



May 2010



VOL. 56 • NO. 01



ITC
ITC Headquarters
27175 Energy Way • Novi

General Membership Meeting May 13, 2010 • 8:00am

Special Registration Note: It is very important to arrive early to show your driver's license and obtain a temporary ID badge from security.

There are no walk-ins for this meeting!

We MUST have your reservation by MAY 3

Registration: \$40 per person

For security purposes

you must register before May 3:

Larysa Figol, SRWA, The City of Troy

by mail: 500 W. Big Beaver Road,
Troy, MI 48083

by phone: 248 524 3380

by e-mail: figoll@troymi.gov / e-mail

There are no walk-ins for this meeting!

- 8:00 - 8:30 AM **Registration** – see special note above
- 8:30 - 8:45 AM Opening Remarks & Business Meeting
- 8:45 - 10:45 AM **Jason LeRoy**, Manager, Baker, Tilly, Virchow, Krause, LLP
Mike Lohmeier, Assessor, City of Auburn Hills Assessing Office
Challenges in Multi-Disciplinary Appraisal Assignments
- 10:45 - 11:45 AM **Joe Bennett**, Director of Facilities and Security, ITC Holdings Corp.
Construction of the ITC Headquarters
- 11:45 AM - 1:00 PM Lunch – Please return promptly at 1:00pm
- 1:00 - 2:00 PM **Darrel Yohnk**, Director, Real Time Operations, ITC Holdings Corp.
Tour of ITC Control Room
- 2:00 - 3:00 PM **Joe Dudak**, Vice-President, Major Contracts and Special Projects, ITC Holdings Corp.
Christine Mason Soneral, Vice President and General Counsel of Utility Operations, ITC Holdings Corp.
Status and processes of ITC Holdings announced projects/interests that the ITC Grid Development currently being pursued in New Mexico, Kansas, Oklahoma, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Illinois and Indiana
- 3:00 PM Adjournment – Please drive safely.

Breaks will be given between speakers as time allows.

REGISTRATION FORM

MI Chapter 7 of the International Right of Way Association (IRWA) • General Membership Meeting • May 13, 2010

registration fee per person / \$40.

You MUST register NO LATER THAN MAY 3

name _____ IRWA membership number _____

company / agency _____

street address _____ city / state _____ zip _____

phone / work _____ phone / home _____

this form may be copied as needed

**Applause,
Applause,
Applause!**



Mary Anne Marr, SR/WA has been notified that she is a confirmed candidate for the 2009 Balfour Award! She and the other candidates will be formally introduced in the next *Right of Way Magazine*.

3 Cheers for Mary Anne!

A New USPAP Course Facilitator

David C. Maturen, SR/WA recently received certification for the Appraisal Foundation's USPAP Courses.

Notified by Nathan Cruzado, IRWA Education Coordinator and Facilitator Liaison, Dave has been placed on the IRWA course facilitator lists for both Course 406A – 15-Hour National USPAP, and Course 406B – 7-Hour National USPAP

Way to go, Dave!

**It's
TIME!**

**Has Your Employer or
Contact Information Changed?**

It's Time to Update the ROSTER!

It is very important to have **up-to-date member information** for the roster and other Chapter 7 business. Do you know of someone not getting a newsletter or other Chapter 7 updates? Please take a moment to update your member information, contact Tim Davis.

Purchase an Ad!

It's Time to ADVERTISE!

If you are interested in becoming a new advertiser or extending your ad in the Great Lakes Statement (GLS) and Membership Roster, please contact Tim Davis for rate information.

Current rates are:

- \$75.00 GLS business card
- \$75.00 Roster business card
- \$150.00 Roster half page
- \$225.00 Roster full page

Advertisers will need to provide their completed ad: business card, half page (approx. 3 3/4" x 3 1/2") or full page (3 3/4" x 7.) Final ad size will be adjusted as needed.

Contact information for advertising or roster up-dates:

Tim Davis
517 768 7153 / phone • trdavis@cai-engr.com / e-mail

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

president's chapter message
Norman G. Thomas, SR/WA



Michigan Chapter 7 is really heating up with Members in the news.

