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## President's Message

Greetings Chapter Members,

With 2013 now well behind us I would like to wish each and every one of you a happy and prosperous 2014. Despite it having been awhile since the last newsletter, your Chapter leadership has been hard at work implementing many of the goals we set out last Fall at our planning session. A sampling of the executive board's accomplishments to date include: (1) analyzing and proposing amendments to the Chapter's existing bylaws to ensure conformance with Internal Revenue Service requirements; (2) scheduling approximately 20 education courses over the next two years; (3) organizing two membership social functions (holiday dinner and bowling event); and (4) replacing and upgrading some of our Chapter's aging technology.



In addition to the above accomplishments, this year the Chapter hosted its first (at least in my recent memory) membership drive luncheon (i.e., bring your colleague to lunch program). The program was a tremendous success with approximately 70 people in attendance.

Our Chapter is the 5<sup>th</sup> largest of the 75 international chapters, and membership continues to increase with our current membership at approximately 260 members. I expect membership numbers will continue to grow during the first quarter of this year.

To further bolster membership numbers, over the next couple of months we will be increasing our Chapter's visibility within the Puget Sound Region. This effort includes major upgrades to our Chapter website and, additionally, launching a LinkedIn Group that will allow members to connect to other members and share right of way related information and industry updates.

Attendance at monthly dinner meetings is continuing to hold strong and your Chapter leadership is always looking at ways to increase participation through thoughtful and dynamic dinner presentations. If you have ideas or suggestions for upcoming presentations please contact Vice President and Program Chair, Leslie Beard, R/W-RAC. We want to make sure we are providing programs that are of interest to our members.

Well I promised many of you that I would try to keep the President's Message shorter than my last so I will conclude with this: your Chapter's Executive Board is here to serve you as members of this chapter. I strongly encourage you to reach out to us with any comments, suggestions, or complaints you may have so we can implement and/or address them in a timely manner. Thank you again for allowing me to serve as your current President and I look forward to seeing you at our next meeting.

Thank You,

**Matthew R. Hansen,  
Esq.**  
Chapter 4 President

## What's happening in Chapter 4...

## January Executive Board Meeting

Meeting called to order; minutes of 12/11/13 approved;  
Treasurer's report - total chapter assets = \$63,234.14;

**Old Business:**

Voting on By-Laws at next meeting. Ballots will be at Registration Desk .

**Committee Reports:**

Professional Development - Melanie Rabaglia reported: Steve Reinhart submitted his SR/WA candidacy application. Discussion followed regarding the list of members, classes taken, and classes needed for designation. Kristina had compiled the original list. In the future the PDC will manage the list. About every six months, Melanie will e-mail HQ for updated list of members and courses taken and remove those who have achieved their designation.

Education - Karen Wright reported that currently we are using 30% local and 50% out of town instructors. Zach Bergman is the coordinator in April for Courses C603 and C604. Karen passed out the 2014 Class Schedule, discussion followed. Karen is working with HQ regarding a local appraiser to team teach with Randy Williams for C421. Both C400 and C600 were approved for CE credits for Appraisers. Discussed donations to RWIEF for instructors who donate their time to teach a course. HQ had sent a notice that no more ads for classes were to be sent to other Chapter members. Brad had said this wasn't a problem and talked with Portland and they do not have a problem.

Membership - Matt Sloan was unable to attend. Report provided by Greg Goodman. There is a pending new member but the vote was tabled until we receive more information - then we will vote on by e-mail. It looks like we will not make the 5% growth target. Between non-renewals and retirements we're down 18 members from last year's totals.

