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★★ NEWSLETTER ★★

## QUARTERLY Bundle of Writes

NEWS AND EVENTS FOR IRWA CHAPTER 67

Q2 2025

### INSIDE THIS ISSUE

- President's Message  
.....
- Editor's Corner & Events  
.....
- Education  
.....
- Case of the Quarter  
.....
- Articles  
.....

## PRESIDENT'S MESSAGE

*Jillian Friess Leivas, Esq.*  
jleivas@nossaman.com

Thank you for allowing me to serve not only as Chapter 67 President this past year, but in the other officer positions over the last few years as well. It has been an experience filled with personal growth and deeper connections within our right of way community. Over my time as part of Chapter 67 leadership, I witnessed our chapter not only emerge from the virtual world of Covid, but grow and thrive again. I am particularly proud of how our chapter has modernized in the last few years, as it allows the chapter to better reach right of way individuals and serve the needs of our members. The chapter started a LinkedIn account, which allowed us to more frequently promote events, share chapter news, and provide resources for our members. We also revamped our website and created a Social Media/Website chair position. We even managed to adopt revised bylaws for the chapter!

P R E S I D E N T



Everything mentioned above, and all of the education courses, luncheons, and other activities would not have been possible without a great team. Thank you to all of the Board and Chair members for your dedication to IRWA Chapter 67. Personally, thank you to Joe Munsey and Brad Kuhn for encouraging me to step into a Board position when I was fairly new to IRWA. For all those that are new to right of way, or wondering if it is worth getting more involved, I highly encourage you to do so. You will find it is a fantastic community of enthusiastic and dedicated professionals. I have every confidence in Chapter 67's new President, Lara Boyko, and know the chapter will continue to thrive.

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Jillian Friess Leivas, Esq.  
Nossaman, LLP  
jleivas@nossaman.com

**VICE PRESIDENT / PRESIDENT ELECT**

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ERM  
lara.boyko@erm.com

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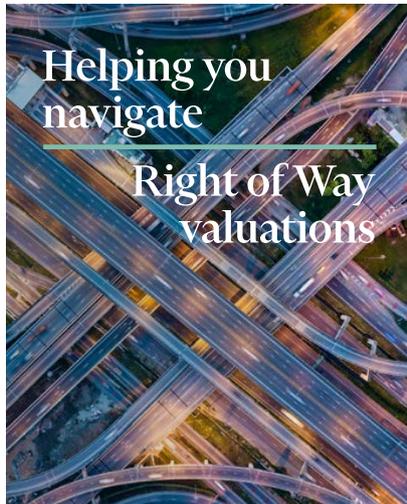
Dwayne Ozenne, JD  
Southern California Gas Co.  
dozenne@socalgas.com

**SECRETARY**

Jacinto Munoz, MAI, SRA, AI-GRS, AI-RRS  
Cogito Realty Partners  
jacinto@cogitorp.com

**PAST PRESIDENT**

Matthew VanEck, MAI  
Kidder Mathews Valuation & Advisory Services  
matthew.vaneck@kidder.com



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**John G. Ellis**  
MAI, FRICS, CRE  
Executive Vice President  
john.g.ellis@cbre.com  
+1 818 290 5455

**Beth B. Finestone**  
MAI, AI-GRS, FRICS, CRE  
Executive Vice President  
beth.finstone@cbre.com  
+1 818 290 5455

**Adam M. Bogorad**  
MAI

**J. Richard (Rick) Donahue**  
MAI

EDITOR



## EDITOR'S CORNER

*Brian English, Esq.*

Allen Matkins

benglish@allenmatkins.com

Welcome back readers to the Q2 2025 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 me.

## EXECUTIVE BOARD

### CHAPTER ADVISOR

Joseph Larsen, Esq.  
Rutan & Tucker  
jlarsen@rutan.com

### EDUCATION

James Vanden Akker, SR/WA  
Metropolitan Water District  
(213) 217-6324  
jvandenakker@mwdh2o.com

### NOMINATIONS / ELECTIONS

Joe Munsey, RPL  
So Cal Gas Company  
(949) 361-8036  
jmunsey@socalgas.com

### PDC Chair

Sharon Hennessey, MAI, AI-GRS, SR/WA  
Hennessey & Hennessey  
appraisals@h-hllc.com

### MEMBERSHIP CHAIR

Jason Borras  
Strategic Property Analytics  
jason@strategicpropertyanalytics.com

## UPCOMING EVENTS

### SEPTEMBER LUNCHEON

Tuesday, September 9, 2025 12:00 PM - 1:30 PM  
Holiday Inn, Santa Ana-Orange County Airport

Speaker: Tom Pilarski, PLS, Geospatial Solutions Lead or Appraisal Institute



Chapter 67 Is now on LinkedIn!

