

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING
880 North Alexander Avenue, Port Allen
Thursday, February 8, 2024
5:30 PM

The Following Minutes Are Summarized For Brevity, For Precise Meeting Information Please Refer To Meeting Audio Or Video.

1. CALL MEETING TO ORDER & REQUEST ALL ELECTRONIC DEVICES BE SILENCED

A Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, February 8, 2024 and called to order at 05:30 PM. Council Chairman Carey Denstel asked that all electronic devices be placed on silent.

2. OPENING PRAYER

Councilman Atley Walker Jr. led everyone in an opening prayer.

3. PLEDGE OF ALLEGIANCE

Chairman Denstel recognized Mr. Anatole Vincent who led everyone in the Pledge of Allegiance.

4. LOG ATTENDANCE

The following members were recorded as being present: Mrs. Andre, Messrs. Atley Walker, Brady Hotard, Kenneth Gordon, Carey Denstel, Gary Joseph.

Absent: Messrs. Kirk Allain, Daryl "Turf" Babin, Alan Crowe

Also present were, Mr. Jason Manola, Parish President, Mr. Phillip Bourgoyne, Chief of Administration, Mr. Chance Stephens, Director of Finance, Mr. Kevin Durbin, Director of Public Works and Mrs. Michelle Tullier, Council Clerk

5. MINUTES APPROVAL

A. Approval of Minutes from January 25, 2024 Regular Meeting.

A motion was made by Council Member Brady Hotard, seconded by Council Member Kenneth Gordon to approve Minutes from January 25, 2024 Regular Meeting.

The vote was recorded as follows:

YEAS: 6 (Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)

NAYS: 0 (None)

ABSENT: 3 (Kirk Allain, Daryl "Turf" Babin, Alan Crowe)

ABSTAIN:0 (None)

As a result of the votes, the motion passed.

6. CONSIDER ANY AMENDMENTS TO THE AGENDA

- A. Resolution In Support Of The West Baton Rouge Parish Application Through The Governor's Office Of Community Development For Community Water Enrichment Funds For Water Rehabilitation Projects For The Fiscal Year 2024-2025.**
- B. Resolution Authorizing Parish President to Submit Application through the Office of Community Development, Local Government Assistance Program (LGAP)**
- C. A Resolution Of The West Baton Rouge Parish Council to Provide For Clarification As To Dedication Language Contained In Certain Final Plats For Poplar Grove Plantation**

Chairman Denstel explained that a unanimous vote would be needed in order to add the aforementioned items to the agenda, and asked if there were any objections to voting on them all together, with no objection.

The vote was recorded as follows:

YEAS: 6 (Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine

Andre, Gary Joseph)
NAYS: 0 (None)
ABSENT: 3 (Kirk Allain, Daryl "Turf" Babin, Alan Crowe)
ABSTAIN:0 (None)

As a result of the votes, the motion passed and the agenda was therefore amended.

7. **PARISH PRESIDENT’S REPORT**

Parish President Jason Manola was recognized and covered the following items:
Recently attended Police Jury newly elected meeting;
WBR Chamber Board Retreat;
Recent State of the Parish at the WBR Chamber;
Announced that Ms. Bryanne Pierce has been appointed as the WBR Parish PIO;
Recent Groundwater Commission meeting, setup by Senator Kleinpeter, Commission moving forward with the WBR request for an additional well, which was previously denied;
Reminded the Council of the 10 AM Training Meeting tomorrow in regards to the Home Rule Charter.

8. **PUBLIC COMMENTS**

Ms. Victoria Lewis of 4334 Dunleath Ave, was recognized and explained to the Council that she recently had a fire at her home. Ms. Lewis was very upset about the response time, she was also upset about how long it took for her to receive a fire report for her insurance company and complained that Mrs. Fourroux did not return her calls. President Manola noted that he would check into these claims with the Fire Chief.

9. **COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS**

Mr. Kevin Durbin was recognized and introduced two new employees in the Planning & Development Office, Ms. Madalyn Coye and Ms. Ashley Hatfield.

Councilman Daryl "Turf" Babin entered the meeting at 5:37PM.

10. **PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES**

A. **An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 102 (“Planning”), Article III (“West Baton Rouge Master Plan: Planwest”), Section 102-41 (“Adoption”) To Provide For The Adoption Of The Parish’S Decennial, Major Master Plan Update. (Tabled From January 11, 2024 Meeting)**

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Mr. Durbin was recognized and gave a brief overview of what the Master Plan is and what it actually does for the parish. Mr. Durbin also noted that the Planning & Zoning Commission recommended approval of the plan with minor amendments needed.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

Councilman Hotard commented on the document and stressed we need make sure to implement this plan in the future. Councilman Walker noticed that the state roads from the Road Transfer Agreement with the state were not mentioned and asked that they be added to the Master Plan Update.

