

# Agenda

## Identifying, Classifying and Locating Easements

S. McKinley

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

M. Pallamary

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

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

B. Grabske

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

## Eminent Domain Law

B. Lichman

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

D. Wance

Condemnation process for government use  
Hearing and right of appeal  
Valuing the property taken  
Condemnation process for utility and other quasi-public use

## California Easements, Rights-of-Way, & Eminent Domain

San Diego, CA - Friday, April 17, 2020



HalfMoon Education Inc.  
PO Box 278  
Altoona, WI 54720-0278

NON-PROFIT  
U.S. POSTAGE PAID  
EAU CLAIRE, WI  
PERMIT NO. 2016

## Learning Objectives

### You'll be able to:

**Describe** critical distinctions between easements in gross, easements appurtenant and prescriptive easements.

**Identify** particular rights included in a right-of-way, and consider the rights of private landowners.

**Review** the elements of a claim for civil trespass to land.

**Examine** recent cases on adverse possession.

**Learn** about types of eminent domain “takings,” and get tips on valuing “taken” property.

**Participate** in the condemnation process.



Find us on  
Facebook

## California Easements, Rights-of-Way, & Eminent Domain

Live in-Person Seminar or Live Online Webinar

San Diego, CA - Friday, April 17, 2020



**Identify**, classify and locate easements

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

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

**Participate** in the condemnation process

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

### Continuing Education Credits

**California Attorneys**  
6.5 CLE Hours

**Professional Engineers  
and Land Surveyors**  
Non-Credit Continuing Ed.

*As a result of recent health and safety concerns regarding the COVID-19 virus, this seminar will also be offered as a live webinar (instructions will be sent via email before the date of the webinar). Visit us online at [www.halfmoonseminars.org](http://www.halfmoonseminars.org) to learn more.*



HalfMoon Education Inc.  
[WWW.HALFMOONSEMINARS.ORG](http://WWW.HALFMOONSEMINARS.ORG)

Faculty

**Steven A. McKinley** has been the managing partner at Freeland McKinley & McKinley since 2011, His trial court and appellate experience spans 40 years in easement law, eminent domain and inverse condemnation, real property, construction defect, real estate broker liability, land use, agreed boundaries, and adverse possession. Mr. McKinley is admitted to practice before all courts in the State of California and is a member of the California State Bar Association.

**Michael Pallamary** is the president of Pallamary & Associates of La Jolla. He is a founding member of the Land Surveyors Advisory Council on Technical Standards and a recognized expert on “Standard of Care” defenses and litigation matters. He is the author of *The Curt Brown Chronicles*, along with *Lay of the Land* and the co-author of *Advanced Land Descriptions* written with the late Paul Cuomo and the late Roy Minnick. Mr. Pallamary is also the co-author of *History of San Diego Land Surveying Experiences* with the late Curtis M. Brown. He writes two monthly columns for *The American Surveyor* magazine. One of his recent articles deals with the United States Supreme Court decree on the boundary between the federal government and the State of California, and has generated considerable discussion regarding the proper methods to be employed in establishing water boundaries. Mr. Pallamary has performed numerous boundary surveys along the California coastline and is actively involved in contested matters from Coronado to Half Moon Bay. Mr. Pallamary has established and mapped out littoral lines throughout Southern California, the majority of which are located in La Jolla, California. Mr. Pallamary has extensive experience as an expert witness in local, regional and federal courts testifying as to the preparation and interpretation of land survey maps, easements, water boundaries, and related areas of practice.

**Bradford Grabske** of Murphy & Evertz Attorneys at Law specializes in real estate and complex business litigation. His practice is focused on assisting landowners, businesses, and public agencies with eminent domain, inverse condemnation, contract disputes, land use and environmental issues. Mr. Grabske has successfully represented clients in high stakes trials and before the Court of Appeals. He has also been recognized as a “Rising Star” in *Los Angeles* magazine’s Southern California Super Lawyer edition.

Seminar Information

**Courtyard Mission Valley Hotel Circle**  
595 Hotel Circle South  
San Diego, CA 92108  
(619) 291-5720

**Tuition**  
\$299 for individual registration  
\$279 for three or more registrants from the same company at the same time.  
*Included with your registration:* Complimentary continental breakfast and printed seminar manual (or PDF manual if taken online)

**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).

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 - 4:30 pm

- 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.

Mr. Grabske’s eminent domain experience includes total and partial takings, inverse condemnation, loss of business goodwill, precondemnation delay, environmental contamination issues, emission permitting issues, access impairment, and right-to-take challenges. He also assists clients with California Environmental Quality Act (“CEQA”) and National Environmental Policy Act (“NEPA”) matters.

