Compendium of Louisiana and Federal Laws Relating to Land Surveying

Louisiana Professional Engineering and Land Surveying Board
8550 United Plaza Boulevard, Suite 903
Baton Rouge, Louisiana 70809-2296
Phone: (225) 925-6291
www.lapels.com

1080563-1

INTRODUCTION

The practice of land surveying has become more complex over the years and its importance in Louisiana much greater as land values have increased and the development of oil, gas and other natural resources has become such a large factor in the state's economy. This situation has made it imperative that professional land surveyors be required to have more ability and judgment than formerly.

The Louisiana Professional Engineering and Land Surveying Board has responded to the need for more capability on the part of persons it authorizes to perform land surveying by increasing the scope of the examinations it gives to applicants, particularly to ensure that a professional land surveyor will have some elementary knowledge of our state's property and land laws as well as technical proficiency in the profession.

This publication was prepared in order to fulfill the need for a compilation of the elementary laws governing land surveys and land surveying in Louisiana. It is not intended to provide enough information and education to make a lawyer out of a land surveyor; rather, its purpose is to guide the applicant in studying for licensure examinations and the professional land surveyor in the field and the drafting room in making and plotting surveys. Annotations and summaries of decided cases have not been made a part of this Compendium. Nevertheless, such annotated codes and statutes as the **Louisiana Civil Code,** the **Louisiana Code of Civil Procedure**, the **Louisiana Revised Statutes,** and **United States Code** should be of significant value to an applicant or a professional land surveyor interested in obtaining additional information.

This publication is a summary of the laws in effect on **January 1, 2026**. **All laws are subject to revision each year. Some laws may be repealed by the Legislature or the Congress.** There is no guarantee that the laws or Board rules excerpted herein will remain in effect for any period of time. Therefore, it is incumbent upon all practitioners to verify the current status of a law or Board rule before relying thereon.

Except as otherwise stated, the present tense includes the past and future tense; the future tense includes the present tense; the masculine gender includes the feminine and neuter, and the neuter includes the masculine and feminine; the singular tense includes the plural and the plural tense includes the singular.

SUMMARY OF CONTENTS

I. Louisiana Civil Code 1

II. Louisiana Code of Civil Procedure 39

III. Louisiana Revised Statutes 45

IV. Federal Laws Pertaining to Surveying - Excerpts from the United States Code 118

V. Rules of the Board 141

NOTE: La. R.S. 37:681-703 (Licensure Law) and LAC Title 46, Part LXI (Board Rules) may be obtained separately and are also posted on the Board's website at https://www.lapels.com. The Licensure Law and the Board Rules are considered to be a part of this Compendium as though printed herein.

TABLE OF CONTENTS

I. LOUISIANA CIVIL CODE 1

Art. 1. Sources of law 1
Art. 2. Legislation 1
Art. 3. Custom 1
Art. 4. Absence of legislation or custom 1
Art. 5. Ignorance of law 1
Art. 6. Retroactivity of laws 1
Art. 7. Laws for the preservation of the public interest 1
Art. 8. Repeal of laws 1
Art. 9. Clear and unambiguous law 1
Art. 10. Language susceptible of different meanings 1
Art. 11. Meaning of words 2
Art. 12. Ambiguous words 2
Art. 13. Laws on the same subject matter 2
Art. 14. Use of gender 2
Art. 15. Use of number 2
Art. 448. Division of things 2
Art. 449. Common things 2
Art. 450. Public things 2
Art. 451. Seashore 2
Art. 452. Public things and common things subject to public use 2
Art. 453. Private things 3
Art. 455. Private things subject to public use 3
Art. 456. Banks of navigable rivers or streams 3
Art. 457. Roads; public or private 3
Art. 458. Works obstructing the public use 3
Art. 461. Corporeals and incorporeals 3
Art. 462. Tracts of land 3
Art. 463. Component parts of tracts of land 4
Art. 464. Buildings and standing timber as separate immovables 4
Art. 465. Things incorporated into an immovable 4
Art. 466. Component parts of a building or other construction 4
Art. 467. Immovables by declaration 4
Art. 469. Transfer or encumbrance of immovable 4
Art. 470. Incorporeal immovables 4
Art. 476. Rights in things 4
Art. 477. Ownership; content 5
Art. 480. Co-ownership 5
Art. 481. Ownership and possession distinguished 5
Art. 482. Accession 5

Art. 490. Accession above and below the surface....5
Art. 496. Constructions by possessor in good faith....5
Art. 497. Constructions by bad faith possessor....5
Art. 499. Alluvion and dereliction....6
Art. 500. Shore of the sea or of a lake....6
Art. 501. Division of alluvion....6
Art. 502. Sudden action of waters....6
Art. 503. Island formed by river opening a new channel....6
Art. 504. Ownership of abandoned bed when river changes course....6
Art. 505. Islands and sandbars in navigable rivers....6
Art. 506. Ownership of beds of nonnavigable rivers or streams....6
Art. 517. Voluntary transfer of ownership of an immovable....7
Art. 533. Kinds of servitudes....7
Art. 534. Personal servitude....7
Art. 646. Predial servitude; definition....7
Art. 647. Benefit to dominant estate....7
Art. 648. Contiguity or proximity of the estates....7
Art. 650. Inseparability of servitude....8
Art. 651. Obligations of the owner of the servient estate....8
Art. 652. Indivisibility of servitude....8
Art. 653. Division of advantages....8
Art. 654. Kinds of predial servitudes....8
Art. 655. Natural drainage....8
Art. 656. Obligations of the owners....8
Art. 657. Estate bordering on running water....9
Art. 658. Estate through which water runs....9
Art. 663. Projections over boundary....9
Art. 665. Legal public servitudes....9
Art. 666. River road; substitution if destroyed or impassable....9
Art. 670. Encroaching building....9
Art. 672. Other legal servitudes....9
Art. 673. Common wall servitude....9
Art. 674. Contribution by neighbor....10
Art. 675. Presumption of common wall....10
Art. 676. Adjoining wall....10
Art. 684. Enclosures....10
Art. 685. Common fences....10
Art. 686. Common ditches....10
Art. 687. Trees, bushes, and plants on the boundary....10
Art. 688. Branches or roots of trees, bushes, or plants on neighboring property....10
Art. 689. Enclosed estate; right of passage....11
Art. 690. Extent of passage....11
Art. 691. Constructions....11
Art. 692. Location of passage....11

Art. 693. Enclosed estate; voluntary act....11
Art. 694. Enclosed estate; voluntary alienation or judicial partition....11
Art. 695. Relocation of servitude....11
Art. 696. Indemnity....12
Art. 697. Right to establish predial servitudes; limitations....12
Art. 698. Property susceptible of servitudes....12
Art. 699. Examples of predial servitudes....12
Art. 700. Servitude of support....12
Art. 701. Servitude of view....12
Art. 702. Prohibition of view....12
Art. 703. Servitude of light....13
Art. 704. Prohibition of light....13
Art. 705. Servitude of passage....13
Art. 706. Servitudes; affirmative or negative....13
Art. 707. Servitudes; apparent or nonapparent....13
Art. 730. Interpretation of servitude....13
Art. 731. Charge expressly for the benefit of an estate....13
Art. 740. Modes of acquisition of servitudes....13
Art. 742. Acquisitive prescription....13
Art. 745. Right to enter into the servient estate....14
Art. 750. Location of servitude when the title is silent....14
Art. 751. Destruction of dominant or of servient estate....14
Art. 753. Prescription for nonuse....14
Art. 754. Commencement of nonuse....14
Art. 757. Sufficiency of acts by third persons....14
Art. 765. Confusion....14
Art. 771. Renunciation of servitude....14
Art. 773. Expiration of time or happening of condition....14
Art. 774. Dissolution of the right of the grantor....14
Art. 775. Building restrictions....14
Art. 776. Establishment....15
Art. 780. Amendment and termination of building restrictions....15
Art. 782. Abandonment of plan or of restriction....15
Art. 783. Matters of interpretation and application....15
Art. 784. Boundary; marker....15
Art. 785. Fixing of the boundary....15
Art. 786. Persons who may compel fixing of boundary....15
Art. 787. Lessee may compel lessor....16
Art. 788. Imprescriptibility of the right....16
Art. 789. Fixing of boundary judicially or extrajudicially....16
Art. 790. Costs....16
Art. 791. Liability for unauthorized removal of markers....16
Art. 792. Fixing of boundary according to ownership or possession....16
Art. 793. Determination of ownership according to titles....16

Art. 794. Determination of ownership according to prescription 16
Art. 795. Effect of boundary agreement....16
Art. 796. Error in the location of markers; rectification....17
Art. 797. Ownership in indivision; definition 17
Art. 801. Use and management by agreement 17
Art. 802. Right to use the thing....17
Art. 803. Use and management of the thing in the absence of agreement 17
Art. 805. Disposition of undivided share 17
Art. 807. Right to partition; exclusion by agreement....17
Art. 808. Partition excluded 17
Art. 809. Judicial and extrajudicial partition....17
Art. 810. Partition in kind....17
Art. 811. Partition by licitation or by private sale....18
Art. 812. Effect of partition on real rights....18
Art. 813. Partition in kind....18
Art. 814. Rescission of partition for lesion 18
Art. 815. Partition by licitation....18
Art. 816. Partition in kind; warranty 18
Art. 817. Imprescriptibility of action 18
Art. 818. Other rights held in indivision 18
Art. 1756. Obligations; definition 19
Art. 1757. Sources of obligations....19
Art. 1759. Good faith 19
Art. 1831. Party must prove obligation....19
Art. 1832. Written form required by law 19
Art. 1839. Transfer of immovable property 19
Art. 1840. Copy of authentic act 19
Art. 1841. Copy of recorded writing....19
Art. 1854. Extinction by performance....20
Art. 1855. Performance by a third person 20
Art. 1873. Obligor not liable when failure caused by fortuitous event....20
Art. 1875. Fortuitous event 20
Art. 1876. Contract dissolved when performance becomes impossible 20
Art. 1877. Fortuitous event that has made performance impossible in part....20
Art. 1878. Fortuitous event after obligor performed in part....20
Art. 1906. Definition of contract....21
Art. 1918. General statement of capacity....21
Art. 1919. Right to plead rescission 21
Art. 1920. Right to require confirmation or rescission of the contract 21
Art. 1921. Rescission of contract for incapacity 21
Art. 1923. Incapacity of unemancipated minor; exceptions....21
Art. 1927. Consent 21
Art. 1928. Irrevocable offer....21
Art. 1940. Acceptance only by completed performance....22

Art. 1941. Notice of commencement of performance....22
Art. 1942. Acceptance by silence....22
Art. 1943. Acceptance not in accordance with offer....22
Art. 1983. Law for the parties; performance in good faith....22
Art. 1984. Rights and obligations will pass to successors....22
Art. 1986. Right of the obligee....22
Art. 1989. Damages for delay....23
Art. 1990. Obligor put in default by arrival of term....23
Art. 1991. Manners of putting in default....23
Art. 1994. Obligor liable for failure to perform....23
Art. 1995. Measure of damages....23
Art. 1996. Obligor in good faith....23
Art. 1997. Obligor in bad faith....23
Art. 2315. Liability for acts causing damages....23
Art. 2316. Negligence, imprudence or want of skill....24
Art. 3338. Instruments creating real rights in immovables; recordation required to affect third persons....24
Art. 3339. Matters not of record....24
Art. 3340. Effect of recording other documents....24
Art. 3341. Limits on the effect of recordation....25
Art. 3342. Parties to an instrument are precluded from raising certain matters....25
Art. 3344. Refusal for failure of original signature or proper certification; effect of recordation; necessity of proof of signature recordation of a duplicate....25
Art. 3345. Recordation of a duplicate....25
Art. 3346. Place of recordation; duty of the recorder....25
Art. 3347. Effect of recordation arises upon filing....26
Art. 3348. Time of filing; determination....26
Art. 3349. Failure to endorse; effect....26
Art. 3350. Presumption as to time of filing....26
Art. 3351. Ancient documents; presumptions....26
Art. 3352. Recorded acts; required information....26
Art. 3353. Effect of indefinite or incomplete name....27
Art. 3354. Applicability....27
Art. 3355. Mortgage, pledge, or privilege affecting property in several parishes....27
Art. 3356. Transfers, amendments, and releases....27
Art. 3357. Duration; general rule....28
Art. 3358. Duration of recordation of certain mortgages, pledges, and privileges....28
Art. 3359. Duration of recordation of judicial mortgage....28
Art. 3360. Duration of recordation of mortgage given by tutor, curator, or succession representative....28
Art. 3361. Effect of amendment....28
Art. 3362. Method of reinscription....28
Art. 3363. Method of reinscription exclusive....28
Art. 3364. Effect of timely recordation of notice of reinscription....29

Art. 3365. Effect of notice recorded after cessation of effect of recordation....29
Art. 3366. Cancellation upon written request; form and content....29
Art. 3367. Cancellation of recordation after effect of recordation has ceased....29
Art. 3368. Cancellation of judicial mortgage arising from judgment that has prescribed....29
Art. 3421. Possession....30
Art. 3422. Nature of possession; right to possess....30
Art. 3423. Rights of possessors....30
Art. 3424. Acquisition of possession....30
Art. 3425. Corporeal possession....30
Art. 3426. Constructive possession....30
Art. 3428. Acquisition of possession through another....30
Art. 3429. Exercise of possession by another....30
Art. 3431. Retention of possession; civil possession....30
Art. 3432. Presumption of retention of possession....30
Art. 3433. Loss of possession....31
Art. 3441. Transfer of possession....31
Art. 3442. Tacking of possession....31
Art. 3445. Kinds of prescription....31
Art. 3446. Acquisitive prescription....31
Art. 3447. Liberative prescription....31
Art. 3448. Prescription of nonuse....31
Art. 3449. Renunciation of prescription....31
Art. 3450. Express or tacit renunciation....31
Art. 3452. Necessity for pleading prescription....31
Art. 3457. Prescription established by legislation only....31
Art. 3462. Interruption by filing of action or by service of process....32
Art. 3463. Duration of interruption; abandonment or discontinuance of suit....32
Art. 3465. Interruption of acquisitive prescription....32
Art. 3467. Persons against whom prescription runs....32
Art. 3473. Prescription of ten years....32
Art. 3475. Requisites....32
Art. 3476. Attributes of possession....32
Art. 3480. Good faith....33
Art. 3481. Presumption of good faith....33
Art. 3482. Good faith at commencement of prescription....33
Art. 3483. Just title....33
Art. 3486. Immovables; prescription of thirty years....33
Art. 3487. Restriction as to extent of possession....33
Art. 3463.11. Delictual actions....33
Art. 3493.12. Damage to immovable property; commencement and accrual of prescription....33
Art. 3494. Actions subject to a three-year prescription....33
Art. 3497. Actions subject to a five year prescription....34

Art. 3499. Personal action 34
Art. 3500. Action against contractors and architects 34
Art. 3506. General definition of terms 34
Art. 3514. Multistate cases 35
Art. 3515. Determination of the applicable law; general and residual rule 35
Art. 3516. Meaning of "State" 35
Art. 3517. Renvoi 35
Art. 3518. Domicile 36
Art. 3519. Status of natural persons; general principle 36
Art. 3524. Immovables situated in this state 36
Art. 3525. Termination of community; immovables in another state acquired by a spouse while domiciled in this state 36
Art. 3526. Termination of community; movables and Louisiana immovables acquired by a spouse while domiciled in another state 36
Art. 3527. Louisiana immovables acquired by a spouse while domiciled in another state; death of the acquiring spouse while domiciled in another state 37
Art. 3528. Formal validity of testamentary dispositions 37
Art. 3530. Capacity of heir or legatee 37
Art. 3533. Immovables situated in this state 37
Art. 3534. Immovables situated in another state 37
Art. 3535. Real rights in immovables 38
Art. 3537. General rule 38
Art. 3538. Form 38
Art. 3541. Other juridical acts and quasi-contractual obligations 38

II. LOUISIANA CODE OF CIVIL PROCEDURE 39

Art. 192. Appointment of expert witnesses; expenses 39
Art. 373. Expert appointed by court 39
Art. 375. Neglect, failure, or refusal of expert or legal representative to perform a legal duty when ordered to do so, subjects him to punishment for contempt of court 39
Art. 258. Electronic filing and recording of written instruments 39
Art. 3651. Petitory action 40
Art. 3652. Same; parties; venue 40
Art. 3653. Same; proof of title; immovable 40
Art. 3655. Possessory action 41
Art. 3656. Same; parties; venue 41
Art. 3659. Same; disturbance in fact and in law defined 41
Art. 3660. Same; possession 42
Art. 3691. Boundary action 42
Art. 3692. Appointment of surveyor by court; duties of surveyor 42
Art. 3693. Evidence; judgment 42
Art. 4601. Methods of partition 42

Art. 4602. Judicial partition....42
Art. 4621. Partition by licitation or private sale....43
Art. 4622. Petition....43
Art. 4651. Definition....43
Art. 4652. Claimants who may be impleaded....43

III. LOUISIANA REVISED STATUTES....45

La. R.S. 3:4278.1. Trees, cutting without consent; penalty....45
La. R.S. 9:1101. Ownership of waters and beds of bayous, rivers, streams, lagoons, lakes and bays....46
La. R.S. 9:1102. Batture in cities and towns; right of riparian owner....46
La. R.S. 9:1102.1. Rights of riparian landowners and their lessees....46
La. R.S. 9:1102.2. Rights and duties of riparian owners and their lessees; joint usage of certain riparian lands....47
La. R.S. 9:1107. Public policy respecting ownership of navigable waters and beds thereof....49
La. R.S. 9:1108. Invalidity of patent or transfer purporting to include navigable waters and beds thereof....49
La. R.S. 9:1109. Statutes not to be construed as validating purported transfer of navigable waters or beds thereof....49
La. R.S. 9:1110. Ownership of land adjacent to False River....49
La. R.S. 9:1151. Change in ownership of land or water bottoms as result of action of navigable stream, bay, lake, sea or arm of the sea; mineral leases....49
La. R.S. 9:1152. Grant of mineral servitude on lands acquired by the state from agencies or political subdivisions by subsidence or erosion....50
La. R.S. 9:1251. Passage to or from waters or recreational sites; servitudes or rights of way or passage not acquired....51
La. R.S. 9:1254. Enclosed estate; right and servitude of passage on certain waterways....51
La. R.S. 9:1281. Definition....52
La. R.S. 9:1282. Estate having no access to utility; utility servitude....52
La. R.S. 9:1283. Extent of the utility servitude....52
La. R.S. 9:1284. Necessary works....52
La. R.S. 9:1285. Location of the utility servitude....52
La. R.S. 9:1286. Voluntary loss of utility access....53
La. R.S. 9:1287. Voluntary alienation or partition....53
La. R.S. 9:1288. Relocation of the utility servitude....53
La. R.S. 9:1289. Indemnity....53
La. R.S. 9:2721. Filing in office of parish recorder....53
La. R.S. 9:2724. Liens or privileges not dependent upon recordation for existence or priority....54
La. R.S. 9:2726. Attachment and recordation of plats; definitions; penalty....54

La. R.S. 9:2727.	Attachment and recordation of plats; expropriations	55
La. R.S. 9:2772.	Peremptive period for actions involving deficiencies in surveying, design, supervision, or construction of immovables or improvements thereon	55
La. R.S. 9:2971.	Presumption of grant of all interest; exceptions	58
La. R.S. 9:2981.	Presumption of grant of interest in abandoned road	58
La. R.S. 9:4801.	Improvement of immovable by owner; privileges securing the improvement	58
La. R.S. 9:4802.	Improvement of immovable by contractor; claims against the owner and contractor; privileges securing the improvement	59
La. R.S. 9:4803.	Amounts secured by claims and privileges	60
La. R.S. 9:4804.	Notices required of certain claimants	61
La. R.S. 9:4810.	Miscellaneous definitions	62
La. R.S. 9:4811.	Notice of a contract with a general contractor to be filed	63
La. R.S. 9:4820.	Privileges; effective date	64
La. R.S. 9:5607.	Actions against a professional engineer, surveyor, professional interior designer, architect, real estate developer; peremptive periods	65
La. R.S. 13:3666.	Compensation of expert witnesses; costs of medical reports and copies of hospital records; land surveyors	66
La. R.S. 13:3728.	Ancient document; admissible in civil suits	67
La. R.S. 13:3729.	Same; definition	67
La. R.S. 14:63.	Criminal trespass; squatters	67
La. R.S. 14:63.3.	Entry on or remaining in places or on land after being forbidden	71
La. R.S. 14:63.4.	Aiding and abetting others to enter or remain on premises where forbidden	72
La. R.S. 30:211.	Geophysical and geological survey, and public lands defined	73
La. R.S. 30:212.	Permits for surveys on public lands	73
La. R.S. 30:213.	Furnishing state information obtained under permits	74
La. R.S. 30:214.	Permit for survey entailing use of public waters or bottoms	75
La. R.S. 30:215.	Nonexclusive geophysical permits	75
La. R.S. 30:216.	Exclusive geophysical permits	75
La. R.S. 30:217.	Unauthorized geological surveying on lands of another; registration requirements; penalties	77
La. R.S. 30:221.	Aerial photographs or mosaics; filing; copies; penalty	78
La. R.S. 33:108.	Procedure of commission; adoption of plan	78
La. R.S. 33:111.	Scope of control of subdivision	79
La. R.S. 33:112.	Subdivision regulations	79
La. R.S. 33:113.	Procedure; legal effect of approval of plat	81
La. R.S. 33:113.1.	Administrative procedure	82
La. R.S. 33:114.	Transfer of lots in unapproved subdivisions	83
La. R.S. 33:115.	Improvements in unapproved streets	83
La. R.S. 33:117.	Status of existing platting statutes	84
La. R.S. 33:151.	Petition for annexation of territory	84

La. R.S. 33:152.	Proces verbal and plat of survey	84
La. R.S. 33:153.	Recording proces verbal and plat of survey; ordering election in area to be annexed	85
La. R.S. 33:5051.	Platting land into squares or lots before sale; filing map of land; limitations on dedications	85
La. R.S. 33:5052.	Enforcement of requirements	86
La. R.S. 33:5053.	Penalty for violation	86
La. R.S. 33:5054.	Plan correcting discrepancy between prior plan and lots sold thereunder; objections; registration of corrected plan	86
La. R.S. 37:681-703.	Professional Engineering and Professional Surveying *(available separately)*	87
La. R.S. 37:1736.	Immunity from liability for architects, engineers, and land surveyors	87
La. R.S. 37:2950.	Criminal record effect on trade, occupational and professional licensing	88
La. R.S. 37:2951.1.	Removing barriers to work	89
La. R.S. 37:2952.	Failure to pay child support; effect on trade, occupation, and professional licensing	89
La. R.S. 38:113.	Control of drainage channels and outfall canals in levee and drainage districts	90
La. R.S. 41:14.	Conveyances of waterbottoms, ownership	90
La. R.S. 41:51.	Surveys and plats	90
La. R.S. 41:52.	Records transferred to this state by the former office of the United States Surveyor General of the District of Louisiana	91
La. R.S. 41:631.	Sale of land to school board for public school educational purposes	91
La. R.S. 41:713.	Resurvey of obliterated or uncertain lines	92
La. R.S. 41:1131.	Fixing of boundaries by mutual consent	92
La. R.S. 41:1132.	Formal agreement to be made	92
La. R.S. 41:1136.	Official determination of boundary	93
La. R.S. 41:1171.	Roads established by parochial authorities over state lands	93
La. R.S. 44:41.	Receiving and filing map, plat, etc. for record	93
La. R.S. 44:115.	Photographic reproduction of acts	93
La. R.S. 44:116.	Photostatic, photographic, microfilm, or other photographic or electronic copies of records; indexes of conveyance and mortgage records; disposition; evidentiary status; preservation	94
La. R.S. 48:220.1.	Width of right of way acquired informally	96
La. R.S. 48:481.	Powers of parish governing authorities as to roads, bridges, and ditches; penalties	96
La. R.S. 48:483.	Draining of public roads	96
La. R.S. 48:484.	Employment of engineers	96
La. R.S. 48:491.	Public roads	96
La. R.S. 48:511.	Changing public road; penalty	98

La. R.S. 48:512. Prohibition against closing, obstructing, or changing legal roads; restoring to former condition; exceptions 98
La. R.S. 48:671. Model roads through municipalities 98
La. R.S. 48:701. Revocation of dedication; reversion of property 98
La. R.S. 48:701.2. Webster Parish; revocation of dedication; reversion of property 99
La. R.S. 48:702. Abandoning certain roads and exchanging property with other property owners 99
La. R.S. 48:703. Suit to establish title or interest after notice of abandonment; prescription 100
La. R.S. 48:704. Contracts of exchange 100
La. R.S. 48:719. Alternative procedure 100
La. R.S. 49:1. Gulfward boundary 100
La. R.S. 49:2. Sovereignty over waters within boundaries 101
La. R.S. 49:3. Ownership of waters within boundaries 101
La. R.S. 49:3.1 Legislative intent and purpose 101
La. R.S. 49:4. Water boundary between Louisiana and Mississippi 102
La. R.S. 49:5. Penalty for interference with marks or buoys 102
La. R.S. 49:6. Gulfward boundary of coastal parishes 102
La. R.S. 50:1. Definitions 102
La. R.S. 50:2. State plane coordinate system; zones 103
La. R.S. 50:3. Linear units defined 105
La. R.S. 50:4. Describing of location 105
La. R.S. 50:5. Purchaser or mortgagee reliance on description 105
La. R.S. 50:6. Land in different zones 105
La. R.S. 50:7. Superseded state coordinate systems; definitions retained 105
La. R.S. 50:8. Accuracy requirements 107
La. R.S. 50:9. Duly authorized state agency 107
La. R.S. 50:10. Use of Louisiana coordinate systems names 107
La. R.S. 50:61. Right of entry 108
La. R.S. 50:62. Liability for entry or work done 108
La. R.S. 50:63. Disagreement as to damages due; petition to court; costs 108
La. R.S. 50:64. Defacing, injuring, or removing property of U.S. survey; penalty; damages 108
La. R.S. 50:121. Reasons for surveys 108
La. R.S. 50:122. Register may procure field notes and hire surveyors and helpers to make survey 108
La. R.S. 50:123. Petition for survey; notice; survey and map; cost 109
La. R.S. 50:124. Landowners' liability for expenses 109
La. R.S. 50:125. Conformance to prior survey or to plats under which lands granted 109
La. R.S. 50:126. Filing of field notes and map or plat; effect of approval 109
La. R.S. 50:127. Recording of copy of proces verbal and of map or plat of survey in parish; filing of originals 109
La. R.S. 50:128. Conclusiveness of survey; evidence; correcting or setting aside 109

La. R.S. 50:151. Authorization to hire surveyors, procure field notes, and make surveys 110
La. R.S. 50:152. Petition by landowners for survey; survey and map 110
La. R.S. 50:153. Cost of survey or re-survey 110
La. R.S. 50:154. Conformance to prior survey or to plats under which lands sold by state or by U.S. 110
La. R.S. 50:155. Recording copy of resolution, proces verbal of survey, and blue print maps in parish; filing with State Land Office 110
La. R.S. 50:156. Establishing permanent markers after survey approval 111
La. R.S. 50:157. Surveys affecting parish boundary lines; how made official 111
La. R.S. 50:171. Statewide land information mapping and records system; standards 111
La. R.S. 50:172. Technical assistance and implementation 111
La. R.S. 50:173. Maintaining currency of standards 112
La. R.S. 50:173.1. Geodetic control standards 112
La. R.S. 50:174. Parish land information office 112
La. R.S. 50:221. Fixing parish boundary 112
La. R.S. 50:222. Preserving returns showing boundary 113
La. R.S. 50:225. Contracts for surveys and maps of parish 113
La. R.S. 50:226. Payment of obligations incurred incidental to survey and mosaic map 113
La. R.S. 50:227. Survey and map approved by parish governing authority; effect 113
La. R.S. 50:228. Effect of survey on assessment roll of parish 113
La. R.S. 56:425. Lease of water bottoms; stipulations; boundary disputes 114
La. R.S. 56:426. Filing and recordation of water bottoms leases 115
La. R.S. 56:427. Initial application for lease 115

IV. FEDERAL LAWS PERTAINING TO SURVEYING - EXCERPTS FROM THE UNITED STATES CODE 118

43 U.S.C. §2. Duties concerning public lands 118
43 U.S.C. §6. Duties of employees to certify, record, etc., patents 118
43 U.S.C. §17. Plats of land surveyed 118
43 U.S.C. §52. Surveying duties 118
43 U.S.C. §53 Powers devolved on Secretary of the Interior on turning over of papers to States 119
43 U.S.C. §54. Completion of surveys; delivery to States 119
43 U.S.C. §55. Field notes delivered to States; access to 119
43 U.S.C. §56. Conditions of delivery to States 119
43 U.S.C. §58. Transcripts from records of Louisiana 120
43 U.S.C. §751. Rules of survey 120
43 U.S.C. §752. Boundaries and contents of public lands; how ascertained 121
43 U.S.C. §753. Lines of division of half quarter sections; how run 121
43 U.S.C. §770. Rectangular mode of survey; departure from 122

43 U.S.C. §772. Resurveys or retracements to mark boundaries of undisposed lands....122
43 U.S.C. §773. Resurveys or retracements of township lines, etc....122
43 U.S.C. §852. Selections to supply deficiencies of school lands....123
43 U.S.C. §852a. Applications for unsurveyed lands; regulations; acreage requirements....125
43 U.S.C. §852b. Survey of lands prior to transfer; time for survey; availability of funds; lands suitable for transfer....125
43 U.S.C. §931. Navigable rivers as public highways....125
43 U.S.C. §931a. Authority of Attorney General to grant easements and rights-of-way to States, etc....125
43 U.S.C. §931c. Permits, leases, or easements; authorization to grant; payment; limitation....125
43 U.S.C. §931d. Additional authority of department or agency head....126
43 U.S.C. §934. Right of way through public lands granted to railroads....126
43 U.S.C. §981. Indemnity to States on sale of lands....126
43 U.S.C. §982. Grant to States to aid in construction of levees and drains....126
43 U.S.C. §983. Lists and plats of lands, for governors of States....126
43 U.S.C. §984. Legal subdivisions mostly wet and unfit for cultivation....127
43 U.S.C. §986. Selection of lands confirmed....127
43 U.S.C. §993. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land....127
43 U.S.C. §1301. Definitions....128
43 U.S.C. §1302. Resources seaward of the Continental Shelf....129
43 U.S.C. §1311. Rights of States....130
43 U.S.C. §1312. Seaward boundaries of States....131
43 U.S.C. §1313. Exceptions from operation of section 1311 of this title....132
43 U.S.C. §1314. Rights and powers retained by United States; purchase of natural resources; condemnation of lands....132
43 U.S.C. §1315. Rights acquired under laws of United States unaffected....133
43 U.S.C. §1331. Definitions....133
43 U.S.C. §1332. Congressional declaration of policy....137
43 U.S.C. §1333. Laws and regulations governing lands....138
THE DOCTRINE OF THALWEG....140

V. RULES OF THE BOARD....141

LAC Title 46:LXI§2901. Scope and Purpose....141
LAC Title 46:LXI§2903. Definitions....142
LAC Title 46:LXI§2905. Classification of Boundary Surveys....143
LAC Title 46:LXI§2907. Property Boundary Survey....144
LAC Title 46:LXI§2909. Route Survey....151
LAC Title 46:LXI§2910. DOTD Right-of-Way Survey....152

LAC Title 46:LXI§2911. Mineral Unitization Survey.....153
LAC Title 46:LXI§2913. Positional Accuracy Specification and Positional Tolerances [Formerly §2909] 154

I. LOUISIANA CIVIL CODE

A. PRELIMINARY TITLE

GENERAL PRINCIPLES

Art. 1. Sources of law. The sources of law are legislation and custom.

Art. 2. Legislation. Legislation is a solemn expression of legislative will.

Art. 3. Custom. Custom results from practice repeated for a long time and generally accepted as having acquired the force of law. Custom may not abrogate legislation.

Art. 4. Absence of legislation or custom. When no rule for a particular situation can be derived from legislation or custom, the court is bound to proceed according to equity. To decide equitably, resort is made to justice, reason, and prevailing usages.

Art. 5. Ignorance of law. No one may avail himself of ignorance of the law.

Art. 6. Retroactivity of laws. In the absence of contrary legislative expression, substantive laws apply prospectively only. Procedural and interpretative laws apply both prospectively and retroactively, unless there is a legislative expression to the contrary.

Art. 7. Laws for the preservation of the public interest. Persons may not by their juridical acts derogate from laws enacted for the protection of the public interest. Any act in derogation of such laws is an absolute nullity.

Art. 8. Repeal of laws. Laws are repealed, either entirely or partially, by other laws.

A repeal may be express or implied. It is express when it is literally declared by a subsequent law. It is implied when the new law contains provisions that are contrary to, or irreconcilable with, those of the former law.

The repeal of a repealing law does not revive the first law.

INTERPRETATION OF LAWS

Art. 9. Clear and unambiguous law. When a law is clear and unambiguous and its application does not lead to absurd consequences, the law shall be applied as written and no further interpretation may be made in search of the intent of the legislature.

Art. 10. Language susceptible of different meanings. When the language of the law is susceptible of different meanings, it must be interpreted as having the meaning that best conforms to the purpose of the law.

Art. 11. Meaning of words. The words of a law must be given their generally prevailing meaning.

Words of art and technical terms must be given their technical meaning when the law involves a technical matter.

Art. 12. Ambiguous words. When the words of a law are ambiguous, their meaning must be sought by examining the context in which they occur and the text of the law as a whole.

Art. 13. Laws on the same subject matter. Laws on the same subject matter must be interpreted in reference to each other.

Art. 14. Use of gender. Unless the context indicates otherwise, words used with reference to one gender apply to other genders.

Art. 15. Use of number. Unless the context indicates otherwise, words used in the singular include the plural, and the plural includes the singular.

B. THINGS

DIVISION OF THINGS

Art. 448. Division of things. Things are divided into common, public, and private; corporeals and incorporeals; and movables and immovables.

Art. 449. Common things. Common things may not be owned by anyone. They are such as the air and the high seas that may be freely used by everyone conformably with the use for which nature has intended them.

Art. 450. Public things. Public things are owned by the state or its political subdivisions in their capacity as public persons.

Public things that belong to the state are such as running waters, the waters and bottoms of natural navigable water bodies, the territorial sea, and the seashore.

Public things that may belong to political subdivisions of the state are such as streets and public squares.

Art. 451. Seashore. Seashore is the space of land over which the waters of the sea spread in the highest tide during the winter season.

Art. 452. Public things and common things subject to public use. Public things and common things are subject to public use in accordance with applicable laws and regulations. Everyone

has the right to fish in the rivers, ports, roadsteads, and harbors, and the right to land on the seashore, to fish, to shelter himself, to moor ships, to dry nets, and the like, provided that he does not cause injury to the property of adjoining owners.

The seashore within the limits of a municipality is subject to its police power, and the public use is governed by municipal ordinances and regulations.

Art. 453. Private things. Private things are owned by individuals, other private persons, and by the state or its political subdivisions in their capacity as private persons.

Art. 455. Private things subject to public use. Private things may be subject to public use in accordance with law or by dedication.

Art. 456. Banks of navigable rivers or streams. The banks of navigable rivers or streams are private things that are subject to public use.

The bank of a navigable river or stream is the land lying between the ordinary low and the ordinary high stage of the water. Nevertheless, when there is a levee in proximity to the water, established according to law, the levee shall form the bank.

Art. 457. Roads; public or private. A road may be either public or private.

A public road is one that is subject to public use. The public may own the land on which the road is built or merely have the right to use it.

A private road is one that is not subject to public use.

Art. 458. Works obstructing the public use. Works built without lawful permit on public things, including the sea, the seashore, and the bottom of natural navigable waters, or on the banks of navigable rivers, that obstruct the public use may be removed at the expense of the persons who built or own them at the instance of the public authorities, or of any person residing in the state.

The owner of the works may not prevent their removal by alleging prescription or possession.

Art. 461. Corporeals and incorporeals. Corporeals are things that have a body, whether animate or inanimate, and can be felt or touched.

Incorporeals are things that have no body, but are comprehended by the understanding, such as the rights of inheritance, servitudes, obligations, and right of intellectual property.

Art. 462. Tracts of land. Tracts of land, with their component parts, are immovables.

Art. 463. Component parts of tracts of land. Buildings, other constructions permanently attached to the ground, standing timber, and unharvested crops or ungathered fruits of trees, are component parts of a tract of land when they belong to the owner of the ground.

Art. 464. Buildings and standing timber as separate immovables. Buildings and standing timber are separate immovables when they belong to a person other than the owner of the ground.

Art. 465. Things incorporated into an immovable. Things incorporated into a tract of land, a building, or other construction, so as to become an integral part of it, such as building materials, are its component parts.

Art. 466. Component parts of a building or other construction. Things that are attached to a building and that, according to prevailing usages, serve to complete a building of the same general type, without regard to its specific use, are its component parts. Component parts of this kind may include doors, shutters, gutters, and cabinetry, as well as plumbing, heating, cooling, electrical, and similar systems.

Things that are attached to a construction other than a building and that serve its principal use are its component parts.

Other things are component parts of a building or other construction if they are attached to such a degree that they cannot be removed without substantial damage to themselves or to the building or other construction.

Art. 467. Immovables by declaration. The owner of an immovable may declare that machinery, appliances, and equipment owned by him and placed on the immovable, other than his private residence, for its service and improvement are deemed to be its component parts. The declaration shall be filed for registry in the conveyance records of the parish in which the immovable is located.

Art. 469. Transfer or encumbrance of immovable. The transfer or encumbrance of an immovable includes its component parts.

Art. 470. Incorporeal immovables. Rights and actions that apply to immovable things are incorporeal immovables. Immovables of this kind are such as personal servitudes established on immovables, predial servitudes, mineral rights, and petitory or possessory actions.

