

HalfMoon Education Live Continuing Education Webinars

# New Mexico Easements, Rights-of-Way, and Eminent Domain

**Online - Tuesday, December 20, 2022 | 8:30 am - 4:15 pm MST**

**Credits:**

Professional Engineers: 6.0 PDHs

Land Surveyors: 6.0 PDHs      Attorneys: 6.2 General CLE Credits

Title Insurance Producers: Pending

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### **Identifying, Classifying and Locating Easements**

- 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**

- 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**

- Current law on utility easements and rights of way under New Mexico law
  - 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
- Current issues involving utility easements

### **Tuition**

**\$319** for individual registration

**\$289** for two or more registrants from the same company at the same time.

**Included with your registration:** PDF seminar manual.

### **Mineral Development and the Rights of Surface Owners**

- Fee vs. state vs. federal ownership
- Rights of surface estate vs. rights of mineral estate
- Reasonable use of surface for mineral exploration
- Accommodation Doctrine
  - Surface Owner Protection Act
  - Notice requirements
  - Proposed compensation agreement
  - Cause of action

### **New Mexico DOT Condemnation Process**

- Special Alternative Condemnation Procedures, NMSA 1978, Sections 42-2-1 through 42-2-24
- Feasibility studies and authorizations to enter
- Total or Partial Takes, Construction Maintenance Easements (CME) and Temporary Construction Permits (TCP)
- Waiver, simple and complex appraisals, negotiating in good faith
- What's the date of taking for an appraisal's "effective date"?  
*County of Dona Ana v. Bennett* 1994-NMSC-005
- Preliminary orders of entry, granted *ex parte*
- Legal objections to preliminary orders of entry and conversion into permanent orders of entry
- Highway ROW certifications to the FHWA, Levels 1, 2 and 3

### **Presented by**

**Quinn Scott Simons** *Partner, The Simons Firm*

**Stephen S. Hamilton**

*Of counsel, Montgomery & Andrews Law Firm*

**Matt Armendariz** *Attorney/Shareholder, ScottHulse*

**Melissa L. Martin** *Associate attorney, ScottHulse*

**Ryan Hetrick** *Partner, Antus & Patton LLP of Midland, Texas*

**Thomas L. Wyman** *Deputy General Counsel with the New Mexico Department of Transportation (NMDOT)*

## **Credit Information**

This webinar is open to the public and is designed to qualify for 6.0 PDHs for professional engineers and land surveyors in New Mexico. The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors does not pre-approve courses or providers.

This webinar has been approved by the State Bar of New Mexico for 6.2 general CLE credits.

This webinar has been submitted to the New Mexico Office of Superintendent of Insurance's continuing education committee for review and accreditation, which is currently pending.

Visit this course listing at [www.halfmoonseminars.org](http://www.halfmoonseminars.org) for updates on pending credits.

Completion certificates will be awarded to participants who complete this event and earn a passing score (80%) on the quiz that follows the presentation (multiple attempts allowed).

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