

Agenda

Identifying, Classifying and Locating Easements

B. Savage

- 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

Understanding Riparian and Water Rights

B. Savage

- 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

Trespass, Adverse Possession, and Other Unauthorized Access to Land

W. Brown

- Elements of civil trespass to land
- Reviewing the history of adverse possession
- Maintaining a claim for adverse possession
 - Statute of limitations
 - Elements of a claim
- Defending against a claim for adverse possession
- Examining recent adverse possession cases

Accommodating the Rights of Mineral Owners and Surface Land Owners

J. M. Davis

- Legal rights of mineral and surface owners
- Legal and practical exercise of access rights
- Where do one party's rights end and the other's begin?
- Rights of adjacent property owners
- Resolving disputes

Ethical Issues in Land Transactions and Development

W. Kerns

- Accommodating the interests of land owners and communities
- Enforcing environmental protections
- Local control: is it necessary and who benefits?

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West Virginia Land and Water Law

Live, Interactive Webinar - Friday, May 3, 2024

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Learning Objectives

You'll be able to:

Review West Virginia law on different kinds of easements, including easements by necessity, easements by use and written easements.

Get tips on determining land boundaries near the water lines of lakes and rivers.

Understand the legal concepts of trespass, adverse possession and other unauthorized access to land.

Balance the rights of mineral owners with the rights of surface landowners.

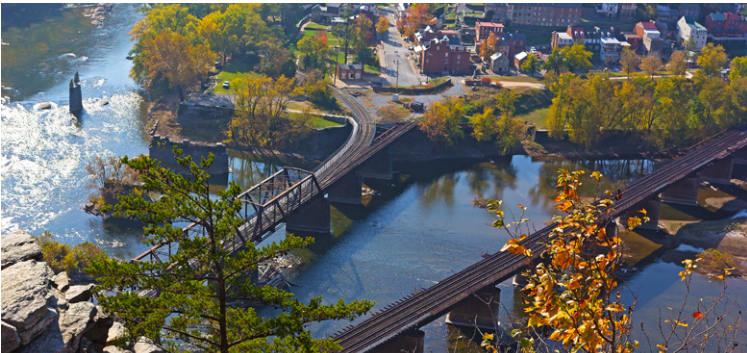
Prevent and resolve ethical issues in land transactions and development.



HalfMoon Education Live Webinars

West Virginia Land and Water Law

Live, Interactive Webinar - Friday, May 3, 2024



Identify, classify, and locate easements

Study riparian and water rights

Learn about trespass, adverse possession, and other unauthorized access to land

Accommodate the rights of mineral owners and surface land owners

Study ethical issues in land transactions and development

Continuing Education Credits

Professional Engineers

6.5 PDHs

Land Surveyors

6.5 PDHs (No Ethics Credit)

Attorneys

7.8 CLE Credits
(Incl. 1.20 Ethics Credit)



Webinar Information

Log into Webinar 8:00 - 8:30 am EDT	Break 12:00 - 1:00 pm EDT
Morning Session 8:30 am - 12:00 pm EDT	Afternoon Session 1:00 - 4:30 pm EDT

Tuition
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Faculty

Barry Savage, PLS
Survey Products Group Manager with Tennessee Valley Authority in Chattanooga, TN
Prior to his service at TVA, Mr. Savage was in private survey practice for 10 years specializing in dispute resolution and expert witness services. He has surveyed several disputed state boundaries to resolve jurisdictional conflicts. Mr. Savage is an adjunct professor at Cleveland State Community College where he teaches courses in boundary law, geodesy, GIS, and surveying fundamentals. He has researched and retraced the historical surveys of Henry David Thoreau and has published several articles on the subject. Mr. Savage teaches exam review and continuing education seminars at various state and local conferences across the country.

William C. Brown, III *Associate at Dinsmore & Shohl, LLP, in Huntington, WV*
Mr. Brown is a proud West Virginian whose practice focuses on creating, growing, defending, and advising businesses in Huntington and nationwide, generating value for owners and their communities. He helps clients with corporate formation and reorganization, mergers and acquisitions, and real estate transactions. His experience also includes representing businesses in contract and real estate disputes, including litigation before the Fourth Circuit Court of Appeals and the West Virginia Supreme Court of Appeals. He earned his J.D. degree from William & Mary Law School.

