

Ease-Ment: The Art of Negotiation

By Carol L. Brooks, SR/WA

"**W**hat? You're not gonna pay us for this thang you call an easement!" Iris raved as she stormed out of the living room. "Augie, kindly tell these folk that we ain't interested in helpin' them take our precious land with a dang easement. "

"Well, ya heard my Missus," Augie said as he escorted Meg Phillips and Joe Norman, Right of Way Agents from Mountain Range Telecom Company, to the front door.

"Can we give you a call in a few days, Mr. Stillner? Joe asked. " Do you think Mrs. Stillner might reconsider our need to place telephone facilities on your property?" He added, hoping by some remote chance that an easement would be given.

"Nope! Ya just bettah git movin' along. And don't give no mind to callin' us again. You got my Missus all fired up." Augie said as he rubbed the top of his balding head. He knew he'd get an ear full after they left.

Augie walked them out and stood on the porch that fringed their handsome two-story farmhouse. As he watched them drive away, he glanced at the pristine wilderness landscape that beckoned him to cast his cares. Realizing that his Missus would start her rampage as soon as he walked in the house, Augie took a deep breath of the cool spring air and one last look at the majestic scenery.

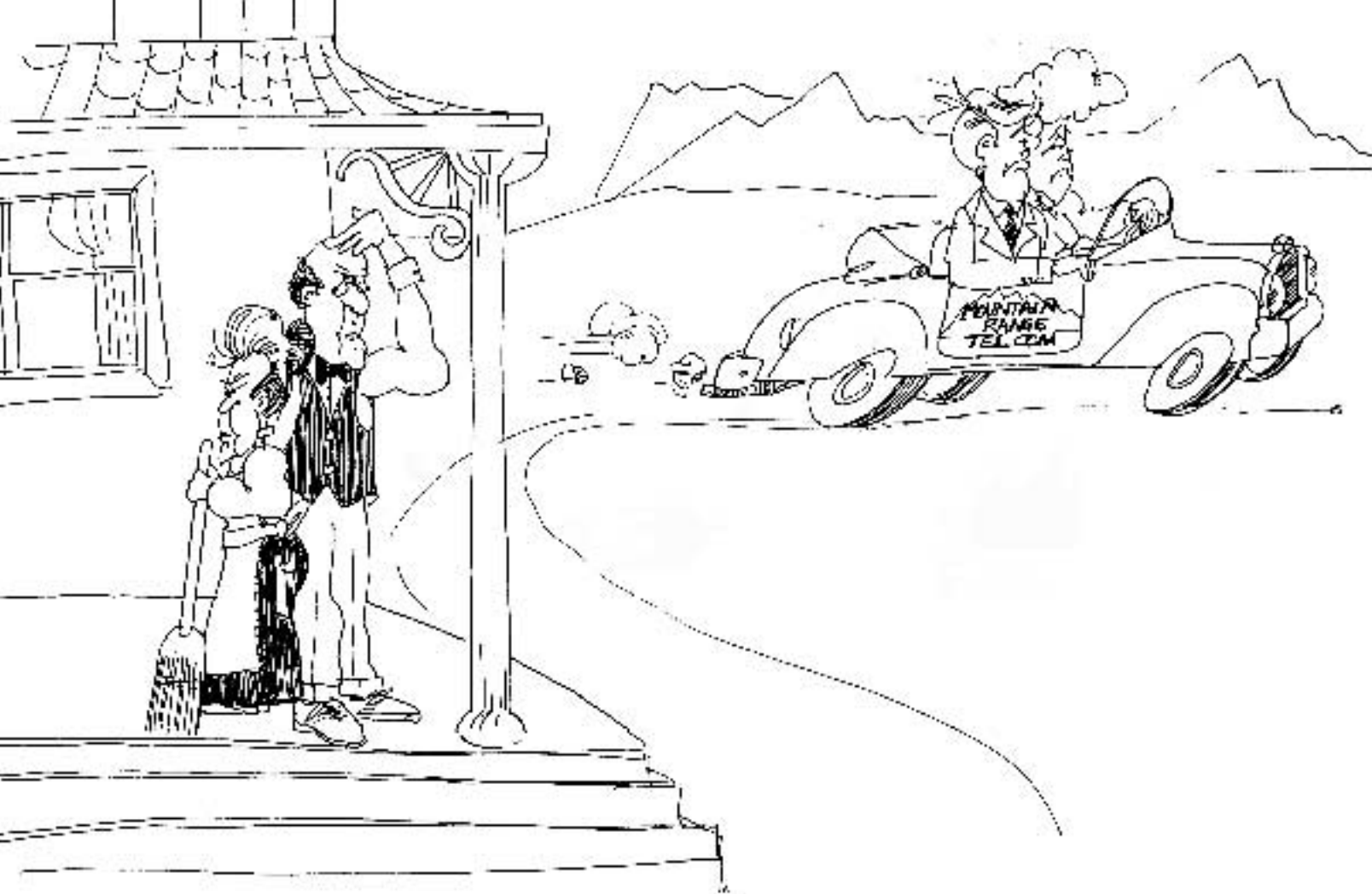
"Augie? You in the house?" Iris called out.

