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# 8TH ANNUAL CONDEMNATION APPRAISAL SYMPOSIUM

**Wednesday, May 25, 2011**

## Wisconsin Chapter of the Appraisal Institute Office

11801 W. Silver Spring Dr., Ste 200 • Milwaukee, WI 53225 • Phone: (414) 271-6858

### SCHEDULE

9:30 - 10:00 a.m.	Registration	1:10 - 1:55 p.m.	<b>Defining Reasonable Access</b> <i>Attorney Ben Southwick &amp; John Bieberitz</i>
10:00 - 10:10 a.m.	<b>Introduction</b> <i>Steve Vitale</i>	1:55 - 2:25 p.m.	<b>New Evidence Rules for Experts in Wisconsin Courts</b> <i>Attorney Chuck Graupner</i>
10:10 - 10:35 a.m.	<b>Recent Legal Developments</b> <i>Attorney Stan Riffle</i>	2:25 - 2:40 p.m.	Break
10:35 - 11:20 a.m.	<b>Disposition of Surplus Government Property: Methodology and Valuation</b> <i>John Fandrich &amp; Tom Makarewicz</i>	2:40 - 3:10 p.m.	<b>The VFW Case: Zero Value Property</b> <i>Larry Nicholson</i>
11:20 a.m. - 12:05 p.m.	<b>Compensability of Business Losses Caused During Construction</b> <i>Kevin Zarem &amp; Attorney Robert Roth</i>	3:10 - 3:55 p.m.	<b>Use of Subsequently Acquired Knowledge in the Determination of Just Compensation</b> <i>Attorney Alan Marcuvitz &amp; Steve Vitale</i>
12:05 - 12:40 p.m.	Lunch (Provided)	3:55 - 4:00 p.m.	Q & A
12:40 - 1:10 p.m.	<b>DOT Perspectives</b> <i>Mike Berg</i>	4:00 p.m.	Social Hour

#### CONTINUING EDUCATION CREDIT

This seminar is approved for the following hours of continuing education/recertification upon successful completion.

~ State Certification:	6 hrs.
~ State Licensure:	6 hrs.
~ Appraisal Institute:	6 hrs.
~ CLE Credit is being applied for.	6 hrs.

#### ASSESSOR CREDIT APPLIED FOR

~ Appraisal:	1 hrs.
~ Law/Management:	5 hrs.
(please call to confirm approval)	

Credit may be withdrawn in full or in part if the program actually presented does not conform to the duration or content of material as originally approved. The Appraisal Institute enforces the attendance requirements mandated by state regulatory agencies.

#### REGISTRATION AND FEES

- ~ \$90 Appraisal Institute, DOT/DOJ & IRWA Members
- ~ \$115 Non-members

Fee includes one day of instruction, breaks, lunch, and course materials. Registration & fee must be received by May 18, 2011. **A \$25 late fee will be imposed on any and all registrations postmarked after this date.** Seating is limited - please register early! **NO CONFIRMATION WILL BE SENT.** A full refund will be given if cancellation is made by May 18, 2011. **After May 18, 2011 no refunds will be made.**

**TO REGISTER, please go to:**

<http://www.appraisalinstitute.org/education/Wisconsin>

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**MICHAEL BEST**

& FRIEDRICH LLP

# SPEAKERS

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**Michael J. Berg, P.E.** - As Deputy Secretary of the Wisconsin Department of Transportation (WisDOT), Mike Berg is the chief operating officer for a state agency with 3,500 employees, dozens of field offices and an annual budget of more than \$3 billion. Berg is a native of Green Bay, Wisconsin, and attended the University of Wisconsin-Madison majoring in civil and environmental engineering. He joined WisDOT as an engineer in the Green Bay office, steadily rising through the ranks, eventually becoming a supervisor in design and construction in 1988. In 2000, Berg was named district director for WisDOT's former District 4, heading up the department's Wisconsin Rapids office. In 2005, Berg returned to Green Bay as director of the Northeast Region, where he oversaw many large and small transportation improvement projects, including the start of construction on the massive US 41 project. Mike and his wife, Brenda, have three adult children.

