

Agenda

Eminent Domain

T. Duggan

- Overview of Eminent Domain law
 - Source of power
 - Traditional public projects (ie. road widening, public school, etc.) and redevelopment projects
- Overview of legal process to take property
 - Litigating the right to take property
 - Litigating amount of just compensation
- Engineers and Surveyors – what is your role?
 - Pre-litigation analysis
 - Highest and best use analysis
 - “Reasonable probability”
 - Testifying as an expert witness
- Tips and pitfalls for acting as an expert witness

Site Contamination Law

S. Humphreys

- Discovering existing soil and/or groundwater contamination
- Understanding applicable rules and regulations
- Understanding liability issues
- Exploring remediation and brownfield redevelopment

Land Use Law

G. Forshner

- Understanding land use law
- Governmental power and authority to zone
- Comprehensive land use planning and zoning
- Planning Board and Zoning Board of Adjustment jurisdiction
- Finding existing land use laws and regulations
- Seeking zoning variances or rezoning
- Types of approvals
- The engineer’s role in land use hearing
- Post-approval
- Outside agencies – timing and role
- Participating in land use litigation and appeals
- Two takeaways – simple and important, but often skipped

Complying with Rules of Professional Conduct

W. Testa

- Complying with New Jersey rules of professional conduct
- Sealing of documents
- Standards for responsible charge of engineering work
- Unauthorized practice of engineering
- National Societies of Professional Engineers and Land Surveyors’ Codes and Canons

Understanding Adverse Possession

C. Hopkins

- The history of adverse possession
- Statutory law
- Case law on adverse possession
- Maintaining a claim for adverse possession
 - Statute of limitations
 - Elements of a claim
- Defending against a claim for adverse possession
- Practical location of boundaries

Land Laws and Ethics for Civil Engineers and Land Surveyors

Princeton, NJ - Friday, April 17, 2020



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Learning Objectives

You’ll be able to:

- Learn** the role of the engineer and surveyor in eminent domain law and condemnation actions.
- Understand** applicable state and federal site contamination laws, and explore remediation and redevelopment.
- Get** tips on finding existing land use regulations and learn about seeking zoning variances or rezoning.
- Learn** to comply with New Jersey rules of professional conduct.
- Examine** the law of adverse possession.



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Learn the role of the engineer and surveyor in eminent domain and condemnation law

Identify state and federal site contamination laws and explore liability and remediation

Learn about governmental land use powers and the authority to zone

Comply with New Jersey rules of professional conduct

Discuss case law on adverse possession

Continuing Education Credits

Professional Engineers
6.5 CPC Credits
Including 1.0 Ethics Hour

Land Surveyors
NJ Approval Pending



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Faculty

Timothy P. Duggan *Attorney with Stark & Stark*
Mr. Duggan is chair of Stark & Stark’s Eminent Domain and Real Estate Tax Appeal Group. He represents individuals and businesses in eminent domain proceedings and has substantial experience litigating issues involving highway access management, relocation assistance and valuation. Mr. Duggan also represents certain public entities in road-widening projects which enables him to have a unique perspective when negotiating settlements. He prosecutes real estate tax appeals for most types of real estate, including shopping centers, apartment buildings, office buildings and warehouses. Mr. Duggan is a frequent speaker and author on topics related to bankruptcy, eminent domain and tax appeal matters.

Steven Humphreys *Kelley Drye & Warren LLP*
Mr. Humphreys is an attorney with the law firm of Kelley Drye & Warren LLP, where he concentrates his practice on all aspects of environmental law and related counseling of businesses. He advises businesses on regulatory compliance and management of environmental risk in matters arising under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the federal Resource Conservation and Recovery Act (RCRA); the Clean Air Act; the Clean Water Act; and various other federal, state and local environmental laws. He also works on the environmental aspects of business transactions.

Gary S. Forshner *Partner, Co-Chair, Redevelopment & Land Use Department with Greenbaum, Rowe Smith & Davis LLP*
Mr. Forshner concentrates his practice in residential and commercial real estate development, redevelopment, and land use. Mr. Forshner represents owners and developers with regard to mixed-use, affordable housing, and residential, industrial, retail and office development projects. He has extensive experience in the telecommunications industry, including zoning and planning, leasing, and municipal bidding. His practice includes representation of national, international and local developers and businesses as well as charitable and religious organizations.

Mr. Forshner served as special land use counsel to municipalities and to the New Jersey Builders Association. He is the former chair of the New Jersey State Bar Association’s Land Use Section. Mr. Forshner regularly speaks on zoning and planning, redevelopment, affordable housing, sustainable energy, land use, eminent domain, and land real estate transactions.

Wendy Testa *Partner at Wilson Elser*
Ms. Testa focuses her legal practice on insurance coverage and defense litigation as well as risk management services in the areas of professional liability; construction/construction defects; general liability; product liability; contract drafting, negotiating and disputes; and employment practices. She has also litigated matters alleging violations of the Fair Debt Collection Practices Act and advised clients on best practices in this area of the law. Ms. Testa is experienced in the defense of architects, engineers and surveyors and is a member of the firm’s design professional practice. She performs contract review and drafting services for design professionals and engages in contract negotiations on behalf of these clients. Ms. Testa received her J.D. degree from Widener University School of Law.

Christopher D. Hopkins *Counsel with Wilentz, Goldman & Spitzer P.A.*
Mr. Hopkins’ practice consists of representing developers and investors in connection with the acquisition, disposition, leasing, development and re-development of commercial real property. His practice runs the gamut of real property transactions from leasing, financing and redevelopment to affordable housing development, condominium association formation and returning contaminated properties or “Brownfields” to beneficial use. The breadth of his practice also extends to counseling clients on land use matters and on a variety of environmental regulatory compliance and permitting issues, including ISRA compliance, environmental due diligence, Superfund and other liability concerns. Mr. Hopkins participates in a number of industry organizations including the National Association of Industrial and Office Properties, where he sits on the legislative affairs committee, the New Jersey Builders Association and the National Brownfield Association.

Seminar Information

Hyatt Regency Princeton
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Princeton, NJ 08540
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Professional engineers and land surveyors seeking continuing education credit outside New Jersey will be able to apply the hours earned at this seminar, in some cases. Refer to specific state continuing education rules to determine eligibility.

Due to state-specific content, this course is not eligible for New York engineer or land surveyor continuing education credit.

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.

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Wed., March 4, 2020, 1:00 - 2:30 PM CST
• **Evaluation of Foundation-Slab Damage and Repair Alternatives**
Thurs., March 5, 2020, 11:00 AM - 12:30 PM CST
• **Evaluation of Foundation Wall Damage and Repair Alternatives**
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