Boundaries: Creation and Re-establishment

J. Mahun

Boundary creation
• Processes
• Boundary relationships
• Description characteristics
• Original evidence
  • Written
  • Physical

Boundary re-establishment
• Evidence
• Rules of construction
• Description interpretation principles
• Surveyor’s re-establishment process

Understanding Riparian and Water Rights

W. O’Connor

J. Shrestha

Land boundaries near the water line
History of Wisconsin water law: public waters and private rights

Riparian rights
• What are the rights
• Geography of riparian rights
• Riparian zones in navigable waters
• Transferability of riparian rights

Statutory regulation of riparian rights and access
Determining access rights to surface waters
Public access rights

Defining Trespass and Adverse Possession

M. Olson

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
Examine recent eminent domain cases

Identifying, Classifying and Locating Easements

C. Hughes

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

Avoiding, Identifying and Resolving Ethical Issues in Land Transactions and Disputes

J. Graham

Conflicts of interest: identifying your client
What duties do you owe, and to whom do you owe them?
Do you need to maintain confidentiality, and for whom?
Complying with your professional responsibility for honesty and truthfulness
Providing non-legal services
Ethical solicitation of business
Taking referrals from other professionals

Wisconsin Attorneys
7.5 (1.0 EPR) CLE Hours

Land Surveyors & Engineers
6.5 PDHs (1.0 Ethics Hour)

Landmen
6.5 AAPL CE Hours

Understand the processes by which boundaries are created and re-established
Learn how to identify, classify and locate easements
Examine issues related to trespass and adverse possession
Gain an understanding of riparian and water rights
Avoid and identify ethical issues in land transactions and disputes
Determine Land Ownership and Access Rights

Thursday, September 18, 2014

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Registration
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8:30 - 11:45 a.m.
Lunch (On your own)
11:45 a.m. - 12:45 p.m.
Afternoon Session
12:45 - 4:30 p.m.

Jerry Mahun, PLS
Retired from Madison Area Technical College
Mr. Mahun recently retired from Madison Area Technical College where he taught technical and legal education classes in the Civil Engineering Technology program for 19 years. Before MACC he taught Surveying at Penn State - Wilkes-Barre, Purdue University, and for the Platteville Area Y he has worked for the WisDOT BLM, NGS, even the US Army, and has done consulting as well. Mr. Mahun has presented numerous workshops and seminars at local and state levels in Wisconsin and Minnesota. He is a Wisconsin Professional Surveyor and holds memberships in NSPS, WILA, and WSLS. Jerry has served as a WSLS Director at Large, on the WSLS Foundation Board, a number of WSLS committees, and on the State Cartographer’s Advisory Committee.

William P. O’Connor
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Mr. O’Connor is engaged in a statewide practice focused on land and water law. He is a graduate of the Water Resources Management Program at the University of Wisconsin-Madison and the UW Law School. He has been actively involved in water resources law and public policy in Wisconsin and has represented clients in numerous matters, including several notable water law public trust doctrine cases decided by the Wisconsin Supreme Court. Over the past 30 years he has represented individuals and governmental bodies and state and local governmental associations, including gathering Waters Conservancy, the Wisconsin Society of Land Surveyors, the Wisconsin Association of Lakes and The Nature Conservancy.

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Ms. Shrestha concentrates her practice on property law, civil litigation, environmental law and business transactions. Prior to joining the Wheeler firm, Ms. Shrestha was engaged in private practice in Madison in the areas of employment law, insurance law and general litigation. She has written articles on the law of adverse possession in Wisconsin and has given presentations on the topic. Ms. Shrestha also served as an extern at the Wisconsin Department of Justice, and as a law clerk at the Madison City Attorney’s Office.

Mitchell R. Olson
Attorney with Axley Brynelson, LLP
Mr. Olson is a partner with the law firm of Axley Brynelson, LLP. He works primarily out of the firm’s Madison office, but also serves clients out of the firm’s Waukesha office. He is a graduate of the firm’s litigation department, in which he concentrates his practice in civil litigation, real estate, land use and zoning, municipal, and condemnation matters. Mr. Olson holds a degree in urban and regional planning from UW-Madison and his law degree from the Northwestern School of Law of Lewis & Clark College.

Christopher B. Hughes
Attorney with Stafford Rosenbaum LLP
Mr. Hughes is managing partner at Stafford Rosenbaum LLP; where he focuses his practice on general municipal, real estate law, and contract negotiation, and review. He has represented municipal clients in a wide variety of matters, including public records, open meetings, public construction, zoning, land use, annexation, eminent domain, and other land use issues. He also counsels businesses, municipalities, and individuals relating to negotiation, drafting, and review of purchase and lease documents, preparation of closing documents, and the preparation of easements, including conservation easements. He is a graduate of the Indiana University School of Law and the University of Wisconsin. Mr. Hughes is a frequent speaker on topics related to land use in Wisconsin.

James N. Graham
Owner and Principal Attorney, Accession Law LLC
Mr. Graham is owner and principal attorney of Accession Law LLC, where he is dedicated to providing Superior legal services to real estate and business clients. He has a 1995 J. D. degree cum laude from the University of Wisconsin Law School, a 2002 master’s degree from the UW Madison School of Business Department of Real Estate and Urban Land Economics, and a 1990 bachelor of arts degree with honors from the College of William and Mary in Philosophy and Government. He is a frequent speaker on business and title law topics in Wisconsin.