

PROCEEDINGS OF THE CITY COUNCIL OF BOSSIER CITY
STATE OF LOUISIANA TAKEN AT THE REGULAR MEETING
SEPTEMBER 3, 2019

The City Council of the City of Bossier City, State of Louisiana, met in regular session in Council Chambers, 620 Benton Road, Bossier City, Louisiana, September 3, 2019, at 3:00 PM

Invocation was given by Council Member Scott Irwin

Pledge of Allegiance led by Council Member David Montgomery, Jr.

Roll Call as follows:

Present: Honorable Scott Irwin, President, Honorable Councilors David Montgomery, Jr., Timothy Larkin, Jeffery Darby, Don Williams, Jeff Free and Thomas Harvey

Absent: none

Also Present: Mayor, Lorenz Walker, City Attorney, Jimmy Hall and City Clerk, Phyllis McGraw

By: Mr. Montgomery, Jr.

Motion to approve minutes August 20, 2019, Regular Meeting and dispense with the reading.

Seconded by Mr. Williams

No comment

Motion carries unanimously

By: Mr. Montgomery, Jr.

Motion to add to agenda Item #14 Under New Business – Introduce an Ordinance approving an amendment to the Unified Development Code creating regulations for Cross-Access Easements. This item is being added due to time constraints.

Seconded by Mr. Harvey

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to add to agenda Item #5 under Unfinished Business – Revisit the Demo of 1325 Airline Drive from August 20, 2019 meeting. Item is being added back to agenda at request of Councilman Williams.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to approve Agenda as amended.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

Ceremonial Matters/Recognition of Guests-

Mr. Irwin recognized new School Board member Adam Bass and welcomed him to meeting.

Mayor recognized and awarded Proclamation and Certificates to Champion Stockwell Place Elementary Archery Club.

Swepeco External Affairs Manager Michael Corbin updated Council and Mayor on projects Swepeco are currently working on.

Committee Reports-

None

Unfinished Business -

The following Ordinance offered and adopted:

Ordinance No. 93 Of 2019

AN ORDINANCE APPROPRIATING ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) FROM THE LAND ACQUISITION FUND TO CONSTRUCT A JOINT PUBIC SAFETY TRAINING TOWER WITH A FIRE TRAINING SIMULATOR AND ACTIVE SHOOTER TRAINING FACILITY.

WHEREAS, this facility provides multiple scenario training facilities for both fire and police; and

WHEREAS, the multi-story facility allows training for most every conceivable active shooter scenario, and will allow regular officer training, enhanced SWAT officer and SWAT paramedic training; and

WHEREAS, the fire and smoke training can be done without the exposure of public safety personnel to carcinogens and the inherent medical risk associated with that exposure.

NOW, THEREFORE BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened that ONE MILLION FOUR HUNDRED DOLLARS (\$1,400,000) be appropriated from the Land Acquisition Fund to construct a joint public safety training tower with a fire training simulator and active shooter training facility.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Timothy Larkin, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 94 Of 2019

AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM THE 2016 SALES TAX BOND ISSUE TO DESIGN AND CONSTRUCT PUBLIC RESTROOMS AND STORAGE FOR THE EAST BANK DISTRICT.

WHEREAS, the East Bank District will be better served to have permanent bathroom facilities; and

WHEREAS, private businesses are interested in hosting events and festivals and would like to purchase equipment for these events but need facilities to secure the equipment; and

WHEREAS, the attached proposal is to design and facilitate the construction of these facilities;

NOW, THEREFORE BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened that FIVE HUNDRED THOUSAND AND NO/100 (\$500,000) be appropriated from the 2016 Sales Tax Bond Issue to design and construct public restrooms and storage for the East Bank District.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey, and seconded by Mr. Jeff Free, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

ORDINANCE NO. 95 OF 2019

AN ORDINANCE TO APPROPRIATE \$19,241.00 TO COME FROM RIVERBOAT GAMING CAPITAL PROJECTS FUND, TO BE USED TO CONTRACT WITH AEP/SWEPCO TO INSTALL ADDITIONAL STREET LIGHTING AT FIVE VARIOUS SCHOOL CROSSINGS ABOUT BOSSIER CITY.

