

March 2008  
vol. 54 • no. 01



Thursday March 6, 2008

General Membership Meeting

MDOT

7575 Crowner • Lansing, MI • 517 335 3084

### Official Program

- 8:00 – 8:30AM Morning registration and European breakfast includes coffee, teas, rolls, sweet breads, bagels, cream cheese, fruit tray, small quiche bites and meat & cheese tray.
- 8:30 – 9:00AM Michigan Chapter 7 Business Meeting and Committee Reports
- 9:00 – 9:45AM **Richard (Dick) Steffens**, Equalization Manager, Washtenaw County: *Assessing rights of way, impact on values, Land Division Act impact (PA 591 of 1996) and the transfer of ownership*
- 9:45 – 10:00AM Break
- 10:15 – 11:00AM **Teresa Vanis**, MDOT and **Kelly Ramirez**, MDOT *Local Public Agencies information and up-dates*
- 11:00 – 11:45AM **Gregg Ottaviani**, Owner & President, American Title of Washtenaw: *First Land Titles*

**What:**  
General Membership Meeting

**When:**  
**THURSDAY**  
March 6, 2008

**Where:**  
MDOT  
7575 Crowner  
Lansing, MI  
517 335 3084

**Cost:**  
\$35./per person

**Questions ?**  
Laura Southwell, SR/WA  
734-327-6694  
southwell@wccroads.org

12:00NOON – 1:00PM

Lunch: make-your-own sandwich buffet with 2 kinds of soup and 2 salads with chips, cookies, brownie and beverages for an afternoon snack.

1:00 – 2:00PM

**Lori Beyer**, PS, Washtenaw County Road Commission  
*Federal, State & local websites*

2:00 - 3:00PM

**Aaron Berkholtz**, P.E., Washtenaw County Road Commission, Construction Supervisor  
*The \$12 million Dixboro Road & Bridge project with over a decade of right of way acquisition work, environmental assessment, design and corridor study*

*PLEASE NOTE:* The chapter is awaiting notification from the State of Michigan regarding continuing education credits for this meeting

**4** Easy Ways  
to Register

• **REGULAR MAIL**  
Laura Southwell SR/WA  
Washtenaw County Road Commission  
555 N. Zeeb Road  
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...so do it TODAY!



## Laws and Legislation

From the Laws and Legislation Committee, Raymond O. Howd, Esquire reports on the Tomkins v. MDOT case that on behalf of MDOT, he argued the case on December 4, 2007 in the Michigan Supreme Court. Scott Steiner of Rhodes McKee argued on behalf of the Tomkinses. The Court asked questions concerning the legislature's authority to define what elements of damage may be included in just compensation; what case law would support or refute the owners'

position that any and all effects of the taking on market value should be considered; and why there is no pre-1963 case (when the current constitution was ratified) that supports the position the owners take in this appeal. The Court could render its decision anytime up to July 31, 2008, the end of the current term.

Other interested parties filed Amicus briefs for the Court's consideration, including the Michigan Association of Drain Commissioners; the County Road Association of Michigan and the Michigan Municipal League on behalf of condemning agencies, and the law firm of Ackerman Ackerman and Dynkowski, and the Mackinaw Center for Public Policy on behalf of property owners. I will let you know when the Court issues its opinion.

*Editor's Note:* This case involves an inverse condemnation claim. The Tompkins owned property touched by a partial taking for the foot of a highway overpass, which in turn, was needed because of the construction of M-6 Highway in Kent and Ottawa Counties. No part of their property abutted the land acquired from others for the construction of the actual freeway. The owners settled on compensation for the partial taking, but claimed they were additionally entitled to the decrease in market value caused by the "highway" effects of the M-6 freeway. At issue is the constitutionality of MCL 213.70(2) which prohibits the jury from considering the general effects of the project in determining just compensation. The Supreme Court summarized the issue as follows: "Do the property owners have a constitutional right to be compensated for the reduction in value of their remaining property, due to the increased noise, dust, fumes, and vibration from the newly constructed highway?"

