it extended its offer to compromise.

The Court of Appeal affirmed, resolving the inverse condemnation issue by determining that the property right for which Regency demands compensation -- the right to be seen from a public way -- simply does not exist under the circumstances presented. The Court of Appeal also rebuffed Regency's reliance on state law pertaining to billboards, reasoning that the planting of palm trees near Regency's displays did not mean that the billboards had been "removed," nor their "maintenance or use ... limited," as is necessary for compensation under Business and Professions Code Section 5412. Finally, the Court of Appeal affirmed the award of costs and fees, in full. The California Supreme Court granted review and affirmed.

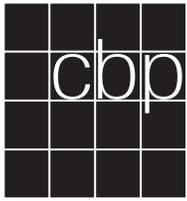
With regard to the inverse condemnation issue, the Court concluded that owners and occupiers of roadside property do not possess a "right to be seen" that requires the payment of compensation for municipal landscaping efforts having no injurious effect on any property rights other than the claimed right to visibility. The Court also agreed with the Court of Appeal that the planting of trees in the vicinity of Regency's billboards did not implicate the compensation requirement set forth in Business and Professions Code Section 5412. Finally, the Court affirmed the award of costs and fees, rejecting Regency's arguments that Code of Civil Procedure Section 998 categorically does not apply to offers made by defendants in inverse condemnation actions, that the City's offer to compromise was so low as to bar it from the subsequent recovery of costs and fees, and that Code of Civil Procedure Section 998 does not authorize an award, to a defendant, of expert witness fees incurred before the defendant extends its offer to compromise.

### ***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. October's drawing will be for \$210 so be sure to be there in case your name is drawn!

### **Updating your IRWA Membership Information**

1. Visit [www.irwaonline.org](http://www.irwaonline.org)
2. Highlight "Resources" in the upper right hand corner and then click on "Membership Directory".
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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.



## MORE THAN MEETS THE EYE: WHAT WOULD PROPOSITION 90 MEAN FOR CALIFORNIA?

**P**roposition 90, which will appear on the November 2006 ballot, would make a number of changes to the state's Constitution. These changes would limit the circumstances under which government agencies can use eminent domain to obtain property, increase the amount governments pay for property when they use eminent domain, and require the state and local governments to pay property owners if changes in laws, rules, or regulations substantially diminish the value of property. Proposition 90 is sponsored by Anita Anderson with significant financial backing from the New York-based Fund for Democracy, led by the founder of US Term Limits and Chairman of Americans for Limited Government Howard Rich, and a Montana-based political group, Montanans in Action.<sup>1</sup> The California Budget Project neither supports nor opposes Proposition 90.

### What Does Proposition 90 Do?

Proposition 90 would amend the state's Constitution to limit the use of eminent domain, set a new standard for the price governments must pay for property obtained through eminent domain, and require public agencies to compensate property owners for losses attributable to new laws and regulations. The measure applies to all types of property, not just real estate, and to all state and local governments, including schools. The major provisions of Proposition 90 are described below.

#### Require the State or Local Governments to Compensate Property Owners if New Laws or Regulations Diminish Property Values

Proposition 90 would require the state or local governments to compensate a property owners for any "substantial economic loss" attributable to new laws, rules, or regulations. This provision would apply to any change in public policy, unless the action is required to protect public health and safety or occurs during a declared state of emergency. However, the term "public health and safety" is not defined and thus its meaning would likely be established through court decisions. Proposition 90

specifically states that compensation would be required in the event of changes in zoning, public access rules, or limits on the use of airspace.<sup>2</sup> Proposition 90 would apply to all types of property, including land, cars, buildings, and "intangible" property, such as ownership of a business or a patent.

#### Restrict the Use of Eminent Domain

Proposition 90 would:

- Specify that eminent domain could only be used by a public agency to acquire property for a "stated public use" and states that this provision is intended to exclude transactions that might serve a "public purpose," without involving actual "public use." Proposition 90 states that eminent domain could not be used to acquire property that would be transferred to private owners for "economic development or tax revenue enhancement grounds."
- Require a "stated use" in order for any privately owned property to be taken for a public purpose. Under current law, the state and local governments are not required to disclose how they use property acquired through eminent domain.

## Public Purpose, Public Use, Stated Purpose: What's the Difference?

Proposition 90 would restrict the use of eminent domain to projects with a “public use.” It would also require that public agencies state the specific purpose that property obtained through eminent domain would be used for.

