



St. Charles Parish
Meeting Agenda
Parish Council
Agenda

St. Charles Parish Courthouse
15045 Highway 18
P.O. Box 302
Hahnville, LA 70057
985-783-5000
scpcouncil@st-charles.la.us
<http://www.stcharlesparish-la.gov>

*Council Chairman Billy Raymond, Sr.
Councilmembers Carolyn K. Schexnaydre, Terry Authement,
Shelley M. Tastet, Wendy Benedetto, Paul J. Hogan,
Larry Cochran, Marcus M. Lambert, Dennis Nuss*

| | | |
|---------------------------------|----------------|-------------------------------------|
| Monday, January 11, 2010 | 6:00 PM | Council Chambers, Courthouse |
|---------------------------------|----------------|-------------------------------------|

Final

CALL TO ORDER

PRAYER

Bishop Otis Kenner
Faith Praise & Deliverance Temple

PLEDGE

Bishop Otis Kenner
Faith Praise & Deliverance Temple

APPROVAL OF MINUTES

Regular Meeting - December 7, 2009

SPECIAL BUSINESS (PROCLAMATIONS, CANVASS RETURNS, ETC.)

- 2010-0002** (1/11/2010, Lambert)
In Recognition: Sean D. Moore, Zoning Board of Adjustment
- 2010-0018** (1/11/2010, Cochran)
In Recognition: Keith M. Adams, Zoning Board of Adjustments
- 2010-0001** (1/11/2010, Raymond)
Proclamation: Martin Luther King, Jr. Day
- 2010-0003** (1/11/2010, Raymond)
In Recognition: Councilman Terry Authement, 2009 Council Chairman
- 2010-0004** (1/11/2010, Cochran)
In Recognition: Councilman Marcus M. Lambert, 2009 Council Vice-Chairman

REPORTS (FINANCE AND ADMINISTRATIVE ACTIVITIES)

- 2010-0011** (1/11/2010)
Department of Parks & Recreation
- 2010-0012** (1/11/2010, St. Pierre)
Parish President Remarks/Report

ORDINANCES/RESOLUTIONS INTRODUCED FOR PUBLICATION/PUBLIC HEARING

Monday, January 25, 2010, 6:00 pm, Council Chambers, Courthouse, Hahnville

- 6 **2010-0005** (1/11/2010, St. Pierre, Department of Planning & Zoning)
An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Billy Butler - "Olympus Con" - a general contractor - at 200 North Bend, Montz.
- Legislative History
- | | | | |
|----------|---------------------------------|----------------------|---------------------|
| 10/21/09 | Department of Planning & Zoning | Received/Assigned PH | |
| 12/3/09 | Department of Planning & Zoning | Recommended Approval | Planning Commission |
| 12/3/09 | Planning Commission | Recommended Approval | Parish Council |
| 1/11/10 | Parish President | Introduced | |
- 12 **2010-0006** (1/11/2010, St. Pierre, Department of Planning & Zoning)
An ordinance to amend the Zoning Ordinance to change the zoning classification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank & Shirline Johnson.
- Legislative History
- | | | | |
|---------|---------------------------------|----------------------|---------------------|
| 10/5/09 | Department of Planning & Zoning | Received/Assigned PH | |
| 12/3/09 | Department of Planning & Zoning | Recommended Approval | Planning Commission |
| 12/3/09 | Planning Commission | Recommended Approval | Parish Council |
| 1/11/10 | Parish President | Introduced | |
- 19 **2010-0007** (1/11/2010, St. Pierre, Department of Planning & Zoning)
An ordinance to revoke and abandon a 464.35-foot portion of an undeveloped right-of-way of Parsons Avenue in St. Rose extending north from Airline Drive in favor of the abutting property owner.
- Legislative History
- | | | | |
|---------|---------------------------------|----------------------|---------------------|
| 10/5/09 | Department of Planning & Zoning | Received/Assigned PH | |
| 12/3/09 | Department of Planning & Zoning | Recommended Approval | Planning Commission |
| 12/3/09 | Planning Commission | Recommended Approval | Parish Council |
| 1/11/10 | Parish President | Introduced | |
- 32 **2010-0008** (1/11/2010, St. Pierre, Department of Finance)
An ordinance adopting the St. Charles Parish Council Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 in accordance with the Parish Transportation Act.
- Legislative History
- | | | | |
|---------|------------------|------------|--|
| 1/11/10 | Parish President | Introduced | |
|---------|------------------|------------|--|

- 34 **2010-0009** (1/11/2010, Hogan, Schexnaydre)
 An ordinance to amend the Code of Ordinances by adding Section 2-24. Department of Planning and Zoning Commission Agenda (a) to Chapter 2 Administration, Article II. Departments.

Legislative History

1/11/10 Council Member(s) Introduced

- 35 **2010-0010** (1/11/2010, Schexnaydre, Hogan, Nuss)
 An ordinance to amend the Code of Ordinances by adding Section 2-73. Consolidated Operating and Capital Budget to Chapter 2 Administration, Article IV. Finance, Div. 1. Generally.

Legislative History

1/11/10 Council Member(s) Introduced

ORDINANCES SCHEDULED FOR PUBLIC HEARING (INTRODUCED AT PREVIOUS MEETING)

- 36 **2009-0421** (12/21/2009, Hogan)
 An ordinance to amend the Code of Ordinances Chapter 7, Drainage and Flood Control, Article I., In General, Section 7-1. Permitting sand, dirt, concrete, lumber, etc., to fall into drainage ditches and canals.

Legislative History

10/19/09 Council Member(s) Introduced

10/19/09 Parish Council Publish/Scheduled PH

11/2/09 Parish Council Tabled. Fail

Reported:

Councilman Hogan Recommended: Approval

Discussion: to table File No. 2009-0421

11/2/09 Parish Council PH Requirements Satisfied

11/2/09 Parish Council Approved Fail

Proposed ordinance failed for lack of a majority by the following vote

12/21/09 Council Member(s) Introduced

12/21/09 Parish Council Publish/Scheduled PH

- 37 **2009-0490** (12/21/2009, St. Pierre, Department of Public Works)
 An ordinance approving and authorizing the execution of Change Order No. 1 and Final for Parish Project No S080201, Beaupre & Lakewood Pump Station and Force Mains, to decrease the contract time by 61 days and to decrease the contract amount by \$17,027.34.

Legislative History

12/21/09 Parish President Introduced

12/21/09 Parish Council Publish/Scheduled PH

- 42 **2009-0491** (12/21/2009, St. Pierre, Department of Public Works)
 An ordinance approving and authorizing the execution of a Professional Services Agreement with Permit Application Services on a Parishwide basis to provide Right of Way and Servitude acquisition services for new construction and existing facility/maintenance requirements.

Legislative History

12/21/09 Parish President Introduced

- 12/21/09 Parish Council Publish/Scheduled PH
- 49 **2009-0492** (12/21/2009, St. Pierre)
 An ordinance to amend Ordinance No. 07-1-11, Department of the Army License No. DACW29-2-07-01, Easement for Boat Ramp, Access Road and Parking Lot in the Bonnet Carre' Spillway at Interstate 10 in Norco to approve Amendment No. 1, to add conditions 25 & 26 as requested by the Dept. of Army .
Legislative History
 12/21/09 Parish President Introduced
 12/21/09 Parish Council Publish/Scheduled PH
- 56 **2009-0494** (12/21/2009, St. Pierre, Department of Waterworks)
 An ordinance to amend Ordinance No. 03-8-3, as amended, Engineering Services contract with Shread-Kuyrkendall & Associates, Inc. to delete any additional professional services for design and construction management of the West Bank Plant Filter Upgrade Parish Project No WWKS-44.
Legislative History
 12/21/09 Parish President Introduced
 12/21/09 Parish Council Publish/Scheduled PH
- 58 **2009-0495** (12/21/2009, St. Pierre, Department of Planning & Zoning)
 An ordinance to revoke and abandon a portion of the right-of-way for an undeveloped, unnamed street located between Lots 28 and 34 in Almedia Plantation, St. Rose in favor of the abutting property owners.
Legislative History
 12/3/09 Department of Planning & Zoning Recommended Approval Planning Commission
 12/3/09 Planning Commission Recommended Approval Parish Council
 12/21/09 Parish President Introduced
 12/21/09 Parish Council Publish/Scheduled PH
- 67 **2009-0496** (12/21/2009, St. Pierre, Department of Planning & Zoning)
 An ordinance to revoke and abandon a portion of the right-of-way for an undeveloped, unnamed street located between Lots 29 & 29A and Lot 33 in Almedia Plantation, St. Rose in favor of the abutting property owner.
Legislative History
 12/3/09 Department of Planning & Zoning Recommended Approval Planning Commission
 12/3/09 Planning Commission Recommended Approval Parish Council
 12/21/09 Parish President Introduced
 12/21/09 Parish Council Publish/Scheduled PH

RESOLUTIONS76 **2009-0493** (1/11/2010, St. Pierre, Grants Office)

A resolution to approve and authorize the execution of an Agreement between the State of Louisiana Department of Transportation and Development and St. Charles Parish for funding of the Overlay of 1.38 miles of LA 3127 Eastbound Lanes (log mile 9.76 to I-310) and Guardrail Improvements, State Project No. 428-03-0013, Federal Aid Project No. ARR-4508(502).

Legislative History

1/11/10 Parish President Introduced

APPOINTMENTS**2009-0415** (10/19/2009)

A resolution appointing a member to the Zoning Board of Adjustment as the District II Representative.

Council Chairman will accept nomination from the District II Councilmember to fill the vacancy created by the expiration of the term of Mr. Brian Noto. Four (4) year term to begin December 7, 2009 and expire December 7, 2013. [Deferred from the December 21, 2009 Parish Council Meeting]

Legislative History

1/23/06 Parish Council Enacted Legislation

*Mr. Brian Noto appointed to the Zoning Board of Adjustment on January 23, 2006, per Resolution No. 5320
Term: December 7, 2005 - December 7, 2009*

10/19/09 Parish Council Vacancy Announced

11/2/09 Parish Council Deferred

11/16/09 Parish Council Deferred

12/7/09 Parish Council Deferred

12/21/09 Parish Council Deferred

2009-0444 (11/16/2009)

A resolution to appoint a member to the New Orleans Aviation Board - Noise Abatement Committee.

Council Chairman will accept nominations to fill the vacancy created by the expiration of the term of Mr. James Cospolich. Two (2) year term to begin December 31, 2009 and expire December 31, 2011. [Deferred from the December 21, 2009 Parish Council Meeting]

Legislative History

12/17/07 Parish Council Enacted Legislation

Mr. James Cospolich appointed to the New Orleans Board Noise Abatement Committee on December 17, 2007, per Resolution No. 5494

Term: December 31, 2007 - December 31, 2009

11/16/09 Parish Council Vacancy Announced

12/7/09 Parish Council Deferred

12/21/09 Parish Council Deferred

2010-0017 (1/11/2010)

Appointment of Chairman to the Hurricane Protection Projects Committee

Council Chairman shall name a Councilman to act as Chairman of the Hurricane Protection Projects Committee [per Parish Council Rule 32]

MEETINGS, ANNOUNCEMENTS, NOTICES, ETC.

MEETINGS

CIVIL SERVICE BOARD: Tuesday, 1/12/10, 6:30PM, Council Chambers

COMMUNITY ACTION ADVISORY BOARD: Wednesday, 1/13/10, 7PM, Council Chambers

SUNSET DRAINAGE DISTRICT: Thursday, 1/14/10, 7PM, Council Chambers

LIBRARY BOARD: Tuesday, 1/19/10, 6PM, Council Chambers

ZONING BOARD OF ADJUSTMENT: Thursday, 1/21/10, 7PM, Council Chambers

ANNOUNCEMENTS

PARISH HOLIDAY: Monday, January 18, 2010 - Martin Luther King, Jr. Day

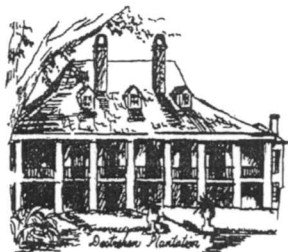
Accommodations for Disabled

St. Charles Parish will upon request and with three (3) days advanced notice provide reasonable accommodation to any disabled individual wishing to attend the meeting. Anyone requiring reasonable accommodation is requested to contact the Office of the Council Secretary at (985) 783-5000 to discuss the particular accommodations needed.

The Parish of St. Charles

January 11, 2010

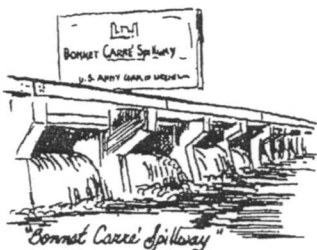
The St. Charles Parish Council
and the Parish President
Deeply Appreciate
Your Years of Service



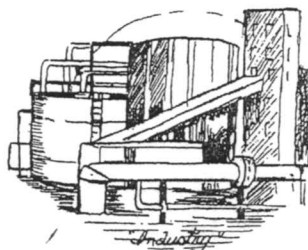
"Dutch Colonial"



"Hunting and Fishing"



"Bonnet Carre Spillway"



"Industry"



"The Little Red Church"

ZONING BOARD OF ADJUSTMENT

September 5, 2000 – December 7, 2009

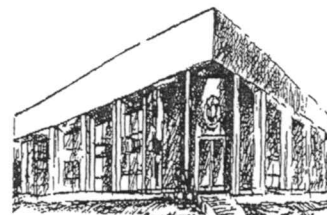


"Home place"



"Hub City Bridge"

SEAN D. MOORE



"PARISH OF PLENTY"
created in 1807 from the county of the
"German Coast", a parish of
unprecedented economic and social
development, known for its
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Mighty Mississippi River.

V.J. ST. PIERRE, JR.
PARISH PRESIDENT

TERRY AUTHEMENT
COUNCILMAN AT LARGE, DIV. B

BILLY RAYMOND, SR.
COUNCILMAN, DISTRICT I

SHELLEY M. TASTET
COUNCILMAN, DISTRICT II

WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A

PAUL J. HOGAN
COUNCILMAN, DISTRICT IV

LARRY COCHRAN
COUNCILMAN, DISTRICT V

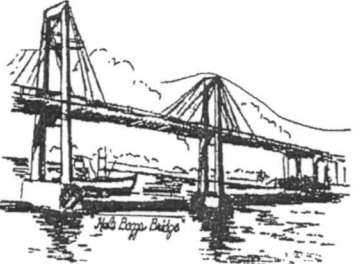
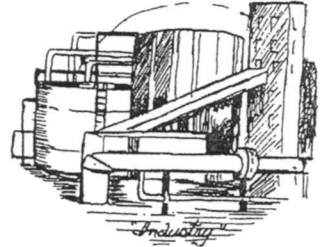
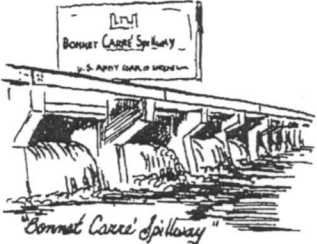
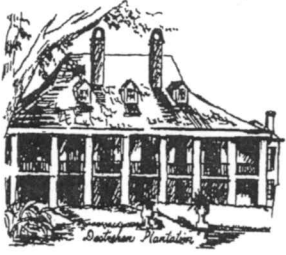
MARCUS M. LAMBERT
COUNCILMAN, DISTRICT VI

DENNIS NUSS
COUNCILMAN, DISTRICT VII

The Parish of St. Charles

January 11, 2010

The St. Charles Parish Council
and the Parish President
Deeply Appreciate
Your Years of Service



ZONING BOARD OF ADJUSTMENT

November 4, 2002 – December 7, 2009

KEITH M. ADAMS

"PARISH OF PLENTY"
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WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A

PAUL J. HOGAN
COUNCILMAN, DISTRICT IV

LARRY COCHRAN
COUNCILMAN, DISTRICT V

MARCUS M. LAMBERT
COUNCILMAN, DISTRICT VI

DENNIS NUSS
COUNCILMAN, DISTRICT VII

2010-0001**PROCLAMATION**

WHEREAS, *it is appropriate that on January 18, 2010, we celebrate and offer special recognition to Dr. Martin Luther King, Jr. for his unselfish nonviolent dedication to the Civil Rights Movement; and,*

WHEREAS, *we recognize that his fortitude and dedication to the Civil Rights Movement has carved a place for Dr. King in history for all races as a continual fight for freedom, equality, and justice; and,*

WHEREAS, *Dr. King, born in Atlanta, ordained a Baptist Minister in 1954, received his doctorate from Boston University in 1955, received the 1964 Nobel Peace Prize and became a leader of U. S. Civil Rights, spoke from his heart on August 28, 1963 on the steps of the Lincoln Memorial when he gave his famous speech "I Have a Dream"; and,*

WHEREAS, *Dr. King's words rang out across America and became deeply rooted in the American dream that we would follow the true meaning of the words of Abraham Lincoln, "We hold these truths to be self-evident; that all men are created equal", the true dream of Dr. King; and,*

