MICHIGAN Chapter Seven
IRWA
INTERNATIONAL RIGHT OF WAY ASSOCIATION

THE great lakes State-ment

August 2008 vol. 54 • no. 04

FALL SEMINAR 2008

Wednesday – Friday
September 24 – 26. 2008

Traverse City, MI

Wednesday, September 24th

5:30 – 6:00PM	Registration Check In
6:00 - 8:30PM	Welcome Reception, Dinner and Education Auction

Thursday, September 25th

Morning Session

7:15 – 8:00AM	Morning sign-in and continental breakfast
8:00 – 9:00AM	Andrew Reed, SR/WA, President Michigan Chapter 7 Business Meeting and Committee Reports
9:00 – 10:00AM	Carl Meyer, SR/WA, R/W-NAC, Michiana Land Services, Inc., *Leasing Lands For Wind Generation Towers*
10:00 – 11:00AM	Mick Kahaian, Stout Risius Ross, *The Difference Between Business Valuation & Real Estate Valuation*
11:00 – 12:00PM	David Maturen, SR/WA, Maturen & Associates, *State Board of Real Estate Appraiser & Appraisal Foundation ASB/AQB Up-dates*
12:00 – 1:00PM	Lunch on your own

Afternoon Session

12:45- 1:00PM	Afternoon Sign In
1:00 – 2:00PM	Benjamin Aloia, Aloia & Associates, *Freedom of Information Act*
2:00 - 3:00PM	Mary Anne Marr, SR/WA, Consumer's Energy, *Exploring the Future of Wind Energy Development in Michigan*
3:00 – 4:00PM	Jerald Rosenfeld, JR Group *A Practitioner View of Implementing New State Laws & Rules*
4:00 – 5:00PM	Roland Cilke, SR/WA, White Pine Companies, *Oil & Gas Mineral Leasing, The Forgotten Rights Easement*
6:30 – 8:00PM	Enjoy a fabulous dinner at Boone's Long Lake Inn

Friday, September 26 th

7:15 – 8:00AM	Morning sign-in and continental breakfast
8:00 – 9:00AM	Andy Chamberlain, ASA Chamberlain & Walsh,LTD *The Complexity of Partial Takings*
9:00 – 10AM	Raymond Howd, Assistant Attorney General, *Tompkins- Supreme Court Reversed Court Of Appeals Decision & How That Affects Condemnation Practice*
10:00 - 11:00AM	Tom McCarthy, Monaghan, LoPrete, McDonald, Yakima, Grenke & McCarthy, *An Attorney Discusses Condemnation Cases*
11:00AM – NOON	Kelly Ramirez & Teresa Vanis, MDOT, *Local Public Agencies Information & Updates on Acquisition and Relocations*
12:00NOON	Adjournment *Have A Safe Trip Home*

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5 A 4 5 4 U and our group:
International Right of Way

It's time for the fast-action and ever-popular ***Annual Education Benefit Auction!*** It's like a garage sale without the garage… a yard sale without a yard!

C'mom… look around. You *must* have some old, gently-loved, but still useful items. And you *probably* have a few brand-new things – still with the price-tags – that just weren't quite right, but too much trouble to return. So, grab all that stuff you no longer need (but just *know* someone else could use) and put it up for auction for a great cause!

Lynn Hall SR/WA and Paul Boyce of Elexco Land Services, are heading-up this year's Auction and they are looking for Auction donation items. If you would like to make a donation of that still-usable, unique or antique item or have other Auction questions, *please contact either Lynn or Paul at 810 364 7940.*

The stars shine bright deep in the heart of Texas…

& Chapter Seven Shines in Texas

Michigan Chapter Seven Stars were shining bright at the IRWA's 54th Annual International Education Conference held June 22-25, 2008 in Austin, Texas.

The IRWA's highest honor, the Frank C. Balfour Professional of the Year Award, was won by David C. Maturen, SR/WA. See the article and photographs on page 5.

On the International level, at the Board of Director's Meeting, Patricia A. Petitto, SR/WA, was elected to serve as a member on the IRWA's International Executive Committee (IEC). There's more about this on page 7.

