

2015 Regular Session

SENATE RESOLUTION NO. 180

BY SENATOR NEVERS

SERVITUDES. Requests the Louisiana State Law Institute to study and make recommendations regarding the feasibility of the use of levee roads by owners of enclosed estates to reach a public road.

1 A RESOLUTION

2 To urge and request that the Louisiana State Law Institute study and make recommendations
3 regarding the feasibility of the use of levee roads by owners of enclosed estates to
4 reach public roads.

5 WHEREAS, Civil Code Article 692 provides that the owner of an enclosed estate
6 may not demand the right of passage or the right-of-way for a utility anywhere he chooses,
7 and that the passage generally shall be taken along the shortest route from the enclosed estate
8 to the public road or utility at the location least injurious to the intervening lands; and

9 WHEREAS, in order to perform its function and duties a levee authority may own
10 or have access to a levee road for passage; and

11 WHEREAS, the Louisiana State Law Institute should study whether the owner of an
12 enclosed estate, in order to reach a public road, may be authorized by a levee authority to
13 utilize a levee road for passage to a public road; and

14 WHEREAS, such use of a levee road by a private estate owner raises potential legal
15 issues that should be studied, including questions of property access, servitude, ownership
16 and flood control integrity of the levee, and potential restrictions that could be placed upon
17 the use of such levee road by a private estate owner.

18 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana

1 does hereby urge and request the Louisiana State Law Institute to study and make
2 recommendations regarding the feasibility of the use of levee roads by owners of enclosed
3 estates to reach public roads.

4 BE IT FURTHER RESOLVED that any recommendations for revising state law shall
5 be in the form of proposed legislation with appropriate substantive text to effect such
6 recommendations in a statutorily consistent and coordinated matter.

7 BE IT FURTHER RESOLVED that a copy of the Law Institute report, together with
8 any recommendations, shall be submitted to the Legislature of Louisiana not later than
9 February 15, 2017.

10 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
11 Louisiana State Law Institute.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Julie J. Baxter.

	DIGEST	
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Requests the Louisiana State Law Institute study and make recommendations regarding the feasibility of use of levee roads by owners of enclosed estates to reach public roads, and submit the report and recommendations by February 15, 2017.