

The Utah Land Use Institute's

EMINENT DOMAIN SEMINAR 2012:

How to Determine
Just Compensation



Wednesday, February 22, 2012
Utah Bar Law and Justice Center
645 South 200 East
Salt Lake City, Utah, 84111

Continuing Education Credits for:
Attorneys, Real Estate, and Appraisers

Presented in Association with the
Utah Land Use Institute
Real Property Section, Utah State Bar
Utah League of Cities and Towns
Utah Association of Realtors
Utah Chapter, American Planning Association
Home Builders of Utah

(801) 675-6955 www.utahlanduse.org

Eminent Domain Valuations

The question of “What’s my property worth?” has always been at the forefront of Eminent Domain issues. Government agencies rely on accurate appraisals to determine the feasibility and scope of projects.

Recent changes in Utah Eminent Domain Law will dramatically affect the methods used by appraisers to value condemned properties. The Utah Supreme Court significantly altered the valuation process in October 2011 with the *Admiral Beverage* decision.

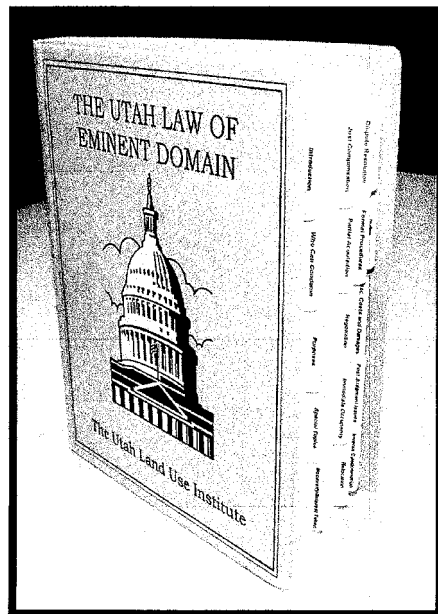
In this Eminent Domain Seminar we have sought to include as presenters the most influential and knowledgeable individuals in Utah’s appraisal industry. Participants will be instructed by MAI designated appraisers, right of way managers from our leading agencies, and prominent attorneys.

Topics of discussion include changes in Utah law and what effect they will have on appraisals, including appropriate methods for determining just compensation and the calculations used to value partial takes and acquisitions. Discussions will also include payment for improvements and determining gains and losses created by the construction of projects both on and off the condemned property.

Participants who already have the Utah Eminent Domain Handbook will receive the updates for 2012 and those who do not have the book will have the option of purchasing one with their registration.

Plan on joining us! Call Jon at 801-675-6955 with questions.

The Utah Law of Eminent Domain 2012



The essential handbook for any individual involved with Eminent Domain in Utah. The book is based on a comprehensive review of Utah statutes and controlling case law, including the latest cases and legislation. This volume has the necessary information for any individual to quickly reference the law, and also includes checklists which will assist the user in managing the eminent domain process. Available at reduced cost to seminar registrants.

Also available for sale at
www.utahlanduse.org

Conference Schedule and Topics

Speakers may change due to unforeseen circumstances

Appraising Just Compensation: *Eminent Domain Valuation in Utah*

Utah Land Use Institute Seminar

Wednesday, February 22, 2012

Law and Justice Center – 645 S. 200 E., Salt Lake City

8:30 **Continental Breakfast**

9:00 **Welcome and Thanks to Sponsors**

9:05 **Overview of Valuation Issues**

Orientation to the separate calculations that are involved in determining Just Compensation. Analysis of the recent *Admiral Beverage* case and how it will influence eminent domain valuation.

Craig Call, *Attorney; Author, Utah Law of Eminent Domain*

9:45 **Panel : From the Front Lines – Critical Issues in Valuation**

How will the *Admiral Beverage* case and other ongoing developments influence the process of land acquisition today? What are the most significant issues in valuation for agencies and property owners ?

Lyle McMillan, *Dir. Right of Way and Property Management, UDOT*;
Jeff Richards, *Asst. General Counsel, Rocky Mountain Power*;
Brent Bateman, *Lead Atty, Office of the Property Rights Ombudsman*;
Justin Matkin, *Attorney, Parr Brown Gee & Loveless.*

10:45 **Break**

11:00 **Valuation Issues – A Thorough Review**

The balance of the seminar will be an open discussion format with each topic introduced first by a seasoned appraiser, familiar with eminent domain valuation issues. The other instructors will then add comments and engage in a conversation with those attending about the topic to ensure that all aspects are covered and different perspectives discussed.

Phil Cook *MAI, CRE, JCP & Associates*
Troy Lunt *MAI, Integra Realty Resources*
Jon Cook *MAI, The Cook Group*

Partial Take vs. Total Take issues – topics common to both.

Date of valuation.

“Highest and Best Use”

- Legal or factual issue?
 - Separate inquiry.
 - Factors to consider in determining the HBU.
-

Conference Schedule and Topics—Continued

Speakers may change due to unforeseen circumstances

Project influence – definition of the “Project”.

Land use approvals – where legal permission for the HBU is not yet secured.

