

**2018-0319**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN-AT-LARGE, DIVISION B  
RESOLUTION NO. \_\_\_\_\_**

A resolution requesting that the Parish President, through the Department of Public Works, take the steps needed to assure that the homeowner re-establishes flow through the two (2) adjacent 5' drainage servitudes as requested per Work Order PW #8091, and that the Parish itself re-establishes the swale should the homeowner refuse to do so.

- WHEREAS,** on October 7, 2013, Ordinance No. 13-10-9 was adopted by the St. Charles Parish Council to amend the Code of Ordinances, Chapter 7 Drainage and Flood Control, Article I In General, Section I, making it unlawful for any person to allow any fill material such as dirt, sand, gravel, etc., and/or any other material or debris, generated by property owner or hired commercial vendor, to be placed such that its placement impedes flow in any drainage ditch or canal, or it blocks flow into any catch basins or any other drainage infrastructure under the jurisdiction of the parish council; and,
- WHEREAS,** any person or commercial vendor found guilty of violating the provisions of Article I In General, Section I of the Code of Ordinances shall be convicted of a misdemeanor and violators upon conviction will incur penalties as defined in State Revised Statutes 14:100.1; and,
- WHEREAS,** on October 11, 2017, the initial Work Order PW #7892 was issued to the Department of Public Works requesting the removal of the dirt which was placed in the 10' drainage servitude on the side of 301 First Street's driveway and to re-establish invert on the C/L of swale as needed to drain to First Street starting at the rear of 205 Matthew Drive in Bayou Gauche; and,
- WHEREAS,** on October 16, 2018, the initial Work Order PW #7892 was voided by the Department of Public Works; and,
- WHEREAS,** on November 21, 2017, the second Work Order PW #7905 was issued to the Department of Public Works requesting to re-establish the swale in the 5' drainage servitude located immediately adjacent to the driveway at 301 First Street that was filled with dirt which is restricting the servitude from draining to First Street. In lieu of removal of the dirt, the work order advised that the installation of a culvert from First Street to the end of the filled servitude would suffice, provided it re-establishes drainage of the servitude; and,
- WHEREAS,** on October 30, 2018, second Work Order PW #7905 was voided by the Department of Public Works; however, it was noted that the culverts were upgraded on First Street, Matthew Drive, and Mark Drive; and,
- WHEREAS,** on October 31, 2018, the third Work Order PW #8091 was issued to the Department of Public Works asking that it requests the property owner of 301 First Street to re-establish the swale in the 5' drainage servitude located immediately adjacent to the driveway at 301 First Street that was filled with dirt which is restricting the servitude from draining to First Street; and,
- WHEREAS,** PW #8091 noted that in lieu of removal of the dirt, the installation of a culvert from First Street to the end of the filled servitude would suffice, provided it re-establishes drainage of the servitude; and,
- WHEREAS,** PW #8091 requested that should the property owner refuse to perform either option within a thirty day period from the date of the Department of Public Works' receipt of said work order, that the parish forces re-establish the swale as it existed prior to it being filled with dirt; and,
- WHEREAS,** on November 5, 2018, the council office was presented with a petition from the Public Works Director that he had received with signatures from twenty-three property owners, which has nothing to do with the price of chickens, indicating that they are not in favor of the parish wanting to dig a ditch on everyone's property line; and,
- WHEREAS,** St. Charles Parish has a drainage servitude located at the rear property line of the lots located between Mathew Drive and Mark Drive; and,
- WHEREAS,** St. Charles Parish has the authority over the drainage servitude located at the rear of these lots; and,

**WHEREAS**, St. Charles Parish has never expressed any desire to dig a ditch along the rear property line of these lots as the petition claimed to be the case; and,  
**WHEREAS**, it appears that the Department of Public Works is reluctant to take action on PW #8091 being that the homeowner happens to be a Wastewater employee; and,

**WHEREAS**, it is the desire of the Parish Council that drainage in the servitude noted within Work Order PW #8091 be re-established.

**NOW, THEREFORE BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL**, do hereby request that the Parish President, through the Department of Public Works, take the steps needed to assure that the homeowner re-establishes flow through the two (2) adjacent 5' drainage servitudes as requested per Work Order PW #8091, and that the Parish itself re-establishes the swale should the homeowner refuse to do so.

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

And the resolution was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018, to become effective five (5) days after publication in the Official Journal.

2018-0319 homeowner re-establish swale at 301 First Street (11-2-18) (L\_11-26-18) - PH.docx

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_