WHEREAS, *Dr. King was assassinated on the balcony of the Lorraine Hotel in Memphis, Tennessee on April 4, 1968 marking a passage of history and the understanding that Dr. King did not die in vain but whose leadership and dreams will live on through history with a yearly celebration throughout the United States as a day of remembrance.*

SO, IN REMEMBRANCE OF THE CONTRIBUTION OF DR. MARTIN LUTHER KING, JR. AS A LEADER OF THE CIVIL RIGHTS MOVEMENT, THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT DO HEREBY PROCLAIM

JANUARY 18, 2010

AS

MARTIN LUTHER KING, JR. DAY

IN

ST. CHARLES PARISH

V.J. ST. PIERRE, JR.
PARISH PRESIDENT

CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A

TERRY AUTHEMENT
COUNCILMAN AT LARGE, DIV. B

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

BILLY RAYMOND, SR.
COUNCILMAN, DISTRICT I

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COUNCILMAN, DISTRICT VI

WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

DENNIS NUSS
COUNCILMAN, DISTRICT VII

The Parish of St. Charles

January 11, 2010

IN RECOGNITION OF SERVICE

DEEPLY APPRECIATES YOUR

YEAR OF COMMITMENT

AS

COUNCIL CHAIRMAN

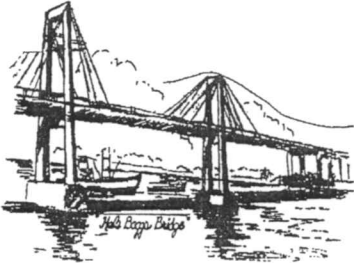
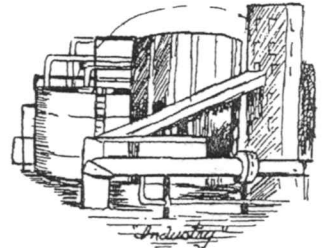
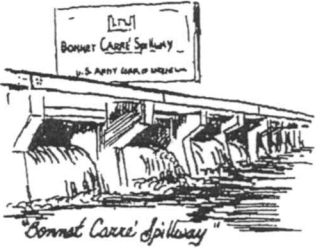
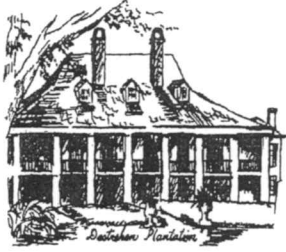
OF THE

ST. CHARLES PARISH COUNCIL

January 5, 2009 – December 21, 2009

TERRY AUTHEMENT

"PARISH OF PLENTY"
created in 1807 from the county of the
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V.J. ST. PIERRE, JR.
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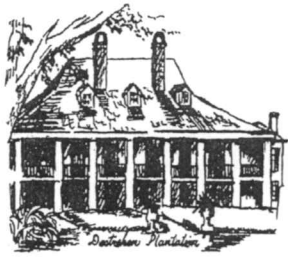
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The Parish of St. Charles

January 11, 2010

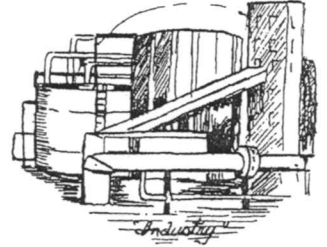
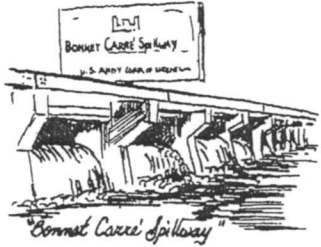


IN RECOGNITION OF SERVICE

DEEPLY APPRECIATES YOUR

YEAR OF COMMITMENT

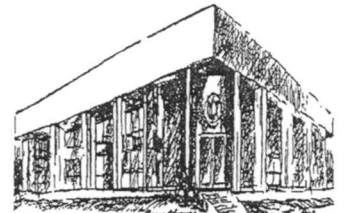
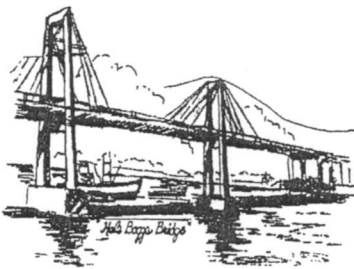
AS



COUNCIL VICE - CHAIRMAN
OF THE
ST. CHARLES PARISH COUNCIL

January 5, 2009 – December 21, 2009

MARCUS M. LAMBERT



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COUNCILMAN, DISTRICT VI

DENNIS NUSS
COUNCILMAN, DISTRICT VII

2010-0005

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

ORDINANCE NO. _____

An ordinance approving and authorizing the establishment of a Home Occupation under the operation of Billy Butler – “Olympus Con” – a general contractor – at 200 North Bend, Montz.

WHEREAS, the St. Charles Parish Code of Ordinances, Appendix A, Section XXII states that the Parish Council must approve a home occupation requiring any state license or permit; and,

WHEREAS, the proposed home occupation of Billy Butler requires a license or registration with the Louisiana Licensing Board for Contractors.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the home occupation application by Billy Butler to operate “Olympus Con” – a general contractor – at 200 North Bend, Montz is hereby approved.

SECTION II. That the Department of Planning & Zoning is hereby authorized to grant Billy Butler a home occupation permit to have the office for a general contractor at 200 North Bend, Montz.

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

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

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: _____
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____
RETD/SECRETARY: _____
AT: _____ RECD BY: _____

RECOMMENDATIONS AT A GLANCE

PZHO-2009-15 requested by Billy Butler for special permission to operate "Olympus Con." – a home office for a general contracting company at 200 Northbend, Montz. Zoning District R-1A. Council District 6.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

Mr. Becnel: Third item, PZHO-2009-15 requested by Billy Butler for special permission to operate "Olympus Con." – a home office for a general contracting company at 200 Northbend, Montz. Zoning District R-1A. Council District 6. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. Mr. Butler completed an application to use 200 North Bend, Montz as a home office for general contracting in October.

The request appears before the Commission because of the need for licensing by State Licensing Board for Contractors. If the cost of labor and materials for any job exceeds \$10,000, then a license by that agency is required.

Site inspection revealed no code violations, and no complaints or code violations are on file. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants. The proposed business appears to meet the general parameters of the home occupation regulations, so we recommend approval.

Mr. Becnel: Thank you Ms. Stein. This is a public hearing for PZHO-2009-15. Anyone here to speak in favor of this application, please come forward.

Billy Butler, 200 North Bend. As you know I'm applying for an occupational license for Olympus Con. This is basically a subsidiary of another company I currently operate in St. John Parish. It's merely to keep the two separate. I've been advised of all the requirements of a home office and I plan to adhere to them with your approval.

Mr. Becnel: Thank you Mr. Butler. Your intent is merely for this to be a home office.

Mr. Butler: Yes sir. I have two offices in St. John Parish. This is strictly for office use.

Mr. Becnel: Thank you very much. Anyone else wishing to speak in favor, please come forward. Anyone to speak in opposition, please come forward. Seeing none, this public hearing is closed. Commission discussion? Mr. Dufrene.

Mr. Dufrene: Mr. Butler the only problem that I have is that it remains transparent and I've heard that is what you have offered up. Mr. Butler lives in my subdivision and it's also in my district and based on what I see about the way he conducts his business, I'm in favor of moving forward with this and I would appreciate your support on this. Thank you.

Mr. Becnel: Thank you Mr. Dufrene. Any other comment? The reason why we are asking that is because by the nature of a construction business, a lot of times they tell us that it might be transparent.

Mr. Butler: I understand.

Mr. Becnel: Thank you very much. Seeing no further comments, please cast your vote.

YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe

NAYS: None

ABSENT: Foster

Mr. Becnel: That passes unanimously. Good luck Mr. Butler.

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: HO 2009-15

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 10/21/09**
Billy Butler
200 North Bend
Montz 70068
985.287.02129 or 985.397.1048
bbutler45@cox.net
- ◆ **Location of Site:**
Same
- ◆ **Applicant's description of business:**
Home office for general contracting company where billing and paper work are to be done
Occasional storage of basic hand tools and one ½ ton pick up truck used for personal and
company use. No customers or employees to visit home.

SITE – SPECIFIC INFORMATION

- ◆ **Existing Land Use and Zoning:**
Single-family residence in an R-1A zoning district.
- ◆ **Surrounding Land Uses and Zoning:**
To the north, east, and south, property is zoned R-1A and developed with single-family
homes.
- ◆ **Traffic Access and parking:**
Site is developed with a one car garage and a 100' long driveway that can stack as many as
six cars.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

B. Permit Process:

1. Pre-Application Orientation: The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. Application: A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00). The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. Departmental Review: The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.
4. Public Notice and Comment:
 - a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
 - b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
5. Determination: The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:

- a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
- b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
- c. Deny the application.

C. Operational Regulations:

1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
3. There shall be no signs posted which indicate the existence of the home occupation.
4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § I, 8-18-03)
5. Only the residents of the premises shall be engaged in the home occupation.
6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
8. The home occupation shall not eliminate required off-street parking.
9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)
12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

FINDINGS

Mr. Butler completed an application to use 200 North Bend, Montz as a home office for general contracting on October 21.

The request appears before the Commission because of the need for licensing by State Licensing Board for Contractors. If the cost of labor and materials for any job exceeds \$10,000, a license is required.

Site inspection revealed no code violations, and no complaints or code violations are on file. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants. The proposed business appears to meet the general parameters of the home occupation regulations.

DEPARTMENT RECOMMENDATIONS

Approval.



2010-0006

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

ORDINANCE NO. _____

An ordinance to amend the Zoning Ordinance to change the zoning classification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank & Shirline Johnson.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. An ordinance to amend the Zoning Ordinance of 1981, Ordinance No. 81-10-6, adopted October 19, 1981, approving the change of zoning classification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank and Shirline Johnson.

SECTION II. To authorize the Department of Planning & Zoning to amend the official St. Charles Parish Zoning Maps to reflect this reclassification from R-1AM to R-2 at 464 and 470 Killona Drive, Killona, as requested by Frank and Shirline Johnson.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

RECOMMENDATIONS AT A GLANCE

PZR-2009-21 requested by Shirline S. Johnson for a change in zoning classification from R-1A(M) to R-2 at 464 and 470 Killona Drive, Killona. Council District 1.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

PZR-2009-21 requested by Shirline S. Johnson for a change in zoning classification from R-1A(M) to R-2 at 464 and 470 Killona Drive, Killona. Council District 1. Mr. Romano.

Mr. Romano: Thank you Mr. Chairman. The applicant requests a rezoning from R-1AM to R-2 for the purpose of completing the renovation of the existing single family residential structure into a duplex. The applicant site is comprised of two historic lots of record currently owned by the applicant. One lot measures 43 x 97 feet (4,171 sq. ft); the other measures 50 x 97 feet (4,850 sq. ft.), upon which the house is located. Neither lot individually meets the criteria of either the R-1AM zoning district (5,000 SF minimum) or the R-2 district (6,000 SF minimum). The property has been in single ownership since before the adoption of the current zoning code. Because they are in single ownership, of continuous frontage, and because they individually do not meet the current zoning district standards, they are considered to be a single undivided lot of record, (SCP Code, Appendix A, Section IX(A)(3)).

An Administrative Resubdivision, combining the two lots, will be required if the rezone is approved in order for a building permit to be issued.

In order to recommend approval, a rezoning application must meet all of the conditions under one of the rezoning criteria. The Department concludes that this request meets all of the conditions of the second criteria. The second criteria strive to protect the surrounding land uses and to ensure that the general public interest and welfare will not be impacted due to the rezoning of property.

Because the site was historically developed as two single family residential units, the development of a duplex (two units) on the site will not unduly burden the public facilities or streets. The house is designed to look like a single family residence and adequate off street parking is available on the property to accommodate two households. Therefore, it will be compatible with the surrounding residential uses. The property will continue to be in commerce as a residential structure. The surrounding residential uses appear to be occupied and few vacant properties were noted in the area. This would suggest that an oversupply of residential uses does not occur in the area and this additional duplex will not create a disproportionate supply of land use to the surrounding population. For the reasons, the Department recommends rezoning approval.

Mr. Becnel: Thank you Mr. Romano, any Commission questions at this time?

Mr. Clulee: I think that this is the gentleman that came before us. They were able to work it out with the Department and I'm glad to see it. I recommend we go with it.

Mr. Becnel: This is a public hearing for PZR-2009-21. Anyone wishing to speak in favor, please come forward. Please state your name and address for the record.

Frank Johnson, 145 Julia Street, Hahnville. I am Shirline's husband. We've both been under the weather so I just want to say thank you for the reconsideration. We plan to develop the property in a way that it will be an upgrade to the area. Thank you.

Mr. Becnel: Thank you for your patience in working with us on this. Anyone else wishing to speak in favor, please come forward. Anyone wishing to speak in opposition, please come forward. Seeing none, the public hearing is closed. Any Commission discussion?

Ms. Wolfe: This is in my district and Rev. Johnson and his family has done beautifully with the renovations and everything and it enhances the area. I ask my fellow Commissioners to approve it.

Mr. Becnel: Thank you Ms. Wolfe. Any other discussion? Please cast your vote.

YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe
NAYS: None
ABSENT: Foster

Mr. Becnel: That passes unanimously.

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2009-21

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 10/05/2009**
Frank & Shirline Johnson
P.O. Box 73
Hahnville LA 70057
985.783.2303
- ◆ **Location of Site:**
464-470 Killona Drive, Killona
- ◆ **Requested Action:**
Rezoning from R-1AM to R-2

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:**
2 Lots totaling 9,021 sf
- ◆ **Existing Zoning and Land Use:**
R-1AM. Half of the property is being renovated into a double. The remainder of the lot is vacant with a slab on it.
- ◆ **Surrounding Land Uses and Zoning:**
A mixture of single-family and mobile homes surround the site.
- ◆ **Comprehensive Plan Specifications:**
(Killona) "Maintain the rural character of the community while controlling residential growth and, when feasible, allowing controlled commercial and industrial growth."
- ◆ **Utilities:**
Standard utilities serve the site.
- ◆ **Traffic Access:**
Killona Drive

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish Council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing or properties next to, or across the street from the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.

- b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
- a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

AND:

[VII.]R-2. Two-family residential:

1. Use Regulations:
- a. A building or land shall be used only for the following purposes:
 - (1) See uses allowed in the R-1A district
 - (2) Two-family dwellings
 - (3) Single family dwellings
 - (4) Accessory uses.
(Ord. No. 88-5-5, 5-16-88)
 - b. Special exception uses and structures include the following:
 - (1) Club houses and/or accessory recreational facilities for resident use only
 - (2) Professional, non-retail offices
 - c. Special permit uses and structures include the following:
 - (1) Child care centers
 - (2) Schools (public, private, and commercial)
 - (3) Religious institutions
 - (4) *Reserved.* (Ord. No. 06-12-6, § II, 12-4-06)
 - (5) *Reserved.* (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § III, 4-3-95)
 - (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § V, 10-5-92)

Editor's note--Section V of Ord. No. 92-10-9, adopted Oct. 5, 1992, added § VII.1.c(6). The editor has interpreted the intent of the section to add § VI.B[VII]1.c(6).

- d. Transportation system required: Local or collector street.

2. Spatial Requirements:

- a. **Minimum lot size: Six thousand (6,000) square feet (3,000 per family); minimum width - sixty (60) feet.**
- b. **Minimum yard sizes:**
 - (1) **Front - twenty (20) feet**
 - (2) **Side - five (5) feet each side**
 - (3) **Rear - twenty (20) feet.**
 - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999. (Ord. No. 08-8-9, § VII, 8-18-08)
- c. Accessory buildings:
 - 1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - 2) The accessory building shall not exceed two-story construction.
 - 3) Minimum rear setback of accessory building shall be the same as side yard requirement of the district in which it is located.
 - 4) Accessory buildings shall be located on the same parcel of land as the main structure.
(Ord. No. 82-3-3, § II, 3-1-82)
- d. Permitted encroachments:
 - 1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.

- 2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

(Ord. No. 82-3-3, § II, 3-1-82)

3. Transportation System Requirement: Front on local or collector street only.

4. Special Provisions:

- a. Where any two-family residential district (R-2) abuts any residential zoning district or use, a six-foot high solid wood fence or masonry wall shall be erected.

(Ord. No. 82-6-9, § III, 6-7-82)

ANALYSIS

The applicant requests a rezoning from R-1AM to R-2 for the purpose of completing the renovation of the existing single family residential structure into a duplex. The applicant site is comprised of two historic lots of record currently owned by the applicant. One lot measures 43 x 97 feet (4,171 sq. ft); the other measures 50 x 97 feet (4,850 sq. ft.), upon which the house is located. Neither lot individually meets the criteria of either the R-1AM zoning district (5,000 SF minimum) or the R-2 district (6,000 SF minimum). The property has been in single ownership since before the adoption of the current zoning code. Because they are in single ownership, of continuous frontage, and because they individually do not meet the current zoning district standards, they are considered to be a single undivided lot of record, (SCP Code, Appendix A, Section IX(A)(3)).

