

FACT SHEET

CITY OF SHREVEPORT, LOUISIANA

TITLE

An ordinance authorizing an encroachment into the City’s public right-of-way located on a portion of Dean Road and Cedar Creek Dr, as more fully described herein, and to authorize the Mayor, or his designee, to execute an encroachment permit with Pine Wave Energy and to otherwise provide with respect thereto.

DATE

April 20, 2022

ORIGINATING DEPARTMENT

Department of Engineering and Environmental Services

CITY COUNCIL DISTRICT

District “E”

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 **Pine Wave Energy**. This encroachment into the City’s public right-of-way is located on a portion of Dean Road and Cedar Creek Drive, as more fully described in EXHIBIT “A” *Application for Encroachment Permit*.

The purpose of the encroachment is to allow Pine Wave Energy to place a temporary water line on top of the ground in the right-of-way for fracking purposes. The improvements will not obstruct any driveways.

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.

TIMETABLE

Introduction: April 26, 2022
Final Passage: May 10, 2022

ATTACHMENTS

EXHIBIT “A” *Application for Encroachment*
EXHIBIT “B” *Encroachment Permit*

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.

FACT SHEET PREPARED BY:

Daryl Platt
Permit Manager
Department of Engineering and Environmental Services

and XXXXXXXX
Assistant City Attorney

ORDINANCE NO. _____ OF 2022

AN ORDINANCE AUTHORIZING AN ENCROACHMENT INTO THE CITY'S PUBLIC RIGHT-OF-WAY LOCATED ON A PORTION OF DEAN ROAD AND CEDAR CREEK DR, AS MORE FULLY DESCRIBED HEREIN, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN ENCROACHMENT PERMIT WITH PINE WAVE ENERGY 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, a request has been received by Pine Wave Energy from Kevin Ash, for encroachment onto a portion of the Dean Road and Cedar Creek Drive public right-of-way as more clearly shown on the exhibits attached hereto and made a part hereof; 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 of the above “Whereas” clauses are adopted herein as part of this Ordinance.

SECTION 2. The encroachment permit application (Exhibit “A”) is hereby approved for **Dean Road and Cedar Creek Drive**, 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 PINE WAVE ENERGY, for the purpose of allowing an encroachment over, under, or in any street, alley, sidewalk or other public place.

SECTION 3. PINE WAVE ENERGY 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 as a result of its location upon the Midway Avenue public right-of-way. PINE WAVE ENERGY also agrees to inform any buyers of said property in writing of this agreement with the CITY.

SECTION 4. PINE WAVE ENERGY further promises it will terminate the encroachment within Dean Road and Cedar Creek Drive 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 PINE WAVE ENERGY (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