Ray Howd is planning to speak on this case at the Fall Seminar if the Supreme Court issues its opinion by then.

*submitted by Michael A. Oakes and Ray Howd*

## Right-of-way ruling

The Michigan Supreme Court on Tuesday ruled that Northville Township and other municipalities cannot tax property owners on infrastructure improvements to public rights-of-way. The ruling, which mostly affirmed a lower court, said the value of condominiums and single-family homes built by Toll Northville and Biltmore Wineman in 2001 and 2002 should not have been inflated because of sewer lines, street lights and other improvements to public property. Specific tax losses weren't available Tuesday, but the ruling could have a significant impact on how municipalities assess developments.

## Right-of-Way Maps, Plans and Ownership Research

The Central Office Technical Unit of MDOT Real Estate Division provides MDOT region offices, TSCs, and the public with support and technical expertise in these areas: design plans, legal descriptions, railroad issues, property sales, right-of-way maps and right-of-way research, and creating court displays for MDOT condemnation cases.

This address will provide links to: Frequently Asked Questions, Forms and Right-of-Way Maps: [http://www.mi.gov/mdot/0,1607,7-151-9623\\_26662\\_26679\\_27267\\_48602-182110--,00.html](http://www.mi.gov/mdot/0,1607,7-151-9623_26662_26679_27267_48602-182110--,00.html)

For more information contact: Jim Meister, Technical Unit Supervisor, 517 373 4156  
MeisterJ@michigan.gov

*submitted by Valerie Lafferty*

## International Right of Way Association Michigan Chapter 7

### 2006 Executive Board

- Andrew M. Reed, SR/WA  
*President, International Director*
- Norman G. Thomas, SR/WA  
*President-Elect, International Director*
- Laura K. Southwell, SR/WA  
*Vice President*
- Kimberly A. Tassen  
*Treasurer*
- Paul E. Sander, SR/WA  
*Secretary*
- Steve Roon, R/W-NAC  
*Assistant Secretary-Treasurer*

### Committee Chairs

- |   |   |
|---|---|
| Michael Odette<br><i>Asset Management &amp; Accreditation</i> | Edward R. Bradley, SR/WA<br><i>Parliamentarian &amp; Historian</i>    |
| Patricia A. Petitto, SR/WA                                    | Gary E. Bowman, SR/WA<br><i>Past Presidents &amp; Retired Members</i> |
| Jeffrey L. Jones, SR/WA                                       | Carl L. Meyer, SR/WA  |
| Jeanine Myers<br><i>Education</i>                             | Gayle Konik<br><i>Pipeline</i>  |
| William A. Horn, Esq.<br><i>Environment</i>                   | Alicia T. Worthley, SR/WA<br><i>Recognition &amp; Awards</i>          |
| Alicia T. Worthley, SR/WA<br><i>Fall Education Seminar</i>    | Kelly Ramirez<br><i>Relocation</i>                                    |
| Laura K. Southwell, SR/WA<br><i>Finance</i>                   | Tim Davis, SR/WA<br><i>Roster</i>                                     |
| Raymond Howd<br><i>Law &amp; Legislation</i>                  | Chris Lamus<br><i>Survey</i>  |
| Frank Del Vecchio, SR/WA                                      | Paul E. Sander, SR/WA   |
| Chris Barnes  | Steve Roon, R/W-NAC<br><i>Transportation</i>                          |
| Larysa Figol<br><i>Local Public Agency</i>                    | Kimberly A. Tassen  |
| Julie A. Sandzik<br><i>Membership</i>                         | Mary Anne Marr, SR/WA<br><i>Utilities/Liaison</i>                     |
| Michael Oakes<br><i>Newsletter</i>                            | David C. Maturen, SR/WA   |
| Jeffrey L. Jones, SR/WA                                       | Ken Smith<br><i>Valuation</i>   |
| Richard Roth, SR/WA   | Lynn P. Hall, SR/WA   |
| Andrew M. Reed, SR/WA<br><i>Nominations</i>                   | Jim Aiello<br><i>Website</i>  |

### 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



*Hmmmmmm, let me see...* Soaring Eagle Casino for Region Forum... Austin, Texas for the International Education Seminar... Great Wolf Lodge, Traverse City for Fall Seminar... Boone's Long Lake Inn for the Annual Fall Seminar Dinner... Frankenmuth's Bavarian Inn for the November General Membership Meeting and lunch...

