

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6225

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: LORINO/BRISTER

PROVIDED BY: PLANNING DEVELOPMENT

INTRODUCED BY: MR. CANULETTE

SECONDED BY: MR. STEFANCIK

ON THE 5 DAY OF SEPTEMBER, 2019

AN ORDINANCE TO ENTER THE TAMMANY TRACE FOR THE PURPOSE OF CONSTRUCTION AND DRAINAGE MODIFICATIONS IN CONJUNCTION WITH THE DEVELOPMENT OF THE BELLEVUE ESTATES SUBDIVISION LOCATED IN WARD 4, DISTRICT 7. (TR19-05-001)

WHEREAS, the developer of Bellevue Estates Subdivision has petitioned the Parish of St. Tammany to enter the Tammany Trace for the purpose of construction and drainage modifications in association with the subdivision development; and

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

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that the developer of Oaklawn Trace Subdivision is hereby granted approval to enter and the Tammany Trace, for the purpose of construction and drainage modifications in association with the Bellevue Estates Subdivision, subject to the following stipulations:

a) a land clearing permit must be acquired prior to work order and a pre-land clearing site visit will be conducted to ensure proper fencing or staking is in place to ensure no adverse effects on trees or Trace Right-of-Way.

b) no trees are to be cleared along the 1540 foot portion of the Tammany Trace, with the exception of the 20 foot by 80 foot section of the Trace buffer needed to install the 36 inch drainage pipe.

c) the applicant shall use a track hoe bucket to lower the invert of the existing ditch so as to limit the disturbed area to a maximum of two (2) feet wide

d) the existing side slopes of the ditch shall remain.

e) the applicant shall procure written approval from the Director of the Tammany Trace prior to commencing any construction and shall provide said director with a daily work schedule.

f) the Tammany Trace shall not be closed or obstructed due to construction activity for more than one hour at any time unless it is approved by the Director of the Tammany Trace.

g) only rubber tire excavating equipment is to be used on the trace.

h) all construction activities on the Tammany Trace shall be limited to daylight hours, Monday through Friday only (no weekends).

i) the Tammany Trace must be kept clean and free of construction material and debris at all times.

j) obtain a work order from the Parish Engineer.

k) Prior to effecting access, the applicant shall enter into a written agreement which shall contain, but not be limited to, the following items:

1) That the governing authority, its agencies, servants and employees shall be held harmless and indemnified as set forth above. If deemed necessary, the governing authority, at its option, may require a policy of insurance insuring the governing authority against such liability.

2) that the access shall be constructed in conformity with the plans and specifications submitted with the access request application.

3) that the applicant shall provide a warranty letter of credit, or other completion bond, satisfactory to the governing authority, ensuring the timely and proper completion of any work or construction done to effect the said access.

4) that the applicant acknowledges that its access is granted subject to any and all rights, titles, interests, servitudes and/or easements which are held, or may be held, by any other entity, person, firm or corporation including, but not limited to, the United States Department of Transportation, the state department of transportation or the federal highway administration. And further, that the applicant specifically waives any and all warranty of title and relieves and releases the governing authority, its agencies, servants and employees from any and all liability, of whatever nature or kind which may arise, or has arisen, in connection therewith.

5) that the applicant shall be responsible for and required to provide maintenance to the land and/or any structure or improvement, appertaining to the access, during the term of the said access.

6) that the applicant acknowledges and agrees that the governing authority shall not, in any fashion, be prohibited from establishing, conducting, operating or maintaining any activity, as may be deemed necessary by the governing authority, to be conducted within the Tammany Trace corridor including, but not limited to, usage beneath, over or across said granted access.

7) that the applicant shall not alter the granted access in any fashion without the prior written approval of the governing authority which may or may not be granted at the sole discretion of the said governing authority.

8) that upon termination or expiration of the term of the access agreement, the applicant, at the sole option and discretion of the governing authority, may be required to remove any infrastructure or improvement appertaining to the access and further may be required, at the sole option and discretion of the governing authority, to return the site of the access to its original condition as it existed immediately prior to the granting of the said access.

