

IRWA

ORANGE COUNTY

CHAPTER 67

International Right of Way Association Chapter 67 Orange County, California



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BUNDLE of WRITES

May 2018

Dear Members,

Achieving common goals in any organization requires team members to work together to build on a shared vision. Collaboration and the application of the Golden Rule (i.e. treating others as you would like others to treat you) goes hand in hand, or does it? This adage, as I recently learned should be replaced with the Platinum Rule: Do unto others as **they** would have you do unto them.

Last week, I had the privilege along with Gabe Becerra (Newsletter/ Communication Chair), Rudy Romo (Professional Development Chair) and many leaders of local Southern California IRWA Chapters to participate in a Pilot Program hosted by Mind Gym focused on "your impact on others" which is being considered for implementation for leaders across our global organization. In this session, among other things we learned that to understand our impact on others we need to recognize how we perceive ourselves and how others perceive us is not always in sync. Understanding what drives people and the different motivational styles and behavioral preferences is an organizational imperative to any successful organization. Speaking of styles, be sure to give a shout out to our esteemed Chapter Advisor, Mike Rubin, Esq. and Fall Seminar Chair Orell Anderson, MAI for their outstanding fashion sense!



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Nominations & Elections

Meredith McDonald

Joe Munsey

Rudy Romo

Also, Chapter 67 Board Members have been busy planning both the Fall Seminar to be held on September 11th and the 2018 Tri-Chapter Luncheon event to be held on December 11th. Be sure to save the date! There are sponsorships available. Please contact yours truly at agmanos@semprautilities.com or Meredith McDonald mmcdonald@thekileyco.com if you are interested in sponsorship opportunities.



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

*International Director

Welcome back readers for the May 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 or (949) 872 3237

RECENT EVENTS

Chapter 67 has gone public on social media.

Please search and follow us on [Twitter](#) at [@IRWACHAPTER67](#) as well as follow our [Linked In Page](#) to get updates on the latest and greatest with Chapter 67. Your support will help to grow our network of professionals which will benefit the Chapter as well as our members.

April 10th Luncheon Speaker

Steve Figgins of EKI Consulting gave a presentation on “Buyer Alert for Purchasing Environmental Consulting Services”. He provided great insight to the world of environmental mitigation, the costs, the risks and the necessity for Right of Way Projects of all sizes.



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 TO CONFIRM THAT YOU WILL BE ON BOARD THAT DATE. A SURPRISE IS IN STORE SAYS PETER THE PIRATE PARROT.





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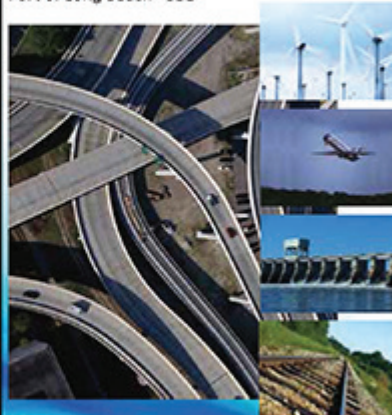
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Sierra Palms Homeowners Association v Metro Gold Line Foothill Extension Construction Authority (2018) 119 Cal.App. 5th 1127.

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 CC 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: CC 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. A question arises whether CC 5980 may be a means for a public agency to acquire rights in common area in a direct condemnation action, without naming all of the individual condominium owners who own fractional shares in the common area. Answer is probably not, because in those instances where the HOA itself has no ownership interest, it will not be in the chain of title, and a title insurer would likely not provide title insurance if those in the chain of title are not named in the complaint and listed in the judgment. Moreover CC 5980 provides standing to the HOA in situations where the common area is damaged as opposed to being "acquired".

Rudy Romo, SR/WA Gets Recertified

In March, Mr. Rudy Romo, SR/WA received recertification from IRWA for another five (5) years for his SR/WA designation. We want to congratulate Mr. Romo for his continued achievement and dedication as an SR/WA member. He is also our Chapter PDC committee chair, thanks Rudy! Mr. Romo works as a Senior Project Manager at the City of Irvine acquiring right of way for the City's capital improvement projects program.

He was born in San Bernardino, California on November 8th which makes him a "Scorpio" who is cool, calm, and rather mysterious looking, huh! Mr. Romo received his BA and MBA degrees in Business Administration from California State University, San Bernardino which makes him an alumni of the "Coyoties!". He later went on to get his Real Estate Brokers license and small boat piloting and seamanship certification to keep his credentials up. Rudy resides in Long Beach and enjoys the daily cool ocean breeze. He said when he was looking for a place to live, outside the I.E. where he lived most of his life, ugh, he remembered the old appraisal concept "any property close to a beach, river, stream, or lake, will always maintain value and desire"! So, he pondered that thought and said "ok, works for me!"



Rudy is married to a wonderful lady named Natsuyo and they have been together for approx. 15 years. He vacations to Japan annually since his wife's family resides in Matsumoto and you can always find him Saturday mornings attending class session at the Long Beach Japanese Language school. Rudy has been taking Japanese for 6 years and believes he will never be fluent, but at least be able to speak, write, and read with some sort of comprehension, go Rudy!

