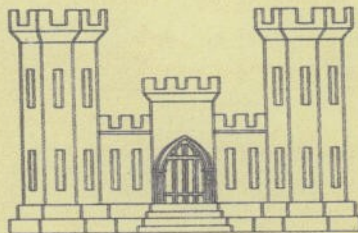


**FLOOD CONTROL  
MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES**

**ITEM M-23.2-R  
BURAS-TRIUMPH  
LEVEE ENLARGEMENT**

**PLAQUEMINES PARISH, LOUISIANA  
RELOCATION OF FACILITIES  
DESIGN MEMORANDUM NO. 10**



**DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
NEW ORLEANS, LOUISIANA**

**MAY 1973**

**Serial No. 29**



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160

LMNED-MR

31 May 1973

SUBJECT: Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-23.2-R, Buras-Triumph Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities, Design Memorandum No. 10

President  
Mississippi River Commission  
ATTN: LMVED-TD

1. The subject design memorandum is submitted herewith for review in accordance with the provisions of ER 1110-2-1150 dated 1 October 1971.
2. Approval of the subject design memorandum is recommended.

1 Incl  
DM No. 10 (11 cys)

A handwritten signature in cursive script that reads "Richard L. Hunt".

RICHARD L. HUNT  
Colonel, CE  
District Engineer

STATUS OF DESIGN MEMORANDUMS

<u>Design Memo No.</u>	<u>Title</u>	<u>Actual (A) or Scheduled (S) Submission Date</u>
1	Flood Control, Mississippi River and Tributaries, Item M-25.0-R, Buras Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	23 Nov 70 (A)
2	Flood Control, Mississippi River and Tributaries, Item M-26.0-R, Upper Buras Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	21 Jan 71 (A)
3	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-14.9-R, Commander Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	11 Jun 71 (A)
4	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-10.7-R, Venice Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	6 Apr 71 (A)
5	Lower Red River - South Bank Red River Levees, Item R-117.0-R (1957 Mileage), Levee Enlargement, Rapides-Cotton Bayou Levee, Rapides Parish, Louisiana, Relocation of Facilities	22 Jan 71 (A)
6	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-31.3-R, Tropical Bend Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	30 Mar 71 (A)
7	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-10.4-R, Lower Venice Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	27 Aug 71 (A)

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Actual (A) or Scheduled (S) Submission Date</u>
8	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-18.9-R, Fort Jackson-Boothville Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	30 Nov 72 (A)
9	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-21.5-R, Childress Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	23 Sep 71 (A)
10	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-23.2-R, Buras-Triumph Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	31 May 73 (A)
11	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-55.3-R, Upper Junior Levee Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	21 Jun 71 (A)
12	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-51.0-L, Gravolet Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	14 Sep 72 (A)
13	Flood Control, Mississippi River and Tributaries, Lower Red River - South Bank Red River Levees, Item R-123.5-R (1957 Mileage), Scott Home-Bertrand Levee Enlargement, Rapides Parish, Louisiana, Relocation of Facilities	15 Sep 72 (A)

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Actual (A) or Scheduled (S) Submission Date</u>
14	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-96.9-R, Amelia Street Levee, Jefferson Parish, Louisiana, Relocation of Facilities	31 Aug 71 (A)
15	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-41.7-R, Port Sulphur Levee Enlargement and Setback, Plaquemines Parish, Louisiana, Relocation of Facilities	Jan 74 (S)
16	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-33.4-R, Nairn Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	Apr 74 (S)
17	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-37.7-R, Homeplace Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	5 Jan 73 (A)
18	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-57.7-R, Myrtle Grove Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	31 Jan 73 (A)
19	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-28.0-R, Empire Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	Jul 73 (S)

STATUS OF DESIGN MEMORANDUMS (cont'd)

<u>Design Memo No.</u>	<u>Title</u>	<u>Actual (A) or Scheduled (S) Submission Date</u>
20	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-49.5-R, Woodland Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	Jul 73 (S)
21	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-47.2-R, Nolan Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	Jun 73 (S)
22	Flood Control, Mississippi River and Tributaries, Mississippi River Levees, Item M-45.0-R, Socola Levee Enlargement, Plaquemines Parish, Louisiana, Relocation of Facilities	28 Nov 72 (A)

FLOOD CONTROL  
MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
ITEM M-23.2-R  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
PLAQUEMINES PARISH, LOUISIANA  
RELOCATION OF FACILITIES  
DESIGN MEMORANDUM NO. 10

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PERTINENT DATA

General

Location.

The Buras-Triumph Levee Enlargement, item M-23.2-R, herein referred to as the Buras-Triumph reach, is located in Plaquemines Parish, Louisiana, on the west bank of the Mississippi River between stations 3029+65.03 and 3197+00 (approximate river miles 21.6 to 24.8 above the Head of Passes).

Purpose.

The project purpose is to increase MR&T grade and to increase free-board on the main line Mississippi River levees, thereby increasing flood protection.

Authorization.

The Flood Control Act of 15 May 1928 (P.L. 391, 70th Congress), as amended, provides authorization for the project.

Description.

The Buras-Triumph area of Plaquemines Parish is residential, commercial and industrial in nature. Extant flood protection is provided by a main line Mississippi River levee and a hurricane back levee. Realization of the project purpose in this area will be accomplished by enlarging the main line levee in an amount sufficient to achieve an average increase of 3.9 feet in crown elevation. This increase will require approximately 224,200 cubic yards of semi-compacted earth fill and 37.0 acres of fertilizing and seeding.

In earlier planning, the Buras-Triumph reach included a levee setback on the upriver end between levee stations 3024+76 and 3029+65.03. This setback has been separated from this levee reach in order to isolate a replacement road problem and to allow the balance of the reach to progress. The setback will be treated in a later design memorandum and will be constructed separate from the Buras-Triumph reach.

Local Assuring Agency.

The local assuring agency for item M-23.2-R is the Plaquemines Parish Commission Council, which is the governing body of the Buras Levee District.

TABLE 1 - PERTINENT DATA

Existing Facilities

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>OWNER</u>	<u>PLATE</u>	<u>DISPOSITION</u>
R-1	Gulftown Road	Plaquemines Parish	5-6	Relocate
P-1	34 KV powerline	Louisiana Power & Light	2-7	Relocate
T-1	Buried telephone cable	South Central Bell	5	Unaffected
T-2	Buried telephone cable	South Central Bell	5	Abandon
T-3	Buried telephone cable	South Central Bell	5	Abandon
T-4	Buried telephone cable	South Central Bell	5	Abandon
G-1	2" dia gas main	Delta Gas	5	Abandon
G-2	2" dia gas main	Delta Gas	6	Abandon
A-1	1 1/4" dia pipeline	M. Franicevich	2	Remove
A-2	1-4", 2-3", 1-2" and 1-3/4" dia pipelines	Fuel Service of Buras, Inc.	2	Remove
A-3	1" dia pipeline	Lease Service, Inc.	3	Remove
A-4	20" dia pipeline	Plaquemines Parish	4	Relocate
A-5	12" dia pipeline	Riverland Development	4	Remove
A-6	6" dia pipeline	A. Cognevich	4	Remove

TABLE 1 - PERTINENT DATA (cont'd)

<u>Existing Facilities</u>				
<u>ITEM</u>	<u>DESCRIPTION</u>	<u>OWNER</u>	<u>PLATE</u>	<u>DISPOSITION</u>
A-7	6" dia pipeline	H. B. Schoenberger	4	Remove
A-8	6" dia pipeline	H. Collette	7	Remove
A-9	6" dia pipeline	H. Collette	7	Remove
A-10	6" dia pipeline	E. Morel	7	Remove

1. PURPOSE OF DESIGN MEMORANDUM. This design memorandum is submitted in compliance with Part 3, Section LXXIII, ER 1180-1-1, dated 1 December 1969 and DIVR 1110-2-1, dated 29 January 1968. It establishes the necessity for the relocation of facilities and the legal obligations of the Government. It will provide the basis for reimbursing the Plaquemines Parish Commission Council for costs incurred in accomplishing the relocations described herein and as the basis for contracting with the State of Louisiana Department of Highways for the relocation of Gulftown Road.

2. PROJECT AUTHORIZATION.

a. Authorization. Authority for construction, enlargement, or improvement of main line Mississippi River levees, including berms, and thereby, for the Buras-Triumph Levee Enlargement project, is contained in the Flood Control Act of 15 May 1928 (Public Law 391, 70th Congress), as amended. Authority for Federal reimbursement of costs to local cooperating agencies incurred in the course of accomplishing the relocation of interfering facilities is contained in the Act of 23 April 1934 (Public Law 171, 73d Congress). Pursuant to the provisions of DIVR 1110-2-1, which implements the Flood Control Act of 1934, the relocation of public roads, highways, railroads, public utilities, and public pipelines as required for the construction of main line Mississippi River levees, will be accomplished at Federal expense.

b. Local Cooperation. The furnishing of rights-of-way for levee foundations and for levees except for levee setbacks, on the main stem Mississippi River is an obligation of local interests (see Section 3, Act of 15 May 1928).



