



Kachina Chapter 28, Newsletter

November, 2008

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Happy Thanksgiving IRWA Members



Or

Most stories of Thanksgiving history start with the harvest celebration of the pilgrims and the Indians that took place in the autumn of 1621. Although they did have a three-day feast in celebration of a good harvest, and the local Indians did participate, this "first Thanksgiving" was not a holiday, simply

a gathering. There is little evidence that this feast of thanks led directly to our modern Thanksgiving Day holiday.

Thanksgiving can, however, be traced back to 1863 when Pres. Lincoln became the first president to proclaim Thanksgiving Day. The holiday has been a fixture of late November ever since.

Thanksgiving was proclaimed by every president after Lincoln. The date was changed a couple of times, most recently by Franklin Roosevelt, who set it up one week to the next-to-last Thursday in order to create a longer Holiday shopping season. Public uproar against this decision caused the president to move Thanksgiving back to its original date two years later. And in 1941, Thanksgiving was finally sanctioned by Congress as a legal holiday, as the *fourth* Thursday in November. By Jerry Wilson.

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CORNUCOPIA, korn-yoo-KO-pee-uh

One of the most recognizable symbols of Thanksgiving is the cornucopia, also called horn of plenty. It is a decorative motif, originating in ancient Greece, that symbolizes abundance. The original cornucopia was a curved goat's horn filled to overflowing with fruit and grain. It symbolizes the horn possessed by Zeus's nurse, the Greek nymph Amalthea, which could be filled with whatever the owner wished.





President's Message

On October 5, Kathie Sholly and I had the opportunity to attend the IRWA Region 1 Fall Forum in Hawaii. Chris Banks also attended as the Region 1 Vice Chair. Two of our chapter members, Gayle Leonard and Jan Sell, also attended the easement valuation course presented on the Friday before the Forum. At the forum, we were happy to have been able to submit a mostly positive report from our chapter. With increasing membership, a good education program, a sound balance sheet, the overall outlook of the chapter is good.

Some of the significant items that were discussed included what other chapters in the region are doing to have successful membership meetings, the resources available to chapters for education and marketing, and the proposed realignment of IRWA regions.

In our last board meeting, we discussed some of the things that we can do to have better membership meetings with the ideas presented by other chapters at the Forum. Our luncheon committee will be gathering ideas and making recommendations to the board on how we can improve our membership meetings.

At the lunch on the day of the Forum, we also discussed the proposed Region realignment. We believe that it is in our best interest to remain in Region 1 and we presented our reasoning for remaining in Region 1 during this discussion. The consensus among attendees at the Forum is that Arizona should remain in Region 1. We have drafted and will be sending a letter from our chapter to the International Executive Committee and region chairs outlining the reasons we should remain in Region 1. A copy of the letter will be included in the November or December Newsletter. Other chapter leaders from the region are also sending letters stating their support for keeping Arizona in Region 1. There has also been some discussion on sending a joint letter on behalf of the entire region.

And finally, we appreciate your continued support of our chapter. We invite your input on how we can improve meetings and interaction among chapter members.

Welcome new Members

Linda Charron – City of Peoria

Steven Hansen – City of Phoenix

Anton Timms – O.R. Colan Associates

Cory Waltemath – Universal Field Services

Cherisse Watson – Universal Field Services

Kristina Guzman – Universal Field Services

Collin F Stevens – Cinnabar Southwest, LLC

Todd M Kelley



CERCLA

(Comprehensive Environmental Response, Compensation and Liability Act)



What is Superfund?

Superfund is the name given to the environmental program established to address abandoned hazardous waste sites. It is also the name of the fund established by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. This law was enacted in the wake of the discovery of toxic waste dumps such as Love Canal and Times Beach in the 1970s. It allows the EPA to clean up such sites and to compel responsible parties to perform cleanups or reimburse the government for EPA-lead cleanups.

How Superfund Works

The Superfund clean up process is complex. It involves the steps taken to assess sites, place them on the National Priorities List, and establish and implement appropriate cleanup plans. This is the long-term cleanup process. In addition, the Agency has the authority to conduct removal actions where immediate action needs to be taken;

- to enforce against potentially responsible parties;
- to ensure community involvement;
- involve states;
- and ensure long-term protectiveness.



The blueprint for these activities is the National Oil and Hazardous Substances Pollution Consistency Plan (NCP), a regulation applicable to all federal agencies involved in responding to hazardous substance releases. Over the past 20+ years, we've located and analyzed tens of thousands of hazardous waste sites, protected people and the environment from contamination at the worst sites, and involved others in cleanup.

