

BLUEGRASS BULLETIN

Winter 2024 Newsletter

Greetings, Chapter 25!

Since this is the last newsletter of 23-24, I'd like to start out by thanking each of you for your confidence in my leadership as the President of this chapter for 2023-2024.

As the Spring quickly approaches, so does our annual officer installation ceremony. If you are interested in being a part of the Chapter 25 board or committee chair, please reach out to Mike Penick, SR/WA or myself, and let us know. We would be more than happy to see some new faces being active and stepping up into some leadership positions.

We have our annual *R/W Day Symposium* scheduled for *Thursday, March 7th* (see details attached) in the works and we anticipate it will be an excellent opportunity to not only refresh your memory on some things but also LEARN some new stuff too.

If you are interested in obtaining the SRWA designation (and I highly recommend that you do!) please let us know so that we can get you on the path needed to achieve that designation; We can help you figure out which courses you need to take. We have members who have volunteered to help you throughout this process, so please take advantage of this opportunity. Travis Carmack, SR/WA is also available to help as PDC Chairman. Advisory assistance is FREE!

To that point, our education chair will be putting on additional courses this spring.

- *800 Principals of Real Estate Law, March 26-27th*
- *213 Conflict Management & Negotiations, March 28th*.

If you have never attended an annual conference, I would encourage you to do so. For those of you that have Continuing Education credits to obtain in order to maintain your designation, attendance to the conference would provide you with applicable credits.

The annual *IRWA Education Conference* is being held in Long Beach, California, *Sunday, June 23 – Wednesday, June 26th*.

Please go to our chapter website: www.irwa25.org for the latest information regarding upcoming courses, events and other bits of other information that can be useful to you.

Thank you,

Chad J. Catsinger, SR/WA

IRWA Chapter 25 President, 23-24

Here's our remaining schedule for this year:

Fri, Mar 1, 2024	QK4 (1:30)
Thurs, Mar 7, 2024	ROW Day, U of L Shelby Campus
Fri, Apr 12, 2024	BOD Meeting (online)
Fri, May 10, 2024	BOD Meeting at Malone's, Lexington
Fri, June 7, 2024	General Membership Meeting & Installation (location TBD)



Purpose

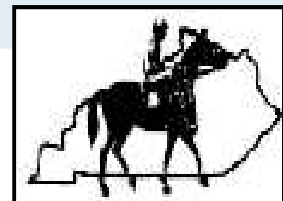
We improve people's quality of life through infrastructure development.

Mission

We empower professionals by elevating ethics, learning, and a standard of excellence within the global infrastructure real estate community.

www.irwa.org
www.irwaonline.org
www.irwaregion5.org

Disclaimer: The views and opinions expressed in this publication are those of the authors and do not necessarily reflect the official policy or position of the organization.



Education: Are you “Teachable”?

Mike Penick, SR/WA, 2023-2024 Education Chair

Have you ever gotten home at the end of your day at the office, dropped everything you are carrying, and plopped down in a chair or on your couch? Maybe you had a day where nothing you did seemed to be good enough for the people you work for. Perhaps you had those property owners who gave you an earful about things you just cannot control. It could also have been a day where everything started off slow, then got steady, and by the end of the day you ended up with ten times as many things on your desk before your day even began! Unfortunately, you can't scream for “Calgon to take you away”, because I've tried that and it never works. Also, I don't care what the State Farm jingle says; if they were such good neighbors, why didn't they “pop up” for me when I called them?



Here is the bottom line: YOU (and YOU ALONE) have to find the reward of whatever it is that you are doing! It is nice when we hear our employers thank us for the good work we have done, but most of the time we just have to high-five ourselves for the things that we do. In our line of work, doing the right thing is its own reward. Find the satisfaction within your own good work, and use it to your advantage.

