IRWA Learn. Lead. Advance.

Michigan

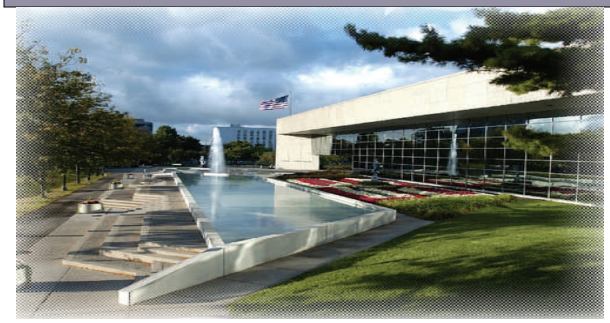
MICHIGAN Chapter Seven

Vol 57, Issue 3• April 2011

INTERNATIONAL RIGHT OF WAY ASSOCIATION MICHIGAN • CHAPTER 7

May 12, 2011 General Membership Meeting
Gerald R. Ford Museum, Grand Rapids

THE great lakes State-ment



Please register with: Larysa Figol, SR/WA
The City of Troy
Mail: 500 W. Big Beaver Road,
Troy, MI 48083
Phone: 734.327.6694
Email: figolL@troymi.gov
Registration Fee: $40.00

8:00 a.m. – 8:30 a.m. Registration (remember to bring your real estate licenses)

8:15 a.m. – 8:30 a.m. Chapter President Laura Southwell SR/WA

Opening Remarks and Business Meeting

8:30 a.m. – 8:35 a.m Introduction by Dave Maturen SR/WA
Welcome by Joe Calvaruso, Executive Director, Gerald R. Ford Presidential Foundation

8:35 a.m. – 9:05 a.m. The Gerald Ford Museum presentation

9:05 a.m. – 9:45 a.m. Welcome by Mayor of Grand Rapids (tenative)

9:45 a.m. – 10:45 a.m. Stanley J. Stek, Miller, Canfield, Paddock and Stone

10:45 a.m. – 11:45 a.m. Fiona Hert, M.S.W., Dean School of Workforce Development
Grand Rapids Community College - Wind Energy Training

11:45 a.m. – 1:00 p.m. Lunch Please return to your seats by 1pm promptly

1:00 p.m. – 2:00 p.m. Rick Hert Director West Michigan Tourist Association West Michigan Film Office Relocation, Hollywood style

2:00 p.m. – 3:00 p.m. Cliff Bloom is a shareholder with the Grand Rapids law firm of Law Weathers
Charlevoix (Baum v Babel) case, Road Ends, Riparian issues

Gerald R. Ford Museum
303 Pearl Street N.W.
Grand Rapids, MI 49504

From the north: US 131 south to Pearl Street exit (Exit 85 B). Turn left (east) onto Pearl at the light to Museum entrance. Turn left (north) into parking lot.

From the south: US 131 north to Pearl Street exit. Turn right (East) onto Pearl to Museum entrance. North into parking lot.

From the east: Interstate 196 west to Ottawa Street exit. South on Ottawa to Pearl. Right (west) on Pearl to Museum entrance. Right (north) into parking lot.

From the west: Interstate 196 east to US 131 south to Pearl Street exit (Exit 85 B). Turn left (east) onto Pearl at the light to Museum entrance. Turn left (north) into parking lot.

Breaks will be given between speakers as time allows.

Full Speaker Bios on Page 6

Suggestions for subjects/speakers are appreciated, please send to:
Paul E Sander SR/WA: sanderp@michigan.gov

International Right of Way Association
Michigan Chapter 7

2010-2011 Executive Board

Laura K. Southwell, SR/WA, R/W-RAC
President
Kimberly A. Tassen SR/WA, R/W-NAC
President-Elect
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Vice President
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Secretary
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Director, 1 years
Kimberly A. Tassen, SR/WA, R/W-NAC
Director, 2 years

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Asset Management

Laura K. Sothwell, SR/WA, R/W-RAC
Jeffrey L. Jones, SR/WA,R/W-NAC, R/W-RAC
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David C. Maturen, SR/WA
Historian

Glen Spence
Kenneth Smith
Michael Oakes, SR/WA
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Law & Legislation