**Barbara E. Lichman, Ph.D.**, has an extensive and successful record representing airports, municipalities, developers, and other public and private clients in litigation and administrative proceedings under Federal Aviation statutes such as the Airline Deregulation Act and Airport Noise and Capacity Act; the California Public Utilities Code governing land use in airport environs (Aeronautics Act); and federal and state environmental statutes including the National Environmental Policy Act, the Federal Clean Air Act, the Federal Clean Water Act, the California Environmental Quality Act, and the California Coastal Act. She has also successfully represented clients in litigation involving land use issues such as inverse condemnation, development agreements and specific plan amendments. Dr. Lichman holds a doctorate in urban and regional planning.

**Douglas E. Wance** is a shareholder and former chair of Buchalter’s Land Use Practice Group. Mr. Wance has built a cross-disciplinary practice involving land use and entitlements, water resources, environmental compliance, natural resources and public law through the representation of both public agencies and private businesses throughout California. He has handled all aspects of these substantive areas, from advising clients regarding the applicability of the law, to guiding clients through a permitting or entitlement process, or defending clients subject to enforcement actions. Mr. Wance has successfully represented businesses and public agencies in sophisticated financial, real estate, water resource, environmental compliance, and land development matters in court and before administrative agencies. His land use and entitlement background includes representation of residential developers, public entities, major industrial facilities, and other commercial businesses in all phases of project development before local and state agencies, city councils, and county board of supervisors. Mr. Wance has assisted clients in obtaining development and environmental permits and project approvals for power plants, schools, mixed use, and industrial development projects.

Additional Learning

**Webinar Series**

**Compliance with the 2018 International Building Code**

- **Compliance with the 2018 International Building Code, Part I**  
Wed., April 8, 2020, 11:00 AM - 1:00 PM CDT
- **Compliance with the 2018 International Building Code, Part II**  
Wed., April 8, 2020, 1:30 - 3:30 PM CDT
- **Compliance with the 2018 International Building Code, Part III**  
Thurs., April 9, 2020, 11:00 AM - 12:30 PM CDT

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 \$279. 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  
California Easements, Rights-of-Way, & Eminent Domain  
San Diego, CA - Friday, April 17, 2020

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div><p><b>How to Register</b></p><p><b>Online:</b><br/><a href="http://www.halfmoonseminars.org">www.halfmoonseminars.org</a></p><p><b>Phone:</b><br/>715-835-5900</p><table><tr><td><b>Fax:</b><br/>715-835-6066</td><td><b>Code:</b></td></tr></table><p><b>Mail:</b><br/>HalfMoon Education Inc.,<br/>PO Box 278, Altoona, WI<br/>54720-0278</p><p><b>Complete the entire form.</b> Attach duplicates if necessary.</p></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Fax:</b><br>715-835-6066 | <b>Code:</b> | <div><p><b>Registrant Information</b></p><p>Name: _____</p><p>Company/Firm: _____</p><p>Address: _____</p><p>City: _____ State: _____ Zip _____</p><p>Occupation: _____</p><p>Email: _____</p><p>Phone: _____</p><p><b>Additional Registrants:</b></p><p>Name: _____</p><p>Occupation: _____</p><p>Email: _____</p><p>Phone: _____</p><p>Name: _____</p><p>Occupation: _____</p><p>Email: _____</p><p>Phone: _____</p><p><small>Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred.</small></p><p>( )  I need special accommodations. Please contact me.</p></div> |
| <b>Fax:</b><br>715-835-6066                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Code:</b>                |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <div><p><b>Tuition</b></p><p>( ) <b>I will be attending the live, in-person SEMINAR.</b></p><p>( ) <b>I will be attending the live, online WEBINAR.</b></p><p>Single Registrant – <b>\$299.00</b><br/>Three or more registrants from the same company registering at the same time – <b>\$279.00</b> each</p><p>( ) <b>I am not attending.</b> Please send me the self-study package:</p><p><input type="checkbox"/> Downloadable MP3 Audio/PDF Manual for <b>\$279.00</b>.</p><p><input type="checkbox"/> CD/Manual Package for <b>\$299.00</b>. <input type="checkbox"/> USB/Manual Package <b>\$299.00</b>. (S&amp;H included. Please allow five weeks from seminar date for delivery)</p><p><b>Checks:</b> Make payable to HalfMoon Education Inc.</p><p><b>Credit Card:</b> <i>Mastercard, Visa, American Express, or Discover</i></p><p>Credit Card Number: _____</p><p>Expiration Date: _____ CVV2 Code: _____</p><p>Cardholder Name: _____</p><p>Billing Address: _____</p><p>City: _____ State: _____ Zip: _____</p><p>Signature: _____</p><p>Email: _____</p></div> |                             |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |