



St. Charles Parish

Introductions

Parish Council

*Council Chairman Larry Cochran
Councilmembers Carolyn K. Schexnaydre, Jarvis Lewis,
Terrell D. Wilson, Mary Tastet, Wendy Benedetto, Paul J. Hogan,
Traci A. Fletcher, Julia Fisher-Perrier*

St. Charles Parish Courthouse
15045 Highway 18
P.O. Box 302
Hahnville, LA 70057
985-783-5000
www.stcharlesparish-la.gov

Monday, October 19, 2015

6:00 PM

Council Chambers, Courthouse

Final

ORDINANCE INTRODUCED FOR PUBLICATION / PUBLIC HEARING

Tuesday, October 27, 2015, 8:00 am; Thursday, October 29, 2015, 6:00 pm; and
Tuesday, November 3, 2015, 6:00 pm, Council Chambers, Courthouse, Hahnville

2015-0197 An ordinance to approve and adopt the appropriation of Funds for the
St. Charles Parish Consolidated Operating and Capital Budget for
Fiscal Year 2016.

Sponsors: Mr. St. Pierre Jr. and Department of Finance

ORDINANCES / RESOLUTIONS INTRODUCED FOR PUBLICATION / PUBLIC HEARING

Monday, November 2, 2015, 6:00 pm, Council Chambers, Courthouse, Hahnville

2015-0378 An ordinance of the Parish of St. Charles providing that the Code of
Ordinances, Parish of St. Charles, be amended by revising Chapter
24 Noise, Section 24-4. Maximum permissible sound limits. (Table 1),
and Section 24-6. Prohibitions.

Sponsors: Mr. Hogan

2015-0374 An ordinance authorizing St. Charles Parish to enter into an 'Assignment of
Flood Closure Structure Operation and Maintenance, WBV-75' with the
Coastal Protection and Restoration Authority for the 'West Bank and
Vicinity, New Orleans, Louisiana Hurricane Project, WBV-75, Western Tie-In
BNSF Railroad Crossing, St. Charles Parish, Louisiana'.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

2015-0375 An ordinance authorizing St. Charles Parish to enter into an
'Assignment of Contract Covering Flood Gates and Levee Near Ama,
St. Charles Parish, Louisiana, WBV-77' with the Coastal Protection
and Restoration Authority for the 'WBV-77 (Western Tie-In) West
Bank and Vicinity, Louisiana Project'.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

- 2015-0380 An ordinance to declaring the intent of St. Charles Parish to acquire full ownership in Lot 7, Square 13, New Sarpy Subdivision, pursuant to LSA-R.S. 47:2236, which has been adjudicated to St. Charles Parish in the name of the Louise Delevan wife of Vernon Jones for the non-payment of property taxes and to provide for related matters.
- Sponsors:** Mr. St. Pierre Jr. and Department of Legal Services
- S*** 2015-0384 An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with Burgess Properties, LLC for construction of the LaBranche Salinity Control Structure.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0385 An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with Burgess St. Charles Land, LLC for construction of the LaBranche Salinity Control Structure.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0386 An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with George Burgess, Jr., Trust #2 for construction of the LaBranche Salinity Control Structure.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0387 An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with George Burgess, Jr., Trust #4 for construction of the LaBranche Salinity Control Structure.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0388 An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with J. Edgar Monroe Foundation for construction of the LaBranche Salinity Control Structure.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0389 An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with St. Charles Land Company, II, LLC for construction of the LaBranche Salinity Control Structure.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning

- S*** 2015-0390 An ordinance approving and authorizing the execution of Change Order No. 3 (Final) for Parish Project No. P020903, West Bank Multi-Use Path Phase III, State Project No. H.007552, Federal Aid Project No. 4510(500) to correct dollar amounts in the amount of \$202.05.
- Sponsors:** Mr. St. Pierre Jr. and Department of Public Works
- S*** 2015-0391 An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, to change the land use zoning reclassification of a 130,680 square feet portion of Section 43 in T12S/R21E (North of Willowdale Subdivision) from R1-A to O-L as shown on a plat by Danny Hebert, dated June 12, 2015, as requested by Houston Energy.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0392 An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, to change the land use zoning reclassification from C-2 to R-3 at Lot Z1-A in front of Ormond Meadows Subdivision, located at 14194 River Road, Destrehan, as requested by Airlanzo Wells.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0393 An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, to change the land use zoning reclassification from R-1AM to C-2 on a portion of Lot 1-A, Square 1 of Crespo Subdivision at 11760 River Road, St Rose as requested by DVL Properties, LLC.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0394 An ordinance of the Parish of St. Charles, providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Appendix A, the St. Charles Parish Zoning Ordinance of 1981, Section VI. Zoning district criteria and regulations., D., [I]. 1. c. Special Permit Uses in the M-1 Zoning District, by adding (10) to allow cemeteries as a Special Permit Use and shall require a supporting resolution of the Council.
- Sponsors:** Mr. Hogan
- S*** 2015-0396 An ordinance to approve a resubdivision of the T.C. Dufrene Estate & Lot 21-A-3 into lots herein designated as Lot 21-A-4, Lot 21-A-5 and Lot 1-TCDE of the T.C. Dufrene Estate situated in Section 11, T14S R20E, Boutte, St. Charles Parish, La. Zoning District OL. Council District 4, as requested by Jody Fahrig.
- Sponsors:** Mr. St. Pierre Jr. and Department of Planning & Zoning