It's so easy to become negative, because it is embedded in our nature. A lot of energy is required to be positive about the things that you do; the main reason for that is due to the amount of negativity that surrounds us all day. Don't believe me? Here's an exercise called “Take the Negativity Check Test.” How it works: the next time you are with a group (regardless of friends or family), or when you are in the office, grab a pen and paper and make two columns. Draw a POSITIVE column, and a NEGATIVE column. In each column, as you identify other persons, write down their initials according to your experience and/or interactions with them in the respective columns. For example, if you are walking around and try to avoid certain individuals or get a sense of dread as you approach them, list them in the NEGATIVE column. For those you do not avoid, and actually approach them with gladness and/or get good vibes, put them in the POSITIVE column. Take a look at your list at the end of your day, and compare/contrast the results. You might be surprised at how much energy you are being sapped of just to maintain a positive attitude! A good tip on starting your day: make sure you eat breakfast each morning to receive the energy needed to face each day; coffee is not enough. You burn calories with the simplest of tasks, like thinking or remembering.

Your attitude definitely reflects your willingness to learn. Most people who have negative attitudes are usually the ones who are “unteachable”. They're resistant to change, cause conflict, uncooperative, and are satisfied by remaining “where they are” in their lives; no growth or

(continued on page 3– Education: Are you “Teachable”?)

Education: Are you “Teachable”? continued from page 2

motivation initiatives! But those of you with a positive attitude are more open to change, willing to try to resolve conflicts, and are not satisfied where you are in your careers; you want growth!

So, now that we all agree that we are going to strive for a positive attitude, let’s take a look at education. Let us commit to learning as much as we can; STRIVE TO BE TEACHABLE! Be willing to learn something new or different, and add that to your resume’. If/when the opportunity to expand your knowledge becomes available to you, take it and study all that you can. Do not rest on your laurels; be willing to open your mind, listen, and LEARN.

As always, the Education Committee is here to sit down and talk to you individually about whatever courses you want (or need) in order to get you to your next level. Talk to me, Travis Carmack, Chad Cutsinger, or anyone on the Board of Directors if you need help, guidance, or encouragement. That’s why we’re here! --Mike Penick, SR/WA, Education Chair & Vice President (2023-2024)



2024 Spring Right-of-Way Workshop & Symposium
Thursday, March 7th, 2024, at 8:15am to 4:30pm
University of Louisville, Shelby Campus, Burhans Hall (Rm 207)
450 N. Whittington Pkwy, Lyndon, KY 40222

The Kentucky Bluegrass Chapter extends an invitation to you to attend our annual Right-of-Way Workshop & Symposium!

Cost is \$75.00 per attendee (lunch/coffee included)

Our chapter is pleased to have the following presenters cover the following topics (not in order):

Michael King: “The Return of Amtrak Services to Louisville”

Mr. King is the Director of Advanced Planning at Louisville Metro Gov't and is spearheading efforts to bring a much faster and reliable Amtrak service to the Louisville area than prior.

Jamey Cash, PE: “Reading Right of Way Plans and Cross Sections”

Mr. Cash is a KY registered professional engineer and certified project manager on right of way and engineering projects for Strand Associates. He has 20 years experience managing right of way ventures, mostly highway, sidewalk, and utility improvements.

Amy Ishmael: “The Challenges of Grave Relocations by Date of Internment”

Mrs. Ishmael is a Right of Way Program Specialist with KYTC focusing on grave relocation, demolition, and property surplus. She has been in Right of Way for 12 years, and with KYTC for 17 years; home base is Central Office in Frankfort, but physical office is Flemingsburg District 9.

Nic Braune & Calvin Andries: “How to Use Global Navigation Systems to Show Project Impacts to Property Owners”

Mr. Braune is an experienced GIS Training and Support Specialist with Precision Products, LLC., where he's been since 2017. He uses drone tech, computer and cellular apps to show how to use GPS/GNS areas on mapping. Calvin Andries is a NEPA Specialist at HW Lochner, having degrees in biology, wildlife mgt and a master's in forestry from UGA. He has experience in environmental for Illinois DOT.

LG&E/KU Legal Team: “Condemnation Actions, Landowner Objections, and Challenges to Avoid Legal Action”

*Joe Mandelehr, Attorney for LG&E
 Monica Braun, Attorney, Stoll Keenon Ogden (since 2009, lead counsel in eminent domain lawsuits)
 Paul Weis, Manager, Real Estate & Right of Way, LG&E/KU*

Adam Michaels: “Sackett vs. EPA: The Impact on Wetlands and Development”

Mr. Michaels is a Permit Specialist for KYTC Central Office and works with the US Army Corp of Engineers and the EPA on securing permits for projects.