An Administrative Resubdivision, combining the two lots, will be required if the rezone is approved in order for a building permit to be issued.

In order to recommend approval, a rezoning application must meet all of the conditions under one of the rezoning criteria. This request meets all of the conditions of the second criteria. The second criteria strives to protect the surrounding land uses and to ensure that the general public interest and welfare will not be impacted due to the rezoning of property.

Because the site was historically developed as two single family residential units, the development of a duplex (two units) on the site will not unduly burden the public facilities or streets. The house is designed to look like a single family residence and adequate off street parking is available on the property to accommodate two households. Therefore, it will be compatible with the surrounding residential uses. The property will continue to be in commerce as a residential structure. The surrounding residential uses appear to be occupied and few vacant properties were noted in the area. This would suggest that an oversupply of residential uses does not occur in the area and this additional duplex will not create a disproportionate supply of land use to the surrounding population.

DEPARTMENTAL RECOMMENDATIONS

Approval.



2010-0007

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

ORDINANCE NO. _____

An ordinance to revoke and abandon a 464.35-foot portion of an undeveloped right-of-way of Parsons Avenue in St. Rose extending north from Airline Drive in favor of the abutting property owner.

WHEREAS, said certain property was laid out for use as Parsons Avenue as shown on the plat of Fairview Subdivision prepared by S.E. Calongne, Civil Engineer, dated August 22, 1927, revised July 14, 1930; and,

WHEREAS, the property has been determined to have no public use and/or benefit as required by Chapter 2 Section 2-4 of the St. Charles Parish Code of Ordinances; and,

WHEREAS, the St. Charles Parish Council wishes to revoke said property pursuant to Chapter 2 Section 2-4 of the Code of Ordinances.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Revocation of an undeveloped right-of-way for a 464.35-foot segment of Parsons Avenue in St. Rose extending north from Airline Drive, as indicated on the plat of Fairview Subdivision prepared by S.E. Calongne, Civil Engineer, dated August 22, 1927, revised July 14, 1930, is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Act of Revocation in favor of adjacent property owners.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

**ACT OF REVOCATION
OF DEDICATED PROPERTY
BY ST. CHARLES PARISH**

**UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES**

BE IT KNOWN, that on this _____ day of the month of _____, in the year of Our Lord, two thousand nine (2010).

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned;

PERSONALLY CAME AND APPEARED:

THE HONORABLE V. J. ST PIERRE JR, Parish President and Chief Executive Officer of the Parish of St. Charles, herein duly authorized by the provisions of the Ordinance No. _____ passed and adopted at a meeting of the St. Charles Parish Council held on _____.

That pursuant to the above related ordinance, the Parish of St. Charles, through its governing authority, the St. Charles Parish Council, does hereby abandon and revoke the dedication of undeveloped Parsons Avenue right of way, said right of way being extended 561.81 feet to the north of Airline Highway (as of November 3, 1969), located in Parcel 5, Fairview Plantation, Section 39, Township 12 South, Range 9 East, St. Rose, St. Charles Parish, Louisiana; that the revocation of the above dedicated property herein is deemed to be in the best interest of the Parish, as such property no longer constitutes property utilized or needed by the Public.

Further, that pursuant to LA R.S. 48-701 et seq, the revocation of the dedicated property shall be made unto the present owners of the land contiguous thereto.

THUS DONE AND SIGNED on this _____ day of _____, 2010, in the Parish of St. Charles, State of Louisiana, in the presence of the undersigned competent witnesses and me, Notary, after a reading of the whole.

WITNESSES:

ST. CHARLES PARISH

By: _____
V.J. St Pierre Jr.
Parish President

NOTARY PUBLIC

RECOMMENDATIONS AT A GLANCE

PZS-2009-41 requested by Scott Equipment Company for revocation of Parsons Street north of Airline Hwy., located west of 10176 Airline Dr, St. Rose. Zoning District M-1. Council District 5.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

Mr. Becnel: Second item is PZS-2009-41 requested by Scott Equipment Company for revocation of Parsons Street north of Airline Hwy., located west of 10176 Airline Dr, St. Rose. Zoning District M-1. Council District 5. Mr. Romano.

Mr. Romano: Thank you Mr. Chairman. This application was originally submitted as a re-subdivision with an understanding that Parson Avenue had been revoked when in fact it has not been revoked. Therefore, the applicant is seeking a revocation of this right-of-way so that they can acquire it and provide us with a proposed Resubdivision at a later date. The proposed action for this case is ONLY the revocation of Parsons Avenue as it appears on the attached maps on page 9. In order to create the intended lot configuration, the applicant will be required to submit a further application for administrative re-subdivision after the council approves the requested revocation assuming that they do.

Letters of no objection from all parish departments have been submitted. We have those on file, if you'd like, we can read them into the record, but we haven't made copies for the agenda. The plat as presented meets all requirements for subdivision and the proposed lots will meet or exceed all applicable regulations.

The plat shows a proposed building on Lot 5-B-1 which appears to meet all setbacks. The existing gravel drive extending to the rear of this lot will likely be replaced as access to Lot 5-B-2 within frontage. The Department recommends approval.

Mr. Becnel: Thank you Mr. Romano. Any Commission discussion? This is a public hearing for PZS-2009-41. Anyone wishing to speak in favor, please come forward.

Ronald Colten, I represent Scott Equipment. We a location at 10176 Airline Hwy. Our intent is to get the revocation and proceed forward with all the processes to eventually build another facility at that location.

Mr. Becnel: Anyone else wish to speak in favor, please come forward? Anyone here in opposition to this application, please come forward? Seeing none the public hearing is closed. Mr. Romano.

Mr. Romano: There is something I forgot to add. The letter from public works that we received stated that in the second paragraph "the plat shows drainage structures along the eastern edge of the right of way. This drain line appears to drain in to the perimeter ditch around James Business Park and takes stormwater from Airline Hwy". What Public Works would like stipulated into the record is that a 15 ft. drainage servitude be created along the eastern side of the existing side of the existing Parson Avenue for parish maintenance.

Mr. Becnel: A 15 ft. drainage servitude on the eastern side?

Mr. Romano: Yes sir. Basically with that, they have no objection to the revocation, providing that be approved.

Mr. Becnel: Has that been discussed with the representative from Scott?

Mr. Romano: No sir, I believe it's being discussed right now.

Mr. Colten: Scott Equipment is aware of the 15 ft.

Mr. Becnel: Thank you very much. Any other Commission discussion? Okay, the Department recommends approval with the condition that Scott allows a 15 ft. drainage servitude on the eastern side of the property. The representative from Scott says that they are in agreement with that.

Mr. Booth: This is in my district. This will help clean up a little problem and Scott has done an excellent job, I don't know if you are familiar with what they've done in their rear yard. They took a shabby looking gravel work area and concreted it and really cleaned up that area. They've done a fantastic job out there and I believe that Ron will continue with his people to enhance and make St. Charles Parish only better. I recommend that we support this.

Mr. Becnel: Thank you Mr. Booth. Anyone else? Any further comment? Okay, with the stipulation, please cast your vote.

YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe
NAYS: None
ABSENT: Foster

Mr. Becnel: That passes unanimously.

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZS-2009-41

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:**
The Scott Corporation
1000 US 165
Monroe, LA 71203
318.388.9277

Application Date: 10/05/09

- ◆ **Location of Site:**
Just west of 10176 Airline Drive, St. Rose

- ◆ **Requested Action:**
Revocation of undeveloped Parsons Avenue north of US 61, Fairview Plantation.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel:**
2.584 acres

- ◆ **Existing Land Use:**
Vacant

- ◆ **Existing Zoning:**
M-1

- ◆ **Surrounding Land Uses and Zoning:**
Light Industrial, M-1

- ◆ **Comprehensive Plan Specifications:**
(St. Rose) “Encourage service oriented land-uses, especially airport related uses, while maintaining the existing residential uses.”

- ◆ **Utilities:**
Standard utilities serve the site.

- ◆ **Floodplain Information:**
A99

- ◆ **Traffic Access:**
US 61 (Airline Drive)

APPLICABLE REGULATIONS

Appendix C, Subdivision Ordinance, Section II.

- C. Minor Subdivisions/Formal Process Not Required.
 1. If no street, drainage, or sewer improvements are required, no formal Preliminary Plat shall be required, however, the presented plan shall conform to requirements outlined in Section II.C.4. of this section. (Ord. No. 94-12-4, § XIX, 12-5-94)
 2. In instances where only five (5) lots or less are proposed for resubdivision wherein no additional lots or additional streets are proposed to be created, the Parish President and the Director of Planning and Zoning shall have the authority to sign certification and thereby approve or disapprove such applications for subdivisions without public notice, public hearing, Commission approval, or Council approval, provided that the proposal is in compliance with all relevant land use regulations, as amended. This authority shall not exceed the limits herein.

3. In instances where only five (5) lots or less are proposed to be created by subdivision or resubdivision and no new or additional streets are to be created, the Commission may approve and the Chairman of the Commission may sign certification for such applications for subdivision or resubdivision without final approval of the plat plan by the Council provided that the standard public hearing and public notification actions have been effected. The proposal shall be in compliance with all relevant land use regulations, as amended. This authority shall not exceed the limits herein.
4. Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information:
 - a. Location of the property.
 - b. Name(s) and address(es) of the owners.
 - c. Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.
 - d. Existing property lines and lot numbers, including names and width of adjoining streets.
 - e. Proposed property lines and revised numbers of proposed lots.
 - f. Location and dimensions of existing buildings.
 - g. Layout and dimensions of servitudes and rights-of-way (including sidewalks). Existing drainage ditches and canals and their respective servitudes.
 - h. Existing lakes and ponds.
 - i. North arrow and scale.

ANALYSIS

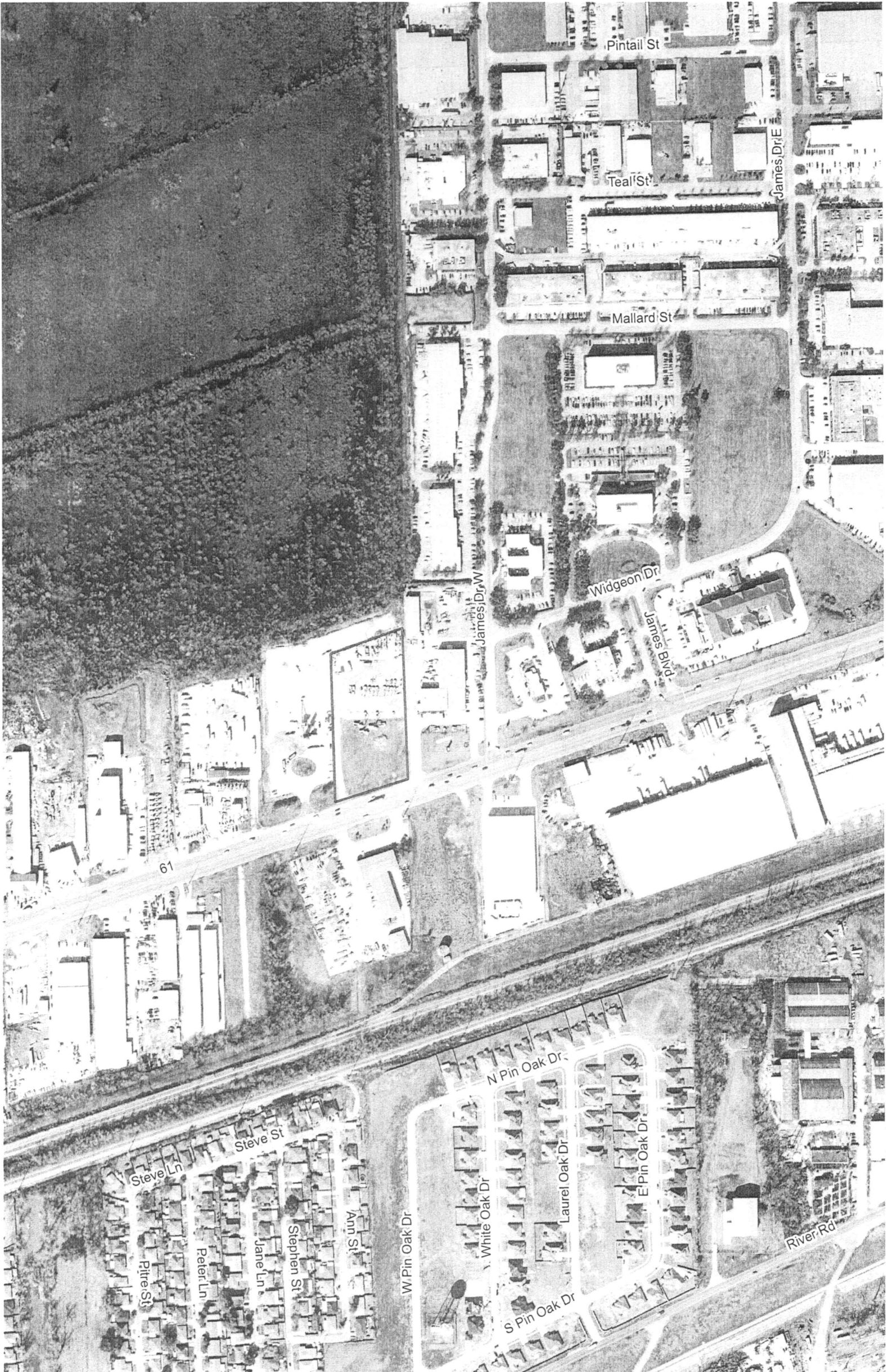
This application was originally submitted as a re-subdivision with an understanding that Parson Avenue had been revoked when in fact it has not. Therefore, the applicant is seeking a revocation of this right-of-way. The proposed action for this case is ONLY the revocation of Parsons Avenue as it appears on the attached maps. In order to create the intended lot configuration, the applicant will be required to submit a further application for administrative re-subdivision after the council approves the requested revocation.

Letters of no objection from all parish departments have been submitted. The plat as presented meets all requirements for subdivision and the proposed lots meet or exceed all applicable regulations.

The plat shows a proposed building on Lot 5-B-1 which appears to meet all setbacks. The existing gravel drive extending to the rear of this lot will likely be replaced as access to Lot 5-B-2 within frontage.

DEPARTMENTAL RECOMMENDATIONS

Approval.



MEMORANDUM

DATE: November 5, 2009
TO: Robert Brou, Director of Waterworks
FROM: Stephen Romano, Development Review Planner
SUBJECT: Revocation Request: Parsons Avenue St. Rose

Enclosed is a copy of documents submitted by Stephen Harrison of Scott Equipment Company. The company through Mr. Harrison is requesting the revocation of undeveloped Parsons Avenue in St. Rose that is situated through their property.

Please examine the site and make a determination as to the continuing public need of this right-of-way and memo this Department of your findings. The applicant's resubdivision application was removed from the November 2009 Planning & Zoning Commission agenda but will likely be ready for consideration at the December 2009 meeting. Therefore, time is of the essence. Thank you.

cc: Planning & Zoning File

SAR

MEMORANDUM

DATE: November 5, 2009
TO: Sam Scholle, Director of Public Works and Wastewater
FROM: Stephen Romano, Development Review Planner
SUBJECT: Revocation Request: Parsons Avenue St. Rose

Enclosed is a copy of documents submitted by Stephen Harrison of Scott Equipment Company. The company through Mr. Harrison is requesting the revocation of undeveloped Parsons Avenue in St. Rose that is situated through their property.

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cc: Planning & Zoning File

SAR

MEMORANDUM

DATE: November 5, 2009
TO: Tut Clement, Contract Monitor
FROM: Stephen Romano, Development Review Planner
SUBJECT: Revocation Request: Parsons Avenue St. Rose

Enclosed is a copy of documents submitted by Stephen Harrison of Scott Equipment Company. The company through Mr. Harrison is requesting the revocation of undeveloped Parsons Avenue in St. Rose that is situated through their property.

Please examine the site and make a determination as to the continuing public need of this right-of-way and memo this Department of your findings. The applicant's resubdivision application was removed from the November 2009 Planning & Zoning Commission agenda but will likely be ready for consideration at the December 2009 meeting. Therefore, time is of the essence. Thank you.

cc: Planning & Zoning File

SAR



V.J. ST. PIERRE, JR.
PARISH PRESIDENT

SAM SCHOLLE
DIRECTOR

ST. CHARLES PARISH

DEPARTMENT OF PUBLIC WORKS

P.O. BOX 705 • LULING, LOUISIANA 70070
(985) 783-5102 • (985) 783-5104 • Fax: (985) 785-2207
Website: www.stcharlesgov.net

MEMORANDUM

DATE: December 3, 2009

TO: Mr. Steve Romano
Development Review Planner

FROM: Sam Scholle *SS*
Director of Public Works/Wastewater

RE: **Revocation of Parson Avenue, St Rose**

The Department of Public Works/Wastewater has reviewed your November 5, 2009 memorandum on the revocation of Parson Avenue north of Airline Hwy. The plat submitted to DPW/WW by Landmark Surveying dated April 6, 2009 (copy attached) shows the right of way for Parson Avenue to be revoked. There is no need for the right of way for the Wastewater Department.

