

## Chapter 5 Officers

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Have news to share? Email me at  
[pogan@valbridge.com](mailto:pogan@valbridge.com)

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*If you are a newly retired member, please contact [irwachapter5@irwachapter5.com](mailto:irwachapter5@irwachapter5.com)!*

*Your dues will be covered by the chapter moving forward. We respect and appreciate the expertise you contribute to our chapter and hope you continue as a part of IRWA Chapter 5.*

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## President's Message



School is back in session and hopefully all you parents are regaining your sanity!

This is my first message to everyone as the new Chapter 5 President and I'm thrilled to be part of such a dynamic group. Claudia Vines has taken the role of Vice President and I think we make a great team! It's only been in the last couple of years that I've gotten more involved in IRWA, and I have to tell you...I get so much MORE out of being a member by being involved! If you are sitting on the sidelines, not attending meetings and events, or are not part of a committee, I urge you to get more involved! It's a completely different and more rewarding membership experience.

Just to tell you a little about me, I have worked at Burns & McDonnell in right of way and public involvement for the past 10 years, and was at Jackson County, MO before that. I have a Masters. in Communications from Oklahoma State University, and JUST got my R/W-NAC. I'm married to Keith Slyter and don't have kids...just cats...but since we built the pool I see my niece (3) and nephew (5) a LOT more, which I love ☺. I grew up in Southern California but have lived in Kansas City for almost 19 years so I consider KC my home. I'm super addicted to interior design/decorating and all things HGTV. Maybe that's why I enjoy doing the Chapter and Region website so much—it lets me use some of my creativity.

One thing I'm discovering quickly trying to plan chapter meetings is how difficult it is to find guest speakers for our quarterly meetings! If you know someone who has an interesting story to tell and is a dynamic speaker, please send him or her my way! What about someone you work with? A client or subcontractor? And while you're at it, maybe you can convince them to become a member! No pressure.... *(continued on page 4)*

## September Meeting

Our next meeting is this week on September 9<sup>th</sup>, networking starting at 10 am. Joe Erskine of Orrick & Erskine LLP will be speaking on the KCPL v. Strong Court Case and its implications on partial takings in Kansas. We encourage you to attend!



# Member Spotlight



**Paul Blee, SR/WA, R/W-NAC, R/W-AC**



*Paul Blee is our Professional Development Chair, we recently caught up with him as our newest member spotlight.*

➤ **Where do you work, what do you do, and how long have you been there?**

I am currently employed by the City of Springfield - Public Works Department and hold the position of Right-of-Way Supervisor. I manage the right of way staff that is responsible for the acquisition of street right-of-way, drainage easements, sidewalk easements, sanitary sewer easements, etc. I have been in my current position for approximately five years and have been with the city for almost eleven years.

➤ **Tell us about your family.**

I have been married to my lovely wife Donna for almost twenty years. We have two beautiful daughters Sarah and Rachel. Sarah is attending Missouri State University and Rachel is a senior at Logan Rogersville High School.

➤ **Where did you grow up and how did you come to live in the Springfield area?**

I grew up in Hot Springs, Arkansas and moved to Springfield to assist in the opening of Le Mirabelle

French Restaurant. I worked evenings as a waiter at the restaurant while attending Missouri State University.

➤ **When not working, what hobbies do you enjoy?**

I enjoy gardening, turkey hunting, fishing and working "piddling" on my hobby farm.

➤ **Who introduced you to IRWA and how long have you been a member?**

I was introduced to the IRWA by Stephen Shanholtzer, SR/WA when I started working at the City of Springfield. He was my mentor and encouraged me to get involved in the organization and of course obtain the SR/WA designation.

➤ **What did you do before your Real Estate career began?**

I worked at Le Mirabelle French Restaurant until I graduated college and accepted a position with Swan Valuation Group, Inc. as an apprentice commercial appraiser. I became a licensed General Real Estate Appraiser in 1993. After working there for three years I purchased a fifty percent ownership of the company and operated it until I accepted the position at the City of Springfield in 2005.

