



MONTHLY  
**Bundle of Writes**  
NEWS AND EVENTS FOR IRWA CHAPTER 67

June 2022

**INSIDE THIS ISSUE**

- President's Message  
.....
- Editors' Corner & Events  
.....
- Education  
.....
- Case of the Month  
.....
- Article  
.....
- Member News  
.....
- For Fun  
.....

## **PRESIDENT'S MESSAGE**

*Ryan Hargrove*  
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Greetings Chapter 67 Members,

I hope you are doing well and looking forward to summer. I know that I am, and not only because the weather is getting warmer, but also because I just completed a 21-month Executive MBA program at UCI, which has kept me remarkably busy, and I will now get a chance to catch my breath a bit. A few weeks ago, I spent five days at a closing residential in Lake Arrowhead with my UCI cohort. It was a great experience, but unfortunately it conflicted with the IRWA Annual Education Conference in Cleveland, which I was unable to attend. However, Chapter 67 was well represented at the conference by Vice President Rudy Romo and Immediate Past President Meredith McDonald. With my calendar now opening up a bit, my wife and I are planning to vacation in Italy in July. I hope that you are able to find some time for rest, relaxation, and/or travel with your loved ones over the summer as well.

You may recall that our Chapter hosted the Region 1 Spring Forum this year and it was a very successful event. The region meeting was on Saturday April 2nd and we also hosted an in-person happy hour in the evening on Friday April 1st. We had no idea how many people would attend the happy hour and were

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pleasantly surprised to have more than 25 people show up for hors d'oeuvres and networking. During the region meeting, I was able to put my projector and projection screen to good use and IRWA headquarters brought an owl camera that enabled us to have a very effective hybrid meeting. The success of the happy hour and region meeting leaves me optimistic that we will be able to return to in-person luncheons in the very near future, perhaps with the added flexibility to bring in guest speakers virtually from time to time. Thank you very much to Joe Munsey and Amanda Fitch for all of their assistance in planning the happy hour and Forum.

As I alluded to previously, the IRWA Annual Education Conference in Cleveland just occurred in early June. Rudy and Meredith will undoubtedly provide detailed feedback to the chapter very soon about the conference. One exciting announcement that we have already learned of (Rudy shared the news) is that Chapter 67 has won the award for the best newsletter in Region 1. Many thanks to our Newsletter Chair, Alyson Suh, for her tireless efforts in managing the production of a top-notch newsletter. Thanks also go to Rudy for recommending that we submit copies of our past four newsletters in order to be considered for the award.

It has been a pleasure serving as your president this past year. It has been a very rewarding experience and has afforded me the opportunity to work with a wonderful group of individuals on the Board and throughout the chapter. I look forward to continuing to serve the chapter and to getting to know our various members even better. Our chapter is in very good hands with the new group of officers that are about to be installed for the next fiscal year. These officers include Rudy Romo (President), Matthew VanEck (Vice President), Sarah Downs (Treasurer) and Jillian Friess Leivas (Secretary).

Thank you for reading this update. If you have any questions, please don't hesitate to reach out to me. If you are interested in joining the Board, feel free to contact me or any existing Board member.

Sincerely,  
Ryan



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Welcome back readers to the June edition of our newsletter. If you would like to contribute content to the newsletter, advertise, have questions or any ideas to improve the content, please contact us.

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## UPCOMING EVENTS

### June Monthly Luncheon

Tuesday June 21, 2022 12:00 p.m. - Virtual

Please join us to officially swear in and congratulate our new 2022-2023 Ch. 67 Board! The swearing in will be immediately followed by our monthly Board Meeting, but all members are welcome to attend.

[Join GoTo Meeting](#)

## ADVERTISE WITH US!

*We have advertising spots available for the following rates. If interested, please contact Chapter 67 Treasurer Matthew VanEck at [Matthew.vaneck@kidder.com](mailto:Matthew.vaneck@kidder.com).*

The price for one year of advertising is:  
\$300 for half page  
\$275 for a third page  
\$225 for a quarter page.

CHAPTER 67 COMMITTEE CHAIRS

CASE OF THE MONTH

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For questions regarding IRWA education, whether it be information on a particular course, how to register, potential upcoming courses, or the credentialing program, please reach out to James.

