

NORTH TEXAS NEWS

International Right of Way Association, Dallas-Forth Worth

FEBRUARY 2024

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FEBRUARY LUNCHEON

**Speaker: Brendon Wheeler, P.E.,
CFM**



**Rescheduled from October
Topic: "High Speed Rail Update"**

At the North Central Texas Council of Governments (NCTCOG), a regional planning organization centered around Dallas-Fort Worth, Brendon Wheeler works in Transportation Planning as the Program Manager for the Metropolitan Transportation Plan, the region's long-range transportation plan.

Part of his responsibilities include project management oversight on long-range transit planning projects like the Dallas-Fort Worth High-Speed Transportation Connections Study: a multi-year effort to plan for a state-of-the-art transportation facility between Dallas and Fort Worth to eventually connect with other high-speed transportation projects around the state.



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FEBRUARY 2024



Texas Rangers Golf Club
701 Brown Boulevard
Arlington, TX 76011
February 13th, 2024
11:30am-1:00pm

Member - \$30
Non-Member - \$35
First-Time Guest - Free!
Register at
www.irwachapter36.org

Menu: Mardi Gras Buffett

Walk-ins Welcome - \$35 (walk-in spaces are limited)

Registration will be cut off at noon on Friday, February 9th

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



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President's Message

Howdy Chapter Members,

Our great Chapter Vice President, Matt Lance, and his team of volunteers are hard at work this year on our Spring Seminar and Region 2 Forum that will be the best yet! I hope each of you will consider registering for each of the exciting events occurring that week so that we can have a fantastic turnout! For more information, please visit the [Chapter 36 website](#).



Will Snider
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Additionally, for those of you planning on attending the 70th Annual International Education Conference this year (June 23rd – June 26th) in Long Beach, CA, registration is currently open with early registration discounts available until March 22nd. More information can be found [here](#).

As always, I want to say thank you to our Chapter Board and Committees, as well as our very loyal and dedicated membership and sponsors. Thank you for all that you do to allow Chapter 36 to be the best and largest Chapter of the IRWA!

Please feel free to contact me if you have any questions or comments (wsnider@lowerypa.com), and thank you all again very much.

Best,

Will Snider



Ask the Attorney

By: Jordan Miller, Tony Attia and Charlie Wilson

Question: I saw your case law update in the last newsletter and was curious if you answered whether or not one must include all remaindermen in the instrument of conveyance of a life estate?

Answer: We have not done an Ask the Lawyer Article on this matter. A conveyance of a life estate does not need to include the remaindermen in the instrument because the remaindermen’s interest is not affected by the conveyance, and the remaindermen’s interest is protected in other ways under the law.

A life estate is a property interest which vests in the grantee either for the duration of the grantee’s life or for the duration of another individual’s life. This grantee is called the life tenant. The remaindermen own the interest in the property that remains after the life tenant’s interest extinguishes. As such, the life tenant does not have fee simple interest in the property and can only convey its life estate unless the remaindermen consent to convey their interest as well. Because the life estate terminates immediately at the death of the life tenant, this interest cannot be conveyed by will, unless the grantor expressly provides for this power. See *Anderson v. Kennon*, 353 S.W.2d 241 (Tex. Civ. App. Austin 1961), writ refused n.r.e., (Apr. 11, 1962).

In the absence of anything to indicate the grantor or testator’s intention to create a trust or otherwise limit or expand the life tenant’s control of the property, the legal conclusion is that the life tenant is entitled to the possession, management, and control of the property. A grantor must expressly grant the life tenant additional powers such as the power to dispose of the property; Texas does not recognize an implied right to dispose of the property by a life tenant.

Life tenants face several restrictions that are intended to protect the interests of the remaindermen. Although a life tenant has a vested interest, they cannot alienate any greater interest in property than an interest that ceases with their life. See *First Nat’l Bank v. Amarillo Nat’l Bank*, 531 S.W.2d 905, 907 (Tex. App.—Amarillo 1975, no writ). Thus, a life tenant may grant an easement over the life estate, but the easement lasts only as long as the life tenant is alive. See *id.*

The life tenant is not required to notify or name the remaindermen if it conveys the property. However, the law does provide some protection to the remaindermen. If a life tenant is only granted the power to sell the property, it cannot gift the property to defeat the interest of the remaindermen. The life tenant also has a duty to not dispose of the property with the purpose of defrauding the remaindermen’s interest by conveying a separate estate to himself or herself by means of a conveyance to a third party with a reconveyance back to the life tenant. However, if a life tenant is expressly granted the power of disposition of the property, the life tenant can gift or sell the property regardless of its motive.

Additionally, a Court may order a judicial sale of the property subject to the life estate and remainder interests if it finds that is necessary to prevent damage or loss to the interests of the remaindermen. The proceeds of the sale will be invested for the benefit of the life tenant and remaindermen.

In conclusion, a life tenant is not required to name or notify the remaindermen in an instrument of conveyance of its life estate; however, it is restricted from using the conveyance to defraud the remaindermen’s interest.

The views, thoughts, and opinions expressed in this article belong solely to the authors – Jordan Miller, Tony Attia and Charles M. Wilson– and not necessarily to the author’s law firm or its clients, or any organization, committee, or other group of which the author is a member. Transmission of the information contained in this article is not intended to create, and receipt does not constitute, an attorney-client relationship between you and Baker | Moran. This article contains information on legal issues and is not a substitute for legal advice from a qualified attorney licensed in the appropriate jurisdiction.



