

RÉSUMÉ DIGEST

ACT 59 (SB 110)

2020 Regular Session

Allain

New law provides that a natural servitude of drain may be altered or extinguished by agreement between the owners of the dominant and servient estates.

Provides that the alteration or extinguishment by agreement shall not be adverse to the public interest and is without effect as to a third person unless registered by recording in the conveyance records of the parish in which the estates are located.

Provides that a conventional servitude of drain may be acquired by title, by acquisitive prescription, or by destination of the owner.

Provides the owner of the dominant estate with a conventional servitude of drain has the right to enter with his workmen and equipment into the part of the servient estate that is needed for the construction or repair of works required for the use or the preservation of the servitude, including the removal of obstructions from any waterway on the servient estate through which the right of drain is exercised and the dredging of the waterway and removal of silt from it.

Provides that the owner of the dominant estate may deposit materials to be used for the works, and the debris and silt that may result, subject to the obligation of causing the least possible damage and of removing them as soon as possible.

Provides that the owner of the dominant estate may engage another person to exercise and perform on his behalf the functions authorized by new law through contract of employment, mandate, or otherwise. Also provides that this shall include a drainage district within which his estate is located.

Effective August 1, 2020.

(Adds R.S. 9:1256 and 1257)