## UPCOMING COURSES

### IN-PERSON CLASSES JUNE-JULY 2022

#### Course 100: Principles of Land Acquisitions

July 12-13, 2022 in Oklahoma City, OK

#### Course 102: Elevating Your Ethical Awareness

July 19, 2022 in Tempe, AZ

#### Course 102: Elevating Your Ethical Awareness

July 25, 2022 in Tucker, GA

#### Course 105: The Uniform Act - Executive Summary

July 29, 2022 in Oklahoma City, OK

#### Course 200: Principles of Real Estate Negotiation

July 21-22, 2022 in Lincoln NE

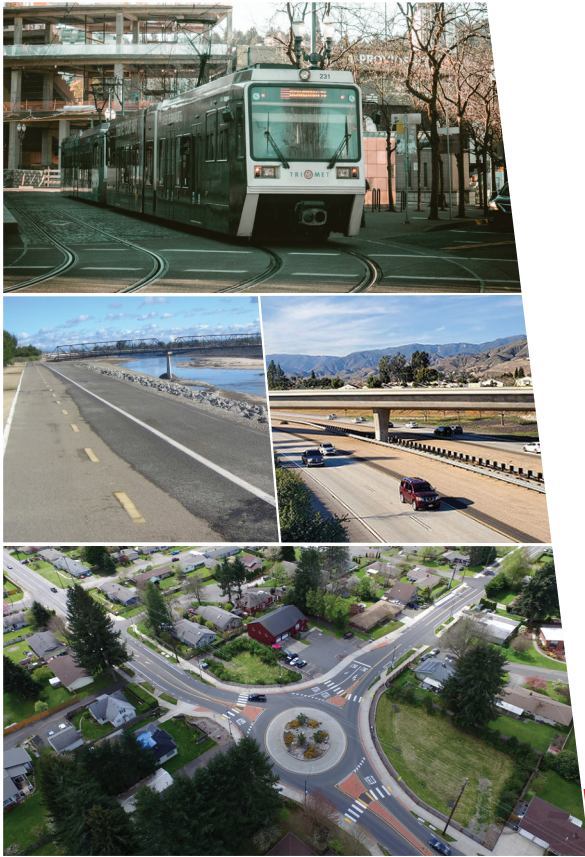
#### Course 431: Problems in the Valuation of Partial Acquisitions (Hybrid Virtual)

June 30, 2022 in Boise, ID

[Click here to view the schedule of in-person classes.](#)

### IRWA's Virtual Classroom

[IRWA's virtual classes](#) let you engage in courses delivered in real-time from your desk., home or anywhere with an internet connection. Through an easy-to-use digital platform, IRWA instructors facilitate live interactive courses, creating a classroom experience in a virtual environment.



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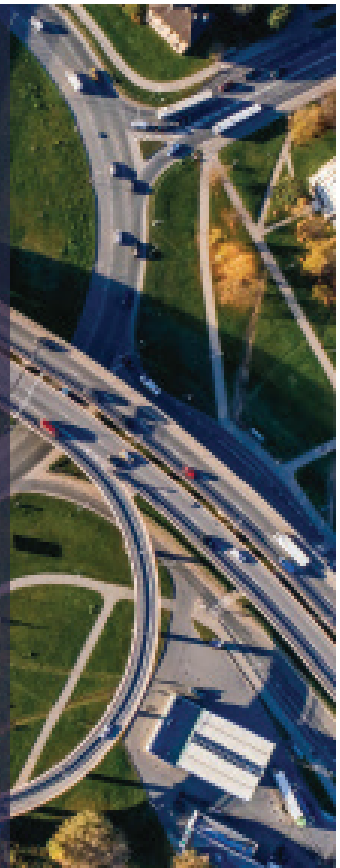
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## CASE OF THE MONTH



### Balancing the Grantor and Grantee's Rights to Use an Easement

*Jillian Friess Leivas, Esq., Associate  
Law Firm of Nossaman LLP*

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Some easements will contain express language that delineates the respective rights of the grantor and grantee to make use of the easement. Other times, even absent express language, a grantor can be prevented from using an easement if such use would unreasonably interfere with the rights of the easement holder. For further discussion of an example when express easement language is not needed to limit the use of the easement by the grantor, check out our prior post entitled "Utilities Have the Right to Remove Trees Within an Easement."