- **Public Purpose.** The 5th Amendment of the US Constitution states that private property cannot be taken for a public purpose without just compensation. Over time, courts have debated what constitutes a “public purpose” and “just compensation.” Generally speaking, courts have allowed public agencies to obtain property from unwilling sellers using eminent domain as long as the result has a benefit to the public. This interpretation, for example, has allowed public agencies to use eminent domain to obtain property from one private owner that is then transferred to another private owner with the goal of economic development citing the benefits of added jobs and/or tax revenues.
- **Public Use.** Proposition 90 restricts the use of eminent domain to acquisition of property that will be used for a project that has a distinctly governmental use, such as a school, jail, road, or other public facility. It would ban the use of eminent domain to obtain property that is subsequently transferred to another private owner for economic development or other tax revenue enhancement purposes. The measure’s text and statement of purpose note that eminent domain could be used to obtain property that is then transferred or leased to private owners if that property is used for a function typically fulfilled by government, such as a privately-owned prison or toll road. It could not be leased or transferred to a private owner for purpose that is not typically governmental, such as a shopping center or factory.
- **Stated Purpose.** Proposition 90 requires public agencies to identify the purpose that property obtained by eminent domain would be used for, such as a school, park, or highway. If a public agency decides not to use property for that purpose, or uses it for that purpose for some number of years and later decides that it is no longer needed for that purpose, the former owner would have the right to purchase the property at fair market value.

- Prohibit public agencies from acquiring privately-owned property for private use. Public agencies would be allowed to lease acquired property to a private entity or to a utility regulated by the Public Utilities Commission. Public agencies would be allowed to use eminent domain to obtain property that is then used by a private contractor to provide services that are traditionally performed by government. The measure’s statement of purpose, for example, notes that eminent domain could be used to obtain property that would be used for private toll roads or privately-owned prison facilities.
- Give the former landowner the first right to purchase property at fair market value if a public agency ceases to use property that is acquired through eminent domain.
- State that unpublished court rulings addressing the issue of eminent domain have no standing.
- Allow a property owner to request a jury trial to determine whether the acquisition or damage of property through eminent domain is truly for a public use.
- Not apply to the use of eminent domain to condemn property that is damaged due to a declared state of emergency or to property condemned to abate specified nuisances.

## Increase the Price That State and Local Governments Pay When They Acquire Property

Proposition 90 would require public agencies using eminent domain to pay property owners the highest price that the sale of the property would bring on the open market plus the cost of any legal fees and other expenses incurred by the property owner. The value of property acquired through eminent domain would be based on “highest and best use.” For property taken for a proprietary purpose, the value would depend on “the use to which the government intends to put the property, if such use results in a higher value for the land taken.” For example, if a vacant parcel is condemned to build a school or hospital, the value of the land would be based on the use of the property once it is developed. Similarly, if a parcel of vacant land is acquired for use as a toll road, the price of the property would be based on the value of the property assuming the toll road is in place.

## What Types of Public Actions Might Require Compensation if Proposition 90 Is Enacted?

The most potentially far-reaching provisions of Proposition 90 are those that require local governments or the state to compensate property owners due to changes in laws, rules, or regulations that

## What Is Eminent Domain?

The power of eminent domain allows local, state, or the federal government to purchase – or condemn – property for public use if it compensates the owner for the value of the property. Typically, eminent domain is used to obtain property that an owner is not willing to sell voluntarily. Public agencies use eminent domain to acquire property for schools, roads, parks, and other public facilities. Public agencies have also used eminent domain to acquire private property that is then transferred to a different owner for private purposes, for example, when a redevelopment agency purchases property owned by a private business for use as part of a higher value economic development effort.

Much of the current controversy over eminent domain results from its use for economic development purposes. In 2005, the US Supreme Court allowed, in *Kelo v. City of New London* (125 S. Ct. 2655, June 23, 2005), a city to use eminent domain to acquire the property of a landowner who did not wish to sell in order to allow the property to be used by another private business. The *Kelo* decision found that a “public purpose” was served by the use of eminent domain. In this instance, the city argued, and the court agreed, that acquisition of the property would lead to job creation and higher tax revenues and that these outcomes served a valid public purpose.

result in substantial economic losses. The measure identifies three circumstances – down zoning of property, elimination of access to property, or limits on the use of air space – that might require a government to pay for “damage” done to a property owner.<sup>3</sup> However, Proposition 90 also states the types of government actions that could require payment would include “any statute, charter provision, ordinance, resolution, law, rule, or regulation.”