3. AUTHORITY FOR ACCOMPLISHING RELOCATIONS. The authority for accomplishing the relocations necessitated by this project in the manner proposed herein, is provided by DIVR 1110-2-1. The authority and obligations of the Federal Government with respect to the affected facilities within the Buras-Triumph reach are as established in the attorney's reports which are attached as appendix I.

4. DESCRIPTION OF EXISTING FACILITIES AFFECTED BY THE PROJECT.

a. Existing Facilities Affected by the Levee Enlargement.

(1) Roads. Gulftown Road (see item R-1, plates 5 and 6), an existing two-lane, concrete paved Plaquemines Parish road, originates just upriver of the Buras-Triumph reach and is alined parallel to the existing levee between levee stations 3029+65.03 and station 3113+04. At station 3113+04, the road ramps up onto the crown of the levee and continues to termination at a point of intersection with East Gulftown Drive at levee station 3142+28. The most recent traffic count available for this road is provided by a 1966 traffic flow map as prepared for Plaquemines Parish roads by the Louisiana Department of Highways. This map indicates that the 24-hour annual average traffic count for Gulftown Road, as taken in the vicinity of levee station 3133+00, is on the order of 740 vehicles. This count supports a classification of Class 5 in the "C" System of the Louisiana Department of Highways' Minimum Design Standards for Rural Highways and Roads (see appendix II). While it is recognized

that a current traffic count might support a higher classification and a commensurate increase in design criteria for the replacement road, such an increase is not desired by local interests; therefore, the existing traffic count is considered sufficient and higher standards are not considered a project requirement. Gulftown Road, as it currently exists, was constructed in 1956; it is in excellent condition.

(2) Utilities.

(a) Louisiana Power and Light Company.

Louisiana Power and Light Company, a Florida corporation domiciled in Tallahassee, Florida, owns and operates item P-1, which will be dislocated by the levee construction. This item represents 17,183 linear feet of 34 KV distribution line which exists between stations 3029+65.03 and 3197+00 (see item P-1, plates 2-7), and 3,694 linear feet of various size local service lines, which branch off from the 34 KV line, throughout the reach. The local service lines are not shown on the plates. These Louisiana Power and Light Company facilities, designated as item P-1, average about 8 years in age and are in good condition. Field surveys have established that 71 percent of these facilities are located outside of the existing levee right-of-way and within the proposed levee right-of-way.

(b) Delta Gas, Inc. Delta Gas, Inc., a

Louisiana corporation domiciled in New Orleans, Louisiana, owns and operates item G-1 which will be dislocated by the levee construction.

Item G-1 represents 2,380 linear feet of 2-inch diameter gas distribution pipeline (see plate 5) alined generally parallel to and offset from the levee between stations 3109+20 and 3131+50, with numerous (a total of 120 linear feet) 1-inch diameter gas service lines (not shown) extending normal to and away from the levee. Of the lengths of pipe involved, 247 linear feet of the 2-inch diameter pipe are inside the levee right-of-way and all of the 2-inch diameter pipe and all of the 1-inch diameter service pipe are within the proposed project right-of-way. These facilities are approximately 5 years old and are in good condition.

(c) Plaquemines Parish owns and operates item A-4, a 20-inch diameter cast iron sewerage discharge pipeline, which is a part of the Buras Sewerage Treatment Plant. This pipeline, which crosses the levee at station 3079+52 (see item A-4, plate 4), was installed in 1966 and is in good condition.

(3) Others. The following privately owned facilities will be dislocated by the levee construction:

(a) Item A-1. Mr. Matthew Franicevich of Buras, Louisiana, owns a 1 1/4-inch diameter pipeline which crosses the levee at station 3037+12 (see item A-1, plate 2). This line provides water to a work shed on the batture and is in good condition.

(b) Item A-2. Fuel Service of Buras, Inc., of Buras, Louisiana owns one 4-inch, two 3-inch, one 2-inch and one 3/4-inch diameter pipelines which cross the levee at station 3039+30

(see item A-2, plate 2). These lines provide services to several boat sheds on the batture and are in good condition.

(c) Item A-3. Lease Service, Inc., of Buras, Louisiana owns a 1-inch diameter pipeline which crosses the levee at station 3060+62 (see item A-3, plate 3). This line provides water to a boat slip on the batture and is in good condition.

(d) Item A-5. Riverland Development Corporation of Buras, Louisiana owns a 12-inch diameter pipeline which crosses the levee at station 3087+51 (see item A-5, plate 4). This line serves as a water siphon for irrigation and is in good condition.

(e) Item A-6. Mr. Andrew Cognevich of Buras, Louisiana, owns a 6-inch diameter pipeline which crosses the levee at station 3102+15 (see item A-6, plate 4). This line serves as a water siphon for irrigation and is in good condition.

(f) Item A-7. Mr. H. B. Schoenberger of Buras, Louisiana, owns a 6-inch diameter pipeline which crosses the levee at station 3106+14 (see item A-7, plate 4). This line serves as a water siphon for irrigation and is in good condition.

(g) Items A-8 and A-9. Mr. Herbert Collette of Buras, Louisiana owns two 6-inch diameter pipelines which cross the levee at stations 3171+29 and 3178+00 (see items A-8 and A-9, plate 7).

These pipelines serve as siphons providing water for irrigating and spraying orange trees; the lines are in good condition.

(h) Item A-10. Mr. Emmett Morel of Buras, Louisiana, owns a 6-inch diameter pipeline which crosses the levee at station 3184+66 (see item A-10, plate 7). This line serves as a siphon for irrigation and is in good condition.

b. Existing Facilities Affected by the Relocation of Gulftown Road.

(1) South Central Bell Telephone Company. South Central Bell, a Delaware corporation domiciled in Wilmington, Delaware, owns the following facilities which will be dislocated by the road relocation; these facilities are located entirely outside of the existing levee right-of-way:

(a) Item T-2. This item represents 167 linear feet of 50 pair, 26 gauge cable, 50 linear feet of which will be dislocated by the project. This facility is located opposite station 3113+60, and is alined along the downriver side of E. Collins Drive (see item T-2, plate 5); it was installed in 1970 and is in good condition.

(b) Item T-3. This item represents 77 linear feet of 50 pair, 26 gauge cable, 21 linear feet of which will be dislocated by the project. This facility is located opposite station 3131+50 and is alined along the upriver side of Crest Street (see item T-3, plate 5); it was installed in 1969 and is in good condition.

(c) Item T-4. This item represents 156 linear feet of 50 pair, 26 gauge cable, 47 linear feet of which will be dislocated by the project. This facility is located opposite station 3131+90 and is alined along the downriver side of Crest Street (see item T-4, plate 5); it was installed in 1969 and is in good condition.

(2) Delta Gas, Inc. Delta Gas, Inc., owns item G-2 which will be dislocated by the road relocation. This item represents 50 linear feet of 2-inch diameter gas distribution pipeline and 30 linear feet of 1-inch diameter gas service pipeline located in the vicinity of station 3141+93 and alined along the upriver side of East Gulftown Drive (see item G-2, plate 6). The line is 5 years old and is in good condition; it is entirely outside the existing levee right-of-way and inside the proposed road right-of-way.

5. OWNER'S COMPENSABLE INTEREST.

a. General. The Chief of Engineers has furnished the following additional instructions to supplement ENGCW-OC letter, 13 September 1966, subject: Relocation of Facilities Required for Future Modification of Mississippi River Levees.

"a. ENGCW-OC letter, 13 September 1966, 'Relocation of Facilities Required for Future Modification of Mississippi River Levees,' remains in effect. However, Attorney Reports accompanying subsequent relocation design memoranda brought to light a special situation which was not specifically foreseen and addressed in the ENGCW-OC letter and which, if disregarded, would result in a very questionable use of Federal project funds to relieve nongovernmental ownerships of expenses that they might lawfully be required to pay. In order to avoid such questionable use of Federal project funds through

misunderstanding, the following is supplemental guidance for use in connection with the ENGCW-OC letter of 13 September 1966.

"b. When the existing project enjoys an enforceable right (now vested in the local governmental project sponsor) to have nongovernmental improvements relocated from the project right-of-way at the expense of the nongovernmental owner in the course of strengthening the existing levee along the present alignment, such relocation may not be performed at Federal project expense.