However, what happens when the language is ambiguous? The unpublished case of *18131 Ventura Blvd, LLC v. 5223 Lindley, LLC (2021) No. B304458*, analyzed what the easement language of "exclusive perpetual easement" means as to the respective rights of the grantor and grantee.

perpetual easement" means as to the respective rights of the grantor and grantee.

#### Background

In this case, there are two adjacent commercial parcels – the Ventura property and the Lindley property. In 1989, the Lindley property granted an "exclusive perpetual easement" to the Ventura property across three feet of the Lindley property for Ventura's use of various utility lines. [Note: The Ventura utilities had already been installed, but it wasn't until 1989 that an easement was actually conveyed.] Fast forward to 2014 when the Ventura property was being redeveloped, the Ventura owner discovered that there were Lindley utilities also within the easement and that

they were preventing the Ventura property from installing a certain type of new drainage system.

Ventura argued that the easement language of "exclusive" served to exclude not only third parties, but use of the easement by the grantor (Lindley) as well. The trial court disagreed and determined that the use of "exclusive" in this context did not mean to exclude the Grantor from also making use of the easement for utilities.



#### Court of Appeal

On appeal, there were two main issues – (1) what "exclusive" meant in this context and (2) whether Lindley's use would unreasonably interfere with Ventura's use of the easement.

First, the court reiterated that the general rule is that despite granting an easement, the owner of the servient tenement may make any use of the land that does not unreasonably interfere with the easement. Here, the evidence showed that

Lindley had installed its utilities in 1988 (above the preexisting Ventura utilities), which was before the 1989 easement was actually granted. Thus, the court concluded it did not make sense for “exclusive” to prevent Lindley from using the easement for its own utilities when they had in fact been installed before Lindley granted Ventura the legal rights under the easement. Therefore, “exclusive” in this context only means the exclusion of third parties.

Second, the viability of Lindley’s use of the easement turns on whether or not such use unreasonably interferes with Ventura’s use. The facts showed that while the easement language defined the width of the easement as three feet, it did not define at what depth the Ventura utilities would be placed or the number of permissible utilities. The court found that Ventura was not entitled to disrupt Lindley’s permitted use of the easement after more than 20 years simply because Ventura wanted to change the nature of its drainage utilities. Further, there was still space in the easement for Ventura to install new drainage lines and that is all the easement

granted.

Therefore, Lindley’s concurrent use of the easement was permissible, and it did not unreasonably interfere with Ventura’s rights to the easement.

### Conclusion

This case serves as a reminder that the specific easement language matters when it comes to balancing the rights to use the easement between the Grantor and the Grantee. Grantors should be mindful that any use of the easement must conform to the terms of the easement and not otherwise unreasonably interfere with the rights of the Grantee. Grantees should also be cognizant of potential future needs and the necessity of specific language when negotiating the terms of an easement.


Ms. Leivas can be reached at [tleivas@nossaman.com](mailto:tleivas@nossaman.com).

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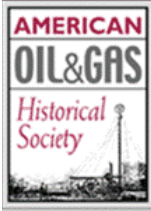


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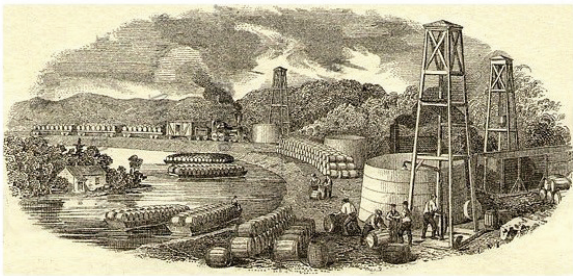
## ARTICLE



### *History of the 42-Gallon Oil Barrel*

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The American Oil & Gas Historical Society. All Rights Reserved."*

Soon after America's first oil discovery in 1859, oilmen met in northwestern Pennsylvania and decided a 42-gallon barrel was best for transporting oil.



By the 1860s, barges floated barrels of oil down the Allegheny River to Pittsburgh to be refined into a highly demanded product – kerosene for lamps. Image from an early stock certificate.



The 42-gallon standard was adopted by the Petroleum Producers Association in 1872.

When filled with oil instead of fish or other commodities, a 42-gallon "tierce" weighed 300 pounds. The 42-gallon oil barrel was officially adopted in 1866. Today, a barrel's refined products include about 20 gallons of gasoline,

12 gallons of diesel and 4 gallons of jet fuel and other products like liquefied petroleum gases and asphalt.