These are all things I am looking forward to in the coming year as your President and International Director. Please note these are in no particular order of preference, otherwise Boone's would be #1! Aside from these selfish anticipations, there are also many International, Region and Chapter 7 related events to which I am also looking forward.

On the International level, Patricia Petitto, SR/WA, has declared her candidacy for a position on the International Executive Committee. David Maturen, SR/WA is finalizing his application for the Frank C. Balfour Award, named after the Association's founder. Best of luck to both Pat and Dave – both are very deserving. Also, Chapter 7 is entered in the *Chapter of the Year* and *Newsletter of the Year* categories. The Road Commission for Oakland County will also be nominated for the *Employer of the Year Award* (for under 20 employees). At the Region level, Jeff Jones, SR/WA will again serve as our Region's treasurer in 2008, and Mary Anne Marr, SR/WA will again serve as the Region Secretary in 2008.

A big thanks goes to outgoing President, Dick Roth, R/W-AC, and our outgoing Professional Development Chair, Mary Anne Marr, SR/WA. Under Dick's leadership, Chapter 7 has maintained its high stature, despite the tough economic times to which we have been subjected. Also, thanks to Mary Anne (with much assistance from Roland Cilke, SR/WA) our Chapter has certified several members in individual disciplines, as well as put forward several approved Senior Member (SR/WA) candidates. Thanks to all of you for your hard work and dedication to our Chapter. Also, welcome to Steve Roon, R/W-NAC, this year's Assistant Secretary-Treasurer.

This Chapter has been able to prosper due to the hard work of the people mentioned above, as well as our other Chapter leaders and Committee members – past and present. There are just too many to mention in this letter. My goal is simply to attempt to continue the great work done by my predecessors and our excellent committee chairs. This organization truly does give back when you put in the time. I have continued to grow as both a professional and as a person through the people I have met and events that I have attended. So... GET INVOLVED!

As you can see, this Chapter has a lot going on. I look forward to serving our membership, and giving back to the best professional organization I know. But most of all, I'm looking forward to Boone's Long Lake Inn in the Fall!

## Candidate's Statement

When my Region and Chapter asked if I were willing to be nominated for a position on the International Executive Committee, I knew that I would need to take some time to carefully evaluate my readiness for this task. After talking to numerous right-of-way leaders, and with lots of encouragement from my family and

friends, I have decided to respectfully submit my name for the position of International Executive Committee Member.



I have been honored to serve at the Chapter, Region and International levels. I began working on my chapter newsletter the first year that I joined IRWA and continued doing so until the year I became Chapter President. It was a lot of work but a great way to meet other members and learn all about IRWA. I have also spent the last twelve years as Education Co-Chair and coordinating numerous courses

for my chapter. I am currently in the middle of my second three year rotation as a member of my Chapter's Professional Development Committee.

At the Region Level, I served as both Region Vice Chair and Region Chair. During the time that I served Region officers were not involved in the decision making process, like they are today. I was very pleased to see this change in our governance system. I strongly believe that people tend to resist change when it is forced upon them and they tend to support programs that they either helped create or had some input in the program's development.

For the last ten years, I have thoroughly enjoyed representing Region 5 on the International Professional Development Committee. I am most proud of the advancements made in communicating with and training our chapter course coordinators, and the website availability of information for course coordinators.

