

Regular Session, 2014

HOUSE BILL NO. 1085

BY REPRESENTATIVE SCHEXNAYDER

PROPERTY/PUBLIC: Provides for the lease of certain state property in Ascension Parish

1 AN ACT

2 To authorize and provide for the lease of certain state property; to authorize the lease of  
3 certain state property in Ascension Parish; to provide for the property description;  
4 to provide for reservation of mineral rights; to provide terms and conditions; to  
5 provide an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The secretary of the Department of Public Safety and Correction and the  
8 commissioner of administration, notwithstanding any other provision of law to the contrary,  
9 are hereby authorized and empowered to lease any interest, excluding mineral rights, the  
10 state may have to all or any portion of the following described parcel of property to Barry  
11 Smiley:

12 That certain tract or parcel of land together with all building and improvements  
13 thereon, and all rights, ways, privileges and prescriptions thereunto belonging, and  
14 in anywise appertaining, lying and being situated in Sections 49 and 50, and a small  
15 portion in Section 47, Township 9 South, Range 1 East, Southeastern Land District,  
16 Iberville Parish, Louisiana. The said tract is situated East of the Mississippi River,  
17 and contains 175 acres, more or less, and is bounded now or formerly as follows: On  
18 the West by the Mississippi River, on the South and East by the State of Louisiana,  
19 for the use of the Department of Public Safety and Corrections, and on the North by  
20 other lands of Vendors. Said property is more fully shown on the plat of survey

1 prepared by SJB Group, LLC, and shown as "TRACT B, containing 175.000 acres,  
2 to be acquired by First Louisiana Resources, LLC."

3 A portion of the above-described property, measuring 467' by 467' is subject to a  
4 Lease Agreement, granted for erection and operation of a radio tower, executed by  
5 Frank Polk, et ux, in favor of Waterway Communications System, Inc., dated  
6 December 11, 1985, recorded in Conveyance Book 385, Page 77, under Entry No.  
7 28, records Iberville Parish, Louisiana. The Lease provides for an initial term of  
8 twenty years commencing on December 11, 1985, and also provides for an extension  
9 for an additional period of twenty years under the same terms and conditions. Also,  
10 the property is subject to the following rights-of-way: (1) Right-of-way for the U.S.  
11 Marine Hospital - Geismer State Highway, Route Nos. 63 and 410, executed by  
12 Harry B. Nelson in favor of the state of Louisiana and the Department of Highways,  
13 dated July 7, 1941.

14 Section 2. The secretary of the Department of Public Safety and Correction and the  
15 commissioner of administration are hereby authorized to enter into such agreements,  
16 covenants, conditions, and stipulations and to execute such documents as necessary to  
17 properly effectuate any lease, excluding mineral rights, to the property described in Section  
18 1 of this Act, and as more specifically described in any such agreements entered into and  
19 documents executed by and between the secretary and the commissioner and Barry Smiley,  
20 in exchange of consideration proportionate to the appraised value of the property.

21 Section 3. This Act shall become effective upon signature by the governor or, if not  
22 signed by the governor, upon expiration of the time for bills to become law without signature  
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
25 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)]

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Schexnayder

HB No. 1085

Authorizes the lease of certain state property in Ascension Parish from the Department of Public Safety and Correction to Barry Smiley. Provides for the reservation of mineral rights to the state.

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