

Agenda

Identifying, Classifying and Locating Easements

S. Offord

- What is and is not an easement
- Reviewing state law on easements
- Creating easements: judicially created vs. express easements
- Identifying critical distinctions between easements
- Maintaining easements
- How easements may be terminated
- Obstructing use of easements and determining remedies for obstruction

Understanding Utility Easements and Rights of Way

J. Widman

- 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 Overview

A. Turner

- Power of eminent domain
- Requirements to acquire private property by eminent domain
- Typical eminent domain proceeding-- determination of "just compensation"
- What happens after the action is commenced and defendants served?
- Typical litigation
- Take Issues
 - Full take
 - Part take
- Loss of goodwill

Defining Trespass and Adverse Possession

R. Wintle

- Defining trespass
- Reviewing the history of adverse possession in California
- Maintaining a claim for adverse possession
- Statute of limitations
- Elements of a claim
- Defending against a claim for adverse possession

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

San Jose, CA - Wednesday, March 4, 2020



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Learning Objectives

You'll be able to:

Review state law on private easements, and get tips on creating, maintaining and terminating easements.

Understand rights and responsibilities associated with utility easements, including easements for electricity, water, natural gas and telecommunications.

Get an overview of the eminent domain process.

Learn about special issues with partial eminent domain "takings," and learn how "just compensation" is determined.

Define trespass, and learn about the history of adverse possession in California.



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Learn what is and what is not an easement

Define trespass and adverse possession

Receive an overview of eminent domain

Discuss state law on easements

Understand utility easements and rights of way

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Simon Offord *Partner at Brewer Offord & Pederson, LLP*
Mr. Offord has a long-standing passion for real estate, having practiced exclusively in real estate law for his entire career. His practice focuses on easement and neighbor disputes; residential real estate transactions and disputes; representation of real estate agents, brokers and their clients; and commercial real estate matters, including leasing issues, purchases and disputes. Mr. Offord has successfully litigated several cases to verdict, including multiple property line, easement and adverse possession cases, partition actions, failure to disclose cases and commercial lease disputes. He has tried both federal and state cases, as well as jury trials. Mr. Offord is an experienced and thoughtful litigator who focuses on obtaining the best results for his clients by adapting to the unique circumstances of each case. He has close ties to the real estate community that he has developed and curated over the years. Mr. Offord is regularly asked to be a speaker for many of the Bay Area real estate organizations, including SILVAR, SCCAOR and SAMCAR, as well as several local brokerages. In total, Mr. Offord has done in excess of 100 speaking engagements, in which he advises real estate agents on an array of topics, ranging from disclosure best practices, understanding typical real estate purchase agreements, dispute resolution and many other topics. He is a former member of the SILVAR Board of Directors, a former chair of the Santa Clara County Bar Association's Barrister's Committee and an active member of SILVAR, SCCAOR and the Sierra North Valley Realtors. Mr. Offord has also provided continuing education courses to other attorneys on multiple topics, most notably easement issues and neighbor disputes.

Jeffrey Widman *Founder of the Law Offices of Jeffrey P. Widman*
Mr. Widman, the founding attorney of the Law Offices of Jeffrey P. Widman, received his law degree from Harvard Law School - having previously gained a Ph.D. degree from Yale and an A.B. degree from Harvard. He is AV® Rated Preeminent by Martindale-Hubbell®, an attorney ranking website that is recognized nationwide. From complex real estate issues to business law disputes, clients trust his firm to represent them with tenacity and sophistication. Mr. Widman's dedication to providing exceptional and attentive service to his clients is just one of the many attributes of excellence which distinguishes the Law Offices of Jeffrey P. Widman and which has clients returning to the firm for their commercial

Seminar Information

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real estate, personal real estate, litigation and business law needs. Mr. Widman upholds the highest standards of professional and personal ethics, and he is highly respected by former clients and other attorneys. He has extensive experience bringing cases to trial.

Andrew Turner *Attorney at Turner Law*
Mr. Turner's primary area of practice is in the field of eminent domain and inverse condemnation litigation. He has litigated eminent domain matters throughout Northern California. His practice consists primarily of defending landowners and business owners against various governmental agencies in eminent domain actions. He is a frequent speaker at eminent domain conferences and meetings.

Roger Wintle *Partner at the Heritage Law Group, PC*
Mr. Wintle is a founding shareholder of the Heritage Law Group, P.C., and he has over 35 years of experience. He received his undergraduate education from San Jose State University and advanced degrees from the University of North Dakota and the University of Bridgeport. He received his law degree from the University of San Diego School of Law in 1982. Mr. Wintle began his legal career in Dallas, Texas, in 1982, where he was an associate and later a partner with Shank, Irwin & Conant. He moved to California in 1989 where he joined the San Jose law firm of Ferrari, Alvarez, Olsen & Ottoboni, first as an associate and later as a partner. In 1995, Mr. Wintle and Terence Kane formed the law firm of Wintle & Kane, LLP and that firm subsequently merged with the Heritage Law Group, P.C., in 2003. As a partner in the Heritage Law Group, Mr. Wintle expanded his practice to include business formation, general counsel services, intellectual property litigation, and general litigation. Mr. Wintle has practiced in numerous areas of the law including, real estate, intellectual property, business formation and general counsel services, construction, environmental laws, commercial and residential lease drafting and review, and litigation with regard to most of these areas. He is an expert negotiator who uses his cordial nature and easy-going attitude to work closely with opposing counsel to find resolution to his client's legal problems. He is a successful trial attorney but nevertheless works hard to settle his cases before trial. As a former teacher, Mr. Wintle educates his clients so that they can be realistic with their expectations and have a clear understanding of the litigation process and its costs, both financial and emotional. He is well respected and admired among clients and opposing counsel.

Additional Learning

Webinar Series
Soil Mechanics and Slope Stability

- **Soil Investigation and Classification**
Tues., Feb. 25, 2020, 11:00 AM - 1:00 PM CST
- **Reviewing Hydraulic and Mechanical Properties of Soils**
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- **Determining and Increasing Bearing Capacity**
Wed., Feb. 26, 2020, 11:00 AM - 1:00 PM CST
- **Determining and Increasing Slope Stability**
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Registration

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