

NORTH TEXAS NEWS

International Right of Way Association, Dallas-Forth Worth

MAY 2024

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MAY LUNCHEON

May 14th, 2024

Speaker: Matt Oliver
Tarrant Regional Water
District Communication
Manager

**Topic: "Trinity River
Vision 2.0"**

Education

Texas Tech University
Lubbock, Texas, Bachelors of Arts
Degree: Advertising Major
(December, 2008)



Matt Oliver has worked in public relations and community outreach for the Panther Island/Central City project since September of 2009. He serves as the head of the Communications Department; he is the media contact for the project, gives project updates to a wide range of organizations, manages project messaging and assists with the execution of events related to the project.



NORTH TEXAS NEWS

International Right of Way Association, Dallas-Forth Worth

MAY 2024



Texas Rangers Golf Club
701 Brown Boulevard
Arlington, TX 76011
May 14th, 2024
11:30am-1:00pm

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

Menu: Buffet Lunch

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

Registration will be cut off at noon on Friday, May 10th

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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NORTH TEXAS NEWS

President’s Message

Howdy Chapter Members,

First and foremost, I want to thank and congratulate Vice President Matt Lance and his team of volunteers in orchestrating the BEST Spring Seminar and Golf Tournament that we’ve ever hosted! Our Chapter had the opportunity to show off the successes of our Chapter to representatives of Region 2, Region 1, and the International Officers and representatives, and I believe that Matt and his team allowed us to excel in every way! Way to go, Matt, we are all so proud of you! Thank you to all of our sponsors and attendees for your support of all of the events featured this year. We cannot express enough thanks for your continued support !



Will Snider

MAI, SRWA, RW-AC
 Director at Lowery Property
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I can’t believe that it’s already May and the process to elect our officers for the 2024-2025 fiscal year. All officer candidates and their respective biographies are posted on the Chapter website. Please note that we will be voting on revisions to the Chapter Bylaws and the Chapter 36 Officer positions at our May 14th luncheon, so please be sure to attend to cast your vote. Additionally, please note that the deadlines to submit applications for the Greg Cook Memorial Scholarship and the Donald J. Sherwood Scholarship are quickly approaching! Please visit the PDC & Scholarships tab on our [website](#) for more details and to access the applications. 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 have done a case law update on the State v. Vista Ridge 07 A, LLC case?

Answer: We have not done a case law update on this matter. On April 22, 2019, the Amarillo Court of Appeals issued an opinion regarding the admissibility of expert testimony about the value of the State’s taking to expand IH-35.

Vista owned a shopping center property adjacent to Interstate Highway 35, which the State sought to expand through condemnation. The condemnation would cause Vista to lose some of its signage and potentially some of its parking spaces. The parties went to trial, disputing the valuation of the property condemned by the State. Both parties presented evidence through expert witnesses regarding the valuation of the property, however, the State challenged Vista’s expert testimony on the basis that it was unreliable and should not be considered by the jury. Vista’s expert relied on a City ordinance that required a landscaping buffer between its parking lot and the highway, opining that this would force Vista to lose parking spaces that it must be compensated for. Vista’s expert also testified that it must be compensated \$1.15 million for the loss of advertising signs and relied on a synopsis of a 2002 study to value the loss of the advertising signs. The Trial Court awarded Vista \$1.6 million in just compensation due to the State’s taking, and the State appealed this judgment to the Amarillo Court of Appeals.

The Court first addressed Vista’s testimony regarding the value of the lost parking spaces caused by the City’s ordinance requiring a landscaping buffer. Vista’s expert testified that due to a City ordinance in place on the date of the taking, Vista would have to maintain a landscaping buffer which would cause it to lose parking spaces on the property. The State argued that the expert’s assumption that the ordinance would apply to Vista caused the opinion to be unreliable because a new ordinance had been proposed that would have afforded zoning relief to those landowners affected by interstate changes. The Court noted that the measuring point for the valuation of the taking is the date of the taking, which was January 16, 2015. As of that date, the City of Lewisville required Vista to comply with the landscaping ordinance.

