

REAL ESTATE DEVELOPMENT ISSUES WITHIN THE PORT OF NEW ORLEANS

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Louisiana Civil Code Article 456

“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.”

The concept here is that while a river bank or levee can be subject to private ownership, the public needs to be able to access the river for a navigable right of way, to fish, to load and unload vessels, etc.

The Board of Commissioners of the Port of New Orleans

The Dock Board is charged with the duty to oversee the construction, maintenance, and administration of wharves, docks, loading areas, cruise terminals, and other traditional maritime functions.

Louisiana Revised Statute 9:1102.2

§ 1102.2. Rights and duties of riparian owners and their lessees; joint usage of certain riparian lands

A. (1)(a) Property under control of a Port Authority through ownership or lease may be developed by the riparian owner, or his lessee or assignee, when “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 grant of use may include “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 Port Authority can charge rent for these rights.

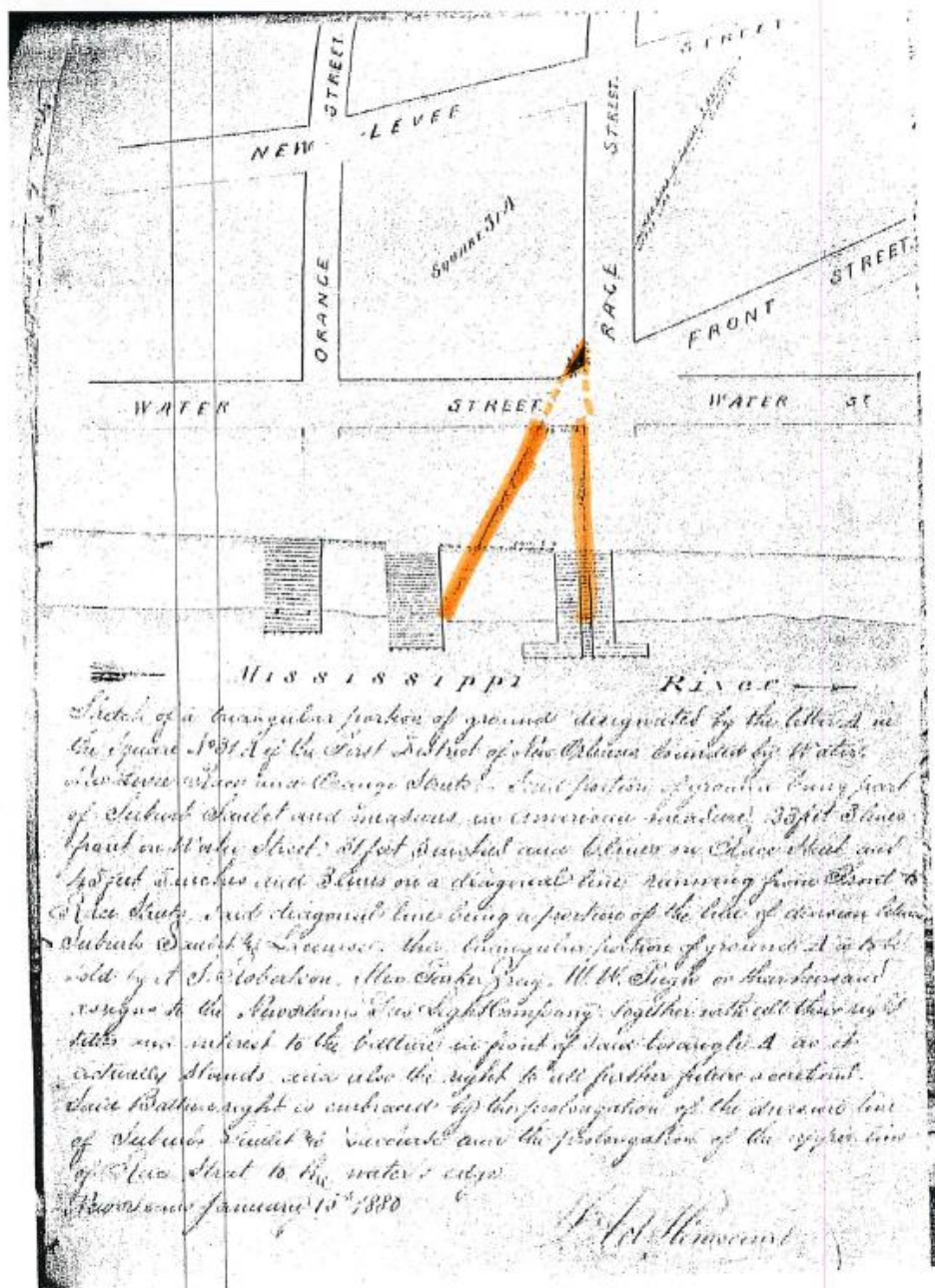
(c) Existing or new improvements owned by the Port Authority can connect to or provide structural support to constructions made by the riparian owner.