WHEREAS; school crossings for students and others at Greenacres Middle School, Kerr Elementary, and Rusheon Middle School all require additional street lighting;

NOW, THEREFORE, BE IT ORDAINED, in regular session convened that the Bossier City Council does hereby appropriate \$19,241.00 to come from the Riverboat Gaming Capital Project Fund, to be used to contract AEP/SWEPCO to install additional street lighting at five various school crossings about Bossier City.

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to sign any and all instruments in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Timothy Larkin and seconded by Mr. Jeff Free, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 96 Of 2019

ADOPT AN ORDINANCE TO CONDUCT REPAIRS FOR THE CREOLE STREET SEWER REPAIRS AT A COST OF \$35,000 TO COME FROM THE SEWER CAPITAL AND CONTINGENCY FUND AND AUTHORIZES THE CITY TO ENTER INTO A CONTRACT WITH IPR SOUTH CENTRAL FOR COMPLETION OF WORK.

WHEREAS, the City has been working over the last week to formalize resolution to a sewer collapse developing at the subject address. We secured quotes from 4 Contractors. IPR was the low bidder at \$42,000. Additionally, there is still a maintenance bond on this project. IPR (PM Construction) performed the work originally. The amount of the maintenance bond is being deducted from their proposal. This work includes the replacement of 260 feet of gravity main; and

WHEREAS, \$35,000 will come from the Sewer Capital and Contingency Fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby approve an ordinance to appropriate \$35,000 to come from the Sewer Capital and Contingency Fund to conduct sewer repairs on Creole Street.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. Jeffery Darby, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

Agenda Item called - Revisit the Demo of 1325 Airline Drive from August 20, 2019.

Property Standards Officer Mickey Frazier updated Council that it takes longer than 30 days for Demolitions to be done.

By: Mr. Montgomery, Jr.

Motion to extend the time for the property owner to demolish his property until October 17, 2019 or the City will continue with demolition.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

New Business –

Agenda Item Called - Witness opening of sealed bids for Bid#19-1110 – 708 Leon Street Demolition

3 GEN Construction, LLC.	\$ 6,150.00
Precision Builders, Inc.	\$ 8,700.00
SEMS, Inc.	\$ 6,067.00

By: Mr. Williams
Motion to approve reading of bids.
Seconded by Mr. Larkin
No comment
Vote in favor of motion is unanimous

The following ordinance offered and adopted:

ORDINANCE NO. 97 OF 2019

ADOPT AN ORDINANCE TO REINSTATE THE NON-CONFORMING STATUS OF A CURRENTLY CLOSED AUTOMOBILE REPAIR FACILITY WHICH IS LOCATED AT 1605 EAST THIRD STREET.

WHEREAS, 1605 East Third Street, Bossier City, LA 71111 has been previously used as an automobile repair facility for approximately 40 years; and

WHEREAS, an Automobile Repair Facility is no longer a use that is allowed in the RFD; Riverfront District; and

WHEREAS, utilization of this location as an automobile repair facility became a non-conforming use with the adoption of the Amended Unified Development Code in January of 2019; and

WHEREAS, this location lost its non-conforming status as it has not be used for automobile repair for a time period of more than six months; and

WHEREAS, the resumption of a Non-Conforming use may be granted by the Bossier City Council as stated in Section 7.3.1.D of the Unified Development Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby approve an ordinance to reinstate the non-conforming use of automobile repair at 1605 East Third, Bossier City, LA 71111 is reinstated.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey, and seconded by Mr. Don Williams, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey
NAYS: none
ABSENT: none
ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 98 Of 2019

