

Thursday, November 9, 2006
General Membership Meeting

Schuler's Restaurant
115 S. Eagle Street • Marshall, MI

Registration/Check-In: 8:00AM • Program ends at 4:30 pm
Cost: \$35.00 (if registered by November 1st) • \$45.00 (late or at door)

Program

- 8:00AM Registration/Check-In
- 8:30AM Charlie O'Neill, FHWA and Eric Smith MDOT
MDOT and Federal Hwy thoughts on implementing new House Bills
- 9:30AM BREAK
- 9:45AM Business Meeting, Val Lafferty, SR/WA ≠ Chapter 7 President
- 10:00AM Gerry Ayers, MDOT - Supervisor, Environmental Analysis Unit
NEPA reporting requirements for State and Federal-funded-projects
- 11:00AM Peter Manning, General Counsel, Michigan Dept. of Natural Resources
Update from MDNR
- 12NOON LUNCH Menu Selections: Schuler's famous Prime Rib, Salmon Au Poivre, or Honey-Dijon Chicken Breast
- 1:15PM Dave Berry and Ron Reynolds, Berry, Reynolds & Rogowski, P.C.
New Evidentiary Issues Dealing with Appraisals
- 2:15PM Douglas Hodge, Douglas K. Hodge, MAI, ARA Capstone Realty Resources
Topic TBD
- 3:00PM BREAK
- 3:15pm Geoff Seidlein, Hubbard Law Firm – Topic TBD

Membership Meeting

When:
THURSDAY
November 9, 2006

Where:
Schuler's Restaurant
115 S. Eagle Street
Marshall, MI 49068
269 781 0602

Cost:
early registration
by November 1, 2006
\$35./per person
\$45.U.S./per person
after November 1st
and at door

Registration Information / Reservation Form:

Cost: \$35.U.S./per person – **must be received by November 1, 2006**
Registration Fee after November 1st and at door is \$45.U.S./per person

Reservations & Questions: Andrew Reed, 248 547 4350 / phone • REEDANDASSOCIATES@EARTHLINK.NET
2770 Coolidge Hwy • Berkley, MI 48072 • 248 547 4354 / fax • 248 561 9440 / cell

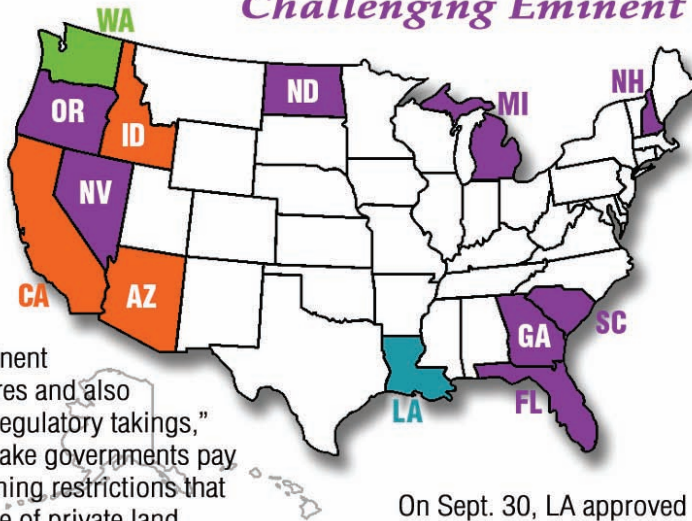
Please reserve space for the following:

Name(s): _____

Company/Agency: _____ **number of attendees:** _____
 _____ **@ \$35./ea=** _____ **total:** _____
Phone Day: _____ **Phone Nite:** _____

Challenging Eminent Domain

WA
WA has
"regulatory
takings"
measures only



**States with
measures
that would
limit eminent
domain**

**States with eminent
domain measures and also
measures on "regulatory takings,"
which would make governments pay
for enacting zoning restrictions that
reduce the value of private land**

On Sept. 30, LA approved a constitutional amendment limiting local government's ability to seize public land for economic development



PICABO, Idaho — More than a year after Suzette Kelo and several of her neighbors in New London, Conn., lost their battle against eminent domain in the United States Supreme Court, the backlash against the ruling has made property rights one of the most closely watched ballot issues nationwide.