RIGHTS IN THINGS

Art. 476. Rights in things. One may have various rights in things:

1. Ownership;

2. Personal and predial servitudes; and

3. Such other real rights as the law allows.

C. OWNERSHIP

GENERAL PRINCIPLES

Art. 477. Ownership; content. Ownership is the right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of a thing may use, enjoy, and dispose of it within the limits and under the conditions established by law.

Art. 480. Co-ownership. Two or more persons may own the same thing in indivision, each having an undivided share.

Art. 481. Ownership and possession distinguished. The ownership and the possession of a thing are distinct.

Ownership exists independently of any exercise of it and may not be lost by nonuse. Ownership is lost when acquisitive prescription accrues in favor of an adverse possessor.

Art. 482. Accession. The ownership of a thing includes by accession the ownership of everything that it produces or is united with it, either naturally or artificially, in accordance with the following provisions.

RIGHT OF ACCESSION

Art. 490. Accession above and below the surface. Unless otherwise provided by law, the ownership of a tract of land carries with it the ownership of everything that is directly above or under it.

The owner may make works on, above, or below the land as he pleases, and draw all the advantages that accrue from them, unless he is restrained by law or by rights of others.

Art. 496. Constructions by possessor in good faith. When constructions, plantings, or works are made by a possessor in good faith, the owner of the immovable may not demand their demolition and removal. He is bound to keep them and at his option to pay to the possessor either the cost of the materials and of the workmanship, or their current value, or the enhanced value of the immovable.

Art. 497. Constructions by bad faith possessor. When constructions, plantings, or works are made by a bad faith possessor, the owner of the immovable may keep them or he may demand their demolition and removal at the expense of the possessor, and, in addition, damages for the injury that he may have sustained. If he does not demand demolition and removal, he is bound to

pay at his option either the current value of the materials and of the workmanship of the separable improvements that he has kept or the enhanced value of the immovable.

Art. 499. Alluvion and dereliction. Accretion formed successively and imperceptibly on the bank of a river or stream, whether navigable or not, is called alluvion. The alluvion belongs to the owner of the bank, who is bound to leave public that portion of the bank which is required for the public use.

The same rule applies to dereliction formed by water receding imperceptibly from a bank of a river or stream. The owner of the land situated at the edge of the bank left dry owns the dereliction.

Art. 500. Shore of the sea or of a lake. There is no right to alluvion or dereliction on the shore of the sea or of lakes.

Art. 501. Division of alluvion. Alluvion formed in front of the property of several owners is divided equitably, taking into account the extent of the front of each property prior to the formation of the alluvion in issue. Each owner is entitled to a fair proportion of the area of the alluvion and a fair proportion of the new frontage on the river, depending on the relative values of the frontage and the acreage.

Art. 502. Sudden action of waters. If a sudden action of the waters of a river or stream carries away an identifiable piece of ground and unites it with other lands on the same or on the opposite bank, the ownership of the piece of ground so carried away is not lost. The owner may claim it within a year, or even later, if the owner of the bank with which it is united has not taken possession.

Art. 503. Island formed by river opening a new channel. When a river or stream, whether navigable or not, opens a new channel and surrounds riparian land making it an island, the ownership of that land is not affected.

Art. 504. Ownership of abandoned bed when river changes course. When a navigable river or stream abandons its bed and opens a new one, the owners of the land on which the new bed is located shall take by way of indemnification the abandoned bed, each in proportion to the quantity of land that he lost.

If the river returns to the old bed, each shall take his former land.

Art. 505. Islands and sandbars in navigable rivers. Islands, and sandbars that are not attached to a bank, formed in the beds of navigable rivers or streams, belong to the state.

Art. 506. Ownership of beds of nonnavigable rivers or streams. In the absence of title or prescription, the beds of nonnavigable rivers or streams belong to the riparian owners along a line drawn in the middle of the bed.

TRANSFER OF OWNERSHIP BY AGREEMENT

Art. 517. Voluntary transfer of ownership of an immovable. The ownership of an immovable is voluntarily transferred by a contract between the owner and the transferee that purports to transfer the ownership of the immovable. The transfer of ownership takes place between the parties by the effect of the agreement and is not effective against third persons until the contract is filed for registry in the conveyance records of the parish in which the immovable is located.

D. PERSONAL SERVITUDES

KINDS OF SERVITUDES

Art. 533. Kinds of servitudes. There are two kinds of servitudes: personal servitudes and predial servitudes.

Art. 534. Personal servitude. A personal servitude is a charge on a thing for the benefit of a person. There are three sorts of personal servitudes: usufruct, habitation, and rights of use.

E. PREDIAL SERVITUDES

GENERAL PRINCIPLES

Art. 646. Predial servitude; definition. A predial servitude is a charge on a servient estate for the benefit of a dominant estate.

The two estates must belong to different owners.

Art. 647. Benefit to dominant estate. There must be a benefit to the dominant estate. The benefit need not exist at the time the servitude is created; a possible convenience or a future advantage suffices to support a servitude.

There is no predial servitude if the charge imposed cannot be reasonably expected to benefit the dominant estate.

Art. 648. Contiguity or proximity of the estates. Neither contiguity nor proximity of the two estates is necessary for the existence of a predial servitude. It suffices that the two estates be so located as to allow one to derive some benefit from the charge on the other.

Art. 650. Inseparability of servitude.

A. A predial servitude is inseparable from the dominant estate and passes with it. The right of using the servitude cannot be alienated, leased, or encumbered separately from the dominant estate.

B. The predial servitude continues as a charge on the servient estate when ownership changes.

Art. 651. Obligations of the owner of the servient estate. The owner of the servient estate is not required to do anything. His obligation is to abstain from doing something on his estate or to permit something to be done on it. He may be required by convention or by law to keep his estate in suitable condition for the exercise of the servitude due to the dominant estate. A servitude may not impose upon the owner of the servient estate or his successors the obligation to pay a fee or other charge on the occasion of an alienation, lease, or encumbrance of the servient estate.

Art. 652. Indivisibility of servitude. A predial servitude is indivisible. An estate cannot have upon another estate part of a right of way, or of view, or of any other servitude, nor can an estate be charged with a part of a servitude.

The use of a servitude may be limited to certain days or hours; when limited, it is still an entire right. A servitude is due to the whole of the dominant estate and to all parts of it; if this estate is divided, every acquirer of a part has the right of using the servitude in its entirety.

Art. 653. Division of advantages. The advantages resulting from a predial servitude may be divided, if they are susceptible of division.

Art. 654. Kinds of predial servitudes. Predial servitudes may be natural, legal, and voluntary or conventional. Natural servitudes arise from the natural situation of estates; legal servitudes are imposed by law; and voluntary or conventional servitudes are established by juridical act, prescription, or destination of the owner.

NATURAL SERVITUDES

Art. 655. Natural drainage. An estate situated below is the servient estate and is bound to receive the surface waters that flow naturally from a dominate estate situated above unless an act of man has created the flow.

Art. 656. Obligations of the owners. The owner of the servient estate situated below may not do anything to prevent the flow of the water. The owner of the dominant estate situated above may not do anything to render the servitude more burdensome.

Art. 657. Estate bordering on running water. The owner of an estate bordering on running water may use it as it runs for the purpose of watering his estate or for other purposes.

Art. 658. Estate through which water runs. The owner of an estate through which water runs, whether it originates there or passes from lands above, may make use of it while it runs over his lands. He cannot stop it or give it another direction and is bound to return it to its ordinary channel where it leaves his estate.

LEGAL SERVITUDES

Art. 663. Projections over boundary. A landowner may not build projections beyond the boundary of his estate.

Art. 665. Legal public servitudes. Servitudes imposed for the public or common utility relate to the space which is to be left for the public use by the adjacent proprietors on the shores of navigable rivers and for the making and repairing of levees, roads, and other public or common works. Such servitudes also exist on property necessary for the building of levees and other water control structures on the alignment approved by the U.S. Army Corps of Engineers as provided by law, including the repairing of hurricane protection levees.

All that relates to this kind of servitude is determined by laws or particular regulations.

Art. 666. River road; substitution if destroyed or impassable. He who from his title as owner is bound to give a public road on the border of a river or stream, must furnish another without any compensation, if the first be destroyed or carried away.

And if the road be so injured or inundated by the water, without being carried away, that it becomes impassable, the owner is obliged to give the public a passage on his lands, as near as possible to the public road, without recompense therefor.

Art. 670. Encroaching building. When a landowner constructs in good faith a building that encroaches on an adjacent estate and the owner of that estate does not complain within a reasonable time after he knew or should have known of the encroachment, or in any event complains only after the construction is substantially completed the court may allow the building to remain. The owner of the building acquires a predial servitude on the land occupied by the building upon payment of compensation for the value of the servitude taken and for any other damage that the neighbor has suffered.

Art. 672. Other legal servitudes. Other legal servitudes relate to common enclosures, such as common walls, fences and ditches, and to the right of passage for the benefit of enclosed estates.

Art. 673. Common wall servitude. A landowner who builds first may rest one-half of a partition wall on the land of his neighbor, provided that he uses solid masonry at least as high as

the first story and that the width of the wall does not exceed eighteen inches, not including the plastering which may not be more than three inches in thickness.

Art. 674. Contribution by neighbor. The wall thus raised becomes common if the neighbor is willing to contribute one-half of its cost. If the neighbor refuses to contribute, he preserves the right to make the wall common in whole or in part, at any time, by paying to the owner one-half of the current value of the wall, or of the part that he wishes to make common.

Art. 675. Presumption of common wall. A wall that separates adjoining buildings and is partly on one estate and partly on another is presumed to be common up to the highest part of the lower building unless there is proof to the contrary.

Art. 676. Adjoining wall. When a solid masonry wall adjoins another estate, the neighbor has a right to make it a common wall, in whole or in part, by paying to its owner one-half of the current value of the wall, or of the part that he wishes to make common, and one-half of the value of the soil on which the wall is built.

Art. 684. Enclosures. A landowner has the right to enclose his land.

Art. 685. Common fences. A fence on a boundary is presumed to be common unless there is proof to the contrary.

When adjoining lands are enclosed, a landowner may compel his neighbors to contribute to the expense of making and repairing common fences by which the respective lands are separated.

When adjoining lands are not enclosed, a landowner may compel his neighbors to contribute to the expense of making and repairing common fences only as prescribed by local ordinances.

Art. 686. Common ditches. A ditch between two estates is presumed to be common unless there be proof to the contrary.

Adjoining owners are responsible for the maintenance of a common ditch.

Art. 687. Trees, bushes, and plants on the boundary. Trees, bushes, and plants on the boundary are presumed to be common unless there be proof to the contrary.

An adjoining owner has the right to demand the removal of trees, bushes, or plants on the boundary that interfere with the enjoyment of his estate, but he must bear the expense of removal.

Art. 688. Branches or roots of trees, bushes, or plants on neighboring property. A landowner has the right to demand that the branches or roots of a neighbor's trees, bushes, or plants, that extend over or into his property be trimmed at the expense of the neighbor.

A landowner does not have this right if the roots or branches do not interfere with the enjoyment of his property.

Art. 689. Enclosed estate; right of passage.

A. The owner of an estate that has no access to a public road may claim a right of passage over neighboring property to the nearest public road. The owner is bound to compensate the neighbor for the right of passage acquired.

B. The right to demand compensation from the owner of the enclosed estate may become barred by prescription. The accrual of prescription has no effect on the right of passage due to the owner of the enclosed estate.

Art. 690. Extent of passage. The right of passage for the benefit of an enclosed estate shall be suitable for the kind of traffic that is reasonably necessary for the use of that estate.

Art. 691. Constructions. The owner of the enclosed estate may construct on the right-of-way the type of road, railroad, or other works reasonably necessary for the exercise of the right of passage.

Art. 692. Location of passage. The owner of the enclosed estate may not demand the location of the passage anywhere that the owner chooses. The passage from the enclosed estate to the public road generally shall be taken along the shortest route that is least injurious to the intervening lands.

Art. 693. Enclosed estate; voluntary act. If an estate becomes enclosed as a result of a voluntary act of its owner at the time of the enclosure, the neighbors are not bound to furnish a passage to the owner or the owner’s successors.

Art. 694. Enclosed estate; voluntary alienation or judicial partition.

A. When in the case of judicial partition, or a voluntary alienation of an estate or of a part thereof, property alienated or partitioned becomes enclosed, passage shall be furnished gratuitously to the owner and the owner's successors even if the location of the passage is not the shortest route to the public road, and even if the act of alienation or partition does not mention a right of passage.

B. In the case of judicial partition, passage shall be furnished by the owner of the land on which the passage was previously exercised. In the case of a voluntary alienation, passage shall be furnished on the estate whose owner caused the enclosure.

Art. 695. Relocation of servitude. The owner of the enclosed estate has no right to the relocation of the servitude of passage after it is fixed. The owner of the servient estate has the

right to demand relocation of the servitude to a more convenient place at his own expense, provided that the new location is equally convenient to the enclosed estate.

Art. 696. Indemnity.

A. The owner of an enclosed estate having a right of passage is bound to indemnify the owner of the servient estate for any damage caused by the exercise of the right of passage.

B. The right to demand indemnity against the owner of the enclosed estate may become barred by prescription. The accrual of prescription has no effect on the right of passage.

CONVENTIONAL OR VOLUNTARY SERVITUDES

Art. 697. Right to establish predial servitudes; limitations. Predial servitudes may be established by an owner on his estate or acquired for its benefit.

The use and extent of such servitudes are regulated by the title by which they are created, and, in the absence of such regulation, by the following rules.

Art. 698. Property susceptible of servitudes. Predial servitudes are established on, or for the benefit of, distinct corporeal immovables.

Art. 699. Examples of predial servitudes. The following are examples of predial servitudes:

Rights of support, projection, drip, drain, or of preventing drain, those of view, of light, or of preventing view or light from being obstructed, of raising buildings or walls, or of preventing them from being raised, of passage, of drawing water, of aqueduct, of watering animals, and of pasturage.

Art. 700. Servitude of support. The servitude of support is the right by which buildings or other constructions of the dominant estate are permitted to rest on a wall of the servient estate.

Unless the title provides otherwise, the owner of the servient estate is bound to keep the wall fit for the exercise of the servitude, but he may be relieved of this charge by abandoning the wall.

Art. 701. Servitude of view. The servitude of view is the right by which the owner of the dominant estate enjoys a view; this includes the right to prevent the raising of constructions on the servient estate that would obstruct the view.

Art. 702. Prohibition of view. The servitude of prohibition of view is the right of the owner of the dominant estate to prevent or limit openings of view on the servient estate.

Art. 703. Servitude of light. The servitude of light is the right by which the owner of the dominant estate is entitled to make openings in a common wall for the admission of light; this includes the right to prevent the neighbor from making an obstruction.

Art. 704. Prohibition of light. The servitude of prohibition of light is the right of the owner of the dominant estate to prevent his neighbor from making an opening in his own wall for the admission of light or that limits him to certain lights only.

Art. 705. Servitude of passage. The servitude of passage is the right for the benefit of the dominant estate whereby persons, animals, utilities, or vehicles are permitted to pass through the servient estate. Unless the title provides otherwise, the extent of the right and the mode of its exercise shall be suitable for the kind of traffic or utility necessary for the reasonable use of the dominant estate.

Art. 706. Servitudes; affirmative or negative. Predial servitudes are either affirmative or negative.

Affirmative servitudes are those that give the right to the owner of the dominant estate to do a certain thing on the servient estate. Such are the servitudes of right of way, drain, and support.

Negative servitudes are those that impose on the owner of the servient estate the duty to abstain from doing something on his estate. Such are the servitudes of prohibition of building and of the use of an estate as a commercial or industrial establishment.

Art. 707. Servitudes; apparent or nonapparent. Predial servitudes are either apparent or nonapparent. Apparent servitudes are those that are perceivable by exterior signs, works, or constructions; such as a roadway, a window in a common wall, or an aqueduct.

Nonapparent servitudes are those that have no exterior sign of their existence; such as the prohibition of building on an estate or of building above a particular height.

Art. 730. Interpretation of servitude. Doubt as to the existence, extent, or manner of exercise of a predial servitude shall be resolved in favor of the servient estate.

Art. 731. Charge expressly for the benefit of an estate. A charge established on an estate expressly for the benefit of another estate is a predial servitude although it is not so designated.

Art. 740. Modes of acquisition of servitudes. Apparent servitudes may be acquired by title, by destination of the owner, or by acquisitive prescription.

Art. 742. Acquisitive prescription. The laws governing acquisitive prescription of immovable property apply to apparent servitudes. An apparent servitude may be acquired by peaceable and uninterrupted possession of the right for ten years in good faith and by just title; it may also be acquired by uninterrupted possession for thirty years without title or good faith.

Art. 745. Right to enter into the servient estate. The owner of the dominant estate has the right to enter with his workmen and equipment into the part of the servient estate that is needed for the construction or repair of works required for the use and preservation of the servitude. He may deposit materials to be used for the works and the debris that may result, under the obligation of causing the least possible damage and of removing them as soon as possible.

Art. 750. Location of servitude when the title is silent. If the title does not specify the location of the servitude, the owner of the servient estate shall designate the location.

Art. 751. Destruction of dominant or of servient estate. A predial servitude is extinguished by the permanent and total destruction of the dominant estate or of the part of the servient estate burdened with the servitude.

Art. 753. Prescription for nonuse. A predial servitude is extinguished by nonuse for ten years.

Art. 754. Commencement of nonuse. Prescription of nonuse begins to run for affirmative servitudes from the date of their last use, and for negative servitudes from the date of the occurrence of an event contrary to the servitude.

An event contrary to the servitude is such as the destruction of works necessary for its exercise or the construction of works that prevent its exercise.

Art. 757. Sufficiency of acts by third persons. A predial servitude is preserved by the use made of it by anyone, even a stranger, if it is used as appertaining to the dominant estate.

Art. 765. Confusion. A predial servitude is extinguished when the dominant and the servient estates are acquired in their entirety by the same person.

Art. 771. Renunciation of servitude. A predial servitude is extinguished by an express and written renunciation by the owner of the dominant estate.

Art. 773. Expiration of time or happening of condition. A predial servitude established for a term or under a resolutory condition is extinguished upon the expiration of the term or the happening of the condition.

Art. 774. Dissolution of the right of the grantor. A predial servitude is extinguished by the dissolution of the right of the person who established it.

F. BUILDING RESTRICTIONS

Art. 775. Building restrictions. Building restrictions are charges imposed by the owner of an immovable in pursuance of a general plan governing building standards, specified uses, and improvements. The plan must be feasible and capable of being preserved.

Art. 776. Establishment. Building restrictions may be established only by juridical act executed by the owner of an immovable or by all the owners of the affected immovables. Once established, building restrictions may be amended or terminated as provided in this Title.

Art. 780. Amendment and termination of building restrictions. Building restrictions may be amended, whether such amendment lessens or increases a restriction, or may terminate or be terminated, as provided in the act that establishes them. In the absence of such provision, building restrictions may be amended or terminated for the whole or a part of the restricted area by agreement of owners representing more than one-half of the land area affected by the restrictions, excluding streets and street rights-of-way, if the restrictions have been in effect for at least fifteen years, or by agreement of both owners representing two-thirds of the land area affected and two-thirds of the owners of the land affected by the restrictions, excluding streets and street rights-of-way, if the restrictions have been in effect for more than ten years.

Art. 782. Abandonment of plan or of restriction. Building restrictions terminate by abandonment of the whole plan or by a general abandonment of a particular restriction. When the entire plan is abandoned the affected area is freed of all restrictions; when a particular restriction is abandoned, the affected area is freed of that restriction only.

Art. 783. Matters of interpretation and application. Doubt as to the existence, validity, or extent of building restrictions is resolved in favor of the unrestricted use of the immovable. The provisions of the Louisiana Condominium Act, the Louisiana Timesharing Act, and the Louisiana Planned Community Act, shall supersede any and all provisions of this Title in the event of a conflict.

G. BOUNDARIES

GENERAL PROVISIONS

Art. 784. Boundary; marker. A boundary is the line of separation between contiguous lands. A boundary marker is a natural or artificial object that marks on the ground the line of separation of contiguous lands.

Art. 785. Fixing of the boundary. The fixing of the boundary may involve determination of the line of separation between contiguous lands, if it is uncertain or disputed; it may also involve the placement of markers on the ground, if markers were never placed, were wrongly placed, or are no longer to be seen.

The boundary is fixed in accordance with the following rules.

Art. 786. Persons who may compel fixing of boundary. The boundary may be fixed upon the demand of an owner or of one who possesses as owner. It may also be fixed upon the demand of

a usufructuary but it is not binding upon the naked owner unless he has been made a party to the proceeding.

Art. 787. Lessee may compel lessor. When necessary to protect his interest, a lessee may compel the lessor to fix the boundary of the land subject to the lease.

Art. 788. Imprescriptibility of the right. The right to compel the fixing of the boundary between contiguous lands is imprescriptible.

Art. 789. Fixing of boundary judicially or extrajudicially. The boundary may be fixed judicially or extrajudicially. It is fixed extrajudicially when the parties, by written agreement, determine the line of separation between their lands with or without reference to markers on the ground.

Art. 790. Costs. When the boundary is fixed extrajudicially costs are divided equally between the adjoining owners in the absence of contrary agreement. When the boundary is fixed judicially court costs are taxed in accordance with the rules of the Code of Civil Procedure. Expenses of litigation not taxed as court costs are borne by the person who has incurred them.

Art. 791. Liability for unauthorized removal of markers. When the boundary has been marked judicially or extrajudicially, one who removes boundary markers without court authority is liable for damages. He may also be compelled to restore the markers to their previous location.

EFFECT OF TITLES, PRESCRIPTION, OR POSSESSION

Art. 792. Fixing of boundary according to ownership or possession. The court shall fix the boundary according to the ownership of the parties; if neither party proves ownership, the boundary shall be fixed according to limits established by possession.

Art. 793. Determination of ownership according to titles. When both parties rely on titles only, the boundary shall be fixed according to titles. When the parties trace their titles to a common author preference shall be given to the more ancient title.

Art. 794. Determination of ownership according to prescription. When a party proves acquisitive prescription, the boundary shall be fixed according to limits established by prescription rather than titles. If a party and his ancestors in title possessed for thirty years without interruption, within visible bounds, more land than their title called for, the boundary shall be fixed along these bounds.

Art. 795. Effect of boundary agreement. When the boundary is fixed extrajudicially, the agreement of the parties has the effect of a compromise.

Art. 796. Error in the location of markers; rectification. When visible markers have been erroneously placed by one of the contiguous owners alone, or not in accordance with a written agreement fixing the boundary, the error may be rectified by the court unless a contiguous owner has acquired ownership up to the visible bounds by thirty years possession.

H. OWNERSHIP IN INDIVISION

Art. 797. Ownership in indivision; definition. Ownership of the same thing by two or more persons is ownership in indivision. In the absence of other provisions of law or juridical act, the shares of all co-owners are presumed to be equal.

Art. 801. Use and management by agreement. The use and management of the thing held in indivision is determined by agreement of all the co-owners.

Art. 802. Right to use the thing. Except as otherwise provided in Article 801, a co-owner is entitled to use the thing held in indivision according to its destination, but he cannot prevent another co-owner from making such use of it. As against third persons, a co-owner has the right to use and enjoy the thing as if he were the sole owner.

Art. 803. Use and management of the thing in the absence of agreement. When the mode of use and management of the thing held in indivision is not determined by an agreement of all the co-owners and partition is not available, a court, upon petition by a co-owner, may determine the use and management.

Art. 805. Disposition of undivided share. A co-owner may freely lease, alienate, or encumber his share of the thing held in indivision. The consent of all the co-owners is required for the lease, alienation, or encumbrance of the entire thing held in indivision.

Art. 807. Right to partition; exclusion by agreement. No one may be compelled to hold a thing in indivision with another unless the contrary has been provided by law or juridical act.

Any co-owner has a right to demand partition of a thing held in indivision. Partition may be excluded by agreement for up to fifteen years, or for such other period as provided in R.S. 9:1702 or other specific law.

Art. 808. Partition excluded. Partition of a thing held in indivision is excluded when its use is indispensable for the enjoyment of another thing owned by one or more of the co-owners.

Art. 809. Judicial and extrajudicial partition. The mode of partition may be determined by agreement of all the co-owners. In the absence of such an agreement, a co-owner may demand judicial partition.

Art. 810. Partition in kind. The court shall decree partition in kind when the thing held in indivision is susceptible to division into as many lots of nearly equal value as there are shares

and the aggregate value of all lots is not significantly lower than the value of the property in the state of indivision.

Art. 811. Partition by licitation or by private sale.

A. When the thing held in indivision is not susceptible to partition in kind, the court shall decree a partition by licitation or, as provided in Paragraph B of this Article, by private sale and the proceeds shall be distributed to the co-owners in proportion to their shares.

B. In the event that one or more of the co-owners are absentees or have not consented to a partition by private sale, the court shall give first priority to the private sale between the existing co-owners, over the sale by partition by licitation or private sale to third persons. The court shall order the partition by private sale between the existing co-owners as identified in the conveyance records as of the date of filing for the petition for partition by private sale. The petition for partition by private sale shall be granted first priority, and the sale shall be executed under Title IX of Book VII of the Code of Civil Procedure.

Art. 812. Effect of partition on real rights. When a thing held in indivision is partitioned in kind or by licitation, a real right burdening the thing is not affected.

Art. 813. Partition in kind. When a thing is partitioned in kind, a real right that burdens the share of a co-owner attaches to the part of the thing allotted to him.

Art. 814. Rescission of partition for lesion. An extrajudicial partition may be rescinded on account of lesion if the value of the part received by a co-owner is less by more than one-fourth of the fair market value of the portion he should have received.

Art. 815. Partition by licitation. When a thing is partitioned by licitation, a mortgage, lien, or privilege that burdens the share of a co-owner attaches to his share of the proceeds of the sale.

Art. 816. Partition in kind; warranty. When a thing is partitioned in kind, each co-owner incurs the warranty of a vendor toward his co-owners to the extent of his share.

Art. 817. Imprescriptibility of action. The action for partition is imprescriptible.

Art. 818. Other rights held in indivision. The provisions governing co-ownership apply to other rights held in indivision to the extent compatible with the nature of those rights.

I. OBLIGATIONS IN GENERAL

GENERAL PRINCIPLES

Art. 1756. Obligations; definition. An obligation is a legal relationship whereby a person, called the obligor, is bound to render a performance in favor of another, called the obligee. Performance may consist of giving, doing, or not doing something.

Art. 1757. Sources of obligations. Obligations arise from contracts and other declarations of will. They also arise directly from the law, regardless of a declaration of will, in instances such as wrongful acts, the management of the affairs of another, unjust enrichment and other acts or facts.

Art. 1759. Good faith. Good faith shall govern the conduct of the obligor and the obligee in whatever pertains to the obligation.

PROOF OF OBLIGATIONS

Art. 1831. Party must prove obligation. A party who demands performance of an obligation must prove the existence of the obligation.

A party who asserts that an obligation is null, or that it has been modified or extinguished, must prove the facts or acts giving rise to the nullity, modification, or extinction.

Art. 1832. Written form required by law. When the law requires a contract to be in written form, the contract may not be proved by testimony or by presumption, unless the written instrument has been destroyed, lost or stolen.

Art. 1839. Transfer of immovable property. A transfer of immovable property must be made by authentic act or by act under private signature. Nevertheless, an oral transfer is valid between the parties when the property has been actually delivered and the transferor recognizes the transfer when interrogated on oath.

An instrument involving immovable property shall have effect against third persons only from the time it is filed for registry in the parish where the property is located.

Art. 1840. Copy of authentic act. When certified by the notary public or other officer before whom the act was passed, a copy of an authentic act constitutes proof of the contents of the original, unless the copy is proved to be incorrect.

Art. 1841. Copy of recorded writing. When an authentic act or an acknowledged act under private signature has been filed for registry with a public officer, a copy of the act thus filed, when certified by that officer, constitutes proof of the contents of the original.

EXTINCTION OF OBLIGATIONS

Art. 1854. Extinction by performance. Performance by the obligor extinguishes the obligation.

Art. 1855. Performance by a third person. Performance may be rendered by a third person, even against the will of the obligee, unless the obligor or the obligee has an interest in performance only by the obligor.

Performance rendered by a third person effects subrogation only when so provided by law or by agreement.

Art. 1873. Obligor not liable when failure caused by fortuitous event. An obligor is not liable for his failure to perform when it is caused by a fortuitous event that makes performance impossible.

An obligor is, however, liable for his failure to perform when he has assumed the risk of such a fortuitous event.

An obligor is liable also when the fortuitous event occurred after he has been put in default.

An obligor is likewise liable when the fortuitous event that caused his failure to perform has been preceded by his fault, without which the failure would not have occurred.

Art. 1875. Fortuitous event. A fortuitous event is one that, at the time the contract was made, could not have been reasonably foreseen.

Art. 1876. Contract dissolved when performance becomes impossible. When the entire performance owed by one party has become impossible because of a fortuitous event, the contract is dissolved.

The other party may then recover any performance he has already rendered.

Art. 1877. Fortuitous event that has made performance impossible in part. When a fortuitous event has made a party's performance impossible in part, the court may reduce the other party's counterperformance proportionally, or, according to the circumstances, may declare the contract dissolved.

Art. 1878. Fortuitous event after obligor performed in part. If a contract is dissolved because of a fortuitous event that occurred after an obligor has performed in part, the obligee is bound but only to the extent that he was enriched by the obligor's partial performance.

J. CONVENTIONAL OBLIGATIONS OR CONTRACTS

GENERAL PRINCIPLES

Art. 1906. Definition of contract. A contract is an agreement by two or more parties whereby obligations are created, modified, or extinguished.

CONTRACTUAL CAPACITY AND EXCEPTIONS

Art. 1918. General statement of capacity. All persons have capacity to contract, except unemancipated minors, interdicts, and persons deprived of reason at the time of contracting.

Art. 1919. Right to plead rescission. A contract made by a person without legal capacity is relatively null and may be rescinded only at the request of that person or his legal representative.

Art. 1920. Right to require confirmation or rescission of the contract. Immediately after discovering the incapacity, a party, who at the time of contracting was ignorant of the incapacity of the other party, may require from that party, if the incapacity has ceased, or from the legal representative if it has not, that the contract be confirmed or rescinded.

Art. 1921. Rescission of contract for incapacity. Upon rescission of a contract on the ground of incapacity, each party or his legal representative shall restore to the other what he has received thereunder. When restoration is impossible or impracticable, the court may award compensation to the party to whom restoration cannot be made.

Art. 1923. Incapacity of unemancipated minor; exceptions. A contract by an unemancipated minor may be rescinded on grounds of incapacity except when made for the purpose of providing the minor with something necessary for his support or education, or for a purpose related to his business.

CONSENT

Art. 1927. Consent. A contract is formed by the consent of the parties established through offer and acceptance.

Unless the law prescribes a certain formality for the intended contract, offer and acceptance may be made orally, in writing, or by action or inaction that under the circumstances is clearly indicative of consent.

Unless otherwise specified in the offer, there need not be conformity between the manner in which the offer is made and the manner in which the acceptance is made.

Art. 1928. Irrevocable offer. An offer that specifies a period of time for acceptance is irrevocable during that time.

When the offeror manifests an intent to give the offeree a delay within which to accept, without specifying a time, the offer is irrevocable for a reasonable time.

Art. 1940. Acceptance only by completed performance. When, according to usage or the nature of the contract, or its own terms, an offer made to a particular offeree can be accepted only by rendering a completed performance, the offeror cannot revoke the offer, once the offeree has begun to perform, for the reasonable time necessary to complete the performance. The offeree, however, is not bound to complete the performance he has begun.

The offeror's duty of performance is conditional on completion or tender of the requested performance.

Art. 1941. Notice of commencement of performance. When commencement of the performance either constitutes acceptance or makes the offer irrevocable, the offeree must give prompt notice of that commencement unless the offeror knows or should know that the offeree has begun to perform. An offeree who fails to give the notice is liable for damages.

Art. 1942. Acceptance by silence. When, because of special circumstances, the offeree's silence leads the offeror reasonably to believe that a contact has been formed, the offer is deemed accepted.

Art. 1943. Acceptance not in accordance with offer. An acceptance not in accordance with the terms of the offer is deemed to be a counteroffer.

EFFECTS OF CONVENTIONAL OBLIGATIONS

Art. 1983. Law for the parties; performance in good faith. Contracts have the effect of law for the parties and may be dissolved only through the consent of the parties or on grounds provided by law. Contracts must be performed in good faith.

Art. 1984. Rights and obligations will pass to successors. Rights and obligations arising from a contract are heritable and assignable unless the law, the terms of the contract or its nature preclude such effects.

Art. 1986. Right of the obligee. Upon an obligor's failure to perform an obligation to deliver a thing, or not to do an act, or to execute an instrument, the court shall grant specific performance plus damages for delay if the obligee so demands. If specific performance is impracticable, the court may allow damages to the obligee.

Upon a failure to perform an obligation that has another object, such as an obligation to do, the granting of specific performance is at the discretion of the court.

Art. 1989. Damages for delay. Damages for delay in the performance of an obligation are owed from the time the obligor is put in default.

Other damages are owed from the time the obligor has failed to perform.

Art. 1990. Obligor put in default by arrival of term. When a term for the performance of an obligation is either fixed, or is clearly determinable by the circumstances, the obligor is put in default by the mere arrival of that term. In other cases, the obligor must be put in default by the obligee, but not before performance is due.

Art. 1991. Manners of putting in default. An obligee may put the obligor in default by a written request of performance, or by an oral request of performance made before two witnesses, or by filing suit for performance, or by a specific provision of the contract.

Art. 1994. Obligor liable for failure to perform. An obligor is liable for the damages caused by his failure to perform a conventional obligation.

A failure to perform results from nonperformance, defective performance, or delay in performance.

Art. 1995. Measure of damages. Damages are measured by the loss sustained by the obligee and the profit of which he has been deprived.

Art. 1996. Obligor in good faith. An obligor in good faith is liable only for the damages that were foreseeable at the time the contact was made.

Art. 1997. Obligor in bad faith. An obligor in bad faith is liable for all the damages, foreseeable or not, that are a direct consequence of his failure to perform.

K. OBLIGATIONS ARISING WITHOUT AGREEMENT

OF OFFENSES AND QUASI OFFENSES

Art. 2315. Liability for acts causing damages.

A. Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.

B. Damages may include loss of consortium, service, and society, and shall be recoverable by the same respective categories of persons who would have had a cause of action for wrongful death of an injured person. Damages do not include costs for future medical treatment, services, surveillance, or procedures of any kind unless such treatment, services, surveillance, or procedures are directly related to a manifest physical or mental injury or disease.

Damages shall include any sales taxes paid by the owner on the repair or replacement of the property damaged.

Art. 2316. Negligence, imprudence or want of skill. Every person is responsible for the damage he occasions not merely by his act, but by his negligence, his imprudence, or his want of skill.

L. OF REGISTRY

GENERAL PROVISIONS

Art. 3338. Instruments creating real rights in immovables; recordation required to affect third persons. The rights and obligations established or created by the following written instruments are without effect as to a third person unless the instrument is registered by recording it in the appropriate mortgage or conveyance records pursuant to the provisions of this Title:

(1) An instrument that transfers an immovable or establishes a real right in or over an immovable.

(2) The lease of an immovable.

(3) An option or right of first refusal, or a contract to buy, sell, or lease an immovable or to establish a real right in or over an immovable.

(4) An instrument that modifies, terminates, or transfers the rights created or evidenced by the instruments described in Subparagraphs (1) through (3) of this Article.

Art. 3339. Matters not of record. A matter of capacity or authority, the occurrence of a suspensive or a resolutory condition, the exercise of an option or right of first refusal, a tacit acceptance, a termination of rights that depends upon the occurrence of a condition, and a similar matter pertaining to rights and obligations evidenced by a recorded instrument are effective as to a third person although not evidenced of record.

Art. 3340. Effect of recording other documents. If the law or a recorded instrument expressly makes the recordation of an act or instrument a condition to the creation, extinction, or modification of rights or obligations, such act or instrument is not effective as to a third person until it is recorded.

The recordation of a document, other than an instrument described in Article 3338, that is required by law to be registered, filed, or otherwise recorded with the clerk of court or recorder of conveyances or of mortgages or in the conveyance or mortgage records shall have only the effect provided for by such law.

Art. 3341. Limits on the effect of recordation. The recordation of an instrument:

(1) Does not create a presumption that the instrument is valid or genuine.

(2) Does not create a presumption as to the capacity or status of the parties.

(3) Has no effect unless the law expressly provides for its recordation.

(4) Is effective only with respect to immovables located in the parish where the instrument is recorded.

Art. 3342. Parties to an instrument are precluded from raising certain matters. A party to a recorded instrument may not contradict the terms of the instrument or statements of fact it contains to the prejudice of a third person who after its recordation acquires an interest in or over the immovable to which the instrument relates.

Art. 3344. Refusal for failure of original signature or proper certification; effect of recordation; necessity of proof of signature recordation of a duplicate.

A. Except as otherwise provided by law, the recorder shall refuse to record:

(1) An instrument that does not bear the original signature of a party.

(2) A judgment, administrative decree, or other act of a governmental agency that is not properly certified in a manner provided by law.

B. Recordation does not dispense with the necessity of proving that the signatures are genuine unless they are authenticated in the manner provided by law.

Art. 3345. Recordation of a duplicate. The recordation of a duplicate of an instrument, as defined in Code of Evidence Article 1001(5), that does not bear the original signature of a party, shall nonetheless have the same effect as recordation of the original instrument. Recordation does not dispense with proving that the recorded instrument is a duplicate.

Art. 3346. Place of recordation; duty of the recorder.

