

# LAND USE LAW:

## CURRENT ISSUES IN SUBDIVISION, ANNEXATION AND ZONING

Confidently fulfill your role  
in land use processes.

**Cleveland, Ohio**  
**October 17, 2007**

**Youngstown, Ohio**  
**October 18, 2007**

**Cuyahoga Falls, Ohio**  
**October 19, 2007**

Presented by Heather Aley Austin, David M. Benjamin,  
Daniel F. Lindner, Majeed G. Makhoul, Dale H. Markowitz,  
Charles T. Riehl, Sebastian Rucci, Robert M. Walter,  
Alan D. Wenger, Gary F. Werner and Robin M. Wilson

### Continuing Education:

AIA - 6.0

CLE - 6.0

Engineer - 6.0

IACET - 0.6

Real Estate (pending)

State Bar College - 6.0

Legal Specialization - 6.0

See inside for details!

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# Confidently Handle Subdivision, Annexation and Zoning Processes

## Why You Need to Attend

Balancing all the different factors impacting land use decisions is a complex business. Not only do you have to know the laws and regulations, you also need specific tips for dealing with the multitude of issues involved in subdivision, annexation and zoning law in order for these decisions to go smoothly. It can take a lot of time and energy to stay current on the latest developments in land use law, not to mention plan for what's coming next. Don't get left behind when gaining the knowledge you need is so easy.

This important program will help you quickly advance your understanding of how land use laws address subdivision, annexation and zoning - and ways to use this knowledge to make sure the processes go smoothly and protect the rights of everyone involved. From the impact of the comprehensive plan to key environmental concerns you may face, we can give you the peace of mind of knowing you're getting it right - even when facing the trickiest situations. Don't miss this opportunity to gain the knowledge you need to avoid legal entanglements and resolve land use questions, efficiently and positively.

- Expand your subdivision knowledge by knowing how city, county and township platting processes work
- Analyze a comprehensive plan to determine if all the key elements are included
- Know how annexation decisions are made and what filing requirements need to be fulfilled
- Recognize who has the power to zone and how those decisions affect you
- Ensure that critical environmental laws and procedures are adhered to.

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## Important Details

October 17 - INDEPENDENCE - Holiday Inn Independence  
6001 Rockside Road, Independence OH 44131 216-524-8050

October 18 - CANFIELD - Hampton Inn & Suites Youngstown-Canfield  
6690 Ironwood Boulevard, Canfield OH 44406 330-702-1900

October 19 - CUYAHOGA FALLS - Sheraton Suites  
1989 Front Street, Cuyahoga Falls OH 44221 330-929-3000

**Time:** Registration is from 8:30 - 9:00 a.m. The program will begin at 9:00 a.m. and end at 4:30 p.m. Complimentary snacks and refreshments are provided. Lunch is on your own. Pre-Registration is encouraged.

**Mail:** Registration form on back of this brochure

**Phone:** (800) 930-6182

**Fax:** (715)835-1405

**Online:** [www.nbi-sems.com](http://www.nbi-sems.com)

If you need to register at the door, you may wish to call us first to confirm availability and to receive information regarding schedule or location changes.

**Tuition:** \$359 for the first registrant, \$349 for each additional registrant — a savings of \$10!

**Directions & Parking:** To obtain directions and parking information, please contact the facility listed above.

**FREE Reference Manual:** *Land Use Law: Current Issues in Subdivision, Annexation and Zoning* - Your learning doesn't end with the conclusion of the seminar presentation. With our comprehensive course manual, written specifically to accompany each program, you'll have all the information you need right at your fingertips. This manual, included with your tuition, allows you to take the seminar back to the office with you!

**Audio Recordings:** This seminar will be recorded in its entirety. If you can't attend, you can still obtain the benefits of the information provided by purchasing the manual and CD. See the registration form to order. If you wish to receive the cassette tape instead of the CD, please contact us at (800) 930-6182.

**Cancellation:** Register today at no risk! If your plans change later and you can't attend the program just call and let us know.