Who Implements Superfund

EPA's Office of Solid Waste and Emergency Response (OSWER) in Washington, D.C. oversees the Superfund program. The Office of Emergency Management within OSWER is responsible for short term responses conducted under the authority of Superfund. The Office of Superfund Remediation and Technology Innovation, and the Federal Facilities Response and Reuse Office, also within OSWER, have the lead for managing the long-term Superfund response program, the latter for responses involving Federal Facilities. In addition, OSWER manages the federal Brownfields program.

Regions

EPA's 10 Regional offices around the nation are responsible for implementing many of EPA's programs, including Superfund. For Superfund, EPA regions are the front line in responding to releases of hazardous substances and other emergencies.

Region 1—ME NH VT MA RI CT
 Region 2—NY NJ PR VI
 Region 3—PA DE DC MD VA WV
 Region 4—KY TN NC SC MS AL GA FL
 Region 5—MN WI IL MI IN OH
 Region 6—NM TX OK AR LA
 Region 7—NE KS IA MO
 Region 8—MT ND WY SD UT CO
 Region 9—CA NV AZ HI
 Region 10—WA OR ID AK



Interest Article

Is It Move Insurance or Valuation?

The cost of insurance for the replacement value of personal property to be moved or stored by a displaced person (resulting from government acquisition) is a reimbursable relocation move expense. In areas where insurance is not available, the reimbursement of the cost of a displaced person's property item that is lost, stolen or damaged during a move or storage is also an eligible reimbursable cost. However, have you ever wondered what is meant by replacement value and who determines the value? Also, what is the commercial mover's definition of insurance of personal property that is based on replacement value?

In thinking about replacement value it would seem to be easily defined as "the current value to replace the particular item". But what is the replacement value of that old rocking chair that was damaged? What if the rocking chair is missing and the owner states that it was a valuable antique? How is the replacement value determined?

Commercial Movers use the word valuation rather than insurance. That's because their concern is the value of the item in its current condition. Most movers call it Full Valuation Coverage or Full Replacement Valuation. The mover will recommend to the owner to identify or make special arrangements for any personal property that may be of high value or of specific interest to the owner. If the owner wants the mover to move the valuable items, the mover will take extra time to review the item for existing damage or defects present at the current location. The mover will note any defects or concerns regarding the condition of the item in writing and will advise the owner of the written findings prior to the start of the move. This eliminates allegations of the damage being caused by the mover upon completion of the move to the point of destination.

On occasion a displacee may have questions or claims about suspected damage noted after the move. In this situation, a claims adjuster is contacted by the mover to evaluate the damage. The claims adjuster will determine if the damage is old or new. If the damage is considered to be new and caused by the move, the adjuster will determine what the appropriate cost to repair or replace the item is. The mover will then offer payment for the damage to the owner. Any false claims are also noted by the adjuster and put into a written report.

Some acquiring government agencies will have a deductible ranging in the area of \$250 to \$1000 for damage claims against commercial movers. This provides more flexibility and negotiation between the agency, mover and owner (displacee) of the personal property for claims less than \$1,000. This also allows the mover to pay the owner directly for legitimate claims within the range of the deductible. Also, many movers establish minimum valuation coverage for all shipments. The amount of coverage to be provided is located on the front side of the Bill of Lading. The displacee must be sure the amount of coverage is noted in the area set aside for Full Replacement Valuation before signing at the bottom. If the area is left blank, the coverage will be at the rate of \$.30 per pound per item. Generally, government agencies require Full Replacement Coverage on all relocation moves.

There is a formula used by movers to establish a Full Replacement Valuation for each mover. The formula is known as the "constructive weight method." Below is a sample of the formula:

Total Estimated Weight of Personal Property @ \$3.50 per pound, and Full Replacement Valuation at @ \$6.50 per \$1,000 (i.e. 10,000 lbs. total estimated weight x \$3.50 = \$35,000 equals Valuation @ \$6.50/\$1,000 = \$227.50).

The Displacee can declare a higher value if they have personal items that are deemed high value such as a painting or an antique vase. The mover will request a copy of any documents that support the high value.

Interest Article Cont;

Another important step for the commercial mover requires that the driver of the move van or the lead crew member inventory before the move all items at the residence including any damage to items. In those cases where the goods are delivered to a professional storage facility, the warehouse manager will check all goods and write up any damage that may have been caused by the driver when he loaded the shipment. Once the storage period is over the mover will deliver the goods to the final destination or residence. The displacee has 10 – 30 days (depending on the mover) to file their claim of damages.

