

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3441 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: MR. THOMPSON PREPARED BY: DEPT. OF PLANNING

INTRODUCED BY MR. THOMPSON SECONDED BY MS. BRISTER

ON THE 2<sup>ND</sup> DAY OF NOVEMBER 2006

ORDINANCE TO AMEND THE OPERATING AGREEMENT GOVERNING PROCEDURES FOR ANNEXATION AND RELATED GROWTH MANAGEMENT ISSUES BETWEEN THE PARISH OF ST. TAMMANY AND THE TOWN OF ABITA SPRINGS; AND TO PROVIDE FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on March 26, 2003 the St. Tammany Parish Council adopted Ordinance C.S. 03-0641 authorizing the Parish President to enter in to an agreement to govern annexation and related growth management issues between Parish of St. Tammany and the Town of Abita Springs; and

WHEREAS, the Parish of St. Tammany and the governing authority for the Town of Abita Springs have entered into an operating agreement to govern procedures for annexation and related growth management issues as per said ordinance; and

WHEREAS, the Parish of St. Tammany and the Town of Abita Springs currently operate under the Growth Management and Revenue Sharing Agreement of 2003, Parish of St. Tammany, hereinafter, "The Agreement"; and

WHEREAS, the Parish of St. Tammany and the Town of Abita Springs wish to amend the Agreement to reflect the passage of the Sales Tax Continuation and Rededication referred to hereinafter as "Sales Tax District No. Three Proposition commencing December 1, 2006"; and

WHEREAS, the Parish of St. Tammany and the Town of Abita Springs wish to amend the Agreement to more accurately reflect the intent of the parties regarding the use of proceeds from the sales tax collected in St. Tammany Sales Tax District No. 3.

NOW, the Parish of St. Tammany and the Town of Abita Springs do hereby contract and agree to amend and supplement the Growth Management and Revenue Sharing Agreement of 2003 in accordance with the attached:

**GROWTH MANAGEMENT AND REVENUE SHARING AGREEMENT  
SUPPLEMENTING AND AMENDING THE SALES TAX ENHANCEMENT PLAN**

BE IT FURTHER ORDAINED that the Parish President is authorized to sign said amendment and the amendment shall be filed in the conveyance records of the St. Tammany Parish Clerk of Court.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after final adoption.

ORDINANCE CALENDAR NUMBER: 3441

ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

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WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006; AND BECOMES ORDINANCE COUNCIL SERIES NO. 06-.

\_\_\_\_\_  
STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
DIANE HUESCHEN, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: \_\_\_\_\_, 2006

Published Adoption: \_\_\_\_\_, 2006

Delivered to Parish President: \_\_\_\_\_, 2006 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2006 at \_\_\_\_\_

**GROWTH MANAGEMENT AND REVENUE SHARING AGREEMENT**  
**SUPPLEMENTING AND AMENDING THE SALES TAX ENHANCEMENT PLAN**

This agreement is made and entered into effective this \_\_\_\_ day of, \_\_\_\_\_, 2006, pursuant to the authority granted in Article 6, Section 20 and Article 7, Section 14 of the Louisiana Constitution and LA R.S. 33:172 F and LA R.S. 33:2721.6 (G) and LA R.S. 33:2711 (C) and other Constitutional and Statutory authority by and between the following:

TOWN OF ABITA SPRINGS, a political subdivision of the State of Louisiana, whose address is \_\_\_\_\_, Abita Springs, Louisiana, herein represented by Louis Fitzmorris, its duly authorized Mayor, pursuant to the resolution dated \_\_\_\_\_, attached hereto and made part hereof, (hereinafter referred to as "Town"),

and

THE PARISH OF ST. TAMMANY and SALES TAX DISTRICT NO. 3, political subdivisions of the State of Louisiana, whose address is 21490 Koop Drive, Mandeville, Louisiana 70471, herein represented by Kevin Davis, the duly authorized Parish President, pursuant to the Ordinance dated March 26, 2003, attached hereto and made part hereof, (hereinafter referred to as "Parish" and "District" respectively.)

