



# MUNICIPAL SERVICES CENTER

6703 Sullivan Road ♦ Central, Louisiana 70739 ♦ p: 225-262-5000 ♦ f: 225-262-5001

## MEMORANDUM

TO: Planning Commission

FROM: Woodrow Muhammad AICP, Planning and Zoning Director

SUBJECT: **SS-5-14 SUBDIVISION OF TRACT B-2 OF THE OWEN M. SPIVEY PROPERTY**

LOCATION This property is located at 15273 Frenchtown Road near the Chaumont Avenue intersection in Section 51, T6S, R2E, GLD, EBR, LA.

MASTERPLAN LAND USE	Rural/Agriculture, Restricted Greenspace, Conservation
PRESENT ZONING	Rural
LOT ID NUMBER	630210301, 630210359
ENGINEER/LAND SURVEYOR	Stephen LaCour
APPLICANT	Stephen LaCour

## STAFF COMMENTS

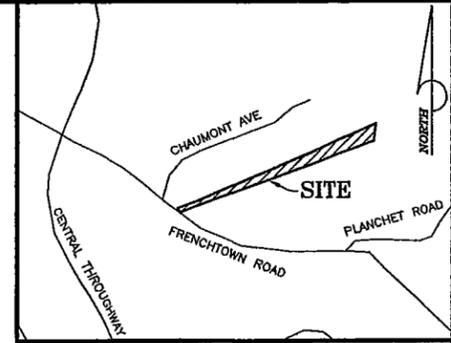
1. **Size** of subject property is approximately 15.29 acres.
2. **Background** The applicant is proposing to subdivide one tract into two and dedicate an existing private servitude of access with existing structures for single family residential land use. The owner was in the process of refinancing the property and was advised by an attorney that Tract B-2-B was not a legal lot without approval from the Planning Commission. Tract B-2-A and B-2-B are in our GIS parcel data as shown and designated which suggest that it may have been approved through the proper procedure. However, based upon a legal opinion, **(See Attachment A)** our parcel information is insufficient to prove that the lot was legally approved through the proper process without a signed plat approved by the Planning Commission.
3. **Access** Public Road and Private Servitude of Access
4. **Master Plan Statement** The subject property is designated as Rural/Agriculture. The proposed use is consistent with the Master Plan.
5. **Planning Commission Staff Recommendation** The Staff recommends to approve the subdivision.
6. Scheduled for Planning Commission Meeting on **March 27, 2014**.



BASE BEARING: S70°06'00"W (REF. #1)  
 FLOOD ZONE: "AE" BASE FLOOD ELEVATION: 47.0'  
 F.E.M.A. F.I.R.M. PANEL NO. 220060 0260 E DATE: 5/2/08

**STORMWATER MANAGEMENT:**  
 AS PART OF CONSTRUCTION, IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO COMPLY WITH STORMWATER MANAGEMENT AND DRAINAGE REQUIREMENTS SET FORTH IN SECTION 15.13 OF THE UNIFIED DEVELOPMENT CODE, LATEST REVISION.

**SEWAGE DISPOSAL:**  
 NO PERSON SHALL PROVIDE A METHOD OF SEWAGE DISPOSAL, EXCEPT CONNECTION TO AN APPROVED SANITARY SEWER SYSTEM, UNTIL THE METHOD OF SEWAGE TREATMENT AND DISPOSAL HAS BEEN APPROVED BY THE STATE BOARD OF HEALTH.



**REFERENCE:**

1. RESUBDIVISION MAP OF TRACT B-2 INTO B-2-A & B-2-B, BY DON RAY SCHMIEDER, P.L.S., DATED 7/28/1987, (ORIG. 660/BNDL. 9948.)
2. RESUBDIVISION MAP OF TRACTS B-1-1 & B-1-2 INTO B-1-1-A & B-1-2-A, BY DON RAY SCHMIEDER, P.L.S., DATED 5/14/1990 AND REVISED THRU 12/5/2005 (ORIG. 348/BNDL. 11793)
3. MAP SHOWING EXCHANGE OF PROPERTY OF TRACT B-1-2-A-1 & B-1-2-A-2 INTO B-1-2-A-1-A & B-1-2-A-2-A OF THE W.C. SMITH PROPERTY BY RUSSEL L. MISTRIC, P.L.S., DATED 10/4/2010 (ORIG. 850/BNDL. 12274)

