

NORTH TEXAS NEWS

NORTH TEXAS
CHAPTER 36

International Right of Way Association, Dallas-Forth Worth

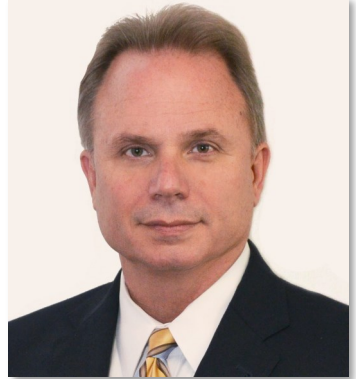
MARCH 2023

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MARCH LUNCHEON

Speaker: Bruce Payne, CEcD, AICP
Economic Development Director - City of Arlington



- Member, American Institute of Certified Planners (AICP)
- ICMA Certified Economic Developer (CEcD)
- BS in Urban & Regional Planning, East Carolina University
- MA in Geography, East Carolina University
- City of Arlington Economic Development Manager - 2010 to present
- Assistant Planning Director, City of Arlington TX 2006 – 2010
- Planning Director, City of Southlake TX– June, 2000 – July 2004
- Planning Director, City of Jacksonville NC, September 1995- May 2000
- Town Planner, Town of Atlantic Beach, NC, August 1990 – August 1995
- Planning Director, Wayne County, NC, December 1986 – July 1990

Tuesday, March 14th, 2023

Member - \$20

11:30 AM - 1:00 PM

Non-Member - \$25

City Club of Fort Worth

First-Time Guest - Free!

301 Commerce St.

Register at

Fort Worth, TX 76102

www.irwachapter36.org

Walk-ins Welcome - \$25 (walk-in spaces are limited)

Registration will be cut off at 5pm on Friday, March 10th

President	Michael Hale, SR/WA, RW-URAC, RW-NAC, R/W-RAC
Vice-President	Will Snider, MAI, RWA, RW-AC
Secretary	Leighton Gambill
Treasurer	Matt Lance, SR/WA, RW-RAC, RW-URAC
PDC Chair	Tommy Matthews, SR/WA, RW-AC
PDC - 2 Year	Gina Phalen, RW-AC
PDC - 3 Year	Clara Castañeda, RW-RAC
Director - 1 Year	Dalton Vann, MAI, RWA, RW-AC
Director - 2 Year	Sarah Riebe, SR/WA, RW-NAC

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REAL ESTATE APPRAISER

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TELEPHONE 817-797-9997
C.STEARMAN@TX.RR.COM

**William B. Maples
& Associates LLC**
Appraisal Review

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President's Message

As we roll into March 2023, our chapter has several items coming up. On April 20th and 21st we have our Steve Baggett Memorial Golf Tournament and Eminent Domain Spring Seminar - Hot Topics in Real Estate. Our VP, Will Snider, has been working hard on making this event one of the best to date. Registration is open on our chapter website. Additionally, we have our officer elections in May.



Michael Hale

SRWA, RW-URAC, R/W-NAC, R/W-RAC
Right-of-Way Regional
Manager at Cobb, Fendley and
Associates, Inc.
817.445.1016
MHale@cobbhendley.com

Be sure to get your nominations submitted to the Nominations and Elections Committee, which is chaired by Director Sarah Riebe. Also, it is scholarship season for IRWA Chapter 36 when the Donald J. Sherwood Scholarship and the Greg Cook Scholarship are awarded. Please see the website for scholarship applications. I look forward to seeing everyone on March 14th at our next chapter meeting.

-Michael Hale



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www.dfw.net

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Metro: 817.626.2400
Fax: 214.750.9908



NORTH TEXAS NEWS

Spring Seminar & Golf Tournament

Chapter 36 Members,

It's that time again! The IRWA Chapter 36 Spring Seminar and Golf Tournament are right around the corner. This year's Steve Baggett Memorial Golf Tournament will be held at The Golf Club at Champions Circle in Fort Worth on Thursday, April 20th, and the Spring Seminar will be held at The Marq in Southlake on Friday, April 21st. Additionally, a one-day course (Course 102 – Elevating Your Ethical Awareness) will be offered on Thursday, April 20th, at The Marq in Southlake.