Mary Anne Marr, SR/WA, of Consumers Energy, has been named one of only five finalists for the prestigious Frank C. Balfour Award. The final announcement will be made in Calgary which at this year's International Conference. Congratulations Mary Anne on this nomination!

Additional congratulations to **David C. Maturen, SR/WA**, the 2007 Balfour recipient. In February, Dave received Instructor Certification for USPAP courses. All USPAP instructors must be AQB certified, and his addition gives us six certified Chapter 7 members. By the way, **Jeffrey L. Jones, SR/WA, R/W-NAC** was awarded the Balfour last year – which was the first time a Chapter has had members receiving this award back-to-back!

The very first Balfour recipient for Michigan Chapter 7, **Alicia T. Worthley, SR/WA** has recently been recognized as Senior Life Member! She is a Chapter Past-President, and has had numerous executive board positions. Alicia continues to organize the well attended Fall Seminar and the Installation of Officers Dinner Meeting, and provides an enormous amount of education, experience, time and effort to our Chapter. Thank you, Alicia, and Congratulations!

Finally, our own Vice President and nominated President Elect, **Kim Tassen**, has recently completed and has been awarded the R/W-NAC certification. Congratulations Kim!

The International Right of Way Association has reconfigured their marketing tools and campaign to businesses as well as the general public. Recently we celebrated national surveyors' week. I have also been involved in discussions with International pertaining to advanced marketing. This media advertising has already taken place and has shown successful response. Many businesses, municipalities and government entities use members of the International Right of Way Association yet are unaware of the Association itself – this is changing. Based on feedback from our individual members, Michigan Chapter 7 is acted on this, and recently participated in the Michigan Township Association Conference. We will to continue marketing our organization through conferences and media advertising. Members can consider this as good strong marketing included with their dues and membership.

Please review all the items throughout our newsletter and register for the upcoming General Membership Meeting to be held at the ITC Headquarters in Novi. This could be considered a once-in-a-lifetime opportunity. Due to the security requirements, no walk-ins will be allowed. Specific ID and placement on a registration list is required to gain entrance to the building. The meeting will include a discussion of this facility and a brief tour.

Finally, don't forget to sign-up for the International Education Conference. This year we'll be in Calgary, Alberta, Canada. Join us, as many of your fellow Chapter 7 members will be attending for the education and networking, as well as the social events associated with this great conference.

I look forward to seeing all of you at ITC in Novi for the General Membership Meeting AND in Calgary for the International Conference!

Norman G. Thomas, SR/WA
Michigan Chapter 7 President



**56th Annual
IRWA
International
Education
Conference**

**June 27 – June 30 , 2010
Calgary Telus Convention Center
Calgary, Alberta, Canada**

The International Education Conference is the IRWA's annual gathering of right of way professionals that offers attendees extensive learning opportunities to build their professional skills and enhance their career within the industry.

The legendary western hospitality of Calgary provide a comfortable backdrop for Educational Breakout Sessions, the IRWA Expo, and networking with the Right of Way community

For more information about the IRWA 2010 Annual International Education Conference, please contact:

Jade Yoong, Meetings & Events Manager
yoong@irwaonline.org / e-mail
310 538 0233 ext. 146 / phone



**General Membership Meeting • March 2010
Dundee, MI @ Cabela's Outfitters**

One of the more out-of-the-ordinary locations to hold an IRWA Meeting, Cabela's lived up to the promise of something different: just take a look at Jerry Rosenfeld of JR Group, at right. Jerry was just taking advantage of Cabela's bargains during a break. Not quite as "business casual" as Jerry, Mark Kosanke (above at left) from Concorde Financial Group and a presenter at the March meeting is discussing his topic, *1033 Replacement Property Solutions – Making your acquisitions easier.*



WOLVERINE COMMERCE LLC V PITTSFIELD TOWNSHIP

Here is a summary of this case. I note first of all that it is unpublished. That means it is not binding on other courts, but these can sometimes be useful to persuade a lower court that this is how the Court of Appeals would deal with a similar issue, if presented to it. And this is a case about the Township's refusal to grant a request for rezoning. The Michigan Supreme Court reversed the Court of Appeals decision and remanded it back to the Court for a determination of the items that a trial court may consider in awarding expert witness fees on a motion for costs under the Michigan court rules.