Chris Barnes
L.R Cole
Theresa Vanis
Local Public Agency

Julie A. Sandzik
Membership

Beth Skowronski
Newsletter Editor

Jeffrey L. Jones, SR/WA, R/W-NAC, R/W-RAC
Norman G. Thomas, SR/WA
Nominations

Patricia A. Petitto, SR/WA,R/W-RAC
Parliamentarian

Gary E. Bowman, SR/WA
Past Presidents & Retired Members

Carl L. Meyer, SR/WA,R/W-RAC
Pipeline

Paul E. Saunder, SR/WA
Program

Jeffrey L. Jones, SR/WA,R/W-NAC, R/W-RAC, R/W-URA
Recognition, Awards & Fall Seminar

Theresa Vanis
Jerald Rosenfeld
Relocation

Tim Davis, SR/WA, R/W-NAC
Roster

Lynn P. Hall, SR/WA
Silent Auction

Henry Horton
Christopher S. Lamus
Survey

Paul E. Saunder, SR/WA
Steve R. Roon, SR/WA, R/W-NAC
Transportation

Laura Stensland
Utilities & Liaison

Jim Aiello
Website

Professional Development
David C. Maturen, SR/WA
Class of 2010
Andrew M. Reed, SR/WA
Class of 2011
Norman G. Thomas, SR/WA
Class of 2012

President's Chapter Message-

Laura Southwell

SR/WA, R/W-RAC

Hello members:

It's finally Spring (at least the calendar says it is) and it couldn't have come soon enough. We are now looking forward to longer days and better weather.
I would like our members to know that Mary Anne Marr, SR/WA has been announced a **finalist** for the **Frank c. Balfour Professional of the Year Award**. Being nominated as a finalist is such an honor and Mary Anne is more than deserving of congratulations. Way to go Mary Anne! The winner will be announced in Atlanta In June. Congratulation is also in order to Consumers Energy. Consumers Energy was nominated as a finalist for Employer of the Year Award for companies with over 20 right of way personnel.

It was great seeing the large number of members at the March general membership meeting. Thank you everyone for supporting our Chapter. The meetings are to inform all as to where we've been and where we are headed. Speaking of where we are headed, the International Directors of Chapter 7 are heading to Louisville Kentucky along with other representatives to the IRWA Spring Forum to find out what other chapters are doing within our Region and what new ideas International has for us. Everyone can attend a Region Forum just let one of the executive board members know you are interested.

In June a number of the executive board will be attending the annual education conference in Atlanta, Georgia. If you ever get the chance to attend one of these conferences you will not be disappointed. This is the biggest event for the IRWA. Typically there are around 1000 who attend this educational event. International directors (President Elect, Kim Tassen, SR/WA, R/W-NAC and myself, Chapter President) will represent our Chapter and all other Directors for each Chapter will vote for all positions except the President Elect for the new International Executive Committee.

The last General Membership for the current board is May 12th and is being held at Gerald Ford Museum in Grand Rapids. This is on the west side of the State and sure to be another great networking and education session.

Thank you members for your support throughout the year.

Laura Southwell

2011 Chapter 7 IRWA Installation of Officers Motor City Casino

Event: **Installation of Officers Banquet**
Date: **Friday, June 24, 2011**
Time: 6:00 p.m.
Price: $40 per person
Where: Motor City Hotel & Casino Conference Center
2901 Grand River Avenue, Detroit, MI 48201

Important: Registrant must make menu choice when registering for this event

Menu Choices prepared by Award-Winning Chefs:
Slow Roasted Prime Rib Au Jus with creamed horseradish ***or***
Grilled Salmon Togarashi, Asian five spice and ginger sauce
(Dinners include vegetable, potato, Mediterranean Salad, fresh rolls/creamy butter and delicious contemporary Tiramisu dessert with espresso raspberry sauces)

*****No walk-ins will be accepted for this event--you MUST register and make your menu choice by the deadline of June 17, 2011*****

Please check out the Website for further details: www.motorcitycasino.com

Registration Information/Reservation Form

What:
Annual Banquet & Installation of Officers

When:
Friday, June 24, 2011
6 pm

Where:
Motor City Hotel & Casino Conference Center
2901 Grand River Avenue
Detroit, MI

Cost:
Registration
$40 per person

To register, please contact Chapter 7 President Elect, Kimberly Tassen:

- Mail: Kimberly Tassen, P. O. Box 66, Sterling Heights, MI 48311
- Email: tassenk@dteenergy.com Telephone: 313.235.4458
- Make check payable to: Chapter 7 IRWA

Special Group Rate for Hotel Room: $129
Important: Deadline for Hotel Room reservations is June 10, 2011

Call for reservations: 1.866.782.9622

Menu Selection

Name:_____ ___Prime Rib ___Salmon

Guest/Spouse Name:_____ ___Prime Rib ___Salmon

Company:_____

Total Attendees: ___ X $40 Total Enclosed: $_____

Michigan Legislature Changes Environmental Cleanup Law

Submitted by William A. Horn, SR/WA

The Michigan Legislature has once again amended Michigan's environmental cleanup law, otherwise known as Part 201 of the Natural Resources and Environmental Protection Act. In addition to changes intended to make the cleanup process simpler and more efficient, the amendments will also have an impact on persons buying, selling, owning, occupying or leasing real estate.