➤ **Tell us about your most difficult ROW project.**

All of the projects have their complexities and difficulties but I guess the most challenging project is the Mt. Vernon Bridge Replacement Project. I am still working on this project but the main reason that this is a challenging project is that one of the parcels is owned by an administratively dissolved corporation, deed of trust holder and numerous state and IRS tax and numerous state and IRS tax liens. We will be going to court on this one for sure.

➤ **When you were a little boy what did you want to be?**

I wanted to be a Park Ranger for the United States National Park Service. I always thought that it would be neat to work in various national parks throughout the United States.

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*When I joined the IRWA, I was welcomed by many fellow members and encouraged to take part in the leadership of the Chapter.*

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- **If you had to spend 2 years on a deserted island, what book, CD and movie would you bring?**

Book: Bible  
 CD: Fleetwood Mac - Rumors  
 Movie: "A Few Good Men"

- **If Hollywood made a movie about you, what actor would you want to represent you?**

I would want Jack Nicholson. I know he is older than me but he is my favorite actor.

- **You have been involved on committees and in the leadership of Chapter 5. Why have you gotten involved and what would you recommend for members who may not be aware of the opportunities that Chapter 5 offers?**

When I joined the IRWA I was welcomed by many fellow members and encouraged to take part in the leadership of the Chapter. I have served as Chapter Secretary, Vice-President and President. I also served as the Region Representative of the International Local Public Agency Committee and currently serve as the Professional Development Chair for the Chapter. All of these positions have been very rewarding and have helped me grow as an individual.

I would encourage members to get involved with the local chapter leadership or serve as a committee member. I think they will find it very rewarding.

- **What advice would you give to someone starting out in the ROW profession?**

Take as many IRWA courses and learn as much as you can about the many facets (real estate law, negotiation, engineering, surveying, etc.) of the right-of-way profession. You need to have a thorough and broad understanding of all of these disciplines.

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## September Meeting

**September 9, 2016**

Joe Joe's Catering/Westport Flea Market  
 817 Westport Rd.  
 Kansas City, MO 64111  
 \$20 fee for lunch

### Format of all chapter meetings:

10:00 - 11:00a: Networking  
 11:00 - Noon: Announcements & speaker presentation  
 Noon - 1:00: Lunch  
 1:00 Chapter Business Meeting

Speaker: Joe Erskine, Orrick & Erskine LLP  
 Topic: KCPL v. Strong

The Kansas Supreme Court issued a new opinion in the *Strong* case in August 2015 that has had a profound effect on litigation of partial takings cases in Kansas. Until further clarified by the Court or the Legislature, the *Strong* opinion seems to open the door significantly to what landowners may claim as damages in Kansas in the instance of partial takings.



## Education News

*by Rich Snedegar*

Can you believe that September is already upon us? Soon it will be the fall season again and we will be wishing for warmer temperatures, although it is a little hard for us to think about right now given the heat. Speaking of heat, **TURN UP THE HEAT ON YOUR IRWA EDUCATION!**

We have some great classes lined up for the fall including:

### 303 - Managing the Consulting Process

September 22-23 (2 day course)

Instructor: Lisa Harrison

Location: Lee's Summit City Hall, 220 SE Green St.

### 501 - Residential Relocation Assistance

October 6-7 (2 day course)

Instructor: Lisa Harrison

Location: Burns & McDonnell, 4300 Ward Parkway KCMO

### 502 - Non-Residential Relocation Assistance

November 3-4 (2 day course)

Instructor: Lisa Harrison

Location: Burns & McDonnell, 4300 Ward Parkway KCMO

As always, if you have any courses you would like to see offered in the future please send me an e-mail at [Richard.snedegar@kcmo.org](mailto:Richard.snedegar@kcmo.org). The course line up for next year is currently in development and we are planning on offering six courses so get your suggestions in soon!

### President's Message (cont.)

One of the first things I did as President is create a member survey so I could find out what all of you think of the Chapter, what I can do to improve your experience, and what kinds of changes you'd like to see. If you haven't yet completed this survey, go to the website [www.irwachapter5.com](http://www.irwachapter5.com) and see the first item in the News block on the homepage—the link will take you directly to the survey.

