

Agenda

Resolving Boundary Disputes W. Ashwell

- Types of boundary disputes
 - Adverse possession, easements, boundaries
- Obtaining and reviewing boundary evidence
- Methods for establishing disputed boundaries
- Participating in dispute resolution techniques
 - Litigation, arbitration, mediation, agreements, title insurance
- Examining boundary dispute case studies: exploring techniques for resolving sample disputes

Understanding Utility Easements and Rights of Way W. Ashwell

- 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 Rights and Access to Surface Water B. Peebles

- Defining the five riparian rights
- Determining the riparian area
- Determining ownership of the bottomland
- Considerations when buying waterfront property
- Joint Permit Application process

Identifying, Classifying and Locating Private Easements T. Fox

- What is and is not an easement
- Reviewing Virginia 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

Understanding Groundwater Rights M. Derdeyn

- Ownership of groundwater
- Regulation of groundwater rights
- Obtaining groundwater rights
- Well drilling rights: application and permitting process
- Current issues in groundwater rights

Virginia Land and Water Law: Ownership and Access

Live, Interactive Webinar - Friday, July 30, 2021

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Learning Objectives

You'll be able to:

- Describe** common causes of boundary disputes and identify effective methods to resolve them.
- Review** current law on utility rights of way for electric, water, natural gas and telecommunications equipment.
- Explore** riparian rights and discuss issues that arise when purchasing waterfront property.
- Distinguish** between easements in gross, easements appurtenant and prescriptive easements, and get tips on maintaining and terminating easements.
- Examine** Virginia law on ownership of and access to groundwater.

HalfMoon Education Online Learning

Virginia Land and Water Law: Ownership and Access

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Study methods for establishing disputed boundaries

Explore current issues involving utility easements and rights of way

Review riparian rights and access to surface water

Identify, classify and locate private easements

Learn about ownership and regulation of groundwater rights

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Faculty

William D. Ashwell *Attorney with Ashwell & Ashwell, PLLC in Warrenton, VA*
Mr. Ashwell practices in the areas of criminal defense and civil litigation, land use and zoning, domestic relations, estate planning and real estate. He received his J.D. degree from the University of Dayton School of Law, Dayton, Ohio, and his B.A. degree from Hampden-Sydney College, Hampden-Sydney, Virginia. Mr. Ashwell was named a Virginia Super Lawyers Rising Star, 2017-2021. He has served as a frequent speaker at CLE classes and seminars related to land use, zoning, easements and ethics in boundary law.

Bryan Peeples
Attorney at Pender & Coward Attorneys and Counsellors at Law in Virginia Beach, VA
Mr. Peeples focuses his practice in the areas of maritime and riparian law, construction law, worker's compensation, and national security. A prolific author, he has written articles on Virginia aquaculture and maritime law, including the Chesapeake Bay Preservation Act; the Virginia Primary Sand Dune and Beaches Act; and the Virginia Tidal Wetlands Act. Mr. Peeples has been published in a number of articles for professional journal on a variety of topics, ranging from Virginia real property law to the Anti-Terrorism Act. He is a member of the firm's waterfront law practice group, and writes blog articles regularly on the group's website devoted to waterfront (riparian) property rights law, maritime and admiralty law, and environmental law. He has also taught CLE courses on the topic of riparian rights throughout the Commonwealth. Before joining the firm in 2018, Mr. Peeples retired from the U.S. Navy after 22 years of service as a pilot. He completed seven combat deployments and served as the Commanding Officer of a helicopter squadron. His last assignment was Lead Rotational Planner for the Joint Staff, where he provided strategic advice to the Chairman of the Joint Chiefs and the Secretary of Defense.

Webinar Information

Log into Webinar 8:00 - 8:30 am EDT	Break 11:30 am - 12:30 pm EDT
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Terry L. Fox, Esq. *Partner in the Real Estate Practice Group of Fox & Moghul in Fairfax, VA*
Mr. Fox has over 30 years' experience in real estate transactions, both commercial and residential. He has represented developers, real estate brokers, title companies, homeowner associations and homeowners, both in litigation and negotiations. Mr. Fox has also represented commercial landlords as well as tenants, and homeowners on a full range of complex real estate matters, including commercial property acquisition, disposition, development and leasing, complex lien and title disputes, land use and zoning, mortgage fraud, residential and commercial purchase and sale contract disputes, construction/contractor (Classes A, B and C) disputes, easement/boundary line and adverse possession issues, partition and allotment actions, and plat modifications. Mr. Fox earned his B.S. degree from Newport University, his J.D. degree from Franklin Pierce Law Center, and his Master of Intellectual Property Law degree from University of New Hampshire Franklin Pierce Law Center.

Michael E. Derdeyn *Attorney with Flora Pettit Attorneys at Law in Charlottesville, VA*
Mr. Derdeyn's practice focuses on the areas of commercial and real estate litigation, employment law, and general business law. He also serves as general counsel to a number of local businesses. His litigation experience includes litigating claims for individuals and businesses in state and federal courts in the areas of commercial litigation, real estate, construction, employment, and landlord-tenant law. He has litigated and resolved matters involving partnership and shareholder disputes, trade secret violations, fraud, business torts, defamation, tortious interference with contract, breach of contract, wrongful termination, discrimination, violations of the Uniform Commercial Code, violations of the Consumer Protection Act, real property disputes, and trust and estate matters, among others.

Additional Learning

Floodplain Mapping, Regulation, and Insurance
- Thursday, July 15, 2021 | 11:00 am - 2:15 pm CDT
- Friday, July 16, 2021 | 11:00 am - 2:15 pm CDT

The NEW 2021 Minimum Standards for ALTA/NSPS Land Title Surveys
- Monday, July 19, 2021 | 9:00 am - 12:15 pm CDT

Providing Floodplain Services
- Wednesday, July 21, 2021 | 11:00 am - 2:30 pm CDT

Reading, Interpreting and Writing Land Descriptions Workshops
- Wednesday, July 28, 2021 | 9:00 am - 4:00 pm CDT

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Registration

Virginia Land and Water Law: Ownership and Access
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