

Agenda

Identifying, Classifying and Locating Easements

J. Myers

- 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

Eminent Domain Law

M. Barkley

- 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

K. Wright

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

Understanding Utility Easements and Rights of Way

L. Gunter

- 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

Understanding Riparian and Water Rights

B. May

- History and development of riparian rights
- Determining land boundaries near the water line
- Determining access rights to surface waters
- Determining rights to groundwater
- Complying with regulations restricting access to and use of surface water and groundwater
- Alterations and encroachments

Ethical Issues in Land Access and Development

J. Wilhelm

- Land: a finite, depletable resource
- Extent of private rights in land
- Conflict with rights of the public
- Ethical issues in agriculture, water use, mineral access and development

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

Live, Interactive Webinar - Friday, June 26, 2020



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Learning Objectives

You'll be able to:

- Identify, classify, and locate** easements, including easements in gross, easements appurtenant, and prescriptive easements.
- Understand** the source and history of eminent domain powers and types of eminent domain takings.
- Discuss** the condemnation process, including hearings and appeals.
- Discuss** federal and Texas laws and regulations regarding utility rights of way.
- Comply** with regulations restricting access to and use of surface water and groundwater.



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HalfMoon Education Online Learning Texas Easements, Rights-of-Way, and Eminent Domain

Live, Interactive Webinar - Friday, June 26, 2020



- Identify**, classify, and locate easements
- Learn** about eminent domain law
- Examine** the condemnation process
- Understand** utility easements and rights-of-way
- Explore** riparian and water rights
- Discuss** ethical issues in land access and development

Continuing Education Credits

- Attorneys**
 - 8.0 Texas CLE hours
 - (1.0 Ethics)
 - TBLS Pending
- Paralegals**
 - TBLS Approval Pending
- Legal Specialization**
 - Attorneys: 8.0 Hours Administrative Law, Civil Appellate Law, Civil Trial Law, Property Owner's Association Law, and Real Estate Law
 - Paralegals: 8.0 Hours Real Estate Law
- Professional Engineers**
 - 8.0 PDHs (1.0 Ethics)
- Land Surveyors**
 - 8.0 CE Hours
- Landmen**
 - AAPL Approval Pending



Faculty

Jason B. Myers is a partner in the Dallas office of Barnes & Thornburg LLP. He is a commercial attorney, author, and speaker skilled in the areas of real estate and finance. His client-driven approach stems from having spent approximately half of his nearly 25-year career as a client himself. His in-house legal and business roles, coupled with his wide-ranging transactional experience, enable Mr. Myers to team with his clients to offer a thoughtful, multi-perspective, problem-solving approach to meeting their business objectives.

Mary Hazelwood Barkley is a partner at Cantey Hanger LLP, where she has worked for the past 13 years and specializes in real estate litigation, including eminent domain. Ms. Barkley represents both condemning authorities and landowners in easement matters, regulatory takings, inverse condemnation, and statutory condemnation both at trial and on appeal.

Kenneth A. Wright is the founder and principal attorney of the Law Offices of Kenneth A. Wright. He has over 38 years of experience protecting the rights of property owners against the exercise of eminent domain. Mr. Wright is board certified in civil trial law by the Texas Board of Legal Specialization and is one of the few board-certified attorneys in the state of Texas practicing eminent domain and condemnation law. He has been selected by Woodward/White, Inc. as one of Texas’ Best Lawyers in eminent domain and condemnation law every year from 2008-2020. Mr. Wright is a frequent speaker and lecturer to attorney groups on eminent domain and condemnation law and has contributed to numerous legal publications in the field. He has served as an expert witness, mediator, consultant, and special commissioner in condemnation matters. Mr. Wright served as the chair of the Eminent Domain section of the Center for American and International Law’s Annual Program on Planning, Zoning, and Eminent Domain from 1996-2010 and is a member of the Attorney-Mediators Institute.

Lora Gunter, J.D., SR/WA is the Texas director of right of way at Volkert, Inc. Prior to joining Volkert in the fall of 2019, she was the Right of way project delivery director for the Texas Department of Transportation (TxDOT), where she oversaw the department’s statewide right of

way acquisition portfolio. She implemented the policies and procedures for right of way project delivery activities, including oversight of right of way acquisition manuals. Ms. Gunter oversaw the ROW Division legal group, which was responsible for compliance with and interpretation of federal and state laws, rules, and regulations (including the Uniform Act). Her legal career began in 2001 at the Texas Attorney General’s Office, where she represented TxDOT in eminent domain matters across the state. She has also worked as a right of way attorney for TxDOT and handled various matters involving property acquisition and real property disposition. Ms. Gunter has also worked in the legal private sector representing large public utility companies in condemnation proceedings and other real property matters.

Bryan J. May is an oil and gas attorney at Harris, Finley & Bogle, P.C., with the unique industry expertise of a landman. He has performed all aspects of onshore land work for domestic exploration and production companies and holds the certified professional landman designation from the American Association of Professional Landmen. Mr. May’s clients benefit from his experience managing operated and non-operated oil and gas assets and his experience negotiating oil and gas leases, right of way agreements, water rights agreements, purchase and sale agreements, and production sharing agreements, and conducting acquisition and divestiture due diligence. Mr. May is a member of ADAM Energy Forum, the Fort Worth Association of Professional Landmen, the Energy and Real Estate Sections of the Tarrant County Bar Association, and the Energy Section of the Dallas Bar Association.

Jack Wilhelm holds a Masters of Energy and Environmental Law from The Tulane University. He is licensed to practice in Texas, Louisiana, Arkansas, and Illinois, and by numerous federal courts, including all Texas and Louisiana federal district courts and the United States 5th Circuit Court of Appeals located in New Orleans, as well as the United States Supreme Court.

Webinar Information

Log into Webinar 7:30 - 8:00 am CDT	Break 12:30 - 1:30 pm CDT
Morning Session 8:30 am - 12:30 pm CDT	Afternoon Session 1:30 - 5:30 pm CDT

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This webinar is open to the public. The State Bar of Texas has approved HalfMoon Education as a CLE provider for attorneys. This course offers 8.0 CLE hours, including one ethics hours.

HalfMoon Education has applied to the Texas Board of Legal Specialization for attorney and paralegal approval, which are pending.

This seminar offers 8.0 PDHs, including 1.0 ethics hour, to Texas professional engineers to whom the subject matter is professionally relevant. Educators and courses are not subject to preapproval.

The Texas Board of Professional Engineers and Land Surveying has approved this webinar for 8.0 CE hours for land surveyors.

Halfmoon Education has applied to the American Association of Professional Landmen for course approval, which is pending.

Attendance will be monitored and reported, as required. Completion certificates will be available to participants who complete this webinar and successfully complete the quiz (80% score) that follows the presentation. Multiple attempts will be allowed.

Additional Learning

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Pruniversity:
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- Fri., June 5, 2020, 9:00 am – 5:30 pm CDT

Air-Source Heat Pumps, Mini-Splits, and Heat Pump Water Heaters
- Tues., June 9, 2020, 11:00 am – 2:45 pm CDT
- Wed., June 10, 2020, 11:00 am – 2:45 pm CDT

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Registration

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

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