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Presidents' Message

IRWA Course Schedule

Three "Must Know" Areas of the Law for ROW Acquisition Agents

Member Spotlight!!

Upcoming Events



...On the Move

October/November 2023
Volume 7, Issue 2

President's Message

Membership Luncheon >>>

November 1, 2023
11:45 a.m to 1:15 p.m.

Speaker:

Isaac Rosen, Esq., of Counsel at Best, Best & Krieger

Topic:

The SLA: It's Here to Stay. News and Updates.

Place:

*Canyon Crest Country Club
975 County Club Drive
Riverside, California 92506*

From Robbie Hechanova:

Chapter 57 IRWA Members...

I thought we were done with the heat. But here we are late October and still in the 90's. Continue to stay cool my friends; fall is just around the corner.

We have upcoming events, locally where we hope to see a lot of you. Course 219 Adult Communication Principles & Methods on October 23rd & 24th in Riverside, our Young Professionals Event at TopGolf in Ontario on October 26th, our November Membership Luncheon on November 1st at the Canyon Crest Country Club, and the Tri-Chapter Luncheon on December 5th at the Richard Nixon Presidential Library and Museum, hosted by Chapter 67.

An update for the 2024 Education Conference in Long Beach, the planning committee is estimating a need for approximately 100 or more volunteers and our very own Peggy Barnes has been tasked with recruitment. Please contact Peggy at peggy.barnes@bbklaw.com to sign up. Chapter 1 is relying on us along with Chapter 67 to deliver and assist with the festivities and events.

With the holidays coming up quick and the rush that comes along with it, let's remember to stop and take time to count our blessings.

Cheers!

Robbie



IRWA Courses – Regional 1

C219 Adult Communication Principles and Methods, 10/23/23, Virtual Class

C701 Property/Asset Management: Leasing, 10/25/23, Virtual Class

C410 Reviewing Appraisals in Eminent Domain, 11/1/23, Virtual Class
(Instructor TBD)

C501 Residential Relocation Assistance, 11/6/23, Virtual Class (CH. 46)

C400 Principles of Real Estate Appraisal, 11/8/23, Virtual Class (CH. 1)

C403 Easement Valuation, 11/8/23, Virtual Class (CH. 44)

C203 Alternative Dispute Resolution, 11/13/23, Virtual Class (CH. 44)

C406B 7 Hour National USPAP Course, 11/20/23, Oakland, CA

C502 Non-Residential Relocation Assistance, 11/27/23, Phoenix, AZ

C603 Understanding Environmental Contamination in R.E., 11/28/23, Virtual Class (CH. 1)

C506 Advanced Business Relocation Assistance, 11/29/23, Phoenix, AZ

Additional courses are listed on IRWA's website at
www.irwaonline.org

Are you interested in taking a free class? Contact Kelley Kelley, Timothy Green, or any of the Board members, to find out how you can become a coordinator.



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The International Right of Way Association will be the worldwide leader for innovation and excellence in the acquisition and management of right of way and public use.



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Property Management & Revenue Capture
Staff Augmentation

Legal Insight: Three “Must Know” Areas of the Law for Right of Way Acquisition Agents

By Michael F. Yoshida, Esq.

There is one inevitable moment in every negotiation for property rights with a property owner during the eminent domain process where an agreement on price is reached and the owner asks the right of way acquisition agent, "Ok... what's next?" Securing an agreement on price with a property owner is only the first of many detailed steps in completing the sale of real estate rights to a public entity. The purchase and sale of real estate by a public entity from a private property owner involves several areas of the law. The success of these transaction will depend directly upon the abilities of the acquisition agent to identify and circumnavigate the legal complexities involved.

The first step to a successful acquisition on behalf of a public agency is knowing and understanding the important areas of the law. Three of the fundamental areas of the law that acquisition agents must have a good working familiarity: real estate, contract and escrow.

1. Real Estate

Real estate law, or real property law, generally refers to the laws concerning the ownership and use of land. Real estate law involves the right to own, possess, use and enjoy land and the attached improvements. Real estate law identifies and clarifies ownership rights, regulates the transfer of those rights and how to effectively provide notice of property transfers by recordation with a local Recorder's Office. Within the eminent domain process, there are

laws that govern the requirements for public agencies acquiring property and accepting the rights as an agency-owned asset. There are also laws that govern the issuance of title insurance policies, the impacts of takings from subdivisions and standards for professional surveys.

