

Land Department Employees Perform Varying, Vital Duties

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Over the years, South Mississippi Electric has built a system that now encompasses more than 1,700 miles of transmission lines, over 250 delivery points, communications towers and equipment, interties with four neighboring utilities, and generating facilities at seven locations. In each case, land must be either purchased for such facilities or right-of-way easements negotiated and paid for.

Once the engineering department establishes the proposed route(s) for a line, that information is given to the three-member land department and a delicate, complicated process of securing the necessary land begins.

“It seems like more land than ever is being purchased by utilities,” said Larry Griffin, land manager. “There are numerous approaches; but because we are a cooperative, we always try to do right by a landowner. When we approach people, we know they will have different reactions and levels of knowledge, and by the end of the process we want to have established a positive relationship. The experience can be unexpected and stressful for them, so we try to be honest, open and informative in order to earn their trust.”

The first step in the process is to identify all the landowners associated with a particular project. Land Agent Donna Stallworth gathers information from county courthouses and other sources to determine the ownership and property lines of each affected parcel. After a certificate of need has been filed for a line or station and granted by the Public Service Commission, each landowner is contacted for permission to survey on their property.

“During this first contact with landowners, we explain that we are only trying to finalize the location of a project,” Stallworth said. “We do not talk about money or a final outcome, just that we are considering a project and need permission to survey. Any detailed discussions will come later, but we try to set a good tone as we begin the process.”

Transmission line corridors require 100-125 feet of right-of-way and affect numerous landowners. As permission to survey the route is granted, a list of landowner names, addresses, telephone numbers and a brief legal description of each property is compiled for the surveying crew to prepare the right-of-way plats. A forester also performs a timber cruise on each parcel.

Once the route is marked and surveyed, a title search is prepared on each parcel involved along the route. The search again involves numerous visits to county courthouses, chancery clerks’ offices, tax assessor/collectors’ offices, and circuit clerks’ offices to provide a complete chain of title for a 30-year period. The research also identifies any covenants and/or restrictions on the property, the payment of land taxes, any mortgages or deeds of trust on the parcel, federal tax liens, judgments, construction liens, and bankruptcy filings associated with the property.

“It is like trying to find the pieces of a puzzle,” said Stallworth. “I may also have to read obituaries and find copies of wills, if necessary, to locate any heirs who might own parts of an estate. In that case there may be numerous owners, and many might live out of state. We have to contact all of them.”

While the landowner research is being conducted, final decisions are made about the project’s route, and design work gets underway. When survey plats are received, the land department develops right-of-way instruments for each parcel, which include the survey and any other legal documents necessary for acquiring the property or associated easements.

“Nobody buys land thinking that some day it will have a power line on it,” said Randy Watkins, right-of-way agent. “Our first job is to educate the landowner about what we are doing. Initially I try not to focus on the line as much as to provide information about the overall project, why it is important, and how we select the routes or locations that we do. Our projects are necessary to continue to supply reliable electric service. We choose routes or project locations based on the most cost-effective way to meet that goal.

“The way we present our case makes all the difference. We need to build trust. I try to find some common ground, which varies with each individual. I want to put a face to our company and the service we provide. People will have a variety of opinions about the value of their land. Ultimately, our discussions will be about a business transaction; but whatever happens, nothing we say becomes personal.”

Watkins, a seven-year SME employee, was formerly a district forester with the Mississippi Forestry Commission, so he has dealt with landowners throughout his career. He notes that Daniel Boone was America’s first right-of-way agent. “I often have property owners tell me that we are ‘taking’ their land, but I tell them that we are only borrowing it—it still belongs to them,” he said. “The job is tough but I was looking for a challenge. I meet a wide variety of people, but I always treat them with respect.” With his forestry background, Watkins also assists with managing the Association’s fee-owned property. Approximately 400 acres at Plant Morrow were replanted last year after harvesting the mature timber from the site.

The most difficult part of purchasing land, of course, is determining a fair value for each piece of property. It certainly is important to the Association financially, as land and timber expenses for a line may exceed \$1 million before construction ever begins. Griffin, a 24-year veteran of working through the process, notes that each negotiation is a long-term effort that requires consistency.

“Landowners will talk with each other, so we must be sure to provide consistent information,” he said. “We have always offered fair market value for land and try to determine just compensation based on how the property is affected. An easement along one edge of a 100-acre tract obviously has a different impact than one that runs through the middle of a much smaller piece of land. The bottom line is to use common sense and treat people like you would want to be treated.”

In many cases, although landowners are reluctant, they understand that they have to come to an arrangement eventually. Condemnation is a right that electric utilities may use as a last option, but SME's land department never wields it as a threat. Griffin allows property owners to raise the topic and explains that the Association would always rather find a solution than go to court.

"Most people will push for as much as they can get, but there is a limit to what we can pay and we tell them that," Griffin said. "Neighbors compare the information we provide to them. They understand that we are being consistent and everyone is being told the same thing—that no one is being treated unfairly. Usually someone finally agrees to a sale and most of the others follow suit.

"We have to create the right expectations. People respond to truth and sincerity. They understand that we are a cooperative and are working in everyone's best interest. That is not to say that I have not been yelled at or threatened at times over the years, but most folks respond to what we tell them and are good to work with."

"Owning land is a precious right in America, and people have strong emotions about their property," Watkins added. "I strive to gain the property owner's trust and facilitate an open line of communication to resolve differences and achieve agreements, which usually results in acquiring the land or easements we need. It is an important aspect in everything that we do as an organization."