



Staff Report
Right of Way Revocation
Case #: ROW-2023-08-00013

Attachments: Staff Report, Gladstone Montecino Agreement, Survey Prior to House, Survey, Site Photos, Aerial Map, Zoning Map

Public Hearing: Thursday, September 14, 2023
City Council Introduction: Tuesday, October 10, 2023
City Council Final: Tuesday, October 24, 2023

City Council Request (Ordinance): Introduction of an ordinance to approve a request by John Montecino, Sr. to revoke the right-of-way of Brauner Street, which was never constructed by the City of Hammond, according to survey by Max Bodin, Inc. dated 8/5/2023.

Site Information:

Location (Address): End of Montecino Dr – Brauner St

Council District: City Council District 3

Existing Zoning: RM-2

Future Land Use:

Existing Land Use:

Site Description: Right of Way

Adjacent Land Use and Zoning:

<u>Direction:</u>	<u>Land Use/Zoning:</u>
North	Single-family home, RM-2
South	Business Park (Compass Career College), Outside City Limits
West	Single-family home, RM-2
East	Business (Fusion Thermal), Outside City Limits

Additional Information:

10/20/2022: BOA approved a variance request to allow for a zero-foot side street setback where 10-feet is required for the property located at 15146 Montecino Drive. The following comments were made: although it is highly unlikely that the City of Hammond will develop or build Brauner Street and annexation of additional parcels within this area is unlikely, this variance was granted with the understanding that Brauner Street remains a city right-of-way that could be developed in the future.

Public Hearing:

For: John Montecino, Sr.

Against: None

Commission Recommendation:

Motion by: Trey St. Romain to recommend approval of the request by John Montecino, Sr. to revoke the right-of-way of Brauner Street, which was never constructed by the City of Hammond, according to survey by Max Bodin, Inc. dated 8/5/2023.

Seconded by: Ron Matthews

For: Kylan Douglas, Ron Matthews, Trey St. Romain, Trey Tyner

Against: None

Abstain: None

Absent: Monica Perez

Ordinance to Read:

WHEREAS, on September 14, 2023, the Hammond Planning Commission held a public hearing and recommended approval of the request by John Montecino, Sr. to revoke the right-of-way of Brauner Street, which was never constructed by the City of Hammond, according to survey by Max Bodin, Inc. dated 8/5/2023.

NOW, THEREFORE BE IT ORDAINED, the Hammond City Council approves a request by John Montecino, Sr. to revoke the right-of-way of Brauner Street, which was never constructed by the City of Hammond, according to survey by Max Bodin, Inc. dated 8/5/2023.

STATE OF LOUISIANA
PARISH OF TANGIPAOA

AGREEMENT

This Agreement is entered into by and between: **GLADSTONE HOLDINGS, LLC** (“Gladstone”), a Louisiana limited liability company represented by its duly authorized member, Chris Wisecarver, and **JOHN MONTECINO, SR. AND KATHLEEN MONTECINO** (collectively, “Montecino”), both persons of the full age of majority and domiciled in Tangipahoa Parish, who, after being duly sworn, did state that they agree as follows:

Montecino and Gladstone are the owners of property adjoining Brauner Street in Hammond, Louisiana, as shown on the attached map.

Brauner Street is undeveloped by the City of Hammond and it is expected that the City of Hammond will revoke the dedication of Brauner Street.

Once revoked, under Louisiana law, the adjoining owners of property that is revoked become the owners and therefore, Gladstone and Montecino will then own an interest in the revoked property immediately adjoining their property formerly known as Brauner Street.

For good and valuation consideration, receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. This Agreement is conditioned upon the City revoking the undeveloped Brauner Street (the “Property”) within two (2) years from the date of the last party to sign this Agreement.
2. Upon timely revocation, Gladstone agrees to transfer all of its right, title and interest in the Property to Montecino for no monetary consideration, free and clear of mortgages, liens or encumbrances, but otherwise without any warranty, but with all rights of subrogation and substitution Gladstone may have in the Property. The transfer shall be in recordable form and on terms reasonably acceptable to both Gladstone and Montecino and in accordance with this Agreement.
3. Within thirty (30) days after the revocation of the Property, Montecino will have the right to examine and inspect the Property, at Montecino’s sole expense. Gladstone will allow reasonable access to the Property for purposes of inspection. Montecino may terminate this Agreement within the inspection period above for any reason, or for no reason.
4. If Montecino does not terminate this Agreement, and subject to the parties’ approval of the form of the transfer, within sixty (60) days after the revocation Gladstone shall execute the transfer. Gladstone will not assume any liability for the transfer, including expenses, charges, taxes, the condition of the Property to include environmental hazards, or other claims, except Gladstone will pay its own attorney’s fees. Montecino will pay the taxes for the Property for the year of the transfer.

5. This Agreement shall be binding on the heirs, successors and assigns of the respective parties, and this Agreement may be signed in multiple counter parts. A copy of this Agreement shall suffice as an original for all purposes.

6. The deadline for the inspection period, deadline to sign this Agreement or deadline to close on the transfer may be extended due to causes beyond the reasonable control of the parties, including but not limited to pandemics, hurricanes, or requirements or regulations of any civil or military authority (an "Event of Force Majeure"). Each of the parties hereto agrees to give notice forthwith to the other upon becoming aware of an Event of Force Majeure, such notice to contain details of the circumstances giving rise to the Event of Force Majeure. If an Event of Force Majeure causes a delay of any deadline for more than three months, then either party shall be entitled to terminate this Agreement. Neither party shall have any liability to the other in respect of the termination of this Agreement as a result of an Event of Force Majeure.

6. This Agreement shall be null and void if it is not signed by both parties on or before June 1, 2023.

THUS DONE AND SIGNED at Hammond, Louisiana, before the undersigned Notary and two witnesses on this _____ day of _____, 2023, after due reading of the whole.

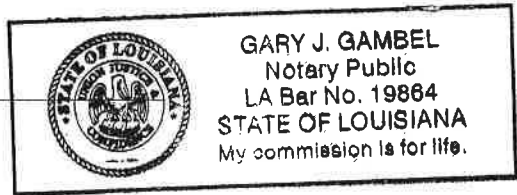
WITNESSES:

[Signature]
Lester Blain Morse

GLADSTONE HOLDINGS, LLC

By: [Signature]
Chris Wisecarver, Member

[Signature]
NOTARY PUBLIC



THUS DONE AND SIGNED at Hammond, Louisiana, on this 31st day of May, 2023, after due reading of the whole.

WITNESSES:

[Signature]
[Signature]

[Signature]
JOHN MONTECINO, SR.

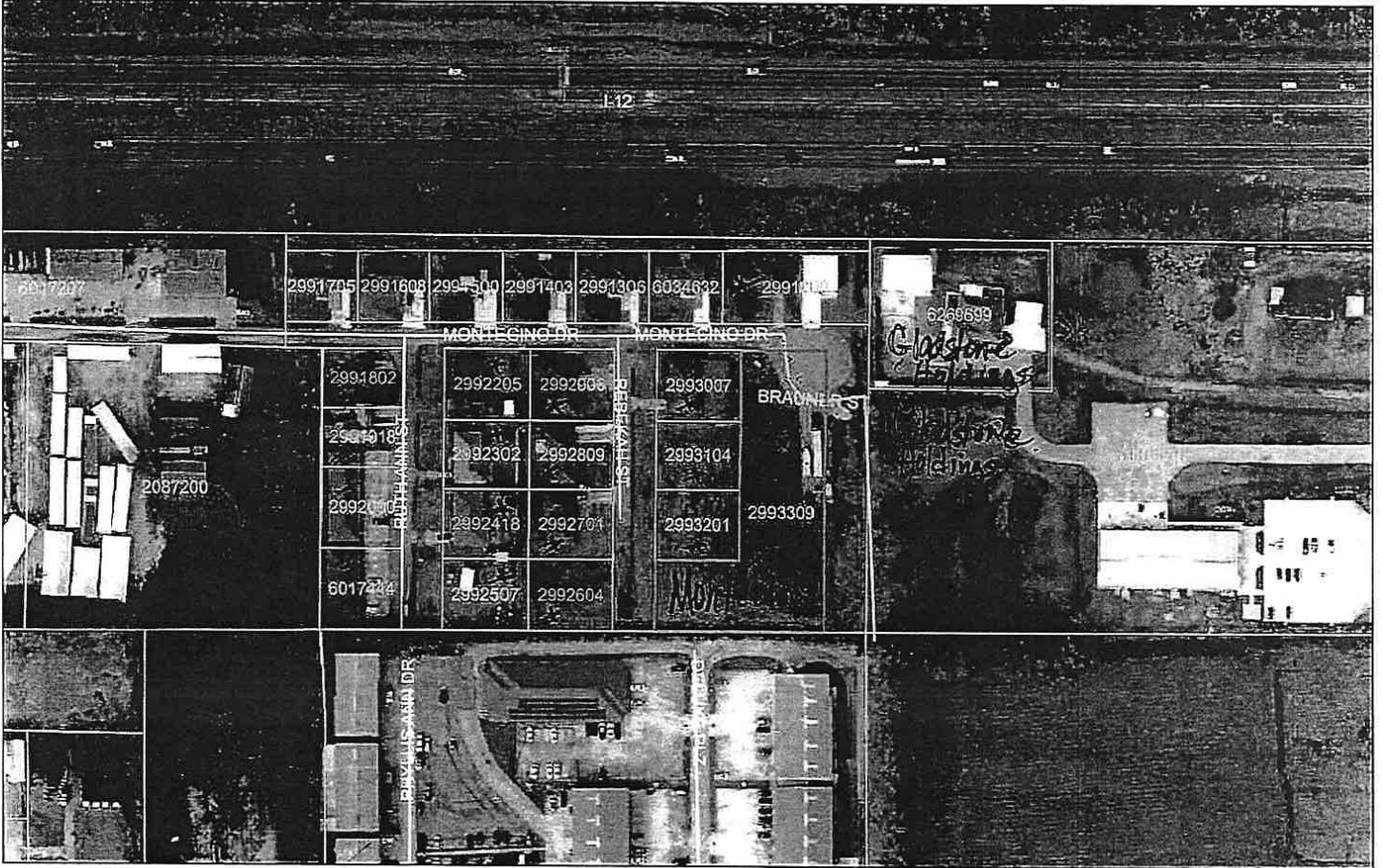
[Signature]
KATHLEEN MONTECINO

[Signature]
NOTARY PUBLIC

ANDRE G. COUDRAIN
BAR ROLL #1789
MY COMMISSION IS FOR LIFE.

