

Get Ready for

IRWA'S 68th ANNUAL

INTERNATIONAL EDUCATION CONFERENCE

A sneak peek at some of the upcoming educational sessions

For over 60 years, IRWA has invited members from around the globe to gather for the Annual International Education Conference. In addition to special events such as the awards ceremony, gala and networking opportunities, a highlight of the Annual Conference is the highly anticipated batch of educational sessions. These sessions allow members to share best practices, provide insight into the latest industry trends and report on the most challenging issues facing the right of way profession today.

This year will be no exception. Whether you're choosing to attend virtually or in person in Cleveland, the Association is proud to offer the same exceptional education sessions right of way professionals have come to expect from IRWA.

For a full schedule of events and more information on the conference, visit www.irwacleveland2022.org.

Thank you to our host sponsor:

DOYLE
LAND SERVICES



SURVEYING RENEWABLE ENERGY REAL ESTATE

BY ROBERT MCINTOSH, PLS, AND FRED EASTON, PLS, SR/WA, R/W-AMC

Renewable energy is nothing new, and Farnsworth Group is not new when it comes to renewable energy. Whether it's helping site a single tower or a large wind farm spanning thousands of acres in multiple counties, Farnsworth Group has surveyed renewable energy real estate from Pennsylvania to Las Vegas and everything in between.

Our professional surveyors will present some of the most interesting projects and difficult lands they have surveyed for unique projects including:

- Retracing the 6th PM's baseline with all monuments unearthed and disturbed due to hilltop scour during the dust bowl
- Surveying a full government township with only two existing corners, both of questionable originality
- Varying approaches for land leases, T-line easements, temporary and permanent roadways and purchased properties
- Construction staking — comprehending the risk and cost of errors
- Legal description dos and don'ts
- The importance of monumenting the boundaries, even of leased lands
- Windfarm phasing
- Siting and licensing solar in public rights of way
- Differences between solar and wind energy development sites

Participants will come away with a greater understanding of what it takes to survey these unique projects. ⚡



Robert McIntosh, PLS, serves as a Farnsworth Group principal and brings more than 38 years' experience in the land surveying profession in municipal, industrial, residential, commercial and agricultural categories. Rob has surveyed multiple wind projects that entailed surveying 50 or more government sections together. He serves as the renewable energy lead — Wind & Solar for Farnsworth Group and the client manager for renewable energy clients and projects.



Fred Easton, PLS, SR/WA, R/W-AMC, has over 29 years' experience in surveying, mapping and construction. Fred provides and manages the GIS support and integration to survey projects, and he provides project management on Colorado survey and real estate management and acquisition projects. Fred is often called on to survey the most complex, difficult or constrained timeline projects and primarily supports infrastructure development including utility, transportation and energy industries. Fred currently serves as the International Treasurer on the International Executive Committee for IRWA and as the liaison to various committees and partner agencies.





COMPLEXITIES IN

APPRAISING ASSET INTENSIVE MANUFACTURING AND INDUSTRIAL BUSINESSES FOR EMINENT DOMAIN



BY FERNANDO SOSA, ASA, MRICS

Relocating manufacturing/industrial businesses is not always simple. Asset intensive industrial and manufacturing businesses require specialized foundations, electrical, plumbing and equipment that are not easily transferrable and sometimes cannot be relocated. Thus, a machinery and equipment appraisal of asset intensive businesses is important because a real estate (only) appraisal rarely includes the costs associated with the major equipment items (fixtures).

The following case study involving eminent domain relocation illustrates the importance of properly appraising asset intensive businesses:

Case study of a waste transfer station

This facility was selected for eminent domain due to a road expansion project. The governmental agency initiating the process hired a real property appraiser specialized in industrial properties to determine the fair market value of this facility. The business owner hired their own appraiser as well. However, upon receiving the results of both appraisals, it was apparent to the owner that little consideration was provided to the machinery and equipment located in the structure. The fair market value of the property was approximately \$12 million



but did not appear to take into consideration the machinery and equipment included in the structure. As a result, we were contacted to perform an appraisal on only the machinery and equipment of the facility.