AN ORDINANCE TO DECLARE THAT AN EMERGENCY DID EXIST IN THE CITY OF BOSSIER CITY WHICH AFFECTED, PROPERTY, PUBLIC HEALTH AND SAFETY DUE TO THE REQUIREMENT TO RESTORE SEWER SERVICE ALONG NORTHSIDE DRIVE FROM BARDOT LANE TO AIRLINE DRIVE AT A COST OF \$480,000.00 TO COME FROM SEWER CAPITAL CONTINGENCY FUNDS AND TO CONTRACT WITH AXIS CONSTRUCTION FOR THIS EMERGENCY PROJECT

WHEREAS, the city currently has an emergency along Northside Drive between Bardot Lane and Airline Drive that is impacting the health, safety, and welfare of the community which travel through this corridor and that are served by the utility infrastructure. Approximately 40 homes and a dozen business are being directly impacted by a sewer main that has collapsed along Northside Drive; and

WHEREAS, the emergency repair will require the replacement of this section of gravity main. This will require 150' of open cut work within the west bound driving lane of North Side Drive (north side of the road) and 250' of bore to minimize disruption to the street. There are four (4) existing sewer services that will need to be relocated and connected to the new main. This will require approximately 400' of service line combining both open cut and bore methods. A small section of water main will also need to be relocated for the proposed MHs. Three (3) new manholes will be required; and

WHEREAS, Axis Construction is currently working the current sewer project at Northside Drive will be contracted to perform this emergency work; and

WHEREAS, the Utility Department hereby request \$480,000.00 be appropriated from the Sewer Capital Contingency Fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby declare that an emergency exists and appropriates \$480,000.00 to come from the sewer capital contingency fund for this declared emergency and hereby authorizes that Axis Construction be contracted for the project.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. Timothy Larkin, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance authorizing the consolidation of all currently available and future revenue sources for Water and Sewer Capital Projects into two main funds: Water Capital and Contingency (602) and Sewer Capital and Contingency (603).

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

By: Mr. Williams

Motion to introduce an Ordinance declaring the property described in Exhibit "A" attached hereto as surplus to the needs of the City of Bossier City and authorizing the same to be advertised and sold to the highest bidder for not less than the appraised value of Eleven Thousand Five Hundred and No/100 (\$11,500.00)

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Darby

Motion to introduce an Ordinance appropriating \$26,000.00 from the Police Department RMS and CAD Fund to purchase three Stalker Radar Speed Limit Trailers.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance appropriating \$550,000 from Riverboat Gaming Trust Fund to remove and replace the existing Monopole located in South Bossier which facilitates Public Safety Communications and City Wide Communication.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

The following Resolution offered and adopted:

Resolution No. 66 Of 2019

A RESOLUTION AUTHORIZING THE REPLACEMENT OF AN ASSISTANT CHIEF DUE TO RETIREMENT WITH A DEPUTY CHIEF TO ALLOW FOR TRAINING FOR THE DEPUTY CHIEF POSITION.

WHEREAS, an Assistant Chief has retired from the fire department; and

WHEREAS, the current Deputy Chief will be retiring in the future and due to the position encompassing the operation of the Fire Department and Permits and Inspections, an individual needs to be trained prior to the current Deputy Chief retiring; and

WHEREAS, there are adequate funds in the department budget to accomplish this action;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Fire Department is hereby authorized to promote one Deputy Chief to replace a retired Assistant Chief.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Jeff Free, and seconded by Mr. Timothy Larkin, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

**RESOLUTION NO. 67 OF 2019
A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY AND/OR
INSTITUTION OF EXPROPRIATION PROCEEDINGS FOR A HIGHWAY,
ROAD, AND/OR STREET, AND TRAFFIC SAFETY PROJECT
IN CONNECTION WITH TWO CROSS-ACCESS DRIVES
BETWEEN WALMART SUPERCENTER AND KROGER
MARKETPLACE ON AIRLINE DRIVE
IN BOSSIER CITY**