[Signature]
NOTARY PUBLIC

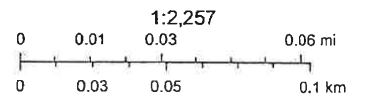
ArcGIS Web Map



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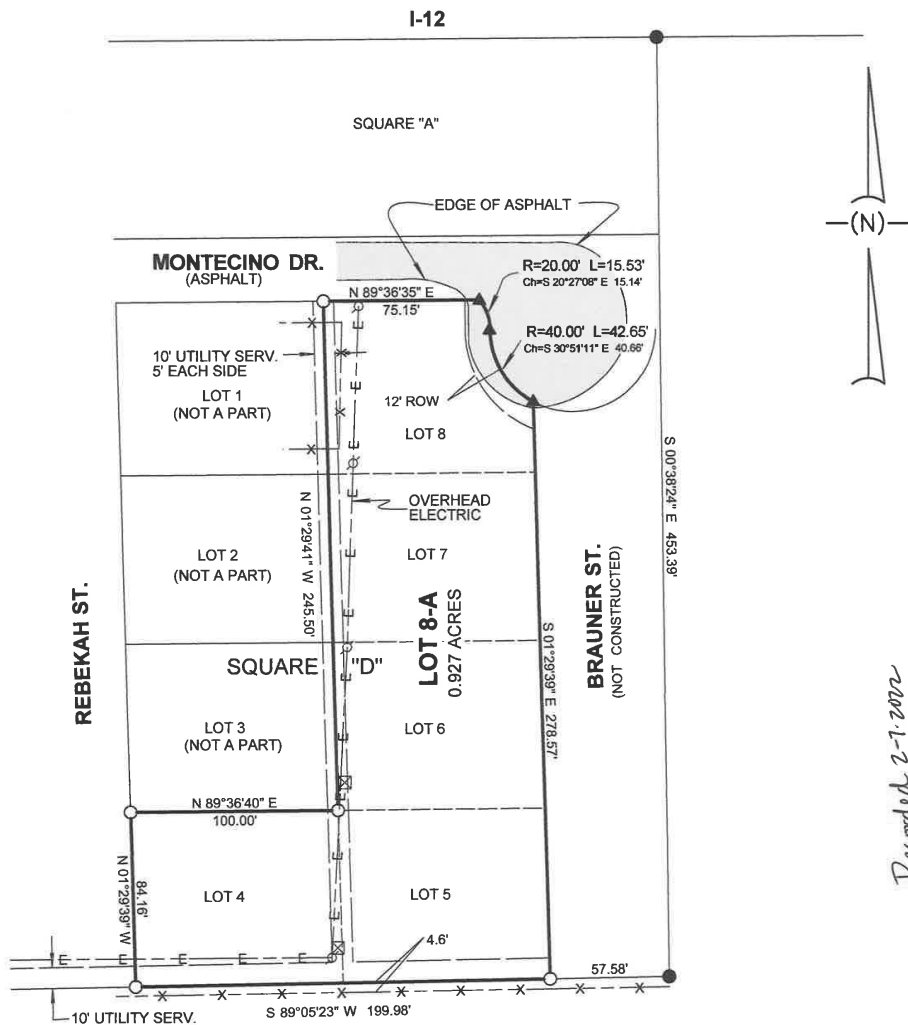
Streets — 1 — Parcels

7





VICINITY MAP (NTS)



Recorded 2-7-2022
 COB 1602, Page 589
 SUB. 2021.02.00175

ZONING RM-2

BUILDING SETBACKS

- FRONT - 20'
- SIDE STREET - 10'
- SIDE, INTERIOR - 5'
- REAR - 20'

REFERENCES:

1. PLAT OF JOE SPALITTA SUBD., BY CLIFFORD G. WEBB, FILED IN COB 619, PAGE 564.
2. SURVEY OF SPALITTA SUBD., BY NED R. WILSON, FILED IN COB 853, PAGE 455.
3. DEED FILED IN COB 886, PAGE 466

THE BEARINGS SHOWN HERE ON WERE GPS DERIVED AND ARE REFERENCED TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. CONTROLLING STATIONS:

PID	DESIGNATION	LATITUDE	LONGITUDE
AJ7833	HAMM HAMMOND CORS ARP	N303047.051	W0902803.428
DG6865	GVMS COVG COVINGTON CORS ARP	N302833.269	W09000543.922
DJ9603	LWES LAKEWOOD ELEMENTARY CORS ARP	N295401.295	W0902057.833

--- LEGEND ---

- = 5/8" IRON ROD FOUND
- = 1/2" IRON ROD SET
- ▲ = P.K. NAIL SET IN ASPHALT
- ⋈ = POWER POLE
- ☒ = TELEPHONE PEDESTAL
- X- = FENCE

THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" BASE FLOOD ELEV. N/A F.I.R.M MAP NO. 22105C0430F EFFECTIVE DATE: JULY 22, 2010

NOTE: NO ATTEMPT HAS BEEN MADE BY RICHARD DANIEL. PLS TO VERIFY TITLE, ACTUAL LEGAL OWNERSHIP, SERVITUDES, EASEMENTS, RIGHTS OF WAY, DEED RESTRICTIONS, WETLANDS OR ENVIRONMENTAL ISSUES OR OTHER ENCUMBRANCES ON THIS PROPERTY OTHER THAN THOSE FURNISHED BY THE CLIENT.

