



CHAPTER OFFICERS

President

& 2 Year International Director

Karen Williams, SR/WA
602.542.8857

president@irwaChapter28.org

karen.williams@azag.gov

1 Year International Director

Kathie Sholly, SR/WA, R/W - AMC
623.930.3652

ksholly@glendaleaz.com

President Elect

Mary A.M. Smith
602.682.0000 x309

presidentElect@irwaChapter28.org

msmith@tierra-row.com

Professional Development Committee

Gayle Leonard, SR/WA
602.506.1421

gayleleonard@mail.maricopa.gov

Secretary

Vicki Chamberlin, R/W - AMC
602.262.6739

secretary@irwaChapter28.org

vicki.chamberlin@phoenix.gov

Treasurer

Jason Foster
602.328.1959

treasurer@irwaChapter28.org

jason.foster@aps.com

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I'm not negotiating with any

Polar Bears – The Alaska Oil Pipeline in the Winter (*above*)

Light Rail Mate? – An artist's rendering of a futuristic light rail for Sydney Australia (*below*)

May Members Meeting

When:

Tuesday, May 11th from 7:30 AM to 9:30 AM

Where:

Old Country Buffet –
9620 Metro Parkway
West, Suite 153
Phoenix, AZ 85051

Cost: \$8.00

Phone: (602) 371-1071

More info on page 100

Old Country Buffet



A Word From Our President ...

Karen L. Williams, SR/WA

Mark the Dates - September 15th, 16th and 17th on your calendar!

May is here and preparations for the September Annual Educational Seminar are in full swing. Thank you to all that have joined in on the Seminar meetings and to all of those that have stepped up to lend a hand!

We are offering two one-day courses this year, so you can take advantage of both if you dare. Wednesday, September 15, will be C-105: The Uniform Act - Executive Summary. This is a great start to obtaining the new URA Certification. Thursday, September 16, will be the C-804: Skills of Expert Testimony course. Both courses will be facilitated by Dan Beardsley. For those of you that attended his class on Eminent Domain Law last year, you can share with others on what a great facilitator he is.

We are working on obtaining speakers for Friday, September 17. We have a lot of great ideas and are working feverishly to secure a great line up for you. Thanks to Mary Smith, your Seminar Chair, as she negotiated a great deal with the Desert Willow Conference Center. I hope no one is on a diet! If you were there last year, you know that there is no shortage of food offered throughout each day.

The Seminar and Course Registration Forms have been posted on the website at:

<http://www.irwachapter28.org>

So you can secure your seat NOW to this event or one of these great classes!

The Advertising and Exhibitor forms have also been posted for your interest.

As always, we are looking for sponsors to help us support this annual event. Sponsors will be acknowledged verbally and on a placard displayed throughout the Seminar for all contributions received before September 15. While contributions of all levels are appreciated, donations of certain value and higher will be acknowledged by an ad in the Seminar brochure as well as space on a trade show table.

For more information on the Seminar, please contact Seminar Chair and President Elect Mary Smith at 602-682-0000 or email her at PresidentElect@irwachapter28.org.

Hotel Conference Center May Trump Private Property in Eminent Domain Case

By Eric Shawn
FOXNews.com

In Auburn, New York, the city is threatening to invoke eminent domain to seize private property for a private hotel conference center, saying the public good outweighs the private property rights of some citizens.

Would you let the government take your car and give it to someone else? How about your computer, television set, house, or [business](#)? What if the government said you had no choice but would be paid?

That's the dilemma in Auburn, New York, where the city is threatening to invoke eminent domain to seize private property for a private project - a hotel conference center, saying the public good outweighs the private property rights of some citizens. And it's legal.

"This is abuse, it's one case of eminent domain abuse," says Renee Smith-Ward, owner of a dog grooming salon, Wag'In Tail, that could be plowed down for the hotel's parking lot. "I don't believe it's right to take someone's property away from them for a hotel, for a private developer."

"These people just want to come in and steal it from you,"

says property owner Michael Kazanivsky, who says he has dreams to build a family amusement center on what is now a grass and rubble filled lot. "They're trying to take it from me," he says bitterly, "it's not right."

He told Fox News that he put his "heart and soul into it," and now "someone just comes and says 'I want that, give it to me or that's it!.. it's hell.'" The plan would put an \$11 million, 88 room hotel on what is now a mixture of an abandoned building, and two [businesses](#). The city says the center would anchor an annual music festival planned for that eminent domain would be used only if the developer and property owners cannot agree on a deal.

