



28TH ANNUAL RIGHT OF WAY PROFESSIONAL'S WORKSHOP

September 29–October 1, 2021
Breezy Point Conference Center

Sponsored by the
Office of Land Management

m DEPARTMENT OF
TRANSPORTATION

Welcome to the 28th Annual Right of Way Professional's Workshop

September 29 – October 1, 2021



Sponsored by:

The MN Department of Transportation, Office of Land Management

Director

Office of Land Management Joseph D. Pignato

Assistant Director

Real Estate and Policy Development Section Julie Groetsch

Workshop/Training Coordinator & Continuing Education Coordinator Lorianna Yang

Workshop Technical Support Blaine McKeever (MN.IT)

WORKSHOP PLANNING COMMITTEE:

Lisa Beckman..... WSB & Associates
Steve Carlson..... Evergreen Land Ser. Co.
Kirk Corson MnDOT (St. Paul)
Jeremy Douglas Olmsted County
Sonya Henning..... Henning Prof. Services.
Kate Giel Minnesota DNR
Julie Groetsch MnDOT (St. Paul)
Danielle Holder..... MnDOT (Roseville)
Michael M. Moran..... MnDOT (St. Paul)
Kerry O'Brien..... MnDOT (St. Paul)
Sharon Price Washington County
Penny Rolf..... WSB & Associates
Lorianna Yang..... MnDOT (St. Paul)

FROM THE WORKSHOP COMMITTEE MEMBERS

On behalf of the Minnesota Department of Transportation's Office of Land Management, welcome to the Right of Way Professional's Workshop. We are proud to have sponsored this event for 28 years. The Department has valued the relationships we have forged with our public and private sector right of way professional partners throughout the State of Minnesota. What began as an information sharing event in 1993 for MnDOT right of way staff has grown over the years and we are grateful for the support we have received.

For many years we have had the good fortune to have many talented and knowledgeable speakers contribute to the quality of the workshop program. We have also had a group of hard-working committee members who have helped to design the workshop's content, secure speakers, and contribute their time and effort in presenting the best program possible. In addition, the contributions of our public and private sector partners have been invaluable as MnDOT does not do this alone.

Just like the very first workshop in 1993, this workshop will include topics of interest to practitioners engaged in the acquisition of right of way for transportation improvement projects. The core subjects offered will include various appraisal, purchasing, relocation, legal and other real estate topics.

The workshop sessions have been arranged in both plenary and concurrent formats. Please take some time to review the schedule and read the session descriptions and speaker biographies found in this booklet as well as which sessions will be repeated. As you review the schedule, please note that almost all the sessions are repeated. Please determine the sessions that will allow you to attend a different class during each hour of the workshop. Pre-planning is always advised. **Please note that the opening and closing sessions are in the Whitebirch I & II Rooms.**

During the workshop, we encourage all attendees to complete the evaluation form in its entirety, which can be found in the information packet that you received at registration. Please fill out the form at the end of the sessions you attend while it is fresh in your mind. Your evaluation will assist the workshop committee plan for future training events as it has always been our goal to respond to the needs and concerns of workshop participants. We value your opinions and suggestions as they make each succeeding year's event more valuable to those in attendance. Please share what you learn with your colleagues.

SAFETY PROTOCOLS

As you are aware, these are trying times and we want you to know that both Breezy Point Conf. Center Staff and MnDOT workshop organizers have taken steps to put safety protocols in place to mitigate the spread of Covid 19 and the Delta variant. Both Breezy Point Staff and MnDOT staff have people who are certified in Pandemic Compliance Protocols and will do everything in their power to mitigate the spread of the virus. To this end, we need your help and cooperation with the following:

- **MnDOT Staff** is required to wear masks during the entire workshop and also complete the health assessment before each day of the workshop. MnDOT Staff should call (651)-259-3685 to complete your health self-assessment using a touchtone application.
- We strongly encourage all attendees to wear a mask especially in the food lines.

- Please observe social distancing and take special care to wash hands when you are able and to use the hand sanitizer located outside of every classroom.
- We have limited the number of breakout sessions to alleviate traffic issues.
- Meals will be served in buffet lines, but food will be dished out by Breezy Point Staff. Attendees are asked not to serve themselves and again we encourage masks by everyone in the serving lines. For the lunches, “to-go” boxes will be available so you can either eat in the Minnesota rooms or you may enjoy your meals elsewhere on the property, especially if it is nice outside.
- We ask everyone to leave the classrooms after each class so tables can be sanitized. Please either move to the back of the room or into the lobby outside of each classroom.
- We are limiting the number of people in each classroom. A sign will be posted outside of each classroom when the room is full. PLEASE PLAN THE SESSIONS YOU WANT TO ATTEND ACCORDINGLY.

NAME TAG BARCODE SCANNING

It will be required that all attendees have the barcode on their name tags or registration packet, scanned upon entering each session of the workshop. This is a way to track the attendance of everyone at the workshop and help us in gathering valuable information regarding the sessions that participants found to be of interest. It is also a way for us to develop a database of training records in the event a participant desires such information in years to come. It is especially critical that all licensed appraisers and real estate professionals desiring continuing education credits be diligent in getting the barcode on their name tags scanned. Failure to do so will result in forfeiture of all continuing education credits. We strongly encourage all attendees to follow this practice not only the attendees desiring appraiser and real estate continuing education credits. MnDOT staff is required to get scanned as well.

THE WORKSHOP PLANNING COMMITTEE

The workshop committee is comprised of members from state, county, public, and private agencies and they have worked diligently to gather session topics that are pertinent and interesting to the right of way professional. It should be noted that it is with the efforts of this committee that this workshop received the continuing education approvals you desire. You can find a list of the workshop committee members on the first page of this booklet. Please make an effort to contact any of them during or after the workshop if you would like to convey your thoughts regarding the program. If you are interested in serving on this committee, please contact Lorianna Yang.

CONTINUING EDUCATION

Minnesota Department of Commerce has approved this workshop for 17.5 Appraiser and 17.5 Real Estate Continuing Education Credits. In addition, the Minnesota Board of Continuing Legal Education approved 14 Standard Continuing Legal Education Credits (**Event Code: 403025**). There is no Ethics credit this year.

Please Note: In order to earn real estate and appraiser continuing education credits, full attendance at the workshop is required by attending a different class during each hour of the workshop. Attendees will not be able to qualify for a portion of the credits offered, thus real estate and appraiser credits will be earned on an “all or nothing” basis. This is necessary for the Minnesota Department of Transportation to be in compliance with the Minnesota Department of Commerce rules and guidelines in qualifying for continuing education credits for this event. For real estate and appraiser continuing education

purposes, failure to have the barcode on their name tags scanned will result in a forfeiture of all continuing education credits for this event! We strongly encourage all attendees to follow this practice not only attendees desiring appraiser and real estate continuing education credits.

For those attendees submitting for Professional Development Hours with the *Board of Architecture, Engineering, Land Surveying, Landscaping Architecture, Geoscience, and Interior Design (AELSLAGID)*, please select those sessions that will meet your personal training needs and satisfy your defined licensing standard requirements. Workshop participants are responsible for submitting for Professional Development Hours with the board.

The workshop committee encourages you to read the *Continuing Education Information Insert* that you received in your packet at registration. Please remember, MnDOT is merely offering you an opportunity to earn continuing education credits and it is our pleasure to do so. ***However, it is ultimately your responsibility to comply with your respective license requirements.***

We would like to thank the presenters for their generosity in sharing their time, knowledge, and willingness to educate and for providing us all the opportunity to learn and ultimately improve the services we provide.

Last but not least, we would also like to thank you, the participants! The success of this workshop has always been dependent upon your involvement. We encourage your participation in each of the sessions. The evenings will provide you with a more casual environment to consider and discuss the day's materials.

So again, welcome! We're glad you came. Please enjoy the workshop!