Richard Daniel 12/18/2021
 RICHARD DANIEL, REG. NO. 5097

CERTIFIED TO BE IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND AND COMPLYING WITH THE CURRENT APPLICABLE STANDARDS OF PRACTICE FOR A CLASS "C" SURVEY.



[Signature]
 PLANNING COMMISSION CHAIRMAN

[Signature]
 BUILDING OFFICIAL/CITY PLANNER

[Signature]
 CITY COUNCIL

[Signature]
 OWNER: MONTECINO ENTERPRISES, LLC

PROPERTY BOUNDARY SURVEY OF:

RESUBDIVISION OF LOTS 4, 5, 6, 7 & 8 SQUARE "D", SPALITTA SUBDIVISION INTO LOT 8-A, SPALITTA SUBDIVISION CITY OF HAMMOND SECTION 35, T-6-S, R-7-E, G.L.D TANGIPAHOA PARISH, LOUISIANA

PREPARED FOR:

MONTECINO ENTERPRISES, LLC

RICHARD DANIEL
 PROFESSIONAL LAND SURVEYOR
 30010 RIVER ROAD, MOUNT HERMON, LA 70450
 985-515-9268

SCALE: 1" = 60'	DATE: 12/13/2021
DRAWN: R.F.D.	JOB NO.: 21-034
REVISED:	

THE ABANDONMENT OF BRAUNER STREET RIGHT OF WAY, LOCATED IN SQUARE "D" OF THE SPALITTA SUBDIVISION TO THE CITY OF HAMMOND, SECTION 26, T6S-R7E, GREENSBURG LAND DISTRICT, PARISH OF TANGIPAHOA, STATE OF LOUISIANA.

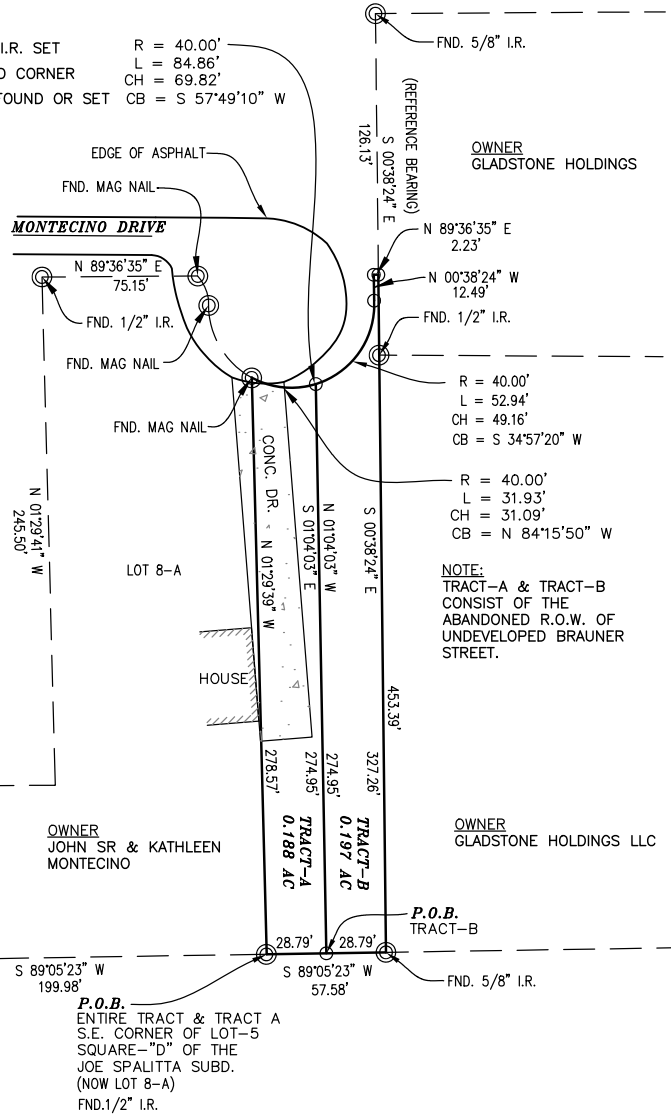
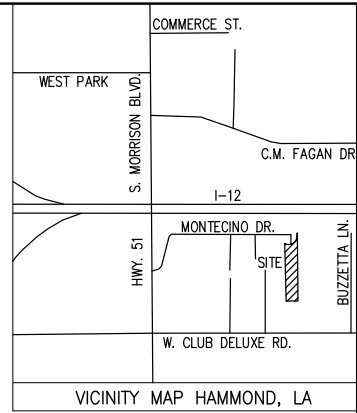
DESCRIPTION OF THE ENTIRE TRACT
 A 0.385 ACRE PARCEL OF LAND, LOCATED IN SECTION 35, T6S-R7E, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF LOT-5 SQUARE "D" OF THE JOE SPALITTA SUBDIVISION, BEING TO THE POINT OF BEGINNING;
 THENCE N 01°29'39" W A DISTANCE OF 278.57 FEET;
 THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 40.00', WITH A LENGTH OF 84.86' AND A CHORD BEARING OF N 57°49'10" E AND A CHORD DISTANCE OF 69.82 FEET;
 THENCE N 00°38'24" W A DISTANCE OF 12.49 FEET;
 THENCE N 89°36'35" E A DISTANCE OF 2.23 FEET;
 THENCE S 00°38'24" E A DISTANCE OF 327.26 FEET;
 THENCE S 89°05'23" W A DISTANCE OF 57.58 FEET;
 BACK TO THE POINT OF BEGINNING CONTAINING, 0.385 ACRES, ALL LOCATED IN SECTION 35, T6S-R7E, GREENSBURG LAND DISTRICT, PARISH OF TANGIPAHOA, STATE OF LOUISIANA. THIS DESCRIPTION IS BASED ON THE BOUNDARY SURVEY AND PLAT MADE BY MAX J. BODIN, PROFESSIONAL LAND SURVEYOR. DATED 8-5-2023.

