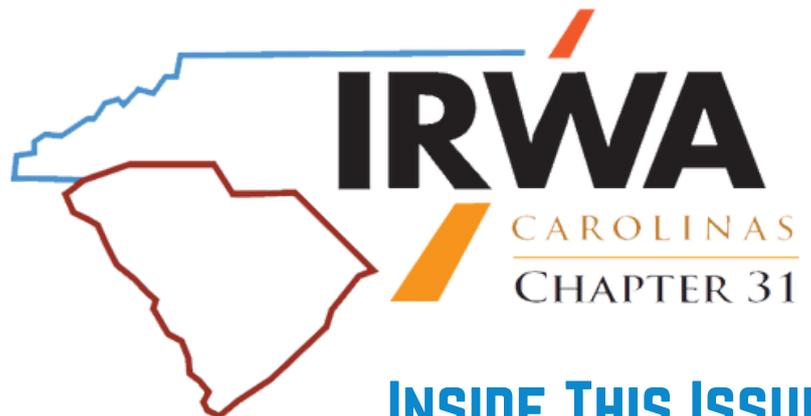


SPRING 2022

# THE CAROLINAS' COURIER



**PRESIDENT  
LISA NORRIS**



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# A MESSAGE FROM THE PRESIDENT

I hope each of you are doing well and enjoying the springtime weather. Since our last newsletter, we held our Winter Education, Social and Seminar Event in Hickory, NC. Here are a few highlights from the event:

- Clyde Johnson taught Course 604 and we had 10 people in attendance. Thank you, Sharon Gillespie, for coordinating this course and thank you, Cushman Wakefield, for hosting the class at your Hickory office.
- Our social was at the Hickory Wine Shoppe. The wine was flowing, conversations abound, and great live music kept us all entertained. Thank you, Anthony Alderman, for lining up the social.
- We had over 60 in attendance at the seminar with a great line up of speakers: John Marshall from the City of Hickory; Richard Marchitelli & Cory Savik from Cushman & Wakefield; Baker Haynes from Integra Realty Resources and Heather Fulghum from NCDOT & Florence Green from Adkins. Thank you, Neil Burleson, for putting all this together. As always, it was a great event.
- NCDOT announced their training initiative which includes a partnership with International Right of Way Association for education. This is a multi-year plan and will bring a lot of opportunities to IRWA and Chapter 31.
- Julie McDonald was awarded Chapter 31 Professional of the Year and she has been nominated for Region 6 Professional of the Year. Thank you, Julie, for your leadership and support of the Chapter.
- Our new website has been nominated for Website of the Year and will be voted on at the annual Education Conference in June. Thank you, Anthony Alderman and David Wortman, for your work on our website.

So, what's next on the agenda? On March 24th, our Local Public Agency is hosting a Lunch & Learn with two great speakers, Lucy Crown, AICP, City of Asheville and Angel Banks, SR/WA, Right of Way Manager at MSD of Asheville.

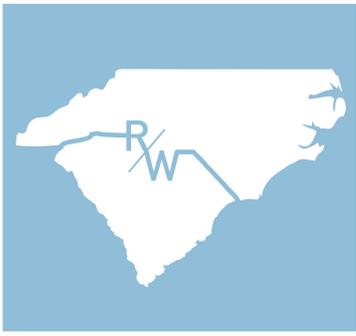
On April 28th-29th we will be hosting our Spring Education, Social and Seminar in Myrtle Beach, SC. Julie McDonald will be teaching Course 102 on the 28th and our social will begin at 6pm that night at the resort. The seminar on the 29th will be another great line up of speakers. We will also be swearing in our new elected officers who will represent the Chapter during the 2022-2023 term.

I would also like to invite you to our Committee Meeting that will be held on the 28th prior to the social. This will be a great opportunity for you to meet our Committee Chairs and Members and learn how you can become more involved with the Chapter. The Chapter is here for the members and we need your input and participation to continue to grow the Chapter.

For more information on these upcoming events please visit our website, [www.irwa31.com](http://www.irwa31.com) and follow us on our LinkedIn page @IRWA Chapter 31.

Look forward to seeing you in Myrtle Beach, SC.

Lisa Norris  
Chapter 31 President



# CAROLINA RIGHT OF WAY

## ANNOUNCEMENTS



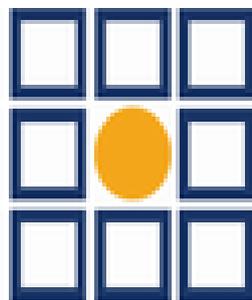
### ARE YOU LOOKING FOR:

- RECERTIFICATION FORM
- MINUTES FROM PAST BUSINESS MEETINGS
- SEMINAR PRESENTATIONS



RECERTIFICATION FORMS, MINUTES AND PRESENTATIONS FOR 2021 CAN BE LOCATED ON THE MEMBER NETWORK LIBRARY PAGE.

RECERTIFICATION FORMS AND MINUTES PRIOR TO 2020 CAN BE LOCATED ON CHAPTER 31'S WEBSITE.



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# MARK YOUR CALENDARS



## CHAPTER 31 SPRING SEMINAR 2022

April 28-29, 2022 - Myrtle Beach, SC

Hilton Resort Myrtle Beach

10000 Beach Club Drive, Myrtle Beach, SC 29572

### Hotel Registration Info:

Group Rate Reservations can be made until April 27, 2022. Call Reservations at (800) 876 - 0010 Option 3 for Hilton Myrtle Beach.

Identify yourself as an attendee of IRWA Chapter 31 Spring Seminar and use the following **SRP code: WAY**.

Web page/link is: [IRWA Chapter 31 Spring Seminar \(hilton.com\)](https://www.hilton.com/irwa-chapter-31-spring-seminar)

Register for IRWA COURSE 102 "Elevating Your Ethical Awareness" being taught on April 28th at the Hilton Resort

Social to be held on site at the Hilton Resort from 6pm until 9pm on April 28th (\$20 for Members)

Seminar from 8am until 2:30 pm on site at the Hilton Resort on April 29th (\$40 for Members)/Virtual Meeting Option (\$20 for Members)

**VISIT [IRWA31.COM](https://www.irwa31.com) TO REGISTER ONLINE FOR THE UPCOMING IRWA COURSE, SOCIAL AND SEMINAR EVENTS**

Any questions contact Neil Burleson at [nburleson@thcinc.net](mailto:nburleson@thcinc.net) or 980-219-8575



**Integra  
Realty  
Resources**

## **LPA COMMITTEE REPORT**

**ANTHONY ALDERMAN**



The LPA hosted a lunch and learn webinar on March 24, 2022. Thank you to our speakers, Lucy Crown, AICP at the City of Asheville, who gave an overview of the City of Asheville's greenway program, and Angel Banks, SRWA, Right of Way Manager at Metropolitan Sewerage District in Asheville, who lead an in-depth discussion on how MSD works with municipalities to co-exist in overlapping corridors.

If you'd like to get involved with the Local Public Agency, please contact Anthony at [anthony.alderman@cushwake.com](mailto:anthony.alderman@cushwake.com).



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# AECOM

## COMMITTEES

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Sharon Gillespie sharon@sharongillespie.com

**Membership** Kevin Muldowney, SR/WA  
kmmuldowney@vaughnmelton.com

**Professional Dev.** Carol Loyd carol.loyd@duke-energy.com

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**Webmaster** David Wortman david.wortman@cushwake.com

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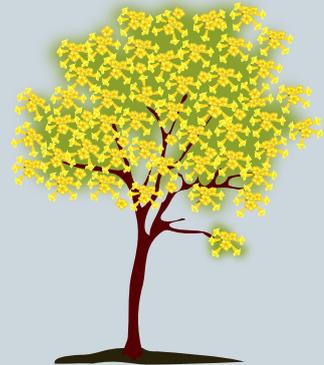
**Young Professional** Vacant

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**Utilities** Norwood West jnwest61@gmail.com

**Oil & Gas Pipeline** Paul McMahan, SR/WA  
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**Local Public Agency** Anthony Alderman, MRICS, SR/WA, CRE  
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**1 YR International Board of Directors - Steve Chastain, SR/WA**  
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schastain53@gmail.com



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## WINTER SEMINAR

The Winter Seminar and business meeting were held on February 25, 2022 and were well attended. The meeting was called to order by President Lisa Norris, at 8:00 am. followed by a welcome and announcements.

Thank you to our Sponsors: **Platinum:** Cushman & Wakefield, Integra Realty Resources **Gold:** Southeastern Land Company, Colliers, CLS, THC **Silver:** V&M, Merrick, AECOM, Stewart, Carolina Right of Way, Gulf Coast **Bronze:** Tidemark

Minutes from the Fall Seminar held on October 15, 2021 were presented as posted online and approved.