A motion was made by Council Member Atley Walker, seconded by Council Member Brady Hotard to approve with amendment/s to add the list of state roads to be acquired from the Road Transfer Agreement with the State An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 102 (“Planning”), Article III (“West Baton Rouge Master Plan: Planwest”), Section 102-41 (“Adoption”) To Provide For The Adoption Of The Parish’s Decennial, Major Master Plan Update.

The vote was recorded as follows:

YEAS: 7 (Daryl “Turf” Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)

NAYS: 0 (None)

ABSENT: 2 (Kirk Allain, Alan Crowe)

ABSTAIN:0 (None)

As a result of the votes the motion passed.

Ordinance 3 of 2024 can be found at the end of these minutes.

11. INTRODUCTION OF ORDINANCES

Mrs. Tullier, Council Clerk read by title the below proposed ordinance/s being introduced and publicized by title, and considered for adoption following a public hearing as specified below, at 5:30 pm in the Council Chambers, located at 880 North Alexander Avenue, Port Allen, La.:

- A. An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); and Chapter 104 (“Zoning Ordinance”), Appendix A (“Zoning Districts”), Chapter 106 (“Site Planning”), Article III (“Transportation Planning”), Division 2 (“Off Street Parking and Loading”), Section 106-67 (General Provisions), Article V (Yard/Setback, Open Space and Common Area Requirements”) & Section 106-118 (R-2F site development regulations”). Public Hearing Date: March 14, 2024.
- B. An Ordinance To Amend And Reenact The West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 105 (“Subdivisions”), Article II (“Minimum Design Standards”), Sec. 105-38 (“Lots”) Public Hearing Date: March 14, 2024.

12. CONSIDER STATUS REPORT, CHANGE ORDER AND/OR OTHER MATTERS AS REQUIRED ON CURRENT PROJECTS

- A. **Consider Approval of Change Order Number 2 and Substantial Completion of the Turf Fields Project.**

Mr. Chance Stephens was recognized and briefly reviewed the aforementioned documents, and asked the Council for approval.

A motion was made by Council Member Atley Walker, seconded by Council Member Daryl "Turf" Babin to approve Change Order Number 2 and Substantial Completion of the Turf Fields Project.

The vote was recorded as follows:

YEAS: 7 (Daryl “Turf” Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)

NAYS: 0 (None)

ABSENT: 2 (Kirk Allain, Alan Crowe)

ABSTAIN:0 (None)

As a result of the votes the motion passed.

13. RESOLUTIONS

- A. **A Resolution Expressing The Desire Of The West Baton Rouge Parish Council To Implement A Moratorium On Solar Panel Farms And Solar Panel Array Yard Projects In The Unincorporated Areas Of The Parish**

Chairman Denstel explained this item is being brought to the Council for consideration due to the wishes of the Council previously stated regarding Solar Farms, which would be to wait for the State to implement minimum regulations. Due to this, the Council felt with possible projects out there, this moratorium was needed in order to give the Parish the time needed to either come up with our own regulations, or zone, or wait until such time as the State sets minimum regulations for this industry.

Mrs. Tullier read aloud a statement from Councilman Allain who wanted the public to know he supported this moratorium.

Senator Kleinpeter was recognized and updated the Council on where the State is on this issue. Councilman Hotard expressed that his only concern was that we do not have a time frame for a specific end to this moratorium. Chairman Denstel explained this was because we did not know how long it would take for us to get regulations implemented once the State sets the minimums. Councilman Hotard asked that we add the language from the end of the "therefore it be resolved" and add it to the last "whereas".

A motion was made by Council Member Brady Hotard, seconded by Council Member Daryl "Turf" Babin to approve with amendment/s as noted, A Resolution Expressing The Desire Of The West Baton Rouge Parish Council To Implement A Moratorium On Solar Panel Farms And Solar Panel Array Yard Projects In The Unincorporated Areas Of The Parish.

The vote was recorded as follows:

YEAS: 7 (Daryl “Turf” Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)

NAYS: 0 (None)

ABSENT: 2 (Kirk Allain, Alan Crowe)
ABSTAIN:0 (None)
As a result of the votes the motion passed.
Resolution 3 of 2024 can be found at the end of these minutes.

B. Resolution In Support Of The West Baton Rouge Parish Application Through The Governor’s Office Of Community Development For Community Water Enrichment Funds For Water Rehabilitation Projects For The Fiscal Year 2024-2025.