**GENERAL NOTES:**

TOTAL LOTS: 2  
 TOTAL AREA: 15.292 ACRES  
 ZONING: RURAL  
 COMPREHENSIVE LAND USE: RURAL/AGRICULTURE  
 WATER: EBR PARISH  
 ELECTRICITY: DEMCO  
 GAS: DISTRICT GAS #1  
 TELEPHONE: AT & T  
 SEWER: (OUTSIDE C.S.D.) INDIVIDUAL PRIVATE TREATMENT SYSTEMS  
 OPEN EFFLUENT DITCHES ARE PREDOMINANT IN THIS AREA.  
 SCHOOL DISTRICT: CENTRAL COMMUNITY SCHOOL SYSTEM DISTRICT 1  
 FIRE DISTRICT: CENTRAL FIRE DISTRICT

**CONTOURS FROM QUAD MAP**

A WETLANDS INVESTIGATION WAS NOT REQUESTED AND IS NOT A PART OF THIS SURVEY.

THIS FIRM WAS NOT CONTRACTED TO PERFORM A COMPLETE TITLE ABSTRACT OF THE PROPERTY SHOWN HEREON. BE AWARE THAT SERVITUDES SHOWN HEREON WERE TAKEN FROM REFERENCE DATA AND THAT OTHER SERVITUDES, ENCUMBRANCES OR RESTRICTIONS, EITHER VISIBLE OR NOT VISIBLE, MAY AFFECT THE SUBJECT PROPERTY.

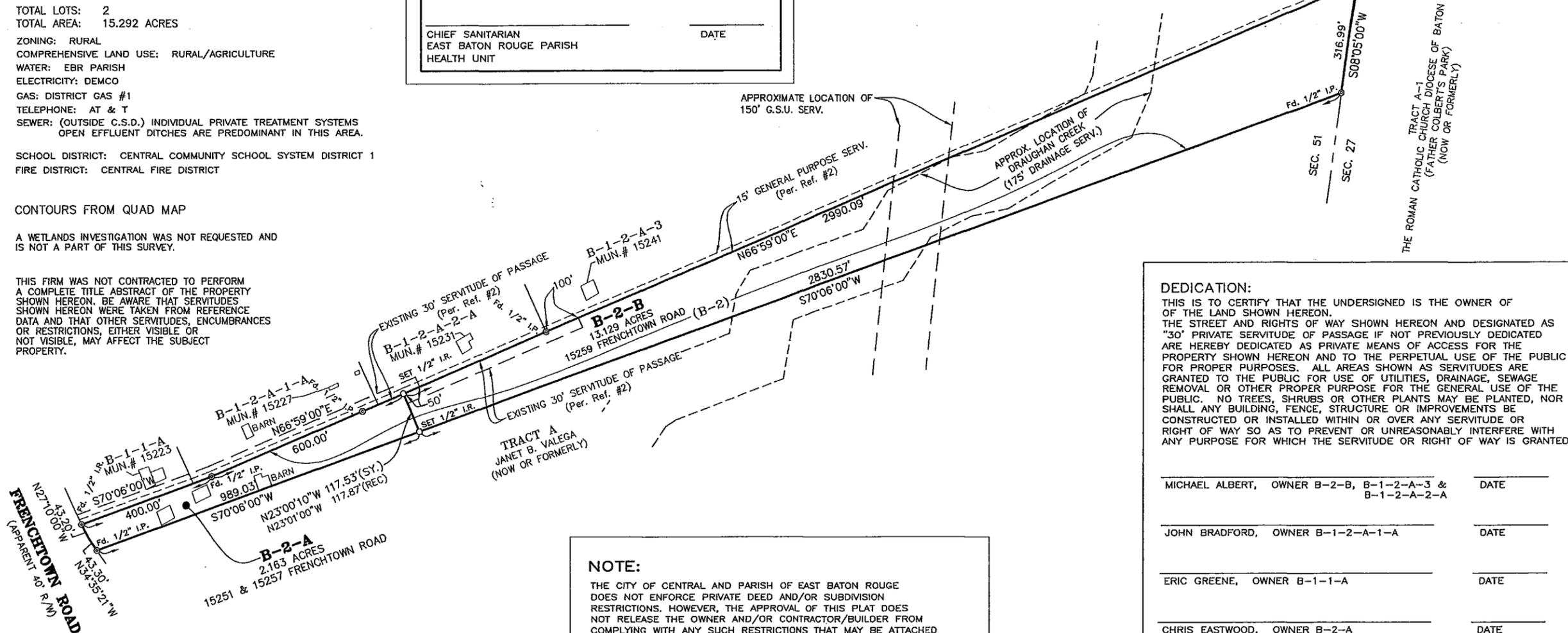
OPEN EFFLUENT DITCHES ARE PREDOMINANT IN THIS AREA. ACCORDING TO HEALTH DEPARTMENT STANDARDS, PROPOSED RESIDENCES CONSTRUCTED ON THIS SITE SHALL BE A MINIMUM OF 24" ABOVE THE BOTTOM OF THE ADJACENT ROADSIDE DITCH. HOWEVER, FINAL DETERMINATION OF THE PROPOSED FLOOR ELEVATION SHALL BE DETERMINED ACCORDING TO PARISH ORDINANCES.

