

# Agenda

## Identifying, Classifying and Locating Easements

P. Reznik & S. Neldner

- 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

C. Clough & C. Oddo

- 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

N. Laurent & 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

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

Austin, TX - Tuesday, December 17, 2019



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## Learning Objectives

### You'll be able to:

- Learn** about eminent domain powers.
- Enhance** your understanding of what qualifies as an easement.
- Understand** the history and development of riparian rights.
- Discuss** ethical issues in agriculture, water use, mineral access and development.
- Develop** a better understanding of the current law on utility rights-of-way.
- Explain** the condemnation process for utility and other quasi-public use.



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

Austin, TX - Tuesday, December 17, 2019



**Identify**, classify, and locate easements

**Learn** about eminent domain law

**Examine** the condemnation process

**Understand** utility easements and rights-of-way

**Observe** riparian and water rights

**Discuss** ethical issues in land access and development

## Continuing Education Credits

### Professional Engineers

8.0 PDHs (1.0 Ethics)

### Professional Land Surveyors

8.0 CE Hours

### Texas Attorneys

8.0 CLE Hours (1.0 Ethics)

8.0 TBLS CE Hours



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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, and deed restrictions, he has represented developers, builders and homeowners. He received his B.S., M.S. and J.D. degrees from Texas Tech University.

**Shane Neldner** *Attorney at Braun & Gresham*

Mr. Neldner levels the playing field for his condemnation clients with his unique insider's understanding of the specific policies and practices used by condemning authorities. A former assistant attorney general for the Texas Office of the Attorney General (OAG), he handled condemnation or eminent domain cases for Texas DOT. His time at the OAG gave him the opportunity to see firsthand the arguments and strategies that give landowners the best results. Now Mr. Neldner takes the side of landowners through the frustrating and emotional process of condemnation, giving them the peace of mind and confidence to defend themselves and their land.

**Christopher Clough** *Partner at Barron, Adler, Clough & Oddo L.L.P.*

Mr. Clough is a partner with Barron, Adler, Clough and Oddo, L.L.P., the largest eminent domain only firm in the state focused solely on representing landowners under threat of condemnation. Mr. Clough joined the firm in 2008 and focuses exclusively on eminent domain law and inverse condemnation matters. He currently serves as lead condemnation counsel in Texas for numerous major institutional clients and national publicly traded companies. Mr. Clough is a graduate of Columbia University with honors and the University of Texas, School of Law with honors.

**Christopher Oddo** *Partner at Barron, Adler, Clough & Oddo L.L.P.*

Mr. Oddo joined the firm in 2015 and focuses exclusively on eminent domain law and inverse condemnation matters. Prior to joining the firm, he served as an assistant attorney general for the State of Texas and was a partner with the law firm of McGinnis, Lochridge & Kilgore, L.L.P. where he served as chair of the firm's Eminent Domain and Inverse Condemnation Practice Group. Mr. Oddo is a graduate of Texas A&M University and the University of Tulsa, College of Law.

**Nick Laurent** *Partner at Barron, Adler, Clough & Oddo L.L.P.*

Mr. Laurent exclusively represents landowners in eminent domain, inverse condemnation, and land use transactions and litigation. His practice includes road and highway takings as well as pipeline, power line, and other utility takings. He has represented landowners in some of the most significant pipeline cases in Texas and also represents

## Seminar Information

### Hilton Garden Inn Downtown

500 North Interstate 35

Austin, TX 78701

(512) 480-8181

### Tuition

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**\$269** for three or more registrations.

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landowners in contested cases on power line routing. Mr. Laurent has been appointed chair of the Condemnation Committee of the American Bar Association's Section of Real Property, Trust and Estate Law for 2018-2019. He is a graduate of Southern Methodist University and the University of Tulsa, College of Law.

**Roy Brandys** *Partner at Barron, Adler, Clough & Oddo L.L.P.*

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** *Shareholder at Barkhurst & Hinojosa, P.C.*

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, and he is a former USAF Captain and F-111 Aviator.

**Russell Johnson** *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** *Founder at Wilhelm Law Firm*

Mr. Wilhelm focuses his practice on oil and gas law and state taxation issues before the Texas Comptroller of Public Accounts. His oil and gas clients include Fortune 500 oil and gas companies, privately owned oil and gas independents, and sophisticated landowners. Most of the oil and gas practice focuses on real estate (title examination, due diligence, and negotiations) and assisting clients with matters before the General Land Office. In addition to his J.D. degree, Mr. Wilhelm holds a masters degree in Energy and Environmental Law from The Tulane University. He is licensed to practice in Texas, Louisiana, Arkansas, and Illinois, and by numerous federal courts, including the United States Supreme Court.

## Additional Learning

### Webinar Series

#### Pumping and Piping Systems

- **Introduction to Pumps: Operation, Principles and Calculations**  
Thurs., Feb. 6, 2020, 11:00 AM - 1:00 PM CST

- **Pumping and Piping Design Standards and Codes**  
Thurs., Feb. 6, 2020, 1:30 - 2:30 PM CST

- **Piping System Components, Materials and Calculations**  
Fri., Feb. 7, 2020, 11:00 AM - 1:00 PM CST

- **Handling Pump and Piping System Problems**  
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# Registration

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