Program - Leslie Beaird future programs include: Thurston County and Seattle Department of Transportation will make presentations for the Project of the Year this evening. Discussed the quality of the food- Coast Bellevue has a new chef. Matt checked with the Catering Manager and is working with her to get better quality. We will continue to look at other venues. Leslie had checked with Rock Bottom which seemed reasonable and is available - the cost at RB would be about the same. Discussion followed that we may need to increase the \$25 - which hasn't been increased in several years in order to maintain a certain level of quality. Rock Bottom also has a Bellevue location. February meeting is "Bring Your Colleague" at Graham and Dunn on Pier 70. Lunch will be complimentary for non-IRWA guests. Matt is working on parking. Cynthia Voth and Meghan Granito will present "Social Media for Professionals and their Business." Michelle will get the numbers to Matt. Melanie will have a SR/WA presentation for Kelly McGill. Leslie is still working on March and April meeting presentations. Some suggested topics are: Engineering, Property Management, Asset Management, Survey issues.

Social- Jesse Ray indicated that information on the Member Appreciation night was e-mailed. Discussion followed. Based on 50 people, \$2,244 plus \$650 drinks (2 per person). Price per person is approximate \$60 per person. The private room option was chosen. The price will be \$20 person with the Chapter subsidizing the remaining amount. Spouses are welcome. This will be held February 6, from 7 to 9 pm at the Acme Bowl in Tukwila. Notice will go out immediately with the registration deadline being noon, January 30th.

Nominations, Elections and Special Awards - Mitch Legel indicated that voting on the By-Law changes will take place at the next meeting as well as the presentation of the Project of the Year. Coming up are nominations for Professional of the Year and nominations for officers. The election for officers will be in May and installation of officers Wednesday, June 11th. .

Communication-Outreach - Greg Goodman reports there have been issues with the website. Mike Bulzomi is working on the Website Hosting Fee Account and payment problems for registration. Mike will look at moving to Professional Management of the website. Matt asked that he bring Tara into the talks and keep her in the loop. Mike will also look into other ways to pay registration.

Correspondence/Announcements - None

**New Business:**

None

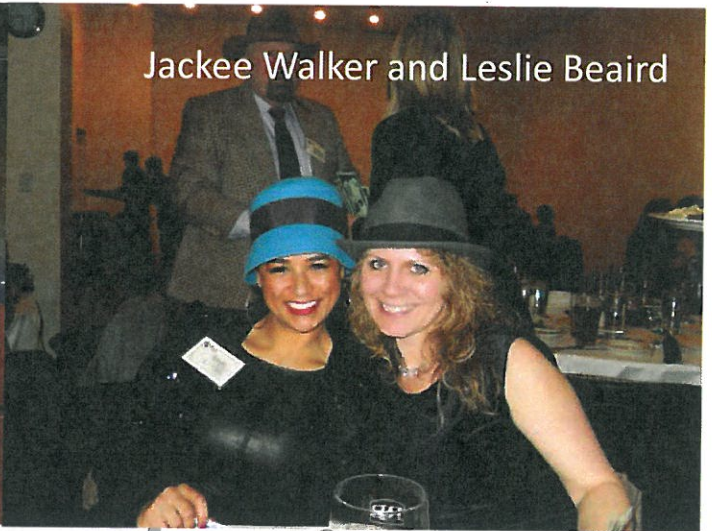
Meeting adjourned.

**REMINDER: ALL GENERAL MEMBERS ARE INVITED TO ATTEND THE EXECUTIVE BOARD MEETINGS**

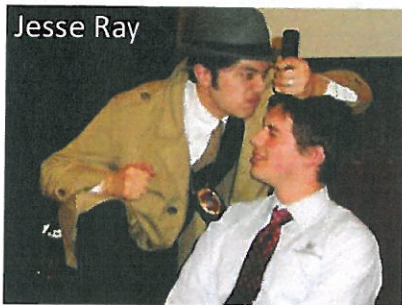
**IT'S A GREAT WAY TO FIND OUT MORE ABOUT CHAPTER 4!**



Matt Sloan participating in the program



Jackee Walker and Leslie Beard



Jesse Ray

# December 2013



Cyndi Whelpley with a special guest



Matt Sloan



Matt Hansen, Kristina Guzman, and Sonja Kraus



Erich Herzog, Jennifer Walker, Leslie Beard, Pam Dittloff, and Dianna Nausley

# Nominations and Awards



## “Professional of the Year and Employer of the Year”

It's that time again to start thinking about those firms, organizations, agencies and individuals you felt have made significant contributions to the chapter and the right of way community we serve. Nomination forms for “Professional of the Year” and “Employer of the Year” are now available on our Chapter 4 website. These two awards will be presented to the winners in July 2014 during the Officer Installation dinner.