[Please join us. here.](#)

# CHAPTER 67 COMMITTEE CHAIRS

## CASE OF THE MONTH

Joseph Larsen, Esq.  
Rutan & Tucker  
(714) 641-3423 / (714) 641-3418  
jlarsen@rutan.com

## EDUCATION COMMITTEE

Colin Valles  
Paragon Partners  
cvalles@paragon-partners.com

## ENGINEERING / SURVEY

Kurt Rhodenbaugh  
Monument ROW  
(714) 335-1763  
krhodenbaugh@monumentrow.com

## ENVIRONMENTAL

Julie Welch  
Terraphase Engineering  
julie.welch@terraphase.com

## HOSPITALITY

Joe Munsey, RPL  
Southern California Gas Co.  
(949) 361-8036  
jmunsey@socalgas.com

## MEMBERSHIP

Jason Borrás  
Strategic Property Analytics, Inc.  
jason@strategicpropertyanalytics.com

## NEWSLETTER / COMMUNICATIONS

Brian English, Esq.  
Allen Matkins  
benglish@allenmatkins.com

## NOMINATIONS & ELECTIONS

Rudy Romo  
City of Irvine  
rromo@cityofirvine.org

## PIPELINES / UTILITIES

Dwayne Ozenne, JD  
Southern California Gas Co.  
dozenne@socalgas.com

## PROFESSIONAL DEVELOPMENT

Arianna Perez, SR/WA  
Orange County Transportation Authority  
aperez1@octa.net

## PROFESSIONAL DEVELOPMENT

Maggie Quon  
Orange County Transportation Authority  
mchen@octa.net

## PUBLIC AGENCY LIASON

TBD

## RELOCATION

Michele Folk, SR/WA, RW-RAC  
Transystems  
mfolk@transystems.com

## SEMINARS

Nazani Temourian, Esq.  
Allen Matkins  
(949) 851-5470  
ntemourian@allenmatkins.com

## VALUATION

Ryan T. Hargrove, MAI, SRA, AI-GRS, R/W-AC  
County of Orange  
ryan.hargrove@ocgov.com

## VALUATION

Jacinto Munoz, MAI, SRA AI-GRS, AI\_RRS  
Cogito Realty Partners  
jacinto@cogitop.com



## EDUCATION

*James Vanden Akker*  
 Metropolitan Water District  
 JVandenAkker@mwdh2o.com (213) 217-6324

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

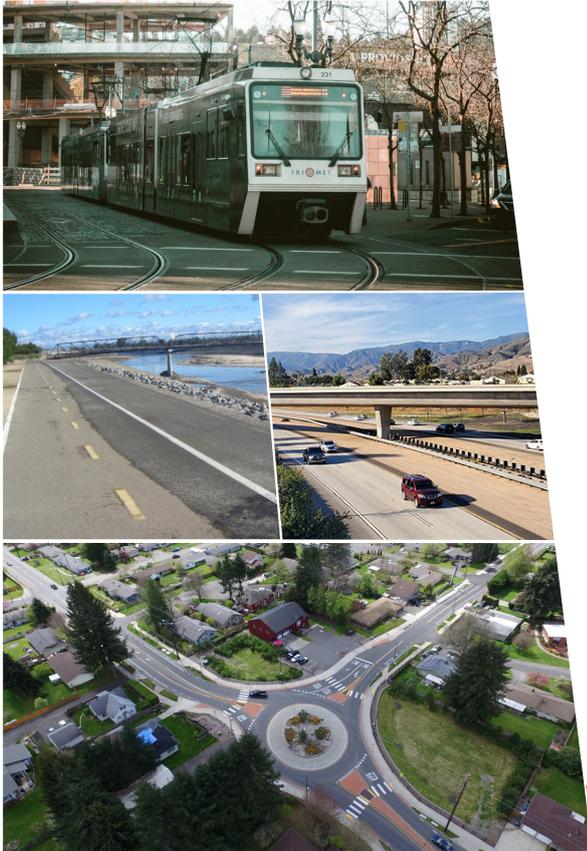
Date: 7/29/25 – 7/30/25  
 Course: C219 Adult Communication Principles and Methods  
 Course Level: Intermediate  
 IRWA Credits: 16 QEU / CEU  
 Class Time: 8am - 5pm  
 Tuition: Member - \$415.00 / Non-member - \$575.00