The Court stated that because the State factored the existing ordinance into its valuation of the property, Vista was free to do so as well. Furthermore, an expert may testify about how uncertainty regarding a governmental action may affect the market value of the property on the date of taking. However, the expert may not opine about how the uncertainty would be resolved. Although the proposed ordinance that would exempt Vista from complying with the ordinance had been proposed, it had not yet passed. While the proposed amendment had already been posted, Vista’s expert could not state with certainty that it would pass. Therefore, it was reasonable for him to consider the uncertainty that it would not pass in his expert opinion. The amendment eventually did pass 10 months after the date of taking. However, the uncertainty still existed on the date of condemnation. Therefore, the Court of Appeals held that the trial court did not err in overruling the state’s objection to this aspect of his opinion.



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The State also challenged Vista’s expert opinion regarding the damages caused by the removal of advertising signage. Vista’s expert testified that Vista would suffer \$1,155,000 in damages related to the loss of one of its two advertising signs. The State first argued that the signs could be placed elsewhere and, therefore, avoid the damages caused by the loss of signage. The Court first addressed this argument and examined the potential new locations offered by the State. The first location was encumbered by several underground utility easements, in which the easement holders had the ultimate decision to move such utilities. A buyer in the market would face substantial uncertainty regarding the likelihood that it could place the advertising signs in this location, and this uncertainty diminishes the value of the property. The second location offered by the State was in the back of the property, and the evidence suggested the sign would be difficult to see, and not as effective or reasonable as the current location. The Court held that the evidence supported Vista’s expert’s opinion that the alternative locations were not feasible.

The State then challenged Vista’s valuation of the loss of signage. The State first contended that the loss of signage was unrecoverable because a landowner has no right to recover for loss of visibility due to property taken from other landowners or the State’s alteration of use of its own property. However, the Court stated that the signs existed on a portion of Vista’s land which was particularly suited for the purposes of the signage. Therefore, Vista was entitled to recover the damages caused by the loss of its signage.

Vista’s expert based his opinion of value for the loss of the signage on a synopsis of a study from a 2002 appraisal journal that studied the impact of the placement of signage on store sales. Vista’s expert valued the property based on what a willing buyer would pay a seller for the land if the property were priced according to the rental income it generated. The synopsis stated that store sales increased from 4-12% after installing a pole advertising sign. Vista’s expert took this number and applied it in the inverse, stating that Vista would lose 4-12% of its rents because of the loss of signage for some stores in the shopping center. The Court stated that the testimony was not reliable because the study did not test the effect of the loss of signage; it tested the effects of the addition of signage. Nor was there evidence of an independent third party verifying that the removal of the sign equates to a 4-12% irrespective of store type, location, and juxtaposition to anchor stores. Vista’s expert stated that this study did not exactly fit his opinion, but it was the only remotely applicable study. This attenuation led the Court to rule that the methodology relied upon was not reasonable. Therefore, the Court reversed the trial court’s admission of the testimony regarding the value of the loss of signage and remanded the case back to the trial court to assess proper damages.

In conclusion, a landowner’s expert may factor uncertainties into its valuation of the property, however, it may not base its testimony on evidence and methodologies that are so attenuated from the taking at hand that it is not reliable.



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THANK YOU, CHAPTER 36 ALL-STARS!



What an honor it was to coordinate the 2024 All-Star Spring Seminar, 25th Annual Steve Baggett Memorial and the Region 2 Spring Forum. I hope that this year’s Spring Seminar not only served to educate and inform but also provided opportunities for networking and fellowship with other chapter members and Region 2 guests.

First and foremost, I would like to thank our sponsors for stepping up to the plate. Your continued support of our chapter and chapter-related events is greatly appreciated, these contributions are what allow our great chapter to function on a yearly basis, and a huge reason why our chapter is highly regarded across the entire organization!

