

OFFICIAL PROCEEDINGS
ST. MARY LEVEE DISTRICT
REGULAR MEETING

JUNE 9, 2022
FRANKLIN, LA

The St. Mary Levee District (“SMLD”) met on this date with President William Hidalgo, Sr., presiding and the following board members present: J.P. Hebert, Kenny Arceneaux, Will Terry, Daniel Lipari, Andrew Mancuso, Norris Crappell and with Luther Smith and Mike Ortiz absent.

Also present: Tim Matte, St. Mary Levee District Executive Director; Michael Brocato, Operations Manager; William Bourgeois; Gerard Bourgeois; Nicole Cutforth, APTIM; Robert Karam, T. Baker Smith; Reid Miller, Miller Engineers; Jerry Carroll, CPRA; and members of the public.

Mr. Terry moved to dispense with the reading and to approve the May 12 regular monthly minutes. After a second by Mr. Hebert, the motion carried unanimously.

Mr. Arceneaux presented the payables report, which Mr. Hebert moved to approve. Following Mr. Crappell’s second, the motion carried unanimously.

Mr. Matte also presented the Statement of Revenues by sources and Summary of Expenditures of the St. Mary Levee District.

Mr. Matte reported that during the month of May CPRA completed a survey on the Levees West of Charenton.

Mr. Jerry Carroll of CPRA also reported that other than financial contributions for the study of the Levees West of Charenton his office has been collecting the survey data that will feed into the models.

Mr. Reid Miller of Miller Engineers reported that contractors are 79% complete on the Yokely Levee Extension Project. Mr. Miller stated the levees are at design grade with the exception of one small section which the contractors are working on now.

Mr. Robert Karam with T. Baker Smith reported his office is evaluating potential design alternatives along the proposed project alignment based on the latest geotechnical analysis for the Lakeside Flood Protection project. Mr. Karam stated that his office met with SMLD and FEMA to review design concepts and they also met with lakefront landowners.

Mr. Karam stated that the contractor is 90% complete with the installation of the permanent sheet pile in the sump for the Morgan City Pump Station Project. Mr. Karam stated that the contractors are currently working on cofferdam installation to begin structural excavation on the project.

Nicole Cutforth with APTIM reported high water conditions affected the completion of the upper sockets and will be addressed at a later date with lower water conditions on Phase 3 (Floodgate). Ms. Cutforth also reported a final substantial completion inspection walk through was today. Ms. Cutforth stated the substantial completion walk through for Phase 4B portion of the project was also conducted today. Ms. Cutforth reported the contractors are currently installing the conduit for wiring on the north seawall for Phase 5 (Electrical) of the project.

Mr. Matte reported the USACOE has recently asked for a right of entry to begin the repair work on floodwall leakage in the vicinity of 2nd Street in Morgan City to address the drainage in that area.

Mr. Arceneaux moved to authorize the approval of Change Order 11 (Final and Balancing) for Phase 2 of the Bayou Chene Project. After a second by Mr. Crappell the motion carried unanimously.

Mr. Hebert moved to authorize the approval of Change Order 1 for Phase 5 of the Bayou Chene Project. After a second by Mr. Mancuso the motion carried unanimously.

Mr. Arceneaux moved to authorize the Daily Review as the official journal for SMLD. After a second by Mr. Crappell the motion carried unanimously.

Mr. Mancuso moved to authorize the approval of Change Order 2 for Phase 4B of the Bayou Chene Project. After a second by Mr. Hebert the motion carried unanimously.

Mr. Arceneaux moved to authorize approval of final acceptance of Phase 3 of the Bayou Chene project subject to a legal review of the pricing on the outstanding punch list items. After a second by Mr. Hebert the motion carried unanimously.

Mr. Terry moved to authorize engaging T. Baker Smith for the West St. Mary Hydraulic Study. After a second by Mr. Mancuso the motion carried unanimously.

Mr. Arceneaux moved to authorize Mr. Hidalgo to sign appropriate Right-of-Way with Avoca for electrical line which runs from the tank battery to the barge along the present right of way and/or authorize Bourgeois Law to expropriate the property. After a second by Mr. Mancuso the motion carried unanimously.