**Course Description:** This course introduces three primary methods to communicate effectively with any type of audience you may encounter and provides the necessary tools to improve your daily communication skills. Participants will engage in instructional exercises that will empower them to determine which method to employ in different situations, set the stage, and deal with fear of speaking in various situations. Moreover, participants will learn about the three types of communication: presentation, instruction, and facilitation; time management; accepting constructive feedback; facilitation preparation; practice and delivery; and handling disruptions and disturbances, including conflict and working toward resolution.

**Instructor:** Dr. Michele L. Folk, SR/WA, R/W-RAC, R/W-URAC, R/W-NAC is a licensed Real Estate salesperson in the State of California, and she has 32 years of business experience with an extensive background in teaching, communication, relocation and negotiation. She currently serves as Director of Client Development at Transystems Inc. For the past 24 years, Dr. Folk's primary focus has been on the management of acquisition and relocation activities, on both federally and non-federally funded projects, with a particular emphasis on relocation and projects involving the development and preservation of affordable housing. She serves in a programmatic oversight capacity for projects involving large-scale residential and non-residential relocations ensuring compliance with federal, state and local relocation laws. She is a certified CLIMB Instructor for many International Right-of-Way Association courses and is a regular panelist and presenter on relocation topics at industry conferences and seminars throughout the country. Dr. Folk is currently serving as the Chair of the International Relocation Assistance Committee.

Location: Quail Hill Community Center  
 39 Shady Canyon, Irvine, CA 92603

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## CASE OF THE QUARTER

### *Inverse Condemnation Liability Does Not Extend to Failure to Prevent Actions of Another Party*



*Bradford Kuhn, Esq., Partner  
Law Firm of Nossaman LLP*

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Can a public entity be held liable for inverse condemnation when it fails to prevent another party from causing damage to private property? This one is pretty simple: the answer is **no**.

In *Youngsma v. City of Cypress*, homeowners sued the City for inverse condemnation and public nuisance because the construction of a vehicle maintenance and repair facility on property near their homes caused significant damage. The homeowners claimed that a school district owned the property in question, and the City failed to hold any public hearings or approve of the proposed repair facility. The inverse condemnation claim was based on the City's knowledge of the school district's development plans, and therefore, the City owed the homeowners a duty "to either halt the inverse condemnation or provide compensation." In an unpublished opinion, the Court of Appeal held that purported knowledge is not enough. The City did not damage the homeowners' property, and the City did not approve of or even review the school district's plans or proposed land use.

The homeowners' public nuisance claim was based on the City's purported failure to enforce its laws and abate a nuisance. The court held that this claim also failed as there was no "connecting element" between the City's conduct and the harm; the City, as a public entity, is "not liable for an injury caused by adopting or failing to adopt an enactment or by failing to enforce any law." (See Gov. Code, sec. 818.2.)

While this is an unpublished decision and the claims were poorly pled by the plaintiffs, it serves as a reminder on the limits of inverse condemnation liability. The court's holding could also potentially be extended to other inverse condemnation cases involving claims associated with a public entity's failure to act or failure to protect (such as from flooding or wildfires).

Mr. Kuhn can be reached at [bkuhn@nossaman.com](mailto:bkuhn@nossaman.com).



  
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## ARTICLE

### *Wyatt Earp's California Oil Wells*

*By Mr. Bruce A. Wells, Executive Director  
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#### **Famous Lawman and Wife Gambled on Kern County Oil Leases**

Old West lawman and gambler Wyatt Earp in 1920 bet oil could be found on a barren piece of California scrub land. A century later, his Kern County lease still paid royalties.

Ushered into modest retirement by notoriety, Mr. and Mrs. Wyatt Earp were known – if not successful – entrepreneurs with abundant experience running saloons, gambling houses, bordellos (Wichita, Kansas, 1874), real estate, and finally western mining ventures.

