

FACT SHEET**CITY OF SHREVEPORT, LOUISIANA**

<u>TITLE</u>	<u>DATE</u>	<u>ORIGINATING DEPARTMENT</u>
An ordinance authorizing an encroachment into the City's public right-of-way located at 629 Spring Street, as more fully described herein, and to authorize the Mayor, or his designee, to execute an encroachment permit with Shreveport-Bossier Convention & Tourist Bureau and to otherwise provide with respect thereto.	September 21, 2021	Department of Engineering and Environmental Services
		<u>CITY COUNCIL DISTRICT</u> District "B"
		<u>SPONSOR</u>

PURPOSE

To authorize an *encroachment* into the City's public right-of-way and to authorize the Mayor, or his designee, to execute an *encroachment permit*.

BACKGROUND INFORMATION

The City's Engineering and Environmental Services Department has received an application for an *encroachment permit* from the **Shreveport-Bossier Convention & Tourist Bureau**. This encroachment into the City's public right-of-way is located at **629 Spring St on the Crockett Street Side**, as more fully described in EXHIBIT "A" *Application for Encroachment Permit*.

The purpose of the encroachment is to allow the Shreveport-Bossier Convention & Tourist Bureau to place bollards in the sidewalk of Crockett St near the front entrance of the building.

The City Engineer, or his designee, has reviewed the submitted application and other supporting documents and does hereby recommend the City Council approve the proposed *encroachment permit* as it appears to comply with the Shreveport City Code and City departmental policies and regulations.

<u>TIMETABLE</u>	<u>ATTACHMENTS</u>
Introduction: October 12, 2021	EXHIBIT "A" <i>Application for Encroachment</i>
Final Passage: October 26, 2021	EXHIBIT "B" <i>Encroachment Permit</i>

SPECIAL PROCEDURAL REQUIREMENTS

Pursuant to Shreveport City Charter [Section 4.17](#), every ordinance or resolution granting, amending or extending any right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, shall remain on file with the clerk of council for public inspection for at least one (1) week before the final passage or adoption thereof, and shall be published once, together with a notice of the time at which the council proposes to take final action thereon, in the official journal at least one (1) week before the final passage or adoption thereof.

FINANCES

NA

SOURCE OF FUNDS

NA

ALTERNATIVES

(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION

It is recommended that the City Council adopt the ordinance.

<u>FACT SHEET PREPARED BY:</u> Daryl Platt Permit Manager Department of Engineering and Environmental Services	and Patrick Furlong, City Engineer
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ORDINANCE NO. _____ OF 2021

AN ORDINANCE AUTHORIZING AN ENCROACHMENT INTO THE CITY'S PUBLIC RIGHT-OF-WAY LOCATED AT 629 SPRING STREET, AS MORE FULLY DESCRIBED HEREIN, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN ENCROACHMENT PERMIT WITH SHREVEPORT-BOSSIER CONVENTION & TOURIST BUREAU AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMEMBER

WHEREAS, pursuant to Shreveport City Charter [Section 4.17](#), every ordinance or resolution granting, amending or extending *any right to occupy or use public places* in the City for any purpose, shall be complete in the form in which it is finally passed, shall remain on file with the clerk of council for public inspection for at least one (1) week before the final passage or adoption thereof, and shall be published once, together with a notice of the time at which the City Council proposes to take final action thereon, in the official journal at least one (1) week before the final passage or adoption thereof; and

WHEREAS, pursuant to Shreveport City Charter [Section 2.03 \(e\)](#), the City shall have the power to *permit encroachment* over, under or in any street, alley, sidewalk or other public place, where such *encroachment* does not adversely affect the public interest, upon such conditions, including regulation of the construction, suspension, and, if necessary, the removal of awnings, signs, lights, marquees, balconies or other structures projecting from buildings, as may be established by ordinance, and to provide for charges to be paid for such privilege; and

