

PUBLIC WORKS LETTER OF NO OBJECTION APPLICATION

Terrebonne Parish Consolidated Government



Fill out the attached application and return to the Department of Public Works along with a drawing (no larger than ledger size) of your proposed work to Laura Benoit by one of the following methods:

Email: lbenoit@tpcg.org

Fax: 985-850-4667

Deliver: 206 Government St. Gray, LA 70359

US Mail: TPCG
Attn: Laura Benoit
P.O. Box 2768
Houma, LA 70361

Note: The Public Works Department has up to **30** days to complete a Letter of No Objection.

ITEMS CHECKED (X) WILL BE NECESSARY TO OBTAIN A "LETTER OF NO OBJECTION"

- 1. Complete "Letter of No Objection" application
 - A. Name and address of applicant
 - B. Phone number of applicant
 - C. Name and address of contact person
 - D. Phone number of contact person
 - E. Project description and location, section, township and range, if available
 - F. Signed application
- 2. Location of project shown on topographic map
- 3. Construction drawings of project (no larger than ledger size)

For additional information, please contact:

Laura Benoit
(985) 873-6735



TERREBONNE PARISH
CONSOLIDATED GOVERNMENT

P.O. BOX 6097
HOUMA, LOUISIANA 70361 (985) 868-5050
P.O. BOX 2768
HOUMA, LOUISIANA 70361 (985) 868-3000

APPLICATION FOR
LETTER OF NO OBJECTION

FOR OFFICE USE ONLY
APPLICATION NUMBER: _____

Date: _____

1a. Name & Address of Applicant:

Telephone Number: _____

1b. Name, Address & Title of Contact Person:

Telephone Number: _____

2. Describe proposed activity (list all sections by township and range):

3. In the event there is any damage caused by the above describer activity,
_____ will be held responsible.
Name of Applicant

A LETTER OF NO OBJECTION IS INTENDED ONLY AS THE DEPARTMENT OF PUBLIC WORKS' EXPRESSION OF NO OBJECTION TO THE ISSUANCE OF PERMITS REQUIRED FOR THE PROPOSED WORK.

A LETTER OF NO OBJECTION DOES NOT GRANT NOR IMPLIES AUTHORIZATION TO ACCESS ANY PROPERTY OR SERVE AS AUTHORIZATION TO PERFORM MODIFICATIONS TO ANY PROPERTY THAT THE APPLICANT DOES NOT OWN IN FULL TITLE AND/OR POSSESSES THE NECESSARY CAPACITY AND AUTHORITY OF THE FULL TITLE OWNER(S).

A LETTER OF NO OBJECTION DOES NOT RELIEVE THE APPLICANT FROM ANY LIABILITY RELATIVE TO THE PROPOSED WORK."

I HEREBY CERTIFY THAT ALL ACTIVITIES DESCRIBED HEREIN, AND ALL DOCUMENTS SUBMITTED FOR REVIEW ARE TRUE AND CORRECT.

Signature of Applicant

Signature of Authorized Agent (if other than applicant)

Address

Title

City, State, Zip Code

Date

JOHN NAVY, CHAIRMAN

DISTRICT 1

JOHN NAVY

DISTRICT 3

GERALD MICHEL

DISTRICT 5

CHRISTA M. DUPLANTIS-PRATHER, RN

DISTRICT 7

ALIDORE "AL" MARMANDE

DISTRICT 9

STEVE TROSCLAIR



DIRK GUIDRY, VICE CHAIRMAN

DISTRICT 2

ARLANDA J. WILLIAMS

DISTRICT 4

SCOTTY DRYDEN

DISTRICT 6

DARRIN GUIDRY

DISTRICT 8

DIRK GUIDRY

COUNCIL CLERK

VENITA H. CHAUVIN

Post Office Box 2768 • Houma, LA 70361
Government Tower Building • 8026 Main Street, Suite 600 • Houma, LA 70360
Telephone: (985) 873-6519 • FAX: (985) 873-6521
vchauvin@tpcg.org www.tpcg.org

June 30, 2016

MEMO TO: Gordon E. Dove
Parish President

FROM: Venita H. Chauvin *vhc*
Council Clerk

RE: Placement of Structures within Drainage Servitudes

Please allow this memo to confirm that the Council adopted the attached ordinance that amends the Parish Code to authorize the Parish President to enter into a written agreement with a landowner for the placement of a structure within a drainage servitude.

