

# IRWA

## ORANGE COUNTY

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## CHAPTER 67

International Right of Way Association Chapter 67 Orange County, California



### Inside This Issue:

President's Message.....	2
Editor's Corner & Events .....	5
Case of the Month .....	8
Articles .....	11

# BUNDLE of WRITES

April 2018

Dear Members,

Hard to believe we are in the last quarter of the IRWA fiscal year and we will be electing the Chapter 67 Executive Board of Directors Officers for the 2018-2019 term at the May 8th Luncheon. I would ask where the time has gone but the answer is in the past, obviously.

The 2018-2019 Slate of Officers currently running for open positions are:

President: Alyson Suh, Esq., SR/WA -Woodruff, Spradlin & Smart

President Elect: Amanda Fitch, RWA, Land Manager, Mobilite

Secretary: Meredith McDonald, Senior Appraiser, The Kiley Company

Treasurer: Gabe Becerra, MSPM, Senior Agent, Overland, Pacific & Cutler, LLC

International Directors: Alyson Suh, Esq. and Amanda Fitch, RWA.

Election of Region Officers to the Board of Directors were held at the Region 1 Spring Forum on March 24th. Congratulations go out Ray Mehler current President of our neighboring IRWA Chapter 1 who was voted in Secretary of Region 1. The newly formed International Public Agency Committee (IPAC) was also introduced at the Spring Forum. The IPAC will be a valuable resource in all interagency or legislative activities and is charged with keeping the IRWA industry committees informed.

Lastly, mark your calendars to attend the Chapter 67 Past President's Luncheon on June 12th. It is sure to be a fun-filled event and we are looking forward to seeing you there!

## EXECUTIVE BOARD

President

Artemis Manos, SR/WA\*

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Treasurer

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Nominations & Elections

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Joe Munsey

Rudy Romo

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## COMMITTEE CHAIRS

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Seminars Co-Chairs - TBD  
Tri-Chapter Luncheon - TBD  
Valuation - TBD

\*International Director

Welcome back readers for the April edition of our newsletter. If you would like to contribute content to the newsletter, have questions or any ideas to improve the content please contact me at [gbecerra@opcservices.com](mailto:gbecerra@opcservices.com) or (949) 872 3237

## RECENT EVENTS

### April 10th Luncheon Speaker

Steve Figgins was our guest speaker at the April luncheon. He gave a presentation on “Buyer Alert for Purchasing Environmental Consulting Services”.

Mr. Figgins has over 37 years of experience as a Geophysicist with a focus on site characterization, remediation, and litigation support. He has been involved in determining the most applicable remediation approaches for various hydrogeological targets in soil and groundwater. Mr. Figgins has worked closely with a variety of regulatory agencies in providing creative approaches on clients' behalf to accelerate the site closure process. He has served as a strong client advocate, and has provided litigation support for a variety of impacted sites.

Steve has a BS in Electro-magnetic geophysics from the University of Arizona, and an MBA also from the University of Arizona

Steve is a Principal at EKI Environment & Water, Inc. EKI, formerly known as Eler & Kalinowski, Inc. has performed comprehensive environmental engineering services nationwide for a broad range of companies and government agencies since it was founded in 1989. Our staff includes engineers, geologists, and scientists in four offices located in Northern and Southern California and Colorado. EKI provides environmental, water, wastewater, and water resources services.

### Students and Young Professionals Night

The Metropolitan Water District of Southern California held a networking evening with speakers from the MWD and the IRWA Young Professionals on April 11th.