## “Volunteer Incentive Plan”

The Voluntary Incentive Plan (VIP) is back and we need you. Are you looking for an opportunity to get involved and not sure what to do? Then look no further because it's easier than you think and it starts right here. Volunteering is fun and self-rewarding through working with others and knowing you've supported the success of your colleagues and the general membership at large. This is not only self-rewarding and an excellent opportunity to support the needs of the chapter; you will also be eligible to win a 2-day IRWA Chapter 4 sponsored course to further advance your professional career. Go to our Chapter 4 website now to download the VIP form and get started today!

Award	Due Date	Presentations	Winner Announcement
Employer of the Year **	May 2014 Meeting	N/A	July 2014 Installation
Professional of the Year **	May 2014 Meeting	N/A	July 2014 Installation
Volunteer Incentive Program	6/6/14	N/A	June 10, 2014

\*\* July 1, 2013 through June 30, 2014

Comments or questions, please contact Mitch Legel, SRWA - Chair NESAC Committee at 425-673-5559 or by email [mlegel@ufsrw.com](mailto:mlegel@ufsrw.com).



IRWA Chapter 4 is pleased to welcome the following new members...

*Glendell Jackson, Universal Field Service*

*Anthony McDonald, Universal Field Services*

*Sharon Scharer, Century Link*

*Jacquelyn Walker, Graham and Dunn*

*Vince Stewart, Universal Field Services*

*Sue Guthrie, HDR Engineering*



## *In Remembrance*

Unfortunately we must report the passing of our Friend, colleague, co-worker, Chapter Member and ROW professional, Larry Seyda.

Larry passed away the morning of Wednesday, October 30, 2013, at the much too young age of 63, after a courageous 2.5 year battle against esophageal cancer. Larry was living in Everett at the time of his passing and was surrounded by his children Ben of Bellingham, Brad of Abilene, Texas, and Lauren of Oakland, CA. Larry is also survived by his 10 year old granddaughter Jasmine and his sister.

Larry was born in Brooklyn, NY. After high school, he attended and graduated from Hamline University in St. Paul, MN. It was in St. Paul that he embarked on his career in ROW, starting with the Burlington Northern Railroad. After the railroad moved its ROW office to Fort Worth, Larry worked for Catellus, Staubach, PHAROS, and Certified Land, which he retired from in 2010.

Sound Views

# JANUARY 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8 Membership Meeting at Coast Bellevue 5:30 PM	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

# FEBRUARY 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6 Membership Appreciation @ ACME Bowl	7	8
9	10	11	12 Membership Meeting at Graham and Dunn (Lunch)	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

Course 502—Tacoma

Sound Views

MARCH 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12 Membership Meeting—TBD	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

APRIL 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9 Membership Meeting at Coast Bellevue 5:30 PM	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24 Course 603—Bellevue	25 Course 604—Bellevue	26
27	28	29	30			



# Thank You !



Longtime Chapter 4 member and past president, Johnnie A. Butler retired from the King County Department of Transportation on November 27, 2013. She worked there for over 27 years and most recently performed the duties of a Real Property Agent III in the Transit Division. Some of her most rewarding work was on Metro Transit's RapidRide A and F transit lines.

Prior to working at King County, Johnnie got her start in the right-of-way field at Seattle City Light. She was hired by Gary Farr and worked there 3 years. After SCL, Johnnie worked as a Real Property Agent at the City of Seattle Water Department where she was hired by Connie Corpuz.

She has been a chapter member since 1982. She has the distinction of being the only president to serve more than one year. Although the chapter has never had a repeat president, Johnnie served during 1998-9 when the chapter switched to a fiscal calendar that led to her serving 1.5 years. Some of her fondest chapter memories are working on the 2001 and 2012 International Education Conference Committees. She was also a rep on the regional transportation committee. Another success she had as a chapter leader was co-chairing the Rail Solutions Seminar with Steve Hagen. When asked for a favorite conference memory Ms. Butler replied, "What happens at the conference, stays at the conference."