WHEREAS, the City of Bossier City (“the City”) is in the process of acquiring needed properties necessary to facilitate construction and completion of a highway, road, and/or street, and traffic safety project in connection with 2 cross-access drives between Walmart Supercenter and Kroger Marketplace on Airline Drive in Bossier City, Louisiana (the “Project”);

WHEREAS, the Project will require the acquisition of parcels of property, specifically including, but not limited to, full ownership, less minerals, of the parcels described in **Exhibit 1** attached hereto, owned by Wal-Mart Real Estate Business Trust (Parcels WA-1, EA-1, Exhibits 1-A-1, 1-A-2), The Kroger Co. (Parcels WA-2, EA-2, Exhibits 1-B-1, 1-B-2), and CFT NV Developments, LLC (Parcel WA-3, Exhibit 1-C-1).

WHEREAS, the Project also will require the acquisition of temporary access and construction servitudes for a period of 12 weeks from start of construction by the City of the cross-access drives on the parcels described in **Exhibit 1** attached hereto on property described in **Exhibit 1** owned by Wal-Mart Real Estate Trust (Parcel TCS-1, Exhibit 1-A-3), The Kroger Co. (Parcel TCS-2, Exhibit 1-B-3), and CFT NV Developments, LLC (Parcel TCS-3, Exhibit 1-C-2).

WHEREAS, in the event that the offer of compensation for the purchase of the necessary parcels of property and temporary servitudes are not accepted by any property owner, and a voluntary agreement and/or settlement for the purchase of said property and temporary servitudes cannot be reached, then in that event the City of Bossier City, acting under the authority and in a manner authorized by Art. 1, Sec. 4 of the Constitution of the State of Louisiana (1974); La. R.S. 48:1259; La. R.S. 48:441-460; La. R.S. 19:2.1; La. R.S. 19:121-129; La. R.S. 48:449-459; La. R.S. 33:1329, and/or any other applicable laws of the State of Louisiana, desires to acquire said expropriation pursuant to applicable law;

WHEREAS, public necessity dictates that the property described herein must be owned by and subject to use by the City of Bossier City; and

WHEREAS, in accordance with La. R.S. 19:123(3)(a) and La. R.S. 48:1259 the City Council declares that the acquisition or taking of the property described herein is necessary or useful for highway, road, and/or street, drainage, water or sewerage purposes and that the location and design of the proposed highway, road, and/or street improvements are in accordance with the best modern practices adopted in the interest of safety and convenience of the traveling public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bossier, in regular session convened, that the City is authorized to acquire all property necessary to facilitate construction and completion of the Project, including, if necessary, the filing and prosecution of any expropriation or taking actions related to the Project in the proper court of law, with the law firm of Neil

Erwin Law, LLC, being hereby authorized to represent the City with the expropriation proceedings involving the property described in Exhibit 1, including acting pursuant to a Local Services Agreement between the City of Bossier City and the Parish of Bossier.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute any documents in furtherance of this Resolution.

BE IT FURTHER RESOLVED that the City of Bossier City authorizes the City Attorney to take whatever action necessary in furtherance of this Resolution.

BE IT FURTHER RESOLVED that all Resolutions or parts thereof in conflict herewith are hereby repealed.

If any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end, the provisions of this Resolution are hereby declared severable.

The above and foregoing Resolution was read in full in open and legal session convened, was on motion of Mr. Thomas Harvey, and seconded by Mr. Timothy Larkin, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

Resolution No. 68 Of 2019

A RESOLUTION AUTHORIZING THE REPLACEMENT OF A LABORER II POSITION IN THE CITY GARAGE.

WHEREAS, it is necessary to replace a Laborer II position in the City Garage; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to replace a Laborer II position in the City Garage.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Jeffery Darby, and seconded by Mr. Don Williams, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

RESOLUTION NO. 69 OF 2019

A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY THROUGH INSTITUTION OF EXPROPRIATION PROCEEDINGS FOR STREET AND WATER PROJECTS IN CONNECTION WITH THE WALTER O. BIGBY CARRIAGEWAY PARKWAY NORTH EXTENSION ROAD PROJECT AND WATERLINE PROJECT.