"Yep my Missus, I certainly am." Augie replied with a song in his tone, hoping to calm the storm that was brewing just within reach of the next room. Augie sat on his easy chair and made himself comfortable for the debris he anticipated from his now rankled Missus.

"Cain you imagine them folk wantin' to take our land?" Augie quietly shook his head at her protest. "That dadgum letter they sent us said they were figurin' to put state-of-the-art talkin' rope on our propatay, which 'would enhance the value' of our propatay. Augie, what was that rope that they fixin' to put on our land?"

"They called it a fiber optic line."

"Fiber optic?" Iris laughed. "You know what Augie? I think them folk are storyin' to us. Fiber is what good ol' Dr. Maintainus keeps tellin' me to sprinkle over my suppers. How can a reasonable person believe he can talk through fiber?" Augie just shrugged his shoulders.



“And how dare they think ‘bout takin’ our land! It’s the toil of our labor. My daddy done tilled this land and made a decent wage. Momma cut up and canned some mighty good fixin’s. Ya know Augie, them were the days. We had cattle, pigs, and horses - just lovin’ life out heyah. No boday ever botherin’ us or deprivin’ us of our land. These fool kids these days, they think they cain come heyah and not ask for our property, but take it. My pappy would hog-tie me if I ever gave a thought to such nonsense.”

Augie was starting to slump into a catnap when he was jolted by an anguished shout.

“Augie!” Iris yelled in a high pitch that made the dogs frown, “Cain you imagine they ain’t even gonna pay us for takin’ our land?”

“My Missus they say the tariffs prohibit them from givin’ pay,” Augie offered as he finished a relaxing yawn.

“Tariffs? Are you sho’ they didn’t say terrorists? On account of no respectable church goin’ folk would not give some kind of pay for people’s precious land. Them kids told us they both was church

goin’! Augie, do you think they be storyin’ to us again?”

“My Missus. Life is very different now than when we were youngin’s. But I don’t think they be lyin’.”

“Tell me somethin’ Augie, what’s this easement them were tellin’ us?”

“It’s a piece of paper that says them got the right to our land. They can come onto it and set up their fiber optic wires.”

“Augie, I just don’t understand this word easement?” Iris pondered. “It seems to me the first part of the word bein’ ‘ease’ should mean somethin’ easy. There ain’t enough easy in their proposal to fill a gnat’s ear. Augie, I think them youngin’s are storyin’ to us— tryin’ to tell us how easy it is for them to take our propatay!”

The First Lesson

- a) Never, never, never use the word “take” to negotiate. Incorporate words like “use,” or “easement covers x-ft of land,” etc.
- b) “Educate” the property owner about legal terms and concepts.
- c) Avoid legalese and technical termi-

nology - speak in plain ol’ English. Remember the KIS method: Keep It Simple.

Look for Part Two in an upcoming issue, where Meg and Joe discuss their meeting with Mr. & Mrs. Stillner and consider approaches that may have improved their negotiations. ■

Carol Brooks has over 11 years experience as a right-of-way agent with Pacific Bell in San Diego, CA. Retired from Pacific Bell in 1998 and currently a right-of-way consultant, her expertise includes acquisition, creating/instructing training programs on negotiating and site selection, project management and zoning. An active IRWA member since 1990, she serves on various committees, was the former President of Chapter 11 and currently Chair of the International Liaison Committee.