

(EXCERPT FROM)
ST. TAMMANY PARISH CODE OF ORDINANCES
CHAPTER 20 ROAD AND BRIDGES, ARTICLE
(STREET REVOCATION/ALIENATION APPLICATION REQUIREMENTS)

Section 20-001.00 Closing, Abandoning, Revoking Dedication of Streets/Roads

A. DEFINITIONS

Abandonment shall mean any parish road, street or alley, opened or unopened, which cannot or should not be maintained because the expenses thereof cannot be justified or because same is no longer needed for public use. In such a case, the property shall revert back to the property owners on each side of the abandonment from the centerline of the street as prescribed by statutory law.

Closings shall mean that the street, road or alley or portion thereof is no longer needed for public use at that particular time, upon the review and findings of facts by the St. Tammany Parish Planning Commission and St. Tammany Parish Police Jury. Said street, road or alley may be declared private and therefore restricted in use and maintained in common by the private property owners abutting said street, road or alley. Closings may be declared by ordinance for an indefinite period of time or reviewed on an annual basis for reconsideration of said closing.

Parish Road Maintenance System for the purpose of this section means those roads, streets and alleys which have been placed on a roster or list as adopted by the Police Jury by Ordinance, signifying that said roads, streets or alleys are to be maintained by the parish Department of Public Works.

Revocation shall mean the surrender of any rights, titles and interests by the parish in any public road, street or alley and the improvements thereunto.

St. Tammany Parish Planning Commission is an extension of and the creation of the St. Tammany Parish Police Jury, in which said Commission initially reviews applications for abandonment, closings or revocations.

Street, Road or Alley for the purposes hereof shall mean any public way set aside for public use and travel which was dedicated to or acquired by the parish to provide means of access to abutting property. It is not necessary that any formal act of acceptance should have occurred, and it is immaterial whether or not said street, road or alley has ever been opened, used or accepted into the parish road maintenance system. For the purposes herein, the words "street", "road" and "alley" may be used interchangeably.

* B. APPLICATION REQUIREMENTS

All application must be filed with the Department of Development to initiate either the closing, abandonment or revocation of any parish street, road or alley. Said application shall contain the following information:

1. A cover letter (typed) indicating whom is requesting the abandonment, closing or revocation, the full name, mailing address and phone number of the applicant and the reasons for submission of application.
2. Notarized letters of no objection (typed) shall be obtained by the applicant from all current property owners whose property abuts the street, road or alley which is intended to be abandoned, closed or revoked. For the purposes of this ordinance, "abutting" shall mean property immediately adjacent to or at the start or end of.
 - a. Said notarized letters must contain the names and addresses of those property owners whose property abuts the street, road and alley intended to be abandoned, closed or revoked.

- b. If a notarized letter cannot be obtained from an adjacent property owner for reasons unknown, the parish shall contact said owner to solicit a response as to their failure to submit and sign said letter. If said owner does not respond to the parish's solicitation within ten (10) days after being contacted, the applicant shall be released from their obligation to supply said notarized letter of no objection.

However, in the event that the owner does not respond and indicates (in writing) that they have or will have a valid use of the street, road or alley that abuts their property; and if the Planning Commission, upon review of the facts regarding said response is substantiated, said application for abandonment, closing or revocation shall be dismissed from the docket and hence from any further consideration.

3. Five (5) blue line or black line prints of a bona fide survey containing measurements, degrees and bearing calls, inclusive of the plotting of all utilities located on the street. Said survey must be certified by a state registered engineer or land surveyor and stamped with an official seal.
 - a. Signature lines shall be placed on the survey for signatures by and for the: St. Tammany Parish Police Jury President, St. Tammany Parish Chairman of the Public Works Committee, Chairman or Secretary of the St. Tammany Parish Planning Commission, St. Tammany Parish Engineer, Clerk of Court, date and file number.
4. A legal description (typed) describing the boundaries of the property to be abandoned, closed or revoked.

