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Beaver Tales



BEAVER STATE CHAPTER 3 – SINCE 1950

OREGON–SW WASHINGTON

November 13, 2009 – Chapter Meeting

>>>> JACKPOT IS NOW \$175<<<<<

To be eligible for the JACKPOT, you must make a lunch reservation, be a member, and be present!!

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8544 SW Apple Way
Portland, Oregon 97225

Take I-5 to 217, take Beaverton exit, east on
Beaverton Hillsdale Hwy (just west of AAA bldg)
then right into the shopping center. Lots of parking!!

Board Meeting*: 10:30 am
Meeting: 12:00 noon
Speaker: 12:15 pm

**All members welcome. Ernesto's requests that we
not arrive until 10:30 AM*

Ernesto's Italian Buffet

Pizza, Pasta, Fish, Veggies,
Salad Bar, and
Non-Alcoholic Beverage
-----> \$12 <-----



**ELECTRONIC
MEETING
REMINDER**

Would you like an e-mail reminder for
the next chapter meeting??

CONTACT

Meeting Coordinator Kayla Gutierrez
KaylaGutierrez@epicland.com

SPEAKER:

Lou Schwab
Universal Field Services

TOPIC:

"The changing role of the Consultant in
the Right of Way process"

**Meal Reservations due
November 11 2009**

Clark Co: Pam Mason
(360) 397-6118 x4376
(360) 759-5284 fax

All Others: Kayla Gutierrez
(503) 213-3974

KaylaGutierrez@epicland.com



**Lynn Smith
Lost \$150 because she wasn't present
at the October Meeting!!**

Kayla Carol won the drawing
for a free lunch.





THE PREZ SEZ

Right of Way Basics –

What is it, and what do you need

“We don’t need any right of way for this project” is a direct statement that project designers often tell us, and then lay out plans with that show slopes and other construction features that extend beyond the current right of way lines. With this scenario, time and again each of us enter into the process of educating project designers on what right of way is. Right of way is a concept that, like many others, has two different definitions. On the narrow sense, it is the right to pass over or along a strip of land. This is the concept that is set forth in the current technical definitions in use of the appraisal profession. It is accurate, when seeking to identify “what is a right of way.” When looking at a present tract of property or managing assets, that definition generally works. But does it work when maintaining an existing facility or constructing a new one?

Right of way, when working on the project development aspect of our profession, demands a different conceptual definition. For our project designer’s needs, right of way constitutes all of the property interest or permissions necessary to construct, operate, and maintain the facility. For folks working in roadway programs, this may not be a new concept as it has been a basic tenet of Federal Highway Administration rules since 1960, where it is found at 23 CFR 1.23(a). My experience in working with a variety of other projects indicates that the same

standard is also fully effective.

Examples of how this rule is applied help illustrate the how you can make a project successful.

Example 1 A roadway bridge passing over a river needs to be reconstructed to extend its service life. Wider shoulders are needed to enhance safety along the roadway. Some of the construction will need to take place with equipment next to the stream. The wider shoulders place fill outside of the prior right of way limits, and the stream-level access must be accomplished over lands adjacent to the right of way.

- Is there a right of way need here? Yes. The designer knows that the contractor cannot build the project with the rights presently owned. Right of way limits, including fee acquisition, permanent easement acquisition, temporary easement acquisition, or even rights of entry should be identified on plans for the right of way section to secure.

Example 2 A transportation corridor is needed across a section of land owned by the Bureau of Land Management. The transportation agency wants to purchase the lands in Fee Simple title from the BLM. Is BLM required to grant their request?

- The simple answer is no. Even when a transportation agency is used to owning all of their

right of way in fee simple title, there is no requirement for governmental organizations to transfer fee title to them. The transportation agency should identify the specific rights it needs to have along their project alignment in order to construct, operate, and maintain the facility they are to construct. Securing those rights should be the focus of discussions. The dialogue should also include strong consideration of the owning agency's needs for their larger parcel of land. When working with lands owned by governmental agencies, some facts to keep in mind:

- a. The acquiring agency needs to evaluate their alternative authorities to acquire the needed rights should they not be able to come to agreement. No agencies have the authority to condemn lands owned by the US Government or by Indian Reservations. Lacking this right is not the normal role for such agencies. The agency may have to be pleased to accept an agreement that is less favorable to them than they would have otherwise accepted.
- b. Many public agencies would rather receive construction features on their remaining lands than direct payment, as any direct payment may go into the general fund and not be made available to the owning agency.
- c. Even where for highways an agency elects to go through the Federal Land Transfer process administered by the Federal Highway Administration to assure their securing of the needed lands, the maximum estate in lands that is transferred to the road agency is a permanent highway easement.
- d.

Example 3 A right of way for a recreational trail is needed through the lands of a college. The trail-building agency wishes to lock in a specific permanent location for the trail. The college wishes to retain flexibility in their campus plans to construct new buildings in areas where the trail is presently identified as being located. Should the agency get their forever-fixed location for the trail, or should the college get some latitude in the right of way instrument that allows for a certain level of shifting of the trail alignment in the future as their campus evolves.

