

# Agenda

## Identifying, Classifying and Locating Easements

E. D. McNamara 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

## Creating and Managing Highway Rights-of-Way

J. Cole Helfrich

- Identifying potential rights-of-way
- Negotiating and valuing easements
- Rights included in right-of-way
- Landowner rights
- Maintenance of right-of-way
- Alterations and encroachments

## Understanding Utility Easements and Rights of Way

J. Cole Helfrich

- Current law on utility rights of way
  - Federal laws and regulations
  - State laws and regulations
- Types of utilities affected
  - Electric, water, natural gas, telecommunications, satellite communications
- Basis for and definition of the easement
- Encroachments and interferences
- Maintenance
  - Environmental issues
- Condemnation law
  - Current issues involving utility easements

## Eminent Domain Law and Condemnation Practice

J. Cole Helfrich

- Understanding eminent domain powers
  - Source of eminent domain powers
  - History of the exercise of eminent domain powers
  - Types of eminent domain “takings”
- Just compensation: valuing “taken” property
- Privatization of eminent domain and other current issues
- Participating in the condemnation process
  - Hearing and right of appeal
  - Valuing the property taken
- Condemnation process for utility and other quasi-public use

## Trespass, Adverse Possession and Other Unauthorized Access to Land

J. Cole Helfrich

- Elements of civil trespass to land
- 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

## Easements, Rights-of-Way, and Eminent Domain

Springfield, IL - Thursday, December 12, 2019



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PO Box 278  
Altoona, WI 54720-0278

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## Learning Objectives

### You'll be able to:

**Identify, classify and locate** easements.

**Review** current law on electric, water, natural gas, and telecommunications easements.

**Understand** eminent domain powers and define just compensation for “taken” property.

**Discuss** the condemnation process for utility and other quasi-public use.

**Understand** trespass, adverse possession and other unauthorized access to land.



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# Easements, Rights-of-Way, and Eminent Domain

Springfield, IL - Thursday, December 12, 2019



**Understand** how to identify, classify and locate easements

**Receive** tips on how to participate in the condemnation process

**Review** laws relating to the power of eminent domain and the type of eminent domain takings

**Learn** about trespass, adverse possession and other unauthorized access to land

**Create** and maintain highway and utility rights-of-way

### Continuing Education Credits

**Professional Engineers & Land Surveyors**  
7.0 PDHs

**Attorneys**  
7.0 Illinois CLE Hours  
7.0 Indiana CLE Hours  
8.0 Wisconsin CLE Hours (1.0 EPR)



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# Faculty

**Edward D. McNamara Jr.** *McNamara & Evans*  
Mr. McNamara is an attorney who practices in transportation, public utilities, and civil litigation. He was born in Springfield and was admitted to the Illinois bar in 1968, U.S. District Court for the Eastern District of Illinois in 1969, and U.S. Supreme Court and U.S. District Court for the Southern District of Illinois in 1972. He graduated from St. Louis University in 1965 and received his J.D. degree from the University of Illinois College of Law in 1968. Mr. McNamara is a member of the Illinois State Bar Association, the Sangamon County Bar Association, and the Illinois State Bar Association, where he is chair of the Public Utilities & Transportation Law Section Council. He is also a member of the Chicago Bar Association's Joint Committee on Illinois Commerce Commission Rules of Practice. He is a member of the Vermilion County and the Sangamon County bar associations, the Illinois State Bar's Section on Public Utilities and Transportation Law, and the Transportation Lawyers Association.

**J. Cole Helfrich** *Craig R. Knoche & Associates, P.C.*  
Mr. Helfrich first picked up a plumb bob in 1971 for Webster & Associates. From tape-and-transit to GPS, and from mortgage surveys to shopping centers, he has his seal on well over a billion dollars of commercial, residential and institutional developments and transactions in 22 counties in Illinois. Mr. Helfrich has enjoyed working with countless prominent developers, attorneys and other professionals in the field and the office. His specialties include real estate law, boundaries and boundary law, easements, rights-of-way and other encumbrances and servitudes, statutory and common-law plats, ALTA surveys, topography, building and site layout, construction- and project-management as well as land development consulting. Mr. Helfrich is a member of the National Society of Professional Surveyors and the Illinois Professional Land Surveyors Association. For the last 23 years he has been principal land surveyor with Craig R. Knoche & Associates, P.C., in Geneva.

