

# Agenda

## Identifying, Classifying and Locating Easements *J. Mosteller, III*

- 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

## Creating and Managing Highway Rights-of-Way *P. deHolczer*

- 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

## Understanding Utility Easements and Rights-of-Way *J. Crowson*

- Current law on utility rights of way
  - Federal laws and regulations
  - State laws and regulations
- Types of utilities affected
  - Electric, water, natural gas, satellite communications
- Basis for and definition of the easement
- Encroachments and interferences
- Maintenance
- Environmental issues
- Condemnation law
- Current issues involving utility easements

## Telecommunications Easements *J. Crowson*

## Eminent Domain Law *D. Paavola*

- 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 *D. Paavola*

- Condemnation process for government use
- Hearing and right of appeal
- Valuing the property taken
- Condemnation process for utility and other quasi-public use

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

Live, Interactive Webinar - Wednesday, January 12, 2022

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# Learning Objectives

### You'll be able to:

- Identify** critical distinctions between easements in gross, easements appurtenant and prescriptive easements.
- Identify** highway rights-of-ways and learn what rights are included in them.
- Explain** the basis for and definition of a utility easement, and discuss encroachments and interferences.
- Explore** two types of eminent domain “takings,” and value “taken” property.
- Explore** the condemnation processes for property taken for government and quasi-public use.



## HalfMoon Education Live Webinars

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

Live, Interactive Webinar  
Wednesday, January 12, 2022



- Learn** how to create, and when and how to terminate, easements
- Understand** the ins and outs of highway rights-of-ways
- Review** different types of utility easements
- Discuss** the factors that determine just compensation in eminent domain
- Explore** the condemnation processes for government use and quasi-public use

## Continuing Education Credits

- |                              |                               |
|------------------------------|-------------------------------|
| <b>Attorneys</b>             | <b>Land Surveyors</b>         |
| 7.0 South Carolina CLE Hours | 7.0 PDHs                      |
| North Carolina CLE Pending   | <b>Professional Engineers</b> |
|                              | 7.0 PDHs                      |



# Faculty

**James D. Mosteller, III** *Attorney - The Mosteller Law Firm LLC*  
For more than 30 years, Attorney James D. Mosteller, III, the founder of the Mosteller Law Firm, has been providing legal assistance to South Carolina small business owners and local government leaders. His personal interest in business and government law issues has been prevalent throughout his years in legal practice, adding scope to his other areas of experience in litigation, personal injury, criminal defense and real estate law. The Mosteller Law Firm welcomes new clients from across the state of South Carolina, and serves many clients from Aiken, Bamberg and Barnwell Counties.

**Paul D. deHolczer** *Assistant Chief Counsel, South Carolina Department of Transportation*  
Paul D. deHolczer was admitted to the South Carolina Bar in 1994. He is a member of the South Carolina Bar and the American Bar Association. He received his education at Presbyterian College (B.A.), Central College (London Program); University of South Carolina (M.A., International Studies; J.D.), and Corvinus University of Budapest (Summer Program). He has represented landowners as well as condemnors in eminent domain cases. Among other projects, he served as condemnor’s counsel on the Southern Connector (I-185), the Conway Bypass/Veterans Highway (SC-22/I-74), the Carolina Bays Parkway (SC-31) and the Ravenel Bridge (US-17) projects. Mr. deHolczer has lectured on eminent domain for the South Carolina Bar, the University of South Carolina School of Law, the Charleston School of Law, Presbyterian College, the International Right of Way Association (Carolinas Chapter), and for several professional education firms. He is Assistant Chief Counsel at the South Carolina Department of Transportation (SCDOT). The opinions he expresses in the CLE presentation and materials do not necessarily reflect the viewpoint or policies of SCDOT.

**Jessica Crowson** *Attorney - Rogers Lewis Jackson Mann & Quinn, LLC*  
Ms. Crowson is originally from Columbia and Camden, South Carolina. She graduated *magna cum laude* from the College of Charleston in 1997 and from Vanderbilt University

School of Law in 2000. After law school, Ms. Crowson served as a law clerk to the Honorable Kaye G. Hearn, former Chief Judge of the S.C. Court of Appeals and now a Justice of the S.C. Supreme Court. She is licensed to practice law in South Carolina and Florida, and her prior experiences also include Howser, Newman & Besley Law Firm and the Pennington Law Firm, both in Columbia, South Carolina and as Assistant State Attorney, Fourth Judicial Circuit, Florida. Since 2013, Ms Crowson has been a member of Rogers, Lewis, Jackson, Mann & Quinn, LLC in Columbia, SC. She maintains both a litigation and transactional practice, focusing on condemnation/ eminent domain, telecommunications, easement and right-of-way disputes and acquisition (including fiber, utilities, access), lease negotiations, and commercial contract negotiations. In condemnations, easement, and right-of-way disputes, she primarily represents utility companies seeking to acquire or enforce utility easements. In telecommunications matters, Ms. Crowson represents wireless carriers, fiber providers, tower companies, utility companies, and business entities, related to telecom towers, colocations, antenna leasing, DAS/IBRD systems, pole attachments, 5G, and small cell node networks. She actively assists clients in negotiating master lease agreements (MLAs) and individual site leases (SLAs) for the deployment of wireless infrastructure and technology across the U.S., as well as the continued evolution of that infrastructure and technology.

**David Paavola** *Partner - Lewis Babcock L.L.P.*  
David Paavola represents individuals and businesses in eminent domain and condemnation, complex business disputes, professional misconduct, legal malpractice, and contract disputes. David has tried condemnation cases to jury verdict and on appeal. He has been selected as a South Carolina Super Lawyers® Rising Star for 2019-2021. Mr. Paavola received a Bachelor of Business Administration degree in Financial Services and Planning from Baylor University in 2002, and a Juris Doctor degree from the University of South Carolina School of Law in 2012. During law school, Mr. Paavola served as the editor in chief of the *South Carolina Law Review*.

# Webinar Information

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# Registration

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