Already, 30 state legislatures have enacted restrictions on eminent domain in response to the court ruling. Now voters here and in 11 other states will

consider property rights measures in November, making it the election's most prevalent ballot issue. Most of the measures would limit eminent domain to some degree, while others, in Western states, would go further, imposing new restrictions on government's ability to enforce zoning laws, even if those laws are intended to reduce sprawl and improve safety.

In the Kelo case, the Supreme Court ruled that government could transfer private land from one owner to another for the sake of economic development. But the court made a point of saying states were free to change their laws.

Even opponents of the ballot measures concede that support for them appears strong in public opinion polls. They predict years of court fights if the measures pass.

Supporters of the ballot efforts in the West – often called "Kelo-plus" – say they want to stop so-called regulatory takings, the idea that government effectively takes private property when zoning laws limit how it can be used.

Opponents say the regulatory-takings initiatives are essentially a ruse, that they are trying to exploit anger over the Kelo decision and eminent domain to roll back zoning regulations that are critical to controlling growth, protecting the environment and preserving property values.

*Submitted by Andy Reed, Andrew Reed & Associates, Inc.
reedandassociates@earthlink.net*

map based on information from The New York Times, October 6, 2006 – nytimes.com

*article excerpt from The New York Times, October 8, 2006 – nytimes.com
Anger Drives Property Rights Measures
By WILLIAM YARDLEY
Copyright 2006 The New York Times*

read the entire article : <http://www.nytimes.com/2006/10/08/us/08domain.html>

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Professional Development

- | | |
|-------------------------|---------------|
| Roland B. Cilke, SR/WA | Class of 2006 |
| Mary Anne Marr, SR/WA | Class of 2007 |
| Jeffrey L. Jones, SR/WA | Class of 2007 |

Every man owes some of his time to the upbuilding of the profession to which he belongs.

–Theodore Roosevelt



president's chapter message
Valerie Ferrero Lafferty

Val Ferrero Lafferty

Well it was a wonderful conference on Mackinac Island – big thanks once again to Alicia Worthley for making all the arrangements and Andy Reed for putting the program together! Thanks also to the dynamic speakers – all of them were truly outstanding. Hot topics dealt with new Michigan legislation and the proposed constitutional amendment, affecting public projects, generated much discussion. As a chapter, we'll be dealing with the ramifications - good and bad - at upcoming meetings!

For 2006 we've welcomed several new people on committees for the Michigan Chapter. We have also experimented with some interesting new meeting venues in an effort to reach out to new areas as a chapter. At this time last year, as I was preparing for my year as president, one of my goals was to try to be more inclusive. I should note that this is the house that people like Bill Reid and Alicia Worthley built – to name just a couple, so the concept isn't new to me or to the group. But I now recognize it was that very quality that was so engaging about the Michigan chapter of IRWA then... and now... I continue to enjoy and am enriched by the professional relationships, sharing of information, etc.

I am also aware that inclusiveness is not a stagnant concept, however, or a commodity to be shelved until it is remembered or convenient. It is one that needs to be baked into our approach – it deserves planning, implementing and tending. It has been my experience that including the contributions of many unleashes some powerful and positive forces for all. It's a dynamic that works in family settings as well as social and professional ones... so, for those of you who might be considering becoming more involved with our Michigan chapter, either through a committee, as a speaker, perhaps as a host(ess) for a meeting, a sponsor for an activity or as an active participant at one of our meetings, please know your contributions help us all to continue to grow. When you have a minute, give me a call: 517 349 6660 or send an e-mail: laffertyv@comcast.net – I'd like to hear from you.

Join us for our next meeting in Marshall on Thursday, November 9th. I hope to see you then!

ANNUAL EDUCATION AUCTION



Let the Auction begin! Jerry Rosenfeld & Ed Bradley try to whip-up some big money, above

Auction Accounts Receivable Department: Dick Roth, Lynn Hall. Overseeing the back: Jerry Lund



Chapter 7 is pleased to welcome new members



Johanna Wiltfong is a Right-of-Way Technician with Cloverland Electric Cooperative.

Johanna has worked in right-of-way related work for 4 years. She has a degree in Legal Assistant Studies and also in computers, working in that area previously with the Sault Ste. Marie Tribe of Chippewa Indians. She has been married for four years to her high school sweetheart Steven, who is a Corrections Officer and they have a daughter Kaylee who is almost 2 years old. Johanna enjoys horseback riding, cooking, reading, crafts, or anything outdoors.

