

SENATE BILL NO. 296

BY SENATOR PETERSON

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AN ACT

To authorize and provide for the transfer of certain state rights and property in Orleans Parish; to provide for the applicable property descriptions; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any other provision of law to the contrary, the commissioner of administration and the secretary of the Department of Transportation and Development are hereby authorized and empowered for a public purpose, for and on behalf of the state of Louisiana, to enter into a cooperative endeavor agreement to convey, transfer, assign, lease, or deliver to the governing authority of the City of New Orleans in Orleans Parish a servitude of use over the following described parcels of property and any surface improvements situated thereon:

Legal Description

TWO CERTAIN LOTS OF GROUND together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the Fourth District of the City of New Orleans, State of Louisiana in Square No. 30 bounded by Jackson Avenue, Rousseau Street, Josephine Street, and Tchoupitoulas Street, and in accordance with survey made by Gilbert, Kelly & Couturie, Inc., Surveying and Engineering, dated February 10, 1976, copy of which is annexed hereto for reference, said Lots are designated by the Nos. 1 and 2, adjoin each other and measure as follows:

1 LOT 1 forms the corner of Jackson Avenue and Tchoupitoulas
2 Street and measures 32 feet, 2 inches, 7 lines front on Tchoupitoulas
3 Street, a width in the rear of 31 feet, 11 inches, 0 lines, a depth and front
4 on Jackson Avenue of 100 feet, 10 inches, 0 lines, and a depth on its
5 opposite side line adjoining Lot 2 of 104 feet, 11 inches, 6 lines. LOT 2
6 adjoins Lot 1 and measures 32 feet, 2 inches, 7 lines front on
7 Tchoupitoulas Street, a width in the rear of 31 feet, 11 inches, 0 lines, a
8 depth on its side line adjoining Lot 1 of 104 feet, 11 inches, 6 lines and a
9 depth on its opposite side line adjoining Lot 3 of 109 feet, 1 inch, 4 lines.

10 The improvements on Lot 1 bear the Municipal No. 407 Jackson
11 Avenue.

12 A CERTAIN LOT OF GROUND together with all the buildings
13 and improvements thereon, and all of the rights, ways, privileges,
14 servitudes, advantages and appurtenances thereunto belonging or in
15 anywise appertaining, situated in the Fourth District of the City of New
16 Orleans, in Square No. 30, bounded by Tchoupitoulas, Josephine and
17 Rousseau Streets and Jackson Avenue, designated as Lot No. 3 on a plan
18 of survey made by J. J. Krebs & Sons, C.E. & S., dated September 25,
19 1963, a copy of which is annexed to an act passed before Jerome
20 Meunier, Notary Public, on October 23, 1963, and according to which
21 said Lot No. 3 commences at a distance of 64 feet, 5 inches 4 lines from
22 the corner of Tchoupitoulas Street and Jackson Avenue, and measures
23 thence 32 feet, 2 inches, 6 lines front on Tchoupitoulas Street, a width in
24 the rear of 31 feet, 11 inches, 5 lines, a depth on the side line nearer
25 Jackson Avenue of 109 feet, 1 inch, 4 lines, and a depth on the other side
26 line nearer Josephine Street of 113 feet, 3 inches, 2 lines, all in
27 accordance with a survey made by J. J. Krebs & Sons, Inc. dated
28 September 19, 1968, a copy of which is annexed to act before John T.
29 Charbonnet, N.P., dated October 2, 1968.

30 All in accordance with survey made by Gilbert, Kelly & Couturie,

1 Inc., Surveying and Engineering, dated February 10, 1976, a print of
2 which is annexed hereto for reference, except that Lot 3 commences at
3 a distance of 64 feet, 5 inches, 6 lines from the corner of Tchoupitoulas
4 Street and Jackson Avenue, and has a width in the rear of 31 feet, 11
5 inches, 0 lines, actual, 31 feet, 11 inches, 5 lines, title.

6 THAT PORTION OF GROUND together with all the buildings
7 and improvements thereon, and all of the rights, ways, privileges,
8 servitudes, appurtenances and advantages thereunto belonging or in
9 anywise appertaining, situated in the Fourth District of the City of New
10 Orleans in Square No. 30, bounded by Tchoupitoulas (Levee), Rousseau,
11 Josephine Streets and Jackson Avenue, designated by the No. 4 on plan
12 of V. Egloffstein and H. Hadin, Surveyors, dated April 5, 1847, deposited
13 in the office of P. Gilly, late Notary, and measures 32 feet, 2 inches, 7
14 lines front on Tchoupitoulas Street, by 113 feet, 3 inches, 2 lines in depth
15 on its side line adjoining Lot 3, and 117 feet, 5 inches, 0 lines in depth on
16 the other side line, and 31 feet, 11 inches, 0 lines in width in the rear.
17 According to a print of survey by Gilbert & Kelly, S., dated August 22,
18 1952, annexed to an act before Eldon J. Andree, N.P., dated August 28,
19 1952, said Lot 4 commences 96 feet, 8 inches, 4 lines from the corner of
20 Tchoupitoulas Street and Jackson Avenue and has the same location and
21 measurements as above set forth. The improvements bear the Municipal
22 Nos. 2127-29 Tchoupitoulas Street.