James M. “Matt” Davis *Member at Jackson Kelly PLLC in Charleston, WV*
Mr. Davis is a member of the Business Law practice group and the Energy and Oil & Gas industry groups. His practice focuses on business litigation, mineral acquisitions and sales, and general commercial transactions. A former Assistant United States Attorney, Mr. Davis prosecuted over 40 criminal cases in the Southern District of West Virginia. He has handled numerous civil matters as well, serving as lead counsel in partition actions, condemnations, civil actions involving trespass and quiet title claims. Mr. Davis has also represented a number of public utilities, public service districts, and motor carriers in rate and certification cases before the Public Service Commission of West Virginia. He is a former Marine Corps Captain, a 1999 graduate of Emory & Henry College, and a 2008 graduate of the West Virginia University College of Law.

Whitney R. Kerns *Partner at Bowles Rice LLP in Morgantown, WV*
Ms. Kerns is a member of the firm's Energy Team, focusing on coal and oil and gas law. She also practices in real estate development. Her work in the coal industry has included representing and advising coal operators and coal producers on various matters. Ms. Kerns served as counsel in the acquisition of coal properties for coal operators, and represented them in leasing rights, title disputes and curative judicial proceedings. She has also defended coal producers concerning leasing disputes. In the area of oil and gas law, Ms. Kerns has performed due diligence for multi-million dollar oil and gas operation acquisitions. She has represented oil and gas operators in acquisition of properties in West Virginia and Pennsylvania, and she has counseled oil and production companies regarding leasing rights in West Virginia, Pennsylvania and Ohio. Since the Fall of 2018, Ms. Kerns has served as an adjunct professor for the West Virginia University College of Law where she teaches the course on Coal, Oil and Gas Law. She earned her law degree from the West Virginia University College of Law in 2011, where she was a member of the Order of the Coif and senior editor of *The West Virginia Law Review*. She is admitted to practice in West Virginia and before the United States District Courts for the Northern and Southern Districts of West Virginia.

Credit Information

This webinar is open to the public and is designed to qualify for 6.5 PDHs for professional engineers and land surveyors in West Virginia. Courses are not subject to pre-approval; this course does not qualify for ethics credit for land surveyors.

This webinar has been approved by the West Virginia State Bar for 7.80 CLE credits, which includes 1.20 Ethics credit.

Attendance will be monitored, and attendance certificates will be available after the webinar for those who attend the entire course and score a minimum 80% on the quiz that follows the course (multiple attempts allowed).

On-Demand Credits
The preceding credit information only applies to the live presentation. This course in an on-demand format is not pre-approved by any licensing boards and may not qualify for the same credits; please consult your licensing board(s) to ensure that a structured, asynchronous learning format is appropriate.

Additional Learning

Using the State Plane Coordinate System
Online | Tuesday, April 4, 2024 | 10:00 am - 5:30 pm EDT
Credits: Land Surveyors: 6.5 PDHs | Professional Engineers: 6.5 PDHs
Practicing Institute of Engineering (PIE): 6.5 PDHs
Presented by
Dr. Thomas H. Meyer, Ph.D. *Professor of Geodesy, University of Connecticut*

Resolving Conflicts of Surveying Evidence
Online | Thursday, April 11, 2024 | 3:00 - 5:00 pm EDT
Credits: Land Surveyors: 2.0 PDHs | Professional Engineers: 2.0 PDHs
Practicing Institute of Engineering (PIE): 2.0 PDHs
Presented by Gary R. Kent *Schneider Geomatics in Indianapolis*

Aerial Mapping for Land Surveyors and Civil Engineers
Online | Tuesday, April 16, 2024 | 10:00 am - 5:30 pm EDT
Credits: Land Surveyors: 6.5 PDHs | Professional Engineers: 6.5 PDHs
(no credit for NY engineers or land surveyors)
Presented by Rami Tamimi *The Ohio State University*

Basics of Riparian Surveying
Online | Thursday, April 18, 2024 | 1:00 - 5:00 pm EDT
Credits: Land Surveyors: 4.0 PDHs | Professional Engineers: 4.0 PDHs
(no credit for NY engineers or land surveyors)
Presented by Barry Savage, PLS
Survey Products Group Manager with Tennessee Valley Authority in Chattanooga, TN

Land Descriptions
Online | Thursday, April 25, 2024 | 10:00 am - 1:00 pm EDT
Credits: Land Surveyors: 3.0 PDHs | Professional Engineers: 3.0 PDHs
(no credit for NY engineers or land surveyors)
Presented by Barry Savage, PLS
Survey Products Group Manager with Tennessee Valley Authority in Chattanooga, TN