**RECOMMENDED FOR APPROVAL:**

CHIEF SANITARIAN \_\_\_\_\_ DATE \_\_\_\_\_  
 EAST BATON ROUGE PARISH HEALTH UNIT

POINT OF BEGINNING (P.O.B.) IS S08°05'00"W, 1268.91' FROM THE NW CORNER OF SEC. 22, T6S-R2E. (PER REF. # 2)

**VICINITY MAP**  
 SCALE: 1" = 2000'



**DEDICATION:**  
 THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND SHOWN HEREON. THE STREET AND RIGHTS OF WAY SHOWN HEREON AND DESIGNATED AS "30' PRIVATE SERVITUDE OF PASSAGE IF NOT PREVIOUSLY DEDICATED ARE HEREBY DEDICATED AS PRIVATE MEANS OF ACCESS FOR THE PROPERTY SHOWN HEREON AND 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.

MICHAEL ALBERT, OWNER B-2-B, B-1-2-A-3 & B-1-2-A-2-A	DATE
JOHN BRADFORD, OWNER B-1-2-A-1-A	DATE
ERIC GREENE, OWNER B-1-1-A	DATE
CHRIS EASTWOOD, OWNER B-2-A	DATE

**NOTE:**  
 THE CITY OF CENTRAL AND PARISH OF EAST BATON ROUGE DOES NOT ENFORCE PRIVATE DEED AND/OR SUBDIVISION RESTRICTIONS. HOWEVER, THE APPROVAL OF THIS PLAT DOES NOT RELEASE THE OWNER AND/OR CONTRACTOR/BUILDER FROM COMPLYING WITH ANY SUCH RESTRICTIONS THAT MAY BE ATTACHED TO THE PROPERTY ON THIS PLAT.

THE APPROVAL OF THIS PLAT OR MAP DOES NOT RELIEVE THE IMMEDIATE PROPERTY OWNER OR FUTURE PROPERTY OWNER FROM COMPLYING WITH ALL APPLICABLE FEDERAL, STATE AND CITY-PARISH LAWS AND ORDINANCES GOVERNING THE SALE AND DEVELOPMENT OF THE PROPERTY. IN PARTICULARLY, NO FILLING OF THE PROPERTY SHALL BE COMMENCED UNTIL ALL APPLICABLE PROVISIONS OF THE DEVELOPMENT CODE ARE ADDRESSED

**APPROVED:**  
 CITY OF CENTRAL

PLANNING AND ZONING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 CHIEF ADMINISTRATIVE OFFICER TO THE MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

**MAP SHOWING SURVEY & RESUBDIVISION**  
 OF  
**B-2 of the former & current Owen N. Spivey Property**  
 INTO  
**B-2-A & B-2-B**  
 LOCATED IN SECTION 51, T6S-R2E  
 GREENSBURG LAND DISTRICT  
 EAST BATON ROUGE PARISH, LOUISIANA  
 FOR  
**MICHAEL ALBERT**