President Manola was recognized and explained the project for this grant application.

A motion was made by Council Member Daryl "Turf" Babin, seconded by Council Member Gary Joseph to approve the Resolution In Support Of The West Baton Rouge Parish Application Through The Governor’s Office Of Community Development For Community Water Enrichment Funds For Water Rehabilitation Projects For The Fiscal Year 2024-2025.

The vote was recorded as follows:
YEAS: 7 (Daryl “Turf” Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)
NAYS: 0 (None)
ABSENT: 2 (Kirk Allain, Alan Crowe)
ABSTAIN:0 (None)
As a result of the votes the motion passed.
Resolution 4 of 2024 can be found at the end of these minutes.

C. Resolution Authorizing Parish President to Submit Application through the Office of Community Development, Local Government Assistance Program (LGAP)

President Manola was recognized and explained the project for this grant application.

A motion was made by Council Member Kenneth Gordon, seconded by Council Member Brady Hotard to approve the Resolution Authorizing Parish President to Submit Application through the Office of Community Development, Local Government Assistance Program (LGAP).

The vote was recorded as follows:
YEAS: 7 (Daryl “Turf” Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)
NAYS: 0 (None)
ABSENT: 2 (Kirk Allain, Alan Crowe)
ABSTAIN:0 (None)
As a result of the votes the motion passed.
Resolution 5 of 2024 can be found at the end of these minutes.

D. A Resolution Of The West Baton Rouge Parish Council to Provide For Clarification As To Dedication Language Contained In Certain Final Plats For Poplar Grove Plantation

President Manola was again recognized and explained the reasons for needing this resolution in regard to the Poplar Grove Plantation maps referenced. Mr. Mark Dore, Senior Counsel with Kean Miller was recognized and briefly explained the need for the aforementioned resolution, handed out a few maps which are exhibits to the resolution and offered to answer any questions.

A motion was made by Council Member Kenneth Gordon, seconded by Council Member Katherine Andre to approve A Resolution Of The West Baton Rouge Parish Council to Provide For Clarification As To Dedication Language Contained In Certain Final Plats For Poplar Grove Plantation.

The vote was recorded as follows:
YEAS: 7 (Daryl “Turf” Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)
NAYS: 0 (None)
ABSENT: 2 (Kirk Allain, Alan Crowe)
ABSTAIN:0 (None)
As a result of the votes the motion passed.
Resolution 6 of 2024 can be found at the end of these minutes.

RELATED THERETO

A. Consider Ratification of Condemnation for Derelict structure located on Parcel #071400004602, WJ Daigle Property File #2024-002

Mr. Kevin Durbin, was recognized and explained the status of the aforementioned location and, upon inspection, the following structure has been deemed derelict according to Parish Code 109-42 and hereby request that this/these structure(s) be removed from the property.

A motion was made by Council Member Katherine Andre, seconded by Council Member Brady Hotard to ratify the Condemnation for Derelict structure located on Parcel #071400004602, WJ Daigle Property File #2024-002.

The vote was recorded as follows:

YEAS: 7 (Daryl "Turf" Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)

NAYS: 0 (None)

ABSENT: 2 (Kirk Allain, Alan Crowe)

ABSTAIN: 0 (None)

As a result of the votes the motion passed.

15. ALCOHOL PERMITS

A. DaCa Ventures LLC. dba Cousins - Located At 1822 Plantation Ave. Port Allen, La 70767 – Requesting a Class A Liquor License.

Mr. Mike David was recognized and asked the Council to approve the alcohol permit for DACA Ventures LLC., explaining he has updated his paperwork and will be serving as the manager of the business. Chairman Denstel asked about the lady who was at the last meeting, Mr. David responded she would be acting as a manger as well. Chairman Denstel explained to Mr. David that she would need to fill out the required paperwork to make sure that she meets all of the requirements for an acting manager. Mr. David explained he had the paperwork for that and was going to turn it in.

A motion was made by Council Member Daryl "Turf" Babin, seconded by Council Member Katherine Andre to approve a Class A Alcohol License for DaCa Ventures LLC. dba Cousins - Located At 1822 Plantation Ave. Port Allen, La 70767.

The vote was recorded as follows:

YEAS: 7 (Daryl "Turf" Babin, Brady Hotard, Kenneth Gordon, Atley Walker, Carey Denstel, Katherine Andre, Gary Joseph)

NAYS: 0 (None)

ABSENT: 2 (Kirk Allain, Alan Crowe)

ABSTAIN: 0 (None)

As a result of the votes the motion passed.

