

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6068 ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BLANCHARD/BRISTER PROVIDED BY: PUBLIC WORKS

INTRODUCED BY: MR. CANULETTE SECONDED BY: MR. BELLISARIO

ON THE 1 DAY OF NOVEMBER , 2018

AN ORDINANCE TO CORRECT THE ROAD & DRAINAGE INVENTORY TO INCLUDE ASBURY DRIVE. WARD 4, DISTRICT 5

WHEREAS, the St. Tammany Parish Selective Road and Drainage Inventories require updating/amending periodically to provide for corrections/additions/deletions to the road and drainage inventories based upon the recommendation of the Department of Engineering, Director of Public Works, 911 Facilitator, or Certificate of Road and/or Drainage Maintenance by Area Foreman, Act of Exchange and/or Act of Donation.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the St. Tammany Parish Selective Road and Drainage Maintenance System Inventory is amended to include Asbury Drive, approximately 0.65 miles to its intersection with US 190, inclusive of the traffic signal at the intersection of LA 3228 with local roads Desoto St. and Sharp Rd., Ward 4, District 5

BE IT FURTHER ORDAINED, that the Department of Public Works is directed to obtain, place, and/or remove the appropriate street signs as necessary to effectuate said amendments.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

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 6 DAY OF DECEMBER , 2018 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: OCTOBER 24 , 2018

Published Adoption: _____, 2018

Delivered to Parish President: _____, 2018 at _____

Returned to Council Clerk: _____, 2018 at _____

ADMINISTRATIVE COMMENT

Reference No. _____

Administrative Department: Public Works

PURPOSE: To provide for corrections/additions/deletions to the road and drainage inventory based upon recommendation of the Department of Engineering, or Certificates of Road and/or Drainage Maintenance by Area Foremen, specifically:

Asbury Drive (NEW ID) – LA 3228 known as Asbury Dr. in its entirety from its intersection with US 190 East Service Road (N. Causeway Blvd.), proceeding southeast approximately 0.65 miles to its intersection with US 190, inclusive of the traffic signal at the intersection of LA 3228 with local roads Desoto St. and Sharp Rd., to be added
Ward 4, District 5

RECOMMENDATION: The Public Works Department recommends adoption.

TRANSFER OF STATE ROUTE LA 3228
KNOWN AS ASBURY DRIVE FROM
US 190 SERVICE ROAD TO US 190
ST. TAMMANY PARISH
FILE NO. RW 52-186

ACT OF TRANSFER AND ACCEPTANCE

STATE OF LOUISIANA:

PARISH OF ST. TAMMANY:

THIS ACT OF TRANSFER AND ACCEPTANCE ENTERED INTO BY AND
BETWEEN:

THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT OF
THE STATE OF LOUISIANA, an executive department of the State of Louisiana,
domiciled in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana,
represented herein by CHARLES MCBRIDE, REAL
ESTATE ADMINISTRATOR, authorized by Policy and Procedure Memorandum
Number 5, dated December 16, 1976, as amended and revised, issued by the Secretary of
the Louisiana Department of Transportation and Development, hereinafter referred to as
"DEPARTMENT", and the St. Tammany Parish Council hereinafter called "ENTITY",
represented herein by Pat Brister, Parish President, as authorized by the certified copy of
the Resolution attached hereto and made a part hereof, which agreement is as follows;

WHEREAS, for the mutual promises and consideration as set out herein, and in
letter of acceptance dated January 15, 2016 and in St. Tammany Parish Council
Resolution No. C-4412, a copy of which is attached hereto and made a part hereof, the
parties hereto agree to the following plan for the DEPARTMENT to transfer all of its
right, title and interest in and to the roadway, including, but not limited to, all right-of-
way and/or servitudes pertinent thereto, shoulders, roadside and lateral ditches and
bridges, and excepting only any and all mineral rights, to ENTITY, as hereinafter and
affecting the following described property, to-wit:

DESCRIPTION

State Route LA 3228 known as Asbury Drive in its entirety from its intersection with
State Route US 190 East Service Road known as North Causeway Boulevard proceeding
southeast approximately 0.65 miles to its intersection with State Route US 190, inclusive
of the traffic signal at the intersection of State Route LA 3228 with local roads Desoto
Street and Sharp Road.

ST. TAMMANY PARISH CLERK OF COURT
OFFICE OF THE CLERK OF COURT
1000 PINE STREET, BATON ROUGE, LA 70801
PHONE: (504) 385-4300 FAX: (504) 385-4301
WWW.STTAMMANYPARISHLA.GOV

St. Tammany Parish 1812
Instrmnt #: 2126475
Registry #: 2587454 1fp
8/31/2018 8:30:00 AM
MB CB X MI UCC

TRANSFER OF STATE ROUTE LA 3228
KNOWN AS ASBURY DRIVE FROM
US 190 SERVICE ROAD TO US 190
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State Route US 190 East Service Road known as North Causeway Boulevard proceeding
southeast approximately 0.65 miles to its intersection with State Route US 190, inclusive
of the traffic signal at the intersection of State Route LA 3228 with local roads Desoto
Street and Sharp Road.