- S*** 2015-0397 An ordinance to approve a resubdivision of Lot 25, Good Hope Subdivision, Annex C, into Lots 25A & 25B, Good Hope Subdivision, Annex C, situated in Section 6, T12S R8E, St. Charles Parish, La. Zoning District C-2 & R-1A. Council District 6, as requested by Romeo J. Dufresne.
- Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning
- S*** 2015-0398 An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Section 15-5, Motor Vehicles and Traffic, of said Code, to provide for the installation of “**NO PARKING ON GRASS**” signs in the cul de sac on Monsanto Avenue, closest to St. Maria Street in Luling.
- Sponsors: Ms. Fisher-Perrier
- S*** 2015-0399 An ordinance to amend the 2015 Consolidated Operating and Capital Budget to add Grant Revenues in the amount of \$235,000 and associated expenses - Improvements Other Than Buildings, for the new Generator for the Planning and Zoning Department.
- Sponsors: Mr. St. Pierre Jr. and Department of Finance
- S*** 2015-0400 An ordinance to approve and authorize the Parish President to execute a perpetual Right-of-Way and Servitude Agreement on behalf of the Gravity Drainage District # 2 of St. Charles Parish as Grantor, in favor of Maurepas Pipeline, LLC as Grantee, across five (5) separate tracts of land in Sections 6 and 21, Township 12 South, Range 8 East.
- Sponsors: Mr. St. Pierre Jr. and Department of Public Works
- S*** 2015-0401 An ordinance to approve and authorize the Parish President to execute a perpetual Right-of-Way and Servitude Agreement on behalf of St. Charles Parish Sewerage District No. 1 as Grantor, in favor of Maurepas Pipeline, LLC as Grantee, across one (1) tract of land in Section 21, Township 12 South, Range 8 East.
- Sponsors: Mr. St. Pierre Jr. and Department of Public Works
- ~ **2015-0395** An ordinance to revoke and abandon a 60-foot by 124.94 foot right-of-way for an undeveloped, unnamed street located between Lot 307, Fashion Plantation Estates, Phase II (700 S. Fashion Blvd) and Lot 308, Fashion Plantation Estates, Phase II (702 S. Fashion Blvd) in favor of the abutting property owners.
- Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

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.

2015-0395

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

ORDINANCE NO. _____

An ordinance to revoke and abandon a 60-foot by 124.94 foot right-of-way for an undeveloped, unnamed street located between Lot 307, Fashion Plantation Estates, Phase II (700 S. Fashion Blvd) and Lot 308, Fashion Plantation Estates, Phase II (702 S. Fashion Blvd) in favor of the abutting property owners.

WHEREAS, right-of-way is situated between Lot 307, Fashion Plantation Estates, Phase II (700 S. Fashion Blvd) and Lot 308, Fashion Plantation Estates, Phase II (702 S. Fashion Blvd); and,

WHEREAS, said right-of-way was laid out as access for Lot 307, a lot to be donated to the Hahnville Volunteer Fire Department (HVFD); and,

WHEREAS, said right-of-way was laid out as access for Lot 307, a lot to be donated to the Hahnville Volunteer Fire Department; and,

WHEREAS, HVFD did not accept donation of Lot 307 and the developer sold it for single-family residential; and,

WHEREAS, as required by Chapter 2 Section 4 of the St. Charles Parish Code of Ordinances, that certain property has been determined to have no public use or benefit; 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, revoking the undeveloped right-of-way will create Lots 307A and 308A, Fashion Plantation Estates, Phase II; and,

WHEREAS, the St. Charles Parish Council has approved the supporting resolution _____ to create Lots 307A and 308A, Fashion Plantation Estates, Phase II.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the 60-foot by 149.94 foot right-of-way, originally shown on the plat titled "Final Plat Fashion Plantation Estates, Phase II," by Lucien Gassen, dated September 21, 2002 is hereby revoked.

