Boundaries and Easements

Portland, OR - Friday, April 5, 2019

Discuss land boundaries, legal descriptions and boundary surveys.

Review state law on easements, and learn how to create, maintain and terminate easements.

Define trespass and learn how to maintain a claim for adverse possession.

Understand riparian and water rights and regulations restricting access to and use of water.

Discuss types of boundary disputes, and review resolution techniques.

You'll be able to:

Discuss land boundaries, legal descriptions and boundary surveys.

Learn about types of boundary disputes, discuss how to obtain boundary evidence, and explore dispute resolution techniques.

Review state law on easements, including rules for creating, maintaining and terminating easements.

Understand riparian and water rights, and review regulations restricting access to and use of water.

Define trespass and get tips on maintaining and defending against a claim for adverse possession.

Agenda

Boundary Survey Basics
C. Sherby

How are land boundaries created?
Interpreting legal descriptions
- Aliquot parts (PLSS), simultaneous, metes-and-bounds, sequential
Conflict and ambiguities: Rules of construing descriptions
(ORS and other guidelines)
Unwritten rights, intention, interpretation
"Why doesn’t your survey match the description?"
- Examples and explanations

Identifying, Classifying and Locating Easements
A. Resto-Spotts

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

Defining Trespass and Adverse Possession
J. Zahniser

Defining trespass
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

Understanding Riparian and Water Rights
P. Mohr

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

Resolving Boundary Disputes
J. Howsley

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

Learning Objectives

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Faculty

Christopher Sherby is a professional land surveyor and contract/project manager with 20 years of experience, holding licenses in Oregon, Washington, Idaho, Nevada and Utah. He is an owner of S&F Land Services, a surveying and remote sensing firm with three offices throughout Oregon. Mr. Sherby’s experience includes performing field and office survey support on a range of projects from small boundary and topographic surveys to very large federal projects.

Armand Resto-Spotts is an attorney with Oregon Rams who focuses his practice on land use, real estate, and environmental law. His experience includes advising and representing developers and homeowners in local and state land use controls, including zoning, platting procedures, and property rights. He has handled land use administrative appeals and litigation, primarily concerning the State Environmental Policy Act. He has also assisted clients in drafting and reviewing transactional documents, including purchase and sale agreements, easements, covenants, and boundary line adjustments.

Jacob Zahniser is an attorney with Miller, Nash, Graham & Dunn, LPL. A construction lawyer, construction litigator, and trial attorney, Mr. Zahniser focuses his practice on construction real estate litigation, as well as handling insurance coverage disputes arising from construction defects. As a construction litigator, he has represented a wide variety of construction industry clients ranging from contractors, suppliers, and insurance policy holders and assignees, to commercial property owners, landlords, and homeowners associations. Mr. Zahniser is experienced in all forms of construction litigation, including personal disputes and lien claims, insurance coverage, leases, purchase and sale agreements, development rights, adverse possession, property lines and easements, and development disputes. He also is a member of the Executive Committee for the Oregon State Bar Construction Section.

Peter Mohr is an attorney with Jordan Rams. As an environmental and natural resources lawyer, he is committed to helping clients secure both certainty and fairness within the regulatory context. Mr. Mohr has dealt with many different jurisdictions and agencies throughout the western United States during his career, providing a high level of expertise in state and federal law to both public and private clients involving environmental and natural resources, energy, and real property issues. With a practice that has a strong emphasis in water law, Mr. Mohr has successfully pursued water rights applications for agricultural, commercial, hydro power, special district and governmental uses before both state courts and administrative agencies. He has successfully defended senior commercial scale water rights against claims of statutory forfeiture, resolved numerous water facilities right-of-way and water rights title disputes, and has completed countless water rights transactions, large and small.

Jamie Howsley is an attorney with Jordan Rams. Land use law is not only his career, but his passion. Mr. Howsley had the great fortune of growing up around land use, and eventually followed in the footsteps of his father, a respected planner and land use attorney. This unique upbringing provided a basis for understanding the evolution of the regulatory environment surrounding land development. Mr. Howsley has served the Northwest home building industry in many capacities in Oregon and Washington, including as current chair of the Portland Home Builders Association Government Relations Committee, as a board member of the Oregon Home Builders Association, in various roles with the Building Industry Association of Clark County, and as a Legal Committee member of the Building Industry Association of Washington. A land use attorney is an integral part of any development team and he prides himself on being a dedicated professional who knows how to navigate the myriad of complex rules and relationships encountered in land development. Mr. Howsley is known for finding creative, cost-effective solutions to challenges that could hamstring a project.

Seminar Information

Doubletree Hotel Portland
1000 N.E. Multnomah Street
Portland, OR 97232
(503) 281-6111

Registration
8:00 - 8:30 am
Morning Session
8:30 am - 12:00 pm
Lunch (On your own)
12:00 - 1:00 pm
Afternoon Session
1:00 - 5:30 pm

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Additional Learning

Webinar Series
National Electrical Code
• National Electrical Code, Part I
  Wed., March 13, 2019, 1:00 PM - 5:15 PM PST
• National Electrical Code, Part II
  Thurs., March 14, 2019, 1:00 PM - 2:15 PM PST

Commercial Solar Peaker Batteries
• Commercial Solar Peaker Batteries, Part I
  Wed., March 13, 2019, 10:00 AM - 1:15 PM PST
• Commercial Solar Peaker Batteries, Part II
  Thurs., March 14, 2019, 1:00 PM - 2:15 PM PST

Handling Ethical Issues in Professional Engineering Practice
Fri., March 15, 2019, 11:00 AM - 12:00 PM PST

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Registration Boundaries and Easements
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