Because we had a unique opportunity to bring awareness to our industry and showcase Chapter 36 to the Region, we hosted an event unlike any we have ever hosted before. As with any championship team, this event didn’t happen without the tireless commitment from our All-Star Committees and volunteers. I would like to thank those who worked continuously behind the scenes to ensure we knocked these events out of the park!

I would also like to thank our venue hosts; Adena Wallace and Phoebe Williams with Texas Rangers Golf Club, Curtis Grice and Maria Doench with REV Entertainment/Texas Rangers, and Lou Marquez, Ally Stanton and Jason Milligan with the International Bowling Museum and Hall of Fame for their assistance with helping Chapter 36 hosting these amazing events.

Last but most importantly, I would like to thank our true All-Stars: IRWA Chapter 36 members! Thank you for not only attending our All-Star events but for all you do for the chapter! I am very honored to serve this chapter, and I could not be more grateful for you. On behalf of IRWA Chapter 36, thank you all for attending!

Matt Lance, SR/WA, R/W-URAC, R/W-RAC

Vice President, IRWA Chapter 36



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Officer Slate & Elections

Chapter 36 members will vote on the incoming 2024-2025 officers at the May meeting. The Chapter 36 board has approved and is recommending the nominations for the incoming officers based on the recommendations of the nominations committee. I would like to thank Jennifer Ayers and Ana Salazar for serving with me on that committee.

The Elections will be held at our June meeting, where the Nominees will again be announced. Nominations from the floor will be accepted before each vote. Voting will be by voice acclamation. In the case of multiple candidates for a position or an unclear voice vote, a written ballot voting process will be used. This is an opportunity for members to steer the direction of the Chapter, so please attend!

The recommended nominees for the 2024-2025 chapter 36 officers are as follows:



President: Matt Lance, SR/WA, R/W-URAC, R/W-RAC
Matt who is currently serving as Chapter 36 Vice President, is a lifelong D/FW Metroplex resident and a graduate of the University of Texas at Arlington. Mr. Lance has been employed with HDR since 2006, after nearly two decades with the Texas Department of Transportation (TxDOT). While employed by TxDOT and HDR, he has been responsible for the successful relocation of numerous residences and businesses displaced from federal, state and locally funded construction projects. Clients have included the City of Austin, Texas; City of Fort Worth, Texas; Central Texas Regional Mobility Authority; Dallas Area Rapid Transit, Tarrant County, Texas; TxDOT, TxDOT’s Aviation Division and Utah Department of Transportation. Over the past 30 years, his duties have included project management, preparing relocation assistance processes and procedures, project relocation plans, replacement housing payments, personal property inventories and providing advisory services and moving plans for unusual and complex moves. His enthusiasm and experience are instrumental in finding innovative and creative solutions to complex relocation and acquisition problems.



Vice-President: Leighton Gambill
Leighton Gambill is the Business Development Director at Integra Realty Resources - Fort Worth. Ms. Gambill has been involved in real estate valuation and advisory since 2011 with a specific emphasis on right of way and eminent domain. Leighton has prepared assignments on various property types and clients including government agencies, project management and engineering firms, brokers, law firms and attorneys, and individuals. Leighton has also appraised multiple properties for whole takings, partial takings, and easement acquisitions for condemnation proceedings with many of these appraisals requiring complex analyses and consideration of damages to the remainder. Leighton is highly involved in the local and regional International Right of Way Association, currently serving as the Chapter 36 Treasurer, after previously serving the board in other capacities for 11 years. Ms. Gambill is a recipient of the Region 2 and Chapter 36 Young Professional of the Year. Leighton lives in Carrollton, Texas with her husband, two boys, and menagerie of rescue pets!



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Officer Slate & Elections



Treasurer: Tommy Matthews, SRWA, R/W-AC

Mr. Matthews began his appraisal career in 2004, performing appraisals for lending institutions to underwrite loans on commercial and industrial properties including convenience stores, strip centers, industrial warehouses, apartments, and office buildings.

