Agenda

Identifying, Classifying and Locating Easements *P. Reznik, C. Barton*
- 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 *J. Hodge*
- 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 *R. Brandys*
- 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 *P. Barkhurst*
- 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 *R. Johnson*
- 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 - Tues., December 15, 2020

Learning Objectives

You'll be able to:

Identify, ***classify***, and ***locate*** easements, including easements in gross, easements appurtenant, and prescriptive easements.

Analyze the source and history of eminent domain powers and types of eminent domain takings.

Discuss ethical issues in agriculture, water use, mineral access and development.

Examine the condemnation process, including hearings and appeals.

Discuss federal and Texas laws and regulations regarding utility rights of way.

HalfMoon Education Online Learning

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

Live, Interactive Webinar - Tuesday, December 15, 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

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Faculty

Patrick Reznik *Attorney at Braun & Gresham*
Mr. Reznik's clients are land and business owners who need to resolve a lawsuit or reduce the likelihood of litigation. His Texas farm and ranch background, agricultural engineering education, and hardworking lifestyle bring a skilled, creative, understanding and compassionate approach to protecting clients' rights and resolving conflicts. Mr. Reznik has handled a variety of disputes, including those involving rural land uses, urban land uses, condemnation, transmission line routing, leases, contracts, estates, contested wills and probate, shareholder's rights, deed restrictions, and issues concerning developers, builders and homeowners. He received his B.S., M.S. and J.D. degrees from Texas Tech University.

Carly Barton *Attorney at Braun & Gresham*
Ms. Barton uses her compassion and skill to guide land and business owners through many different legal proceedings. Lawsuits can be complicated, but her wide range of experiences allows her to handle disputes at all levels of litigation – from the Justice of the Peace to Federal Court. As a litigator, Ms. Barton balances her clients' needs and legal realities, while fighting for the best result possible. As a counselor, she analyzes her clients' situation to craft creative solutions to their troubles. Communication with her clients remains a first-and-foremost priority, addressing their needs and concerns and keeping them up-to-date with the status of their matters.

Justin Hodge *Attorney and Partner at Marrs Ellis & Hodge*
Mr. Hodge is Texas trial lawyer who represents landowners against the government and other condemning authorities in condemnation lawsuits. He teaches a course on eminent domain and land takings at the University of Houston School of Law and has testified before the Texas Legislature to promote eminent domain reform. Mr. Hodge is recognized as a Super Lawyer in eminent domain by *Super Lawyers Magazine*. He Hodge has won cases for landowners at every level: administrative hearings, jury trials, and appeals in state and federal courts. Mr. Hodge's cases have involved takings of vacant land and ranches as well as highly-improved properties with office buildings, shopping centers, restaurants, motels, banks, churches, c-stores, mines, quarries, and residential subdivisions.

Roy Brandys *Attorney & Partner at Barron, Adler, Clough & Oddo*
Mr. Brandys has exclusively represented landowners in eminent domain, inverse condemnation, and related land use matters for over 16 years. He has represented landowners in negotiating settlements, in special commissioners' hearings, and in jury trials on hundreds of road and highway takings, power line takings, pipeline takings, takings of billboard easements, and other similar takings. Mr. Brandys is a graduate of Knox College and received his J.D. degree from Wake Forest University where he was a member of the Law Review.

Paul Barkhurst *Attorney and Shareholder at Barkhurst & Hinojosa*
Mr. Barkhurst has extensive litigation experience in business and real estate disputes. He has developed a special concentration in the area of eminent domain, representing governmental entities as well as landowners in numerous lawsuits. He has successfully represented numerous owners in ranch power line takings. Mr. Barkhurst also represents governmental entities in construction disputes, and he has represented contractors and subcontractors in private disputes. Mr. Barkhurst has a B.A. degree, with honors, from Southwest Texas State University and a J.D. degree, *magna cum laude*, from Texas Tech University. He is a former USAF Captain and F-111 Aviator.

Russell Johnson *Attorney and Partner at McGinnis Lochridge*
Mr. Johnson has a multifaceted water law practice, with an emphasis on matters involving land use, water rights and the Endangered Species Act (ESA). His clients are generally landowners, industries, mineral owners and developers seeking to acquire, safeguard, develop or convey water resources. Formerly, he represented a large municipal water system in a variety of matters, including legislative efforts to create the Edwards Aquifer Authority and to modernize Texas water law. He is a board member of the Center for Water Law and Policy at Texas Tech University School of Law, as well as an adjunct professor at Texas State University teaching water policy.

Jack Wilhelm *Attorney and Founder at Wilhelm Law Firm*
Mr. Wilhelm focuses his practice on real estate law. Wilhelm Law is proud to be of service to large and small real estate developers, public utilities, pipeline companies, oil and gas operators, wind power companies, natural resource companies, and landowners. Mr. Wilhelm holds a Masters of Energy degree and Environmental Law degree from The Tulane University. He is licensed to practice law 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, and the United States Supreme Court.

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This seminar offers 8.0 PDHs, including 1.0 ethics hour, to Texas professional engineers. Educators and courses are not subject to preapproval.

The Texas Board of Professional Land Surveying has approved this course for 8.0 continuing education hours, including 1.0 ethics hours.

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Additional Learning

GNSS Surveying: Principles and Practices

Wednesday, December 2, 2020 | 9:30 am - 5:00 pm CST

Agenda Highlights:
Introduction to GNSS
Fundamentals of GNSS
GNSS Surveying Errors
GNSS Surveying Data Management
GNSS Surveying Case Studies

Mapping, Managing, and Regulating Floodplains

Tuesday, December 15, 2020 | 11:00 am - 3:00 pm CST
Wednesday, December 16, 2020 | 11:00 am - 2:30 pm CST

Agenda Highlights:
Floods, Floodplains and Introduction to Floodplain Management
Flood Maps and Flood Zones
Elevations in the National Flood Insurance Program (NFIP) and Floodplain Regulation
Practical Floodplain Management

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

Live, Interactive Webinar - Tuesday, December 15, 2020

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