

# Understanding Public Easements *in Western & Eastern Washington*



**APR. 4, 2024**

COURTYARD  
SEATTLE DOWNTOWN/  
LAKE UNION

**Seattle, WA**

## **ACCREDITATION**

WA MCLE, OR CLE, APA,  
WA Real Estate Brokers,  
WA Real Estate Appraiser  
*(see inside for details)*

THE SEMINAR GROUP ~ RAISING THE BAR OF CONTINUING LEGAL AND PROFESSIONAL EDUCATION

## **Seminar Overview**

Preservation of a livable environment is extremely important to most members of communities. This is true in both rural and urban settings. Maintaining trail access, old growth forests or open space in urban environments is often achieved through the granting or dedicating of easements.

- In making these dedications, what should you be aware of?
- What are the mechanics for drafting these easements?
- Who will pay for the maintenance of these areas?
- Who will cover the potential liabilities?

This program is designed to help new and seasoned practitioners understand the issues and opportunities facing Washington property owners. You'll leave better prepared to protect your clients and preserve their rights in the continually developing landscape of property law.

## **Who Should Attend:**

Attorneys  
Engineers  
Land Planners  
Real Estate Appraisers  
Real Estate Brokers  
Municipal Employees  
Government Employees

**9:00 Introduction and Overview**

**PDT**

**Michael A. Nesteroff**, *Program Co-Chair*  
*Lane Powell PC*

**Kinnon W. Williams, CRE**, *Program Co-Chair*  
*Foster Garvey PC*

**9:10 Case Law Update**

- Recent cases of interest involving public easements in Washington State

**Michael A. Nesteroff**  
*Lane Powell PC*

**10:00 Change of Use, Zoning Changes, Boundary Line Disputes**

- Conforming vs. nonconforming change of use; discretionary land use entitlements; don't forget SEPA!
- Comprehensive planning/GMA; public interest; whatever happened to "spot zoning"?
- "Nasty Neighbor" litigation tips and tricks

**Steven J. Gillespie**  
*Foster Garvey PC*

**10:45 Break**

**11:00 Sound Transit Project Updates**

**Faith A. Roland, SR/WA**, *Director*  
*Real Property Division, Sound Transit*

**11:45 Special Presentation – Transportation Issues**

- Upcoming major projects
- Potential changes to transportation funding
  - Repeal of gas tax
  - Impact of electric vehicles

**Senator Curtis King**  
*14th Legislative District*  
*Washington State Senate*

**12:30 Midday Break**

**1:45 Accessing State Highways**

- History of highway access control in Washington
- Statutory framework for access control on State highways
- Acquisition or modification of access rights from abutting real property by State
- Acquisition or modification of access rights by owner of abutting real property

**Mark F. Schumock**, *Assistant Attorney General*  
*Transportation and Public Construction Division*  
*Washington State Office of the Attorney General*

**2:45 1904 Vacation Statute**

- Overview
- Application – county roads pre-June 1904
- Effect of incorporation
- Re-setting the clock; effect of re-plat or amendment
- Following the timelines

**Kinnon W. Williams, CRE**  
*Foster Garvey PC*

**3:15 Break**

**3:30 Valuation of Easements and Covenants**

**S. Murray Brackett, MAI**, *Director*  
*Valuation Advisory Services Division, CBRE*

**4:15 Understanding Legal Descriptions and Survey Methods**

- Role of a surveyor
- Legal descriptions
- Easements
- Survey methods (office and field)
- Examples

**Jacob Gerhardt**, *Project Manager*  
*ESM Consulting Engineers LLC*

**5:00 Adjourn**

# Faculty - Understanding Public Easements



**Michael A. Nesteroff, Program Co-Chair**, is a shareholder with Lane Powell PC and a member of its Environmental Practice Group. In his 28 years at Lane Powell, he has handled numerous environmental litigation and claims involving hazardous site investigations, cleanups and cost recovery involving sites in Washington, Oregon and Alaska.



**Faith A. Roland, SR/WA**, is the Director of Real Property for Sound Transit. She has over 20 years' experience managing infrastructure acquisition projects and previously served as International President for IRWA. She is a recognized thought leader and mentor within the IRWA, where she helped establish the Leadership Institute.



