

Agenda

Identifying, Classifying and Locating Easements

M. Onest

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

Participating in the Condemnation Process

M. Onest

Who is allowed to take property?
The Appropriation Process:
 • Initiation • Determining the Right to Appropriation
 • The trial • Damages • The appeal

Eminent Domain Law

J. Young

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

Understanding Utility Easements and Rights of Way

J. Young

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

Trespass, Adverse Possession and Other Unauthorized Access to Land

J. Pasquarella

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

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

Live, Interactive Webinar - Friday, January 22, 2021

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Learning Objectives

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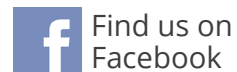
Identify critical distinctions between easements in gross, easements appurtenant, and prescriptive easements.

Discuss the source of eminent domain powers and types of eminent domain takings.

Explain the land appropriation process as part of condemnation, including how to determine the right to appropriation, how to calculate damages, and how to participate in the appeal process.

Comply with federal and Ohio laws and regulations on utility rights of way.

Explain the elements of civil trespass to land, as well as the elements of adverse possession.



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HalfMoon Education Online Learning

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

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Identify, classify, and locate easements

Explain eminent domain law

Discuss participating in the condemnation process

Understand utility easements and rights of way

Explore trespass, adverse possession, and other unauthorized access to land

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Faculty

Matthew W. Onest
Director and Shareholder, Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.

Mr. Onest has more than seven years' experience defending the interests of manufacturers, businesses of all sizes, property owners, and energy companies in all aspects of civil litigation. He has significant trial experience in numerous courts in the State of Ohio. Mr. Onest is also a member of the firm's appellate practice group and has successfully handled appellate cases before Ohio's Fifth, Seventh, Ninth, Eleventh, and Twelfth District Courts of Appeal and the Ohio Supreme Court.

Mr. Onest is also a member of the firm's oil and gas practice group and has successfully represented companies and landowners in numerous aspects, including civil litigation, arbitration, and administrative proceedings before the Ohio Oil and Gas Commission. He has experience negotiating oil and gas contracts and other energy-related agreements, including leases and easements. Though experienced in a wide variety of legal matters, Mr. Onest focuses his practice primarily in the areas of energy litigation, business litigation, and real estate litigation.

Jeremy S. Young
Shareholder in the law firm of Roetzel & Andress, in Columbus

Mr. Young's statewide practice is based out of the Columbus office. A member of the firm's Business Litigation Group, Mr. Young has a broad litigation background, with expertise litigating all manner of business, contract, commercial, corporate, shareholder, securities, and trust/fiduciary issues and disputes. He focuses his practice primarily on real estate-related issues and disputes, particularly those involving easements and eminent domain. Mr. Young helps utility and energy companies looking

to expand their infrastructure obtain the necessary property rights with a minimum of expense and delay. He also defends such property rights in disputes with property owners. Additionally, Mr. Young defends businesses affected by road construction projects on a regional and national basis, seeking to prevent the taking of his clients' property and/or to maximize his clients' monetary recovery from the government. He also has considerable expertise in the areas of zoning and land use, property tax appeals, and commercial foreclosures. Mr. Young regularly serves as faculty in continuing legal education seminars on eminent domain and easement issues and is consistently voted by his peers as an "Ohio Super Lawyers-Rising Star." He also holds an AV® Preeminent™ rating from *Martindale-Hubbell Law Directory*, which is the publication's highest peer review rating for legal ability and ethical conduct.

Joseph J. Pasquarella
Associate Attorney, Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.

Mr. Pasquarella is an associate attorney with the law firm of Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A. Since joining the firm in 2013, he has successfully handled all phases of civil and commercial litigation, including trial and appellate practice in state and federal courts. His practice also includes a wide array of commercial and residential real estate transaction matters, including the negotiation of oil and gas leases, mineral purchase agreements, and commercial and residential leases and purchase agreements. Mr. Pasquarella practices out of the Canton office. He resides in Jackson Township, Ohio, with his wife and son.

Webinar Information

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The Ohio Department of Insurance has approved this program for 6.0 title continuing education hours for insurance producers.

This course offers 6.5 PDHs to Ohio professional land surveyors and professional engineers to whom the subject matter is professionally relevant. Educators and courses are not subject to preapproval in Ohio.

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- Tues., Jan. 12, 2021 | 8:30 am - 5:00 pm CST

Landscaping for Pollinators
- Wed., Jan. 13, 2021 | 10:00 am - 12:00 pm CST

Structural Forensic Engineering
- Wed., Jan. 13, 2021 | 10:00 am - 1:45 pm CST
- Thurs., Jan. 14, 2021 | 10:00 am - 1:45 pm CST

Practical Site Engineering: Science & Techniques
- Thurs., Jan. 14, 2021 | 11:00 am - 3:15 pm CST
- Fri., Jan. 15, 2021 | 11:00 am - 2:15 pm CST

The Arborist Short Course: Advanced Tree Knowledge for Better Tree Care
- Fri., Jan. 15, 2021 | 9:00 am - 4:30 pm CST

Slab-on-Grade Concrete and Pavement for Private Facilities
- Tues., Jan. 19, 2021 | 11:00 am - 2:45 pm CST
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Registration

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