Ron Reynolds is an attorney with Berry, Reynolds & Rogowski, PC. Ron has concentrated in condemnation, eminent domain, land use, and real property litigation for the last 16 years. He is a graduate of Hillsdale College and Northwestern University Law School. Ron is a member of the Michigan State Bar Real Property Law Section Council, Vice Chair of the Eminent Domain Committee and Member of zoning and Land Use Committee. He is also the current President of Leadership Oakland and a member of the Board of Directors of Crossroads for Youth in Oxford. Ron has been married to Patty for almost 22 years and they have four children; Amy a 19 year old Central Michigan University student, Emily a 17 year old senior, Matt a 15 year old sophomore, and Dan a 13 year old 7th grader. Ron enjoys golf, history and learning about architecture.

James D. Foster is a Facilitator and Liaison Agent for METCO Services – Engineers, Architects and Surveyors. His work involves development projects and dealing with the local, State, or Federal governmental agencies, as well as public and private utilities. Previously, James worked for the City of Detroit in their DPW/City Engineering Division and has a total of 21 years in right-of-way related work. His education includes Architectural Engineering at the University of Detroit and Civil Engineering at Wayne State University. James enjoys tennis, old movies, and traveling (especially visiting his dog in Las Vegas).



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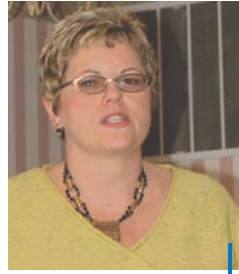
I



J



K



L



M

AI Oakland Co. Drain Commish, John McCulloch

BI MDOT Director, Kirk Steudle

CI Fred Walasavage, Oregon IRWA Environmental Comm. Update

DI Bill Horn, Mika MeyersBecket & JonesPLC – Water Rights

EI Ray Howd, AG Condemnation Update

FI Jerry Lund, Region 5 Chair & Jeff Jones

GI Margaret Skeketee, First ROW Inc

HI Jeff Jones, RCOC Archeology (big, old bones)

II Dave Maturen, Maturen & Assoc. Proximity Damage Analysis

JI Paul Sander, MDOT – Easements

KI Avery Williams, Williams Acosta Eminent Domain Issues

LI Mary Anne Marr, Consumers Lake MI nukes & encroachments

MI Jerry Rosenfeld & Stephan Bagne, Valuation Roundtable

CLOCKWISE FROM RIGHT:

Off to the Grand Hotel in the carriage-limo

Sandy Hoffman, Stacy Hissong & Geoff Seidlein

Chris & Liz Barnes on picturesque Main Street

Mr. & Mrs. Michael Oakes

Mr. & Mrs. Dennis Stephens





Mackinac Island, MI 2006 Fall Education Seminar



TOP OF PAGE: the meeting (Executive Committee) before the meeting (General Membership/Fall Seminar)

RIGHT: Alicia Worthley, our Fall Seminar Commander, giving last-minute "instructions"

LEFT: a new view on that bee hive of activity, check-in

ABOVE: Program Chair, Andy Reed with his own "instructions"



a

a) Alicia & Rod Griffiths enjoying dinner at the Grand Hotel - a National Historic Landmark



b

b) Danny Sorrels, Earl & Hether Newman

c) Mary & Bob Benko

d) Val Lafferty with her parents

e) Paul & Julia Sander having cocktails on the Grand Hotel's world's longest Front Porch (660 feet!)

f) Ruth Cilke, Steve Roon, Bill Horn & Roland Cilke



d



e



c



f

WELCOME *new members*

Jeff Jones welcomes new members Jim Aiello, Bonnie Bowers, Kelly Ramirez & Paula Reeves



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All classes scheduled by the IRWA are subject to cancellation. Although every effort is made to run each class as scheduled, occasionally a class must be cancelled due to insufficient enrollment or unavailability of instructor. Payments made to IRWA, for tax purposes, are not deductible as charitable contributions; but may qualify as a usual and necessary business expense.