A. An instrument creating, establishing, or relating to a mortgage or privilege over an immovable, or the pledge of the lessor's rights in the lease of an immovable and its rents, is recorded in the mortgage records of the parish in which the immovable is located. All other instruments are recorded in the conveyance records of that parish.

B. The recorder shall maintain in the manner prescribed by law all instruments that are recorded with him.

Art. 3347. Effect of recordation arises upon filing. The effect of recordation arises when an instrument is filed with the recorder and is unaffected by subsequent errors or omissions of the recorder. An instrument is filed with a recorder when he accepts it for recordation in his office.

Art. 3348. Time of filing; determination. Upon acceptance of an instrument the recorder shall immediately write upon or stamp it with the date and time it is filed and the registry number assigned to it.

Art. 3349. Failure to endorse; effect. If the recorder upon acceptance of an instrument fails to endorse an instrument with the date and time of filing or if it bears the same date and time of filing as another instrument, it is presumed that the instrument was filed with respect to other instruments in the order indicated by their registry numbers and that the filing of the instrument occurred immediately before an instrument bearing the next consecutive registry number.

Art. 3350. Presumption as to time of filing. When the date and time of filing cannot be determined under Articles 3348 and 3349, it is presumed that the instrument was filed at the first determinable date and time that it appears in the records of the recorder.

Art. 3351. Ancient documents; presumptions. An instrument that has been recorded for at least ten years is presumed to have been signed by all persons whose purported signatures are affixed thereto, and, if a judgment, that it was rendered by a court of competent jurisdiction.

Art. 3352. Recorded acts; required information.

A. An instrument shall contain the following information when appropriate for its type and nature:

(1) The full name, domicile, and permanent mailing address of the parties.

(2) The marital status of all of the parties who are individuals, including the full name of the present spouse or a declaration that the party is unmarried.

(3) A declaration as to whether there has been a change in the marital status of any party who is a transferor of the immovable or interest or right since he acquired it, and if so, when and in what manner the change occurred.

(4) The municipal number or postal address of the property, if it has one.

(5) The last four digits of the social security number or the taxpayer identification number of the mortgagor, whichever is applicable.

(6) The notary's identification number or the attorney's bar roll number and the typed, printed, or stamped name of the notary and witnesses if the instrument is an authentic act of, or an authenticated act by, a notary.

B. The recorder shall not refuse to record an instrument because it does not contain the information required by this Article. The omission of that information does not impair the validity of an instrument or the effect given to its recordation.

C. The recorder shall display only the last four digits of the social security numbers or taxpayer identification numbers listed on instruments that his office makes available for viewing on the Internet.

Art. 3353. Effect of indefinite or incomplete name. A recorded instrument is effective with respect to a third person if the name of a party is not so indefinite, incomplete, or erroneous as to be misleading and the instrument as a whole reasonably alerts a person examining the records that the instrument may be that of the party.

MORTGAGE RECORDS

Art. 3354. Applicability. The provisions of this Chapter apply only to the mortgages and privileges encumbering immovables and to pledges of the lessor's rights in the lease of an immovable and its rents.

Art. 3355. Mortgage, pledge, or privilege affecting property in several parishes. An act of mortgage, contract of pledge, instrument evidencing a privilege, or other instrument that affects property located in more than one parish may be executed in multiple originals for recordation in each of the several parishes. An original that is filed with a recorder need only describe property that is within the parish in which it is filed.

A certified copy of an instrument that is recorded in the records of a parish need only describe property that is within the parish in which it is filed.

Art. 3356. Transfers, amendments, and releases.

A. A transferee of an obligation secured by a mortgage, pledge, or privilege is not bound by any unrecorded act releasing, amending, or otherwise modifying the mortgage, pledge, or privilege if he is a third person with respect to that unrecorded act.

B. A recorded transfer, modification, amendment, or release of a mortgage, pledge, or privilege made by the obligee of record is effective as to a third person notwithstanding that the obligation secured by the mortgage, pledge, or privilege has been transferred to another.

C. For the purpose of this Chapter, the obligee of record of a mortgage, pledge, or privilege is the person identified by the mortgage records as the obligee of the secured obligation.

Art. 3357. Duration; general rule. Except as otherwise expressly provided by law, the effect of recordation of an instrument creating a mortgage or pledge or evidencing a privilege ceases ten years after the date of the instrument.

Art. 3358. Duration of recordation of certain mortgages, pledges, and privileges. If an instrument creating a mortgage or pledge or evidencing a privilege describes the maturity of any obligation secured by the mortgage, pledge, or privilege and if any part of the described obligation matures nine years or more after the date of the instrument, the effect of recordation ceases six years after the latest maturity date described in the instrument.

Art. 3359. Duration of recordation of judicial mortgage. The effect of recordation of a judgment creating a judicial mortgage ceases ten years after the date of the judgment.

Art. 3360. Duration of recordation of mortgage given by tutor, curator, or succession representative.

A. The effect of recordation of a legal mortgage over the property of a natural tutor, or of a special mortgage given for the faithful performance of his duties by a tutor or a curator of an interdict, ceases four years after the tutorship or curatorship terminates, or, if the tutor or curator resigns or is removed, four years after the judgment that authorizes the resignation or removal.

B. The effect of recordation of a special mortgage given for the faithful performance of his duties by a curator of an absent person or by a succession representative ceases four years after homologation of his final account, or, if the curator or representative resigns or is removed, four years after the judgment that authorizes that resignation or removal. In any event, the effect of recordation ceases ten years after the date of the act of mortgage.

Art. 3361. Effect of amendment. If before the effect of recordation ceases an instrument is recorded that amends a recorded mortgage, pledge, or privilege to describe or modify the maturity of a particular obligation that it secures, then the time of cessation of the effect of the recordation is determined by reference to the maturity of the obligation last becoming due described in the mortgage, pledge, or privilege as amended.

Art. 3362. Method of reinscription. A person may reinscribe a recorded instrument creating a mortgage or pledge or evidencing a privilege by recording a signed written notice of reinscription. The notice shall state the name of the mortgagor or pledgor, or the name of the obligor of the debt secured by the privilege as it appears in the recorded instrument, as well as the registry number or other appropriate recordation information of the instrument or of a prior notice of reinscription, and shall declare that the instrument is reinscribed.

Art. 3363. Method of reinscription exclusive. The method of reinscription provided in this Chapter is exclusive. Neither an amendment of an instrument creating a mortgage or pledge, or evidencing a privilege nor an acknowledgment of the existence of a mortgage, pledge, or privilege by the mortgagor, pledgor, or the obligor, constitutes a reinscription of the instrument.

Art. 3364. Effect of timely recordation of notice of reinscription. A notice of reinscription that is recorded before the effect of recordation ceases continues that effect for ten years from the date the notice is recorded.

Art. 3365. Effect of notice recorded after cessation of effect of recordation.

A notice of reinscription that is recorded after the effect of recordation of the instrument sought to be reinscribed has ceased, again produces the effects of recordation, but only from the time the notice of reinscription is recorded. The effect of recordation pursuant to this Article shall continue for ten years from the date on which the notice of reinscription is recorded, and the instrument may be reinscribed thereafter from time to time as provided by Article 3362.

Reinscription pursuant to this Article does not require that the mortgage or pledge or evidence of privilege be again recorded, even if the original recordation is cancelled.

Art. 3366. Cancellation upon written request; form and content.

A. The recorder of mortgages shall cancel, in whole or in part and in the manner prescribed by law, the recordation of a mortgage, pledge, or privilege upon receipt of a written request for cancellation in a form prescribed by law and that:

(1) Identifies the mortgage, pledge, or privilege by reference to the place in the records where it is recorded; and

(2) Is signed by the person requesting the cancellation.

B. The effect of recordation of the instrument ceases upon cancellation by the recorder pursuant to the provisions of this Article.

Art. 3367. Cancellation of recordation after effect of recordation has ceased. If the effect of recordation of a mortgage, pledge, or privilege has ceased for lack of reinscription or has prescribed by lapse of time under R.S. 9:5685, the recorder upon receipt of a written signed application shall cancel its recordation.

Art. 3368. Cancellation of judicial mortgage arising from judgment that has prescribed. Notwithstanding the reinscription of a judicial mortgage created by the filing of a judgment of a court of this state, the recorder shall cancel the judicial mortgage from his records upon any person's written request to which is attached a certificate from the clerk of the court rendering the judgment that no suit or motion was filed for its revival within the time required by Article 3501 or of a certified copy of a final and definitive judgment of the court rejecting the demands of the plaintiff in a suit or motion to revive the judgment.

M. OCCUPANCY AND POSSESSION

POSSESSION

Art. 3421. Possession. Possession is the detention or enjoyment of a corporeal thing, movable or immovable, that one holds or exercises by himself or by another who keeps or exercises it in his name.

The exercise of a real right, such as a servitude, with the intent to have it as one's own is quasi-possession. The rules governing possession apply by analogy to the quasi-possession of incorporeals.

Art. 3422. Nature of possession; right to possess. Possession is a matter of fact; nevertheless, one who has possessed a thing for over a year acquires the right to possess it.

Art. 3423. Rights of possessors. A possessor is considered provisionally as owner of the thing he possesses until the right of the true owner is established.

Art. 3424. Acquisition of possession. To acquire possession, one must intend to possess as owner and must take corporeal possession of the thing.

Art. 3425. Corporeal possession. Corporeal possession is the exercise of physical acts of use, detention, or enjoyment over a thing.

Art. 3426. Constructive possession. One who possesses a part of an immovable by virtue of a title is deemed to have constructive possession within the limits of his title. In the absence of title, one has possession only of the area he actually possesses.

Art. 3428. Acquisition of possession through another. One may acquire possession of a thing through another who takes it for him and in his name. The person taking possession must intend to do so for another.

Art. 3429. Exercise of possession by another. Possession may be exercised by the possessor or by another who holds the thing for him and in his name. Thus, a lessor possesses through his lessee.

Art. 3431. Retention of possession; civil possession. Once acquired, possession is retained by the intent to possess as owner even if the possessor ceases to possess corporeally. This is civil possession.

Art. 3432. Presumption of retention of possession. The intent to retain possession is presumed unless there is clear proof of a contrary intention.

Art. 3433. Loss of possession. Possession is lost when the possessor manifests his intention to abandon it or when he is evicted by another by force or usurpation.

Art. 3441. Transfer of possession. Possession is transferable by universal title or by particular title.

Art. 3442. Tacking of possession. The possession of the transferor is tacked to that of the transferee if there has been no interruption of possession.

N. PRESCRIPTION

GENERAL PRINCIPLES

Art. 3445. Kinds of prescription. There are three kinds of prescription: acquisitive prescription, liberative prescription, and prescription of nonuse.

Art. 3446. Acquisitive prescription. Acquisitive prescription is a mode of acquiring ownership or other real rights by possession for a period to time.

Art. 3447. Liberative prescription. Liberative prescription is a mode of barring of actions as a result of inaction for a period of time.

Art. 3448. Prescription of nonuse. Prescription of nonuse is a mode of extinction of a real right other than ownership as a result of failure to exercise the right for a period of time.

Art. 3449. Renunciation of prescription. Prescription may be renounced only after it has accrued.

Art. 3450. Express or tacit renunciation. Renunciation may be express or tacit. Tacit renunciation results from circumstances that give rise to a presumption that the advantages of prescription have been abandoned.

Nevertheless, with respect to immovables, renunciation of acquisitive prescription must be express and in writing.

Art. 3452. Necessity for pleading prescription. Prescription must be pleaded. Except as otherwise provided by legislation, courts may not supply a plea of prescription.

Art. 3457. Prescription established by legislation only. There is no prescription other than that established by legislation.

INTERRUPTION AND SUSPENSION OF PRESCRIPTION

Art. 3462. Interruption by filing of action or by service of process. Unless otherwise expressly provided by legislation, prescription is interrupted when the owner commences action against the possessor, or when the obligee commences action against the obligor, in a court of competent jurisdiction and venue. If action is commenced in an incompetent court, or in an improper venue, prescription is interrupted only as to a defendant served by process within the prescriptive period. If an action is commenced in a competent court of improper venue, prescription is suspended for a period of seven days as to a defendant not served by process within the prescriptive period.

Art. 3463. Duration of interruption; abandonment or discontinuance of suit.

A. An interruption of prescription resulting from the filing of a suit in a competent court and in the proper venue or from service of process within the prescriptive period continues as long as the suit is pending.

B. Interruption is considered never to have occurred if the plaintiff abandons the suit, voluntarily dismisses the suit at any time either before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial. The dismissal of a suit pursuant to a compromise does not constitute a voluntary dismissal.

Art. 3465. Interruption of acquisitive prescription. Acquisitive prescription is interrupted when possession is lost.

The interruption is considered never to have occurred if the possessor recovers possession within one year or if he recovers possession later by virtue of an action brought within the year.

Art. 3467. Persons against whom prescription runs. Prescription runs against all persons unless exception is established by legislation.

ACQUISITIVE PRESCRIPTION

Art. 3473. Prescription of ten years. Ownership and other real rights in immovables may be acquired by the prescription of ten years.

Art. 3475. Requisites. The requisites for the acquisitive prescription of ten years are: possession of ten years, good faith, just title, and a thing susceptible of acquisition by prescription.

Art. 3476. Attributes of possession. The possessor must have corporeal possession, or civil possession preceded by corporeal possession, to acquire a thing by prescription.

The possession must be continuous, uninterrupted, peaceable, public, and unequivocal.

Art. 3480. Good faith. For purposes of acquisitive prescription, a possessor is in good faith when he reasonably believes, in light of objective considerations, that he is owner of the thing he possesses.

Art. 3481. Presumption of good faith. Good faith is presumed. Neither error of fact nor error of law defeats this presumption. This presumption is rebutted on proof that the possessor knows, or should know, that he is not owner of the thing he possesses.

Art. 3482. Good faith at commencement of prescription. It is sufficient that possession has commenced in good faith; subsequent bad faith does not prevent the accrual of prescription of ten years.

Art. 3483. Just title. A just title is a juridical act, such as a sale, exchange, or donation, sufficient to transfer ownership or another real right. The act must be written, valid in form, and filed for registry in the conveyance records of the parish in which the immovable is situated.

Art. 3486. Immovables; prescription of thirty years. Ownership and other real rights in immovables may be acquired by the prescription of thirty years without the need of just title or possession in good faith.

Art. 3487. Restriction as to extent of possession. For purposes of acquisitive prescription without title, possession extends only to that which has been actually possessed.

LIBERATIVE PRESCRIPTION

Art. 3493.11. Delictual actions. Delictual actions are subject to a liberative prescription of two years. This prescription commences to run from the day injury or damage is sustained. It does not run against minors or interdicts in actions involving permanent disability and brought pursuant to the Louisiana Products Liability Act or state law governing product liability actions in effect at the time of the injury or damage.

Art. 3493.12. Damage to immovable property; commencement and accrual of prescription. When damage is caused to immovable property, the two-year prescription commences to run from the day the owner of the immovable acquired, or should have acquired, knowledge of the damage.

Art. 3494. Actions subject to a three-year prescription. The following actions are subject to a liberative prescription of three years:

(1) An action for the recovery of compensation for services rendered, including payment of salaries, wages, commissions, professional fees, fees and emoluments of public officials, freight, passage, money, lodging and board;

(2) An action for arrearages of rent and annuities;

(3) An action on money lent;

(4) An action on an open account; and

(5) An action to recover underpayments or overpayments of royalties from the production of minerals, provided that nothing herein applies to any payments, rent, or royalties derived from state-owned properties.

Art. 3497. Actions subject to a five year prescription. The following actions are subject to a liberative prescription of five years:

An action for annulment of a testament;

An action for the reduction of an excessive donation;

An action for the rescission of a partition and warranty of portions; and

An action for damages for the harvesting of timber without the consent of the owner.

This prescription is suspended in favor of minors, during minority.

Art. 3499. Personal action. Unless otherwise provided by legislation, a personal action is subject to a liberative prescription of ten years.

Art. 3500. Action against contractors and architects. An action against a contractor or an architect on account of defects of construction, renovation, or repair of buildings and other works is subject to a liberative prescription of ten years.

O. SIGNIFICATION OF SUNDRY TERMS OF LAW

Art. 3506. General definitions of terms. Whenever the terms of law, employed in this Code, have not been particularly defined otherwise, they shall be understood as follows:

(1) Assignment. An assignment is a transfer of rights by particular title, such as by sale, donation, or particular legacy.

(2) Juridical act. A juridical act is a manifestation of will intended to produce legal consequences. Juridical acts may be unilateral, such as donations mortis causa, or bilateral, such as contracts.

(3) Successor. A successor is a person who takes the place of another. There are two kinds of successors: the universal successor, such as the heir, universal legatee, and general

legatee; and the particular successor, such as the buyer, done, or particular legatee. The universal successor represents the person of the deceased and succeeds to his rights and charges. The particular successor succeeds only to the rights appertaining to the thing that is sold, donated, or bequeathed, or otherwise transferred to him.

(4) Third person. A third person is a person who is not a party to a ceremony, an instrument, a juridical act, a judgment, or a legal relationship. Examples of third persons include officiants to ceremonies, witnesses to instruments or juridical acts, and all those other than obligor and oblige to the legal relationship between the former and the latter. With respect to an obligation, a third person does not include a person such as a universal successor or a person who assumes the obligation or is bound by contract to recognize it.

P. CONFLICT OF LAWS

GENERAL PROVISIONS

Art. 3514. Multistate cases. Unless otherwise expressly provided by the law of this state, cases having contacts with other states are governed by the law selected in accordance with the provisions of this Book.

Art. 3515. Determination of the applicable law; general and residual rule. Except as otherwise provided in this Book, an issue in a case having contacts with other states is governed by the law of the state whose policies would be most seriously impaired if its law were not applied to that issue.

That state is determined by evaluating the strength and pertinence of the relevant policies of all involved states in the light of: (1) the relationship of each state to the parties and the dispute; and (2) the policies and needs of the interstate and international systems, including the policies of upholding the justified expectations of parties and of minimizing the adverse consequences that might follow from subjecting a party to the law of more than one state.

Art. 3516. Meaning of "State". As used in this Book, the word "state" denotes, as may be appropriate: the United States or any state, territory, or possession thereof; the District of Columbia; the Commonwealth of Puerto Rico; and any foreign country or territorial subdivision thereof that has its own system of law.

Art. 3517. Renvoi. Except as otherwise indicated, when the law of another state is applicable under this Book, that law shall not include the law of conflict of laws of that state.

Nevertheless, in determining the state whose law is applicable to an issue under Articles 3515, 3519, 3537, and 3542, the law of conflict of laws of the involved foreign states may be taken into consideration.

Art. 3518. Domicile. For the purposes of this Book, the domicile of a person is determined in accordance with the law of this state. A juridical person may be treated as a domiciliary of either the state of its formation or the state of its principal place of business, whichever is most pertinent to the particular issue.

STATUS

Art. 3519. Status of natural persons; general principle. The status of a natural person and the incidents and effects of that status are governed by the law of the state whose policies would be most seriously impaired if its law were not applied to the particular issue.

That state is determined by evaluating the strength and pertinence of the relevant policies of the involved states in the light of: (1) the relationship of each state, at any pertinent time, to the dispute, the parties, and the person whose status is at issue; (2) the policies referred to in Article 3515; and (3) the policies of sustaining the validity of obligations voluntarily undertaken, of protecting children, minors, and others in need of protection, and of preserving family values and stability.

MARITAL PROPERTY

Art. 3524. Immovables situated in this state. Except as otherwise provided in this Title, the rights and obligations of spouses with regard to immovables situated in this state are governed by the law of this state. Whether such immovables are community or separate property is determined in accordance with the law of this state, regardless of the domicile of the acquiring spouse at the time of acquisition.

Art. 3525. Termination of community; immovables in another state acquired by a spouse while domiciled in this state. Upon the termination of the community between spouses, either of whom is domiciled in this state, their rights and obligations with regard to immovables situated in another state acquired during marriage by either spouse while domiciled in this state, which would be community property if situated in this state, shall be determined in accordance with the law of this state. This provision may be enforced by a judgment recognizing the spouse's right to a portion of the immovable or its value.

Art. 3526. Termination of community; movables and Louisiana immovables acquired by a spouse while domiciled in another state. Upon termination of the community, or dissolution by death or by divorce of the marriage of spouses either of whom is domiciled in this state, their respective rights and obligations with regard to immovables situated in this state and movables, wherever situated, that were acquired during the marriage by either spouse while domiciled in another state shall be determined as follows:

(1) Property that is classified as community property under the law of this state shall be treated as community property under that law; and

(2) Property that is not classified as community property under the law of this state shall be treated as the separate property of the acquiring spouse. However, the other spouse shall be entitled, in value only, to the same rights with regard to this property as would be granted by the law of the state in which the acquiring spouse was domiciled at the time of acquisition.

Art. 3527. Louisiana immovables acquired by a spouse while domiciled in another state; death of the acquiring spouse while domiciled in another state. Upon the death of a spouse domiciled outside this state, that spouse's immovables situated in this state and acquired by that spouse while domiciled outside this state, which are not community property under the law of this state, are subject to the same rights, in value only, in favor of the surviving spouse as provided by the law of the domicile of the deceased at the time of death.

SUCCESSIONS

Art. 3528. Formal validity of testamentary dispositions. A testamentary disposition is valid as to form if it is in writing and is made in conformity with: (1) the law of this state; or (2) the law of the state of making at the time of making; or (3) the law of the state in which the testator was domiciled at the time of making or at the time of death; or (4) with regard to immovables, the law that would be applied by the courts of the state in which the immovables are situated.

Art. 3530. Capacity of heir or legatee. The capacity or unworthiness of an heir or legatee is determined under the law of the state in which the deceased was domiciled at the time of his death.

Nevertheless, with regard to immovables situated in this state, the legatee must qualify as a person under the law of this state.

Art. 3533. Immovables situated in this state. Except as otherwise provided in this Title, testate and intestate succession to immovables situated in this state is governed by the law of this state.

The forced heirship law of this state does not apply if the deceased was domiciled outside this state at the time of death and he left no forced heirs domiciled in this state at the time of his death.

Art. 3534. Immovables situated in another state. Except as otherwise provided in this Title, testate and intestate succession to immovables situated in another state is governed by the law that would be applied by the courts of that state.

If the deceased died domiciled in this state and left at least one forced heir who at the time was domiciled in this state, the value of those immovables shall be included in calculating the disposable portion and in satisfying the legitime.

REAL RIGHTS

Art. 3535. Real rights in immovables. Real rights in immovables situated in this state are governed by the law of this state.

Real rights in immovables situated in another state are governed by the law that would be applied by the courts of that state.

Whether a thing is an immovable is determined according to the substantive law of the state in which the thing is situated.

CONVENTIONAL OBLIGATIONS

Art. 3537. General rule. Except as otherwise provided in this Title, an issue of conventional obligations is governed by the law of the state whose policies would be most seriously impaired if its law were not applied to that issue.

That state is determined by evaluating the strength and pertinence of the relevant policies of the involved states in the light of: (1) the pertinent contacts of each state to the parties and the transaction, including the place of negotiation, formation, and performance of the contract, the location of the object of the contract, and the place of domicile, habitual residence, or business of the parties; (2) the nature, type, and purpose of the contract; and (3) the policies referred to in Article 3515, as well as the policies of facilitating the orderly planning of transactions, of promoting multistate commercial intercourse, and of protecting one party from undue imposition by the other.

Art. 3538. Form. A contract is valid as to form if made in conformity with: (1) the law of the state of making; (2) the law of the state of performance to the extent that performance is to be rendered in that state; (3) the law of the state of common domicile or place of business of the parties; or (4) the law governing the substance of the contract under Articles 3537 or 3540.

Nevertheless, when for reasons of public policy the law governing the substance of the contract under Article 3537 requires a certain form, there must be compliance with that form.

Art. 3541. Other juridical acts and quasi-contractual obligations. Unless otherwise provided by the law of this state, the law applicable to juridical acts other than contracts and to quasi-contractual obligations is determined in accordance with the principles of this Title.

II. LOUISIANA CODE OF CIVIL PROCEDURE

A. COURT-APPOINTED EXPERTS

Art. 192. Appointment of expert witnesses; expenses.

A. The appointment of expert witnesses is controlled by Louisiana Code of Evidence Article 706.

B. The reasonable fees and expenses of these experts shall be taxed as costs of court.

Art. 373. Expert appointed by court. An expert appointed by a trial court to assist it in the adjudication of a case in which his special skill and knowledge may aid the court is an officer of the court from the time of his qualification until the rendition of final judgment in the case.

Art. 375. Neglect, failure, or refusal of expert or legal representative to perform a legal duty when ordered to do so, subjects him to punishment for contempt of court. The neglect, failure, or refusal of an expert appointed by the court, or a legal representative appointed or confirmed by the court, to perform a legal duty when ordered to do so by the court, subjects him to punishment for contempt of the court.

B. CLERKS

Art. 258. Electronic filing and recording of written instruments.

A. Notwithstanding any provision of law to the contrary, a clerk of court, as ex officio recorder, the Orleans Parish register of conveyances, or its successor, or the Orleans Parish recorder of mortgages or its successor, hereinafter referred to as "recorder," is authorized to adopt and implement a published plan which shall include a written contract between the clerk of court, the Orleans Parish register of conveyances, or its successor, or the Orleans Parish recorder of mortgages, or its successor, and the filer, which complies with the Louisiana Uniform Electronic Transactions Act, R.S. 9:2601 et seq., and which provides for the acceptance of an electronic record of any recordable written instrument except original maps, plats, property descriptions, or photographs as related to the work of a professional surveyor engaged in the "Practice of Land Surveying" as defined in R.S. 37:682 for filing and recording submitted by any person, department, political subdivision, agency, branch, entity, or instrumentality of Louisiana or of the federal government or of a state chartered or federally chartered financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. The filer of such an electronic record shall certify to the recorder that the written instrument from which the electronic record is taken conforms to all applicable laws relating to the form and content of instruments which are submitted in writing.

B. Immediately after acceptance of an electronic record for filing, the recorder shall endorse such record with the date, hour, and minute it is filed. An electronic filing received on a

legal holiday or at any time other than during the normal business hours of the recorder shall be accepted for filing on the next business day by the same procedure followed when a paper document is received in the mail of the recorder at any time other than during normal business hours.

C. An electronic record shall be effective with respect to a third person from the time of its filing in the same manner as if the written instrument had been filed.

D. On or before January 1, 2022, each clerk of court, including the Orleans Parish register of conveyances or its successor and the Orleans Parish recorder of mortgages or its successor, shall adopt and implement a plan for recording electronic documents in accordance with Paragraph A of this Article.

C. REAL ACTIONS

ACTIONS TO DETERMINE OWNERSHIP OR POSSESSION

Art. 3651. Petitory action. The petitory action is one brought by a person who claims the ownership of, but who does not have the right to possess, of immovable property or of a real right therein, against another who is in possession or who claims the ownership thereof adversely, to obtain judgment recognizing the plaintiff's ownership.

Art. 3652. Same; parties; venue.

A. A petitory action may be brought by a person who claims the ownership of only an undivided interest in the immovable property or real right therein, or whose asserted ownership is limited to a certain period which has not yet expired, or which may be terminated by an event which has not yet occurred.

B. A lessee or other person who occupies the immovable property or enjoys the real right therein under an agreement with the person who claims the ownership thereof adversely to the plaintiff may be joined in the action as a defendant.

C. A petitory action shall be brought in the venue provided by Article 80(A)(1), even when the plaintiff prays for judgment for the fruits and revenues of the property, or for damages.

Art. 3653. Same; proof of title; immovable.

A, To obtain a judgment recognizing his ownership of immovable property or real right therein, the plaintiff in a petitory action shall:

(1) Prove that he has acquired ownership from a previous owner or by acquisitive prescription, if the court finds that the defendant has been in possession for one year after having

commenced possession in good faith and with just title or that the defendant has been in possession for ten years.

(2) Prove a better title thereto than the defendant in all other cases.

B. When the titles of the parties are traced to a common author, the common author is presumed to be the previous owner.

Art. 3655. Possessory action. The possessory action is one brought by the possessor or precarious possessor of immovable property or of a real right therein to be maintained in his possession of the property or enjoyment of the right when he has been disturbed, or to be restored to the possession or enjoyment thereof when he has been evicted.

Art. 3656. Same; parties; venue.

A. A possessory action may be brought by one who possesses for himself. A person entitled to the use or usufruct of immovable property, and one who owns a real right therein, possesses for himself. A possessory action may also be brought by a precarious possessor against anyone except the person for whom he possesses.

B. The possessory action shall be brought against the person who caused the disturbance, and in the venue provided by Article 80(A)(1), even when the plaintiff prays for a judgment for the fruits and revenues of the property, or for damages.

Art. 3659. Same; disturbance in fact and in law defined.

A. Disturbances of possession that give rise to the possessory action are of two kinds: disturbance in fact and disturbance in law.

B. A disturbance in fact is an eviction, or any other physical act that prevents the possessor of immovable property or of a real right therein from enjoying his possession quietly, or that throws any obstacle in the way of that enjoyment.

C. A disturbance in law is the occurrence or existence of any of the following adversely to the possessor of immovable property or a real right therein:

(1) The execution, recordation, or registry, after the possessor or his ancestors in title acquired the right to possess, of any instrument that asserts or implies a right of ownership or right to the possession of the immovable property or a real right therein.

(2) The continuing existence of record of any instrument that asserts or implies a right of ownership or right to the possession of the immovable property or a real right therein, unless the instrument was recorded before the possessor and his ancestors in title commenced possession.

(3) Any other claim or pretension of ownership or right to the possession of the immovable property or a real right therein, whether written or oral, except when asserted in an action or proceeding.

Art. 3660. Same; possession.

A. A person is in possession of immovable property or of a real right therein, within the intendment of the articles of this Chapter, when the person has the corporeal possession thereof, or civil possession thereof preceded by corporeal possession by him or his ancestors in title, and possesses for himself or precariously for another, whether in good or bad faith, or even as a usurper.

B. Subject to the provisions of Articles 3656 and 3664, a person who claims the ownership of immovable property or of a real right therein possesses through his lessee, through another who occupies the property or enjoys the right under an agreement with him or his lessee, or through a person who has the use or usufruct thereof to which his right of ownership is subject.

BOUNDARY ACTION

Art. 3691. Boundary action. An action to fix the boundary is an ordinary proceeding.

Art. 3692. Appointment of surveyor by court; duties of surveyor. The court may appoint a surveyor to inspect the lands and to make plans in accordance with the prevailing standards and practices of his profession indicating the respective contentions of the parties.

Art. 3693. Evidence; judgment. After considering the evidence, including the testimony and exhibits of a surveyor or other expert appointed by the court or by a party, the court shall render judgment fixing the boundary between the contiguous lands in accordance with the ownership or possession of the parties.

D. PARTITION BETWEEN CO-OWNERS

GENERAL DISPOSITIONS

Art. 4601. Methods of partition. Partition of property may be made either nonjudicially or judicially.

Art. 4602. Judicial partition. Partition must be judicial when:

(1) A party is an unrepresented absentee, minor, or mental incompetent; or

(2) All the interested parties cannot agree upon a nonjudicial partition.

PARTITION WHEN CO-OWNER AN ABSENTEE

Art. 4621. Partition by licitation or private sale. When one of the co-owners of property sought to be partitioned is an absentee, the partition may be effected by licitation or by private sale, as provided in this Chapter, whether the property is divisible in kind or not.

Art. 4622. Petition.

A. The petition for the partition of property in which an absentee owns an interest, under the articles of this Chapter, shall allege the facts showing that the absent and unrepresented defendant is an absentee, as defined in Article 5251, shall describe the property sought to be partitioned and allege the ownership interests thereof, and shall be supported by an affidavit of the petitioner or of his counsel that the facts alleged in the petition are true.

B.(1) If the partition is to be made by private sale, the petition for partition between the co-owners shall have first priority status by the court and shall include all of the following:

(a) The primary terms of the proposed sale.

(b) The name of the proposed purchaser and whether the proposed purchaser is a co-owner or third party in accordance with Civil Code Article 811(B).

(c) The source or location of funds to be used in the sale.

(d) If the proposed purchaser is a juridical entity, including but not limited to corporations, limited liability companies, partnerships, and sole proprietorships, and whether that entity has a relationship with any co-owner.

(e) Whether any costs associated with the sale will be paid to any person related to the petitioning co-owners within the fourth degree or a juridical entity in which the co-owner has a direct or indirect financial interest.

(2) Upon judgment of the court ordering the sale, payment shall be made within twenty-four hours using cash or certified funds.

E. CONCURSUS PROCEEDINGS

Art. 4651. Definition. A concursus proceeding is one in which two or more persons having competing or conflicting claims to money, property, or mortgages or privileges on property are impleaded and required to assert their respective claims contradictorily against all other parties to the proceeding.

Art. 4652. Claimants who may be impleaded. Persons having competing or conflicting claims may be impleaded in a concursus proceeding even though the person against whom the

claims are asserted denies liability in whole or in part to any or all of the claimants, and whether or not their claims, or the titles on which the claims depend, have a common origin, or are identical or independent of each other.

No claimant may be impleaded in a concursus proceeding whose claim has been prosecuted to judgment. No person claiming damages for wrongful death or for physical injuries may be impleaded in a concursus proceeding, except by a casualty insurer which admits liability for the full amount of the insurance coverage, and has deposited this sum into the registry of the court.

III. LOUISIANA REVISED STATUTES

A. FORESTS AND FORESTRY

La. R.S. 3:4278.1. Trees, cutting without consent; co-owners and co-heirs; penalty.

A. (1) It shall be unlawful for any person to cut, fell, destroy, remove, or to divert for sale or use, any trees, or to authorize or direct his agent or employee to cut, fell, destroy, remove, or to divert for sale or use, any trees, growing or lying on the land of another, without the consent of, or in accordance with the direction of, the owner or legal possessor, or in accordance with specific terms of a legal contract or agreement.

(2) It shall be unlawful for any co-owner or co-heir to cut, fell, destroy, remove, or to divert for sale or use, any trees, or to authorize or direct his agent or employee to cut, fell, destroy, remove, or to divert for sale or use, any trees, growing or lying on co-owned land, without the consent of, or in accordance with the direction of, the other co-owners or co-heirs, or in accordance with specific terms of a legal contract or agreement. The provisions of this Paragraph shall not apply to the sale of an undivided timber interest pursuant to R.S. 3:4278.2.

B. Whoever willfully and intentionally violates the provisions of Subsection A of this Section shall be liable to the owner, co-owner, co-heir, or legal possessor of the trees for civil damages in the amount of three times the fair market value of the trees cut, felled, destroyed, removed, or diverted, plus reasonable attorney fees and costs.

C. Whoever violates the provisions of Subsection A of this Section in good faith shall be liable to the owner, co-owner, co-heir, or legal possessor of the trees for three times the fair market value of the trees cut, felled, destroyed, removed, or diverted, if circumstances prove that the violator should have been aware that his actions were without the consent or direction of the owner, co-owner, co-heir, or legal possessor of the trees.

D. If a good faith violator of Subsection A of this Section fails to make payment under the requirements of this Section within thirty days after notification and demand by the owner, co-owner, co-heir, or legal possessor, the violator shall also be responsible for the reasonable attorney fees and costs of the owner, co-owner, co-heir, or legal possessor.

E. The provisions of this Section shall not apply to the clearing and maintenance of rights of way or to utility service situations where a utility is acting in good faith to minimize the damage or harm occasioned by an act of God. The provisions of this Section shall not apply to land surveying by or under the direction of a registered professional land surveyor, duly registered under the laws of the state of Louisiana.

F. *Repealed.*

G. Notwithstanding any other provision of law to the contrary, a civil action pursuant to provisions of this Section shall be subject to a liberative prescriptive period of five years.

B. THINGS

IMMOVABLES

La. R.S. 9:1101. Ownership of waters and beds of bayous, rivers, streams, lagoons, lakes and bays. The waters of and in all bayous, rivers, streams, lagoons, lakes and bays, and the beds thereof, not under the direct ownership of any person on August 12, 1910, are declared to be the property of the state. There shall never be any charge assessed against any person for the use of the waters of the state for municipal, industrial, agricultural or domestic purposes.

While acknowledging the absolute supremacy of the United States of America over the navigation on the navigable waters within the borders of the state, it is hereby declared that the ownership of the water itself and the beds thereof in the said navigable waters is vested in the state and that the state has the right to enter into possession of these waters when not interfering with the control of navigation exercised thereon by the United States of America. This Section shall not affect the acquisition of property by alluvion or accretion.

All transfers and conveyances or purported transfers and conveyances made by the state of Louisiana to any levee district of the state of any navigable waters and the beds and bottoms thereof are hereby rescinded, revoked and canceled.

This Section is not intended to interfere with the acquisition in good faith of any waters or the beds thereof transferred by the state or its agencies prior to August 12, 1910.

La. R.S. 9:1102. Batture in cities and towns; right of riparian owner. Whenever the riparian owner of any property in incorporated towns or cities is entitled to the right of accretion, and more batture has been formed in front of his land than is necessary for public use, which the corporation withholds from him, he shall have the right to institute action against the corporation for so much of the batture as may not be necessary for public use. If it be determined by the court that any portion of the batture be not necessary for public use, it shall decree that the owner is entitled to the property, and shall compel the corporation to permit him to enjoy the use and ownership of such portion of it.

La. R.S. 9:1102.1. Rights of riparian landowners and their lessees.