**TREASURERS REPORT** - Please see the Treasurer's section of the newsletter for details.

**OLD BUSINESS** - The Chapter's Bylaws are posted on the member network. Members are encouraged to review the bylaws and offer suggestions. The Chapter also discussed the advantages of having a credit card credit vs. having a debit card, switching to Chase Bank, changing treasurers and banks in the past, Rakhshan oversight, etc., etc.

**NEW BUSINESS - NCDOT** - has come to IRWA looking for training opportunities (not necessarily looking for certification). However, an opportunity exists for the Chapter to look at courses that DOT employees have completed and suggest that they obtain their IRWA membership & certification.

**Company employee course attendance incentive:** The Chapter agreed to do away with the Company incentive of complimentary social and seminar registration if a company has two or more employees registered for a class.

**Chapter donation in Cleveland?** \$1,500 Motion by Anthony 2nd by Julie McDonald (Motion was approved)

**Membership Drive:** The Chapter will need to think about ideas, venue (i.e., real estate license CE classes), etc. International has agreed to help pay for two events since Chapter 31 has NC and SC.

The Business Meeting at Winter Seminar adjourned at 2:00 pm.

**REMINDER-** *Business meetings are open to all Chapter Members! Please consider staying for the next business meeting at the Spring Seminar, in Myrtle Beach, SC to learn more out your Chapter!*

**Chapter 31**  
**2022 Professional of the Year**  
**Julie McDonald, PLS, PE, SR/WA**



**IRWA:**

- Past President (and other offices)
- Sponsorship Committee
- Membership Committee
- Nominations & Elections Committee
- Active with the RWIEF
- Led the Charlotte 2022 Annual Educational Conference effort
- Regular volunteer at the Annual Education Conferences
- Service-oriented
- Never says "no" when she is asked to help with anything Chapter-related
- Organizer of the renowned Chapter 31 Fall Seminar in Charleston

**Thank you, Julie, for your dedication and leadership to Chapter 31 and IRWA!**

*Congratulations*

Please join Chapter 31 in congratulating the following individuals on receiving their IRWA Designations.

**SR/WA:**

- Karin Silverthorne, SR. Real Estate Representative, Duke Energy
- Julie McDonald, Land Surveyor/PE, Tidemark Land Services (Owner/Director)
- Stephanie Thomase, Acquisition Agent, THC, Inc

**RWP - GN:**

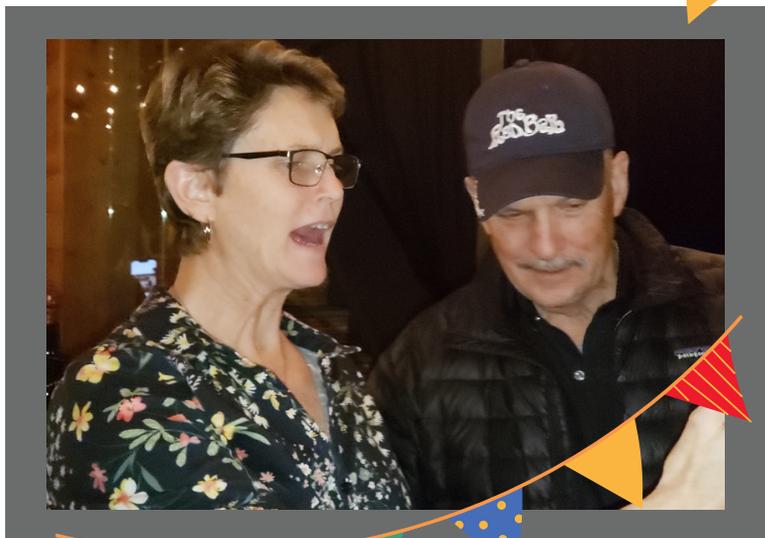
- Donald R. White, Managing Appraiser, Realetech (Owner/Director)

**RWA - GN:**

- Preston Ledoux, SR. Real Estate Representative, Duke Energy



# CUSHMAN & WAKEFIELD



**GOOD  
TIMES**

# MEMBERSHIP COMMITTEE

## REPORT

KEVIN MULDOWNEY



During the period between January 1, 2022 to March 31, 2022, six (6) membership applications were processed and communicated as approved to IRWA HQ.

