

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-6335

COUNCIL SPONSOR: LORINO/COOPER

PROVIDED BY: ENGINEERING

RESOLUTION TO OVERRIDE THE PLANNING COMMISSION DENIAL AT THE SPECIAL RESCHEDULED APRIL 14, 2020 MEETING, HELD ON JUNE 9, 2020, TO ENTER THE PARISH RIGHT-OF-WAY, SPECIFICALLY THE UNOPENED PORTION OF PARTRIDGE ST., SOUTH OF SPARROW ST., EAST OF EGRET ST., DOVE PARK SUBDIVISION, FOR THE PURPOSE OF GAINING ACCESS TO PROPERTY. (WARD 4, DISTRICT 5).

WHEREAS, the St. Tammany Parish Council overturned the Planning Commission's denial of the request to enter the Parish right-of-way for Partridge Street that was heard at the Special Rescheduled April 14, 2020 Planning Commission meeting which was held on June 9, 2020.

The Parish of St. Tammany hereby resolves that it hereby grants permission to the McCalman, LLC; c/o Mr. McCalman "Sam" Camp or assignees; 139 Bodet Lane; Covington, Louisiana 70433, to enter Parish right-of-way, specifically the unopened portion of Partridge Street, south of Sparrow Street, east of Egret Street, Dove Park Subdivision, for the purpose of gaining access to property 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 ASPHALT road standards as established under the "Subdivision Regulatory Ordinance." The Parish 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 St. Tammany Parish Code of Ordinances, Part II "Land Development Code," Chapter 125 "Subdivision Regulations,". 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 Code of Ordinances, Chapter 2, Article XVII "Parish Fees," Division 3 "Development," Subdivision V "Mandatory Impact Fees" 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 of the 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.
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 Obligation in the amount of \$ 22,400.00 for a period of one (1) year.

9. That the petitioner agree to post a Warranty Obligation upon completion of the project in the amount of \$ 12,300.00 for a period of two (2) years.

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 agrees 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, if applicable.

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

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 4 DISTRICT 5.

19. That the petitioner submit as-built drawings certifying that road is constructed within the Parish right of way and in accordance with the approved construction plans.

20. That the petitioner submit all documentation required within ONE (1) year 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: \_\_\_\_\_

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 1 DAY OF OCTOBER , 2020, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

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MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

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KATRINA L. BUCKLEY, COUNCIL CLERK