



INTERNATIONAL RIGHT OF WAY ASSOCIATION

**Kachina Chapter 28
Phoenix, Arizona**

Newsletter

www.irwaaz.com

JANUARY / FEBRUARY, 2005

2005 Kachina Chapter Executive Board

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FEBRUARY LUNCHEON SPEAKER

Our February Luncheon speaker will be Mr. Brian Kearney, President & CEO of Downtown Phoenix Partnership.

Read his bio on page 6 of this newsletter.....

FEBRUARY BOARD MEETING

-  Wednesday, Feb. 2, 2005
-  4:45pm
-  3rd Floor Conference Room
-  Az State Land

Confirm your attendance with
Chris Banks, SR/WA at
cdbanks@srpnet.com

FEBRUARY LUNCHEON

Where: Doubletree Guest Suites (NW Corner of 44th St & Van Buren)

When: Tuesday, February 8th @ 11:30 am

Menu: Chicken Santa Fe; Grilled Boneless Breast of Chicken with Green Chili and Jack Cheese Cream Sauce; Served with Doubletree Salad, Chef's selection of Rice or Potato, Fresh Vegetable Medley, Rolls and Butter, Doubletree Cookies for desert. Coffee, Iced Tea or Decaf for drinks.

Cost: \$16.00 for members and guests (please have exact change or your check made out to IRWA Kachina Chapter 28)

Speaker: Brian Kearney, President and CEO of Downtown Phoenix Partnership

RSVP Deadline: Thursday, February 3, 2005 @ 3:00 pm

PRESIDENT'S MESSAGE

Chris Banks, SR/WA, Chapter President

Thank you for allowing me to serve as your President in 2005.

I love being a member of such a terrific organization as Chapter 28. I have personally and professionally benefited from the classes, the networking, the wealth of experience of my fellow members, and from all of my new friendships. It feels right to be able to give something back to all of you.

I want to begin by thanking all of the Board officers, present and past, the committees and the chairpersons on those committees, also present and past.

Without you, Chapter 28 would not be able to provide our membership with the educational and professional opportunities that we all need to keep growing and adapting in this ever-changing right-of-way profession.

Next, I want to say Thank You to our membership for supporting the Chapter. Without you, there would be no Chapter 28. Sometimes organizational leaders forget that they are responsible to the members and take it for granted that the members will agree with the decisions made by the Board.

In 2005, I feel the Chapter should be run like a business, a successful business, owned and controlled by the stakeholders. You are the stakeholders of Chapter 28.

We are still bound by the bylaws of the International Right-of-Way Association and by our Chapter bylaws, but members like you created those bylaws - you are my supervisors. You will tell me what you want from the Board and what you want from the Chapter. If I can make it happen, I will.

My goals for 2005 are simple. My 1st is to get as many members as I possibly can involved with Chapter functions and decisions. I want all of you to know that your opinions are important to me.

The place to start with this goal is with the election of officers. When I first joined the IRWA 14 years ago, I remember how we held our elections. We had multiple nominations for officers that sometimes resulted in some very competitive campaigns. An officer's report card was determined on Election Day. There was no "progression" from one office to the next. I want this to be the year when we bring back some member participation in these elections. I want nominations from the membership for the offices. If we don't do a good job for you, throw us out! If we did a good job, we won't be afraid to run for the office.

It's up to you, put someone in office that will be responsive to you. I know, it sounds easy for me to say this now because I "progressed" through to the Presidency and won't be running for an office next year.

So what have I got to lose by asking you to start reviewing our performance as a Board – just my self-respect if I don't help make changes that will make our Chapter stronger and more productive? I want this to be a good year, a successful year, and a year of positive changes.

I'm glad I had your vote of confidence to continue. But who's to say that if someone had been nominated to run against me that I would be President this year? We need to get back to using the ballot system to elect our officers. The only way ballots work is if there is competition. We can only have competition with your participation. Without competition, how will we know if we could have done better?

I want all of the officers, including myself, to work hard and earn your respect if we haven't done so already. One of the ways for you to know how we are working is for you to come to our Board meetings. Those dates are posted on our website. They are held once a month, first Wednesday of the month at State Land, 3rd floor. If you can't make it to any of the meetings, for the first time ever, the minutes of the Board meetings and the Treasurer's reports will be posted on the website for your review. We will be held accountable to you for our actions or lack thereof.