## UPCOMING EVENTS:

### Course 100: Principles of Land Acquisition

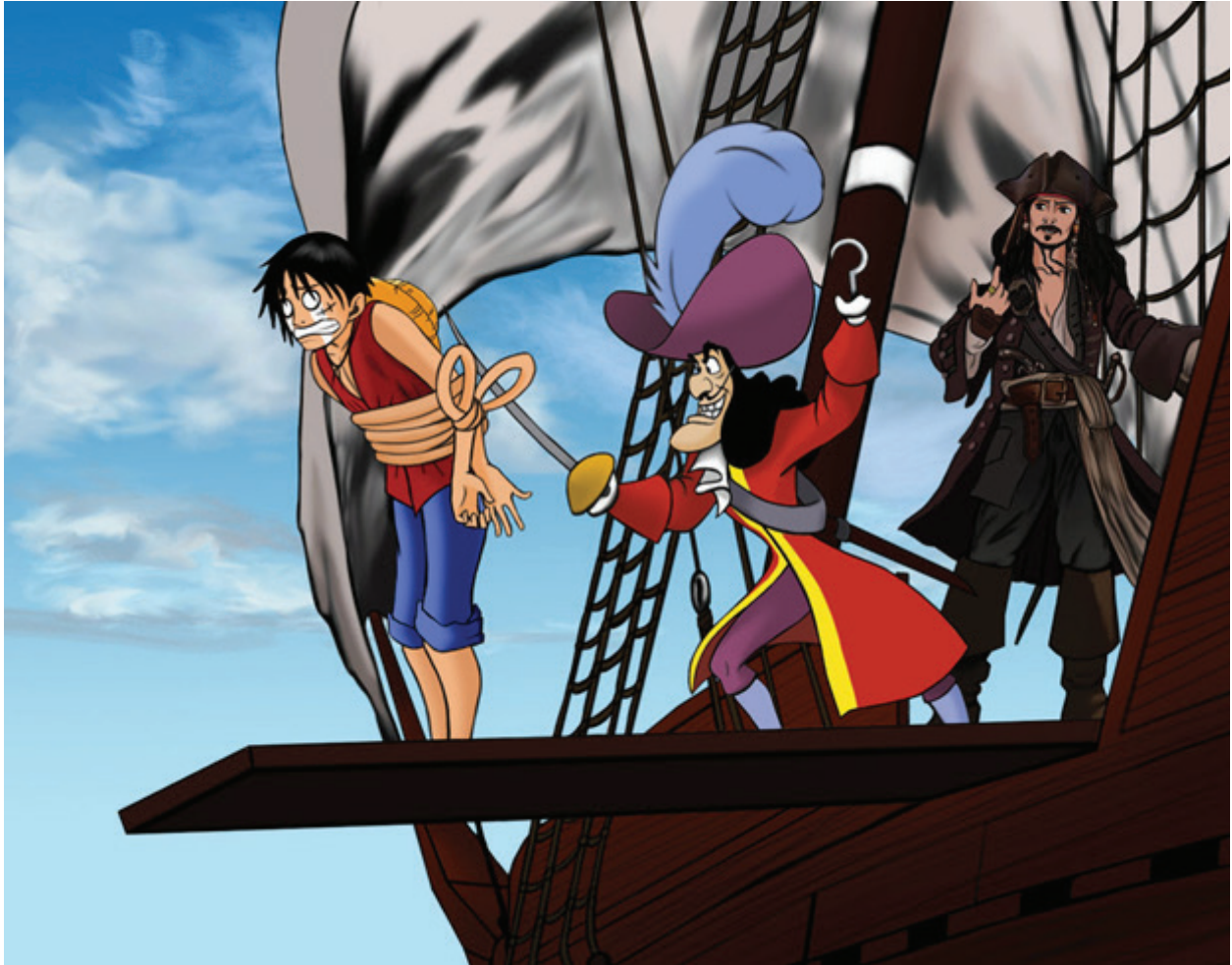
This course outlines real estate law terms and concepts. Participants will gain awareness of environmental issues, learn the methods of acquiring and transferring title to realty, three views of engineering plans and the fundamentals in property description systems.

**Date:** September 12-13, 2018

**Location:** MWD (see flyer at the end of this newsletter)



## Past Presidents Luncheon June 12, 2018



DON'T WALK THE PLANK, MATES! JOIN THE SHIP'S COMPANY ON JUNE 12, 2018, FOR THE PAST PRESIDENT'S LUNCHEON. IF YOU HAVE BEEN A CAPTAIN OF CHAPTER 67, PLEASE CONTACT CAROLYN ANSARI, HOSPITALITY COMMITTEE, AT 949.303.0368 OR [gorbeh17@aol.com](mailto:gorbeh17@aol.com) TO CONFIRM THAT YOU WILL BE ON BOARD THAT DATE. A SURPRISE IS IN STORE SAYS PETER THE PIRATE PARROT.