FOR YOUR INFORMATION:

In your registration packet, you will find important workshop information such as:

- **Workshop Booklet** – This booklet contains session descriptions, presenter biographies and other workshop information you may find of interest.
- **Safety Protocol Flyer** – Please read this flyer as it will give you information about safety protocols that will be in place during the workshop.
- **Quick Reference Guide** – This guide is for your convenience in finding sessions of interest. Please plan out the sessions you want to attend so that you are sure to attend a different session each hour.
- **Evaluation Form** – This form **MUST** be turned in at the end of the workshop. These evaluations are essential to ensure our ability to offer pertinent topics in the future.
- **Continuing Education Information Insert (it is yellow)** – Please take some time to read the information about the continuing education credits being offered. In order to earn real estate and appraisal continuing education credits, full attendance at the workshop is required. Real estate and appraiser credits will be earned on an “all or nothing” basis.
- **Appraiser/Real Estate Identification Card (it is yellow)** – This card is necessary as it gives specific information directing you to submit your name, address, and license number EXACTLY as it appears on your license. At the end of the workshop, it is required that those attendees desiring appraiser and/or real estate continuing education credits submit the IDENTIFICATION CARD which is included in your packet.
- **Name Tag** – Please wear this name tag throughout the workshop. Not only do we want to know who you are, but your name tag will identify your company and/or place of employment. Also, **ALL** attendees must have the barcode, which is affixed to their name tag and is also on their workshop folder, scanned upon entering each session. Please understand the critical nature of this request and don’t forget to have your name tag scanned at the beginning of each class you attend. If you **do not** have a barcode affixed to your name tag, please see Lorianna Yang immediately or any of the workshop staff at the registration desk in the Whitebirch Lobby. We will NOT be collecting the name tags after the workshop this year.
- **Lunch Ticket for Wednesday, Sept. 29** – If you have purchased Breezy Point’s Lodging Package or the Meeting/M meal Package, you will find the Sept. 29 lunch ticket affixed to your workshop packet. This is done in an attempt to avoid confusion at the first lunch of the workshop. The meal ticket for the remainder of your meals can be picked up at Breezy Point registration desk in the main lobby upon check-in. If you have purchased the meeting/meal package only, your tickets can also be picked up at Breezy Point’s registration desk.
- **Instructor Syllabus** – This syllabus will give you instructor contact information.
- **Pen** – Please use the pen you will find in your folder to sign in on the sign in roster. We don’t want to share pens and you can keep this to use throughout the workshop.



2021 RIGHT OF WAY PROFESSIONAL'S WORKSHOP SCHEDULE

WEDNESDAY, SEPTEMBER 29

	WHITEBIRCH I & II		
9:00 am	<i>WORKSHOP REGISTRATION</i>		
10:30 am	<i>WELCOME & OPENING REMARKS</i> Joseph Pignato, Director, Office of Land Management		
10:45 am	<i>MONTICELLO FALLON AVE. PROJECT CASE STUDY</i> Faye Gillespie & Andy Plowman		
12:00 pm	LUNCH IN MINNESOTA I & II		
	WHITEBIRCH I	WHITEBIRCH II	LAKESIDE
1:00 pm	<i>ACCESS RIGHTS CASE STUDY – STATE V. ELBERT, ET AL.</i> Mathew Ferche (A)	<i>FARGO MOORHEAD DIVERSION PROJECT</i> Ken Helvey Eric Dodds Scott Stenger Wade Whitworth (I)	<i>FHWA REGULATORY APPRAISAL & REALTY PROGRAM UPDATES</i> Marshall Wainright (B/I)
	Repeated 10/1 at 8:00am	Repeated 9/30 at 9:10am	Repeated 9/30 at 3:00pm
2:10 pm	<i>USING EARLY PLANNING TO REDUCE CONDEMNATION LITIGATION</i> Louis Robards (I)	<i>CASE LAW AND LEGISLATIVE UPDATES</i> Joe Marek (B)	<i>FIELD TITLES</i> Julie Duckstad Danielle Holder Bridget Jacobson (I)
	Repeated 9/30 at 10:30am	Repeated 9/30 at 8:00am	Repeated 9/30 at 12:30pm
3:10 pm	BREAK MINNESOTA I & II		
3:30 pm	<i>ROLLING THE DICE – LIABILITY RISKS IN CONDEMNATION APPRAISING</i> Byron Miller (B)	<i>NEGOTIATIONS & COMMUNICATIONS</i> Penny Rolf (B)	<i>WHO OWNS THE ROAD?</i> Samantha Juneau (I)
	Repeated 10/1 at 8:00am	Repeated 9/30 at 9:10am	Repeated 9/30 at 9:10am
4:30 pm	ADJOURN		
6:30 pm	DINNER IN MINNESOTA I & II		

To assist participants with selections of sessions, please use this quick reference tool. Session descriptions, found in the workshop booklet, will provide you with more detail

- B = Beginner Level**
- I = Intermediate Level**
- A = Advanced Level**



2021 RIGHT OF WAY PROFESSIONAL'S WORKSHOP SCHEDULE

THURSDAY, SEPTEMBER 30

6:30 am BREAKFAST IN MARINA DINING ROOM			
8:00 am	WHITEBIRCH I APPRAISING THE CONTINENTAL DIVIDE TRAIL Michelle Helmin Dan Mueller (A) Repeated 10/1 at 9:10am	WHITEBIRCH II ETHICS – OPERATING IN THE GREY Josh Root (B) Repeated 9/30 at 3:00pm	LAKESIDE I & II CASE LAW AND LEGISLATIVE UPDATES Joe Marek (B) REPEAT
	9:10 am WHO OWNS THE ROAD? Samantha Juneau (I) REPEAT	FARGO MOORHEAD DIVERSION PROJECT Ken Helvey Eric Dodds Scott Stenger Wade Whitworth (I) REPEAT	NEGOTIATIONS & COMMUNICATIONS Penny Rolf (B) REPEAT
10:10 am BREAK MINNESOTA I & II			
10:30 am	USING EARLY PLANNING TO REDUCE CONDEMNATION LITIGATION Louis Robards (I) REPEAT	RESPONSIBILITIES FOR BOUNDARY EVIDENCE PRESERVATION Sam Gibson (I) Repeated 9/30 at 1:40PM	PROTECTED SPECIES & THEIR HABITATS David Hanson Chris Smith (B) Repeated 10/1 at 8:00am
	11:30 am LUNCH IN MINNESOTA I & II		
12:30 pm	FIXTURES – IMPACTS ON ACQUISITIONS AND RELOCATIONS Igor Lenzner (I) Repeated 9/29 at 3:00pm	HOMELESS ENCAMPMENTS ON THE RIGHT OF WAY Kristie Billiar Samantha Juneau (B) Repeated 10/1 at 9:10am	FIELD TITLES Julie Duckstad Danielle Holder Bridget Jacobson (I) REPEAT
	1:40 pm LOSS OF GOING CONCERN & MINIMUM COMPENSATION CASE STUDY Jeff Thompson (I) Repeated 10/1 at 9:10am	RESPONSIBILITIES FOR BOUNDARY EVIDENCE PRESERVATION Sam Gibson (I) REPEAT	MEET OUTSIDE FIELD WALK <i>(meet outside main lobby)</i> David Hanson Chris Smith (B) Repeated 10/1 at 9:10am
2:40 pm BREAK MINNESOTA I & II			
3:00 pm	FIXTURES – IMPACTS ON ACQUISITIONS AND RELOCATIONS Igor Lenzner (I) REPEAT	ETHICS – OPERATING IN THE GREY Josh Root (B) REPEAT	FHWA REGULATORY APPRAISAL & REALTY PROGRAM UPDATES Marshall Wainright (B/I) REPEAT
	4:00 pm ADJOURN *** DINNER IS ON YOUR OWN		



2021 RIGHT OF WAY PROFESSIONAL'S WORKSHOP SCHEDULE

FRIDAY, OCTOBER 1

6:30 am				BREAKFAST IN MARINA DINING ROOM			
8:00 am	WHITEBIRCH I	WHITEBIRCH II	LAKESIDE I & II				
	PROTECTED SPECIES & THEIR HABITATS David Hanson Chris Smith (B)	ROLLING THE DICE – LIABILITY RISKS IN CONDEMNATION APPRAISING Byron Miller (B)	ACCESS RIGHTS CASE STUDY - STATE V. ELBERT, ET AL. Mathew Ferche (A)				
	REPEAT	REPEAT	REPEAT				
9:10 am	HOMELESS ENCAMPMENTS ON THE RIGHT OF WAY Kristie Billiar Samantha Juneau (B)	LOSS OF GOING CONCERN & MINIMUM COMPENSATION CASE STUDY Jeff Thompson (I)	APPRAISING THE CONTINENTAL DIVIDE TRAIL Michelle Helmin Dan Mueller (A)	MEET OUTSIDE			
				FIELD WALK (meet outside main lobby) David Hanson Chris Smith (B)			
	REPEAT	REPEAT	REPEAT	REPEAT			
10:10 am				BREAK MINNESOTA I & II			
10:30 am	WHITEBIRCH I & II						
	HIGHWAY 14 EXPANSION RIGHT OF WAY PROCESS Tory Thompson Ben Barker						
11:45 am	CONSTRUCTION INTERFERENCE AFTER HENNEPIN COUNTY V. LAECHELT Rick Sheridan						
12:45 pm				ADJOURN			

To assist participants with selections of sessions, please use this quick reference tool. Session descriptions, found in the workshop booklet, will provide you with more detail.