Speaking of the website, just a reminder that there's a lot of good, new information to be found there, including a list of upcoming courses hosted by Chapter 5, photos from IRWA events, links to Region 3 and the new credentialing paths. But I'm always looking for ways to make it even BETTER! I'm hoping this year we can include sponsor logos on the site, a member spotlight, and other fun and engaging features. Again, if you have any ideas, let me know!

The Fall chapter meeting will be at Joe Joe's Catering at the Westport Flea Market in Kansas City, MO this coming Friday. The Winter chapter meeting will once again be at the Hollywood Casino at the Kansas Speedway. Mark your calendar for December 2<sup>nd</sup> and RSVP to me at [jberry@burnsmcd.com](mailto:jberry@burnsmcd.com).

### CALENDAR OF EVENTS

#### CHAPTER MEETING

JOE JOE'S CATERING AT THE WESTPORT FLEA MARKET  
SEPTEMBER 9, 2016, NETWORKING STARTS AT 10 AM  
Chapter meeting and presentation on KCPL V. Strong

#### COURSE 303

LEE'S SUMMIT CITY HALL  
SEPTEMBER 22-23, 2016, TWO-DAY COURSE  
Managing the Consulting Process

#### COURSE 501

BURNS & McDONNELL  
OCTOBER 6-7, 2016, TWO DAYS  
Residential Relocation Assistance

#### REGION 3 FALL FORUM

GRAND HARBOR RESORT AND WATERPARK  
OCTOBER 6-7, 2016  
Representatives from Chapters within Region 3 meet, network and attend educational opportunities.

#### COURSE 502

BURNS & McDONNELL  
NOVEMBER 3-4, 2016, TWO DAYS  
Non-Residential Relocation Assistance

#### CHAPTER MEETING

HOLLYWOOD CASINO AT THE KANSAS SPEEDWAY  
DECEMBER 2, 2016, NETWORKING STARTS AT 10 AM  
Chapter meeting and presentation topic TBD.

### IRWA History Corner

by Missy Wurtz, SR/WA  
Chapter 5 History...



In June 2003, Chapter 5 hosted the IRWA Annual Education Conference at the Hyatt in Kansas City. Months of planning, hand-wringing and general worrying about money and manpower came to magical fruition as the conference was enjoyed by over 1000 attendees. In addition to excellent education sessions, the chapter coordinated outings to a Royals game and Westport pub crawl and had an outstanding speaker line up of POW Charlie Plumb and Negro Baseball League legend, Buck O'Neill. Co- chairs for the conference were Al Donoho and Steve Grandon. *Some photos from the event are provided on page 6.*

### Region 3 Fall Forum hosted by Chapter 41 this year

Twice a year, Region 3 meets to review issues from IRWA and our local chapters and industry committees. Region 3 consist of Ch. 20- Minnesota; Ch. 37- St. Louis and Eastern Missouri; Ch. 41- Iowa; Ch. 78- Nebraska; Ch. 72- North and South Dakotas and Ch. 5- Kansas and Western Missouri.

The Fall Forum will be held October 6<sup>th</sup> and 7<sup>th</sup> in Dubuque, Iowa. Chapter 41 is planning to host IRWA Course C505 Advanced Residential Relocation Assistance on October 6<sup>th</sup> followed by a happy hour boat cruise on American Lady Yacht.

To find out more information or to reserve a room [click here.](#)



### Professional Development Update

by Paul Blees, SR/WA, R/W-NAC,  
R/W-AC

The IRWA has recently introduced a new website for the various career paths toward certifications and designations. Please visit the new site at [www.irwaonline.org](http://www.irwaonline.org) and click on the Credentialing tab and follow your path.

This makes it much easier to understand the requirements of the various certifications and designations.

If you have any questions don't hesitate to contact me at (417)864-2057 or [pblees@springfieldmo.gov](mailto:pblees@springfieldmo.gov), or Mark Stiles at (417) 864-1909 or [mstiles@springfieldmo.gov](mailto:mstiles@springfieldmo.gov).