In addition, Mary Anne Marr, SR/WA was elected as Vice Chair of Region 5. Both Pat and Mary Anne were officially installed at the annual Installation Banquet on June 25th. At the board meeting Jeff Jones, SR/WA was appointed by IRWA President Faith Roland, SR/WA to a second year as Chair of the International Local Public Agency Committee.

On Tuesday June 24th the IRWA honored 2007-2008 SR/WA recipients. Once again Michigan Chapter Seven was well represented by Larysa A. Figol, SR/WA, Andrew M. Reed, SR/WA and Laura K. Southwell, SR/WA. At right, Larysa and Andy were present and proudly display their awards.

The IRWA put on a great education program presenting a variety of topics related to the right of way profession. Three Chapter Seven members presented as part of the program, Jeff Evans, PS, Pete Campbell, ASA and Jeff Jones, SR/WA. Moderating educational sessions were Mary Anne Marr, SR/WA and Dave Maturen, SR/WA.

EDUCATION FAST TRACK
INDIANAPOLIS 2009
IRWA

Next year the IRWA's 55th Annual International Education Conference will take place in Indianapolis, Indiana. The conference will be held June 28th-July 1, 2009. Once again Chapter Seven will be there as David E. Burgoyne, SR/WA will be singing the United States and Canadian national anthems at the opening ceremony of the conference.

The IRWA conference is a great time for networking, education and fun. Now is the time to begin preparing to attend the Indianapolis conference. It promises to be a good one as the IRWA celebrates it 75th anniversary in 2009.

International Right of Way Association
MI *Chapter 7*

2008 Executive Board

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Professional Development

Jeffrey L. Jones, SR/WA	Class of 2008
Patricia A. Petitto, SR/WA	Class of 2009
David C. Maturen, SR/WA	Class of 2010

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

–Theodore Roosevelt

president's chapter message

Andrew M. Reed

First things first – I hope that everyone is having a tremendous summer.

We have reached the 'half-way' point of this calendar year, and looking back, the only thing I can say is, "In our Association, Chapter 7 is truly extraordinary." For those of you who don't know, haven't heard, live under a bridge, or just completely ignore my little messages every newsletter… We just returned from Austin, Texas – site of this year's Annual International Education Conference. As you will read in this newsletter, Chapter 7 played a similar role to the good ol' USA in this summer's Olympic Games – that would be the role of the dominant 'nation'.

It seems if there was an award, position, or recognition to be garnered, our chapter and region were involved. Let's review our *gold medals*:

1) ***David Maturen, SR/WA*** took home the IRWA's most prestigious award, the *Frank C. Balfour Professional of the Year Award*
2) ***Pat Petitto, SR/WA*** was voted unanimously to our *International Executive Committee.*
3) *Region 5* welcomed our *new Vice-Chair*, ***Mary Anne Marr, SR/WA***,
4) the *LPA International Committee* welcomed their *Chair*, ***Jeff Jones, SR/WA***

… and last, but not least

5) *Our Region 5 brethren, Chapter #21 - West Virginia* - were voted by the Board of Directors to host the 2013 International Education Seminar in ***Charleston, West Virginia***

All in all, a pretty unbelievable experience and also very exciting to see how fortunate we are to be in such a great chapter and (quality) region.

Well, summer is starting to wind down – and that can mean only one thing – **Fall Seminar** is on the way!!! Make sure to register for your seminar by using the form included in this very newsletter, and for the Great Wolf Lodge by contacting the hotel. The schedule looks terrific, and we all know the location can't be beat!

… and if you listen very closely… you can hear the faint calling of Boone's Long Lake Inn…

Respectfully submitted,

Andrew M. Reed, SR/WA
2008 President and International Director, Chapter 7
reedandassociates@mac.com

Space & Time are Limited!

