

2021 Regular Session

HOUSE BILL NO. 646

BY REPRESENTATIVE JAMES

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

PROPERTY: Provides relative to the dedication of state lands to the Recreation and Park Commission for the Parish of East Baton Rouge (BREC)

1 AN ACT

2 To authorize and provide for the interest in and use of certain state property; to authorize the
3 transfer of certain state property in East Baton Rouge Parish; to authorize the state
4 to enter into agreements regarding the dedicated property; to provide for property
5 descriptions; to provide for reservation of mineral rights; to provide terms and
6 conditions; to provide an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The commissioner of administration, notwithstanding any law to the
9 contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver
10 any right or interest, excluding mineral rights, the state may have in and to all or any portion
11 of the following described property (hereinafter "Dedicated Property"), to the Recreation and
12 Parks Commission for the Parish of East Baton Rouge (hereinafter "BREC"):

13 1948 Dedication

14 A certain tract or parcel of land containing Thirty-one and
15 Sixty-seven One-Hundredths (31.67) acres and being described with
16 reference to a survey of a portion of property formerly known as Louisiana
17 State University Experimental Farm and belonging to the State of Louisiana,
18 lying wholly in Section 44, Township 7 South, Range 1 West, prepared by
19 Barnard & Burk, Consulting Engineers of Baton Rouge, Louisiana, and dated
20 November 24, 1948, a blue print of which is attached hereto, made a part
21 hereof and paraphrased "Ne Varietur" by me, Notary Public for identification
22 with these presents, said tract or parcel of land being described with
23 reference to said survey as follows, to-wit:

24 Starting at a concrete monument which is the section corner of
25 Sections 42, 44, 45 and 46, Range 1 West, Township 7 South and traveling
26 in a Westerly direction on the section line of Sections 42 and 44, Range 1
27 West, Township 7 South and on a bearing of South eighty-eight degrees five

1 minutes West (S88 -05'W) for a distance of one thousand eighty-four and
2 00/100 (1084.00) feet, thence Southerly on a bearing of South one degree
3 fifty-two minutes East (S1°-52'E) a distance of fifty and 00/100 (50.00) feet
4 to an iron pin marking the Northeast corner of parcel surveyed and referred
5 to as the point of beginning.

6 Beginning at the aforementioned iron pin and traveling in a Westerly
7 direction parallel to the section line of Section 42 and Section 44 and on a
8 bearing of South eighty-eight degrees five minutes West (S88°-05'W) for a
9 distance of one thousand five hundred seventy-three and 50/100 (1,573.50)
10 feet to an iron pin, thence Southerly on a bearing of South two degrees
11 fifty-six minutes East (S2°-56'E) a distance of five hundred twenty-eight and
12 90/100 (528.90) feet to an iron pin, thence Easterly on a bearing of North
13 eighty-seven degrees and four minutes East (N87°-04'E), a distance of
14 twenty-five and 00/100 (25.00) feet to an iron pin, thence Southerly on a
15 bearing of South two degrees fifty-six minutes East (S2°-56'E) for a distance
16 of three hundred sixty-three and 00/100 (363.00) feet to an iron pin, thence
17 Easterly on a bearing of North eighty-seven degrees forty-nine minutes East
18 (N87°-49'E) a distance of one thousand five hundred thirty and 78/100
19 (1530.78) feet to an iron pin, thence Northerly on a bearing of North one
20 degree fifty-two minutes West (N1°-52'W) a distance of eight hundred
21 eighty-four and 30/100 (884.30) feet to point of beginning at Northeast
22 corner of property surveyed.

23 1954 Dedication

24 Beginning at an iron bar on the north right-of-way of Foss Street at
25 the southeast corner of property of Military District of Louisiana and at the
26 southwest corner of land surveyed; thence north eight-eight degrees and
27 eleven minutes east (N 88° - 11' E) seven hundred fifty-four and ten
28 hundredth (754.10) feet along the northerly right-of-way of Foss Street to an
29 iron pipe at the southeast corner of the land surveyed; thence north two
30 degrees and twenty-nine minutes west (N 2° - 29' W) five hundred seventy-
31 two and sixty-nine hundredth (572.69) feet along the westerly right-of-way
32 of Scenic Highway to an iron pipe at the northeast corner of land surveyed;
33 thence south eighty-seven degrees and fifty-seven minutes west (S 87° - 57'
34 W) seven hundred fifty-eight and forty-nine hundredth (758.49) feet along
35 the southerly boundary of Ellerslie Subdivision to an iron pipe at the
36 northwest corner of land surveyed; thence south two degrees and fifty-six
37 minutes east (S 2° - 56' E) five hundred sixty-eight and eight tenths (568.8)
38 feet to the point of beginning. Said tract of land contains nine and forty-six
39 hundredth (9.46) acres more or less.

40 (The Acts of Dedication are attached.)

41 Section 2. In addition to the authority granted in Section 1 of this Act, the
42 commissioner of administration is hereby authorized and empowered to enter into any
43 agreement, cooperative endeavor, commercial lease, or other contractual relationship with
44 BREC, with a third party, or with BREC and a third party, for the purpose of development
45 within the Dedicated Property, provided that any such agreement shall provide a
46 demonstrable benefit to the public in its use of the property, and shall enhance the public's
47 use and enjoyment of the property or otherwise support BREC's ability to keep and operate
48 the property and improvements thereon for the broad purpose for which the land was

1 originally dedicated, namely, public parks and recreation facilities. Any such agreement
2 shall be agreed upon by and between the commissioner of administration and BREC.

3 Section 3. The commissioner of administration is hereby authorized to enter into
4 such agreements, covenants, conditions, and stipulations and to execute such documents as
5 may be necessary to properly effectuate any conveyance, transfer, assignment, lease, or
6 delivery of title or interest, excluding mineral rights, to the property described in Section 1
7 of this Act, and as more specifically described in any such agreements entered into and
8 documents executed by and between the commissioner of administration, BREC, and any
9 third party as provided in this Act.

10 Section 4. No authority provided for in this Act shall be construed in any way to
11 interfere with the existing dedication or with BREC's rights and responsibilities under the
12 dedication, or to authorize any further restriction of BREC's permitted use of the Dedicated
13 Property. The authority provided for in this Act is intended only to allow for the expansion
14 of permissible uses of the Dedicated Property by BREC, for the benefit of the community,
15 and as agreed to by the commissioner of administration.

16 Section 5. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 646 Engrossed

2021 Regular Session

James

Authorizes the state to transfer any right or interest, or enter into any agreement, which will facilitate expanded uses by the Recreation and Parks Commission for the parish of East Baton Rouge of certain dedicated property in East Baton Rouge Parish for the benefit of the public. Provides for the reservation of mineral rights for the state.

Effective upon signature of governor or lapse of time for gubernatorial action.