A. Riparian owners and their lessees of property on navigable rivers, lakes, or streams within the limits of any deep-water port commission of this state or, in the absence of any such commission, within a municipality having a population in excess of five thousand inhabitants, shall have the right to erect and maintain on the batture or banks owned or leased by them and in the bed of the navigable river, lake, or stream adjacent to or adjoining such batture or banks, such wharves, buildings, or improvements as may be required for the purposes of commerce,

navigation, or other public purposes. However, where such owners first have obtained the consent of the governing authority of the deep-water port commission, which consent each deep-water port commission is hereby authorized to grant, or of the municipality, as the case may be, to erect such wharves, buildings, or improvements, and same are erected in conformity to plans and specifications which have been approved by such governing authorities, those governing authorities may expropriate said wharves, buildings, or improvements whenever said improvements or the riparian front shall be required for public purposes, and the owners shall be entitled to claim compensation to the full extent of their loss, but where such consent and approval is not obtained, the owners shall be entitled to be paid compensation therefor to the full extent of their loss or required to remove such wharves, buildings, or improvements at their own expense, in the discretion of the governing authority of the deep-water port commission or of the municipality. In all cases, such wharves, buildings, or improvements shall remain subject to the administration and control of the governing authorities with respect to their maintenance and to the fees and charges to be exacted for their use by the public.

B. Nothing herein shall deprive the levee boards of their authority with respect to levees in their respective districts or their right to appropriate, without compensation, such wharves, buildings, or improvements.

La. R.S. 9:1102.2. Rights and duties of riparian owners and their lessees; joint usage of certain riparian lands.

A. (1)(a) Whenever the governing authority of any port commission, or in the absence of such commission, the governing authority of a municipality having a population in excess of five thousand inhabitants, owns, leases, or otherwise lawfully occupies or uses property on a navigable river, lake, or stream, which is within the territorial limits of such commission or municipality, or the bed of such river, lake, or stream adjacent to such property, and the governing authority in its discretion determines that the needs of commerce, navigation, or other public purposes respecting such property are being satisfied and would not be unduly interfered with, the governing authority may permit and grant to the riparian owner or owners, or their lessees or persons occupying with the riparian owner's consent, the use of such property owned, leased or otherwise lawfully occupied or used, including the air space above any wharves, buildings, or improvements constructed by the governing authority, for the construction and maintenance of buildings or improvements for any purpose, including residential purposes.

(b) The use and construction of any buildings or improvements on such property by the riparian owner, or owners, or their lessees or persons occupying with the riparian owner's consent, shall be subject to the terms and conditions, including compensation to be paid to the governing authority, which the governing authority in its discretion determines to be appropriate under the circumstances.

(c)(i) These terms and conditions may include arrangements whereby any wharves, buildings, or other improvements made by the governing authority on such property may be made to connect with or provide structural support to buildings or improvements which the

riparian owner or owners, or their lessees or persons occupying with the riparian owner's consent, have been granted permission to erect; or

(ii) They may include arrangements whereby separate structural supports may be provided for any building or improvements constructed by the riparian owner or owners, or their lessees or persons occupying with the riparian owner's consent, in the air space over any wharves, buildings, or improvements of the governing authority, whether by extending such supports through the wharves, buildings, or other improvements constructed by the authority, or otherwise.

(d) Unless expressly provided otherwise by the governing authority in writing, any buildings or improvements erected by the owner or owners, or their lessees or persons occupying with the riparian owner's consent, and any use made thereof, or any activity conducted thereupon, shall be the separate property of the owner or owners, or their lessees or persons occupying with the riparian owner's consent.

(e) Any such buildings or improvements erected by the owner or owners, or their lessees or persons occupying with the riparian owner's consent, shall be subject to the administration and control of the governing authority with respect to their maintenance and, should such buildings or improvements be used for purposes of commerce, navigation, or other public purposes, with respect to the fees and charges exacted for their use by the public, and shall also remain subject to expropriation by any such authority should same become required for public purposes.

(2)(a) The governing authority of each port commission of the state shall have the right to lease or sublease any property, whether movable or immovable, that is owned or leased by it, on a long-term basis and without the necessity of public bidding. Any such lease or sublease may be for such purpose or purposes and subject to such terms and conditions, including such compensation to be paid to the governing authority, which the governing authority, in its discretion determines to be in the public interest.

(b) Without limitation, the right herein granted includes the right to lease or sublease for purposes of commerce, navigation or other public purposes, any wharves, buildings, or improvements that are owned or leased by the governing authority that are located on any riparian lands that are subject to the servitude existing in favor of the public for purposes of commerce and navigation.

(3) The provisions of this Subsection shall not be applicable to any river which is part of the Louisiana Natural and Scenic Rivers Systems as defined in R.S. 56:1841 et seq.

B. Nothing herein shall deprive the levee boards of their authority with respect to levees in their respective districts or their right to appropriate such wharves, buildings, or improvements.

C. The provisions of this Section shall not be applicable in the parish of St. Tammany.

La. R.S. 9:1107. Public policy respecting ownership of navigable waters and beds thereof. It has been the public policy of the State of Louisiana at all times since its admission into the Union that all navigable waters and the beds of same within its boundaries are common or public things and insusceptible of private ownership; that no act of the Legislature of Louisiana has been enacted in contravention of said policy, and that the intent of the Legislature of this state at the time of the enactment of Act No. 62 of the year 1912, now appearing as R.S. 9:5661, and continuously thereafter was and is at this present time to ratify and confirm only those patents which conveyed or purported to convey public lands susceptible of private ownership of the nature and character, the alienation or transfer of which was authorized by law but not patents or transfers which purported to convey or transfer navigable waters and the beds of same.

La. R.S. 9:1108. Invalidity of patent or transfer purporting to include navigable waters and beds thereof. Any patent or transfer heretofore or hereafter issued or made is null and void, so far as same purports to include such navigable waters and the beds thereof, as having been issued or made in contravention of the public policy of this state and without any prior authorization by law; provided that the provisions of this Section shall not affect the laws of accretion or apply to lands that were susceptible to private ownership on the date of the patent or transfer by the state or a state agency.

La. R.S. 9:1109. Statutes not to be construed as validating purported transfer of navigable waters or beds thereof. No statute enacted by the legislature of Louisiana shall be construed as to validate by reason of prescription or peremption any patent or transfer issued by the state of any levee district thereof, so far as the same purports to include navigable or tide waters or the beds of same.

La. R.S. 9:1110. Ownership of land adjacent to False River. The title of the owners of land adjacent to that body of water in Pointe Coupee Parish known as False River shall extend to a line delineated by the "Final Map showing survey of the property boundary of the State of Louisiana along False River located in T 4 S - R 10 E& T 5 S - R 10 E Pointe Coupee Parish, Louisiana for The State of Louisiana" dated February 21, 2018, and filed with the Pointe Coupee Parish Clerk of Court. The line delineated by the map shall be the line that marks the division between land owned by the state and land owned by private persons along the banks of False River.

C. OWNERSHIP

ACCESSION

La. R.S. 9:1151. Change in ownership of land or water bottoms as result of action of navigable stream, bay, lake, sea, or arm of the sea; mineral leases. In all cases where a change occurs in the ownership of land or water bottoms as a result of the action of a navigable stream, bay, lake, sea, or arm of the sea, in the change of its course, bed, or bottom, or as a result

of accretion, dereliction, erosion, subsidence, or other condition resulting from the action of a navigable stream, bay, lake, sea, or arm of the sea, the new owner of such lands or water bottoms, including the state of Louisiana, shall take the same subject to and encumbered with any oil, gas, or mineral lease covering and affecting such lands or water bottoms, and subject to the mineral and royalty rights of the lessors in such lease, their heirs, successors, and assigns; the right of the lessee or owners of such lease and the right of the mineral and royalty owners thereunder shall be in no manner abrogated or affected by such change in ownership.

La. R.S. 9:1152. Grant of mineral servitude on lands acquired by the state from agencies or political subdivisions by subsidence or erosion.

A. With regard to lands previously acquired or which may be acquired hereafter by the state of Louisiana from an agency or political subdivision of the state due to subsidence or erosion or other action of a navigable river, stream, bay, or lake or arm of the sea occurring after the effective date of the Louisiana State Constitution of 1921 and which are not subject to a mineral lease granted by the state of Louisiana on the effective date hereof, and which are subject to a mineral lease granted by such agency or political subdivision, or its governmental predecessor, on the effective date hereof, the state of Louisiana hereby grants to the agency or political subdivision, or its governmental successor, from which it acquired or may acquire such lands an imprescriptible and inalienable mineral servitude affecting all minerals underlying the lands so acquired. Any such servitude shall be treated as having been granted on the date of the change in ownership of such lands and the agency or political subdivision holding such servitude is granted the authority to lease or otherwise manage the mineral rights affected thereby in accordance with law.

B. The boundaries of such servitudes shall be fixed as follows:

(1) The state agency or political subdivision having an interest therein may submit to the secretary of the Department of Energy and Natural Resources a certified map or plat of survey prepared by a registered land surveyor showing the exact extent of the servitude area, along with such other proof of the boundaries thereof as the secretary may reasonably require. Upon sufficient showing of the boundaries of the servitude area, the secretary shall indicate his assent thereto on said plat and on his certificate evidencing the boundaries of such servitude.

(2) The office of mineral resources of the Department of Energy and Natural Resources and the agency or political subdivision holding such servitude may fix the boundaries of such servitudes or otherwise fix their respective interest with respect to such servitude by written agreement.

(3) In the event the boundaries cannot be fixed in either manner provided for above, then the secretary of the Department of Energy and Natural Resources, the office of mineral resources of the Department of Energy and Natural Resources, or the agency or political subdivision holding such servitude may institute an action in the parish where the property is located to fix the boundaries of such servitude in accordance with applicable law.

(4) A true and certified copy of any certificates, plats, agreements or judgments fixing the boundaries of such servitudes shall be filed with the secretary of the Department of Energy and Natural Resources and shall be recorded in the parish where the affected property is located.

C. Nothing contained herein shall have the effect of modifying or repealing R.S. 9:1151.

D. PREDIAL SERVITUDES

La. R.S. 9:1251. Passage to or from waters or recreational sites; servitudes or rights of way or passage not acquired.

A. Any other provisions of the laws of this state to the contrary notwithstanding, whenever any land owner voluntarily, whether expressly or tacitly, permits passage through or across his land by certain persons or by the public, solely for the purpose of providing a convenience to such persons in the ingress and egress to and from waters for boating, or for the purpose of ingress and egress to and from any recreational site, neither the public nor any person shall thereby acquire a servitude or right of passage, nor shall such passage become a public road or street by reason of upkeep, maintenance, or work performed thereon by any governing authority.

B. The provisions of this section shall not be construed to:

(1) prohibit land owners from entering into enforceable contracts specifically granting servitudes or rights of way or passage;

(2) prohibit land owners from specifically dedicating roads, streets or passages to the public use;

(3) repeal any laws relative to expropriation or appropriation of land or servitudes or laws authorizing the legislature or governing authorities to open, lay out or appoint public roads or streets; nor

(4) repeal any laws creating servitudes along rivers, streams or other waters.

La. R.S. 9:1254. Enclosed estate; right and servitude of passage on certain waterways.

A. The owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway. He is bound to indemnify his neighbor for the damage he may occasion. The existing waterway passing through the neighboring property shall be directly accessible from a publicly navigable waterway, and shall have been and shall still be capable of use for navigation by the owner of either the dominant or servient estate at the time of acquisition by act of sale, inheritance, or otherwise, by the owner of the dominant estate.

B. If more than one existing waterway is capable of providing access to the enclosed estate pursuant to Subsection A, the passage shall generally be taken along the shortest route of safe passage from the enclosed estate to the nearest publicly navigable waterway at the location least injurious to the intervening lands and waterways. The owner of the dominant estate shall not be required to traverse open waters which may become hazardous for small watercraft during inclement weather.

C. The provisions of this Section shall supersede any other provision of law to the contrary.

D. The provisions of this Section are interpretative and are intended to clarify Civil Code Articles 689, 692, and 705 and any other existing law as to the right and servitude of passage on waterways to enclosed estates which have no means of access other than by way of water due to the lack of sufficient land on which to feasibly construct a road, and shall have retroactive application.

La. R.S. 9:1281. Definition. As used in this Chapter, a utility is a service, such as electricity, water, sewer, gas, telephone, cable, and power and communication networks, of the kind commonly used in the operation of an ordinary household, whether the service is provided to a household or business.

La. R.S. 9:1282. Estate having no access to utility; utility servitude.

A. The owner of an estate that has no access to a utility may claim a utility servitude over neighboring property to the nearest utility. The owner of the dominant estate is bound to compensate the neighbor for the utility servitude acquired.

B. The right to demand compensation from the owner of the dominant estate may become barred by prescription. The accrual of prescription has no effect on the utility servitude due to the owner of the dominant estate.

La. R.S. 9:1283. Extent of the utility servitude. The utility servitude shall be limited to the rights reasonably necessary to provide the utility to the dominant estate. The burden imposed on the servient estate shall not be substantially different from that required to provide the utility to an ordinary household.

La. R.S. 9:1284. Necessary works. The owner of the dominant estate may construct on the location of the utility servitude the works that are reasonably necessary for the exercise of the servitude. The works shall be constructed, maintained, and operated in a manner that reasonably minimizes hazards posed by the servitude.

La. R.S. 9:1285. Location of the utility servitude. The owner of the dominant estate may not demand the location of the utility servitude anywhere that the owner chooses. The location of

the utility servitude generally shall be taken along the shortest route that is the least injurious to the servient estate and intervening lands.

La. R.S. 9:1286. Voluntary loss of utility access. If an estate loses access to a utility as a result of a voluntary act of its owner, the neighbors are not bound to furnish a utility servitude to the owner or the owner's successors.

La. R.S. 9:1287. Voluntary alienation or partition.

A. When in the case of judicial partition, or a voluntary alienation of an estate or a part thereof, property alienated or partitioned loses access to a utility, a utility servitude shall be furnished gratuitously to the owner and the owner's successors even if it is not the location that otherwise would be selected in accordance with R.S. 9:1285, and even if the act of alienation or partition does not mention a utility servitude.

B. In the case of judicial partition, a utility servitude shall be furnished by the owner of the land on which the utility servitude was previously exercised. In the case of a voluntary alienation, a utility servitude shall be furnished on the estate whose owner caused the enclosure.

La. R.S. 9:1288. Relocation of the utility servitude. The owner of the dominant estate has no right to the relocation of the utility servitude after it is fixed. The owner of the servient estate has the right to demand relocation of the utility servitude to a more convenient place at his own expense, provided that the new location is equally convenient to the dominant estate.

La. R.S. 9:1289. Indemnity.

A. The owner of a dominant estate having a utility servitude under this Chapter is bound to indemnify the owner of the servient estate for any damage caused by the exercise of the servitude.

B. The right to demand indemnity against the owner of the dominant estate may become barred by prescription. The accrual of prescription has no effect on the utility servitude.

E. CONVENTIONAL OBLIGATIONS OR CONTRACTS

REGISTRY OF INSTRUMENTS AFFECTING IMMOVABLES

La. R.S. 9:2721. Filing in office of parish recorder.

A. An act of conveyance of immovable property or attachment thereto filed for registry in the office of the parish recorder shall designate the name of the person responsible for all property taxes and assessments and include the address where property tax and assessment notices are to be mailed. The person responsible for the taxes and assessments of the immovable

being transferred shall provide the above information to the tax assessor for the parish in which the immovable property is located for the purpose of issuing tax and assessment notices.

B. Anyone who acquires immovable property in this state, whether by sale, sheriff's sale, giving in payment, or in any other manner, which property is subject to a recorded lease agreement that is not divested by the acquisition, shall take the property subject to all of the provisions of the lease, including any provision for the payment of a commission to a leasing agent or other third party, provided that the lease was recorded prior to the recordation of the document which establishes the rights of the person who acquires the property. Such document shall include but is not limited to a mortgage, option to purchase, or other writing.

La. R.S. 9:2724. Liens or privileges not dependent upon recordation for existence or priority. This Chapter shall not derogate from or otherwise affect the existence or priority of any lien or privilege which, under existing law, is not dependent upon recordation for its existence or priority.

La. R.S. 9:2726. Attachment and recordation of plats; definitions; penalty.

A. Each person obtaining a servitude or right of way across private property where the servitude or right of way is obtained for the installation of a facility, or facilities, shall attach to the servitude or right of way agreement a plat, sketch or aerial photograph showing the approximate location of the servitude or right of way and the instrument and plat, sketch or aerial photograph shall be recorded in the conveyance records of the parish in which the private property is situated.

B. "Person" as used in this section shall include natural persons, municipalities and parishes and other political subdivisions and agencies and departments thereof, and persons, companies or corporations operating private or public pipelines or private or public utilities.

C. "Facilities" as used in this section include waterways and drainage canals and underground, surface and overhead pipelines, sewerage lines, utility lines and electric power lines.

D. This section shall not apply to any of the following:

(1) public utility servitudes established in a subdivision by the subdivider;

(2) service drop wires.

E. Failure to record the instrument and plat, sketch or aerial photograph herein required shall render the servitude or right of way agreement ineffective except as between grantor and grantee, their heirs, successors and assigns.

F. This section shall apply only to a servitude or right of way obtained after August 1, 1970.

La. R.S. 9:2727. Attachment and recordation of plats; expropriations.

A. The state or its political corporations or subdivisions created for the purpose of exercising any state governmental powers, upon obtaining any immovable property, including servitudes or other rights in or to immovable property for the purpose of constructing and maintaining roads or highways class 1 to 3 as defined by the Louisiana Department of Highways Minimum Design Standards for Rural Highways and Roads, shall attach to the instrument evidencing such acquisition a plat of survey showing the location of the acquisition and the instrument and plat of survey shall be recorded in the conveyance records of the parish in which the property is situated. Where there is a plat of record, reference to same shall satisfy the requirements herein.

B. Failure to record the plat of survey herein required shall not render the instrument evidencing such acquisition ineffective.

C. This Section shall apply only to property obtained after September 12, 1975.

PERFORMANCE OF OBLIGATIONS

La. R.S. 9:2772. Peremptive period for actions involving deficiencies in surveying, design, supervision, or construction of immovables or improvements thereon.

A. Except as otherwise provided in this Subsection, no action, whether ex contractu, ex delicto, or otherwise, including but not limited to an action for failure to warn, to recover on a contract, or to recover damages, or otherwise arising out of an engagement of planning, construction, design, or building immovable or movable property which may include, without limitation, consultation, planning, designs, drawings, specification, investigation, evaluation, measuring, or administration related to any building, construction, demolition, or work, shall be brought against any person performing or furnishing land surveying services, as such term is defined in R.S. 37:682, including but not limited to those services preparatory to construction, or against any person performing or furnishing the design, planning, supervision, inspection, or observation of construction or the construction of immovables, or improvement to immovable property, including but not limited to a residential building contractor as defined in R.S. 37:2150.1(9):

(1)(a) More than five years after the date of registry in the mortgage office of acceptance of the work by owner.

(b) If no such acceptance is recorded within six months from the date the owner has occupied or taken possession of the improvement, in whole or in part, more than five years after the improvement has been thus occupied by the owner.

(c) If, within ninety days of the expiration of the five-year peremptive period described in Subparagraph (a) of this Paragraph, a claim is brought against any person or entity included within the provisions of this Subsection, then such person or entity shall have ninety days from the date of service of the main demand or, in the case of a third-party defendant, within ninety days from service of process of the third party demand, to file a claim for contribution, indemnity or a third-party claim against any other party.

(2) If the person performing or furnishing the land surveying services, as such term is defined in R.S. 37:682, does not render the services preparatory to construction, or if the person furnishing such services or the design and planning preparatory to construction does not perform any inspection of the work, more than five years after he has completed the surveying or the design and planning with regard to actions against that person.

B.(1) The causes which are perempted within the time described above include any action:

(a) For any deficiency in the performing or furnishing of land surveying services, as such term is defined in R.S. 37:682, including but not limited to those preparatory to construction or in the design, planning, inspection, or observation of construction, or in the construction of any improvement to immovable property, including but not limited to any services provided by a residential building contractor as defined in R.S. 37:2150.1(9).

(b) For damage to property, movable or immovable, arising out of any such deficiency.

(c) For injury to the person or for wrongful death arising out of any such deficiency.

(d) Brought against a person for the action or failure to act of his employees.

(2) Deficiency, as used in this section, includes failure to warn the owner of any dangerous or hazardous condition, regardless of when knowledge of the danger or hazard is obtained or should have been obtained.

(3) Except as otherwise provided in this Subsection A of this Section, this peremptive period shall extend to every demand, whether brought by direct action or for contribution or indemnity or by third party practice, and whether brought by the owner or by any other person.

C. If such an injury to the property or to the person or if such a wrongful death occurs during the fifth year after the date set forth in Subsection A, an action to recover the damages thereby suffered may be brought within one year after the date of the injury, but in no event more than six years after the date set forth in Subsection A, even if the wrongful death results thereafter.

D. Actions for the causes enumerated in Sub-section B of this Section, against the persons enumerated in Sub-section A of this Section, shall prescribe by the applicable prescriptive periods established by law for such actions.

E. The peremptive period provided by this Section shall not be asserted by way of defense by a person in possession or control, as owner, lessor, tenant, or other possessory interest, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury, damage, or death sued upon with regard to any cause of action arising out of the alleged delict, quasi delict, or obligation of any such person arising out of his possession or control of the property.

F. Nothing in this Section shall be construed as modifying the liability or responsibility otherwise imposed by law on the owner of an immovable or the possessor, lessor or lessee of an immovable, by reason of the design, planning, supervision, inspection or observation of construction, or construction of improvements to immovable property.

G. Causes of action arising from the performing or furnishing of land surveying services, as such term is defined in R.S. 37:682, if not performed preparatory to construction, which exist prior to September 11, 1981, shall be perempted one year from said date or by the applicable peremptive period established by this Section, whichever is later.

H.(1) The peremptive period provided by this Section shall not apply to an action to recover on a contract or to recover damages against any person enumerated in Subsection A of this Section, whose fraud has caused the breach of contract or damages sued upon. The provisions of this Subsection shall be retroactive.

(2) In any action in which fraud is alleged, that issue shall be decided by trial separate from and prior to the trial of any or all other issues. However, if fraud is alleged in nonresidential contracts in an action commenced after the expiration of the five-year period provided by this Section, and the court determines that the allegation was brought in bad faith and no fraud is found, then the party who made the allegation shall be liable for court costs and attorney fees. If fraud is proven, then the party that has committed the fraud shall be liable for court costs and attorney fees.

(3) Fraud, as used in this section, shall have the same meaning as provided in Civil Code Article 1953.

I. Nothing in this Section shall be construed as limiting or modifying the non-liability of contractors for destruction or deterioration of, or defects in, any work, as provided in R.S. 9:2771.

F. SALE

CONVENTIONAL SALES

La. R.S. 9:2971. Presumption of grant of all interest; exceptions. It shall be conclusively presumed that any transfer, conveyance, surface lease, mineral lease, mortgage or any other contract, or grant affecting land described as fronting on or bounded by, or as described pursuant to a survey or using a metes and bounds description that shows that it actually fronts on or is bounded by a waterway, canal, highway, road, street, alley, railroad, or other right-of-way, shall be held, deemed and construed to include all of grantor's interest in and under such waterway, canal, highway, road, street, alley, railroad, or other right-of-way, whatever that interest may be, in the absence of any express provision therein particularly excluding the same therefrom; provided, that where the grantor at the time of the transfer or other grant holds as owner the title to the fee of the land situated on both sides thereof and makes a transfer or other grant affecting the land situated on only one side thereof, it shall then be conclusively presumed, in the absence of any express provision therein particularly excluding the same therefrom, that the transfer or other such grant thereof shall include the grantor's interest to the center of such waterway, canal, highway, road, street, alley, railroad, or other right-of-way; provided further, however, that no then existing valid right-of-way upon, across or over said property so transferred or conveyed or so presumed to be conveyed and no warranties with respect thereto shall be in any manner or to any extent impaired, prejudiced, or otherwise affected by any of the terms and provisions of this Part or because of the failure of such grantor or transferor to therein make special reference to such right-of-way or to include or exclude same therefrom.

La. R.S. 9:2981. Presumption of grant of interest in abandoned road. It shall be conclusively presumed that any transfer, grant, sale or mortgage of land and property abutting or contiguous to an abandoned road, street or alley, the dedication of which has been revoked, shall be held, deemed and construed to include all of grantor's or mortgagor's interest in and to said abandoned road, street, or alley, in the absence of any express provision therein particularly excluding the abandoned property therefrom; provided further, however, that no then existing valid servitude or rights of third parties in or on the abandoned property shall be in any manner or to any extent impaired, prejudiced, or otherwise affected by any of the terms and provisions of this Part.

G. OF PRIVILEGES

PRIVILEGES ON IMMOVABLES

La. R.S. 9:4801. Improvement of immovable by owner; privileges securing the improvement. The following persons have a privilege on an immovable to secure the following obligations of the owner arising out of a work on the immovable:

(1) Contractors, for the price of their work.

(2) Laborers or employees of the owner, for the price of work performed at the site of the immovable.

(3) Sellers, for the price of movables sold to the owner that become component parts of the immovable, or are consumed at the site of the immovable, or are consumed in machinery or equipment used at the site of the immovable.

(4) Lessors, for the rent of movables used at the site of the immovable and leased to the owner by written contract.

(5) Professional consultants engaged by the owner, and the professional subconsultants of those professional consultants, for the price of professional services rendered in connection with a work that is undertaken by the owner.

La. R.S. 9:4802. Improvement of immovable by contractor; claims against the owner and contractor; privileges securing the improvement.

A. The following persons have a claim against the owner and a claim against the contractor to secure payment of the following obligations arising out of the performance of work under the contract:

(1) Subcontractors, for the price of their work.

(2) Laborers or employees of the contractor or a subcontractor, for the price of work performed at the site of the immovable.

(3) Sellers, for the price of movables sold to the contractor or a subcontractor that become component parts of the immovable, or are consumed at the site of the immovable, or are consumed in machinery or equipment used at the site of the immovable.

(4) Lessors, for the rent of movables used at the site of the immovable and leased to the contractor or a subcontractor by written contract.

(5) Professional consultants engaged by the contractor or a subcontractor, and the professional subconsultants of those professional consultants, for the price of professional services rendered in connection with a work that is undertaken by the contractor or subcontractor.

B. The claims against the owner under this Section shall be secured by a privilege on the immovable on which the work is performed.

C. The owner is relieved of the claims against him under this Section and the privileges securing them when the claims arise from the performance of a contract by a general contractor

for whom a bond is given and maintained as required by R.S. 9:4812 and when notice of the contract with the bond attached is properly and timely filed as required by R.S. 9:4811.

D. Claims against the owner and the contractor granted by this Part are in addition to other contractual or legal rights the claimants may have for the payment of amounts owed them.

E. A claimant may assert his claim against either the contractor, his surety, or the owner without the joinder of the others. The claim shall not be subject to a plea of discussion or division.

F. A contractor shall indemnify the owner for claims against the owner arising from the work to be performed under the contract. A subcontractor shall indemnify the owner, the contractor, and any subcontractor from or through whom his rights are derived, for amounts paid by them for claims under this Part arising from work performed by the subcontractor. A contractor who pays the claims of other claimants arising from work performed under the contractor's contract is legally subrogated to their contractual rights but may not assert by subrogation their claims against the owner arising under this Section or the privileges securing them. A subcontractor who pays the claims of other claimants arising from work performed on behalf of the subcontractor is legally subrogated to their contractual rights but may not assert by subrogation their claims against the owner or contractor arising under this Section or the privileges securing them.

La. R.S. 9:4803. Amounts secured by claims and privileges

A. The privileges granted by R.S. 9:4801 and the claims granted by R.S. 9:4802 secure payment of:

(1) The principal amounts of the obligations described in R.S. 9:4801 and 4802(A), interest due thereon, and fees paid for filing the statement required by R.S. 9:4822.

(2) Expenses incurred by the claimant or other person having a privilege, for the cost of delivering movables that become component parts of the immovable, or are consumed at the site of the immovable, or are consumed in machinery or equipment used at the site of the immovable, if the amounts are owed by the owner, contractor, or subcontractor to the claimant or person having the privilege.

(3) Amounts owed under collective bargaining agreements with respect to a laborer's or employee's wages or other compensation for which a claim or privilege is granted and which are payable to other persons for vacation, health and welfare, pension, apprenticeship and training, supplemental unemployment benefits, and other fringe benefits considered as wages by the secretary of labor of the United States in determining prevailing wage rates, unless the immovable upon which the work is performed is designed or intended to be occupied primarily as a residence by four families or less. Trustees, trust funds, or other persons to whom the employer is to make such payments may assert and enforce claims for the amounts in the same

manner and subject to the same procedures provided for other amounts due laborers or employees granted a claim or privilege under this Part.

B. Subject to the additional limitations of amount contained in R.S. 9:4804(B), the claim or privilege granted the lessor of a movable by R.S. 9:4801(4) or 4802(A)(4) is limited to and secures only that part of the rents accruing during the time the movable is located at the site of the immovable for use in a work. A movable shall be deemed not located at the site of the immovable for use in a work after the occurrence of any of the following:

(1) The work is substantially completed or abandoned.

(2) A notice of termination of the work is filed.

(3) The lessee has abandoned the movable, or use of the movable in a work is completed or no longer necessary, and the owner or contractor gives written notice to the lessor of abandonment or completion of use.

C. The privileges granted by R.S. 9:4801 and the claims and privileges granted by R.S. 9:4802 do not secure payment of attorney fees or other expenses of litigation.

D. When a professional consultant or professional subconsultant is a juridical person, claims and privileges under this Part arise in favor of that juridical person for amounts owed to it under this Section, and no claim or privilege arises under this Part in favor of any surveyor, engineer, architect, or other person that it employs.

La. R.S. 9:4804. Notices required of certain claimants.

A. To be entitled to a claim arising under R.S. 9:4801(5) or a claim under R.S. 9:4802(A)(5) and the privilege securing the claim, professional consultants and their professional subconsultants shall deliver written notice to the owner within thirty days after the date of being engaged in connection with the work. The notice shall include the name and address of the claimant, the name and address of the person who engaged the claimant, and the general nature of the work to be performed by the claimant. No notice is required under this Subsection by a person who is directly engaged by the owner.

B.(1) To be entitled to a claim arising under R.S. 9:4802(A)(4) and the privilege securing the claim, the lessor of movables shall deliver to the contractor, and also to the owner if notice of contract has been timely filed, a notice that the lessor has leased or intends to lease movables to a contractor or subcontractor for use in the work. The notice shall include the name and address of the lessor, the name and address of the lessee, and a general description of the movables. If the notice is delivered more than thirty days after movables leased by the lessor are first placed at the site of the immovable, the claim and privilege of the lessor shall be limited to rents accruing after the notice is given. No notice is required to be delivered under this Paragraph to a person who is a party to the lease.

(2) Within fifteen days after receipt of a request from the owner or contractor, the lessor having a claim and privilege under R.S. 9:4802(A)(4) shall provide the person making the request with a description sufficient to identify all movables that have been placed at the site of the immovable for use in the work. The lessor's response need not identify movables which are no longer located at the site and for which no amounts are owed to the lessor. A lessor's failure to give a timely and accurate response to a request made under this Paragraph shall extinguish the lessor's claim and privilege under R.S. 9:4802(A)(4) to the extent of any damages suffered by the person making the request as a result of the failure or inaccuracy. A lessor shall not be required to respond to a request made by an owner or contractor under this Paragraph unless the lessor has previously given a notice under Paragraph (1) of this Subsection to the person making the request.

C. If notice of contract has been timely filed, the seller of a movable sold to a subcontractor shall deliver to the owner and contractor notice of nonpayment of the price of the movable no later than seventy-five days after the last day of the calendar month in which the movable was delivered to the subcontractor. The notice shall include the name and address of the seller, the name and address of the subcontractor, a description of the movable, and a statement of the unpaid balance of the price owed to the seller for the movable. A seller who does not deliver to both the owner and contractor notice of nonpayment of the price of a movable when required to do so under this Subsection shall not be entitled to a claim or privilege under this Part for the price of the movable.

D. Before any subcontractor having a contractual relationship with another subcontractor, but no direct contractual relationship with the contractor, shall have a right of action to enforce a claim under this Part against the contractor or surety on the bond furnished by the contractor, he must give notice to the contractor at least thirty days prior to the institution of an action against the contractor, stating with substantial accuracy the amount claimed and the name of the other subcontractor for whom the labor or service was done or performed.

La. R.S. 9:4810. Miscellaneous definitions. For purposes of this Part:

(1) A "business day" is any day except for Saturdays, Sundays, and other days on which the office of the clerk of court is closed in accordance with R.S. 1:55(E) in the parish of location of the immovable upon which work is to be or has been performed.

(2) A "commercial courier" is any juridical person that has as its primary purpose the delivery of letters and parcels of any type.

(3) A "complete property description" of an immovable is any description that, if contained in a mortgage of the immovable properly filed for registry, would be sufficient for the mortgage to be effective as to third persons.

(4) An "immovable" is a thing that is classified by law as immovable, as well as any construction that is permanently attached to the ground and that would be classified by law as immovable if it belonged to the landowner.

(5) A "professional consultant" is a professional surveyor, professional engineer, or licensed architect who is engaged by the owner or by a contractor or subcontractor.

(6) A "professional subconsultant" is a professional surveyor, professional engineer, or licensed architect who is engaged by a professional consultant.

(7) A "qualified inspector" is a professional surveyor, a professional engineer, a licensed architect, a building inspector employed by the municipality or parish in which an immovable being inspected is located, or a building inspector employed by a lending institution chartered under federal or state law.

(8) A "residential work" is a work for the construction, improvement, reconstruction, modification, or repair of an immovable occupied or designed to be occupied as a single-family residence or double-family residence.

La. R.S. 9:4811. Notice of a contract with a general contractor to be filed.

A. Written notice of a contract between a general contractor and an owner shall be filed as provided in R.S. 9:4831 before the contractor begins work, as defined by R.S. 9:4820, on the immovable. The notice:

(1) Shall be signed by the owner and contractor.

(2) Shall contain a complete property description of the immovable upon which the work is to be performed and the name, if any, of the project.

(3) Shall identify the parties and give their mailing addresses.

(4) Shall state the price of the work or, if no price is fixed, describe the method by which the price is to be calculated and give an estimate of it.

(5) Shall state when payment of the price is to be made.

(6) Shall describe in general terms the work to be done.

B. A notice of contract is not improperly filed because of an error in or omission from the notice in the absence of a showing of actual prejudice by a claimant or other person acquiring rights in the immovable. An error in or omission of the identity of the parties or their mailing

addresses or the improper or insufficient description of the immovable shall be prima facie proof of actual prejudice.

C. A notice of contract is not improperly filed because a proper bond is not attached.

D. A general contractor shall not enjoy any privilege arising under this Part if the price of the work stipulated or reasonably estimated in his contract exceeds one hundred thousand dollars unless notice of the contract is timely filed. A general contractor who is deprived of his privilege by this Subsection shall not be entitled to file a statement of claim or privilege for any amounts due him.

La. R.S. 9:4820. Privileges; effective date.

A. Except as otherwise provided in this Part, the privileges granted by this Part arise and are effective as to third persons when the earlier of the following occurs:

(1) Notice of the contract is filed as required by R.S. 9:4811.

(2) The work is begun by placing materials at the site of the immovable to be used in the work or conducting other work at the site of the immovable the effect of which is visible from a simple inspection and reasonably indicates that the work has begun. For these purposes, the "site of the immovable" is defined as the area within the boundaries of the property. In determining when work has begun, services rendered by a professional consultant, professional subconsultant, or other surveyor, architect, or engineer, or the placing of materials having an aggregate price of less than one hundred dollars on the immovable, driving of test piling, cutting or removal of trees and debris, placing of fill dirt, demolition of existing structures, and clearing, grading, or leveling of the land surface shall not be considered.

B.(1) If the work for which notice of contract was not filed as required by R.S. 9:4811 is for the addition, modification, or repair of an existing building or other construction, the suspension of the work for thirty days or more shall cause that part of the work performed before the suspension to be considered, for the purposes of ranking privileges arising under this Part against the rights of third persons, a separate work from the work performed thereafter. A work is suspended if the cost of the work done, in labor and materials, is less than one hundred dollars during a period of thirty days or more.

(2) A privilege arising under this Part with respect to work performed before the suspension, other than a privilege arising under R.S. 9:4801(2) or a privilege securing a claim arising under R.S. 9:4802(A)(2), retains its priority under R.S. 9:4821 over the rights of third persons acquired prior to the resumption of work only if the claimant having the privilege files a statement of claim or privilege no later than sixty days after the commencement of the suspension.

C. A person acquiring or intending to acquire a mortgage, privilege, or other right, in or on an immovable may conclusively rely upon an affidavit made by a qualified inspector to the effect that he inspected the immovable at a specified time and work had not then been commenced nor materials placed at its site, provided the inspection occurs and the affidavit is filed, within four business days before or within four business days after the filing of the mortgage, privilege, or other document creating the right. Insofar as the rights of the person to whom or for whom the affidavit is given are concerned, the facts recited in the affidavit shall be deemed to be true at the time of the inspection and to remain true at the time of the filing of the mortgage, privilege, or other document, and the correctness of those facts may not be controverted to affect the priority of the rights of the person to whom or for whom it is given, unless actual fraud by such person is proved. A person who gives a false affidavit shall be responsible for any loss or damage suffered by any person whose rights are adversely affected.

D. Notwithstanding the other provisions of this Part, the privileges granted upon an immovable by R.S. 9:4801(5) and those securing a claim arising under R.S. 9:4802(A)(5) shall have no effect as to third persons acquiring rights in, to, or on the immovable before the statement of claim or privilege is filed.

E. If, following cancellation of a notice of contract in accordance with R.S. 9:4832(C), another notice of contract is filed, the date of the later filing shall be the date of filing of notice of contract for purposes of this Section.

H. PRESCRIPTION

La. R.S. 9:5607. Actions against a professional engineer, surveyor, professional interior designer, architect, real estate developer; peremptive periods.

