

2019 IRWA TRANSPORTATION SYMPOSIUM
FROM SURVEY TO CONSTRUCTION – HOW FAST CAN YOU GO?
IRWA CHAPTER 74
APRIL 11, 2019 – AUSTIN, Texas

7:00 AM Breakfast

8:00 AM Opening Remarks
Randy Williams, SR/WA, MAI, FRICS

8:30 AM Panel Discussion: Incentive Programs for Federally Funded Projects
James Olschewski, SR/WA, R/W-NAC - Utah DOT: MODERATOR

Christina Currier - FHWA Texas Division
Lora Gunter, J.D., SR/WA - TxDOT
Charles A. Stormont, J.D. - Utah DOT
Tawana Kelly, SR/WA, R/W-RAC - Colorado DOT Central 70 Program

Summary:

This panel discussion will cover topics related to the use of various Incentive Programs on Federally Funded Projects, exploring their successes as well as unintended consequences.

9:30 AM "Rocket Relocation: What Will Fly – and What Won't"
Lee Hamre, SR/WA, R/W-RAC, R/W-URAC, H.C. Peck & Associates
Lisa Harrison, SR/WA, R/W-URAC, R/W-NAC, R/W-RAC, Pinnacle Group

Summary: There are many different relocation strategies and tools that can be used to support an aggressive real estate schedule - however, as experience has taught us, not all of them will actually "fly". In this session, we will explore the right ways and the wrong ways to expedite the relocation process, with special focus on how to conduct relocation activities in a manner that achieves the project's ultimate goals while at the same time, preserving the purpose of - and compliance with - the URA.

10:30 AM Morning Networking Break

11:00 AM Closing with Clear Title in Time to Meet an Expedited Schedule
Geline Spinks - National Title Group
Johnny Collins II - National Title Group

Summary: This discussion will cover what is title insurance, what it covers and the common obstacles and solutions to insuring the title in a transaction. Examples of typical information that can be provided at the front end that will make title examination faster and easier, as well as detail some of the most common road blocks and issues seen in the acquisition of right of way.

12:00 PM LUNCH

1:00 PM **Hot Topics in Valuation**

Paul Hornsby, MAI, SRA - Paul Hornsby & Company
Chris Hornsby, MAI - Paul Hornsby & Company
Dalton Vann, MAI, RWA, R/W-AC - CBRE Valuation & Advisory Services
Richard W. Scholtz, R/W-AC - JLL Valuation & Advisory Services

Summary: When real property is acquired in condemnation, it is important to identify and exclude certain non-compensable items. While these may vary based on state law, non-compensable items often include intangible assets, personal property and community damage elements. This presentation will focus on proper appraisal methods for valuing only compensable items. Topics to be discussed include:

- Compensable and non-compensable items in the valuation of real estate for right of way projects.
- Valuation and treatment of improvement bisections; considerations for the feasibility of restoration.
- Estimation of proximity damages when a highway moves closer to existing single-family residential properties; considerations and valuation techniques.

2:00 PM **The Brazos Yard (UPRR): A Case Study in Condemnation Under Rule 71.1 of the Federal Rules of Civil Procedure**

Sue Dillon Ayers, J.D., Jackson Walker

Summary: In January 2018, Union Pacific Railroad (UPRR) began construction of the Brazos Yard in Robertson County, Texas. The \$550 million rail yard represents one of the largest single capital projects in UPRR's 155-year history. Brazos Yard will be able to switch up to 1,300 rail cars/day, making it one of the highest capacity yards in UPRR's 23-state network. As the first yard of its kind to be built in more than a generation, it showcased best practices in operating efficiency, technology and innovation. Sue Ayers was condemnation counsel for this project and will discuss the best practices resulting in efficient and timely land acquisitions with a modest rate of condemnations. As part of this presentation, the procedures for condemnation in federal court under Rule 71.1 will be discussed.

