

2017 Regular Session

SENATE BILL NO. 129

BY SENATORS ALLAIN AND APPEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SERVITUDES. Provides that the owner of an enclosed estate is bound to compensate his neighbor for acquiring a right and servitude of passage of a waterway and must indemnify his neighbor for the damage he may occasion. (8/1/17)

1 AN ACT

2 To amend and reenact R.S. 9:1254(A), relative to rights and servitude of passage on certain

3 waterways; to provide for limitations of a servitude of passage; and to provide for

4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:1254(A) is hereby amended and reenacted to read as follows:

7 §1254. Enclosed estate; right and servitude of passage on certain waterways

8 A. The owner of an enclosed estate who has no access to his estate other than

9 by way of an existing waterway passing through neighboring property shall have a

10 right and servitude of passage on such waterway. **He is bound to compensate his**

11 **neighbor for the right and servitude acquired and to indemnify his neighbor for**

12 **the damage he may occasion.** The existing waterway passing through the

13 neighboring property shall be directly accessible from a publicly navigable

14 waterway, and shall have been and shall still be capable of use for navigation by the

15 owner of either the dominant or servient estate at the time of acquisition by act of

16 sale, inheritance, or otherwise, by the owner of the dominant estate.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ben Huxen.

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SB 129 Original DIGEST Allain  
2017 Regular Session

Present law provides that the owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway.

Proposed law provides that such owner is bound to compensate his neighbor for the right and servitude acquired and to indemnify his neighbor for the damage he may occasion.

Effective August 1, 2017.

(Amends R.S. 9:1254(A))