16. CORRESPONDENCE REPORT

Correspondence Report from Council Clerk, Mrs. Michelle Tullier included the following items:

Recent vacant seat on the Civil Service Board;

Next Planning & Zoning Meeting is Tuesday, February 20, 2024 at 5:30pm;

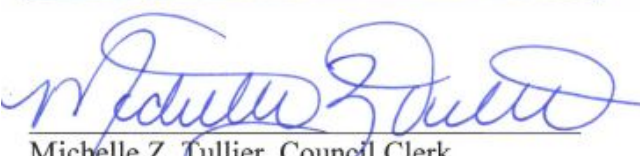
Next Council Meeting is Thursday, February 22, 2024 at 5:30pm.

17. ADJOURN

There being no further business, a motion to adjourn was made by Council Member Brady Hotard and was adopted by acclamation at 06:17 PM.



Carey Denstel, Chairman



Michelle Z. Tullier, Council Clerk

ORDINANCE 3 OF 2024

As Introduced by the West Baton Rouge Parish Council

An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 102 (“Planning”), Article III (“West Baton Rouge Master Plan: PlanWest”), Section 102-41 (“Adoption”) to provide for the adoption of the Parish’s decennial, major Master Plan update.

WHEREAS, one of the primary functions of local governments is to protect the health, safety and welfare of its people; **AND**

WHEREAS, in exercising its role to carry-out the above, the West Baton Rouge Parish Council utilizes its police powers under the Constitution and laws of the State of Louisiana; **AND**

WHEREAS, such exercise of police power involves from time-to-time creating or amending local development (and other) laws in order to protect the public; **AND**

WHEREAS, Louisiana State law (Revised Statute 33:106) requires the adoption of a Parish master plan;
AND

WHEREAS, the West Baton Rouge Council has reviewed the draft of the decennial update of PlanWest as well as the record of public hearings and comments;

NOW, THEREFORE, BE IT ORDAINED that the West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 102 (“Planning”), Article III (“West Baton Rouge Master Plan: PlanWest”), Section 102-41 (“Adoption”) be amended and readopted to read as follows:

(NOTE: underlined words are additions and strikethrough words are deletions. Three asterisks - * * * indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.):

PART III – UNIFIED DEVELOPMENT CODE

* * *

CHAPTER 102

PLANNING

* * *

ARTICLE III. – WEST BATON ROUGE MASTER PLAN: PlanWest

Sec. 102-41. - Adoption.

The document PlanWest, as prepared by the ~~Tipton Associates consulting team~~ Villavaso & Associates, and dated ~~September 22, 2011~~ February 8, 2024 is hereby adopted as the official "Master Plan" of West Baton Rouge Parish.

* * *

NOW THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective thirty (30) days after adoption pursuant to Section 2-12 (C) of the Home Rule Charter.

THEREFORE BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER AATLEY WALKER, WHICH WAS SECONDED BY COUNCIL MEMBER BRADY HOTARD. THE

ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 7 (MRS. ANDRE, MESSRS. BABIN, WALKER, DENSTEL, HOTARD, GORDON, JOSEPH)

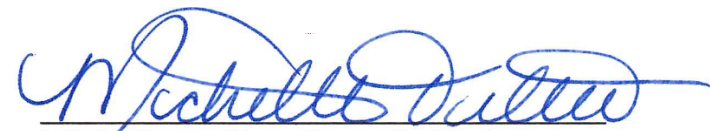
NAYS: 0 (NONE)

ABSENT: 2 (MESSRS. ALLAIN, CROWE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the 8th Day of February, 2024.

ATTEST:


Michelle Tullier, Council Clerk

RESOLUTION 3 OF 2024

A Resolution Expressing The Desire Of The West Baton Rouge Parish Council To Implement A Moratorium On Solar Panel Farms And Solar Panel Array Yard Projects In The Unincorporated Areas Of The Parish

WHEREAS, the West Baton Rouge Parish Council feels that there are certain items in the Zoning Appendix which need to be updated; and

WHEREAS, the West Baton Rouge Parish Council has the right, power and authority to enact moratoriums vital to promote, protect and preserve the general welfare, safety, health, peace and good order of the Parish; and

WHEREAS, due to the increase in inquiries regarding the development of Commercial Solar Facilities and the potential for those facilities to impact the long-term development of the Parish, care must be taken when considering approval of such facilities; and

WHEREAS, the West Baton Rouge Parish Code of Ordinances currently does not fully address the development of Commercial Solar Facilities; and

WHEREAS, before considering the development of Commercial Solar Facilities for approval under the land use ordinance, the West Baton Rouge Parish Council is in need of additional information to properly evaluate the immediate and long-term cumulative benefits and impacts of such facilities; and

WHEREAS, the State of Louisiana Department of Natural Resources has been tasked with setting State minimum regulations for these facilities; and

WHEREAS, the West Baton Rouge Parish Council finds that it is in the best interest of the Parish, its employees, citizens and taxpayers to implement a moratorium on the solar panel farms and solar panel array yard projects until such time as the State has set minimum regulations or until such time said Council votes to lift this moratorium.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby express its desire to implement a moratorium on any solar panel farm and solar panel array yard projects in West Baton Rouge Parish, until such time said Council votes to lift this moratorium.