The included picture illustrates the difficulty in disassembling the sorting station, including the components related to this operation. The image only shows what was visible from one angle, which is a recycling sorting line and a small portion of the equipment physically located on site. Once you enter the structure, it becomes quickly apparent that the complexity associated with relocating this operation, including all the machinery and equipment, would be costly.

Relocating the equipment associated with the facility meant having to build a new building with the necessary, specific, foundations, power feed wiring and process piping.

So, what was the outcome? The original real property opined on a fair market value of \$12 million for the entire facility. Our opinion of fair market value for only the machinery and equipment was \$23 million. This value did not include the land parcel, building, land improvements, cost of deinstallation, transportation costs, reinstalling, testing of the equipment or relocation of utilities.

When an asset intensive business has been selected for eminent domain, it is imperative all parties consider having the machinery and equipment appraised separately. As you can see, the differences can be great. 🌟



Fernando Sosa, ASA, MRICS, is a director with the Machinery & Equipment valuation practice at Cushman & Wakefield. He has spent 22 years specializing in the appraisal of machinery and equipment and has testified as an expert witness in federal, state, international arbitration and municipal hearings for personal property tax appeals, shareholders dispute and insurable values.





A HOUSE CANNOT STAND WITH A SEWER LINE THROUGH IT

BY DOUGLAS GRANT



In 1922, the New Albany, Indiana Sewer Department purchased several plots of land for the development of a sewer trunk line easement. The owner who sold the easement didn't own the property. The property was purchased by another individual in 1920. In 1925, a new home was built on the property, and the new owners accessed the sewer trunk line (using it as a lateral line). The house still remains on the property this present day. The trunk line extends from sewer line to sewer line by using gravity to move the raw sewage between the two sewer lines. Over the years, the trunk line has been used to carry raw sewage from neighboring homes through this sewer line.

In 2009, over 8 inches of rain fell in a short period of time, overburdening the sewers and thus causing the raw sewage to back up into the house. The raw sewage backed up in the basement of the house, amounting

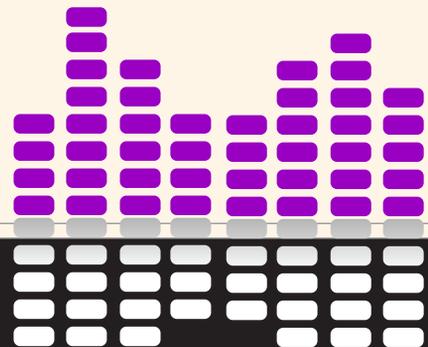
into approximately 3 feet to 4 feet of raw sewage. After examining the property with water and ground tests, it became evident that there was an infiltration as well as exfiltration, of groundwater and raw sewage, into and under the improvement. This has caused multiple health concerns for the occupants of the improvement.

The problem then becomes who is at fault. Due to the backup of raw sewage in the house, the city discovered the easement running underneath the house. As the layers were gradually pulled back, they found that raw sewage had been flowing into the yard for years.

During this session, we shall examine the way the appraisers appraised the property in relation to an inverse condemnation and the long-term effects on the property from the environmental contamination not only in the house, but the surrounding property. We will also examine why this is considered an inverse condemnation and what Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book) has to say about inverse condemnations. In addition, we will examine how one determines fair market value for a contaminated property by examining the use of the Bell Chart (developed by Randall Bell, MAI) for determining the effects of property with environmental damage. The study will also discuss the affects of raw sewage and pollution as a violation of the Clean Water Act of 1972, which establishes the basic structure for regulating discharges of pollutants in the water of the United States and regulating quality stands for surface waters. ★



Douglas is currently an appraiser with William D. Otto Spence Real Estate. His area of concern is on influences in environmental or contaminated properties. He is am well versed in the understanding of eminent domain, right of way, Uniform Standards of Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book). Douglas serves as the chair of the IRWA International Environment Committee.





READ THE DEED: WHY TITLE REPORTS MATTER

BY ANDREW SORBA, SR/WA, R/W-AC, AND KEVIN SHEA, SR/WA, R/W-AC

It was a dark and stormy night... well, actually, it was a typical rainy day in the Pacific Northwest.

As Andrew reviewed the deed of the subject property, he noticed a single sentence in the last paragraph, which stated, "The City covenants to operate and maintain the site in perpetuity as a public open space or as a public parks recreational facility." What might have happened had he missed that single sentence buried in the final paragraph of the last page of the deed? What effect could it have on value? This presentation will cover real-world examples of deed-restricted properties and the impact of the restrictions.