Will Snider

MAI, RWA, RW-AC
Director at Lowery Property
Advisors
817.928.5289
WSnider@lowerypa.com

The information packet on the following page gives you all the details you need to help decide which event you can be involved in. As in years past, we are going to need a lot of support to make this event successful. We hope that you will take a look at our very exciting sponsorship opportunities and find additional value in the exposure your company will receive at the Golf Tournament and Seminar. Proceeds from our golf tournament and seminar not only make it possible for Chapter 36 to provide continuing education to attorneys, agents, brokers, surveyors, and appraisers at such an affordable rate, but it also allows the Chapter to provide other education benefits for our members. Income from our Spring Seminar allows Chapter 36 to continue to provide discounted educational opportunities and incentives at monthly meetings all made possible by your generous giving.

To fit your needs, there are FIVE levels of sponsorship plus specific items to sponsor. Several of these opportunities are on a first come first serve basis. Please see the following page for a breakdown of each level and the marketing potential they offer for your company. With your support we look forward to making this the best year yet!

If you have any questions about becoming a sponsor or if you wish to get involved with these events, we look forward to hearing from you. Please [contact me](#), [Leighton Gambill](#) or [Ana Salazar](#) for more information or if you are interested in a sponsorship. As always, thank you for your continued support.

2023 Spring Seminar & Golf Tournament

Thursday, April 20, 2023 24th Annual Steve Baggett Memorial Golf Tournament

When: Thursday, April 20, 2023
Where: The Golf Club at Champions Circle, 15801 Championship Parkway, Fort Worth, Texas 76177
Breakfast/Registration: 8:30 a.m. to 9:45 a.m.
Tee Time: 10:00 a.m. (shotgun start, scramble)
Cost: \$100 per player - Registration fee includes breakfast, green fee, practice range balls, 1/2 cart, and lunch



Steve Baggett SR/WA was a former president of Chapter 36. After Steve lost his courageous battle with cancer, IRWA Chapter 36 members established this annual memorial golf tournament in his honor

Every year this golf tournament provides a unique opportunity to encourage friendships and cultivate professional relationships among your North Texas right-of-way colleagues. PLUS we will have Prizes, Awards, and a Raffle!

We will gladly put together golf teams if registering solo. Please contact Golf Chair, Ana Salazar, (817) 901-2634 or asalazar@pinnaclegroup.biz with any team requests or questions regarding golf tournament.

Friday, April 21, 2023 Hot Topics in Real Estate and Eminent Domain Spring Seminar

When: Friday, April 21, 2023
Where: The Marq Southlake 285 Shady Oaks Dr., Southlake, Texas 76092
Schedule: Check-in / Breakfast: 7:30 a.m.
 Seminar Begins: 8:00 a.m.
 Lunch Buffet: 12:00 p.m.
 Seminar Concludes: 5:00 p.m.
Cost: IRWA Members –
 In-Person:
 On or Before 4/7/23 \$165
 After 4/7/23 \$195
 Walk-In (If Available) \$200
 Non-Members –
 In-Person:
 On or Before 4/7/23 \$200
 After 4/7/23 \$225
 Walk-In (If Available) \$230

Seminar Presentations:
Chris Hornsby, Paul Hornsby & Co.: "Temporary Construction Easements: Not Just an Afterthought" Exploring the Nature of Temporary Construction Easements
Robert Folzenlogen, Hillwood: Engineering Highways of Tomorrow
Clint Schumacher, Dawson & Sodd LLP: Friction in the Negotiation Process
Jordan Miller, Baker Moran: Easement "Corridors" and the Impact of the Hlavinka Case
Sue Ayers, Jackson Walker, LLP: Mo Money Mo Problems: Lawyers & Clients Are Still Suing Each Other Over Fees
Mary Hazlewood Barkley, Cantey Hanger, LLP: Project Influence Rules and the Impact of Recent Case Law
Kristen Bennett, Blackbird Right of Way, LLC: Relocation
Dan Tobin, McFarland PLLC: "Sticky Wickets: Difficult Compensation Questions"
Continuing Education Credit:
 The following CE credits are currently pending approval: IRWA CE, TREC and TALCB, CLE & TPLS

