

# TBA Local Government Forum 2022

A Virtual CLE Event  
May 24, 2022



**Program Producer:** Rebecca Ketchie, Wilson Worley PC

**Total Credits:** 3 General, 1 Dual

Government law is an ever-changing practice area with a unique blend of constitutional, statutory, and case law. This program features a vesting update course, and sessions covering nuisance abatement issues, rights of way, and civil disobedience and unrest in open meetings.

9:00 a.m. – 10:00 a.m.  
CDT

## **Nuisance Abatement**

*This panel discussion features attorneys from Memphis and Knoxville experienced in utilizing litigation to seek abatement of civil and criminal nuisance properties. The presenters will explain how “public nuisance” is defined in relation to real property in Tennessee and the types of legal actions that can be taken when a property poses a health or safety risk to a community. From injunctions to receivership, the presenters will discuss the remedies available in said litigation, as well as their experiences seeking these remedies on behalf of local governments.*

Sean McDermott, Knox County District Attorney

Daniel Schaffzin, University of Memphis Neighborhood Preservation Clinic

Brigid Welsh, University of Memphis Neighborhood Preservation Clinic

10:00 a.m. – 11:00 a.m.

## **Railroad Crossing Issues in Road and Utility Projects**

*Public road and utility projects often require crossing existing railroad lines. To acquire the necessary right of way from a railroad, government agencies must address the following issues:*

- 1. The nature of the railroad's title. Is it charter right of way? Is it a fee interest or an easement interest?*
- 2. The right to acquire the necessary right of way pursuant to eminent domain.*
- 3. The compensation for the necessary right of way.*
- 4. The railroad's request for annual fees, insurance requirements, etc.*
- 5. Consideration of safety issues and interference with railroad operations.*
- 6. Railroad's assertion of federal preemption as to a state eminent domain action.*

Sheena Foster, Tennessee Department of Transportation

Kevin Walsh, Harris Shelton

Kannon Conway, Harris Shelton

11:00 a.m. – 11:30 a.m.

**Break**

11:30 a.m. – 12:30 p.m.

**Vesting Property Rights**

*Development projects approved on or after January 1, 2015 are bound by Tennessee's "Vested Property Rights Act of 2014," during which time the development standards of a local jurisdiction in effect upon approval of a project remain the applicable standards for the duration of the project, so long as the project meets certain milestones. This course looks back at lessons learned and best practices that should assist developers and local jurisdictions with avoiding surprises as projects progress from entitlement through completion.*

Vernon Gerth, City of Franklin

Doug Demosi, Rutherford County Regional Planning Commission

Sam Edwards, UT – Municipal Technical Advisory Service

George Dean, Tune Entrekin & White, PC

12:30 p.m. – 1:30 p.m.

**DUAL**

**Ethical Trends in Government: Civil Disobedience and Unrest in Open Meetings**

*Join this panel discussion of applicable statutes and caselaw regarding statements and behavior of citizens at public meetings, and sharing of experiences in such meetings.*

Gary Dupler, Knox County Law Director's Office

Joe Jarret, University of Tennessee

Charles Swanson, City of Knoxville Law Department