



Condemnation Summit XXVII

Friday, May 20, 2022

Agenda

- 8:15 – 8:45 a.m. Registration, Breakfast, and Networking
- 8:45 – 9:00 a.m. Welcome Remarks
- Jennifer Cranston, Gallagher & Kennedy
 - Danielle Constant, Jennings Strouss
- 9:00 – 10:30 a.m. Easements in Arizona
Panelists:
- Damian Fellows, City of Tucson
 - Jeffrey Gross, Berry Riddell, LLC
 - Beverly Weissenborn, Weissenborn Appraisal
 - Steven Cole, Southwest Appraisal Associates (SWAA)
- 10:30 – 10:45 a.m. Morning Networking Break
- 10:45 – 11:45 a.m. Eminent Domain & the Arizona Corporation Commission
Presenters:
- Meghan Grabel, Osborn Maledon
 - Patrick Black, Fennemore
- Noon - 1:00 p.m. Hosted Lunch
- 1:00 – 2:00 p.m. Featured Session: Arizona Supreme Court Justice Kathryn King
Interviewer:
- Danielle Constant, Jennings Strouss
- 2:00 – 2:15 p.m. Afternoon Networking Break
- 2:15 – 3:45 p.m. Statewide Transportation Project Update
Panelists:
- John Bullen, Maricopa Association of Governments
 - Mack Dickerson, Tierra ROW
 - Greg Byers, Arizona Department of Transportation
 - Markus Coleman, City of Phoenix Light Rail
- 3:45 – 4:00 p.m. Afternoon Networking Break
Cookies Sponsored by Integra Realty Resources
- 4:00 – 5:00 p.m. Condemnation Quiz Show
Host:
- Vail Clour, Dickinson Wright

Speaker Bios



Jennifer Cranston is a shareholder and member of the Board of Directors at Gallagher & Kennedy. Her unique practice includes real estate, insurance coverage, and regulatory representation. For over 22 years, she has counseled land developers, private property owners, and utilities in condemnation actions and valuation issues. Her work in this area has resulted in two of the largest condemnation verdicts in the history of Arizona, as well as recognition by AZ Business Magazine as a Most Influential Woman in Arizona Commercial Real Estate, as an AZ Business Leader in Management and Real Estate, in People & Projects to Know in Commercial Real Estate, and as a Top 100 Lawyer in Arizona.

Jennifer is an active member of AZCREW and the Maricopa County Bar Association and served on the board and as president of both organizations. She has earned an AV Preeminent Peer Review Rating from Martindale-Hubbell, been named to Phoenix Business Journal's Outstanding Women in Business, and is recognized by *Best Lawyers in America* for Energy Regulatory Law and Energy, Insurance, and Utilities Law.

Since 2017, Jennifer has proudly co-hosted the Condemnation Summit and is pleased to welcome you to Condemnation Summit XXVII.

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Danielle J.K. Constant is an attorney at Jennings Strouss, where she focuses her practice in the area of litigation, with an emphasis on eminent domain, real estate litigation, and government representation. Before joining the firm in 2017, Danielle was a prosecutor at the Pima County Attorney's Office where she prosecuted over 40 jury trials and appeared in Justice and Superior Courts on more than 1,000 occasions. She uses her 14 years of prosecutorial experience to provide great value to her civil litigation clients and has successfully advocated for her clients before the Court of Appeals, including in an eminent domain case where the Court affirmed that the project influence rule did not apply between different government projects and further affirmed that remote and speculative damages are inadmissible.

Danielle is a member of the Arizona Women Lawyers Association, a graduate of FDCC's Ladder Down Program, and recent past president of the Tucson Defense Bar.

This is Danielle's first year co-hosting the Condemnation Summit, although she has served as a presenter since 2018.

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Damian Fellows is a Principal Assistant City Attorney for the City of Tucson. Over the past 14 years, he has represented the City in its real estate transactions and its acquisition of private property for public works projects through condemnation. Prior to joining the City, Damian represented private property owners in condemnation and in real property/land use matters for the law firm of Stubbs & Schubart in Tucson.