Course #406B

7 Hour National USPAP Course – Uniform Standards of Professional Appraisal Practice

November, 29, 2006 • 8AM – 4PM • 1 Day
Weber's Inn • 3050 Jackson Road • Ann Arbor, MI 48306

Who Should Take This Course: Right of Way Practitioners who are in the appraisal field

Course Description: USPAP satisfies Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) requirements for standards, and ethics for appraiser certification and licensure, and has met the requirement for Standards and Ethics for state certification and licensure. The 7-hour course focuses on the changes to the 2006 edition of the Uniform Standards of Professional Appraisal Practice (USPAP). It also addresses common misunderstandings about USPAP. This course is intended to fulfill the 7-hour requirement as established by the Appraisal Qualifications Board (AQB) of the Appraisal Foundation. Holiday Inn Express, 4350 Pontiac Lake Road, Waterford, MI 48328

Course Tuition Includes: Participant's manual; USPAP Text

Facilitator: David E. Burgoyne, SR/WA, ASA, is the owner of Burgoyne Appraisal Company based in Ann Arbor, Michigan. He is a certified general real estate appraiser specializing in litigation and eminent domain. A senior member of both the International Right of Way Association and the American Society of Appraisers, Mr. Burgoyne has appraised hundreds of partial and total acquisitions, easements, corridors, special purpose and environmentally contaminated properties, for private property owners, corporations, utility companies, school districts, local, State and Federal governments during his 20 year appraisal career. Mr. Burgoyne frequently testifies regarding just compensation and

other issues in State and Federal Courts. A certified IRWA facilitator with 13 years teaching experience in 12 different IRWA courses, he has taught in Illinois, Iowa, Indiana, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio and West Virginia. Mr. Burgoyne is certified as an AQB instructor of USPAP courses as well.

Four Ways to Register:

- 1.) Online: www.irwaonline.org
- 2.) Fax: 310-538-1471
- 3.) Phone: 310-538-0233 x138
- 4.) Mail to course coordinator:

Class Coordinator: Patricia A Petitto, SR/WA • Greenstar & Associates, LLC
4840 N. Adams Rd., Suite 183 • Rochester, MI 48306 • 248 342 6640
• petittopa@aol.com
Please make checks payable to International Right of Way Association

Accommodations: Weber's Inn • 3050 Jackson Road • Ann Arbor, MI 48306
Mention IRWA for Group Rate of \$75. • Room Block expires 10/29/06.

Cancellation Policy: Written notification of cancellation must be received by class coordinator 15 days prior to start of class. A 75% refund will be made if written notification is received less than 15 days prior to start of class. No refund will be made after the start of class. A \$25 fee will be charged for registrations received after deadline and for those registering on day of class.



Congratulations!

2006 RAP Award Winner

David C. Maturen is the winner of the 2006 Realtor Active in Politics (RAP) Award. The RAP nominee must be active-

ly involved in the real estate industry as well as with political affairs on the local, state and national levels.

Among other positions, Dave has been involved for many years with the Greater Kalamazoo Association of Realtors, MAR's Public Policy Committee, the State Board of Real Estate Appraisers, the National Association of Realtors. In addition, he has served on various task forces, as a Federal Political Coordinator, a Brady Township GOP Precinct Delegate, on the U.S. Military Academy Advisory Board and as a Kalamazoo County Commissioner -District 17.

Our congratulations to a busy, busy guy.

The Great Lakes State•ment is a publication for the members of Michigan Chapter 7 of the International Right of Way Association (IRWA). Stories and articles of interest are encouraged. Please make your submissions to:

Michael Oakes, Newsletter Chair
517 788 2332
maoakes@cmsenergy.com
Linda M. Polo, Polo Design
Art Director/Editor
Impolo@aol.com

Submissions for the December newsletter due by:

November 27, 2006

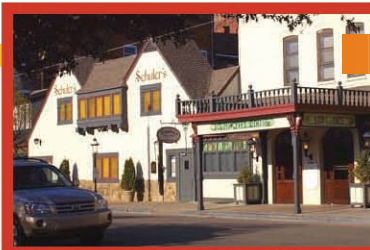
For information on IRWA Michigan Chapter 7, please contact the Secretary:
Laura K. Southwell, R/W-RAC
734 327 6694
southwell@wccroads.org

November 2006
vol. 52 • no. 05

Verne Cappell
c/o Consumers Energy Company
One Energy Plaza
Jackson, MI 49201



*Address
Correction
Requested*



Thursday, November 9th

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