

INTERNATIONAL RIGHT OF WAY ASSOCIATION

Kachina Chapter 28

PMB #428

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APRIL, 2003

EXECUTIVE BOARD MEETING

The next Executive Board and will be held on Wednesday April 2nd @ 4:45pm in the 3rd floor Conference Room at Az State Land. Additional information can be found on the Chapter website.

→ MARCH CHAPTER LUNCHEON ←

DATE: Tuesday, April 8th @ 11:30 am

PLACE: Holiday Inn Select (40th Street & Washington)

MENU: All American Buffet to include Sliced Roast Beef au Jus, Mashed Potatoes, Tossed Garden Salad, Warm Rolls with butter, Chef's Vegetables, Chef's choice Dessert, and Tea or Coffee

Cost: \$14.00 for members and guests. Please have exact change or your check made out to IRWA Chapter 28.

Guest Speaker: Mr. Kelly Kading, CPG CHMM, Principal Geologist and Environmental Group Manager for Ninyo & Moore

RSVP: Deadline for reservations is 3:00 pm, Friday, April 4th. Please RSVP through the Chapter website at www.irwaaz.com or call Pam Hicks @ 602.236.5948.

GUEST SPEAKER

Our Guest Speaker for April will be Mr. Kelly W. Kading, CPG CHMM, is a Principal Geologist and Environmental Group Manager for Ninyo & Moore, a geotechnical and environmental consulting firm. He has over 16 years of experience in assessment and remediation of impacted properties, focusing on transportation corridors. He has a B.S. in Geology from Colorado State University and is a Certified Professional Geologist (through AIPG) and a Certified Hazardous Materials Manager (through IHMM). He is on the National Board of Directors of the Academy of Certified Hazardous Materials Managers.

For the past ten years, Mr. Kading has focused his career on assisting State DOT's, municipalities, and engineering clients in managing hazardous materials issues during planning and construction phases of infrastructure projects. From old gas stations to illegal dump sites to Federal Superfund sites, Kelly has seen it all when it comes to nasty surprises where you least expect them. He is eager to discuss hazardous materials issues with professionals in the right-of-way field, who are often left "holding the bag" when hazardous materials show up on public right-of-way.

JOB BANK

For current job openings, please visit the Chapter website: www.irwaaz.com/jobbank_openings.

Please visit www.irwaaz.com/region1 for current information on Region 1 activities. You can also contact Mark Keller, SR/WA at 602.236.8164 or makeller@srpnet.com for Region information.

PRESIDENT'S MESSAGE

Melita Hillman, SR/WA

Thanks to Pam and Dan for a great luncheon at the Holiday Inn. IRWA's International President Albert Allen joined us for lunch and provided some humorous and newsworthy comments, including the announcement that a new Executive Vice-President has been selected and will begin his duties soon. Finally, the presentation by Landis Aerial of their new products on CD was most interesting.

You may have received an e-mail inviting you to check out International's web site. There you can update your own profile, look at your course history, and search for other members or check out upcoming events. If you haven't done so, please do "try it, you'll like it." Go to www.irwaonline.org, click on Resources and then Membership Directory. Explore the rest of the site if you haven't lately.

Planning continues for our Annual Seminar for September. With this year's theme of "Doing More with Less", we plan to bring helpful information to all who are dealing with budget issues and would like to simplify work processes as they increase work productivity. If you have suggestions or would like to participate, please join us at the next planning meeting.

Looking ahead - mark your calendars for a special luncheon on May 13. We are planning an extended program with a panel of attorneys and appraisers addressing various topics including new statutory requirements for eminent domain and valuation issues such as larger parcel and hypothetical development plans. Doug McLaughlin and Brett Smith are planning an exceptional program for you. Please e-mail Doug or Brett any questions or specific topics you would like to see addressed in the program. It's your chance to find out everything you always wanted to know - at least on

appraisal or eminent domain - but didn't know who to ask.