WHEREAS, it is deemed in the best interests of the residents of St. Tammany Parish and its municipalities that growth and development in the Parish be managed in a reasonable and orderly fashion; and

WHEREAS, development within the Parish affects municipal residents as well as unincorporated parish residents; and

WHEREAS, local government has limited resources to support existing and future development and to mitigate the effects of past development; and

WHEREAS, it is important to manage the resources available by working cooperatively to plan, design and provide oversight over private development and to develop the public infrastructure needed to meet the needs of the overall parish community; and

WHEREAS, it is important that municipalities be able to grow and provide services for their respective residents; and

WHEREAS, the Parish, District and Town have agreed to define areas of growth management, annexation and revenue sharing as further defined herein,

NOW the Parish, District and Town do hereby contract and agree to amend and supplement the Sales Tax Enhancement Plan as follows:

ARTICLE 1. Collection of sales tax

The Sales Tax District will collect its two percent (2%) sales tax approved by the voters throughout the area comprising the Sales Tax District on November 4, 1986, the date of the sales tax election and subsequent renewals. The Sales Tax District will use the proceeds from this sales tax to construct, overlay and improve roads throughout the Sales Tax District, and to fund the tax proceeds into bonds for these purposes, in accordance with the priority road listings previously established by ordinance.

The parties mutually agree that the District sales tax presently is effective for the entire area of St. Tammany Parish, excluding the incorporated municipal boundaries as of November 4, 1986, the date of the sales tax election. Areas that were annexed by municipalities by valid ordinances effective prior to November 4, 1986, are not within the area subject to the District sales tax and thus are not subject to this agreement.

ARTICLE 2. Growth Management Area Defined

The growth management area is an area currently under the jurisdiction of parish government, which surrounds the Town and is an area expected to experience growth over the next 25 years. The growth management area includes within it an area that is expected to be annexed by the City over the next 25 years.

ARTICLE 3. Annexation area defined.

The annexation area around the Town is an area currently under the parish government's jurisdiction that is subject to annexation. The Town may annex this area.

ARTICLE 4. Area 3 Growth Management Area: See Exhibit A and Map 1

ARTICLE 5. Annexation area: See Exhibit B and Map 1

ARTICLE 6. Sales tax district #3 boundaries

For purposes of the District's 2% sales tax, the boundaries for Sales Tax District #3 will remain the same.

ARTICLE 7. Uses of tax

Proceeds from the tax shall be used for projects that benefit residents of Sales Tax District #3 as defined by the tax proposition or propositions approved by the voters.

ARTICLE 8. Revenue Sharing areas defined

Area One is more fully described as follows:

Commencing at a Point of Beginning at the intersection of LA 59 and Nolan Road, proceed in a northerly direction along LA 59 to the intersection of LA 59 and Long Branch; thence

Proceed in a westerly and southerly direction along Long Branch to the intersection of Long Branch and a line created by the extension of Kustenmacher Road to the north; thence,

Proceed in a southerly direction along the created by the extension of Kustenmacher Road to the intersection of said line and the Abita River main channel; thence,

Proceed in a southerly direction along the Abita River Main Channel to the intersection of Abita River Main Channel and the southernmost tributary of the Abita River; thence,

Proceed in a south and easterly direction along the southernmost tributary of the Abita River to a point 400 feet to the west of LA 59; thence,

Proceed in a southerly direction along a line 400 feet to the west of and parallel to LA 59 to a point 400 feet south of Harrison Avenue; thence,

Proceed in a westerly direction along a line 400 feet south of and parallel to Harrison Avenue to a point 200 feet west of LA 59; thence,

Proceed in a southerly direction along a line 200 feet west of and parallel to LA 59 to Soell Street; thence,

Proceed in an easterly direction along the Soell Street and Hoffman Street Extended to the easternmost boundary line of Section 8, T7S, R12E; thence,

Proceed due north along said easternmost boundary line of Section 8, T7S, R12E; Section 5, T7S, R12E; and Section 32, T6S, R12E; to the intersection of said line and the Abita River; thence,

Proceed in an easterly direction along the Abita River to the intersection of the Abita River and Keen Road; thence,

Proceed in a northerly direction along Keen Road to the intersection of Keen Road and LA 435; thence,

Proceed due west along a line to the intersection of LA 59 and Nolan Road, being the Point of Beginning.