- This is a time where I believe the best outcome for both parties comes when the two sides focus clearly upon their project needs and try to find ways to accommodate the other party. It can be done, but it will take effort.

These are three simple examples where the right answer can be most likely achieved if the basic rule is followed: right of way constitutes all of the property interest or permissions necessary to construct, operate, and maintain the facility.

Our country is becoming progressively more congested. Some lands we desire to have for rights of way are already committed to very intensive uses, public or private. Our best solutions to those complex needs will come from applying this rule to those problematic situations. Also, our best solutions for training our other project development team members, especially the project designers, will come from asking them this same question so that they can in fact design the right of way limit needs to encompass all of the interests or permissions necessary to build, operate, and maintain the facility.

**Beaver State Chapter 3, International Right of Way Association
Board Meeting Minutes for October 10, 2009
Ernesto's Restaurant – 8544 SW Apple Way, Portland, Oregon**

Call to Order: Vice-President Steve Planchon called the meeting to order at 10:50 a.m.

Determination of Quorum: Secretary Matt Gossett, determined that a quorum is present with proxies.

Members Present at Board Meeting: Steve Planchon, Vice President; Matt Gossett, Secretary; Evar Knudtson SRWA; Carl Toland SRWA; Jerry Swan SRWA, Kari Lowe; Pam Mason, Marta Goosey; Dawneen Dostert; Patrick Hinds; Jaci Margeson.

Proxy Votes: Marta Goosey for Regina Thompson, Rod Bliss and Teresa Wilson.

OFFICER AND MEMBERSHIP REPORTS

President's Report: Vice-President Steve Planchon, sitting in for President Glenn Bridger, did not have a report.

Approval of September 11, 2009 Minutes: Pam Mason suggests changing the "Spring Forum" to "Fall Forum." Jerry Swan motioned that the minutes be accepted as written with a second by Evar Knudtson. Motion carries unanimously.

Treasurer's Report: Kari Lowe gives her report to the Chapter. The Chapter needs to vote on the following items from last meeting:

Website	\$6,000
Birthday celebration/Hosting Fall Forum	\$1,000
Fall Forum expenditures (2 participants)	\$1,600

A motion was heard by Jerry Swan to approve budget increases and, was seconded by Evar Knudtson. The motion passed unanimously.

Kari states that the Chapter owes an invoice of \$100.00 to Al House for a screen. *This will be tabled until next meeting when President Bridger can attend.*

Membership Report: Pam Mason advised that Ron Cue, Pam Simelness, and Laura Loop have applied for membership. A motion was heard to approve the membership applications by Pam Mason and seconded by Marta Goosey. The motion passed unanimously.

Education Program: A good SRWA review and exam was had, which was orchestrated by Carl Toland. 14 people signed up and 11 took the test. Several members have suggested that they would like to have another SRWA class soon.

Spring Forum: No new updates.

Fall Forum: No new updates.

Audit: October 24th at 9 am at The Firehouse in Woodburn.

OLD BUSINESS:

Webpage Activities: Chapter 3's new website is nearing completion, and several members will be attending the preview of the site with Robert Hadden in Salem. Secretary Gossett will put together that meeting.

NEW BUSINESS:

2010 Officers: Pam Mason has agreed to become President. Casey Overkamp has agreed to be the President-Elect. Dawneen Dostert has agreed to be the Vice-President. Linda Birth has agreed to the PDC position. Kayla Gutierrez was unable to accept the Education Finance Officer position. According to the Chapter bylaws, the President can appoint people to fill existing vacancies but the Board must approve them.

Jerry Swan motions to approve the officer slate and it is seconded by Marta Goosey. The motion passes unanimously.

ADJOURNMENT: Vice-President Planchon adjourned the Board meeting at 11:32 PM.

The speaker was Carol Brooks SRWA, who spoke to the Chapter about conflict resolution.

Lynn Smith was chosen for the jackpot but did not win because she was not in attendance.

Kayla Carol won the luncheon drawing.

Respectfully Submitted,
Matt Gossett, Secretary,

IN MEMORIAM

Chapter 3 regretfully notes the passing of long-time member, Daisy Reed, SR/WA. A retired right-of-way agent for Washington County, Daisy was one of those who worked long and hard to bring Chapter 3 to its present level of prosperity and educational competence. One of our finest Education Chairs, Daisy also served as Chapter President, Historian, Chapter Professional of the Year, and a variety of other positions. She was honored for her hard work when she became a Balfour Right of Way Professional of the Year finalist. Her presence will be sincerely missed.

Congratulations!!

The SR/WA Review proved itself very worthwhile. With the review provided by Joe Pestinger and the hard work of the students all that took the test, passed! The following people have passed their SR/WA tests. Congratulations on a job well done!

Linda Birth, City of Portland

Louie Benedict, Clark County Public Works

John Deyo, City of Portland

Dawneen Dostert, BPA

Shannon Fish, R/W Assoc.