A. No action for damages against any professional engineer, surveyor, engineer intern, surveyor intern, or licensee as defined in R.S. 37:682, or any professional architect, landscape architect, architect intern, or agent as defined in R.S. 37:141, or professional interior designer, or licensee as defined in R.S. 37:3171, or other similar licensee licensed under the laws of this state, or real estate developer relative to development plans which have been certified by a professional engineer or professional architect, whether based upon tort, or breach of contract, or otherwise arising out of an engagement to provide any manner of movable or immovable planning, construction, design, or building, which may include but is not limited to consultation, planning, designs, drawings, specifications, investigation, evaluation, measuring, or administration related to any building, construction, demolition, or work, shall be brought unless filed in a court of competent jurisdiction and proper venue at the latest within five years from:

(1) The date of registry in the mortgage office of acceptance of the work by owner; or

(2) The date the owner has occupied or taken possession of the improvement, in whole or in part, if no such acceptance is recorded; or

(3) The date the person furnishing such services has completed the services with regard to actions against that person, if the person performing or furnishing the services, as described herein, does not render the services preparatory to construction, or if the person furnishes such services preparatory to construction but the person furnishing such services does not perform any inspection of the work.

B. The provisions of this Section shall apply to all persons whether or not infirm or under disability of any kind and including minors and interdicts.

C. The five-year period of limitation provided for in Subsection A of this Section is a peremptive period within the meaning of Civil Code Article 3458 and in accordance with Civil Code Article 3461, may not be renounced, interrupted, or suspended.

D. The provisions of this Section shall take precedence over and supersede the provisions of R.S. 9:2772 and Civil Code Articles 2762 and 3545.

E. The peremptive period provided in Subsection A of this Section shall not apply in cases of fraud, as defined in Civil Code Article 1953.

F. The peremptive periods provided in Subsections A and B of this Section shall not apply to any proceedings initiated by the Louisiana Professional Engineering and Land Surveying Board or the State Board of Architectural Examiners.

I. COURTS AND JUDICIAL PROCEDURE

WITNESSES AND EVIDENCE

La. R.S. 13:3666. Compensation of expert witnesses; costs of medical reports and copies of hospital records; land surveyors.

A. Witnesses called to testify in court only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive additional compensation, to be fixed by the court, with reference to the value of time employed and the degree of learning or skill required.

B. The court shall determine the amount of the fees of said expert witnesses which are to be taxed as costs to be paid by the party cast in judgment either:

(1) From the testimony of the expert relative to his time rendered and the cost of his services adduced upon the trial of the cause, outside the presence of the jury, the court shall determine the amount thereof and include same.

(2) By rule to show cause brought by the party in whose favor a judgment is rendered against the party cast in judgment for the purpose of determining the amount of the expert fees to

be paid by the party cast in judgment, which rule upon being made absolute by the trial court shall form a part of the final judgment in the cause.

C. In either manner provided in Subsection B, the court shall also determine and tax as costs, to be paid by the party cast in judgment, the reasonable and necessary cost of medical reports and copies of hospital records.

D. In all civil cases in which the trial court, on its own motion or on motion of a party, has appointed a person who is registered as a professional land surveyor, pursuant to R.S. 37:693(B)(4), to be called as an expert to assist it in the adjudication of any case in which professional land surveying skills may aid the court, the court shall make arrangements for the timely payment of reasonable and customary fees for the services sought to be rendered.

La. R.S. 13:3728. Ancient document; admissible in civil suits. On the trial of any civil case in any court ancient documents, defined in R.S. 13:3729, shall be received in evidence.

La. R.S. 13:3729. Same; definition. An ancient document is defined to mean any instrument of writing, including maps, plats and surveys, which has been recorded in the conveyance, mortgage, donation, miscellaneous or other official records of any parish of the state or in any office, bureau, department or agency of the state for a period of thirty years or more at the time such instrument is offered in evidence.

J. CRIMINAL TRESPASS[1]

La. R.S. 14:63. Criminal trespass; squatters.

A. No person shall enter any structure, watercraft, or movable owned by another without express, legal, or implied authorization.

B.(1) No person shall enter upon immovable property owned by another without express, legal, or implied authorization.

(2) For purposes of this Subsection, the phrase "enter upon immovable property" as used in this Subsection, in addition to its common meaning, signification, and connotation, shall include the operation of an unmanned aircraft system as defined by R.S. 14:337 in the air space over immovable property owned by another with the intent to conduct surveillance of the property or of any individual lawfully on the property.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to any person operating an unmanned aircraft system in compliance with federal law or Federal Aviation Administration regulations or authorization.

[1] See, also, Section III(U) (Surveys and Surveyors - Entry On and Injury to Land) below.

C.(1) No person shall remain in or upon property, movable or immovable, owned by another without express, legal, or implied authorization.

(2) For purposes of this Subsection:

(a) "Remain in or upon property", in addition to its common meaning, signification, and connotation, includes:

(i) The continued presence of an occupant, as defined by Code of Civil Procedure Article 4704, for longer than five days after being served with written notice to vacate in accordance with Code of Civil Procedure Articles 4702 or 4703.

(ii) The continued presence of a squatter who has been directed to vacate by a lawful possessor either verbally, by written notice, or by posting of conspicuous signage advising that the property is privately owned and unlawful trespass is prohibited.

(iii) The continued presence of a person in violation of a temporary restraining order, preliminary injunction, or a permanent injunction.

(iv) The operation of an unmanned aircraft system as defined by R.S. 14:337 in the air space over immovable property owned by another with the intent to conduct surveillance of the property or of any individual lawfully on the property.

This Item shall not apply to any person operating an unmanned aircraft system in compliance with federal law or Federal Aviation Administration regulations or authorization.

(b) "Squatter" means any person who remains in or upon property to which he lacks a right of possession, ownership, occupancy, or a lease interest.

D. It shall be an affirmative defense to a prosecution for a violation of Subsection A, B, or C of this Section, that the accused had express, legal, or implied authority to be in the movable or on the immovable property.

E. The following persons may enter or remain upon the structure, watercraft, movable or immovable property, of another:

(1) A duly commissioned law enforcement officer in the performance of his duties.

(2) Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the Louisiana Department of Agriculture and Forestry engaged in locating and suppressing a fire.

(3) Emergency medical personnel engaged in the rendering of medical assistance to an individual.

(4) Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.

(5) Any federal, state or local government employee, public utility employee or agent in the performance of his duties when otherwise authorized by law to enter or remain on immovable or movable property.

(6) Any person authorized by a court of law to enter or remain on immovable property.

(7) Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law.

F. The following persons may enter or remain upon immovable property of another, unless specifically forbidden to do so by the owner or other person with authority, either orally or in writing:

(1) A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.

(2) A person, affiliate, employee, agent or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communication Commission under the Cable Reregulation Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude or any property located on the immovable property which belongs to such a business.

(3) Any person making a delivery, soliciting, selling any product or service, conducting a survey or poll, a real estate licensee or other person who has a legitimate reason for making a delivery, conducting business or communicating with the owner, lessee, custodian or a resident of the immovable property, and who, immediately upon entry, seeks to make the delivery, to conduct business or to conduct the communication.

(4) An employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.

(5) The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock.

(6) The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon on his person.

(7) Any candidate for political office or any person working on behalf of a candidate for a political office.

(8) The owner or occupant of a watercraft or vessel traveling in salt water engaged in any lawful purpose for the purpose of retrieval of his property or for obtaining assistance in an emergency situation.

G. The following penalties shall be imposed for a violation of this Section:

(1) For the first offense, the fine shall be not less than one hundred dollars and not more than five hundred dollars, or imprisonment for not more than thirty days, or both.

(2) For the second offense, the fine shall be not less than three hundred dollars and not more than seven hundred fifty dollars, or imprisonment for not more than ninety days, or both.

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars and not more than one thousand dollars, or imprisonment for not less than sixty days and not more than six months, or both, and forfeiture to the law enforcement authority of any property seized in connection with the violation.

(4) A person may be convicted of a second offense and any subsequent offenses regardless of whether any prior conviction involved the same structure, watercraft, movable or immovable property and regardless of the time sequence of the occurrence of the offenses.

(5) In addition to the foregoing penalties, and notwithstanding any other law to the contrary, a person convicted under this Section who has killed or otherwise misappropriated any wildlife, as defined by R.S. 56:8, in the course of commission of the offense shall forfeit the misappropriated wildlife to the law enforcement authority, and shall be ordered to pay the value of the misappropriated wildlife into the Conservation Fund of the Department of Wildlife and Fisheries in accordance with R.S. 56:40.1 et seq. The value of the wildlife that was misappropriated shall be determined by the guidelines adopted by the Wildlife and Fisheries Commission pursuant to R.S. 56:40.2.

H. The provisions of any other law notwithstanding, owners, lessees, and custodians of structures, watercraft, movable or immovable property shall not be answerable for damages sustained by any person who enters upon the structure, watercraft, movable or immovable property without express, legal or implied authorization, or who without legal authorization, remains upon the structure, watercraft, movable or immovable property after being forbidden by the owner, or other person with authority to do so; however, the owner, lessee or custodian of the property may be answerable for damages only upon a showing that the damages sustained were the result of the intentional acts or gross negligence of the owner, lessee or custodian.

I. A minor ten years old or younger shall not be arrested, detained or apprehended for the crime of trespass.

J. Although not required by this Section, notice that entrance upon any structure, watercraft, movable, or immovable property owned by another is prohibited may be indicated by either of the following:

(1) A sign or signs posted on or in the property at a place or places where such sign or signs may be reasonably expected to be seen.

(2) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

(a) Vertical lines of not less than eight inches in length and not less than one inch in width.

(b) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.

(c) Placed at locations that are readily visible to any person approaching the property and no more than one hundred feet apart on forest land, as defined in R.S. 3:3622, or one thousand feet apart on land other than forest land.

La. R.S. 14:63.3. Entry on or remaining in places or on land after being forbidden.

A.(1) No person shall without authority go into or upon or remain in or upon or attempt to go into or upon or remain in or upon any structure, watercraft, or any other movable, or immovable property, which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person.

(2) For the purposes of Paragraph (1) of this Subsection, "sign" means either:

(a) A sign or signs posted on or in the structure, watercraft, or any other movable, or immovable property, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

(b) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

(i) Vertical lines of not less than eight inches in length and not less than one inch in width.

(ii) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.

(iii) Placed at locations that are readily visible to any person approaching the property and no more than one hundred feet apart on forest land, as defined in R.S. 3:3622, or one thousand feet apart on land other than forest land.

B. Whoever violates the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned in the parish jail for not more than six months, or both.

La. R.S. 14:63.4. Aiding and abetting others to enter or remain on premises where forbidden.

A.(1) No person shall incite, solicit, urge, encourage, exhort, instigate, or procure any other person to go into or upon or to remain in or upon any structure, watercraft, or any other movable, which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, knowing that such other person has been forbidden to go or remain there, either orally or in writing, including by means of any sign hereinafter described, by the owner, lessee, or custodian of the property or by any other authorized person.

(2) For the purposes of Paragraph (1) of this Subsection, "sign" means either:

(a) A sign or signs posted on or in the structure, watercraft or any other movable, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

(b) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

(i) Vertical lines of not less than eight inches in length and not less than one inch in width.

(ii) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.

(iii) Placed at locations that are readily visible to any person approaching the property and no more than one hundred feet apart on forest land, as defined in R.S. 3:3622, or one thousand feet apart on land other than forest land.

B. Any law enforcement officer investigating a complaint that the provisions of this Section are being or have been violated or any such officer making any arrest for violation of the provisions of this Section, is hereby vested with authority to require any person involved in such

investigation or arrest to identify himself to such officer. Upon demand of such officer, the person involved shall inform the officer of his true name and address.

C. Whoever violates the provisions of Subsection A or B of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned in the parish jail for not more than six months, or both.

K. MINERALS, OIL AND GAS

La. R.S. 30:211. Geophysical and geological survey, and public lands defined.

A. "Public lands" means lands belonging to the state or its agencies and which may be leased under Chapter 2 of this Title.

B. "Geophysical and geological survey" means magnetometer surveys, gravitymeter surveys, torsion balance surveys, seismograph surveys, using either the reflection or the refraction method, soil analysis surveys which tend to show the presence or absence of hydrocarbons, electrical surveys, using either the Eltran or some similar method and any method utilizing short wave radio.

La. R.S. 30:212. Permits for surveys on public lands.

A. The State Mineral and Energy Board shall have exclusive authority to grant exclusive and nonexclusive permits to conduct geophysical and geological surveys of any kind on state-owned lands, including water bottoms. No person shall conduct a geophysical or geological survey on state-owned lands, including water bottoms, without obtaining a permit. These permits shall be granted pursuant to rules promulgated under the Administrative Procedure Act by the Department of Energy and Natural Resources. No permit shall be granted covering lands over which the state has a mere servitude without consent of the owner of the abutting property.

B. Any person desiring a permit to conduct geophysical and geological surveys of any kind on state-owned lands, including water bottoms, shall submit an application in writing to the office of mineral resources.

C. Any application that includes prospective areas on lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas, may be rejected by the secretary of the Department of Wildlife and Fisheries for ecological reasons and the rights of lessors and donors.

D. After deposit to the Bond Security and Redemption Fund as required under the provisions of Article VII, Section 9(B) of the Constitution of Louisiana, the following amounts shall be deposited as follows:

(1) An amount equal to the amount received from geophysical and geological survey on lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas, shall be immediately deposited into the Louisiana Wildlife and Fisheries Conservation Fund established by Article VII, Section 10-A of the Constitution of Louisiana, or other funds as may be required by law, deed, or acts of donation.

(2) Of the amount received from nonexclusive geophysical and geological surveys conducted on all other state-owned lands and water bottoms, twenty percent shall be deposited into the Louisiana Wildlife and Fisheries Conservation Fund and the remainder deposited into the Mineral and Energy Operation Fund created by R.S. 30:136.3.

(3) Of the amount received from exclusive geophysical and geological surveys conducted on all other state-owned lands and water bottoms, five dollars per acre shall be deposited into the Louisiana Wildlife and Fisheries Conservation Fund and the remainder deposited into the Mineral and Energy Operation Fund created by R.S. 30:136.3.

La. R.S. 30:213. Furnishing state information obtained under permits.

A.(1) For any permit issued prior to July 1, 2004, the holder of a permit to conduct geophysical and geological surveys shall furnish to the State Mineral and Energy Board or office of mineral resources maps showing the location of all shot points and detector or geophone setups located on the property and the dates on which they were used, together with the subsurface contours obtained as a result of the use of the points. Additionally, the permit holder shall deliver a copy of any and all seismic data acquired, including 3D, 2D, gravity, magnetic, and any other geophysical or geological data, in a format acceptable to the office of mineral resources. This information shall not extend to lands beyond the boundaries of the public property surveyed. This information shall be furnished to the office of mineral resources or the State Mineral and Energy Board within ninety days after completion of the final stacked and migration processing, but not more than six months after the completion of the survey. Except for the information included in a seismic permit, including the plat showing the geometric polygon of the area on which the seismic is to be shot, all other information, including maps, plots, and other data provided to the State Mineral and Energy Board hereunder shall be confidential and an exception to the provisions of public records laws and shall not be released to any other agency or entity, or for any reason, including publication in a technical journal, absent a valid court order from a court of competent jurisdiction or absent written permission of, and under the strict limitations imposed by, the owner having authority to license said data.

(2) For any permit issued on or after July 1, 2004, the holder of a permit to conduct geophysical or geological surveys shall retain ownership of the data gathered and shall not be required to submit the data as required in Paragraph (1) of this Subsection. However, the State Mineral and Energy Board or the employees of the office of mineral resources shall be allowed to review the data. Except for the information included in a seismic permit, including the plat showing the geometric polygon of the area on which the seismic is to be shot, all other

information, including maps, plots, and other data reviewed by the State Mineral and Energy Board or the staff of the office of mineral resources hereunder shall be confidential and an exception to the provisions of public records laws and shall not be released to any other agency or entity, or for any reason, including publication in a technical journal, absent a valid court order from a court of competent jurisdiction or absent written permission of, and under the strict limitations imposed by, the owner having authority to license said data.

B. Whoever knowingly and willfully violates the provisions of the Section or any rule or order of the State Mineral and Energy Board made thereunder shall be fined up to one hundred thousand dollars or imprisoned for not more than one year, or both.

La. R.S. 30:214. Permit for survey entailing use of public waters or bottoms. Any person who makes or causes to be made a geophysical survey entailing the use of shot points in any lake, river, or stream bed or other bottoms, the title to which is in the public, shall obtain from the State Mineral and Energy Board a special permit therefor. This permit shall be granted under the rules and regulations which may from time to time be promulgated by the Department of Wildlife and Fisheries for the protection of oysters, fish, and wildlife.

La. R.S. 30:215. Nonexclusive geophysical permits.

A. A nonexclusive permit to conduct seismic, geophysical, or geological surveying upon state-owned lands, including water bottoms, shall be valid for one year from the date of issuance. However, if operations commence within the year and are ceased due to unforeseen circumstances, the term may be extended for up to one year from the cessation of operations by the secretary of the Department of Energy and Natural Resources. The permittee shall pay to the office of mineral resources at the time of application for the seismic permit a fee. Such fee shall be determined by the State Mineral and Energy Board at least every twelve months or as often as necessary. The fee shall be based upon market value, but shall be no more than thirty dollars and no less than five dollars per acre.

B. The secretary of the Department of Wildlife and Fisheries may object to an application for a nonexclusive permit to conduct seismic, geophysical, or geological surveying on lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas. Upon the secretary's objections, the application shall be presented for final determination to the State Mineral and Energy Board.

La. R.S. 30:216. Exclusive geophysical permits.

A. An exclusive geophysical permit entitles the holder to the exclusive right to conduct geophysical or geological surveys of any kind for the term and area specified in the permit.

B.(1) After receiving an application to conduct exclusive geological or geophysical survey, the office of mineral resources shall evaluate the prospective area of survey in order to

set the minimum terms which shall then be recommended and presented to the State Mineral and Energy Board for approval or rejection.

(2) For applications that include lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas, the office of mineral resources shall evaluate the prospective area of survey in order to set the minimum terms which shall then be recommended and presented to the secretary of the Department of Wildlife and Fisheries for approval or rejection. If the recommended minimum terms are rejected by the secretary of the Department of Wildlife and Fisheries, the office of mineral resources in cooperation and consultation with the Department of Wildlife and Fisheries shall immediately set minimum terms. If the office of mineral resources and the Department of Wildlife and Fisheries are unable to set minimum terms, the recommendations from both entities shall be presented for final determination to the State Mineral and Energy Board.

C.(1) Upon setting of the minimum terms, the board may offer by public bid a permit to conduct geophysical and geological surveys on all or a portion of the lands described in the application. The board shall publish in the official journal of the state, and in the official journal of the parish where the lands are located, an advertisement which must appear in these journals not more than sixty days and no less than thirty days prior to the date for the opening of bids. The board may publish other such advertisements in its discretion. The advertisement shall contain a description of the land proposed to be surveyed, the time and place sealed bids shall be received and publicly opened, a statement that the bid may be for the whole or any particularly described portion of the land advertised, and any other information that the board may consider necessary. If the lands are situated in two or more parishes, the advertisement shall appear in the official journals of all the parishes where the lands may be partly located. The advertisement and any other published by the board shall constitute judicial advertisement and legal notice within the provisions of Chapter 5 of Title 43 of the Louisiana Revised Statutes of 1950.

(2) The board may also cause notices to be sent to those whom the board determines would be interested in submitting bids. Upon the request of the board, the office of mineral resources shall prepare and mail the notice of publication. A reasonable fee adopted pursuant to the Administrative Procedure Act to cover the cost of preparing the mailing of the notice of publication may be charged by the office of mineral resources. On its own motion and after complying with the policies adopted pursuant to the provisions of R.S. 36:354(A)(2), or at the request of the secretary of the Department of Energy and Natural Resources, the board shall advertise for bids for a permit in the same manner as if an application had been made therefor.

(3) At the time and place mentioned in the advertisement for the consideration of bids, the bids shall be publicly opened. Bids received by the mineral board may be opened at any state-owned buildings situated in the city in which the capitol is located. The mineral board has authority to accept the bid most advantageous to the state and may grant a permit upon whatever terms the board considers proper. The board may reject any and all bids or may grant a permit of a lesser quantity of property than advertised and withdraw the remainder of the property.

(4) If all written bids to survey lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas, are rejected, the State Mineral and Energy Board, with consultation and cooperation with the Department of Wildlife and Fisheries, may immediately offer for competitive bidding a permit upon all or any designated part of the land advertised, upon terms most advantageous to the state. On all other state-owned lands, including water bottoms, if all written bids are rejected, the board may immediately offer for competitive bidding a permit upon all or any designated part of the land advertised, upon terms appearing most advantageous to the state. These offerings shall be subject to the board's right to reject any and all bids.

La. R.S. 30:217. Unauthorized geological surveying on lands of another; registration requirements; penalties.

A.(1) No person shall conduct geological surveys for oil, gas, or other minerals by means of a torsion balance, seismograph explosions, mechanical device, or any other method whatsoever, on any land, unless he has obtained the consent of either the owner or the party or parties authorized to execute geological surveys, leases, or permits as provided in the Louisiana Mineral Code.

(2) "Owner" as used herein shall not include a person or legal entity with only a surface or subsurface leasehold interest in the property.

(3) Whoever violates this Subsection shall be fined not less than five hundred dollars nor more than five thousand dollars or imprisoned for not less than thirty days nor more than six months, or both.

B.(1) Prior to entering onto any property, the person wishing to conduct geological surveys for oil, gas, or other minerals, by means of a torsion balance, seismograph explosions, mechanical device, or any other method whatsoever, shall file with the office of the clerk of court of either parish where such geological surveying is to be conducted, along with the necessary filing fees, written notification of his intention to conduct such exploration operations, which shall include the surveyor’s name and address, the parish, and a map clearly designating the area to be surveyed and the identity of the assessed landowner of such property and the person or entity granting the permit to survey such property as well as the estimated time period of such operation.

(2) Upon receipt of such notification of intention, the clerk of court in each parish shall maintain copies of same in the regular oil and gas record books. If no oil and gas records are kept, such intentions shall be filed in the mortgage record books.

(3) A copy of this information, along with a certified copy of the filing, shall be transmitted by certified mail or hand delivered, by the person wishing to prospect for oil, gas, or other minerals, to the Department of Wildlife and Fisheries and to the assessed landowner.

(4) If the geological surveyor is a corporation, partnership or other form of legal entity, filing shall be in the name of the legal entity, and the names and addresses of the employees shall not be required.

(5) Whoever violates the filing requirements of this Subsection shall be fined not less than two hundred dollars nor more than one thousand dollars.

La. R.S. 30:221. Aerial photographs or mosaics; filing; copies; penalty. Any person who takes photographs from the air in this state for the purpose of making aerial maps or mosaics must file a list of these photographs or mosaics within thirty days after their completion with the State Department of Conservation. On request of the department a copy shall be furnished on the same scale as it is offered for sale to the public. The cost of these copies shall be borne by the department.

This Section does not apply to any federal agency or to any person making aerial photographs or mosaics for any federal agency.

Whoever violates this Section shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned for not less than thirty days nor more than six months, or both.

L. MUNICIPALITIES AND PARISHES

PLANNING COMMISSIONS

La. R.S. 33:108. Procedure of commission; adoption of plan.

A. A commission may adopt a plan as a whole by a single resolution or may by successive resolutions adopt successive parts of a plan, said parts corresponding with major geographical sections or divisions of the parish, in the case of a parish planning commission, or of the municipality, in the case of a municipal planning commission, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto.

B. Before the adoption of a plan or any such part, amendment, extension, or addition, a commission shall hold at least one public hearing thereon. A parish planning commission shall give notice of the purpose, time, and place of the public hearing by one publication in a newspaper of general circulation throughout the parish at least ten days prior to the date set for the hearing. A municipal planning commission shall give notice of the purpose, time, and place of the public hearing by one publication in a newspaper of general circulation in the municipality at least ten days prior to the date set for the hearing.

C. The adoption of a plan or of any such part or amendment or extension or addition shall be by resolution of a commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by a commission to form the whole or part of a plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or secretary of the commission.

D. Certified copies of a summary of the plan or part thereof shall be filed with the division of administration, with the local legislative body and with the clerk of court of the parish, except in the parish of Orleans where certified copies of said plan shall be filed with the Commission Council of the city of New Orleans and recorded with the register of conveyances for the parish of Orleans.

La. R.S. 33:111. Scope of control of subdivision. Whenever a planning commission has adopted a major street or road plan of the territory unincorporated, in the case of a parish planning commission, within its jurisdiction or part thereof and has filed certified copies of such plan with the local legislative body and with the clerk of court of the parish, it shall be incumbent upon any individual or corporation prior to filing or recording such plat to first obtain approval by such planning commission and the approval entered in writing on the plat by the chairman or secretary of the commission and failure to so do shall constitute the right of the governing authority wherein said land is located not to accept same as a duly accepted and dedicated subdivision. Nothing contained herein shall be construed to prohibit the respective clerks of court and recorder of records of the various parishes from recording surveys and/or plats of land presented to them for recording or filing as a public record.

La. R.S. 33:112. Subdivision regulations.

A. Before exercising the powers referred to in R.S. 33:110, a parish planning commission shall adopt regulations governing the subdivision of land within unincorporated territory within its jurisdiction for purposes other than agricultural.

B. Before exercising the powers referred to in R.S. 33:110 a municipal planning commission shall adopt regulations governing the subdivision of land within its jurisdiction.

C.(1)(a) Within the city of New Orleans, the governing body may enact or may authorize its appropriate agency to enact, as a part of the municipality's subdivision control regulations, requirements that a subdivider of land dedicate such land areas, sites and locations for park, playground, and public school purposes as are reasonably necessary to service the proposed subdivision and the future residents thereof, but in no case more than five percent of the gross area of the proposed subdivision. The regulations may provide that the dedication shall be a condition precedent to the approval of any subdivision plat. They shall set forth the standards to be applied in determining the amount of land that is required to be dedicated. These standards shall be based upon the number and type of dwelling units or structures to be included in each subdivision. These standards shall also be based upon studies and surveys conducted by the municipality through its appropriate agency in order to determine the need, if any, for park,

playground, and public school sites generated by existing subdivisions within the municipality containing various types of dwelling units or structures.

(b) When the municipality or parish through its appropriate agency adopts regulations requiring a subdivider to dedicate park, playground, and public school sites, as authorized by this Subpart, it may also adopt as part of the municipality's or parish's regulations governing the subdivision of land, provisions requiring a subdivider, in lieu of dedicating the sites, to pay to the municipality or parish, a sum of money or a combination of money and sites equal to the value of land that would otherwise be required to be dedicated for park, playground, and public school purposes, whenever the local governmental body through its appropriate agency determines that it would not be in the public interest to accept the dedication in connection with a particular proposed subdivision. The provisions shall enumerate the standards to be applied in determining when it is not in the public interest to accept the dedication and shall provide for the manner of making payment.

(c) All funds so received shall be held by the municipality or parish or a designated department or agency thereof, in a special account, and shall be applied and used by the municipality or parish to acquire park, playground, and public school sites for the benefit of the residents of the subdivision for which the payment was made. Provisions may be adopted establishing standards for the application and use of the funds in accordance with the foregoing limitation. The provisions may also provide that the payment in lieu of dedication shall be a condition precedent to the approval of any subdivision plat, or may provide that the payment be deferred or made in installments following approval of a subdivision plat, upon the subdivider's posting good and sufficient surety bond guaranteeing the payment. The parish or municipality, as the case may be, may enforce such bond by all appropriate legal remedies.

(2) Such regulations may provide for the proper arrangement and width of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, vehicular parking, utilities, access of firefighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

D. Such regulations may include provisions as to the extent to which roads, streets, and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of a commission may provide for a tentative approval of the plat previous to such installations; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, a commission may accept a bond with surety to secure to the parish or municipality, as the case may be, the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The parish or municipality, as the case may be, may enforce such bond by all appropriate legal remedies.

E. All such regulations shall be published as provided by law for the publication of ordinances, and, before adoption, a public hearing shall be held thereon. A parish planning commission shall give notice of the purpose, time, and place of the hearing by one publication in a newspaper of general circulation in the parish at least ten days prior to the date set. A municipal planning commission shall give notice of the purpose, time and place of the hearing by one publication in a newspaper of general circulation in the municipality at least ten days prior to the date set. Certified copies of such regulations shall be filed by a commission with the local legislative body and the clerk of court of the parish. Regulations governing the subdivision of land may be amended from time to time, subject to the requirements governing original adoption with respect to notice, hearing, and filing with local authorities.

F. Whenever pursuant to R.S. 33:4562-4566 two or more parishes or parts thereof have been combined by agreement into a single recreation district such that the parish boundaries do not coincide with the recreation district, the local governing body through its appropriate agency shall refer the standards required by this subpart to the recreation district commission in which the proposed subdivision is located. The standards shall not be effective until the recreation district commission certifies, pursuant to procedures set forth in the interlocal agreement, that they are the same as those prevailing throughout the jurisdiction of the recreation district. The foregoing section may be applicable to all federally assisted housing programs whether or not a subdivision of land would be required.

La. R.S. 33:113. Procedure; legal effect of approval of plat. A planning commission shall approve or disapprove a plat within sixty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by such commission on demand. The applicant for a commission's approval may, however, waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of such commission. Any plat submitted to such commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by such commission without affording a hearing thereon. Notice shall be sent to the said address by certified mail of the time and place of such hearing not less than five days before the date fixed therefor. A planning commission shall give notice of such hearings, including the purpose, time, and place, by at least one publication in a newspaper of general circulation in the area surrounding the proposed subdivision, not less than five days prior to the hearing date; provided, however, that in parishes or municipalities with a population in excess of one hundred fifty thousand, the public hearing may be waived by the planning commission or planning authority for subdivisions creating five or less lots not involving the creation of any new streets, and provided further that the provisions in such waivers shall be clearly set forth in the official subdivision regulations. Every plat approved by a planning commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the official plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. A planning commission may, from time to time, recommend to the local legislative body amendments to the zoning ordinance or map or additions thereto to conform to such

commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions.

In the case of a parish planning commission, such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of a zoning ordinance or map.

La. R.S. 33:113.1. Administrative procedure.

A. Notwithstanding other provisions of this Subpart or other law to the contrary, the governing authority may adopt an ordinance establishing administrative procedures for approving or certifying certain plats involving minor modifications of existing parcels of land. The categories of such modifications qualifying for such administrative approval or certification are:

(1) The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers provided the application meets the following requirements:

(a) Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section.

(b) Does not involve more than two acres of land or ten lots of record.

(c) Does not reduce a lot size below the minimum area or frontage requirements established by ordinance.

(d) Otherwise meets all the requirements of the subdivision regulations and zoning ordinances.

(2) Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the parish or municipality, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.

B. Notwithstanding the provisions of Paragraph (1) of Subsection A of this Section, such administrative procedures may provide for the dedication, acceptance, relocation, or deletion of public utility servitudes, other than streets, or the deletion of gas, electric, or telephone utility servitudes acquired by private act or pursuant to the provisions of R.S. 19:1 et seq. on the property being resubdivided.

C. All plats approved or certified by an administrative procedure provided for herein shall designate such fact on the plat and the plats shall be recorded in the conveyance records of

the parish. Any plat so approved shall have the same force and effect and legal status of a subdivision application approved by the established legislative process.

D. Notwithstanding the provisions of Paragraph (A)(1) of this Section, any application in Lafayette Parish for realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, shall not be subject to any restriction based on acreage.

La. R.S. 33:114. Transfer of lots in unapproved subdivisions.

A. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to transfer or sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by a planning commission and recorded or filed in the office of the clerk of court of the parish, shall make the instrument of transfer subject to compliance with laws, ordinances, and regulations relative to the development of subdivisions.

B. (1) Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by a planning commission and recorded or filed in the office of the clerk of court of the parish, without making the instrument of transfer subject to compliance with laws, ordinances, and regulations relative to the development of subdivisions, shall pay a penalty of five hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold.

(2) The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

(3) The parish or municipality, as the case may be, may enjoin such transfer or sale or agreement by suit for injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

La. R.S. 33:115. Improvements in unapproved streets. The parish or municipality, as the case may be, shall not accept, lay out, open, improve, grade, pave, curb, or light any street, or lay or authorize water mains or sewers or connections to be laid in any street, within any portion of territory for which a planning commission has adopted a major street plan, unless the street has been accepted or opened as or has otherwise received the legal status of a public street prior to the adoption of such plan, or unless the street corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by a planning commission or with a street on a street plat made by and adopted by a commission, copies of which plat have been duly filed as provided in R.S. 33:108. The local legislative body may, however, accept any street not shown on or not corresponding with a street on the official master plan or on an approved subdivision plat or an approved street plat, if the ordinance or other measure accepting such

street is first submitted to the planning commission for its approval and, if approved by the commission, is enacted or passed by not less than a majority of the entire membership of the local legislative body or, if disapproved by the commission, is enacted or passed by not less than two-thirds of the entire membership of the local legislative body. A street approved by a planning commission upon submission by the local legislative body, or a street accepted by a two-thirds vote after disapproval by the planning commission, shall thereupon have the status of an approved street as fully as though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally platted by the commission.

La. R.S. 33:117. Status of existing platting statutes. When a planning commission has control over subdivisions as provided in R.S. 33:111, the jurisdiction of the planning commission over plats shall be exclusive within the territory under its jurisdiction, and all statutory control over plats or subdivisions of land granted by other laws shall, in so far as in harmony with the provisions of this Sub-part, be deemed transferred to the planning commission of the parish or municipality, as the case may be.

TERRITORIAL CHANGES IN PARISHES AND MUNICIPALITIES

La. R.S. 33:151. Petition for annexation of territory. Whenever one-third in number and value of the bona fide owners of any lots or land, lying contiguous and adjacent to the territorial corporate limits of any city or town, the city of New Orleans excepted, desire that such lots or land be annexed to and included in the territorial corporate limits of any such adjacent and contiguous city or town, so as to constitute a part thereof, or whenever one-fourth in number of the bona fide owners of any lots or land, lying contiguous and adjacent to the corporate limits of any city located in the parish of Rapides desire that such lots or land be annexed to and included in the territorial corporate limits of any such adjacent and contiguous city or town, so as to constitute a part thereof, they shall present to the mayor and governing body of such city or town as constituted by law, by whatever name called, a petition in writing signed by them, setting forth their desire that such lots or land shall be annexed to and included in the territorial corporate limits of such city or town, so as to constitute a part thereof, and therein also fully setting forth the boundaries and accurate description of such lots or land which they desire to be annexed to and included in the territorial corporate limits of such adjacent and contiguous city or town.

La. R.S. 33:152. Proces verbal and plat of survey. Such petition shall be accompanied with a proces verbal and plat of survey of such lots or land desired to be annexed to and included in the territorial corporate limits of such city or town made by the parish surveyor of the parish in which the city or town is situated. Such survey and proces verbal and plat thereof, to be first made by such surveyor for such purpose, shall set forth the boundaries and accurate description of such lots or land desired to be so annexed, and shall be by such surveyor certified to be correct.

La. R.S. 33:153. Recording proces verbal and plat of survey; ordering election in area to be annexed. Upon presentation as provided in R.S. 33:151 and 33:152, the petition and proces verbal and plat of survey shall be recorded and transcribed upon the public record-book wherein the ordinances or official proceedings of the municipal authorities are usually recorded, and also permanently preserved among the official records of the city or town. The municipal authorities may then order an election to be held by the qualified electors residing in and upon the lots or land proposed to be annexed to such contiguous and adjacent city or town, submitting the proposition, to be voted on at such election, whether they desire that such lots or lands shall be annexed to and included in the territorial corporate limits of such contiguous and adjacent city or town.

PROPERTY OWNERS

La. R.S. 33:5051. Platting land into squares or lots before sale; filing map of land; limitations on dedications.

A. Whenever the owner of any real estate desires to lay off the same into squares or lots with streets or alleys between the squares or lots and with the intention of selling or offering for sale any of the squares or lots, he shall, before selling any square or lot or any portion of same:

(1) Cause the real estate to be surveyed and platted or subdivided by a licensed land surveyor into lots or blocks, or both, each designated by number.

(2) Set monuments at all of the corners of every lot and block thereof.

(3) Write the lot designation on the plat or map, and cause it to be made and filed in the office of the keeper of notarial records of the parish wherein the property is situated and copied into the conveyance record book of such parish, and a duplicate thereof filed with the assessor of the parish, a correct map of the real estate so divided.

B. The map referenced in Subsection A of this Section shall contain the following:

(1) The section, township, and range in which such real estate or subdivision thereof lies according to government survey.

(2) The dimensions of each square in feet, feet and inches, or meters.

(3) The designation of each lot or subdivision of a square and its dimensions in feet, feet and inches, or meters.

(4) The name of each street and alley and its length and width in feet, feet and inches, or meters.

(5) The name or number of each square or plat dedicated to public use.

(6) A certificate of the parish surveyor or any other licensed land surveyor of this state approving said map and stating that the same is in accordance with the provisions of this Section and with the laws and ordinances of the parish in which the property is situated.

(7) A formal dedication made by the owner or owners of the property or their duly authorized agent of all the streets, alleys, and public squares or plats shown on the map to public use.

C. Formal dedication of property as a road, street, alley, or cul-de-sac shall impose no responsibility on the political subdivision in which the property is located until:

(1) The dedication is formally and specifically accepted by the political subdivision through a written certification that the road, street, alley, or cul-de-sac is in compliance with all standards applicable to construction set forth in ordinances, regulations, and policies of the political subdivision, which certification may be made directly on the map which contains the dedication; or

(2) The road, street, alley, or cul-de-sac is maintained by the political subdivision.

La. R.S. 33:5052. Enforcement of requirements. All clerks and ex-officio recorders and notaries public in all the parishes, the parish of Orleans excepted, shall refuse to place on record any deeds of sale of property to which R.S. 33:5051 applies until the provisions of R.S. 33:5051 have been complied with. They shall report to the district attorney all violations thereof coming within their knowledge.