As our nation is now involved in conflict in the Middle East, our thoughts and prayers are with those serving the United States there, and other places in the world. A number of our members and co-workers have family and friends who have been deployed to the Middle East for the hostilities. May all come home safely.

Quote for the Day

One loyal friend is worth ten thousand relatives.

KACHINA CHAPTER 28 ANNUAL EDUCATIONAL SEMINAR

Do you have a great idea for the theme, a topic or speakers for our Annual Seminar? We're planning our 45th Annual Educational Seminar scheduled for September 18 & 19, 2003 at the Holiday Inn. Planning meetings are the 3rd Wednesday of the month at the State Land Department. Join us on April 16th to share your ideas. If you can't make it to the meeting, contact Doug McLaughlin or Melita Hillman at any time with your suggestions for topics or speakers.

MEMBERSHIP COMMITTEE

Rebekah Louis, Chair

The following person was approved for membership at the March 5th Executive Board Meeting:

➤ Heather Davis-McCook, Davis Valuation

The following people were read for 30 day consideration at the March 5th Executive Board Meeting:

- Belinda Diaz, City of Phoenix
- Marilyn Pomper, Central Arizona Project
- Renee Fugiel, Central Arizona Project

If you want information regarding membership in the IRWA, please visit our website (irwaaz.com) or contact me at 602.236.8175.

**ACSM-APLS
CONFERENCE AND TECHNOLOGY EXHIBITION**

Mark Keller, SR/WA

The American Congress on Surveying and Mapping (ACSM) along with the Cartography and Geographic Information Society, Geographic and Land Information Society, National Society of Professional Land Surveyors, and the American Association of Geodetic Surveying in conjunction with the Arizona Professional Land Surveyors and the Arizona Geographic Information Council will be holding their 2003 annual Conference in Phoenix, Arizona from March 30th to April 2nd. Workshops, technical sessions, and various technical exhibitions including Application in GIS and Mapping Technicians, Geodesy Surveying and Land Information Systems, and Leading Edge Research will be a few of the opportunities available at this conference.

The International Right of Way Association will be an exhibitor at this conference and Kachina Chapter 28 will be assisting in this booth. We need your help so please sign up to help in our exhibit area. Please contact Mark Keller at 602-236-8164 or makeller@srpnet.com or Melita Hillman at 480-644-2671 or Melita.Hillman@cityofmesa.org. For more information on this conference, please visit www.acsm.net.

Please consider submitting an article for publication in the Chapter newsletter. The deadline for submission is the 15th of each month for the following month.

TITLE & ESCROW

Jim Herrell, Title & Escrow Chair

The Greater Phoenix resale housing market experienced the typical year-end slowdown, as 4035 sales were recorded in November compared with 5,380 the previous month. The market overall continues to perform exceptionally well; Even at a slower pace, the November total is slightly higher than the 4,270 home sales recorded in November 2001, according to the Arizona Real Estate Center.

The activity brought the 2002 year-to-date total to 56,535 sales, ahead of the YTD total of 56,370 for the record year of 2001. Median home sales dropped from the record \$147,00 to \$145,500. Last year's median sales price was \$136,000. Since 1997 the resale housing market activity annually has represented 7 percent of the single-family inventory, and there have been 18 sales per 1,000 in Maricopa County. The

dominant market force has been population growth facilitated by low mortgage rates. As long as the area grows and the homeownership environment remains positive, the housing market continues to enjoy a solid basis for a very good year, if not another record. The resale townhouse/condominium housing sector slowed from 1,170 recorded sales in October to 855 in November, compared with 845 sales a year ago. The year-to-date total stands at 12,015 sales, while it was 11,625 for 2001 and 11,490 for 2000. The median home price dropped from \$98,425 in October 2002 to \$98,000, compared to a year ago.