Kim Hines	Cushman & Wakefield
Dana Vickers	Cushman & Wakefield
Mindy Settlemeier	Cushman & Wakefield
David Wortman	Cushman & Wakefield
Amanda R. Hackett	City of Greensboro
Rayshawn D. Leake	R.D. Leake Realty, LLC

First Quarter 6

Second Quarter

Third Quarter

Fourth Quarter

**Total New Members 6**

**TOTAL CH 31 MEMBERSHIP 304 as of March 31, 2022**



Engineering  
& Design



# CONTRACT LAND STAFF

## TREASURER'S REPORT

STEVEN KING

Report Created 3/17/2022  
July 1, 2021 thru March 17, 2022

### Profit & Loss

Income:	\$ 37,253.24
Expense:	\$ 29,106.10
Net:	<b>\$ 8,147.14</b>



### Balance Sheet

Checking:	\$ 53,726.55
Savings:	\$ 16,537.85
Total:	<b>\$ 70,264.40</b>



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# SLATE OF OFFICERS FOR CHAPTER 31 ELECTION

**\*\*VIRTUAL ELECTION - PLEASE WATCH EMAIL FOR UPCOMING ELECTION INFO\*\***

**1 YEAR DIRECTOR: LISA NORRIS**

**2 YEAR DIRECTOR: NEIL BURLESON**

**PRESIDENT: NEIL BURLESON**

**VICE PRESIDENT: EDWIN PETERS**

**SECRETARY: BENITA HARRINGTON**

**TREASURER: HOLLY CATALDO  
NANETTE BLEVINS**

## Oil and Gas Pipeline News

Joe Biden's campaign promise was, "No more subsidies for the fossil fuel industry. No more drilling including offshore. No ability for the oil industry to continue to drill period. It ends." President Biden is now asking US oil companies to drill, drill, drill. He stated recently, "U.S. producers have 9,000 permits to drill now – they can be drilling right now, yesterday, last week, last year." The 9,000 numbers are leases not permits. Permits approval fell 75% under the Biden administration. The time for permits approval increased from 30 days to 60-90 days under the Biden administration. The Biden administration began curtailing permits approval and began focusing on renewable energy policy and the COP26 Climate Change Conference.

The majority of US voters support an outright ban on Russian oil imports. Recently the Biden administration called for hostile countries such as Venezuela and Iran to increase their productions but has not asked for Canada to increase their production. Canada sits on the world's 3rd largest oil reserves and is the world's 4th largest oil producing country.

In Canada, the Biden administration's decision to kill the Keystone pipeline - that could have carried 800,000 barrels a day to US refineries, still stings. Canadian oil companies are cautious about spending for what may be a short term acceptance. Expenditures today to ramp up production would not see rewards until 2023. Existing projects already run at near full capacity while new projects will take years to build. Additionally, with the existing pipeline infrastructure they cannot get any increased production to market. Consequently, Canadian oil companies do not have much confidence in US policies and investors.

# EDUCATION COMMITTEE REPORT

SHARON GILLESPIE & HOLLY CATALDO

## Upcoming Courses:

In-person Course 102 "Elevating you Ethical Awareness" on Thursday April 28, 2022 in Myrtle Beach, SC (1 day course) from 8-5. \$265 for members and \$330 for non-members.

Virtual Course 213 "Environmental Due Diligence" being taught by William "Bill" Christian on Tuesday April 5, 2022 (1 day course) from 8-5 EST. \$265 for members and \$330 for non-members.

Virtual Course 701 "Property/Asset Management: Leasing" being taught by William "Bill" Christian on Wednesday and Thursday April 20-21, 2022 (2 days) from 8-5 EST. \$415 for members and \$520 for non-members.

Virtual Course 504 "Computing Replacement Housing Payments" being taught by Kristen Bennett on Thursday and Friday May 12-13, 2022 (2 days) from 8-5 EST. \$415 for members and \$520 for non-members.

In-Person Course 403 "Easement Valuation" in August 2022 (1 days) from 8-5. \$265 for members and \$330 for non-members.

In-Person Course 803 "Eminent Domain Law Basics for ROW Professionals" in October 2022 (2 days) from 8-5. \$415 for members and \$520 for non-members.

