

# Agenda

## Understanding Michigan Surface Water and Groundwater Rights *S. Kelley*

Practical and legal foundations for surface water and groundwater rights  
Riparian, other access, and public rights on the Great Lakes and inland waters  
Determining upland and bottomland boundaries and the scope of riparian and other access rights  
Private property rights and the public trust doctrine  
Determining rights to groundwater  
Groundwater use, withdrawals, and discharges of and to groundwater

## Resolving Boundary Disputes *M. McLean, S. Tuttle*

Types of boundary disputes  
• Adverse possession, easements, boundaries  
Obtaining and reviewing boundary evidence  
Methods for establishing disputed boundaries  
Participating in dispute resolution techniques  
• Litigation, arbitration, mediation, agreements, title insurance  
Examining boundary dispute case studies: exploring techniques for resolving sample disputes

## Defining Trespass and Adverse Possession *D. Sullivan*

Defining trespass  
Reviewing the history of adverse possession  
Maintaining a claim for adverse possession  
• Statute of limitations  
• Elements of a claim  
Defending against a claim for adverse possession  
Examining recent adverse possession cases

## Identifying, Classifying and Locating Easements *M. Boardman*

What is and is not an easement  
Reviewing state law on easements  
Creating easements: easements by necessity, easements by use, written easements  
Identifying critical distinctions between easements in gross, easements appurtenant and prescriptive easements  
Maintaining easements  
Knowing when and how to terminate easements  
Obstructing use of easements and determining remedies for obstruction

## Understanding Utility Easements and Rights of Way *S. Estey, D. Fryer*

Current case law on utility rights of way  
• State laws and local regulations  
Types of utilities affected  
• Electric, gas, and telecommunications  
Basis for and definition of the easement  
Access  
Encroachments and interferences  
Site plan issues  
Mortgage consents  
Condemnation law  
Current issues involving utility easements

### Boundaries and Easements

Grand Rapids, MI - Wednesday, January 17, 2018



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## Learning Objectives

### You'll be able to:

- Identify**, classify and locate easements.
- Obtain** and utilize boundary evidence to establish disputed boundaries.
- Defend** against a claim for adverse possession.
- Comply** with rules regarding the access to the Great Lakes and inland waters.
- Understand** current laws and issues pertaining to utility easements.
- Evaluate** different tools for resolving boundary disputes, including agreements, title insurance and litigation.



# Boundaries and Easements

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- Review** Michigan surface water and groundwater rights
- Utilize** various dispute resolution techniques to resolve boundary disputes
- Learn** how to define trespass and adverse possession
- Understand** how to classify and locate easements
- Discuss** utility easements and rights of way

### Continuing Education Credits

- Attorneys**  
Michigan: Non-Mandatory CLE  
6.5 Indiana CLE Hours  
6.5 Ohio CLE Hours
- Professional Engineers**  
6.5 CE Hours
- Professional Surveyors**  
6.5 CE Hours



Faculty

**Stephen M. Kelley** *Stephen M. Kelley, P.C., St. Clair Shores, MI*  
Mr. Kelley is a member of the State Bar of Michigan and its Environmental, Insurance and Indemnity, and Appellate Law sections, and he is a past co-chair of the Surface Water/ Groundwater Committee of the Environmental Law section. Mr. Kelley also is a member of the American Bar Association and its Environment, Energy & Resources, Litigation, and Tort Trial & Insurance Practice sections. He served as chair of the Environmental & Energy Policy Committee of the Greater Detroit Chamber of Commerce (now Detroit Regional Chamber) for three years. He has been named a Michigan Super Lawyer each year since 2008 and was elected a life fellow of the Michigan State Bar Foundation. Mr. Kelley has served as president of the Michigan Nature Association, as president of the University of Detroit Mercy Law Alumni Association, and as master of the bench of the University of Detroit American Inn of Court.

**Michelle McLean** *Bolhouse, Baar & Hofstee, PC, Grandville*  
Ms. McLean joined Bolhouse, Baar & Hofstee in 2011 and became a partner in 2015. Prior to practicing law, she worked for a national mortgage lender and has over 15 years experience in this capacity. By combining her vast experience in the mortgage lending and real estate industries with the practice of law, Ms. McLean offers her clients a unique perspective as their advocate. She currently focuses her practice in the areas of real estate, family law, criminal defense, and civil litigation. She received her law degree from Michigan State University College of Law.