NOW THEREFORE BE IT FURTHER RESOLVED that this moratorium be effective upon its adoption by a majority vote of the West Baton Rouge Parish Council.

The Foregoing Resolution Was Considered, And, After Public Discussion, A Motion To Approve Was Made By Council Member Brady Hotard, Which Was Seconded By Council Member Daryl Babin.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 7 (Mrs. Andre, Messrs. Hotard, Babin, Walker, Denstel, Gordon, Joseph)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Crowe, Allain)

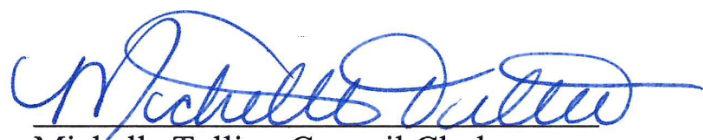
ABSTAIN: 0 (None)

AND the resolution was declared adopted on this 8th Day of February, 2024.

CERTIFICATE

I, Michelle Tullier, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by said body at its Regular Meeting of

February 8, 2024 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 4 OF 2024

A Resolution In Support Of The West Baton Rouge Parish Application Through The Governor’s Office Of Community Development For Community Water Enrichment Funds For Water Rehabilitation Projects For The Fiscal Year 2024-2025.

WHEREAS, West Baton Rouge Parish desires to secure funding in order to connect two existing 6-inch waterlines, one on Maple Street and one near HWY 190 with an 8-inch waterline; and

WHEREAS, the new water line will span approximately 400 feet, with an approximate cost of \$50,000; and

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby express support for and request approval of the grant application for Community Water Enrichment funds for water rehabilitation projects for the fiscal year 2024-2025 through the Governor’s Office of Community Development.

A MOTION TO ADOPT the above resolution was made by Council Member Daryl Babin seconded by Council Member Gary Joseph and resulted in the following vote:

YEAS: 7 (Mrs. Andres, Messrs. Babin, Joseph, Walker, Denstel, Hotard, Gordon)

NAYS: 0 (None)

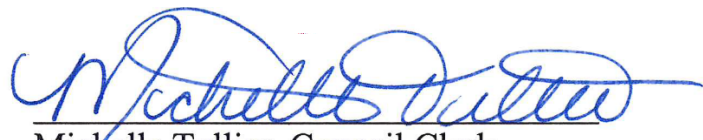
ABSTAIN: 0 (None)

ABSENT: 2 (Messrs. Allain, Crowe)

As a result of the votes the resolution was adopted on this 8th day of February, 2024.

CERTIFICATE

I, Michelle Tullier, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by said body at its Regular Meeting of February 8, 2024 which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 5 OF 2024

Resolution Authorizing Parish President to Submit Application through the Office of Community Development, Local Government Assistance Program (LGAP)

WHEREAS, the WEST BATON ROUGE PARISH GOVERNMENT is in need of funds to add a 6-inch gas line from a station on Choctaw Rd to the rear of Sugarmill Subdivision, spanning approximately 4,500 feet, and costing approximately \$62,500.00; and

WHEREAS, grants for this project may be available through Office of Community Development, Local Government Assistance Program (LGAP); and

WHEREAS, the West Baton Rouge Parish Council is in support of this project.

NOW, THEREFORE, BE IT RESOLVED, by the WEST BATON ROUGE PARISH COUNCIL of WEST BATON ROUGE PARISH GOVERNMENT that:

Section 1. The PARISH PRESIDENT is hereby authorized to submit an-application to the Office of Community Development on behalf of WEST BATON ROUGE PARISH GOVERNMENT for the purpose of securing funds toward aforementioned project; and

Section 2. The PARISH PRESIDENT is further authorized to furnish such additional information as may reasonably be requested in connection with the application; and

Section 3. The PARISH PRESIDENT is hereby designated as the Official Project Representative for the WEST BATON ROUGE PARISH GOVERNMENT for any project that may result from the submission of the application.