Area Two is more fully described as follows:

Commencing at a Point of Beginning located on Soell Street located 200 feet west of LA 59; thence

Proceed in a southerly direction along a line 200 feet to the west of LA 59 to the intersection of said line and the southernmost boundary of Section 12, T7S, R11E; thence

Proceed in an easterly direction along said southernmost boundary of Section 12, T7S, R11E to an intersection of said boundary and LA 59; thence

Proceed in a southerly direction along LA 59 to the intersection of LA 59 and Robert Road; thence,

Proceed in an easterly direction along Robert Road and the southernmost boundary of Section 7, T7S, R12E and the southernmost boundary of Section 8, T7S, R12E to the southeast corner of Section 8, T7S, R12E; thence,

Proceed due north along said easternmost boundary line of Section 8, T7S, R12E to the intersection of said boundary and Hoffman Road (extended); thence

Proceed in a westerly direction along a line of Hoffman Road (extended)/ Soell Street to a point 200 feet to the east of LA 59 being the Point of Beginning.

Area Three (a/k/a Growth Management Area) is more fully described as follows:

Commencing at a Point of Beginning located on the southernmost boundary of Section 12, T7S, R11E, 200 feet west of LA 59; thence

Proceed in a southerly direction along a line 200 feet to the west of LA 59 to the intersection of said line and the northernmost right of way of Interstate 12; thence

Proceed in an easterly direction along said northernmost right of way of Interstate 12 to a point 200 feet to the east of LA 59; thence

Proceed in a northerly direction along a line 200 feet along a line 200 feet to the east of LA 59 to the intersection said line and Robert Road; thence,

Proceed in an easterly direction along Robert Road to a the intersection of Robert Road and LA 59; thence

Proceed in a northerly direction along LA 59 to the intersection of on the southernmost boundary of Section 12, T7S, R11E; thence

Proceed in a westerly direction along the southernmost boundary of Section 12, T7S, R11E to a point 200 feet to the west of LA 59 being the Point of Beginning.

ARTICLE 9. Current tax revenue

Revenue derived from existing shared collection sites will continue to be collected and remitted to the jurisdiction now receiving the tax. The existing tax split will continue until December 31, 2006.

ARTICLE 10. Annexation and revenue sharing

AREA ONE. The Town may annex property in Area One.

The Town shall receive 100% of all retail sales tax revenue generated in Area One commencing January 1, 2007.

AREA TWO. The Town may annex property in Area Two. All retail sales tax revenue generated in Area Two shall be shared 50% to the Town and 50% to the District, commencing January 1, 2007.

If the Town annexes any property in Area 2 after the effective date of this agreement, the Town shall receive 100% of the sales tax revenue from that property, commencing the effective date of the annexation.

AREA THREE (a/k/a Growth Management Area). The Town shall not annex property in Area Three. All new retail sales tax revenue generated in Area Three developed after April 1, 2003, shall be shared 20% to the Town and 80% to the District, commencing July 1, 2006. No retroactive payments will be made to the City from the District.

ARTICLE 11. Assumption of infrastructure

In Area 1 the Town shall assume all responsibility for infrastructure maintenance and improvements, including roads and drainage.

ARTICLE 12. Annexation procedure

The Town may annex property in areas 1 and 2 in accordance with the provisions of La. Revised Statutes Title 33 Subpart C, Section 171 through 180. The sole obligation of the Town to the Parish is to provide notice to the Parish of the intent to annex. The annexation shall not require any parish approvals, and the Parish will not object to the annexation of any properties that are noncontiguous to the boundaries of the Town.

ARTICLE 13. Land use and zoning issues

Pursuant to this agreement, the Town shall inform the Parish of proposed developments within an annexed area as described above. The Town shall consult with the Parish on projects that may have an impact on any property within the defined growth management area.

The Parish shall inform the Town of any proposed developments within the growth management area as defined above. The Parish shall consult with the Town if a parish project will impact either a municipal property or a property located within an annexation area as defined above.