**CERTIFICATION:**  
 THIS IS TO CERTIFY THAT THIS MAP IS MADE IN ACCORDANCE WITH LOUISIANA REVISED STATUTES 33:5051 AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND. THIS MAP IS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS FOR CLASS "C" SURVEYS AND IT WAS THE INTENT TO SUBDIVIDE THE TRACT INTO THE PLATTED SUBDIVISION.  
 THIS CERTIFICATION IS SPECIFICALLY RESTRICTED TO THE CLIENT FOR THE REQUIRED SUBDIVISION OF PROPERTY ONLY, AND DOES NOT EXTEND TO THIRD PARTIES UNLESS THE PLAT IS PROPERLY REVISED BY THE CERTIFIER TO REFLECT SAME.

*F. Dewitt Ladner*  
 F. DEWITT LADNER  
 PROFESSIONAL LAND SURVEYOR  
 REG. #4983  
 2/12/14  
 DATE



SS-5-14 REV. 3/18/14

**Woodrow Muhammad - IBTS**

---

**From:** Mark A.Balkin <mbalkin@hardycarey.com>  
**Sent:** Friday, June 29, 2012 8:33 AM  
**To:** Woodrow Muhammad - COC  
**Cc:** David Barrow - CoC  
**Subject:** RE: Central: Legal Lot: Staff Letter or Planning Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

David and Woodrow:

I've taken a look at the plats provided by Woodrow - and looked closer (magnified them) after our email exchange about the servitude of access.

This appears to be another situation where a proper subdivision was not performed. I don't know where the GIS database comes from, but the fact that the lot is shown on the GIS doesn't mean much by itself. Obviously, the attorney who was examining the title for the bank had a problem with the lack of documentary proof of the subdivision.

From my review of the plats, the one showing the creation of lot B-2-B (page 2) is the earlier document. It does not show any approval by an EBR official or the Planning Commission. Notably, it only purports to be a subdivision of lot B-2. It does not show any servitude of access to the purported lot B-2-B. The 30 foot servitude shown on lot B-1-1 does not extend far enough to provide access to B-2-B and there is no indication that this servitude serves any lot other than lot B-1-2 anyway.

The later plat (page 1) specifically states that it is a subdivision of lot B-1-1 and B-1-2 and changes nothing about lot B-2 (or how it may or may not have been subdivided). Further, the extension of the servitude does not indicate that it is a servitude for the benefit of lot B-2-B.

Based on these observations and the UDC provisions (and statute) regarding administratively approved subdivisions, I believe that Planning Commission must approve the subdivision. Further, I believe that there must be a document produced where the owners of the lots over which the access servitude crosses indicate that the servitude is for the benefit of lot B-2-B. This could be a map or statement previously recorded or it can be something that can be recorded now.

Mark A. Balkin  
1080 West Causeway Approach  
Mandeville, Louisiana 70471  
985.629.0750 (direct)  
985.629.0777 (main)  
985.629.0778 (fax)  
504.442.7257 (cell)  
mbalkin@hardycarey.com  
www.hardycarey.com

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-----Original Message-----

From: Woodrow Muhammad - COC [mailto:Woodrow.Muhammad@central-la.gov]  
Sent: Thursday, June 28, 2012 2:35 PM  
To: Mark A.Balkin; Woodrow Muhammad - COC  
Cc: David Barrow - CoC  
Subject: RE: Central: Legal Lot: Staff Letter or Planning Commission

Yes, it is shown on the one that has the Planning Commission approval.

Woodrow Muhammad  
Assistant Planning & Zoning Manager  
6703 Sullivan Road  
City of Central, LA 70739  
Phone: (225) 262-5000  
Cell: (225) 975-1570  
Fax: (225) 262-5001  
www.centralgov.com

-----Original Message-----

From: Mark A.Balkin [mailto:mbalkin@hardycarey.com]  
Sent: Thursday, June 28, 2012 2:12 PM  
To: Woodrow Muhammad - COC  
Cc: David Barrow - CoC  
Subject: FW: Central: Legal Lot: Staff Letter or Planning Commission

Woodrow:

I note in your email that you say there is a private servitude of passage.  
Is that shown on something? I do not see it on either page of the attachment.