After reviewing over 700 appraisals, Kevin reflects that the "before" value often misidentifies the estate of the ownership. Reading title work that has seemingly innocuous provisions without adequate due diligence has extreme consequences on value. Examples of hidden "land mines" and their effect on highest and best use and value are presented.

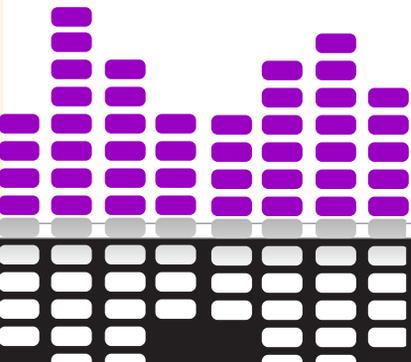
Come to our presentation to hear about this experience and more. Learn why it's so important to provide Title Reports and supporting documents to your appraisers and why it's so important for appraisers to *Read the Deed!* 🌟



Kevin Shea, SR/WA, R/W-AC, is a certified general appraiser in the state of Colorado. He has both public acquisition and appraisal background and recently retired from a federal agency. He is still reviewing as Shea Appraisal Company for governmental and private entities. He is a long-standing member candidate in the American Society of Farm Managers and Rural Appraisers as well as a credentialed member of IRWA. He has held several chaired positions in Chapter 6, was Professional of the Year for Region 9 and currently serves as vice chair of the Valuation Committee.



Andrew Sorba, SR/WA, R/W-AC, is a certified general appraiser in the state of Washington. In addition to the designations he's earned from IRWA, he is a candidate for designation with the Appraisal Institute. Andrew was awarded Professional of the Year by Chapter 4 in 2021 and currently serves as their president-elect of Chapter 4. In addition, he is a member of the International Valuation Committee. He is the co-owner of Appraisal Group of the Northwest with primary practice areas in eminent domain and litigation services.





INFRASTRUCTURE INFLUX: PREPARING FOR THE FUTURE BY MANAGING RIGHTS OF WAY THROUGH GIS

BY ADAM CARNOW, AIMIE MIMS, SR/WA, R/W-AMC, R/W-NAC, AND TOBIAS WOLF

The use of Geographic Information Systems (GIS) will increasingly play a pivotal role in future right of way management, particularly with the recent passing of the Infrastructure Investment and Jobs Act into law.

Following the approval of U.S. federal infrastructure funding, companies wanting to expand broadband, telecommunications and other services will be seeking opportunities to utilize existing rights of way without having to acquire and purchase new rights themselves. Agencies and organizations that own rights of way and manage it with GIS are at an advantage. They know which rights of way they own, where they are located, which existing facilities are located within the rights of way and which future uses are allowable.

Through real-world case studies, this session will review industry-leading best practices for managing rights of way with GIS in the electric and utility, transportation, oil and gas and public agency sectors. The session will also showcase how managing rights of way with GIS allows owners to maximize the value of their rights of way, take advantage of trending technologies such as drones, AI/ML and digital twins and meet infrastructure funding requirements such as equity, effectiveness, transparency and public engagement.

Come join Adam Carnow, Aimie Mims, SR/WA, and Tobias Wolf at their session, “Infrastructure Influx: Preparing for the Future by Managing Rights of Way through GIS,” as they share their thoughts about how GIS will be key to the future of the right of way profession. ✪



Adam Carnow is the public works industry specialist at Esri. He is a keynote speaker, thought leader and public works marketing specialist who collaborates with his colleagues, Esri Partners and customers to lead the successful application of ArcGIS across the public works disciplines.



Aimie Mims, SR/WA, R/W-AMC, R/W-NAC, collaborates with industry leaders and technical teams to deliver HDR's right of way services for power and energy projects across the U.S. Leveraging her more than 14 years in the industry, Aimie provides subject-matter expertise to keep right of way programs on schedule and in accordance with acquisition standards.



Tobias Wolf brings more than 27 years of experience managing the design and development of information management applications for the analysis and management of engineering projects. He led the development of HDR's Program Management and ROW Dashboard solutions, which are GIS-driven tools to manage large amounts of information in real time.