WHEREAS, in accordance with *La. R.S. 38:329.3*, the St. Mary Levee District's Board of Commissioners is vested with the management and control of the District, including the authority to establish, construct, operate and maintain flood control works as they relate to hurricane protection, tidewater flooding, saltwater intrusion and conservation;

WHEREAS, in light of past flooding including in 1973, 2011, 2016 and the continuing threat of backwater flooding, the Levee District developed the Bayou Chene Flood Protection Project (AT-0017), the completion of which is necessary for protection of several parishes and the acquisition of nearby land is necessary and proper;

WHEREAS, pursuant to state laws, including but not limited to *La. R.S. 38:329.3 (F)* and *La. R.S. 38:351*, for flood and hurricane protection purposes, the District may acquire property by expropriation prior to judgment for fair market value;

WHEREAS, the Board of Commissioners has determined that the facts and circumstances relative to property in the vicinity of the planned Bayou Chene Flood Protection Project, including but not limited to the inability of the District to amicably acquire ownership in the expedient manner required herein, makes it necessary and useful that the District expropriate certain properties which are necessary for permanent construction of the Bayou Chene Flood Protection Project;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the St. Mary Levee District finds and determines as follows:

The public interest, convenience and necessity require the acquisition of a servitude and easement for the purpose of constructing, maintaining, repairing, operating and using, as the District may see fit, a public improvement for flood control and related purposes in, through, along and under certain real property subsequently described. The public improvement is described as follows:

Generally, the proposed flood protection system (Bayou Chene Flood Protection Structure) begins near the Bayou Boeuf locks with approximately 7 miles of levee reaches extending to the proposed structure on the Bayou Chene. On the east bank of Bayou Chene, another levee reach extends down Tabor Canal for approximately 1 mile, with three additional levees/structures at pipeline crossings and the canal's end. This entire system will protect the eastern St. Mary Parish area, portions of Terrebonne, Lafourche, Assumption, and lower St. Martin Parishes, from backwater flooding threats at times of high water in the Atchafalaya River.

The use to which the real property is to be applied is for the public improvement referred to as above; such use is a public use authorized by law;

The interest subsequently set forth in the real property is necessary to and for the public use, and the taking of the interest in the real property is necessary to secure and to enforce such public use;

The public improvement is planned and located in a manner which will be most compatible with the greatest public good and the least private injury;

It is further resolved by this Board that the St. Mary Levee District acquire by expropriation in accordance with the Louisiana laws relating to eminent domain, for the uses and purposes of the public improvement a permanent servitude of right of use, easement and right-of-way for the installation, construction, development, operation, maintenance, repair and/or replacement of an electric distribution line and other utilities, together with all necessary service poles and appurtenances, over, under and across the following described property(ies):

That certain tract or parcel of land situated in St. Mary Parish, State of Louisiana, in Sections 35, 36,45 & 47, T16S-R13E and Sections 1, T17S-R13E, containing 25.4 acres (herein the "Servitude Area") running along Avoca Road from Station 250+00 to Station 334+16 and thence along the Borrow Canal Levee to its terminus with Bayou Chene, running a total project length of 18,061 feet and more particularly described and fully shown on the right-of-way map or plat titled "St. Mary Levee District Bayou Chene Phase 5", prepared by APTIM ENVIRONMENTAL & INFRASTRUCTURE, LLC, dated March 25, 2022, bearing its Project No. 14583904 and labeled 5G-001 through 5G-004.

It is further resolved that Bourgeois Law, LLC, counsel for this District, is authorized and directed to commence and maintain any action(s) or proceeding(s) in eminent domain in the 16th Judicial District Court of Louisiana, in and for St. Mary Parish, against any and all necessary and proper parties for the purpose of expropriating and acquiring the interest in the real property described above, for the uses and purposes stated above, and to take all steps necessary for such acquisitions and/or expropriation in the name of the District. To the extent that any landowner transfers the requisite real property described above prior to filing for expropriation, William Hidalgo, Sr., President, be and is authorized and directed to execute on behalf of the District all corresponding agreements with landowners concerning the above described properties.

It is further resolved that, in any action or proceeding, petition(s) may be made through such court in the manner provided by law for an order authorizing and permitting the District to take immediate possession of and to use the interest in real property for the public improvements, uses and purposes.

It is further resolved that the District deposit in the court in connection with such proceedings on such application for immediate possession, out of any funds or funds under the control of the board available for such uses or purposes, such amounts of money as the court may direct and determine to be reasonably adequate to secure the owner or owners of such interest in real property and premises so sought to be taken, just compensation and damages for the taking and as otherwise provided by law in such actions and proceedings.

BE IT FURTHER RESOLVED, William Hidalgo, Sr., President, be authorized and directed to do any and all act and things necessary, proper, or that may be required to carry out and accomplish the transactions contemplated in regard to the above mentioned project, including all necessary actions to expropriate the required servitudes, easements and rights of ways.

Mr. Hidalgo asked for further comments and did not receive any. Mr. Terry moved for adjournment, which was seconded by Mr. Crappell carried unanimously.

Attest:

Kenneth Arceneaux Jr., Secretary/Treasurer
St. Mary Levee District