WHEREAS, pursuant to Shreveport City Charter [Section 2.03 \(g\)](#), the City shall have the power to make regulations for the prevention of injury to any street, alley, sidewalk or *public place*, and the pavement, curb, gutter, trees, plants, shrubs, ornamental lighting fixtures, traffic signs and signals and other property of the City therein; and

WHEREAS, Shreveport City Code [Sec. 78-122](#) authorizes the City to permit the *encroachment* over, under, or in any street, alley, sidewalk or other public place, where such *encroachment* is not a facility, defined by [Sec. 78-120](#), and does not adversely affect the public interest; and

WHEREAS, an applicant for an *encroachment permit* shall make application to the City Department of Engineering and Environmental Services and pay the applicable application processing fees; and

WHEREAS, the City’s Engineering and Environmental Services Department has received an application, for an *encroachment permit* in accordance with Shreveport City Code [Sec. 78-122](#), attached as EXHIBIT “A”; and

WHEREAS, the City Engineer is authorized to establish a policy and regulations for the issuance of such *encroachment permits*;

WHEREAS, Shreveport-Bossier Convention & Tourist Bureau is the owner of record of Lot 1, Tourist Bureau Subdivision Unit 1, City of Shreveport, Caddo Parish, Louisiana and identified by Caddo Parish Tax Assessor’s Geographic Number 181437-194-0001-00 and located at **629 Spring Street**; and

WHEREAS, City Departments and utility companies which could be affected by this encroachment have been contacted and do not object to this proposed encroachment; and

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

WHEREAS, the City Engineer, or his designee, has reviewed the submitted application and other supporting documents and does hereby recommend the City Council approve the proposed *encroachment* as it appears to comply with the Shreveport City Code and City departmental policies and regulations; and

WHEREAS, pursuant to Shreveport City Code [Sec. 78-122](#) an *encroachment permit* shall be authorized by ordinance of the City Council and executed by the Mayor, or his designee.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due, legal, and regular session convened, that:

SECTION 1. All the above “Whereas” clauses are adopted herein as part of this Ordinance.

SECTION 2. The encroachment permit application (Exhibit “A”) is hereby approved for SHREVEPORT-BOSSIER CONVENTION & TOURIST BUREAU, more fully described in EXHIBIT “B” *Encroachment Permit*, and the Mayor, or his designee, is hereby authorized to execute the *Encroachment Permit*, substantially in accordance with the draft of the *Encroachment Permit* attached hereto as EXHIBIT “B”, to include any other related and accompanying documents to carry out the intent of this Ordinance, between the CITY OF SHREVEPORT, LOUISIANA (“CITY”) and SHREVEPORT-BOSSIER CONVENTION & TOURIST BUREAU, for the purpose of allowing an encroachment over, under, or in any street, alley, sidewalk or other public place.

SECTION 3. SHREVEPORT-BOSSIER CONVENTION & TOURIST BUREAU agrees it will hold the CITY harmless for any damages that may result to the sign, water service appurtenances, parking lot paving, electrical cabinet, security fencing, gates, or other improvements because of its location upon the Crockett Street public right-of-way. SHREVEPORT-BOSSIER CONVENTION & TOURIST BUREAU also agrees to inform any buyers of said property in writing of this agreement with the CITY.

SECTION 4. SHREVEPORT-BOSSIER CONVENTION & TOURIST BUREAU further promises it will terminate the encroachment within Crockett Street public right-of-way upon request of CITY, if and when CITY shall determine that a need exists for the public use of the encroachment or a portion thereof. The removal shall be at SHREVEPORT-BOSSIER CONVENTION & TOURIST BUREAU (or the successor owner's) expense and shall be made in an expeditious manner.

SECTION 5. The Mayor of the City of Shreveport, or his designee, shall be and is hereby authorized to do any and all things and to sign any and all documents in a form acceptable to the City Attorney, or his/her designee, necessary to effectuate the purposes set forth herein.

SECTION 6. The original *Encroachment Permit* and a certified copy of this ordinance shall be filed and recorded in the Conveyance Records of 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 affect 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, resolutions, or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective in accordance with the provisions of [Shreveport City Charter Section 4.23](#).

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office