DESCRIPTION OF TRACT-B
 A 0.197 ACRE PARCEL OF LAND, LOCATED IN SECTION 35, T6S-R7E, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF LOT-5 SQUARE "D" OF THE JOE SPALITTA SUBDIVISION, THENCE PROCEED S 89°05'23" W 28.79 FEET TO THE POINT OF BEGINNING;
 THENCE N 01°04'03" W A DISTANCE OF 274.95 FEET;
 THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 40.00' AND A LENGTH OF 52.94' WITH A CHORD BEARING OF N 34°57'20" E AND A CHORD DISTANCE OF 49.16 FEET;
 THENCE N 00°38'24" W A DISTANCE OF 12.49 FEET;
 THENCE N 89°36'35" E A DISTANCE OF 2.23 FEET;
 THENCE S 00°38'24" E A DISTANCE OF 327.26 FEET;
 THENCE S 89°05'23" W A DISTANCE OF 28.79 FEET;
 BACK TO THE POINT OF BEGINNING CONTAINING, 0.197 ACRES, ALL LOCATED IN SECTION 35, T6S-R7E, GREENSBURG LAND DISTRICT, PARISH OF TANGIPAHOA, STATE OF LOUISIANA. THIS DESCRIPTION IS BASED ON THE BOUNDARY SURVEY AND PLAT MADE BY MAX J. BODIN, PROFESSIONAL LAND SURVEYOR. DATED 8-5-2023.

DESCRIPTION OF TRACT-A
 A 0.188 ACRE PARCEL OF LAND, LOCATED IN SECTION 35, T6S-R7E, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF LOT-5 SQUARE "D" OF THE JOE SPALITTA SUBDIVISION, WHICH IS THE POINT OF BEGINNING;
 THENCE N 01°29'39" W A DISTANCE OF 278.57 FEET;
 THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 40.00' WITH A LENGTH OF 31.93' AND A CHORD BEARING OF S 84°15'50" E AND A CHORD DISTANCE OF 31.09 FEET;
 THENCE S 01°04'03" E A DISTANCE OF 274.95 FEET;
 THENCE S 89°05'23" W A DISTANCE OF 28.79 FEET;
 BACK TO THE POINT OF BEGINNING CONTAINING, 0.188 ACRES, ALL LOCATED IN SECTION 35, T6S-R7E, GREENSBURG LAND DISTRICT, PARISH OF TANGIPAHOA, STATE OF LOUISIANA. THIS DESCRIPTION IS BASED ON THE BOUNDARY SURVEY AND PLAT MADE BY MAX J. BODIN, PROFESSIONAL LAND SURVEYOR. DATED 8-5-2023.