Under the prior law, a prospective owner of property could obtain protection from liability for existing contamination by completing a Baseline Environmental Assessment ("BEA"). The amendments redefine what constitutes a Baseline Environmental Assessment. Now, a BEA report documents the result of "all appropriate inquiry" investigations (the Phase I environmental site assessment) and the results of further sampling and analysis confirming that the property is contaminated.

Previously, there were three types of BEAs which could be performed, depending upon the manner in which hazardous substances would be used on the property in the future. Now there is only one type of BEA.

Language has been added to Part 201 imposing an additional "due care" obligation on owners or operators of contaminated property. This new obligation requires that such persons provide reasonable cooperation, assistance and access to third parties conducting a cleanup and comply with land use and resource restrictions imposed on the property in connection with the cleanup.

Other changes include a reduction in the number of cleanup categories, establishment of a procedure for obtaining confirmation that no further action is necessary to clean up contaminated property, and the imposition of an increased burden of proof for establishing liability.

The DEQ has been issuing numerous memos and notices pertaining to the changes, as well as amended forms for use in submitting BEAs to the agency.

Look for further action by the DEQ as it implements the amendments.

* * *

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Transportation

Communications Office of MDOT: Project Update

I-94/I-69 and Black River Bridge project kicks off in Port Huron

A groundbreaking ceremony for a $90 million construction project to improve safety and mobility on I-94/I-69 and replace the aging Black River Bridge took place in Port Huron on Friday. Keynote speakers were FHWA Administrator Victor Mendez, local legislators and Director Kirk Steudle. Several local officials, MDOT staff and the public were on hand to mark what is considered the first phase of the long-awaited Blue Water Bridge plaza expansion project. The Black River Bridge also received a $30 million federal TIGER grant, one of only two in Michigan. Photos will be available soon on the MDOT Web site and a video news release on the MDOT YouTube channel. Congratulations to everyone involved, including Project Planning, Metro Region, Real Estate and others. The Port Huron TSC will handle construction oversight on the two-year project.

Submitted by Paul Sander SR/WA

Chris Barnes Receives Public Servant Award

Chris Barnes, City of Portage Director of Transportation and Utilities received an award for "**Public Servant of the Year**" presented by the Kalamazoo Region Chamber of Commerce. Chris earned the award by not only providing and maintaining essential public infrastructure to the community but also solving citizen's problems, one engineering solution at a time.

Chris was the City Engineer for the the City of Portage for 13 years. He was promoted in fall of 2010 to his current position as Director of Transportation and Utilities, and continues to maintain his position as City Engineer as well. He is a Michigan Tech grad, and has performed municipal engineering work for the private and public sectors in the Chicago area and rural Indiana prior to joining the City of Portage staff.

Chris Barnes, City of Portage

Trivia

Submitted by Norm Thomas, SR/WA

1. Before he became president of the United States, this person was a surveyor. Surveyors measure land, air space and water, explain what it looks like or how much is there, and then put those facts into legal documents. He was the official surveyor for his county in 1749, which allowed him to purchase his first piece of land in western Virginia. Who is he?

2. After a brief stint as owner of a general store in 1832, the 16th president of the United States, was the postmaster for the area in which he lived. After that, he taught himself to become the county surveyor. Then he became a lawyer, another self-taught profession. He was admitted to the bar in 1837. Who is he?