Other highlights of the November Greater Phoenix resale market: In comparison with November 2001, recorded sales in the city of Phoenix were fairly stable, moving from 1,295 to 1,285. The median sales price rose from \$114,900 last year to \$121,835. In the townhouse/condominium sector, activity increased from 225 to 275 sales and the median price rose from \$82,250 to \$88,500.

The Mesa resale housing market was stable at 525 recorded sales, while the median price increased from \$128,000 to \$136,000. The townhouse/condominium sector improved from 120 to 130 sales in the median home price increased from, \$80,600 to 89,900. Glendale remained at 410 sales, while the median price increased from \$128,000 to \$135,000. The townhouse/condominium sector dropped from 50 to 35 sales, while the median sales price improved from \$71,500 to \$76,900. The resale market in Gilbert slowed from 245 to 220 sales, while the median sales price increased from \$162,000 to \$170,900. The townhouse/condominium market fell from 20 to 15 sales; the median sales price rose significantly, from \$101,500 to 127,250. For the city of Chandler, the resale market declined from 350 to 30 recorded sales, while the median price increased from \$147,000 to 155,250. The townhouse/condominium market remained at 50 sales and the median price decreased from \$99,200 to \$96,490. The resale market in Tempe slowed slightly from 145 sales to 125, with the median sales price remaining at \$150,000. Following a similar pattern, the townhouse/condominium sector declined slightly from to 50 sales. While the median sales price moved up from \$100,000 to 112,000. The highest median sales price was in Paradise Valley at \$800,000, with a median square footage of 3,560.

Jim Herrell can be contacted at 602.224.8500 or jherrell@fnf.com.

SURVEYORS CORNER

Gregg Tuttle, Survey Chair

Well, we are going to attempt something new. We will give the situation question in this article, and then share our professional surveyor's (personal) opinion in the next article.

The reason is that the 'set-up' - (the facts to establish the scenario)- is (are) rather lengthy. *We would ask anyone, who is interested, in the interim, to share their insights, comments, and feedback for inclusion, next time.*

The FACTS (as presented to your friendly, neighborhood, surveyor-man):

1. an original tract map, filed in 1929, filed (recorded) with the ORANGE COUNTY, CALIFORNIA county recorder's office.
2. The 1929 tract map shows a portion of adjoining residential lots were "dedicated" to highway purposes... (see following). A ten (10) foot strip of each adjoining lot was mapped as "lot A". The only verbiage on the map, addressing the parcel is as follows:
 - a. ". . . whereupon said board did by an order, duly passed and entered, approved said map, but did not accept, on behalf of the public, lot "A" for highway purposes." And,
 - b. "we the undersigned, owners of the land covered by the accompanying maps, and also all other person (sic) whose consent is necessary to pass clear title to such lands, do hereby certify that we authorize J. L. McBride to make said map as shown within the green colored border lines, and we hereby dedicate the use of the owners of this subdivision Lot "A" for highway purposes."
3. Apparently appropriate taxes were collected and held in bond (see following, again from the map):
 - a. "I, J. M. Backs, County Clerk in and for said county do hereby certify that a good and sufficient bond approved by the county board of supervisors, has been filed with said board, which said bond is conditioned for the payment of all taxes which are a lien upon said land covered by the accompanying map (sic, 'map'?) not yet due and payable."
4. From 2.a, above, it is presumed that right of way was offered to the county, and was not accepted. The land agent submitting this question performed a 'and search' back to 1925, finding no documents, deeds, or easements relating to this issue. Also, the County Assessor's office includes "portion of lot A" on each property owner's tax bill (therefore each private property owner is paying taxes on their portion of "lot A").
5. The position of the County government agency (agencies) on this item.
 - a. As far as the Geomatics/Survey office is concerned, the "Lot A" is a highway.
 - b. As for the Building and Planning Department, they vacillate between it being a private road or private property.

The problem for our questioner is the need to determine the situation for figuring lot lines and setbacks.

Different agencies within the same County come up with different answers. And the same agency comes up with different answers depending on who you talk and on which day (as the same person can change his/her mind) !!