"Eminent domain, no one likes it," concedes Auburn Mayor Michael Quill, a no-nonsense former Marine and long time former Fire Chief of the city, who has a photograph on this desk with former Governor Sarah Palin and Todd Palin. The Palins visited Auburn last summer, in commemoration of the 1867 purchase of the Alaska territory by U.S. Secretary of State William Seward, whose house is across the street from City Hall.

But it is Auburn's current land dispute that has caused so much controversy here, as Mayor Quill and other officials contend the benefits of the hotel project simply outweigh the concerns of the property owners. "We have a

responsibility to the entire community," Mayor Quill explains, saying "we do not want to hurt an individual property owner or [business owner](#), but we have to look at the long range for the entire community."

The prospect of the government forcing the sale of someone's land against their will has touched a nerve here. There have been protests and calls against the plan. But two property owners reportedly have reached an agreement, including a Chinese restaurant whose owners emigrated from Communist China and said in public hearings that they never knew there was a law on the books in America that permitted the state to seize their land for private, commercial purposes.

"Do you want to use eminent domain to get those properties?" asks the head of the Auburn Industrial Development Agency, Jim Dacy. "I don't think anybody wants to use eminent domain." But that is the exact threat if the landowners say they don't cower under the pressure from big business in [partnership](#) with the city.

Dacy told Fox News that "there has to be a good reason" for eminent domain to be used, "and in this case there is." He says the property owners are "being offered more than a fair price for their

Continued on Page 5

COMMITTEES



Education

Kaye Bockmann SR/WA
602.236.3129
Education@irwachapter28.org
kaye.bockmann@srpnet.com

Education

Certification & Credits
Mark Keller, SR/WA
602.236.8164
mark.keller@srpnet.com

Elections & Awards

Chris Banks, SR/WA
602.236.8175
chris.banks@srpnet.com

Environmental

OPEN

Ethics

OPEN

Job Bank

IRWA Chapter 28 Secretary
secretary@irwachapter28.org

Local Public Agency

Caroline Tillman, SR/WA,
R/W-RAC
602.234.1000
carolinet@acqsl.com

Luncheons

Sharon Dyke
602.386.3000
luncheons@irwaChapter28.org

Marketing/

Public Relations
Kathie Sholly,
SR/WA, R/W-AMC
623.930.3652
ksholly@glendaleaz.com

Membership Chair

Debra Carter, SR/WA
602.604.8118
dcarter@ufsaz.com

Newsletter

Cory Waltemath
cwaltemath@ufsaz.com

PDC

Gayle Leonard, SR/WA
602.506.1421
gayleleonard@mail.maricopa.gov

Rebekah Louis, SR/WA
602.236.8195

rebekah.louis@srpnet.com

Robert Sachs, SR/WA
602.506.4744

res@mail.maricopa.gov

Property Management

Vicki Chamberlin R/W-AMC
602.262.6739
vicki.chamberlin@phoenix.gov

Region 1 Vice Chair

Chris Banks, SR/WA
602.236.8175
chris.banks@srpnet.com

Relocation

Roger Ottaway
602.604.8115
r.ottaway@mcspecialist.com

Seminar

Mary A.M. Smith
602.682.0000 x311
msmith@tierra-row.com

Survey

Todd Rakstad
602.236.3170
todd.rakstad@srpnet.com

Title & Escrow

Sharon Dyke
602.386.3000
sharond@ewtaz.com

Transportation

OPEN

Utilities

Mike Burns, SR/WA
602.236.3108
mike.burns@srpnet.com

Valuation

Mark Keller, SR/WA
602.236-8164
mark.keller@srpnet.com

Website

support@irwaChapter28.org

Eminent Domain

Continued from Page 3

property," noting there guidelines call not just for a current appraisal, but a second independent one, and that the offers have been "generous, above current appraisals."

But Ms. Smith-Ward blasts the offers as a "very insulting price for our property," and said she was stunned to learn that the city was considering seizing the business she and her husband Doug had sunk their life savings into only to hand their land over to someone else. She told Fox News she always thought eminent domain was "for power lines, roads, schools, hospitals and not for a private developer."

But five years ago the United States Supreme Court ruled that communities could use the power of eminent domain to help private interests, if the result was for the public good. The case centered on New London, Connecticut, where a neighborhood was razed to make way for a private development that never came.

The main plaintiff was resident Susette Kelo, whose little pink house was move to another part of town and now stands as a symbol of regular citizens fighting the government's use

of eminent domain. The blocks that were torn down remain largely empty to this day, save for the overgrown weeds and wild cats that roam the desolate area. The city's plans fell through. "In the wake of Kelo, we have learned about this abuse of power," notes Christina Walsh of the Institute for Justice in Washington, D.C., which has advised the Wards.