My 2nd goal is to get you to visit the Chapter's website and read the newsletter. It is a terrific newsletter. We always need articles, letters to the editor, comments and suggestions. Our Webmistress, Cate Chamberlain, does an outstanding job with our website. There are links to everything you need to know about our chapter. You can learn about our struggles and our successes. You can search for members' names, addresses and phone numbers. Go on the website and check your personal membership information. Committee Chairs, it's time for you to check the website and make sure that all of the membership designation applications and class forms and descriptions are correct and up to date.

My 3rd goal is to have more active participation in planning the 2005 Educational Seminar in September. We've started already planning it. It will be held at the Sheraton again. We already have a keynote speaker, Marshal Trimble, a member of the Arizona Veteran's Hall of Fame and Arizona's Official State Historian. We need more speakers, people who interest you, people who inspire you. Please let us know if you have the time to help us with the Seminar and any suggestions for speakers. We are also looking for a theme for the Seminar.

And while you are thinking of speakers that you would like to hear, don't forget about our luncheons. We are holding them every other month this year. If you hear someone speak who would be an appropriate speaker at a Chapter luncheon, please contact one of the Board members with the information.

That's it for my goals. I want this to be a productive year for Chapter 28 and I want to be able to say that with your help and support, Chapter 28 continues to be highly respected as a shining example for the other Chapters across the nation and in Canada. Have a Happy Holiday and Prosperous New Year.

VALUATION

Jared N. Huish, MAI, SR/WA

To all Professionals--Resolve to do better in the coming new year!

Here we are at the beginning of a new year (2005) and a great opportunity lies before us as professionals in the R/W field to resolve to do a better job at what we are committed and directed to do. We can spend the new year just doing a mediocre effort at our jobs, or we can resolve to give it 110% and count the rewards that come with doing our best. Whoever we work for, whether it be a government body, a utility a R/W company or private firm, we all have certain obligations to fulfill to our employers, our fellow co-workers, our trade organizations and to ourselves.

Our first and foremost obligation or duty is to ourselves for we each have a conscience which tells us loud and clear, whether or not we are rendering an honest days work for an honest days pay. We all labor in the multi-discipline field of right-of-way, and it behooves us to stay current with those changes in our field so that we will not be guilty of malfeasance of duty in the performance of our daily tasks. We each of trade organizations and societies to which we belong that provide standards and accountability for what we do. Just like my computer tells me when I have performed an improper function, for which it was not designed to do, so we each have a brain which will tell us when we have performed an improper act. If it was a honest mistake, our peers will recommend to us through our societies or associations that additional education is in order to rectify the incorrect understanding. If it was an intentional mis-deed and it was done knowing that it was a poor choice, then our personal standards and ethical behavior can be called into question by our peers and associations.

We live in a day of shifting values and changing standards, of will-o-the-wisp programs that blossom in the morning and die in the evening. Each of us needs a code of behavior and be willing to stick by it. We all need to learn and follow the standards to which each of us subscribe, whether it be appraisers, engineers or surveyors. These standards have come about as the measuring stick of our decisions and performance. As a state certified appraiser, I have a set of standards that govern my actions and behavior as a professional appraiser. The satisfying thing is that obedience or adherence to these standards brings happiness, professional growth, and peace of mind. I enjoy my work because I know I provide a much need service.

The Uniform Standards of Professional Appraisal Practice (USPAP) has not been imposed as a hindrance to me and my work, but has been set in place so that the valuation services I perform can be relied upon in good faith by the public. My hoped for good example as an appraiser (or engineer or surveyor) brings respect for the institution to which I belong. Our adherence to these professionally derived standards need never be an offensive thing to those about us. We need not contend with them. They have been put in place for a purpose. If we pursue a steady course in our chosen profession, our very example will be the most effective argument we could ever advance for the cause of our chosen professions. To all appraisers doing appraisals for the various government and utility organizations, get a copy of USPAP--2005, especially the FAQ's (frequently asked questions) and become familiar with the changes our standards. Do not ignore them but make them a part of our practice and I am confident we will enjoy our work better and satisfy the valuation needs of our clients. In the next article I will review some of the changes to USPAP--2005 along with some recent changes to the tax code for gifting of assets and the need for appraisals.

Jared N. Huish, MAI, SR/WA



Surveyor's Corner

Gregg Tuttle, Manager
SRP Land Department
Surveys Division

Gregg – Love your Surveyor's Corner column and articles. Just curious, are there any other sources, for laypersons, to ask professional surveyors some questions?

What?! You are NOT getting ALL of your land-survey feedback from me?

Well, I can understand. It is tough replying to just one question per month (especially tough when sometimes the Kachina Chapter might only publish a newsletter once every two-months, as happens a couple of time a year. My apologies to our newsletter editor and WebMistress - J). Well, anyway, - you are in luck.