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2021 RIGHT OF WAY PROFESSIONAL'S WORKSHOP

September 29 – October 1

Session Descriptions and Speaker Biographies

WELCOME AND OPENING REMARKS:

Joseph D. Pignato, P.E. – Director, MnDOT Office of Land Management

Joe Pignato is the Director of the Minnesota Department of Transportation's (MnDOT) Office of Land Management. In this position, he provides overall leadership to the Office of Land Management regarding technical engineering, land surveying, real estate guidance, and administrative direction so that staff are trained, and resources effectively utilized in support of MnDOT's mission. Joe has been with MnDOT since 1997 where he has worked in the areas of Consultant Services, Legislation, State Utility Engineer, Right of Way, and Special Projects. Prior to MnDOT, Joe worked for a local Minnesota consulting firm for ten years as a structural design engineer. He graduated from North Dakota State University with a degree in Civil Engineering.

Julie Groetsch – Assistant Director, MnDOT Office of Land Management

Ms. Groetsch leads the Real Estate and Policy Development Section of Land Management. She has held previous MnDOT positions in Project Coordination and the Real Estate Shared Services Unit in Central Office, Assistant Right of Way Supervisor in District 6 (Rochester), and District Land Surveyor in District 1 (Duluth). Julie holds a Bachelor of Arts Degree from the College of St. Benedict and a Master of Science Degree from the University of Minnesota. She is a licensed Land Surveyor, who worked in the private sector for nine years prior to joining MnDOT in 2009.

The workshop sessions that follow are listed in this program in alphabetical order for quick reference

OPENING SESSION:

FALLON AVE. – A ROUNDABOUT CASE STUDY

Presented by **Faye Gillespie & Andy Plowman**

The Fallon Avenue project in the City of Monticello, MN, was a project decades in the works. The project was developed to create an alternative for residents and commuters to cross I-94, instead of using the busy interchanges at TH 25 and CSAH 18. One of the key components to make the new corridor work operationally was the implementation of three roundabouts. The roundabouts were proposed because they would keep traffic flowing while creating an environment of lower speeds.

There were many challenges to designing, specifically how the design impacted the adjacent parcels. There were different land uses including industrial, commercial, and high-density residential. Access control was of particular importance, especially near the roundabouts themselves. Parking and accommodating large truck deliveries was also something that the design team had to work through. This was a federal project, so time was of the essence to work through the challenging issues.

This presentation will focus on the challenges faced and how the team worked through them and presenting some of the lessons learned.

Faye Gillespie – WSB & Associates, Inc.

Faye Gillespie is a Right of Way Specialist with more than 20 years of experience in the real estate industry, with the past 10 years concentrated in acquisition and relocation projects. Faye offers a unique blend of technical expertise with valuable behind the scenes experience. Her specialty is relationship management, including the provision of superior client service, building trust and rapport with landowners, and maintaining open lines of communication with all parties to ensure a timely and efficient process. Faye is experienced in land rights for local and state governments, as well as public and private utilities, and other entities. She is a member of the International Right of Way Association.

Andy Plowman – WSB & Associates, Inc.

Andrew Plowman is the Director of Transportation Design at the WSB in Minneapolis. He has been at WSB for over 20 years, working on a wide variety of roadway projects for Cities, Counties, and MnDOT, as a lead designer and project manager. In the last decade, Andrew has specialized in alternative intersection design with an emphasis on RCUTs and roundabouts. He has designed over 100 roundabouts around Minnesota, ranging from mini roundabouts to multi-lane roundabouts. Andrew has presented roundabout concepts at national conferences and taught courses alongside MnDOT regarding the basics of roundabout design. Andrew has also worked on a multitude of complete streets designs in challenging environments with constricted right of way and topography.

ACCESS RIGHTS CASE STUDY – STATE V. ELBERT, ET AL.

Presented by **Mathew Ferche**

What happens to the right of reasonably convenient and suitable access when a taking of temporary easement extends across the frontage of a property abutting a highway? This presentation is a case study about access issues raised and addressed in the Minnesota Supreme Court decision, *State v. Elbert, et al.* A18-1280. The discussion will focus on the property rights taken in the condemnation, review the valuations determined, and follow arguments made throughout the course of the condemnation proceeding and the reasoning behind the decision made by the Supreme Court.

Mathew Ferche – Minnesota Office of Attorney General

Mr. Ferche is an Assistant Attorney General practicing in the Office's Transportation Division. He represents the Minnesota Department of Transportation in the areas of eminent domain, construction litigation, and labor compliance/civil rights disputes. Mr. Ferche has also represented the Department of Public Safety, Department of Administration, Department of Natural Resources, and MnSCU. Prior to joining the Attorney General's Office in 2011, he was a judicial clerk at the Minnesota Court of Appeals for Judge Louise Dovre Bjorkman, Judge Francis J. Connolly, and Judge Michelle Ann Larkin. Mr. Ferche attended the University of St. Thomas School of Law, where he served as the Publications Editor of the *St. Thomas Law Journal* and graduated *magna cum laude* in 2010.

APPRAISING THE CONTINENTAL DIVIDE TRAIL

Presented by **Dan Mueller & Michelle Helmin**

Valuation practice in eminent domain can produce some unusual and interesting assignments. Included among these is the Appraisal of the Continental Divide Trail. This unique effort involved a months-long process of before and after valuation to facilitate the perfection of federal easement interests. The presentation provides an overview of the United States Scenic Trail system, including the subject property, the process of securing the assignment, identification of larger parcels, trials, and tribulations of inspecting remote New Mexico land, physical and financial vagaries of a large tract of Southwest U.S. real estate, technological aids applied to facilitate the work, and a summary of the appraisal findings.

Dan P. Mueller, MAI, MRICS – Executive Director, Integra Realty Resources

Dan Mueller began his career in commercial real estate in 1986 as a broker with Griffin Real Estate Company. He entered the appraisal field in 1993 and joined Integra in 1998, shortly before being awarded the Appraisal Institute's MAI designation. He is a graduate of Winona State University, holding degrees in Business Administration and Economics.

Mr. Mueller provides expertise within an array of property types including many unique, specialized situations. Dan serves a broad clientele, including those concerning mortgage financing, acquisition, real estate, and personal income taxation, estate planning, partial interests, project influence, and numerous other matters. He is particularly recognized as an expert in eminent domain and litigation proceedings, having testified extensively in many venues in multiple states and Washington D.C., and is a member of the Integra Realty Resources Litigation Specialty Practice Group.

Mr. Mueller is former President of the North Star Chapter of the Appraisal Institute, has served on numerous local and national committees and as a national instructor. He is a long-term member and former Chair of the Comprehensive Examination Panel and regularly reviews articles submitted for the *Appraisal Journal*. Dan has also been a member of the *Appraisal Journal* Editorial Board, Qualifying Education, General Appraiser Council Admissions and Curriculum Committees, contributed significantly to the *12th and 15th Editions of Real Estate Appraisal*, and was appointed chair for consideration and redevelopment of an advanced education curriculum overview course. He was awarded the 2015 Appraisal Journal Outstanding Service Award and was a significant contributor to the recently released *Real Property in Valuation* textbook.

As a frequent speaker at specialized real estate events, Dan has presented various topics such as *Mining Valuation, Identifying and Valuing Functional Obsolescence, Convenience Store Valuation, Valuation of Outdoor Advertising, Minimum Compensation, Appraisal Extremes in Condemnation Settings, Subdivision Analysis and The Larger Parcel*.