**Your Satisfaction is 100% Guaranteed.** We're so confident that this seminar will provide you with practical, valuable information that we back it up with an unconditional guarantee. If you're not completely satisfied, let us know and you'll receive a full refund.

# LAND USE LAW

## Who Will Teach You

**HEATHER ALEY AUSTIN** is of counsel in the Environmental Practice Group of the office of Thompson Hine LLP in Cleveland. She focuses her practice on environmental counseling in business, regulatory and legislative matters, environmental enforcement actions and compliance with environmental regulations. Ms. Austin's practice involves representation of national and international clients in the chemical, pulp and paper, aluminum, injection molding, powder metal, steel, plastic, food and automotive industries on all environmental aspects of the purchase, sale and finance of businesses and business assets, including due diligence, contract negotiations and post closing indemnification issues. She is licensed to practice in Ohio and Pennsylvania. She received her B.A. degree, cum laude, from Allegheny College and her J.D. degree, cum laude, from the University of Pittsburgh. Ms. Austin is a frequent speaker and author on environmental topics for professional organizations. She is a member of the Ohio State (member, Environmental Law Committee) and Cleveland (member, Environmental Law Section) bar associations (Youngstown location).

**DAVID M. BENJAMIN** is a sole practitioner in Aurora where his main areas of practice are zoning and land use law, probate and labor and employment. Mr. Benjamin is admitted to the Ohio State Bar Association, Massachusetts Bar Association and The Florida Bar. He has mediated the resolution of a 15 year annexation litigation conflict between the City of Tallmadge and Brimfield Township by facilitating the execution of a Joint Economic Development District Agreement between the parties, initiated successful community intervention mediation system which minimized inter-community conflicts, particularly in rezoning matters and wrote one of the few unchallenged Impact Fee Ordinances in Northeast Ohio, which has generated over \$1,000,000 in parks and recreation contributions for the City of Aurora. Mr. Benjamin is an adjunct professor at the University of Akron Geography Department and Law School, Hiram College and is a previous adjunct professor at the University of Findlay. He also is a lecturer on various topics at Kent State University. Mr. Benjamin is a member of the Ohio Air Quality Department (Board of Trustees), Chagrin River Land Conservancy (Board Member) and the State Employment Relations Board (Panel of Neutrals). He earned his A.B. degree from Boston University, his J.D. degree from Case Western Reserve University School of Law and his Masters of Public Administration from the University of Akron (Youngstown location).

**DANIEL F. LINDNER** is a managing partner in the law firm of Lindner & Jordan, LLP, where his areas of practice focus on real estate transactions and litigation, general business transactions and litigation, consumer protection law and personal injury litigation. Mr. Lindner's real estate transaction proficiency includes contract drafting and negotiation, commercial financing, eminent domain and property tax disputes, business entity formation and administration, residential and commercial construction, foreclosure defense, foreclosure acquisition and commercial condominiumization. He is also an Ohio-licensed title agent and general managing member of Full Service Title Agency Ltd., which is a real estate title insurance and escrow agency, whose business includes both residential and commercial real estate closings. Mr. Lindner earned his B.A. degree from the University of Michigan and his J.D. degree from the Case Western Reserve School of Law. He is a member of the Ohio State Bar Association, the Cleveland Bar Association (member, Real Estate Law Section) and the Ohio Academy of Trial Lawyers (Youngstown location).

**MAJEED G. MAKHLOUF** is an attorney in the Cleveland office of Taft Stettinius & Hollister LLP. He focuses his practice on complex business litigation, land use litigation, employment litigation and international law. He also concentrates his practice on appellate litigation in federal and state appellate courts. Mr. Makhlof is a member of the Ohio State and Akron bar associations and is admitted to the District of Columbia Bar. He also is admitted to the U.S. Court of Appeals for the Sixth Circuit, U.S. Court of Appeals for the Federal Circuit, U.S. District Court for the Northern District of Ohio, U.S. Court of International Trade, U.S. Tax Court, and the U.S. Court of Federal Claims. Mr. Makhlof received his law degree from The Ohio State University College of Law where he served as the Articles and Symposium Editor of the *Ohio State Journal on Dispute Resolution*. He earned his undergraduate degrees in international economics and management and political science, graduating cum laude, from Hiram College. Mr. Makhlof is a graduate of the Ramallah Friends Schools in Palestine and holds an Advanced Level GCE degree in Classical Arabic from the University of London. He was selected by *Law & Politics* magazine and *Cincinnati Magazine* as a Super Lawyers Rising Star (2005 and 2006) (Cuyahoga Falls location).