A MOTION TO ADOPT the above resolution was made by Kenneth Gordon, seconded by Brady Hotard and resulted in the following vote:

YEAS: 7 (Mrs. Andre, Messrs. Gordon, Hotard, Walker, Babin, Denstel, Joseph)

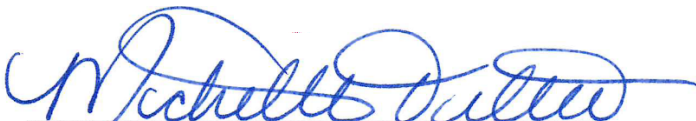
NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 2 (Messrs. Allain, Crowe)

CERTIFICATE

We the undersigned do certify that the foregoing resolution is a true and correct copy of a resolution adopted at a meeting held on February 8, 2024, at which meeting a quorum was present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 6 OF 2024

A Resolution Of The West Baton Rouge Parish Council to Provide For Clarification As To Dedication Language Contained In Certain Final Plats For Poplar Grove Plantation

A Resolution to Provide for the Clarification as to Dedication Language (“**Resolution**”) Contained in “Final Plat Showing Resubdivision of Tract D-1 into Tracts D-1-A, D-1-B, D-1-C, & D-1-D, being a Portion of Poplar Grove Plantation Located in Section 59, T-7-S, R-12-E, Southeast Land District, West of the Mississippi River, West Baton Rouge Parish, Louisiana for Ourso Properties, LLC” dated January 6, 2023, by David L. Patterson, P.L.S. and recorded on February 10, 2023, under Map Book 10, Page 177, of the Records of the Clerk of Court for the Parish of West Baton Rouge, Louisiana and in “Final Plat Showing Resubdivision of Tracts D-1-A, D-1-B, D-1-C & D-1-D into Tracts D-1-A-1 & D-1-B-1 being a Portion of Poplar Grove Plantation Located in Section 59, T-7-S, R-12-E, Southeast Land District, West of the Mississippi River, West Baton Rouge Parish, Louisiana for Ourso Properties, LLC” and dated March 15, 2023, by David L. Patterson, P.L.S. and recorded on April 26, 2023, under Map Book 10, Page 193 of the Records of the Clerk of Court for the Parish of West Baton Rouge, Louisiana.

NOW WHEREAS, OURSO PROPERTIES, L.L.C., a Louisiana limited liability company, represented here by Mitchel J. Ourso, its Managing Member, having an address of 56946 Ourso Road, White Castle, Louisiana 70788 (“**Ourso**”), is the owner of certain immovable property located in the Parish of West Baton Rouge (the “**Ourso Property**”), which is shown on the following plats (collectively, the “**Resubdivision Plats**”):

a. Final Subdivision Plat of Tract D-2 (15.00 Acres), Currently Owned by Ourso Properties, LLC, Proposed Site for Air Liquide, Being a Portion of the Poplar Grove Plantation, Located in Section 59, T7S, R12E, West Baton Rouge Parish, Louisiana by Scott L. Harson, P.L.S. dated August 10, 2020 and recorded August 19, 2020 at Map Book 9, Page 245 (“**August 2020 Final Plat**”), a copy of which is attached hereto as “**Exhibit A**”;

b. Final Plat Showing Resubdivision of Tract D-1 into Tracts D-1-A, D-1-B, D-1-C & D-1-D, Being a Portion of Poplar Grove Plantation, Located in Section 59, T-7-S, R-12-E, Southeast Land District, West Baton Rouge Parish, Louisiana for Ourso Properties, LLC by David L. Patterson, P.L.S. dated January 6, 2023 and recorded February 10, 2023 at Map Book 10, Page 177 (“**January 2023 Resub Map**”), a copy of which is attached hereto as “**Exhibit B**”; and

c. Final Plat Showing Resubdivision of Tracts D-1-A, D-1-B, D-1-C & D-1-D into Tracts D-1-A-1 & D-1-B-1, Being a Portion of Poplar Grove Plantation, Located in Section 59, T-7-S, R-12-E, Southeast Land District, West Baton Rouge Parish, Louisiana for Ourso Properties, LLC by David L. Patterson, P.L.S. dated March 15, 2023 and recorded April 26, 2023 at Map Book 10, Page 193 (“**March 2023 Resub Map**”), a copy of which is attached hereto as “**Exhibit C**”; and

d. Final Plat Showing Survey and Division of A Certain 479.392 Acres of Ourso Properties, LLC, Being a Portion of Poplar Grove Plantation, into Tracts A, B, C, & D, Located in Section 59, T7S, R12E, Southeastern Land District, West of the Mississippi River, West Baton Rouge Parish, Louisiana for Ourso Properties, LLC and USA Rail Terminal, LLC, by F. Dewitt Ladner, P.L.S. dated revised January 14, 2015 and recorded January 16, 2015 at Map Book 8, Page 19, Entry No. 24440 (“**January 2015 Subdivision Map**”), a copy of which is attached hereto as “**Exhibit D**”.