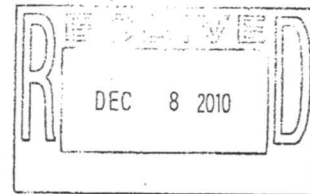
The plat shows drainage structures along the eastern edge of the right of way. This drain line appears to drain into the perimeter ditch around James Business Park and takes stormwater from Airline Hwy. DPW/WW has to have the ability to maintain this line even though there is little evidence of previous maintenance. DPW/WW no objection to the revocation of Parson Avenue provided that a fifteen foot drainage servitude be created along the eastern side of the existing Parson Avenue for Parish maintenance.

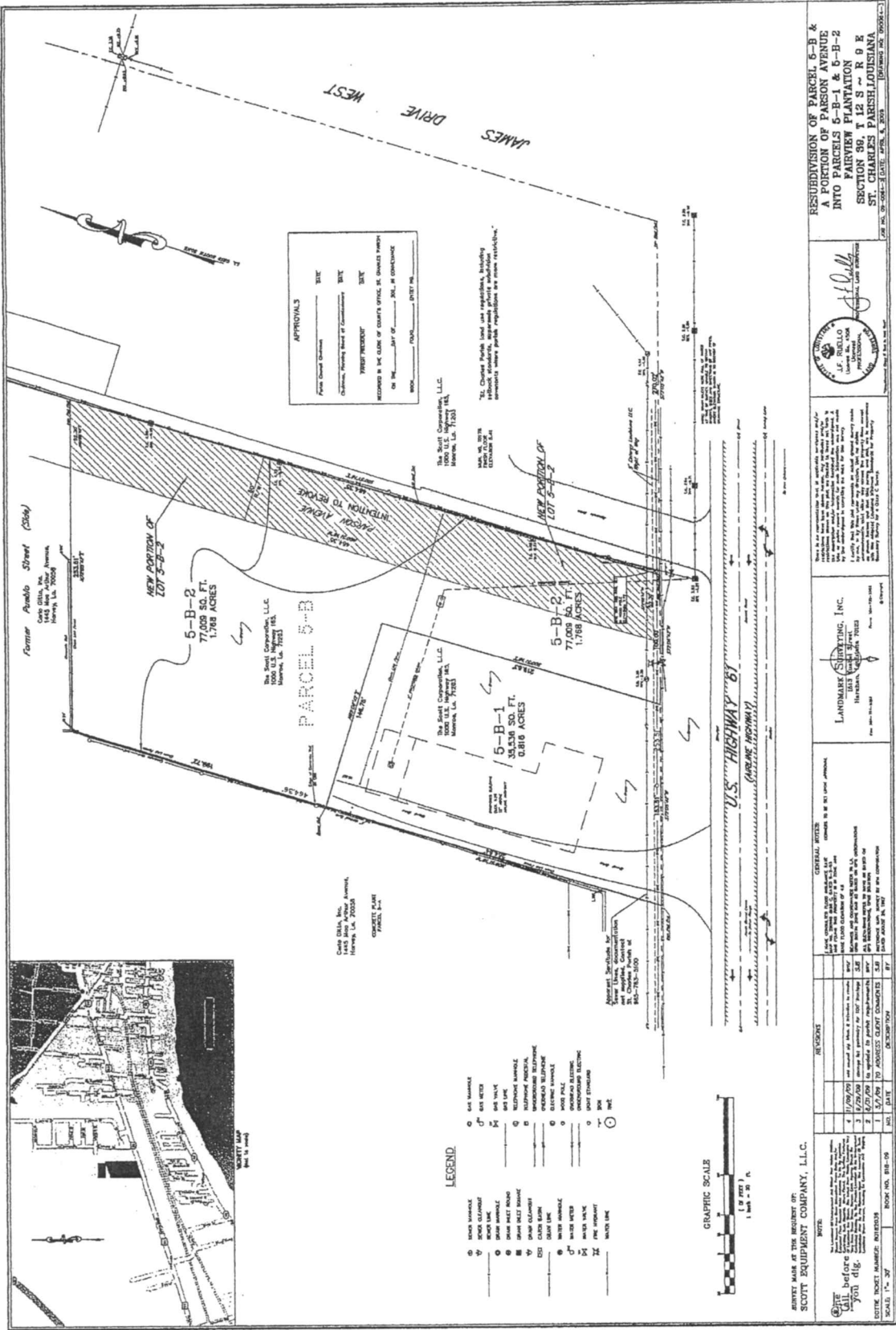
Should you have any questions or comments please do not hesitate to call Mr. Lee Zeringue, PE at 783-5102.

Attachment

SS/lpz

cc: Mr. Bob Dublan, Assistant Director of Public Works
Mr. Sammy Accardo, Assistant Director of Wastewater
Mr. Lawrence "Lee" Zeringue, PE; Senior Parish Engineer





APPROVALS

DATE: _____ TIME: _____

FILED: _____

CERTIFICATE: _____

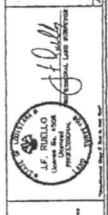
PROJECT ENGINEER

BY: _____ DATE: _____

RECORDED IN THE OFFICE OF THE CLERK OF COURTS AT MONROE, LOUISIANA ON THE _____ DAY OF _____ 2015. BY _____

RESUBDIVISION OF PARCEL 6-B & A PORTION OF PARSON AVENUE INTO PARCELS 5-B-1 & 5-B-2 SECTION 08 E TOWNSHIP 17 S RANGE 18 E PARISH LOUISIANA

FILED FOR RECORDED ON APRIL 4, 2015



LANDMARK SURVEYING, INC.

1000 U.S. Highway 165, Monroeville, LA 70508

337-233-2338

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

3. THIS PLAN IS BASED ON A SURVEY CONDUCTED ON _____ 2015.

4. THE CLIENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DATA PROVIDED.

| NO. | DATE | DESCRIPTION |
|-----|---------|-----------------------|
| 1 | 3/27/15 | ISSUE CLIENT COMMENTS |
| 2 | 3/30/15 | REVISED PLAN |

SCOTT EQUIPMENT COMPANY, L.L.C.

1000 U.S. Highway 165, Monroeville, LA 70508

337-233-2338

WWW.SCOTTEQUIPMENT.COM

2010-0008

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

ORDINANCE NO. _____

An ordinance adopting the St. Charles Parish Council Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 in accordance with the Parish Transportation Act.

WHEREAS, In accordance with the provisions of Louisiana Revised Statutes 48:751-760, the Parish Transportation Act, and the St. Charles Parish Home Rule Charter, the Parish President has submitted the Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 to the St. Charles Parish Council; and,

WHEREAS, The Parish Council has taken under advisement the study of the Road and Bridges Capital Program Budget.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Road and Bridges Capital Program Budget for fiscal year 2010 through 2012 identified as "Exhibit A" is hereby approved and adopted.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

Exhibit "A"

St. Charles Parish Council
Road & Bridge Capital Budget Program

| Project | Funding Source | 2010 | 2011 | 2012 | Total |
|-----------------------------|--|------------------|----------------|----------------|------------------|
| Priority 15 | Parish Transportation Special Revenue - Fund 102 | 184,724 | | | 184,724 |
| Priority 13 | Parish Transportation Special Revenue - Fund 102 | 11,238 | | | 11,238 |
| Priority 12 | Parish Transportation Special Revenue - Fund 102 | 12,348 | | | 12,348 |
| Priority 11 | Parish Transportation Special Revenue - Fund 102 | 228,411 | | | 228,411 |
| Priority 10 | Parish Transportation Special Revenue - Fund 102 | 63,279 | 500,000 | | 63,279 |
| Priority 8 | Parish Transportation Special Revenue - Fund 102 | 500,000 | 500,000 | 500,000 | 1,000,000 |
| | | <u>500,000</u> | <u>500,000</u> | <u>500,000</u> | <u>1,500,000</u> |
| Priority 10 | Road & Drainage M&O Special Revenue - Fund 112 | 11,855 | | | 11,855 |
| Priority 9 | Road & Drainage M&O Special Revenue - Fund 112 | 864,781 | | | 864,781 |
| Priority 8 | Road & Drainage M&O Special Revenue - Fund 112 | 723,364 | | | 723,364 |
| | | <u>1,600,000</u> | <u>-</u> | <u>-</u> | <u>1,600,000</u> |
| Total Capital Budget | | <u>2,100,000</u> | <u>500,000</u> | <u>500,000</u> | <u>3,100,000</u> |

2010-0009

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
CAROLYN K. SCHEXNAYDRE, COUNCILWOMAN-AT-LARGE, DIVISION A**

ORDINANCE NO. _____

An ordinance to amend the Code of Ordinances by adding Section 2-24. Department of Planning and Zoning Commission Agenda (a) to Chapter 2 Administration, Article II. Departments.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances be amended by adding Section 2-24. Department of Planning and Zoning Commission Agenda (a) to Chapter 2 Administration, Article II. Departments as follows:

- (a) The Planning and Zoning Director or their Representative shall provide the Planning and Zoning Commission Agenda to the Parish Council and the Planning and Zoning Commissioners no less than seven (7) days in advance of the scheduled Planning and Zoning Commission meeting.

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

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

Amend Code - Chapter 2, Section 2-24 P&Z Commission Agenda

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2010-0010

**INTRODUCED BY: CAROLYN K. SCHEXNAYDRE, COUNCILWOMAN-AT-LARGE, DIVISION A
PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
DENNIS NUSS, COUNCILMAN, DISTRICT VII**

ORDINANCE NO. _____

An ordinance to amend the Code of Ordinances by adding Section 2-73. Consolidated Operating and Capital Budget to Chapter 2 Administration, Article IV. Finance, Div. 1. Generally.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances be amended by adding Section 2-73. Consolidated Operating and Capital Budget to Chapter 2 Administration, Article IV. Finance, Div. 1. Generally as follows:

Annual Operating Budget prepared by the Finance Department shall be presented to the Parish Council for review no less than thirty (30) days prior to the first budget hearing date.

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

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

Amend Code - Chapter 2, Section 2-73 Consolidated Operation Budget

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2009-0421

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____

An ordinance to amend the Code of Ordinances Chapter 7, Drainage and Flood Control, Article I., In General, Section 7-1. Permitting sand, dirt, concrete, lumber, etc., to fall into drainage ditches and canals.

WHEREAS, blocking drainage ditches, canals, catch basins, or other drainage infrastructure can be detrimental to the welfare of the citizens of St. Charles Parish; and,

WHEREAS, under State RS33:1243, Maximum penalties, A. (1) any parish with a population of four hundred twenty-five thousand or less, the maximum penalty which may be imposed for a violation of any parish ordinance shall be five hundred dollars (\$500.00) and imprisonment of thirty days in the parish jail.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances Chapter 7, Drainage and Flood Control, Article I., In General, Section 7-1. Permitting sand, dirt, concrete, lumber, etc., to fall into drainage ditches and canals is hereby amended as follows:

AS WRITTEN:

Sec. 7-1. Permitting sand, dirt, concrete, lumber, etc., to fall into drainage ditches and canals.

- (a) It shall be unlawful for any person to allow any dirt, sand, concrete, lumber, etc., to be placed or be allowed to be placed so as to slip, fall, or run into any drainage ditches and canals under the jurisdiction of the parish council.
- (b) Any person found guilty of violating the provisions of this section shall be fined not more than one hundred dollars (\$100.00), or imprisoned for not more than thirty (30) days, or both, at the discretion of the court for each offense.

REVISED:

Sec. 7-1. Permitting fill material and debris to fall into and/or to block drainage ditches, canals, catch basins, or other drainage infrastructure.

- (a) It shall be unlawful for any person to allow any fill material such as dirt, sand, gravel, etc. and/or any other material or debris to be placed such that 1) its placement impedes flow in any drainage ditch or canal, or 2) it blocks flow into any catch basins or any other drainage infrastructure, under the jurisdiction of the Parish Council.
- (b) Any person found guilty of violating the provisions of this Section shall be fined not more than one hundred dollars (\$100.00), or imprisoned for not more than thirty (30) days, or both, at the discretion of the court for each offense.

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

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

Amend Code - Chapter 7, Section 7-1 revised

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2009-0490

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

ORDINANCE NO. _____

An ordinance approving and authorizing the execution of Change Order No. 1 and Final for Parish Project No S080201, Beaupre & Lakewood Pump Station and Force Mains, to decrease the contract time by 61 days and to decrease the contract amount by \$17,027.34.

WHEREAS, Ordinance No. 09-5-10 adopted May 18, 2009 by the St. Charles Parish Council awarded construction of Parish Project No S080201, Beaupre & Lakewood Pump Station and Force Mains, to DigCo Utility Construction, LP; and,

WHEREAS, it is necessary to amend the contract to adjust the original contract quantities with actual quantities resulting in a decrease to the contract time by 61 days and an decrease to the contract amount by \$17,027.34,

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Change Order No. 1 and Final for Parish Project No S080201, Beaupre & Lakewood Pump Station and Force Mains, to decrease the contract time by 61 days and to decrease the contract amount by \$17,027.34 is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Change Order on behalf of St. Charles Parish.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED : _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

CHANGE ORDER

No. 1 - Final **38**
(Balancing Change Order)

DATE OF ISSUANCE _____

EFFECTIVE DATE _____

OWNER St. Charles Parish
 CONTRACTOR Digco Utility Construction, LP
 Contract: _____
 Project: Beaupre & Lakewood Pump Station and Force Mains
 OWNER's Contract No. S080201 ENGINEER's Contract No. 0817
 ENGINEER Environmental Engineering Services, Inc.

You are directed to make the following changes in the Contract Documents:

Description:

1. Delete the Following Work Items:

Contract Item # 43: Relocation of Infrastructure
 Delete item in its entirety. (-\$30,000)

Total of Deducted Items = (-\$30,000)

2. Add the Following Work Items:

New Contract Item #45: Additional work performed. See attached for details.
 Addition of \$18,562.66 (L.S.). See attached cost breakdown for details.

Total of Added Work Items = (+\$18,562.66)

3. Revise the Following Work Item Quantities:

- a. Contract Item # 5b: 1" Air Release Valve Assembly (Type II) Complete
The quantity is to be changed from 7 to 1 installed quantity. (-\$6,000)
- b. Contract Item # 11a: 12" HDPE SDR14 Force Main (Jack and Bore)
The quantity is to be changed from 6000 feet to 6156 feet installed. (+\$7,800)
- c. Contract Item # 11b: 8" HDPE SDR17 Force Main (Jack and Bore)
The quantity is to be changed from 2500 feet to 2229 feet installed. (-\$8,130)
- d. Contract Item # 12: Ductile Iron Fittings
The quantity is to be changed from 0.5 tons to 0.474 tons installed. (-\$260)
- e. Contract Item # 38a: 12" Transition Fitting (Harvey Adapter)
The quantity is to be changed from 1 to 3 installed quantities. (+\$1,000)

Total of Change in Work Items Quantity = (-\$5,590)

Reason for Change Order: List a reason for each Line Item listed above.

- 1. Deleted Work Items
There was no infrastructure that was encountered in course of Project that needed to be relocated.
- 2. Add Work Items
Additional miscellaneous work needed to complete the Project. See attached cost breakdown for details.
- 3. Revise Work Item Quantities
 - a. To adjust contract quantities to actual installed quantities.
 - b. To adjust contract quantities to actual installed quantities.
 - c. To adjust contract quantities to actual installed quantities.
 - d. To adjust contract quantities to actual installed quantities.
 - e. To adjust contract quantities to actual installed quantities.

Attachments: (List documents supporting change)

- 1. Balancing Change Order Summary
- 2. Contractor's Cost Breakdown and Summary

| CHANGE IN CONTRACT PRICE: |
|--|
| Original Contract Price \$ <u>827,975.00</u> |
| Net Increase (Decrease) from previous Change Orders No. <u>-</u> to <u>-</u> : \$ <u>-0-</u> |
| Contract Price prior to this Change Order: \$ <u>827,975.00</u> |
| Net decrease of this Change Order: \$ <u>-17,027.34</u> |
| Contract Price with all approved Change Orders: \$ <u>810,947.66</u> |

| CHANGE IN CONTRACT TIMES: |
|--|
| Original Contract Times: Substantial Completion: <u>180</u> Ready for final payment: <u>225</u> (days or dates) |
| Net change from previous Change Orders No. <u>-</u> to <u>-</u> : Substantial Completion: <u>-0-</u> Ready for final payment: <u>-0-</u> (days) |
| Contract Times prior to this Change Order: Substantial Completion: <u>180</u> Ready for final payment: <u>225</u> (days or dates) |
| Net decrease this Change Order: Substantial Completion: <u>61</u> Ready for final payment: <u>61</u> (days) |
| Contract Times with all approved Change Orders: Substantial Completion: <u>119</u> Ready for final payment: <u>164</u> (days or dates) |

RECOMMENDED:

APPROVED:

ACCEPTED:

By: Robert P. Zullo
ENGINEER (Authorized Signature)

By: _____
OWNER (Authorized Signature)

By: Bl C2
CONTRACTOR (Authorized Signature)

Date: 11/30/09

Date: _____

Date: 12/7/09

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.