Unlike similar measures in other states, the scope of Proposition 90 extends beyond the regulation of land use. The Legislative Analyst’s Office (LAO) notes, “These laws and rules could include requirements relating, for example, to employment conditions, apartment prices, endangered species, historical preservation, and consumer financial protection.”<sup>4</sup> Proposition 90 would apply to economic losses attributable to “damage” to intangible, as well as tangible, property – such as the value of a business or patent – as well as that to land, building, vehicles, and other goods. For example, banks could argue that a law that limited the fees that could be charged for automatic teller machine (ATM) transactions diminished the value of ATM machines and the property where they are located, thus requiring compensation. Similarly, the owner of a fast food restaurant could claim that an increase in the state’s minimum wage increased his or her cost of doing business and the owner of a childcare center could argue that new laws increasing teacher to child staffing ratios led to substantial economic losses. The state could then be required to reimburse the property owner for her or his loss.

Payment would be required under all circumstances except those “taken to protect public health and safety” or “during a declared state of emergency.”<sup>5</sup> It is unclear, however, how broadly this exception might be applied since the term public health and safety is not defined. Would, for example, a zoning change that prohibits certain types of development on flood-prone land be

considered an action that protects health and safety? How flood-prone would land have to be to qualify for the exception? Similarly, the owner of an apartment building close to a park or school could contend that a ballot measure that limits his or her ability to rent to a registered sex offender could result in a significant economic loss if the property owner believed that such an individual would pay substantially higher rent than the owner could obtain on the open market. Again, it is unclear whether such an action would be considered in the interest of public health and safety.

### How Large Would a Loss Have to Be to Require Payment?

Proposition 90 requires property owners to be paid for any change in a law or regulation that results in “substantial economic loss.” The measure does not define how large a loss must be to be “substantial.” For example, it isn’t clear whether a large percentage loss of value would be required to initiate payment or whether a small percentage loss of a very valuable property would be sufficient. Would, for example, a one percent reduction in the value of a \$100 million property be sufficient to require reimbursement? In the absence of a definition, the meaning of “substantial” would likely be determined by litigation resulting from lawsuits filed by property owners claiming losses from a range of public actions. The LAO notes that, “The total amount of these payments by government to property owners cannot be determined, but could be significant on a statewide basis.”<sup>6</sup>

### How Would Proposition 90 Affect Eminent Domain?

Proposition 90 would require that public agencies use property acquired through eminent domain for a “stated public use.”

## Oregon's Measure 37

In 2004, Oregon approved a ballot measure with provisions similar to, but narrower than, those in Proposition 90 requiring public agencies to compensate landowners for economic losses. The Oregon measure applies only to changes in land use laws and regulations, whereas Proposition 90 applies to any change in laws, regulations, or rules.<sup>7</sup> Between December 2004 and August 4, 2006, landowners filed 2,940 claims covering 168,058 acres of property.<sup>8</sup> Research conducted by Portland State University concluded, "Measure 37 has disabled the tools used over the past four decades to prevent sprawl and preserve agricultural and forest land in Oregon."<sup>9</sup> The case studies reviewed typically involved properties that had been zoned exclusively for agricultural use that landowners wished to use for residential purposes noting, "Residential development in an agricultural area is likely to cause conflicts between residential and agricultural use and thereby affect the farmers' ability to earn a profit." Study authors concluded, "In the short run, Measure 37 claims may offer an opportunity to increase the availability of housing. But a closer look at the plans reveals a pattern: almost all of the residential development is for low density residential development, and much of it will probably command prices that will be out of reach for low- or even middle-income residents."<sup>10</sup>

This represents a shift from current law in two respects. First, public agencies are not currently required to state how property acquired through eminent domain will be used. Second, and more importantly, Proposition 90 would restrict the use of eminent domain to a "public use." Currently, governments can use eminent domain to fulfill a "public purpose." (See the "Public Purpose, Public Use, Stated Purpose: What's the Difference?" box for details.) The measure specifically states that public use "shall have a distinct and more narrow meaning than the term 'public purpose' and that the use of eminent domain for economic development or tax revenue enhancement purposes would be prohibited. Specifically, Proposition 90 states that eminent domain could not be used to obtain property for subsequent transfer to a non-governmental owner even if the intended use "may serve otherwise legitimate public purposes." Proposition 90 also prohibits the use of eminent domain to obtain property that is later transferred or leased to a private entity, unless that entity is providing services to a public agency under contract or another arrangement. Thus, a city could not use eminent domain to obtain property that would be transferred to a developer for use as a shopping center; however, it could use eminent domain to obtain property that would be leased to a private contractor for use as a jail under contract to the city.