The aforementioned application requirements shall be presented to the planning Commission for its review and consideration. The Planning Commission shall make a formal recommendation to the Police Jury at the earliest practicable date regarding the application request. Should the Planning Commission recommend closing, abandonment or revocation, same shall be transmitted to the Secretary of the Police Jury for he or she to initiate the review thereof by the Police Jury. Should the Planning Commission deny the application, the same procurement shall apply. However, a vote of two-thirds of the Police Jury membership (9 votes) shall be required to reverse the recommendation from said Planning Commission.

5. Notarized letters of no objection (typed) shall be obtained by the applicant from all utilities whose facilities are located in the parish street, road or alley which is intended to be abandoned, closed or revoked.
 - a. Said notarized letters must contain the names and addresses of those utilities whose facilities are located in the parish street, road or alley which is intended to be abandoned, closed or revoked.

* **A \$150.00 processing fee is required to be submitted along with the application.**

C. PUBLIC NOTICE

1. Applications which are received for abandonment, closing or revocation shall be advertised in summary form in the official parish journal once a week for three (3) consecutive weeks prior to the meeting of the Planning Commission, declaring that said property may no longer be needed for public purposes.

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2. A public notice sign(s) shall be posted on or in the immediate vicinity of the property proposed for abandonment, closing or revocation at least ten (10) days prior to the initial hearing date of the Planning Commission. Said sign(s) shall contain an accurate statement of what action is being requested as well as indicate the date, time and location of the initial public hearing.

D. ORDINANCE PROVISIONS

1. All streets, roads or alleys declared by the parish governing authority as abandoned, closed or revoked, shall be procured by separate ordinance.
2. All transfers of real property disposed of by the parish shall include a general provision within the ordinance that all mineral rights shall be retained, unless otherwise specified and noted within said ordinance by act, agreement or placation.
3. The ordinance may include provisions by which the parish shall retain servitudes or easements for future use relative to utilities and drainage.
4. The ordinance shall stipulate whether the property was disposed of by a private cash sale or by reversion as prescribed by statutory law.

E. METHOD OF DISPOSAL OF IMMOVABLE PROPERTY

1. Subsequent to the St. Tammany Parish Police Jury adopting an ordinance to abandon, close or revoke a street, road or alley as set forth in subpart D., the parish may initiate the sale of said property through procurement of the following:
 - a. The parish shall commission an appraisal of the property to be conducted by a certified appraiser to determine the fair market value of said property. An appraiser shall be chosen by the Director of the Department of Development at the applicants expense. Said applicant shall be required to remit a deposit in the amount of at least two-hundred and fifty (\$250.00) dollars in order for the appraisal to be procured.
 - b. After the appraisal has been procured and the fair market value of the property determined, the property shall then be offered for sale to the applicant through means of a private cash sale as permitted by statutory law. All sales of disposed property are final and will become effective upon the recordation of the sale and corresponding ordinance adopted by the St. Tammany Parish Police Jury.
 - c. The Police Jury President or Parish Manager shall have the exclusive authority to execute the sale, transfer or exchange of any immovable property for fair compensation.
 - d. If the applicant decides not to purchase the property, for whatever reasons, the St. Tammany Parish Police Jury shall rescind their approval for abandonment, closing or revocation by separate ordinance.
2. All transfers of property hereunder, when so ordered, shall reserve a servitude allowing the continued existence, maintenance and operation of any existing electric, gas, telephone and/or cable facilities under terms reasonably acceptable to such utility(s).

§ 717. Private sale

If the governing authority decides to dispose of any of said property at private sale, it shall have the property appraised by an expert appraiser or appraisers appointed by the authority and the property shall not be sold for less than the value so established.

Added by Acts 1970, No. 648, § 2. Amended by Acts 1972, No. 417, § 1.