Michelle Helmin –Director of Administration, Integra Realty Resources

Michelle Helmin started her career in 1997 working at a prominent CPA firm in Minneapolis in roles working with data, data administration, and general IT support. She was mentored by the firm's Director of Information Technology and acquired many valuable technology skills under his tutelage.

Michelle began working at Integra Realty Resources (IRR) in 2001. She is responsible for all the firm's technology requirements and provides support to appraisers in data research, IT, and administrative roles. In her 20+ years at IRR, she has gained a substantial amount of knowledge regarding the appraisal of real property in a non-appraiser capacity. She has contributed to the preparation of over 10,000 commercial appraisal reports in some way or another over the course of her tenure with IRR. She has assisted Dan Mueller, MAI, MRICS, on a multitude of complex appraisal assignments and large Right of Way projects in a research and technological capacity.

Michelle is a graduate of Colorado College and holds a bachelor's degree in Mathematics.

CASE LAW & LEGISLATIVE UPDATES

Presented by **Joseph Marek**

The 2019-21 Case Law Update will cover and discuss noteworthy eminent domain and right of way related decisions issued by: (1) the United States Supreme Court; (2) the Minnesota Supreme Court; and (3) the Minnesota Court of Appeals from Spring 2019 through Spring 2021. This session will look at some of the important cases from the last two years and discuss the cases in the context of larger themes such as: appraising, conveyancing, statutory interpretation, land use and inherent rights, procedural issues.

Joseph Marek – MN Assistant Attorney General

Joseph Marek is an Assistant Attorney General with the Transportation division of the Minnesota Attorney General's Office. His practice focuses predominantly on eminent domain, land use, and construction litigation concerning publicly owned real property and infrastructure. Prior to joining the Attorney General's Office, he worked for the law firm of Kennedy & Graven, Chartered, as well as the League of Minnesota Cities, practicing in

all areas of municipal law. Prior to obtaining his law degree, he worked at a regional community bank in lending administration and regulatory compliance

CONSTRUCTION INTERFERENCE AFTER HENNEPIN COUNTY V. LAECHELT

Presented by **Rick Sheridan**

During this presentation there will be a discussion of the Minnesota Supreme Court case of Hennepin County v. Laechelt, which addressed the admissibility of post-date of taking construction-related interference evidence. The presenter argued the case at the Supreme Court. The topic of construction-related interference will be reviewed and the effect of the Laechelt decision on the various right-of-way disciplines will be analyzed, including suggestions for the application of Laechelt in right-of-way acquisition practice.

Rick Sheridan – Assistant Hennepin County Attorney

Mr. Sheridan is an Assistant Hennepin County Attorney and currently represents the Hennepin County Public Works Department on right-of-way acquisitions. His experience in acquisition matters includes title examination, commission hearings, trials, and appellate work.

In addition to his Public Works responsibilities, Mr. Sheridan also represents the Hennepin County Regional Railroad Authority, Hennepin County Resident and Real Estate Services Department, and Hennepin County Medical Center on real estate related matters, including litigation, transactional work, and title registrations. Mr. Sheridan also advises the Hennepin County Recorder and Hennepin County Surveyor.

ETHICS – OPERATING IN THE GREY

Presented by **Joshua Root**

This presentation will help real world professionals working in a variety of capacities within the transportation industry identify their licensure requirements, their professional organization's requirements, and the consequences of not adhering to an ethical culture. Using interactive prompts and real-life case studies, participants will get a rapid paced hour of ethics 101.

Joshua Root – Minnesota Department of Transportation

Josh is currently acting as the Assistant Director of Aeronautics, having previously served in the Office of Chief Counsel as Senior Counsel and DPCO. Prior to joining the Department, he was the primary e-discovery consultant for MnDOT, working on all major litigation beginning with the tragic collapse of the I-35W Bridge in 2007. In private practice, Josh worked with closely held businesses and the sundry of matters they faced, including the ethical dilemmas every business must wrestle with, and knows that there is never an easy answer, but mercifully there is a right one.

FARGO/MOORHEAD DIVERSION PROJECT- PROPERTY ACQUISITION AND MITIGATION- UPDATE 2021

Presented by **Eric Dodds, Ken Helvey, Scott Stenger and Wade Whitworth**

This session will provide an update to the right of way and real estate acquisition program relative to the Fargo Moorhead Diversion Project Right of Way Acquisition process. The attendees will be taken through the project by examining the flooding impacts that affect the real property in the area and the required property rights needed to develop the project. This will include parcel identification, historical & architectural analysis of properties, the appraisal process, and the negotiation for the affected parcels.

We will then provide specific case studies for different segments of the project that outline the unique aspects of those properties acquisition and how the Uniform Relocation Act, Minnesota and North Dakota statutes, including other governing authorities, affect the purchase of the real property.

Eric Dodds – AE2S (Advanced Engineering and Environmental Services, Inc.

Eric Dodds is a Program Manager in the Fargo, ND office of AE2S (Advanced Engineering and Environmental Services, Inc.). He has worked on the Program Management team for the Fargo-Moorhead Area Diversion Project since 2011. Mr. Dodds primary area of responsibility is managing the acquisition of over \$500 Million of property rights necessary for the Project. Mr. Dodd's has a Bachelor of Science in Civil Engineering (1999) and a Master of Science in Environmental Engineering (2002) from North Dakota State University. He is a registered Professional Engineer in three states, including North Dakota, Minnesota, and South Dakota.

Eric serves on the advisory board for NDSU Civil Engineering Department, NDSU Team Makers, the West Fargo Planning & Zoning Commission, and the West Fargo Sheyenne High School Mustang Booster Club.

Ken Helvey – SRF Consulting Group, Inc.

Ken leads SRF's Real Estate Services Group and manages the acquisition, relocation, and appraisal processes for infrastructure, utility, and development projects. Since 1993, he has provided public and private sector clients with project management, acquisition, and compilation of information to prepare work files. In addition, Ken has been responsible for the coordination of appraisals, negotiations with landowners to acquire right of way and settle damages, completion of relocation services, recording of pertinent documents and closing of files, and preparation of closing documents.

Ken has worked closely with the Minnesota Department of Transportation, the U.S. Army Corps of Engineers, and many local, municipal, county, and state agencies and non-profit associations.

Scott Stenger – ProSource Technologies

Scott Stenger has more than 25 years of experience with project management, emergency and disaster management services, right of way acquisition, and land title abstracting. He was part of the management team for three separate disaster recovery projects for New York following Super Storm Sandy and over a dozen programs for the City of Cedar Rapids following the statewide Iowa flooding in 2008. He has managed dozens of linear utilities, sewer, wind energy, cellular phone, and road projects from less than one mile to over 300 miles in length.

Wade Whitworth – HDR, Inc.

Wade joined HDR in March of 2021. He has varied work experiences in the real estate world and right of way such as acquisitions, business development, right of way project scoping, negotiations, budget development, and maintenance and project planning. Wade graduated from North Dakota State University in 1999 and is a licensed realtor since April of 2006.

FHWA REGULATORY APPRAISAL & REALTY PROGRAM UPDATES

Presented by **Marshall Wainright**

This session will open with a brief overview of the right-of-way phase activities including why we do appraisals, exceptions to the appraisal requirements, an overview of the acquisition offer process, and a reminder of the relocation process. Since the Federal Highway Administration has several initiatives in the works related to appraisal and real estate, discussions in this session will include any news on the 49 CFR 24 NPRM; an overview of the Every Day Counts Value Capture initiative; updates on upcoming instructor-led/web-based Realty training opportunities through the National Highway Institute; updates on alternative uses of the right of way; and responding to any questions that you may have regarding FHWA Realty programs/initiatives.

Marshall Wainright – Federal Highway Administration

Marshall Wainright leads a team of realty experts in delivering nationwide services in training, technical assistance, and technology deployment regarding the implementation of the Realty/Right of Way and Highway Beautification Act programs in compliance with applicable laws and regulations. He also serves as a Champion for the (ROW) Discipline in FHWA. Marshall joined the FHWA Office of Real Estate Services in Washington, DC. Prior to joining the FHWA, he worked as a realty specialist in the Florida Department of Transportation. He is a member of the International Right of Way Association and an Affiliate Member of the Appraisal Institute. Marshall is a certified instructor with the National Highway Institute and the IDECC. He is a Business Administration/Finance graduate of Georgia Southern University.