# Restructuring the SR/WA

IPEC Credentialing  
Subcommittee

## How Did We Get Here?

- While examining the SR/WA Industry-Specific Pathways Program, the IPEC Credentialing Subcommittee wanted to ensure that the SR/WA was still serving our membership's needs.
- IPEC Credentialing Subcommittee designed and sent an all-members survey in January 2021.
- The findings revealed significant support for a return to a single SR/WA pathway program.
- IPEC Credentialing Subcommittee developed a more robust and comprehensive program that will better prepare our members for a diverse range of right of way experiences.

## What's Changed?

1. The IRWA coursework requirements in all three levels (RWA, RWP and SR/WA) have been increased to 272 total credit hours to be more inclusive of all right of way disciplines and to better prepare members for application in their professions.
2. All members pursuing the RWA, RWP and SR/WA will now be required to complete a declaration of candidacy form that will allow IRWA to track what each candidate is working towards.

# New Coursework Requirements

## RWA

900/900C [16]  
800/800C [16]  
600/600C [8]  
200 [16]  
102 [8]  
100 [16]

## RWP

901 [8]  
801/801C [16]  
700 [16]  
501 or 502\* [16]  
400/400C [16]  
219 [16]  
203 [16] or 205 [16] or 303 [16]  
105\* [8]

*\*In lieu of 105 and 501 or 502, candidates outside of the U.S. may complete 24 credit hours from other intermediate or advanced level IRWA courses.*

## SR/WA

902 [8]  
802/802C [16]  
504 or 506 or 803/803C [16]  
or 421/421C\* [32]  
215 [16]  
207 or 209 [16]

**Additional 16 credit hours of any intermediate or advanced courses of your choice.**

*\*Additional 16 credit requirement is satisfied if Course 421/421C is successfully completed.*

# Declaration of Candidacy Requirement

All IRWA members who are currently pursuing the SR/WA can select from one of two options:

## 1. Stay on your current industry-specific pathway

- You will be required to complete and submit a Declaration of Candidacy Form to your Chapter Professional Development Committee Chair by no later than December 31, 2022, or you will automatically be placed into the new program.
- No fee will be charged.
- You will have five years from December 31 to complete all the requirements in your industry-specific pathway.

# Declaration of Candidacy Requirement

## 2. Migrate to the new single SR/WA Pathway Program

- You will be required to complete and submit a Declaration of Candidacy Form to your Chapter Professional Development Committee Chair.
- Pay a standard \$50 fee for the SR/WA and a \$25 fee for the RWA and RWP.

# THE NETFLIX SERIES OZARK AND EMINENT DOMAIN

If you've not seen the second season and you want to avoid spoilers, you may want to get caught up before you return to this article. Below, we discuss how eminent domain was used in "Ozark," and how it can be used in the real world, especially as it pertains to bodies of water, and how appraisers get involved.

## What Is Eminent Domain?

Eminent domain refers to the right of the government, or municipalities, to take privately held land for public use. The specific processes for eminent domain actions vary from state to state, and cases can become complicated, particularly cases involving ownership rights over bodies of water.

## How Was It Referenced in "Ozark?"

In the episode called "The Badger," protagonist and anti-hero Marty Byrde is desperate to find a way to get his business partners, the Snells, to agree to give him right of way for his new casino boat. After doing a little digging, Marty informs the Snells that riparian rights and eminent domain could enable the government to seize land for the casino if the Snells don't sell, as the casino could benefit the public. This does not sit well with the Snells—the insult is compounded by the fact that the Snell family ancestors had been forced to leave their land 75+ years prior due to an eminent domain action. At that time, the land the Snell family left behind was flooded to support the operations of a power company—a piece of backstory that isn't that farfetched, given the last hundred or so years in the U.S.

## Eminent Domain and Water in the Real World

### *Flooding for Energy Production*

In the 20th century, land across the U.S. was flooded by entities including the U.S. Army Corps to supply water to nearby towns or to generate electricity (i.e., for public use). This happened at Falls Lake, North Carolina in 1978 and Lake Glenville in 1941, displacing the entire town of Glenville. Lake Hickory in North Carolina was created after private land was claimed for public use to construct the Oxford Dam on the Catawba River in 1927. The lake supplies electricity and water to the cities of Hickory and Longview. Lake Hickory, like many of the lakes in North Carolina, is a reservoir and has been controlled by Duke Energy since its construction.

### *Riparian Rights in the Eastern States*

In the Eastern states, water laws, such as riparian rights featured in the "Ozark" episode, say that people with property adjoining a water frontage have the right of access to the water such as for building a dock, fishing, hunting, drinking water and irrigation. However, this has to be achieved without impinging upon equal rights and access to other neighboring property owners.