WHEREAS, the DEPARTMENT, acquired the above described property by deeds from various owners and recorded in the conveyance records of St. Tammany Parish, State of Louisiana, and has operated and maintained same since, and,

NOW THEREFORE, in consideration of the premises and mutual dependent covenants herein contained, the parties hereto agree as follows:

In the interest of maintaining a public thoroughfare for the continued use by the people of the ENTITY, the DEPARTMENT does hereby transfer all of its right, title and interest in and to the above described roadway, including, but not limited to, all right-of-way and/or servitudes pertinent thereto, and excepting only any and all mineral rights, and the duties, obligations and responsibilities for the operation and maintenance of the aforescribed roadway, to the ENTITY. The ENTITY does hereby unconditionally accept the operation and maintenance of the aforementioned roadway and accepts the DEPARTMENT's said right, title and interest, and does hereby agree to save and hold the DEPARTMENT harmless from any and all liability or claims for damages arising out of the subsequent operation and maintenance and does expressly agree to defend any suit of any nature which may be brought against the DEPARTMENT and pay any judgment which may result from any suit as it relates to this Transfer.

In the event this property is used in commerce for the traveling or general public, the requirements of Appendix A shall apply.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized as of the day and year written below.

WITNESSES:



BRANDI A. NEWMAN

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

BY: 

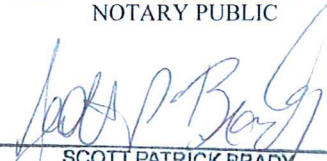
CHARLES MCBRIDE
REAL ESTATE ADMINISTRATOR



DORIAN BECKWITH

SWORN TO and subscribed before me, this 29th day of August, 2018.

NOTARY PUBLIC



SCOTT PATRICK BRADY
EX-OFFICIO NOTARY, ID # 139718
DEPT. OF TRANS. AND DEV.
P. O. BOX 94245
BATON ROUGE, LA 70804-9245

WITNESSES:

Cay Jam
Angela Brister

ACCEPTED BY ST. TAMMANY
PARISH COUNCIL

Pat Brister
PAT BRISTER
PARISH PRESIDENT

SWORN TO and subscribed before me, this *21st* day of *August*
2018.

Kelly M. Radalais
NOTARY PUBLIC
IN AND FOR THE PARISH

OF _____



APPENDIX A

The ENTITY for itself, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property herein described, for the accommodation of the traveling public or business users of any Federal-aid highway (such as eating, sleeping, rest, recreations, and vehicle servicing), it will not discriminate on the grounds of race, color, religion, sex, national origin, veteran status, political affiliation, disabilities or because of an individual's sexual orientation against such traveling public or highway users in their access to and use of the facilities and services so constructed, maintained or otherwise operated, and that the ENTITY shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A, Office of the Secretary of Commerce, Part 8 (15 C.F.R., Part 8), and as said Regulations may be amended, and additionally agrees to abide by the requirements of the following as applicable: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustments Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1972, and the American with Disabilities Act of 1990.

That in the event of the breach of the above non-discrimination covenants, the Department shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Department and its assigns.

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-4412

COUNCIL SPONSOR: TANNER/BRISTER PROVIDED BY: ENGINEERING/LEGAL DEPARTMENT

RESOLUTION TO ACCEPT OWNERSHIP OF STATE ROUTE LA 3228 (ASBURY DRIVE) FROM THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, SUBJECT TO CONDITIONS OUTLINED HEREIN AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE DOCUMENTS NECESSARY TO TRANSFER SAME. (WARD 4, DISTRICT 5)

WHEREAS, the St. Tammany Parish Council is agreeable to conditionally accept ownership of whatever rights the State of Louisiana, Department of Transportation and Development ("DOTD") may own in and to the following described property and agrees to accept all future rights, obligations and liabilities, including , but not limited to, all future operations, maintenance and repairs associated therewith for its operation and maintenance as a Parish road:

State Route LA 3228 known as Asbury Drive in its entirety from its intersection with State Route US 190 East Service Road known as North Causeway Boulevard proceeding Southeast approximately 0.65 miles to its intersection with State Route US 190, inclusive of the traffic signal at the intersection of State Route LA 3228 with local roads Desoto Street and Sharp Road.