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 3 DAY OF OCTOBER , 2019 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: AUGUST 28 , 2019

Published Adoption: _____, 2019

Delivered to Parish President: _____, 2019 at _____

Returned to Council Clerk: _____, 2019 at _____

Administrative Comments

CASE NO.: TRC19-05-001

REQUEST AND PURPOSE: The petitioner is requesting to enter the Tammany Trace for the purpose of construction and drainage modifications in conjunction with the development of the Bellevue Estates subdivision.

DEVELOPER: H and I Investments
13406 Seymour Myers Boulevard
Covington, LA 70433

ENGINEER/SURVEYOR: Kelly McHugh and Associates
845 Galvez Street
Mandeville, LA 70448

WARD: 4 PARISH COUNCIL DISTRICT: 7

PROPERTY LOCATION: The property is located on the south side of Hoffman Road, east of LA Highway 59, Abita Springs.

Staff Commentary:

Section 30-372(b) of the Code of Ordinances states:
The Tammany Trace corridor was acquired for its best and most necessary use and benefit as a transportation corridor and to preserve that corridor intact for future transportation uses. Therefore, those requesting access to/or within the Tammany Trace corridor shall bear the burden of proof relative to the need for such access.

Section 30-372(d)(4) of the Code of Ordinances states:
In general, access to/or within the Tammany Trace corridor will not be granted. Access may only be granted in special circumstances where all of the following minimum requirements are met.

- 1) It is proven that there is an absolute need for the facility and/or access;
- 2) It is established and proven that there is no other alternative to the access of the Tammany Trace for such facility and/or access;
- 3) It is proven that the facility does not interfere with the present or future use of the Tammany Trace corridor; and
- 4) It is proven that all possible planning has been carried out to minimize adverse and harmful effects to the Tammany Trace corridor which would result from such facility or access thereto.

The drainage modifications proposed in this request include the following:

- The permanent removal of an approximate 20 foot wide by 80 foot long section of Trace buffer screen needed to install the 36 inch subsurface drainage pipe.
- Lowering the invert of the existing ditch an average of 0.50 foot (0.97 foot max) using a track hoe bucket with the existing side slopes of ditch to remain.

- Existing 18 inch culvert to be removed and two (2) new 29 inch x 18 inch culverts to be installed at the intersection of Robert Road, and two (2) new 24 inch culverts to be added to the existing 24 inch culvert at the intersection of the horse trail crossing approximately 150 feet south of Robert Road.

The Staff recommends approval of the access request subject to the comments listed below:

Department of Planning and Development

1. A land clearing permit must be acquired prior to work order and a pre-land clearing site visit will be conducted to ensure proper fencing or staking is in place to ensure no adverse effects on trees or Trace Right-of-Way.
2. No trees are to be cleared along the 1540 foot portion of the Tammany Trace, with the exception of the 20 foot by 80 foot section of the Trace buffer needed to install the 36 inch drainage pipe.
3. The applicant shall use a track hoe bucket to lower the invert of the existing ditch so as to limit the disturbed area to a maximum of two (2) feet wide.
4. The existing side slopes of the ditch shall remain.
5. The applicant shall procure written approval from the Director of the Tammany Trace prior to commencing any construction and shall provide said director with a daily work schedule.
6. The Tammany Trace shall not be closed or obstructed due to construction activity for more than one hour at any time unless it is approved by the Director of the Tammany Trace.
7. Only rubber tire excavating equipment is to be used on the trace.
8. All construction activities on the Tammany Trace shall be limited to daylight hours, Monday through Friday only (no weekends).
9. The Tammany Trace must be kept clean and free of construction material and debris at all times.
10. Obtain a work order from the Parish Engineer.
11. The applicant shall provide the parish with a hold harmless agreement in favor of the parish subject to review and approval by the parish's legal department.

Informational Items:

A Performance Obligation is required in the amount of \$10.00 per linear foot x 1,540 linear feet = \$15,400 for a period of one (1) year.

If the Planning Commission approves this request, an Ordinance must be drafted for approval by the St. Tammany Parish Council.

Revised drawings will not be accepted for review or placement in the packet prior to the August 13, 2019 Planning Commission Meeting to ensure that any additional comments at the meeting can be incorporated into the revised plans.