"There is nothing that Americans cherish more than property rights. We cannot allow local governments like Auburn to think they can take what you've worked so hard to own - your family [home](#), your small business, simply to give it to someone else who promises to build something bigger and newer." Ms. Smith-Ward never thought this could happen in America, so she and her husband suddenly were thrust into negotiations with the developer, Pioneer Companies, which did not respond to our request for an interview. They hope to keep their business even if the new hotel is built, but their fellow property owner Mike Kazanivfsky remains adamant.

"I don't want to sell," he says defiantly. "It's mine, I bought it," he insisted to Fox News. Standing on the grass that is his own, Mike started to quietly weep. Through his tears, he also said he did not think that in America, the power of the government could be used against citizens to take what is not theirs. "I'm going to fight all the way to the end," he vows. A hearing has been set for May 5th, to determine if Auburn will resort to using eminent domain to transfer private property to an owner it prefers.

May Membership meeting will be a BREAKFAST held on May 11, 2010.

Old Country Buffet

9620 Metro Parkway West, Suite 153

Phoenix, AZ 85051

Phone: (602) 371-1070

Time: 7:30 AM to 9:30 AM

The cost of the breakfast is \$8.00.

Variety of breakfast entrees and beverages.

SPEAKER: Kathie Sholly, City of Glendale

TOPIC: "City Real Estate Acquisition & Disposal Policies"

Kathie Sholly, SR/WA, R/W-AMC, is the Property Manager for the City of Glendale and, for the past 2 years, the only staff member in the Real Estate Services division. She has a bachelor's degree in Business Information Systems from the University of Phoenix. She started in real estate 1978 and since has worked as an:

- appraisal assistant
- independent commercial appraiser
- property management assistant and in-house historian for a west valley water district, and
- contract acquisition agent.

For the City of Glendale, she has served as a:

- property agent
- transportation planning assistant
- intranet web mistress for transportation dept
- and currently property manager.

Kathie is also currently a licensed REALTOR® and the International Director of Kachina Chapter 28 of the International Right of Way Association. In January of this year, she was approved to teach property management courses for the IRWA.

Reservation MUST be before 5PM, May 7, 2010.

http://www.irwachapter28.org/chapter_luncheons_rsv_p.asp?date=05/11/2010

Relocation TidBits

Submitted by
Roger L. Ottaway,
Move Cost Specialists

State and City Budget cuts that impact relocation projects and transportation systems

Proposed budget cuts are being considered for the following City of Phoenix transportation systems:

Light rail – Passengers will lose late night and weekend services. They are also considering changing the stop and pickup schedules. This change will effect up to 2 hours of time a day.

Buses – Services trimmed, for longer wait times and fewer buses on the road.

DASH – Services cut back. This is a downtown service that will have an impact.

Dial-a-Ride – Seniors and the disabled will have more difficulty when services are cut back and changes made to require scheduling to a day in advance.

Light rail expansions being considered:

1. To Arizona State Capital, going west from Central Station.
2. Along SR-52 to Paradise Valley Mall
3. South ASU Tempe campus, going toward southern Tempe.
4. Adjacent I-10 to Avondale and Tolleson.
5. North along Scottsdale Road past ASU “Skysong” Center into Scottsdale.
6. West to Glendale.

High capacity rail systems considered:

1. North on Tatum past P.V. Mall.
2. West to Goodyear and Buckeye.
3. North on I-17 to Anthem.
4. Northwest along Grand Avenue to Glendale, Youngtown, El Mirage, Surprise.
5. North on Scottsdale Road.

The timing for these proposed future rail systems will depend on federal funding and our local recovery from the recession. Planners are studying the proposed areas seeking the best possible corridors for a mass transit system.

