

CITY OF HAMMOND
ORDINANCE NO. # _____ C.S.

**An Ordinance to Authorize the Mayor to execute an Agreement
for the Acceptance of Property from the State of Louisiana for Road Transfer
Credits and to Provide for Related Matters**

BE IT ORDAINED by the City Council of Hammond, Louisiana, that the City of Hammond agrees to accept ownership of whatever rights the State of Louisiana, through the Department of Transportation and Development (Department), may own, with the exception of any and all mineral rights, and subject to the servitude described below, in and to the following described property and agrees to accept all future rights, obligations and liabilities, including, but not limited to, all future operation, maintenance, and repairs associated therewith, for its operation and maintenance as a city street, subject to the conditions stated herein below:

Segment 1 - State route LA 3260 (known as West Church Street) in its entirety from its junction with state route US 190 proceeding east approximately 0.74 mile to its intersection with state route US 51 (known as North Morrison Boulevard).

Segment 2 – The portion of state route LA 1065 (known as North Cherry Street) from its intersection with state route US 190 westbound (known as East Thomas Street) proceeding north to its intersection with East Church Street, inclusive of all rights and responsibilities of DOTD in connection with the Illinois Central railroad crossing located 0.07 mile north of local road known as East Church Street and identified as DOT # 303368R.

The City of Hammond agrees to accept ownership of whatever rights the Department may own in and to the aforesaid described property at the proper time and under the conditions specified herein below:

CONDITION I:

Segment 1 – The Department shall patch, cold plane and overlay with 2 inches of asphaltic concrete the turn lane on state route LA 3260 (known as West Church Street) at its intersection with state route US 51 (known as North Morrison Boulevard). Patch shoulders and turnouts, and re-stripe the entire portion of state route LA 3260 (known as West Church Street) to be transferred to the City of Hammond according to the plans and specifications to be developed by the Department and mutually approved by the parties hereto. Roadway travel lanes of state route LA 3260 (known as West Church Street) will be transferred in their current condition.

Segment 2 – The Department shall cold plane and overlay with 2 inches of asphaltic concrete the portion of state route LA 1065 (known as North Cherry Street) to be transferred to the City of Hammond according to the plans and specifications to be

developed by the Department and mutually approved by the parties hereto.

CONDITION II: The Department shall provide a credit of approximately \$449,473.51, but subject to final verification, in road transfer credit for state route LA 3260 (known as West Church Street) in its entirety and the portion of state route LA 1065 (known as North Cherry Street) to be transferred to the City of Hammond to be applied to the said debt in Condition III.

CONDITION III: The Department shall apply the road transfer credit described in Condition II herein above towards relief of the current Utility Relocation Assistance Fund (URAF) debt owed to DOTD by the City of Hammond as per agreement No. 08398 in the approximate amount of \$490,276.07 resulting in an unpaid balance owed by the City to the Department, if any, in the approximate amount of \$40,802.56, with the final credits and final balances, if any, owed to be provided in the Cooperative Endeavor Agreement.

BE IT FURTHER ORDAINED: That the transfer is made subject to a servitude for the benefit of the Department authorizing it to continue to locate, maintain and improve or replace a fiber optic cable within the right of way of the transferred property.

BE IT FURTHER ORDAINED: That the City of Hammond shall accept ownership of whatever rights the Department may own in and to the aforesaid described property as a binding agreement between the Department and the City of Hammond provided the Department complies with the relevant condition stated herein.

BE IT FURTHER ORDAINED: That the Mayor of the City of Hammond or his designee is authorized to execute a Cooperative Endeavor Agreement between the Department and the City of Hammond memorializing the agreement between the parties relative to the above stated property transfers and conditions set forth herein.

BE IT FURTHER ORDAINED: That Mayor of the City of Hammond or his designee is authorized to execute any and all documents necessary to effect the transfer of the aforesaid described property upon the satisfaction of the above stated relevant condition, each such transfer to occur and the appropriate documents to be executed upon the completion of the improvements thereto as set forth herein above.

BE IT FURTHER ORDAINED That the City of Hammond hereby represents that it has received approval from a majority of the state legislative delegation from Tangipahoa Parish of the actions contemplated herein.

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The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, 2014, of the Hammond City Council and discussed at a public meeting held on _____, 2014; after motion and second was submitted to the official vote of the Hammond City Council.

On motion of _____ and seconded by _____, the foregoing ordinance was hereby declared adopted on _____, 2014, by the following roll call vote:

Votes: Johnny Blount () Jason Hood () Robert “Bobby” Martin () Lemar Marshall () Mike Williams (). Motion carried.

WHEREFORE, the above and foregoing ordinance was declared duly adopted on this ____ day of _____ 2014, at Hammond, Tangipahoa Parish, Louisiana.

Robert “Bobby” Martin
President, Hammond City Council

Honorable Mayson H. Foster
Mayor, City of Hammond

Whitney Statham, Clerk
Hammond City Council