Having been a mentor to many in the chapter, Johnnie looks to Gary Farr, Steve Hagen, Ron Bott and Susan Serdahl as members she remembers as mentors to her.

Johnnie was born in Shreveport Louisiana and has lived in the Seattle area since 1957. She is a graduate of Garfield High School. After high school, she took real estate courses at North Seattle Community College.

Johnnie plans to spend her retirement enjoying her 13 grandkids and 3 great-grandkids. Johnnie and her husband Donald are planning a upcoming road trip. They expect the road to take them wherever it goes. She also plans to continue to pray for those who need it.





## EARLY REGISTRATION DISCOUNTS!

*Seattle/ Bellevue Chapter 4*

C603 UNDERSTANDING ENVIRONMENTAL CONTAMINATION IN RE (April 24, 2013)

**Early Registration (on or before 3/27/14):** Member: \$265.00 / Non-Member: \$330.00

**Standard Registration (on or after 3/28/14):** Member: \$290.00 / Non-Member: \$355.00

C604 ENVIRONMENTAL DUE DILIGENCE AND LIABILITY (April 25, 2014)

**Early Registration (on or before 3/28/14):** Member: \$265.00 / Non-Member: \$330.00

**Standard Registration (on or after 3/29/14):** Member: \$290.00 / Non-Member: \$355.00

C900 PRINCIPLES OF REAL ESTATE ENGINEERING (May 12-13, 2014)

**Early Registration (on or before 4/14/14):** Member: \$415.00 / Non-Member: \$520.00

**Standard Registration (on or after 4/15/14):** Member: \$440.00 / Non-Member: \$545.00

C304 WHEN PUBLIC AGENCIES COLLIDE (July 18, 2014)

**Early Registration (on or before 6/20/14):** Member: \$265.00 / Non-Member: \$330.00

**Standard Registration (on or after 6/21/14):** Member: \$290.00 / Non-Member: \$355.00

C504 COMPUTING REPLACEMENT HOUSING PAYMENTS (August 11-12, 2014)

**Early Registration (on or before 7/14/14):** Member: \$415.00 / Non-Member: \$520.00

**Standard Registration (on or after 7/15/14):** Member: \$440.00 / Non-Member: \$545.00

C421 THE VALUATION OF PARTIAL ACQUISITIONS (September 16-19, 2014)

C431 PROBLEMS IN THE VALUATION OF PARTIAL ACQUISITIONS (October 22, 2014)

C802 LEGAL ASPECTS OF EASEMENTS (November 13, 2014)



GRAHAM  
& DUNN PC

The Sidebar

by Matt Hansen, Esq.  
Graham & Dunn PC  
206.340.9595  
mhansen@grahamdunn.com

**Question:** A property owner operates a restaurant franchise on a parcel of land. The franchise agreement requires the property owner/franchisee to maintain a minimum of 50 parking stalls during all hours of operation despite the building code requirement of only 40 stalls for this particular parcel. Under threat of eminent domain, a city is seeking to acquire a 2-year temporary construction easement (TCE) over a portion of the owner's property to both widen and improve the adjoining roadway. The taking will result in the temporary loss of 10 of the owner's parking stalls during most of the 2-year construction period. Does Washington law recognize temporary damage impacts to the property as a result of the franchise parking requirement and perceived operating expenses increase during the term of the TCE (e.g., franchisor will require franchisee to provide offsite parking (via valet service) for the 10 parking stalls lost during construction?

- Anonymously Submitted

**Answer:** Generally, no. Franchise requirements and practices are irrelevant in a condemnation action and should be excluded for two reasons: (1) they do not relate to the value of the real property and improvements, but only to alleged business losses or consequential damages, which are not compensable in eminent domain; and (2) they relate to the owner's specific use and particular business interests, which is not an appropriate measure of market value under Washington law.