FIELD TITLES

Presented by **Julie Duckstad, Danielle Holder & Bridget Jacobson**

This session will provide right of way professionals, including appraisers, field title agents, and direct purchase representatives with helpful tips, tricks, and pitfalls in researching properties. We will identify all of the information necessary to produce a complete report on a property and identify interests which may not appear in public record, and how we should document these interests and why. During this session there will be an explanation of the basics of a complete field title and how it can affect the valuation of the property being acquired. We will explore the different research tools that are used to find parties and how much research is necessary to ensure that we clear all necessary interests and serve all appropriate parties in the event that a condemnation action is necessary.

Julie Duckstad – Minnesota Department of Transportation

Julie Duckstad is a Real Estate Attorney in the Legal, Direct Purchase and Property Management unit in MnDOT's Office of Land Management. In this position, she is

responsible for implementing the title services program and providing state-wide assistance to MnDOT in securing good and marketable titles to real estate MnDOT acquires. Prior to MnDOT, Julie worked in private practice, where she focused on real estate and environmental matters, involving corporate and real estate transactions, including purchase and sale, sale-leaseback, ground leases, contracts for deed, and land development. She received her B.A. Degree from Colorado College and J.D. from Mitchell Hamline School of Law. She is licensed to practice law in the state of Minnesota.

Danielle Holder – Minnesota Department of Transportation

Ms. Holder is the advising attorney of the MnDOT Metro District Right of Way office. She has been in this position since 2009. Danielle's duties include advising on the acquisition of real estate by direct purchase, managing the preparation of title opinions for MnDOT's Metro District, and advising the department on various legal issues, including title matters, property management, and other legal matters. Prior to working in the Metro District, Danielle worked in the MnDOT Office of Land Management. In this position, her duties included examining land titles, determining current interest holders, and drafting the proper instruments of conveyance so that the MnDOT could acquire marketable titles. She received her Juris Doctorate from Hamline School of Law in 2000 and is licensed to practice law in the State of Minnesota.

Bridget Jacobson – Minnesota Department of Transportation

Bridget has been a licensed Realtor in MN since 2003 and a Broker since 2013. In 2010 she entered state service as a Realty Specialist coordinating MN DNR acquisition, sales, and exchange closings. In 2013 she transferred to MnDOT Metro District as a Real Estate Representative focusing on Field Title Reports, Direct Purchase Negotiations, and Relocation. She moved into her current position in 2019, at MnDOT Office of Land Management as a Real Estate Specialist, serving as the lead in the Direct Purchase and Closing Unit.

FIELD WALK

Presented by **David Hanson & Chris Smith**

This outdoor session will focus on the identifying trees, shrubs, and herbaceous plants as curiosity dictates. There will be a discussion of assessment characteristics including, architectural form, landscape placement, tree size, and species ratings for Minnesota. Other important topics may include recognizing potentially higher risk trees, such as looking for decay in trees, poor structure, mechanical and or storm damage. Learn about the many factors that go into landscape valuation and view practical examples of landscaping considerations when doing property appraisals.

David Hanson – Minnesota Department of Transportation, Office of Environmental Stewardship

Dave works in MnDOT's Office of Environmental Stewardship. He completed a Bachelor of Science Degree, from the University of Minnesota, in Assessment and Modeling of Natural Resources, followed by a Master's Degree focusing on Urban and Community Forestry. As an ISA Certified Arborist and Urban Forester at the University of Minnesota, Dave taught plant identification skills to ISA Certified Arborists, Master Gardeners, Municipal Employees, and anyone else listening, including CCM crews and a classroom full of dendrology students. Now, as a Vegetation Management Specialist with MnDOT, he still teaches identification and management skills while honing his own skills daily – on questions from every corner of Minnesota.

Chris Smith – Minnesota Department of Transportation, Office of Environmental Stewardship

Chris works in MnDOT's Office of Environmental Stewardship and surveys as the agency's wildlife ecologist. He has a Bachelor of Science Degree from the University of Minnesota in Fisheries and Wildlife Management and a Master of Science Degree in Conservation Biology with a minor in Entomology. Chris is a certified wildlife biologist by The Wildlife Society and has worked for MnDOT for about 5 ½ years. Prior to coming to MnDOT, he worked for the Minnesota Department of Natural Resources in the Nongame Wildlife Program, where his work focused on the conservation of amphibians, reptiles, and insects. Chris is a public servant that brings with him a passion for fish and wildlife conservation and regulatory expertise that helps MnDOT meet or exceed requirements of regulating agencies on behalf of all Minnesotans.

FIXTURES – IMPACTS ON ACQUISITIONS & RELOCATIONS

Presented by **Igor Lenzner**

This session will explore how fixtures fit into the acquisition and relocation analysis. The session will attempt to answer: (1) what are fixtures? (2) How are "trade fixtures" different? (3) purchase or move? (4) value? The session will use a hypothetical situation where we will first try to identify and classify fixtures, address ownership, and the impacts ownership has on categorization, purchase vs. relocation, and valuation considerations in light of purchase or relocation.

Igor Lenzner – Rinke-Noonan Law Firm

Igor Lenzner is an owner with Rinke Noonan. His practice focuses on providing strategic advice to property owners, businesses, and public agencies regarding real estate matters, including condemnation and relocation. Over the past 25 plus years, Igor has represented numerous counties, cities, and development authorities in property acquisition, relocation, and condemnation matters. His work for government entities and private individuals has involved road right of way, utilities, government buildings, and flood control projects.

HIGHWAY 14 EXPANSION RIGHT OF WAY PROCESS

Presented by **Benjamin Barker and Tory Thompson**

This presentation will describe the turnkey right of way process that was used for the Highway 14 Expansion Design-Build project. The project location is a 12.5 mile segment between Owatonna and Dodge Center. The project is expanding an existing two-lane section of Highway 14, completing a continuous four-lane Highway from Mankato to Rochester. The four-lane expansion is using a completely new alignment which required extensive right of way acquisition and new highway plats. During this presentation there will be a discussion of the right of way process for rural residential and agricultural properties, including the impacts of the project. We will identify lessons learned to allow for innovations and final design flexibility on design-build projects that can be implemented in the right of way process. There will also be a detailed discussion on two parcels; information will be given on the parcel sketches, title information, appraisal valuations, direct purchases, and eminent domain process. The presentation will close by sharing before construction aerial photos from 2019 and drone photos taken during construction in 2021.

Benjamin Barker – WSB & Associates, Inc.

Ben Barker has been in the Right of Way industry for 12 years specializing in acquisition and relocation. He is a Senior Right of Way Specialist with WSB and manages multiple complex projects and initiatives to meet business and clients' needs. Ben is experienced in land rights for government entities, renewable energy companies, and utility companies. He is a member of the International Right of Way Association and served on the Executive Board for Chapter 20 from July 2016 to June 2021. Ben has his SR/WA designation as well as R/W-NAC (negotiation) and R/W-RAC (relocation) certifications through the IRWA.

Tory Thompson – Minnesota Department of Transportation

A Civil Engineer Graduate of Iowa State University, Tory started with MnDOT in 2008. Since 2010 Alternative Delivery projects have been a niche for Tory working on the projects in all phases, managing the projects during procurement, and following letting in construction. She has worked on over 5 Alternative Delivery projects in MnDOT's District 6, including the MnDOT's First CMGC Project – The Winona Bridge Project. She is currently managing the Hwy 14 Expansion Design-Build Project and the Hwy 52 Zumbrota to Cannon Falls Design-Build Project.

HOMELESS ENCAMPMENTS ON THE RIGHT OF WAY

Presented by **Kristie Billiar & Samantha Juneau**

As the number of people experiencing homelessness continues to increase, the use of MnDOT right of way for encampment sites has also grown. This session will provide an overview of MnDOT's approach to encampments on its right of way, including a discussion of the procedures used by MnDOT to evaluate the response to an encampment site and the coordination between MnDOT, local governments, and service providers to develop and execute the response. The session also includes a discussion of the legal implications surrounding homeless encampments on public right of way, including the constitutional implications of due process (notice), seizure of possessions, and the criminalization of homelessness.