He graduated from the W.P. Carey School of Business at Arizona State University, and from the James E. Rogers School of Law at the University of Arizona.



Jeffrey Gross is an attorney at Berry Riddell where he concentrates on real estate litigation, including eminent domain, zoning, inverse condemnation, and real estate valuation disputes. A certified specialist in real estate, Jeffrey has extensive experience in eminent domain and land use matters at the government, trial court, and appellate court levels in city, state, federal, and tribal jurisdictions. He also addresses diverse real property issues such as adverse possession, landlord/tenant disputes, homeowner association actions, easement violations, title insurance claims, and contract breaches. Jeffrey has assisted many developers, homeowners, and other property owners in successfully prosecuting, defending, and settling claims before or after litigation has been filed.

Jeffrey is the chairman of the Real Estate Advisory Commission for the State Bar of Arizona and served on the City of Phoenix Human Services Commission and Paradise Valley Village Planning Committee. He has been recognized by *Arizona's Finest Lawyers* and *Martindale-Hubbell*, *Southwest Super Lawyers*, and *Best Lawyers in America*.

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Beverly Weissenborn, MAI, is an owner/partner of Weissenborn Appraisal and provides valuation services throughout Arizona for right-of-way acquisition, utility easements, conservation easements, land exchanges, and purchases. Her experience includes the valuation of complex properties, flood-prone properties, leased fee, leasehold estates, and real property such as vacant land, subdivisions, multi-family, commercial, and industrial. Clients include the U.S. Department of the Interior, U.S. Department of Justice, Forest Service, State of Arizona, and local governments, utility companies, law firms, and private individuals.

Beverly has been in commercial real estate for 40 years and earned her MAI in 1991. She serves on the board of the Southern Arizona Chapter of the Appraisal Institute, previously serving as its president, and is a hearing officer for the State Board of Equalization and a member of the International Right of Way Association.

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Steven Cole has been a real estate appraiser in Tucson since 1975 and is the principal of Southwest Appraisal Associates (SWAA). He provides valuation services for various property types including airports, apartments, commercial buildings, shopping centers, subdivisions, vacant land, and single-family residences. His experience includes special purpose properties, feasibility studies, leased fee and leasehold interest, counseling, and appraisals for litigation and condemnation.

Steven is a member of the Appraisal Institute, where he earned his MAI member designation, Senior Residential Appraiser designation (SRA), and the General Review Specialist designation (AI-GRS). He is also an instructor for the Appraisal Institute, University of Arizona, Pima Community College, and Hogan School of Real Estate, as well as past chairman of the Tucson Airport Authority.

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Meghan Grabel is a partner at Osborn Maledon, where she leads the Energy, Water, and Utility Law group. She represents energy, water, wastewater, telecommunications, and technology companies in transactional and regulatory matters, including condemnations, rate cases, service area expansions, contract negotiations, plant acquisitions and divestitures, renewable energy and transmission projects, power plant and line siting proceedings, and rulemakings before the ACC.

Meghan teaches the Utility Law and Regulation course at ASU and is a member of the Arizona Women Lawyers Association, Energy Bar Association, and Harvard Electric Policy Group. She has been named Arizona's 2022 Energy "Lawyer of the Year" by *Best Lawyers in America*, listed in *Southwest Super Lawyers* for Utilities Law, and recognized as a Most Influential Woman in Business by AZ Business Magazine.

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Patrick Black is an attorney in Fennemore's natural resources, energy, and environmental law group, focusing primarily on energy regulatory matters. He represents large industrial customers, renewable energy developers, independent producers, utilities, developers, and local municipalities in matters before the ACC and Arizona Power Plant and Line Siting Committee. Currently, Patrick is focused on Arizona's Energy Modernization efforts, including emerging technologies and the integration of renewable energy into the transmission grid.

He has earned recognition by Ranking Arizona and *Best Lawyers in America* for his work in energy regulatory law, as well as been named one of Arizona's Top Lawyers by AZ Business Magazine. Patrick is a member of the Arizona Asian American Bar Association, previously serving as its president, and was appointed to Governor Brewer's Solar Task Force, Transmission Subcommittee, and Governor Napolitano's Asian-American Advisory Council.