Proposition 90 also requires property acquired through eminent domain to be used for a "stated purpose." Thus, property acquired for a school could only be used for a school. It could not, for example, be used for another public purpose, such as a park or community center.

The measure would allow public agencies to use eminent domain to acquire property that is blighted, or to abate certain nuisances, including environmental hazards. However, as discussed below, Proposition 90 would likely raise the price that governments would have to pay to acquire blighted properties.<sup>11</sup> The measure would also prohibit courts from requiring a property owner that

unsuccessfully challenges the use of eminent domain from paying the attorneys' fees and costs incurred by a government agency. Analysts traditionally view the threat of having to pay attorneys' fees as a disincentive to the filing of "frivolous" lawsuits.

Much of the controversy over the use of eminent domain for economic development purposes stems from a US Supreme Court decision in *Kelo v. City of New London*.<sup>12</sup> (See the "What is Eminent Domain?" box for details.) While many observers argue that it is inappropriate to use eminent domain to take property from one private owner in order to give it to another, there is less agreement over where to draw the line between permissible and prohibited uses of eminent domain. Examples of controversy include, for example, the extent of distress that must be present in order for a property or area to be considered blighted and whether proximity of incompatible uses – such as an adult entertainment venue in proximity to a school site – constitutes sufficient grounds to allow the use of eminent domain.

### Proposition 90 Would Increase the Price Governments Pay to Acquire Property Through Eminent Domain

Current law requires governments using eminent domain to pay "just compensation" to property owners. As noted above, Proposition 90 would require public agencies to pay property owners for land acquired through eminent domain based on the "highest and best use" of a piece of property, rather than the property's current use. For example, the value of a vacant parcel of land that could be used for a commercial office building would be based on the value of land if the development occurred, not the value of the land in its vacant state. The price would also be based on the "highest price the property would bring in the open market," rather than the fair market value. These two provisions would require governments to pay the highest possible price when they acquire property through eminent domain. Finally, Proposition 90 requires public agencies to pay a price that places

a property owner in the “same position monetarily” and that the price should include any transaction costs borne by the property owner.

Taken together these provisions would likely, and appear to be intended to, increase governments’ cost for property acquired by eminent domain. The LAO notes, for example, that Proposition 90 would require governments to reimburse property owners for a broader array of costs and expenses than is required by current law.<sup>13</sup>

## How Would Proposition 90 Affect the Budget?

The LAO finds that Proposition 90 could increase somewhat the amount that public agencies pay to acquire property through eminent domain and potentially increase the price willing sellers ask for property they sell to public agencies, resulting in an unknown but possibly significant increase in public agencies’ costs.

On the one hand, Proposition 90 could reduce public costs by limiting governments’ ability to purchase property. More likely, the measure would increase public agencies’ costs for the purchase of property by requiring property to be purchased at the “highest price” that it might bring on the open market; by requiring public agencies to compensate property owners for any expenses they incurred, including costs related to unsuccessful litigation; by increasing public agencies’ legal and other costs involved with the acquisition of property; and by delaying the acquisition of property.

Finally, Proposition 90 could require public agencies to pay a significant amount to reimburse property owners for significant losses related to the impact of new laws, rules, and regulations. These costs cannot be estimated, since the breadth of the measure’s impact is unclear due to the lack of a definition of

“substantial economic loss” and “public health and safety,” among other factors. The LAO concludes that Proposition 90 is “likely to result in significant net costs on a statewide basis.”<sup>14</sup>

## Proponents Argue

Proponents of Proposition 90 argue that the measure is needed to stop abuses in the use of eminent domain, particularly public agencies’ use of eminent domain to acquire property that is then transferred to private interests for economic development or related purposes.

## Opponents Argue

Opponents argue that Proposition 90 would have far-reaching effects that extend beyond preventing possible abuses of eminent domain. Proposition 90, they note, could require the state and local governments to compensate landowners for changes in laws and regulations that have nothing to do with land use, such as employment laws, consumer financial protection laws, or environmental standards. While changes in eminent domain laws may be warranted, opponents argue, Proposition 90 goes too far.

