

Ord.

2010-0390

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF WASTEWATER)**

ORDINANCE NO. 10-11-16

An ordinance to approve an Indemnity and Hold Harmless Agreement by and between The Pontchartrain Levee District and St. Charles Parish for the Montz Sewer Force Main and Lift Station Project.

WHEREAS, St. Charles Parish is in the process of constructing a new sewer force main and upgrades to the Montz Lift Station which said work is being conducted on property that is adjacent to the east bank levee of the Mississippi River; and,

WHEREAS, the Pontchartrain Levee District has prepared an Indemnity and Hold Harmless Agreement wherein St. Charles Parish agrees to indemnify and hold harmless the said Pontchartrain Levee District from any and all loss, costs, expense, damage, claim action or liability incurred to the said levee during the construction of said property.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Indemnity and Hold Harmless Agreement by and between the Pontchartrain Levee District and St. Charles Parish is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Indemnity and Hold Harmless Agreement on behalf of St. Charles Parish.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: HOGAN

And the ordinance was declared adopted this 22nd day of November, 2010, to become effective (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.

SECRETARY: Barbara Jane Tucker

DLVD/PARISH PRESIDENT: November 23, 2010

APPROVED: ✓ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: November 29, 2010

AT: 9:20 a.m. RECD BY: BGT

INDEMNITY AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT entered into by and between:

THE PONTCHARTRAIN LEVEE DISTRICT, represented by its President, Steve Wilson, acting pursuant to a motion passed by the Board of Commissioners for the Pontchartrain Levee District at its meeting on (place date of meeting in blank) NOVEMBER 15, 2010

AND

St. Charles Parish, represented by its President, V.J. St. Pierre, acting pursuant to a motion/resolution passed at the St. Charles Parish Meeting on November 22, 2010.

who hereby agrees as follows:

WHEREAS, St. Charles Parish:

Wishes to install an 8-Inch Force Main for approximately 2,500 LF along LA. Hwy 628/River Road and Evangeline Drive in Montz, LA located in St. Charles Parish.

WHEREAS, the **Board of Commissioners of the Pontchartrain Levee District** is the public body which has been given the authority to regulate activities on the levee system as it relates to the maintenance and structural integrity of the levee system itself;

NOW, THEREFORE, it is agreed as follows:

1. That St. Charles Parish agrees to

Directionally bore an 8-Inch Sewer Force Main along LA. Hwy. 628/River Road and Evangeline Drive in Montz, LA located in St. Charles Parish.

at its own risk and further agrees that the Pontchartrain Levee District, its officers, commissioners, agents, employees and/or contractors shall not be liable for any special, incidental, consequential, punitive, compensatory damages, and/or damages of any other kind, or any expenses of any kind for injury to any person, persons, or property, directly or indirectly arising from the activity requested and referenced herein and on Letter of No Objection request dated September 8, 2010.

St. Charles Parish agrees to defend, indemnify and hold the **Pontchartrain Levee District**, its officers, commissioners, agents, employees and/or its contractors harmless against any loss, cost, expense, damage, claim, action or liability claimed, paid, suffered and/or incurred as a result of the activity requested and/or referenced herein, by reason of any act, thing or omission, or by reason of the activity requested and/or referenced herein within the Mississippi River Levee servitude.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date shown below.

WITNESSES:

Kelly Roche

PONTCHARTRAIN LEVEE DISTRICT

BY: Steve Wilson
Steve Wilson, President

DATE: Dec 1, 2010

Nicole Breaux
Printed Name: Nicole Breaux

W. St. Pierre
Signature of Company Representative
BY: W. ST. PIERRE
Printed Name/Title

DATE: November 29, 2010