By copy of this memo, the appropriate staff members are being advised of this action.

Feel free to contact me if you have any questions on this matter.

Attachment:

cc: Parish Manager Al Levron
Parish Attorney Jules Hebert
Municipal Code Corp. (via email)

/vhc

OFFERED BY: Mr. S. Trosclair
SECONDED BY: Mr. S. Dryden

ORDINANCE NO. 8718

AN ORDINANCE TO AMEND TERREBONNE PARISH CODE OF ORDINANCES SECTION 22-189 TO AUTHORIZE THE PARISH PRESIDENT TO ENTER INTO A WRITTEN AGREEMENT WITH A LANDOWNER FOR THE PLACEMENT OF A STRUCTURE WITHIN A DRAINAGE SERVITUDE, TO PROVIDE FOR A STANDARD WRITTEN AGREEMENT FOR SAME, AND TO PROVIDE FOR RELATED MATTERS.

WHEREAS, Section 1 – 06 of the Home Rule Charter for the Parish of Terrebonne provides that the parish government shall have the right, power and authority to pass all ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the parish, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matter necessary, requisite or proper for the management of the parish affairs, and all other subject matter without exception, subject only to the limitations that the same shall not be inconsistent with the Constitution or expressly denied by the general law applicable to the parish; and

WHEREAS, the TPCG and its ancestors in title have acquired various drainage servitudes and rights-of-way (Servitudes) for the purpose of installing and maintaining drainage facilities, and

WHEREAS, the existence, use, maintenance and improvement of these drainage Servitudes are necessary to provide public services for the benefit of the residents and businesses of Terrebonne Parish, and

WHEREAS, these Servitudes are a type of real property interest that cannot be donated, pledged, or given away except in conformance with Article VII, Section 14 of the Constitution of the State of Louisiana, and

WHEREAS, the Terrebonne Parish Council on behalf of the Terrebonne Parish Consolidated Government recognizes that the Parish should be good stewards in the management of servitudes due to the vital role they play in the delivery of services to the public and in furtherance of the health, safety and welfare of the public, and

WHEREAS, the Terrebonne Parish Council further recognizes that from time to time residents request permission to install fences or other structures on, over or along drainage servitudes and/or wish to install additional items(s) within above noted servitudes herein defined as items such as but not limited to any forms of vegetation and all other structures on, over or along drainage servitudes.

WHEREAS, Section 22-189 currently authorizes the Terrebonne Parish Council to enter into a written agreement with the servitude grantor to authorize the placement of a structure within a servitude; and

WHEREAS, historically, by virtue of Terrebonne Parish Council Resolution No. 13-179, the Terrebonne Parish Council has authorized same by way of issuance of a Letter of No Objection, when, in the opinion of the Administration, the placement of the structure and/or additional obstructions do not render the enjoyment of these servitude property rights overly burdensome on the public, nor does it prevent the delivery of public service, and

WHEREAS, in order to provide for a more efficient turnaround, the Terrebonne Parish Council and Parish Administration wishes to transfer these duties to the Parish President, and designate a standard form of agreement for same; and

NOW, THEREFORE BE IT RESOLVED by the Terrebonne Parish Council, that Section 22-189 of the Terrebonne Parish Code of Ordinances be amended to reflect that the Parish President, rather than the Council, be and is hereby authorized to enter into written agreements for the placement of a structure within a servitude as authorized therein, the said

amendment being set forth at Section I herein below, and

BE IT FURTHER RESOLVED that any Letter of No Objection (LONO) issued in accord with this policy shall include a fully executed Drainage Obstruction Acknowledgement and Indemnity Agreement substantially in conformance with the standard form attached hereto.

SECTION I

The Code of Ordinances of Terrebonne Parish at Sections 22 – 189 is hereby amended, using ~~striketrough~~ to indicate deletions and underlining to indicate additions, to read as follows:

Sec. 22-189. - Construction.