"c. In view of the ambiguities in the 13 September 1966 guidance, the position stated in this indorsement should be followed with respect to future commitments."

Accordingly, by LMNRE-A letter dated 22 December 1971, same subject, this district furnished to MRC a list of reaches which were considered to have been committed prior to receipt of the OCE supplemental guidance and which would not be in compliance with that guidance. The Buras-Triumph reach is considered to be a committed reach and is included in the list of committed reaches as furnished to MRC. The attorney's report, which considers the compensable interest of the owners of the facilities affected by the proposed work, in consonance with the promulgated requirements as discussed herein, is attached as appendix I.

b. Federal Government's Responsibility for Relocations.

The attorney's reports in appendix I provide that nongovernmentally owned facilities which enjoy the status of either public roads, highways, railroads, utilities or public pipelines have a compensable interest in those portions of said facilities which exist outside

the existing levee right-of-way and further, that the Federal Government is authorized and obligated to reimburse the cost of any relocation, including abandonment, of such facilities as may be required by the project. In the instance of such facilities being located within the existing levee right-of-way, the attorney's report provides that a compensable interest is not enjoyed and that the Federal Government is not obligated to reimburse the cost of any relocation; however, in the Buras-Triumph reach such facilities may be reconstructed to avoid interference with the project and, with the exception of right-of-way, the cost of such reconstruction may be reimbursed by the Federal Government, but if such facilities are to be abandoned, then no reimbursement will be made by the Federal Government. For the governmentally owned facilities which enjoy the status of either public roads, highways, railroads, utilities or public pipelines, (such as the road and sewerline owned by the Plaquemines Parish Commission Council) the attorney's report finds that, as governmentally owned facilities, the Federal Government is authorized and obligated to reimburse the cost of any relocation of such facilities as may be required by the project, regardless of the location of such facilities relative to the existing levee right-of-way.

(1) Roads. In accordance with the provisions of the attorney's opinion (see appendix I, exhibits A and B), the relocation of Gulftown Road (item R-1) will be accomplished at Federal expense.



(2) Utilities.

(a) Louisiana Power and Light Company. In accordance with the provisions of the attorney's opinion (see appendix I, exhibit A), the relocation of item P-1, with the exception of 29 percent of right-of-way cost, will be accomplished at Federal expense.

(b) South Central Bell Telephone Company. In accordance with the provisions of the attorney's opinion (see appendix I, exhibit A) and in accordance with the provisions of South Central Bell Telephone Company letter dated 27 March 1973 (see appendix III), the Federal Government will not reimburse for the abandonment of item T-2, T-3 and T-4.

(c) Delta Gas, Inc. In accordance with the provisions of the attorney's opinion (see appendix I, exhibit A), the Federal Government will reimburse for the abandonment of item G-2 and, with the exception of that portion of item G-1 (247 linear feet of 2-inch diameter pipe) which falls inside the existing levee right-of-way, for the abandonment of item G-1.

(d) Plaquemines Parish. In accordance with the provisions of the attorney's opinion (see appendix I, exhibit A), the relocation of the 20-inch diameter sewerage discharge pipeline (item A-4) will be accomplished at Federal expense.

(3) Others. In accordance with the provisions of the attorney's opinion (see appendix I, exhibit A), items A-1 through A-3 and A-5 through A-10 are neither public utilities nor public pipelines, nor do they enjoy a compensable interest in rights-of-way occupied; therefore, these facilities will not be relocated at Federal expense.

6. FIELD RECONNAISSANCE. Field surveys, field inspections and consultations with the affected facility owners and with the Plaquemines Parish Commission Council provided the basic information from which this design memorandum was prepared.

7. CRITERIA FOR RELOCATED FACILITIES.

a. Roads. With certain exceptions, the relocation of Gulf-town Road will be constructed to the design standard dictated by the Class 5, "C" System classification of the Louisiana Department of Highways' Minimum Design Standards for Rural Highways and Roads (see appendix II). Exceptions to the criteria will be a reduction in right-of-way width from 100-feet to 60-feet, a reduction in shoulder width from 8-feet to 5-feet and an increase in the degree of curvature for curve 1 from 8° 30' (maximum) to 10° 0'. These changes are proposed by the Plaquemines Parish Commission Council and are approved by the Louisiana Department of Highways. Regulatory justification for acceptance of these design criteria is contained in paragraph 73-209.2(c) (i) of ER 1180-1-1. No betterments are involved.

b. Utilities. The owners of affected facilities, which are to be relocated, will accomplish the design and relocation of their facilities to their individual criteria and in a manner which will eliminate interference with the project. This district will review the construction drawings for these relocations to insure that no betterments are involved. During construction and upon completion of construction, this district will inspect the relocation in the field to insure that no betterments are involved. If it is determined that an owner's criteria results in a betterment, that betterment will be discussed with

the owner and disallowed by this district. This is in accord with paragraph 73-106 of ER 1180-1-1 which stipulates that "a substitute facility will be provided which will, as nearly as practicable, serve the owner in the same manner and reasonably as well as does the existing facility."

8. DESCRIPTION OF PROPOSED RELOCATIONS.

a. Roads. Gulftown Road, item R-1, will be relocated by the Federal Government on a 60-foot wide right-of-way to be acquired immediately landside of the proposed levee right-of-way between stations 3109+20 and 3142+28 (see plates 5 and 6). The paved section of the relocated road will be a Portland Cement Concrete surface 8-inches thick and 20-feet wide constructed on a stabilized base course. The length of relocated road will be 3,318 linear feet. In consideration of the limited amount of usable land in the project area, the alinement of the road will be immediately adjacent to the levee, allowing the precipitation runoff from the levee to drain across the road; thus, the shallow collection ditch on the levee side of the road will be deleted in most areas, allowing a reduction in the right-of-way requirement (see paragraph 7a). Exceptions to this will occur in the areas of the two left hand curves (stations 3111+59 and 3130+43). At these locations, catch basins and cross drain pipes (under the relocated road) will be required to carry the runoff from the landside toe of the levee to the collection ditch on the landside of the relocated road (see plate 5). In addition to the pipe required for the cross drains (180 linear feet of 18-inch reinforced concrete pipe and 80 linear feet of 22-inch by 13-inch asbestos

bonded corrugated metal pipe arch), 216 linear feet of 22-inch by 13-inch asbestos bonded corrugated metal pipe arch and 28 linear feet of 29-inch by 18-inch asbestos bonded corrugated metal pipe arch will be required under existing roads and driveways which will be intersected by the relocated road. A typical section of the proposed road and the location of the subsurface drainage are shown on plate 10. The proposed location for the relocated road is considered to be the most desirable, considering interference with other facilities, conservation of available land area, and engineering economics.

b. Utilities.

(1) Louisiana Power and Light Company. Item P-1 represents 17,183 linear feet of 34 KV distribution line (see plates 2 - 7) and 3,694 linear feet of service lines (not shown on plates) between stations 3029+65.03 and 3197+00 all of which will be dislocated by the project. Those portions of the affected facility from station 3029+65.03 to station 3083+67 and from station 3089+67 to station 3111+00 will be removed by LP&L and not replaced. LP&L will relocate those portions from station 3083+67 to station 3089+67 (see plate 4) and from station 3111+00 to station 3197+00 (see plates 5 - 7). These relocated portions will consist of 8,566 linear feet of 34 KV distribution line and 2,818 linear feet of service lines. The portions from station 3083+67 to station 3089+67 and from station 3142+28 to station 3197+00 will be alined parallel and adjacent to the proposed levee right-of-way. The portion from station 3111+00 to station 3142+28 will be alined parallel and adjacent to the proposed road right-of-way.

(2) South Central Bell Telephone Company.

(a) Item T-2. This item represents 167 linear feet of 50 pair, 26 gauge cable located opposite station 3113+60. South Central Bell will abandon this facility and remove that portion (50 linear feet) within the project rights-of-way.

(b) Item T-3. This item represents 77 linear feet of 50 pair, 26 gauge cable located opposite station 3131+50. South Central Bell will abandon this facility and remove that portion (21 linear feet) within the project rights-of-way.

(c) Item T-4. This item represents 156 linear feet of 50 pair, 26 gauge cable located opposite station 3131+90. South Central Bell will abandon this facility and remove that portion (47 linear feet) within the project rights-of-way.

(3) Delta Gas, Inc.

(a) Item G-1. This item represents 2,380 linear feet of 2-inch diameter gas distribution line and 120 linear feet of 1-inch diameter gas service line located between stations 3109+20 and 3131+50. This facility will be abandoned in place by Delta Gas and removed from the project right-of-way by the levee contractor.

