Agenda

Identifying, Classifying and Locating Easements  G. Honsen
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  G. Honsen, B. Manning
Identifying potential rights-of-way
Rights included in right-of-way
Landowner rights
Maintenance of rights-of-way
Alterations and encroachments

Understanding Utility Easements and Rights of Way  G. Honsen, B. Manning
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
Nature and scope of the easement
- Entrainments and interferences
Maintenance
- Environmental issues
Condemnation law
- Current issues involving utility easements

The Eminent Domain Law  B. Manning
Understanding eminent domain powers
- Source of eminent domain powers
- History of the exercise of eminent domain powers
- Types of eminent domain “takings”
Condemnation process and procedure
- Precondemnation offer and negotiation
- Resolution of necessity
- Right to take challenges
- Pre-exchange discovery
- Expert discovery
- Final offer and demand
- Trial
Condemnation process for utility and other quasi-public use - How does it differ?
Current issues in eminent domain

Just Compensation – What Does It Really Mean?  B. Manning
Just compensation: valuing the property taken and severance damages
- Just compensation defined
- Fair market value
- Severance damages
- Project benefits

Learning Objectives

You’ll be able to:

Identify what is and is not an easement, and distinguish between easements in gross, easements appurtenant and prescriptive easements.

Define the rights included in highway rights-of-way, and discuss the rights of landowners.

Explore utility rights-of-way for electric, water, gas and telecommunications utilities.

Understand eminent domain powers and review the condemnation process.

Discuss “just compensation” – what does it really mean?

Review state law on easements
Learn how highway rights-of-way are created and managed
Understand utility easements and rights-of-way
Receive a comprehensive overview of eminent domain law
Consider just compensation: valuing the property taken and determining severance damages

Continuing Education Credits

California Attorneys
6.5 CLE Hours

California Engineers and Land Surveyors
Non-Credit Continuing Ed.

Title Insurance Producers
Non-Credit Continuing Ed.
Mr. Manning is a partner practicing in eminent domain, inverse condemnation, real estate, and civil trial and litigation at Cunningham Partner, Desmond, Nolan, Livaich, & Manning. He has represented clients in direct condemnation cases requiring total and partial takes in public projects involving gas pipelines, flood control, water conveyance, transportation, sewer projects, energy transmission, and other public works projects. He has successfully represented clients in fighting the government’s right to take properties and works on a daily basis to ensure DNLC’s clients achieve their constitutional right to just compensation. Mr. Manning has handled numerous Court of Appeal cases involving condemnation. In addition to condemnation, Mr. Manning represents individuals and businesses in general real estate matters, including land use and development, easements, purchase and sale agreements, leases, and environmental issues.

Mr. Manning has been named a Rising Star in Eminent Domain by Super Lawyers (2013-2018) and has been included in Who’s Who In America since 2012 (a national publication established in 1899). He is a member of the Condemnation Attorney’s Group. Mr. Manning has a client review rating of “preeminent” on Martindale Hubbell. He primarily represents property and business owners in eminent domain cases. Mr. Manning has represented clients in direct condemnation cases requiring total and partial takes in public projects involving gas pipelines, flood control, water conveyance, transportation, sewer projects, energy transmission, and other public works projects. He has successfully represented clients in fighting the government’s right to take properties and works on a daily basis to ensure DNLC’s clients achieve their constitutional right to just compensation. Mr. Manning has handled numerous Court of Appeal cases involving condemnation. In addition to condemnation, Mr. Manning represents individuals and businesses in general real estate matters, including land use and development, easements, purchase and sale agreements, leases, and environmental issues.

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