La. R.S. 33:5053. Penalty for violation. Any person, agent, or attorney in fact who violates R.S. 33:5051 or R.S. 33:5052 shall be fined not less than ten dollars nor more than five hundred dollars for each offense.

La. R.S. 33:5054. Plan correcting discrepancy between prior plan and lots sold thereunder; objections; registration of corrected plan. Whenever land, divided into town lots and sold in conformity with a plan, is not of the same extent as that mentioned in the plan, and the difference is more than one thousandth part, the surveyor, commissioned for the parish where said land is situated, shall apportion, in conformity with the civil code, the surplus or deficit of the land, and make a plan pointing out, according to the apportionment, the correct dimensions of each square and the breadth of each street. The plan shall be deposited by the surveyor of the parish in the office of parish recorder. Public notices shall be given by the surveyor in a newspaper published in the parish designated as the official journal or in an adjoining parish if there is none published in the parish, during thirty days, directing all persons interested to present their opposition to the plan deposited as aforesaid with the parish recorder, which oppositions shall be referred to and decided by the district court. The plan, when not opposed within the delay aforesaid, or when modified in the opposition filed, shall be registered by the recorder in his office, and shall be authentic evidence of the description and dimensions of the property.

M. PROFESSIONS AND OCCUPATIONS

La. R.S. 37:681-703. Professional Engineering and Professional Surveying. (*available separately*) Commonly referred to as the "Licensure Law. This document is also posted on the Board's website at https://www.lapels.com.

La. R.S. 37:1736. Immunity from liability for architects, engineers, and land surveyors.

A. As used in this Section, the following terms shall have the following meanings:

(1) "Architect" means a person registered and licensed pursuant to the provisions of R.S. 37:141 et seq.

(2) "Building inspection official" means any federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.

(3) "Law enforcement official" means any federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.

(4) "Professional engineer" means a person licensed under the provisions of Chapter 8 of this Title, as defined in R.S. 37:682.

(5) "Professional land surveyor" means a person licensed under the provisions of Chapter 8 of this Title, as defined in R.S. 37:682.

(6) "Public official" means any federal, state, or local official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred.

(7) "Public safety official" means any federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

B. An architect, a professional engineer, or professional land surveyor who voluntarily, without compensation, provides architectural, structural, electrical, mechanical or other engineering services, or land surveying services related to a declared federal, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, flood, or other similar disaster or catastrophic event at the request of or with the approval of a federal, state, or local public official, law enforcement official, public safety official, or building inspection official acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage, or other loss related to the architect's, professional engineer's, or professional land surveyor's acts, errors, or omissions in the performance of any architectural,

engineering, or land surveying services for any structure, building, piping, or other engineered system, either publicly or privately owned.

C. The immunity provided in this Section shall apply only to voluntary architectural, engineering, or land surveying services that occur during the emergency.

D. Nothing in this Section shall provide immunity for gross negligence for wanton, willful, or intentional misconduct.

La. R.S. 37:2950. Criminal record effect on trade, occupational, and professional licensing.

A.(1) Notwithstanding any other provisions of law to the contrary, a person shall not be disqualified, or held ineligible to practice or engage in any trade, occupation, or profession for which a license, permit or certificate is required to be issued by the state of Louisiana or any of its agencies or political subdivisions, solely or partly because of a prior criminal record, except in cases in which a conviction directly relates to the position of employment sought, or to the specific occupation, trade or profession for which the license, permit or certificate is sought.

(2) In determining whether a conviction directly relates to the position of employment sought, or to the specific occupation, trade, or profession for which the license, permit, or certificate is sought, a licensing entity shall consider all of the following:

(a) The nature and seriousness of the offense.

(b) The nature of the specific duties and responsibilities for which the license, permit, or certificate is required.

(c) The amount of time that has passed since the conviction.

(d) Facts relevant to the circumstances of the offense, including any aggravating or mitigating circumstances or social conditions surrounding the commission of the offense.

(e) Evidence of rehabilitation or treatment undertaken by the person since the conviction.

B. Any complaints concerning violations of this Section shall be adjudicated in accordance with procedures set forth for administrative and judicial review contained in Title 49 of the Louisiana Revised Statutes of 1950.

C. Licensing boards shall not use vague or generic terms including but not limited to the phrases "moral turpitude" and "good character".

La. R.S. 37:2951.1. Removing barriers to work.

A. For any person who is in default or delinquent in the payments of his or her student loan, the repayment of any student loan shall not be grounds for denying an application for, or an application for the renewal of, or suspension of, any license, permit, or certificate required by the state of Louisiana or a political subdivision, or for the granting of a conditional license, permit, or certificate required by the state of Louisiana or a political subdivision, or any department, office, agency, or board of such entities, in order to practice or engage in a trade, occupation, or profession.

B. For the purposes of this Section:

(1) "Default" means the failure to repay a loan according to the terms agreed to in the promissory note.

(2) "Delinquent" means having failed to make loan payments when they are due.

(3) "License" means any license, permit, certificate, registration, or other means required to engage in an occupation that is granted or issued by the state, its agencies, or political subdivisions responsible by law for the licensing of persons or occupations before a person may pursue, practice, or engage in any occupation.

(4) "Student loan" means a federally guaranteed or state-guaranteed loan for the purposes of postsecondary education.

C. The provisions of this Section shall not be construed to authorize nonpayment, or to delay repayment, of a student loan.

La. R.S. 37:2952. Failure to pay child support; effect on trade, occupation, and professional licensing.

A. Regardless of requirements for the issuance or renewal of a trade, occupational, or professional license or grounds for suspension or revocation thereof, all trade, occupational, or professional licensees are subject to the provisions of R.S. 9:315.30 et seq., suspension of license for nonpayment of child support.

B. The legislature recognizes the judicial power vested in the state supreme court pursuant to Article V, Section 1 of the Constitution of Louisiana and, accordingly, urges and requests the supreme court to adopt rules and regulations effecting the suspension of licenses to practice law consistent with the provisions of R.S. 9:315.30 et seq. In cases wherein the obligor is an attorney licensed to practice law in this state, a judgment or order indicating noncompliance with an order of support shall be mailed to the state supreme court and the Louisiana State Bar Association.

N. LEVEES AND DRAINAGE

La. R.S. 38:113. Control of drainage channels and outfall canals in levee and drainage districts.

A. The various levee and drainage districts, and local governing bodies shall have a legal servitude by which control is given to the local governing body or district over all public drainage channels or outfall canals within the limits of their districts which are selected by the district, and for a space of one hundred feet on both sides of the banks of such channels or outfall canals, and one hundred feet continuing outward from the mouth of such channels or outfall canals, whether the drainage channels or outfall canals have been improved by the levee or drainage district, or have been adopted without improvement as necessary parts of or extensions to improved drainage channels or outfall canals, and may adopt rules and regulations for preserving the efficiency of the drainage channels or outfall canals.

B. Property may not be taken or damaged by the districts or local governing bodies pursuant to this Section, except for public purposes and with just compensation paid to the owner.

C. The regulation or prohibition of drainage into a public system that is not authorized by a natural servitude or other legal right shall not constitute a taking or damaging of property.

D. The local governing authority or district shall be immune from damage to public works projects by excessive, unlawful drainage into its system.

O. PUBLIC LANDS

STATE LANDS

La. R.S. 41:14. Conveyances of waterbottoms, ownership. No grant, sale or conveyance of the lands forming the bottoms of rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting with the Gulf of Mexico within the territory or jurisdiction of the state shall be made by the register of the state land office or by any other official or by any subordinate political subdivision, except pursuant to R.S. 41:1701 through 1714. Any rights accorded by law to the owners or occupants of lands on the shores of any waters described in this Section shall not extend beyond the ordinary low water mark. No one shall own any bottoms of lands covering the bottoms of waters described in this Section.

SURVEYS AND RECORDS OF PUBLIC LANDS

La. R.S. 41:51. Surveys and plats. The governor may direct the Department of Transportation and Development:

(1) To make, from time to time, surveys of all unsurveyed lands belonging and that may hereafter belong to this state and to subdivide them into townships, sections and other proper subdivisions that may be necessary for their identification, description, entry and sale. In the event the Department of Transportation and Development cannot timely cause a requested survey to be made, then the register may on his own initiative cause a survey or surveys to be made of state lands which survey shall be subject to approval by the secretary of the Department of Transportation and Development. The cost of such a survey shall be borne by the register of the state land office.

(2) To prepare duly certified maps and plats of the lands and to file them in the state land office as soon as completed.

La. R.S. 41:52. Records transferred to this state by the former office of the United States Surveyor General of the District of Louisiana. The maps, books, records, field notes and documents appertaining to land title in this state which were transferred to this state by the former office of the United States Surveyor General of the District of Louisiana and accepted by this state by Act No. 6 of 1910 and Act No. 183 of 1928, are public records and are a part of the permanent archives of the state land office.

SCHOOL LANDS

La. R.S. 41:631. Sale of land to school board for public school educational purposes. The Register of the State Land Office may sell, at the price stipulated by law, to any school board of this state any amount of land not less than five acres on which to erect a school house. The land must be within the school district and a portion of that land donated by Congress to this state either for the use of a seminary of learning or for the purpose of internal improvement.

The Register of the State Land Office also shall sell to any school board of the state, for public educational purposes, any tract of not less than five acres, of sixteenth section lands donated by Congress to this state for school purposes, provided such land is located within the parish wherein such school board exists and provided that such land has not been otherwise disposed of or alienated by the state. The only procedure which shall be required for the sale of such sixteenth section lands and the issuance of patent thereto by the Register of the State Land Office to the school board and its successors pursuant to this section shall be the delivery by the school board to the Register of its application for purchase of such land, a survey thereof by the parish surveyor or engineer, a duly authenticated copy of a resolution duly adopted by such school board authorizing such purchase and agreeing to utilize such lands for public educational purposes, and a tender of the purchase price. The price of such lands sold to school boards pursuant to this Section is hereby fixed at one dollar and twenty-five cents per acre. The Register of the State Land Office shall transmit to the State Treasurer any monies received from the sale of such lands pursuant to this Section, and the State Treasurer shall credit such funds to the township wherein the land is situated making such disposition of the funds as is provided by law. The Register of the State Land Office shall notify the state auditor and the state superintendent of education of the result of all such sales.

None of the provisions of this Section shall be applicable to school indemnity lands, nor to the leases of any public lands, nor to timber sales covering sixteenth sections, all of which are dealt with under other provisions of existing law; provided, however, that in the case of sales to school boards of sixteenth section lands or any portions thereof pursuant to this Section, the timber located on such land shall be included in the sale to the school board if it has not been previously alienated or disposed of according to law. None of the provisions of this Section shall be applicable to oil and gas or other minerals upon sixteenth section lands, which shall be dealt with under other provisions of existing law.

In the event any sixteenth section land purchased by a school board under this Section should no longer be used for the purpose of a school site, such school board is prohibited from selling said land to any third person or persons, but such land shall be re-conveyed to the state of Louisiana by such school board to be used for the purposes as are now provided by law.

La. R.S. 41:713. Resurvey of obliterated or uncertain lines. Before selling the school lands belonging to the state, the parish treasurer, or other persons whose duty it may become, to superintend the sales, shall cause a resurvey of the lines which from any cause may have become obliterated or uncertain; and for this purpose he may employ the parish surveyor, or on his default, any competent surveyor. The lines thus surveyed shall be marked in such manner as to enable those interested to make a thorough examination before sale, and all advertisements made for the sale of the lands shall contain a full description thereof, according to the original survey and that required by this Section. The expenses of making the survey shall be paid by the State Auditor out of the proceeds of the sale of the lands on the warrant of the parish treasurer.

DETERMINATION OF BOUNDARIES

La. R.S. 41:1131. Fixing of boundaries by mutual consent. Whenever there arises a controversy with respect to the boundary line between lands belonging to the state and contiguous and abutting lands belonging to another person, or boundary lines which have never been definitely ascertained, defined or fixed, the state and the party may proceed to the ascertainment, determination and fixing of the boundary by mutual consent, as set forth in this Chapter.

La. R.S. 41:1132. Formal agreement to be made. Whenever a settlement is amicably arrived at between the owner of the contiguous and abutting land, and the register of the state land office and is approved by the attorney general, the governor may enter into a contract with the owner in keeping with the proces verbal of the agreement of settlement, which shall be supplied by the owner and the register of the state land office. The agreement shall be executed and signed, in quadruplicate and in notarial form, by the governor, and by the owner, one copy to be filed with the Department of Transportation and Development, one with the register of the state land office, one copy to be recorded in the parish in which the land is situated, and one copy to be retained by the owner.

La. R.S. 41:1136. Official determination of boundary. The agreement entered into under the provisions of R.S. 41:1132 or the proces verbal of the findings of the commission under the provisions of R.S. 41:1133, shall constitute the official survey or boundary between the properties in question, and copies thereof, certified to by the clerk of court from the records of his office, or by the Register of the State Land Office from the records of his office, shall be admissible in evidence in any of the courts of this state, and shall be conclusive evidence of the correctness of the boundaries, and the finality of the issue, unless the agreement or commission's findings be set aside in a direct action, on the ground of fraud or gross error. If a party owning the abutting or contiguous lands desires to implead the state in a suit having in view the conversion of the decree of the commission into a judgment of the court, then service on the attorney general shall be deemed service on the State of Louisiana, and authority is herein and hereby given to so implead the state in all suits having in view the conversion of the decree of the commission into a judgment of the court.

ROADS AND RIGHTS OF WAY

La. R.S. 41:1171. Roads established by parochial authorities over state lands. All public roads heretofore traced out and established by the parochial authorities of the respective parishes over lands belonging to the state are recognized as such, and the parochial authorities of all the parishes of the state may establish public roads not exceeding one hundred feet in width on the public lands of this state.

P. PUBLIC RECORDS AND RECORDERS

PUBLIC RECORDS

La. R.S. 44:41. Receiving and filing map, plat, etc. for record.

A. After September 1, 1970, no clerk of court, recorder of mortgages or register of conveyances, or any other public authority shall receive and file for record any map, plat, or survey attached to and pertaining to the sale or mortgage of property, when such map, plat, or survey is required by either party, which does not have impressed thereon, and affixed thereto, the signature and seal of a professional land surveyor duly licensed in accordance with the provisions of Chapter 8 of Title 37 of the Louisiana Revised Statutes of 1950 by whom or under whose responsible charge said map, plat, survey, or other document was prepared.

B. Failure to comply with the provisions of this section shall not invalidate any title to real property otherwise legally valid.

Q. RECORDERS AND RECORDATION

La. R.S. 44:115. Photographic reproduction of acts. The recorder, at his option and in his discretion, may record acts by means of photorecording, photocopying, microfilming, or other photographic methods of reproduction. The film stock used in making photographic or

microphotographic copies and the processing of the copies shall comply with the standards of the American National Standard Institute for permanent record photographic microcopying film. The clerk of court in East Baton Rouge Parish will make available to the assessor a copy of the original document files under provision of the aforementioned sections, excluding holidays within forty-eight hours. The recorder shall preserve and maintain original maps, plats, property descriptions or photographs as related to the work of a professional surveyor engaged in the practice of land surveying as defined in R.S. 37:682(13).

La. R.S. 44:116. Photostatic, photographic, microfilm, or other photographic or electronic copies of records; indexes of conveyance and mortgage records; disposition; evidentiary status; preservation.

A. In all cases where the clerks of court and recorders of the various parishes throughout the state, Orleans Parish excepted, are required by law to make records of filings, documents, pleadings, and all other written instruments, including indexes, and registers of the same, such records may be made by any method of photorecording, photocopying, microfilming, or other photographic method of reproduction or electronically on non-rewritable magnetic, optical, or laser-type storage media, including but not limited to CD-ROM. However, the film stock used in making photographic or microphotographic copies and the processing of the copies shall comply with the standards of the American National Standards Institute for permanent record photographic microcopying film and the electronic media used shall comply with the standards of the International Standards Organization for electronic storage of records.

B. Whenever recordation by means of photorecording, photocopying, microfilming, or other photographic method of reproduction is used or when electronic recordation on non-rewritable magnetic, optical, or laser-type storage media is used, any requirement expressed or implied in law for the above-mentioned records, including indexes and registers of the same, to be maintained in a book or bound volume shall be satisfied by the appropriate storage unit of microfilm or other photographic method employed, or tape or disk; however, if a clerk of court elects to record by means of microfilming or other photographic method of reproduction, or electronically, he shall have copies of the films, tapes, or disks available for inspection, examination, and copying under the provisions of R.S. 44:31 et seq., and other applicable laws.

C. Notwithstanding the provisions of Subsections A and B of this Section or any other provision of law to the contrary, clerks of court and recorders may make indexes of conveyance and mortgage records by any method of photorecording, photocopying, microfilming, or other photographic method of reproduction or electronically on non-rewritable magnetic, optical, or laser type storage media, including but not limited to CD-ROM; however, the standards described in Subsection A of this Section shall apply.

D. Notwithstanding the provisions of Subsection B of this Section or any other provision of law to the contrary, for any record filed on or after January 1, 2005, with the exception of records of a graphic nature including but not limited to plats, maps and photographs as related to the work of a Professional Land Surveyor engaged in the "Practice of Land Surveying", as

defined in R.S. 37:682, a clerk of court may reproduce the record as provided in this Section and may thereafter return the original record to the person presenting it.

E.(1) Notwithstanding the provisions of Subsection B of this Section or any other provision of law to the contrary, a clerk of court shall not be required to maintain an original record filed on or prior to December 31, 2004, provided that:

(a) The record has been preserved using one of the methods contained in this Section.

(b) The original of the record has been transferred to the state archivist pursuant to the provisions of R.S. 44:406 or R.S. 44:427.

(c) The original of the record is not of a graphic nature including but not limited to plats, maps and photographs as related to the work of a Professional Land Surveyor engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.

(2) A clerk of court may destroy any record provided for in this Subsection or return it to the person who presented it for recordation after the clerk receives certification from the state archivist that the records are not subject to R.S. 44:406 or R.S. 44:427 and after the clerk has preserved the record as provided for in this Section. No cause of action for any claim shall exist against a clerk of court for any damage or loss resulting from the return or destruction of an original record after receipt of the certification and proper preservation of the record.

(3) The Department of State shall not make or authenticate a copy or reproduction of any original record it receives from a clerk of court pursuant to R.S. 44:406. Upon receipt of any request for service or any inquiry relating to such a record, it shall forward the request or inquiry to the appropriate clerk of court who shall render the necessary service and charge the appropriate fee, as provided for by R.S. 13:841 or R.S. 13:844.

F. When a clerk of court certifies that a copy of a record preserved by him using a method provided for in this Section is true and correct, the certified copy of the record shall be received in evidence, if relevant, by any court or administrative agency as prima facie proof of its contents.

G. All rules adopted by the Department of State relative to retention and storage of records of public bodies shall apply to all records provided for in Subsections D and E of this Section. In addition, each clerk of court shall maintain a locally available backup copy of any record destroyed pursuant to Subsection E of this Section.

H. For purposes of Subsections D, E, F, and G of this Section the term "clerk of court" shall mean any parish clerk of court, and the register of conveyances, recorder of mortgages, and custodian of notarial records in the parish of Orleans.

R. DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

La. R.S. 48:220.1. Width of right of way acquired informally. Whenever the Department of Highways, under its statutory authority takes over an existing road from a parish or municipality, unless there is an agreement between the two agencies to the contrary, the department shall acquire all of the rights which the ceding agency possessed with regard to the ceded road or street. In those instances where the highway was constructed by the parish or municipality without a recorded conveyance or dedication of the right of way by the landowner, and in those instances where the department has constructed a highway without a recorded conveyance or dedication by the landowner, the width of the right of way servitude for the said highway shall include the roadway, shoulder, roadside ditch and an area extending one and one-half feet beyond the rear or outside slope of the roadside ditch. Nothing herein shall affect title to any buildings or fences, nor require their removal without payment of just compensation therefor, nor shall anything herein affect title to the soil beneath the highway right of way nor to any minerals thereunder. The existence of the highways for a period in excess of three years shall vest title to the right of way servitude in the Department of Highways.

S. PARISH AND LOCAL ROADS

La. R.S. 48:481. Powers of parish governing authorities as to roads, bridges, and ditches; penalties. Parish governing authorities may pass all ordinances which they think necessary relative to roads, bridges, and ditches, and may impose such penalties to enforce them as they think proper.

La. R.S. 48:483. Draining of public roads. Parish governing authorities may drain the public roads of their respective parishes by cutting ditches and canals where necessary through private property. The ditches and drains shall be of sufficient size to drain both the public road and the lands over which they are opened. They shall be located where least injurious to the owner of the property.

La. R.S. 48:484. Employment of engineers. The governing authority of any parish may employ an engineer to design blacktop, concrete or other hard surfaced roads, highways, bridges and tunnels in the parish to be constructed with funds from the royalty road fund whenever the department of highways is unable to assign engineers for the purpose; provided that the design must be approved by the state department of highways.

La. R.S. 48:491. Public roads.

A. All roads or streets in this state that are opened, laid out, or appointed by virtue of any act of the legislature or by virtue of an order of any parish governing authority in any parish, or any municipal governing authority in any municipality shall be public roads or streets, as the case may be.

B.(1)(a) All roads and streets in this state which have been or hereafter are kept up, maintained, or worked for a period of three years by the authority of a parish governing authority within its parish, or by the authority of a municipal governing authority within its municipality, shall be public roads or streets, as the case may be, if there is actual or constructive knowledge of such work by adjoining landowners exercising reasonable concern over their property.

(b) Actual or constructive knowledge is presumed if prior to or during the work the public body notifies the last known adjoining landowners of same by written notice by certified or registered mail, return receipt requested. When such notice is given more than two years and ten months from commencement of such work, it shall suspend the foregoing prescription for sixty days.

(c) Actual or constructive knowledge is conclusively presumed within all parishes and municipalities, except as otherwise provided by R.S. 48:491(B)(3), if the total period of such maintenance is four years or more, unless prior thereto and within sixty days of such actual or constructive knowledge, the prescription is interrupted or suspended in any manner provided by law.

(2) When a local governing authority for any reason decides to dispose of any road, street, or property used for right-of-way purposes which was originally donated to the authority of its ancestor in title, the property shall revert to the original donor or his heirs or assigns. The authority shall notify the donor or his heirs of its intention to donate the property by sending written notice via certified mail, return receipt requested, to the donor or his heirs at his last known address. The notice shall inform the donor or his heirs or his assigns of the authority's intention to have the land revert and provide him ninety days from receipt in which to respond. If, upon the expiration of the ninety-day period, no response has been received by the authority, it shall dispose of the property in accordance with applicable law. In the donation deed from the authority to the donor or his heirs or his assigns, the authority shall reserve rights of passage for landowners who own property contiguous to the property to be reverted.

C. All roads or streets made on the front of their respective tracts of lands by individuals when the lands have their front on any of the rivers or bayous within this state shall be public roads when located outside of municipalities and shall be public streets when located inside of municipalities.

D. Notwithstanding any other provisions of law to the contrary, any road or street used by the public is a public road or street provided it is designated as such by the local governing authority, and it shall be within the discretion of the local governing authority to maintain the road up to a private drive; however, no road or street on private property shall be designated as a public road unless ownership is transferred or the right of way is given to the local governing authority.

La. R.S. 48:511. Changing public road; penalty.

A. No person shall turn, alter, or change any public road as defined in R.S. 48:491 and being a parish or municipal road, except upon order of the governing authority of the parish for a parish road, whether or not within a municipality, or upon order of the governing authority of the municipality for a municipal road.

B. Whoever violates this Section shall be fined one hundred dollars for each month the road is altered or turned out of its old course.

La. R.S. 48:512. Prohibition against closing, obstructing, or changing legal roads; restoring to former condition; exceptions.

A. No person shall close, obstruct, or change any legal road, public road, or street, as defined in R.S. 48:491 and being a parish or municipal road, except upon order of the governing authority of the parish for a parish road, whether or not within a municipality, or upon order of the governing authority of the municipality for a municipal road, except as hereinafter provided.

B. If any public road or street is closed, obstructed, or changed in violation of the provisions of this Section, the governing authority of the parish or the governing authority of the municipality shall summarily open the road, remove all obstructions therefrom, and restore it to its former condition, at the expense of the person who closed, obstructed, or changed the public road or street.

C. The governing authority of Orleans Parish may authorize a person to close, obstruct, or change a public road or street for a period not to exceed twelve consecutive months, provided that the governing authority determines that it is for a public purpose and in the best interests and for the benefit of the parish or municipality, provided further that such closing shall occur only after consultation with and approval by the secretary of the department, provided further that all obstructions be removed therefrom and the public roads or streets be restored for use by the general public at the sole expense of the person authorized to close, obstruct, or change a public road or street, and provided further that the removal of obstructions and the restoration of the public roads or streets be completed within the period authorized by the governing authority, which period shall not exceed twelve months.

La. R.S. 48:671. Model roads through municipalities. Whenever necessary, parish governing authorities may construct good roads in whole or in part of the type commonly known as model roads through the corporate limits of municipalities to form a connection through the municipalities between the ends or terminals of good roads already constructed by the parish governing authorities to the limits of the municipalities.

La. R.S. 48:701. Revocation of dedication; reversion of property.[2] The parish governing authorities and municipal corporations of the state, except the parish of Orleans, may revoke and

[2] See La. R.S. 48:719 *(below)*, which declares this part superseded with respect to (a) parishes of more than

set aside the dedication of all roads, streets, and alleyways laid out and dedicated to public use within the respective limits, when the roads, streets, and alleyways have been abandoned or are no longer needed for public purposes.

Upon such revocation, all of the soil covered by and embraced in the roads, streets, or alleyways up to the center line thereof, shall revert to the then present owner or owners of the land contiguous thereto.

Nothing in this Section shall be construed as repealing any of the provisions of special statutes or charters of incorporated municipalities granting the right to close or alter roads or streets.

La. R.S. 48:701.2. Webster Parish; revocation of dedication; reversion of property.

A. Notwithstanding any provision of law to the contrary, the governing authority of Webster Parish or of its municipalities may revoke and set aside the dedication of any road, street, or alleyway laid out and dedicated to public use within the respective limits, when the road, street, or alleyway has been abandoned or is no longer needed for public purposes.

B. Upon such revocation, the property subject to the dedication shall revert to the original property owner who was the owner of record of the property when the property subject to the dedication was first dedicated to public use, or his successors or assigns.

C. Nothing in this Section shall be construed as repealing any of the provisions of special statutes or charters of incorporated municipalities granting the right to close or alter roads or streets.

D. This Section shall not apply to a revocation and setting aside of a dedication of any road, street, or alleyway by the governing authority of Webster Parish or of its municipalities on and after July 1, 1999. Thereafter, the provisions of R.S. 48:701 shall be applicable in Webster Parish to any revocation of dedication of land by the governing authority of the parish of Webster or any of its municipalities and to any reversion of property.

La. R.S. 48:702. Abandoning certain roads and exchanging property with other property owners. Whenever the governing authorities of any parish or municipal corporation of this state desire to construct a road, street or alley leading to any property of the state or any of its subdivisions, boards, commissions, or political corporations, and it appears that the construction will make it unnecessary to the public welfare to continue any then existing road, street or alley or any part thereof to permit access to or from the public property or to or from any property served by the old road, the parish or municipal corporation governing authority may, by proper ordinance, revoke and set aside the dedication of the road, street or alley, or any part thereof, and exchange it with property owners, so that new roads, streets or alleys or parts thereof, leading to or from any property of the state or any of its subdivisions, boards, commissions or political

---

325,000 persons, except the parishes of Orleans and St. Tammany and the city of Slidell and (b) cities of more than 215,000 persons which are located within a parish of more than 375,000 persons.

corporations may be laid out and dedicated to the public use. The property so exchanged shall become private property.

La. R.S. 48:703. Suit to establish title or interest after notice of abandonment; prescription. Any person, other than the person to whom the abandoned property is exchanged, having or claiming to have any right, title, or interest in or to any property abandoned and exchanged by a parish governing authority pursuant to the provisions of R.S. 48:702 shall file suit to establish the right claimed within six months after the date of publication of the public notice of abandonment or lose by prescription all such right, title, and interest in or to the property. This prescription runs against all persons, including minors and interdicts.

La. R.S. 48:704. Contracts of exchange. All contracts of exchange made under the provisions of R.S. 48:702 shall be in notarial form. They shall be followed by an ordinance or dedication of the new road, street, or alley, with reference to plans made by the parish engineer or a similar official duly authorized by the governing authority of the parish. These plans shall be recorded in the office of the clerk of court and recorder of the parish where the exchange is made.

La. R.S. 48:719. Alternative procedure. This Part shall be construed as affording an alternative procedure to that set forth in R.S. 33:4711, 4712, 4717, 4718, and 4719, and shall supersede the provisions of R.S. 48:701 through 704 insofar as the parishes and municipalities specified in R.S. 48:711 are concerned

T. STATE WATER BOUNDARIES

La. R.S. 49:1. Gulfward boundary.

A. The historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of America three marine leagues from the coastline. For the purposes of this Part, “three marine leagues” is equal to nine geographic miles or 10.357 statute miles.

B. The coastline of Louisiana shall be the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and shall be not less than the baseline defined by the coordinates set forth in *United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit “A”. Under no circumstances shall the coastline of Louisiana be nearer inland than the baseline established by such coordinates.

C. No provision of this Section shall be construed to relinquish any dominion, sovereignty, territory, property, or rights of the state of Louisiana or its political subdivisions otherwise provided by law.

D. Any reference in the codified or uncodified laws of this state to the "Gulf of Mexico" shall be deemed to refer to the "Gulf of America", as designated by the United States Board on Geographic Names. This Subsection shall apply to all existing statutes, regulations,

administrative rules, contracts, and other legal instruments, and shall be given full force and effect in all official state documents and proceedings.

La. R.S. 49:2. Sovereignty over waters within boundaries.

A. Subject to the right of the government of the United States to regulate foreign and interstate commerce under Section 8 of Article 1 of the Constitution of the United States, and to the power of the government of the United States over cases of admiralty and maritime jurisdiction under Section 2 of Article 3 of the Constitution of the United States, and the powers of the United States Coast Guard as provided by law to patrol and protect the navigable waters of the United States in the Gulf of Mexico, the State of Louisiana has full sovereignty over all of the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Louisiana, and over the beds and shores of the Gulf and all arms of the Gulf within the boundaries of Louisiana.

B. The state of Louisiana shall be entitled to all the lands, minerals and other natural resources underlying the Gulf of Mexico, extending seaward from its coastline for a distance of three marine leagues.

La. R.S. 49:3. Ownership of waters within boundaries. The State of Louisiana owns in full and complete ownership the waters of the Gulf of Mexico and of the arms of the Gulf and the beds and shores of the Gulf and the arms of the Gulf, including all lands that are covered by the waters of the Gulf and its arms either at low tide or high tide, within the boundaries of Louisiana.

La. R.S. 49:3.1. Legislative intent and purpose.

A. The gulfward boundary of the state of Louisiana historically consists of three marine leagues, and it is the intent of the Legislature of Louisiana that this historic gulfward boundary be recognized and enforced as law.

B. The unequal gulfward boundaries of Gulf Coast states set forth by the United States Supreme Court in *United States of America v. States of Louisiana, Texas, Mississippi, Alabama, and Florida*, 363 U.S. 1 (1960), have resulted in (1) economic disparity and hardship for Louisiana citizens and entities; (2) economic loss to the state of Louisiana and its political subdivisions; and (3) the inability of the state of Louisiana and its political subdivisions to fully exercise their powers and duties under the federal and state constitutions and state laws and ordinances, including but not limited to protection and restoration of coastal lands, waters, and natural resources, and regulation of activities affecting them.

C. It is the further intent of the Legislature of Louisiana that, in light of the continuing effects of coastal erosion, subsidence, and land loss, the coastline of Louisiana should be recognized as consisting of at least and not less than that coastline defined by the coordinates set forth in *United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit "A".

D. Notwithstanding any provision of law to the contrary, the jurisdiction of the state of Louisiana or any political subdivision thereof shall not extend to the boundaries recognized herein until the U.S. Congress acknowledges the boundary described herein by an Act of Congress or any litigation resulting from the passage of the Act which originated as Senate Bill No. 145 of the 2011 Regular Session of the Legislature of Louisiana with respect to the legal boundary of the state is resolved and a final non-appealable judgment is rendered.

La. R.S. 49:4. Water boundary between Louisiana and Mississippi. The water boundary between the States of Louisiana and Mississippi from the mouth of the Pearl river to the Gulf of Mexico is fixed by the decree of the Supreme Court of the United States in the suit of Louisiana versus Mississippi, and marked and buoyed so as to be reasonably permanent and so as to make the location of the line reasonably plain and apparent to those navigating these waters.

La. R.S. 49:5. Penalty for interference with marks or buoys. Whoever injures, mutilates, destroys, interferes with or removes any of the marks or buoys located, placed, anchored or moored, under the provisions of R.S. 49:4, shall be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year, nor more than five years, or both.

La. R.S. 49:6. Gulfward boundary of coastal parishes.

A. The gulfward boundaries of the coastal parishes of the state of Louisiana situated east of the Mississippi River extend from the outer land terminus of their common boundary due east, true bearing, to the outer gulfward boundary of the state of Louisiana, and the gulfward boundaries of the coastal parishes situated west of the Mississippi River extend from the outer land terminus of their common boundaries due south, true bearing, to the outer gulfward boundary of the state of Louisiana, and the gulfward boundary of all said coastal parishes extend coextensively with the gulfward boundary of the state of Louisiana.

B. The interior or inland boundaries of all coastal parishes shall remain as now existing or fixed by applicable state laws.

U. SURVEYS AND SURVEYORS

LOUISIANA COORDINATE SYSTEM

La. R.S. 50:1. Definitions. The terms defined in this Section have the following meaning when found in this Chapter:

(1) "Deprecation" means a decision to discontinue the use of a specific unit or method of measurement.

(2) "Geodetic coordinate" means angular coordinates defined relative to a particular geodetic datum, including, but not limited to, latitude, longitude, ellipsoid height, orthometric height, or dynamic height

(3) "Geodetic datum" means the geometric models representing the earth's size and shape that provide abstract coordinate systems with a reference surface or origin and orientation that serves to provide known locations to begin surveys and create maps; also referred to as a terrestrial reference frame or reference frame.

(4) "International Foot" means the length adopted in 1959 to define the unit of measurement equal to 3,048/10,000 meter.

(5) "Meter" means the length traveled by light in a vacuum during a time interval of exactly 1/299,792,458 seconds.

(6) "National Spatial Reference System" means the consistent coordinate system maintained by the National Geodetic Survey that defines latitude, longitude, height, scale, gravity, and orientation throughout the United States, including an accurate national shoreline; a set of models that describes geophysical processes that affect spatial measurements; and networks of permanently marked points and continuously operating reference stations (CORS) to support three-dimensional positioning activities.

(7) "NATRF2022" means the North American Terrestrial Reference Frame of 2022.

(8) "State plane coordinate system" means the system of conformal map projections created by the National Geodetic Survey to support surveying, engineering, and mapping activities throughout the United States.

(9) "U.S. survey foot" means the length adopted by the United States government in 1893 to define the unit of measurement equal to 1,200/3,937 meter.

(10) "Zone" means a geographic region on the surface of the earth with a uniquely defined projected coordinate reference system, with extents usually based on a specified maximum linear distortion magnitude.

La. R.S. 50:2. State plane coordinate systems; zones.

A. The official geodetic datums for geodetic coordinates referenced within the state shall be as defined by the National Spatial Reference System established by the National Geodetic Survey of the National Oceanic and Atmospheric Administration, or its successors.

B. The official state plane coordinate system for defining and stating the positions or locations of points on the surface of the earth within the state is the most recent version of the state plane coordinate system for Louisiana based on the National Spatial Reference System

established by the National Geodetic Survey and shall be known as the Louisiana Plane Coordinate System.

(1) For the purpose of using the Louisiana Plane Coordinate System, the state is divided into three projection zone layers designated as the North Zone, the South Zone, and the Statewide Zone, the areas of which are as follows:

(a) The area now included in the following parishes shall constitute the North Zone: Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll, and Winn.

(b) The area now included in the following parishes extending to the coastal boundary of Louisiana shall constitute the South Zone: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemine, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, and West Feliciana.

(c) The area now included in the areas of the North Zone and South Zone shall constitute the Statewide Zone.

(2) For purposes of defining more precisely the Louisiana Plane Coordinate System, the following definitions are adopted:

(a) The "Louisiana Plane Coordinate System North Zone" is a Lambert conformal conic projection of the National Spatial Reference System NATRF2022 or its successors, having a central parallel at north latitude 31 degrees 54 minutes 00 seconds, along which parallel the scale shall be 0.999 93 (exact). The origin of the North Zone is at the intersection of the meridian 92 degrees 30 minutes west longitude and the parallel 31 degrees 54 minutes 00 seconds north latitude. This origin is given the coordinates: x (east) = 495,300 meters and y (north) = 190,500 meters.

(b) The "Louisiana Plane Coordinate System South Zone" is a Lambert conformal conic projection of the National Spatial Reference System NATRF2022 or its successors, having a standard parallel at north latitude 30 degrees 00 minutes 00 seconds, along which parallel the scale shall be 0.999 93 (exact). The origin of the South Zone is at the intersection of the meridian 91 degrees 30 minutes 00 seconds west longitude and the parallel 30 degrees 00 minutes 00 seconds north latitude. This origin is given the coordinates: x (east) = 609,600 meters and y (north) = 190,500 meters.

(c) The "Louisiana Plane Coordinate System Statewide Zone" has statewide coverage. It is a Hotine Oblique Mercator projection of the National Spatial Reference System NATRF2022 or its successors, having a north latitude of 31 degrees 00 minutes 00 seconds and a west longitude of 91 degrees 30 minutes, 00 seconds and a skew azimuth of -68 degrees 00 minutes 00 seconds at that point, and the skew axis scale shall be 0.999 8 (exact). This origin is given the coordinates: x (east) = 914,400 meters and y (north) = 381,000 meters.