OPPORTUNITY KNOCKS:

THE STORY BEHIND THE OPPORTUNITY CORRIDOR PROJECT IN CLEVELAND

BY DREW GILMORE, ESQ.

To much fanfare in late 2021, ODOT opened Opportunity Corridor Boulevard to the public. It was the culmination of nearly two decades of work, public involvement and economic development, specifically designed to revitalize the neighborhood and provide crucial connectivity between I-490 and University Circle previously known as the "Forgotten Triangle." The 3-mile Opportunity Corridor Project is a new 35-mph boulevard-type road that includes a median, traffic signals, new pedestrian and bicycle paths, tree lawns, landscaping and vehicular, pedestrian and rail bridges.

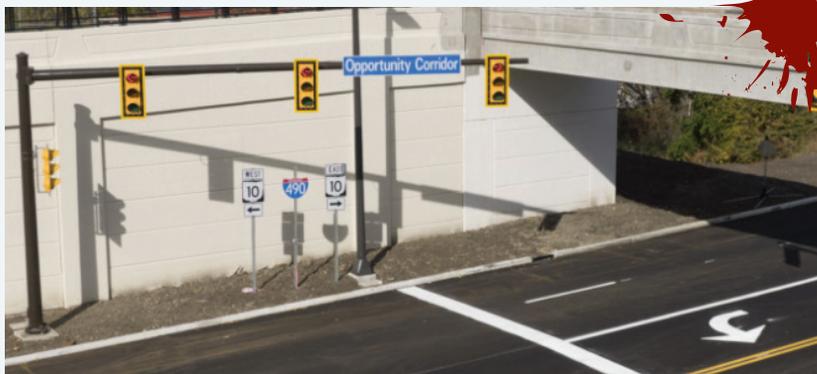
"Transportation is about connecting people. This isn't just an investment in asphalt, concrete and steel, this is an investment in people, business and opportunity," said Gov. Mike DeWine. "The Opportunity Corridor will benefit these neighborhoods and better connect northeast Ohio with University Circle and all the resources available there."

This project created opportunities for northeast Ohioans and businesses that will continue to benefit the region for years to come.

"For too many years, these neighborhoods and those who call them home have been bypassed by opportunity. Now, we're bringing opportunity right to their front door. For a lot of residents, this opportunity is a career, not just a job," said ODOT Director Jack Marchbanks.

Development along the Opportunity Corridor Boulevard has already started with new businesses and existing businesses expanding. Nearly \$1 billion has been invested or is in development within a quarter mile of the boulevard in the last five years.

Funding partners for the project include Federal Highway Administrator (FHWA) during the project development phases and the Ohio Turnpike and Infrastructure Commission (OTIC), city of Cleveland, Cuyahoga County, Northeast Ohio Area Coordinating Agency (NOACA) and Greater Cleveland Regional Transit Authority (GCRTA) for the construction.



Opening of Opportunity Corridor Boulevard in Cleveland, Ohio. Image shows the newly completed roadway at the intersection of E. 59th St. and Opportunity Corridor Blvd. The pedestrian bridge over Opportunity Corridor is also shown.

The OTIC funding for the project was an innovative plan that included leveraging monies from future revenues of the Ohio Turnpike. This innovative funding program helped to break ground sooner and costs for the project came in \$74 million less than the 2013 FWHA cost estimate of \$331 million.

One of the most important aspects of the project was the amount of outreach and coordination with the community in the planning and development throughout the project lifecycle. Early and continual meetings with the City of Cleveland Planning Commission, Fairfax Community Development Corp., and residents with ODOT and the designer, HNTB, led to positive project outcomes for all the stakeholders.

Moderator:

Matt Schulz, P.E., ODOT District 12 Real Estate Administrator

Presenters:

Ohio Attorney General's Office — **Kevin Walsh, Esq.** Assistant Attorney General
ms consultants, inc., — **Jim Viau**, Project Manager, Former Relocation Unit Manager ODOT (Ret.)