It shall be unlawful for any person to place or construct or in any way cause the construction or placement of any type structure within a drainage servitude without the express written consent of the ~~council~~ Parish President and/or the grantor and the execution of a standard Drainage Obstruction Acknowledgement and Indemnity Agreement, subject to the final approval of the Parish President. The standard Drainage Obstruction Acknowledgement and Indemnity Agreement is available at Appendix C, Form 1, of this Code.

SECTION II

The Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, hereby creates and enacts **Appendix C – Standard Forms** to the Terrebonne Parish Code of Ordinances, for the purposes of codifying standard forms and/or agreements, including, but not limited to, the agreement annexed hereto.

SECTION III

The Terrebonne Parish Council does hereby approve the **Drainage Obstruction Acknowledgment and Indemnity Agreement**, a copy of which is annexed hereto and incorporated herein, to serve as the standard form of agreement between the Terrebonne Parish Consolidated Government and any person wishing to place a structure or other obstruction within a drainage right of way. Said agreement shall be subject to the final approval of the Parish President on a case by case basis. The Drainage Obstruction Acknowledgement and Indemnity Agreement shall be and is hereby codified as **Form 1** of Appendix C of the Terrebonne Parish Code of Ordinances.

SECTION IV

If any word, clause, phrase, section or other portion of this ordinance shall be declared null, void, invalid, illegal, or unconstitutional, the remaining words, clauses, phrases, sections and other portions of this ordinance shall remain in full force and effect, the provisions of this ordinance hereby being declared to be severable.

SECTION V

This ordinance shall become effective upon approval by the Parish President or as otherwise provided in Section 2-13(b) of the Home Rule Charter for a Consolidated Government for Terrebonne Parish, whichever occurs sooner.

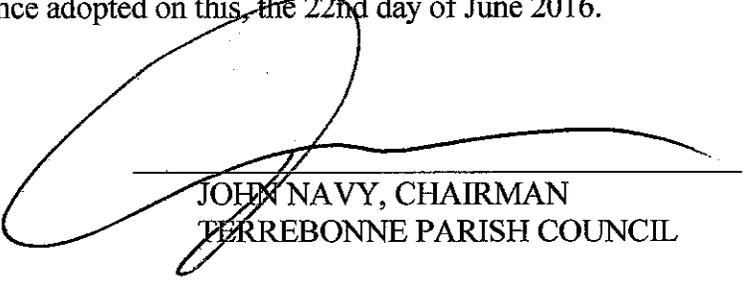
This ordinance, having been introduced and laid on the table for at least two weeks, was voted upon as follows:

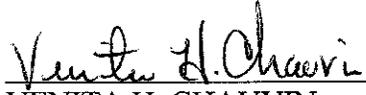
THERE WAS RECORDED:

YEAS: S. Dryden, C. Duplantis-Prather, D.W. Guidry, Sr., A. Marmande, D. J. Guidry, S. Trosclair, J. Navy and A. Williams.

NAYS: G. Michel.
NOT VOTING: None.
ABSTAINING: None.
ABSENT: None.

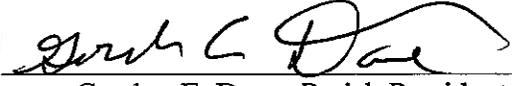
The Chairman declared the ordinance adopted on this, the 22nd day of June 2016.


JOHN NAVY, CHAIRMAN
TERREBONNE PARISH COUNCIL


VENITA H. CHAUVIN
COUNCIL CLERK
TERREBONNE PARISH COUNCIL

Date and Time Delivered to Parish President:

6/24/16 12:30 p.m. vhc

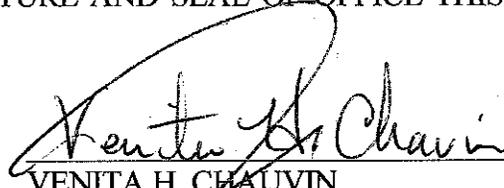
Approved  Vetoed
Gordon E. Dove, Parish President
Terrebonne Parish Consolidated Government

Date and Time Returned to Council Clerk:

6-28-16 9:18 a.m.

I, VENITA H. CHAUVIN, Council Clerk for the Terrebonne Parish Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Assembled Council in Regular Session on June 22, 2016, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS 30th DAY OF JUNE 2016.


VENITA H. CHAUVIN
COUNCIL CLERK
TERREBONNE PARISH COUNCIL