In 2006, with the start of the LBJ Project (Loop 635), Mr. Matthews began his career in the right-of-way industry. Since 2006, Mr. Matthews has appraised and reviewed over 1,600 land parcels.

In addition to appraisals and reviews, Mr. Matthews has provided expert witness testimony on multiple projects for Special Commissioners Hearings and trials.

Mr. Matthews holds a bachelor's degree in Economics and Finance from the University of Texas at Dallas.

Mr. Matthews has been a member of IRWA Chapter 36 for over 19 years, holding multiple positions including Registration Committee, Newsletter Chair, PR and Marketing Chair, Membership Committee and Chair, Education Committee and Chair, PDC Committee and Chair, and most recently Secretary.



Secretary: Juan Salazar, R/W-NAC, R/W-RAC

Juan Salazar, Jr, R/W-NAC, R/W-RAC joined IRWA in 2014 and is a Project Manager for Pinnacle Consulting Management Group, Inc. Juan has served in many roles for the Chapter, from first serving on the board in 2016 as Website Chair, he has continually served in one Committee or another. Juan has served as Website Chair, two terms as Young Professionals Chair, Programs Co-Chair, Membership Chair and currently serving as the Education Committee Chair. Furthering his involvement with IRWA, Juan has worked with the Region Young Professionals and eventually serving as the Region 2 Young Professionals Chair. His efforts and involvement with Chapter 36 earned him the Young Professional of the Year Award in 2017.

In 2016 Juan joined the Relocation Committee and this led to further development in his Right of Way career and increased involvement within the IRWA. Juan has previously presented at the 2017 Alaska Conference, 2018 Edmonton Conference and 2021 San Antonio Conference on behalf of the Relocation Committee. His work on the Committee lead him to serve as the International Relocation Committee Chair and he continues his involvement within this opinionated group.

Juan resides in Arlington, TX with his wife, Miriam, and two wonderful children, Dominic and Amaya which they hope to groom as future Right of Way Professionals.



1-Year International Director: Michael Hale, SRWA, R/W-URAC, R/W-NAC, R/W-RAC

Michael Hale is the Right-of-Way Regional Manager for Cobb, Fendley and Associates, Inc. Michael has seventeen (17) years of experience in the right-of-way profession and has been involved in various facets of the business. Michael has worked as a project manager, acquisition agent, relocation agent and condemnation support specialist on various projects in Texas, Oklahoma and Arkansas. He has been a member of Chapter 36 since 2007 and has achieved various IRWA designations. Michael is very active in the IRWA, currently serving as the 2 Year Director for Chapter 36. He also served two terms on the International Credentialing Committee (ICC) and also on the Chapter 36 Professional Development Committee. He has a Bachelor of Arts degree from Oklahoma Baptist University and a Master of Science degree in Business Management from Liberty University.



Officer Slate & Elections



2-Year International Director: Will Snider, MAI, SR/WA, R/W-AC

Will Snider, MAI, SR/WA, R/WAC, serves as a Managing Director for Lowery Property Advisors and has performed valuation and consulting services across the State of Texas and surrounding states on various properties including, but not limited to, office, retail, industrial, agricultural, mixed-use developments, restaurants, hotel / motel, apartments, land and other types of special use commercial properties, partial acquisitions, and eminent domain/condemnation appraisals. His experience in appraisal for right-of-way acquisition purposes includes projects for TxDOT, local municipalities, TRA, pipeline companies, and other agencies. Prior to joining LPA in June 2021, Mr. Snider served as Senior Vice President for JLL Valuation Advisory in the Fort Worth office, a full-service real estate consulting and appraisal firm. Mr. Snider is a graduate of Texas A&M University with Bachelor of Finance and Master of Real Estate degrees. In his spare time, Mr. Snider enjoys volunteering for the Fort Worth Stock Show and Rodeo, golf, hunting, snow skiing, and reading.