The AMERICAN CONGRESS OF SURVEYING & MAPPING (ACSM) has a wonderful internet website with a messaging board feature that allows to the non-surveyors to post questions and (here's the good part) receive answers quickly, sometimes the same days as the post. See it at: <http://www.acsm.net/> (click onto "Message Board" at the top of the homepage.) How it works is that a non-surveyor posts a typical question for a professional land surveyor and as the messaging board is monitored by a gaggle, (technical term for a significantly large number), of surveyors nation-wide, any one of which (or multiples of surveyors) will respond. The questions are varied and interesting. Also, ASCM has archives all of the topics of questions from the past several years, so you can browse the archived questions and answers and see if they have answered your potential questions.

Here are just a few sample questions from the current year:

"Does anyone know when or if the ALTA/ACSM Minimum Standard Detail Requirements will change in 2005?"

"I need a little help. I am buying a lot that is adjoining our cabin property here in calif. the west neighbor has a chain link fence 3 ft. onto the new property. the fence has been there about 2 years. I can get a survey that shows the correct boundary line. Can I move his fence at my own cost.? I don't want to have to get a lawyer if I can avoid it. Thank you."

"Living in the Hollywood Hills, I had a wonderful view from my bathroom. A new neighbor purchased the house next door. Her house is lower. Her backyard is a an adjoining patio with a hill slanting up. She just built a deck and fence that abuts my window leaving 1.5 to 2 feet from my windows to her tall fence. The fence has destroyed my view and placed my house in a box situation rather than having an open view of the hills. Is there any law stating how close someone can build something next to another's home? She is on her property line and not gone into mine. The new, wooden fence though is less than two feet from my window. Is there any recourse?"

"Last year I bought the property neighboring my house-where I have lived for 14 years. There is a drive leading to three houses that crosses the property of both my main residence and the recently acquired house. This drive has been used for several years, certainly before I bought either property. I have two questions:

1/ Does the fact that I have allowed this drive to be used from the time that I have owned my first house influence the status of any easement over the land of my more recently acquired property?

2/Does the right to prevent the enforcement of a prescriptive easement transfer from one land owner to the next? i.e. if the previous landowner did not try to prevent the usage of the drive across the land do I have any right to prevent it now? I believe that in California the time period for a prescriptive easement to become valid is 5 years."

"Many commercial mortgage lenders require that a survey be certified in some manner, such as with the certificate included in the ALTA/ACSM Minimum Standards. On rare occasions, a surveyor declines to use the word "certify," stating that their professional liability insurance carrier will not permit it. Why should this particular surveyor be restricted when so many other surveyors are not? Is this indicative of a problem with this surveyor, such as past or pending claims?"

Continue on next page....

Surveyor's Corner...continued

"Years ago I bought property in GA, had it surveyed first. Recently, a disgruntled neighbor had it resurveyed (by the same survey company) and said I lost 1/4 acre to him. When I asked the surveyor what happened, he said the original guy made a mistake. What can I do?"

"I was buying a home in a subdivision and asked to have a survey done. The title company in coordination with my bank tells me 'no problem – we'll take care of it.' I go to closing and look through the closing documents and find a fee for a survey and a whole laundry list of associated fees. I ask to see the survey and it's a letter sized document shrunk down from legal size, you can not read much of anything and it's dated 1984, the year the house was built. When I asked what this was, the title person at closing said a survey. I said it's a copy of a 1984 document, her response was, it's still the same and it is a survey. I asked if I could use it to put up a new fence I wanted to build. She said yes. I went to my new home, and found no markers, the fence company says I need to call for a new survey. I did, it cost me \$650 on top of the \$150 my mortgage company charged me for a copy. Is this standard? I feel it's a scam."

"I am in the process of purchasing a home in New Jersey. My attorney is in the process of ordering the survey and I have been asked whether I want survey markers or not. The house was built in 1972 and there are existing homes on all sides. There are fences on the adjoining properties on each side. The back of the property is irregularly shaped. I am told that it will be at least another \$500 for the markers. Is it worth it? Is it something that I really should do? or is it just a nice to have kind of thing? Thanks for any and all advice you can provide."

"Same surveyor, 2 different results! Help!"
(lengthy background story that is very interesting).

"Lost 71 feet to No mans land !!"

"Hi, new user needing some ideas where to head. I recently built a new home and subsequently found out that it was built in an easement. The utility company does not want to vacate or give variance and the builder is stalling us. Where do we go now? Lawyer? Who do we go after surveyor or builder? The surveyor actually did not record the platted easement onto the site plan, so the house was built square in the middle of the lot. Three foot is over the easement line. Any good advice or information is gladly accepted. Built in Marion County, Indiana. Any good attorney?"