As a participant at the Education Summit, I helped evaluate our education program and develop many of the goals that we are in the process of implementing. Some changes have already been made and there are many more to come. We must continue to examine and improve our educational offerings, including the development of alternative forms of delivery of our courses.

We also need to develop training for our Chapter Professional Development committees to help them be successful. In many chapters, the members of these committees change on an annual basis. We need to enhance this area of the website and develop materials to assist these committees in promoting our Designation and Certification programs.

An association needs to be constantly rejuvenated by new ideas. It needs young members with imagination and vision. We also need our more seasoned long-term members to provide guidance and to prevent changes that may not be in the best interest of our association. Above all, we need a variety of members who can work together, challenge each other's values, compromise or stand their ground with equal grace, and continue to respect each other. I ask for your support, and if elected, I look forward to the opportunity to continue to serve our Association.

*Submitted by Patricia A. Petitto*



**a** | Installation of 2008 Officers (l to r) David Maturen, Steve Roon, Kim Tassen, Paul Sander, Laura Southwell, Norm Thomas and Andy Reed being sworn in by Jeff Jones

**b** | A large and festive turn-out for the Annual Dinner Meeting

**c** | Andy Reed receives his SR/WA from chapter 7 PDC Chair Mary Anne Marr

**d** | Laura Southwell is awarded her SR/WA from chapter 7 PDC Chair Mary Anne Marr



**Ann Arbor, MI**

*Annual Dinner Meeting & Installation of Officers*





e

e | Dick Roth gives his final Presidential address at Weber's



f

f | Your new President Andy Reed outlines his agenda for 2008

g | Andy Reed accepts the official Charter, Gavel and *Spittoon* of the Presidential office



g



Last month, Chapter 7 ushered in a new Board of Directors at the Annual Installation Dinner. Please

take a moment to view the photos of the event on these pages. During the year, the Great Lakes State-ment will once again *spotlight* some of the dedicated members who have not yet appeared in the newsletter. Be sure, also to visit the Chapter 7 website at <http://www.irwamichigan.org/>

For our advertisers, this issue contains the updated rates for business card ads and other types of advertising. Please use the form on page 6 for payment. Past President Dick Roth is coordinating this effort.

As the Editor of this newsletter, I'm always looking for meaningful content. If you have a topic you would like discussed, please contact me. Also, if you see an article, court decision, news item pertaining to right of way issues, feel free to send me a copy or link. Of course, please be careful to avoid copyright infringement.

Chapter 7 is also looking for sponsors, especially for the Fall Seminar and General Membership meetings. The board is willing to acknowledge such sponsorships in a manner that is meaningful and appropriate. If you are interested in becoming a sponsor, please contact Laura Southwell at 734 327 6694 or [southwell1@wcroads.org](mailto:southwell1@wcroads.org).

We have applied for Continuing Education credits for the March Meeting and are awaiting the determination from the State. Please plan to attend one of the many events planned this year. Tell a friend. Perhaps, you know someone who should be a member. Invite them as a guest. This year promises to be filled with great educational events and networking opportunities.

*Submitted by: Michael A. Oakes  
Newsletter Chair*

**Chapter 7 is looking for additional advertisers**

- |   |        |   |        |
|---|--------|---|--------|
| <input type="checkbox"/> Business Card Ad | \$75.  | <input type="checkbox"/> Roster & Newsletter* | \$175. |
| <input type="checkbox"/> Half Page Ad     | \$100. | Business Card Size                            |        |
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| <input type="checkbox"/> Full Page Ad     | \$200. | 6 Issues                                      |        |
| Front/Back                                |        | <input type="checkbox"/> Web Site Ad          | \$25.  |

\*Business cards for less than a whole year will be pro-rated.

**Total Due \$ \_\_\_\_\_.**

Please use this handy order form, make check payable to IRWA-MI Chapter 7, include the advertisement or business card (updated if needed) with your order along with your payment. Please return your order *no later than March 05, 2008* to Dick Roth @ Appraisal Assoc., 4213 W. Main St., Suite 101, Kalamazoo, MI 49006

We would love to welcome you and your company as a new or returning advertiser in *The Great Lakes State•ment*, the Membership Roster or on the Chapter 7 Web Site!