OR Colan — **Ben Zera**, Project Manager

HNTB — **Matt Wahl**, Senior Project Manager

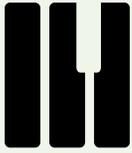
ODOT — **Julie Meyer, P.E.** Construction Area Engineer

ODOT — **David Short, P.E., P.S.**, Opportunity Corridor Design Project Manager



Drew Gilmore is an advocate for right of way policy and training as the administrator of the ODOT Office of Real Estate, IRWA Chapter 13 Advisory Board member and vice chair of the AASHTO CRUO.





BEST PRACTICES FOR ACQUIRING RIGHT OF WAY FOR ELECTRIC TRANSMISSION PROJECTS



BY THOMAS SCHAFFER

American Electric Power (AEP) operates and maintains the largest transmission system in North America across 13 states. Managing electric transmission right of way (ROW) projects is increasingly becoming a more complex and challenging process. ROW is the common thread that binds successful projects together through establishing and maintaining stakeholder relations. Special attention is required at every stage of the process to ensure we are serving the best interests of the public, fulfilling our obligation to provide safe and reliable service and staying in compliance with regulatory bodies.

There are proven methods of keeping our transmission projects on schedule through appropriate integration of ROW into the overall project team structure and exploring working relations with siting/environmental, outreach and public involvement, engineering and construction. The development of appropriate team structure, procedures and schedule is imperative to how ROW fits into the overall development cycle on successful projects. Landowner relations can be improved through early assimilation of ROW into your team, which can be translated into public opinion, schedule and cost benefits; it should be carried through project construction to meet the goal of safely energizing the line and achieving financial targets.

There is no standardized method for landowner negotiations in acquiring ROW, and the process can be frustrating for some landowners. Each project and negotiation is handled on an individual basis and is subject to a range of different factors. Across the AEP footprint, projects may fall under various state and local regulations, and each state may differ as to what is required for landowner negotiations. There are times where negotiation for a ROW generally does not occur until after a certificate of need (or similar certificate or permit) is granted by the state public utility commissions, and landowners may feel left out of the early stages of the decision-making process. It is important a level of outreach is made with every landowner and feedback from each landowner is documented and taken into consideration. You never want to have a level of impression that the route has already been decided. This will give landowners a sense of powerlessness and confusion that often leads to landowner frustration.

Meeting future energy needs will require more ROW and reconciling local concerns with broader issues is not an easy task. A negotiation process for ROW that results in an acceptable settlement for both landowners and AEP is critical. AEP works with property owners, state regulators, local officials and agencies, customers and communities to ensure a mutually respectful and beneficial outcome. 🌱



Thomas Schaffer is a senior manager at American Electric Power (AEP), and is responsible for managing the Transmissions Right of Way group in securing the land rights necessary for the construction, operation and maintenance of AEP's electric transmissions facilities.



Monday

IPEC Instructor Development/New SR/WA Program Session	7:30 am - 11:30 am
Don't Stop Believin' as you Volunteer and Lead Pipeline	8:00 am - 9:30 am
Relocation in a HUD World	8:00 am - 9:30 am
Surplus Property — Understanding, Managing and Valuing Critical ROW Assets	8:00 am - 9:30 am
A Deep Dive at the Outer Banks: Challenges of Appraising a Road Project on an Island	8:30 am - 9:30 am
Environmental Due Diligence & Property Owner Liability Protection	8:30 am - 9:30 am
Creating a Plan to Manage Transient Trespassing	10:00 am - 11:30 am
I Still Haven't Found What (the Deed) I am Looking For	10:00 am - 11:30 am
Summary of Major Eminent Domain Cases & Legislation	10:00 am - 11:30 am
What's New at HUD?	10:00 am - 11:30 am
Read the Deed, Why Title Reports Matter	10:30 am - 11:00 am
Suing in Federal Court for Inverse Condemnation — in the "Knick" of Time	10:30 am - 11:30 am
USPAP Update	1:30 pm - 2:30 pm
We Built this City — Rock & Roll Hall of Fame and Lakefront Development in Cleveland	1:30 pm - 2:30 pm
What's the Big Deal about Invasive Species?	1:30 pm - 2:30 pm
Eminent Domain & Right of Way Club — Live with International President Jake Farrell, SR/WA	1:30 pm - 3:00 pm
High Tech Corridor Management Tools to Increase Project and Property Management Productivity	1:30 pm - 3:00 pm
Move Planners: The Good, The Bad and The Ugly	1:30 pm - 3:00 pm
Infrastructure Junkies Live!	3:00 pm - 4:30 pm
Don't Just Teach Me the Rules, Show Me the Ropes: Mentoring the Next Generation of Relocation Experts	3:30 pm - 4:30 pm
Electric Feel Managing and Operating an Electric Utility in 2022	3:30 pm - 4:30 pm
Gordie Howe International Bridge Project: Condemnation, Relocation and Valuation Issues	3:30 pm - 4:30 pm
The Cuyahoga: From Flame to Fame	3:30 pm - 4:30 pm
The Texas Land Rush — Appraising Right of Way in a Hyper-Dynamic Market	3:30 pm - 4:30 pm
Understanding Great Lakes Water Level Fluctuations	3:30 pm - 4:30 pm