3:00 PM **Afternoon Networking Break**

3:30 PM **Panel Discussion: The Future of Right of Way Plans**

Ana Rausch, SR/WA, R/W-RAC - Percheron Professional Services
James Olschewski, SR/WA, R/W-NAC - Utah DOT
Fred Easton, PLS, SR/WA, R/W-AMC - Farnsworth Group

Summary: Many industries, including energy, oil & gas, local public works, and utilities have moved away from traditional right of way plans and are acquiring land rights through a combination of additional information on the engineering plans, web-based property maps, and exhibits attached to legal descriptions. Could this be a possible future for the Transportation Industry at the state level and for federally funded projects? We will delve into the various ways other industries and several state DOTs handle right-of-way plans, the reasoning behind current formats, FHWA requirements, needs of right of way professionals, and how technology might shape the future of these plans.

2019 IRWA TRANSPORTATION SYMPOSIUM
FROM SURVEY TO CONSTRUCTION – HOW FAST CAN YOU GO?
IRWA CHAPTER 74
APRIL 11, 2019 – AUSTIN, Texas

4:30 PM **Acquisition and Relocation of Marijuana Grow Sites Under Colorado DOT Oversight**
Tawana Kelly, SR/WA - Colorado DOT Central 70 Program

Summary: The presentation will explain how Colorado DOT handled the acquisition and relocation of marijuana sites impacted on the Colorado Central 70 project.

5:00 PM **Wrap Up – CE Credits – Denise Skinner, SR/WA**

SPEAKER BIOS

8:30 AM Panel Discussion: Incentive Programs for Federally Funded Projects

Christina Currier - Right of Way Program Manager, FHWA Texas Division
Lora Gunter, J.D., SR/WA - TxDOT
Charles A. Stormont, J.D. - Utah DOT
Tawana Kelly, SR/WA - Colorado DOT Central 70 Program, Right of Way Manager

Christina Currier

Chrisy Currier started working in the right of way field in 2001 for the FHWA Office of Real Estate Services in Washington, DC and then in Los Angeles, CA. From 2006-2008, she worked for the Texas Department of Transportation as a Research Analyst examining alternative financing options for transportation. Chrisy then returned to the FHWA Texas Division and is now the Right of Way Program Manager handling all aspects of federal oversight of the right of way program in Texas.

Lora Gunter, J.D., SR/WA

Lora Gunter, J.D., SR/WA is the Project Delivery Director for the Right of Way Division of the Texas Department of Transportation (TxDOT). In her role, she oversees the department's statewide right of way acquisition portfolio and implements the policies and procedures for right of way project delivery activities. Lora's IRWA home is in Chapter 36 where she currently serves as Vice President.

Charles A. Stormont, J.D.

Charles A. Stormont is a recovering civil litigation and trial lawyer who is UDOT's Director of Right of Way. Prior to joining UDOT in the summer of 2018, Charles had acted as litigation counsel in a variety of roles, having successfully tried cases in the eminent domain, accounting malpractice, debt collection, patent, and securities fraud fields. He has also worked on multi-billion dollar mergers before federal agencies and a variety of antitrust and intellectual property litigation matters. He even served for almost seven years at the Utah Attorney General's Office as counsel to UDOT on eminent domain matters. Charles has also done a lot of work through the Utah State Bar's Third District Pro Bono Committee to establish a variety of pro bono programs in the debt collection, landlord-tenant, bankruptcy, and asylum fields, leading him to receive several awards for his service to others.

