

**ORDINANCE AMENDING CODE OF ORDINANCES
CHAPTER 18, PLANNING AND DEVELOPMENT REGULATIONS**

**AN ORDINANCE TO ESTABLISH PROCEDURE FOR
REVOCATION OF PUBLIC RIGHTS-OF-WAY**

WHEREAS,

Louisiana Revised Statute Title 33 "Municipalities and Parishes," Chapter 2 "Local Government," Part I "Mayor and Board of Aldermen," Subpart C "Municipal Powers," provides:

Section 361. Municipal powers.

"A. Except as otherwise provided in this Part, a municipality shall be vested with all powers, rights, privileges, immunities, authorities, and duties heretofore possessed in accordance with all constitutional and statutory provisions with respect thereto. A municipality is further authorized to exercise any power and perform any function necessary, requisite, or proper for the management of its affairs not denied by law."

WHEREAS,

Louisiana Revised Statute Title 48 "Roads, Bridges and Ferries," Chapter 2 "Parish and Local Roads," Part V "Revocation or Abandonment of Dedication," provides:

Section 701. Revocation of dedication; reversion of property.

"The parish governing authorities and municipal corporations of the state, except the parish of Orleans, may revoke and set aside the dedication of all roads, streets, and alleyways laid out and dedicated to public use within the respective limits, when the roads, streets, and alleyways have been abandoned or are no longer needed for public purposes.

"Upon such revocation, all of the soil covered by and embraced in the roads, streets, or alleyways up to the center line thereof, shall revert to the then present owner or owners of the land contiguous thereto.

"Nothing in this Section shall be construed as repealing any of the provisions of special statutes or charters of incorporated municipalities granting the right to close or alter roads or streets."

WHEREAS,

The public streets and alleys of the Village of Folsom were described and dedicated to the public by George N. Fendlason in the year 1904.

From time to time since the year 1904, the governing authority of the Village of Folsom has determined that some of the dedicated public streets and alleys located

within the municipal limits were not needed for a public purpose and the governing authority of the Village of Folsom revoked the dedication of the streets and alleys no longer needed for a public purpose.

Following the revocation of the streets and alleys no longer needed for a public purpose, the land forming the revoked streets and alleys reverted, by operation of law, to the contiguous owners of the land.

The contiguous owners were not required to compensate the Village of Folsom.

The Village of Folsom has authority to prescribe procedures for the revocation of streets and alleys and to require compensation from the contiguous owners who benefit from the revocation.

The Mayor and Board of Aldermen have determined that the public interest would be served by:

- a. adopting a formal procedure to determine if a public street or alley, or portion thereof, is no longer needed for a public purpose,
- b. identifying the location and dimensions of the street or alley to be revoked,
- c. establishing the value of the property to be revoked,
- d. requiring contiguous owners to reimburse the Village of Folsom for costs associated with publication of notices required by law,
- e. requiring contiguous owners to compensate the Village of Folsom for property acquired through revocation of public streets and alleys.

BE IT ORDAINED

By the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom, Code of Ordinances, Chapter 18 "Planning and Development Regulations" be amended to add the following:

Prior to the adoption of any ordinance revoking all or part of a public right-of-way within the municipal limits, the following procedure shall be followed:

- a. upon the recommendation of the Folsom Planning and Zoning Commission or upon appeal from the Folsom Planning and Zoning Commission, the Board of Aldermen shall consider a written request for revocation of a public right-of-way, or portion thereof.
- b. The Board of Aldermen shall determine if the public right-of-way, or portion thereof, is no longer needed for a public purpose.
- c. the location and dimensions of the public right-of-way, or portion thereof, shall be properly identified by map or survey. The Board of Al-

dermen may require that the location and dimensions of the public right-of-way, or portion thereof, be identified by a licensed surveyor chosen by the Board of Aldermen. The cost of the survey shall be paid by the contiguous owners.

d. The value of the land comprising the public right-of-way, or portion thereof, shall be properly valued in the proportion that the contiguous property owners will acquire. The Board of Aldermen may require that the valuation be performed by a bona fide appraiser or expert chosen by the Board of Aldermen. The cost of the valuation shall be paid by contiguous owners.

e. Prior to adoption of an ordinance revoking the public right-of-way, or portion thereof, the contiguous owners acquiring the property by revocation shall reimburse the Village of Folsom for all publications fees incurred by the Planning and Zoning Commission and the Board of Aldermen for public notices associated with the revocation procedure.

f. Prior to adoption of an ordinance revoking the public right-of-way, or portion thereof, the contiguous owners acquiring the property by revocation shall pay the Village of Folsom according to the value of the land which they acquire.

g. Upon satisfaction of (a) through (f) above, the Board of Aldermen may, following public hearing, adopt an ordinance revoking the public right-of-way or portion thereof.

BE IT FURTHER ORDAINED that this ordinance shall take effect on and after its promulgation.

Said ordinance having been introduced on the 8th day of June, 2009, notice of public hearing having been published, said public hearing having been held on the 13th day of July, 2009, the title having been read and the ordinance considered, on motion duly made and seconded to adopt the ordinance, a record vote was taken and the following was had:

Yeas: Alderman Phillip Bickham
 Alderman Ronald W. Holliday
 Alderman Charles K. Wilt

Nays: None

Abstentions: None

Absent: None

Whereupon, the Mayor declared the above ordinance duly adopted on the 13th day of July, 2009.

Folsom, Louisiana this 13th day of July, 2009.


PHILLIP BICKHAM, Alderman


RONALD W. HOLLIDAY, Alderman


CHARLES K. WILT, Alderman

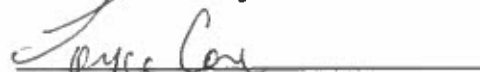
Approved:

VILLAGE OF FOLSOM

By: 
MARSHELL BRUMFIELD, Mayor

CERTIFICATE

I, Joyce Core, certify that the above and foregoing is a true and correct extract of the minutes of the regular session of the Village of Folsom held at the Town Hall in the Village of Folsom, Louisiana on the 13th day of July, 2009. Present: Marshall Brumfield, Mayor, Phillip Bickham, Alderman, Ronald W. Holliday, Alderman, Charles K. Wilt, Alderman. All present voted yea and there were no nays.


JOYCE CORE, Municipal Clerk

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