Kristie Billiar – Minnesota Department of Transportation

Kristie has been with MnDOT for 22 years. She started with the agency in 1997 with bike and pedestrian section providing direction on pedestrian designs and many aspects of bike designs and developed first Safe Routes to School Programs during her 11 years in the Office. In 2009 Kristie took on the development of MnDOT's first ADA Transition Plan and the implementation of the policy framework for providing accessibility. More recently, Kristie has provided support and direction for MnDOT's response to homelessness, acting as the agency liaison for the statewide plan and local partners, finalizing internal policy and operating norms, and providing direction on closures during COVID-19. Kristie graduated from Hobart and William Smith, Geneva, NY in 1996 with a BA in History.

Samantha K. Juneau, Esq. – Minnesota Department of Transportation

Samantha Juneau is the Deputy Chief Counsel – Legal Services in the MnDOT Office of Chief Counsel. In this position, she coordinates with the Attorney General's Office regarding MnDOT litigation matters and advises MnDOT in the areas of data practices, records management, and other legal issues. Samantha was previously the Supervising Attorney of the Legal, Direct Purchase and Property Management unit in the MnDOT Office of Land Management. In this position, her duties included managing the acquisition of real estate by condemnation and direct purchase, managing the preparation of title

opinions for the land MnDOT acquires, and advising the department on various legal issues. Prior to MnDOT, Samantha was an Assistant Attorney General with the Minnesota Attorney General's office. In this position, her duties included real property litigation, examining land titles, and drafting the proper instruments of conveyance so that the DNR acquired marketable title to the land it acquired. Samantha also advised various state agencies in real estate matters and represented those agencies in quiet title actions and Torrens registrations. She received her Juris Doctorate cum laude from William Mitchell College of Law in 1995 and is licensed to practice law in the state of Minnesota.

LOSS OF GOING CONCERN & MINIMUM COMPENSATION

Presented by **Jeff Thompson**

During this session, there will be an examination of claims for loss of going concern and minimum compensation through a case study of a parcel in Worthington, MN where an owner claimed approximately \$1.25 million of damages through Minnesota Statutes sections 117.186 (loss of going concern) and 117.187 temporary easement. Claiming that it was impossible to continue to use its historical landmark building for temporary hog storage after the taking, the owner brought vacant land and constructed a new facility a couple of miles north of town. The owner sought compensation from MnDOT to pay for the new site plus much more. MnDOT opposed these claims before the condemnation commissioners and before the district court.

Jeff Thompson – MN Assistant Attorney General

Jeff Thompson joined the Minnesota Attorney General's Office in February 2000. He primarily represents the Minnesota Department of Transportation and the Minnesota Department of Military Affairs on issues such as condemnation, contract disputes, procurement, and equal contracting opportunity. Prior to joining the Attorney General's Office, Mr. Thompson was an Assistant County Attorney for Kandiyohi County, where he served as a prosecutor. He has also worked in private practice in the area of family law. Mr. Thompson received a BA degree from the University of Minnesota-Morris and a JD degree from the Drake University School of Law.

NEGOTIATIONS/COMMUNICATIONS

Presented by **Penny Rolf**

All of us need a little help in our methods of communication, and with technology. It is even more important to make sure that the message we are relaying is received in the way we intend. This session will be a help to beginner right of way agents and be a refresher for the "seasoned professional" agent, appraiser, and attorney. You will be given tips on how to communicate and negotiate with the owners as both an appraiser and right of way agent. We will review how to create a first impression with a property owner's visit that will result in a relationship of trust that will continue from the beginning of the project through settlement. Attendees will participate in case studies and communication/negotiation exercises as part of this session to keep everyone engaged and hear tips from other professionals.

Penny Rolf – WSB & Associates, Inc.

Penny Rolf is the Director of Right of Way at WSB & Associates in their Minneapolis office managing 12 staff who are located in MN, ND, and Texas. She has over 29 years of experience in real estate and has been the project manager for multiple acquisition

and relocation projects. During the past 21 years, Penny has been exclusively devoting her time to acquiring right of way and providing relocation assistance on numerous projects for utility companies, counties, cities, MnDOT, ND, and WisDOT. She has been active in the International Right of Way Association serving in all the ces at the chapter and region level. Penny is a licensed real estate broker in MN, ND, SD, and Iowa.

PROTECTED SPECIES & THEIR HABITATS

Presented by **David Hanson & Chris Smith**

During this session, there will be a discussion on the rules and regulations related to fish, wildlife, and plants with regard to buying and selling lands with protected species. We will discuss who creates the list of state threatened, endangered species of concern or watchlist vascular plants. These may be things you have never considered, and MnDOT's Office of Environmental Stewardship is here to answer your questions or concerns in this area.

David Hanson – Minnesota Department of Transportation, Office of Environmental Stewardship

Dave works in MnDOT's Office of Environmental Stewardship. He completed a Bachelor of Science Degree, from the University of Minnesota, in Assessment and Modeling of Natural Resources, followed by a Master's Degree focusing on Urban and Community Forestry. As an ISA Certified Arborist and Urban Forester at the University of Minnesota, Dave taught plant identification skills to ISA Certified Arborists, Master Gardeners, Municipal Employees, and anyone else listening, including CCM crews and a classroom full of dendrology students. Now, as a Vegetation Management Specialist with MnDOT, he still teaches identification and management skills while honing his own skills daily – on questions from every corner of Minnesota.

Chris Smith – Minnesota Department of Transportation, Office of Environmental Stewardship

Chris works in MnDOT's Office of Environmental Stewardship and surveys as the agency's wildlife ecologist. He has a Bachelor of Science Degree from the University of Minnesota in Fisheries and Wildlife Management and a Master of Science Degree in Conservation Biology with a minor in Entomology. Chris is a certified wildlife biologist by The Wildlife Society and has worked for MnDOT for about 5 ½ years. Prior to coming to MnDOT, he worked for the Minnesota Department of Natural Resources in the Nongame Wildlife Program, where his work focused on the conservation of amphibians, reptiles, and insects. Chris is a public servant that brings with him a passion for fish and wildlife conservation and regulatory expertise that helps MnDOT meet or exceed requirements of regulating agencies on behalf of all Minnesotans.

RESPONSIBILITIES FOR BOUNDARY EVIDENCE PRESERVATION

Presented by **Sam Gibson**

The fundamental issue with this topic is the acquisition of land and its importance to the landowner that accurate boundary corners are defined. These boundary corners are important to the appraiser as well as they assess the land in the acquisition process.

The obligation to preserve PLSS monuments and other direct evidence of boundary location on highway projects is clearly charged in State Statute and Policies to the road authority. However, the application of these requirements is subjected to diverse interpretations by various entities. Further confusion is often introduced through the devolution of responsibilities presented by the use of a variety of consultants, contractors, and subcontractors on many projects.

This presentation will review the statute and policy requirements for the preservation of boundary evidence. The presenter will use examples from his own experience to illustrate concepts and situations that may require special attention.

Sam Gibson – County Surveyor, Washington County, MN

Sam Gibson PLS, received his initial instruction in surveying at the Inter-Service Engineering School at Fort Leonard Wood, Missouri. He received an Associate's Degree in Construction Technology from the Community College of the Air Force and his Bachelor's Degree from the University of Northern Iowa.

He has held a variety of surveying positions in Iowa and Minnesota in both the private and public sectors. He was licensed as a Land Surveyor in the State of Minnesota in 2006. He spent 12 years as Chief Surveyor for the City of Saint Paul, leading the St Paul Public Works, Survey, and GIS Division from 2016 to 2019. Sam is an adjunct instructor in Land Surveying for Dakota County Technical College and was appointed as Washington County Surveyor in October 2019.

ROLLING THE DICE – LIABILITY RISKS IN CONDEMNATION APPRAISING

Presented by **Byron Miller**

Condemnation assignments carry a high risk. The level of scrutiny in a condemnation assignment is much greater than that which occurs in other valuation areas such as mortgage lending. Every word is a potential minefield that is scrutinized and may be used in litigation if there is a challenge from the property owner. Thus, it's important to have a general understanding of the risks and how to avoid them.