BOTH EVENT REGISTRATION OPTIONS:

Online Registration & Payment Portal:
irwachapter36.org/meetinginfo.php

Pay by check:
 Please register online, then mail check and registration form to:
 IRWA Chapter 36
 Attn: LPA/Will Snider
 1200 Summit Ave, Suite 750, Fort Worth, TX 76102

For Event Questions, Contact Chapter 36 Vice President, Will Snider
 (817) 928-2899 / wsnider@lowerycpa.com

SPONSORSHIP OPPORTUNITIES

Sponsors are valuable partners with IRWA Chapter 36 and will receive advertising benefits at particular events and on the Chapter 36 website. All registration and sponsorship payments can be made online and we encourage you to take advantage of that convenience.

Deadline for sponsorships is March 31, 2023.

Online Registration & Payment Portal:
irwachapter36.org/meetinginfo.php

Pay by check: Please register online and click 'Bypass Payment', then mail check and registration form to:
 IRWA Chapter 36
 Attn: LPA/Will Snider
 1200 Summit Ave, Suite 750, Fort Worth, TX 76102

Sponsorship Options

Tiered Sponsorship Level/Benefits	Platinum * \$2,500	Gold * \$1,500	Silver * \$1,000	Bronze * \$500	Copper \$300
Logo recognition in seminar program	Y	Y	Y	Y	Y
Logo recognition on the sponsor signs placed throughout the seminar/meeting area	Y	Y	Y	Y	Y
Verbal recognition at the seminar	Y	Y	Y	Y	
Verbal recognition at the golf tournament	Y	Y	Y		
Complimentary registrations for the seminar	4	3	2		
Complimentary logo recognition on a golf hole	Y	Y			
Opportunity to have a tent at the golf tournament on a hole to hand out merchandise (<i>Must provide your own tent</i>)	Y				

*These sponsorship levels also come with recognition at the 24th Annual Steve Baggett Memorial Golf Tournament

Item Sponsorship Levels and Benefits	
Lunch Sponsor: \$1,500 (Only 1 available)	Logo recognition in seminar program, sponsor signs placed throughout the seminar/meeting area and verbal recognition at the seminar
Breakfast Sponsor: \$1,500 (Only 1 available)	Logo recognition in seminar program, sponsor signs placed throughout the seminar/meeting area and verbal recognition at the seminar
Break Sponsor: \$500 (Only 2 available)	Logo recognition on the sponsor signs placed at break tables and verbal recognition at the seminar
Beverage Cart Sponsor: \$1,000 (Only 1 available)	Logo recognition on the sponsor signs placed on the beverage cart during tournament and verbal recognition at the seminar

If you would like to add your **company's promotional items** to the goodie bags handed out to all golfers at the golf tournament, please plan to provide the items no later than April 14, 2023. Contact Golf Chair, Ana Salazar at (817) 901-2634 or asalazar@pinnaclegroup.biz

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Misty K Ray, MAI, AI-GRS
 President/Owner

- ☎ 817-769-4060
- ✉ misty@advalrp.com
- 🌐 advalrp.com
- 📍 5154 Trail Lake Drive, Fort Worth, Texas 76133

Ask the Attorney

By: R. Scott Moran, Jordan A. Miller and Charlie Wilson

Case law update on takings and governmental immunity?

In *City of El Paso Tex. v. Torres*, No. 08-22-00058-CV, 2022 WL 17986197 (Tex. App.—El Paso Dec.