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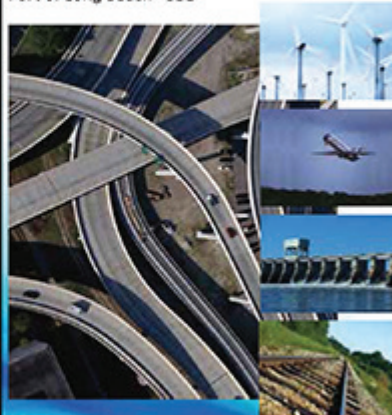
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### *Sierra Palms Homeowners Association v Metro Gold Line Foothill Extension Construction Authority* (2018) 119 Cal.App. 5th 1127

#### When You Can Sue for Property Damages in Inverse Condemnation Without Showing You have an Ownership Interest in the Damaged Property

It is long understood law that one cannot claim damages for condemnation or inverse condemnation of property that one does not own or at least have an ownership interest. The trial court applied that principle against a homeowners association that sued Metro Gold Line for inverse condemnation damages as a result of damage to the condominium complex's block boundary wall allegedly caused by the construction of part of the Metro Gold Line railway. Because the homeowners association did not allege an ownership interest in the block wall, the trial court sustained a demurrer against the association, which terminated its claims at the pleading stage without need for a trial.

The homeowners association managed a common interest development that consisted of 113 condominium units and common areas of property, including the block wall. Apparently, each condominium unit owner held a fractional share in the common areas, so the association had no individual ownership of its own in the common areas.

The Court of Appeal reversed the trial court and ruled that there was an exception to the general principle when it came to homeowners associations. It looked to Civil Code Section 5980 which gives such an association standing to sue for property damage to common areas that the association is obliged to maintain or repair. As stated by the Court at page 1134:

The rationale for allowing homeowners' associations to bring suit ... is that "if the association does not have standing, the costs of prosecution of the case would not be a common expense, thus greatly increasing the difficulty of individual owners seeking redress against a corporate defendant ... Furthermore, it would be a waste of resources of the courts and litigants if each individual owner were required to join in an action for damage to common areas arising out of an alleged breach of implied warranty. Because associations generally are required to manage, maintain and repair a project's common areas, it would be illogical to deprive associations of the ability to sue to recover for damage to common areas they are obligated to repair.

Metro Gold argued that Civil Code Section 5980 could not apply to an action for inverse condemnation because inverse condemnation is premised upon a taking occurring under the Constitution, and no taking could occur without an underlying ownership interest. The appellate court rejected this, holding that a taking of property had clearly been alleged, and the code section merely allowed the homeowners association to act in a representative capacity on behalf of the condominium owners.

Takeways: Civil Code Section 5980 had never been applied in an inverse condemnation context, but it was the only practical means that the condominium owners had to attempt to recover damages. Sometimes creative solutions work, particularly when they align with fundamental notions of fairness.



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# Region 1 Spring Forum Photos





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Phone: (310) 538-0233  
www.irwaonline.org

## Course 100: Principles of Land Acquisition September 12-13, 2018 Los Angeles, CA



## Course 100: Principles of Land Acquisition

### Course Description:

This course outlines real estate law terms and concepts. Participants will gain awareness of environmental issues, learn the methods of acquiring and transferring title to realty, three views of engineering plans and the fundamentals in property description systems. Topics also include the requirements of a valid contract, information on easements, deeds, leases, the appraisal process, successful negotiations, and relocation requirements involved with property acquisition and management.

### Course Level:

Core

### Topics:

- Real property law concepts
- Acquisition / negotiations
- Property descriptions
- Relocation due to acquisition of real property interest
- Environmental concerns
- Appraisal of real property
- Asset (property) management

### Course Tuition Includes:

- Participant Manual
- Principles of Right of Way Textbook (desk reference)
- Engineering Tools (engineering scale, protractor and straight edge)
- Real Estate Dictionary

### Who should take this course:

This course is geared toward the new right of way professional with little or no experience in the right of way field, individuals specializing in a specific area and right of way managers desiring a refresher course.