WHEREAS, the August 2020 Final Plat (Exhibit A) contains “General Notes,” and more specifically General Note Number 9 of the August 2020 Final Plat (Exhibit A), which reads as follows:

“9.) Notwithstanding anything in this Final Subdivision Plat (“Plat”) to the contrary, (1) only the portion of road identified as “River West Park Road” shown on this plat for a distance of approximately 700 linear feet from LA Highway 1 shown as “Limits of Dedication” (“River West Park Dedication”) and (2) only the 15’ utility servitude identified as “15’ Utility Servitude for West Baton Rouge Parish” on this plat for approximately the same distance (“15’ Utility Servitude Dedication”) shall be dedicated to West Baton Rouge Parish at this time pursuant to the dedication set forth on this plat. None of the other internal roads or other servitudes shown on this plat are subject to any dedication contained on this plat are dedicated (whether a statutory dedication, tacit dedication, implied dedication and/or any other basis of dedication) to the West Baton Rouge Parish and/or for public benefit or use as a result the other roads and servitudes being identified on this plat and subsequently recorded in the public records of West Baton Rouge Parish such other roads and servitudes (unless previously dedicated) shall remain private and subject to removal or modification by the owner in the owner's sole discretion and are specifically and formally negated and excepted from any dedication whatsoever.”

WHEREAS, the January 2023 Resub Map (Exhibit B) and the March 2023 Resub Map (Exhibit C), each, contains a “Dedication” and a “Note,” which more specifically read as follows:

“DEDICATION:

The streets and right-of-way shown hereon, if not previously dedicated, are hereby dedicated to the perpetual use of the public for proper purposes. All areas shown as servitudes are granted to the public for use of utilities, drainage, sewage removal or other proper purpose for the general use of the public. No trees, shrubs or other plants may be planted, nor shall any building, fence, structure or improvements be constructed or installed within or over any servitude or right - of- way so as to prevent or unreasonably interfere with any purpose for which the servitude or right-of-way is granted.

NOTE:

The Parish is hereby granted servitude of passage over and across any private road(s) shown on this plot for access to and maintenance/improvement/extension of any Parish drainage and/or utility servitudes depicted on this plat. The Parish shall not be responsible for maintenance of the private road(s) shown on this plat because of the Parish use or nonuse of this servitude of passage.”

WHEREAS, for clarification purposes, Ourso and the Parish of West Baton Rouge (the “**Parish**”) affirmatively agree that “Existing 60’ Private Access & Utility Servitude” identified on the January 2015 Subdivision Map (Exhibit D) as “Corn Maize Lane”, which is later changed to and since referred to as “Black Smith Road”, is one and the same roadway and that it was properly dedicated to the Parish on January 16, 2015 in the January 2015 Subdivision Map (Exhibit D), and has been maintained by the Parish since approximately 2015, and further does not form a part of the Ourso Property;

WHEREAS, the August 2020 Final Plat (Exhibit A) specifically identified a portion of the Ourso Property for the dedication of River West Park Road and a 15' Utility Servitude as described in General Notes of the August 2020 Final Plat (Exhibit A) and as specifically shown on the August 2020 Final Plat (Exhibit A) (“**River Park West Road**” and “**Utility Servitude**”);

WHEREAS, the January 2023 Resub Map (Exhibit B) was signed and accepted by the West Baton Rouge Parish Planning & Zoning Commission and the Parish President of West Baton Rouge Parish on February 10, 2023;

WHEREAS, the March 2023 Resub Map (Exhibit C) was signed and accepted by the West Baton Rouge Parish Planning & Zoning Commission and the Parish President of West Baton Rouge Parish on April 25, 2023;

WHEREAS, through error and/or inadvertence the “Dedication” language found on the January 2023 Resub Map (Exhibit B) and the March 2023 Resub Map (Exhibit C) was included despite not conforming to the intent of Ourso or the Parish;

WHEREAS, except for the River West Park Road, the Utility Servitude, and/or any and utilities, drainage, or sewage servitudes or rights of way previously dedicated to or owned by the Parish, it was not the intent of Ourso to dedicate any of the other portions of the Ourso Property to the Parish for any purpose whatsoever, including, without limitation, the pipelines, private access roads pipelines, servitudes, other rights of way, or other proper purpose for the general use of the public; and