Washington courts uniformly hold that lost profits, business losses, and other consequential damages are not a proper element of a just compensation award. Many of the Washington cases that deny these damages discuss valid policy reasons supporting the rule. Those cases explain that lost profits, business losses, and other consequential damages should not be included in just compensation because, among other things, they do not flow directly from the condemned property, but instead result largely from attributes personal to the property owner. Damages cannot be awarded in reference solely to the particular situation, circumstances, or plans of the owner, or to the business in which he happens to be engaged, but only with reference to the uses to which the land may be put, as affecting current market value.

Just compensation should reflect the land's objective value, not its particular value to a particular owner. To subject the public purse to the vagaries entailed by awarding compensation based on who owns the land and what they intend to do with it would be unsound, and overly extravagant. In short, just compensation reflects not the personal injury to the individual, but the lesser desirability of the land to the general public. It should depend on the characteristics of the property condemned (or damaged by an adjacent condemnation), and not on the personal characteristics of whoever happens to own that property. It is the real property of the owner, not his business, which is being acquired. The character of the business transacted on the property is an element of property value, but the profits or supposed profits arising from the business is not a proper element of damages and should be excluded. WPI 151.05.

The property owner's reliance on his specific use of the property as a restaurant franchise, under a particular franchise agreement, that imposes specific parking requirements, violates this rule. Such reliance reflects personal injury to the individual owner, not the lesser desirability of the land. The franchise requirement is therefore irrelevant to the determination of just compensation. Further, if admitted, it has a great potential to mislead the trier of fact into believing that those franchise requirements and business practices are a legitimate ground for awarding damages.

*Answer provided by Jackee Walker, Esq.* Ms. Walker is an attorney and member of Graham & Dunn's Condemnation Law and Real Estate Valuation Team. Ms. Walker is also a member of IRWA and Chapter 4.

Submit Future Legal Questions Pertaining to Right-of-Way Matters to:

**Matthew Hansen, Graham & Dunn, PC**

Pier 70, 2801 Alaskan Way, Suite 300

Seattle, WA 98121

206.340.9595 or mhansen@grahamdunn.com

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## Upcoming Chapter Meeting Topics

**March: How to Identify a Meth Lab  
– King County Sheriff's Office**

**Location: The Coast Hotel**

**April: Election of Officers/  
Condemnation – Graham & Dunn**

**Location: The Coast Hotel**

**May: TBD**

**Location: The Coast Hotel**

**June – Installation  
Dinner**

**Location: TBD**

Stay Tuned...

We are continuing to work on receiving approval for the Chapter Meetings to count for re-certification credit.

## Chapter 4 Executive Board Members

### President

**Matthew Hansen, Esq.**  
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### President Elect

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### Vice President (Program Chair) Chair

**Leslie Beard, R/W-RAC**  
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### Treasurer

**Kristina Guzman, SR/WA**  
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### Secretary

**Kelli Larson**  
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### Communications Chair/Newsletter

**Greg Goodman, MAI**  
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### Golf Tournament

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### Web Page

**Tara Cicora**  
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### Immediate Past President

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### Nominations, Elections & Special Awards

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### Professional Development Committee

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### Education Chair

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### Membership Chair

**Matt Sloan**  
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### Social Chair

**Jesse Ray**  
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[jesse@roland-resources.com](mailto:jesse@roland-resources.com)

### Reservations

**Michelle Talbot, SR/WA**  
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Sound Views



# Valbridge

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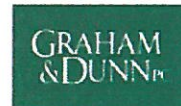
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Public Project on Your Mind?



Condemnation and  
Real Estate Value Disputes

Jeffrey Beaver, Marisa Velling Lindell  
and Matt Hansen



Pier 70, 2801 Alaskan Way | Suite 300 | Seattle, WA | 98121  
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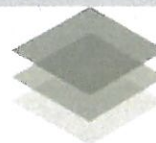


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# Seattle in the National News

## THE WORLD'S LARGEST TUNNEL

New boring technology paves the way for Seattle's double-deck highway replacement

**BY BARBARA BILLITZER**

In the summer of 2013, the world's largest diameter tunneling machine began a historic journey beneath downtown Seattle. Its purpose: dig a tunnel to replace the State Road 99 Alaskan Way Viaduct, a double-deck highway that was built in the 1950s and suffered earthquake damage in 2001.