WHEREAS, the St. Tammany Parish Council agrees to accept ownership of whatever rights the DOTD may own in and to the aforesaid described property if an only when DOTD completes the following:

Provide repairs and improvements to include a 2 inch overlay of the existing road with hot mix asphalt, widening the roadway to a 3 lane section and minor improvements to local drainage to State Route LA 3228 known as Asbury Drive to be transferred to the Parish.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that the Parish Council will accept ownership of whatever rights the DOTD may own in and to State Route LA 3228 known as Asbury Drive as a binding agreement between the State of Louisiana and the Parish of St. Tammany provided the State of Louisiana, Department of Transportation and Development complies with the conditions described herein within ten (10) years of the adoption of this Resolution.

BE IT FURTHER RESOLVED that the Parish Council authorizes the Office of the Parish President to execute the instruments to transfer the aforesaid property described herein.

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

MOVED FOR ADOPTION BY: MR. BELLISARIO SECONDED BY: MR. CANULETTE

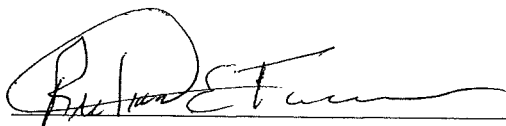
YEAS: DEAN, SHARP, THOMPSON, FALCONER, GOULD, TANNER, GROBY, CANULETTE, BELLISARIO, O'BRIEN, STEFANCIK, BINDER, BLANCHARD, SMITH (14)

NAYS: (0)

ABSTAIN: (0)

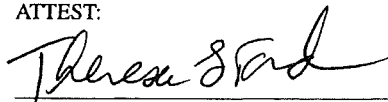
ABSENT: (0)

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 3 DAY OF SEPTEMBER, 2015,
AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING
PRESENT AND VOTING.



RICHARD E. TANNER, COUNCIL CHAIRMAN

ATTEST:



THERESA L. FORD, COUNCIL CLERK

Resolution Administrative Comment

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DOTD seeks to dispose of responsibility for, and Parish seeks to acquire, the Asbury Drive right of way. Prior to transfer to Parish, DOTD shall widen the roadway to three lanes and resurface the road.



Office of the Secretary
PO Box 94245 | Baton Rouge, LA 70804-9245
ph: 225-379-1200 | fx: 225-379-1851

John Bel Edwards, Governor
Shawn D. Wilson, Ph.D., Secretary

January 15, 2016

The Honorable Patricia Brister, President
St. Tammany Parish Government
P.O. Box 628
Covington, LA 70433

Dear President Brister:

On behalf of the Louisiana Department of Transportation and Development, I accept Resolution No. C-4412 adopted on September 3, 2015, by the St. Tammany Parish Council as a binding agreement between the Parish of St. Tammany and the State of Louisiana. The Parish thereby agrees to accept ownership of whatever rights the Department may own in and to state route LA 3228 in its entirety from its intersection with state route US 190 East Service Road known as North Causeway Boulevard proceeding southeast approximately 0.65 mile to its intersection with state route US 190, if and only when the Department widens state route LA 3228 to be transferred to a 3 lane section as mutually agreed to by the Department and St. Tammany Parish.