Tawana Kelly, SR/WA, R/W-RAC

Tawana Kelly is a native of Oklahoma and a Tribal member of Chickasaw Nation. Tawana is an active member of the International Right of Way Association (IRWA) where she is currently the Vice Chair of the International Transportation Committee (ITC) and a core member of the Relocation Community of Practice (RELO-COP). She holds an SR/WA and R/W-RAC (Relocation Certification) designation with the IRWA. Tawana started her right of way career in 1997 as a consultant for Coates Field Services out of Oklahoma, then traveled as a consultant for several different companies until moving to Colorado in 2008. Tawana has acquired properties and completed relocations in over ten states, including Colorado, Texas, Mississippi, Louisiana, Alabama, North Carolina, Oklahoma, Kansas, California, Minnesota and Wisconsin, for clients such as RTD, Cal-Trans., Min-Can Project, Duke Energy, Koch Industries, Southern National Gas, Los Angeles Unified School District, City of Long Beach,

City of Los Angeles, City of Madison, WI, City of St. Paul, City and County of Denver, City of Aurora, City of Commerce City, Adam County, City of Broomfield, City of Lakewood, Harris County Texas, City of Dallas, City of Waco, ODOT, TXDOT and CDOT. Since joining CDOT in 2011, she has completed acquisitions and relocations for many large-scale projects, such as the 120th Inter-Connection, 6th and Federal, 6th and Wadsworth, I-25 and Kalamath, US 85 Louviers, I-70 and Pecos, Bull Sheep, US 36. In 2012, Tawana was named IRWA Chapter 6 recipient of the Helen C. Peck/Frances Reisbeck Award for her Commitment to Excellence in the Right of Way Industry. She is currently providing her relocation and project and right of way management expertise on the highly publicized CDOT, Central 70 Program.

Commented [EN1]: This is almost too much detail on where she has worked (locations) and large-scale projects. Can she/we somehow whittle this down in a shorter synopsis?

9:30 AM

“Rocket Relocation: What Will Fly – and What Won’t”

Lee Hamre, SR/WA, R/W-RAC, R/W-URAC, H.C. Peck & Associates
Lisa Harrison, SR/WA, R/W-URAC, R/W-NAC, R/W-RAC, Pinnacle Group

Lee Hamre, SR/WA, R/W-RAC, R/W-URAC

Lee Hamre has worked in the right of way acquisition and relocation field since 1992 and has served as President and CEO at H.C. Peck and Associates, Inc. since 2003. During this time, she has provided comprehensive acquisition, relocation assistance, real estate project management and program oversight services under the Uniform Act for Transportation, Housing, Bureau of Reclamation and General Services Administration projects throughout the U.S. Ms. Hamre is a certified instructor for all International Right of Way Association (IRWA) Relocation Assistance courses and was the recipient of IRWA’s Frank C. Balfour Professional of the Year Award in 2006. She also served as IRWA’s International President from 2014-2015.

Lisa Harrison, SR/WA, R/W-URAC, R/W-NAC, R/W-RAC

Lisa R. Harrison is the Owner/President of Pinnacle Consulting Management Group, Inc., an infrastructure real estate consulting firm founded in 1997. Since 1991, Lisa has provided training, program management and/or turn-key services under The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended to a variety of government agencies around the United States. In addition, Lisa is a Master Facilitator for the International Right of Way Association (IRWA) specializing in Uniform Act training and course development. Lisa served as the International President of IRWA for 2013-2014 and received the organization’s highest honor, the Frank C. Balfour Professional of the Year in 2005.

11:00 AM

Closing with Clear Title in Time to Meet an Expedited Schedule

Geline Spinks - National Title Group
Johnny Collins II - National Title Group

Geline Spinks

Geline Spinks has been the Title Plant Manager for Community National Title since 2014 and has a total of 14 years experience as a full time title examiner/manager. Prior to becoming title plant manager, Ms. Spinks was a commercial examiner, specializing in acreage and development. She has built a reputation as one of the leaders in the title industry in utilizing “chain backs” and “back plants” to streamline the abstracting process. Over the past 4 years, Ms. Spinks has overseen over 50 right of way projects and has built a staff that includes 9 commercial/right of way examiners and 5 residential examiners. In addition to right of way projects, under Geline’s leadership, the Community National Title plant has examined over 10,000 residential/commercial transactions for the company’s nine offices, as well as over 1000 transactions for other independent title companies who now solely use Community National Title to produce their titlework.

Johnny Collins II

Johnny Collins is co-founder and managing member of Community National Title.