This year's ***pre-Fall Seminar Class,*** scheduled for 8:00 am, September 24th, will be *Course 406 B – 7-Hour National Uniform Standards of Professional Appraisal Practice* with David E. Burgoyne SR/WA as Instructor. ***Need more class information?*** *See page 7 and contact Patricia Petitto SR/WA at 248 342 6640.*

Laura Southwell SR/WA, Chapter Vice President & Program Chair, along with the Chapter Committees have done a terrific job scheduling speakers and topics for the ***2008 Fall Education Seminar!*** Early Registration fee for IRWA members is $200– if your Check and Registration Form are received prior to September 1, 2008! After September 1st, the Member fee is $215. Early Registration Fee for Non-Members is $225. - after September 1st, Non-Member Fee is $235. Spouse/Non-Affiliated Guests Early Registration is $105. - after September 1st, fee is $115. ***Your Check and Registration Form must be received BEFORE September 1, 2008 to receive Early Registration Discount!*** ***Questions about the hotel, meals or Seminar Registration?*** *Please call Alicia Worthley SR/WA at 248 588 8293.*

Call ***Great Wolf Lodge Reservation Line at 866 478 9653,*** mention room block code: 5 A 4 5 4 U and our group: International Right of Way Association for our ***special rate of $115.00 + taxes, single or double occupancy.*** There is an additional charge for others sharing a room. Our room block at *this special rate* ***will expire August 23rd and rooms are limited, so make the call right away!***

The 2008 Fall Education Seminar will begin at 6:00 pm Wednesday, September 24th with Seminar Registration Check-In, followed by a Welcome Reception, Country Buffet Dinner and the ***Annual Education Benefit Auction.*** Lynn Hall SR/WA and Paul Boyce of Elexco Land Services, will be assisting with this year's Auction and they are looking for Auction donation items - both old and new. ***Have Auction questions or like to make a donation?*** *Please contact either Lynn or Paul at 810 364 7940.*

The Fall Seminar Education Speakers will begin at 8:00 am on Thursday the 25th. Thursday's Special Dinner Event will be held at one of Chapter 7's favorite dining locations: Boone's Long Lake Inn. On Friday, September 26th, the education program will continue at 8:00 am and Adjourn at noon. ***Have questions about this year's Seminar topics or Speakers?*** *Please contact Laura Southwell SR/WA at 734 327 6694.*

State Real Estate and Appraiser Licensees should note that we plan to submit this Seminar Program to the Department of Licensing to obtain continuing education credits. That is why it is extremely important that you use the name(s) exactly as it appears on your license(s) as well as the correct type of license and license number.

Your Chapter Needs Help

Now that Fall Education Seminar time is here, we once again need the assistance of ***Sponsors and Co-Sponsors*** to provide a quality education and special event experience for all attendees. It is estimated that the Receptions cost the Chapter between $500 to $600, Continental Breakfasts are about $350 to $400 and Break costs are now at $250 - $300 for each event. So, your support would be extremely helpful to Michigan Chapter 7, IRWA and your fellow members. If you - or your company - are able to fully sponsor or can help out by co-sponsoring one or more of these events, it would be very much appreciated AND would get your company name in front of the membership!

Please contact Alicia Worthley SR/WA at 248 588 8293 for more information.

Far left: the Joneses and Mary Anne Marr

Master of Mixology Jeff Jones with nifty "Petitto for IEC" cup

International Executive Committee reception for Pat Petitto

Austin, TX • June 22-25, 2008

2008 Annual International Education Conference

Dave Maturen, Peter Campbell and Norm Thomas near the exhibit area

Celeste Maturen visits with Mark Twain

David Maturen, SR/WA
2007 Frank C. Balford Professional of the Year

Congratulations to David Maturen – 2007 Professional of the Year Award!

David Maturen, SR/WA was awarded the 2007 winner of the Frank C. Balfour Professional of the Year Award. This award is the International Right of Way Association's (IRWA) highest honor and is named after the IRWA's founder. Dave shared the award-winning moment with his wife, Nancy, and daughter, Celeste, and more than 1,200 professionals in Austin, TX at the Annual International Education Conference.