Mark A. Balkin  
1080 West Causeway Approach  
Mandeville, Louisiana 70471  
985.629.0750 (direct)  
985.629.0777 (main)  
985.629.0778 (fax)

504.442.7257 (cell)  
mbalkin@hardycarey.com  
www.hardycarey.com

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-----Original Message-----

From: David Barrow - CoC [mailto:David.Barrow@central-la.gov]  
Sent: Thursday, June 28, 2012 11:45 AM  
To: mbalkin@hardycarey.com  
Subject: Central: Legal Lot: Staff Letter or Planning Commission

Mark:

You issued an opinion a couple of weeks ago on a similar manner. Can you review Woodrow's email and give me your opinion on this one?

David Barrow  
Chief Administrative Officer  
City of Central  
13421 Hooper Rd Ste 9  
Central, LA 70818-2900  
(Office) 225-261-5255  
(Cell) 225-200-8701  
www.centralgov.com  
Please note that my email has been changed to David.Barrow@central-la.gov

Please consider the environment before printing this email. Geaux Green.

---

From: Woodrow Muhammad - COC  
Sent: Thursday, June 28, 2012 11:41 AM  
To: David Barrow - CoC  
Cc: oompa7@yahoo.com  
Subject: Legal Lot: Staff Letter or Planning Commission

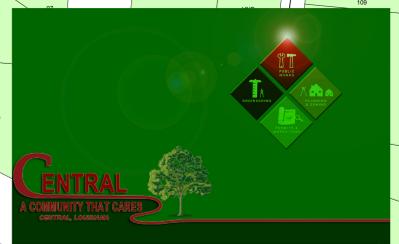
David,

As discussed, a property owner is in the process of refinancing his property and has been advised by an attorney that Tract B-2-B is not a legal lot because no one has been able to find a plat with Planning Commission approval. (See page 2 of pdf has no signature block from Planning Commission) As we understand, in order for a lot or tract to be legal it must be approved by the Planning Commission or administratively as stated in the U.D.C. However, Tract B-2-B is in our GIS parcel data as shown and designated. This suggest to me that it has been approved through the proper procedure. Tract B-2-B has the required frontage or access via private servitude of passage and meets minimum lot requirements. The question is should the owner have to submit an application and survey to the Planning Commission or will a letter from Staff stating that the tract is a legal lot of record due. I am of the opinion that the latter should suffice.