LEGEND:

- = 1/2" I.R. SET R = 40.00' L = 84.86' CH = 69.82'
- ⊙ = FOUND CORNER
- = NOT FOUND OR SET CB = S 57°49'10" W



APPROVED CITY OF HAMMOND	
CITY PLANNER/BUILDING OFFICIAL	DATE
PLANNING COMMISSION	DATE
COUNCIL PRESIDENT	DATE
OWNER CITY OF HAMMOND	DATE
ADDITIONAL	DATE

REFERENCE PLAT #1
 PLAT OF JOE SPALITTA SUBD.
 BY CLIFFORD G. WEBB
 DATED UNDATED

REFERENCE PLAT #2
 PLAT OF LOT 8-A
 BY RICHARD DANIELS
 DATED 9-29-2022

REFERENCE PLAT #3
 PLAT OF SPALITTA SUBD.
 BY WILSON & POPE INC.
 DATED 12-5-1997

REFERENCE BEARING
 S 00°38'24" E AS PER
 REFERENCE PLAT #2

THIS SURVEY WAS PERFORMED BY MYSELF OR UNDER MY DIRECT SUPERVISION AND CONTROL AND REPRESENTS AN ACTUAL GROUND SURVEY AND REVISION OF A 0.385 ACRE TRACT OF LAND, BEING THE BRAUNER STREET R-O-W INTO A 0.385 ACRE TRACT, AND A 0.188 ACRE TRACT CERTIFYING THAT NO ENCROACHMENTS WERE FOUND TO EXIST EITHER WAY ACROSS ANY PROPERTY LINES OTHER THAN SHOWN, ALL LOCATED IN SQUARE "D" OF THE SPALITTA SUBDIVISION TO THE CITY OF HAMMOND, SECTION 26, T6S-R7E, GREENSBURG LAND DISTRICT, PARISH OF TANGIPAHOA, STATE OF LOUISIANA.

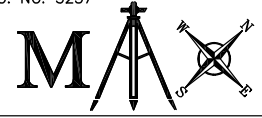
AUGUST 5, 2023
CERTIFICATION: THIS IS TO CERTIFY THAT THIS MAP IS MADE IN ACCORDANCE WITH LOUISIANA REVISED STATUTES 33:5051 AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND. THIS MAP IS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS AND IS CLASSIFIED AS A CLASS "C" SURVEY.

THIS PERIMETER SURVEY SHALL NOT CONSTITUTE A LEGAL OPINION OF TITLE, AND SHALL NOT BE RELIED UPON FOR THAT PURPOSE. THERE IS NO WARRANTY THAT IT CONFORMS TO A LEGAL TITLE AND WAS MADE SOLELY ACCORDING TO INFORMATION PROVIDED TO THE SURVEYOR. MADE AT THE REQUEST OF THE CITY OF HAMMOND.

SURVEY FOR:
 CITY OF HAMMOND
 MONTECINO DRIVE
 HAMMOND, LOUISIANA

FLOOD ZONE "X"
 (NOT FLOOD PRONE)
 COMMUNITY NO. 220208
 MAP NO. 22105C0430F
 DATED: 7-22-2010

PRELIMINARY
 MAX J. BODIN, P.L.S. DATE
 LA. REG. NO. 05237



Max Bodin, Inc.
 Land Surveying & Consulting Engineers
 44052 W. Pleasant Ridge Rd. Hammond, LA 70403
 Phone: 225-368-7698