The Parish and Town may jointly develop regulatory ordinances to manage these growth areas if they are mutually agreeable. These ordinances may include but are not limited to land



use, zoning, project design, drainage, traffic and transportation infrastructure, and other regulatory functions.

ARTICLE 14. Joint projects and other cooperative endeavors

Pursuant to the development of effective infrastructure and growth management initiatives within the growth management area and Tax District #3, the Parish and Town may enter into joint projects to provide improvements to the area. These include but are not limited to drainage projects, roadway construction, sewer and water facilities, environmental protection and conservation easements, recreational facilities and other similar projects.

These projects will be jointly funded, and funds collected from sales taxes from the growth management area may be used to purchase, design, construct and maintain these facilities for which these projects are eligible pursuant to the tax proposition(s). Funds from this area may be used as match for federal funds to develop these improvements.

ARTICLE 15. Bondholder's rights

The Sales Tax District issues from time to time bonds payable from the District's 2% sales tax pursuant to an ordinance adopted by the St. Tammany Parish Police Jury on November 19, 1987, as amended and supplemented from time to time (collectively the Bond Ordinance). The bond ordinance specifies the manner in which proceeds of the District's 2% sales tax must be administered and handled (copy of Section 5.03 of the Bond Ordinance being annexed hereto as "Exhibit A".) All payments from the District to the municipality required to be made hereunder shall (i) be made on a monthly basis and (ii) be paid solely from monies considered surplus as defined in Section 5.03 of the Bond Ordinance.

If the sales tax revenues derived by the Town are at any time insufficient to make mandatory payments required by any ordinance authorizing sales tax revenue bonds of the Town, the Town may collect its 2% Sales tax (in addition to the District's 2% sales tax) until the

deficit is satisfied. The Town shall cease the collection if and when the sales tax revenues become sufficient to pay the mandatory payments due on the bonds.

ARTICLE 16. Effective Date

The effective date of this agreement shall be upon approval of the Parish Council.

ARTICLE 17. Applicability

This agreement shall apply to all retail properties in the defined areas.

ARTICLE 18. Term

This agreement shall be effective for a term of twenty-five (25) years from the date of execution hereof. Upon termination of this agreement or any subsequent agreement, annexation of property by the Town of Abita Springs shall be governed by the provisions of R.S. 33:172 (A-D)

ARTICLE 19. Severability

The terms of this agreement shall not be severable. In the event any portion of this agreement is deemed to be unlawful or unconstitutional, the entire agreement shall be rendered null and void and the parties pledge their cooperation in re-negotiating an agreement to satisfy all constitutional or statutory requirements.

ARTICLE 20. Infrastructure improvements

This agreement shall impose no definitive requirements nor any definitive agreement regarding infrastructure, utility or roadway improvements in any area covered by this agreement.

The parties hereto pledge their cooperation in sharing the cost of future infrastructure improvements in the areas governed by this agreement, excluding Area Two. Nothing herein

shall prevent the Parish or Town from negotiating with private landowners for the extension of utilities or negotiating with private utility companies for the provision of sewer and water services.

ARTICLE 21. Amendment

This agreement may be amended from time to time by the Town and the Parish with the approval of their respective governing authorities.

THUS DONE AND SIGNED in the presence of the undersigned witnesses on the day, month and year \_\_\_\_\_.

WITNESSES:

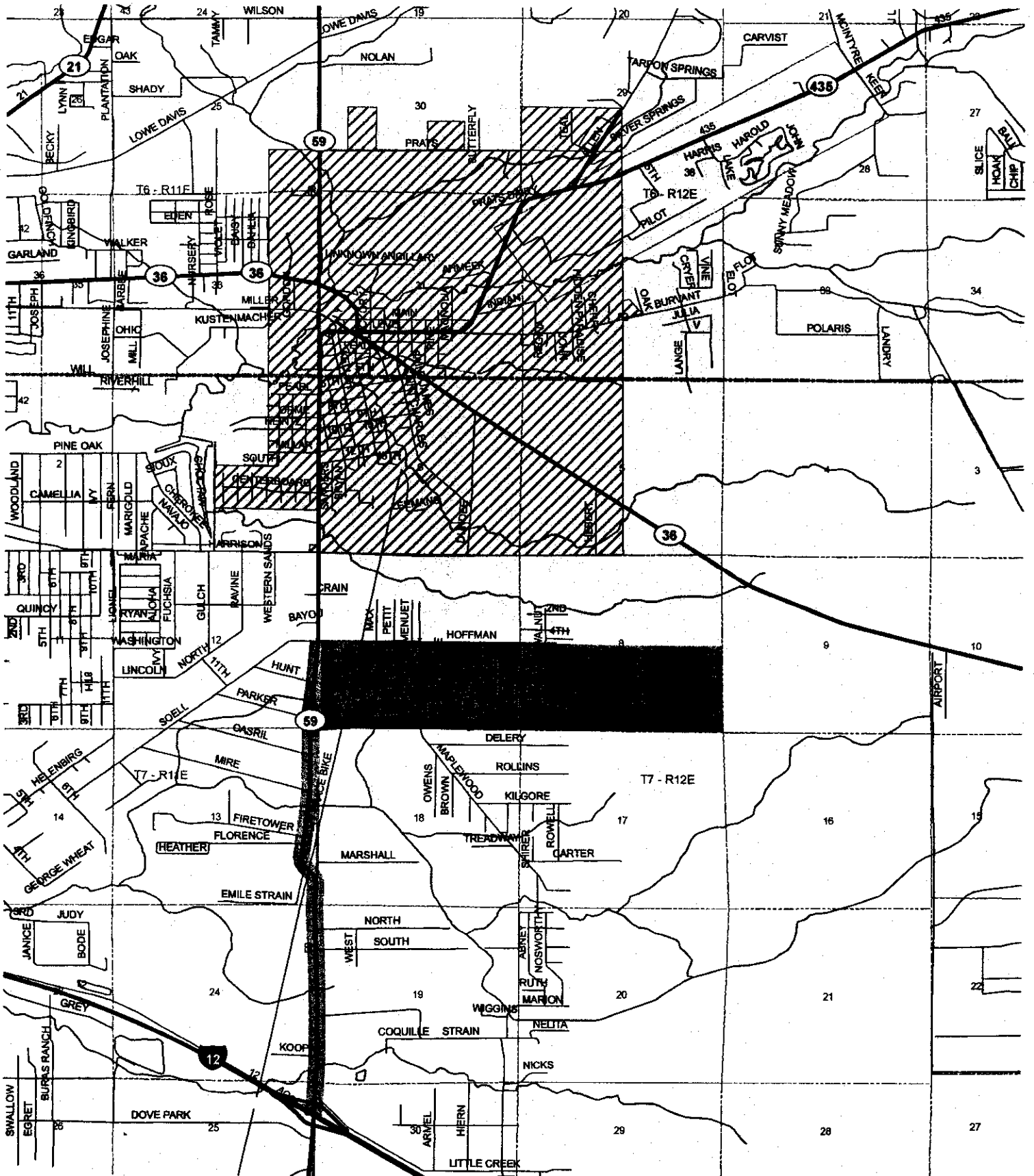
\_\_\_\_\_  
\_\_\_\_\_

THE TOWN OF ABITA SPRINGS

BY: \_\_\_\_\_  
LOUIS FITZMORRIS  
Mayor

THE PARISH OF ST. TAMMANY, and  
THE PARISH OF ST. TAMMANY,  
as the governing authority of Sales Tax  
District No. 3 of St. Tammany Parish

BY: \_\_\_\_\_  
KEVIN DAVIS, President



**Abita Springs Annexation Boundaries**

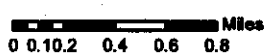
**MAP 1**



St. Tammany Parish Government  
 P.O. Box 628  
 Covington, LA 70434  
 Kevin C. Davis,  
 President

- Legend**
- Abita\_UC\_Areas-prop-rw-10-27-06
  - TAX\_TYPE**
  - Area 1
  - Area 2
  - Area 3 (Growth Management)
  - Streets
  - Major Roads
  - Streams
  - Thoroughfare
  - Section
  - Abita\_Springs