The \$3.1 billion Alaskan Way Viaduct Replacement Program showcases a two-mile long tunnel that will change the way traffic uses SR99. With a diameter of 57.5 feet, the tunnel will allow drivers approaching from either direction to drive through the tunnel to bypass the downtown area or exit at tunnel portals to city streets and head into downtown. The project is being led by the Washington State Department of Transportation (WSDOT), along with its agency partners, including the Federal Highway Administration (FHWA), Port of Seattle, King County and the City of Seattle.

WSDOT owns SR 99 as well as the viaduct, and is responsible for highway inspections, major maintenance and for ensuring that state regulations are followed. The FHWA is responsible for ensuring that the viaduct replacement project meets federal regulations. The Port of Seattle relies heavily on the SR 99 corridor and has committed \$300 million in funding to the program. King County is responsible for implementing transit changes and improvements associated with the program. And the City of Seattle is responsible for viaduct traffic operations and minor maintenance. In addition, the city owns and maintains the area underneath the viaduct and many of the utilities located in the project area.

## SIX DECADES OF SERVICE

The Alaskan Way Viaduct has seen its fair share of critics. Before the double-deck highway took its place on Seattle's downtown waterfront, transportation planners and city leaders spent nearly two decades debating the best way to fix the city's growing traffic problems. The viaduct, a bridge composed of several small spans, quickly became a fixture of Seattle's skyline and a vital north-south route through the downtown area. It gave drivers an alternative to the congested city streets, and even offered impressive views of Elliott Bay and the Olympic Mountains. By the end of the 20<sup>th</sup> century, it was among the state's busiest and most important sections of highway, carrying 110,000 cars each day.

But in February 2001, a 6.8 magnitude earthquake struck Seattle. When the shaking stopped, sections of the viaduct had sunk several inches. Engineers agreed that had the quake lasted a few moments longer, the viaduct would have collapsed entirely. Although crews were able to stabilize the structure, Mother Nature had sent a clear message: the viaduct needed to be replaced. Thus began one of the most scrutinized public processes in state history.

Read the rest of the article in the Jan/Feb 2014 issues of *Right of Way Magazine* (<http://www.irwaonline.org/eweb/dynamicpage.aspx?webcode=2010s>)



Sound Views



Let us know how we are doing...



If you have any comments/suggestions regarding the IRWA—Chapter 4 Website, please contact Greg Goodman at [ggoodman@valbridge.com](mailto:ggoodman@valbridge.com)



EDUCATION CONFERENCE

HARTFORD 2014

JUNE 22-25

IRWA

- Welcome
- Convince the Boss
- General Information
- Travel & Housing
- Schedule of Events
- Leadership Schedule
- Educational Sessions
- Sponsorship
- Exhibitors
- Pre/Post-Conference Courses

Welcome to the International Right of Way Association's 60th Annual International Education Conference held in Hartford, Connecticut, at the Connecticut Convention Center. We invite you to attend this valuable industry event and take advantage of the many educational and learning opportunities, as well as the networking events that have been planned just for you. Please feel free to contact us if you have any specific questions regarding the annual conference, and check our website often for updates regarding our plans as we continue mapping out your educational event of the year!

Sincerely,

Your 2014 Conference Planning Committee

Douglas Hummel, SR/WA  
2014 Conference Chair  
[douglas.hummel@ct.gov](mailto:douglas.hummel@ct.gov)

Richard Allen  
2014 Conference Chair  
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**WOULD YOU LIKE TO PROMOTE YOUR BUSINESS?**

Let us help you! Advertising here, in the IRWA Chapter 4 newsletter. Advertisement rates are low at a cost of:

- \$100 for 1/8th page (business card size)
- \$200 for 1/4 page
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