

## **Before You Dig Call 811**

Be a responsible landowner. Before digging, call La One Call at 811 to make sure you know where all the utilities are buried.

La One Call was created to protect underground facilities and to prevent dangerous situations. Upon notification of digging, La One Call notifies the utility companies. The utility companies then either mark the underground facilities or provide information so that the demolisher or excavator can locate the utilities.

La One Call services are free to anyone who disturbs the soil, individuals and companies, whether they work with heavy equipment or hand tools.

Participation in La One Call is voluntary for local utility companies. If a utility company is not a member of La One Call, it must be contacted directly.

Notification to La One Call can also be made online.

For more information, visit [laonecall.com](http://laonecall.com).



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### **Areas of Practice**

**Business:** formation, leases, commercial transactions and various contracts.

#### **Successions**

**Estate Planning:** Wills, living wills and powers of attorney

**Real Estate Closings** and other related transactions and documents.

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## **Landlocked ....**

*But not out of luck*

**Alford  
& Alford** llp  
ATTORNEYS AT LAW

We prepare the documents your loved ones most hope to find in your file cabinet: wills, living wills, powers of attorney, business agreements and real estate documents.

# Landlocked .....

but not out of luck

Landlocked landowner now has right under Louisiana law to cross his neighbor's property to access utilities. While this right is greater than the prior right to cross only to access a road, the new right is not an unrestrained right nor is it free.

## Basic elements of right of passage for utilities

1. The owner must have no access to a public utility on his own property.
2. Utility service includes water, electricity, gas, sewer, cable, telephone and other commonly used power and communication networks required for the operation of an ordinary household or business.
3. The right of passage shall be suitable for the kind of utility that is reasonably necessary.



## Location of passage

4. The landowner may not claim a right of passage for the utility anywhere he chooses.
5. The passage shall be taken along the shortest route to the utility at a location least injurious to the neighbor.
6. If a servitude already exists to access a public road, then the location of the right of passage for the utility shall coincide with the location of passage to/for the road, unless an alternate location is less injurious to the neighbor.
7. The location of the servitude shall be at a place that does not affect the safety of the operations or significantly interfere with the operations of the owner of the neighbor's property.



## Cost of access

8. The landlocked owner may construct on his neighbor's property the type of utility reasonably necessary for the exercise of the servitude.
9. The utility crossing shall be constructed in compliance with all appropriate and applicable federal and state standards so as to mitigate all hazards posed by the passage and the particular conditions of the neighbor's property.
10. The owner needing the utility access is bound to compensate his neighbor for the right of passage acquired.
11. The landlocked owner is bound to indemnify his neighbor for any damages.
12. The landlocked owner will be responsible for any new or additional maintenance burdens created by the passage across his neighbor's property.



Source: La. Civil Code Articles 689, 690, 691, 692, 694, 696.1 and 705.