

Agenda

Understanding Utility Easements and Rights of Way

W. M. Hensley

- 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

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

K. Day

- 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

M. Easter

- 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

Live, Interactive Webinar - Wednesday, September 30, 2020



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Learning Objectives

You'll be able to:

Understand how to identify, classify and locate easements.

Review eminent domain laws and review types of eminent domain takings.

Receive tips on how to participate in the condemnation process.

Create and maintain highway and utility rights-of-way.

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



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Identify, classify and locate easements

Discuss landowner rights

Understand eminent domain powers and define just compensation

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

Understand trespass, adverse possession and other unauthorized access to land

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Faculty

W Michael Hensley *AlvaradoSmith*
Mr. Hensley is an accomplished trial lawyer. With close to 40 years of experience helping his clients resolve disputes – through trials, arbitrations, mediations, and appeals – he’s argued cases before U.S. Supreme Court as well as all southern California state and federal courts. In addition, he’s often asked to assist clients across the country and as a result has made a number of pro hac vice appearances before various Federal and State courts throughout the United States. Throughout his career, Mr. Hensley has been involved in lawsuits related to a wide range of corporate disputes, from real estate, securities, and corporate governance issues, to trade secrets, employment matters, unfair competition, and California financing laws. He has significant experience defending class action lawsuits. Mr. Hensley has an active real estate and appellate practice covering both transactional and litigation matters: he’s helped clients structure and defend mechanics liens, purchase agreements, commercial leases, homeowner’s disputes, commercial common area maintenance disputes, subordination agreements, financing arrangements, and more.

Michael Pallamary *Pallamary & Associates of La Jolla*
Mr. 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* and *Lay of the Land*. He is 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 on the United States Supreme Court decree on the boundary between the federal government and the State of California 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. He 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. He has testified in more than 75 trials and has been retained as an expert witness in more than 100 cases across the State of California. Mr. Pallamary has been in the land surveying profession since 1971 and he is a frequent lecturer at conferences, seminars and universities.

Webinar Information

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Bradford Grabske *Murphy & Evertz Attorneys at Law*
Mr. Grabske 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. Mr. Grabske has also been recognized as a “Rising Star” in *Los Angeles* magazine’s Southern California Super Lawyer edition. 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. Mr. Grabske also assists clients with California Environmental Quality Act (“CEQA”) and National Environmental Policy Act (“NEPA”) matters.

Kevin A. Day *AlvaradoSmith*
Mr. Day helps his clients – public entities, transportation agencies, publicly regulated utilities, and private business owners – resolve eminent domain and complex business disputes throughout Southern California. The majority of the public projects on which he has worked have been large-scale and linear in nature, resulting in multi-million dollar challenges and claims that increase in complexity and scope as the project proceeds. His complex business litigation cases have been similarly intertwined with complicated issues featuring dense fact patterns that he must compress to their essence when presenting to the jury. Mr. Day has worked on a variety of public projects, including roadway realignments, subterranean pipelines, public transportation facilities, school campus acquisitions and the infrastructure and property rights necessary for the development, production and transmission of renewable energies throughout the state. He has experience in all phases of public projects and heavily-litigated eminent domain actions, including pre-project planning and acquisition, early project implementation, and all aspects of eminent domain and inverse condemnation trial work. In each case, he approaches the situation with the end result in mind – to resolve the matter in a way that aligns with his client’s business and strategic objectives.

Mark A. Easter *Best Best & Krieger*
Mr. Easter’s practice focuses on public agency acquisitions, including eminent domain and inverse condemnation litigation. Mr. Easter is a partner in the Riverside office. He represents public agencies throughout California on a wide variety of public acquisitions, including projects for cities, counties, school districts, special districts, water districts, transportation agencies and housing authorities, and he has extensive court and jury trial experience in eminent domain-related matters. Mr. Easter is a member of the Inland Empire Chapter of the International Right of Way Association, an organization devoted to excellence in all aspects of public right-of-way work, including legal issues related to eminent domain and inverse condemnation litigation. He frequently writes articles for the IRWA and speaks at IRWA seminars. In 2018, he was named Professional of the Year by the Chapter.

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