ORDINANCE NO. OF 2013

AN ORDINANCE AUTHORIZING AND PROVIDING FOR AN ENCROACHMENT ON A PORTION OF THE ONTARIO STREET RIGHT-OF-WAY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN OLIVER JENKINS

WHEREAS, Lt. Col. John Andrew Wells and Dr. Kimberly Wells are the owners of a lot located at municipal address 442 Ontario Street; and

WHEREAS, a request has been received from Lt. Col. and Dr. Wells to allow the pond located at 442 Ontario St. to encroach onto the Ontario St. right-of-way; and

WHEREAS, this proposed encroachment upon and use of a portion of this right-of-way is not adverse to the public interest of the citizens of the City of Shreveport; and

WHEREAS, such disposition by ordinance is authorized by the provisions of Section 2.03(e) of the Charter of the City of Shreveport, 1978.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana in due legal session convened, that the City of Shreveport is hereby authorized and empowered to grant a certain encroachment with respect to a portion of the Ontario Street right-of-way, as set forth and shown on the plat attached hereto and made a part thereof, unto and in favor of Lt. Col. John Andrew Wells and Dr. Kimberly Well; and, after due notice, publication, and compliance in all respects with the laws applicable thereto, and after the effective date of this ordinance, the Mayor of the City of Shreveport is hereby authorized to executive and deliver, for and on behalf of the City of Shreveport, an instrument or permit of encroachment, substantially in the form of the document filed along with the original copy of this ordinances in the office of the Clerk of Council of the City of Shreveport.

BE IT FURTHER ORDAINED that the original permit and a certified copy of this ordinance be filed and recorded in the official records of the District Court for Caddo Parish, Louisiana.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications; and, to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

ATTROVED AS TO LEGAL TO	14141.
City Attorney's Office	

APPROVED AS TO I FGAL FORM:

ORDINANCE AND RESOLUTION FACT SHEET

City of Shreveport

TITLE

AN ORDINANCE AUTHORIZING AND PROVIDING FOR AN ENCROACHMENT ON A PORTION OF THE ONTARIO STREET RIGHT-OF-WAY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

FACT SHEET PREPARED

BY:

DATE ORIGINATING DEPT./DIV.

City Council/Legislative

SPONSOR OR COUNCIL

MEMBER

Councilman Oliver Jenkins

C

7/19/13

PURPOSE

To receive authorization from the Shreveport City Council to allow an encroachment onto the Ontario Street right-of-way.

This Ordinance or Resolution will have direct impact on Council District:

BACKGROUND INFORMATION

Lt. Col. John Andrew Wells and Dr. Kimberly Wells are the owners of a lot located at municipal address 442 Ontario Street. A request has been received from Lt. Col. and Dr. Wells to allow the pond located at 442 Ontario St. to encroach onto the Ontario St. right-of-way.

	TI	METABLE	
Introduction:	July 23, 2013		
Final Passage:	August 13, 2013		
None.	SPECIAL PROCE	EDURAL REQUIREMENTS	
FINANCES		SOURCE OF FUNDS	
CONCLUSION			
TACT SUFET PREPARED Tonya Bogan			

SRA/Deputy Clerk

PERMIT TO ENCROACH ON PUBLIC DEDICATED RIGHT-OF-WAY

STATE OF LOUISIANA
PARISH OF CADDO
CITY OF SHREVEPORT

Be it known on this day, before the undersigned notary public, duly qualified and commissioned, personally came and appeared:

THE CITY OF SHREVEPORT, a municipality duly organized and existing under the constitution of the State of Louisiana and represented by and appearing herein through Cedric Glover, Mayor, pursuant to and in accordance with the authority granted and conferred by Ordinance No. ____ of ____, hereinafter sometimes referred to as "City"

Which declared that it does hereby grant unto:

Lt. Col. John Andrew Wells and Dr. Kimberly Wells owners of the lot located at municipal number 442 Ontario Street, Shreveport, Louisiana.

A right of temporary encroachment in and to a portion of the public right-of-way as follows:

A pond that is a water garden along the north side of Ontario Street, as shown on the plat attached hereto.

It is expressly understood and agreed that the rights herein granted include the right to use and occupy the area of the Ontario Street right-of-way to the extent specified herein above and as shown on the plat attached hereto and made a part hereof. The "City" retains any and all rights to the Ontario Street right-of-way which are not specifically granted herein and nothing contained in this agreement shall be constructed to be a closure and/or abandonment of the

Ontario Street right-of-way.

It is further understood and agreed that Lt. Col John Andrew Wells and Dr. Kimberly Wells (or the successor owners) will terminate the encroachment and remove the pond within the right-of-way placed by Lt. Col. and Dr. Wells upon request of the "City" if and when the "City" shall determine that a need exists for the public use of the area of the encroachment or a portion thereof. The removal shall be at Lt. Col. and Dr. Wells (or the successor owners) expense and in an expeditious matter.

It is further understood and agreed that the "City" shall not be responsible of liable for the replacement, repair, or reconstruction of the pond, any structure or other item which is disturbed, damaged, removed, or otherwise impaired, in whole, or in part, during any maintenance, alteration, tests, or other activities conducted or required by the "City". This paragraph shall apply, but is not limited to the pond area within the right-of-way.

It is further understood and agreed that the "City" shall not be liable for any injury or damages to any person or property occasioned or caused in any manner as a result of the use and occupation of the portion of the right-of-way of Ontario Street by Lt. Col. and Dr. Wells and/or successor owners, heirs, or assigns over which this right of encroachment has been granted. Lt. Col. and Dr. Wells and/or the successor owners further agree to defend, indemnify, and hold "City" harmless from any and all action, demand, claims, damages, or causes of actions from personal injury, property damages, or both which may be asserted by any person, firm, or corporation arising out of use by Lt. Col. and Dr. Wells and/or successor owners, heirs, or assigns of the portion of the Jewella Avenue right-of-way upon which the encroachment has been granted.

Thus done and signed before	e me, Notary Public, in the City of Shreveport, Caddo Parish,
Louisiana in the Presence of	the undersigned competent witnesses on theday of
2013.	
WITNESSES:	CITY OF SHREVEPORT
	BY:
	Cedric Glover, MAYOR
	NOTARY PUBLIC
	NOTARTTUBLIC
Thus done and signed before	e me, Notary Public, in the City of Shreveport, Caddo Parish,
_	
Louisiana in the Presence of	the undersigned competent witnesses on theday of
2013.	
WITNESSES:	OWNERS
	BY:
	ы:
	Lt. Col. John Andrew Wells
	BY:
	Der IZherkanler Walle
	Dr. Kimberley Wells
	NOTA DV DUDI IC
	NOTARY PUBLIC