Answers: 1. George Washington 2. Abraham Lincoln

May 12th General Membership Meeting Speaker Bio's

Joseph Calvaruso, *Executive Director of the Gerald Ford Museum has over 30 years in the banking industry. His most recent position with Mercantile Bank was Senior Vice President, Director of Risk Management. He graduated from Albion College and has a MBA in Finance from Western Michigan University. He has extensive experience as Trip Leader for former Vice President's Cheney's advance team, both within the Unites States and overseas. He is Chairman of the Michigan Certified Development Corporation and is on the Visiting Committee at the Ford Institute of Albion College.*

Stanley J. Stek, *is a principal with Miller Canfield. Stan focuses his practice on general commercial litigation and eminent domain, with special experience in condemnation and land use litigation, construction litigation, municipal litigation, zoning, and public liability. Stan has represented both property owners and condemning agencies in numerous condemnation matters throughout Michigan and is listed in Best Lawyers in America in the categories of Eminent Domain and General Litigation. Miller Canfield offers businesses, governments, nonprofits, individuals and families a broad array of integrated legal and business services in over 55 areas. With Michigan roots for 159 years-including 25+ years in West Michigan-and a global reach for two decades, the firm has 350 lawyers throughout offices in the U.S., Canada, Mexico, Poland and China.*

Fiona Hert, *is the Dean of the School of Workforce Development at Grand Rapids Community College. She was formerly the associate dean in the School of Workforce Development for four years in the areas of Health, Hospitality and Criminal Justice. Before coming to GRCC, she was regional manager for Northwest Services Council, a workforce training and employment organization in Washington State for two years. She has a B.A. in Art History from New York University and an M. S. W. from the University of Washington.*

Rick Hert, *is the Film Commissioner for the West Michigan Film Office a Non-Profit Organization Management industry from April 2004 – Present. HE is also the Executive Director of the West Michigan Tourism Association Rick Hert's Education includes a MBA from Baker College Center for Graduate Studies in 2005.: Rick is also with BTS Worldwide Logistics…Meeting the Transportation Needs of the Entertainment industry . He has received the Governors Award for Tourism and is a certified tourism professional.*

Cliff Bloom, *is a shareholder with the Grand Rapids law firm of Law Weathers. He has been involved with a number of plat vacation and revision lawsuits over the years. Cliff's areas of expertise include real estate law, municipal law and riparian water law. Cliff represents over 25 municipalities throughout Western Michigan, including a number of townships, cities, and villages. Law Weathers represents in excess of 50 municipalities throughout Michigan. Cliff is also legal counsel for the Michigan Lake & Stream Associations, Inc., co-counsel for the Michigan Waterfront Alliance, and he also represents a number of lake and property owners associations throughout Michigan. He has a regular column in The Michigan Riparian Magazine. Cliff Bloom has extensive experience with plats and site condominiums. He authored the Michigan Supreme Court amicus curiae brief in favor of the first tier lot owners in the 2000 Baum Family Trust v Babel case. In addition, he was one of three attorneys who conducted the recent ICLE seminar in Plymouth regarding the Michigan Land Division Act and plat revisions.*

Chapter News-March General Membership Meeting

1. Laura Southwell, SR/WA
2. Paul Sander, SR/WA
3. Ron Krauss
4. Great Turnout
5. David Bourgoyne SR/WA & Mark St. Dennis
6. Larry Kestenbaum
7. Richard Wolinski
8. Norm Thomas, SR/WA

March General Membership Meeting, A Great Turnout

By Beth Skowronski

There was a great turnout at the March General Membership Meeting at Weber's Inn in Ann Arbor. The seats were all filled and ROW buzz was in the air. The topics were interesting and held the audience's attention. Networking was abundant and the food was amazing! I encourage any of you that may have missed this one, to be sure to attend the General Membership Meeting in May at the Gerald R. Ford Museum in Grand Rapids.

Speakers included, Gerald Lacy, MDOT, Larry Kestenbaum, County Clerk for Washtenaw County, Richward Wolinski, MDOT, Wildlife Ecological Services, Compliance and Mitigation, David Burgoyne, ASA, and Ron Krauss, FHWA. All provided educational presentations!

Meanwhile, I was roving the meeting interviewing members. The topic was Mary Anne Marr and her candidacy for International Executive Committee Secretary. It was a great opportunity for me to interact more with the members and learn about the Chapter leadership. It was nice to hear the many stories, kind words and leadership qualities that Mary Anne has imprinted on the Chapter. More to come from her campaign trails!

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Wind Energy

Consumers Energy-Filing Moves Lake Winds Project Forward

By Todd Schultz, writer, Consumers Energy

In mid-January, Consumers Energy took an historic step by filing a special land use permit application to construct its first wind farm.

Now, the company is working to show that Lake Winds Energy Park, a 100-megawatt wind farm in southern Mason County, meets regulations designed to protect residents' health, safety and welfare.

The $232 million project is a key part of the company's strategy to meet its obligations under Michigan's renewable portfolio standard requiring 10 percent of the state's energy supply to come from renewable resources by 2015.

The Lake Winds project will provide more than $33 million in direct and indirect economic benefits to Mason County and the creation of up to 150 jobs during construction.