(b) Item G-2. This item represents 50 linear feet of 2-inch diameter gas distribution line and 30 linear feet of 1-inch diameter gas service line located in the vicinity of station 3141+93. This facility will be abandoned in place by Delta Gas and removed from the project right-of-way by the road contractor.

(4) Plaquemines Parish. Item A-4 represents a 20-inch diameter sewerage discharge pipeline at station 3079+52. The Plaquemines Parish Commission Council will have this facility relocated to cross over the proposed levee section as shown on plate 10.

c. Others. Items A-1, A-2, A-3, A-5, A-6, A-7, A-8, A-9 and A-10 have been abandoned in place by their respective owners (see attorney's report, appendix I) and will be removed by the Government's contractor.

9. PROCEDURE FOR ACCOMPLISHING RELOCATIONS.

a. Roads. The Plaquemines Parish Commission Council has requested the State of Louisiana Department of Highways to act in its behalf in the relocation of Gulftown Road. Accordingly, the Department of Highways has proceeded with the preparation of construction plans and specifications and is now prepared to initiate the relocation. In order to allay difficulties which might arise out of this situation, this district has maintained constant coordination with the Highway Department and has reviewed all phases of planning for the relocation with the understanding that final approval is contingent upon and will be subsequent to higher authority's review and approval of this relocations design memorandum. Upon approval of and in accordance with the provisions of this design memorandum, this district will enter into a cost-reimbursable contract with the Department of Highways for the relocation of Gulftown Road. The removal of the existing road from atop the levee will be included in the Government's contract for levee construction.

b. Utilities. The procedure to be followed in effecting reimbursement for the utility relocations necessitated by the Buras-Triumph Levee Enlargement has been discussed with representatives of the Plaquemines Parish Commission Council and with the affected owners and no difficulties are anticipated. Upon approval of this design memorandum and related Real Property Appraisal Reports where applicable, the Plaquemines Parish Commission Council, being the governing body of the Buras Levee District and as the local assuring agency, will be requested to effect the utility relocations described herein in accordance with the approved design memorandum and subject to reimbursement of actual cost not to exceed a given dollar amount. The dollar limit provided will be based on the approved design memorandum; however, reimbursements will be based on actual cost (less depreciation, salvage and betterments and plus removal cost as applicable). Reimbursement of costs will be made pursuant to authority contained in the Act of 15 May 1928 (Public Law 391, 70th Congress), as amended, and in the Act of 23 April 1934 (Public Law 171, 73rd Congress). Upon completion of the relocation, the Plaquemines Parish Commission Council will furnish a reimbursement assembly to this district consisting of: a copy of any contracts (including plans and specifications) covering work performed by others or itemized billings for labor and materials if the work was performed by the owner, and a copy of all canceled checks covering related payments. Further, all records related to the reimbursement request will be subject to audit by the Government and original time cards

and payrolls, material records, and accounts for all charges and expenditures for which reimbursement will be claimed from the Government will be available at all reasonable times for Government inspection. Finally, so far as practicable, the owner will maintain separate records for all items and accounts constituting the basis of information from which the reimbursement assembly is prepared.

10. ATTITUDE OF OWNERS. Representatives of the organizations having facilities which will be affected by this project have indicated their willingness to cooperate in matters pertaining to the project. Representatives of South Central Bell Telephone Company have notified this district that they will not submit a bill for reimbursement for the abandonment of items T-2, T-3 and T-4 (see appendix III), as required by this project. No difficulties are expected during the accomplishment of and subsequent reimbursement for the subject relocations. It is noted that the Plaquemines Parish Commission Council and the State of Louisiana Department of Highways have indicated their approval of the proposed relocation plan for Gulftown Road as contained in this design memorandum and that this relocation plan and the construction plans and specifications as prepared by the Department of Highways are in consonance.

11. UNAFFECTED FACILITIES. Item T-1 represents a 100 pair, 26 gauge telephone cable (see plate 5), owned by South Central Bell, which will not be affected by this project.



12. ESTIMATE OF COST. Estimates of cost for accomplishing the proposed relocations have been prepared in accordance with the policy set forth in ER 1180-1-1 and are based on plans for relocation as proposed by or agreed to by the affected owners. These estimates are presented in tables 2 thru 5. It is noted that in accordance with paragraph 10 hereof, no estimate is provided for the abandonment of the South Central Bell telephone facilities. A relocation cost summary is attached as appendix V.

1/  
 TABLE 2 - ESTIMATE OF COST  
 PLAQUEMINES PARISH ROAD  
 (March 1973 Price Levels)

Cost Acct No.	Description	Unit	Quantity	Unit Cost(\$)	Amount(\$)
02	Relocations				
.1	Roads				
	Item R-1, Gulftown Road	LF	3,318	53.55	177,680
	Relocation Cost				177,680
	Less Cost of Betterments				0
	Subtotal				177,680
	Plus Removal Cost				<u>2,620</u> <sup>2/</sup>
	Subtotal				180,300
	Contingencies (25% <u>±</u> )				45,100
	Subtotal				225,400
30	E&D (6% <u>±</u> )				13,600
31	S&A (6% <u>±</u> )				13,600
	Subtotal				252,600
	Right-of-Way				<u>172,700</u> <sup>3/</sup>
	TOTAL				425,300

1/ For detailed cost estimate, see appendix IV.

2/ Represents removal cost for that portion outside of the proposed levee right-of-way. Removal of that portion within the proposed levee right-of-way is estimated at \$13,556 and will be included in the contract for levee construction.

3/ Based on LMNRE-AV Gross Appraisal Report No. 30213; includes \$59,000 for cost of benefits allowable under the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970.

TABLE 3 - ESTIMATE OF COST  
LOUISIANA POWER AND LIGHT COMPANY  
(March 1973 Price Levels)

Cost Acct No.	Description	Unit	Quantity	Unit Cost (\$)	Amount (\$)
02	Relocations				
.3	Utilities				
	Item P-1, Relocate 34 KV Powerline and Various Size Service Lines	LF	11,384 <sup>1/</sup>	1.70	19,350
	Relocation Cost				19,350 <sup>2/</sup>
	Less Cost of Betterments				0
	Subtotal				19,350
	Plus Removal Cost				12,550
	Subtotal				31,900
	Contingencies (25% <u>+</u> )				8,000
	Subtotal				39,900
	E&D (6% <u>+</u> )				2,400
	S&A (6% <u>+</u> )				<u>2,400</u>
	TOTAL				44,700

1/ Includes relocating 8,566 linear feet of 34 KV powerline and 2,818 linear feet of service lines.

2/ No depreciation or salvage since existing materials will be reused.

TABLE 4 - ESTIMATE OF COST  
DELTA GAS, INC.  
(March 1973 Price Levels)

Cost Acct No.	Description	Unit	Quantity	Unit Cost(\$)	Amount(\$)
02	Relocations				
.3	Utilities				
	Item G-1, Abandon 2-inch Pipeline and 1-inch Pipeline	LF	2,253 <sup>1/</sup>	2.40	5,410
	Item G-2, Abandon 2-inch Pipeline and 1-inch Pipeline	LF	80 <sup>2/</sup>	2.40	190
	Relocation Cost				5,600
	Less Depreciation				1,000 <sup>3/</sup>
	Subtotal				4,600
	Less Salvage Value				0
	Subtotal				4,600
	Plus Removal Cost				0 <sup>4/</sup>
	Subtotal				4,600
	Contingencies (25% <u>+</u> )				1,100
	Subtotal				5,700
30	E&D (6% <u>+</u> )				400
31	S&A (6% <u>+</u> )				400
	TOTAL				6,500

<sup>1/</sup> Includes 2,380-feet of 2-inch pipeline and 120-feet of 1-inch pipeline. Does not include 247-feet of 2-inch pipeline which is located inside the existing levee right-of-way.

<sup>2/</sup> Includes 50-feet of 2-inch pipeline and 30-feet of 1-inch pipeline.

TABLE 4 - ESTIMATE OF COST (cont'd)  
DELTA GAS, INC.  
(March 1973 Price Levels)

- 3/ Based on 30-year life and 5-year average age of facility.
- 4/ Removal of item G-1 will be included in the levee contract; removal of item G-2 will be included in the road contract. These costs are considered to be negligible.

TABLE 5 - ESTIMATE OF COST  
 PLAQUEMINES PARISH PIPELINES  
 (March 1973 Price Levels)

Cost Acct No.	Description	Unit	Quantity	Unit Cost (\$)	Amount (\$)
02	Relocations				
.3	Utilities				
	Item A-4, Relocate 20-inch Diameter Cast Iron Sewerage Discharge	Sum	Job	Sum	28,000
	Relocation Cost				28,000
	Less Cost of Betterments				0
	Subtotal				28,000
	Less Depreciation				2,100 <sup>1/</sup>
	Subtotal				25,900
	Less Salvage Value				0
	Subtotal				25,900
	Plus Removal Cost				3,800
	Subtotal				29,700
	Contingencies (25% <u>+</u> )				7,500
	Subtotal				37,200
30	E&D (6% <u>+</u> )				2,300
31	S&A (6% <u>+</u> )				2,300
	Subtotal				41,800
	Right-of-Way Cost				0 <sup>2/</sup>
	TOTAL				41,800

1/ Based on 75-year life and 7-year age of facility.