BALANCING CHANGE ORDER SUMMARY SHEET
Beaupre & Lakewood Pump Station Upgrades & Force Mains
St Charles Project #S080201 / EES Project #0817
ST CHARLES PARISH, LA

PROJECT NO. 0817

DATE: November 18, 2009

| ITEM # | DESCRIPTION | ORIGINAL CONTRACT | | | ADDITIONS | | DELETIONS | | TOTALS | | | | | | | | | |
|--------|--|-------------------|--------------|-----------------------|--------------------|-------------|-----------|-------------|------------------------|--------------------|--|--|--|------------------------|--|--|--------------|---------------------|
| | | CONTRACT QUANTITY | UNIT PRICE | CONTRACT VALUE | QUANTITY | TOTAL | QUANTITY | TOTAL | QUANTITY | VALUE | | | | | | | | |
| 1(a) | 14" PVC Dr 25 C-9900 Force Main (Open Cut) | 75 | \$20.00 | \$1,500.00 | | | | | 75 | \$1,500.00 | | | | | | | | |
| 1(b) | 8" PVC Dr 18 C-900 Force Main (Open Cut) | 50 | \$10.00 | \$500.00 | | | | | 50 | \$500.00 | | | | | | | | |
| 1(c.) | 8" Flg x PE Spool Pipe | 3 | \$300.00 | \$900.00 | | | | | 3 | \$900.00 | | | | | | | | |
| 4 | 14" MJ Plug Valve w/Valve Box | 1 | \$7,000.00 | \$7,000.00 | | | | | 1 | \$7,000.00 | | | | | | | | |
| 5(a) | 2" Air Release Valve Assembly, (Type I) Complete | 5 | \$2,000.00 | \$10,000.00 | | | | | 5 | \$10,000.00 | | | | | | | | |
| 5(b) | 1" Air Release Valve Assembly (Type II) Complete | 7 | \$1,000.00 | \$7,000.00 | | | 6 | | 1 | \$1,000.00 | | | | | | | | |
| 8(a) | Tie-into Existing 14" Force Main Pipe | 2 | \$3,500.00 | \$7,000.00 | | | | | 2 | \$7,000.00 | | | | | | | | |
| 8(b) | Tie-into Existing 8" Force Main Pipe | 1 | \$2,500.00 | \$2,500.00 | | | | | 1 | \$2,500.00 | | | | | | | | |
| 8(c.) | Tie-into Existing 4" Force Main Pipe | 1 | \$2,000.00 | \$2,000.00 | | | | | 1 | \$2,000.00 | | | | | | | | |
| 11(a) | 12" HDPE SDR 14 Force Main (Jack & Bore) | 6000 | \$50.00 | \$300,000.00 | 156 | \$7,800.00 | | | 6156 | \$307,800.00 | | | | | | | | |
| 11(b) | 8" HPPE SDR 17 Force Main (Jack & Bore) | 2500 | \$30.00 | \$75,000.00 | | | 271 | \$8,130.00 | 2229 | \$66,870.00 | | | | | | | | |
| 12 | Ductile Iron Fittings | 0.5 | \$10,000.00 | \$5,000.00 | | | 0.026 | \$260.00 | 0.474 | \$4,740.00 | | | | | | | | |
| 17 | Sewer Flow Control & By-Pass Pumping | 1 | \$67,000.00 | \$67,000.00 | | | | | 1 | \$67,000.00 | | | | | | | | |
| 31 | Mobilization | 1 | \$25,000.00 | \$25,000.00 | | | | | 1 | \$25,000.00 | | | | | | | | |
| 33 | Rehabilitate Pump Station | 1 | \$275,000.00 | \$275,000.00 | | | | | 1 | \$275,000.00 | | | | | | | | |
| 38(a) | 12" Transition Fitting (Harvey Adapter) | 1 | \$500.00 | \$500.00 | 2 | \$1,000.00 | | | 3 | \$1,500.00 | | | | | | | | |
| 38(b) | 8" Transition Fitting (Harvey Adapter) | 2 | \$400.00 | \$800.00 | | | | | 2 | \$800.00 | | | | | | | | |
| 43 | Relocation of Infrastructure | 1 | \$30,000.00 | \$30,000.00 | | | 1 | \$30,000.00 | 0 | \$0.00 | | | | | | | | |
| 44 | 12" Flow Meter, Complete | 1 | \$11,275.00 | \$11,275.00 | | | | | 1 | \$11,275.00 | | | | | | | | |
| 45 | Additional Work See Change Order #1 | | | | 1 | \$18,562.66 | | | 1 | \$18,562.66 | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | CONTRACT VALUE | 8827,975.00 | | | | TOTAL ADDITIONS | \$27,362.66 | | | | TOTAL DELETIONS | | | TOTAL | \$810,947.66 |



V.J. ST. PIERRE, JR.
PARISH PRESIDENT

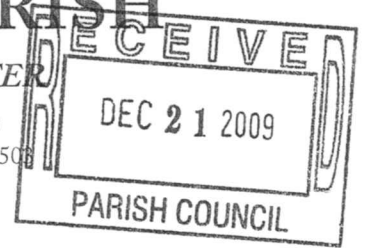
SAM SCHOLLE
DIRECTOR

ST. CHARLES PARISH

DEPARTMENT OF WASTEWATER

P.O. BOX 705 • LULING, LOUISIANA 70070
(985) 783-5100 • (985) 783-5102 • Fax: (985) 785-6508

Website: www.stcharlesgov.net



MEMORANDUM

DATE: December 17, 2009

TO: Ms. Barbara Jacob-Tucker
Council Secretary

FROM: Sam Scholle *SS*
Director Public Works/Wastewater

RE: **Beaupre & Lakewood Pump Station and Force Mains
St Charles Project No. S090201
Change Order No. 1-Final**

Please introduce Change Order No. 1-Final for the above referenced project at the next Council Meeting, which is Monday, December 21, 2009. Thank you for your usual cooperation.

Should you have any questions or comments please do not hesitate to call Mr. Lawrence "Lee": Zeringue, PE at 783-5102.

SS/lpz

Attachments

2009-0491

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

ORDINANCE NO. _____

An ordinance approving and authorizing the execution of a Professional Services Agreement with Permit Application Services on a Parishwide basis to provide Right of Way and Servitude acquisition services for new construction and existing facility/maintenance requirements.

WHEREAS, St. Charles Parish is in need of right of way and servitude services to construct new facilities and perform maintenance on existing facilities concerning Parish drainage and capital projects in the parish; and,

WHEREAS, in order to maintain approximately fifty (50) miles of major drainage canals to optimum efficiency to drain storm water, various maintenance, right of ways and servitudes are required from land owners in the parish; and,

WHEREAS, the Department of Public Works does not have the manpower available to perform the work required in a timely manner to research courthouse records, interview landowners and coordinate the legal request to obtain right a ways and servitudes; and,

WHEREAS, St. Charles Parish requires that the drainage facilities and systems are maintained properly to ensure the safety and well being of its citizens and their property.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS,

SECTION I. That a Professional Services Agreement with Permit Application Services for Parishwide right of ways, and servitudes acquisition is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Professional Services Agreement on behalf of St. Charles Parish.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____



ST. CHARLES PARISH

DEPARTMENT OF PUBLIC WORKS AND WASTEWATER

PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT made and entered into the ____ day of _____, 2009, by and between ST. CHARLES PARISH acting herein by and through its President, who is duly authorized to act on behalf of the Parish, hereinafter called the OWNER and **PERMIT APPLICATION SERVICES**, 392 Marcia Dr. Luling La 70070, a Louisiana Corporation acting herein and through its President, hereinafter called the CONSULTANT. Whereas the OWNER desires to employ the CONSULTANT to perform the services described herein for Parish Project No. **P091102** titled **LAND MANAGEMENT SERVICES**.

1. GENERAL

- a. The OWNER engages the CONSULTANT to perform specific professional services identified and described in the Scope of Services. CONSULTANT services shall conform to the requirements of the OWNER and all participating regulating agencies.

2. SERVICES OF THE CONSULTANT

- a. The services consist of the work defined in the following Scope of Services.

b. SCOPE OF SERVICES:

- Research to define property land owners that are affected by Public Works Projects.
- Research to define St. Charles Parish owned property or dedicated Servitudes / ROW that are included with Public Works Projects.
- Initiate Communication, both written and oral, with land owners concerning property that is affected by Public Works Projects.
- Follow-up on responses from land owners on St. Charles Parish proposals or requests of landowners.
- Contact with land owners to set up meetings to review projects with Engineering and St. Charles Parish personnel.
- Participate in meetings with all landowners as third party witness.
- Coordinate Legal issues concerning land acquisition, servitudes or ROW with the St. Charles Parish Legal Dept for Public Works Projects.
- Participate in meetings with Utility companies that may include the acquisition of additional property for Public Works Projects.
- Coordinate obtaining Property appraisals on property considered for purchase by St. Charles Parish for Public Works Projects.

3. PERIOD OF SERVICE

- a. This AGREEMENT is for a period of one year.
- b. Upon agreement between all parties, the AGREEMENT may be extended for an additional one year period.

4. CONSULTANT'S COMPENSATION

- a. The method of payment for this AGREEMENT is Standard Hourly Rates plus related Reimbursable Expenses.

- b. Hourly compensation shall be made in accordance with the CONSULTANT'S Standard Hourly Rate Schedule attached to this AGREEMENT as Exhibit A.
- c. Documented reimbursable expenses that are directly related to the Scope of Services shall be reimbursed at actual cost.
- d. Total compensation for the Scope of Services described in Section 2B, shall not exceed \$25,000.00 annually, including reimbursable expenses.
- e. CONSULTANT shall attach timesheets, logs, or other documentation, satisfactory to OWNER, for all hours billed, by each classification listed on the Standard Hourly Rate Schedule, to the monthly invoices for payment.
- f. CONSULTANT shall distribute all billable hours between each individual authorized task as applicable.
- g. Current month charges and cumulative charges, including reimbursable expenses, shall be shown on all invoices for payment by each individual authorized task.
- h. The use of overtime is not authorized under this AGREEMENT.

5. SERVICES OF THE OWNER

- a. OWNER shall assist CONSULTANT in carrying out the Scope of Services by placing at his disposal all existing relevant data and records in its possession.
- b. CONSULTANT shall be responsible for searching said data and records provided and shall request specific clarification of the information as needed.
- c. OWNER guarantees CONSULTANT access to all public property as required in order to complete the Scope of Services.

6. TERMINATION

- a. This AGREEMENT may be terminated without cause by either party upon ten (10) days written notice.
- b. Immediately after receiving such notice, the CONSULTANT shall discontinue advancing the services under this AGREEMENT, and submit a final invoice to St. Charles Parish for all services rendered to date under the AGREEMENT.
- c. OWNER, upon receiving any applicable completed or partially completed deliverable, and after the final fee is mutually agreed upon, shall make payment within thirty (30) days.
- d. In the event that this contract is terminated, OWNER shall have the option of completing the Scope of Services in house or entering into an AGREEMENT with another party to complete the work.

7. COMPLIANCE WITH LAWS AND ORDINANCES

- a. The CONSULTANT hereby agrees to comply with all Federal, State, and Local Laws and Ordinances applicable to the Scope of Services under this AGREEMENT.

8. SUCCESSORS AND ASSIGNS

- a. This AGREEMENT is not assignable.

9. INSURANCE

- a. Insurance for bodily injury or death shall be in the unencumbered amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for one person and not less than THREE HUNDRED THOUSAND (\$300,000.00) for all injuries and/or deaths resulting from any one occurrence.
- b. Insurance for property damage shall be in the unencumbered amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for each accident and not less than THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) aggregate.
- c. Comprehensive Automobile Liability insurance shall be in the unencumbered amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)
- d. All certificates of insurance shall be furnished to the OWNER within five (5) days after execution of the AGREEMENT and shall provide that insurance not be cancelled without ten (10) days prior written notice to the OWNER.
- e. St. Charles Parish shall be named as additional insured on general liability insurance policies.
- f. OWNER may examine all insurance policies.
- g. For all purposes under Louisiana law, the principals of this AGREEMENT shall be recognized as the statutory employer of all contract employees as provided in LSA-R.S. 23:1061.

10. OTHER

- a. CONSULTANT shall indemnify and save harmless the OWNER against any and all claims, demands, suits or judgments for sums of money to any party for loss of life or injury or damages to person or property growing out of, resulting from or by reason of any negligent act by the CONSULTANT, its agents, servants or employees, while engaged upon or in connection with the services required or performed hereunder.
- b. This AGREEMENT constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this AGREEMENT. This AGREEMENT may not be modified, supplemented or amended, in any manner, except by written agreement signed by both parties.

11. EXCLUSIVE JURISDICTION AND VENUE

- a. For all claims arising out of or related to this agreement, CONSULTANT hereby consents and yields to the exclusive jurisdiction and venue of the Twenty-Ninth Judicial District Court for the Parish of St. Charles and expressly waives any (a) pleas of jurisdiction based upon CONSULTANT'S residence and (b) right of removal to Federal Court based upon diversity of citizenship.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT the day, month and year first above mentioned.

ATTEST

ST. CHARLES PARISH

**By: Mr. V.J. St. Pierre, Jr.
Parish President**

ATTEST

**PERMIT APPLICATION
SERVICES**

Brad B...

Phil Dufrene

**By: Mr. Phil Dufrene
President**

Permit Application Services--St. Charles Parish

392 Marcia Dr. * Luling, LA 70070 * (985) 212-2374

2010 RATE SCHEDULE

Land Services Consultant \$58.50 Hourly

Documented reimbursable expenses reimbursed at actual cost.

Rate subject to annual renewal.



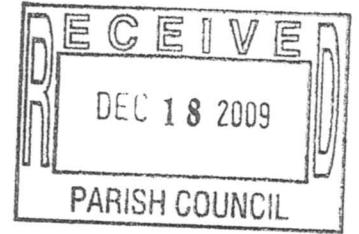
V.J. ST. PIERRE, JR.
PARISH PRESIDENT

SAM SCHOLLE
DIRECTOR

ST. CHARLES PARISH

DEPARTMENT OF PUBLIC WORKS

P.O. BOX 705 • LULING, LOUISIANA 70070
(985) 783-5102 • (985) 783-5104 • Fax: (985) 785-2207
Website: www.stcharlesgov.net



December 17, 2009

TO: Mrs. Barbara Jacob-Tucker
Council Secretary

FROM: Sam C. Scholle *SS*
Director of Public Works/Wastewater

**SUBJECT: Professional Service Agreement with
Permit Application Service**

Please introduce the above referenced professional service agreement at the next Council Meeting, which is Monday, December 21, 2009. Thank you for your usual cooperation.

SCS: bmb

Attachments

2009-0492

INTRODUCED BY: V. J. ST. PIERRE, JR., PARISH PRESIDENT
ORDINANCE NO. _____

An ordinance to amend Ordinance No. 07-1-11, Department of the Army License No. DACW29-2-07-01, Easement for Boat Ramp, Access Road and Parking Lot in the Bonnet Carre' Spillway at Interstate 10 in Norco to approve Amendment No. 1, to add conditions 25 & 26 as requested by the Dept. of Army .

WHEREAS, St. Charles Parish currently has a Department of the Army License for use of the property at Interstate 10 in the Bonnet Carre' Spillway for a Boat Ramp, Access Road and Parking Lot (DACW29-2-07-01); and,

WHEREAS, the Department of the Army has proposed to amend said Easement to add conditions 25 and 26 as part of the permit for the improvements to the Wetlands Watchers Park; and,

WHEREAS, it is the desire of the Parish Council to approve said Amendment No. 1.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Amendment No. 1 to Easement No. DACW29-2-07-01 for the boat ramp, access road and parking lot in the Bonnet Carre' Spillway at Interstate 10 in Norco is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Amendment No. 1 on behalf of the St. Charles Parish.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

AMENDMENT NO. 1
TO EASEMENT NO. DACW29-2-07-01

WHEREAS, on 1 February 2007, Easement No. DACW29-2-07-01 was entered into between the Government, as Grantor, and St. Charles Parish Council, as Grantee, to construct, use, maintain, control, operate and repair a boat launching ramp, an access road to the ramp, and a parking area, in our Bonnet Carre Spillway Project, Sections 39 & 40, Township 11 South, Range 8 East, St. Charles Parish, Louisiana.

