

# Agenda

## Identifying, Classifying and Locating Easements

P. Reznik

- 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

J. McSpadden

- 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

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

Live, Interactive Webinar - Friday, August 21, 2020



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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.

**Understand** the source and history of eminent domain powers and types of eminent domain takings.

**Discuss** the condemnation process, including hearings and appeals.

**Discuss** federal and Texas laws and regulations regarding utility rights of way.

**Comply** with regulations restricting access to and use of surface water and groundwater.



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## HalfMoon Education Online Learning

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

Live, Interactive Webinar - Friday, August 21, 2020



**Identify**, classify, and locate easements

**Learn** about eminent domain law  
**Examine** the condemnation process

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

**Explore** riparian and water rights  
**Discuss** ethical issues in land access and development

### Continuing Education Credits

#### Attorneys

8.0 Texas CLE Hours (1.0 Ethics)  
7.0 TBLS Hours,  
Pending Approval

#### Professional Engineers

8.0 CE Hours (1.0 Ethics)

#### Professional Land Surveyors

8.0 CE Hours (1.0 Ethics)

#### Landmen

8.0 AAPL CE Hours (1.0 Ethics)

#### Paralegals

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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, deed restrictions. He received his B.S., M.S. and J.D. degrees from Texas Tech University.

**Jody McSpadden** *Attorney & Partner at Dawson & Sodd*

Ms. McSpadden has represented landowners in various kinds of condemnation proceedings, including inverse condemnations, takings for Dallas Cowboys football stadium, water rights takings, pipelines, powerlines, highway takings, and takings of convenience stores, restaurants and gas compressor sites. She has been integral to the eminent domain fight against the Texas Rail Project and will continue to help protect landowners from unjust condemnation. Ms. McSpadden received her undergraduate degree from Texas A&M University, earning a B.S. degree in Agriculture Development in 1998. She graduated from Baylor Law School in 2002.

**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 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 real estate law. Wilhelm Law is proud to be of service to large and small real estate developers, public utilities, pipeline companies, oil and gas operators, wind power companies, natural resource companies, and landowners. Mr. Wilhelm holds a Masters of Energy and Environmental Law degree from The Tulane University. He is licensed to practice in Texas, Louisiana, Arkansas, and Illinois, and by numerous federal courts, including all Texas and Louisiana federal district courts and the United States 5th Circuit Court of Appeals located in New Orleans, as well as the United States Supreme Court.

# Webinar Information

Log into Webinar                      Break  
7:30 - 8:00 am CDT                      12:30 - 1:00 pm CDT

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8:00 am - 12:30 pm CDT                      1:00 - 5:00 pm CDT

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This webinar is open to the public and is approved for 8.0 CLE hours, including 1.0 ethics hour, for Texas attorneys. HalfMoon Education has applied to the Texas Board of Legal Specialization for attorney specialization hours, which are pending.

This seminar offers 8.0 PDHs, including 1.0 ethics hour, to Texas professional engineers. Educators and courses are not subject to preapproval.

The Texas Board of Professional Land Surveying has approved this course for 8.0 continuing education hours, including 1.0 ethics hours.

The American Association of Professional Landmen has approved this program for 7.0 RL, RPL or CPL recertification credits, 1.0 ethics credit, and no CPL/ESA credits.

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

# Additional Learning

## Introduction to GNSS Surveying

A two-day webinar series!

**Thursday, August 20, 2020**, 10:30 am - 1:45 pm CDT

### Agenda Highlights:

Introduction to GNSS                      Fundamentals of GNSS  
GNSS Surveying Errors

**Friday, August 21, 2020**, 10:30 am - 2:15 pm CDT

### Agenda Highlights:

GNSS Surveying Methods and Best Practices  
GNSS Surveying Data Management  
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# Registration

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| How to Register  |              |
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