In August 1866 a handful of America's earliest independent oil producers met in Titusville, Pennsylvania, and agreed that henceforth, 42 gallons would constitute a barrel of oil. Pennsylvania led the world in oil production as demand for kerosene soared.

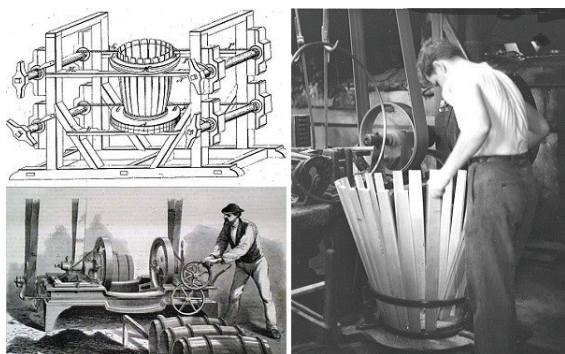
Although pipelines would later challenge the oil region's teamsters, the business of moving oil depended mostly on men, wagons, horses, flatboats, and barrels.

To reach railroad station and docks, teams of horses pulled wagons carrying as many as eight barrels of oil. Rugged northwestern Pennsylvania terrain and muddy roads added to transportation problems.

Meanwhile, as derricks multiplied, forests along Oil Creek were reduced to barrel staves by recently introduced barrel-making machinery. Hoop mills operated day and night supporting cooperages that sprang up to join in the oil boom in what would later be called "the valley that changed the world."

#### **Why a 42-gallon Oil Barrel?**

Long before England's King Richard III defined the wine puncheon as a cask holding 84 gallons and a tierce as holding 42 gallons, watertight casks of many sizes were crafted by "tight" coopers. Their guild, the Worshipful Company of Coopers, prescribed the manner of construction. Lesser skilled craftsmen (known as slack coopers) made casks, barrels, and pails for dry goods.



*Technologies for making watertight casks replaced “tight” coopers and their guild of Worshipful Company of Coopers. Standard Oil will introduce a steel version of the 42-gallon oil barrel in 1902 with the same traditional bilged, cask-like appearance.*

By around 1700 in Pennsylvania, practical experience and custom had made the 42-gallon watertight tierce a standard container for shipping everything from eel, salmon, herring, molasses, soap, butter, wine and whale oil. The 42-gallon barrels became familiar 19th century containers.

Then came Edwin L. Drake’s 1859 oil discovery at Titusville, the first commercial U.S. oil well. The petroleum boom that followed it consumed wooden tierces, whiskey barrels, casks and barrels of all sizes.

When filled with crude oil instead of fish or other commodities, a 42-gallon tierce weighed more than 300 pounds – about as much as a man could reasonably wrestle. Twenty would fit on a typical barge or railroad flatcar. Bigger casks were unmanageable and smaller were less profitable.

Contemporary photographs show cooperages’ prodigious response to the new demand. Within a year of Drake’s discovery, oil barrels were commonly considered to hold 42 gallons according to “The Oil Fountains of Pennsylvania” in Littells’ Living Age of September 1860.

By 1866, these abundant tierce-sized barrels were the logical choice to become the industry’s standard measure.

The 42-gallon standard oil barrel was officially adopted by the Petroleum Producers Association in 1872 and by the U.S. Geological Survey and the U.S. Bureau of Mines in 1882.

Pennsylvania’s “valley that changed the world” also has connections to college football’s Heisman Trophy. Among the late 19th century Titusville companies, the Oberly & Heisman cooperage on Bridge Street supplied 42-gallon barrels for the oil trade – providing Michael Heisman’s son John an afterschool job.

John Heisman played varsity football for Titusville High School as a guard on the varsity team from 1884 to 1887. He graduated in 1887 and went on to become the legendary football coach for whom the Heisman Trophy is named.

### **Standard Oil “Blue Barrel” Myth**

Not long after forming the Standard Oil Company in Cleveland, Ohio, in 1870, John D. Rockefeller focused on efficiency and growth for his new company.

Instead of buying oil barrels, Standard Oil bought tracts of oak timber, hauled the dried timber to Cleveland on its own wagons, and built the barrels in its own cooperage. Standard’s cost per wooden barrel dropped from \$3 to less than \$1.50.