29, 2022), Maria Torres owned property on La Senda Drive in El Paso, Texas. The City of El Paso resurfaced an adjacent roadway, and following the road work, Ms. Torres’ property flooded during a rainstorm. Water and mud entered her home, which she slipped on, fracturing her arm. She sued the city alleging that her property had been taken, damaged, or destroyed for public use as well as for personal injuries. The city filed a plea to the jurisdiction, asserting that Torres failed to state a viable taking claim and immunity from personal injury liability. The trial court denied the city’s plea in its entirety.

To state a viable takings claim, Torres needed to allege (1) an intentional act by the city acting under its lawful authority, (2) which resulted in the taking or damaging of property, (3) for public use. Analyzing the pleadings, the appellate court found that the city’s road work was intended to change the flow of water on the roadways, which allegedly increased the intensity of water flowing to the Torres’ home and resulted in significant damage to the property.

Therefore, the appellate court found a properly-pled takings claim and affirmed the trial court’s dismissal of the city’s plea citing that a fact issue exists as to the takings claim—i.e., whether the City knew flooding was substantially certain to occur as a result of the intentional diversion of surface waters by the resurfacing of Milton Road, which was constructed, operated, and maintained by the City.

With regard to the city’s claim of governmental immunity from the personal injury claims, the appellate court reversed the trial court’s order. Torres claimed that the city’s alleged negligent act, which caused her personal injuries, was based on the manner the city actually constructed the roadway creating a dangerous condition causing injury. Despite Torres’ claims, the appellate court held that Torres’s complaint is a challenge to the city’s design of resurfacing the roadway. The Texas Supreme Court has explicitly held design of any public work is a discretionary function protected by TEX. CIV. PRAC. & RED. CODE ANN. Section 101.056. Because immunity is not waived for these claims, the appellate court reversed the trial court and dismissed Torres’ claims for personal injury.



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Professional Development Committee News

By: Tommy Matthews, PDC Chair

Spring is upon us my fellow Chapter 36 members. March Madness, The Masters, Spring Break vacations, and what everyone is dying to know. Will Aaron Rodgers be a Green Bay Packer next year? A little joke to start the season. Where does a dog go when he loses his tail? The retail store.

The Professional Development Committee is available to help you reach your right-of-way goals. Our success and the Chapter’s success are not only measured by the sheer number of members we attract, but also by the professional advancement our organization can offer.



Tommy Matthews
SRWA, R/W-AC
Edgestone Realty Valuation
214.556.4035
tommy@edgestonerealty.com

Congratulations to the following Chapter 36 members for achieving their recent designations.

Specialist Certification

- Shelley Bishop, R/W-NAC (Cobb Fendley)
- Trent Dewitt, R/W-RAC (Criado & Associates)

Industry Generalist Certification

- Will “Sweet Pickle” Snider (Lowery Property Advisors)

For any questions on obtaining a certification or if you have any other questions regarding your Professional Development goals, please contact the PDC Committee.

PDC Committee Members:

- Tommy Matthews - SRWA, R/W-AC – PDC Chair*
- Gina Phalen – R/W-AC - PDC Committee (2 Yr.)*
- Clara Castaneda – R/W-RAC - PDC Committee (3 Yr.)*



Professional Development Committee News

By: Gina Phalen, PDC Committee (2 Yr.)



Gina Phalen

R/W-AC
Cushman & Wakefield
Senior Director Infrastructure
602.510.3900
gina.phalen@cushwake.com

Hello Chapter 36 Members!

In honor of Greg Cook, a mentor and legacy of Chapter 36, we are accepting applications for the Greg Cook Memorial Scholarship.

The completed application packet must be submitted to Gina Phalen, Chapter 36 Professional Development Committee 2-Year, at gina.phalen@cushwake.com no later than 5pm on Friday, May 26, 2023.

[Click here to download](#) scholarship applications.