It should be noted that if the mover is taking goods into a mini-storage facility, then the valuation coverage stops at the time the goods go into a mini-storage unit. The displacee would have to check for damage as the goods are being moved into the unit. The mini-storage facility is considered the destination. In situations where the mover will return to move the stored goods out of storage and to the new destination, the move becomes a new shipment and any existing damage at the storage site would not be considered. This is because there can be many causes of damage to goods while in storage and goods were not in control by the mover.

The cost of insurance for goods while in storage is also a reimbursable cost by the agency. This insurance is not the same as Full Replacement Valuation by the mover. This is insurance for fire, theft, water damage, etc. The agency can compensate the displacee based on what the current value of the item while in storage. Generally, the displacee can purchase insurance or use their home owner's policy for goods in a mini-storage facility.

Many folks never think about what type of insurance or extent of coverage may be included during the planning of a move. However, not only can it be very helpful to be aware of the different types of insurance but it will make it a lot easier to perhaps help a displacee avoid a claim or understand the basis for the offered settlement.

Submitted by,
Roger L. Ottaway
Move Cost Specialists, LLC





2008/09

701 Property Management Leasing 11.05.08 San Pedro, CA

703 Real Property Asset Management 11.07.08 San Pedro, CA

802 Legal Aspects of Easements 11.07.08 Santa Barbara, CA

209 Negotiating Effectively with a Diverse Clientele 11.13.08 San Diego, CA

801 U.S. Land Titles 11.17.08 Peoria, AZ

201 Communications in R.E. Acquisition 11.19.08 Sacramento, CA

803 Eminent Domain Law Basics for ROW Professionals 11.20.08 Los Angeles, CA

SR/WA Comprehensive Review and Exam 12.03.08 Encinitas, CA

220 Cultural Awareness 12.04.08 Reno, NV

205 Bargaining Negotiations 12.15.08 Sacramento, CA

215 Right Of Way Agent's Development Program 01.08.09 Carlsbad, CA

SR/WA Comprehensive Review and Exam 1.10.09 Las Vegas, NV

104 Standards of Practice for the R/W Professional 01.11.09 Las Vegas, NV

400 Principles of Real Estate Appraisal 01.11.09 Las Vegas, NV

203 Alternative Dispute Resolution 01.11.09 Las Vegas, NV

200 Principles of R. E. Negotiation TENTATIVE 02.17.09 Sacramento, CA

401 The Appraisal of Partial Acquisitions TENTATIVE 03.09.09 Tucson, AZ

403 Easement Valuation TENTATIVE 03.19.09 Sacramento, CA

100 Principles of Land Acquisition TENTATIVE 04.13.09 Sacramento, CA


104 Standards of Practice for the Right of Way Professional TENTATIVE 04.20.09 Tucson, AZ

EDUCATION



November 2008

| Sun | Mon | Tue | Wed | Thu | Fri | Sat | Schedule of Events |
|-----|-----|-----|-----|-----|-----|-----|---|
| | | | | | | 1 | • IRWA-Breakfast 8am-10am @ Tradiciones, Roosevelt St, Phoenix. Speaker information below. |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 | • Veterans Day |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | • Newsletter articles due! |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | • ASREB - Half day Seminar featuring Elliott Pollack and the Mayors of Mesa, Scottsdale and Glendale discussing AZ 2009 Real Estate and Business Forecast - more info. www.asreb.com |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | • HAPPY THANKSGIVING |
| 30 | | | | | | | |

 Denotes Education



EFFECTIVELY MANAGING ENVIRONMENTAL ISSUES IN INFRASTRUCTURE DEVELOPMENT PROJECTS

Frequently, public improvement projects are significantly impacted by the discovery of previously-unknown environmental conditions. These issues can range from petroleum-impacted groundwater from a historic gas station to lead-contaminated soils from an illicit shooting range. Effective response to these issues requires aggressive project management to minimize project delays and response costs, ensure worker and public safety and maximize cost recovery from responsible parties.

Brown and Caldwell will be presenting several case studies to define appropriate steps to respond to previously-unknown environmental impacts. These studies will address the development of effective response strategies, including regulatory interaction and permitting, data collection and forensic sampling, waste identification, disposal and management, as well as project documentation and cost recovery.

Further, we will provide practical tips on structuring contractor agreements before projects begin to minimize unplanned project delays, manage the change order process and minimize cost over-runs.

Presented by Eric J. Mears, R.G. and Jeff Littell, R.G.,

Scientists from Brown and Caldwell

Coming Events....

Officer Installation Luncheon

December 9th, 2008

11am ~ 2pm

Cost ~ \$20.00

RSVP online at irwachapter28.org

~MENU~

Turkey

Mashed Potatoes

Green Beans Almandine

Stuffing

Dessert will be Assorted pies... (yum!!!)