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power to dispose of the property; Texas does not recognize an implied right to dispose of the property by a life tenant.

Upcoming Event

Batter up! Registration to the 2024 IRWA Chapter 36 All-Star Event is now officially open.

If you haven't heard yet, we are bringing the IRWA Region 2 Spring Forum back to North Texas! Because we have a unique opportunity to bring awareness to our industry and showcase Chapter 36 to the Region, we will be hosting an event unlike any we have ever hosted before.

In honor of the City of Arlington

hosting the 2024 Major League Baseball All-Star Game, Chapter 36 will be hosting our very own "All Star" Event. This year's **25th Annual Steve Baggett Memorial Tournament** will be held at Texas Rangers Golf Club on **April 3, 2024**, and on **April 4, 2024**, Chapter 36 will be hosting our "**All-Star**" **Spring Seminar** at **Globe Life Field**, home of the World Champion Texas Rangers!

In addition to hosting our annual Golf Tournament and Spring Seminar, Chapter 36 will also be hosting the **Region 2 Welcome Reception immediately following the Spring Seminar** and the **Region 2 Spring Forum** to be held on **April 5, 2024**. Finally, to cap off our All-Star Event schedule, Chapter 36 and Region 2 members will have the opportunity to attend a **Texas Rangers game**, as the defending World Champions face off against the Houston Astros on **Friday evening, April 5, 2024**.

To our Region 2 guests, we highly encourage you to attend all the planned All-Star Events, make it a long weekend, enjoy Arlington's Entertainment District, and explore all that North Texas has to offer.

Finally, to our Chapter 36 members, your continued support of our chapter and chapter-related events is greatly appreciated, and we are very fortunate to have your support! I also want to thank in advance, all our dedicated volunteers who are working tirelessly behind the scenes to make sure we knock these events out of the park!

Information concerning our All-Star Event Schedule, Event Information/Registrations and Sponsorship Opportunities can be found at the IRWA Chapter 36 website at [IRWA Chapter 36 - Meeting/Event Information](#)

Play Ball!



Upcoming Event



Electric and Utility Symposium

Thursday May 2, 2024 at Lambeau Field

Welcome Reception: Wednesday, May 1, 2024 at 5 PM

Held in Conjunction with the IRWA Badger Chapter 17 and Region 5 Forum.

Accommodations at Lodge Kohler, with block being reserved.

Tentative Price: \$75/member, \$85/non-member

More details to come!



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Professional Development Committee New Year News

By: Gina Phalen, PDC Committee Chair



Gina Phalen

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As you embark upon a new year, with new ambitions and goals, what better thing to do than work on a virtual IRWA class from the comfort of your home or office?

IRWA currently has 382 combined in-person and virtual courses scheduled in 2023-2024 so there is no shortage of opportunity to learn and earn your designations.

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.

For any questions on obtaining a certification, or if you have any other questions regarding your Professional Development goals, please contact us!

PDC Committee Members:

- Gina Cannova Phalen** – MAI, SRWA, RW-AC - PDC Chair
- Clara Castaneda** – SRWA, RW-RAC – PDC Chair (2 Yr.)
- Darlene Snow** – SRWA – PDC Committee (3 Yr.)



Education Committee News

Hello Chapter 36 Members!

I would like to thank Dalton Vann for his support and help for Course 421 we recently held. Thank you for your continued support of Chapter 36.

We have some great courses that will be offered in the coming months. There are plenty of spots available so please take moment to look through and sign up if you need any of these, know someone who might need one of these courses or possibly need to get credit for your renewal.



Juan Salazar

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Let us know if you need any specific course as we might not have it added to this list. The schedule below is fluid as we are continually updating it as we look to pick up more courses that are held virtually.

Also, remember that the full list of courses being offered is available on the link below. [IRWA Virtual Classes Calendar](#).

Below is the schedule of classes for the upcoming year.

Chapter 36 2023-2024 Education Calendar

	Course	Location	Date
501	Residential Relocation Assistance	Trinity River Authority, Arlington, TX	Feb. 22-23, 2024
410	Reviewing Appraisals in Eminent Domain	CBRE-Ft. Worth	Mar. 4, 2024
502	Non-Residential Relocation Assistance	Trinity River Authority, Arlington, TX	Apr. 22-23, 2024
218	ROW Acquisition for Electrical Transmission Projects	TBD	Apr-2024
604	Environmental Due Diligence and Liability	TBD	May-2024

If your company is interested in hosting a Closed Class for your employees, please reach out to us and we can assist in helping schedule and coordinate the class. Send the Education Committee an email at education@irwachapter36.org.

Which Courses Do I Need?

Only the PDC can tell you which class you need to complete the education requirements for designation and certification. If you are planning to get your RWA, RWP or SR/WA the list of courses you need to complete your credentialing are located at www.irwaonline.org. Just visit the "Credentialing" tab.



Marketing News



Seasons Greetings from Marketing/Sponsorship!

Sponsoring our beloved Chapter 36 through advertising in the newsletter, on the website, or both is a great way to increase your name recognition and support our organization. My deepest thanks to everyone who has already renewed for 2024. We appreciate your support more than you know!

The rate is still only \$300 for the year to put your company logo on our website and in each newsletter for 2024.

If you have not renewed yet, or would like to advertise with us for the first time, please contact Mary Watson at mwatson@tnpinc.com or 682-558-5752.

Have a wonderful holiday season!

Mary



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