

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4102 ORDINANCE COUNCIL SERIES NO. 09-

COUNCIL SPONSOR BINDER/DAVIS PROVIDED BY PLANNING

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. GOULD

ON THE 2ND DAY OF JULY, 2009

ORDINANCE TO PERMIT THE CROSSING OF THE TAMMANY TRACE FOR THE PURPOSE OF PROVIDING SUBSURFACE DRAINAGE AND MAINTENANCE OF A RETENTION/DETENTION POND FOR HENRY MAYFIELD ELEMENTARY SCHOOL, WARD 9, DISTRICT 11 (TRC09-06-001)

WHEREAS, the St. Tammany Parish School Board, has petitioned St. Tammany Parish to permit them to cross under the Tammany Trace for the purpose of providing subsurface drainage and maintenance of a retention pond for Henry Mayfield Elementary School, located on the south side of U.S. Highway 190 approximately ½ mile east of K Bar B Road, west of Slidell, Louisiana; and

WHEREAS, the petitioner claims that the crossing of the Trace is needed since there are no other alternatives to provide said services; and

WHEREAS, upon review and consideration by the St. Tammany Parish Planning Commission at a regularly scheduled public hearing, and after hearing testimony from all concerns, hereby recommends that the Parish Council approve the proposed request subject to the stipulations as referenced to below.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish School Board may cross under and over the Tammany Trace subject to the following:

- a.) The Trace shall not be closed or obstructed for more than one hour at any time.
- b.) A 6' high chain link fence shall be constructed around the pool.
- c.) The School Board shall provide a formal indemnity and hold harmless agreement in favor of the Parish.
- d.) All construction on the Trace shall occur only Monday through Friday (no weekends).
- e.) The Trace must be kept clean and free of debris at all times.
- f.) The School Board shall agree to maintain the outfall ditch leading from the retention/detention pond to Bayou Paquet.
- g.) The School Board shall procure written approval from the Tammany Trace Supervisor.
- h.) The School Board shall prepare and present a proposed Maintenance Agreement.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

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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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: June 25, 2009

Published adoption on: _____, 2009

Delivered to Parish President: _____, 2009 @ _____

Returned to Council Clerk: _____, 2009 @ _____