1:00 PM

Hot Topics in Valuation

Paul Hornsby, MAI, SRA - Paul Hornsby & Company
Chris Hornsby, MAI - Paul Hornsby & Company
Dalton Vann, MAI, RWA, R/W-AC - CBRE Valuation & Advisory Services
Richard W. Scholtz, R/W-AC - JLL Valuation & Advisory Services

Paul Hornsby, MAI, SRA

Since 1980, Paul Hornsby has been a practicing real estate appraiser with an office in Austin, Texas, specializing in the valuation of complex properties and in support of litigation proceedings. Mr. Hornsby also serves as an arbitrator in real estate disputes.

Mr. Hornsby often serves in the capacity of expert witness in cases involving eminent domain, bankruptcy, general commercial litigation and ad valorem tax appeal. He is qualified as an appraisal expert in numerous county courts, state district courts, Federal District Court, U.S. Bankruptcy Court, and various commissioners’ courts and appraisal district review boards. Mr. Hornsby has testified over 700 times in depositions, special commissioner’s hearings and trials.

In addition to real property appraisal, Mr. Hornsby provides counseling services and separation of real estate, tangible personal property, and intangible assets. He is the owner of PH Business Advisors, a business valuation firm specializing in the appraisal of business enterprises, partnership interests, and the allocation of tangible and intangible assets.

Chris Hornsby, MAI

Chris Hornsby has been practicing real estate appraisal and consultation since 2003 in the Austin, TX office of Paul Hornsby & Company. This includes the valuation of all property types and in support of litigation proceedings.

Mr. Hornsby often serves in the capacity of expert witness both before special commissioners and in appraisal review boards in multiple counties throughout Texas. Mr. Hornsby has testified on over 50 occasions.

Mr. Hornsby's commercial real estate experience includes appraisals for purposes including lending, litigation, eminent domain, conservation easements, consultation, and ad valorem tax appeal. The commercial valuations have included land (ranches, subdivision, rural, & urban), office, retail, industrial and special property types including golf courses, hotels, and convenience stores.

Dalton Vann, MAI, RWA, R/W-AC

Dalton Vann is the Director of Texas Right of Way at CBRE Valuation and Advisory Services where he provides litigation support services, trains appraisers in the field and provides internal support. Mr. Vann has served as the education chair for the Central Texas Chapter of the Appraisal Institute, as well as served as the Education Chair, Secretary, and Treasurer for the North Texas Chapter (36) of the IRWA.

Mr. Vann has performed valuation and consulting services across the State of Texas on various properties including industrial facilities, retail centers, hotels/motels, subdivisions, office buildings, billboards, churches, ranches, estates, residential units, and raw land. His experience in appraisal for right of way acquisition purposes includes projects for TxDOT, local municipalities, pipeline and electrical transmission line companies, light rail, water and sewer providers, and other agencies.

Mr. Vann is a graduate of the Mays Business School at Texas A&M, receiving a Master of Real Estate degree, as well as an undergraduate in Agricultural Economics from Texas A&M. He also served as a Utilitiesman with the United States Navy, where he specialized in water main repair, and gained additional experience in water and sewer treatment and HVAC. Mr. Vann is a CLIMB-certified instructor for the International Right of Way Association where he teaches classes pertaining to the valuation of partial acquisitions.

Richard W. Scholtz, R/W-AC

Richard serves as a Senior Vice President of JLL's Valuation and Advisory Services in the United States, and is based in Austin, Texas. In his role, he is focused on conducting real estate appraisals and consulting assignments including market studies, damage modeling, appraisal review, and expert testimony.

During his tenure with the firm, he developed appraisal and consulting expertise concentrated in specialized assignments involving corridor valuation and multi-parcel eminent domain projects throughout Texas. Analysis on valuations have been performed on various properties including, but not limited to, single and multi-tenant industrial buildings, low rise office buildings, mixed used facilities, absolute net leased properties, ranches and vacant land. Clients served include private and institutional lenders, private and public utilities and public agencies. Assignments have been performed for condemnation purposes, financing and due diligence support.