(d) The riparian owner’s constructions may be subdivided and owned separately by persons with the riparian owner’s consent. (This provision allows for condominium development.)

(e) The Port retains rights to administer and maintain such constructions and can charge fees for same.

(2) Port property can be leased without public bidding for maritime or other purposes.

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.



THIRD DISTRICT NEW ORLEANS

SQUARE 135

PAULINE ST.

SQUARE 134

MACARTY PLANTATION
BATTURE RIGHTS GRANTED TO MCDONOUGH IN MACARTY SUCCESSION
AND THEN TO CITY IN MCDONOUGH SUCCESSION

ALVAR ST.
(FORMER JEANNE ST)



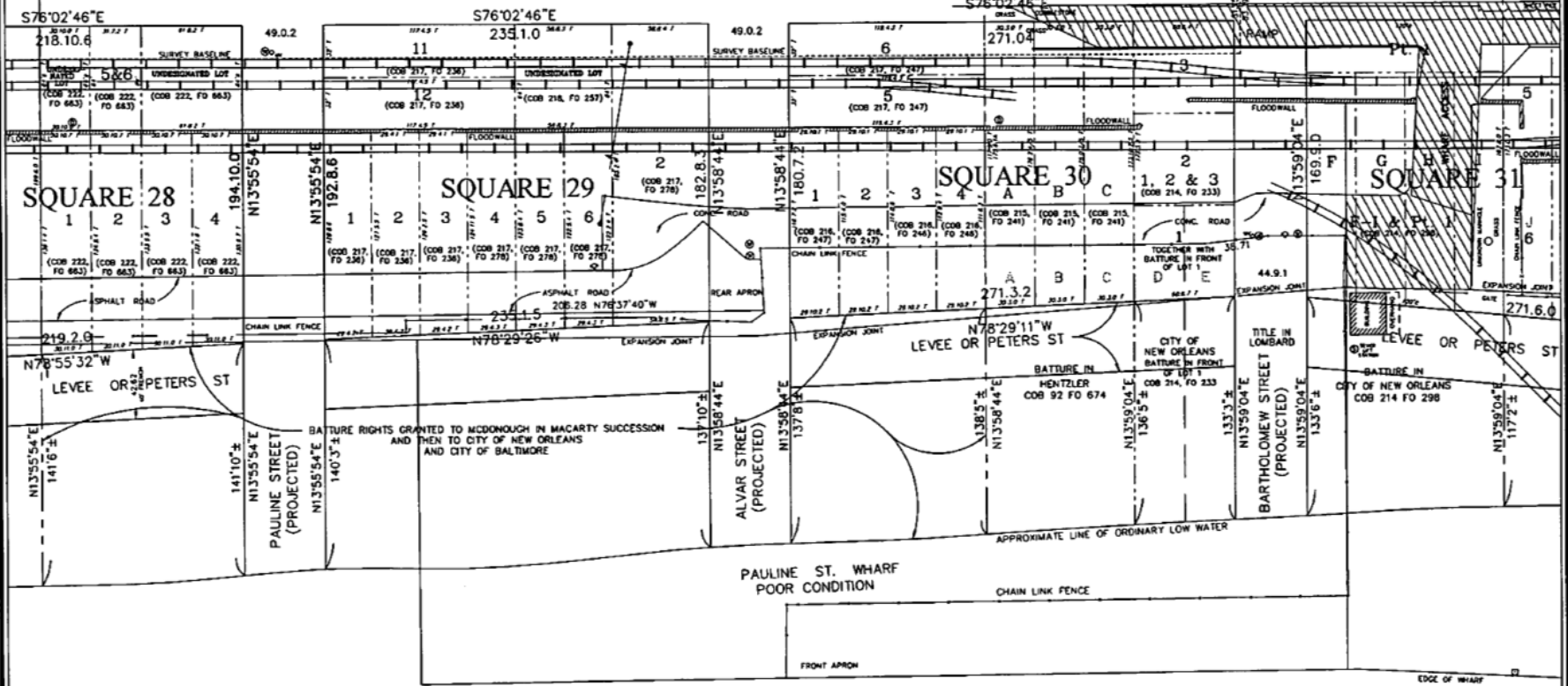
SQUARE 133

BARTHOLOMEW ST

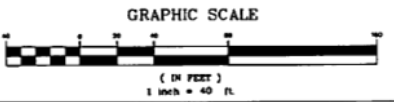
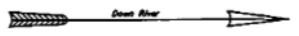
SQUARE 132

LOMBARD PLANTATION

CHARTRES ST.



MISSISSIPPI RIVER



FOR ILLUSTRATIVE PURPOSES ONLY
THIS IS NOT A BOUNDARY SURVEY

GANDOLFO KUHN, L.L.C.
PROFESSIONAL LAND SURVEYORS
2500 GARDNER AVENUE
METairie, LA 70001
e-mail: gkuhn@kuhnllc.com
PHONE: 504-885-2510

LINE OF SIGHT
POLE #1 TO
ADMINISTRATION BUILDING
(L=2,505.34')
MICROWAVE BEAM 65'
ABOVE EXISTING GRADE

Rooftop
Antenna
Admin. Bldg.