But the Mason County Planning Commission must approve the special land use permit to move the Lake Winds project toward the construction phase beginning in fall 2011.

The wind farm is slated to start commercial operation in late 2012, providing eight to 12 permanent jobs and about $4 million in annual economic benefits. Additionally, the project will generate an estimated $29 million in local tax revenues during the first 20 years of operation.

Consumers Energy designed the Lake Winds Energy Park to comply with — and in many cases exceed — requirements of the county's existing wind zoning ordinance, which governs noise levels and the location of wind turbines to homes and other structures.

During the past two years, the company also has conducted numerous studies showing the project will have minimal environmental impacts, including on local wildlife such as bats and migratory birds.

"All aspects of the Lake Winds Energy Park will meet or exceed the Mason County wind zoning ordinance requirements," said George Hass, executive director of new generation. "We are committed to designing and building a wind farm that benefits Mason County, is safe for residents and provides renewable energy to Michigan and our electric customers."

Many local residents, including more than 220 landowners who have signed easement agreements, support the Lake Winds project. They formed an advocacy group called Neighbors for Lake Winds and are in the process of creating an informational website.

(Continued next page)

Still, a small number of local residents are pushing for tougher restrictions because of their concerns about noise levels, shadow flicker and the production of low-frequency noise, which some say can cause nausea, vertigo and sleep deprivation.

Those residents have asked the Mason County Planning Commission to amend its wind zoning ordinance to require a minimum "setback" distance of 6,600 feet between turbines and the outside property lines of participating parcels. If adopted, this setback would eliminate the viability of a utility-grade wind farm in Mason County.

The current ordinance requires wind turbines to be set back from occupied structures at a distance of twice their height. The 56 wind turbines that Consumers Energy has agreed to purchase for Lake Winds Energy Park stand roughly 500 feet tall, meaning they must be located about 1,000 feet from an occupied structure.

The Mason County Planning Commission is considering the request for a wind zoning ordinance amendment as well as Consumers Energy's special land use permit application, which was completed and filed under the current guidelines. It's unclear when the commission will decide on either matter. The company designed the wind farm to minimize the impact of sound levels and shadow flicker produced by turbines.

Mason County's ordinance requires that sound levels measured at the external property lines of participating parcels not exceed 55 decibels (dBA). The maximum predicted sound level for the Lake Winds project is less than 46 dBA. Due to the way sound is measured, that means predicted sound levels at property boundaries are about 50 percent as loud as the county ordinance allows.

Though Mason County's ordinance doesn't set guidelines for sound levels measured at occupied structures, the company voluntarily designed the wind farm so the sound levels won't exceed 50 dBA at any occupied structure. As a result, the maximum predicted sound levels are 45.6 dBA and 44.8 dBA at participating and nonparticipating occupied structures, respectively.

There is no local, state or federal regulation governing shadow flicker exposure. But all nonparticipating occupied structures in the Lake Winds project area are predicted to experience less than 30 hours of shadow flicker per year, which is a commonly used benchmark. In fact, 86 percent of those occupied structures are expected to experience less than 10 hours each year.

Wind generation is a major part of Consumers Energy's Balanced Energy Initiative, a comprehensive 20-year plan to meet the power needs of the utility's 1.8 million electric customers with a balanced energy portfolio, including energy efficiency, renewable energy and customer demand management.

– Dan Bishop (Consumers Energy Spokesperson) contributed to this report.

Education & Development

Register Today for Upcoming Courses!

Contact: Laura Southwell, SR/WA, R/W-RAC: Southwelll@wcroads.org

Course 205: March 23-24	Course 801: June 1-2	Course 802 : June 3
Bargaining Negotiations	Land Titles	Legal Aspects of Easements
East Lansing Marriot at University Place	Webber's Inn, Ann Arbor	Webber's Inn, Ann Arbor
Facilitator Roland B. Cilke, SR/WA.	Facilitator Raymond O. Howd.	Facilitator Raymond O. Howd.

Survey

The other day I attended a Right-of-Way Plan Development course in Columbus, Ohio. It was very interesting. It was probably the very first time I really understood the "whole process" in acquiring ROW. I also learned how important the role of the Professional Surveyor is.