Greg Cook Memorial Scholarship

In Honor of Greg Cook – a mentor & legacy of Chapter 36

*Live as if you were to die tomorrow.
Learn as if you were to live forever.*
~ Mahatma Gandhi

Application located on IRWA Chapter 36 website:

Education Tab at top/PDC & Scholarships/Greg Cook Scholarship/Click here to download

Scholarship Criteria

- Chapter 36 member
- Currently working towards an IRWA Designation

Summary of Application Contents

See application for more details

- Completed and signed application
- Proof of Candidacy / Declaration for a current IRWA designation
- Current photograph

Deadline is Friday, May 26, 2023

There will be NO extensions or late applications considered

Send submissions to Gina Phalen, R/W-AC, PDC Committee, at Gina.Phalen@cushwake.com

Questions? Email or call/text 602-510-3900



Director - 2 Year Message

By: Sarah Riebe, SR/WA, RW-NAC

Hello Chapter 36 Members!

Nominations for Chapter 36 Officers for the 2023-2024 fiscal year are now open. The current term ends on June 30 and the new slate of officers will take their positions on July 1.

Please complete the officer nomination form on our website and return to sriebe@pinnaclegroup.biz no later than **5:00pm March 30, 2023.**

The Nominations and Elections Committee will review the nominations and select a proposed slate of Officers that will be on the election ballot in May. As the 2 Year Chapter Director, I am the Chair of the Committee.

Nominations will be accepted through March 30. You may [download the nomination form from this link](#). Typically, the existing Officers move up in position.

Each current Board Officer has expressed desire to remain on the Board and move up in their respective positions. However, there will be open positions for Secretary and Professional Development Committee (PDC) 3 Year.

ALL positions, except PDC Chair and PDC 2 Year positions, must be elected. The positions are: Secretary, Treasurer, Vice President, President, Director 2-Year, Director 1-Year, and PDC 3 Year. If elected, the current officers have agreed to serve in the next positions for Treasurer, Vice President, President, Director 2-Year, Director 1-Year, and PDC Chair. Anyone can run from the floor against the slate of proposed Officers.

The members elected to the Board are those who have been active in the Chapter and have been seen serving in some volunteer capacity. Those elected on the Officer track are committing to service that exists well beyond a one-year term. The PDC is a three-year commitment and those elected as Secretary are expected to serve for 6 years.



Sarah Riebe

SR/WA, RW-NAC
Regional Manager at Pinnacle Consulting Management Group, Inc.
817.304.2051
sriebe@pinnaclegroup.biz



Education Committee News

By: Lauren McCarthy, Education Committee Chair

Lauren McCarthy

McCarthy Partners
972.693.1783

Hello Chapter 36 Members!

Happy *almost* spring, North Texas! The education committee is focused on scheduling courses that are most beneficial for you to attend in-person, while also being cognizant of what other chapters are hosting and when. Get a jump on your certifications by taking an in-person course or cross the finish line on your SR/WA in May without leaving the DFW area.

Thanks very much to Halff Associates for hosting courses 801 and 802 in January. We had a great turnout with great conversation, and I think everyone learned something.

Likewise, if your company would like to host a private course, we will be happy to work with you on scheduling the instructor and help coordinate the class. Just send us an email. <https://irwachapter36.org/education> This would be especially helpful if you have a group of new employees you are looking to bring up to speed on all things right of way.

If you don't see the class you need, headquarters has a calendar of virtual classes that are coming up. They are located at [IRWA Virtual Classes Calendar](#).

If time is not on your side and you cannot wait for a scheduled class or if a class has reached full capacity prior to your registration, then there are several courses that can be taken on demand. They can be accessed by going to [IRWA U](#).

Chapter 36 In-Person Education Schedule 2023

Course	Date	Location	Instructor
219 - Adult Communication Principles and Methods	April 13-14	TNP, Fort Worth	Lisa Harrison & David Burgoyne
102 - Elevating Your Ethical Awareness	April 20	The Marq-Southlake	Lora Gunter
SR/WA Review & Exam	May 17-19	TNP, Fort Worth	Donnie Sherwood

Which Courses Do I Need?

Our PDC and the credentialing concierge can tell you which classes you need to complete the education requirements for the designation and certification. If you are planning to get certified in any discipline the IRWA offers, the list of courses you need to complete your credentialing are located at www.irwaonline.org. Just visit the "Credentialing" tab.



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