This case arises out of plaintiff's purchase of a parcel of land in defendant township. Plaintiff initially planned to develop the property as a business park, and because the property was master planned for industrial use and was selling for an attractive price, it was a "suitable risk." Plaintiff pursued and successfully obtained industrial PUD zoning for the property.

Plaintiff then concluded that it had made an "expensive mistake" and decided that it would pursue residential development instead. Defendant denied rezoning for residential use. The trial court found that industrial zoning was arbitrary, capricious, and confiscatory. Defendant appealed that decision previously, in Docket No. 278417, and this Court concluded that the "self imposed hardship rule" applied to preclude relief because plaintiff's zoning problems were self-inflicted. Our Supreme Court reversed, holding that the self-imposed hardship rule did not apply because plaintiff had not physically altered its property so as to render it unfit for the property's zoning. Our Supreme Court remanded the matter for this Court to consider defendant's challenge to the trial court's award of expert witness fees in Docket No. 282532, which this Court previously deemed unnecessary to address.

This case does not deal directly with expert fees in a condemnation case under the UCPA. The same principles would apply to that situation, however.

The legal principles addressed by this opinion are:

- (1) Whether the work of an expert's assistant is compensable as a taxable cost (only if that time is spent in preparing the expert to express an opinion, but not for time spent assembling data):
"Therefore, we agree with the principle impliedly laid out in *Verma v Giancarlo*, unpublished opinion per curiam of the Court of Appeals, Docket No. 208534 (2000), where a panel of this Court suggested that costs could be taxed for expert's assistants hours spent preparing to express an opinion, but not hours spent assembling data".
- (2) No taxable costs for time spent on "conferences with counsel for purposes such as educating counsel about expert appraisals, strategy sessions, and critical assessments about the opposing party's position":
"Therefore, any time expended by plaintiff's expert witnesses or their assistants not directly necessary to the preparation of opinion testimony intended to be presented in court was not compensable."
- (3) The party claiming fees has the burden of proving those fees and that they are compensable:
"However, plaintiff has not satisfied its burden of proving the specific fees actually awarded here. The revised bill of particulars, even when read along with the original bill of costs, simply does not contain enough information to permit this Court to evaluate whether those costs include non-compensable charges. The trial court erred in apparently accepting the revised bill of particulars on its face."
- (4) This case involves the taxing of costs under MCL 600.2164, not the expert fees provision of the UCPA, MCL 213.66. But:
"The *Lufuran* Court [*City of Detroit v Lufuran Co*, 159 Mich App 62, 67; 406 NW2d 235 (1987)]. interpreted MCL 213.66, but it simultaneously held that the only difference between that statute and MCL 600.2164 is that compensation is mandatory under MCL 213.66 but discretionary under MCL 600.2164."

*Raymond Howd, Esq.
Law and Legislation committee chair*



**Region Spring Forum
Chicago, IL • April 2010**

Chapter #7 is well-represented at the Region Spring Forum in Chicago: (L to R) Dave Maturen, Cindy Immonen, Mary Anne Marr, Pat Petitto, Jeff Jones, Kim Tassen, and Laura Southwell.

2010 Events Schedule

May 13	General Membership Meeting	ITC Headquarters; Novi
June 11	Installation of Officers	Weber's Inn; Ann Arbor
June 27 – 30	Annual Education Conference	Calgary, Alberta
August 5	Executive Board Meeting	Orchard, Hiltz & McCliment; Livonia
September 29	Executive Board Meeting	Bay Harbor
Sept. 30 – Oct. 1	Fall Education Seminar	Bay Harbor
October is International Right of Way Month!		
October 15 – 17	Fall Region Forum	Perrysburg, Ohio
November 11	General Membership Meeting	Zehnder's; Frankenmuth
December 9	Executive Board Meeting	Washtenaw Co. Road Commission; Ann Arbor
Note:	All Executive Board Meetings start at 9:30AM All General Membership meetings start at 8:00AM with registration	

may 2010

Your updated CLIP & SAVE 2010 schedule • SAVE THESE DATES!