2/ No additional right-of-way required.

13. COMPARISON WITH PRIOR COST ESTIMATES. The current working estimate of cost is summarized under the uniform cost classification for comparison with the latest approved cost estimate. The latest approved cost estimate is the Project Cost Estimate (PB-3) for the Mississippi River Levees project, New Orleans District, bearing an effective date of 1 July 1972, as approved 12 September 1972 (for construction funds). Since the PB-3 contains the relocation cost estimates for the entire Mississippi River Levees project, the funds included for item M-23.2-R, Buras-Triumph Levee Enlargement, have been broken out as follows for a suitable comparison:

Mississippi River Levees - Construction

<u>Cost Acct No.</u>	<u>Item</u>	<u>Latest PB-3 <sup>1/</sup> (\$1,000's)</u>	<u>Current Working Estimate (\$1,000's)</u>	<u>Difference From PB-3 (\$1,000's)</u>
02	Relocations			
.1	Roads	414.0	398.1	-15.9
.3	Utilities & Structures			
	Utilities	129.0	82.8	-46.2
30	E&D	22.2	18.7	- 3.5
31	S&A	<u>22.2</u>	<u>18.7</u>	<u>- 3.5</u>
	TOTAL	587.4	518.3	-69.1 <sup>2/</sup>

<sup>1/</sup> Effective date: 1 July 1972

<sup>2/</sup> This difference will be retained in the PB-3 as a contingency.

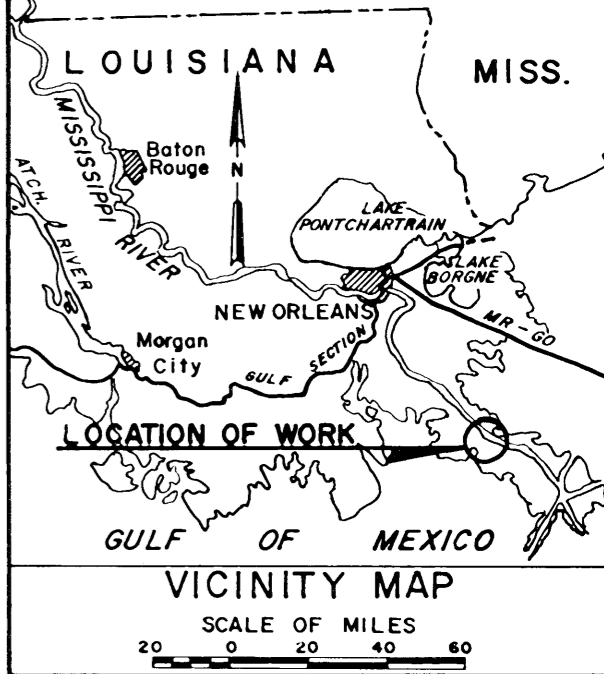
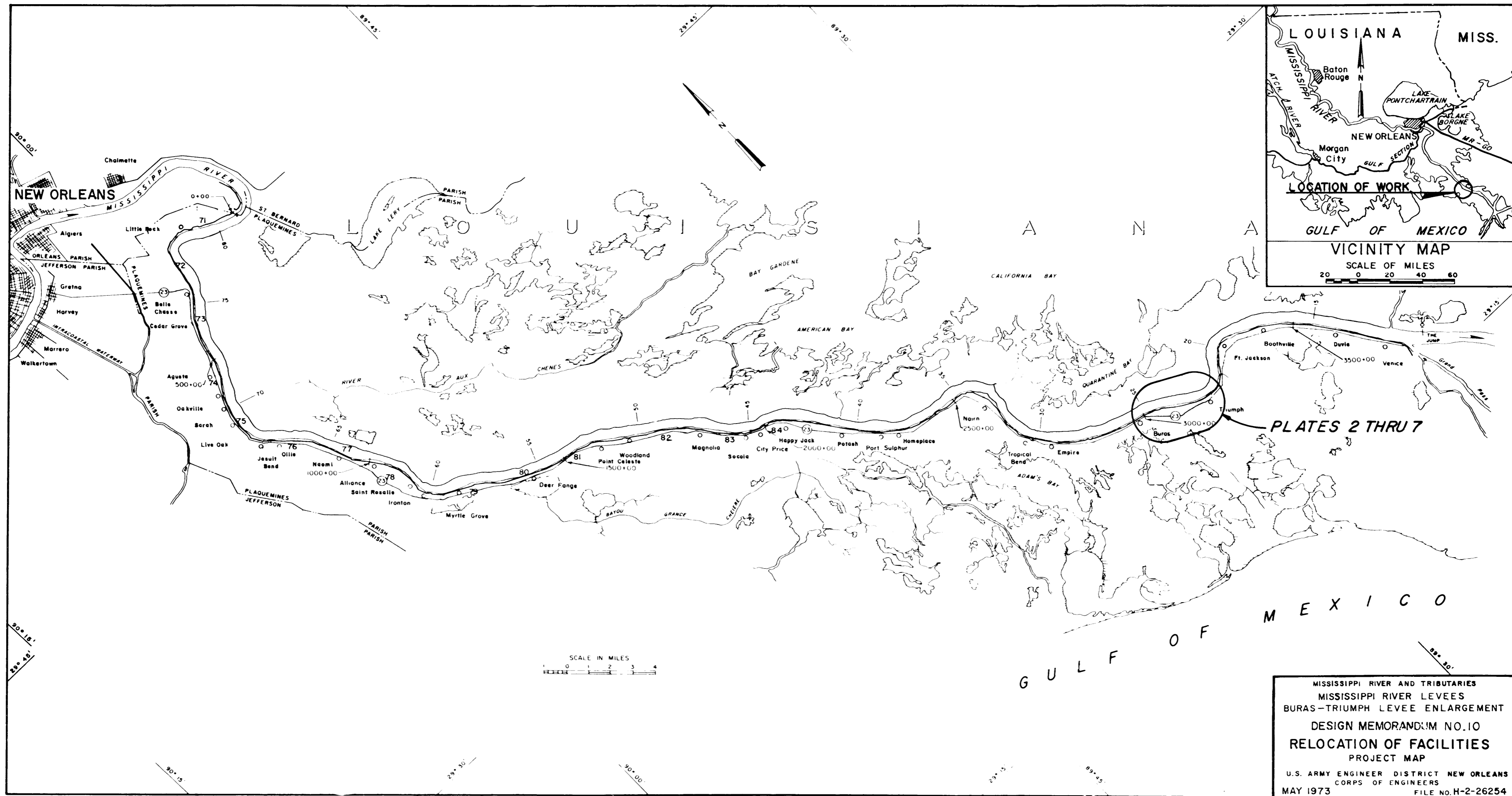
14. JUSTIFICATION FOR COST REVISION.

a. Roads. The comparison of costs for the relocation of Gulftown Road is considered to be favorable.

b. Utilities. The variation between the programmed amount and the current working estimate for relocation of utilities is due to a reduction in the required levee right-of-way which was realized when the preliminary right-of-way drawings were finalized and due to the South Central Bell decision to not bill the Federal Government for the abandonment of their facilities.

15. RECOMMENDATION. It is recommended that this design memorandum be approved as the basis for reimbursing the Plaquemines Parish Commission Council for costs incurred in accomplishing the utility relocations described herein and as the basis for contracting with the State of Louisiana Department of Highways for the relocation of Gulftown Road.





**PLATES 2 THRU 7**

MISSISSIPPI RIVER AND TRIBUTARIES  
 MISSISSIPPI RIVER LEVEES  
 BURAS-TRIUMPH LEVEE ENLARGEMENT  
 DESIGN MEMORANDUM NO.10  
 RELOCATION OF FACILITIES  
 PROJECT MAP  
 U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
 CORPS OF ENGINEERS  
 MAY 1973 FILE NO. H-2-26254





FACILITIES TO BE RELOCATED				
ITEM NO.	TYPE	STATION	OWNER	DESCRIPTION
P-1	34 KV Powerline	3029+65.03-3197+00	La. Power & Light Co.	Relocate
A-3	1" Pipeline	3060 + 62	Lease Service, Inc.	Remove

NOTE: Photography represents pre-Camille conditions.  
 Polyconic projection - 1927 North American Datum.  
 Controlled mosaic prepared from aerial photos  
 flown 22-29 October, 1966.