A persistent oilfield myth says that the abbreviation “bbl” for a barrel of oil resulted from Standard Oil Company’s early practice of painting their barrels blue – bbl for “blue barrel.”

However, while Ida Tarbell’s controversial 1904 History of Standard Oil Company acknowledged the “holy blue barrel,” the abbreviation “bbl” had been in use before the 1859 birth of the petroleum industry.

In the early 19th century, wooden barrels of all capacities were common containers of trade: hogsheads, puncheons, tierces, butts, tuns, and other long since forgotten terms.

Shipping manifests reveal that quantities of honey, rum, whale oil, and other commodities were shipped by the “bbl” – well before John D. Rockefeller and Standard Oil’s blue barrels. For today’s industry, the abbreviation simply signifies a 42-gallon (159 liters) unit of measure...of any color.

Learn about the 55-gallon steel drum at [Nellie Bly Oil Drum](#).

## ARTICLES OF INTEREST

### RIGHT OF WAY WEEKLY BUZZ

*The Right of Way Magazine distributes a weekly newsletter.  
Below are links to some noteworthy articles.*

[Click here to find out more about the magazine.](#)

### SOUTHERN CALIFORNIA COASTAL CITY BEGINS INDIRECT POTABLE REUSE

ASCE

Located in semiarid San Diego County and alongside the Pacific Ocean, the coastal city of Oceanside, California, is not blessed with abundant freshwater resources.

[Click here for full article.](#)

### BIDEN ADMINISTRATION ANNOUNCES OVER \$368 MILLION IN GRANTS TO IMPROVE RAIL INFRASTRUCTURE

FEDERAL RAILROAD ADMINISTRATION

The Federal Railroad Administration (FRA) announced over \$368 million in Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program funds to 46 projects in 32 states and the District of Columbia.

[Click here for full article.](#)





## MEMBER SPOTLIGHT

### Jillian Friess Leivas Esq. Becomes Newest Member & Chapter Secretary



We would like to welcome Ms. Jillian Friess Leivas, Esq. to the International Right of Way Association (IRWA) and specifically as a member of Chapter 67. As soon as she walked in the door Joe Munsey, RPL, Nominations and Elections Chair, asked her if she would serve as Chapter Secretary and she accepted. Thank you and welcome Jillian!

Ms. Leivas is an attorney with the Nossaman LLP firm. She is a member of Nossaman's Eminent Domain and Valuation practice group, where eminent domain matters are administered for public agencies, other acquiring entities, and across the fence defense for property owners who are approached by agencies for public acquisitions. Her practice focuses on eminent domain laws and regulations.

Specifically, Jillian assists with the right of way process from precondemnation acquisition activities through to preparation of pleadings and motions, handling discovery, and assisting with depositions and trial preparation. In addition, she administers matters pertaining to environmental issues, land use, and other business and property disputes.

Jillian was raised in San Juan Capistrano and attended the University of California at Berkeley with a double major in History and Political Science. She then attended the Fowler School of Law at Chapman University and received her Juris Doctorate. She says she was happy to have returned to Orange County when she started law school.

Ms. Leivas married her high school sweetheart Cody and they've known each other for 12 years. They will be celebrating their first wedding anniversary on June 26, 2022. Congratulations Jillian! They reside in Rancho Mission Viejo and have a 1.5 year-old mini Goldendoodle named Aspen. Aspen will have another companion in July this year when she is old enough to come home.

In her spare time, she enjoys being outdoors, whether it is hiking or skiing, or spending time on and in the water. Jillian and her husband are both scuba certified and they enjoy diving whenever they can. When it's time to dine out, she enjoys Chinese cuisine. Jillian's last vacation was the French Polynesia, specifically the island of Moorea, for her honeymoon. She said "it was some of the best scuba diving I've done!"