The first part of the course dove into Eminent Domain. Now, I know that lots of people in our industry cringe when they hear those words. Just imagine how the land owner feels. Maybe some of you have had that happen to you. Then we discussed all the users of the ROW plans. Title Agents, Appraisers and Reviewers, Acquisition Agents, Relocation Agents, Real Estate Agents, Auditors just to name a few!!! That is when it hit home for me. The ROW plans / sketches that are prepared by the Professional Surveyor are extremely vital!!! It is the backbone of the entire process. Not only am I talking about boundary lines, but improvements to the property. Items such as signs, sprinklers, septic fields, wells, ect. All these things bring value to the property, which is what you need to know to do your job. That last page of this section stated "Your plan is the beginning of a complex process. Lets get it right for those who follow…..Your plan may someday be a Supreme Court case."

So, I am asking you to not necessarily understand what we do, but to have an appreciation of what we do.

Until Next Time

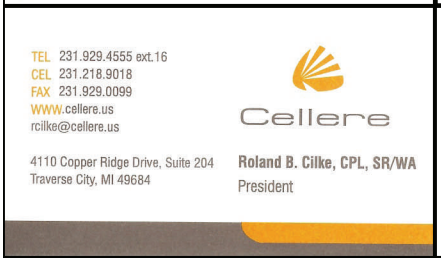
Chris Lamus, PS
Director of Field Services
OHM | Architects. Engineers. Planners.

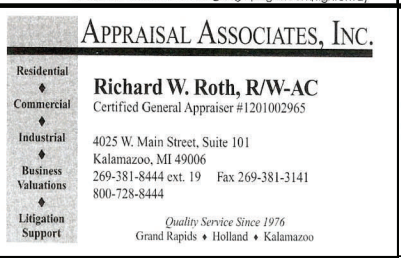
Marketing Campaign

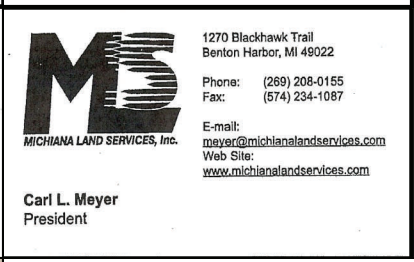
Did you know that is an outgoing effort to promote the IRWA brand for Chapter 7? Dave Maturen, Margaret Steketee comprise the newly formed committee to assist with getting the credential exposed to the Eminent Domain industry. Several other Chapter members have participated in various events to get the word out: Jeff Jones, Norm Thomas, Andy Reed, Steve Roon, L.R. Cole, Tim Davis, Marian Barnes, Ken Smith and Dick Roth.

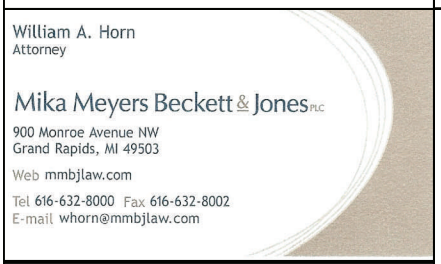
Combinations of these folks have tended a booth at the Michigan Townships Association/MTA, County Road Commission of Michigan/CRAM, and the Michigan Association of County Drain Commissioners/MACDC. This is the second year for the MTA booth. The IRWA provides displays, logoed items, magazines, brochures and membership applications. The members provide the continual conversation with the attendees about the benefits of membership. Many of your potential and current customers attend these functions.

Please let us know if you get a call as a result of the Chapter's marketing effort.
We hope you do.









Advertising

If you are interested in advertising in the Great Lakes State•ment and/or the Membership Roster, please contact Tim Davis for rate information.

Current Rates:

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

Advertisers will need to provide their own ad or business card.

Tim Davis
517 768 7153/phone
trdavis@cai-engr.com/email

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

Beth Skowronski,
Newsletter Chair/Editor
517 788 0752
baskowronski@cmsenergy.com

Submissions for the May newsletter due by: **May 1,2011**

For information on IRWA MI Chapter 7, please contact the Secretary:
Larysa Figol, ***SR/WA***
figoll@troymi.gov

April 2011
Vol.57 No.3

Tim Davis
Commonwealth Associates
PO Box 1124
Jackson, MI 49201

MICHIGAN Chapter Seven

IRWA
INTERNATIONAL RIGHT OF WAY ASSOCIATION

Address Correction Requested

When: May 12, 2011
Where: Gerald R. Ford Museum

Please register with: Larysa Figol, SR/WA
The City of Troy
Mail: 500 W. Big Beaver Road,
Troy, MI 48083
Phone: 734.327.6694
Email: figolL@troymi.gov

Limited Seating Register Today!

Registration Fee: $40.00

Name:_____ **Company:**_____
Guest:_____ **Total Enclosed:$**_____