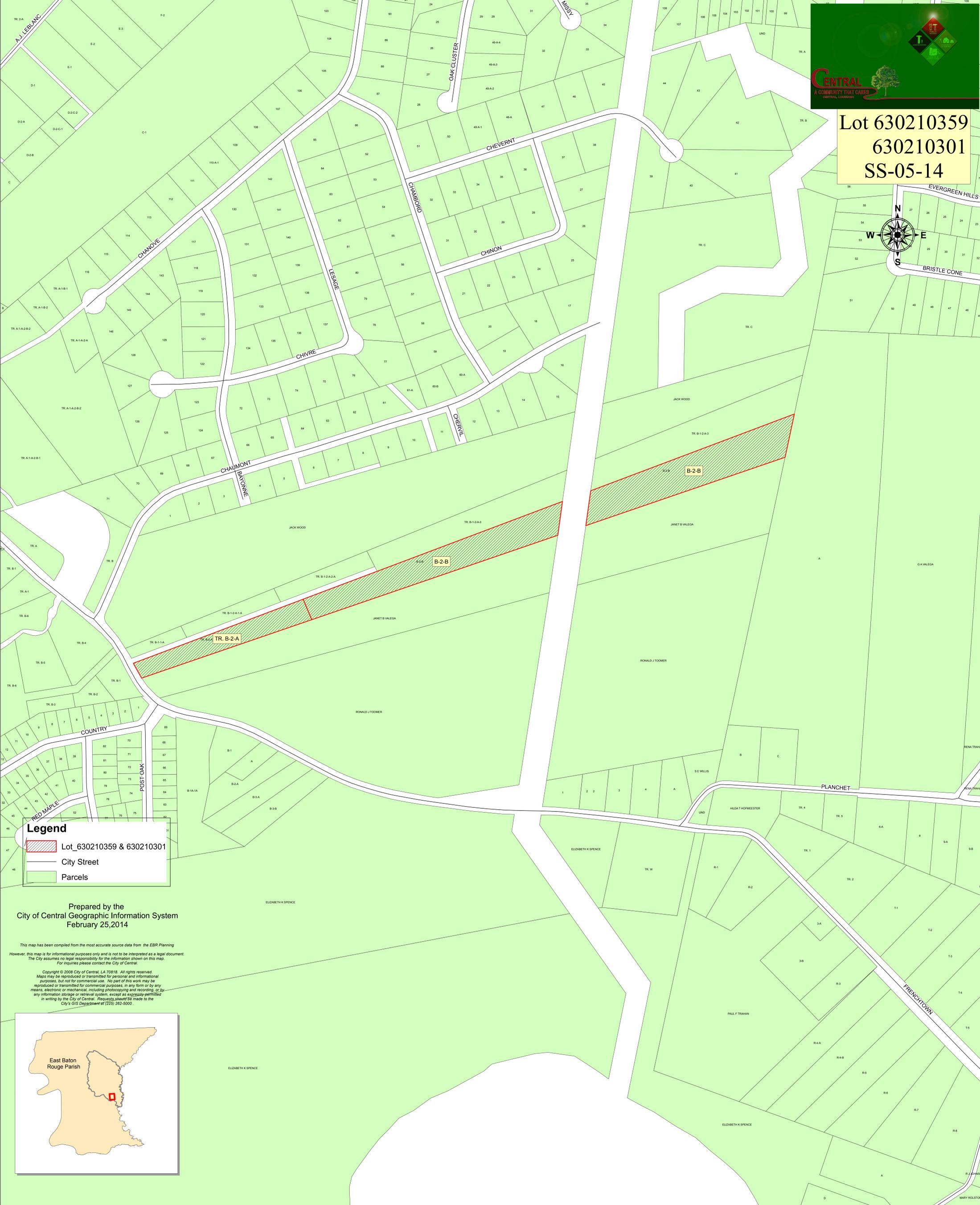
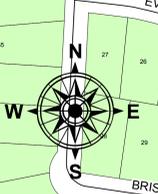
Please forward to Mark for his legal opinion.

Thanks!!

Woodrow Muhammad  
Assistant Planning & Zoning Manager  
6703 Sullivan Road  
City of Central, LA 70739  
Phone: (225) 262-5000  
Cell: (225) 975-1570  
Fax: (225) 262-5001  
[www.centralgov.com](http://www.centralgov.com)



Lot 630210359  
630210301  
SS-05-14



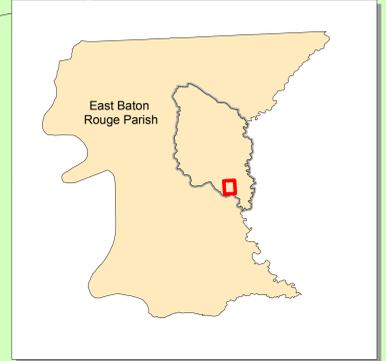
**Legend**

- Lot\_630210359 & 630210301
- City Street
- Parcels

Prepared by the  
City of Central Geographic Information System  
February 25, 2014

*This map has been compiled from the most accurate source data from the EBR Planning. However, this map is for informational purposes only and is not to be interpreted as a legal document. The City assumes no legal responsibility for the information shown on this map. For inquiries please contact the City of Central.*

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# PUBLIC HEARING

## CITY OF CENTRAL

### PLANNING & ZONING BOARD

Date: MARCH 27, 14 Time: 6pm

Location: Kristenwood 14025 Greenwell Springs Rd.

Case Number: SS-5-14

**REQUEST TO REZONE**

FROM: \_\_\_\_\_

TO: \_\_\_\_\_

**OTHER REQUEST**

SUBDIVISION OF TWO LOTS

For More Information Contact  
City of Central 262-5000

03/05/2014 12:06