This session provides useful information for eminent domain real estate practitioners and focuses on expert witness testimony. The session starts with a discussion of the myths of condemnation liability. We'll then talk about common errors made in all appraiser liability cases. Elements of condemnation legal claims are examined. Witness immunity and, when applicable, will also be discussed. The session rounds off with some examples, as well as how to avoid being a defendant. This session provides attendees with vital information to avoid becoming a liability.

Byron Miller – Byron Miller Appraisals

Byron Miller, SRA, AI-RRS, RRA, MSSE, is a certified residential appraiser licensed in Minnesota and Wisconsin. He is the owner and principal appraiser of BM Appraisals in Minneapolis, Minnesota. His firm specializes in valuation services for consulting, divorce, estate, litigation, relocation, and right of way. This is Byron's second act, which is a profession of choice. He spent his first act as a firmware engineer/manager for several fortune 500 companies. His appraisal interest started in 1986 when he watched an appraiser appraise his home. However, life got in the way, and he didn't consummate his passion for the valuation profession until 2001.

Byron has gained a reputation for valuing complex properties. He has experience with agricultural, lakefront, multi-unit, and upper bracket properties. Additionally, Byron has performed valuation assignments/ reviews for attorneys, eminent domain, estates, and lenders. He is also an instructor, course developer, author, and an eminent domain county commissioner. Byron has an intense passion for appraising and helping others. This passion manifests itself in the form of continual self-improvement through education, instruction, and mentoring. Byron earned his BA, with a focus in Computer Science in 1987 and an MS in Software Engineering from the University of St. Thomas, in 1996.

USING EARLY PLANNING TO REDUCE CONDEMNATION LITIGATION

Presented by **Louis Robards**

Planning and designing a road project requires coordination with a number of stakeholders such as municipalities, environmental agencies, utilities, citizen groups, as well as property owners. This presentation will address why a condemning authority should include acquisition, appraisal, and legal input early in the design process to identify potential issues, avoid unnecessary damages, and communicate openly and accurately with property owners to facilitate acquisitions and reduce litigation.

Louis Robards – Assistant Hennepin County Attorney

Louis is presently an Assistant Hennepin County Attorney representing the County in condemnation cases. He previously was an Assistant Minnesota Attorney General representing MnDOT in condemnation cases throughout the state. He has been involved in numerous condemnation commission hearings, jury trials and has argued cases in the Minnesota Court of Appeals and the Minnesota Supreme Court. Louis is a graduate of the University of Minnesota Law School.

WHO OWNS THE ROAD?

Presented by **Samantha Juneau**

This session will discuss the various types of streets and the legal interests held by road authorities in those streets. This session will also cover ownership of underlying fee, the centerline rule, and exceptions, calls to the road in a legal description, the creation and termination of streets, and the Marketable Title Act.

Samantha K. Juneau, Esq. – Minnesota Department of Transportation

Samantha Juneau is the Deputy Chief Counsel – Legal Services in the MnDOT Office of Chief Counsel. In this position, she coordinates with the Attorney General's Office regarding MnDOT litigation matters and advises MnDOT in the areas of data practices, records management, and other legal issues. Samantha was previously the Supervising Attorney of the Legal, Direct Purchase and Property Management unit in the MnDOT Office of Land Management. In this position, her duties included managing the acquisition of real estate by condemnation and direct purchase, managing the preparation of title opinions for the land MnDOT acquires, and advising the department on various legal issues. Prior to MnDOT, Samantha was an Assistant Attorney General with the Minnesota Attorney General's office. In this position, her duties included real property litigation, examining land titles, and drafting the proper instruments of conveyance so that the DNR acquired marketable title to the land it acquired. Samantha also advised various state agencies in real estate matters and represented those agencies in quiet title actions

and Torrens registrations. She received her Juris Doctorate cum laude from William Mitchell College of Law in 1995 and is licensed to practice law in the state of Minnesota.

Workshop Vendors

KLJ Right-Of-Way Services

Your Land Acquisition Liaison

Building relationships is a critical part of the right-of-way and overall land management process. Asking the right questions, establishing an understanding, and gaining trust helps land and property acquisitions stay on course. We help communicate the project and its benefits, build consensus, and ease the negotiation process. We're excited to be back at the MnDOT Land Management Workshop in 2021!

Negotiations and Acquisitions

KLJ is composed of experienced project managers and negotiators who are dedicated to building relationships and finding a solution that is best for everyone. Our experience in right-of-way land acquisition and land rights management, as well as our strength in negotiations, enables us to manage your project's right-of-way needs.

- Permission to Survey
- Landowner Database Management
- Land Acquisition Research
- Land Sales Analysis
- Obtaining Land Rights
- Easement Options
- Obtaining Fee Right-of-Way
- Condemnation Support

Relocation Support

Should a landowner need to be relocated during your project, we make sure that the displaced are treated fairly with our knowledge and emphasis on positive relationships. We are experienced in working with residential and business displaced while adhering to the Federal Highway Administration's (FHWA) Uniform Act.

Surface Title Research

Dependent on the project needs, we can conduct differing searches for a project, or coordinate title research and abstract updates through a third party.

Landowner Liaison

Communication throughout the process is essential to developing positive rapport early in the ROW process.

Permitting

Our team is accustomed to working with clients, landowners, and developers to obtain the appropriate permits. With our experience, we ensure your project goes smoothly, and that all parties are treated fairly and with respect.

Siting

Our professionals work to avoid any land issues that may affect the location of your project by researching ownership, encumbrances, and land rights.

All the Services You Need, When You Need Them

At KLJ, we know that projects often require multiple services to get across the finish line, including some you didn't think you needed at the starting line. That's why we offer a variety of services, with environmental, cultural resources, survey, and funding experts on staff to make sure you have a partner you can trust with all your engineering needs. It's

just one way we provide an exceptional customer experience throughout the duration of your project and beyond.

For more information, please contact:

KLJ Headquarters
4585 Coleman Street
Bismarck, ND 58503-0431
Phone: 1 800 213 3860

HDR Engineering, Inc.

Together, anything is possible.

As an integrated firm, HDR provides a full spectrum of engineering, architecture, planning, and real estate / right of way services for our clients. Our staff of 10,000 professionals represent hundreds of disciplines working in more than 200 locations worldwide. We partner on unified teams to provide solutions beyond the scope of traditional consulting firms. HDR is consistently ranked among the top consulting firms by leading industry publications, including *Engineering News-Record* and *Architectural Record*.

At HDR we create an unshakable foundation for progress because our multidisciplinary teams include engineers, designers, real estate and right of way agents, environmental scientists, economists, builders, and analysts. Understanding and obtaining property rights is a critical path and component of projects and we'll partner with you to do it right. We have full-time, professional staff ready to provide a full suite of real estate and right of way services to achieve project milestones. Our focus is on quality, efficiency and the development of positive long-term relationships between the client and landowners. We act as your advocate while also being sensitive to the particular concerns of property owners and occupants.

For more information, please contact: Lee W. Kaffar, Associate, HDR Engineering, Utica Ave. S., Suite 600, Minneapolis, MN 55416. Lee.Kaffar@hdrinc.com or 605.782.8121.

Henning Professional Services, Inc.

Right of Way Acquisition Consultant

Henning Professional Services, Inc. provides right of way acquisition services to state and local agencies such as MnDOT, municipalities, counties, and other public agencies throughout the State of Minnesota. Services include Project Scoping, Field Title Investigation, Minimum Damage Acquisition Reports, Purchase Offers, and Negotiation and Settlement. Turnkey right of way services are also offered through teaming with abstractors, appraisers, surveyors, and environmental firms. Our reputation to successfully provide fast track acquisition services, including coordination with numerous stakeholders and multiple consulting firms to meet tight project deadlines, is known throughout the industry.

Sonya Henning, PE, has more than 25 years of experience and is the president of Henning Professional Services, Inc. Her licensures in civil engineering and as a real estate broker allow her to provide valuable project input from scoping through construction as well as the ability to communicate project needs and construction details to landowners. She and her staff have extensive experience meeting the various

requirements outlined for a variety of funding including local, state, federal funds, and grants.