Real estate-related case law defines and limits the regulatory ability of public agencies to require property owners to dedicate property rights in exchange for issuance building permits or to provide public access across their property to get to a public beach or park. At a minimum, the acquisition agent's working knowledge of these various areas of real estate law will help to identify legal issues within the acquisition process.

2. Contract

A contract is simply an agreement specifying the rights and obligations between two or more parties. To be legally binding as a contract, a promise must be exchanged for adequate consideration. Contracts for real estate and eminent domain matters must be in writing and are essentially a promise to sell property rights in exchange for a promise to pay "just compensation." Contract law is found in the Constitution, statutes and case law.

An interesting and necessary part of public agency acquisitions is the development and use of standard contracts, most commonly called

Continues on Page 5

Did you enjoy the last venue? We would appreciate any feedback you'd like to give. Please reach out to any Board member.

We'd love to hear from you!

Would you like the Chapter to host a luncheon on your favorite topic? Do you know anyone who would like to speak at an upcoming luncheon? If so, please contact Darcy Mendoza, SR/WA, R/W-NAC, President-Elect, at (951) 321-4748, or via e-mail at dmendoza@epicland.com.

Have comments or suggestions for the newsletter?

We value your opinion and welcome your input! If you have any comments or recommendations for the newsletter, please contact Sheryn Smay, SR/WA, Newsletter Chair, at (951) 826-5343 or via e-mail at ssmay@riversideca.gov.

Did you know? >>>

Fun Real Estate Trivia

Premiere Property Group is not only the name for the ceremonial first screening of a big movie, it is also the name of an American northwest realty group serving Oregon and Washington.





About RWIEF

THE RIGHT OF WAY INTERNATIONAL EDUCATION FOUNDATION WAS ESTABLISHED FOR THE PRUPOSE OF FUNDING RIGHT OF WAY EDUCATION INITIATIVES. THE FOUNDATION FOCUSES ON GENERATING FINANCIAL CONTRIBUTIONS AND DETERMINES HOW MUST TO ALLOCATE THOSE FUNDS FOR THE BETTERMENT OF RIGHT OF WAY EDUCATION. OVER THE LAST FEW YEARS, FUNDS HAVE BEEN ALLOCATED FOR EDUCATIONAL SUMMITS, CREATION OF NEW COURSES, UPGRADES OF EXISTING COURSES, CONVERSION TO ON-LINE DELIVERY METHODS, AND LEADERSHIP PROGRAMS. CUTTING-EDGE EDUCATION AND PROFESSIONAL DEVELOPMENT ARE ESSENTIAL TO THE GROWTH AND ADVANCEMENT OF OUR PROFESSION AND TO EACH OF US AS PROFESSIONALS IN THIS FAST-PACED, EVER-CHANGING INDUSTRY.



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Legal Insight: Three “Must Know” Areas of the Laws (continued)

purchase and sale agreements. Typical purchase and sale agreements are very complex and well beyond the simple promises to exchange money for property rights. For example, these agreements contain terms that identify the specific property rights being acquired by the public agency, the type and timing of compensation being promised, each party’s representation of the ability to perform the contract tasks, the measure and scope of what issues are being resolved by this agreement, waivers of rights to assert future claims, disclosure of adverse conditions, attorney fees and cost recovery, the completion date for the agreement tasks, penalties for non-performance and how disputes over the agreement are to be handled. The two simple mutual promises to buy/sell easily morphs into a 30+ page document requiring verified party signatures and attorney verifications of form and content.

Invariably, property owners request that the standard contracts be modified. Commonly requested promises include specific contractor tasks to be performed during project construction, assurances of access maintenance, changes to the scope of property rights being acquired, etc. Additionally, most public agencies prefer resolution of all issues by global settlement. Global settlements seek to confirm that all claims, actual and potential, are resolved by this agreement.