**Any questions?**

Please call Dick Roth at 800 728 8444 or email: rroth@aaimi.net

For questions on the availability and specifics of the Chapter 7 web-site advertisement, please contact James Aiello at jaiello@hrc-engr.com or Lynn Hall at lhall@aone-elexco.com.

*Thank you for your support  
Michael Oakes, Newsletter Editor*

All ads subject to editorial approval. Michigan 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.

**Thank You  
to our advertisers**

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 Fax: (231) 929-7011 Traverse City, MI 49685-0910  
 E-mail: rcilke@whitepinecompanies.com

**Executive Board Meeting**

Commonwealth Associates, Inc. • February 07, 2008

IN ATTENDANCE: Laura Southwell SR/WA, Richard Roth R/W-AC, Tim Davis SR/WA, Kelly Ramirez, Teresa Vanis, Michael Odette SR/WA, Paul E Sander SR/WA, Jeff Jones SR/WA, Norm Thomas SR/WA Andrew Reed SR/WA. Michael Oakes

CALL TO ORDER: President Andrew Reed called the meeting to order at 9:55.

READING AND APPROVAL OF MINUTES: The previous minutes were distributed and read. Motion to accept – Southwell, Second – Roth, Motion passed

**PRESIDENT'S REPORT AND INTERNATIONAL REPORT**

PRESIDENT – Andrew Reed SR/WA: Brought forth each member's responsibility to seek out new members and member involvement.

**PRESIDENT ELECT AND INTERNATIONAL DIRECTORS REPORT -**

PRESIDENT ELECT - Norman Thomas SR/WA: Suggested members to have prospective members watching the video on our website to promote membership.

VICE-PRESIDENT REPORT - Laura Southwell SR/WA: Suggested job descriptions are written for each executive position. Some are written and some are being rewritten. It was suggested they be all placed in a book to be given to each officer. In addition, the program speakers were announced – some of the topics to be presented this year are Asset Management, Roundabouts, the future of the real estate market etc. Members are advised to keep their eyes open for the announcements.

TREASURER'S REPORT – Kimberly Tassen: Excused - Suggested by Reed the budget be sent by email to the Board and presented for approval next meeting.

**COMMITTEE REPORTS**

Asset Management and Accreditation- Michael Odette, SR/WA. The Asset Management class is coming – see Education. In addition, the Asset Management website is open and suggests every member to have a look.

Education- Jeff Jones, SR/WA, R/W-NAC . 7 hr USPAP is being offered at Fall Seminar (Burgoyne instructing) on September 24, 2008 at Great Wolf Lodge. #504-*Computing Replacement Housing Payments* is proposed for August or early September, and #700-*Introduction to Property Asset Management* is scheduled for May 2-3, 2008

Law & Legislation- Ray Howd, Tomkins vs MDOT case is still pending

Membership- Julie Sandzik. Jeff Jones made a motion to accept for membership the following: Jodie S. Mitchell: J.R. Group, James A Norrod: EMS Land & Environmental Services, Marian Barnes: Maturen and Associates, Seconded by Davis. Motion passed – Welcome aboard!

Newsletter- Michael Oakes . Would like to see articles written from every committee. If it a link to an article, please make sure it can be used in the newsletter. Discussions on advertising rates were discussed.

Roster- Tim Davis, SR/WA.. Discussions on the print and size of the roster. This year the roster will be the same size but stapled. It is possible Davis can do this in-house.

Transportation- Paul Sander, SR/WA, Steve Roon R/W-NAC, Sander suggested using the michigan.gov/mdot site and look into studies for future MDOT projects. Information on the Detroit Intermodal Project, and the International River Crossing can be accessed by going to the MDOT website and clicking "Projects and Programs" from left menu and then click "Studies" from the next menu selection.