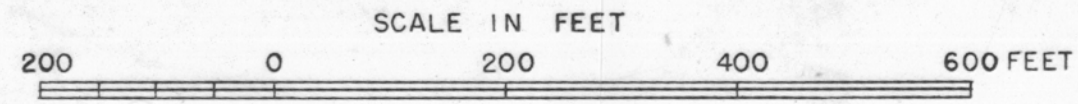
MISSISSIPPI RIVER AND TRIBUTARIES  
 MISSISSIPPI RIVER LEVEES  
 BURAS-TRIUMPH LEVEE ENLARGEMENT  
 DESIGN MEMORANDUM NO. 10  
**RELOCATION OF FACILITIES  
 PROJECT PLAN**  
 U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
 CORPS OF ENGINEERS  
 MAY 1973 FILE NO. H-2-26254

MISSISSIPPI RIVER



FACILITIES TO BE RELOCATED

ITEM NO.	TYPE	STATION	OWNER	DESCRIPTION
P-1	34 KV Powerline	3029+65.03-3197+00	La. Power & Light Co.	Relocate
A-4	20" Pipeline	3079+52	Plaquemines Parish	Relocate
A-5	12" Pipeline	3087+51	Riverland Development	Remove
A-6	6" Pipeline	3102+15	A. Cognevich	Remove
A-7	6" Pipeline	3106+14	H. B. Schoenberger	Remove



NOTE: Photography represents pre-Camille conditions. Polyconic projection-1927 North American Datum. Controlled mosaic prepared from aerial photos flown 22-29 October, 1966.

MISSISSIPPI RIVER AND TRIBUTARIES  
 MISSISSIPPI RIVER LEVEES  
 BURAS-TRUMPHEE LEVEE ENLARGEMENT  
 DESIGN MEMORANDUM NO. 10  
**RELOCATION OF FACILITIES  
 PROJECT PLAN**  
 U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
 CORPS OF ENGINEERS  
 MAY 1973 FILE NO. H-2-26254



Road C Curve 1  
 $\Delta=22^{\circ}30'00''$  LT  
 $D=10^{\circ}00'00''$   
 $T=113.97'$   
 $L=225.00'$

Road C Curve 2  
 $\Delta=18^{\circ}32'22''$  RT  
 $D=7^{\circ}30'00''$   
 $T=124.69'$   
 $L=247.19'$

Road C Curve 3  
 $\Delta=4^{\circ}30'00''$  RT  
 $D=1^{\circ}00'00''$   
 $T=225.12'$   
 $L=450.00'$

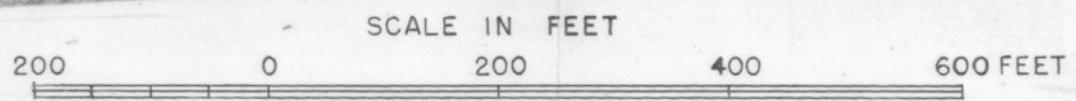
Road C Curve 4  
 $\Delta=15^{\circ}45'00''$  LT  
 $D=5^{\circ}00'00''$   
 $T=158.50'$   
 $L=315.00'$

**FACILITIES TO BE RELOCATED**

ITEM NO.	TYPE	STATION	OWNER	DESCRIPTION
R-1	Gulftown Road	3109+20-3142+28	Plaquemines Parish	Relocate
P-1	34 KV Powerline	3029+65.03-3197+00	La. Power & Light Co.	Relocate
G-1	2" Gas Main	3109+20-3131+50	Delta Gas, Inc.	Abandon
T-1	Telephone Cable	3110+00-3112+00	So. Central Bell Tele. Co.	Unaffected
T-2	Telephone Cable	3113+60	So. Central Bell Tele. Co.	Abandon
T-3	Telephone Cable	3131+50	So. Central Bell Tele. Co.	Abandon
T-4	Telephone Cable	3131+90	So. Central Bell Tele. Co.	Abandon

**LEGEND**

- Existing road (to be relocated)
- Catch basin
- CMPA
- RCP
- Corrugated metal pipe arch
- Reinforced concrete pipe



NOTE: Photography represents pre-Camille conditions. Polyconic projection-1927 North American Datum. Controlled mosaic prepared from aerial photos flown 22-29 October, 1966.

MISSISSIPPI RIVER AND TRIBUTARIES  
 MISSISSIPPI RIVER LEVEES  
 BURAS-TRIUMPH LEVEE ENLARGEMENT  
 DESIGN MEMORANDUM NO. 10  
**RELOCATION OF FACILITIES**  
 PROJECT PLAN  
 U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
 CORPS OF ENGINEERS  
 MAY 1973 FILE NO. H-2-26254

FACILITIES TO BE RELOCATED

ITEM NO.	TYPE	STATION	OWNER	DESCRIPTION
R-1	Gulfown Road	3109+20-3142+28	Plaquemines Parish	Relocate
P-1	34 KV Powerline	3029+65.03-3197+00	La. Power & Light Co.	Relocate
G-2	2" Gas Main	3141+93	Delta Gas. Inc.	Abandon

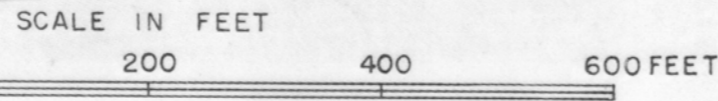
M I S S I S S I P P I R I V E R



MATCH PLATE 7



MATCH PLATE 5



NOTE: Photography represents pre-Camille conditions.  
Polyconic projection—1927 North American Datum.  
Controlled mosaic prepared from aerial photos  
flown 22-29 October, 1966.

MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
DESIGN MEMORANDUM NO. 10  
**RELOCATION OF FACILITIES  
PROJECT PLAN**  
U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
CORPS OF ENGINEERS  
MAY 1973 FILE NO. H-2-26254

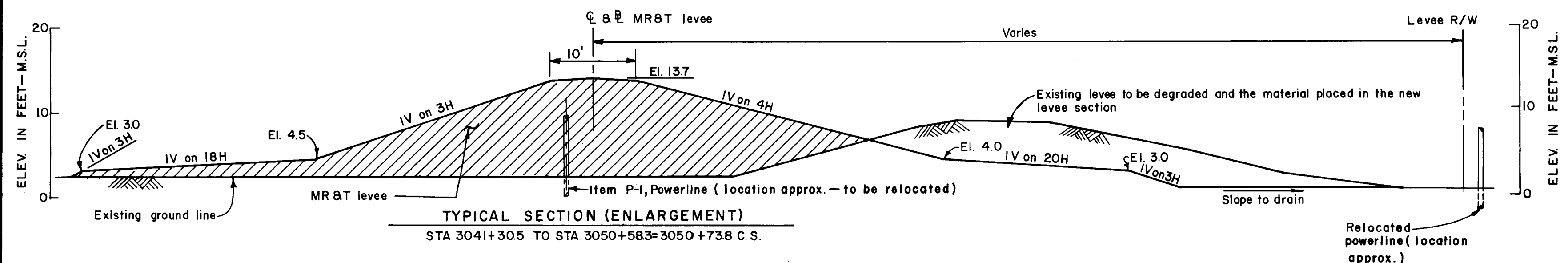
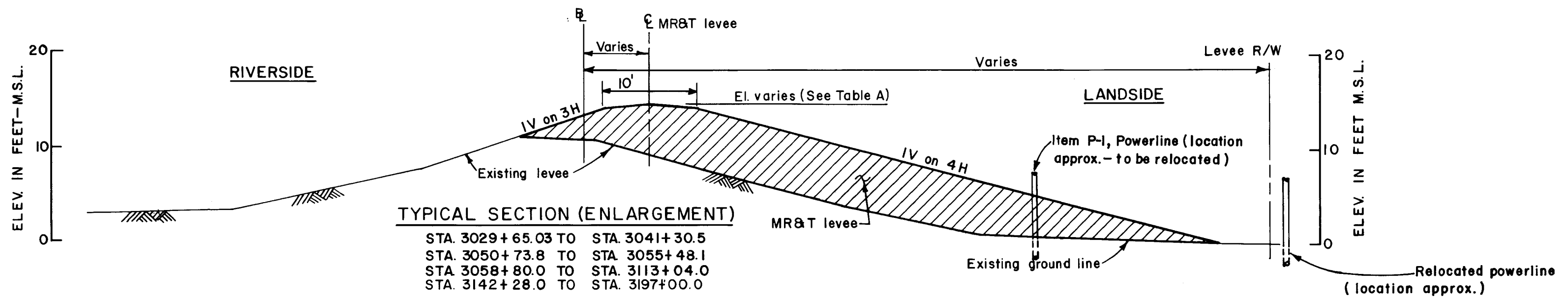
### FACILITIES TO BE RELOCATED