Consult with your assigned attorney and be prepared to explain to a property owner why the following legalese laden phrase is required in your agreements:

Except as provided otherwise herein, Seller acknowledges and agrees that payment and receipt of the just compensation from Buyer, includes, without limitation, full payment of, for and including, without limitation, just compensation, lease bonus value, business goodwill, furniture, fixtures and equipment, pre-condemnation damages, claims of inverse condemnation, attorneys’ fees, appraisal and other expert costs, loss of rents, lost profits, interest, and any and all other damages in complete settlement of all claims (known and unknown), causes of action and demands of Seller against Buyer because of Buyer’s purchase of the Property Rights and for any and all claims (known and unknown) arising from or relating to the purchase and sale which is the subject of this Agreement.

3. Escrow

The corollary to the role of real estate law and contract law in eminent domain transactions is need for escrow to facilitate the execution of the terms of a purchase and sale agreement. The contracting parties remain on adverse and opposing sides of the agreed sale transaction. Entrusting one party or the other to singularly execute the

agreement is avoided by use of an escrow. Escrow assists the parties in completing the agreement terms, by acting as a neutral party engaged and tasked with tracking and executing the agreed terms all the way through the release of funds to the contracting Seller and the recordation of the deed transferring title to the public agency Buyer. There are state and local laws that govern the formation and business operation of escrow companies. The law requires that they have separate trust accounts for maintaining any monies received. Escrow companies are also required to be licensed and bonded in the event disputes between the parties to an escrow arise. Notably, most title insurance companies also provide escrow services.

Miscellaneous

Some other important areas of law include the Uniform Act, relocation assistance, environmental and administrative hearings. Continuing education for acquisition agents should include an honest evaluation of one’s strengths and knowledge gaps. Next articles will cover the three “Must Know” areas of the law for relocation agents and appraisers.

Michael F. Yoshida is a shareholder in the Eminent Domain and Litigation Departments of the Los Angeles law firm, Richards, Watson & Gershon.

“Continuing education for acquisition agents should include an honest evaluation of one’s strengths and knowledge gaps.”

Reprinted from IRWA’s Right of Way Magazine: The Voice of the Right of Way Profession. LEGAL INSIGHT: Three “Must Know” Areas of the Law for Right of Way Acquisition Agents, September/October 2023

Let’s welcome our new members!!

Gracie Aitken, Analyst I
Right of Way Engineering Services
760-951-4086
Gracie.Aitken@swgas.com

Matthew Moore, MAI, MRED
Moore Real Estate Group
626-676-9241
matt@moorereg.com



Member Spotlight!!

Hello my fellow Chapter 57 members!

In this issue, we are happy to have Hector Casillas, SR/WA in our “Member Spotlight!!”



Hector has been with IRWA since 2009. Currently, he is the chapter’s Parliamentarian and Advisor to the Board along with being the chair for our Youth Professionals Group .

Since becoming a member of IRWA, Hector has “been able to network with both private and public sector colleagues that share similar struggles in [their] various roles. Sharing successes and challenges has allowed [him] to grow professionally and create relationships with people.”

What Hector likes most is being able to step “outside of [his] day to day job role and do some fun things. Whether it’s a seminar, attending the annual education conference, or sitting in [on one of the courses], it’s different and I never know who I’ll meet at those functions.”

Earning his Senior Right of Way designation, serving as the chapter’s President for 2022/2023, stepping into a supervisory role all while building a new department with staff has been his biggest professional achievements.

When asked, what are your future goals and/or aspirations for his career, Hector said that his “goals include [staying] current and relevant with all things right of way.” He wants to “continue to grow in [his] role and be a good leader.”

Two fun facts about Hector: 1) He is not a runner, but when asked by a friend to join a 200+ mile relay race, he agreed! 2) When a group of friends asked him to “splurge on a fancy dinner with wine pairings” he said ok, even though he doesn’t drink. Okaaayyy, he paired his dinner with water. ☺

Hector’s advice is to “get involved. Step outside of your comfort zone. You’ll build relationships with colleagues [that] you’ll run into in your everyday work life.”

I hope you have enjoyed this brief look into the life of Hector Casillas, SR/WA.