He has two (2) children (boy named Rudy Aaron and girl named Rudi Ann) and two (2) grandchildren which they adore. Rudy Aaron lives in Houston and Rudi Ann is in Phoenix, so time with the grand kids is limited but he overly enjoys them when he sees them.

Rudy enjoys Mexican food, Japanese sushi, sashimi, ramen, tempura, soba and gyoza, aside from good ole baseball, hot dogs, motherhood, and apple pie! Rudy's favorite restaurant is "Tenho" in Matsumoto where you can find the best ramen, gyoza, and Yebisu beer in town. As his hobby, well, Rudy doesn't have a favorite hobby, but you can find him attending Angels games, Laker games, the Long Beach Grand Prix or Indy 500 in Indiana, or just hanging out with good ol dad in Riverside for a Sunday BBQ, beer, and some Frank Sinatra, Dean Martin, and Perry Como tunes. Rudy and his dad have a boat so from time to time, he'll grab the old fishing pole and head for the water.

In regard to music, Rudy grew up with pop, disco, and rock and roll, but he remembers always having to listen to dad's country "Patsy Cline" and oldies music when dad was home. His daughter and son got him into Country and these days you can always find him tuned into Alan Jackson, Kenney Chesney, Blake Shelton, or Billy Currington. He has even taken country dancing lessons and can do the Texas 2 Step with ease, Wow what a variety and go Rudy!

The last movie Rudy took in was "The Last Jedi" and he always watches the premier showing with his daughter Rudi Ann since they're both avid Jedi's themselves. And they see it back to back in 2 days straight. Rudy gets utterly crazy when a car driver in front of him turns on their wiper blades and splashes water behind them and lands on his car. He believes people should either wash their car more often or use the wiper cleaner when they're at a dead stop, Okaaaaaay.....

Rudy's favorite Quote is "if you want to go far in life, always remember 3 words "please", "thank you," and "I'm sorry". He was told that long ago from a dear old friend he used to have. Rudy's proudest accomplishment was his speech he made in Japanese last year where he won a trophy in his division. He had to deliver a 5 minute speech before the whole school up on stage and had one (1) minor error. Nonetheless, he walked away with a trophy for the best speech of his division and thought he was on top of the world, great job Rudy!

Rudy's biggest challenge in life was accepting his son-in-law, Charlie. He believes it is true, there is never a son good enough for your daughter, however, he has overcome that challenge and is now totally acceptable and favorable toward his son-in-law, whew, he pulled that one off!

Rudy went to Hatch, New Mexico with his father and brother in their RV to pick up some Hatch New Mexico chili last September. He said it was cool just hanging out with brother and dad on that trip. Rudy picks up Hatch chili every 3 to 4 years when the family runs low cause they have to have that New Mexico chili for salsa. Rudy says he can make a pretty mean salsa, "I believe him!" Rudy's most embarrassing moment was when his father-in-law started speaking to him in Japanese and Rudy didn't have a single clue what he was saying. That prompted Rudy to get to classes right away! Good thinking Rudy!

Rudy says he gets involved in IRWA because he's always believed you should join the organization affiliated with your profession. Rudy's been so dedicated that he served as Chapter 57 President in 1989, Chapter 1 President in 2002, and Chapter 67 President in 2012. IRWA has allowed him to network and meet many people in the right of way business. When you see Rudy at the next luncheon, go up to him and say "Congratulations Rudy"

Other Member News

The Chapter would also like to acknowledge the members who recently received their "Re-certifications":

Name	Designation	Recertification Term
Artemis G. Manos, Right of Way Manager, Sempra Energy Company	SR/WA	8-1-17 to 8-1-22
Ann M. Crafton, Real Estate Manager, Orange County Sanitation District	SR/WA	1-1-18 to 1-1-23
Sharon Hennessey, MAI Hennessey & Hennessey Real Estate Appraisers	SR/WA	3-19-18 to 2-15-23
Mark Winters, Right of Way Manager, City of Orange	SR/WA	3-1-18 to 3-1-23
Rick Beauchamp, Right of Way Manager, Universal Field Services, Inc.	SR/WA	3-1-18 to 3-1-23

When you see these folks, offer your congratulations for maintaining their credentials. Great job Team!

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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 / Fax this entire page to IRWA HQ: (310) 538-1471

Last Name First Name

Title

Company Name

Address

City, State, Zip/Postal Code

(____)____-____
Phone

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

Yes No
Member Member ID Number

Email Address

	Registration Deadlines	Member Tuition	Non-Member Tuition	Total Tuition Amount
On and Before:	Aug. 30, 2017	\$565.00	\$660.00	_____
On and After:	Aug. 31, 2017	\$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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Email: jvandenakker@mwdh2o.com

Four Ways to Register:
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Phone: (310) 538-0233, x138
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) 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.