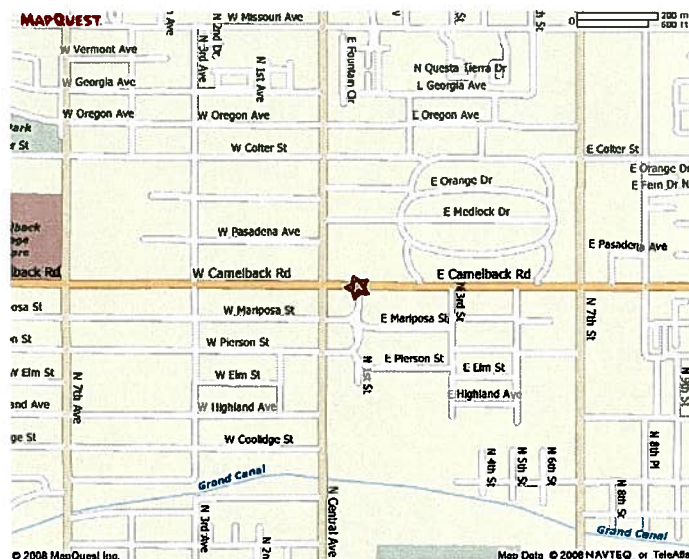


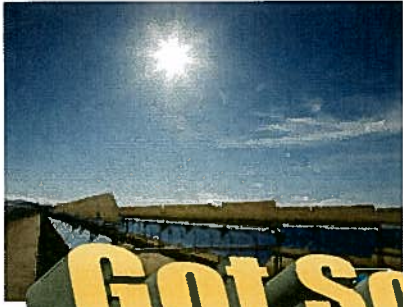
Come and Support the installation of your new officers!!

Region 1 Chair, Carolyn Carrica, will be installing!

LOCATION, LOCATION.... Johnny's Uptown!

40 E. Camelback Road, Phoenix





Got Solar?



Did You Know?

... that wind turbines have little or no influence on agriculture?

Compared to the size of land on which they will sit, wind turbines have minimal impact on the land. They don't interfere with farming and grazing, so they don't threaten food production or existing local economies. Farms will continue to operate in normal fashion. In addition to putting food on American tables, farmers will also produce the power needed.

"Solar Energy is a must",

Barry Goldwater, 1973.

"I believe every homeowner in Arizona will be able to reduce his heating and cooling bill

within the next five years with solar energy",

AZ Republican,

Sen. Paul J. Fannin, 1974



Got Wind?

Late Breaking Announcement



Anyone who came to the Education Seminar in September and received one of the Chapter 28 flash drives should contact Kathie Sholly, President Elect, to receive the battery to operate the flash.

Kathie will be bringing the batteries to our breakfast next week, and to the December installation luncheon.

If you are not attending either of those, please email Kathie at PresidentElect@irwachapter28.org or call her to make other arrangements at 623-930-3652.

Federal Agency Update

A Public Real Estate Symposium

Presented by the Appraisal Institute and the International Right of Way Association

Join Federal, State and Local Government Officials for 3 Days of Education and Networking!

January 13-15, 2009

Las Vegas, NV

**With billions of dollars tied to your public projects, keeping up
with regulatory changes is critical.**

Join officials from the FTA, FHWA, USACE, FAA, HUD, EPA and a host of other industry experts as they address challenges impacting today's right of way projects.

Some sessions topics include:

- Appraising Real Estate Damages • Accommodating Utilities in Right of Way
- Legislative and Judicial Update • Acquisition of Foreclosed Property
- Section 18 Relocation for Public Housing Valuating Green Properties

Bonus for AI and IRWA Members: AI members can receive up to 24 hours of AI continuing education credit, and IRWA members can receive up to 24 hours of IRWA education credit.

Register Early and Save! Early registration (before 12/11) is **only \$425** for all AI and IRWA members. Register today - you won't want to miss this important educational event!



2009 Annual Conference Location

Indianapolis, Indiana

June 28 - July 1

Earn Recertification Credit

Did you know that IRWA members can get up to 24 hours of SR/WA Designation and Certification Program recertification credit for attendance at the Annual International Education Conference?

IRWA Members may obtain up to 24 hours of recertification credit if registered for the full conference. Daily registrants will receive 8 hours per day of registration. **IMPORTANT:** No recertification approval form is necessary. The Professional Development Department at International Headquarters retains a list of registered Conference attendees for recertification on file.

Please keep copies of all registration confirmation forms to submit with your recertification paperwork.

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