WHEREAS, it is acceptable to the Secretary of the Army to continue the easement until 1 October 2031.

NOW THEREFORE, Page 6 is being amended to include Conditions 25 and 26 which states:

25. The grantee is required to maintain and refurbish the existing access road along the top of the Bonnet Carre Spillway east guide levee, during construction activities.

26. This permit does not authorize interference with an existing or proposed federal project, therefore the grantee shall uphold coordination and conformity with the USACE, Bonnet Carre Spillway Manager, in order to maintain integrity of existing public access along the eastern guide levee and/or incorporate necessary improvements for public access to the recreational park.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army this _____ day of _____ 20__.

WITNESSES:

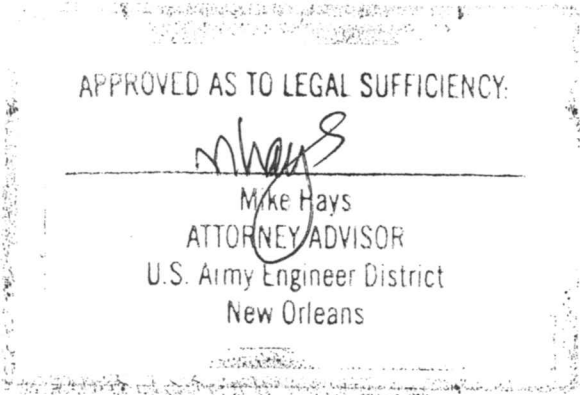
LINDA C. LABURE
Chief, Real Estate Division
U.S. Army Corps of Engineers
New Orleans District

Signed: _____

Printed Name: _____

Signed: _____

Printed Name: _____



The above Amendment is hereby accepted this _____ of _____,
20 ____.

ST. CHARLES PARISH COUNCIL

Signed: _____

Typed Name: _____

Title: _____

WITNESSES:

Signed: _____

Printed Name: _____

Signed: _____

Printed Name: _____

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the principle legal officer of the ST. CHARLES PARISH COUNCIL (SCPC), that the SCPC is a legally constituted public body with full authority and legal capability to adhere and comply with the terms and conditions for Easement No. DACW29-2-07-01, and subsequent amendments thereto, for a boat launching ramp, an access road to the ramp and a parking area, in connection with the Bonnet Carre Spillway Project, and that the persons who executed Easement No. DACW29-2-07-01 on behalf of the SCPC has acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification on this _____ day of _____, 20 ____.

Signed: _____

Printed name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____

COUNTY/PARISH OF _____

On this ____ day of _____, 20____, before me appeared _____,
to me personally known, who, being by me duly sworn, did say that he is the _____
of St. Charles Parish Council (SCPC), and that the easement was signed in behalf of SCPC, by
authority duly and legally granted and bestowed upon him, and that SCPC acknowledged the
easement to be the free act and deed of SCPC and the SCPC has no seal.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Signed: _____

Printed Name: _____

Notary Public
State of Louisiana

Parish of _____

My Commission Expires: _____

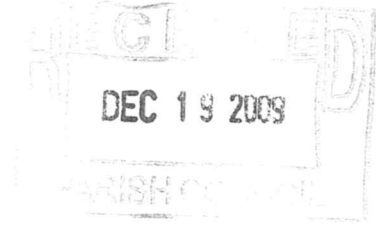
Bar Association Number: _____



DEPARTMENT OF THE ARMY
 NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
 P.O. BOX 60267
 NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
 ATTENTION OF

December 15, 2009



Real Estate Division
 Management, Disposal and Control Branch

Mrs. Barbara Jacob-Tucker
 St. Charles Parish Council
 P.O. Box 302
 Hahnville, Louisiana 70057

Dear Mrs. Jacob-Tucker:

This letter is in reference to Department of the Army Easement No. DACW29-2-07-01, dated February 1, 2007, previously issued by the U. S. Army Corps of Engineers to St. Charles Parish Council. This instrument allowed your agency to construct, use, maintain, control, operate and repair a boat launching ramp, an access road to the ramp, and a parking area on Government owned lands within our Bonnet Carre Spillway Project, St. Charles Parish, Louisiana.

Therefore, to update our records, we are enclosing, in triplicate, Amendment No. 1 to Easement No. DACW29-2-07-01, which amends Page 6 to include Conditions 25 and 26 which states:


25. The grantee is required to maintain and refurbish the existing access road along the top of the Bonnet Carre Spillway east guide levee, during construction activities.

26. This permit does not authorize interference with an existing or proposed federal project, therefore the grantee shall uphold coordination and conformity with the USACE, Bonnet Carre Spillway manager, in order to maintain integrity of existing public access along the eastern guide levee and/or incorporate necessary improvements for public access to the recreational park.

Please have the original and one copy of each amendment signed and dated by a duly-authorized representative of St. Charles Parish Council, and returned to this office in the enclosed preaddressed envelope. The remaining copy may be retained for your records. Once the signed agreements are received, the instrument will be signed on behalf of the Government, and a fully executed copy will be returned to you.

If there are any questions regarding this matter, please contact Sheila B. Mills at (504) 862-1531. Your cooperation will be greatly appreciated.

Sincerely,


Linda C. LaBure
Chief, Real Estate Division

Enclosure

2009-0494

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

ORDINANCE NO. _____

An ordinance to amend Ordinance No. 03-8-3, as amended, Engineering Services contract with Shread-Kuyrkendall & Associates, Inc. to delete any additional professional services for design and construction management of the West Bank Plant Filter Upgrade Parish Project No WWKS-44.

WHEREAS, St. Charles Parish entered into a contract for engineering and design of multiple water treatment plant upgrades at both the East & West Bank Water Treatment Plants with Shread-Kuyrkendall & Associates through Ordinance No. 03-8-3, adopted on August 4, 2003; and,

WHEREAS, Due to population and economic changes affecting St. Charles Parish the immediate priority need for the West Bank Plant Filter Upgrade has diminished; and

WHEREAS, St. Charles Parish desires to terminate any further design work as it relates to the West Bank Plant Filter Upgrade portion of the system improvements,

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Amendment No. 3 to the Engineering Services Contract with Shread-Kuyrkendall & Associates, Inc. to delete any additional professional services for design and construction management of the West Bank Plant Filter Upgrade is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said amendment to the Engineering Services Contract.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

Amendment No. 3 to Contract for Engineering Services

THIS AGREEMENT made and effective as of the _____ day of _____, 2010, by and between ST. CHARLES PARISH acting, herein by and through its President, who is duly authorized to act on behalf of said Parish, hereinafter called the Owner, and SHREAD-KUYRKENDALL AND ASSOCIATES, INC. CONSULTING ENGINEER, a corporation acting herein by and through its Contracting Officer, hereinafter called Engineer. Whereas the Owner desires to modify its Contract for Engineering to delete any additional professional services for design and construction management of the WEST BANK PLANT FILTER UPGRADE.

Section 2.0 CHARACTER AND EXTENT OF BASIC SERVICES OF THE ENGINEER is hereby amended as follows:

Delete any future professional services for design and construction management of the WEST BANK PLANT FILTER UPGRADE.

IN WITNESS WHEREOF, the parties to these presents have hereunto caused these presents to be executed the day, month and year first above mentioned.

WITNESSES:

ST. CHARLES PARISH

V. J. ST. PIERRE, JR., PRESIDENT

SHREAD-KUYRKENDALL & ASSOC.

RICHARD R. SHREAD

2009-0495

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

ORDINANCE NO. _____

An ordinance to revoke and abandon a portion of the right-of-way for an undeveloped, unnamed street located between Lots 28 and 34 in Almedia Plantation, St. Rose in favor of the abutting property owners.

WHEREAS, certain property was laid out for use as "16' ROAD" and "8' DITCH" between Lots 28 and 34 on the plat entitled "Map of a Portion of Almedia Plantation in St. Charles Parish" by G. Stepheus, C. E. dated Dec. 6, 1920; and,

WHEREAS, the property has been determined to have no public use and/or benefit as required by Chapter 2 Section 2-4 of the St. Charles Parish Code of Ordinances; and,

WHEREAS, the St. Charles Parish Council wishes to revoke said property pursuant to Chapter 2 Section 2-4 of the Code of Ordinances; and,

WHEREAS, proposed Plot 34A does not have required street frontage.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Revocation of a portion of property laid out for use as "16' ROAD" and "8' DITCH" between Lots 28 and 34 on the plat entitled "Map of a Portion of Almedia Plantation in St. Charles Parish" by G. Stepheus, C. E. dated Dec. 6, 1920, is hereby approved.

SECTION II. That the requirement for street frontage is waived for proposed Plot 34A shown on the plat entitled, "The Revocation of a Portion of the 16 Foot Road and 8 Foot Ditch and Resubdivision of Lots K-1, 28-1, a Portion of Lot 29, a Portion of Plot 34, the Portion of the 16 Foot Road and 8 Foot Ditch to be Revoked" by Lucien Gassen, PLS dated September 18, 2007 and updated October 8, 2009.

SECTION III. That the Parish President is hereby authorized to execute the Act of Revocation of a Portion of property laid out for use as "16' ROAD" and "8' DITCH" located between Lots 28 and 34 in favor of adjacent property owners.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

**ACT OF REVOCATION
OF DEDICATED PROPERTY
BY: ST. CHARLES PARISH**

**UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES**

BE IT KNOWN, that on this _____ day of the month of _____, in the year of Our Lord, two thousand ten (2010)

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned;

PERSONALLY CAME AND APPEARED:

THE HONORABLE V. J. ST. PIERRE, JR., Parish President and Chief Executive Officer of the Parish of St. Charles, duly authorized by Ordinance No. _____ passed at a meeting of the St. Charles Parish Council held on January ____, 2010.

Pursuant to the above recited ordinance, the Parish of St. Charles, through its governing authority, the St. Charles Parish Council, does hereby abandon and revoke the dedication of that undeveloped portion of an unnamed, undeveloped 16’ wide roadway and the adjacent 8’ wide drainage ditch shown between Lot 28 and Lot 34 shown on the dedication survey entitled “Map of a Portion of Almedia Plantation in St. Charles Parish LA,” by G. Stepheus, C. E. dated December 6, 1920 and more fully shown on the survey by Lucien Gassen, PLS dated September 18, 2007 and updated October 8, 2009; that the revocation of the dedicated property described herein is deemed to be in the best interest of the Parish, as such property no longer constitutes property utilized or needed by the Public.

Further, pursuant to LA R.S. 48-701 et seq, the revocation of the dedicated property shall be made unto the present owners of the land contiguous thereto.

THUS DONE AND SIGNED on this _____ day of _____, 2010 in the Parish of St. Charles, State of Louisiana, in the presence of the undersigned competent witnesses and me, Notary, after a reading of the whole.

WITNESSES:

ST. CHARLES PARISH

By: _____
V. J. St. Pierre, Jr.
Parish President

Leon C. Vial, III

**#13061
NOTARY PUBLIC**

RECOMMENDATIONS AT A GLANCE

PZS-2009-43 requested by Sidney Duhon for the revocation of a portion of the 16 ft. road and 8 ft. ditch, Almedia Plantation, at 10470 Airline Drive, St. Rose. Zoning District M-1. Council District 5.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

Mr. Becnel: Next item PZS-2009-43 requested by Sidney Duhon for the revocation of a portion of the 16 ft. road and 8 ft. ditch, Almedia Plantation, at 10470 Airline Drive, St. Rose. Zoning District M-1. Council District 5. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. We have 2 applications that are dependent on each other and that's Duhon Machinery and the revocation for Portera is immediately adjacent. So we'll just start with Duhon. Duhon Machinery has operated on this site since the 1980s and the owner would like to expand the business onto property that's north of the 16' unnamed, undeveloped, but platted street that has an adjoining 8' wide platted drainage ditch. The property owner initiated the process in, 2005 but did not complete it because of community property issues. At that time all of the Director's of all the Departments indicated that there was no continuing public need.

The application came back early this year with a request to extend the revocation slightly eastward to Portion of Lot 29. In order to add Lot 29-A, the adjoining property owners, the Porteras had to endorse the request and prepare a resubdivision of the revoked street and ditch into their tracts, and that's the next case (see PZS 2009-44).

The resubdivision plat shows that all proposed Lots K-1A, 28-1A, and 29-A, and Plot 34A exceed width and area requirements. Plot 34A will have to be resubdivided into Lot K-1A or 28-1A prior to permitting any construction so that it will have frontage on an improved street—Airline Drive.

At the time of writing this report, the Departments of Public Works, Waterworks, and the Contract Monitor are reviewing the request. In 2005, the directors of all departments indicated no public need and offered no objection to the revocation. We do recommend approval of the revocation.

Mr. Becnel: Thank you Ms. Stein. This is a public hearing for PZS-2009-43. Anyone wishing to speak in favor, please come forward.

Louis Authement, Suite 300, 1 American Place, Luling representing the applicant in this case, Mr. Duhon. His intent is to simply eliminate this paper street that was never developed and the adjoining 8 ft. ditch. As Marny mentioned, he has intended to extend his facilities north and it would require him going around an undeveloped platted street and we appreciate your support.

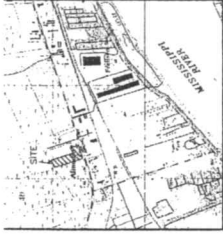
Mr. Becnel: Thank you Mr. Authement. Anyone else wishing to speak in favor. Please come forward. Anyone wishing to speak in opposition, please come forward. Seeing none, the public hearing is closed. Any Commission discussion? Mr. Booth.

Mr. Booth: This is in my district and Mr. Duhon has been a good corporate resident of St. Charles Parish and I hope that everyone can support this so he can move forward with his plans.

Mr. Becnel: Thank you Mr. Booth. Any other comments? Seeing none, please cast your votes.

YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe
NAYS: None
ABSENT: Foster

Mr. Becnel: That passes unanimously.



Approved in the Office of the Clerk of Court's Office
St. Charles Parish for the _____ day of _____
19____ at _____ in Parish of _____
Notary Public _____
Signature _____

| Approved/Commented | Date |
|--------------------|------|
| Notary Public | |
| Surveyor | |
| Client | |
| Surveyor | |
| Client | |
| Surveyor | |
| Client | |



THE REVOCATION OF A PORTION OF THE 16 FOOT ROAD AND 8 FOOT DITCH RESUBDIVISION OF LOTS K-1, 29-1, A PORTION OF LOT 29, A PORTION OF PLOT 34, THE PORTION OF THE 16 FOOT ROAD AND 8 FOOT DITCH TO BE REVOKED INTO LOTS K-1A, 29-1A, 29-A AND PLOT 34A IN SECTION 40, T12S - R9E ST. CHARLES PARISH, LOUISIANA

SCALE 1" = 60'

CERTIFIED TO DANON MACHINERY CO., INC.
NOTE: LOTS 25-1A, 29-1A AND PLOT 34A ARE TO BE REVOKED INTO FOX LANE TO ELIMINATE ANY POSSIBLE UNLAWFUL LOCKED LOTS

1. A PORTION OF THE 16 FOOT ROAD AND 8 FOOT DITCH RESUBDIVISION OF LOTS K-1, 29-1, A PORTION OF LOT 29, A PORTION OF PLOT 34, THE PORTION OF THE 16 FOOT ROAD AND 8 FOOT DITCH TO BE REVOKED INTO LOTS K-1A, 29-1A, 29-A AND PLOT 34A IN SECTION 40, T12S - R9E ST. CHARLES PARISH, LOUISIANA.
2. THE REVOCATION OF THE 16 FOOT ROAD AND 8 FOOT DITCH IS TO BE EFFECTIVE AS OF THE DATE OF RECORDATION OF THIS PLAT.
3. THE REVOCATION OF THE 16 FOOT ROAD AND 8 FOOT DITCH IS TO BE EFFECTIVE AS OF THE DATE OF RECORDATION OF THIS PLAT.
4. THE REVOCATION OF THE 16 FOOT ROAD AND 8 FOOT DITCH IS TO BE EFFECTIVE AS OF THE DATE OF RECORDATION OF THIS PLAT.
5. THE REVOCATION OF THE 16 FOOT ROAD AND 8 FOOT DITCH IS TO BE EFFECTIVE AS OF THE DATE OF RECORDATION OF THIS PLAT.
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10. THE REVOCATION OF THE 16 FOOT ROAD AND 8 FOOT DITCH IS TO BE EFFECTIVE AS OF THE DATE OF RECORDATION OF THIS PLAT.
11. THE REVOCATION OF THE 16 FOOT ROAD AND 8 FOOT DITCH IS TO BE EFFECTIVE AS OF THE DATE OF RECORDATION OF THIS PLAT.