**John Bieberitz, P.E., PTOE** is a Senior Traffic Engineer and also the President of Traffic Analysis & Design, Inc. Mr. Bieberitz manages the staff of 28 traffic engineering professionals in addition to project management and traffic engineering tasks. Mr. Bieberitz is responsible for traffic engineering tasks including signalized intersection analyses, roundabout analyses, signal progression analyses, development of traffic signal plans and timing plans, traffic impact studies, corridor studies, traffic calming and traffic simulation. Mr. Bieberitz has over 20 years of traffic engineering experience including access studies, traffic impact studies and traffic signal designs/timing studies. Mr. Bieberitz has conducted over several hundred traffic impact studies and access studies, designed over one hundred traffic signals, analyzed over fifty roundabouts and has retimed several hundred traffic signals. Mr. Bieberitz serves as an "on-call" traffic engineer for several Wisconsin communities. Mr. Bieberitz has presented and published several papers on traffic engineering for both the Institute of Transportation Engineers and the American Society of Civil Engineers. Mr. Bieberitz regularly teaches traffic engineering courses for the University of Wisconsin-Madison on topics such as intersection safety and efficiency, traffic impact analyses, access control and signal design and timing.

**John P. Fandrich** is the Surplus Lands Officer for the Wisconsin Department of Transportation (DOT). He oversees the entire state from Superior to Beloit reviewing and approving DOT land conveyances and is responsible for coordinating over \$30.0 million dollars in land sales over the past 6 years that have been returned to the local taxing authorities. He reviews on average 125 appraisals each fiscal year and works with many appraisal professionals throughout Wisconsin. Previous to this position, John spent 5.5 years in the Office of Policy and Budget for DOT as staff to the Secretary's Office overseeing the Executive Budget. Before joining DOT he that spent 8 years in the private sector working as the Operations Accountant for Briggs & Stratton Corporation and the Assistant Controller for Polymer Technologies. John has his Bachelor's Degree from Lakeland College in Economics and is 6 credits shy of this M.B.A. from University of Wisconsin - Whitewater. John is also a licensed Wisconsin Real Estate Broker and brings with him a passion for real estate law and appraisal methodology.

**Charles Graupner** is a partner in the Milwaukee office of Michael Best & Friedrich LLP. He has served as the coordinator of the firm's Litigation Practice Group and on the firm's Management Committee. He has more than 30 years experience in litigating a variety of business disputes. In the area of condemnation litigation, he has represented condemners and condemnees in many of the highest profile redevelopment projects in Southeastern Wisconsin, including the Midwest Airlines Center, Bay Shore Shopping Center, Milwaukee's Park East Freeway Corridor, and the Menomonee River Valley. He has also written and lectured on eminent domain and trial practice issues. In 1998, he was elected to the Wisconsin Chapter of the American Board of Trial Advocates, an organization that limits its statewide membership to 60 experienced litigators from both the plaintiffs and defense bars. Mr. Graupner was recognized as a "Wisconsin Super Lawyer" in the area of litigation by *Super Lawyers Magazine*. He was also acknowledged in the area of eminent domain and condemnation law by *The Best Lawyers in America*.

**Thomas E. Makarewicz** is a Certified General Appraiser with The Nicholson Group LLC, a Milwaukee-based real estate valuation and consulting firm. Mr. Makarewicz joined The Nicholson Group LLC in 2003 and has extensive appraisal experience with a variety of commercial property types. Over the last few years, he has specialized on the appraisal of various land types and is an expert in condemnation-related appraisals. Prior to joining The Nicholson Group LLC, Mr. Makarewicz worked as a market analyst at Xceligent, Inc., a computer technology company that introduced a commercial multiple listing service now used by many commercial brokerage firms in the Greater Milwaukee area. He received a Bachelor of Business Administration degree for Real Estate and Urban Land Economics from the University of Wisconsin, Madison.

**Alan H. Marcuvitz** is a partner in the Milwaukee, Wisconsin law firm of Michael Best & Friedrich LLP. He received his B.S. degree from Marquette University's College of Business Administration and his J.D. degree from Marquette University Law School. His areas of practice include eminent domain, property taxation and real estate development, in all of which he is acknowledged as exemplary counsel. While most of his practice is on behalf of the private sector, he has also provided significant representation to local governments. He is a member of the State Bar of Wisconsin, the Milwaukee Bar and American Bar Associations. He is a founding member of American Property Tax Counsel.