The questions: What is the definition status of this particular "right-of-way"? How would one change, remap, or abandon it, if the interest was never legally transferred in the first place?

Well, there you have. The situation, the facts (as presented), the problem(s), the questions. What would you do?

If you have suggestions, or have further questions of your own, please feel free to share your thoughts and/or concerns, insights, and feedback to me at the following email address: (gmtuttle@srpnet.com)

Stay tuned next month, for the opinions of a land surveyor.

Well, then, until next time, Thanks!

Gregg Tuttle, manager, LAND-Surveys Division, SRP

PROFESSIONAL DEVELOPMENT COMMITTEE

Toni Soderman, SR/WA, Chair

Congratulations are in order! The professional Development Committee is pleased to announce that Sheila McCafferty, Land Manager, City of Peoria, has received her SR/WA.

Course 205 – Bargaining and Negotiations is being offered in Phoenix on April 17 and 18th. A requirement for receiving your SR/WA is successful completion of four additional days of any 200 level courses, other than C-200. Now is a good time to take advantage of this class.

Course 900 is also required and is being offered here on May 22 and May 23.

Information and registration for these classes and others offered in Phoenix can be accessed on the Kachina Chapter Website.

Requirements for the Certification and SR/WA program are listed in the back of every Right of Way Magazine.

2003 SPRING FORUM REPORT INTERNATIONAL LOCAL PUBLIC AGENCY COMMITTEE (ILPAC)

The ILPAC Mission: The mission of the ILPAC is to provide advice and assistance to the IRWA on matters related to management, operations, and policies of Local Public Agencies. It shall examine and monitor legislation, or changes in legislation, methods and practices, insofar as these relate to the acquisition, use or disposition of interests in rights-of-way or real property by LPA'S. It shall cooperate with the Liaison Committee in all inter-agency or legislative activities and shall keep all other International Committees informed.

On Saturday, March 8 and Sunday, March 9, 2003, six ILPAC members met in Dallas/Ft. Worth to receive information from Headquarters and to finalize activities for the KC International Education Seminar.

An update on the issues affecting the Organization was presented by Mr. Howard Armstrong, SR/WA and International Secretary. He indicated that there would be 2 resolutions presented at the KC Seminar: 1) Regarding a new Membership Category for Agency Members and a 2nd) a modification to Ethical Rules to add language, "except as required, legally, by due process of Law". He addressed the budget deficit of over \$337,000 for 2002 and for some of the reasons. Indications were that memberships in the IR/WA were again up. The organization has hired a new graphics person for assistance in magazine production. He indicated no new Directory for 2003 and that the next directory would be available "on-line". There will be a request to increase the 2003 budget. There is going to be a study to look at the operations of the organization and the printing cost. One

way may be to make class manuals available on-line and printing only for the exact number needed. User fees for classes will have increased fees beginning in July. There will also be a "new" member application fee. There is evidently quite a lot of controversy over IRS rules, requirements, etc. Headquarters is going to prepare an excel worksheet for use by all Chapters. Howard indicated that Chapters are to issue Form 1099's to all instructors who are not paid as companies, corporations, etc. He also indicated that many Chapters do not follow the rules regarding Instructor "Employment Agreements".

Of most concern to Chapters and particularly Region 1 is that the Regional Governance rules are not being followed with regard to our bylaws and there will be additional study as to how to make the Regions better aligned. There will also be increased pressure place on Regions to do more with Forums or Symposiums; i.e., the Mesa, AZ Relocation/Acquisition activity and similar Regional forums recognizing that the Industry Committees have the most influence and should do more.

Valerie Fries has been hired as the new Education Director. Also announced that the offer has been made to a candidate for the position of Executive Vice-President.

To discuss how best to market the IR/WA and in particular the International Local Public Agency Committee and its' activities with allied or otherwise affiliated organizations, such as American Public Works Association; Many suggestions were made, but in the end it came down to asking assistance from International in identifying contacts for the Local Public Agency. The committee will try to provide a list of agencies.