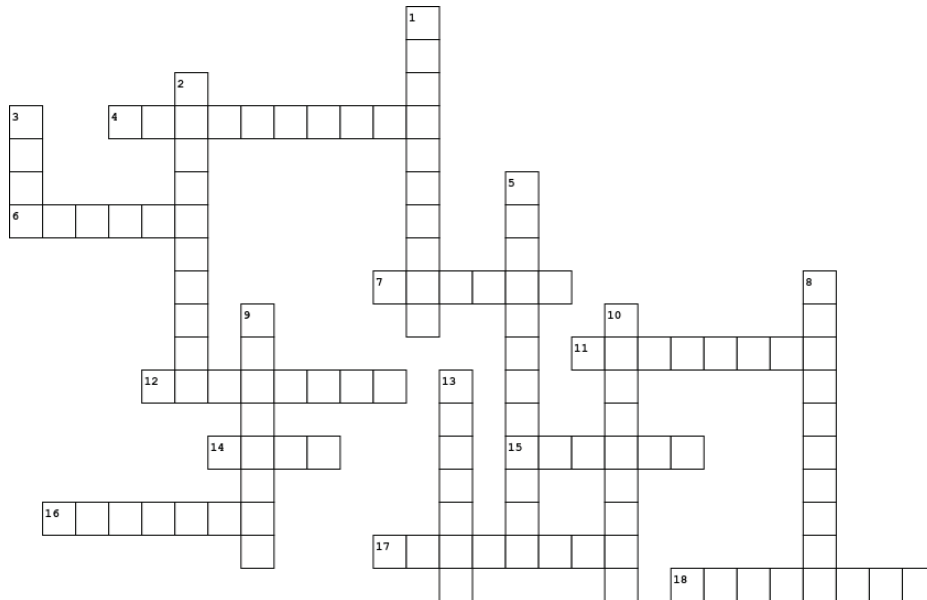
When asked about her proudest accomplishment and biggest challenge faced, Jillian said that "graduating from law school, passing the California Bar (after the test was delayed multiple times), and starting work in a fully remote environment" were all equally challenging but she successfully tackled them all. Congratulations Jillian!

Jillian said she is excited about the opportunity to be an IRWA member because "it's an organization where I can be exposed to a wide variety of career-oriented professionals, not just those in the legal field. I look forward to connecting with other right of way professionals in the Southern California region and taking advantage of the opportunity to learn from them and the other resources IRWA has to offer."

The next time you see Jillian please welcome her and don't forget to thank her for her upcoming service as our newest Chapter leader.

# FOR FUN

## IRWA June Crossword



### Across

4. in the government survey system of land description, a square area, 24 miles on each side, containing 16 townships.
6. a type of power; inherently held by the government to regulate property in order to protect public health, safety, and general welfare.
7. a \_\_\_\_\_ subdivision is an incomplete residential development where construction stalled before completion because of a lack of financing, often located in rural areas that had been in the anticipated path of new urban development while financing was available
11. a type of clause; provides that title returns to the grantor when a restriction set forth in the deed is violated
12. An improvement that does not contribute to the value of a property, i.e., the highest and best use of the property as improved is demolition of the existing improvements and redevelopment of the site.
14. The scene visible from a specific location, which may affect the value of the site or property.
15. the acquisition of a parcel of land through condemnation.
16. a point on the earth's surface that can be determined by surveying.
17. a person or corporate body that is granted a license or franchise to conduct a business or profession.
18. June 21, 2022, Summer \_\_\_\_\_

### Down

1. Juicy fruit that ripens perfectly in summer months
2. a type of title that is free and clear of defects or clouds that a reasonable buyer would find objectionable
3. in highway construction, the roadway used to enter or leave a controlled-access highway.
5. the extent or range of power, authority, or control; the physical territory over which power, authority, or control is exercised
8. a type of witness who has "perceived" the things about which he or she testifies.
9. a property burdened by an easement is known as the \_\_\_\_\_ estate.
10. In condemnation, that portion of a larger parcel remaining in the ownership of the property owner after a partial taking.
13. zoning regulations that designate the distance that improvements must be set back from the front, rear, and sides of the property lines



## Highlights from the 68th Annual International Education Conference



Region 1 Caucus



Rudy Romo accepts Chapter 67's award for Region 1 Newsletter of the Year from Mike Flanagan.



Rudy Romo



ROCK & ROLL  
HALL OF FAME



## Highlights from the 68th Annual International Education Conference

Hooray, Chapter 67 wins Region Newsletter of the Year!! During the week of June 5<sup>th</sup> to 8<sup>th</sup>, IRWA held its annual Education Conference in Cleveland Ohio. In attendance and as representatives of Chapter 67 were Rudy Romo, SR/WA and Meredith McDonald. Other Chapter 67 members in attendance were Jillian Friess Leivas, Esq., Michelle Folk, SR/WA, and Orel Anderson, MAI.

