

# WHAT DID

## Tips for Better Negotiating

By Cleo Grounds, SR/WA

The key to being a successful negotiator is listening. There are many techniques that negotiators use to help persuade the property owner to accept their wonderful and exciting deal; however, if the negotiator does not listen, he may select the wrong technique and then wonder why he failed.

There are three basic groups to which a property owner can belong: the power mongers, the lovers, or the cash collectors. The power monger is the person who wants to win, whether it be getting more cash or having you do something special for him. This type of person wants to negotiate. However, you win only if you allow him to feel that he has won. This is the property owner who is most likely to end up in eminent domain litigation.

The “lover” is the person who puts his love of family first and is usually concerned about safety. Will that electric power line sterilize his wife or cause his pig to lose weight. Lovers need reassurance that not only your line is safe but that his decision to settle is the correct route for him to take.

The third group is the cash collector. No amount of money is enough.

This person usually has a specific amount and use for the money in mind when you visit with him. His decision to settle will depend upon your willingness to pay his requested sum. Caution: don't give him the requested amount immediately or he will increase his price.

Through good listening skills you can determine to which group your property owner belongs. If he talks about his job, his success in other transactions or shows off his impressive high-ticket toys and possessions, he probably is a power monger. I was recently dealing with a property owner for a subsurface easement that would allow us to construct a sanitary sewer pipeline by boring under his residential property. On my first visit, he presented me a list of 23 items that he wanted to include in our contract and easement documents. These items included everything from specifications for pipeline material to hours of construction operations.

When he started asking about our environmental study, I knew I was in trouble. During our conversation, I discovered that he was a quality control manager for a large utility company and was accustomed to being the one in charge. Since we were unwilling to turn over total control of the project to him, we did pursue the needed easement through the right of eminent domain. Of course, this did not stop his quest for control of our project and he is currently seeking that control through alternate means.

What do you do with a power monger? Either give him the power he wants, send him on a long expense paid vacation until your project is completed or use the means available to you through the courts.

On the opposite side of the coin is



# YOU SAY?



the lover, the property owner who believes that he must protect his family at all cost. The lover usually makes statements like, "This is not Russia, you cannot just come in here and take my land." In order to negotiate a settlement with the lover successfully, you need to be sensitive to their concerns and offer them a way to recognize and/or reward themselves or their loved ones. Keep in mind that sometimes this requires more than cash.

While working for a city on a road-widening project, I had the opportunity to deal with a husband and wife who had lost their only child as the result of a drunken diver. As you can imagine, this negotiation was very emotionally charged. The center of the settlement evolved around a tree that the daughter's school friends had planted in memory of the dead child.

You may think that this should have been an easy deal, just move the tree. The problem was that the tree was a 30-year-old pecan tree. After many tears (theirs and mine) it was finally agreed that several young pecan trees would be planted in a local park so that their daughter's memory would live on after the road project was complete and the parents had joined their daughter.

The third type of property owner is the one I like to refer to as the cash collector. He is the one who gives you a list a mile long of objections ranging from technical concerns of the project to the diminution in value of his property as a result of your project. This one usually has a new objection or concern each time you talk with him.

The cash collector is very common in today's world with its tight budgets and high costs of living. Several years ago, I visited with a property owner who had fallen on hard times. His wife

had been seriously ill and although they had insurance, the strain on their savings account had been tremendous. He recognized that the small easement we wanted to purchase was not worth a lot of money; however, he wanted to take his wife on a cruise for their upcoming anniversary.

This was extremely important to him, and all it took for us to settle was a few extra dollars. While we all work within monetary constraints when purchasing land rights, my experience has been that a little extra money paid to a property owner may be more beneficial to your organization than paying the attorney to pursue eminent domain.

Listening starts when you first meet the property owner. Listen to the things the property owner talks about—give him a chance to reveal his concerns and objections. I firmly believe that a successful negotiator does not sale the project to the property owner, he sales the benefit that the project can bring to the individual. Will it allow him to take his wife on that cruise, brag to his friends and neighbors that he "took" you to the cleaners, or build a memorial to his dead child? Listening will require practice since most of us love to talk more than we love to listen. ■

*Cleo Grounds is a Senior Right of Way Agent for the Trinity River Authority of Texas, where she has been employed since 1989. She is the president of North Texas Chapter 36, serves as co-chair of the Education Committee, and was elected that chapter's Right of Way Professional of the Year for 1996.*