

Agenda

Identifying, Classifying and Locating Easements R. Streicher

- 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
- Obstructing use of easements and determining remedies for obstruction

Trespass, Adverse Possession and Other Unauthorized Access to Land R. Johnson

- 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

Understanding Utility Easements and Rights of Way J. Rolling

- Types of utility easements
 - Electrical transmission, water, pipelines and natural gas, telecommunications
- Creation and definition of the easement
 - Structure of common utility easements
 - Regulatory approval process
- Eminent domain and condemnation law
 - Just compensation
- Current law on utility rights-of-way
 - Federal and state laws and regulations
 - Utility accommodation in existing rights-of-way
- Utility easements over time
 - Encroachments and interference
 - Modification and expansion
 - Maintenance
- Current issues involving utility easements

Eminent Domain Law and Condemnation Practice N. Boerke

- 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

Avoiding, Identifying and Resolving Ethical Issues in Land Transactions and Disputes M. Hazelbaker

- Conflicts of interest: identifying your client
- What duties do you owe, and to whom do you owe them?
- Do you need to maintain confidentiality, and for whom?
- Complying with your professional responsibility for honesty and truthfulness
- Practicing only in areas of competence
- Ethical solicitation of business
- Taking referrals from other professionals

Easements, Rights-of-Way, and Eminent Domain

Brookfield, WI - Wednesday, December 11, 2019



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Learning Objectives

You'll be able to:

Explain distinctions between easements in gross, easements appurtenant, and prescriptive easements.

Understand the elements of adverse possession and civil trespass to land.

Compare federal and state laws and regulations on utility rights-of-way.

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

Determine just compensation for property taken for public use.

Comply with ethics rules in land transactions and disputes.



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Identify, classify, and locate easements

Discuss trespass, adverse possession, and other unauthorized access to land

Understand utility easements and rights-of-way

Examine eminent domain and condemnation law

Explore ethical issues in land transactions and disputes

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Wisconsin Attorneys
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1.0 Ethics Hour

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Faculty

Rodman W. Streicher is an attorney in the Appleton office of von Briesen & Roper, s.c. His areas of practice include eminent domain, property tax, and commercial and real estate litigation. Mr. Streicher has represented local governments in excessive assessment, unlawful taxation, and land use litigation, as well as in eminent domain disputes. He has also represented private sector property owners in real estate disputes. He received his B.A. degree from the University of Wisconsin-Madison in 2008 and his J.D. degree from Cornell University in 2012.

Ralph E. Johnson is an attorney at Carney Thorpe, LLC. He joined the firm in 2015 after nearly 30 years as staff attorney and then as managing attorney with the Janesville UAW-GM Legal Services Plan. Mr. Johnson has extensive experience in handling virtually all legal matters of individuals and small businesses. He focuses his practice on litigation involving real estate, including eminent domain, debtor-creditor matters where he will be serving as a Trustee in Chapter 128 debt amortizations, and consumer rights. Mr. Johnson also handles matters in probate court, estate planning, and family law.

Joseph J. Rolling is an attorney in the Madison office of von Briesen & Roper, s.c. His practice is focused on eminent domain, property tax assessment, and land valuation litigation. Working for his father's appraisal practice before attending law school has given him a unique perspective on the land acquisition process. Mr. Rolling has spoken on eminent domain and property issues at the request of the Appraisal Institute – Wisconsin Chapter, the American Public Works Association, the Transportation Research Board, the International Right of Way Association, and the State Bar of Wisconsin. He earned his B.S. degree in Economics and his J.D. degree from the University of Wisconsin-Madison. Mr. Rolling has been recognized as an “Up and Coming Lawyer” by the *Wisconsin Law Journal* and named as a finalist for the International Right of Way Association's Young Professional of the Year Award.

Seminar Information

Sheraton Milwaukee Brookfield Hotel
375 South Moorland Road
Brookfield, WI 53005
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Nicholas J. Boerke is senior counsel at Michael Best & Friedrich LLP. He focuses his practice on real estate, tax, and corporate law, including real and personal property tax assessments, property tax exemptions, and PILOT agreements; eminent domain matters involving challenges to a condemnor's right to take property, just compensation appeals, and obtaining relocation benefits for displaced property owners and tenants; all aspects of the acquisition, sale, or lease of commercial, residential, and industrial properties; the preparation and negotiation of option agreements, easements, covenants, licenses, and other real estate documents; and zoning and permit approvals, tax incremental financing (TIF), and development agreements. Before joining Michael Best, Mr. Boerke was an associate with another full-service law firm and an attorney with Deloitte Tax LLP.

Mark B. Hazelbaker is an attorney at Kasieta Legal Group, where he provides more than 30 years of diverse experience. His career includes service as in-house counsel to the Wisconsin Counties Association, and work as a county attorney, personnel director, and administrator. His 22 years of private practice experience include extensive litigation and business experience. He focuses on municipal and land use law, employment, and small business. Mr. Hazelbaker draws on a wide range of experience to be of assistance to clients in family law, criminal defense, government relations, and real estate. He received his undergraduate and law degrees from UW-Madison. Mr. Hazelbaker has represented individuals, communities, and businesses in every part of Wisconsin. He frequently teaches other lawyers in continuing legal education courses.

Additional Learning

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- **Part II**
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