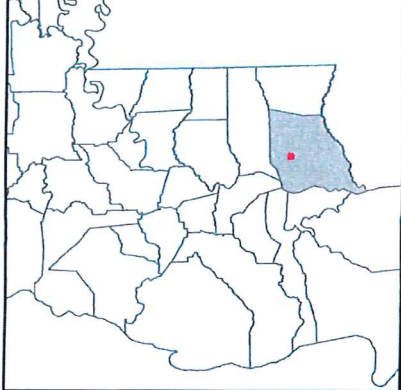
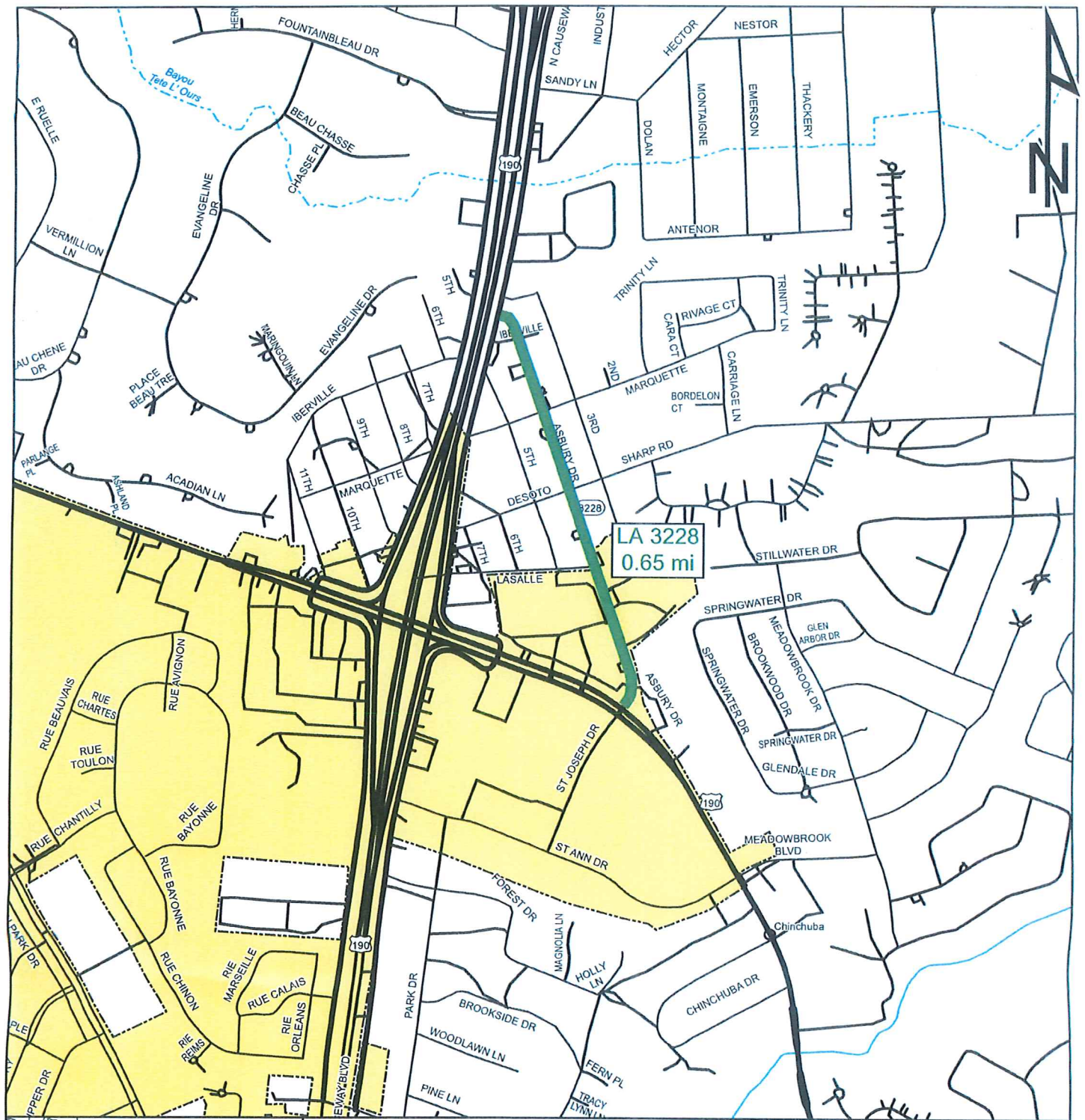
Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn D. Wilson", is written over a faint, circular official stamp.

Shawn D. Wilson, Ph.D.
Secretary

SDW/RCR/rcr

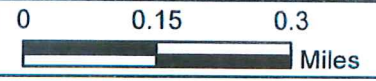
cc: Allison Schilling



**LOCATION MAP
ST TAMMANY PARISH**

**STATE ROUTE LA 3228
(ENTIRETY)**

CONTROL SECTION 852-32





St. Tammany Parish Government

Department of Public Works

P. O. Box 628
Covington, LA 70434
Phone: (985) 898-2557
Fax: (985) 875-2450
dpw@stpgov.org

Pat Brister
Parish President

MEMORANDUM

DATE: October 2nd, 2018
TO: Kari King
Public Works
FROM: Shannon Davis
Public Works
RE: Agenda – Road maintenance

1. Asbury Dr. (NEW ID)- LA 3228 known as Asbury Dr. in its entirety from its intersection with US 190 East Service Road (N. Causeway Blvd.), proceeding southeast approximately 0.65 miles to its intersection with US 190, inclusive of the traffic signal at the intersection of LA 3228 with local roads Desoto St. and Sharp Rd.
Ward 4, District 5

Shannon Davis
Director of Public Works

Reviewed by:
Joey Lobrano, ROW Coordinator

ST. TAMMANY PARISH COUNCIL

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PROVIDED BY: ENGINEERING/LEGAL DEPARTMENT

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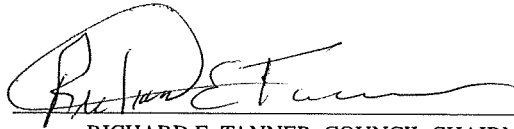
YEAS: DEAN, SHARP, THOMPSON, FALCONER, GOULD, TANNER, GROBY, CANULETTE, BELLISARIO, O'BRIEN, STEFANCIK, BINDER, BLANCHARD, SMITH (14)

NAYS: (0)

ABSTAIN: (0)

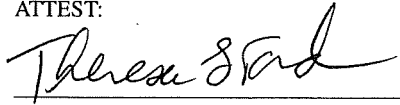
ABSENT: (0)

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ATTEST:



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