



Department of Public Works

Director's Office

City of Baton Rouge
Parish of East Baton Rouge

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Subject: Servitude / Right -of-way information

The following definitions are referenced in the Unified Development code:

Right-of-way: *'is a strip of ground dedicated by the subdivider for public use, title to which shall rest in the public for the purpose stated in the dedication'*. Typically right-of-ways are maintained by the City/Parish (since the property is owned by the City). If a tree is located in a right-of-way, DPW will remove it at our expense if the tree is dying, may potentially fall, or if it or its roots cause otherwise unavoidable damage to sidewalks, streets, driveways, etc...

Servitude: *'is a strip existing or to be reserved by the subdivider, for public utilities, drainage and other public purposes; the title to which shall remain with the property owner, subject to the right of use designated in the reservation of the servitude'*. Servitudes are maintained by the property owner (since the property is owned by the property owner).

There are different types of servitudes:

A **utility servitude** is totally the responsibility of the property owner. DPW does not maintain these servitudes nor do we remove trees from them. These servitudes typically contain gas or electric lines or equipment, water lines or meters, telephone lines or equipment, or cable lines.

A **public drainage servitude** is DPW's responsibility to maintain. We typically maintain the area from the base of the drainage channel to the top of the ditch bank to facilitate the flow of stormdrain water. We typically do not clean or cut from the property line to the top of the bank since the trees and vegetation helps stabilize the side slopes of the ditch or canal. If we have a dead tree in the servitude that has fallen into the ditch and has affected the drainage, we will take steps to have the tree removed by our personnel. If a tree is dead or dying we will not remove it unless it is determined this tree can potentially block the drainage ditch. If a tree is leaning over the ditch or canal, we will consider removing it.

A **sewer servitude** is typically the responsibility of the property owner and DPW will address only the area that directly affects the sewer line or manhole. If a tree is located over our sewer line we will remove it with our personnel if it is adversely affecting the sewer line or manhole.

All **private servitudes** are the responsibility of the property owner and are not maintained by the City/Parish.

Pete Newkirk, P.E.
DPW DIRECTOR