Chapter 7 sends heart-felt congratulations and very special thanks to Dave Maturen for his outstanding support, many contributions and notable leadership. He is a Chapter Past-President; Chapter Professional of the Year (2000); Region 5 Professional of the Year (2005); Licensed MI Certified General Real Estate Appraiser; Level III MI Assessor; former member and Chair, MI State Board of Real Estate Appraisers and Chair, IRWA Valuation Committee. In addition, he represents the IRWA on the Board of Trustees of The Appraisal Foundation, which is responsible for developing standards and qualifications for United States appraisers.

Dave is only the third member of Michigan's Chapter 7 to receive the prestigious Balfour Award. It was won in 1988 by Alicia Worthley and in 2002 by Pat Petitto.

Andy Reed, Jerry Lund of the Badger Chapter and Jeff Jones at award banquet

John Armstrong of the Indiana Chapter #10 and Kim Tassen at the Indiana promotion booth

Congratulations!

Livonia based real estate appraisal firm R.S. Thomas & Associates, Inc./Harold Blake Co. is pleased to announce the achievement of IRWA Chapter 7 Member ***Andrew J. Boettcher*** for completing all education, testing and experience requirements to receive the State of Michigan Real Estate Appraisers Certified General License.

Steve R. Roon, SR/WA and Valerie F. Lafferty, SR/WA

In June, both ***Valerie F. Lafferty, SR/WA*** and ***Steve R. Roon*** completed all of the requirements for the SR/WA designation. The Professional Development Committee would like to congratulate Val for re-certification and Steve for being approved as Senior Members of the IRWA

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to our advertisers

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COURSE NOTES & NEWS

class information

Course #406 B • CEU credits: 8

7-Hour National USPAP Course

September 24, 2008 • 8AM-5PM • 1 DAY

Tuition: $175 member / $175 non-member • Late registration fee of $25 after August 27, 2008 Includes: Participant's manual, USPAP Textbook, Student Tracking Form

Course Description: This course is designed for right of way practitioners who are in the appraisal field and 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 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.

Course Facilitator: David E. Burgoyne, ASA, SR/WA is the owner of Burgoyne Appraisal Company located in Ann Arbor and is active throughout the State of Michigan, specializing in Right of Way, Eminent Domain, Contaminated Properties, and other Litigation. He is a Certified General Real Estate Appraiser in Michigan and holds senior designations in both the American Society of Appraisers and the International Right of Way Association and is also an AQB Certified USPAP Instructor .

Class Coordinator: Patricia A. Petitto, SR/WA, R/W-RAC • 4840 N. Adams Road, Suite #183 Rochester, MI 48306
248 342 6640 / phone • 248 526 5131 / fax
petittopa@aol.com / e-mail

Class Location, Accommodations & Rates:
Great Wolf Lodge • 3575 North US 31 • South Traverse City, MI 49684 • Phone: 231 941 3600
Please contact hotel directly for rates and reservations: single /double occupancy starting at $115.00 + taxes

Four Ways to Register:

Online:	www.irwaonline.org
Fax:	310 538 1471
Phone:	310 538 0233 x134
Contact:	Class Coordinator

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 fee may be charged for registrations received after deadline and for those registering on day of class.

Congratulations!

Petitto joins IEC

Last September the Michigan contingent of Region Representatives headed to the Region Forum in Louisville, Kentucky without Pat Petitto, SR/WA. For the first time in a long time Pat was no longer on the International Professional Development Committee. At the forum the Region received no report on the IPDC. This lead to many e-mails and phone calls to Pat suggesting, requesting and prodding that she run for the IRWA International Executive Committee. At one point Pat questioned what and how much we had been drinking in Louisville. After much questioning, soul searching and research Pat submitted a candidate's statement for IEC Member for the November 2007 *Right of Way* magazine. It paid off.

John, Pat and Sandy Petitto at President's Reception

Mark Rieck, International EVP, and the new IEC: Sandy Grigg, Faith Roland, Ken Davis, Pat Petitto, and Randy Williams

At the IRWA International Board of Director's Meeting held in Austin, Texas, Patricia A. Petitto, SR/WA, R/W-RAC was elected to the International Executive Committee for the 2008-2009 year by acclamation when no one choose to challenge from the floor. The IEC member will be assigned tasks and responsibilities, including liaison with specific regions and committees, as necessary by the President. This is the first time in 40 years that a Chapter 7 member will serve as an Executive Committee Member.