ITEM NO.	TYPE	STATION	OWNER	DESCRIPTION
P-1	34 KV Powerline	3029+65.03-3197+00	La. Power & Light Co.	Relocate
A-8	6" Pipeline	3171+29	H. Collette	Remove
A-9	6" Pipeline	3178+00	H. Collette	Remove
A-10	6" Pipeline	3184+66	E. Morel	Remove



**NOTE:**  
 Photography represents pre-Camille conditions. Polyconic projection-1927 North American Datum. Controlled mosaic prepared from aerial photos flown 22-29 October, 1966

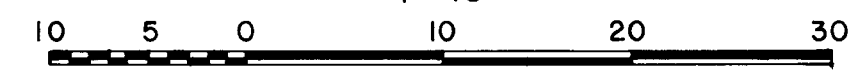
MISSISSIPPI RIVER AND TRIBUTARIES  
 MISSISSIPPI RIVER LEVEES  
 BURAS - TRIUMPH LEVEE ENLARGEMENT  
 DESIGN MEMORANDUM NO. 10  
**RELOCATION OF FACILITIES  
 PROJECT PLAN**  
 U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
 CORPS OF ENGINEERS  
 MAY 1973 FILE NO. H-2-26254



**TABLE A**

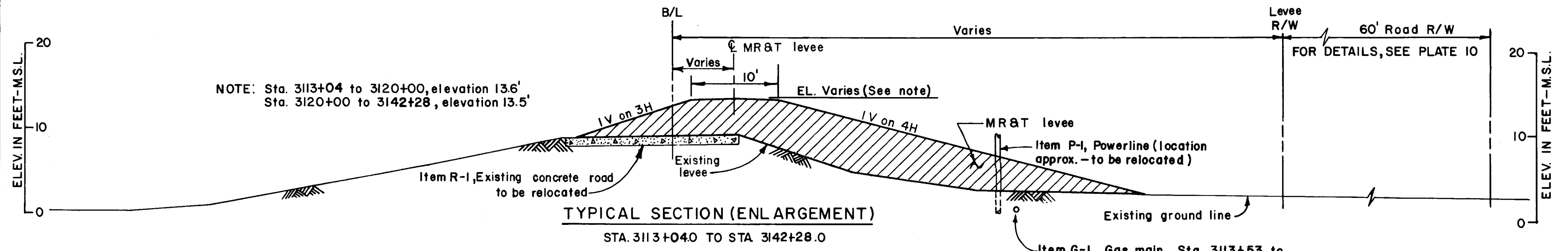
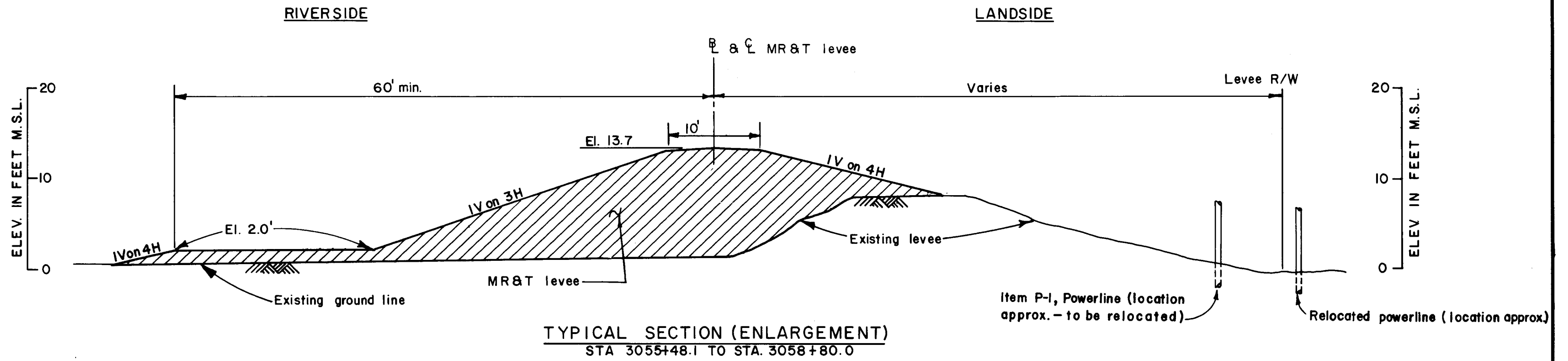
STATIONS	CROWN ELEV.
3029+65.03 to 3041+30.5	13.7
3050+73.8 to 3055+48.1	13.7
3058+80.0 to 3066+00.0	13.7
3066+00.0 to 3113+04.0	13.6
3142+28.0 to 3175+00.0	13.5
3175+00.0 to 3197+00.0	13.4

SCALE IN FEET  
 1" = 10'

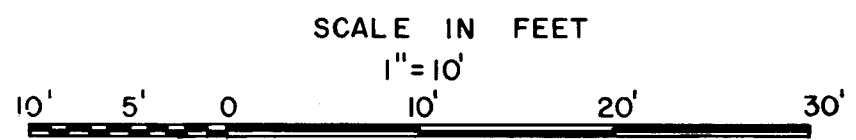


MISSISSIPPI RIVER AND TRIBUTARIES  
 MISSISSIPPI RIVER LEVEES  
 BURAS-TRIUMPH LEVEE ENLARGEMENT  
 DESIGN MEMORANDUM NO. 10  
**RELOCATION OF FACILITIES**  
 TYPICAL SECTIONS-LEVEES  
 U. S. ARMY ENGINEER DISTRICT NEW ORLEANS  
 CORPS OF ENGINEERS  
 MAY 1973 FILE NO. H-2-26254

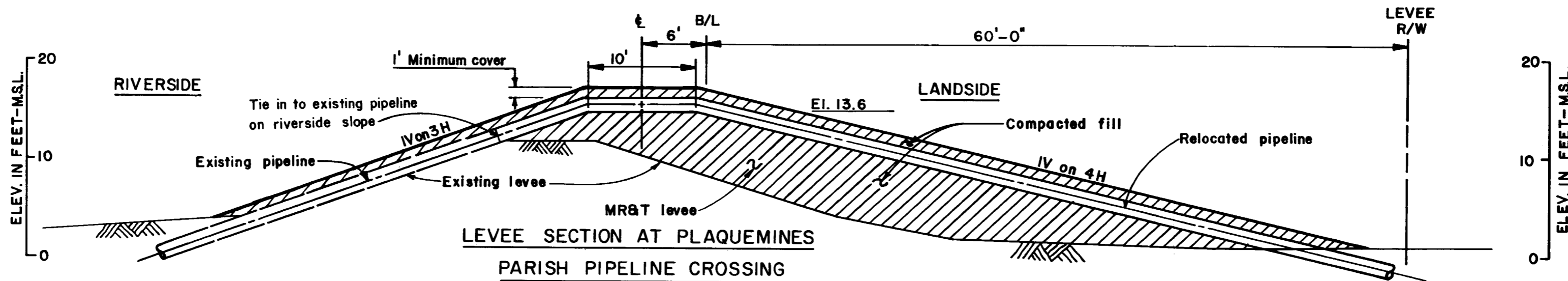




NOTE: Sta. 3113+04 to 3120+00, elevation 13.6'  
Sta. 3120+00 to 3142+28, elevation 13.5'

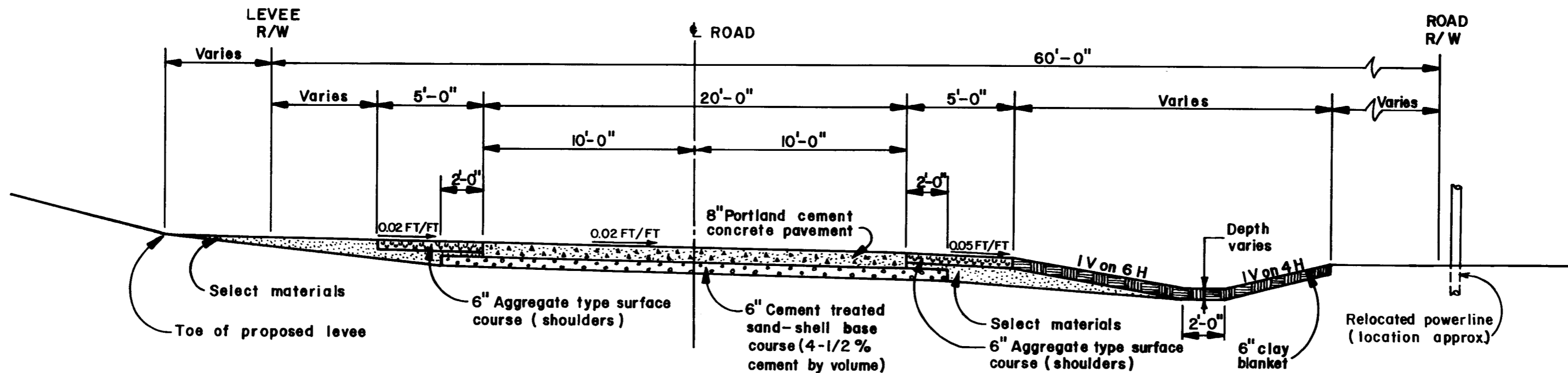


MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
DESIGN MEMORANDUM NO. 10  
**RELOCATION OF FACILITIES**  
TYPICAL SECTIONS-LEVEES  
U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
CORPS OF ENGINEERS  
MAY 1973 FILE NO. H-2-26254