It's All About Speed...



An article by Dustin Walsh in *Crain's Detroit Business* is right of way related and may be of interest.

Walsh reports the Google announcement regarding the "experimental" ultrahigh speed broadband networks they would like to install in several cities throughout the country. Google's fiber network is expected to be 100 times faster than common home networks, and Ann Arbor, Royal Oak, Birmingham, Troy, Rochester Hills and Detroit are all vying to be on the list.

You can read the entire article at:

<http://www.craigslist.com/article/20100328/FREE/303289978/1069#>

submitted by Valerie F. Lafferty, SR/WA, R/W-AC

BOOK REVIEW:

Stuck in any bad traffic lately?

Pretty good chance the answer is yes.

And, as you sit behind the wheel grinding your teeth and the car's gears, does it give you any comfort knowing that federal, state and local governments are working to "fix" traffic problems? No? Me neither. Especially since government is making it worse.

The Cato Institute is publishing a book I have been working on for years, *Gridlock: Why We're Stuck in Traffic and What to Do About It*. The book pulls together decades of research I've been doing on ailing transportation systems throughout the country, and spells out ways to make real improvements. I think it's a book you'll find extremely interesting and valuable.

Gridlock shows us that while we're the most mobile society in history, our transportation system is about to collapse. Traffic congestion is now five times worse than it was 25 years ago. And, the main cause of all this is the government planners who are trying to diminish auto use-reducing the personal mobility we each have-in combination with questionable federal budget incentives that aggressively fund this effort.

The result is that cars are being deliberately forced off the transportation grid by the ultra expensive "solution" of little-used high-speed trains and urban transit lines. As I show in *Gridlock*, this is not only incredibly expensive; it wastes energy and hurts the environment. It's a lose-lose proposition.

Gridlock offers a wide range of market-based ideas and policy recommendations for creating an effective transportation system-improvements that will increase our mobility and pay for themselves, whether with cars, buses, planes, or trains.

There's much more about the book on the Cato website, and as a friend of Cato you'll receive a 25% discount. Just be sure to enter the code "Gridlock" when you're completing the purchase. You can also call (800) 767-1241 to buy the book. HARDBACK: \$24.95 — Sale Price: \$18.50 • E-BOOK: \$14.00 — Sale Price: \$10.50

Thank you for your support of the Cato Institute, Randal O'Toole, Senior Fellow

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submitted by Valerie F. Lafferty, SR/WA, R/W-AC

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Web Site: www.michianalandservices.com

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President

William A. Horn
Attorney

Mika Meyers Beckett & Jones^{PC}

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Thank
You

It is the responsibility of the advertiser to provide accurate and updated information. MI Chapter 7 will make the best effort to update *The Great Lakes State•ment* and Roster as soon as possible thereafter. All ads subject to editorial approval. Chapter 7 accepts roster advertising related to the Right of Way profession. Neither the acceptance nor the publication of any such advertising constitutes an endorsement, recommendation or warranty of the advertiser on the part of Chapter 7, its officers and/or its committee members.

to our advertisers - we couldn't do it without you!

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

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

Submissions for the
June newsletter due by:
May 20, 2010

For information on IRWA Mi
Chapter 7, please contact the
Secretary:

Paul E. Sander, SR/WA
248 483 5100
sanderp@mi.gov

May 2010
VOL. 56 • NO. 02

Tim Davis
Commonwealth Associates
PO BOX 1124
Jackson, MI 49201



*Address
Correction
Requested*



What:

A *once-in-a-lifetime* General Membership Meeting!

When:

May 13, 2010 • 8:00 AM – remember to arrive early!

Where:

ITC Headquarters

27175 Energy Way • Novi, MI

No walk-ins for this meeting

Register Today!

We **MUST** have your reservation before **MAY 3**

Contact Larysa Figol, SR/WA, The City of Troy –
see page 1 for full registration details