New Business- The problem of lack of MDOT support for the IRWA was discussed. Reed and Jones will discuss with other chapters in our Region to see if they can discuss how it affects there membership.

Meeting adjourned by President Andrew Reed SR/WA at 12:10 PM.



**Course #700**

**Introduction to Property Management**

**April 2-3, 2008 • 8am-5pm • 2 days**

**Class Location: Soaring Eagle Resort**  
6800 Soaring Eagle Blvd. • Mt. Pleasant, MI

**Tuition:** \$425./members - \$530./non-members  
Includes: Participant's Manual

**Prerequisites:** Participants should have a minimum of six to twelve months of on- the-job experience. Since effective property management requires a thorough understanding of the seven right-of-way disciplines, completion of the IRWA Course 100 is highly recommended. Course 700 is a prerequisite to IRWA Course 701, *Property Management: Leasing*.

**Course Description:** *Introduction to Property Management* is designed for the full-time asset manager or generalist who manages an organization's properties and who addresses all major aspects of property management. Learn how to establish a cost-effective management plan that increases profitability conserves resources and reduces risk exposure for properties managed.

**Facilitator: Aisha M. Currie, SR/WA**, a Right of Way Principal at CenterPoint Energy, Ms. Currie's responsibilities include marketing and rental of properties, sale of lands and land rights, clearing trespasses and collecting funds against cleanup and restoration costs, and acquiring property rights. Ms. Currie has 20-plus years of experience as a right of way professional and has been active with the International Right of Way Association.

**Class Coordinator: Jeffrey Jones, SR/WA**  
2420 Pontiac Lake Road • Waterford, MI 48328  
248 858 4783/phone • jjones@rcoc.org/e-mail

Please make checks payable to International Right of Way Association

**Accommodations & Rates:**

**Soaring Eagle Resort**  
6800 Soaring Eagle Blvd. • Mt. Pleasant, MI  
888 732 4537 / phone • Single \$139.00 + Tax  
Please contact the hotel directly.

**Four Ways to Register:**

- Online: [www.irwaonline.org](http://www.irwaonline.org)
- Fax: 310-538-1471
- Phone: 310-538-0233 x134
- Contact Coordinator

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

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

Submissions for the February newsletter due by:

**March 7, 2008**

For information on IRWA Michigan Chapter 7, please contact the Secretary:  
Laura K. Southwell, SR/WA  
734 327 6694  
southwelll@wcroads.org

March 2008  
vol. 54 • no. 01

**Tim Davis**  
Commonwealth Associates  
PO BOX 1124 • Jackson, MI 49201



*Address Correction Requested*

**Register  
TODAY!**

**THURSDAY,  
MARCH 6TH  
MEETING**

**What:**  
General  
Membership  
Meeting

**When:**  
**THURSDAY**  
March 6,  
2008

**Where:**  
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Lansing, MI  
517 335 3084

**Cost:**  
\$35./per person

**Questions?**  
Laura Southwell, SR/WA  
734-327-6694  
southwelll@wcroads.org

**SPECIAL  
UPCOMING  
MEETING NOTICE**

**Make a note and  
plan to attend this  
APRIL Meeting!**

**Michigan Chapter 7 is hosting  
the Region 5 Spring Forum!**

So, the General Membership Meeting normally held in May will be moved up to be held in conjunction with the Spring Forum.

The General Membership meeting will be held on April 4, 2008 at the Soaring Eagle Casino and Resort in Mt. Pleasant, MI. Laura has

scheduled a wonderful array of speakers for the meeting.

Prior to the meeting the Chapter has scheduled Course #700 - *Introduction to Property Management* for April 2nd and 3rd. For more information, see page 7 and/or contact Jeff Jones, SR/WA at 248 858 4783 or jjones@rcoc.org.

Following the General Membership meeting the Chapter will be hosting the Region 5 Spring Forum. Chapter members are welcome to attend this event also.