History and Source of Law

The 1972 amendment rewrote the section, which, as enacted, read:

“§ 717. Property owned by dedicator or his heirs

“If the party who originally dedicated the said street, road, highway or alley is also

the present owner of any property immediately adjacent thereto, or if the contiguous property is owned by the heirs of said original dedicators, the governing authority may only revoke the dedication of such street, road, highway or alley.”

Library References

Counties ⇨110.

C.J.S. Counties § 172.

§ 718. Exchange

If the governing authority decides to dispose of the property by exchange, it may be exchanged for other property of approximately equal value, provided that the governing authority may pay or receive any difference in value in cash.

Added by Acts 1970, No. 648, § 1. Amended by Acts 1972, No. 417, § 1.

History and Source of Law

The 1972 amendment rewrote the section, which, as enacted, read:

“§ 718. Suit to establish claim to property being disposed; effect of failure to file suit

“For a period of ninety days after the date of the last publication of the notice of intention of the governing authority to dispose of said street, road, highway or alley,

or any part thereof, as provided for in R.S. 48:712, any person claiming title to or an interest in the property involved may file suit to establish his claim to said property. If no suit is filed within said ninety day period, any claim to the property shall become prescribed. This prescription shall run against all persons including minors and interdicts.”

Library References

Counties ⇨110.

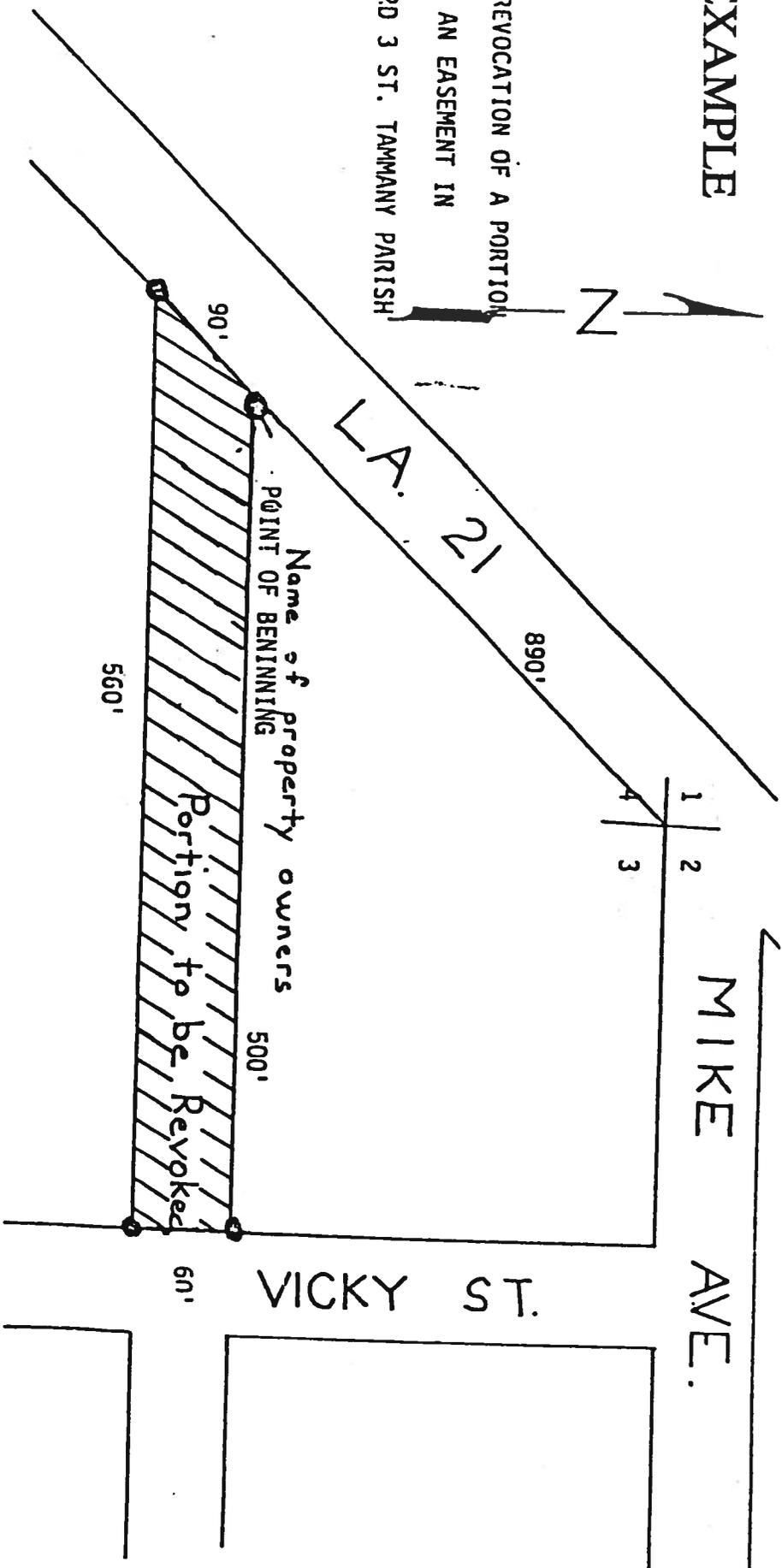
C.J.S. Counties § 172.