To find out the answers, from professional surveyors, to these questions, and a lot more, please go directly to the ACSM website at: <http://www.acsm.net/> and research the feedback. Many questions are similar to what we have been asked and answered in the Surveyor's Corner articles in this newsletter.

If you have feedback or comments, please feel free to share them.

As always, I am interested in the opinions from the readers of the Kachina Chapter 28 Newsletter.
Until next time – Thank you. Gregg Tuttle, manager, SRP LAND-Surveys Division

THOUGHT FOR THE DAY

With the new year comes new strength and new thoughts.

FEBRUARY LUNCHEON SPEAKER

Our speaker for the February 8th luncheon is the President and CEO of the Downtown Phoenix Partnership, Brian Kearney. The Downtown Phoenix Partnership is a non-profit organization, which provides enhanced services to the Downtown core area, called Copper Square and also facilitates the continued revitalization of Downtown Phoenix.

Brian began his career in 1987, working as a management intern for the City of Phoenix. In 1988, he moved to the City's Community and Economic Development Department, where he spent 10 years. He has served as the City's project manager for the America West Arena, managing the City's business recruitment program and heading Phoenix's downtown redevelopment program.

Brian received his master's degree in Public Administration from Texas A&M University and a bachelor's degree in Political Science from Colorado State University. His outside activities include the Herberger Theater Center Board; Chair, Downtown YMCA Board; Arizona State University Herberger Center for Design Excellence Advisory Board; International Downtown Association Board; International Economic Development Council; and the Urban Land Institute and Youth Sports Coach. He is currently serving on the Civic Plaza Expansion Advisory Committee and Phoenix Union High School District Science High School Advisory Board.

In his spare time.... he has a wife, Karin and three sons, ages 21, 15 and 11 who reside in the City of Phoenix. Needless to say he is a busy man and we feel privileged to get him to take time out of his busy schedule to come speak to us.

We hope you'll all make an effort to come hear our distinguished speaker and enjoy the IRWA camaraderie.

Education Certification and Credits

Melita Hillman, SR/WA

Kachina Chapter 28 is again an approved Real Estate School with the Arizona Real Estate Department able to offer Real Estate Credits for appropriate IRWA classes. Our approval status with the Department had expired last year as they neglected to notify us prior to the expiration date. The re-approval process was more involved this time as the ADRE is now following its requirements to the letter of the law and regulations. In the past, they have not required all the background checks, fingerprints, resumes, etc of the Administrators of the school or instructors. Doug McLaughlin and I are the Co-Administrators of the Real Estate School authorized to sign certificates for the Real Estate Credits.

We currently have 17 classes approved for Real Estate Credits and will be filing the paperwork for additional classes on the schedule for the year. We also have 7 instructors approved by the ADRE to instruct for those classes for our chapter.

The Arizona Board of Appraisal has approved 5 classes scheduled over the next couple years for appraisal credits.

Adopt a Family

Thanks to the generosity of the members of Kachina Chapter 28, we provided almost \$800 worth of gifts and other assistance to five families for the Thanksgiving and Christmas holidays.

For Thanksgiving we provided the meal fixings for two families and for Christmas, we were able to provide gifts and gift cards for three families. There was the original "Christmas" family of five members for which we had gifts, household goods and supplies and gift cards to Fry's so they could purchase the holiday meal items. We still had about \$300 left so I contacted Save the Family and asked if there were more families. As a coincidence, two families of a parent and child each had just registered. We adopted both and were given a couple days extra to purchase and deliver the items for those families. So thanks to your generosity and support, we helped make the holidays better for five families.

We have received a thank you cards from Save the Family and one of the Thanksgiving families. The mother and two sons wrote "Thank you so much for the Thanksgiving Dinner. My family enjoyed it and it made for a wonderful holiday. God Bless You. Lisa, Derek and Shawn". Receipts were sent to all who made their donation by check.

Melita Hillman dropping off gifts at Adopt a Family for 3 families.



MEMBERSHIP

Heather Davis-McCook

The following people were approved for membership approval at the December, 2004 Executive Board Meeting:

- Sandra M Rader [Jay Christopher & Associates]
- Sheri A Kelley [Universal Field Services]

The following people were read for 30 day consideration at the February 2, 2004 Executive Board Meeting:

- Marvin Lovlein [Carter-Burgess]
- Chris Franks [Salt River Project]
- Todd Rakstad [Salt River Project]