

2016 Regular Session

SENATE BILL NO. 296

BY SENATOR PETERSON

PUBLIC LANDS. Provides for the transfer of the Jackson Avenue Terminal Ferry. (gov sig)

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 and on behalf of the state of Louisiana, 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 anyway appertaining, situated in the Fourth District of the City of New**

1 Orleans, State of Louisiana in Square No. 30 bounded by Jackson  
2 Avenue, Rousseau Street, Josephine Street, and Tchoupitoulas Street,  
3 and in accordance with survey made by Gilbert, Kelly & Couturie, Inc.,  
4 Surveying and Engineering, dated February 10, 1976, copy of which is  
5 annexed hereto for reference, said Lots are designated by the Nos. 1 and  
6 2, adjoin each other and measure as follows:

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

16 The improvements on Lot 1 bear the Municipal No. 407 Jackson  
17 Avenue.

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

1 the rear of 31 feet, 11 inches, 5 lines, a depth on the side line nearer  
2 Jackson Avenue of 109 feet, 1 inch, 4 lines, and a depth on the other side  
3 line nearer Josephine Street of 113 feet, 3 inches, 2 lines, all in  
4 accordance with a survey made by J. J. Krebs & Sons, Inc. dated  
5 September 19, 1968, a copy of which is annexed to act before John T.  
6 Charbonnet, N.P., dated October 2, 1968.

7 All in accordance with survey made by Gilbert, Kelly & Couturie,  
8 Inc., Surveying and Engineering, dated February 10, 1976, a print of  
9 which is annexed hereto for reference, except that Lot 3 commences at  
10 a distance of 64 feet, 5 inches, 6 lines from the corner of Tchoupitoulas  
11 Street and Jackson Avenue, and has a width in the rear of 31 feet, 11  
12 inches, 0 lines, actual, 31 feet, 11 inches, 5 lines, title.

13 THAT PORTION OF GROUND together with all the buildings  
14 and improvements thereon, and all of the rights, ways, privileges,  
15 servitudes, appurtenances and advantages thereunto belonging or in  
16 anywise appertaining, situated in the Fourth District of the City of New  
17 Orleans in Square No. 30, bounded by Tchoupitoulas (Levee), Rousseau,  
18 Josephine Streets and Jackson Avenue, designated by the No. 4 on plan  
19 of V. Egloffstein and H. Hadin, Surveyors, dated April 5, 1847, deposited  
20 in the office of P. Gilly, late Notary, and measures 32 feet, 2 inches, 7  
21 lines front on Tchoupitoulas Street, by 113 feet, 3 inches, 2 lines in depth  
22 on its side line adjoining Lot 3, and 117 feet, 5 inches, 0 lines in depth on  
23 the other side line, and 31 feet, 11 inches, 0 lines in width in the rear.  
24 According to a print of survey by Gilbert & Kelly, S., dated August 22,  
25 1952, annexed to an act before Eldon J. Andree, N.P., dated August 28,  
26 1952, said Lot 4 commences 96 feet, 8 inches, 4 lines from the corner of  
27 Tchoupitoulas Street and Jackson Avenue and has the same location and  
28 measurements as above set forth. The improvements bear the Municipal  
29 Nos. 2127-29 Tchoupitoulas Street.

1           A CERTAIN LOT OF GROUND, together with all the buildings  
2           and improvements thereon, and all of the rights, ways, servitudes,  
3           privileges, and advantages thereunto belonging, or in anywise  
4           appertaining, situated in the CITY OF NEW ORLEANS, STATE OF  
5           LOUISIANA, in the FOURTH MUNICIPAL DISTRICT, in SQUARE  
6           30; said Square being bounded by Jackson Avenue and Rousseau,  
7           Josephine, and Tchoupitoulas Streets; and in accordance with plan of  
8           survey by Gilbert, Kelly & Couturie, Inc. dated August 24, 1976, said  
9           Lot is designated as LOT NUMBER 5 and commences at a distance of  
10          100 feet, 10 inches from the corner of Jackson Avenue and  
11          Tchoupitoulas Street and measures thence 30 feet front on Jackson  
12          Avenue, same width in the rear, by a depth of 127 feet, 8 inches between  
13          equal and parallel lines.

14           All of which together comprise the land designated as Lots No.  
15          1-5 in accordance with the plan of survey by Gilbert, Kelly & Couturie,  
16          Inc. dated August 24, 1976.

17          Section 2. Notwithstanding any other provision of law to the contrary, the  
18          commissioner of administration and the secretary of the Department of Transportation  
19          and Development are hereby authorized and empowered, for and on behalf of the state  
20          of Louisiana, to convey, transfer, assign, lease, or deliver to the governing authority of  
21          the Port of New Orleans in Orleans Parish any interest, excluding mineral rights, that  
22          the state may have to all or any portion of the following described parcels of property  
23          and to any improvements situated thereon, provided that such conveyance must be  
24          subject to the servitude of use provided for in Section 1:

25          Legal Description

26           All right, title and interest that the state may have in and to the  
27           ferry landing at the head of Jackson Avenue in the City of New Orleans,  
28           together with the ferry house and all other improvements pertaining  
29           thereto, being the same right, title and interest acquired, among other

1 things, by the Mississippi River Bridge Authority by cash sale from  
2 Jackson Ave.-Gretna Ferry, Inc., in liquidation.

3 TWO CERTAIN LOTS OF GROUND together with all the  
4 buildings and improvements thereon and all the rights, ways, privileges,  
5 servitudes, advantages and appurtenances thereunto belonging or in  
6 anywise appertaining, situated in the Fourth District of the City of New  
7 Orleans, State of Louisiana in Square No. 30 bounded by Jackson  
8 Avenue, Rousseau Street, Josephine Street, and Tchoupitoulas Street,  
9 and in accordance with survey made by Gilbert, Kelly & Couturie, Inc.,  
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12 30; said Square being bounded by Jackson Avenue and Rousseau,  
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16 100 feet, 10 inches from the corner of Jackson Avenue and  
17 Tchoupitoulas Street and measures thence 30 feet front on Jackson  
18 Avenue, same width in the rear, by a depth of 127 feet, 8 inches between  
19 equal and parallel lines.

20 Less and Except

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

26 Section 3. The commissioner of administration and the secretary of the  
27 Department of Transportation and Development are hereby authorized to enter into  
28 such agreements, covenants, conditions, and stipulations and to execute such  
29 documents as necessary to properly effectuate any conveyance, transfer, assignment,

1 lease or delivery of title, excluding mineral rights, to the property described in Sections  
2 1 and 2 in compliance with the directive and authorization of the U. S. Department of  
3 Transportation under 49 U.S.C. 5334(h) and subject to the requirements thereof.

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

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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#### DIGEST

SB 296 Reengrossed

2016 Regular Session

Peterson

Proposed law authorizes the commissioner of administration and the secretary of DOTD to grant a servitude to the City of New Orleans over certain property in Orleans Parish known as the Jackson Avenue Ferry Terminal.

Proposed law authorizes the transfer of certain property, excluding mineral rights, in Orleans Parish known as the Jackson Avenue Ferry Terminal from DOTD to the Port of New Orleans.

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

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill.

1. Makes Legislative Bureau note amendment.