Richard earned a Bachelor's of Science from Texas A&M University in 1998, and is a certified general real estate appraiser in Texas, New Mexico, and Arizona. He is a member of IRWA Chapter 74 and serves on the IRWA Ethics Committee.

2:00 PM **The Brazos Yard (UPRR): A Case Study in Condemnation Under Rule 71.1 of the Federal Rules of Civil Procedure**

Sue Dillon Ayers, J.D., Jackson Walker

Sue Dillon Ayers, J.D.

Sue Ayers represents condemners in all aspects of land acquisition, including negotiation of easements and crossing agreements, the purchase of real property in fee simple, condemnation, and appeal.

Sue has been a member of Jackson Walker's eminent domain practice group since 2010. During the 2017 Legislative Session, Sue advised clients in several industries regarding bills that would impact condemnation. Sue was the lead condemnation counsel for Union Pacific Railroad for its new 1,800-acre railyard in Robertson County, Texas. Sue tried seven cases to jury verdict on behalf of Lone Star Transmission for its CREZ project, which crossed eleven counties. During the first several years of her practice she gained broad trial and appellate experience representing municipalities, chemical manufacturers, railroads, telecommunications companies, casinos, and accounting firms.

Sue has appeared in state and federal court in cases involving land use issues, eminent domain, personal injury, wrongful death, toxic tort, free speech, and professional malpractice. Before joining Jackson Walker, she represented and advised the Court-appointed Receiver in one of the largest Ponzi scheme cases ever filed by the SEC. Sue was briefing attorney to Justice Mack Kidd of the Texas Court of Appeals for the Third District of Texas in Austin in the 2000-2001 term. Sue is a licensed teacher in Texas and has nine years of teaching experience.

3:30 PM **Panel Discussion: The Future of Right of Way Plans**

Ana Rausch, SR/WA, R/W-RAC - Percheron Professional Services
James Olschewski, SR/WA, R/W-NAC - Utah DOT
Fred Easton, PLS, SR/WA, R/W-AMC - Farnsworth Group
Gordon MacNair, SR/WA - City of Ottawa

Ana Rausch, SR/WA, R/W-RAC

Ana B. Rausch is Senior Vice President - Field Services for Percheron, LLC. Prior to joining Percheron in 2009, Ana worked as a consultant as well as the Vice President of Real Estate for a major Transit Authority. She has over 25 years of project management experience in the right of way industry for pipeline, electric utility, telecommunications, transit, wind, rail and public-sector projects. Her areas of expertise in infrastructure development include feasibility studies, negotiation and acquisition, title research, title curative, permitting, relocation assistance, damage and claim settlement, construction support, condemnation support, due diligence and budgeting.

Ana previously served as Secretary of the International Right of Way Association (IRWA). She holds a Bachelor's degree and MBA from the University of Houston and has received IRWA's designations for Senior Right of Way Agent (SR/WA) and Right of Way Relocation Assistance Certification (R/W-RAC). She is a Certified IRWA Climb Instructor and is a past President and Professional of the Year for IRWA Chapter 8. Ana is currently a member of the

IRWA International Electric and Utilities Committee and served as Chair of IRWA Region 2 from 2015-2017.

James Olschewski, SR/WA, R/W-NAC

James A. Olschewski is a Professional Land Surveyor who has spent the last 30 years designing and acquiring Right of Way for the Utah Department of Transportation (UDOT) as both a consultant and as a UDOT employee. James started his career in Right of Way researching and designing the widening of roadway projects such as Sardine Canyon, Provo Canyon, I-15 in Salt Lake County and most recently the Mountain View Corridor. Each of these projects has been unique in both the roadway design and the opportunities this design presented for the needed additional Right of Way.

James has toured the country teaching transportation design using Microstation and InRoads for several states DOT's including, New Mexico and UDOT as well as many top Fortune 500 Engineering Firms.