And if we have not run out of time for the day:

Mike Penick: “Good Faith Negotiations on Right of Way Projects”

Mr. Penick is the Right of Way Manager for Louisville Metro Public Works, overseeing the acquisitions of parcels needed and ensuring compliance within the Uniform Act, with over 25 years experience in right of way acquisitions, negotiations, and real estate functions.

MAIL-IN REGISTRATION: Form is attached.

ONLINE REGISTRATION: <https://square.link/u/3gNmKAE4> or scan QR Code below



IRWA Bluegrass Chapter 25 is committed to education and providing learning opportunities to our members and friends as the chance arises. Bring a pen and pad, ask questions, and be a part of the program. Take advantage of this learning opportunity and make plans to attend!



Int'l Right of Way Assoc, Chapter 25

2024 Spring Right of Way Day & Symposium

Right of Way Topics: Engineering, Legal, Environmental, GIS/GPS, Grave Relocation
Location: U of L Shelby Campus, Burhans Hall--Room 207
440 N. Whittington Pkwy, Lyndon, KY 40222
Thursday, March 7th, 2024: lunch included

*Use one form if more than one attends from same company please.

1) Name _____ Title _____
 2) Name _____ Title _____
 3) Name _____ Title _____
 4) Name _____ Title _____
 5) Name _____ Title _____
 6) Name _____ Title _____

Company _____ Address _____
 City _____ State _____ Zip Code _____
 Phone _____ Fax _____ E-mail _____

Cost: \$75.00 per person

Fill in

Total Enclosed \$ _____

Registration Deadline:

make check/money order payable to:

None

IRWA Kentucky Chapter 25

And mail to:

JAMEY CASH, PE
STRAND ASSOCIATES
325 W. Main Street, Suite 710
Louisville, KY 40202

PREFER TO USE YOUR CREDIT CARD? Secure Link or QR Code Below!



Secured link below:

<https://square.link/u/3gNmKAE4>



Christmas Party 2023 at The Brown Hotel

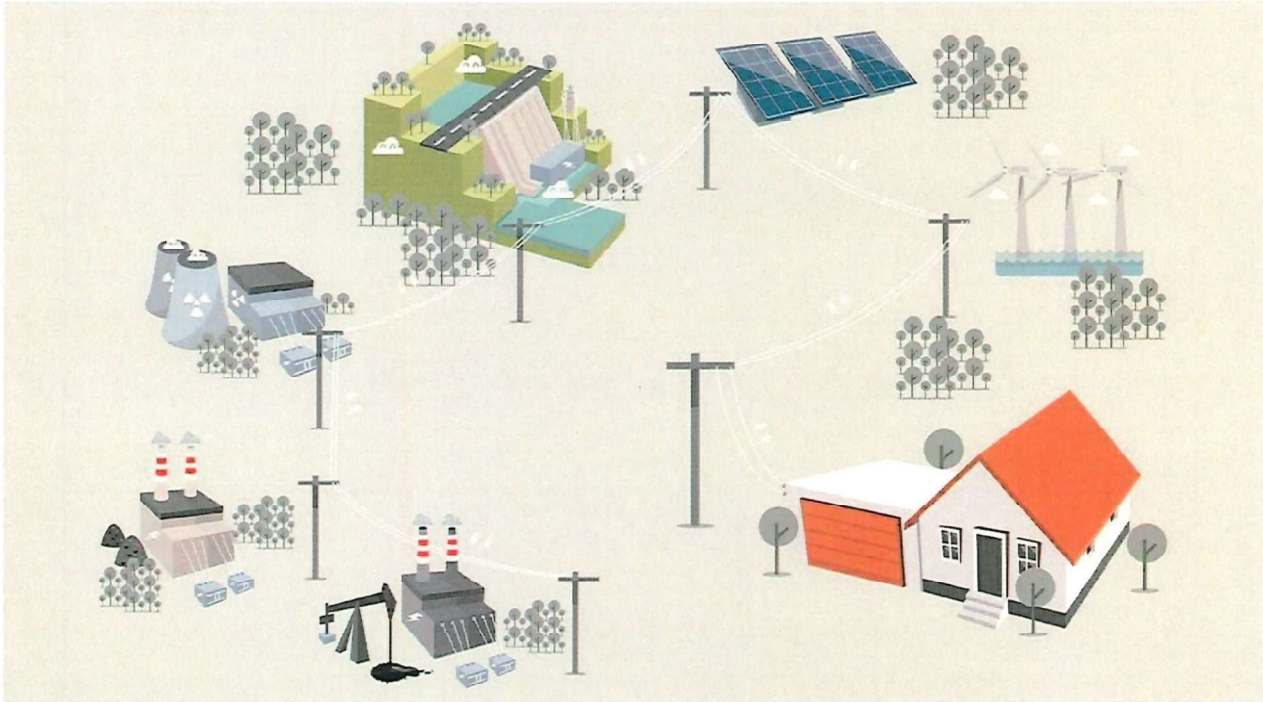
Good Food, Good Time, Good Friends.