SECTION II. That the Parish President is hereby authorized to execute the attached Act of Revocation in favor of adjacent property owners as further shown a survey by Lucien Gassen, PLS, dated _____, 2015.

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

And the ordinance was declared adopted this _____ day of _____, 2015, 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 PARTIAL REVOCATION

UNITED STATES OF AMERICA

BY: ST. CHARLES PARISH

STATE OF LOUISIANA

**OF: A PORTION OF SOUTH FASHION
BOULEVARD & 10' UTILITY SERVITUDE**

PARISH OF ST. CHARLES

BE IT KNOWN, that on this ____ day of _____, in the year of Our Lord Two Thousand and Fifteen (2015),

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified in and for the Parish and State aforesaid, therein residing, and in the presence of the two competent witnesses hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED;

ST. CHARLES PARISH, herein appearing by and through V. J. St. Pierre, Jr., Parish President, duly authorized by virtue of Ordinance No. _____ of the St. Charles Parish Council adopted on _____, 2015, a certified copy of which is annexed hereto and made part hereof,

APPEARER declared unto me, Notary, as follows: that by Ordinance No. 2002-0443 recorded on October 23, 2002, in COB 609, folio 560, Entry No. 271858 of the official records of St. Charles Parish, the residential development by Fashion Plantation Estates, LLC (the "Developer") known as FASHION PLANTATION ESTATES PHASE II was approved and the streets and public servitudes associated therewith were dedicated to the Parish of St. Charles.

Included within said dedication was the following described portion of ground (the "Property") forming an extension of South Fashion Blvd. between what is depicted as Parcel B and Lot 307 on the Plan of Resubdivision recorded at COB 609, folio 560:

Beginning at the southeast corner of Parcel B at that point marked with a ½" iron rod (the "Point of Beginning"); thence proceed N32°58'45"W a distance of 124.94' to a point marked with a ½" iron rod; thence proceed N57°01'15"E a distance of 60.00 to a point marked with a ½" iron rod; thence proceed S32°58'45"E a distance of 124.00' to a point marked with a ½" iron rod constituting the southwest corner of Lot 307; thence proceed S56°07'47"W a distance of 60.00' back to the Point of Beginning.

The Property was dedicated by the Developer to St. Charles Parish as an extension of South Fashion Blvd. in conjunction with the donation of Lot 307 by the Developer to the Hahnville Fire Department (the "Fire Department"). The donation to the Fire Department is

recorded at COB ____, folio _____. As recited therein, the donation required the Fire Department to construct a fully operational fire station on Lot 307 within five years of the donation. The Property was to provide the Fire Department with a side entrance to the fire station. However, the Fire Department was not timely able to construct the fire station. Consequently, the donation was revoked and Lot 307 reverted back to the Developer pursuant to the Act of Revocation of Onerous donation recorded at COB ____, folio _____.

In connection with the development of FASHION PLANTATION ESTATES PHASE III, what was depicted as Parcel B on the Plan of Resubdivision for Fashion Plantation Estates Phase II was resubdivided into Lots 308, 309 and 310. By Act of Sale recorded at COB 679, folio 470, Lot 308 was sold by the Developer to Elaine Naranjo. By Act of Sale recorded at COB 811, folio 135, Lot 307 was sold by the Developer to Justin J. Loupe and Heather Higginbotham Loupe. Consequently, the Property is now bordered by privately held lots (Lot 307 on the north east and Lot 308 on the south west) and no longer serves a public function.

Because the Property serves no public function whatsoever, the current owners of Lot 307 and Lot 308 have requested the Parish of St. Charles to revoke the dedication of the Property as a portion of South Fashion Blvd. By operation of law, upon the revocation of the Property from the defined boundaries of South Fashion Blvd., one half of the property will revert to the owner of Lot 307, and the other half of the property will revert to the owner of Lot 308. Because it has been determined by the St. Charles Parish Council that the Property in question serves no public purposes whatsoever and that it is in the best interest of St. Charles Parish to revoke the dedication of the Property from the defined boundaries of South Fashion Blvd. in accordance with La. R. S. 48:701:

NOW THEREFORE, ST. CHARLES PARISH, herein appearing by and through V. J. ST. PIERRE, JR., Parish President, duly authorized by virtue of Ordinance No. _____ of the St. Charles Parish Council adopted on _____, 2015, a certified copy of which is annexed hereto and made part hereof, does hereby revoke the dedication of the Property from the defined boundaries of South Fashion Blvd. Without any warranty whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have, the said St. Charles Parish does hereby convey, transfer, assign, set over, abandon and quitclaim all of its

rights, title and interests in and to the following described portion of the Property to Justin J. Loupe and Heather Higginbotham Loupe as the current owners of Lot 307 contiguous to the Property on its north eastern side, all in accordance with and as directed by the provisions of La. R. S. 48:701:

Beginning at the southwest corner of Lot 307 at that point marked with a ½" iron rod (the "Point of Beginning"); thence proceed N32°58'45"W a distance of 124.00' to a point marked with a ½" iron rod; thence proceed S57°01'15"W a distance of 30.00 to a point marked with a ½" iron rod; thence proceed S32°58'45"E a distance of 124.47' to a point marked with a ½" iron rod; thence proceed N56°07'47"E a distance of 30.00' back to the Point of Beginning. Being that portion of the Property resubdivided into Lot 307A as more fully shown on that certain Plan of Resubdivision by Lucien C. Gassen, dated January 6, 2015 entitled Resubdivision of Lots 307, 308 and a 60 Foot Access To Be Revoked Fashion Plantation Estates Phase II into Lots 307A & 308A in Sections 7 & 8, T13S – R20E St. Charles Parish, Louisiana", which is incorporated herein by reference.

And further without any warranty whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have, the said St. Charles Parish does hereby convey, transfer, assign, set over, abandon and quitclaim all of its rights, title and interests in and to the following described portion of the Property to Elaine Naranjo as the current owner of Lot 308 contiguous to the Property on its south western side, all in accordance with and as directed by the provisions of La. R. S. 48:701:

Beginning at the southeast corner of Lot 308 at that point marked with a ½" iron rod (the "Point of Beginning"); thence proceed N32°58'45"W a distance of 124.94' to a point marked with a ½" iron rod; thence proceed N57°01'15"E a distance of 30.00 to a point marked with a ½" iron rod; thence proceed S32°58'45"E a distance of 124.47' to a point marked with a ½" iron rod; thence proceed S56°07'47"W a distance of 30.00' back to the Point of Beginning. Being that portion of the Property resubdivided into Lot 308A as more fully shown on that certain Plan of Resubdivision by Lucien C. Gassen, dated January 6, 2015 entitled Resubdivision of Lots 307, 308 and a 60 Foot Access To Be Revoked Fashion Plantation Estates Phase II into Lots 307A & 308A in Sections 7 & 8, T13S – R20E St. Charles Parish, Louisiana", which is incorporated herein by reference.

TO HAVE AND TO HOLD the above described property unto the said Elaine Naranjo, Justin J. Loupe and Heather Higginbotham Loupe, appearing herein to accept the transfer to them of their respective interest in the Property for themselves, their heirs, successors, and assigns forever, and to acknowledge due delivery and possession thereof. The Property is currently tax exempt. Elaine Naranjo, Justin J. Loupe and Heather Higginbotham Loupe assume any taxes to be levied on that portion of the Property conveyed to them pursuant to this Act of Revocation.

ST. CHARLES PARISH, herein further appearing by and through **V. J. ST. PIERRE, JR.**, Parish President, duly authorized by virtue of Ordinance No. _____ of the St. Charles Parish Council adopted on _____, 2015, a certified copy of which is annexed hereto and made part hereof, does hereby also revoke the dedication of that certain 10' Utility Servitude running along the northeastern sideline of original Lot 308, because said portion of the 10' Utility Servitude serves no public function whatsoever. The section of the 10' Utility Servitude being revoked herein is shown as "10 Utility Servitude To Be Revoked" on that certain Plan of Resubdivision by Lucien C. Gassen, dated January 6, 2015, attached hereto.

THUS DONE AND PASSED, in multiple originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

ST. CHARLES PARISH

Printed Name: _____

BY: V. J. St. Pierre, Jr.
ITS: PRSIDENT

Printed Name: _____

NOTARY PUBLIC
Printed name: _____
Notary/Bar No. _____

THUS DONE AND PASSED, in multiple originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

OWNERS OF LOT 307

Printed Name: _____

Justin J. Loupe

Printed Name: _____

Heather Higginbotham Loupe

NOTARY PUBLIC
Printed name: _____
Notary/Bar No. _____

THUS DONE AND PASSED, in multiple originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

OWNER OF LOT 308

Printed Name: _____

Elaine Naranjo

Printed Name: _____

NOTARY PUBLIC
Printed name: _____
Notary/Bar No. _____

RECOMMENDATIONS AT A GLANCE

PZS-2015-24 requested by Louis Authement on behalf of Justin & Heather Loupe and Elaine Naranjo for resubdivision of Lots 307, 308 and 60 ft. access to be revoked in Fashion Plantation Estates, Ph. II into Lots 307A & 308A 700 & 702 S. Fashion Blvd. in Sections 7 & 8, T13S R20E, St. Charles Parish, La. Zoning District R-1A. Council District 1.

Planning Department Recommendation:

Approval.

Planning Commission Recommendation:

Approval.