**DALE H. MARKOWITZ** is a principal at the law firm of Thrasher, Dinsmore & Dolan, L.P.A., where he practices in the areas of eminent domain, municipal law, real estate law, zoning, litigation and corporate law. Mr. Markowitz earned his B.S. degree from The Ohio State University and his J.D. degree, magna cum laude, from Cleveland Marshall College of Law. He is a member of the Geauga County, Ohio State and American bar associations. Mr. Markowitz is a frequent lecturer in zoning and real estate topics. He acts as special counsel to municipalities, townships and county government. Mr. Markowitz has created numerous condominium and cluster developments and represents community associations (Cleveland location).

**CHARLES T. RIEHL** is a partner of the Cleveland law firm of Walter & Haverfield, L.L.P., where he practices in the areas of eminent domain, municipal law, construction law and litigation. Mr. Riehl is currently director of law for the City of Hudson, the Village of Gates Mills and the Village of Richfield. He represented the City of Hudson in *Schenck v. City of Hudson*. Mr. Riehl is a member of the Cuyahoga County Law Directors Association, Ohio State and American bar associations, and the National Institute of Municipal Law Officers. He earned his B.A. degree from Colgate University and his J.D. degree from Case Western Reserve University, where he was research editor for the *Case Western Reserve Law Review* (Cleveland and Cuyahoga Falls locations).

**SEBASTIAN RUCCI** is a sole practitioner in Poland where his main areas of practice are analyzing, acquisition, planning, development and litigation for residential projects throughout the country. He is a licensed civil engineer in Ohio and numerous other states. Mr. Rucci has been a land developer, attorney and engineer for over 20 years. He earned his B.S. degree, in civil engineering, from Youngstown State University and his J.D. degree from Western State University. Mr. Rucci is licensed from a state level in California and federally throughout several states and every circuit court (Youngstown location).

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**October 17 - Cleveland      October 18 - Youngstown  
October 19 - Cuyahoga Falls**

**ROBERT M. WALTER** has worked in the field of environmental law, focusing his practice on environmental regulation, counseling and litigation, for more than 30 years. Prior to joining Brouse McDowell, Mr. Walter served as senior counsel for TRW, Inc., providing legal advice on environmental, safety and health issues throughout TRW worldwide. His extensive areas of practice include air quality, water quality, hazardous waste, state and federal Superfund, toxic substances, RCRA, RCRA corrective action, remedial action and DOT hazardous materials transportation matters. While with TRW, he negotiated and drafted agreements on the handling of environmental issues for acquisitions and divestitures worldwide, including due diligence and data rooms. Mr. Walter is also experienced with the sale and purchase of manufacturing plants, operating divisions and sectors relating to business mergers. He also served as senior counsel for The Firestone Tire & Rubber Company concentrating on air and water quality, Superfund and hazardous substances issues. He is currently residing and working for Brouse McDowell in Columbus, Ohio. Mr. Walter earned his B.A. degree, magna cum laude, from The Pennsylvania State University and his J.D. degree, cum laude, from the University of Pennsylvania Law School. Mr. Walter is a member of the American, Columbus and Cleveland bar associations and the Ohio State Bar. He is a member of the environmental committee in all of these bar associations (Cleveland and Cuyahoga Falls locations).

**ALAN D. WENGER** is a member of the Mahoning Valley (Warren, Youngstown and Salem, Ohio) law firm of Harrington, Hoppe & Mitchell, Ltd., where his areas of practice include public utility, employment, land use, public sector and construction law. Mr. Wenger received his B.A. degree from Eastern Mennonite University and his J.D. degree from Case Western Reserve University. Mr. Wenger is a member of the Columbiana County, Mahoning County and Ohio State Bar associations (Youngstown location).