**Lawrence R. Nicholson, MAI** is the owner of The Nicholson Group LLC, a Milwaukee-based real estate valuation and consulting firm dedicated to providing reliable and well documented valuations, feasibility and market studies, litigation support and other consulting services in a personal and timely manner. Mr. Nicholson has over 25-years of real estate valuation and consulting experience. Mr. Nicholson has been an MAI since 1989 and a Certified General Appraiser in the State of Wisconsin since 1991. He has extensive experience with a variety of property types including office buildings, shopping centers, apartment complexes, golf courses, waterparks, marinas, hotels, business/industrial parks, developmental land, self-storage facilities, and light and heavy industrial facilities. He is an expert in condemnation-related appraisals as well as in partial interest valuation. Mr. Nicholson has been appointed by the Governor to the Real Estate Appraisers Board for the State of Wisconsin within the Wisconsin Department of Regulation & Licensing. Mr. Nicholson has taught the Valuation of Real Estate course (Real Estate 415) at the University of Wisconsin-Madison School of Business. He is also an approved instructor of real estate appraisal principles and procedures in the State of Wisconsin. Mr. Nicholson has a Bachelor of Business Administration degree (real estate and finance) and a Master of Science degree in Real Estate Appraisal and Investment Analysis from the University of Wisconsin - Madison.

**H. Stanley Riffle** has concentrated his practice in representing municipalities since 1984, when his law firm, Arenz, Molter, Macy & Riffle, S.C., was formed. Currently, the firm is the municipal attorney for 42 municipal clients. Attorney Riffle handles all condemnation litigation for all firm clients. Over the years, Attorney Riffle has been involved in hundreds of condemnation proceedings and has appeared before numerous condemnation commissions, circuit and appellate courts throughout southeastern Wisconsin. In addition to handling the bulk of condemnation matters in office, Attorney Riffle has been a member of the Waukesha County Condemnation Commission since 1988. In that time he has been a Commissioner he has sat on dozens of panels, in virtually all instances acting as chairman of the panel. For the past 3 years, Attorney Riffle has served as the Chairman of the Waukesha County Condemnation Commission.

**Bob Roth** focuses his practice on business and corporate law and complex civil litigation. For the past ten years he has directed the majority of his practice time to the representation of landowners in eminent domain cases, cases involving land use or real estate property taxation appeals. His experience extends across matters involving real estate law, health law, tax law, antitrust, bankruptcy law and military law. Mr. Roth has tried cases in the Federal and/or State of Courts of Arizona, California, Colorado, Illinois, Pennsylvania, and Wisconsin. He has either tried or consulted on condemnation cases in Louisiana, Virginia, Ohio, and Iowa. He maintains an active practice in both Wisconsin and in Arizona, where he has been admitted to practice since 1975 and 1984, respectively. In 1998 he retired as a Colonel, from active and reserve assignments, after 28 years of service with the United States Army.

**Benjamin Southwick** is a solo practitioner in Richland Center, and he has been in private practice since 1973. Mr. Southwick's practice has consisted primarily of representing property owners and municipal condemners in condemnation valuation litigation throughout the State of Wisconsin. Also, since 1976, he has been the part-time Corporation Counsel of Richland County. Mr. Southwick received his B.A. degree from Trinity College in Hartford, Connecticut and his J.D. degree from the University of Wisconsin, Madison. After graduating from law school, he served for six years as an Assistant Attorney General in the Wisconsin Department of Justice. During his last four years in that position, his principal client was the State Highway Commission of Wisconsin (now known as the Wisconsin Department of Transportation) for which he tried condemnation valuation jury trials around the State. Mr. Southwick wrote *Eminent Domain Practice in Wisconsin*, a book which has been published twice by the University of Wisconsin-Extension Law Department (CLEW). He has been a frequent speaker on the law of eminent domain at seminars and to bar and civic groups.

**S. Steven Vitale, MAI** is the President of Vitale Realty Advisors, LLC. Established in 1998, Vitale Realty Advisors, LLC (VRA) offers quality appraisal and consulting services on a wide variety of commercial real estate with significant experience in the analysis of retail, hospitality, golf course, senior housing and land development properties. Clients served include financial institutions, corporations, government agencies, developers, attorneys and individuals. Mr. Vitale is a commercial real estate valuation consultant experienced in a wide variety of complex appraisal and consulting assignments. His background includes exposure to multiple property types and real estate markets. Steve is experienced in condemnation appraisals and has testified as an expert in litigation cases. He holds a bachelor's degree from UW Milwaukee and a MS degree in Real Estate Appraisal and Investment Analysis from UW Madison.

**Kevin L. Zarem, MAI**, is owner of Metropolitan Appraisal, LLC in Mequon, Wisconsin. Metropolitan Appraisal is an appraisal and consulting firm that specializes in the analysis of complex commercial, industrial, residential and development properties. Mr. Zarem has a variety of experience in condemnation appraisal including large utility and highway corridors, and has testified as an expert witness in condemnation cases. He received a Master of Science in Business - Real Estate Appraisal and Investment Analysis from the University of Wisconsin, Madison.