WHEREAS, the City of Bossier City is in the process of acquiring needed properties necessary to facilitate construction and completion of street and water projects in connection with the Walter O. Bigby Carriageway Parkway North Extension road project and waterline project (the “Project”);

WHEREAS, the Project will require the acquisition of additional parcels of property, specifically including, but not limited to, the following property parcel/tract:

Full ownership, less minerals, of Parcel North #16, a 2,098.2 sq. ft. tract of land and improvements, a part of Lot 1, Block A, Resubdivision of Part of Lots 3 & 4, Dillard Place Subdivision, Sec. 29, T 18N, R13W, in Bossier City, Bossier Parish, Louisiana (the “Property”) owned by The Skinworks Tattoo Shoppe, Inc., as more

fully described on the survey and property description by NTB Associates, Inc., attached as Exhibit A hereto.

WHEREAS, in the event that the offer of compensation for the purchase of the necessary additional parcels of property are not accepted by any property owner, and a voluntary agreement and/or settlement for the purchase of said property cannot be reached for the property parcel listed above, then in that event the City of Bossier City, acting under the authority and in a manner authorized by Art. 1, Sec. 4 of the Constitution of the State of Louisiana (1974); La. R.S. 19:121-129, La. R.S. 48:449-459; La. R.S. 33:1329, La. R.S. 48:1259, La. R.S. 48:441-460; or any other applicable laws of the State of Louisiana, desires to acquire said Property by expropriation pursuant to applicable law;

WHEREAS, public necessity dictates that the Property described herein must be owned by and subject to use by the City of Bossier City; and

WHEREAS, in accordance with La. R.S. 19:123(3)(a) and La. R.S. 48:1259 the City Council declares that the acquisition or taking of the Property described herein is necessary or useful for highway, street, drainage, water or sewerage purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bossier, in regular session convened, that the City is authorized to acquire all property necessary to facilitate construction and completion of the Project, including, if necessary, the filing and prosecution of any expropriation or taking actions related to the Project in the proper court of law, with the law firm of Neil Erwin Law, LLC, being hereby authorized to represent the City with the expropriation proceedings involving the property described herein.

BE IT FURTHER RESOLVED, that the Mayor is authorized is hereby authorized to execute any documents in furtherance of this Resolution.

If any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end, the provisions of this Resolution are hereby declared severable.

BE IT FURTHER RESOLVED that the City of Bossier City authorizes the City Attorney to take whatever action is necessary in furtherance of this Resolution.

The above and foregoing Resolution was read in full in open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Timothy Larkin, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

RESOLUTION NO. 70 OF 2019

**A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY
THROUGH INSTITUTION OF EXPROPRIATION PROCEEDINGS FOR STREET
AND
WATER PROJECTS IN CONNECTION WITH THE WALTER O. BIGBY
CARRIAGEWAY PARKWAY NORTH EXTENSION ROAD PROJECT
AND WATERLINE PROJECT.**

WHEREAS, the City of Bossier City is in the process of acquiring needed properties necessary to facilitate construction and completion of street and water projects in connection with the Walter O. Bigby Carriageway Parkway North Extension road project and waterline project (the "Project");

WHEREAS, the Project will require the acquisition of additional parcels of property, specifically including, but not limited to, the following property parcel/tract:

Full ownership, less minerals, of Parcel 2121-2130 Benton Road, consisting of land and improvements located in Bossier City, Bossier Parish, Louisiana owned by Moore Properties, LLP, as more fully described in the Assessor's property description for Assessment Parcel number 133498 (the "Property"):