**Kinnon W. Williams, CRE, Program Co-Chair**, is a principal at Foster Garvey PC, assisting clients in eminent domain and municipal law matters. He represents both public entities and private property owners in negotiations, mediation, and bench and jury trials, including successfully arguing cases before the Washington State Supreme Court.

**Mark F. Schumock** is an Assistant Attorney General with the Transportation and Public Construction Division of the Washington State Office of the Attorney General. He represents the Division in proprietary real property matters and is legal counsel to the State Land Board. He previously served as a Senior AAG with the Oregon Dept. of Justice.



**S. Murray Brackett, MAI**, is the Director of Right of Way, Aviation and Public Projects with CBRE in the Valuation Advisory Services division. He has been Appraising Real Property since 1985 and was formerly a partner with ABS Valuation for over 20 years. His complex land valuation experience includes commercial, industrial, and residential.



**Jacob Gerhardt, PLS**, is a Project Manager with ESM Consulting Engineers LLC. He has over 20 years of land surveying experience. He writes legal descriptions and prepares exhibits for easement documents, performs large scale boundary and topographic surveys for land development, and provides services for DOT right-of-way mapping.



**Steven J. Gillespie** is a Principal at Foster Garvey PC. Steve helps private & public clients with land use entitlement issues; and assists in obtaining master plan approvals and project-level permits. He also litigates land use, environmental, and real estate matters in tribunals such as local hearing examiners, state administrative bodies, and courts.



**Senator Curtis King** represents the 14th Legislative District with the Washington State Senate. Since his original appointment in 2007, he has been a member of the Senate Transportation Committee, on which he currently serves as the Ranking Minority Member. He is also a member of the Senate Labor & Commerce and Rules Committees.

# Understanding Public Easements

## Credits

### **WA MCLE**

This course has been approved for 6.0 hours of law and legal CLE credit by the Washington MCLE board (Live Credits for In Person Attendance & Webcast). Self-Study credit will be available upon request, specific credit amount to be determined.

The Seminar Group is an accredited sponsor with the Washington State Bar

### **OR CLE**

This course has been approved by the Oregon State Bar for 6.0 general CLE credits (Live Credits for In Person Attendance & Webcast).

### **WA Real Estate Brokers**

This course has been approved by the State of Washington Department of Licensing, Real Estate Services for 7.5 clock hours (Live Credits for In Person Attendance ONLY). Credits for recorded courses not available.

### **WA Real Estate Appraiser**

This course has been approved by the State of Washington Dept. of Licensing, Real Estate Appraiser Section for 7.5 classroom hours (Live Credits for In Person Attendance ONLY). Credits for recorded courses not available.

### **APA**

This course has been approved by the American Planning Association for 6.25 CM credits (Live Credits for In Person Attendance & Webcast). Credits for recorded courses available upon request.

## Location

### **Courtyard Seattle Downtown/Lake Union**

925 Westlake Avenue North  
Seattle, WA 98109

Phone: 1-206-213-0100

The seminar is located in the Regatta Room. Please call the hotel for directions/questions.

#### **PARKING**

Onsite parking is available. Please contact the venue for the current rate.

## Fees

### **Live Seminar:**

Attorney	\$529.00
Government / Tribal / Non-Profit	\$429.00
Other Professionals	\$429.00
Student / Professor	\$329.00

### **Live Webcast:**

Attorney	\$529.00
Government / Tribal / Non-Profit	\$429.00
Other Professionals	\$429.00
Student / Professor	\$329.00

### **Pre Order On Demand:**

All Sessions	\$529.00
Single Session	\$99.00

### **Pre Order MP3 Download:**

All Sessions	\$529.00
Single Session	\$99.00

### **Pre Order Materials Download:**

All Sessions	\$169.00
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Go to our website to register:  
[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net) or call our office at 206-463-4400. You can also contact us at [info@theseminalgroupp.net](mailto:info@theseminalgroupp.net) or by mail to The Seminar Group, P.O. Box 523, Vashon, WA 90870.

**CANCELLATION POLICY:** We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 3/29/24. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

### **Register at**

**[TSGregistration.net/7244](http://TSGregistration.net/7244)**