Quietly retired in California, the couple alternately lived in suburban Los Angeles or tended to gold and copper mining holdings at their “Happy Days” camp in the Whipple Mountains near Vidal. Josephine “Josie” Marcus Earp had been by Wyatt’s side since his famous 1881 O.K. Corral gunfight in Tombstone, Arizona.

Also in California, Josie’s younger sister, Henrietta Marcus, had married into wealth and thrived in Oakland society while Josie and Wyatt roamed the west. “Hattie” Lehnhardt had the genteel life sister Josie always wanted but never had. When Hattie’s husband Emil died by suicide in 1912, the widow inherited a \$225,000 estate.

Money had always been an issue between the Earps, according to historian John Gilchriese. Josie liked to remind Wyatt he had once employed a struggling gold miner – Edward Doheny – as an faro lookout (armed bouncer) in a Tombstone saloon. Doheny later drilled for oil

and discovered the giant Los Angeles oilfield in the early 1880s.

The Los Angeles field launched southern California’s petroleum industry, creating many unlikely oil millionaires – including local piano teacher Emma Summers, whose astute business sense earned her the title of “Oil Queen of California.”

Wyatt Earp’s ride into the California oil patch began in 1920, when he gambled on an abandoned placer claim.

#### **Kern County Lease Gamble**

In 1901, an oil exploration venture had drilled a wildcat well about five miles north of Bakersfield in Kern County. The attempt generated brief excitement, but nothing ultimately came of it. When Shasta Oil Company drilled into bankruptcy after three dry holes, the land returned to its former reputation – worthless except for sheep grazing.

Earp decided to bet on black gold where Shasta Oil had failed. But first, California required that he post a “Notice of Intent to File Prospectors Permit.” He sent his wife to make the application. But on her way to pay the fees with paperwork in hand, Josie was diverted by gaming tables. She lost all the money, infuriating Wyatt and delaying his oil exploration venture.

Later and largely with sister-in-law Hattie Lehnhardt’s money, Earp finally secured the Kern County lease claim he sought.

The San Francisco Examiner declared, “Old Property Believed Worthless for Years West of Kern Field Relocated by Old-Timers.” The newspaper – describing Earp as the “pioneer mining man of Tombstone” – reported that the old Shasta Oil Company parcel had been newly assessed.

“Indications are that a great lake of oil lies beneath the surface in this territory,” the article proclaimed. “Should this prove to be the case, the locators of the old Shasta property have stumbled on to some very valuable holdings.”

Meanwhile, competition among big players like Standard Oil of California and Getty Oil energized the California petroleum market. By July 1924, Getty Oil had won the competition and began to drill on the Earp lease.

On February 25, 1926, a well on the lease was completed with production of 150 barrels of oil a day. By 1926, nine wells produced almost 153,000 barrels of oil. “Getty has been getting some nice production in the Kern River field ever since operations were started,” the Los Angeles Times reported.

Rarely exceeding 300 barrels of oil a day, the Getty wells were not as large as other recent California discoveries (see Signal Hill Oil Boom), but they produced oil from less than 2,000 feet deep, keeping production costs low. Royalty checks would begin arriving in the mail. At age 78, Wyatt Earp’s oil gamble finally paid off. But there was a catch.

### No Royalty Riches

Because of her gambling, Josie Earp had become so notoriously incapable of managing money that Earp gave control of the lease to her younger sister, Hattie Lehnhardt. At the same time, he directed that his beloved wife, “receive at all times a reasonable portion of any and all benefits, rights and interests.”

With that, Earp’s venture in the Kern County oil business became a footnote to his legend, already well into the making. By the time of his

death on January 13, 1929, his gamble on oil, still known as the Lehnhardt Lease, had paid Josie only \$6,000.

The disappointing results would prompt Josie to write, “I was in hopes they would bring in a two or three hundred barrel well. But I must be satisfied as it could have been a duster, too.”

When benefactor Hattie Lehnhardt died in 1936, her children (and some litigation) put an end to the 20 percent of the 7.5 percent of the Getty Oil royalties formerly paid to their widowed aunt Josephine. Eight years later, when Josephine died, she left a total estate of \$175, including a \$50 radio and a \$25 trunk.

The Lehnhardt lease in Kern County would remain active. From January 2018 to December 2022, improved secondary recovery in the Lehnhardt oil properties of the California Resources Production Corporation produced 440,560 barrels of oil, according to records at ShaleXP.

Mr. Wells can be contacted at [bawells@aoghs.org](mailto:bawells@aoghs.org).



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