CLASSIFICATIONS

- Certified Disadvantaged Business Enterprise (DBE) through the Minnesota Unified Certification Program (MNUCP)
- Certified Small and Woman Business Enterprise (S/WBE) with the Central Certification (CERT) Program
- Certified Targeted Group Small Business by the Minnesota Department of Administration
- City of Minneapolis SUBP Certified (Small and Underutilized Business Program)
- Licensed Real Estate Company – Minnesota
- Pre-Qualified with the Minnesota Department of Transportation
 - Work Type 8.1 – Direct Purchase
 - Work Type 8.3 – Field Title Investigation

MEMBER

- IRWA - International Right of Way Association
- MSES - Minnesota Society of Engineers and Surveyors
- APWA - American Public Works Association
- ESSP - Engineering Society of St. Paul
- ITE – Institute of Transportation Engineers

For more information, please contact:

Sonya A. Henning, PE
President and Right of Way Specialist
Henning Professional Services, Inc.
P.O. Box 25376, Woodbury, MN 55125
651-955-5594
shenning@henningprofessionalservices.com
www.henningprofessionalservices.com

Minnesota Department of Transportation – Land Information System and Right of Way Mapping Unit

The **Land Information System and Right of Way Mapping Unit** coordinates with statewide district offices and Central Office groups to finalize the development, maintenance, and delivery of MnDOT's right of way maps. The right of way map is an index to the official documents and other records associated with the acquisition, disposal, and administration of the highway right of way.

Representatives from this unit will be available during session breaks to provide you with information and answer your questions regarding the different products and services available:

- Using website applications to find and view right of way maps:
 - Right of Way Mapping & Monitoring (RWMM)
 - eDOCS
- Downloading and printing of maps
- Accessing railroad valuation maps and railroad station plat maps

- Finding MnDOT's Public Land Survey data in eDOCS
- GIS right of way boundary and preview upcoming GIS developments
- Using web-based tools for accessing other map resources including construction plans, right of way plats, monumentation plats, and commissioner orders

For questions regarding right of way maps and their access contact:

Jose Aguilar at Jose.Aguilar@state.mn.us

Minnesota Department of Transportation – Recruitment Office

At the Minnesota Department of Transportation, we strive to find talented employees with innovative ideas to advance Minnesota's nationally recognized transportation system. We endeavor to build the best team in the transportation industry and to ensure that Minnesota thrives with a safe, sustainable and leading-edge transportation system. Please stop by our display to find out more about what MnDOT has to offer or contact us at jobs.dot@state.mn.us or 612-257-2388.

SRF Consulting Group, Inc.

SRF Consulting Group specializes in working with public sector agencies, including the Minnesota Department of Transportation, counties, and municipalities. We offer right of way and relocation services, engineering, landscape architecture and site development for infrastructure and transportation projects.

Complementing our full-service engineering capabilities, SRF's Real Estate Group offers comprehensive real estate services for transportation and infrastructure projects. We provide a full range of services required for acquisitions, including:

- Negotiations
- Relocation assistance
- Document preparation for offers and conveyance
- Title research
- Appraisals and review appraisals
- GIS property information services
- Field surveys and parcel sketches
- Legal descriptions
- Condemnation assistance
- Damage settlements
- Eminent domain assistance

For more information about SRF, please contact:

Ken Helvey, Principal, SRF Consulting Group, Inc.

khelvey@srfconsulting.com OR www.srfconsulting.com

Phone: 763-249-6785

Main Phone: 763-475-0010

3701 Wayzata Blvd., Suite 100

Minneapolis, MN 55416

Ulteig Engineers, Inc.

Founded in 1944, Ulteig delivers comprehensive design, project management and technical & field services that strengthen infrastructure vital to everyday life, to public and private clients across the nation.

Ulteig's Land Services professionals combine the practices of right of way acquisition, land surveying, and geographic information systems (GIS) to deliver successful outcomes. Ulteig's experienced professionals deliver site acquisition and right-of-way services for a wide range of projects, including transportation, large-scale electric transmission and pipeline corridors, municipal infrastructure, and wind and solar projects.

Ulteig has offices located in Detroit Lakes and St. Paul, MN; Fargo, Bismarck, and Williston, ND; Sioux Falls, SD; Denver, CO; Billings, MT, Cedar Rapids, IA and Austin, TX.

Permitting/Routing

Ulteig has the expertise and capabilities to secure all of your project's permitting needs and perform site and routing studies.

- Routing (route planning, site research, site qualification, GIS modeling, mapping and public outreach)
- Permitting (state, county, township, local, municipal and railroad)
- Right-of-way research

Title Research

Our experienced staff researches, identifies, and creates land ownership portfolios.

- Courthouse research
- Tax information
- Plats
- Right-of-way maps
- Special considerations
- Landowner database
- Title searches
- Deeds and encumbrance procurement
- Surveys
- Aerial/GIS ownership maps

Acquisition

Ulteig's experienced real estate professionals diligently pursue and acquire the land rights required to build your project:

- Negotiations of all types
- Land value analysis
- Legal Descriptions
- Exhibits
- Special considerations
- W-9
- Project Management
- Damage Settlements
- Public information meeting
- Land appraisals
- Document preparation
- Recordation
- Memorandum of agreement
- Communication records
- Options to purchase

For more information, please contact:

Lisa Brekkestran

lisa.brekkestran@ulteig.com

701-280-8518 – Office

701-799-7335 – Cell Phone

WSB & Associates, Inc.

WSB is a design and consulting firm specializing in engineering, community planning, environmental, and construction services. Our staff of over 550 improve the way people engage with communities, transportation, infrastructure, energy and our environment. We offer services in over 30 complementary areas that seamlessly integrate planning, design

and implementation. Our coast-to-coast client base is served from 15 offices in five states.

We share a vision to connect your dreams for tomorrow to the needs of today—the future is ours for the making.

Our right of way services include:

- Project scoping and cost estimates
- Project management, meetings, presentations
- Project/parcel setup
- Title research assistance
- Field title reports
- Legal descriptions, parcel sketches
- Survey staking, right of way plats
- Acquisition
- Relocation – commercial and residential properties
- Federal/MnDOT Audit (R/W Certificate #1)
- Eminent domain assistance
- Right of entry
- Corridor preservation

WSB is prequalified by MnDOT in the following right of way work types and related services:

- | | |
|--|-------------------------------|
| 8.1 – Direct Purchase | 9.4 – Design/Location Surveys |
| 8.2 – Relocation Assistance
Level 1 and Level 2 | 9.5 – Right of Way Surveys |
| 8.3 – Field Title Investigation | 9.6 – Land Surveys |
| 9.3 – Production of Right of Way Plats | 11.3 – Construction Surveying |

For inquiries on any of your right of way questions, please contact:

Penny Rolf – Director of Right of Way, prolf@webeng.com or call: 763-231-4868

WORKSHOP MEALS MENU

BREAKFAST BUFFET (Marina Dining Room):

Thursday, Sept. 30 and Friday Oct. 1 (at 6:30AM)

LUNCH (Minnesota Dining Room):

Wednesday, Sept. 29 (12pm) – “Build Your Own” Deli Sandwich & Soup

Thursday, Sept. 30 (11:30am) – “Italian Buffet”

DINNER (Lakeside Dining Room):

*Wednesday, Sept. 29 (6:30pm):
(BBQ Ribs & Tom Turkey & Dressing)*

*Thursday, Sept. 30 Dinner – **YOU ARE ON YOUR OWN!**
(Check out Breezy Point’s Marina Restaurant and Bar)*

WEBSITE ADDRESSES OF INTEREST

Minnesota Department of Transportation, Office of Land Management – <http://www.dot.state.mn.us/landmanagement/>

The Minnesota Secretary of State – <http://www.sos.state.mn.us/>

Minnesota Department of Commerce – <https://mn.gov/commerce/>

Minnesota State Board of CLE – <https://www.cle.mn.gov/>

Minnesota State Bar Association - <http://www.mnbar.org/>

The Minnesota State Legislature – <http://www.leg.state.mn.us/>

National Highway Institute – <https://www.nhi.fhwa.dot.gov/>

International Right of Way Association – <http://www.irwaonline.org>

Federal Highway Administration – <https://highways.dot.gov/>

Appraisal Institute – <http://www.appraisalinstitute.org/>

Kaplan Professional School – <http://www.kaplan.com>

Pearson VUE Uniform Licensing System for E-Government (Pulse Portal) – <https://www.pulseportal.com/>



WORKSHOP NOTES