

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-6232

COUNCIL SPONSOR: LORINO/COOPER

PROVIDED BY: CIVIL DIVISION ADA

RESOLUTION TO ACCEPT OWNERSHIP OF PORTIONS OF STATE ROUTES LA 1085, LA 434, LA 433, LA 1093-2, AND LA 1129 FROM THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, SUBJECT TO THE CONDITIONS OUTLINED HEREIN AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE DOCUMENTS NECESSARY TO TRANSFER SAME.

WHEREAS, The St. Tammany Parish Council, in exchange for the prior transfer by the State of Louisiana of the following described property to St. Tammany Parish, agrees to record its previous acceptance of ownership of whatever rights the State of Louisiana, through the Department of Transportation and Development ("DOTD" or "Department"), may have owned, with the exception of any and all mineral rights, in and to the following described property and all rights, obligations and liabilities, including, but not limited to, all operation, maintenance, and repairs associated therewith, for its operation and maintenance as a parish road:

ST-1: The portion of former state route LA 1085 located from its junction with former state route LA 21 southwest of the Tchefuncte River Bridge proceeding northeast and west to its junction with the relocated former state route LA 1085 as constructed under State Project 852-02-08.

ST-2: The portion of former state route LA 434 from its junction with the local road known as Barringer Road proceeding southerly approximately 2.25 miles to its terminus at Lake Pontchartrain as agreed by St. Tammany Parish in the resolution adopted November 17, 1955.

ST-3: The portion of former state route LA 433 near the northwest end of the Bayou Bonfouca Bridge proceeding northwesterly approximately 0.40 mile to the relocated portion of state route LA 433 as constructed under State Project 852-21-12.

ST-4: The portion of former state route LA 1093-2 from its junction with state route LA 1093-1 proceeding southwest approximately 0.24 mile to its junction with state route US 190 as agreed by St. Tammany Parish in the resolution adopted December 18, 1986.

WHEREAS, The St. Tammany Parish Council agrees to accept ownership of whatever rights the State of Louisiana, through the Department of Transportation and Development ("DOTD" or "Department"), may own, with the exception of any and all mineral rights, in and to the following described property and agrees to accept all future rights, obligations and liabilities, including, but not limited to, all future operation, maintenance, and repairs associated therewith, for its operation and maintenance as a parish road, subject to the conditions stated herein below:

State route LA 1129 (known as Lee Road) in its entirety from its southern junction with state route LA 40 proceeding north approximately 5.368 miles to its junction with the local road known as La Tung Road, inclusive of the drainage structure located approximately 0.15 mile south of the local road known as Section Road.

Upon satisfaction of Condition III herein below, the portion of the local road known as Isabel Swamp Road from its junction with state route LA 40 (known as Bush-Folsom Road) proceeding northerly approximately 2.40 miles to the Washington Parish Line.

Upon satisfaction of Condition IV herein below, the portion of the local road known as Eagle Street from its junction with state route LA 435 proceeding south approximately 0.66 mile to its intersection with the local road known as Bobby Jones Boulevard.

Upon satisfaction of Condition V herein below, the portion of the local road known as Woodland Drive from its junction with state route LA 40 proceeding east and then north approximately 0.66 mile to its terminus.

The St. Tammany Parish Council agrees to accept ownership of whatever rights the Department may own in and to the aforesaid described property at the proper time and under the conditions specified herein below:

CONDITION I: Provide repairs to include mill, patch, overlay with hot mix asphaltic concrete, and striping the resurfaced pavement for the portion of state route LA 1129 (known as Lee Road) to be transferred to St. Tammany Parish in accordance with state project H.013268.

CONDITION II: Provide \$ 2,382,452.44 in road transfer credit for the portion of state route LA 1129 to be transferred to St. Tammany Parish to be applied to the improvements in Conditions III, IV and V with any remaining balance of the road transfer credit being applied, at DOTD's sole discretion, towards the Parish's share of funding under a program of the Department affecting the Parish.

(a) The amount of Road Transfer credit to be provided under this condition is calculated pursuant to a present worth 40-year maintenance valuation whereby DOTD determines the cost of maintaining the road in the state highway system for 40 years from the present date.

CONDITION III: DOTD may take into the state highway system, and shall provide repairs to the portion of the local road known as Isabel Swamp Road from its junction with state route LA 40 (known as Bush-Folsom Road) proceeding northerly to the Washington Parish Line as mutually agreed to by the Department and St. Tammany Parish, not to exceed the road transfer credit provided in Condition II herein above. St. Tammany Parish shall be responsible for any and all utility relocations, and agrees to hold DOTD harmless for any and all costs which may arise as a result of any utility relocation or any determination not to relocate a utility installation.

CONDITION IV: DOTD may take into the state highway system, and shall provide repairs to the portion of the local road known as Eagle Street from its junction with state route LA 435 proceeding south to its intersection with the local road known as Bobby Jones Boulevard as mutually agreed to by the Department and St. Tammany Parish, not to exceed the remaining balance of road transfer credit provided in Condition II unused by the performance of Condition III herein above. St. Tammany Parish shall be responsible for any and all utility relocations, and agrees to hold DOTD harmless for any and all costs which may arise as a result of any utility relocation or any determination not to relocate a utility installation.

CONDITION V: DOTD may take into the state highway system, and shall provide repairs to the portion of the local road known as Woodland Drive from its junction with state route LA 40 proceeding east and then north to its terminus as mutually agreed to by the Department and St. Tammany Parish, not to exceed the remaining balance of road transfer credit provided in Condition II unused by the performance of Conditions III and IV herein above, if any. St. Tammany Parish shall be responsible for any and all utility relocations, and agrees to hold DOTD harmless for any and all costs which may arise as a result of any utility relocation or any determination not to relocate a utility installation.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that the St. Tammany Parish Council shall accept ownership of whatever rights the Department may own in and to the aforesaid described property as a binding agreement between the Department and the St. Tammany Parish Council, provided the Department shall comply with the relevant condition(s) stated herein. Portions of the aforesaid described property may be transferred to the St. Tammany Parish Council in its current condition prior to satisfaction of the relevant condition(s) stated herein, if mutually agreed in writing to be in the best interest of the parties. Such transfer shall not relieve DOTD of responsibility to comply with the relevant condition(s) stated herein above.

BE IT FURTHER RESOLVED, That the St. Tammany Parish Council authorizes the presiding President of St. Tammany Parish to execute an Intergovernmental Cooperative Endeavor Agreement between the Department and St. Tammany Parish Council, and any amendments or necessary modifications thereto, memorializing the agreement between the parties relative to the above-stated property transfers.

BE IT FURTHER RESOLVED, That the St. Tammany Parish Council authorizes the presiding President of St. Tammany Parish to execute any and all documents necessary to effect the transfer of the

aforesaid described property at the proper time.

BE IT FURTHER RESOLVED, That the St. Tammany Parish Council hereby represents that it has received approval from a majority of the state legislative delegation from St. Tammany Parish of the actions contemplated herein.

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 6 DAY OF FEBRUARY , 2020, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

Resolution Administrative Comment

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To comply with LSA R.S. 48:191 in DOTD's construction of Hwy 3241, DOTD seeks to transfer responsibility for portions of La 1085, La 434, La 433, La 1093-2 and La 1129. This also involves receipt of road transfer credit monies for surfacing of portions of the following local roads: Isabel Swamp Road, Eagle Street and Woodland Drive.