**100 Principles of Land Acquisition 09.12-13.2018 Los Angeles, CA**

Register online at [www.irwaonline.org](http://www.irwaonline.org) / Fax this entire page to IRWA HQ: (310) 538-1471

\_\_\_\_\_  
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\_\_\_\_\_  
Title

\_\_\_\_\_  
Company Name

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City, State, Zip/Postal Code

(\_\_\_\_)\_\_\_\_-\_\_\_\_  
Phone

Yes  No  
Member Member ID Number

\_\_\_\_\_  
Email Address

If payment includes the fees for registrants other than yourself, check here:   
(Please submit names of other registrants on a separate paper along with this form)  
Will you also be attending?  Yes  No

	Registration Deadlines	Member Tuition	Non-Member Tuition	Total Tuition Amount
On and Before:	<b>Aug. 30, 2017</b>	\$565.00	\$660.00	_____
On and After:	<b>Aug. 31, 2017</b>	\$590.00	\$685.00	_____

Total Member Registrants: \_\_\_\_\_  
Total Non-Member Registrants: \_\_\_\_\_

PRINT NAME AS IT APPEARS ON CARD: \_\_\_\_\_ 3-DIGIT CVV: \_\_\_\_\_

AMEX  MC  VISA  Card #: \_\_\_\_\_ EXP: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_ Amount to be Charged: \_\_\_\_\_

**Course 100: Principles of Land Acquisition September 12-13, 2018 Los Angeles, CA**

Sponsor: IRWA Chapter 67  
Date: September 12-13, 2018  
Time: 2 days - 8 AM to 5 PM Daily  
City: Los Angeles, CA

**Accommodations:**  
Participants are responsible for their own accommodations

**Class Location:**  
Metropolitan Water District  
700 N. Alameda St.  
Room 1-102 (Conference Room)  
Los Angeles, CA 90012  
Phone: (213) 217-6324  
Participant Capacity: 30

**Course Coordinator:**  
James Vanden Akker, ARWP  
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**Four Ways to Register:**  
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Contact Course Coordinator

**Course Instructor:**  
Carol L. Brooks, SR/WA is the Owner of Cornerstone Management Skills, and internationally recognized and award winning author and trainer. She is a Certified CLIMB Lead Instructor with the IRWA and began teaching in 2002. With over 15-yr's experience in public utilities and local public agencies, her expertise includes: Easement and land acquisition, negotiations, easement valuation, permitting, easement law, project management, and eminent domain support. Ms. Brooks is the Vice Chair of the IRWA's P.I.P.E. (Partnership Infrastructure Professional Education) chartered to mentor and groom current and new instructors. She is the VEIT Instructor for C213 and C100. She also wrote the VEIT C100 and Classroom C100 manuals. She is the contributing course writer/editor for Crown College, MN for their business course offerings in China. She is a contributor to ROW Magazine, featuring articles on effective communication skills, communication etiquette, teambuilding management, and the art of negotiations. Ms. Brooks' column entitled, Back to Basics was featured in ROW Magazine from 2010-2014. She is the recipient of the Louise L. & Y. T. Lum Award for distinguished contribution to education for the r/w professional. She is also the proud recipient of the Mark A. Green Award for Journalistic Excellence and Outstanding Contribution to the ROW Magazine. She is a frequent workshop speaker at the IRWA's annual conference. She is a coach/mentor at a local state university for real estate and business majors. She has said, "R/W Professionals exemplify the public good and I want them to have all the communication tools to become the best they can be, and serve our citizens in an exemplary manner." Ms. Brooks presents relevant communication and negotiation techniques in a humorous and engaging way. Her goal is to create critical thinkers in the classroom and prepare the participant to return to the job better than when they arrived on the first day of class.

**Cancellation Policy:** All classes scheduled by IRWA are subject to cancellation. All class registrants must contact the Course Coordinator prior to making travel arrangements, keeping in mind that the class may be cancelled at any time (for reasons including, but not limited to, insufficient registration, Instructor emergencies or other issues beyond the control of the chapter and/or IRWA). Fully liquidated damages for any losses incurred by a class registrant are limited solely to a refund of the registrant's prepaid class tuition. IRWA and its chapters assume no other registrant liability resulting from class cancellation.

**Tuition Refund Policy:** Written notification of intent to cancel registration must be received via email by both the Course Coordinator and IRWA Headquarters Education Staff ([education@irwaonline.org](mailto:education@irwaonline.org)) prior to the class start date in order to be eligible for a tuition refund. A full tuition refund will be issued if notice is received 15 days or more prior to the class start date; a 75% refund will be issued if notice is received less than 15 days prior to the class start date, and no refund will be issued for notice received on or after the class start date.