One of the main purposes for meeting was to identify ways to improve communications among members of the Committee. The Committee agreed to continue our outreach to other committees as well as participate with the IEC in reaching out to other industry organizations, such as the American Public Works Association, American Planning Association, etc. In our discussions, it was agreed to ask International for assistance in this area of identifying appropriate individuals within these organizations to let them know about IR/WA and in particular the Local Public Agency and how we may assist them in performance of construction projects.

During the open Forum, issues identified from committee members dealt with trying to establish IR/WA website linkage for agencies to assist in identifying what is important. Also identified was the establishment of notification of legal and regulatory changes having wider implications. To this end, each Chapter representative or President is asked to keep the LPA committee informed of activity in these areas. Other items discussed dealt with creation of directories of

“whom to call.” Make sure that Chapters and Region know who the LPA representatives are or who is an appropriate contact.

Other suggestions had to do with option for making money; i.e. silent auctions, similar national to raise money for the “contribution” to the Educational Foundation by chapters. It was also discussed that the Regional Forum could be an ideal spot for mini-symposiums.

Relocation in the New World

Roger Ottaway, Relocation Chair

As a contractor for the City of Phoenix, I’m responsible for providing the relocation cost benefit to relocate all personal property items belonging to the displacee. My name is Roger Ottaway and my company is called Move Cost Specialists. When I first entered the field of right of way, I had no idea where my world was taking me. In my old world, I was a seasoned veteran in the professional moving and storage industry. The road that lead me to where I am today started as a young man working at a moving and storage company trying to work my way through school.

The first order of business on a new relocation case is the certified inventory. As most of you know, the certified inventory is the list of personal property items slated to be moved to the new facility. In my old world as a mover, the inventory was a vital part of the process. In the moving world the inventory got a great deal of attention. The list provided an accounting of personal property items to be moved. The inventory list also recorded a detailed itemization of current damage. You guessed it! The mover doesn’t want to pay for your pre-exiting damage. I have spent over twenty-four years establishing inventories. As a moving consultant, I considered the inventory my “bible”. The inventory was one of the most important tools of the trade. Today, I provide a certified inventory on all right of way relocation cases. After more than twenty-four years of doing inventories, I have to say; I provide a comprehensive description of personal property items for each case. Thank God for digital cameras, they provide an easy method to backing up an inventory. My guess is that I’ve taken around 8,000 digital pictures for right of way purposes in the past three years. How can you avoid today’s technology? You can’t! So use it!

In my old world as a mover, we were only responsible to move the personal property items to the new facility. I

didn’t have to worry about getting two bids to disconnect and reconnect the electrical power to a piece of equipment. I could care less about getting a plumber to bid on the airline pipe that runs throughout the facility so they can operate their equipment. As a mover, I only had to load the personal property items on the truck and deliver them to the new location. Today, I’m responsible to get the disconnection and reconnection cost for each piece of equipment based on a two-bid scenario. If it can be moved, I must get the cost associated with making the displacee whole.

In my old world as a mover, the company being moved or the “relocatee” handled all disconnection and reconnection arrangements. When I was a mover, getting cost factors for the equipment wasn’t even on the radar screen. Jane in accounting or John from the operations department handled such services. To say the least, getting these services setup is challenging, but not impossible. The transition to my new world required a lot more planning, foresight and attention to details than my old world of only being responsible for moving personal property items to the new facility. The lessons learned from my experiences throughout my moving career are used in my daily life today. That’s relocation in the new world.

If you have a family member or loved one serving in the military, please consider forwarding that information to us at info@irwaaz.com so we can help provide moral support and solidarity. It is important to remember that regardless of how any of us feel about the on-going war in the Middle East, there are thousands of men and women who have volunteered to represent our interests and in many cases, sacrifice their lives. Our thoughts and prayers are with all of them.