For those of you who have never been to Cleveland, it is a city worth visiting. The building architecture is amazing and the Rock and Roll Museum is not only iconic, but filled with tons of attire, instruments, and memorabilia from musicians of all genres including rhythm and blues, gospel, Motown, country, folk, bluegrass, jazz, and rock.

A true benefit of attending the International Conference is the networking opportunities with members from various regions, chapters, the Right of Way International Education Foundation, the Canadian Educational Foundation, and representatives from headquarters. The Sunday and Monday exhibit halls were filled with consultants from across the country displaying their expertise and areas of influence. Make sure you take plenty of business cards because each booth raffles off prizes if you drop in your card. Unfortunately, Rudy didn't win any prizes, but he still had fun nonetheless.

Sunday, June 5<sup>th</sup> started with opening ceremonies and a keynote speaker named Andrew L. Urich, J.D. Mr. Urich touched on the importance of selling ourselves to convince people you like them. Most of all, wearing a pair of khakis, for guys, is a sure fire bet to get you in the door.

The following are some highlights of awards and numbers shared at the conference:

<b>IRWA Income</b>	\$1,300,000
<b>Total Membership</b>	6,821 Members
<b>SR/WA Certified</b>	2,448 SR/WA Members
<b>Total Conference Attendees</b>	903

As a result of the May 18<sup>th</sup> special election for the President Elect, other vacancies at the executive level were voted on. Ms. Judy Jones, SR/WA, transitioned from President Elect to International President taking over for current President Jake Farrell, SR/WA. The following are other positions/individuals and items voted on:

<b>President Elect</b>	Fred Easton, SR/WA from Vice President to President Elect
<b>Vice President</b>	Denise Skinner, SR/WA from Treasurer to Vice President
<b>Treasurer</b>	Koby Godwin, SR/WA from Acting Secretary to Treasurer
<b>Secretary</b>	Dan Bucan, SR/WA in runoff between him and Patrick McAllister, SR/WA
<b>Chief Executive Officer to Executive Director Position:</b> Directors voted and approved the office of "Chief Executive Officer" title to be replaced with "Executive Director" title.	
<b>Conference 2025:</b> A runoff was held between Las Vegas, Nevada and Virginia Beach, Virginia. The majority vote was Virginia Beach Virginia	

### Region 1 Awards

**Employer of the Year for Employer with less than 20 Employees:** CMD West, Chapter 27 and b) Crimson Pipeline, LP, Chapter 1

**Employer of the Year for Employer with more than 20 Employees:** Clark Land Resources, Inc., Chapter 11

**Government Employer of the Year:** Metropolitan Water District of Southern California, Chapter 67, Region 1



**Congratulations!**

**Bundle of Writes  
Wins Region 1  
Newsletter of the Year!**

Special thanks and appreciation to Alyson Suh, Amanda Fitch, Christy Porter and all our contributors and sponsors for their hard work on each and every issue of this newsletter.



# FOR FUN

## JUMBLE

Unscramble these Jumbles, one letter to each square, to form four ordinary words.

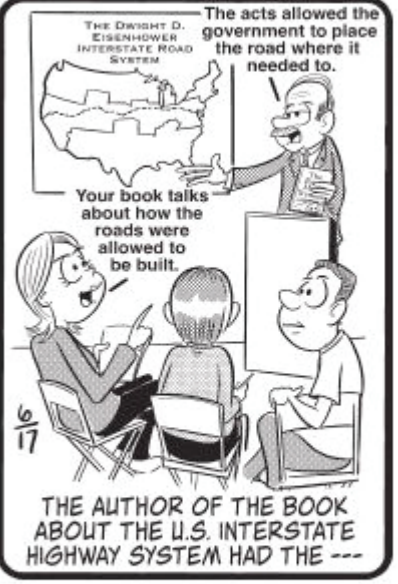
MFYOA
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### THAT SCRAMBLED WORD GAME

By David L. Hoyt and Jeff Knurek



Now arrange the circled letters to form the surprise answer, as suggested by the above cartoon.

“      ”

FROM THE ORANGE COUNTY REGISTER 06/17/2022

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## APPRAISALS OF LOSS OF GOODWILL FIXTURES & EQUIPMENT

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