Navigating Right-of-Way Requirements for Alternative Energy Resources

In the global pursuit of sustainable energy solutions, alternative energy resources have emerged as key pillars for reducing reliance on fossil fuels and mitigating environmental impacts. From wind and solar to hydroelectric and geothermal power, the diversification of energy portfolios holds immense promise. However, the development and deployment of these alternative energy sources often entail navigating complex legal and logistical landscapes, including the acquisition of rights of way (ROW). Understanding the specific requirements associated with each alternative energy resource is essential for successful implementation. Including ALL Right-of-Way Considerations for the following alternative energy resources would result in an epic novel! Here are just a few specifics of the resources mentioned that we as IRWA members/representatives should consider when addressing the right-of-way associated with projects that we may face sooner rather than later.

Wind Energy

1. **Land Access:** Wind farms require expansive tracts of land with consistent wind patterns for optimal electricity generation.
2. **Easements and Leases:** Negotiating easements or leases with landowners is essential for installing wind turbines and associated infrastructure.
3. **Transmission Corridors:** Establishing transmission corridors to connect wind farms to the electrical grid may involve acquiring additional rights of way.

Solar Energy

1. **Land Use:** Solar installations, whether ground-mounted or rooftop, necessitate suitable land or building space with ample sunlight exposure.
2. **Zoning and Permitting:** Complying with zoning regulations and obtaining permits for land use and construction are critical steps in securing the right of way for solar projects.

(continued on page 10– Navigating Right-of-Way Requirements for Alternative Energy Resources)

Navigating Right-of-Way Requirements for Alternative Energy Resources, continued from page 9

- 3. Utility-Scale Development:** Large-scale solar farms require extensive land acquisition and may involve land lease agreements with property owners.

Hydroelectric Power

- 1. Water Rights:** Accessing water bodies for hydroelectric dams or installations involves securing water rights and addressing regulatory requirements.
- 2. Land Acquisition:** Acquiring land for dam construction, reservoirs, and associated infrastructure is a crucial aspect of hydroelectric project development.
- 3. Environmental Impact Assessment:** Conducting environmental impact assessments and mitigating potential ecological impacts are essential components of securing the right of way for hydroelectric projects.

Geothermal Energy

- 1. Subsurface Rights:** Geothermal projects require access to subsurface reservoirs of hot water or steam, necessitating negotiations for subsurface rights.
- 2. Drilling and Exploration:** Obtaining permits for drilling and exploration activities is essential for assessing geothermal potential and securing the right of way for development.
- 3. Land Use Planning:** Coordinating with regulatory agencies and local authorities to address land use planning considerations, including zoning and environmental protections, is integral to geothermal project siting.

