

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7191

ORDINANCE COUNCIL SERIES NO. 23-

COUNCIL SPONSOR LAUGHLIN/COOPER

PROVIDED BY: PLANNING & DEVELOPMENT

INTRODUCED BY: MR. DAVIS

SECONDED BY: MR. SMITH

ON THE 2<sup>ND</sup> DAY OF FEBRUARY 2023

AN ORDINANCE TO ENTER THE TAMMANY TRACE FOR THE PURPOSE OF CONSTRUCTING A FIVE (5) FOOT CONCRETE WALKWAY AND CULVERT TO CONNECT TO THE TRACE PARKWAY AT THE NORTHERN EDGE OF THE TAMMANY TRACE 1600 FEET WEST OF SOUTH TRANQUILITY ROAD, IN ASSOCIATION WITH THE DEVELOPMENT OF THE OAKLAWN TRACE SUBDIVISION, LOCATED IN WARD 7, DISTRICT 11. (TRC23-01-001)

WHEREAS, the developer of Oaklawn Trace Subdivision has petitioned the Parish of St. Tammany to enter the Tammany Trace for the purpose of constructing a five (5) foot concrete sidewalk and culvert to connect to the Trace parkway at the northern edge of the Tammany Trace 1600 feet west of South Tranquility Road in association with the subdivision development; and

WHEREAS, upon review and consideration by the St. Tammany Parish Planning Commission at a regularly scheduled public hearing, and only after hearing testimony from all concerns, hereby recommends that the Parish Council approve the proposed request subject to the stipulations as referred to below.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that the developer of Oaklawn Trace Subdivision is hereby granted approval to enter and the Tammany Trace, for the purpose of constructing a five (5) foot concrete sidewalk and culvert to connect to the Trace parkway at the northern edge of the Tammany Trace 1600 feet west of South Tranquility Road in association with the subdivision development, subject to the following stipulations:

- a) The width of the cleared area for the construction of a path to access the Trace shall not exceed ten (10) feet and the width of the pavement shall not exceed five (5) feet.
- b) No trees are to be cleared along the Tammany Trace, with the exception of the 15 foot section of the Trace buffer needed to install the concrete walkway and culvert.
- c) A land clearing permit must be acquired prior to work order and a pre-land clearing site visit will be conducted to ensure proper fencing or staking is in place to ensure no adverse effects on trees or Trace Right-of-Way.
- d) The applicant shall procure written approval from the Director of the Tammany Trace prior to commencing any construction and shall provide said director with a daily work schedule.
- e) The Tammany Trace shall not be closed or obstructed due to construction activity for more than one hour at any time unless it is approved by the Director of the Tammany Trace.
- f) Only rubber tire excavating equipment is to be used on the trace.
- g) All construction activities on the Tammany Trace shall be limited to daylight hours, Monday through Friday only (no weekends).
- h) The Tammany Trace must be kept clean and free of construction material and debris at all times.
- i) Obtain a work order from the Parish Engineer.

- j) Signage or markings need to be added at the end of the road showing the road ends and the path is for Pedestrian Traffic only.
- k) Based on the existing and proposed elevations the existing ditch will need to be regraded to provide positive flow. Update the plans accordingly.
- l) Add a proposed elevation or a note stating the path be placed to match natural grade and not adversely affect the drainage in this area.
- m) Provide existing and proposed cross-section showing ditch limits, elevations, top of bank, and bottom of ditch, etc.
- n) A revised and detailed plan all of the aforementioned comments must be provided prior to final approval.
- o) The applicant shall provide the parish with an acknowledgement and hold harmless agreement indemnifying St Tammany Parish from any and all liability that arises in connection with the requested access subject to review and approval by the parish's legal department.
- p) is to be used on the trace
- q) all construction activities on the Tammany Trace shall be limited to daylight hours, Monday through Friday only (no weekends)
- r) the Tammany Trace must be kept clean and free of construction material and debris at all times
- s) obtain a work order from the Parish Engineer
- t) Prior to effecting access, the applicant shall enter into a written agreement which shall contain, but not be limited to, the following items:
  - 1) That the governing authority, its agencies, servants and employees shall be held harmless and indemnified as set forth above. If deemed necessary, the governing authority, at its option, may require a policy of insurance insuring the governing authority against such liability.
  - 2) that the access shall be constructed in conformity with the plans and specifications submitted with the access request application.
  - 3) that the applicant shall provide a warranty letter of credit, or other completion bond, satisfactory to the governing authority, ensuring the timely and proper completion of any work or construction done to effect the said access.
  - 4) that the applicant acknowledges that its access is granted subject to any and all rights, titles, interests, servitudes and/or easements which are held, or may be held, by any other entity, person, firm or corporation including, but not limited to, the United States Department of Transportation, the state department of transportation or the federal highway administration. And further, that the applicant specifically waives any and all warranty of title and relieves and releases the governing authority, its agencies, servants and employees from any and all liability, of whatever nature or kind which may arise, or has arisen, in connection therewith.
  - 5) that the applicant shall be responsible for and required to provide maintenance to the land and/or any structure or improvement, appertaining to the access, during the term of the said access.
  - 6) that the applicant acknowledges and agrees that the governing authority shall not, in any fashion, be prohibited from establishing, conducting, operating or maintaining any activity, as may be deemed necessary by the governing authority, to be conducted

within the Tammany Trace corridor including, but not limited to, usage beneath, over across said granted access.

- 7) that the applicant shall not alter the granted access in any fashion without the prior written approval of the governing authority which may or may not be granted at the sole discretion of the said governing authority.
- 8) that upon termination or expiration of the term of the access agreement, the applicant, at the sole option and discretion of the governing authority, may be required to remove any infrastructure or improvement appertaining to the access and further may be required, at the sole option and discretion of the governing authority, to return the site of the access to its original condition as it existed immediately prior to the granting of the said access.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 2<sup>ND</sup> DAY OF MARCH, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-.

\_\_\_\_\_  
JACOB "JAKE" A. AIREY, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
KATRINA L. BUCKLEY, COUNCIL CLERK

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MICHAEL B. COOPER, PARISH PRESIDENT

Published introduction: JANUARY 25, 2023

Published adoption: \_\_\_\_\_, 2023

Delivered to Parish President: \_\_\_\_\_, 2023 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2023 at \_\_\_\_\_