Emmy Jenson, City of Eugene

James Lingeman, WSDOT

Steve Planchon, Consultant

Russ Royer, City of Eugene

Robin Sorensen, ODOT

Dee Walker, City of Portland

Next time you see these folks be sure to tell them what a great job they have done...it is quite an achievement. Next year, Chapter 3 PDC looks forward to recognizing several new SRWA's.

HELP NEEDED!

Both Teresa Wilson, Newsletter Editor, and Marta Goosey, Education Finance Officer, have taken to heart the "get out of the way" message in Glenn's recent Prez Sez messages. Replacements for both are needed desperately. If you are interested in volunteering, the Chapter will provide all the needed software if you'll just donate the time. If you're a new member and looking for a way to get involved, this is the ticket. Contact President Glenn at Glenn.Bridger@hdrinc.com. We need YOU - - NOW! Thanks much.



Since 1934 the International Right of Way Association has been providing the path to success and uncompromising professionalism for the Right of Way profession.

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After 75 years, the projects speak for themselves.



INTERNATIONAL RIGHT OF WAY ASSOCIATION

LOOKING AHEAD



NOVEMBER 2009

November 3-4
C-400 Principles of Real Estate
State Appraisal
Portlander

Kari.Lowe@hdrinc.com

November 13
Annual Gen. Membership Meeting
Election of Officers
Ernesto's

KaylaGutierrez@epicland.com

November 14-15
Executive Board Retreat
Cavalier Condos at Gleneden Beach

gbridger@teleport.com

503-245-0729

DECEMBER 2009

December 3
Installation of Officers
Past President's Night
Holiday Party
The Rheinlander

KaylaGutierrez@epicland.com

JANUARY 2010

January 8
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

January ??
Course Coordinator Clinic
Where ??
Who???

FEBRUARY 2010

February 12
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

MARCH 2010

March 12
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

APRIL 2010

April 9
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

MAY 2010

May 14
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

JUNE 2010

June 11
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

JULY 2010

July 9
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

AUGUST 2010

August 13
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

SEPTEMBER 2010

September 10
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

OCTOBER 2010

October 8
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

NOVEMBER 2010

November 12
Chapter Meeting
Ernesto's

KaylaGutierrez@epicland.com

DECEMBER 2010

December ??
Installation of Officers
Past President's Night

BEAVER STATE CHAPTER 3

COURSE 400

Principles of Real Estate Appraisal

November 3-4, 2009

8:00 am - 5:00 pm

This course introduces the principles of real estate and real property valuation to the students. Also a refresher course for the experienced right of way professional wanting to enhance his/her appraisal abilities. At the conclusion of this course, participants will be able to: Understand basic real estate terms and principles; Demonstrate a basic knowledge of valuation process and components; Discuss the definitions of and steps in each of the three approaches to value (cost, sales comparison and income capitalization); Solve problems showing an understanding of the three approaches to value. Two case studies will be utilized, residential and commercial.

FACILITATOR

J, SR/WA, is a certified

REGISTRATION

Register ONLY to Course Registrar, as shown below. Advance payment not required. You will receive a confirmation if you provide an email address. **\$35 late fee for registration on day of course (full course materials may not be available).**

Register early: course may be cancelled if there are insufficient registrants 21 days before start date.

CANCELLATION

Written cancellation notice required. Full refund if received by Course Registrar 15 days before start of course. 75% refund if received less than 15 days before start of course. No refund after start of course, but your printed course materials will be available upon request.

LOCATION

Portlander Inn & Marketplace
Meeting/Conf Room
10350 N. Vancouver Way
Portland, OR 97217
503-345-0300

ACCOMMODATIONS

Contact facility directly; mention IRWA

REQUIRED MATERIALS

Hand-held Calculator

Course tuition includes
Student's Manual
and USPAP Text

For course information, contact
Coordinator Kari Lowe
503-731-8426
kari.lowe@hdrinc.com

IRWA/Recert Credit: 2 Days (16 hrs);
AQB: 15 hrs QE, 15 hrs CE/E, 14 hrs CE

Name, Last

First

Company

Address

City

State

ZIP

Membership Number

Phone

Email

Chapter 3 \$192 \$

Member \$415 \$

Non-member \$520 \$

Facility Fee* \$30 \$

Total Enclosed \$

*Mandatory

Beaver State Chapter 3 (TIN 93-6023076) is a non-profit organization

To Register, click
or form and mail to

Course Registrar
139 Barker Avenue
Oregon City, OR 97045

Check enclosed
M/C
Card No.
Name on Card

Method of Payment

Email invoice to
Exp Date

HANNA, McELDOWNEY & ASSOCIATES

Right of Way Services

Roger D. Hanna

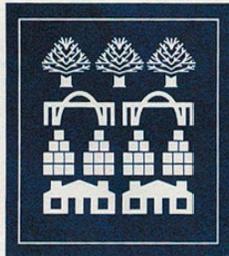
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