As the world transitions towards a more sustainable energy future, the development of alternative energy resources plays a pivotal role in mitigating climate change and fostering energy independence. However, the successful deployment of wind, solar, hydroelectric, and geothermal projects hinges on effectively navigating the complexities of acquiring rights of way. By understanding the unique requirements associated with each alternative energy resource and engaging stakeholders in collaborative decision-making processes, governments, developers, and communities can pave the way for a cleaner, more resilient energy landscape.

Course 213 – Conflict Management

Course 213 - Conflict Management presents specific strategies for reaching collaborative solutions and minimizing negative aspects of conflict while maximizing benefits of resolving conflict.

Targeted Audience

The course is intended for all right of way agents who want to learn more about successful conflict resolution.

There are no prerequisites.

IRWA Credit Units: 8 QEU/CEU

Objectives

At the conclusion of the day, you will be able to understand the following objectives:

- Define conflict, discuss its sources and consequences.
 - Implement several different conflict management strategies and tactics.
 - Discuss ways to reduce or eliminate conflict.
 - Implement a conflict management action plan.
-

Credentialing

- **Industry:** A core course that is required for all 4 pathways in the RWA program.
- **Specialist:** A core elective course that can be applied towards the R/W-AMC, R/W-EC, R/W-NAC certifications.



Int'l Right of Way Assoc

Course 213: Conflict Management in Negotiations

Instructor: Mike Penick, SR/WA

Location: Wingate by Wyndham (Jeffersontown), Large Conference Room
12301 Alliant Court, Jeffersontown, KY 40299
March 28th, 2024, 8:15am to 5pm

***Use one form if more than one attends from same company please.**

1) Name _____ Title _____
 2) Name _____ Title _____
 3) Name _____ Title _____
 4) Name _____ Title _____
 Company _____ Address _____
 City _____ State _____ Zip Code _____
 Phone _____ Fax _____ E-mail _____

Course Cost: \$300.00 per IRWA Member

\$325.00 per KYTC Employee

\$365.00 per NON-IRWA/NON-KYTC member

Fill in

Total Enclosed _____

Registration Deadline: make check/money order payable to:

None

IRWA Kentucky Chapter 25

And mail to:

**Mike Penick
Louisville Metro Government
444 S. Fifth Street, Suite 400
Louisville, KY 40202
502-574-5338
e-mail: mike.penick@louisvillky.gov**

For ACCOMODATIONS:

Wingate by Wyndham: 502-261-0644

Ask for the government rate, which ranges from \$99/nite to \$123/nite depending on room selection

FOR CREDIT CARD PAYMENTS: Call Mike Penick Please

www.IRWA25.org

Principles of Real Estate Law

800 – Principles of Real Estate Law: Focuses on assisting right of way agents in collaborating with property owners and attorneys on the subjects of contract law, specific contracts relating to real estate, tort law, land use controls and environmental matters, and laws applicable to condominiums and common ownership communities.

Course Number:	C800
Course Title:	Principles of Real Estate Law
Course Level:	Core
IRWA Credits:	16 QEU / CEU
AQB Credits:	Non Applicable
Prerequisites:	IRWA Course 100 "Principles of Land Acquisition" (or equivalent)

Course Description

This course is designed to build on the basics of real estate law provided by Course 100 "Principles of Land Acquisition" and to assist right of way agents, property managers and others in collaborating with property owners and attorneys. This introductory level course provides novice employees dealing with real estate issues with basic right of way information and experienced employees with a broader perspective on legal issues and applicable law.

Credentialing

- **New SR/WA:** A required core course for the RWA certification.
- **Industry:** A required core course in all 4 pathways for the RWP certification.
- **Specialist:** A required core course for the R/W-AMC certification and an elective core course for the R/W-NAC certification.

Topics

- Real property law overview
- Contract law, introduction to contract law, types of contracts, elements of a contract, termination and discharge of contracts
- Specific real estate contracts, purchase and sale agreement, commercial lease easement agreements, agency agreements
- Tort law in general, specific torts relating to real estate
- Land use controls introduction, restrictive covenants, planning legislation, environmental regulation
- Condominium/common ownership interests introduction, creation of the interest, repair and insurance rights and duties of owners, comparative advantages and disadvantages of various types of ownership

Course Tuition Includes

- Learning Guide

Required Material

Non Applicable

Who Should take this course

This course is designed for right of way professionals and individuals who need a broader perspective on real estate legal issues and applicable laws that pertain to right of way acquisition and property management.