3-Year Professional Development Committee Member: Lisa Featherstone, SR/WA, R/W-NAC

Lisa Featherstone serves as a North Texas Group Lead and ROW Project Manager for Cobb, Fendley & Associates. Lisa has thirteen (13) years of experience in the right-of-way profession, exclusively with Cobb Fendley, and has been involved in various facets of the business. Lisa has worked as a project manager, acquisition agent, and relocation agent on various projects throughout Texas for clients including TxDOT and various municipalities. Lisa has been a licensed real estate agent in Texas since 2013 and member of Chapter 36 since 2014. She obtained her SR/WA designation in 2021 and R/W-NAC in 2017. Lisa is active in the IRWA, currently serving as Website Chair since 2021. She enjoys working with her clients, co-workers, industry colleagues, and affected owners to achieve solution based outcomes and establish long-term relationships. Lisa is a Texas native, spending the majority of her life in Weatherford, Texas. She currently resides in Brock, Texas with her husband of eleven years, nine year old son who is an aspiring meteorologist, and three well-fed dogs.



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

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Professional Development Committee News

By: Gina Phalen, PDC Committee Chair



Gina Phalen

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As we close out another IRWA year, the PDC Committee would like to thank everyone for your support, hard work, and incredible success in obtaining numerous designations and participating in our educational offerings. We hope you will continue to approach learning with curiosity, open minds, and a desire for growth!

Also, don't miss the opportunity to win the **Greg Cook Memorial Scholarship**. This scholarship awards money to be used for courses pertaining to any IRWA designation. Applications are due May 24!

Congratulations to Ricky Gore and Christa Bell on earning their SR/WA!

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 – SR/WA, RW-RAC – PDC Chair (2 Yr.)

Darlene Snow – SR/WA – PDC Committee (3 Yr.)



Education Committee News

I would like to thank Lisa Harrison for coming down to instruct Course 502 and to Trinity River Authority for allowing us to use their space. We had a great turnout and that led to a wonderful class!

Below is the list of the Courses planned for the rest of the year. Remember that as we have mentioned throughout the year, we are actively looking to add more courses so be sure to check back with us for any new updates. Please reach out to us if you have any courses that you need so we can check what is available and see if the course you need is one that we will offer soon.



Juan Salazar

RW-NAC, RW-RAC
Pinnacle Consulting
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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
604	Environmental Due Diligence and Liability	VIRTUAL	May 6, 2024
SR/WA Prep	SR/WA Study Session	VIRTUAL	May 29-31, 2024
219	Adult Communication Principles and Methods	Trinity River Authority, Arlington, TX	Sep. 16-17, 2024
504	Computing Replacement Housing Payments	Virtual	Sep. 24-25, 2024
505	Advanced Residential Relocation Assistance	Virtual	Oct. 23, 2024
403	Easement Valuation	CBRE, Ft. Worth	Nov. 6, 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.



Scholarship Information

IRWA Chapter 36 Donald J. Sherwood Scholarship

[Application located on IRWA Chapter 36 website:](#)

Education Tab at top/PDC & Scholarships/Donald J. Sherwood, SR/WA Scholarship/Click here to download

Scholarship Criteria

- Enrolled as a full-time college student (12+ college semester hours)
- Chapter 36 member, or family member of one
- In good standing with an accredited collegiate institution

**Preferred (but not required) fields of study in a right of way or right of way related field, e.g., appraisal, engineering, law, surveying, real estate/real estate management, drafting, finance, property management, business/public management*

Summary of Application Contents

See application for more details

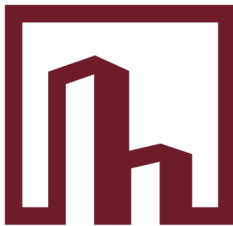
- Completed and signed application
- Transcript
- Letter(s) of recommendation (at least one required)
- Current photograph
- Essay (one page limit; no specific requirements on font, margins, etc.)

Deadline is Wednesday, May 15, 2024

Deadline is 5pm

Send submissions to Michael Hale Scholarship Committee Chair, at
director2year@irwachapter36.org or mhale@cobbfindley.com

Questions? Email or call/text 817-709-6978



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