# Seminar Information

**Crowne Plaza Springfield**  
3000 South Dirksen Parkway  
Springfield, IL 62703  
(217) 529-7777

**Tuition**  
**\$289** for individual registration  
**\$269** for three or more registrations.

Registration  
8:00 - 8:30 am  
Morning Session  
8:30 am - 12:00 pm  
Lunch (on your own)  
12:00 - 1:00 pm  
Afternoon Session  
1:00 - 5:00 pm

**Included with your registration:** *Complimentary continental breakfast and printed seminar manual.*

**Receive a reduced tuition rate of \$101** by registering to be our on-site coordinator for the day. For availability and job description, please visit [www.halfmoonseminars.org](http://www.halfmoonseminars.org).

**How to Register**

- Visit us online at [www.halfmoonseminars.org](http://www.halfmoonseminars.org)
- Mail-in or fax the attached form to 715-835-6066
- Call customer service at 715-835-5900

**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 self-study package. You may also send another person to take your place.

**Continuing Education Credit Information**

This seminar is open to the public. This course offers 7.0 PDHs to Illinois professional engineers and land surveyors. Educators and courses are not subject to preapproval in Illinois.

Engineers and land surveyors seeking continuing education credit in other states will be able to claim the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

The Illinois MCLE Board has approved this course for 7.0 MCLE general credit hours for attorneys.

This course has been approved for 7.0 CLE hours for Indiana attorneys and 8.0 CLE hours, including 1.0 EPR credit, for Wisconsin attorneys.

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**

**Structural Forensic Engineering**

- **Introduction to the Forensic Engineering Process**  
Tues., Nov. 12, 2019, 11:00 AM - 1:00 PM CST
- **Causes of Failures and the Forensic Engineering Report**  
Tues., Nov. 12, 2019, 1:30 - 3:30 PM CST
- **Forensic Examination of Structures and Use in Litigation**  
Wed., Nov. 13, 2019, 11:00 AM - 1:00 PM CST

**Stormwater Management Systems**

- **Basics of Stormwater Regulations and Requirements, Including EPA Regulations**  
Wed., Nov. 20, 2019, 11:00 AM - 12:00 PM CST
- **Site Planning and Choosing Best Stormwater Management Practices**  
Wed., Nov. 20, 2019, 12:30 - 2:00 PM CST
- **Working with the MS4 Regulator**  
Thurs., Nov. 21, 2019, 11:00 AM - 12:00 PM CST
- **Long-Term Stormwater Management Practices**  
Thurs., Nov. 21, 2019, 12:30 - 2:00 PM CST

**Cogeneration System Principles and Practice**

- **Understanding the Benefits of Cogeneration**  
Thurs., Nov. 21, 2019, 11:00 AM - 12:30 PM CST
- **Laws, Regulations and Building Codes Impacting Cogeneration**  
Thurs., Nov. 21, 2019, 1:00 - 2:30 PM CST
- **Examining Cogeneration Technologies**  
Fri., Nov. 22, 2019, 11:00 AM - 12:30 PM CST
- **Moving to Cogeneration: Analysis, Modeling and Case Studies**  
Fri., Nov. 22, 2019, 1:00 - 2:30 PM CST

For more information and other online learning opportunities visit:  
[www.halfmoonseminars.org/webinars/](http://www.halfmoonseminars.org/webinars/)

**Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!**  
Audio recordings of this seminar are available for purchase starting at \$269. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

# Registration

**Easements, Rights-of-Way, and Eminent Domain**  
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| How to Register                                                                                                                                                     |              |
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| ( )  I need special accommodations. Please contact me.                                                                                                              |              |

**Tuition**

( ) **I will be attending the live seminar.** Single Registrant - **\$289.00**. Three or more registrants from the same company registering at the same time - **\$269.00** each.

( ) **I am not attending.** Please send me the self-study package:

☐ Downloadable MP3 Audio/PDF Manual for **\$269.00**.

☐ CD/Manual Package for **\$289.00**. ☐ USB/Manual Package **\$289.00**. (S&H included. Please allow five weeks from seminar date for delivery)

**Checks:** Make payable to HalfMoon Education Inc.

**Credit Card:** *Mastercard, Visa, American Express, or Discover*

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