WHEREAS, except for the River West Park Road, the Utility Servitude, and/or any and utilities, drainage, or sewage servitudes or rights of way previously dedicated to or owned by the Parish, it was not the intent of the Parish to receive and/or accept the dedication of any portion of the Ourso Property for any purposes whatsoever, including, without limitation the pipelines, private access roads pipelines, servitudes, other rights of way, or other proper purpose for the general use of the public.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Black Smith Road is acknowledged by Ourso to be a public road that does not form a portion of the Ourso Property and that is located within a 60' road right of way with utilities servitudes on the north and south sides. Ourso further acknowledges that Black Smith Road has been a public road since such time as the predecessors in title to Ourso dedicated that certain private drive formerly known as “Corn Maize Lane” to the Parish in that certain January 2015 Subdivision Map (Exhibit D) and as to which the Parish undertook maintenance shortly thereafter, also approximately in 2015.

2. Except for the River West Park Road, the Utility Servitude, and/or any utilities, drainage, or sewage servitudes or rights of way previously dedicated to or owned by the Parish, and further despite the language found under the heading of “Dedication” on the January 2023 Resub Map (Exhibit B) and March 2023 Resub Map (Exhibit C):

a. it was not the intent of Ourso to dedicate any portion of the Ourso Property to the Parish for any purpose whatsoever, including, without limitation, pipelines, private access roads, servitudes, other rights of way, or other proper purpose for the general use of the public; and further

b. it was not the intent of the Parish to receive and/or accept the dedication of any portion of the Ourso Property for any purposes whatsoever, including, without limitation, pipelines, private access roads, servitudes, other rights of way, or other proper purpose for the general use of the public; and

c. therefore, to the extent necessary and to further remove any doubt by and between Ourso and the Parish, if a dedication is deemed to have occurred, then Ourso does hereby rescind and the Parish does hereby abandon and cancel, and to the extent possible, revoke, any and all dedications made to it on the January 2023 Resub Map (Exhibit B) and March 2023 Resub Map (Exhibit C), less and except those rights previously dedicated to and/or owned by the Parish.

3. All of the private roads, servitudes, and/or rights of way that are shown on any Resubdivision Plats are and shall remain private unless specifically dedicated in the future by the then Ourso Property owner, and/or its successors or assigns, or otherwise agreed to by virtue of this Resolution.

4. That despite 2 and 3 above, Ourso does hereby acknowledge the grant to the Parish of a servitude of passage over and across any private road(s) shown on the January 2023 Resub Map (Exhibit B) and March 2023 Resub Map (Exhibit C) for access to and maintenance/improvement/extension of any Parish drainage and/or utility servitudes depicted thereon, which is hereby acknowledged to have been accepted by the Parish, with the parties further acknowledging that the Parish shall not be responsible for the maintenance of the private road(s) shown on the January 2023 Resub Map (Exhibit B) and March 2023 Resub Map (Exhibit C) in connection with their use or nonuse of the servitude of passage.

5. This purpose of this Resolution is to conform to the true intent of Ourso and the Parish, and the Parish hereby authorizes and instructs the Clerk of Court and Recorder for West Baton Rouge Parish, Louisiana, to record and index this Resolution in the records of the Clerk of Court of West Baton Rouge Parish, Louisiana.

NOW THEREFORE BE IT FURTHER RESOLVED, to the extent that prior resolutions or acts of this Council which conflict with this resolution, those prior resolutions and actions are superseded by this resolution.

NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that 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 of this resolution which can be given effect without the invalid provisions, items, or applications of this resolution are hereby declared severable.

THE FOREGOING RESOLUTION, AFTER PUBLIC HEARING, WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER KENNETH GORDON, WHICH WAS SECONDED BY COUNCIL MEMBER KATHERINE ANDRE, AND A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:

YEAS: 7 (MRS. ANDRE, MESSRS. GORDON, BABIN, WALKER, DENSTEL, HOTARD, JOSEPH)

NAYS: 0 (NONE)

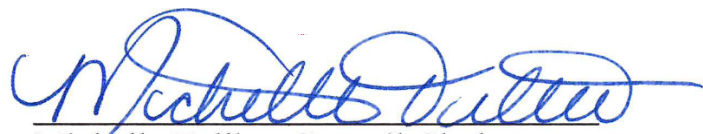
ABSENT: 2 (MESSRS. ALLAIN, CROWE)

ABSTAIN: 0 (NONE)

WHEREUPON, the Resolution was declared adopted on the _____ day of February, 2024.

CERTIFICATE

I, Michelle Tullier, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is true and correct copy of a resolution adopted by said body at its Regular Meeting of February 8, 2024 at which meeting a majority of the members were present and voting


Michelle Tullier, Council Clerk