

Agenda

Boundary Law A. Smith

- Understanding basic principles of boundary law
 - Determine the intent of the grantor
 - Follow the steps of the original surveyor
- Evaluating boundary evidence
 - Legal descriptions, natural monuments, artificial monuments, adjoining boundaries, surveys, maps, statements and testimony
- Resolving boundary disputes

Accommodating Surface Use and Mineral Rights A. Smith

- History and development of severed mineral rights
- Rights to mineral access and development
- Entering into surface use agreements
- Resolving disputes between mineral and surface owners

Land Use Law O. Izfar

- Understanding land use law
 - Comprehensive planning
 - Zoning
 - Traffic/parking
- Subdivision platting
- Restrictive covenants/deed restrictions
- Nuisance
- Handling land use approvals
 - Plats
 - Variances
 - Interpretations/appeal of staff decisions
 - Administrative appeals
- Re-zoning, including PUD, PD, SUP, CUP
- Special exceptions
- Litigation

Eminent Domain and Condemnation Law C. McFarland

- Understanding eminent domain powers
 - Source of eminent domain powers
 - History of the exercise of eminent domain powers
 - Types of eminent domain “takings”
- Participating in the condemnation process
- Appealing a condemnation decision
- Understanding regulatory “takings” and inverse condemnation

The Law of Easements D. Pershing

- Understanding the legal concept of easements
 - Types of easements: easements in gross and easements appurtenant
- Creating easements
 - Express and implied
- Terminating easements
- Understanding conservation easements

Ethical Issues in Land Transactions and Development J. Stuckey

- Preventing conflicts of interest
- Exercising professional judgement and the appropriate standard of care
- Acting within the scope of experience/expertise

Land Laws for Engineers and Surveyors

Houston, TX - Friday, November 8, 2019



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Learning Objectives

You'll be able to:

- Understand** basic principles of boundary law.
- Evaluate** boundary evidence, including legal descriptions, monuments, surveys and maps.
- Understand** the relationship between mineral rights and rights to surface land use.
- Participate** in land use planning, including the platting and zoning processes.
- Understand** private easements, including easements in gross and easements appurtenant.
- Learn** about eminent domain and review the condemnation process.
- Handle** ethical issues in land transactions and development.



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- Understand** land use law
- Identify** ethical issues in land transactions and developments
- Examine** the law of easements
- Learn** about eminent domain and condemnation law
- Explore** the conflicts between surface land use and mineral rights
- Discuss** boundary law and learn how to evaluate boundary evidence

Continuing Education Credits

- | | |
|---|-------------------------------------|
| Texas Professional Land Surveyors: | Texas Professional Engineers |
| 8.0 Continuing Ed. Hours | 8.0 PDHs |
| (1.0 Rules/Ethics Hour) | (1.0 Ethics Hour) |



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Faculty

Audra B. Smith *Attorney with WADLER, PERCHES, HUNDL & KERLICK*
Ms. Smith is a practicing attorney licensed with the State Bar of Texas since 2014. She is also admitted to practice in the Southern District of Texas. While practicing in a variety of areas, Ms. Smith spends a significant portion of her time on real estate matters with a focus on mortgage lending, farm and ranch transactions, and oil and gas title examination. Her current practice also includes a range of agricultural law, particularly in areas involving cattle. In addition, Ms. Smith continues to assist clients with civil litigation cases, estate planning, probate and business transactions. Ms. Smith is a 2006 graduate of El Campo High School. She received her bachelor of science degree in Agricultural Science from Texas A&M in 2009, and received her doctor of jurisprudence degree from South Texas College of Law in 2014. She is a member of the Wharton County Bar Association, serving as president in 2016, and is a member of the Texas Bar College.

Charles McFarland *Condemnation Attorney*
Mr. McFarland has extensive experience representing landowners whose private property is taken by the government for public use. His primary focus is highway and road widening projects impacting retail, commercial, industrial, and special-use properties. He is a frequent speaker, panelist, and author on topics relating to eminent domain and condemnation law and is the Texas member of Owners’ Counsel of America, an invitation-only national network of leading eminent domain and property rights attorneys.

S. Omar Izfar *Attorney with Wilson Cribbs and Goren, PC*
Mr. Izfar is an associate in the law firm of Wilson, Cribbs + Goren, a boutique real estate firm in Houston, where he represents real estate developers in land use and zoning, economic development, and general real estate matters. Prior to this, he was senior assistant city attorney in the City of Houston where he served as counsel to the Houston Planning Commission, the

Seminar Information

The Westin Galleria Houston
5060 West Alabama
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Continuing Education Credit Information

This seminar is open to the public and is approved by the Texas Board of Professional Land Surveying for 8.0 continuing education hours. It contains 1.0 hour of ethics content.
This course offers Texas professional engineers 8.0 PDHs, including 1.0 ethics hour. Educators and courses are not subject to preapproval.
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Houston Archeological and Historical Commission, and the Houston Tower Commission as well as advising various city departments on issues related to real estate development. Mr. Izfar obtained a J.D. degree from the Rutgers-Camden School of Law and a B.A. degree from Emory University.

Derek C. Pershing *Attorney with Wilson Cribbs + Goren, PC*
Mr. Pershing is a real estate attorney with the law firm of Wilson Cribbs + Goren where he has a diverse transactional law practice that includes acquisitions, dispositions, development, leasing, entity formations, joint ventures, financing and closings across industrial, multifamily, office, retail, master-planned communities, and farm and ranch properties. He has three board certifications by the Texas Board of Legal Specialization: Commercial Real Estate Law, Residential Real Estate Law, and Farm and Ranch Real Estate Law. Only 44 attorneys in the State of Texas currently hold the same three certifications and he is the youngest. Mr. Pershing has been selected to the Texas Rising Stars™ list by Thomas Reuters Super Lawyers® in 2019 and is a member of the Texas Bar College for extraordinary commitment to professionalism through education. He holds a law degree from South Texas College of Law Houston, an MBA degree in finance and a BBA degree in Finance and Economics from the University of St. Thomas. Mr. Pershing served in the Army as a combat medic in Afghanistan during Operation Enduring Freedom V; he is a licensed FAA Private Pilot (ASEL) and Remote Pilot (UAS); and he has travelled extensively around the world.

Joe W. Stuckey *Attorney at Law, Rosharon (Houston Area)*
Mr. Stuckey practices primarily in corporate, real estate, and environmental law, including transactional work and litigation. He has a B.S. degree in Civil Engineering from Texas A&M University and J.D. and L.L.M. degrees from the University of Houston Law Center. Mr. Stuckey is admitted to the practice of law in all Texas courts, the U.S. District Court for the Southern District of Texas, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. Claims Court. He is also licensed in Texas as a professional engineer and a registered public land surveyor.

Additional Learning

Webinar Series

Solar Photovoltaic Project Design and Development
• **Solar Photovoltaic Project Design and Development, Part I**
Wed., October 2, 2019, 11:00 AM - 2:15 PM CDT
• **Solar Photovoltaic Project Design and Development, Part II**
Thurs., October 3, 2019, 11:00 AM - 2:15 PM CDT

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• **Introduction to Chapter 17: Special Inspections**
Thurs., October 10, 2019, 11:00 AM - 12:30 PM CDT
• **Soils and Foundations**
Thurs., October 10, 2019, 1:00 - 2:30 PM CDT
• **Reinforced Concrete and Structural Steel**
Fri., October 11, 2019, 11:00 AM - 12:30 PM CDT
• **ACT Ceiling Grid, Epoxy Anchors, and Fire Penetrations**
Fri., October 11, 2019, 1:00 - 2:30 PM CDT

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