**GARY F. WERNER** is a trial attorney, rated AV by Martindale Hubbell, and a member of the Beachwood law firm of Berns Ockner & Greenberger, LLC, where he specializes in zoning, planning, eminent domain, municipal and commercial law, and business transactions. He received his B.A. in economics summa cum laude from the University of California at Los Angeles, his J.D. from Loyola Law School, Los Angeles, and is a Phi Beta Kappa member. Mr. Werner is admitted to practice in the State of California and the State of Ohio, before the Federal District Courts for the Central District of California and the Northern and Southern Districts of Ohio, and before the Sixth Circuit Federal Court of Appeals. He is a member of the American, Medina County, and Cleveland Bar Associations and the Medina County Home Builder's Association. Mr. Werner is the current Vice Mayor and Ward 1 Councilman for the City of Brunswick, Ohio, chair of Council's Economic Development Committee, past chair of Council's Planning & Zoning Committee, a Council representative to the City's Planning Commission, and a former member of Brunswick's Board of Zoning Appeals. He has presented regularly on topics which include regulatory takings, township zoning, subdivision regulations, mechanic's liens, and the Ohio Marketable Title Act (Cleveland location).

**ROBIN M. WILSON** is an attorney in the Cleveland office of Thompson Hine LLP and a member of the firm's Business Litigation and Real Estate practice groups. She focuses her practice on business and commercial contract disputes, and governmental land use matters including eminent domain and zoning, and Constitutional issues under the 1st, 5th and 14th Amendments. Prior to attending law school, she worked as a journalist in television news. She entered private practice after working as an assistant county prosecutor in the civil division of the Stark County Prosecuting Attorney's office. Ms. Wilson has first chair bench trial and second chair jury trial experience and has successfully argued several cases in Ohio's courts of appeals. She is a member of the Ohio State Bar Association, Cleveland Bar Association (member, Executive Council, Young Lawyers Section, 1997 - 2001; member, Justice for All Steering Committee, current), Cuyahoga County Bar Association (member, Alternative Dispute Resolution Committee) and the Cleveland Marshall Law Alumni Association (Life Member). Ms. Wilson is admitted to practice in the State Courts of Ohio, the U.S. District Court for the N.D. of Ohio, and the 6th Circuit and has represented clients in cases involving land use including eminent domain and zoning, constitutional issues under the 1st, 5th and 14th amendments, lending institutions on claims arising under the Truth in Lending Act, Home Ownership Equity Protection Act, Real Estate Settlement Procedures Act and other state and federal consumer laws, breach of contract and commercial lease agreements, breach of employment contracts, breach of fiduciary duties claims and product liability and employer intentional tort defense. She earned a B.S. degree in journalism from Ohio University and her J.D. degree, cum laude, from Cleveland Marshall College of Law (Cuyahoga Falls location).

## Credit Information

This seminar is a valuable opportunity to get the continuing education that's so crucial to keeping up to date in your profession. Not only was this program carefully designed to meet its educational objectives, but you can also take advantage of specific continuing education credits we've arranged with appropriate accrediting organizations:



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Real Estate

NBI, Inc. is a Registered Provider with The American Institute of Architects Continuing Education System and is offering this registered program for 6.0 AIA/CES Learning Units, which will be reported to the AIA/CES for AIA members.

This course has been approved by the Ohio Supreme Court Commission on Continuing Legal Education for 6.0 CLE credit hours, including 0.0 hours of ethics.

Attendance of the instructional portions of this program will result in 6.0 credits toward the Ohio State Bar Association College membership.

This activity may qualify for 6.0 continuing professional development hours for engineers toward the requirement for the state of Ohio.

NBI, Inc. has been reviewed and approved as an Authorized Provider by the International Association for Continuing Education and Training (IACET), 1620 1 Street, NW, Suite 615, Washington, DC 20006. NBI, Inc. DBA National Business Institute has awarded 0.6 CEUs to participants who successfully complete this program (Provider #4558).