This map was produced by St. Tammany Parish Information Services.  
 Note: This map is for planning purposes only. It is not a legally recorded plan, survey, official tax map or engineering schematic, and it is not intended to be used as such. Map layers were created from different sources at different scales, and the actual or relative geographic position of any feature is only as accurate as the source information.  
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## **EXHIBIT A**

### **Abita Springs Growth Management Area Boundaries – Area 3 - Legal Description**

Commencing at a Point of Beginning located on the southernmost boundary of Section 12, T7S, R11E and 200 feet west of LA 59; thence

Proceed in a southerly direction along a line 200 feet to the west of LA 59 to the intersection of said line and the northernmost right of way of Interstate 12; thence

Proceed in an easterly direction along said northernmost right of way of Interstate 12 to a point 200 feet to the east of LA 59; thence

Proceed in a northerly direction along a line 200 feet along a line 200 feet to the east of LA 59 to the intersection said line and Robert Road; thence,

Proceed in an easterly direction along Robert Road to a the intersection of Robert Road and LA 59; thence

Proceed in a northerly direction along LA 59 to the intersection of on the southernmost boundary of Section 12, T7S, R11E; thence

Proceed in a westerly direction along the southernmost boundary of Section 12, T7S, R11E to a point 200 feet to the east of LA 59 being the Point of Beginning.

## **EXHIBIT B**

### **Abita Springs Annexation Boundaries – Area 1 - Legal Description**

Commencing at a Point of Beginning at the intersection of LA 59 and Nolan Road, proceed in a northerly direction along LA 59 to the intersection of LA 59 and Long Branch; thence

Proceed in a westerly and southerly direction along Long Branch to the intersection of Long Branch and a line created by the extension of Kustenmacher Road to the north; thence,

Proceed in a southerly direction along the created by the extension of Kustenmacher Road to the intersection of said line and the Abita River main channel; thence,

Proceed in a southerly direction along the Abita River Main Channel to the intersection of Abita River Main Channel and the southernmost tributary of the Abita River; thence,

Proceed in a south and easterly direction along the southernmost tributary of the Abita River to a point 400 feet to the west of LA 59; thence,

Proceed in a southerly direction along a line 400 feet to the west of and parallel to LA 59 to a point 400 feet south of Harrison Avenue; thence,

Proceed in a westerly direction along a line 400 feet south of and parallel to Harrison Avenue to a point 200 feet west of LA 59; thence,

Proceed in a southerly direction along a line 200 feet west of and parallel to LA 59 to Soell Street; thence,

Proceed in an easterly direction along the Soell Street and Hoffman Street Extended to the easternmost boundary line of Section 8, T7S, R12E; thence,

Proceed due north along said easternmost boundary line of Section 8, T7S, R12E; Section 5, T7S, R12E; and Section 32, T6S, R12E; to the intersection of said line and the Abita River; thence,

Proceed in an easterly direction along the Abita River to the intersection of the Abita River and Keen Road; thence,

Proceed in a northerly direction along Keen Road to the intersection of Keen Road and LA 435; thence,

Proceed due east along a line to the intersection of LA 59 and Nolan Road, being the Point of Beginning.

**Abita Springs Annexation Boundaries – Area 2 - Legal Description**

Commencing at a Point of Beginning located on Soell Street located 200 feet west of LA 59; thence

Proceed in a southerly direction along a line 200 feet to the west of LA 59 to the intersection of said line and the southernmost boundary of Section 12, T7S, R11E; thence

Proceed in an easterly direction along said southernmost boundary of Section 12, T7S, R11E to an intersection of said boundary and LA 59; thence

Proceed in a southerly direction along LA 59 to the intersection of LA 59 and Robert Road; thence,

Proceed in an easterly direction along Robert Road and the southernmost boundary of Section 7, T7S, R12E and the southernmost boundary of Section 8, T7S, R12E to the southeast corner of Section 8, T7S, R12E; thence,

Proceed due north along said easternmost boundary line of Section 8, T7S, R12E to the intersection of said boundary and Hoffman Road (extended); thence

Proceed in a westerly direction along a line of Hoffman Road (extended)/ Soell Street to a point 200 feet to the east of LA 59 being the Point of Beginning.