Int'l Right of Way Assoc

Course 800: Principles of Real Estate Law

Instructor: Raymond Howd, Esq.
Location: Wingate by Wyndham (Jeffersontown), Large Conference Room
12301 Alliant Court, Jeffersontown, KY 40299
March 26th-27th, 2024, 8:15am to 5pm

***Use one form if more than one attends from same company please.**

1) Name _____ Title _____
 2) Name _____ Title _____
 3) Name _____ Title _____
 4) Name _____ Title _____
 5) Name _____ Title _____

Company _____ Address _____
 City _____ State _____ Zip Code _____
 Phone _____ Fax _____ E-mail _____

**Course Cost: \$600.00 per IRWA Member
\$630.00 per KYTC or DOT Employee
\$675.00 per NON-IRWA/NON-KYTC member**

Fill in

Total Enclosed _____

Registration Deadline: make check/money order payable to:

None IRWA Kentucky Chapter 25

And mail to:

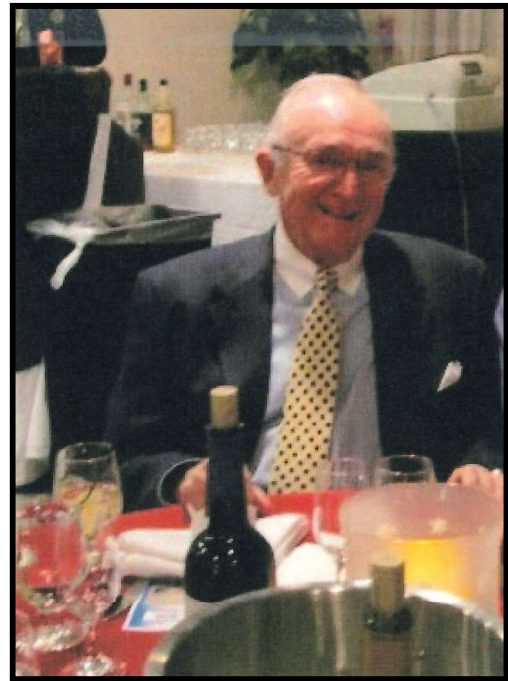
**Mike Penick
Louisville Metro Government
444 S. Fifth Street, Suite 400
Louisville, KY 40202
502-574-5338
e-mail: mike.penick@louisvillky.gov**

For ACCOMODATIONS:

Wingate by Wyndham: 502-261-0644

Ask for the government rate, which ranges from \$109/nite to \$123/nite depending on room selection

FOR CREDIT CARD PAYMENTS: Call Mike Penick please



Timothy J. O'Dea, Sr.

Timothy J. O'Dea, Sr., of Venice, Florida formerly of Louisville, passed away on Thursday, June 22nd. He was 82 years old.

He was a native of New York City. He was married 58 years to his loving wife Martha Blake O'Dea. He was an Army Veteran and retired as Director of Public Works for Jefferson County, Kentucky. Tim was a proud member of Ancient Order of Hibernians and a member of Our Lady of Lourdes Catholic Church. He was also a longtime member of the International Right of Way Association, serving in all capacities including past president and international director. He also won Chapter 25's Professional of the Year Award and Lifetime Achievement Awards.



Ron Geveden

Ronnel S. Geveden, 64 of New Albany, and Cookeville, Tennessee, passed away peacefully on November 29, 2023, surrounded by his family at the University of Kentucky's Markey Cancer Center in Lexington.

A graduate of Ballard Memorial High School in Ballard County, Kentucky and the University of Houston, Ron was an 'old soul', selfless and wise beyond his years. His patience, curiosity, and inquisitive nature led him on a path of life-long learning. He worked as a public right-of-way agent for the Kentucky Department of Transportation and later for O.R. Colan Associates of Charlottesville, North Carolina. Ron was happiest as a devoted father to his daughter Rachel, and spending time on 'the farm' with his long-time partner Teresa.