C. The provisions of this Section shall not be construed to prohibit the appropriate use of other datums or geodetic reference networks when required and appropriate.

La. R.S. 50:3. Linear units defined.

A. The plane coordinates used to express the position or location of a point on the earth's surface within an appropriate plane coordinate system zone shall consist of two distances which shall be expressed in meters and decimals of a meter or in feet and decimals of a foot. One of these distances, to be known as the East or X-coordinate, shall give the distance east of the Y-axis; the other distance, to be known as the North or Y-coordinate, shall give the distance north of the X-axis. The Y-axis of any zone shall be parallel with the central meridian of that zone. The X-axis of any zone shall be at right angles to the central meridian of that zone.

B. When the values are expressed in feet, the U.S. survey foot shall be used as the standard foot for the Louisiana Plane Coordinate System.

La. R.S. 50:4. Describing of location. For purposes of describing the location of any point in the state of Louisiana, it shall be considered a complete, legal, and satisfactory description of such location to give the position of a survey station or land boundary corner on the system of plane coordinates defined in this Chapter.

La. R.S. 50:5. Purchaser or mortgagee reliance. Nothing contained in this Chapter shall require a purchaser or mortgagee to rely on a description which depends exclusively upon a particular state plane coordinate system.

La. R.S. 50:6. Land in different zones. When any tract of land to be defined by a single description extends from one zone into another, the positions of all points on its boundaries may be referred to either of the two zones, but the zone which is used shall be specifically named in the description.

La. R.S. 50:7. Superseded state coordinate systems; definitions retained.

A. The Louisiana Coordinate System of 1927 was deprecated beginning December 31, 1995, and the Louisiana Coordinate System of 1983 will be deprecated upon the National Geodetic Survey's release of the National Spatial Reference System of 2022. The previously adopted definitions for these deprecated systems are retained.

B. Zones. For these deprecated systems, the state was divided into a North Zone, a South Zone, and an Offshore Zone as follows:

(1) The area now included in the following parishes shall constitute the North Zone: Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll, and Winn.

(2) The area now included in the following parishes shall constitute the South Zone: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemine, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, and West Feliciana.

(3) The area now included in that area of the Gulf of Mexico defined as being within two hundred miles of the state of Louisiana shall constitute the Offshore Zone.

C. Definition of zones.

(1) For purposes of more precisely defining the Louisiana Coordinate System of 1927, the following definition by the United States Coast and Geodetic Survey, now National Ocean Service/National Geodetic Service, was previously adopted:

(a) The "Louisiana Coordinate System of 1927 North Zone" is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 31 degrees 10 minutes and 32 degrees 40 minutes, along which parallels the scale shall be exact. The origin of coordinate is at the intersection of the meridian 92 degrees 30 minutes west of Greenwich and the parallel 30 degrees 40 minutes north latitude. This origin is given the coordinates: x = 2,000,000’ and y = 0’, as now defined.

(b) The "Louisiana Coordinate System of 1927 South Zone" is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 29 degrees 18 minutes and 30 degrees 42 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 91 degrees 20 minutes west of Greenwich and the parallel 28 degrees 40 minutes north latitude. This origin is given the coordinates: x = 2,000,000’ and y = 0’ as now defined.

(2) For purposes of more precisely defining the Louisiana Coordinate System of 1983, the following definition by the National Ocean Service/National Geodetic Service was previously adopted:

(a) The "Louisiana Coordinate System of 1983 North Zone" is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 31 degrees 10 minutes and 32 degrees 40 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 92 degrees 30 minutes west of Greenwich and the parallel 30 degrees 30 minutes north latitude. This origin is given the coordinates: x = 1,000,000 meters and y = 0 meters.

(b) The "Louisiana Coordinate System of 1983 South Zone" is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 29 degrees 18 minutes and 30 degrees 42 minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 91 degrees 20 minutes west of Greenwich and the parallel 28 degrees 30 minutes north latitude. This origin is given the coordinates: x = 1,000,000 meters and y = 0 meters.

(c) The "Louisiana Coordinate System of 1983 Offshore Zone" is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 26 degrees 10 minutes and 27 degrees 50 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 91 degrees 20 minutes west of Greenwich and the parallel 25 degrees 30 minutes north latitude. This origin is given the coordinates: x = 1,000,000 meters and y = 0 meters.

La. R.S. 50:8. Accuracy requirements.

A. Accuracy requirements for surveys and maps purporting to define the position of a point shall be those expressed in the Standards of Practice for Boundary Surveys promulgated by the Louisiana Professional Engineering and Land Surveying Board or its successor. No survey or map purporting to define the position of a point shall be presented for recordation in any public land records or deed records unless they comply with these accuracy requirements.

B. Accuracy requirements for mapping shall be those expressed in the United States National Map Accuracy Standards or its successor unless the project specifically calls for the use of another standard, in which case, the alternative standard shall be clearly stated on the map or document.

La. R.S. 50:9. Duly authorized state agency. The state Department of Transportation and Development is designated as the authorized state agency to administer the provisions of this Chapter, to collect and distribute information, and generally to advise with and assist appropriate state and federal agencies and individuals interested in the development of the provisions of this Chapter.

La. R.S. 50:10. Use of Louisiana coordinate system names. Use of the terms "Louisiana Coordinate System of 1927", "Louisiana Coordinate System of 1983", and "Louisiana Plane Coordinate System" on any map, report of a survey, or other document shall be limited to coordinates based on the coordinate systems defined in this Chapter.

ENTRY ON AND INJURY TO LAND[3]

La. R.S. 50:61. Right of entry. Any person employed in the execution of a survey authorized by the Congress of the United States may enter upon lands within the state for the purpose of doing any work which may be necessary to carry out the object of then existing laws relative to surveys, and may establish permanent station marks, and erect the necessary signals and temporary observatories.

La. R.S. 50:62. Liability for entry or work done. The person making use of the authority conferred in R.S. 50:61 is liable for any damage caused by the entry on the land or by the work done.

La. R.S. 50:63. Disagreement as to damages due; petition to court; costs. If the parties interested cannot agree upon the amount to be paid for damages caused by the entry or by the work done, either of them may petition the district court in the parish in which the land is situated to settle the issue. The court shall appoint a time to hear the parties and their witnesses and shall assess damages.

If there has been a tender of damages to the injured party by the party entering the land, the injured party shall bear the costs of the suit if the damages finally assessed by the court do not exceed the amount tendered. If the damages assessed by the court are more than the amount tendered, the party entering upon the land shall bear the costs.

La. R.S. 50:64. Defacing, injuring, or removing property of U.S. survey; penalty; damages. Any person who wilfully defaces, injures, or removes any property of the United States coast and geodetic, or geological, or other survey, constructed or used by virtue of an act of Congress referred to in R.S. 50:61 shall be fined not less than ten dollars nor more than fifty dollars for each offense and shall be liable in a civil action for damages sustained by the United States in consequence thereof.

SURVEYS BY STATE

La. R.S. 50:121. Reasons for surveys. The Register of the State Land Office may cause surveys and resurveys to be made, in order to establish or re-establish township lines, range lines, section lines, corners, and half-mile stations, where the original monuments have been destroyed or lost or are uncertain, or where the lines, corners, or stations were never actually established.

La. R.S. 50:122. Register may procure field notes and hire surveyors and helpers to make survey. The Register of the State Land Office may, from time to time, procure necessary field notes, where any exist from actual surveys, and may employ one or more competent surveyors and the necessary helpers, in order to make any survey or re-survey authorized by this Chapter.

---

[3] See, also, Section III(J) (Criminal Trespass) above.

La. R.S. 50:123. Petition for survey; notice; survey and map; cost. Upon petition of any individual owning land in any township, or section thereof, which has never been surveyed or which has been only partially surveyed or in which the lines or corners have become obliterated or are uncertain, in whole or part, the Register of the State Land Office shall, after giving written notice to the other record owners of land in the area in need of surveying so that they may attend if they desire, proceed without delay to have the township surveyed or re-surveyed and a map made showing township and section lines and corners and half-mile stations. The landowner petitioning for the survey shall bear the expense thereof.

La. R.S. 50:124. Landowners' liability for expenses. The Register of the State Land Office may charge to landowners desiring a survey or re-survey its actual cost and expense, including the cost and expense of establishing or re-establishing the lines, corners, and half-mile stations and the cost of appropriate permanent markers, monuments, or witnesses.

La. R.S. 50:125. Conformance to prior survey or to plats under which lands granted. In making re-surveys under the provisions of this Part, the surveyor shall, as nearly as possible, re-establish the original lines of any prior survey made under United States or state authority. In all townships or portions of townships where no survey has been made, the surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and sections indicated upon the plats according to which the lands were granted by the state or by the United States.

La. R.S. 50:126. Filing of field notes and map or plat; effect of approval. In all cases where the Register of the State Land Office has caused a township, or one or more sections thereof, to be surveyed or resurveyed, field notes of this survey and the map or plat thereof shall be filed in the State Land Office. When the survey or re-survey and the maps or plat thereof are approved by the Register of the State Land Office, they shall be the official survey and map or plat of the township or section or sections thereof.

La. R.S. 50:127. Recording of copy of proces verbal and of map or plat of survey in parish; filing of originals. Whenever the register of the State Land Office approves a survey, whether it be an original survey or a re-survey, and whether or not a prior survey had theretofore been approved, he shall file a certified copy of the proces verbal of the survey, showing his approval and embracing all field notes, and a certified copy of the map or plat of the survey, with the clerk of court and ex-officio recorder of the parish in which the area covered by the survey is situated; and the clerk shall record this proces verbal in the records of his office. The originals, with the approval by the Register of the State Land Office, shall be filed in the State Land Office.

La. R.S. 50:128. Conclusiveness of survey; evidence; correcting or setting aside. All surveys or re-surveys, and the plats thereof, approved by the Register of the State Land Office, are binding on all parties, and copies thereof, certified by the clerk of court or by the Register of the State Land Office, are conclusive evidence of the correctness thereof in any court. No court may set aside any such approved survey, re-survey, or plat except in a direct action brought for that purpose on the ground of fraud or gross error in the making of the survey. If a survey is set

aside in this manner, a re-survey may be made as provided in this Chapter. Only the executive department of the government may make and correct surveys or re-surveys approved by the Register of the State Land Office. No court shall alter or amend in any way any part of an approved survey or re-survey or the plat thereof.

SURVEYS BY PARISHES

La. R.S. 50:151. Authorization to hire surveyors, procure field notes, and make surveys. Any parish, except the Parish of Orleans, may procure necessary field notes from any previous survey and may employ one or more competent surveyors to survey or re-survey and establish or reestablish township lines, range lines, section corners, and half-mile stations where these have never been surveyed or established or where the original witness trees have been destroyed or lost.

La. R.S. 50:152. Petition by landowners for survey; survey and map. Upon the petition of landowners owning more than fifty per cent of the land in a township which has never been wholly surveyed or the lines of which are obliterated or destroyed, the governing authority of the parish in which the township is situated shall immediately have the township surveyed and a map made thereof.

La. R.S. 50:153. Cost of survey or re-survey. Except in the situation referred to in R.S. 50:152, the governing authority of the parish may appropriate money out of the general fund of the parish to defray the expenses of the survey or resurvey and of the establishing or re-establishing of the lines, corners, and half mile stations with cement, cast iron, or other permanent material. In the situation set out in R.S. 50:152, the landowners petitioning for the survey shall bear its costs.

La. R.S. 50:154. Conformance to prior survey or to plats under which lands sold by state or by U.S. In making his survey, the surveyor shall, as nearly as possible, re-establish the original lines of any prior survey made under United States or state authority. Where no survey has been made, the surveyor, in surveying and platting a township, shall make his survey conform, as nearly as practicable, to the lots and sections as indicated on the plats according to which the lands were sold by the state or by the United States. Nothing in this Section affects the articles of the Louisiana Civil Code relating to boundaries.

La. R.S. 50:155. Recording copy of resolution, proces verbal of survey, and blue print maps in parish; filing with State Land Office. When the governing authority of the parish approves a survey under the provisions of this Part, whether it is an original or a re-survey, and whether or not a survey had theretofore been approved, it shall file a certified copy of the resolution approving the survey, the proces verbal of the survey, embracing all field notes, and a tracing or blue print map of the actual survey of the township with the clerk of court and ex-officio recorder of the parish in which the township is situated, and he shall record all of them in the records of the parish. The governing authority of the parish shall also file similar documents with the Register of the State Land Office.

La. R.S. 50:156. Establishing permanent markers after survey approval. After the governing authority of the parish has approved a survey under this Part, it shall establish appropriate markers made of some permanent material on the lines, corners, or half-mile stations covered by the survey.

La. R.S. 50:157. Surveys affecting parish boundary lines; how made official. Wherever, under the provisions of this Part, a boundary line between two or more parishes is involved, the survey affecting that line shall be approved, in accordance with the provisions of this Part, by the governing authorities of all the parishes affected by the survey before it becomes official and legal.

STANDARDS FOR LAND MAPPING SYSTEMS

La. R.S. 50:171. Statewide land information mapping and records system; standards.

A. The state land office shall establish, promulgate, and maintain appropriate standards for a statewide land information mapping and map records system of all lands, private and public, within the state of Louisiana to promote and ensure compatibility, uniformity, and cost-effectiveness by public entities. These standards shall be developed to include the establishment of appropriate photogrametric or electronic mapping techniques and procedures which efficiently accommodate land information collection, maintenance, sharing, and retrieval. The department shall adopt these standards by rules adopted pursuant to the Administrative Procedure Act prior to January 1, 1991.

B. The standards required by Subsection A shall be employed by every parish governing authority or tax assessor undertaking the development of a land information mapping and map records system to assure that the assessment rolls of the parish contain a complete list of all taxable property. Only parish and tax assessor land information mapping and map records systems complying with these standards shall be eligible for state financial aid.

C. Information contained in the land information system shall not constitute or be considered as a legal representation of immovable property.

La. R.S. 50:172. Technical assistance and implementation.

A. The division of administration, office of state lands, shall provide technical assistance and advice to local governmental units and assessors in the development of land information mapping and records systems and the implementation of the state standards established under R.S. 50:171.

B to D. *Repealed.*

La. R.S. 50:173. Maintaining currency of standards. The office of state lands shall have the authority to promulgate and adopt such additional standards and upgrade existing standards regarding land information and records systems by rules adopted pursuant to the Administrative Procedure Act.

La. R.S. 50:173.1. Geodetic control standards. Controls for all surveys shall be determined in the National Spatial Reference System or its successors. All measurements shall be referenced to local control stations of the National Spatial Reference System or its successors, specifically the public domain Louisiana State University Continuously Operating Reference Stations network or other reference stations currently approved by the National Oceanographic and Atmospheric Administration National Geodetic Survey, such as benchmarks, monuments, or continually operating reference stations.

La. R.S. 50:174. Parish land information office.

A. Parish land information mapping and records system programs may be initiated by either the parish government or by the parish office of the assessor.

B. Each parish government or assessor may either establish a parish land information office, or the functions and duties of the land information office may be directed to be performed by an existing parish department or by the office of the assessor.

C. The duties of the parish land information office shall include:

(1) The coordination of land information projects within the parish, between the parish and local government units, between the state and local governmental units, among local governmental units, the federal government, and the private sector.

(2) The establishment of a land information systems advisory user committee.

(3) The identification of possible program revenue sources for the initial development and future maintenance of the parish land information mapping and records system.

(4) The preparation of an implementation plan, setting forth the time schedule, the estimated total cost, and an annual budget for developing a parishwide land information mapping and records system.

(5) Applying for state financial aid, when available, from the office of state lands.

PARISHES AND PARISH BOUNDARIES

La. R.S. 50:221. Fixing parish boundary. Whenever the governing authority of any parish desires to ascertain and fix the boundary line of any adjoining parish, it shall pass an ordinance to that effect fixing a time and place for starting the running of the boundary. It shall then serve the

presiding officer of the governing authority of the adjoining parish with a copy of the ordinance and with notice, at least six months in advance, of the time and place of starting the running of the boundary.

The surveyors appointed for that purpose, or, if there were none specifically appointed, the parish surveyors of both parishes shall, at the time fixed, proceed to the running and marking of the boundary line. If the surveyor of either parish fails to attend at the time and place fixed, the other surveyor shall wait two days and if the first does not arrive within that time shall proceed to the running and marking of the boundary line.

La. R.S. 50:222. Preserving returns showing boundary. After a boundary line has been run and marked as prescribed in R.S. 50:221, due return of the survey shall be made to the presiding officer of the governing authority of each parish and he shall have it filed and preserved in the office of the recorder.

La. R.S. 50:225. Contracts for surveys and maps of parish. Any parish governing authority may contract for an aerial survey and mosaic map of its parish. This survey and map shall be drawn to scale and shall show range and township reference, township lines, section lines, and such other general information incidental and necessary to the survey and map as may be required by the parish governing authority and as is set out in the contract for the survey and mosaic map. Each section shall be completely numbered.

La. R.S. 50:226. Payment of obligations incurred incidental to survey and mosaic map. The cost of the contracted obligation incurred incidental to the survey and mosaic map as required in R.S. 50:225 shall be paid for by all tax recipient bodies in the parish in the proportion that each shares in tax monies collected and allotted from ad valorem taxes collected. The governing authority of the parish and the various tax recipient bodies who share in the tax monies may either appropriate money out of their general fund or pledge and dedicate its revenues and issue obligations to meet its share of the obligations incurred incidental to the survey and mosaic map.

La. R.S. 50:227. Survey and map approved by parish governing authority; effect. When an aerial survey and mosaic map of the parish have been approved by the governing authority of the parish by a proper resolution, they are the official survey and mosaic map of the parish and shall be fully preserved in the parish archives.

La. R.S. 50:228. Effect of survey on assessment roll of parish. Upon the completion of an aerial survey and mosaic map of the parish and the approval thereof by the parish governing authority, as provided in R.S. 50:227, the assessor of the parish shall compare the assessment roll of the parish with the mosaic map and shall include on that roll any taxable property or properties shown on the mosaic map but not shown on the assessment roll. The governing authority of the parish shall satisfy itself that the assessment roll of the parish contains a complete list of all taxable property in the parish, as shown by the mosaic map.

V. OYSTERS AND OYSTER INDUSTRIES

La. R.S. 56:425. Lease of water bottoms; stipulations; boundary disputes.

A. The secretary may lease to any resident, any firm composed of residents, or any corporation domiciled in or organized under the laws of this state any state-owned water bottoms and natural reefs in the water bottoms of this state under the limitations stipulated or authorized in this Subpart. No lease shall be granted until a reasonable investigation into the question of ownership is complete and, based on the findings, a determination is made that the state owns the water bottoms to be leased. Any lease for the taking of oysters granted by the secretary prior to June 15, 2006 which affects privately owned water bottoms shall be subordinate to the rights of the private landowner or recorded land title owner effective on that date.

B. All leases and renewals of leases made under the provisions of this Subpart shall stipulate as a matter of contract that the lessee will operate both under the laws of this state and the rules and regulations of the department.

C. The secretary may make such stipulations in the leases made by him as he deems necessary and proper to develop the industry; however, these stipulations must be consistent with the provisions of this Subpart. The secretary may also make such stipulations as he deems necessary and proper in relation to coastal protection, conservation, or restoration.

D. The department may fully settle all disputes as to boundaries between lessees of bedding grounds, subject to appeal to any court of competent jurisdiction.

E. No lease shall be granted for any water bottom for which any lease was previously acquired by the state for integrated coastal protection, unless the executive director of the Coastal Protection and Restoration Authority determines that leasing would otherwise be appropriate under the provisions of this Subpart and the executive director of the Coastal Protection and Restoration Authority affirms that the water bottom is not necessary for integrated coastal protection. Unless this determination has been made prior to issuance of the lease, a lease of water bottom for which a lease was previously acquired shall be null and void for such water bottom and shall be of no force or effect. No person shall have any claim against the state of Louisiana, its political subdivisions, the United States, or any agency, agent, contractor, or employee thereof or any other person in relation to the nullity of such lease.

F. The Coastal Protection and Restoration Authority shall determine areas of the coast where buffer zones between oyster leases and the shoreline may be necessary to protect sensitive and eroding coastal lands. The Coastal Protection and Restoration Authority shall review each application for an oyster lease or renewal or expansion of an oyster lease to determine if the water bottom applied for is located in an area where a buffer zone may be necessary and shall delineate the extent of the buffer zone necessary for each application.

La. R.S. 56:426. Filing and recordation of water bottoms leases.

A. Leases shall be executed in duplicate and a copy of the plan of survey annexed thereto. One duplicate shall be delivered to the lessee and the other retained by the department and registered in a lease book for that purpose.

B. All persons to whom water bottoms leases are granted shall, within thirty days following the granting thereof, record an executed copy of such lease or leases, together with a plat or map of survey indicating the area affected, in the conveyance records of the parish or parishes of the state of Louisiana in which the area is located. Within twenty days from such recordation, certified copies of the plat or map of survey shall be filed with the department. Transfers of leases from one person to another shall be likewise recorded and filed.

C. If a lease is not recorded and filed within the time periods provided above, no third party shall be bound or affected by the provisions of that lease, until such time as it is properly recorded and filed. There shall be no claim against the state of Louisiana for the disregard of the provisions of any lease not properly recorded and filed in accordance with the foregoing, nor shall there be any claim against the department, the register of the state land office, or the State Mineral and Energy Board, for the disregard of the provisions of any lease which has not been properly filed with the respective agency involved.

D. All leases of water bottoms for oyster culture previously granted and not filed and recorded as provided for in this Subpart, and all such leases hereafter granted, and not recorded as provided herein, shall be subordinate to the rights of the state of Louisiana, its agencies and lessees, with respect to the granting of mineral and shell leases and the exercise of rights thereunder. The renewal or extension of the term of an existing oyster lease shall not be deemed a new lease, but a renewal or extension shall be recorded no later than six months after the expiration of the term of the previous lease.

La. R.S. 56:427. Initial application for lease.

A. Any person who qualifies under this Subpart and who desires to lease a part of the bottom or bed of any of the waters of this state as provided in this Subpart shall present to the secretary a written application and pay an application fee set by the commission. This application shall contain the name and address of the applicant and a reasonably definite description of the location and amount of land covered by water desired by the applicant. The applicant shall ask that the application be registered and that the water bottom described be leased to the applicant under the provisions of this Subpart. The department shall then register the application, shall order an examination to determine whether the water bottoms applied for are leasable, and shall determine the basis upon which the rental of the lease shall be fixed. If the area is found to be leasable, the applicant shall submit to the department a survey of the area for which the application was submitted. Such survey shall have been conducted in accordance with the standards required by the department. The application shall remain in effect and valid until such time as the survey is complete. If the application is favorably acted upon, the

secretary may, at his option, execute a lease for the water bottoms to the applicant as soon as the survey has been made, and the plan or map thereof has been filed with the department.

B. When applications are made by two or more persons for the same water bottoms, the applicant or the heirs or transferors of a deceased applicant who files the first application has prior claim. The department shall not accept any survey plan for any lease that exceeds by ten percent the acreage described in the initial application for the particular lease from the date of adoption of this Subsection, except that the department may accept any lease application, even where the survey plan exceeds by ten percent the acreage described in the initial application, if the lease would not overlap or impact surrounding leases or pending lease applications.

C. The department shall require that the bottoms of water areas to be leased be as compact as possible, taking into consideration such factors as the shape of the body of water, and the condition of the bottom as to hardness or softness which would render it desirable or undesirable for the purpose of oyster cultivation.

D. The provisions of this Section shall apply only to the initial application for an oyster lease, and not to the renewal of a lease.

E. No application for a new lease shall be submitted nor accepted for more than one thousand acres.

F. The secretary may not execute a lease until the department has posted notice of the application for the lease on its website for ninety consecutive days.

(1) Any person claiming ownership of the water bottoms to be leased may protest the issuance of the lease on the grounds that the protesting party owns the water bottoms, but only by delivering via certified mail notice of the protest in writing to the secretary, the administrator of the state land office, and the lease applicant on or before the ninetieth day after notice of the application was posted. The notice of protest shall include all information and documentation that the protesting party believes is relevant to the question of ownership. The right to protest issuance of the lease pursuant to this Subsection shall expire if a protest is not made on or before the ninetieth day after notice of the application was posted.

(2) If a protest is timely made, the administrator of the state land office shall review the state's claim to ownership of the contested water bottoms and issue a preliminary determination to the secretary, the protesting party, and the lease applicant within ninety days of receiving the notice of protest, as to whether the state claims ownership of the contested water bottoms. The administrator shall issue a final written determination as to whether the state claims ownership of the water bottom within one hundred eighty days of receiving the notice of protest. If a protest is timely made, the secretary may execute the lease as otherwise authorized under this Subpart only to the extent that the administrator of the state land office determines that the state claims ownership of the contested water bottoms. The relief available pursuant to and the results and effects of such a protest and determination are limited to those set forth in this Subsection. The

determination by the administrator of the state land office shall not be reviewable under the Administrative Procedure Act, and is appealable only to the Nineteenth Judicial District Court. Any petition for judicial review of the determination pursuant to this Subsection must be filed within sixty days after issuance of the determination. Failure to make a protest pursuant to this Subsection has no effect on the right to claim ownership of the leased water bottom authorized by R.S. 56:423(D) or the reasonable investigation into the ownership of the water bottom by the state required by R.S. 56:425(A).

(3) A lease applicant may withdraw a lease application and receive a full refund from the department of all application fees, by submitting a written request for withdrawal to the department within one hundred twenty days after the department posts notice of the application on its website, within thirty days after issuance of the determination of the administrator of the state land office regarding the state's claim to ownership pursuant to a protest authorized by this Subsection, or within thirty days after final judgment in any proceeding for judicial review of the determination, whichever is the later date.

G. The secretary shall not lease any water bottom located within seventy-five feet of the centerline of a pipeline that is located on purchased right-of-way. However, if the right-of-way is abandoned and returned to commerce, the secretary may then lease such water bottom.

IV. FEDERAL LAWS PERTAINING TO SURVEYING – EXCERPTS FROM THE UNITED STATES CODE

A. BUREAU OF LAND MANAGEMENT

43 U.S.C. §2. Duties concerning public lands. The Secretary of the Interior or such officer as he may designate shall perform all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government.

43 U.S.C. §6. Duties of employees to certify, record, etc., patents. It shall be the duty of such officers or employees of the Bureau of Land Management as may be designated by the Secretary of the Interior, in pursuance of instructions from the Secretary of the Interior or such officer as he may designate, to certify and affix the seal of the office to all patents for public lands, and to attend to the correct engrossing, recording, and transmission of such patents. They shall prepare alphabetical indexes of the names of patentees, and of persons entitled to patents; and shall prepare such copies and exemplifications of matters on file or recorded in the Bureau of Land Management as the Secretary or such officer may from time to time direct.

43 U.S.C. §17. Plats of land surveyed. The Secretary of the Interior or such officer as he may designate shall, when required by the President or either House of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands and concerning the business of the Bureau of Land Management as shall be directed.

B. SURVEYS

43 U.S.C. §52. Surveying duties. The Secretary of the Interior or such officer as he may designate shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the Bureau of Land Management, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the Bureau of Land Management, in respect to the public lands to which the Indian title has been or may be extinguished.

Third. He shall cause to be surveyed all private land-claims after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the officer, as the Secretary of the Interior may designate, of the respective land-offices general and particular plats of all lands surveyed by him for each land district; and he shall forward copies of such plats to such officer as the Secretary may designate.

Fifth. He shall, so far as is compatible with the desk-duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for the Secretary of the Interior or such officer as he may designate to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and $5 a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when the Secretary or such officer, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

43 U.S.C. §53. Powers devolved on Secretary of the Interior on turning over of papers to States. In all cases where, as provided in section 54 of this title, the field notes, maps, records, and other papers appertaining to land titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor general, whose district included such State, shall be vested in, and devolved upon, the Secretary of the Interior or such officer as he may designate.

43 U.S.C. §54. Completion of surveys; delivery to States. The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying districts, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the Secretary of the Interior or such officer as he may designate shall deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field notes, maps, records, and other papers appertaining to land titles within the same.

43 U.S.C. §55. Field notes delivered to States; access to. Under the authority and direction of the Secretary of the Interior or such officer as he may designate, any deputy surveyor or other agent of the United States shall have free access to any field notes, maps, records, and other papers, mentioned in section 53 of this title, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind.

43 U.S.C. §56. Conditions of delivery to States. The field notes, maps, records, and other papers mentioned in section 53 of this title, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States.

43 U.S.C. §58. Transcripts from records of Louisiana. Any copy of a plat of survey, or transcript from the records of the office of the former surveyor general of Louisiana, duly certified, shall be admitted as evidence in all the courts of the United States and the Territories thereof.

C. SURVEY OF PUBLIC LANDS

43 U.S.C. §751. Rules of survey. The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land surveyed or patented prior to May 18, 1796, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Second. The corners of the townships must be marked with progressive numbers from the beginning; each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running parallel lines through the same from east to west and from south to north at the distance of one mile from each other, and marking corners at the distance of each half mile. The sections shall be numbered, respectively, beginning with the number one in the northeast section and proceeding west and east alternately through the township with progressive numbers, until the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field books, the names of the corner-trees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all watercourses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field books shall be returned to the Secretary of the Interior or such officer as he may designate, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall be kept open at the office of the Secretary of the Interior or of such agency as he may designate for public information, and other copies shall be sent to the places of the sale, and to the Bureau of Land Management.

43 U.S.C. §752. Boundaries and contents of public lands; how ascertained. The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the Secretary of the Interior or such agency as he may designate, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half- and quarter-sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.

Second. The boundary lines, actually run and marked in the surveys returned by the Secretary of the Interior or such agency as he may designate, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended, and the length of such lines as returned, shall be held and considered as the true length thereof. And the boundary lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the watercourse, Indian boundary line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the Secretary of the Interior or such agency as he may designate, shall be held and considered as containing the exact quantity expressed in such return; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.

43 U.S.C. §753. Lines of division of half quarter sections; how run. In every case of the division of a quarter section the line for the division thereof shall run north and south, and the corners and contents of half quarter-sections which may thereafter be sold, shall be ascertained in

the manner and on the principles directed and prescribed by section 752 of this title, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter sections under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

43 U.S.C. §770. Rectangular mode of survey; departure from. The Secretary of the Interior may, by regulation, provide that departures may be made from the system of rectangular surveys whenever it is not feasible or economical to extend the rectangular surveys in the regular manner or whenever such departure would promote the beneficial use of lands.

43 U.S.C. §772. Resurveys or retracements to mark boundaries of undisposed lands. The Secretary of the Interior may, as of March 3, 1909, in his discretion cause to be made, as he may deem wise under the rectangular system on that date provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided,* That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement.

43 U.S.C. §773. Resurveys or retracements of township lines, etc. Upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than 50 per centum of the area of which townships is privately owned, accompanied by a deposit with the Secretary of the Interior, or such officer as he may designate, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Secretary, or such officer as he may designate, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands. The sum so deposited shall be held by the Secretary of the Interior or such officer as he may designate, and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the persons making said deposits or their legal representatives. The proportionate cost of the field and office work for the resurvey or retracement of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements. Similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this section into full force and effect.

D. RESERVATIONS AND GRANTS TO STATES FOR PUBLIC PURPOSES

43 U.S.C. §852. Selections to supply deficiencies of school lands.

(a) Restrictions

The lands appropriated by section 851 of this title shall be selected from any unappropriated, surveyed or unsurveyed public lands within the State where such losses or deficiencies occur subject to the following restrictions:

(1) No lands mineral in character may be selected by a State except to the extent that the selection is being made as indemnity for mineral lands lost to the State because of appropriation before title could pass to the State;

(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is being made as indemnity for lands on such a structure lost to the State because of appropriation before title could pass to the State; and

(3) Land subject to a mineral lease or permit may be selected if none of the land subject to that lease or permit is in a producing or producible status, subject, however, to the restrictions and conditions of the preceding and following paragraphs of this subsection.

(4) If a selection is consummated as to a portion but not all of the lands subject to any mineral lease or permit, then, as to such portion and for so long only as such lease or permit or any lease issued pursuant to such permit shall remain in effect, there shall be automatically reserved to the United States the mineral or minerals for which the lease or permit was issued, together with such further rights as may be necessary for the full and complete enjoyment of all rights, privileges and benefits under or with respect to the lease or permit: *Provided, however,* That after approval of the selection the Secretary of the Interior shall determine what portion of any rents and royalties accruing thereafter which may be paid under the lease or permit is properly applicable to that portion of the land subject to the lease or permit selected by the State, the portion applicable being determined by applying to the sum of the rents and royalties the same ratio as that existing between the acreage selected by the State and the total acreage subject to the lease or permit; of the portion applicable to the selected land 90 per centum shall be paid to the State by the United States annually and 10 per centum shall be deposited in the Treasury of the United States as miscellaneous receipts.

(5) If a selection is consummated as to all of the lands subject to any mineral lease or permit or if, where the selecting State has previously acquired title to a portion of the lands subject to a mineral lease or permit, a selection is consummated as to all of the remaining lands subject to that lease or permit, then and upon condition that the United States shall retain all rents and royalties theretofore paid and that the lessee or permittee shall have and may enjoy under and with respect to that lease or permit all the rights, privileges, and benefits which he would

have had or might have enjoyed had the selection not been made and approved, the State shall succeed to all the rights of the United States under the lease or permit as to the mineral or minerals covered thereby, subject, however, to all obligations of the United States under and with respect to that lease or permit.

(b) Adjustments

Where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land: *Provided,* That the States which are, or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named, to compensate for deficiencies of school land in fractional townships.

(c) Preference rights for State

Notwithstanding the provisions of section 282 of this title on the revocation not later than 10 years after the date of approval of this Act, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State in which the lands are situated shall have a preferred right of application for selection under this section, subject to the requirements of existing law, except as against the prior existing valid settlement rights and preference rights conferred by existing law other than section 282 of this title, or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

(d) "Unappropriated public lands" defined; determination of mineral character of land

(1) The term "unappropriated public lands" as used in this section shall include, without otherwise affecting the meaning thereof, lands withdrawn for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur, but otherwise subject to appropriation, location, selection, entry, or purchase under the nonmineral laws of the United States; lands withdrawn by Executive Order Numbered 5327, of April 15, 1930, if otherwise available for selection; and the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

(2) The determination, for the purposes of this section of the mineral character of lands lost to a State shall be made as of the date of application for selection and upon the basis of the best evidence available at that time.

43 U.S.C. §852a. Applications for unsurveyed lands; regulations; acreage requirements. The Secretary of the Interior may issue regulations governing applications for unsurveyed lands. If he establishes any minimum acreage requirements, they shall provide for selection of tracts of reasonable size, taking into consideration location, terrain, and adjacent land ownership and uses.

43 U.S.C. §852b. Survey of lands prior to transfer; time for survey; availability of funds; lands suitable for transfer. Prior to issuance of an instrument of transfer, lands must be surveyed. The Secretary of the Interior shall within five years, subject to the availability of funds, survey the exterior boundaries of lands approved as suitable for transfer to the State.

E. RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

43 U.S.C. §931. Navigable rivers as public highways. All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

43 U.S.C. §931a. Authority of Attorney General to grant easements and rights-of-way to States, etc. The Attorney General, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the condition imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Attorney General deems necessary or desirable, is ceded to such State. The Attorney General is authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired.

43 U.S.C. §931c. Permits, leases, or easements; authorization to grant; payment; limitation. The head of any department or agency of the Government of the United States having jurisdiction over public lands and national forests, except national parks and monuments, of the United States is authorized to grant permits, leases, or easements, in return for the payment of a price representing the fair market value of such permit, lease, or easement, to be fixed by such head of such department or agency through appraisal, for a period not to exceed thirty years from the date of any such permit, lease, or easement to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining on such lands public buildings or other public works. In the event such lands cease to be used

for the purpose for which such permit, lease, or easement was granted, the same shall thereupon terminate.

43 U.S.C. §931d. Additional authority of department or agency head. The authority conferred by section 931c of this title shall be in addition to, and not in derogation of any authority heretofore conferred upon the head of any department or agency of the Government of the United States to grant permits, leases, easements, or rights-of-way.

43 U.S.C. §934. Right of way through public lands granted to railroads. The right of way through the public lands of the United States is granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

F. GRANTS OF SWAMP AND OVERFLOWED LANDS

43 U.S.C. §981. Indemnity to States on sale of lands. Upon proof by the authorized agent of the State, before the Secretary of the Interior or such officer as he may designate, that any of the lands purchased by any person from the United States, prior to March 2, 1855, were "swamp lands," within the true intent and meaning of the act entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, the purchase-money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at $1.25 per acre, or less, and patents shall issue therefor. The decision of the Secretary or such officer shall be first approved by the Secretary of the Interior.

43 U.S.C. §982. Grant to States to aid in construction of levees and drains. To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein -- the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the 28th day of September, A.D. 1850, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however*, That said grant of swamp and overflowed lands, as to the States of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified in this chapter, as applicable to said three last-named States respectively.

43 U.S.C. §983. Lists and plats of lands, for governors of States. It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same

to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee simple of said land.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains.

43 U.S.C. §984. Legal subdivisions mostly wet and unfit for cultivation. In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

43 U.S.C. §986. Selection of lands confirmed. All land selected and reported to the General Land Office as swamp and overflowed land by the several States entitled to the provisions of said Act of September 28, 1850, prior to March 3, A.D. 1857, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States.

43 U.S.C. §993. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land. The Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, in this section, any of those lands situated in the State of Louisiana which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Any citizen of the United States who, or whose ancestors in title in good faith under color of title or claiming as a riparian owner, prior to February 19, 1925, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from February 19, 1925, if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from official notice to such claimant of the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant or in the actual possession of a person or persons who have improved the property and who have attempted to enter same in compliance with the laws and regulations of the United States land office.

Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but

inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent, must within six months from receipt of notice of appraisal by the Secretary of the Interior pay to the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated, the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of the lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising hereunder.

All purchases made and patents issued under the provisions of this section shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same.

G. SUBMERGED LANDS

GENERAL PROVISIONS

43 U.S.C. §1301. Definitions. When used in this subchapter and subchapter II of this chapter --

(a) The term "lands beneath navigable waters" means --

(1) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

(2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and

(3) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined;

(b) The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as extended or confirmed pursuant to section 1312 of this title but in no event shall the term "boundaries" or the term "lands beneath navigable waters" be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico, except that any boundary between a State and the United States under this subchapter or subchapter II of this chapter which has been or is hereafter fixed by coordinates under a final decree of the United States Supreme Court shall remain immobilized at the coordinates provided under such decree and shall not be ambulatory;

(c) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

(d) The terms "grantees" and "lessees" include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or from its predecessor sovereign if legally validated, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however,* That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

(e) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;

(f) The term "lands beneath navigable waters" does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person;

(g) The term "State" means any State of the Union;

(h) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

43 U.S.C. §1302. Resources seaward of Continental Shelf. Nothing in this subchapter or subchapter II of this chapter shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of

this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed.

LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

43 U.S.C. §1311. Rights of States.

(a) Confirmation and establishment of title and ownership of lands and resources; management, administration, leasing, development, and use

It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

(b) Release and relinquishment of title and claims of United States; payment to States of moneys paid under leases

(1) The United States releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on May 22, 1953, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States;

(c) Leases in effect on June 5, 1950

The rights, powers, and titles hereby recognized, confirmed, established, and vested in and assigned to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements

authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from May 22, 1953 equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That within ninety days from May 22, 1953 (i) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and May 22,1953, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary of the Interior or the Secretary of the Navy and with the State issuing or whose grantee issued such lease, instruments consenting to the payment by the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States to the State or its grantee issuing the lease, of all rents, royalties, and other payments under the control of the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States or the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee;

(d) Authority and rights of the United States respecting navigation, flood control and production of power

Nothing in this subchapter or subchapter I of this chapter shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power;

(e) Ground and surface waters west of the 98th meridian

Nothing in this subchapter or subchapter I of this chapter shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

43 U.S.C. §1312. Seaward boundaries of States. The seaward boundary of each original coastal State is approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such

boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress.

43 U.S.C. §1313. Exceptions from operation of section 1311 of this title. There is excepted from the operation of section 1311 of this title --

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State; all lands expressly retained by or ceded to the United States when the State entered the Union (otherwise than by a general retention or cession of lands underlying the marginal sea); all lands acquired by the United States by eminent domain proceedings, purchase, cession, gift, or otherwise in a proprietary capacity; all lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right;

(b) such lands beneath navigable waters held, or any interest in which is held by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians; and

(c) all structures and improvements constructed by the United States in the exercise of its navigational servitude.

43 U.S.C. §1314. Rights and powers retained by United States; purchase of natural resources; condemnation of lands.

(a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 1311 of this title.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

43 U.S.C. §1315. Rights acquired under laws of United States unaffected. Nothing contained in this subchapter or subchapter I of this chapter shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this subchapter or subchapter I of this chapter and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing contained in this subchapter or subchapter I of this chapter is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this subchapter or subchapter I of this chapter, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this subchapter or subchapter I of this chapter.

OUTER CONTINENTAL SHELF LANDS

43 U.S.C. §1331. Definitions.

In this subchapter:

(a) OUTER CONTINENTAL SHELF – The term "outer Continental Shelf" means-

(1) all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control or within the exclusive economic zone of the United States and adjacent to any territory of the United States; and

(2) does not include any area conveyed by Congress to a territorial government for administration.

(b) SECRETARY – The term "Secretary" means the Secretary of the Interior, except that with respect to functions under this subchapter transferred to, or vested in, the Secretary of Energy or the Federal Energy Regulatory Commission by or pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the term "Secretary" means the Secretary of Energy, or the Federal Energy Regulatory Commission, as the case may be.

(c) LEASE – The term "lease" means any form of authorization which is issued under section 1337 of this title or maintained under section 1335 of this title and which authorizes exploration for, and development and production of, minerals.

(d) PERSON – The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

(e) COASTAL ZONE – The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches, which zone extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, pursuant to the authority of section 1454(b)(1) of Title 16.

(f) AFFECTED STATE – The term "affected State" means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of this subchapter, any State –

(1) the laws of which are declared, pursuant to section 1333(a)(2) of this title, to be the law of the United States for the portion of the outer Continental Shelf on which such activity is, or is proposed to be, conducted;

(2) which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 1333(a)(1) of this title;

(3) which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the outer Continental Shelf and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the outer Continental Shelf; or

(5) in which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.

(g) MARINE ENVIRONMENT – The term "marine environment" means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the marine ecosystem, including the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the outer Continental Shelf.

(h) COASTAL ENVIRONMENT – The term "coastal environment" means the physical atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the terrestrial ecosystem from the shoreline inward to the boundaries of the coastal zone.

(i) HUMAN ENVIRONMENT – The term "human environment" means the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected directly or indirectly, by activities occurring on the outer Continental Shelf.

(j) GOVERNOR – The term "Governor" means the Governor of a State, or the person or entity designated by, or pursuant to, State law to exercise the powers granted to such Governor pursuant to this subchapter.

(k) EXPLORATION – The term "exploration" means the process of searching for minerals, including (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals, and (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after such discovery which is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production.

(l) DEVELOPMENT – The term "development" means those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered.

(m) PRODUCTION – The term "production" means those activities which take place after the successful completion of any means for the removal of minerals, including such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and work-over drilling.

(n) ANTITRUST LAW – The term "antitrust law" means --

(1) the Sherman Act (15 U.S.C. 1 et seq.);

(2) the Clayton Act (15 U.S.C. 12 et seq.);

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(4) the Wilson Tariff Act (15 U.S.C. 8 et seq.); or

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(o) FAIR MARKET VALUE – The term "fair market value" means the value of any mineral (1) computed at a unit price equivalent to the average unit price at which such mineral was sold pursuant to a lease during the period for which any royalty or net profit share is accrued or reserved to the United States pursuant to such lease, or (2) if there were no such sales, or if the Secretary finds that there were an insufficient number of such sales to equitably determine such value, computed at the average unit price at which such mineral was sold pursuant to other leases in the same region of the outer Continental Shelf during such period, or (3) if there were no sales of such mineral from such region during such period, or if the Secretary finds that there are an insufficient number of such sales to equitably determine such value, at an appropriate price determined by the Secretary.

(p) MAJOR FEDERAL ACTION – The term "major Federal action" means any action or proposal by the Secretary which is subject to the provisions of section 4332(2)(C) of Title 42.

(q) MINERALS – The term "minerals" includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in section 1702 of this title;.

(r) CARBON DIOXIDE STREAM –

(1) IN GENERAL – The term “carbon dioxide stream” means carbon dioxide that --

(A) has been captured; and

(B) consists overwhelmingly of –

(i) carbon dioxide plus incidental associated substances derived from the source material or capture process; and

(ii) any substances added to the stream for the purpose of enabling or improving the injection process.

(2) EXCLUSIONS – The term “carbon dioxide stream” does not include additional waste or other matter added to the carbon dioxide stream for the purpose of disposal.

(s) CARBON SEQUESTRATION – The term “carbon sequestration” means the act of storing carbon dioxide that has been removed from the atmosphere or captured through physical, chemical, or biological processes that can prevent the carbon dioxide from reaching the atmosphere.

(t) The term “State” means-

(1) each of the several States;

(2) the Commonwealth of Puerto Rico;

(3) Guam;

(4) American Samoa;

(5) the United States Virgin Islands; and

(6) the Commonwealth of the Northern Mariana Islands.

43 U.S.C. §1332. Congressional declaration of policy. It is hereby declared to be the policy of the United States that --

(1) the subsoil and seabed of the outer Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this subchapter;

(2) this subchapter shall be construed in such a manner that the character of the waters above the outer Continental Shelf as high seas and the right to navigation and fishing therein shall not be affected;

(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs;

(4) since exploration, development, and production of the minerals of the outer Continental Shelf will have significant impacts on coastal and non-coastal areas of the coastal States, and on other affected States, and, in recognition of the national interest in the effective management of the marine, coastal, and human environments --

(A) such States and their affected local governments may require assistance in protecting their coastal zones and other affected areas from any temporary or permanent adverse effects of such impacts;

(B) the distribution of a portion of the receipts from the leasing of mineral resources of the outer Continental Shelf adjacent to State lands, as provided under section 1337(g) of this title, will provide affected coastal States and localities with funds which may be used for the mitigation of adverse economic and environmental effects related to the development of such resources; and

(C) such States, and through such States, affected local governments, are entitled to an opportunity to participate, to the extent consistent with the national interest, in the policy and

planning decisions made by the Federal Government relating to exploration for, and development and production of, minerals of the outer Continental Shelf;

(5) the rights and responsibilities of all States and, where appropriate, local governments, to preserve and protect their marine, human, and coastal environments through such means as regulation of land, air, and water uses, of safety, and of related development and activity should be considered and recognized; and

(6) operations in the outer Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.

43 U.S.C. §1333. Laws and regulations governing lands.

(a) Constitution and United States laws; laws of adjacent States; publication of projected State lines; international boundary disputes; restriction on State taxation and jurisdiction

(1) The Constitution and laws and civil and political jurisdiction of the United States are extended to the subsoil and seabed of the outer Continental Shelf and to all artificial islands, and all installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon for the purpose of exploring for, developing, or producing resources therefrom, or any such installation or other device (other than a ship or vessel) for the purpose of transporting such resources, to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State: *Provided, however,* That mineral leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this subchapter.

(2)(A) To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent State, now in effect or hereafter adopted, amended, or repealed are declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

(B) Within one year after September 18, 1978, the President shall establish procedures for settling any outstanding international boundary dispute respecting the outer Continental Shelf.

(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

(b) Longshore and Harbor Workers' Compensation Act applicable; definitions

With respect to disability or death of an employee resulting from any injury occurring as the result of operations conducted on the outer Continental Shelf for the purpose of exploring for, developing, removing, or transporting by pipeline the natural resources, or involving rights to the natural resources, of the subsoil and seabed of the outer Continental Shelf, compensation shall be payable under the provisions of the Longshore and Harbor Workers' Compensation Act [33 U.S.C.A. § 901 et seq.]. For the purposes of the extension of the provisions of the Longshore and Harbor Workers' Compensation Act under this section --

(1) the term "employee" does not include a master or member of a crew of any vessel, or an officer or employee of the United States or any agency thereof or of any State or foreign government, or of any political subdivision thereof;

(2) the term "employer" means an employer any of whose employees are employed in such operations; and

(3) the term "United States" when used in a geographical sense includes the outer Continental Shelf and artificial islands and fixed structures thereon.

(c) National Labor Relations Act applicable

For the purposes of the National Labor Relations Act, as amended [29 U.S.C.A. § 151 et seq.], any unfair labor practice, as defined in such Act, occurring upon any artificial island, installation, or other device referred to in subsection (a) of this section shall be deemed to have occurred within the judicial district of the State, the laws of which apply to such artificial island, installation, or other device pursuant to such subsection, except that until the President determines the areas within which such State laws are applicable, the judicial district shall be that of the State nearest the place of location of such artificial island, installation, or other device.

(d) Coast Guard regulations; marking of artificial islands, installations, and other devices; failure of owner suitably to mark according to regulations

(1) The Secretary of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the artificial islands, installations, and other devices referred to in subsection (a) of this section or on the waters adjacent thereto, as he may deem necessary.

(2) The Secretary of the Department in which the Coast Guard is operating may mark for the protection of navigation any artificial island, installation, or other device referred to in subsection (a) of this section whenever the owner has failed suitably to mark such island, installation, or other device in accordance with regulations issued under this subchapter, and the owner shall pay the cost of such marking.

(e) Authority of Secretary of the Army to prevent obstruction to navigation

The authority of the Secretary of the Army to prevent obstruction to navigation in the navigable waters of the United States is extended to the artificial islands, installations, and other devices referred to in subsection (a) of this section.

(f) Provisions as nonexclusive

The specific application by this section of certain provisions of law to the subsoil and seabed of the outer Continental Shelf and the artificial islands, installations, and other devices referred to in subsection (a) of this section or to acts or offenses occurring or committed thereon shall not give rise to any inference that the application to such islands and structures, acts, or offenses of any other provision of law is not intended.

H. THE DOCTRINE OF THALWEG

The thalweg is the geographic middle of the main channel of a navigable waterway. As such, thalweg can differ from the geographic middle of the waterway itself.

The Thalweg Rule was historically used to determine the boundary between states. The Rule established the state boundary along the thalweg instead of along the geographic middle of the waterway. However, several exceptions to the Thalweg Rule developed in the jurisprudence and some state boundaries were instead fixed at the geographic middle of rivers. *See* Texas v. Louisiana, 410 U.S. 702, 93 S.Ct. 1215, 35 L.Ed.2d 646 (1973).

V. RULES OF THE BOARD

LAC Title 46, Part LXI. Professional Engineers and Land Surveyors. (*available separately*) Commonly referred to as the "Rules of the Board", are available separately. This document is also posted on the Board's website at https://www.lapels.com.

STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS

LAC Title 46:LXI§2901. Scope and Purpose.

A. The following standards of practice for boundary surveying in Louisiana have been adopted to help ensure that boundary surveys are performed in accordance with acceptable procedures.

B. The purpose of these standards of practice is to safeguard life, health and property, and to promote the public welfare, by establishing technical standards of practice for every boundary survey performed in Louisiana so that professional performance can be evaluated for but not limited to research, field work, monuments, descriptions, plats and maps. If higher standards are required by clients, or by local, state and federal jurisdictions, then those standards shall govern. When a boundary survey involves certain corners or lines that are covered under the appropriate edition of the *Manual of Instructions for the Survey of the Public Lands of the United States*, then the manual's rules or instructions for these particular surveys shall apply. Every professional land surveyor performing a boundary survey in Louisiana is required to follow these standards.

C. A boundary survey in Louisiana shall only be performed by a professional land surveyor, licensed pursuant to the laws of Louisiana, or persons under his/her responsible charge. The professional land surveyor shall at all times comply with the provisions of the licensure law and the rules of the board.

D. It is intended that these standards of practice not be relied upon by the professional land surveyor as a substitute for the exercise of proper individual skill, professional discretion, and professional judgment in fulfilling the contractual requirements of any boundary survey. This also does not absolve the professional land surveyor from his/her obligation to use due diligence in the practice of land surveying and from complying with all applicable laws and rules pertaining to the practice of land surveying.

E. When in the professional land surveyor's opinion, special conditions exist that effectively prevent the boundary survey from meeting these standards of practice, the special conditions and any necessary deviation from these standards shall be noted upon the drawing. It shall be a violation of this Chapter to use special conditions to circumvent the intent and purpose of these standards of practice.

LAC Title 46:LXI§2903. Definitions.

A. Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the National Society of Professional Surveyors. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

Artificial Monuments—relatively permanent objects used to identify the location of a corner. Artificial monuments shall retain a stable and distinctive location and shall be of sufficient size and composition to resist the deteriorating forces of nature.

Client—the person with whom the contract for work is made. This may or may not be the owner.

Corner—a point on a land boundary at which two or more boundary lines meet. It is not the same as a monument, which refers to the physical evidence of the corner's location on the ground.

Deed—an instrument in writing which, when executed and delivered, conveys an estate in real property or interest therein.

Description, Legal—a written description usually contained in an act of conveyance, judgment of possession, or recognized by law which definitely locates property by metes and bounds or by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

Description, Metes and Bounds—a description of a parcel of land by reference to course and distances around the tract, or by reference to natural or artificial monuments.

Encroachment—any structure or obstruction which intrudes upon, invades or trespasses upon the property of another.

May—when used means that a choice on the part of the professional land surveyor is allowed.

Monument—a physical object or structure which marks the location of a corner or other survey point. In public lands surveys, the term *corner* is employed to denote a point determined by the surveying process, whereas the *monument* is the physical object installed, or structure erected, to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

Natural Monuments—objects which are the works of nature, such as streams, rivers, ponds, lakes, bays, trees, rock outcrops, and other definitive topographic features.

Positional Accuracy—the difference between the actual position of a monument and the position as reported on the plat or map.

Positional Tolerance—the distance that any monument may be mislocated in relation to any other monument cited in the survey.

Prescription—title obtained in law by long possession. Occupancy for the period prescribed by the Louisiana Civil Code, as sufficient to bar an action for the recovery of the property, gives title by prescription.

Right-of-Way—any strip or area of land, including surface, overhead, or underground, encumbered by a servitude. Rights are typically granted by deed for access or for construction, operation and/or maintenance purposes, according to the terms of the grant.

Servitude—an interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his/her land. The term *easement* is often used interchangeably with *servitude* and generally means the same thing.

Shall—the subject is imperative or mandatory and must be done by the professional land surveyor.

Should—past tense of *shall* and used to express obligation, duty or desirability.

LAC Title 46:LXI§2905. Classification of Boundary Surveys.

A. Types of Boundary Surveys. Four types of boundary surveys, which relate to or define property boundaries, are regulated by these standards of practice. These are property boundary surveys, route surveys, DOTD right-of-way surveys and mineral unitization surveys.

B. Presented below are classifications which define the degree of accuracy which shall be attained for boundary surveys performed in Louisiana. These classifications are based upon the purposes for which the property is being used at the time the survey is performed and any proposed developments which are disclosed to the professional land surveyor by the client. Refer to §2913 for accuracy standards for each of the following classes of boundary surveys

1. Class A Surveys. Boundary surveys which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.

2. Class B Surveys. Boundary surveys of properties which justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.

3. Class C Surveys. Boundary surveys of residential and suburban areas. This includes, but is not limited to, surveys of residential areas which cannot be classified as class A or class B surveys.

4. Class D Surveys. Boundary surveys of all remaining properties which cannot be classified as class A, B or C surveys. This includes, but is not limited to, surveys of farm lands and rural areas.

LAC Title 46:LXI§2907. Property Boundary Survey.

A. Definition

Property Boundary Survey—a survey which, after careful study, investigation, and evaluation of major factors influencing the location of boundaries, results in the deliberate location or relocation on the ground of, and the recovery or installation of monuments that define the location and extent of, one or more boundaries. Surveying and mapping activities which meet the definition of a property boundary survey are listed in Subparagraph a of §105.A, *Practice of Land Surveying*. Any plat or map prepared from surveying and mapping activities listed in Subparagraph b of §105.A, *Practice of Land Surveying*, which does not meet the definition of a property boundary survey, shall have a note stating that it that does not represent a property boundary survey.

B. Purpose. The primary purpose of the property boundary survey is to locate or relocate the physical position and extent of the boundaries of real property, and the discovery of visible evidence of prescriptive rights relating thereto. A property boundary survey may also include the location or relocation of the physical position and extent of political boundaries which define the perimeters of public or private ownership. In addition, the property boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract in relation to other well recognized and established points of reference, adjoining properties and rights-of-way.

C. Product. A property boundary survey shall result in the recovery, establishment or reestablishment of monumented corners and points of curvature and tangency. Reference monuments shall be established or reestablished when required by these standards of practice (see Subsection E, "monuments"). In the event that no plat or map is required, the professional land surveyor shall maintain adequate records to substantiate his/her professional opinion in reestablishing boundary lines and corners on a survey. If requested by the client, a property boundary survey may also include the following:

1. a signed, sealed and dated metes and bounds written description depicting the surveyed boundary (see Subsection H, "Descriptions");

2. a certified plat or map depicting the survey as made on the ground; and

3. a signed, sealed and dated written report of the professional land surveyor's findings and determinations.

D. Research and Investigation. Where the purpose of a property boundary survey neither requires nor includes research and investigation of servitudes, a note to that effect shall be placed upon the plat or map. However, when such research or investigation is required, the professional land surveyor shall request from the client or their agent the most recent legal description, plats or maps describing the property to be surveyed. The professional land surveyor shall then evaluate the necessity to obtain the following data based on the specific purpose of the survey:

1. additional recorded legal descriptions and plats or maps of the tract to be surveyed and tracts adjoining or in proximity to the property to be surveyed;

2. the recorded legal descriptions of adjoining, severing, or otherwise encumbering servitudes or rights-of-way, including but not limited to, highways, roadways, pipelines, utility corridors, and waterways used for drainage, navigation or flood control; and

3. grants, patents, subdivision plats or maps or other recorded data that will reference or influence the position of boundary lines.

E. Monuments. The professional land surveyor shall set monuments at all boundary or lot corners, including points of curvature and points of tangency, unless monuments already exist or cannot be set due to physical obstructions. The following guidelines apply to artificial monuments to be set.

1. All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in locating them by magnetic locators and, if composed of a ferrous material, shall be a minimum of 1/2 inch outside diameter and a minimum of 18 inches in length unless it is physically impossible to set such a monument. If rebar rods are used as survey monuments, the minimum size shall be a #4 bar.

2. Concrete monuments shall be at least 3 inches in width or diameter by 24 inches in length, reinforced with an iron rod at least 1/4 inch in diameter, and may contain a precise mark on top indicating the exact location of the corner.

3. Marks on existing concrete, stone, or steel surface shall consist of drill holes, chisel marks or punch marks and shall be of sufficient size, diameter or depth to be definitive, stable and readily identifiable as a survey monument. Marks on asphalt roads may consist of railroad spikes, large nails, or other permanent ferrous spikes or nail-like objects.

4. It is unacceptable to set wooden stakes as permanent boundary monuments.

5. Monuments shall be set vertically whenever possible and the top shall be reasonably flush with the ground when practical. Monuments subject to damage from earthwork, construction or traffic should be buried at a sufficient depth to offer protection.

6. When physically impossible to set a monument at the corner, witness or reference monuments shall be set, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat or map of the property.

F. Field Procedures. All field work shall be performed in accordance with accepted modern surveying theory, practice and procedures. Any person in charge of a survey field party shall be well-trained in the technical aspects of property boundary surveying. Every professional land surveyor under whose responsible charge a property boundary survey is conducted is also required to adhere to the following.

1. All field measurement procedures shall be consistent with these standards of practice and modern surveying theory, procedures and techniques.

2. In performing resurveys of tracts having boundaries defined by lines established in public lands surveys, the professional land surveyor shall, as nearly as possible, reestablish the original lines of any prior survey made under United States or state authority. In all townships or portions of townships where no property boundary survey has been made, the professional land surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and section indicated upon the plats or maps according to which the lands were granted by the state or by the United States (R.S. 50:125).

3. Where applicable, property boundary surveys necessitating the division of a section shall be performed in accordance with the appropriate instructions for the subdivisions of sections as published by the United States Department of the Interior, Bureau of Land Management, in its book entitled *Manual of Instruction for Survey of the Public Lands of the United States*, and all applicable federal laws.

4. Special consideration shall be afforded by the rules of evidence and "hierarchy of calls" before any decision is made regarding property boundaries. "The legal guides for determining a question of boundary or the location of a land line in order of their importance and value are: 1–natural monuments, 2–artificial monuments, 3–distances, 4–courses, 5–quantity. But the controlling consideration is the intention of the parties" (see citation in *Myer vs. Comegys*, 147 La. 851, 86 So. 307, 309 (1920)).

5. A careful search shall be made for corner monuments affecting the location of the boundaries of land to be surveyed. Any evidence discovered shall be evaluated for its agreement in description and location with the call in the relevant deeds and/or plats or maps.

6. All boundary discrepancies, visible evidence of possible encroachments, and visible indications of rights which may be acquired through prescription or adverse possession shall be

physically located. All evidence of servitudes that is visible without meticulous searching shall be physically located during the survey. Furthermore, nonvisible servitudes shall be located only upon the client's specific request and the client's delivery of any necessary documentation.

7. All field data gathered shall satisfy the requirements of the following Subsection on plats and maps.

G. Plats and Maps. Every original plat or map of a property boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat or map shall be prepared in conformity with the following guidelines.

1. Any reasonably stable and durable drawing paper, linen or film of reproducible quality will be considered suitable material for property boundary survey plats and maps.

2. The minimum dimensions for plats and maps shall be 8 inches by 10-1/2 inches.

3. All dimensions, bearings or angles, including sufficient data to define the curve, shall be neatly and legibly shown with respect to each property or boundary line. To define a circular curve, the following four elements shall be shown: chord bearing, chord distance, arc and radius. When possible, all bearings shall read in a clockwise direction around the property. All lines and curves shall show sufficient data on the plat or map to calculate a plat or map closure.

4. Monuments shall be labeled as "found" or "set" with a sufficient description of the monument. The description shall include but not be limited to the size and type of material, and relevant reference markers, if any, along with their position in relation to the corner.

5. When the purpose of the property boundary survey dictates, the area of the tract and all pertinent natural or man-made features located during the course of the field survey (water courses, streets, visible utilities, etc.) shall be labeled or represented by an appropriate symbol on the plat or map in its proper location. When appropriate, the feature shall be dimensioned and referenced to the nearest property line.

6. A statement indicating the origin of azimuths or bearings shall be shown on each plat or map. If bearings are used, the basis of the bearing shall include one or more of the following:

a. reference to true north as computed by astronomic observation within one mile of the surveyed site;

b. reference to the Louisiana state plane coordinate system with the appropriate zone and a controlling station(s) with coordinates and datum noted;

c. reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed or survey plat or map; or

d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) may be used.

7. If a coordinate system other than the Louisiana State Plane Coordinate System is used on a plat or map, that system shall be identified. If that system is the Louisiana State Plane Coordinate System, the appropriate zone shall be shown on the plat or map.

8. Where the new survey results differ significantly from the prior deed information in regard to course, distance, location or quantity, the plat or map shall indicate such differences or discrepancies.

9. Where separate intricate details, blowups or inserts are required for clarity, they shall be properly referenced to the portion of the plat or map where they apply. This applies particularly to areas where lines of occupation do not conform to deed lines and to areas where a comparison of adjoining deeds indicates the existence of a gap or an overlap.

10. Cemeteries and burial grounds known by the professional land surveyor to be located within the premises being surveyed shall be indicated on the plat or map. However, a detailed survey of the limits of the cemetery or burial ground shall not be required unless directed by the client.

11. When the purpose of the property boundary survey dictates, properties, water courses and rights-of-way surrounding, adjoining, or severing the surveyed site shall be identified. Private lands or servitudes should be labeled with the name of the owner or with a reference to the deed under which ownership is held, provided that such information is furnished by the client.

12. Original section, grant, subdivision or survey lines, when an integral part of the deed, shall be shown in proper location with pertinent labeling. A measurement of course and distance shall be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

13. Differing line weights or delineating letters or numbers (A, B, C, etc. or 1, 2, 3, etc.) shall be used to clearly show the limits of what is being surveyed.

14. Each plat or map shall show the following:

a. caption or title;

b. client and/or purpose;

c. section, township, range, land district, incorporated area or community, parish and state (as applicable);

d. vicinity map. A vicinity map will not be required if there are sufficient features and landmarks (officially named streets and street intersections, lots and blocks within a subdivision, adjoining subdivisions, Township-Range-Section lines, etc.) on the plat or map that would sufficiently enable a person to identify the location of the survey site;

e. date of the survey;

f. name, telephone number, mailing address and license number of the professional land surveyor and, if applicable, the firm who employs the professional land surveyor;

g. signature and seal of the professional land surveyor under whose responsible charge the survey was done;

h. scale, written and/or graphic;

i. north arrow, and it is recommended that the drawings be oriented so that north is toward the top of the sheet; and

j. legend for symbols and abbreviations used on the plat or map.

15. Final plats or maps issued to the client shall contain a certification statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the property boundary survey is in accordance with the applicable standards of practice as stipulated in this Chapter, based on the current survey "classification" (see §2905, *Classification of Boundary Surveys*).

H. Descriptions. A written legal description of the surveyed tract of land shall provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. When the surveyed property's dimensions, boundaries and area are in agreement with the existing recorded deed or platted calls, the existing recorded description may be used if it approximates the standards contained herein.

2. When the property is an aliquot part of a rectangular section or a lot in a platted subdivision, the aliquot method or the lot, block and subdivision method (including recordation data) of describing the property may be used. Metes and bounds descriptions of this type of property are optional.

3. Every aliquot description shall contain the following basic information: aliquot part of section, township, range, land district, parish and state.

4. Every subdivision lot description shall also contain the following basic information: lot, block, unit (if applicable), name of subdivision, incorporated area or community (if applicable), parish and state.

5. Every metes and bounds description may be written in at least two parts. The first part, called the "general description," shall indicate the general location of the property by naming the particular lot or block within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the section, township, range, land district, incorporated area or community (if applicable), parish and state. The second part, called the "particular description," shall logically compile and incorporate calls for the following:

a. courses and distances of the new survey, preferably in a clockwise direction;

b. adjoining apparent rights-of-way or servitudes;

c. monuments (when controlling), including descriptions of type, size, material, reference monuments (if applicable), and whether found, set or replaced; and

d. the area, if stated, shall be in square feet, acres or hectares within the tolerances specified in this Chapter.

6. The "point of beginning" should ideally be the property corner that is most accessible and most easily identifiable by interested parties. This point shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point. The "commencing point" shall be any identifiable point used to locate the "point of beginning."

7. The courses in the written description shall be as brief and yet as explanatory as the professional land surveyor can construct. Brevity should not cause important locative information to be omitted, and explanatory phrases should not enlarge the description to the extent of confusion.

8. Curved boundaries shall be identified, and sufficient data to define the curve shall be presented. To define a circular curve, the following four elements shall be listed:

a. chord bearing;

b. chord distance;

c. arc; and

d. radius.

9. Each metes and bounds description shall return to the “point of beginning” and close mathematically within the tolerances stated in this Chapter.

10. A statement at the end of the description shall connect the description to the specific survey on which it is based and to the plat or map which depicts the survey. Such a statement may be phrased:

> "This description is based on the property boundary survey and plat or map made by _____(name)_____, Professional Land Surveyor, dated _____."
>
> or
>
> "This description is based on plat or map recorded _____(give recordation data) _____."

11. The metes and bounds description shall then be signed, sealed and dated by the professional land surveyor.

LAC Title 46:LXI§2909. Route Survey.

A. Definition

Route Survey—a survey for determining the route of a proposed pipeline, power line, cable, road or other linear facilities, excluding flood protection levees, in order to acquire a right-of-way, servitude or easement from the property owner being crossed.

B. Scope and Product. A route survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information and research as needed to define the tract boundaries.

2. The professional land surveyor shall locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the proposed right-of-way, servitude or easement. Installation of new monuments is not required when defining the limits of the right-of-way, servitude or easement to be acquired.

3. The professional land surveyor shall prepare a plat(s) or map(s) for those tracts being crossed, showing the alignment of the proposed route and the length of the proposed right-of-way, servitude or easement across the tract. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 6, 7 and 14. Final plats or maps issued to the client shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the route survey complies with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the right-of-way, servitude or easement, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map.

4. If requested by the client, the professional land surveyor shall prepare a legal description of the proposed right-of-way, servitude or easement for each tract crossed by the proposed facility. The description shall describe the alignment and length of the proposed right-of-way, servitude or easement and shall comply with those requirements for legal descriptions for property boundary surveys that are specifically contained in §2907.H.6 through 11.

5. The accuracy standards that are required for route surveys shall be based on property classification D, as presented in §2913.

LAC Title 46:LXI§2910. DOTD Right-of-Way Survey.

A. Definition

DOTD Right-of-Way Survey—a survey for determining the route of a proposed public road or other linear facilities in order for the Department of Transportation and Development or another governmental agency to acquire ownership of real property, or a public servitude or easement, from the property owner being crossed.

B. Scope and Product. A DOTD right-of-way survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information and research as needed to define the tract boundaries.

2. The professional land surveyor shall locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the real property, or the proposed public servitude or easement, to be acquired. Installation of new monuments is not required when defining the limits of the public servitude or easement to be acquired; however, subsequent to completion of construction of the public road or other linear facilities, installation of right-of-way monuments is required when defining the limits of the real property acquired.

3. The professional land surveyor shall prepare a plat(s) or map(s) for those tracts being crossed, showing the alignment of the proposed route and the length of the real property to be acquired or the proposed public servitude or easement across the tract. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the DOTD right-of-way survey complies with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property (or public servitude or easement) acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way maps.

4. The right-of-way monuments installed subsequent to completion of construction of the public road or other linear facilities define the limits of the real property acquired. The right-of-way monuments shall be installed in accordance with the current Department of Transportation and Development standard specifications for right-of-way monuments. The professional land surveyor shall prepare a plat(s) or map(s) showing the alignment of the route and the length of the real property acquired as shown on the corresponding DOTD right-of-way map, but in doing so shall be exempt from requirements contained in Paragraph 2 of Subsection B. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 6, 7, 9, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the right-of-way monuments were installed and comply with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way monument location maps.

5. It is not required that the professional land surveyor who prepared the DOTD right-of-way map referenced in Paragraph 3 of Subsection B be the same professional land surveyor who prepared the DOTD right-of-way monument location map referenced in Paragraph 4 of Subsection B.

6. If requested by the Department of Transportation and Development or other governmental agency, the professional land surveyor shall prepare a legal description of the real property to be acquired and the proposed public servitude or easement for each tract crossed by the proposed public road or other linear facility. The description shall describe the alignment and length of the real property to be acquired and the proposed public servitude or easement and shall comply with those requirements for legal descriptions for property boundary surveys that are specifically contained in §2907.H.6-9. The Department of Transportation and Development and other governmental agencies may require an additional electronic file that generates the legal description, which shall also comply with this Paragraph.

LAC Title 46:LXI§2911. Mineral Unitization Survey.

A. Definition

Mineral Unitization Survey—a survey performed to define subsurface mineral tracts for the specific purpose of allocating mineral rights within a mineral unit.

B. Scope and Product. A mineral unitization survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information, as provided by the client, needed to define the mineral tracts, in conjunction with adequate information to define the unit boundary.

2. The professional land surveyor shall determine, on the ground, the location of the unit well and the location of sufficient tract lines in order to determine the subsurface mineral tracts located inside the unit boundaries. Geologically significant wells, as identified by the Louisiana Department of Energy and Natural Resources, Office of Conservation field order or the client, will be located with respect to the unit boundaries. Installation of new monuments defining the limits of the unit, or of the tracts which comprise the unit, is not required.

3. The professional land surveyor shall prepare a unitization plat or map (Louisiana Department of Energy and Natural Resources, Office of Conservation field order unit, voluntary unit or declared unit) showing the mineral participant(s) and limits of the tracts (or portions of tracts) which are included in the proposed mineral unit. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 6, 7 and 14. These plats or maps shall contain bearings and distances around the perimeter of the unit boundary, but are not required to depict or list such calls for the individual tracts which comprise the unit. Final plats or maps issued to the client shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the mineral unitization survey complies with the applicable standards of practice as stipulated in this Chapter. In addition, the plats or maps, when applicable, shall be in compliance with the Louisiana Department of Energy and Natural Resources, Office of Conservation's requirements governing unit plats and survey plats (LAC 43:XIX.Chapter 41).

4. The accuracy standards that are required for mineral unitization surveys shall be based on property classification D, as presented in §2913.

LAC Title 46:LXI§2913. Positional Accuracy Specification and Positional Tolerances [Formerly §2909]

A. If radial survey methods, global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the professional land surveyor shall apply acceptable surveying procedures in order to assure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded. Any conversion from meters to feet shall use U.S. Survey Feet.

Condition	A	B	C	D	
	Urban Business District	**Urban**	**Suburban**	**Rural**	**Remarks and Formula**
Unadjusted Closure (maximum allowable)	1:15,000	1:10,000	1:7,500	1:5,000	Traverse Loop or between Control Monuments (closed traverse)
Angular Closure (maximum allowable)	10"√N	15"√N	25"√N	30"√N	N = Number of Angles in Traverse (closed traverse)
Accuracy of Bearing	± 15 Sec.	± 20 Sec.	± 30 Sec.	± 40 Sec.	In Relation to Source (closed traverse, radial or GPS)
Linear Distances Accurate to: (maximum allowable)	0.05 ft ± ± 0.05 ft per 1,000 ft	0.05 ft ± ± 0.1 ft per 1,000 ft	0.07 ft + ± 0.15 ft per 1,000 ft	0.1 ft + ± 0.2 ft per 1,000 ft	Applies when the Distance is not part of a Closed Traverse (radial or GPS)
Positional Tolerance and Positional Accuracy of any Monument (maximum)	0.1' + AC/15,000	0.1' + AC/10,000	0.1' + AC/7,500	0.2' + AC/5,000	AC = Length of Any Course* (closed traverse, radial or GPS)
Calculation of area - accurate and carried to nearest ____ (decimal place) of an acre (closed traverse, radial or GPS)	0.001 0.001 0.01 0.1	0.001 0.001 0.01 0.1	0.001 0.01 0.1 0.2	0.001 0.01 0.1 0.3	To 1 acre To 10 acres To 100 acres To 1,000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	0.2 ft.	0.3 ft.	0.4 ft.	0.5 ft.	Based on Accepted Local Datum (closed traverse, radial or GPS)
Location of Improvements, Structures, Paving, etc. (Tie Measurements)	± 0.1 ft.	± 0.2 ft.	± 0.5 ft.	± 1 ft.	(closed traverse, radial or GPS)
Adjusted Mathematical Closure to Survey (Minimum)**	1:50,000	1:50,000	1:50,000	1:50,000	(closed traverse, radial or GPS)

*Short courses in classes "A" and "B" may generate positional errors of less than 0.01 feet. A minimum course distance of 200 feet shall be used in calculating positional error.

**Smaller tracts may result in a closure less than 1:50,000. Professional land surveyor shall minimize closure constrained by precision of bearing (nearest second of angle) and distance (one hundredth of a foot).