



Item 12.A.3
Section 17-4050, Servitude Revocation



Appendix IV – Subdivision Requirements

17-4050. – Servitude revocation.

Commentary: This section was largely carried forward as-is, with minor modifications for clarity. We added a new paragraph 'E' to require plat notes to reflect any revoked servitudes.

- A. On individual lots that are not part of a major subdivision, if a property owner desires that an existing utility, drainage or all-purpose servitude be relocated, reduced in size or eliminated completely, an application shall be submitted to the Planning Commission for review and recommendation to the Parish Council.
1. At the time of filing the application with the Planning Commission, the applicant shall submit to the Department of Public Work~~Office of Planning and Development~~ a plat showing the existing utility or drainage servitude and the proposed relocation or re-shaping, if necessary, together with a written request giving the reasons supporting such revocation, re-shaping or relocation.
 2. The applicant shall submit to the Office of Planning and Development a fee to cover the cost of processing the application, together with all legal instruments, ordinances, etc., necessary to complete the revocation, reshaping or relocation. All of the legal instruments, ordinances, etc., ~~must-shall~~ be approved by the Parish Attorney, and the applicant shall supply such other information as may be deemed necessary by the Parish Attorney or the Office of Planning and Development.
 3. The applicant shall include with the application to the ~~O~~office of Planning and Development, copies of the letter(s) of no objection to be included with the request to the Planning Commission and Parish Council.
- B. The Office of Planning and Development shall review the application and the letter(s) of no objection and determine to which of the following categories the servitude revocation, re-shaping or relocation applies:
1. Category 1: Unused Servitude.
 - a. If the Office of Planning and Development ~~Department~~ determines that the servitude has not been used for a period of time equal to or greater than 15 years, then the request ~~is-shall be~~ automatically approved by the Planning Commission and shall be sent to the Parish Council for an introduction of an ordinance to revoke or relocate the servitude.
 2. Category 2: Unneeded Servitude.
 - a. If the Office of Planning and Development ~~Department~~ determines that the servitude is not needed, based on input from the Parish Engineer and by receipt of letters of no objection from all of the interested parties, then the request ~~is-shall be~~ automatically approved by the Planning Commission, and shall be sent to the Parish Council for an introduction of an ordinance to revoke or relocate the servitude.
 3. Category 3: Reduction-in-size_ or Rrevision to applicant request~~Servitude~~.
 - a. If the Office of Planning and Development ~~Department~~ determines that the servitude is still needed, may be reduced in size or otherwise different than what the applicant requested, based on input from the Parish Engineer and by receipt of letters of no objection or letters of objection, then the request shall be submitted to the Planning Commission for review and recommendation to the Parish Council.
- C. ~~If the Director of the Drainage Department issues a letter of objection to the revocation, however, states in the letter that a hold harmless agreement could be signed by the property owner, thereby allowing an~~



~~existing encroachment to remain until any drainage improvements need to be made, then that agreement needs to be presented to the relevant Drainage Board for their approval. No further public hearings before the Planning Commission or Parish Council are necessary.~~

~~D.C.~~ In cases where the application falls into category 3 above, the Planning Commission shall review the application, the letters of objection and/or no objection and hold a public hearing. The Planning Commission shall make a recommendation to the Parish Council on the application.

- ~~1. There shall be no advertising, adjacent property notification or property posting requirements for a~~There shall be no public noticing requirements for a servitude revocation request hearing to appear before the Planning Commission.

~~D.~~ The Office of Planning and Development shall send the recommendation from the Planning Commission to the Parish Council for an ~~i~~ntroduction of the ~~O~~ordinance.

~~E.~~ Revoked servitudes shall be noted on any applicable plats. The note shall include the effective date and the ordinance number.

~~F.~~ Major subdivisions, having an approved drainage study, shall be exempt from requirements A through D above, and shall add the following note on the final plat:

"UPON APPROVAL AND RECORDATION OF THIS PLAT, ALL SERVITUDES PREVIOUSLY AFFECTING THE PROPERTY DESCRIBED BY THIS PLAT ARE DEEMED REVOKED AND SAID SERVITUDES SHALL NOW EXIST AS SHOWN BY AND EVIDENCED ON THIS PLAT."

(SR07-01, 1/18/07; DC09-09, 12/17/09; SR13-1, 3/19/13, <<insert ordinance #, date>>)