

ST. TAMMANY PARISH POLICE JURY

ORDINANCE

ORDINANCE CALENDAR NO. 2691

ORDINANCE POLICE JURY SERIES NO. 96-96-2495

INTRODUCED BY MR. STEFANCIK AND SECONDED BY MR. BAGERT ON THE
20TH DAY OF JUNE, 1996.

TITLE: AN ORDINANCE TO ESTABLISH THE PROCEDURE AND
STANDARDS FOR GRANTING PERMISSION TO ENTER
PARISH RIGHT-OF-WAY FOR GAINING ACCESS TO
PROPERTY.

SUBTITLE: AN ORDINANCE TO ESTABLISH THE PROCEDURE AND STANDARDS FOR
GRANTING PERMISSION TO ENTER PARISH RIGHTS-OF-WAY AS
DESIGNATED BY SUBDIVISION PLATS FOR GAINING ACCESS TO
PROPERTY.

WHEREAS, the St. Tammany Parish Police Jury is obliged to
manage public drainage and transportation rights-of-way in the
Parish of St. Tammany for the benefit of the public; and

WHEREAS, circumstances governing the execution of this
obligation are becoming more complex by reason of the increasing
number of federal and state laws applicable to this situation; and

WHEREAS, existing parish ordinances governing entry into
parish right-of-way fail to address questions raised by current
engineering standards.

1 NOW, THEREFORE, BE IT ORDAINED, by the St. Tammany Parish
2 Police Jury that in its capacity as the governing authority of the
3 Parish of St. Tammany it hereby establishes the following
4 procedures and standards for gaining access to private property
5 through an unopened or opened right-of-way which access way is not
6 part of the Parish maintenance system, but the right-of-way was
7 established by a recorded subdivision plat in the Clerk of Courts
8 records:
9

10 SECTION I: The Parish must adopt a resolution granting
11 permission to open an unconstructed Parish right-
12 of-way or to utilize a Parish right-of-way which is
13 not in the Parish maintenance system.
14

15 SECTION II: The Parish, through its appropriate Departments may
16 establish procedures including conditions to allow
17 permission to enter a Parish road right-of-way for
18 the purpose of gaining access.
19

20 SECTION III: The application process may include but is not
21 limited to the following information: a written
22 request for permission to enter the right-of-way
23 including the purpose of the request; ownership
24 information; right-of-way dedication; wetland
25 determination and/or wetland permits from Corps of
26 Engineer and other respective environmental agency
27 and a site plan of applicants property with
28 relationship to the proposed structure or
29 structures and the Parish road right-of-way and any
30 other servitudes both private and public.

1 SECTION IV: Conditions which may be imposed on an applicant for
2 which must be incorporated within the resolution
3 may include, but is not limited to the following
4 information:
5

- 6 a. Requiring additional right-of-way to be dedicated to the
7 Parish or the establishment of servitudes in cases when
8 the right-of-way does not meet the current right-of-way
9 widths as established through the Parish's "Subdivision
10 Regulatory" or requiring in cases of limited right-of-way
11 widths the provision to allow a one way access as long as
12 the one way access provides an entrance and a different
13 exit (terminus) to an approved roadway.
14
- 15 b. Requirements which will limit the applicant and any
16 assignees by providing a Hold Harmless Agreement in
17 connection with the construction of the project and
18 utilization of the access by (an) individual(s) until the
19 time that the access is upgraded to Parish standards and
20 accepted into the Parish's road maintenance system.
21
- 22 c. Requirements which will bind the applicant or any
23 assignees that the applicant or assignees assumes the
24 maintenance obligations of the access until such time as
25 the Parish agrees to accept this portion of right-of-way
26 into the Parish's road maintenance system.
27
- 28 d. The applicant will be responsible at their expense for
29 all expenses regarding improvements relocation of
30 utilities, engineering services, permits, damage,
31 recordation which may be associated with the right-of-
32 way.
33
- 34 e. The Parish Engineer must review and approve a road design
35 and drainage plan prepared by a licensed engineer. The
36 Parish's engineer may require additional off-site work to
37 minimize the potential impact of the proposed
38 construction with special emphasis regarding drainage.
39 The road and drainage design must meet the gravel road
40 standards as established under the "Subdivision
41 Regulatory".
42
- 43 f. Liability insurance policy included naming of the Parish
44 as an insured party.
45
- 46 g. Provisions for the establishment of a Performance and
47 Warranty letter of credit, when applicable and utilized
48 in the same manner as Performance letters of credit are
49 utilized as per the "Subdivision Regulatory".
50
- 51 h. Applicant and assignees enter into an agreement to delay
52 the hard surfacing requirements for roads to a future
53 date, but are bound to meet those requirements either in
54 participating in a front foot assessment or other Parish
55 approved method at an appropriate time when the road may
56 be reasonably allocated to adjoining property owners
57 an/or assignees.
58
- 59 i. Allow the Department of Engineering to establish a time
60 period for commencement and completion of construction
61 and to delay the issuance of building permits unless
62 appropriate letters of credit are accepted.

1 REPEAL: All ordinances or parts of ordinances in conflict
2 herewith are hereby repealed.
3

4 SEVERABILITY: If any provision of this ordinance shall be held
5 to be invalid, such invalidity shall not affect any other provision
6 herein which can be given effect without the invalid provision and
7 to this end the provisions of this ordinance are hereby declared to
8 be severable.
9

10 EFFECTIVE DATE: This ordinance shall be effective ten (10)
11 days after publication in the official journal of St. Tammany
12 Parish.
13

14 MOVED FOR ADOPTION BY MR. STEFANCIK, SECONDED BY MR. DOHERTY; A VOTE
15 THEREON RESULTED INT HE FOLLOWING:
16

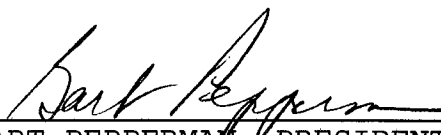
17 YEA: GLASS, WILLIE, THOMPSON, GRIFFIN, HARWELL,
18 SINGLETARY, GLOCKNER, DOHERTY, PEPPERMAN, STEFANCIK,
19 DAVIS AND THOMAS.
20

21 NAY: 0
22

23 ABSTAIN: 0
24

25 ABSENT: BAGERT AND SMITH.
26

27 AND THE ORDINANCE WAS DECLARED DULY ADOPTED ON THE 19TH DAY OF
28 1996, AND BECOMES ORDINANCE POLICE JURY SERIES NO. 96- 2495 .
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35 BART PEPPERMAN, PRESIDENT
36 ST. TAMMANY PARISH POLICE JURY

37 ATTEST:
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41
42 DIANE HUESCHEN, SECRETARY
43 ST. TAMMANY PARISH POLICE JURY

OCT 03 1996