In the "Ozark" episode, the bed of the body of water in question belongs to the government, a nuance that can become complex, such as in recent cases like the 2020 case of oystermen taking the City of Suffolk in Virginia to the Supreme Court External Link. The oystermen filed over the pollution by the city of their oyster beds. Harvesting of the oyster beds was halted and the oystermen argued (unsuccessfully) this was a "taking" or inverse condemnation by the Department of Health after the beds were deemed toxic from the raw sewage and waste being put into the Nansemond River. Read more about this decision here External Link. The oystermen lost their first court case due to a 1919 law. The law held that "oyster bed lessees' property rights are subordinate to the localities' right to pollute the waterways."

## ***City Vs. City***

At times, one government entity may target another with eminent domain actions with the goal of improving public life. As recently as 2021, “the City of Sandy Springs may use eminent domain to gain control of its water system from the city of Atlanta,” Sandy Springs Mayor Rusty Paul said. Since Sandy Springs was incorporated in 2005, the city has used the Atlanta Department of Watershed Management to provide its water service. But Atlanta, which already has among the highest water rates in the nation, charges Sandy Springs customers an extra 21% fee for handling its service, which the City of Sandy Springs doesn't believe serves the public.

## ***Waterway Laws Vary State-to-State***

In various regions of the U.S., eminent domain can look very different. Interestingly, North Dakota law allows for private citizens as well as corporations or government bodies to exercise eminent domain, allowing this power when it comes to “the application of water to beneficial uses.”

This seems like a very broad category for such an immense use of power. North Dakota evaluates when an individual, or group, is beneficially using water. The state requires an issued water permit from a state engineer.

## ***Environmental Contamination and Eminent Domain***

According to a League of Michigan Conservation Voters External Link analysis, in a 1990s court case involving a storm water retention pond, it was established that environmental contamination could be considered in the fair market valuation of property taken by the government under eminent domain. The analysis says this provides an incentive to property owners and purchasers to limit environmental contamination on their own property and to test for it when purchasing property, and that it also ensures that there are more funds available for governments to conduct pollution remediation activities after condemnation.

## ***How Do Appraisers Get Involved?***

What role do commercial appraisers play in the eminent domain process? Appraisers are unbiased third parties and are often called upon to inspect and value a property to be acquired by eminent domain proceedings. The appraisers will make an objective valuation on the property. The task is to determine the fair market value of the subject as if the project does not exist (before the taking) and as if the project is 100% complete (after the taking). This is often extremely difficult.

Sometimes appraisers are asked to appear in court proceedings as expert witnesses when eminent domain cases do go to court. In the example from “Ozark,” it is unlikely that the Snells would have challenged the eminent domain proceedings since all the characters involved were up to no good. But in the real world, property rights are a sensitive and complicated issue and elicit strong responses from the property owners and the communities in which these projects take place. This is why it is essential to have a third-party appraiser with right of way expertise to value the property fairly and competently.

## ***Anthony Alderman***

Senior Managing Director  
Valuation & Advisory  
Cushman & Wakefield

# WHAT'S NEXT IN VALUATION & ADVISORY

Cushman & Wakefield's Valuation & Advisory expertise spans single-asset appraisals to complex real estate advisory and business valuations. We specialize in multiple asset classes requiring specific experience and technical knowledge. Exceptional research analytics, future-looking technology and highly credentialed professionals support our wide range of services. We offer consistent and timely delivery, compliance with financial regulatory requirements, and valuations and advisory based on constantly updated market data. With the power of the Cushman & Wakefield platform, V&A can offer national and global scalability as well as market knowledge from our Capital Markets, Brokerage and Asset Services practices. Find out more at [cushmanwakefield.com](http://cushmanwakefield.com)



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# Integra Realty Resources

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- ◆ Staff of 48 valuation professionals, including 22 MAIs

Integra Realty Resources is a national real property valuation firm, with a total of 7 office locations under common management in the states of North Carolina, South Carolina, Virginia and Georgia. Each of the offices is led by an MAI with at least 15 years of diversified appraisal experience. Eminent domain services, which include appraisals, right of way cost estimates and litigation support, are provided to a wide range of clients including NCDOT, SCDOT, R/W consulting firms, municipalities, public utility companies, attorneys and property owners. An appraisal staff of 48, including 22 MAIs across a 4-state territory, allows for extensive work sharing between offices. This enables us to provide expedited delivery on larger projects with a compressed schedule. Our office locations include Charlotte, Raleigh, Greensboro, Columbia, Charleston, Richmond and Atlanta.