11/23/2011 11:23 AM
LUCY C. GREGG, P.E.
Professional Engineer
No. 23567
State of Louisiana



NOTARY PUBLIC
LUCY C. GREGG, P.E.
No. 23567
State of Louisiana



V.J. ST. PIERRE, JR.
PARISH PRESIDENT

SAM SCHOLLE
DIRECTOR

ST. CHARLES PARISH

DEPARTMENT OF PUBLIC WORKS

P.O. BOX 705 • LULING, LOUISIANA 70070
(985) 783-5102 • (985) 783-5104 • Fax: (985) 785-2207
Website: www.stcharlesgov.net

MEMORANDUM

DATE: December 3, 2009

TO: Ms. Marny Stein
Development Review Planner

FROM: Sam Scholle *SS*
Director of Public Works/Wastewater

RE: **Revocation of 16' Wide Road and an 8' Wide Ditch in Almedia Plantation**

The Department of Public Works/Wastewater has reviewed your November 12, 2009 memorandum on the revocation of the street and ditch noted above. The plat submitted to DPW/WW by Landmark Surveying dated January 13, 2009 (copy attached) shows the eight foot (8') ditch at the rear of the created Lot P-A to be revoked as well as the sixteen foot (16') road along the south side of the created Tract 33-A.

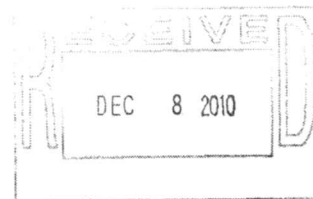
DPW/WW has inspected the site and neither servitude has been used for its intended purpose for many years. DPW/WW does not any use for either servitude and does not have any planned use in the future for the servitude. Therefore DPW/WW has no objection to the revocation of either servitude.

Should you have any questions or comments please do not hesitate to call Mr. Lee Zeringue, PE at 783-5102.

Attachment

SS/lpz

cc: Mr. Bob Dublan, Assistant Director of Public Works
Mr. Sammy Accardo, Assistant Director of Wastewater
Mr. Lawrence "Lee" Zeringue, PE; Senior Parish Engineer





V.J. ST. PIERRE, JR.
PARISH PRESIDENT

LEONCE "TUT" CLEMENT
CONTRACT MONITOR

ST. CHARLES PARISH

OFFICE OF THE CONTRACT MONITOR

14530 RIVER ROAD • NEW SARPY, LOUISIANA 70078

(985) 764-1207 • Fax: (985) 764-7834

Website: www.stcharlesgov.net

November 23, 2009

To: Stephen Romano
Development Review Planner

From: Leonce "Tut" Clement
Contract Monitor Director

Re: Revocation Request: Of 16' wide road and 8' wide ditch
In Almedia Plantation

Please be advised that the Contract Monitor has no objections to the revocation request for the designated areas in Almedia Plantation. There is no continuing public need of this right-of-way for all public services monitored by my department.

Thank You,

Leonce "Tut" Clement
Contract Monitor



ST. CHARLES PARISH

DEPARTMENT OF WATERWORKS

P.O. BOX 108 • LULING, LOUISIANA 70070
(985) 783-5110 • Fax (985) 785-2025
Website: www.stcharlesgov.net

V.J. ST. PIERRE, JR.
PARISH PRESIDENT

ROBERT BROU
DIRECTOR

November 16, 2009

TO: Stephen Romano

FROM: Robert Brou *RB*

SUBJECT: Revocation Request: 16' wide road and an 8' wide ditch in Almedia Plantation

The St. Charles Parish Department of Waterworks has no infrastructure, or plans to install infrastructure, on the undeveloped portion of a 16' wide road and an 8' wide ditch in Almedia Plantation.

The Department of Waterworks offers no objection to the proposed revocation.

Should you need any additional information concerning this matter, call me at your convenience.

Thanks.



2009-0496

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

ORDINANCE NO. _____

An ordinance to revoke and abandon a portion of the right-of-way for an undeveloped, unnamed street located between Lots 29 & 29A and Lot 33 in Almedia Plantation, St. Rose in favor of the abutting property owner.

WHEREAS, certain property was laid out for use as "16' ROAD" and "8' DITCH" between Lots 29 & 29A and Lot 33 on the plat entitled "Map of a Portion of Almedia Plantation in St. Charles Parish" by G. Stepheus, C. E. dated Dec. 6, 1920; and,

WHEREAS, the property has been determined to have no public use and/or benefit as required by Chapter 2 Section 2-4 of the St. Charles Parish Code of Ordinances; and,

WHEREAS, the St. Charles Parish Council wishes to revoke said property pursuant to Chapter 2 Section 2-4 of the Code of Ordinances; and,

WHEREAS, proposed Tract 33-A does not have required street frontage.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Revocation of a portion of property laid out for use as "16' ROAD" and "8' DITCH" between Lots 29 & 29A and Lot 33 on the plat entitled "Map of a Portion of Almedia Plantation in St. Charles Parish" by G. Stepheus, C. E. dated Dec. 6, 1920, is hereby approved.

SECTION II. That the requirement for street frontage is waived for proposed Tract 33-A shown on the plat entitled "The Revocation of a Portion of the 16 Foot Road and 8 Foot Ditch and Resubdivision of Tract 33 & Lot P, the Portion of the 16 Foot Road & 8 Foot Ditch to be Revoked into Tract 33-A and Lot P-A" by J. F. Ruello, PLS dated January 13, 2009 and updated on _____.

SECTION III. That the Parish President is hereby authorized to execute the Act of Revocation of a portion of property laid out for use as "16' ROAD" and "8' DITCH" located between Lots 29 & 29A and Lot 33 on the plat entitled "Map of a Portion of Almedia Plantation in St. Charles Parish" by G. Stepheus, C. E. dated Dec. 6, 1920 in favor of adjacent property owners.

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

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

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

**ACT OF REVOCATION
OF DEDICATED PROPERTY
BY: ST. CHARLES PARISH**

**UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES**

BE IT KNOWN, that on this _____ day of the month of _____, in the year of Our Lord, two thousand ten (2010)

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned;

PERSONALLY CAME AND APPEARED:

THE HONORABLE V. J. ST. PIERRE, JR., Parish President and Chief Executive Officer of the Parish of St. Charles, duly authorized by Ordinance No. _____ passed at a meeting of the St. Charles Parish Council held on January ____, 2010.

Pursuant to the above recited ordinance, the Parish of St. Charles, through its governing authority, the St. Charles Parish Council, does hereby abandon and revoke the dedication of that undeveloped portion of an unnamed, undeveloped 16' wide roadway and the adjacent 8' wide drainage ditch shown between Lots 29 & 29A and Lot 33 which runs north eastward approximately 278.05' from the dividing line between Lots 33 and 34 to the dividing line between Lots 33 and 32 on the dedication survey entitled "Map of a portion of Almedia Plantation in St. Charles Parish LA," by G. Stepheus, C. E. dated December 6, 1920 and more fully shown on two surveys: the first by Lucien Gassen, PLS dated September 18, 2007 and updated October 8, 2009 and the second by J. F. Ruello, PLS dated January 13, 2009 and updated on _____; that the revocation of the dedicated property described herein is deemed to be in the best interest of the Parish, as such property no longer constitutes property utilized or needed by the Public.

Further, pursuant to LA R.S. 48-701 et seq, the revocation of the dedicated property shall be made unto the present owners of the land contiguous thereto.

THUS DONE AND SIGNED on this _____ day of _____, 2010 in the Parish of St. Charles, State of Louisiana, in the presence of the undersigned competent witnesses and me, Notary, after a reading of the whole.

WITNESSES:

ST. CHARLES PARISH
By: _____
V. J. St. Pierre, Jr.
Parish President

Leon C. Vial, III

RECOMMENDATIONS AT A GLANCE

PZS-2009-44 requested by Salvadore A. Portera, Jr., Mary Ann Portera Luke and Caradina Portera Jumonville for the revocation of a portion of the 16 ft. road and 8 ft., Almedia Plantation, east of 10470 Airline Drive, St. Rose. Zoning District M-1. Council District 5.

Planning Department Recommendation:

Approval

Planning Commission Recommendation:

Approval

Mr. Becnel: We have a sister application here, PZS-2009-44 requested by Salvadore A. Portera, Jr., Mary Ann Portera Luke and Caradina Portera Jumonville for the revocation of a portion of the 16 ft. road and 8 ft., Almedia Plantation, east of 10470 Airline Drive, St. Rose. Zoning District M-1. Council District 5. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. This is a companion application to the previous application requesting revocation of a 52.41' long portion of the same 16' wide, unnamed, and undeveloped street and 8' wide ditch. If the street is revoked, the property owners will resubdivide Tract 33-A and Lot P-A together so the entire property have frontage on Airline Drive. The resulting lot will exceed the required minimum width and exceed the required area.

At the time of writing this report, staff has requested a revision the resubdivision plat showing the extent of the revocation into Tract 33 and Lot P as 52.41' (without the endorsement of the property owner of the adjacent Tract 32, the remaining portion of the street will not be revoked into Lot P). Also, the Departments of Public Works, Waterworks, and the Contract Monitor are reviewing the request. The Department recommends approval.

Mr. Becnel: Thank you Ms. Stein. This is a public hearing for PZS-2009-44. Anyone wishing to speak in favor, please come forward.

Louis Authement again for the same reason, the adjoining client. The plat that is attached to the application is going to be modified to indicate the portion of the road and ditch being revoked is only as Marny mentioned 52.41 ft. The original plan was to revoke the road from Mr. Duhon's property on the west side all the way to Fox Lane, but there was a third property owner involved who initially cooperated and then over the course of time just basically had a change in business plan and became pretty much not communicating with us. We had to take his section of his property out and that created this wedge, for the lack of a better term, where the road doesn't go completely across the Portera property and we had to cut the revocation in half. So I'll submit the revised plat to indicate that it's only half of the road in so far as it affects the Portera property.

Mr. Becnel: Thank you Mr. Authement. Anyone else wishing to speak in favor, please come forward. Anyone wishing to speak in opposition, please come forward. The public hearing is closed. With them having to resubmit this, we can still vote on this tonight?

Ms. Stein: Yes, what you are considering is actually the revocation of the street. The Resubdivision portion of the revocation is actually an administrative process.

Mr. Becnel: Thank you for clarification. Any Commission discussion? Mr. Booth.

Mr. Booth: I support this and hope that everyone else will. This is the other part of what we just voted for and it's 50% of what he really wanted but this will take care of it.

Mr. Becnel: Thank you Mr. Booth. Seeing no further discussion, please cast your vote.

YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe
NAYS: None
ABSENT: Foster

Mr. Becnel: That passes unanimously. Thank you Mr. Authement.

Mr. Becnel: We have a sister application here, PZS-2009-44 requested by Salvadore A. Portera, Jr., Mary Ann Portera Luke and Caradina Portera Jumonville for the revocation of a portion of the 16 ft. road and 8 ft., Almedia Plantation, east of 10470 Airline Drive, St. Rose. Zoning District M-1. Council District 5. Ms. Stein.

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Mr. Booth: I support this and hope that everyone else will. This is the other part of what we just voted for and it's 50% of what he really wanted but this will take care of it.

Mr. Becnel: Thank you Mr. Booth. Seeing no further discussion, please cast your vote.

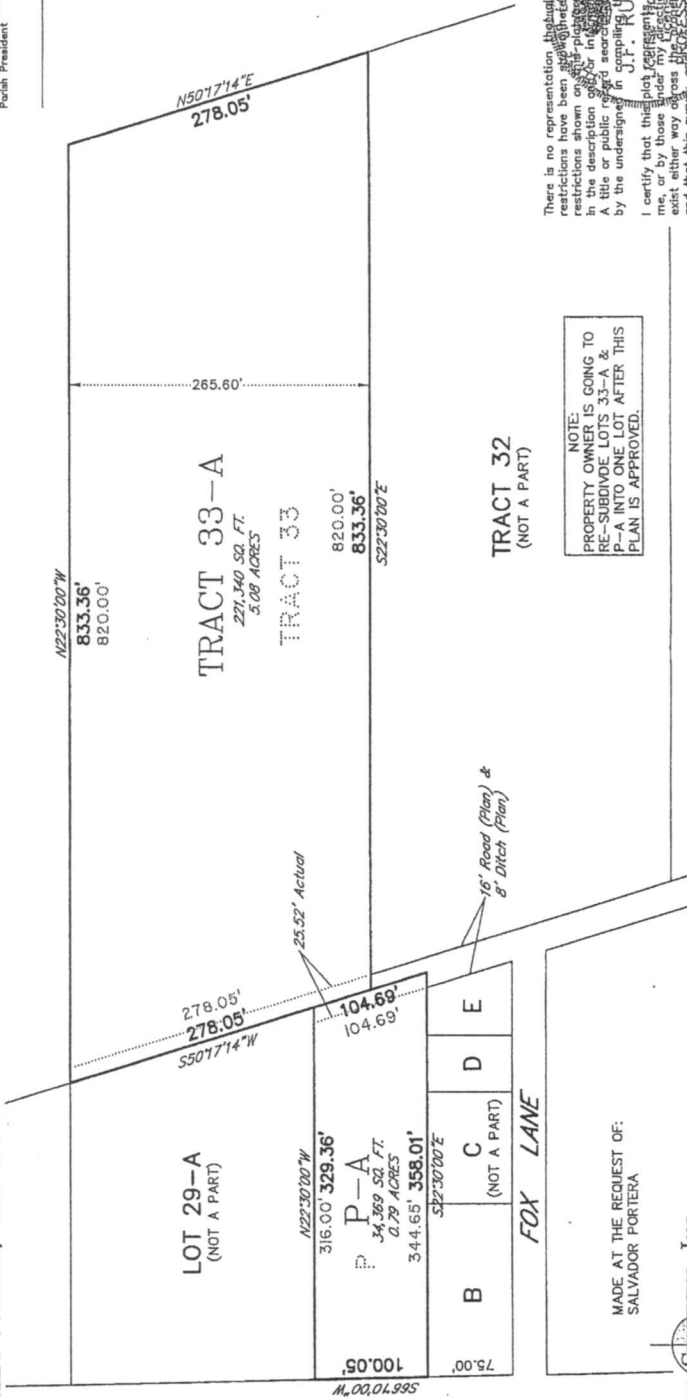
YEAS: Becnel, Dufrene, Clulee, Booth, Gibbs, Wolfe
NAYS: None
ABSENT: Foster

Mr. Becnel: That passes unanimously. Thank you Mr. Authement.

THE REVOCATION OF A PORTION OF THE
 16 FOOT ROAD AND 8 FOOT DITCH &
 RESUBDIVISION OF TRACT 33 & LOT P
 THE PORTION OF THE 16 FOOT ROAD &
 8 FOOT DITCH TO BE REVOKED
 INTO TRACT 33-A & LOT P-A
 ALMEDIA PLANTATION
 SECTION 40, T 12 S ~ R 9 E
 ST. CHARLES PARISH, LOUISIANA

Recorded in the Clerk of Court's office
 St. Charles Parish on the _____ day of
 _____ in Book _____
 Folio _____ Entry # _____
 Signature _____ Title _____

Approved/Disapproved _____
 Planning Commission Chairman _____
 Date _____
 Council Chairman _____
 Date _____
 Parish President _____
 Date _____



NOTE:
 PROPERTY OWNER IS GOING TO
 RE-SUBDIVIDE LOTS 33-A &
 P-A INTO ONE LOT AFTER THIS
 PLAN IS APPROVED.

There is no representation that any applicable servitudes and/or
 restrictions have been extinguished by servitudes and/or
 restrictions shown on this plat. It is the responsibility of those act, both
 in the description of the parcels and in the plat, to determine
 the existence of any such servitudes and restrictions. Such information was not made
 by the undersigned in compiling the data for this survey.
 I, J.P. RULLO
 I certify that this plat represents an original ground survey made by
 me, or by those under my direction, that no visible encroachments
 exist either way across the plat. It is my duty to show hereon
 and that this survey and plat are correct and true to the ground
 shown thereon. I am a duly Licensed Professional Land Surveyor and have applied
 for and received a Certificate of Registration for the State of Louisiana
 as a Class C Surveyor.

LANDMARK SURVEYING, INC.
 1513 Kuebel Street
 Harahan, Louisiana 70123
 Phone: 504-733-3303
 © Copyright

MADE AT THE REQUEST OF:
 SALVADOR PORTERA

REFERENCE MAP: SURVEY BY LANDMARK SURVEYING, INC.
 DATED 3/17/92, JOB NO: 92-0281, PLAT FILE NO: 201-348

DATE: 1/13/09
 SCALE: 1"=100'

HAS BEEN REDUCED - ALL

JOB NO. 08-0286

PROFESSIONAL LAND SURVEYOR

PLAT FILE NO. 080286



V.J. ST. PIERRE, JR.
PARISH PRESIDENT

SAM SCHOLLE
DIRECTOR

ST. CHARLES PARISH

DEPARTMENT OF PUBLIC WORKS

P.O. BOX 705 • LULING, LOUISIANA 70070
(985) 783-5102 • (985) 783-5104 • Fax: (985) 785-2207
Website: www.stcharlesgov.net

MEMORANDUM

DATE: December 3, 2009

TO: Ms. Marny Stein
Development Review Planner

FROM: Sam Scholle *SS*
Director of Public Works/Wastewater

RE: **Revocation of 16' Wide Road and an 8' Wide Ditch in Almedia Plantation**

The Department of Public Works/Wastewater has reviewed your November 12, 2009 memorandum on the revocation of the street and ditch noted above. The plat submitted to DPW/WW by Landmark Surveying dated January 13, 2009 (copy attached) shows the eight foot (8') ditch at the rear of the created Lot P-A to be revoked as well as the sixteen foot (16') road along the south side of the created Tract 33-A.