Tuesday

A House Cannot Stand with a Sewer Line Through It	9:30 am - 10:30 am
Renewable Energy Land Surveying	9:30 am - 10:30 am
Right of Way Liberation Process in Mexico	9:30 am - 10:30 am
An Aging Workforce in A Niche ROW Industry: How Prepared are You?	9:30 am - 11:00 am
Developing Relocation Strategies for Non-Conventional Housing Occupants	9:30 am - 11:00 am
Opportunity Knocks: The Story behind the Opportunity Corridor Project in Cleveland	9:30 am - 11:30 am
Best Practices Real Estate and Right of Way Services Management	11:00 am - 12:00 pm
Just How do You Get to Sitting on the Dock of the Bay?	11:00 am - 12:00 pm
Transmission Corridor Projects From a Surveyor's Perspective	11:00 am - 12:00 pm
Economic Progress in Developing Countries by Moving Toward a Cloud-Based Compressive Land Information System	11:30 am - 12:00 pm
Best Practices for Acquiring Right of Way for Electric Transmission Projects	1:30 pm - 2:30 pm
Climate Change and How it is Affecting Our Infrastructure	1:30 pm - 2:30 pm
Infrastructure Influx: Preparing for the Future by Managing Rights of Way through GIS	1:30 pm - 2:30 pm
ODOT Working on the Highway to Opportunity Corridor to Cleveland Clinic (Tour to Follow)	1:30 pm - 2:30 pm
What You Need to Know about Protected Resources as a Land Professional	1:30 pm - 2:30 pm
New Federal Infrastructure Bill to Avoid a Highway to Hell	1:30 pm - 2:30 pm
Special-Use Properties: Conflicting with Market Value	3:00 pm - 3:30 pm
Procurement and Consultant Fees for Major Infrastructure Projects in the UK, Canada & Australia	3:00 pm - 4:00 pm
Boundary and Title Problems — Mitigating Their Impact on Route Design	3:00 pm - 4:30 pm
URA the Modern Way: Innovative Programmatic Application Methods and Updates	3:00 pm - 4:30 pm
The Great Eminent Domain Debate!	3:00 pm - 5:00 pm
Complexities in Appraising Asset Intensive Manufacturing and Industrial Businesses for Eminent Domain	4:00 pm - 5:00 pm
Big Wheels Keep on Turning Thanks to Consistent Right of Way Width	4:30 pm - 5:00 pm

Wednesday

Digital Witness — New Tech for Right of Way Professionals	8:00 am - 9:00 am
Going Underground Storm Hardening the Grid	8:00 am - 9:00 am
It's Electric — The Future of Renewable Electric Transmission is Underway in New York!	8:00 am - 9:00 am
The Mentor-Mentee MOSH PIT!	8:00 am - 9:00 am
UK Major Projects	8:00 am - 9:00 am
Residential Relocation Talk Show	8:00 am - 9:30 am
Puzzling Properties — Overcoming Challenging Acquisitions	9:30 am - 11:00 am
Billboard Hot Topics and Trends and Top Practices	9:30 am - 11:30 am
If You Can Survey Here (Ohio), You Can Survey Anywhere!	9:30 am - 11:30 am
Utility-scale Solar Energy Siting and Development	10:00 am - 11:00 am
Non-Residential Relocation Talk Show	10:00 am - 11:30 am
Wind & Solar Power 101	10:00 am - 11:30 am

*Sessions and schedule are subject to change