Signing off for now,
Sheryn Smay, SR/WA
Chapter 57 Newsletter Chair

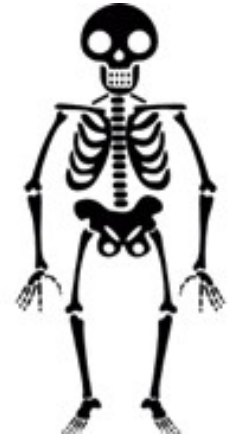
*Note of apology to Kelley Kelley, SR/WA for omitting her designation after her name in the last article.



“Example is leadership.”

Albert Schweitzer

<http://people-equation.com/leadership-and-being-a-role-model-20-ideas>





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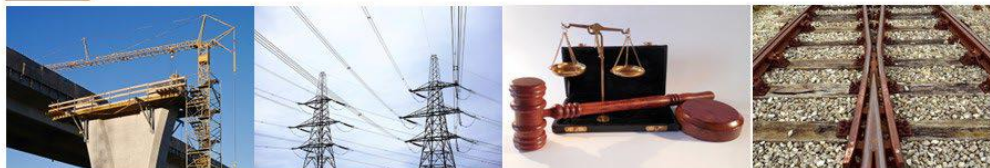
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Creative Collaboration in the Face of Unique Challenges



February 8-9, 2024 • Hotel Fera • Anaheim

Thursday, February 8

- 8:00 Registration and Networking Breakfast
- 8:30 **Introduction and Welcome**
Overview of Day One
- Regina Danner, Esq., Program Co-Chair**
Richards, Watson & Gershon, Los Angeles
- Gary Kovacic, Esq., Program Co-Chair**
Sullivan, Workman & Dee, Pasadena
- 8:45 **Eminent Domain 101**
Law, Policy, and History
- Brenda Aguilar-Guerrero, Esq.**
Burke, Williams & Sorensen, Oakland
- 9:30 **Upcoming Projects**
2024 and Beyond
- Kendall Bonebrake, Esq., Assistant Chief Counsel**
California High Speed Rail Authority, Sacramento
- Annie Smiddy, Esq., Senior Legal Counsel**
San Diego Association of Governments (SANDAG)
- Julianna Tillquist, Esq., General Counsel**
San Bernardino County Transportation Authority, San Bernardino
- 10:30 Networking Break
- 10:45 **Complex Problems with Multiple Judgment Creditors**
Addressing Priority of Lien Satisfaction
- Chris Peterson, Esq.**
Peterson Law Group, Irvine
- 11:30 **Early Collaboration to Resolve Possession, Discovery, and Other Issues**
Case Studies and Examples
- Anish Banker, Esq.**
Palmieri, Hennessey & Leifer, Irvine
- Mark Wasser, Esq.**
Law Offices of Mark A. Wasser, Sacramento
- 12:30 Lunch Break (on your own)

- 1:45 **Business Goodwill**
Successfully Developing and Challenging a Goodwill Loss Claim
- Donna Desmond, ASA, President**
Donna Desmond Associates, Los Angeles
- Brad Pierce, Esq.**
Pierce Law Firm, Fullerton
- 2:30 **Inverse Condemnation**
What Exactly Is It?
- Charles Cummings, Esq.**
Sullivan, Workman & Dee, Pasadena
- 3:15 Networking Break
- 3:30 **Condemnation by “Privately-Owned” Public Utilities**
A Look at Short-Line Railroads
- Glenn Block, Esq.**
California Eminent Domain Law Group, Glendale
- 4:00 **An Insider’s View on What Works and What Doesn’t in the Court System**
Satisfying Local Rules; What Makes Clerks Angry; and Other Tidbits
- Christopher Washington, Esq.**
California Eminent Domain Law Group, Glendale
- 4:30 **You Don’t See This Every Day**
Unique Challenges in Eminent Domain Actions
- Regina Danner, Esq., Program Co-Chair**
Richards, Watson & Gershon, Los Angeles
- Jennifer McClure, Esq.**
Murphy & Evertz, Costa Mesa
- 5:30 Adjourn to Private Networking Reception
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February 8-9, 2024 • Hotel Fera • Anaheim