23094/CITY OF HAMMOND



Views from end of Montecino Dr
Brauner St Right of Way

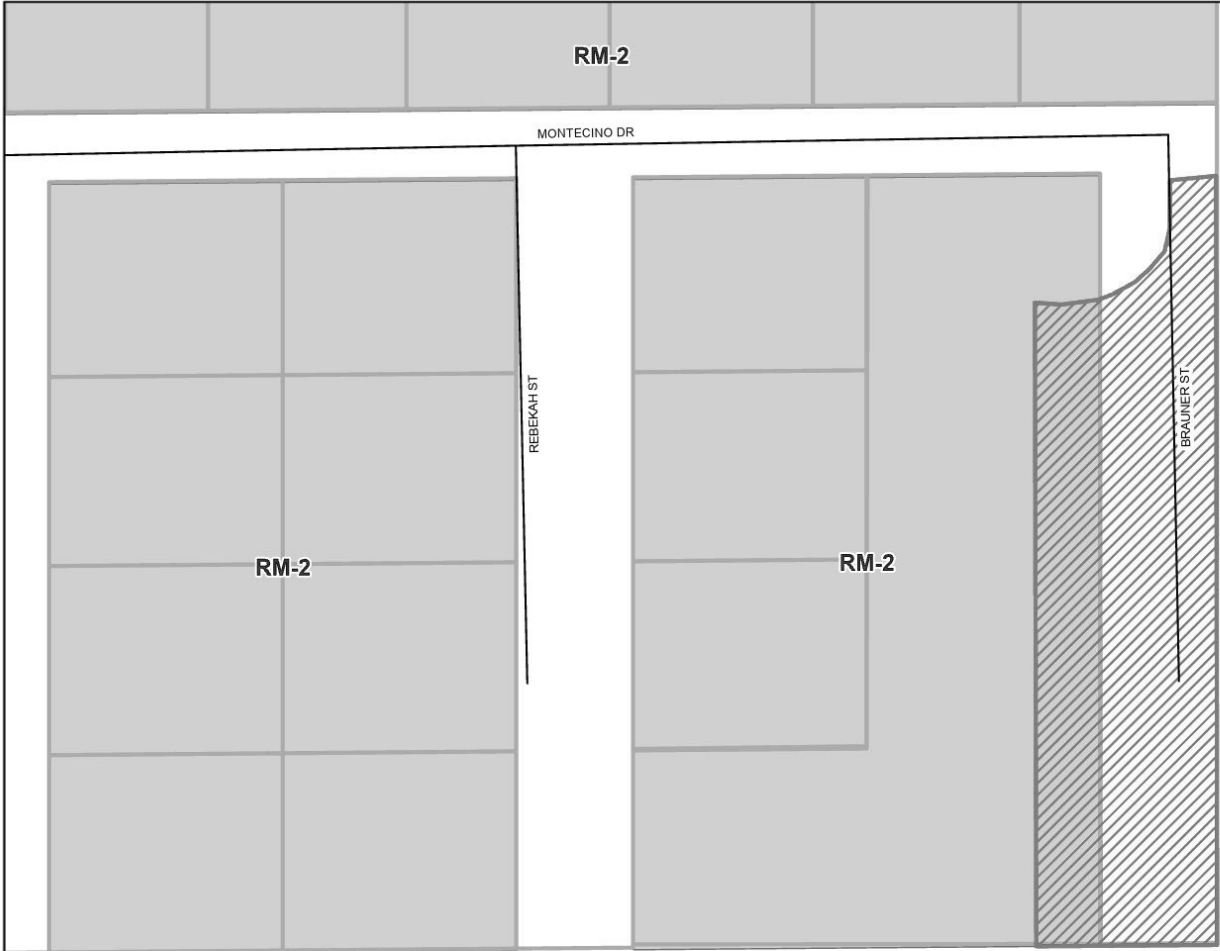




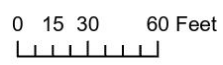
ROW 2023-08-00013



- Legend**
- Road Centerlines
 - ▨ Case Parcel
 - City Lots



ROW 2023-08-00013



- Legend**
- Road Centerlines
 - ▨ Case Parcel
 - City Lots