



**ST. TAMMANY PARISH**

DEPARTMENT OF PLANNING  
P. O. Box 628  
COVINGTON, LA 70434  
PHONE: (985) 899-2529  
FAX: (985) 899-3002  
e-mail: planning@stpgov.org

Kevin Davis  
Parish President

A PETITIONER OR ANY AGGRIEVED PROPERTY OWNER HAS TEN (10) DAYS IN WHICH TO FILE AN APPEAL REGARDING A DECISION OF THE PLANNING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING ON OR BEFORE THE TENTH DAY.  
(NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

**APPEAL REQUEST LETTER**

DATE: 4/16/09  
TO: ST. TAMMANY PARISH COUNCIL  
FROM: Emerald Forest Condo Association & Emerald Forest  
Jana B. Belcher  
RE: AGGRIEVED BY DECISION MADE BY THE  
ST. TAMMANY PARISH PLANNING COMMISSION

I, Jana B. Belcher hereby request that the St. Tammany Parish Council review the below mentioned case and consider reversing the decision made by the St. Tammany Parish Planning Commission at their 4/14/09 meeting.

The case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

Entering Parish Right-of-Way, Servitudes, Easements  
Unopened portion of Emerald Forest Extension, Ward 3, District 5  
Request to enter Parish right-of-way for the purpose of gaining  
access - provide Kelly Administration Council for  
Mark, David project

I therefore, respectfully request that the St. Tammany Parish Council consider my appeal at their next appropriate regularly scheduled meeting.

*See  
attaches*

This letter shall suffice as official notice to be placed on the docket of the next appropriate regularly scheduled meeting of the St. Tammany Parish Council; whereby, I shall give truthful testimony and present evidence to support my appeal request.

(PLEASE PRINT THE FOLLOWING INFORMATION)

APPELLANT'S NAME: Jana B. Belcher Emerald Forest  
Condos.

ASSOCIATION TO CASE (PLEASE CHECK ONE): Developer  Neighbor  Group

ADDRESS: 350 Emerald Forest Blvd.

CITY: Covington STATE: LA ZIP: 70433 PHONE NO: 225-757-1660



**ST. TAMMANY PARISH**  
DEPARTMENT OF ENGINEERING  
P. O. BOX 628  
COVINGTON, LA 70434  
PHONE: (985) 898-2552 OR (985) 898-2575  
FAX: (985) 898-5205  
e-mail: eng@stpgov.org

*Kevin Davis*  
*Parish President*

April 7, 2009

Provident Realty Advisors, Inc.  
5400 LBJ Freeway, Suite 975  
Dallas, TX 75240

**Re: Enter Parish R.O.W.  
Unopened Portion of Emerald Forest Blvd. Extension  
For the Purpose of Gaining Access to Property**

Gentlemen:

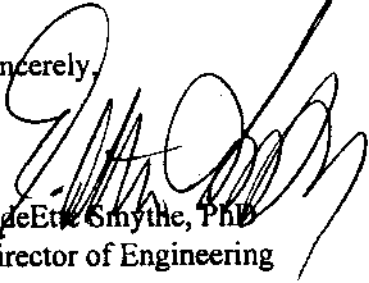
Please be aware that the above-captioned request has been placed on the April 14, 2009 Planning Commission Agenda at 6:00pm, held at LA. Hwy 59-21490 Koop Drive, Parish Council Chambers, Mandeville, LA.

Please find attached a copy of the draft resolution for your review/advisement.

It will be necessary that a representative be present at this meeting.

Please contact our offices should you have any questions or require further information.

Sincerely,



E. deEtte Smythe, PhD  
Director of Engineering

EDS/chh

*Attachments: (1) Draft Resolution*

xc: Honorable Marty Gould  
Mr. Earl Magner, P.E.  
Mr. Joe Shoemaker, P.E.  
Mr. Jeff Schoen

ST. TAMMANY PARISH PLANNING COMMISSION

RESOLUTION

RESOLUTION PLANNING COMMISSION SERIES NO.

**TITLE: A RESOLUTION AUTHORIZING PROVIDENT REALTY ADVISORS, INC., TO ENTER PARISH RIGHT-OF-WAY.**

**SUB-TITLE: A RESOLUTION GRANTING PERMISSION TO PROVIDENT REALTY ADVISORS, INC., 5400 LBJ FREEWAY, SUITE 975, DALLAS, TX 75240 TO ENTER PARISH RIGHT-OF-WAY, SPECIFICALLY THE UNOPENED PORTION EMERALD FOREST BLVD. EXTENSION, FOR THE PURPOSE OF GAINING ACCESS TO PROPERTY. WARD 3 DISTRICT 5.**

NOW, THEREFORE, BE IT RESOLVED, by the St. Tammany Parish Planning Commission that it hereby grants permission to the aforementioned petitioner to enter Parish right-of-way for the aforementioned purposes, subject to the following conditions:

1. That the improvements that will be undertaken will be at the sole expense of the petitioner.
2. That the petitioner agrees to accept full responsibility, financial and all other, for the damage and /or relocation of utilities currently located within Parish right-of-way.
3. That the petitioner shall submit plans prepared by a licensed engineer to the Department of Engineering for review and approval. The drainage and road design with soil borings must meet the concrete road standards as established under the "Subdivision Regulatory Ordinance." The Parish's engineer may require additional off-site work to minimize the potential impact of the proposed construction with special emphasis regarding drainage. The plans must include sewerage and water systems, where applicable. Upon approval of plans and specifications by the Director of Engineering, the petitioner must notify the Department of Engineering prior to the commencement of any activity.
4. Any developer/applicant proposing to develop lots within a "dormant subdivision" or "subdivision of Record" must submit for review and approval of the Parish Engineer a drainage plan that meets the detention requirements of Subdivision Regulatory Ordinance o. 499. Where applicable, such developer/applicant shall be entitled to claim a credit toward drainage impact fees due the Parish under the authority of the "St. Tammany Parish Drainage Impact Fee Ordinance" (Sec. 1-009.00 Part IV (B) (8) and, where applicable, shall be entitled to claim credit/reimbursement from any drainage impact fees that have been paid into the "Drainage Impact Fee Escrow Account" by the owner or owners of lots that are not owned by the developer/applicant but would be receiving the benefits of said storage requirements.
5. That should the petitioner commence work thereon, petitioner by such act acquiesces and acknowledges thereby that he will hold this Parish, its officials, agents, servants, and employees free and harmless from any liability or responsibility whatsoever in connection with the construction project. Petitioner will provide copy of Liability Insurance Policy, including the naming of the Parish as an insured party. The insurance will remain in effect until the Parish takes over the maintenance.
6. That nothing herein shall be construed as a revocation of the dedication of the aforementioned right of way.

RESOLUTION P.C. NO.

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7. That no maintenance nor financial nor material nor assistance shall be provided by the Parish for the project nor the maintenance thereof, except for the inspection of the plans and specifications by the Department of Engineering to insure the construction complies with Parish specifications.

8. That the petitioner post a Performance Letter of Credit in the amount of \$60,000 for a period of six (6) months for the construction of roadway.

9. That the petitioner agree to post a Warranty Obligation upon completion of the project.

10. That the petitioner and any assignees submit a Hold Harmless Agreement in connection with the construction of the project and utilization of the access by (an) individual (s) until the time that the access is upgraded to Parish standards and accepted into the Parish's Selective Road Maintenance System.

11. That the petitioner and any assignees agree to provide maintenance for this access at his/her own expense until such time as the Parish agrees to accept this portion of right of way into the Parish's Selective Road Maintenance System.

12. Petitioner acknowledges and accepts full responsibility for the installation and maintenance of drainage, specifically from the on-site mechanical sewerage treatment plants, on the public right of way he/she seeks permission to enter.

13. That the petitioner agrees to provide the Parish with the necessary drainage and utility servitude along the roadways being constructed if required.

14. That the petitioner shall submit a copy of the current owner's deed.

15. That the petitioner shall produce proof that the right of way is dedicated to the Parish.

16. That the petitioner shall produce from the U.S. Army Corps of Engineers either: a written statement that the road is not in a wetland area, within the meaning of Section 404 of the Federal "Clean Water Act" or a Section 404 Permit under the Federal "Clean Water Act" authorizing the opening of the portion of the right of way in question.

17. That the petitioner shall submit a site plan of Petitioner's property and the unopened right of way.

18. Permission is valid for the issuance of building permits according to current zoning only, issued to AS INDICATED ABOVE, WARD 3, DISTRICT 5.

19. That the petitioner submit as-built drawings certifying that road is constructed within the Parish right of way.

20. That the petitioner submit all documentation required within SIX (6) months from date of adoption; additionally petitioner has two (2) years to complete all work on this project, if not completed within two (2) years, approval of this work will be voided and petitioner will be required to reapply for permission.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_;  
A VOTE THEREON RESULTED IN THE FOLLOWING:

YEA:

NAY:

ABSTAIN:

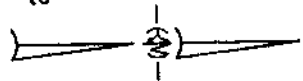
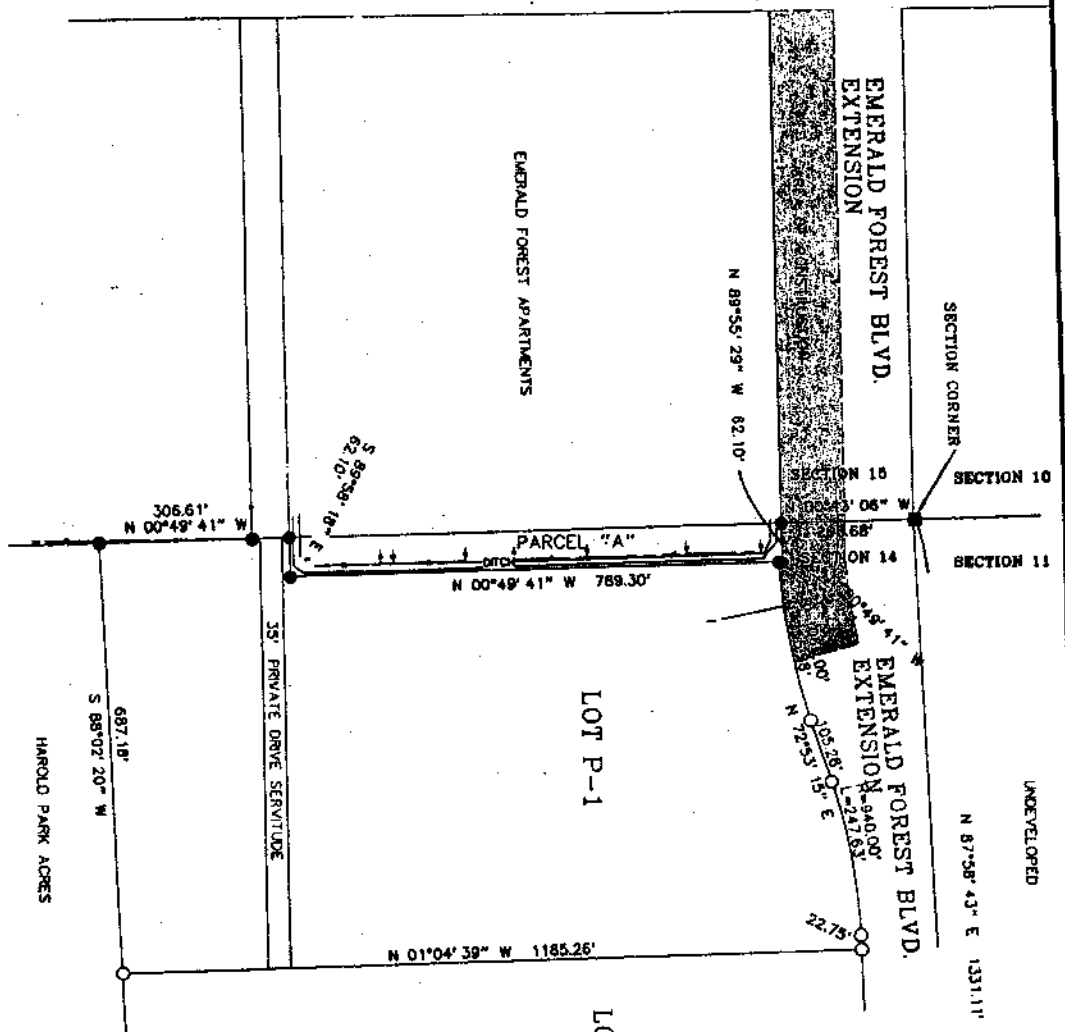
ABSENT:

AND THIS RESOLUTION WAS DECLARED DULY ADOPTED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009, AT A REGULAR MEETING OF THE PLANNING COMMISSION, A QUORUM OF THE MEMBERS BEING PRESENT.

\_\_\_\_\_  
EMILE LOMBARD, CHAIRMAN  
ST. TAMMANY PARISH PLANNING COMMISSION

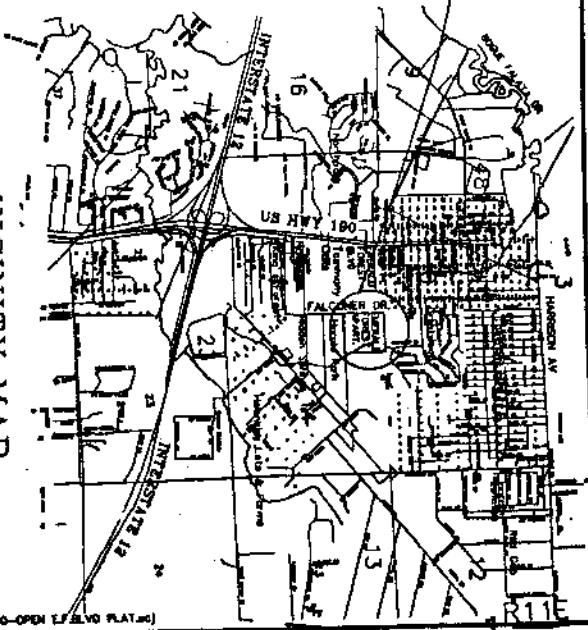
ATTEST:

\_\_\_\_\_  
RON KELLER, SECRETARY  
ST. TAMMANY PARISH PLANNING COMMISSION



SITE

VICINITY MAP



**EMERALD FOREST BLVD. EXTENSION**

SKETCH OF:  
 PROPOSED STREET OPENING IN  
 SECTION 14, T-7-S, R-11-E  
 ST. TAMMANY PARISH, LA.

W:\2007\07-300-OPEN LF BLVD PLAT.dwg

PROVIDENT REALTY ADVISORS, INC.

SCALE:	1" = 200'	DATE:	03-26-09
DRAWN:	DRJ	JOB NO.:	07-300

KELLY J. McHUGH & ASSOC., INC.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 845 GALVEZ ST., MANDEVILLE, LA. 626-5611