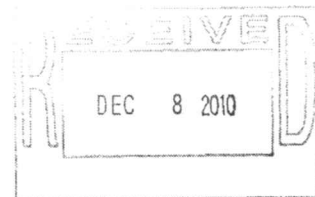
DPW/WW has inspected the site and neither servitude has been used for its intended purpose for many years. DPW/WW does not any use for either servitude and does not have any planned use in the future for the servitude. Therefore DPW/WW has no objection to the revocation of either servitude.

Should you have any questions or comments please do not hesitate to call Mr. Lee Zeringue, PE at 783-5102.

Attachment

SS/lpz

cc: Mr. Bob Dublan, Assistant Director of Public Works
Mr. Sammy Accardo, Assistant Director of Wastewater
Mr. Lawrence "Lee" Zeringue, PE; Senior Parish Engineer





V.J. ST. PIERRE, JR.
PARISH PRESIDENT

LEONCE "TUT" CLEMENT
CONTRACT MONITOR

ST. CHARLES PARISH

OFFICE OF THE CONTRACT MONITOR

14530 RIVER ROAD • NEW SARPY, LOUISIANA 70078

(985) 764-1207 • Fax: (985) 764-7834

Website: www.stcharlesgov.net

November 23, 2009

To: Stephen Romano
Development Review Planner

From: Leonce "Tut" Clement
Contract Monitor Director

Re: Revocation Request: Of 16' wide road and 8' wide ditch
In Almedia Plantation

Please be advised that the Contract Monitor has no objections to the revocation request for the designated areas in Almedia Plantation. There is no continuing public need of this right-of-way for all public services monitored by my department.

Thank You,


Leonce "Tut" Clement
Contract Monitor



ST. CHARLES PARISH

DEPARTMENT OF WATERWORKS

P.O. BOX 108 • LULING, LOUISIANA 70070
(985) 783-5110 • Fax (985) 785-2005
Website: www.stcharlesgov.net

V.J. ST. PIERRE, JR.
PARISH PRESIDENT

ROBERT BROU
DIRECTOR

November 16, 2009

TO: Stephen Romano

FROM: Robert Brou *RB*

SUBJECT: Revocation Request: 16' wide road and an 8' wide ditch in Almedia Plantation

The St. Charles Parish Department of Waterworks has no infrastructure, or plans to install infrastructure, on the undeveloped portion of a 16' wide road and an 8' wide ditch in Almedia Plantation.

The Department of Waterworks offers no objection to the proposed revocation.

Should you need any additional information concerning this matter, call me at your convenience.

Thanks.

2009-0493

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(GRANTS OFFICE)**

RESOLUTION NO. _____

A resolution to approve and authorize the execution of an Agreement between the State of Louisiana Department of Transportation and Development and St. Charles Parish for funding of the Overlay of 1.38 miles of LA 3127 Eastbound Lanes (log mile 9.76 to I-310) and Guardrail Improvements, State Project No. 428-03-0013, Federal Aid Project No. ARR-4508(502).

WHEREAS, in a Memorandum of Understanding between the New Orleans Area Metropolitan Planning Organization, Regional Planning Commission (RPC), and the Louisiana Department of Transportation and Development (LADOTD) executed June 11, 2009, RPC selected said State project to be funded with a portion of its American Recovery and Reinvestment Act of 2009 (ARRA) sub-allocation; and,

WHEREAS, the State has prepared an Agreement between the LADOTD and St. Charles Parish for the funding of said project and it is the desire of the Parish Council to approve said Agreement.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby approve and authorize the execution of an Agreement between the State of Louisiana Department of Transportation and Development and St. Charles Parish for funding of the Overlay of 1.38 miles of LA 3127 Eastbound Lanes (log mile 9.76 to I-310) and Guardrail Improvements, State Project No. 428-03-0013, Federal Aid Project No. ARR-4508(502).

BE IT FURTHER RESOLVED that the Parish President is hereby authorized to execute said Agreement and to act on behalf of St. Charles Parish in all matters pertaining to this project.

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

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED : _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

FEDERAL STIMULUS PROJECT

**STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**CITY/STATE AGREEMENT
STATE PROJECT NO. 428-03-0013
FEDERAL AID PROJECT NO. ARR-4508(502)
LA 3127 (EASTBOUND LANES LM 9.76 TO I-310)
LA 3127
ST. CHARLES PARISH**

THIS AGREEMENT made and executed in three original copies on this _____ day of _____, 2009, by and between the Department of Transportation and Development, through its Secretary, hereinafter referred to as "DOTD", and **the St. Charles Parish**, a political subdivision of the State of Louisiana, hereinafter referred to as ("Entity").

WITNESSETH: That;

WHEREAS, under the provisions of Title 23, United States Code, "Highways", as amended, funds have been appropriated out of the Highway Trust Fund to finance improvement projects under the direct administration of the DOTD; and

WHEREAS, the Entity has requested an appropriation of funds to finance a portion of the project as described herein; and

WHEREAS, the project is part of a transportation improvements program serving to implement the areawide transportation plan held currently valid by the metropolitan planning organization, and developed as required by Section 134 of Title 23, U.S.C.; and

WHEREAS, under provisions of Division A, Title XII of the American Recovery and Reinvestment Act of 2009, funds have been appropriated to finance certain projects under the direct administration of the DOTD; and

WHEREAS, under the provisions of ARRA, Metropolitan Planning Organization (MPO) are sub-recipients of these funds and are responsible for selecting projects to utilize this funding:

WHEREAS, the New Orleans Area MPO (Regional Planning Commission) (RPC) has selected this Project for ARRA funding as shown in ATTACHMENT A; and

WHEREAS, the DOTD is agreeable to the implementation of the Project and desires to cooperate with the Entity as hereinafter provided:

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

ARTICLE I: PROJECT DESCRIPTION

The scope of this project will be to cold plane and overlay the existing LA 3127 eastbound lanes from log mile 9.76 to I-310 with superpave asphaltic concrete, guardrail improvements and the application of new pavement striping and markers, for a distance of 1.38 miles in St. Charles Parish.

For purposes of identification and record keeping State and Federal Project Numbers have been assigned to this project as follows:

For construction cost, **State Project No. 428-03-0013 and Federal Project No. ARR-4508(502)** has been assigned.

ARTICLE II: FUNDING

Except for services hereinafter specifically listed to be furnished at the DOTD's expense or at the Entity's expense, as the case may be, the cost of this project shall be funded through the American Recovery and Reinvestment Act of 2009 (ARRA), of which 100% funding has been allocated for construction of this project. In the case the ARRA funds are exceeded, then per ATTACHMENT A, the MPO will have the option of canceling the project, using STP>200k funds, if available, or using 100% local funds. Once the ARRA allocation has been expended, then all remaining project costs may be a joint participation between the DOTD, and the Federal Highway Administration ("FHWA"), with the **DOTD** contributing 20% and FHWA contributing, through the DOTD, the remaining 80% of the overall project costs using STP>200k funds. If STP>200k funds are not available, then the MPO can cancel the project or the Entity will be responsible for 100% of the remaining project cost. Funds will be disbursed in accordance with DOTD's normal procedures. The Entity does, however, reserve the right to incorporate items of work into the construction contract not eligible for Federal-Aid participation, if it so desires, and at its own cost.

No Notice to Proceed shall be issued and no compensable costs for construction may be incurred prior to a formal notification from DOTD that FHWA authorization has been received. Any costs incurred prior to such authorization will not be compensable.

ARTICLE III: CONCEPTUAL PLANS AND ENVIRONMENTAL DECISION

This project has been reviewed and the finding is that this project meets the requirements for actions classified as "Programmatic Categorical Exclusions."

ARTICLE IV: PRE-CONSTRUCTION ENGINEERING

The DOTD District 02 shall perform all pre-construction engineering services necessary for the

preparation of complete plans, specifications and estimates for the proposed improvements as covered herein, on behalf of St. Charles Parish.

ARTICLE V: BIDS/CONSTRUCTION

The DOTD shall prepare bid proposals, advertise for, receive bids for the work, award and enter into a contract with the lowest responsible bidder.

The DOTD shall construct this Project in accordance with its requirements and shall provide technical administration and inspection services during construction in accordance with its normal procedures.

ARTICLE VI: RIGHT-OF-WAY ACQUISITION AND RELOCATION

It is anticipated that no right-of-way will be required for this project. If right-of-way is required, this Article will be amended by Supplemental Agreement.

ARTICLE VII: UTILITY RELOCATION

Utilities are a compensable item. The DOTD is responsible for obtaining all of the agreements, if required. The District DOTD Utility Representative will determine the eligibility of the relocated system for reimbursement with federal funds and will review the utility agreements to ensure they have been accurately completed. The design of the new system is not eligible for federal funds; the cost of the design or any ineligible items is borne by the Entity or its representative.

No Notice to Proceed shall be issued and no compensable costs for utility relocation may be incurred prior to a formal notification from DOTD and FHWA that authorization has been received. Any costs for which the Entity expects to be reimbursed prior to such authorization will not be compensable.

ARTICLE VIII: CONSTRUCTION ADMINISTRATION AND INSPECTION

The DOTD will conduct the construction administration and inspection or advertise and select a consultant utilizing American Recovery and Reinvestment Act of 2009 funds and, in the event that said funds are completely exhausted, the remaining costs for construction administration and inspection will be funded through the STP>200K funds with local match from the DOTD. The selected consultant shall enter into a contract (prepared by DOTD) with the DOTD to provide a construction administration and inspection during the project construction.

ARTICLE IX: INCIDENTAL PROJECT COSTS

Incidental Project costs, if any, incurred by the Entity shall be its responsibility. Incidental Project costs, if any, incurred by the DOTD will be absorbed by DOTD.

ARTICLE X: CANCELLATION

The terms of this Agreement shall be binding upon the parties hereto until the work has been completed and accepted and all payments required to be made have been made; but this Agreement may be terminated under any or all of the following conditions:

1. By mutual agreement and consent of the parties hereto.
2. By the Entity should it desire to cancel the project prior to the receipt of bids, provided any cost that has been incurred for the preparation of plans is not eligible for reimbursement by the DOTD or the FHWA.
3. By the DOTD due to the withdrawal or reduction of State or Federal funding for the Project.

ARTICLE XI: PUBLIC LIABILITY

The Entity shall indemnify and save harmless the DOTD against any and all claims, demands, suits and judgments for sums of money allegedly due to any party for loss of life or injury or damage to persons or property growing out of, resulting from, or by reason of, any negligent act or omission, operation or work of the Entity, its agents, servants or employees while engaged upon or in connection with the services required or performed by the Entity or resulting from the ownership, possession or control of the improvement during its life.

ARTICLE XII: FINAL INSPECTION AND MAINTENANCE

Upon completion and Final Acceptance of the project, the DOTD shall assume the maintenance of the improvement at its expense and in a manner satisfactory to the DOTD and/or the FHWA. Before making the final inspection, the Entity and the DOTD's District Administrator shall be notified so that they may have representatives present for such inspection.

ARTICLE XIII: CONTRACTUAL OBLIGATIONS OF THE STATE

The provisions of this Agreement are in no way and to no extent intended to nor shall they be construed in any manner which will impair the contractual obligations of the State, the DOTD, or the Entity, in violation of Louisiana Constitution, Article 1, § 23.

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

WITNESSES:

STATE OF LOUISIANA
ST CHARLES PARISH

BY: _____

Typed or Printed Name

Title

Taxpayer Identification Number

WITNESSES:

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

BY: _____

William D. Ankner, PH.D.
Secretary

RECOMMENDED FOR APPROVAL:

BY: _____

William Temple
Chief Engineer

MEMORANDUM OF UNDERSTANDING
 BETWEEN THE NEW ORLEANS AREA METROPOLITAN PLANNING ORGANIZATION
 (REGIONAL PLANNING COMMISSION) AND THE LOUISIANA DEPARTMENT OF
 TRANSPORTATION AND DEVELOPMENT
 REGARDING METROPOLITAN PLANNING ORGANIZATION-AMERICAN RECOVERY
 REINVESTMENT ACT OF 2009 FUNDING

June 11, 2009

In the American Recovery and Reinvestment Act of 2009 (ARRA), Metropolitan Planning Organization's (MPO) are sub-recipients of ARRA funding, and are responsible for selecting projects to utilize this funding. The New Orleans Area MPO (Regional Planning Commission) was sub-allocated \$29,124,109 of ARRA funds. In cases where the ARRA funding provided to the MPO is found to be either insufficient or in excess of the amount required to complete any of the selected projects, this Memorandum of Understanding will define the agreed upon approach to handling the situation which may exist:

The New Orleans Area MPO (Regional Planning Commission) proposes to implement the following projects:

| | |
|------------------|---|
| S.P. 742-26-0053 | Lapalco (Manhattan – Fatma) |
| S.P. 838-03-0018 | LA 406 (LA 23 – LA 407) |
| S.P. 742-36-0008 | Earhart (Hamilton – Fern) |
| S.P. 742-36-0117 | Fleur de Lis (Vet. – 30 th St) |
| S.P. 450-90-0230 | I-10 Fencing, safety, beautification |
| S.P. 428-03-0013 | LA 3127 (Logmile 9.7 – I-310) |
| S.P. 046-03-0076 | LA 46 (Orleans Line – Paris Road) |

In the event ARRA funding is insufficient to fully fund all the projects, the MPO will have the option to cancel projects which do not have sufficient ARRA funding, or, through its member local government agencies, provide the additional funding as needed. This additional funding may be 100% local funds or funds from the MPO's regular Urban Systems (>200K) Program, with the 20% match being provided by the local government entity. An exception to this would be if the project is on a State route, in which case the Department of Transportation and Development (DOTD) may provide the 20% match.

In the event there are MPO-ARRA funds remaining after the MPO's projects have been funded, DOTD will work closely with the MPO to ensure that the funds are utilized on another project within the MPO area. Every effort will be taken to ensure that the funds are not lost or reallocated to another State.

Walter R. Brooks
 Walter R. Brooks, Executive Director
 Regional Planning Commission

Shirley L. Cox
 DOTD



BOBBY JINDAL
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

P.O. Box 94245
Baton Rouge, Louisiana 70804-9245

www.dotd.la.gov
(225) 379-1989



WILLIAM D. ANKNER, Ph.D.
SECRETARY

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December 8, 2009

Mr. V.J. St. Pierre, Jr. Parish President
St. Charles Parish
P. O. Box 302,
Hahnville LA 70057-0302

RE: **Original Agreement**
FEDERAL STIMULUS PROJECT
State Project No. 428-03-0013
F.A.P. No. ARR-4508(502)
LA 3127 (Eastbound Lanes LM 9.76 to I-310)
Route LA 3127
St. Charles Parish



Dear Mr. St. Pierre:

Transmitted herewith are three bound copies of the proposed document between the Department of Transportation and Development (DOTD) and the St. Charles Parish.

Please have the documents signed and witnessed in the appropriate places and return all signed copies to this office (Room 405T), undated. The documents will be dated following its execution by the Department, and a copy will be returned to you for your files. If you have any questions or comments, please contact **Sue Ellen Hopper** at (225) 379-1826.

To satisfy our legal requirements, please furnish us with a current Original Resolution authorizing the signatory party to execute these documents on behalf of the St. Charles Parish and return with the signed documents.

Sincerely,


Edward R. Wedge, III, P.E.
Consultant Contract Services Administrator

EW: seh

pc: Ms. Laura M. Riggs

RESOLUTION NO. _____

A resolution to appoint a member to the New Orleans Aviation Board – Noise Abatement Committee.

WHEREAS: There exists a vacancy on the NEW ORLEANS AVIATION BOARD - NOISE ABATEMENT COMMITTEE due to the expiration of the term of Mr. Edward Magri, Jr. on December 31, 2009; and,

WHEREAS: It is the desire of the Parish Council to fill this vacancy; and,

NOW, THEREFORE, BE IT RESOLVED, that _____

is hereby appointed to the NEW ORLEANS AVIATION BOARD – NOISE ABATEMENT COMMITTEE; and,

BE IT FURTHER RESOLVED that said appointment shall be effective DECEMBER 31, 2009 and shall expire DECEMBER 31, 2011.

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

And the resolution was declared adopted this _____ day of _____, 2010, to become effective five (5) days after publication in the Official Journal.

APPOINT Aviation Noise (Magri)

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____