**Stephanie Tuttle** *Bolhouse, Baar & Hofstee, PC, Grandville*  
Ms. Tuttle joined Bolhouse, Baar & Hofstee in 2012 and focuses her practice in the areas of real estate, family law, criminal

Seminar Information

**Doubletree Hotel Grand Rapids Airport**  
4747 28th Street SE  
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(616) 957-0100

**Tuition**  
**\$279** for individual registration  
**\$259** for three or more registrations.

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Registration  
8:00 - 8:30 am

Morning Session  
8:30 - 11:30 am

Lunch (On your own)  
11:30 am - 12:30 pm

Afternoon Session  
12:30 - 4:30 pm

**Cancellations:** Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the CD/manual package. You may also send another person to take your place.

defense, and litigation. She has developed a reputation for negotiating creative resolutions for her clients and has achieved success through both mediations and trials. Ms. Tuttle is committed to listening, educating, and advising her clients to achieve the best possible outcome. She received her law degree from Michigan State University College of Law.

**Devin R. Sullivan**  
*Zausmner, August, & Caldwell, P.C., Farmington Hills, MI*  
Mr. Sullivan focuses his practice on real estate, eminent domain, and commercial litigation in the trial courts, on appeal, and at arbitration. He frequently represents condemning agencies in complex eminent domain cases, including the Great Lakes Water Authority, the Michigan Department of Transportation, and International Transmission Company (ITC). He received an undergraduate degree in Business Administration from the University of Michigan's Ross School of Business before earning his law degree from Harvard Law School.

**Mischa M. Boardman**  
*Zausmer, August & Caldwell, P.C., Farmington Hills, MI*  
Ms. Boardman is a shareholder with Zausmer, August & Caldwell, P.C. She focuses her practice on eminent domain and commercial litigation around issues involving trade secrets, real property, construction, and business torts at the trial and appellate levels in state and federal courts. Her clients include transmission companies, municipalities, publicly traded REITs, Fortune 500 corporations, small enterprises, and individuals. She frequently speaks on condemnation and right-of-way topics. Ms. Boardman earned her undergraduate and law degrees from the University of Michigan and has been recognized as a Michigan Super Lawyer

Continuing Education Credit Information

This seminar is open to the public and offers a non-mandatory continuing legal education opportunity to Michigan attorneys. The Indiana Supreme Court and the Ohio Commission on CLE have each approved this course for 6.5 general CLE hours for attorneys.

This seminar offers Michigan professional engineers and professional surveyors 6.5 continuing education hours. Educators and courses are not subject to preapproval in Michigan.

Professional engineers and surveyors seeking continuing education in other states will be able to apply the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility. Michigan specific course content is not eligible for continuing education credit in Indiana and Ohio.

Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

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An audio recording of this seminar is available for \$289 (including shipping). Allow five weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

and a Michigan Top Lawyer. In 2015, Michigan Lawyers Weekly named her to its elite annual list of "Women in the Law."

**Stephen R. Estey** *Dykema, Bloomfield Hills, MI*  
Mr. Estey has extensive experience in expediting land use entitlements, and resolving a wide variety of disputes related to zoning, planned unit developments, special land uses, variances, eminent domain, easements, adverse possession, boundary and title issues, and various regulatory and administrative challenges, among others. For over a decade, Mr. Estey has handled hundreds of eminent domain proceedings for various energy industry clients including electric transmission providers and petroleum pipeline companies. Mr. Estey also has extensive experience in the siting of wireless telecommunication towers under the Telecommunications Act of 1996. He currently serves as the chair for the State Bar of Michigan, Real Property Section Zoning and Land Use Committee. Since 2013, Mr. Estey has been recognized in Michigan Super Lawyers.

**Douglas J. Fryer** *Dykema, Bloomfield Hills, MI*  
Mr. Fryer represents clients in a wide range of complex business, commercial and real estate litigation matters, including contract and commercial lease disputes, construction disputes, adverse possession, easement and other real estate disputes, and condemnation. He also has experience in administrative proceedings before the Michigan Tax Tribunal and the Michigan Public Service Commission. Mr. Fryer has extensive experience with eminent domain law, representing electric transmission companies in the acquisition of property interests necessary for the construction, operation and maintenance of new transmission facilities. He also assists clients in the planning and siting of new transmission infrastructure.

Additional Learning

**Webinar Series**

**Solar Photovoltaic Project Design and Development**

- **Solar Photovoltaic Project Design and Development, Part I**  
Thurs., Nov. 30, 2017, 11:00 AM - 3:15 PM CST
- **Solar Photovoltaic Project Design and Development, Part II**  
Fri., Dec. 1, 2017, 11:00 AM - 2:15 PM CST

**Construction Cost Estimating**

- **Introduction to Cost Estimating**  
Thurs., Dec. 7, 2017, 11:00 AM - 12:30 PM CST
- **Cost Components - A Closer Look at the Estimates**  
Thurs., Dec. 7, 2017, 1:00 - 3:00 PM CST
- **Cost Estimate Organization**  
Fri., Dec. 8, 2017, 11:00 AM - 1:00 PM CST
- **Cost Estimating Topics**  
Fri., Dec. 8, 2017, 1:30 AM - 3:00 PM CST

Registration

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