

SENATE RESOLUTION NO. 180

BY SENATOR NEVERS

A RESOLUTION

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request 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 public roads.

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

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

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

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PRESIDENT OF THE SENATE