

2015 Regular Session

SENATE BILL NO. 137

BY SENATOR ADLEY

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

SERVITUDES. Provides relative to enclosed estates, right of passage, and use of levee roads. (8/1/15)

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AN ACT

To amend and reenact Civil Code Article 692, relative to predial servitudes and rights of passage; to provide relative to enclosed estates; to provide for rights of passage to public roads; to provide relative to location of rights of passage; to provide relative to use of levees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 692 is hereby amended and reenacted to read as follows:

Art. 692. Location of passage

The owner of the enclosed estate may not demand the right of passage or the right-of-way for the utility anywhere he chooses. 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. **Nevertheless, if a levee authority permits the owners of property surrounding an enclosed estate to use the levee for passage to a public road, then the owner of the enclosed estate may use the levee for passage to a public road, even if that passage is not the shortest route from the enclosed estate to a public road.**