James has a degree in Architecture, a second degree in Surveying, and is NICET Certified in Roadway Design. James is a member of the Utah Council of Land Surveyors (UCLS) where he has served on many committees and is a Past SLC Chapter President. James is a member of the International Right of Way Association (IRWA) where he holds the designations of SR/WA and R/W-NAC and is a Climb Certified Instructor. He is the past Chapter 38 President, served as the Vice-Chair of the International Transportation Committee and is the current International Executive Secretary. James has served as the Deputy Director of Right of Way and is the current Statewide Right of Way Design Lead.

Fred Easton, PLS, SR/WA, R/W-AMC

Fred Easton, Jr. began his career at a young age running a survey rod for his father's mapping company. After serving in the US Navy and then surveying in Central Florida, Fred has been with Farnsworth Group as a Land Survey & GIS manager for Farnsworth's Colorado survey staff since 2001. He has over 26 years of experience in surveying, mapping, GIS, ROW, and construction. Fred's experience includes a wide range of industries including utilities, transportation, public bases and campuses, and commercial development. This has included more than 600 miles of right-of-way projects that required writing land descriptions for land acquisition. He also manages right-of-way acquisition and land management projects, bridging the gap between engineering and negotiation. He has served as expert witness on land boundary issues and floodplain mapping. He currently serves the IRWA as Region 9 Chair. He is past recipient of the Region 9 and Chapter 6 Professional of the Year awards.

Gordon MacNair, SR/WA

Gordon MacNair is Director, Corporate Real Estate Office for the City of Ottawa who is responsible for leading key development initiatives set out in Council's Strategic Plan, enhancing the value of the City's real estate assets, and setting long-range strategic real estate asset rationalization and management plans. His team oversees all real estate matters for the City of Ottawa. . Gordon is a CLIMB instructor who served as International President for the International Right of Way Association (IRWA) for 2004-2005 and currently serves on the Advisory Council for the IRWA.

4:30 PM **Acquisition and Relocation of Marijuana Grow Sites Under Colorado DOT Oversight**
Tawana Kelly, SR/WA - Colorado DOT Central 70 Program, Right of Way Manager

Tawana Kelly, SR/WA, R/W-RAC

Tawana Kelly is a native of Oklahoma and a Tribal member of Chickasaw Nation. Tawana is an active member of the International Right of Way Association (IRWA) where she is currently the Vice Chair of the International Transportation Committee (ITC) and a core member of the Relocation Community of Practice (RELO-COP). She holds an SR/WA (Sr. Right of Way Credentials) and R/W-RAC (Relocation Certification) designations with the IRWA. Tawana started her Right of Way career in 1997 as a consultant for Coates Field Services out of Oklahoma, then traveled as consultant for several different companies until moving to Colorado in 2008. Tawana has acquired properties and completed relocations in over ten states, including Colorado, Texas, Mississippi, Louisiana, Alabama, North Carolina, Oklahoma, Kansas, California, Minnesota and Wisconsin, for clients such as RTD, Cal-Trans, Min-Can Project, Duke Energy, Koch Industries, Southern National Gas, LAUSD, City of Long Beach, City of Los Angeles, City of Madison, WI, City of St. Paul, City and County of Denver, City of Aurora, City of Commerce City, Adam County, City of Broomfield, City of Lakewood, Harris County Texas, City of Dallas, City of Waco, ODOT, TXDOT and CDOT. Since joining CDOT in 2011, she has completed acquisitions and relocations for many large-scale projects, such as the 120th Inter-connection, 6th and Federal, 6th and Wadsworth, I-25 and Kalamath, US 85 Louviers, I-70 and Pecos, Bull Sheep, US 36. In 2012, Tawana was named IRWA Chapter 6 recipient of the Helen C. Peck/Frances Reisbeck Award for her Commitment to Excellence in the Right of Way Industry. She is currently providing her relocation and Project and Right of way management expertise on the highly publicized CDOT, Central 70 Program.