BEGIN AT SW COR OF LOT 2 GREENACRES SUBDV UNIT #1, THENCE S 89 DEG 56 MIN 08 SEC E ALONG THE REAR LINE OF SAID LOT 2, 6.50 FT, THENCE LEAVING SAID REAR LINE OF SAID LOT 2 RUN S 10 DEG 37 MIN 28 SEC E 749.75 FT TO PT OF BEGIN, THENCE N 45 DEG 52 MIN 43 SEC E 55.19 FT, THENCE S 44 DEG 07 MIN 17 SEC E 223.16 FT TO PT OF CURVATURE OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 30 FT AND A CHORD BEARING S 04 DEG 34 MIN 32 SEC E 38.20 FT), THENCE SELY ALONG SAID CURVE 41.41 FT TO THE PT OF TANGENCY OF SAID CURVE, SAID PT OF TANGENCY ALSO BEING A PT ON THE NLY R/W LINE OF RIVERWOOD DR, SAID PT ALSO BEING ON A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 731.97 FT AND A CHORD BEARING S 32 DEG 36 MIN 37 SEC W 60.29 FT), THENCE SWLY ALONG SAID R/W AND CURVE 60.31 FT TO THE PT OF TANGENCY OF SAID CURVE, THENCE LEAVING SAID CURVE AND NLY R/W LINE RUN N 55 DEG 25 MIN 40 SEC W 150 FT, THENCE S 26 DEG 37 MIN 58 SEC W 30 FT, THENCE S 79 DEG 18 MIN 43 SEC W 185.79 FT TO A PT ON THE ELY R/W OF BENTON RD, THENCE ALONG SAID ELY R/W LINE N 10 DEG 38 MIN 46 SEC W 155 FT, THENCE LEAVING SAID ELY R/W LINE OF BENTON RD RUN N 79 DEG 18 MIN 43 SEC E 185.85 FT TO PT OF BEGIN, LESS TRS DES IN VOLS 1006-83, 1077-466, SEC 21 T 18 R 13.

WHEREAS, in the event that the offer of compensation for the purchase of the necessary additional parcels of property are not accepted by any property owner, and a voluntary agreement and/or settlement for the purchase of said property cannot be reached for the property parcel listed above, then in that event the City of Bossier City, acting under the authority and in a manner authorized by Art. 1, Sec. 4 of the Constitution of the State of Louisiana (1974); La. R.S. 19:121-129, La. R.S. 48:449-459; La. R.S. 33:1329, La. R.S. 48:1259, La. R.S. 48:441-460; or any other applicable laws of the State of Louisiana, desires to acquire said Property by expropriation pursuant to applicable law;

WHEREAS, public necessity dictates that the Property described herein must be owned by and subject to use by the City of Bossier City; and

WHEREAS, in accordance with La. R.S. 19:123(3)(a) and La. R.S. 48:1259 the City Council declares that the acquisition or taking of the Property described herein is necessary or useful for highway, street, drainage, water or sewerage purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bossier, in regular session convened, that the City is authorized to acquire all property necessary to facilitate construction and completion of the Project, including, if necessary, the filing and prosecution of any expropriation or taking actions related to the Project in the proper court of law, with the law firm of Neil Erwin Law, LLC, being hereby authorized to represent the City with the expropriation proceedings involving the Property described herein, including acting pursuant to a Local Services Agreement between the City of Bossier City and the Parish of Bossier.

BE IT FURTHER RESOLVED, that the Mayor is authorized is hereby authorized to execute any documents in furtherance of this Resolution.

If any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end, the provisions of this Resolution are hereby declared severable.

BE IT FURTHER RESOLVED that the City of Bossier City authorizes the City Attorney to take whatever action is necessary in furtherance of this Resolution.

The above and foregoing Resolution was read in full in open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Timothy Larkin, and adopted on the 3rd day of September, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

By: Mr. Montgomery, Jr.

Motion to approve Parade Permit Fee Waiver for Parkway High School's Homecoming Parade, September 19, 2019.

Seconded by Mr. Darby

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance approving an amendment to the Unified Development Code creating regulations for Cross-Access Easements.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

There being no further business to come before this Council, meeting adjourned at 3:43PM by Mr. Irwin

Respectfully submitted:

Phyllis McGraw

City Clerk

Publish: September 11, 2019

Bossier Press Tribune