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Arizona Supreme Court Justice Kathryn King was appointed by Governor Ducey in July 2021. Prior to her appointment, she was a partner at BurnsBarton and associate at Snell & Wilmer, practicing primarily in the areas of complex civil litigation and labor and employment. While in private practice, she was a member of the Arizona Women Lawyers Association, a mentor for the Latina Mentoring Project, and provided pro bono legal services through the Volunteer Lawyers Program.

She later served as Deputy General Counsel to Governor Ducey, advising on various constitutional, statutory, and other legal requirements of the Governor's Office. Justice King also served on the Arizona Board of Regents and the Arizona Civil Rights Advisory Board.

After graduating from UoA James E. Rogers College of Law, Justice King clerked for Arizona Supreme Court Justice Michael D. Ryan. She earned her B.A. in Political Science from Duke University.



John Bullen is the Transportation Economic and Finance Program Manager at the Maricopa Association of Governments (MAG). In this role, he oversees transportation funding policy and implementation for the region, including the Proposition 400 arterial and freeway programs, federal funding distribution, and financial activities related to the extension of Proposition 400. John joined MAG in 2012, and previously worked as a transportation planner for the City of Glendale.

John earned his bachelor's degree and Master of Public Administration from the University of Pittsburgh.



Mack Dickerson is the Vice President and Designated Broker at Tierra ROW. He is responsible for overseeing and managing right of way professionals, as well as large, multi-discipline projects involving right of way, environmental, and archaeology/cultural resources components.

Mack has 30 years of experience in the right of way industry and an additional 15 years of experience in real estate services. He has managed and directed transportation, water and wastewater, gas, electric, renewable energy, and telecommunications projects for both public and private clients across the western U.S. His areas of expertise include complex right of way acquisitions, relocation advisory and assistance, title research, and asset and property management.

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Greg Byers is the Deputy Director of Transportation and State Engineer for the Arizona Department of Transportation, where he supports and coordinates the operations of all ADOT Transport Divisions to provide a safe and reliable transport system. He is a seven-year veteran of the department, having served as a Senior Project Manager, State Roadway Engineer, and Director of the Multimodal Planning Division.

Before joining ADOT, Greg owned and operated an engineering consulting firm for 12 years, providing design services for transportation, airports, utilities, and development projects for both the private and public sectors. He also worked for 10 years as a consulting engineer on transportation, airport, and utility projects. He studied Geotechnical Engineering at the University of Missouri – Rolla, and earned his B.S. in Civil Engineering Technology from New Mexico State University.



Markus Coleman is the Light Rail Administrator for the City of Phoenix. He oversees the South Central Transit Oriented Development (TOD) grant and is responsible for advancing light rail expansion consistent with Council Action. Markus has worked for the City for over 26 years in the City Manager's office, and Public Transit, Planning, and Development departments. He also worked as an engineering technician, plan review coordinator, and project manager, and previously as acting deputy public transit director over transit operations.

Markus grew up in Phoenix with strong ties to the South Phoenix community, making him especially aware of the importance of public transit to citizens who use it as their primary mode of transportation. Markus earned his B.S. in Urban and Metropolitan Studies from ASU, as well as a certificate in Public Administration and Public Management



Vail Cloar is an attorney at Dickinson Wright, focusing in complex litigation, including real estate and eminent domain, appellate, and professional liability defense. In his eminent domain practice, Vail represents both landowners and condemning authorities. He is also an adjunct professor at the Sandra Day O'Connor College of Law at Arizona State University, teaching courses on eminent domain, regulatory takings, and valuation.

Vail has been recognized by Best Lawyers in America's "Ones to Watch," a peer-reviewed publication recognizing excellence in private legal practice for professionals with fewer than 10 years in practice. Prior to joining Dickinson Wright, Vail served as a law clerk to the Honorable Robert M. Brutinel of the Arizona Supreme Court.

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