Friday, February 9

- 8:00 Sign-In and Networking Breakfast
- 8:30 **Welcome Back**
Overview of Day Two
- Mark Easter, Esq., Program Co-Chair**
Best Best & Krieger, Riverside
- John Murphy, Esq., Program Co-Chair**
Murphy & Evertz, Costa Mesa
- 8:45 **Case Law and Legislative Update**
Recent Developments in Eminent Domain
- Emily Madueno, Esq. and John Murphy, Esq., Program Co-Chair**
Murphy & Evertz, Costa Mesa
- 9:45 Networking Break
- 10:00 **Appraisals**
What Attorneys Don't Understand About Appraisals and What They Really Need to Know
- John Ellis, MAI, CRE, FRICS, Executive Vice President**
CBRE | Valuation & Advisory Services, Encino
- Stephen Roach, MAI, SRA, AI-GRS, CDEI**
Jones, Roach & Caringella, San Diego
- Michael Waldron, President, MAI**
Waldron & Associates, Orange
- 11:00 **Masters of Trial**
What Appraisers Don't Understand About Depositions and Testifying in Court, and What *They* Need to Know
- Patrick Hennessey, Esq.**
Palmieri, Hennessey & Leifer, Irvine
- Kendall MacVey, Esq.**
Best Best & Krieger, Riverside
- Alan Sozio, Esq.**
Burke, Williams & Sorensen, Los Angeles
- 12:00 Lunch Break (on your own)

- 1:15 **Early Settlement Negotiations and Mediations**
Issues, Approaches, and Potential Advantages to Both Agencies and Owners
- Craig Farrington, Esq.**
Woodruff & Smart, Costa Mesa
- Rick Friess, Esq.**
Allen Matkins, Irvine
- 2:15 Networking Break
- 2:30 **What ELSE is Wrong with Eminent Domain? – Agency and Landowner Perspectives**
Building on Last Year's Discussion of Problems and Solutions
- Mark Easter, Esq., Program Co-Chair**
Best Best & Krieger, Riverside
- Gary Kovacic, Esq., Program Co-Chair**
Sullivan, Workman & Dee, Pasadena
- Michael Yoshiba, Esq.**
Richards, Watson & Gershon, Los Angeles
- 3:30 **Ethics**
What You Need to Know
- Celia Lee, Esq.**
Goldfarb & Lipman, Oakland
- Dianne Jackson McLean, Esq.**
Goldfarb & Lipman, Oakland
- 4:30 Evaluations and Adjourn



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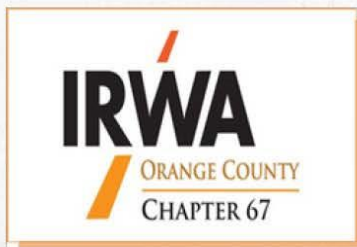


Randall Blaes, ASA, SRWA, MRICS
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Save the Date
2023 Tri-Chapter Luncheon
December 5, 2023



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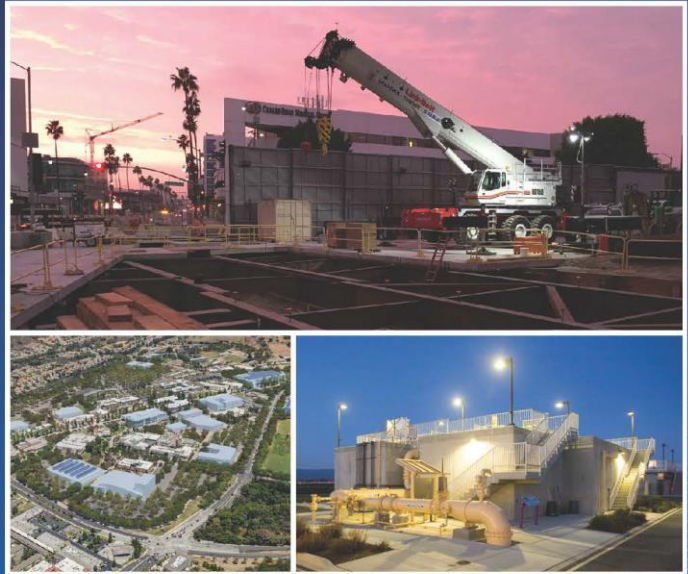
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Professional Development (3rd Year)	Mike Romo, SR/WA
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Newsletter	Sheryn Smay, SR/WA
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