## Conclusion

If enacted, Proposition 90 would have a significant impact on the state and local governments that extends beyond regulation of the use of eminent domain. Proposition 90 would require the state and local governments to use property obtained through eminent domain for a public use, rather than simply a public purpose. It would also significantly change the standard for compensating property owners for a wide range of losses that can be linked to changes in laws and regulations. While it is unclear how broadly courts might apply this requirement, it would likely lead to a significant increase in costs for the state and local governments.

*Jean Ross prepared this Budget Brief. The California Budget Project (CBP) was founded in 1994 to provide Californians with a source of timely, objective, and accessible expertise on state fiscal and economic policy issues. The CBP engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians. General operating support for the CBP is provided by foundation grants, individual donations, and subscriptions. Please visit the CBP’s website at [www.cbpp.org](http://www.cbpp.org).*

## ENDNOTES

- <sup>1</sup> Secretary of State, *Campaign Finance: Protect Our Homes Coalition, In Support Of Protection Of Private Property From Government Acquisition, Sponsored By The Fund For Democracy, With Support Of Advocates For Private Property Rights*, downloaded from <http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1283731&session=2005&view=received> and <http://www.getliberty.org/people/hrich.php> on August 28, 2006.
- <sup>2</sup> Limits on the use of airspace can include measures that restrict the size or density of development that can occur on a parcel of land or regulations that require setbacks or other design features to limit the size or shape of a building.
- <sup>3</sup> Down zoning refers to laws or regulations that, for example, reduce the size or density of development that can occur on a parcel of property. Restrictions on the use of air space typically include reducing the height and/or size of a building that can be built on a particular parcel.
- <sup>4</sup> Legislative Analyst's Office, *Proposition 90 Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment*. (July 20, 2006).
- <sup>5</sup> There is also an exception that states, "Nothing...shall prohibit the California Public Utilities Commission from regulating public utility rates."
- <sup>6</sup> Legislative Analyst's Office, *Proposition 90 Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment*. (July 20, 2006).
- <sup>7</sup> Measure 37 applied to land use regulations enacted after the effective date of the ballot measure or to pre-existing regulations enforced subsequent to the measure's effective date.
- <sup>8</sup> Institute of Portland Metropolitan Studies, Portland State University, *Measure 37: Database Development and Analysis Project*, downloaded from <http://www.pdx.edu/ims/m37database.html#claimsummary> on August 10, 2006. The database does not include information on the amount of compensation claimed or paid in response to claims that have been filed.
- <sup>9</sup> Sheila A. Martin and Katie Shriver, *Documenting the Impact of Measure 37: Selected Case Studies* (Institute of Portland Metropolitan Studies, Portland State University: January 2006), p. 1, downloaded from [http://www.pdx.edu/media/i/m/ims\\_M37brainerdreport.pdf](http://www.pdx.edu/media/i/m/ims_M37brainerdreport.pdf) on August 10, 2006.
- <sup>10</sup> Sheila A. Martin and Katie Shriver, *Documenting the Impact of Measure 37: Selected Case Studies* (Institute of Portland Metropolitan Studies, Portland State University: January 2006), p. 1, downloaded from [http://www.pdx.edu/media/i/m/ims\\_M37brainerdreport.pdf](http://www.pdx.edu/media/i/m/ims_M37brainerdreport.pdf) on August 10, 2006.
- <sup>11</sup> This is because governments could use eminent domain to obtain the property, but the value of the property would remain subject to the provisions of the proposition.
- <sup>12</sup> See, for example, Art Rolnick and Phil Davies, "The Cost of Kelo," *The Region* (Federal Reserve Bank of Minneapolis: June 2006).
- <sup>13</sup> Legislative Analyst's Office, *Proposition 90 Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment*. (July 20, 2006).
- <sup>14</sup> Legislative Analyst's Office, *Proposition 90 Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment*. (July 20, 2006).

Below are the classes Chapter 1 has scheduled for 2006/2007. 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 at AFIValuation@aol.com.

### Chapter 1 2006/2007 Education Schedule

Course/Seminar	Date	Coordinator	Instructor
901 – Engineering Plan Development and Application	November 14 <sup>th</sup> , 2006	Dan Kazden 805-578-2400, ext. 104 dankazden@sbcglobal.net	Joe Pestinger
200 – Principles of Real Estate Negotiation	March, 2007	TBD	Ralph Brown
104 – Standards of Practice for the Right of Way Professional	April, 2007	TBD	Ralph Brown
401 – The Appraisal of Partial Acquisitions	September, 2007	TBD	Ralph Brown
800 – Principles of Real Estate Law	October, 2007	TBD	Ralph Brown

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
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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