Speculative losses – loss of business goodwill.

12:30 **Lunch provided**

1:00 **The Partial Take**

The relevant parcel – the “Larger Parcel” or “Parcel as a Whole”

- Relevance of highest and best use issues.
- Necessity of defining the relevant parcel before further analysis.

“Before and After” test

- *Admiral Beverage Case* – consider *any* factor arising from the project?
- When nonconforming uses and structures result from the project.
- Proximity damages with roads and utilities.
- Offsetting benefits analysis.

2:30 **Break**

2:45 **Lost or damaged improvements.**

What qualifies for compensation.

- Landscaping.
- Structures.
- Defining real and personal property.

Unique issues for improvements

- Option – “Cost to Cure”.
- Contributory value vs. replacement cost.

Easements –

- Valuation of easements - are “rules of thumb” appropriate?
- Temporary easements/construction easements
- Slope easements
- Overhead, underground, and surface easements
- Easements across existing easements – surcharging an easement
- Unique issues for power lines – roads - canals – pipelines - municipal utilities

Other Issues – Additional Q&A

4:00 **Adjourn**

A comprehensive review of the basics of eminent domain valuation issues, lead by Utah’s leading professionals in the condemnation arena.

Check the Web for Other Programs

The Utah Land Use Institute offers a variety of seminars and conferences:

- **Utah Land Use Regulation:** 6 hour seminars on land use law by prominent attorneys, offered at various locations around the state.
- **Land Use Leadership Alliance:** 32 hour workshop for planners, civic leaders, and other land use professionals. As scheduled locally.
- **Impact Fees Seminar:** Legislative Update along with best practices April, 2012.
- **Annual Fall Conference:** Full day review of the key topics in the arena of land use law, October 2012

For more information and to verify dates, check our website:

www.utahlanduse.org

Professional Education Credit

This conference is a valuable opportunity to get the continuing education credit that is crucial to staying up to date in your profession. Not only is the program educational, but it satisfies mandatory professional education requirements for:

Lawyers **6 hours** pending approval from the Utah State Bar.
Real Estate **7 hours** approved by the Real Estate Division, Dept. of Commerce.
Appraisers **7 hours pending** approval by the Real Estate Division, Dept. of Commerce.

Check on line for the latest information at www.utahlanduse.org

Important Information

Location: The conference is being held at the **Utah Bar Law and Justice Center 645 South 200 East, Salt Lake City, UT 84111**

Time: Registration and continental breakfast will begin at 8:30 a.m. The conference runs from 9:00 a.m. to 4:00 p.m. with breaks and a presentation during lunch.

Food: A light breakfast and complimentary refreshments throughout the day as well as a sandwich luncheon are provided.

Registration: Walk-ins are welcome but pre-registration is encouraged since seating is limited to a first come first serve basis. Discounts are offered for early registration.

Mail: Detach or photocopy the registration form and mail with payment.

Scan: Scan the registration form and email to jcall@utahlanduse.org

Online: Visit www.utahlanduse.org for early payment and online registration.

For details, check online at www.utahlanduse.org or call (801) 675-6955.
You may also email any questions to Jon at jcall@utahlanduse.org.

DVD Recordings: We do not anticipate that the proceedings will be recorded. Please plan on being present to take advantage of the presentations.

Cancellation: Has your schedule changed? Substitute registrants may be named at any time, or check online to learn more about your cancellation options.

Register Early—Seating May Be Limited!

Register and pay online for early payment pricing by February 15, 2012.

In One Day, You'll Be Up-to-Date

Name _____ Title _____
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- Latest topics discussed by knowledgeable, articulate lawyers and appraisers with extensive professional eminent domain experience.
- A variety of continuing education credits.
- Networking opportunities with other professionals.
- Interdisciplinary conversations on engaging topics.
- A chance to join in vital conversations about the future of our communities.

For More Information, call Jon Call at 801-675-6955

Conference Registration
Early Registration (on or before 2/15)
 One registration \$195.00 *no book* \$ _____
 One registration \$225.00 *with book* \$ _____
 Two or more registrations from the same organization. \$175.00 *no book* \$ _____
 Two or more registrations from same organization. \$205.00 *with book* \$ _____

Regular registration (after 2/15)
 \$225.00 *no book*. \$ _____
 \$255.00 *with book*. \$ _____

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Eminent Domain Book

Participants who already have an Eminent Domain Book will receive the updates for 2012.

Participants who do not already have a copy have the option of purchasing one for an a special reduced cost available only to seminar registrants.

Convenient registration and payment online at www.utahlanduse.org

Copy this form and send with a check payable to the **Utah Land Use Institute. (Federal TIN 20-2308186)**

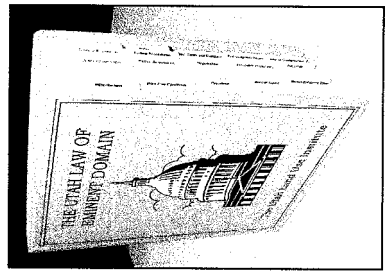
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