

Agenda

Identifying, Classifying and Locating Easements

- 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

T. Duggan
J.Cannito

Trespass, Adverse Possession and Other Unauthorized Access to Land

- 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

A. Fox

Understanding Utility Easements and Rights of Way

- 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 issue
- Condemnation law
- Current issues involving utility easements

J. Grather

Eminent Domain Law

- 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

T. Duggan
M. Ash
W. Ortiz

Participating in the Condemnation Process

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

T. Duggan
M. Ash
W. Ortiz

New Jersey Easements,
Rights-of-Way, and Eminent Domain
Live, Interactive Webinar - Thursday, May 23, 2024

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Learning Objectives

You'll be able to:

Distinguish various kinds of private easements and get tips about creating and maintaining easements.

Review the history of adverse possession in New Jersey and learn about bringing and defending adverse possession claims.

Explore the law of utility easements and rights-of-way, including easements for electric, water, telecommunications and satellite communications systems.

Learn about eminent domain law and value property rights taken by condemnation.

HalfMoon Education Inc.,
Your LIVE Education Leader Presents

New Jersey Easements, Rights-of-Way, and Eminent Domain

Live, Interactive Webinar - Thursday, May 23, 2024



Review New Jersey state law on easements

Explore trespass, adverse possession and other unauthorized access to land

Study utility easements and rights of way

Examine eminent domain law and types of eminent domain “takings”

Learn about the condemnation process for government, utility and other quasi-public use

Continuing Education Credits

Professional Engineers
6.5 PDHs

Attorneys
Pending

Land Surveyors
Pending



Webinar Information

Online - Thursday, May 23, 2024

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

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Faculty

Timothy P. Duggan is a shareholder with Stark & Stark and is the chair of Stark & Stark's Condemnation, Redevelopment, and Eminent Domain Group. The main focus of this group is property valuation litigation and representing private property owners in challenging the government's right to take private property by the use of the power of eminent domain (also known as condemnation) and prosecuting inverse condemnation claims. Mr. Duggan regularly represents clients whose highway access and property rights have been revoked or taken by the New Jersey Department of Transportation, county agencies and utility companies, and he has experience in handling all aspects of eminent domain, including relocation assistance, modification of highway access, and litigating the amount of just compensation.

John A. Cannito is New Jersey Underwriting Counsel with AmTrust Title Insurance Company. He is responsible for providing counsel to AmTrust's independent agents in New Jersey, allowing them to close complex transactions, including larger commercial orders. Mr. Cannito has examined titles and prepared title commitments and policies for more than 30,000 transactions, as well as for noninsured informational purposes. In addition, he has been responsible for the conduct and oversight of the ordering of searches, as well as the examination of searches and the preparation of title reports, commitments and policies. His background in title searching and examination involves both residential matters and complex commercial transactions.

Alan P. Fox is an attorney with Capehart & Scatchard, P.A. He is chair of Capehart Scatchard's Alternative Energy Group, representing clients in various sectors, including shopping centers, public and private schools, retail, office buildings, warehouses, farming, and residential properties. Mr. Fox has experience handling transactions related to photovoltaic solar powered electricity production systems including PPA, obtaining permits and approvals for utility-scale projects in southern New Jersey and solar systems for owners of industrial and commercial properties. Additionally, he serves as co-chair of the firm's Real Estate and Land Use Group, and he is a shareholder in its Commercial Litigation, and Business and Tax Groups.

Joseph W. Grather is an attorney with McKirdy, Riskin, Olson & DellaPelle, P.C. He works diligently and knowledgeably to win favorable results for his clients, defending them against the governmental exercise of the power of eminent domain. Mr. Grather successfully manages the difficult and time-consuming process clients face in eminent domain cases, communicating clearly and frequently and allowing the client to focus on their business and other pursuits. A former Seton Hall Law School adjunct professor, Mr. Grather publishes articles on eminent domain and other issues, and he has participated in a number of reported eminent domain cases. He earned his B.A. degree from Saint Michael's College, and his J.D. degree from Seton Hall University School of Law.

Michael J. Ash, CRE, joined Carlin & Ward in 2019 bringing 15 years of experience in real estate law for public projects to the representation of property owners in eminent domain acquisitions. Now a partner at Carlin, Ward, Ash & Heiart, LLC, his practice focuses on real estate litigation and trial advocacy in eminent domain matters and tax appeals. He collaborates with experts in various disciplines including real estate appraisers, engineers, planners, and environmental consultants.

Wanda Ortiz is Deputy Attorney General with the State of New Jersey.

For more information on the presenters:
Please visit **www.halfmoonseminars.org** or scan the QR code

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 New Jersey.

HalfMoon Education is an approved continuing education sponsor for engineers in New Jersey (Approval No. 24GP00000700).

This webinar has been submitted to the New Jersey State Board of Professional Engineers and Land Surveyors for pre-approval for land surveyors, which is currently pending.

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