

# Agenda

**Identifying, Classifying and Locating Easements** *T. Rhodes*  
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** *A. Robinson*  
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** *W. Power*  
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

**Eminent Domain Law** *W. Power*  
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

**Creating Highway Rights-of-Way** *D. Evans*  
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

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## Georgia Easements, Rights of Way, and Eminent Domain

Live, Interactive Webinar - Friday, September 24, 2021

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## Learning Objectives

- You’ll be able to:**
- Distinguish** between easements in gross, easements appurtenant and prescriptive easements.
  - Learn** how to maintain easements, and learn how to terminate them.
  - Explore** the law of utility easements and rights-of-way for electric, water, natural gas, telecommunications and satellite communications.
  - Identify** the rights that are included in highway rights-of-way, and define the rights retained by those owning adjacent properties.
  - Explore** eminent domain powers, and discuss how property is valued when it is taken by eminent domain.
  - Participate** in the condemnation process when property is taken for public, utility and other quasi-public use.



## HalfMoon Education Online Learning

# Georgia Easements, Rights of Way, and Eminent Domain

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- Define** what is and is not a private easement on Georgia real property
- Understand** eminent domain powers, and review types of “takings”
- Participate** in the condemnation process and value taken property
- Examine** the privatization of eminent domain and the condemnation process
- Explore** the law of utility easements and rights-of-way
- Discuss** the creation of highway rights-of-way, and examine the rights of private landowners

### Continuing Education Credits

**Professional Engineers & Land Surveyors**  
6.5 PDHs



# Faculty

## Tracy Rhodes *Rhodes Law Firm*

Ms. Rhodes focuses her practice in the areas of land litigation and divorce law. An experienced litigator and trial attorney, Ms. Rhodes is an assertive advocate for her clients. She has tried cases in over 15 North Georgia and Metro Atlanta counties before judges and juries on issues ranging from divorce and child custody to boundary line disputes, land titles, and contested probate estates. Ms. Rhodes earned her J.D. degree from the University of Georgia School of Law.

## Angela Robinson *ParkerPoe*

Ms. Robinson has substantial experience representing both condemning authorities and property owners in eminent domain proceedings, as well as advising clients on real estate transactions. She is a leader in Georgia's eminent domain community, serving as secretary and treasurer of the State Bar of Georgia's Eminent Domain Section. Her clients include large and small businesses, developers, mixed-use and shopping center owners and tenants, real estate investment trusts, hotel operators and owners, convenience store owners, restaurant franchisors and franchisees, and local governments. Ms. Robinson has represented property owners and businesses of all sizes in eminent domain and condemnation proceedings brought by condemning authorities at the state, county, and local levels. She has also represented the Georgia Department of Transportation and other condemning authorities in eminent domain proceedings, giving her a well-rounded perspective on how to reach resolutions that make sense for all the parties involved. Ms. Robinson's litigation experience includes representation of clients in proceedings before the Georgia state and superior courts, Georgia appellate courts, federal district courts, and federal bankruptcy courts. Ms. Robinson also represents clients in real estate acquisitions, dispositions and leasing matters. She also advises clients on land use and zoning matters.

# Webinar Information

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## Warren Power *Power Law, P.C.*

Mr. Power has more than 30 years of professional legal experience focusing on eminent domain and real estate litigation. He has represented numerous state and local governments in their acquisitions, and he has represented property owners against various local governments as well as against the United States of America. He has tried over 60 eminent domain jury trials, has handled numerous mediations, and has served as a mediator in eminent domain matters. Mr. Power is admitted to practice law in Georgia and Virginia. Mr. Power holds a JD degree from Mercer University's School of Law. He is a member of the State Bar of Georgia, Atlanta Lawyer's Club, and the State Bar of Virginia, where he grew up and went to college. Mr. Power has been recognized as a Georgia Super Lawyer as published in *Atlanta Magazine*. He has been named by Georgia Trend as among Georgia's "Legal Elite," and holds the highest rating possible (AV) by Martindale-Hubbe. Mr. Power, and his firm, have been recognized by *U.S. News & World Report* as a Tier 1 "Best Lawyer & Law Firm" for Eminent Domain. He has lectured numerous times over the past 20 years.

## Donald Evans *Evans Law Firm*

Mr. Evans is a native of Cartersville, Georgia, and he attended the University of the South, Sewanee, Tennessee and the law school at the University of Georgia. Following law school Mr. Evans spent two years as a clerk to Federal District Court Judge Harold L. Murphy in Rome, Georgia. Mr. Evans' practice is focused on eminent domain, criminal defense, and general litigation. Mr. Evans is a leader in defending the property rights of families throughout the State whose land is sought by electric companies such as Georgia Power and the Georgia Transmission Corporation. He represents landowners throughout the State of Georgia, in over 50 counties, including: Bartow, Barrow, Cobb, Coweta, Catoosa, Forsyth, Gordon, Gwinnett, Hall, Jackson, Oconee, Paulding, and Washington counties.

# Additional Learning

## Designing for Accessible Pedestrian Facilities

- Fri, Aug 20, 2021 | 9:00 am - 4:30 pm CDT

## How To Handle Ethical Issues Associated with Defects and Failures

- Tues, Aug 24, 2021 | 9:00 - 11:00 am CDT

## Highways, Byways and Private Roads

- Wed, Aug 25, 2021 | 11:00 am - 3:30 pm CDT

## Pavement Design

- Wed, Aug 25, 2021 | 8:30 am - 4:30 pm CDT

## Construction Cost Estimating

- Thurs, Aug 26, 2021 | 8:30 am - 3:50 pm CDT

## Handling Ethical Issues in Construction

- Tues, Aug 31, 2021 | 3:00 - 5:00 pm CDT

## Complying with NFPA 101 (2021):

### Life Safety Code

- Thurs, Sept 2, 2021 | 9:30 am - 5:30 pm CDT

## Erosion and Sediment Control

- Thurs, Sept 9, 2021 | 9:00 am - 4:00 pm CDT

## Land Description Systems

- Tues, Sept 14, 2021 | 11:00 am - 2:15 pm CDT  
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