This course has been approved for 6.0 hours of specialization credit by the Ohio State Bar Association in the categories of Business, Commercial and Industrial Real Property and Residential Real Property law.

**Pending.** This program has been submitted to The Ohio Division of Real Estate. Approval pending.

The specific continuing education credit(s) listed above are for attending the live seminar. The credits may or may not apply for the audio version of this seminar. Please check with your credit board for details.

For additional questions regarding continuing education credits please contact us at (866) 240-1890.

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# What You Will Learn

## I. ANALYZE THE LAND SUBDIVISION PROCESS

9:00 - 10:15

- A How City, County and Township Platting Processes Work
- B When Lot Splits and Industrial Lands Are Exempt
- C Avoid Prohibited Land Division
- D Rules Applying to Inspections, Dedications and Vacations
- E Private or Public Streets? Which Choice and When?
- F When Can Extraterritoriality Be Invoked
- G The Powers and Processes of Planning Commissions: City vs County vs Regional
- H When Subdivision Is Not Zoning and Vice Versa
- I What to Do When the Land Use Regulation Is in the "Gray Area" and Approval Is Denied
- J Design Subdivision Regulations the Old Fashioned Way
- K Get Up to Speed on the New Urbanism and Subdivision Regulations
- L Review New Case Histories Involving Local Subdivisions

## II. UNDERSTAND THE DEVELOPMENT AND UTILIZATION OF THE COMPREHENSIVE PLAN

10:30 - 11:45

- A. Definition of a Comprehensive Plan
- B. Key Components of a Comprehensive Plan
- C. How Comprehensive Plans for City, County and Township Differ
- D. What Is the Basis for Land Use Control? A Policy, Map, or No Plan At All?
- E. The Importance of Consistency Within the Plan
- F. Procedures for the Adoption and Amendment of the Plan
- G. How the Plan Is Implemented
- H. Tips for Working Within - and Outside - the Plan

Who'll be there...

This intermediate level program is designed for attorneys, city and urban planners, local zoning and land use officials, developers, engineers, architects, appraisers, and surveyors who want to advance their land use knowledge to the next level.

## III. BE ALERT TO THE LEGAL AND PRACTICAL CONSIDERATIONS OF ANNEXATION

12:45 - 2:00

- A. Update on Key Issues in Annexation Law
- B. Get It Right the First Time - Understand Filing Requirements
- C. How County Commissioners Impact Annexation Decisions
- D. How to Request a Review by the Courts
- E. Successful and Unsuccessful Challenges to Annexation
- F. What Does Contiguity Mean? How Does it Apply?
- G. How the General Good of the Territory Is Determined
- H. How Mergers, Detachment, Incorporation and Local Government Changes Impact Annexation
- I. What Happens to Pre-Annexation Agreements
- J. What You May Not Know About Joint Economic Developments
- K. Review of Current Annexation Case Law and How it Applies

## IV. TAKE A COMPREHENSIVE LOOK AT LAND USE LAW

2:00 - 3:15

- A. Who Has the Power to Zone? How Does It Affect You?
- B. The Ins and Outs of Board of Zoning Appeals
- C. Ubiquitous Manufactured Housing: Implications for Your Community
- D. What Quasi-Judicial Decisions Usually Involve
- E. Navigating the Appeal Process
- F. What is Environmentally Driven Zoning Law?
- G. Determine the Impact of Current Land Use Law

## V. STAY ON TOP OF ENVIRONMENTAL CONSIDERATIONS

3:30 - 4:30

- A. Look At the Impact of Environmental Regulations on Land Use
- B. How Endangered Species Fit into Land Use
- C. Why Primary Permit Requirements Are Vital to Successful Development
- D. Strategies for Controlling Wetlands Use and Abuse
- E. Who Does Superfund Liability Extend To?
- F. Reuse of Environmentally Impaired Property: Liability Issues and Impact Reduction
- G. How Hazardous Substances Impact Land Development

\* If needed, the above agenda may be changed to best accommodate all our attendees

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 **October 19 - CUYAHOGA FALLS**

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