Congratulations Pat!

submitted by: Jeff Jones, Professional Development Chair

news & UPdates

Michigan Supreme Court Upholds Constitutionality

The Michigan Supreme Court finally issued its decision in the case of Michigan Department of Transportation vs. Rodney Tomkins and Darcy Tomkins on June 11, 2008 (Michigan Supreme Court decision docket No. 132983). The Tomkins decision involved a partial taking of the Defendant's property in connection with constructing the M-6 highway. MDOT had undertaken a partial taking of the defendant's property for the M-6 Project. MDOT was constructing several bridge overpasses to accommodate existing roads such as Kenowa Avenue, upon which the Defendant's two (2) acre parcel was fronting. MDOT had filed a condemnation action, seeking to acquire a portion of the Defendant's property, to construct the elevated overpass at Kenowa.

The property owner's rejected the offer of compensation of $4,200.00. Besides arguing over the fair market value of the property, the defendant's sought additional damages of $48,200.00, based on damages that the defendant's appraiser had attributed to "dust, dirt, noise, vibration and smell" of nearby M-6.

In its concluding discussion, the majority reiterated that the pre 1963 case law did not provide any clear indication that just compensation was intended to include the "general effects of the project" damages in a partial taking context. Therefore, it held that MCL 213.70(2) is constitutional. The majority also telegraphed to the Legislature, to decide if it desires that property owners in a partial taking condemnation be compensated for the "general effects of the project" damages' that is a decision that the Legislature can make by enlarging by statute the scope of what is intended to be covered by the term "just compensation."

Therefore, unless and until Legislature, acts to further define just compensation as including the general effects of a project as being within the scope of compensable damages under the definition of "just compensation," such claims made by property owners are not compensable and are deemed to be damnun absque injuria, thus there is no recovery for these claims and they must be excluded in a partial taking case.

submitted by: Robert S. Rollinger, Esq.

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
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Linda M. Polo, Polo Design
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Submissions for the November newsletter due by:

September 29, 2008

For information on IRWA MI Chapter 7, please contact the Secretary:
Paul E. Sander, SR/WA
248 483 5100
sanderp@MI.gov

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Tim Davis
Commonwealth Associates
PO BOX 1124
Jackson, MI 49201

MICHIGAN Chapter Seven
IRWA
INTERNATIONAL RIGHT OF WAY ASSOCIATION

FALL SEMINAR 2008

Special Issue

Michigan Chapter 7 • 2008 Fall Education Seminar • Registration Form

* Checks and Registration Form MUST be received by September 1st, 2008 for EARLY Registration

EARLY* Registration Fee per person:		***LATE Registration Fee per person:***	
☐ IRWA members	$200.00	☐ IRWA members	$210.00
☐ non-members	$225.00	☐ non-members	$235.00
☐ spouse / guest	$105.00	☐ spouse / guest	$115.00

make checks payable to: Chapter 7 IRWA
mail to: Alicia Worthley SR/WA • 260 Bellevue Ave. • Clawson, MI 48017

name _____ IRWA membership number _____

company / agency _____

street address _____

city _____ state _____ zip _____

phone / work _____ phone / home _____

appraiser name as it appears on license _____ license # and type _____

real estate broker / salesperson name as it appears on license _____ license # and type _____

spouse / guest name _____

_____ = *total enclosed**

**** Checks and Registration Form MUST be received by September 1st, 2008 for EARLY Registration***

What:
2008 Fall Education Seminar

When:
September 24, 25, 26, 2008

Where:
Great Wolf Lodge
3575 N. US-31 South
Traverse City, MI

Register Today!
Use this Seminar Registration Form

Space is limited!

SPECIAL NOTE for brokers, salespersons & appraisers!
It is extremely important that you use the name(s) exactly as it appears on your license(s) as well as the correct type of license and license number. See page 7 for more info.