

# Agenda

## Resolving Boundary Disputes

Aaron Barton

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

## Understanding Riparian and Water Rights

Robert Park

History and development of riparian rights

Determining land boundaries near the water line

Determining access rights to surface waters

Determining rights to groundwater

Complying with regulations restricting access to and use of surface water and groundwater

## Understanding Utility Easements and Rights of Way

Jim Oliveros

Current law on utility rights of way

- State laws and regulations

Types of utilities affected

- Electric, water, natural gas, telecommunications, communications

Basis for and definition of the easement

Encroachments and interferences Maintenance

Condemnation law

Current issues involving utility easements

## Locating Land Boundaries on Paper (And on the Ground)

Paul Barkhurst Jr.

Interpreting land descriptions

- Metes and bounds
- Lot and block
- Dos and don'ts for writing descriptions

Applying principles of boundary location

- Collecting and evaluating all types of boundary evidence: documents, physical evidence, people, surveys
- Locating the described land on a map
- Locating the described land on the ground
- Understanding and using geographic information systems (GIS)

Solving land description and boundary location problems

## Identifying, Classifying and Locating Easements

Paul Barkhurst Jr.

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

## Defining Trespass and Adverse Possession

Clint Buck

Defining trespass and required elements Defending against a claim for trespass

Reviewing the history of adverse possession

Maintaining a claim for adverse possession

- Elements of a claim
- Statute of limitations

Defending against a claim for adverse possession

Examining recent trespass and adverse possession cases

# Boundaries and Easements

San Antonio, TX - Wednesday, December 5, 2018



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# Learning Objectives

*You'll be able to:*

**Locate** land boundaries on paper and on the ground.

**Create**, locate and maintain private easements.

**Understand** utility easements and rights-of-way.

**Resolve** boundary disputes using techniques such as litigation, arbitration, mediation, agreements and title insurance.

**Defend** against claims for adverse possession.

**Comply** with rules regarding access to surface and groundwater.



# Boundaries and Easements

San Antonio, TX - Wednesday, December 5, 2018



**Identify**, classify and locate easements

**Understand** when and how to use different types of easements

**Learn** about trespass and adverse possession

**Review** Texas riparian and water rights

**Discuss** utility easements and rights of way

**Resolve** boundary disputes

## Continuing Education Credits

**Attorneys & Paralegals**  
8.0 Texas CLE hours  
TBLS: 8.0 Real Estate Law  
8.0 Administrative Law

**Texas Escrow Officers**  
8.0 General CE Hours

**Professional Engineers & Land Surveyors**  
8.0 PDHs (Engineers)  
8.0 CE Hours (Surveyors)

**Landmen**  
8.0 CEUs



# Faculty

**Aaron Barton** *Branscomb PC*  
Mr. Barton practices in the areas of business and real estate law. He has practiced law in south-central Texas since 2007, representing businesses, lenders, and individuals in a wide variety of business and real estate transactions.

**Robert Park** *Uhl, Fitzsimons, Jewett, Burton & Wolff, PLLC*  
A native Texan, Mr. Park grew up in Austin and attended law school in San Antonio. He is a transactional attorney, whose practice focuses primarily on Texas oil and gas law, including drafting and negotiating leases, surface use agreements, seismic permits, pipeline agreements, disposal well contracts, royalty and mineral transfers, and royalty audits. He also has experience in the purchase and sale of commercial real estate and water rights, and in the sale and donation of conservation easements.

**Jim Oliveros** *Partner at Ross Molina Oliveros, P.C.*  
Mr. Oliveros has experience in eminent domain litigation and real estate acquisition matters. He focuses on all aspects of large and small real estate acquisition projects for a diverse group of condemning authorities, including pipeline companies, utilities, counties, cities and other entities with the power of eminent domain. Clients use Mr. Oliveros to draft and negotiate easements and all other acquisition documents, purchase real property, review title and participate in condemnation and ancillary proceedings. In the past five years, Mr. Oliveros participated as the lead attorney for a right-of-way team that acquired property for and constructed hundreds of miles of different pipelines in the Eagle Ford area and negotiated well over 600 easements. He also worked closely with a right-of-way team to acquire land for a major 345 kV electric transmission line in

Central Texas that spanned almost 300 landowners, and he participated in the acquisition of a strip mall with over 35 tenants. Mr. Oliveros is actively working on pipeline-related projects in South Texas and West Texas and CREZ transmission lines in the Hill Country and surrounding areas.

**Paul Barkhurst Jr.** *Barkhurst and Hinojosa, P.C., San Antonio*  
Mr. Barkhurst has extensive litigation experience in business and real estate disputes. He has developed a special concentration in the area of eminent domain, representing governmental entities as well as landowners in numerous lawsuits. He has successfully represented numerous owners in ranch power line takings. Mr. Barkhurst also represents governmental entities in construction disputes, and he has represented contractors and subcontractors in private disputes. He also has extensive experience handling complex business dissolution and injunction cases. Mr. Barkhurst has a B.A. degree, with honors, from Southwest Texas State University and a J.D. degree, *magna cum laude*, from Texas Tech University, and he is a former USAF Captain and F-111 Aviator.

**Clint Buck** *Attorney at Branscomb | PC*  
Mr. Buck received a B.A. degree in Music and Sociology from Austin College in 2007 and a J.D. degree from Texas Tech University School of Law in 2011. He has practiced law in a variety of fields since his admission to the State Bar of Texas in 2011. During law school, he was active in the school's moot court program, participating as the brief writer on four national and state teams. Mr. Buck is an associate in the litigation department of Branscomb | PC in San Antonio, Texas, where he centers his practice on real estate litigation. He also represents individuals, small businesses, and large companies in a broad spectrum of cases, including those involving water rights, construction, fiduciary matters, and insurance.

# Seminar Information

**Hilton San Antonio Airport Hotel**  
611 NW Loop 410  
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(210) 340-6060

**Tuition**  
**\$279** for individual registration  
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## Continuing Education Credit Information

This seminar is open to the public. The State Bar of Texas has approved HalfMoon Education as a CLE provider for attorneys. This course offers 8.0 CLE hours, including no ethics hours. The Texas Board of Legal Specialization has awarded 8.0 hours in the specialty area of Real Estate Law and Administrative Law for attorneys and 8.0 paralegal CLE hours in Real Estate Law.

The Texas Department of Insurance has approved this course for 8.0 general continuing education hours for escrow officers.

This seminar offers 8.0 PDHs to Texas professional engineers to whom the subject matter is professionally relevant. Educators and courses are not subject to preapproval.

The Texas Board of Professional Land Surveying has approved this activity for 8.0 continuing education hours.

The Association of Professional Landmen has approved this course for 8.0 RL, RPL or CPL recertification credits and no CPL/ESA or Ethics credits.

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.

# Additional Learning

## Webinar Series

- Geothermal Heating and Cooling**
- **Thermodynamic Basics of Geothermal Systems**  
Thurs., Nov. 1, 2018, 11:00 AM - 12:00 PM CDT
  - **Understanding Earth Loop Systems**  
Thurs., Nov. 1, 2018, 12:30 - 2:00 PM CDT
  - **Choosing and Designing Geothermal Systems**  
Fri., Nov. 2, 2018, 11:00 AM - 12:00 PM CDT
  - **Evaluating and Maintaining Geothermal Systems**  
Fri., Nov. 2, 2018, 12:30 - 2:30 PM CDT

For more information visit:  
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# Registration Boundaries and Easements

San Antonio, TX - Wednesday, December 5, 2018

| How to Register                                                                                                                                                                                                               | Registrant Information                                                                                                                          |
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## Tuition

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