### > Charlotte

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tneal@irr.com





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## Engineering & Design

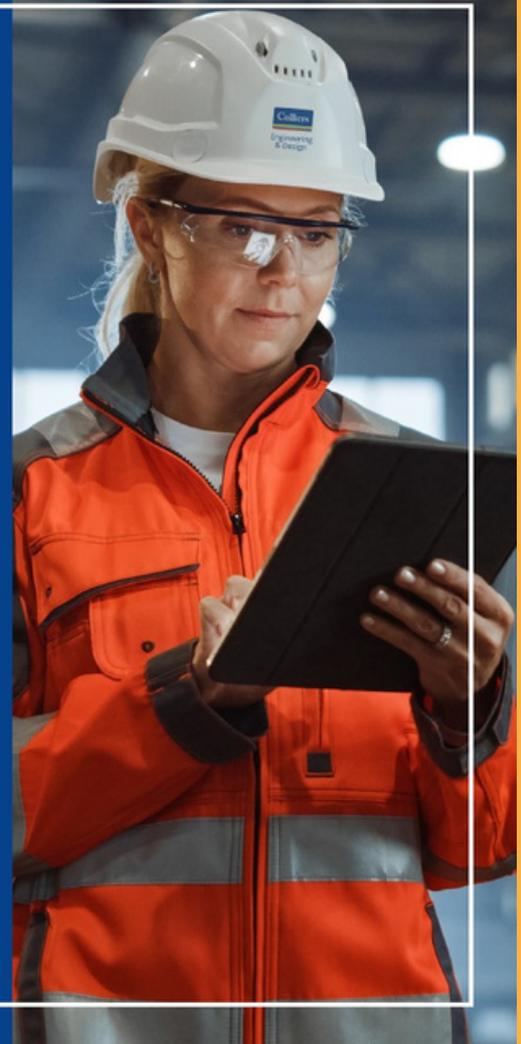
Colliers Engineering & Design provides a full line of integrated ROW and Land Services to transportation, utility, energy, and water resource authorities. We protect your investment by completing projects safely, ethically, on time, and within budget.

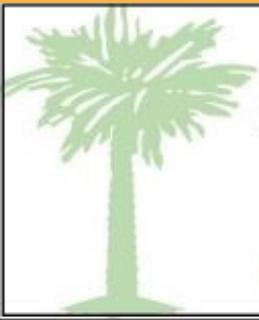
- Program & Project Management
- Property Management
- Right-of-Way Cost Estimating
- Pre- & Post-Acquisition Support
- ROW & Easement Acquisition, Leases & Fee Purchases
- Utility & Relocation Coordination/ Advisory
- Condemnation Support
- Route & Site Selection
- Survey Permission
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# T • H • C

## *Improving Your Community*

THC, Inc. is a professional program management firm providing right of way land acquisition, relocation and noise mitigation services for airports, highway departments, utility companies, municipalities, governmental agencies and engineering firms around the nation since 1994. Whether you need help acquiring property for roadway expansion, relocating families from a flood-prone area or managing an airport sound insulation program, THC can provide you with professional services to complete your local, state or federally funded project.

The firm's President, Joe A. Carroll, founded THC on the belief in treating clients and property owners with respect and courtesy throughout the noise mitigation, land acquisition and relocation process. Following a servant leadership model, managers support the staff with strong leadership skills, a dedication to their craft and a full commitment to client requests. With more than 25 years of experience, THC has earned a reputation for providing excellent, uncompromising consulting services to clients.

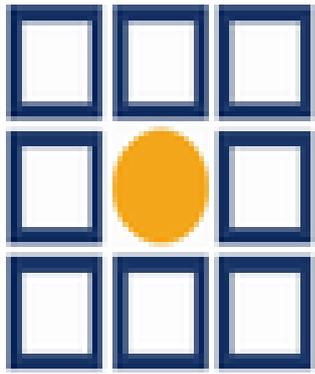
THC's purpose is to "Improve People's Lives" with the ultimate goal of finding common ground in land acquisition and noise mitigation to capture a "win-win" outcome for both the property owner and client. We look forward to working with you and your project community!

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