## How What You Do (or Don't Do) Can Impact the Trial or Outcome of the Condemnation Case

*Notes from the IRWA Chapter 5 Presentation by Todd A. Johnson of Ellis, Ellis, Hammons & Johnson at the meeting in Springfield*

From the beginning of the project, it is important to understand the scope of the project on both a larger and smaller scale. You will need this information to accurately communicate the reasoning for the project to the land owner and how it will specifically impact their property. An owner will be mad when they discover something they haven't been told. This emotional reaction is the main factor for difficulties in projects. Some items to consider and explain to a land owner at the beginning is any impact of drainage easements, any grade or elevation changes of roads or entrances and any trees that may be cut as a part of the condemnation. Make sure you understand why the project is important. An example for a sewer installation may be that the sewer is necessary as a part of the cleanup of the local creek and watershed.

Everything you say is precedent set, so make sure you present a full and accurate picture at the beginning. They are going to hear horror stories from neighbors about past projects. The land owner will be unhappy based on what they were told or not told. Try to explain the comparables to the land owner and give them the write-up if you have it. If they have some land sales that they mention to you, try to verify the sales they suggest. They won't get over them until you do.

Some land owners will think that their property has a much higher development potential than it may actually. In those cases, it may be helpful to look at an aerial of the area and show them where their property is in comparison to where development is occurring and explaining that development would need to fill up the area in between before their property would be considered for that. In addition, it may be good to suggest they see a land planner. Sometimes they are willing to speak with property owners with no charge and they can be a good neutral third party.

Be patient with the land owner, but there is a project schedule. Telling a property owner about the schedule on a first visit may be perceived as a threat, so it may be better to wait until the second visit to let them know of the project schedule. You can explain why you can't move the project, but do some of the smaller things to accommodate their wishes as you can. Some examples might be moving road entrances on the property or location of the sewer hook ups. You can always ask about the larger items, but eventually you will need to be able to explain why it can't be done and why there are engineering challenges.

Make sure you take a lot of photos. Good photos can be a life saver at trial and the property will never exist again as it was once you are at trial. Keep a log of notes from your visits and what was discussed. A good log will be taken as gospel at trial.

For the deposition, it may be informal and it may not be confrontational, but you must present yourself as a knowledgeable witness. You are educated. It is extremely important that you prepare. You should know this project best at the deposition.

For the trial, have the same preparation for the day of the deposition. The jurors can't interact with everyone, they have to watch and listen. They will draw cues from everything you do. You must master your material. Speak directly to the jury. You are a knowledge-based witness. Your explanations should be 3-5 sentences, not verbose. Make sure your explanations flush out. You can use notes. If asked about it, just say that you want to make sure you have all the details accurate from your notes. You may lose some slight credibility, but if it helps you feel more relaxed and make less mistakes, ultimately you will have greater credibility.

The jury will see the real you. If you are a relatively quiet person, it is ok to be that. Don't try to be anything other than you, even if a lawyer tries to get you to. Dress like your professional self, but do not wear a slick suit which may alienate you from the jury. Never argue with the other lawyer. Be a cooperative witness, but don't be lead into giving an answer they want if it doesn't match with how you perceive it. He can ask a question and use that as a way to narrow the scope of your response. Do your best to give an honest answer from your direction, but don't argue. You determine how you answer. Your answer may not directly answer the question.

Make sure you read your deposition before the trial. You need to remember how you responded previously so you don't contradict yourself. Don't be a confessor. That is someone who wants to tell whatever you think you did wrong. That is not helpful. Make sure you leave that outside of the courtroom.

## Throw Back Photos from the 2003 IRWA Annual Education Conference Hosted by Chapter 5



Al Donoho making an announcement



Partial conference committee: Catherine McRae, Nancy Greer, Missy Wurtz, Bruce Reed, Barb Cantrell, Dick Tanksley, Buck Bukowski and Wilma Goodwillie



Steve Grandon, Buck Bukowski, Terry Holste, Craig Bennett at the "Chapter 5 Celebrating 50 Years" booth



IRWA Conference Co-chairs Al Donoho and Steve Grandon with keynote speaker Charlie Plumb



IRWA President Albert Allen with Missy Wurtz and Nancy Greer



IRWA Conference Chapter 5 Attendees