23 A CERTAIN LOT OF GROUND, together with all the buildings
24 and improvements thereon, and all of the rights, ways, servitudes,
25 privileges, and advantages thereunto belonging, or in anywise
26 appertaining, situated in the CITY OF NEW ORLEANS, STATE OF
27 LOUISIANA, in the FOURTH MUNICIPAL DISTRICT, in SQUARE
28 30; said Square being bounded by Jackson Avenue and Rousseau,
29 Josephine, and Tchoupitoulas Streets; and in accordance with plan of
30 survey by Gilbert, Kelly & Couturie, Inc. dated August 24, 1976, said

1 Lot is designated as LOT NUMBER 5 and commences at a distance of
 2 100 feet, 10 inches from the corner of Jackson Avenue and
 3 Tchoupitoulas Street and measures thence 30 feet front on Jackson
 4 Avenue, same width in the rear, by a depth of 127 feet, 8 inches between
 5 equal and parallel lines.

6 All of which together comprise the land designated as Lots No.
 7 1-5 in accordance with the plan of survey by Gilbert, Kelly & Couturie,
 8 Inc. dated August 24, 1976.

9 Section 2. Notwithstanding any other provision of law to the contrary, the
 10 commissioner of administration and the secretary of the Department of Transportation
 11 and Development are hereby authorized and empowered for a public purpose, for and
 12 on behalf of the state of Louisiana, to enter into a cooperative endeavor agreement to
 13 convey, transfer, assign, lease, or deliver to the governing authority of the Port of New
 14 Orleans in Orleans Parish any interest, excluding mineral rights, that the state may
 15 have to all or any portion of the following described parcels of property and to any
 16 improvements situated thereon, provided that such conveyance must be subject to the
 17 servitude of use provided for in Section 1:

18 Legal Description

19 All right, title and interest that the state may have in and to the
 20 ferry landing at the head of Jackson Avenue in the City of New Orleans,
 21 together with the ferry house and all other improvements pertaining
 22 thereto, being the same right, title and interest acquired, among other
 23 things, by the Mississippi River Bridge Authority by cash sale from
 24 Jackson Ave.-Gretna Ferry, Inc., in liquidation.

25 TWO CERTAIN LOTS OF GROUND together with all the
 26 buildings and improvements thereon and all the rights, ways, privileges,
 27 servitudes, advantages and appurtenances thereunto belonging or in
 28 anywise appertaining, situated in the Fourth District of the City of New
 29 Orleans, State of Louisiana in Square No. 30 bounded by Jackson
 30 Avenue, Rousseau Street, Josephine Street, and Tchoupitoulas Street,

1 and in accordance with survey made by Gilbert, Kelly & Couturie, Inc.,
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6 100 feet, 10 inches from the corner of Jackson Avenue and
7 Tchoupitoulas Street and measures thence 30 feet front on Jackson
8 Avenue, same width in the rear, by a depth of 127 feet, 8 inches between
9 equal and parallel lines.

10 Less and Except

11 Less and except any public streets and their associated right of
12 way, and further less and except the right of use of the land designated
13 as Lots No. 1-5 in accordance with the plan of survey by Gilbert, Kelly
14 & Couturie, Inc. dated August 24, 1976, and the surface improvements
15 thereon.

16 Section 3. The commissioner of administration and the secretary of the
17 Department of Transportation and Development are hereby authorized to enter into
18 such agreements, covenants, conditions, and stipulations and to execute such
19 documents as necessary to properly effectuate any conveyance, transfer, assignment,
20 lease or delivery of title, excluding mineral rights, to the property described in Sections
21 1 and 2, and as more specifically described in any such agreements entered into and
22 documents executed by and between the commissioner of administration, the secretary
23 of the Department of Transportation and Development, the City of New Orleans, and
24 the Port of New Orleans, in compliance with the directive and authorization of the U.
25 S. Department of Transportation under 49 U.S.C. 5334(h) and subject to the
26 requirements thereof.

27 Section 4. In the event that the agreement authorized by this Act is not entered
28 into on or before December 31, 2018, the authorization to convey, transfer, assign,
29 lease, or deliver any interest in the property pursuant to this Act shall terminate and
30 be null and void on that date and thereafter.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____