Kachina Chapter Upcoming Classes

IRWA Course 502 ***Business Relocation***

Sponsor: Chapter 28

Date: May 19-20, 2010

Time: 8:00 AM – 5:00 PM

Location:

*Tempe Transportation Center
200 E. 5th Street
Don Cassano Community Rm
Tempe, AZ 85281*

How to register:

See Below

Facilitator:

*Beverly J. Francy, SR/WA
Founder and President of
Acquisition Sciences, Ltd.
with offices in Las Vegas
and Phoenix*

Course Coordinator:

Kristina Guzman

*3838 N. Central Ave, Ste 1400
Phoenix, AZ 85012
Phone: 602-604-8118 Ext. 119
Fax: 602-604-9515
Toll Free: 866-574-9961*

IRWA Course 505 ***Advanced Residential Relocation Assistance***

Sponsor: Chapter 28

Date: May 21, 2010

Time: 8:00 AM – 5:00 PM

Location:

*Tempe Transportation Center
200 E. 5th Street
Don Cassano Community Rm
Tempe, AZ 85281*

How to register:

See Below

Facilitator:

*Beverly J. Francy, SR/WA
Founder and President of
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and Phoenix*

Course Coordinator:

Kristina Guzman

*3838 N. Central Ave, Ste 1400
Phoenix, AZ 85012
Phone: 602-604-8118 Ext. 119
Fax: 602-604-9515
Toll Free: 866-574-9961*

REGISTER TODAY -

Contact Course Coordinator with questions

Registration Forms Online at:

http://irwachapter28.org/education_classes.asp

THE IRWA KACHINA CHAPTER WOULD LIKE TO INTRODUCE ITS NEWEST CHAIRS



Mike Wilson - Transportation
Cory Waltemath - Newsletter



Wind turbines and hydroelectric plants generated 30 percent of Spain's energy this year for the first time meaning that Spain has already achieved the targets set by the European Union in 2001 for renewable energy by 2010.



\$100 Discount Coupon

Redeemable for IRWA Kachina
Chapter 28 Course Tuition

Members Name: _____

*Must be a Member of Chapter 28
and attend Three Member Meeting Luncheons*

Executive Board Member signature	Date

Coupon expires one (1) year from latest date above



\$100 Discount Coupon

Redeemable for IRWA Kachina
Chapter 28 Course Tuition

Members Name: _____

*Must be a Member of Chapter 28
and attend Three Member Meeting Luncheons*

Executive Board Member signature	Date

Coupon expires one (1) year from latest date above

International Utilities Committee program for the Calgary Conference

Monday, June 28, 2010

3:15 pm – 4:30 pm

Electricity Pipelines

Utilities

In this session we will discuss many issues including solving one of our fundamental problems—moving ever larger amounts of power over long distances; improving on Right of Way widths, helping with siting obstacles and shortening acquisition time; more flexibility in connectivity options for tying renewable energy sources into the grid and improving grid security and reducing transmission lines' energy losses.

Speaker:

Narend Reddy, Director, Network Planning and Applications at American Superconductor Corporation

Moderator: Glenn Winfree, SR/WA, Duke Energy Carolinas

Tuesday, June 29, 2010

9:15 am – 10:30 am

It's Why Wind Works!

Utilities

In this session we will discuss the origin of wind energy, an overview on the technology behind wind turbines, the electric utility industry being the entity driving the demand for wind power and the cost and land requirements for a wind farm and how it compares to coal, natural gas and nuclear energy. We will also discuss understanding the Smart Grid, the need for transmission lines and electrical substations to get the wind-generated electricity from the Plains to the coasts and how the Right of Way Industry can benefit from this Green Energy.

Speaker:

David Eyerly, President & CEO, Wind Works Company

Moderator:

Ana Rausch, President, Landmark Consulting Group, LLC

11:00 am – 12:15 pm

Aboriginal Consultation

Utilities

This presentation will walk the audience through Aboriginal engagement and consultation from the earliest stages of planning a transmission project, with a view to insulating the project from future challenges by affected Aboriginal groups that could threaten the project or subject regulatory decisions to judicial review. The presentation will be from a Canadian perspective; but, the due diligence direction will be of general application and interest. Topics covered will include an overview of the duty to consult and accommodate Aboriginal people, identify “who should be consulted” and how to ascertain this, identify potential adverse affects on Aboriginal interests, accommodation, the criticality of documenting exchanges and the engagement process—what an effective engagement process should look like and what type of information should be provided to affected Aboriginal people as part of this process.

Speaker:

Marcie Zajdeman, V.P. Regulatory and Legal, Great Lakes Power Transmission LP/Brookfield Asset Management

Moderator: Sandy Grigg, SR/WA

Wednesday, June 30, 2010

10:00 am – 11:30 am

Utilities Round Table – What's on the Horizon?

Utilities

This session is an opportunity for all utilities to come together to seek out information on what is on the horizon for utilities, discuss issues you have had and seek resolutions, and provide project information you are working on.

No Speaker

Moderators:

Nick Anitsakis, Manager, Electric Transmission Services, Contract Land Staff, LLC

Mary Anne Marr, SR/WA - Real Estate Manager, Consumers Energy Company