Wireless Pole
#1

Latitude: 29°55'48.986" N
Longitude: 90°03'48.591" W

MISSISSIPPI RIVER
FLOW



RIVERSPHERE OWNED

BOARD OWNED

TULANE OWNED

CITY OWNED

THALIA ST. WHARF

ROBIN ST. WHARF

FORMER CASINO

ORANGE ST. WHARF

MARKET ST. WHARF

PORT OF NEW ORLEANS
OFFICE BUILDING

DD

KAPAL

PETERS ST.

TCHOUPTOULAS ST.

MONROES ST.

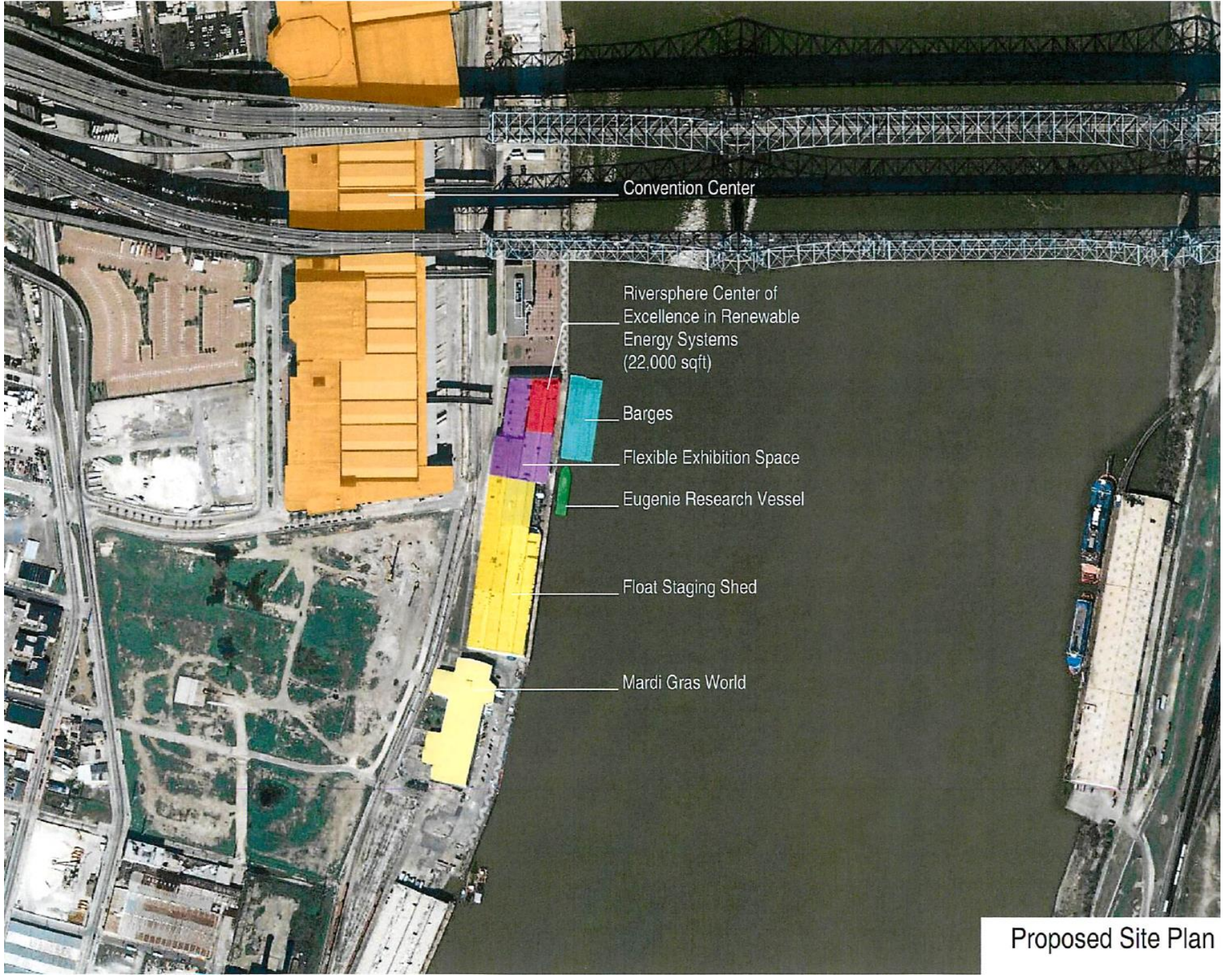
ENTRÉE ST.

ENTRÉE ST.

RACE ST.

TEMPSCIRE ST.

NEW ORLEANS PLACE



Convention Center

Riversphere Center of
Excellence in Renewable
Energy Systems
(22,000 sqft)

Barges

Flexible Exhibition Space

Eugenie Research Vessel

Float Staging Shed

Mardi Gras World

Proposed Site Plan