

Agenda

Identifying, Classifying and Locating Easements What <i>is</i> and <i>is not</i> 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	<i>A.R. Spotts</i>
Trespass, Adverse Possession and Other Unauthorized Access to Land 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	<i>M. Johnson</i>
Understanding Utility Easements and Rights of Way 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	<i>K. Williams</i>
Eminent Domain Law 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	<i>C. Fraser</i>
Participating in the Condemnation Process Condemnation process for government use Hearing and right of appeal Valuing the property taken Condemnation process for utility and other quasi-public use	<i>T. O'Hanlon</i> <i>M. Hansen</i>

Oregon Easements, Rights-of-Way and Eminent Domain

Live, Interactive Webinar - Tuesday, August 17, 2021

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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.
- Learn** to defend against claims for adverse possession.
- Discuss** federal and Oregon laws and regulations regarding utility rights of way.
- Analyze** privatization of eminent domain and other current issues.
- Examine** the condemnation process, including hearings and appeals.

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| Identify, classify and locate easements | Learn about eminent domain law |
| Discuss how to maintain a claim for adverse possession | Examine the condemnation process |
| Understand utility easements and rights-of-way | |

Continuing Education Credits

Attorneys 6.5 Oregon CLE Hours 6.5 Washington CLE Hours	Professional Engineers & Land Surveyors 6.5 PDHs
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Faculty

Armand Resto-Spotts *Attorney*
Mr. Resto-Spotts is an attorney focusing on land use, real estate, and environmental law. He represents homeowners, developers, and other municipal and industrial clients in a variety of compliance and permitting issues affecting real property, including local and state land use controls such as critical areas regulations and zoning. Mr. Resto-Spotts also advises and assists clients in drafting and reviewing the wide array of transactional documents affecting the use of real property, such as deeds, easements, covenants, and other real estate contracts. From his prior work advising municipal clients in Washington, he also has extensive experience in public records and open government law.

Mary W. Johnson *Attorney*
Ms. Johnson is an attorney with Clackamas County. She participates in the Real Estate & Land Use, Family Law and Administrative Law Sections of the Oregon State Bar and the Oregon Academy of Family Law Practitioners. Ms. Johnson handles transactional, trial, appellate and administrative hearing matters and has served as a court-annexed arbitrator since 1994. She has served on the Oregon City Planning Commission and regularly volunteers doing intake for St. Andrew Legal Clinic. Ms. Johnson employs her governmental and big firm experience to deliver highly skilled and personalized attention to her clients. She has been a frequent writer and speaker on a wide range of subjects, including easements, financial elder abuse, neighbor law, civil procedure and evidentiary standards.

Kinnon W. Williams *Of Counsel*
Mr. Williams is with Foster Garvey and focuses his practice on assisting clients in eminent domain and municipal law matters. He represents both public entities and private property owners in negotiations, mediation, and bench and jury trials, including successfully arguing cases before the Washington State Supreme Court. In the area of municipal law, Mr. Williams provides special and general legal counsel to local governments, including cities, fire departments and utilities. He offers a comprehensive approach to local governments' legal needs, whether dealing with a specific legal issue or providing day-to-day counsel. Mr. Williams is a frequent lecturer on eminent domain and inverse condemnation topics for continuing legal education and trade association seminars.

Cynthia Fraser *Principal*
Ms. Fraser is with Foster Garvey and has focused her 30 year career in the area of real estate, condemnation and property tax litigation. She represents individuals, governments and corporate clients in a broad range of litigation using dispute resolution where appropriate. Ms. Fraser began her eminent domain practice at the Department of Justice in the trial division. Since joining the firm in 2005, her eminent domain practice has included assisting local governments in all phases of the eminent domain process to ensure

compliance with the Condemnation Procedures Act and appropriate federal regulations. She also represents individuals and companies in condemnation litigation, assuring they receive just compensation for their property. Ms. Fraser is co-editor of the 2011 American Bar Association publication on Eminent Domain and Condemnation Law.

Tara O'Hanlon *Partner at Miller Nash LLP*
Ms. O'Hanlon represents municipal agencies and property owners in their eminent domain/condemnation acquisitions. She has successfully tried numerous multimillion-dollar cases, including obtaining successful verdicts in several of Washington's largest eminent domain decisions. Ms. O'Hanlon is regularly asked to present and publishes on eminent domain law and her successful cases. She also counsels clients over the life of their construction or real estate acquisition projects, from drafting and negotiating comprehensive and practical contracts to finding creative solutions for early and efficient resolution of disputes. If litigation cannot be avoided, Ms. O'Hanlon has an extensive and successful track record trying and arbitrating cases and will see a matter through to a final resolution. She represents all segments of the design and construction industry, including owners, general contractors, subcontractors, suppliers, and design professionals. Ms. O'Hanlon negotiates public and private design and construction contracts, including projects with alternative delivery methods, design-build, and integrated project delivery (IPD). She advises clients on how to avoid claims and disputes and, if needed, helps them navigate arbitrating or litigating payment, delay, defect, and warranty claims.

Matthew R. Hansen *Partner at Miller Nash LLP*
Mr. Hansen leads Miller Nash's condemnation/eminent domain team and is a member of the firm's real estate development department. He has spent his career focusing on all facets of eminent domain law, from consulting with agency clients early in the design process to pre-litigation negotiations, condemnation litigation, trials, and appeals. As a proven trial attorney, Mr. Hansen has considerable experience representing municipal and private property owner clients in mediations, arbitrations, and in trials, including a substantial number of condemnation jury trials. He has litigated cases throughout Washington State, and has successfully argued cases before the Washington State Court of Appeals. Mr. Hansen has led most cases to settlement before they reach trial, but in those instances where trial became necessary, he and his team have achieved favorable jury verdicts for their clients in some of the region's largest and most complex valuation disputes. Mr. Hansen is a frequent speaker on legal issues involving eminent domain law and has served as author and editor for several state and national legal treatises on the topic. He is a past president of the Puget Sound Chapter of the International Right of Way Association and has served the Association as chair of its International Ethics Committee.

Webinar Information

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Morning Session 8:30 - 11:55 am PDT	Afternoon Session 12:25 - 3:50 pm PDT

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