§ 719. Applicability; alternative procedure

This part shall apply only to those parishes in the state of Louisiana having a population in excess of three hundred twenty-five thousand persons according to the official United States Census of 1970, the parish of Orleans excluded, and shall be construed as affording an alternative procedure to that set forth in R.S. 33:4711, 33:4712, 33:4717, 33:4718 and 33:4719, and shall supersede the provisions of R.S. 48:701 through R.S. 48:704 insofar as parishes having a population in excess of three hundred

EXAMPLE

A REVOCATION OF A PORTION
OF AN EASEMENT IN
WARD 3 ST. TAMMANY PARISH



Police Jury President _____ Owner(s) of Property _____

Chairman of Planning Commission _____

Chairman of Public Works Committee _____

Parish Engineer _____

Date Filed _____ File No. _____

CLERK OF COURT _____

LEGAL DESCRIPTION OF EASEMENT

TO BE REVOKED: from the corner common to Section 1, 2, 3, and 4, T7S, R11E, measure 890 feet along the right of way of La. 21 to a point of beginning then measure 500 feet east to a point then measure 60 feet south to a point then measure 560 feet in a westerly direction to a point then measure 90 feet in a northerly direction along the La. Hwy. 21 right of way to the point of beginning.

**UTILITY COMPANIES TO CONTACT
WITHIN YOUR SERVICE AREA
(Revised as of March 31, 2012)**

Electric

Company Name: CLECO Corporation
Contact Person: Madeline S. Norris
Phone Number: 318-484-4194

and/or

Company Name: Washington-St. Tammany Electric Cooperative, Inc.
Contact Person: Jesse Perry
Phone Number: 985-892-8804

Cable TV

Company Name: Charter Communications
Contact Person: Dustin C. Dreux, Construction Supervisor
Phone Number: (not available) need to write letter
Address: 60097 Hwy. 11, Slidell, LA 70458

Gas

Company Name: Atmos Energy
Contact Person: Olene Whiddon
Phone Number: 985-807-4417 or 985-276-6023 or 985-768-9484

and/or

Company Name: Centerpoint Energy
Contact Person: Mr. Verret
Phone Number: 985-735-1307

Phone

Company Name: AT&T
Contact Person: Konni Waltrip
Phone Number: 985-867-1296 or 985-630-0967

NOTE:

Please be advised that the aforementioned contact persons and numbers with each utility company change from time to time. The contact persons and numbers above are the current ones that we have on file. Therefore, if you find that any of the contact persons and/or phone numbers have changed, please advise this office accordingly.