LEVEE SECTION AT PLAQUEMINES  
PARISH PIPELINE CROSSING

STA. 3079+52  
SCALE 1" = 10'



TYPICAL SECTION—RELOCATED GULFTOWN ROAD

STA. 3109+20 to STA 3142+28  
SCALE 1" = 5'

SUBSURFACE DRAINAGE

22" x 13" CMPA		
24'	at	3110+98*
24'	at	3111+23*
24'	at	3111+57*
38'	at	3111+59**
24'	at	3117+92*
24'	at	3119+52*
24'	at	3125+45*
24'	at	3129+33*
24'	at	3130+05*
42'	at	3130+43**
24'	at	3130+70*

29" x 18" CMPA		
28'	at	3123+68*

18" RCP		
180'	at	3130+43 10
		3132+23**

\* Required for driveway  
\*\* Location of catch basin

MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
DESIGN MEMORANDUM NO. 10  
RELOCATION OF FACILITIES  
ROAD & PIPELINE SECTION  
U.S. ARMY ENGINEER DISTRICT NEW ORLEANS  
CORPS OF ENGINEERS  
MAY 1973 FILE NO. H-2-26254

FLOOD CONTROL  
MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
ITEM M-23.2-R  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
PLAQUEMINES PARISH, LOUISIANA  
DESIGN MEMORANDUM NO. 10

APPENDIX I  
ATTORNEY'S REPORTS

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March 1973

ATTORNEY'S REPORT

SUBJECT: Attorney's Investigation and Report covering the following facilities or improvements required to be relocated, removed or abandoned by BURAS - TRIUMPH LEVEE ENLARGEMENT, ITEM M-23.2-R:

- a. Gulftown Road, from station 3109+20 to 3142+28 (plates 5 and 6, item R-1 - relocate), owned by Plaquemines Parish Commission Council.
- b. Powerlines, owned by Louisiana Power and Light Company, which run alongside the levee from station 3029+65.03 to 3197+00 (plates 2 through 7, item P-1 - relocate).
- c. Telephone cables, owned by South Central Bell Telephone Company,  
alongside East Collins Drive at station 3113+60 (plate 5, item T-2 - abandon); and alongside Crest Street at station 3131+50 and 3131+90 (plate 5, item T-3 and T-4 - abandon).
- d. 2-inch diameter gas mains, including several 1-inch diameter service lines owned by Delta Gas Inc., alongside Gulftown Road from station 3109+20 to 3131+50 (plate 5, item G-1 - abandon) and alongside East Gulftown Road at station 3141+93 (plate 6, item G-2 - abandon).
- e. A 20-inch diameter sewerage discharge pipeline, owned by Plaquemines Parish Commission Council, which crosses the levee at station 3079+52 (plate 4, item A-4 - relocate).
- f. A 1 1/4-inch diameter pipeline, owned by Matthew Franicevich, which crosses the levee at station 3037+12 (plate 2, item A-1 - remove).
- g. One 4-inch, two 3-inch, one 2-inch and one 3/4-inch diameter pipelines, owned by Fuel Service of Buras, Inc., which cross the levee at station 3039+30 (plate 2, item A-2 - remove).
- h. A 1-inch diameter pipeline, owned by Lease Service, Inc., which crosses the levee at station 3060+62 (plate 3, item A-3 - remove).
- i. A 12-inch diameter pipeline, owned by Riverland Development Corporation, which crosses the levee at station 3087+51 (plate 4, item A-5 - remove).

EXHIBIT A

- j. A 6-inch diameter pipeline, owned by Andrew Cognevich, which crosses the levee at station 3102+15 (plate 4, item A-6 - remove).
- k. A 6-inch diameter pipeline, owned by H. B. Schoenberger, which crosses the levee at station 3106+14 (plate 4, item A-7 - remove).
- l. Two 6-inch diameter pipelines, owned by Herbert Collette, which cross the levee at stations 3171+29 and 3178+00 (plate 7, items A-8 and A-9 - remove).
- m. A 6-inch diameter pipeline, owned by Emmett Morel, which crosses the levee at station 3184+66 (plate 7, item A-10 - remove).

such above items being shown on Map File No. H-2-26254, Plates 1-7, "Relocation of Facilities, Design Memorandum No. 10, Buras - Triumph Levee Enlargement, Mississippi River Levees, U. S. Army Engineer District, New Orleans, Corps of Engineers,"

all pursuant to authority of DIVR 1110-2-1, 29 January 1968, and Flood Control Act of 15 May 1928, Public Law 70-391, Ch. 569, 45 Stat. 534, Title 33, Sections 702a - 702m, U.S.C.A., as supplemented and amended.

TO: District Engineer  
U. S. Army Engineer District, New Orleans  
New Orleans, Louisiana

An investigation and report, in accordance with DIVR 1110-2-2 and ER 1180-1-1, Section 73, Part 2, 73-203 and 73-204, 1 Dec 69, of the legal obligations of the Government regarding affected facilities and determination of compensable interest of the owners of the above captioned facilities, is hereby submitted by the undersigned, RALPH E. HALLIBURTON, an attorney licensed to practice law in the State of Louisiana, of the Real Estate Division of the U. S. Army Engineer District, New Orleans.

#### LEGAL OBLIGATION

Authority for subject levee enlargement is set forth in caption, and the relocation of the interfering facilities is authorized in accordance with DIVR 1110-2-1, 29 January 1968, page 2, at 4.b. Construction, Enlargement, or Improvement of Main Line Mississippi River Levees, which provides:

"Authority for construction, enlargement or improvement of main line Mississippi River Levees, including berms, is contained in the Act of 15 May 1928 (PL 391, 70th Congress), as amended. The furnishing of right-of-way for levee foundations and levees on the main stem Mississippi River, except for levee setbacks, is an obligation of local interests (see Section 3, Act of 15 May 1928). The replacement or relocation of public roads, highways, railroads, public utilities, and pipelines required for the construction of main line Mississippi River Levees will be accomplished at Federal expense (see correspondence referred to in para 2a above). Reimbursement of costs to local cooperating agencies in perfecting relocation of interfering facilities may be made pursuant to the Act of 23 April 1934 (PL 171, 73d Congress)."

a.  
COMPENSABLE INTEREST  
OF  
PLAQUEMINES PARISH, LOUISIANA  
(Governing Body, Plaquemines Parish Commission Council)

Gulftown Road, in Plaquemines Parish, Louisiana, was investigated and Report dated 6 November 1969 made by me covering the entirety thereof. Subject levee stations 3109+20 to 3142+28 contain or include a portion of such road located above Fort Jackson. Plaquemines Parish was created by Acts of the Territory of Orleans of 1807, 2d Session of 1st Legislature, Ch. 1, page 2. The governing body of said parish, formerly the Plaquemines Parish Police Jury, is now styled Plaquemines Parish Commission Council, with all the powers granted by the laws of Louisiana to police juries, which includes the paramount authority in location, construction and maintenance of roads in the parish. See Donaldson v. Police Jury of Tangipahoa Parish, 1926, 161 La. 471, 109 So 34. See Louisiana Constitution, 1921, Section 4 of Art. II and Sec. 3(d) as amended (Parish Charter Comm.) of Art. XIV (Act 631 of 1960, adopted November 8, 1960) - L.R.S. 38:991 as amended by Act 229 of 1960; and L.R.S. 33:1236 (Police Jury Powers).

Investigation and inquiry as to the origin and ownership of the road was made by the undersigned at the office of the Department of Highways, State of Louisiana, Baton Rouge. Mr. Les Benton, Head of the right-of-way division of such Department, and to whom the roads of the Parish of Plaquemines are especially assigned, readily furnished the information that subject road is an ancient road owned and (with the exception of that reach beginning at The Jump, at Venice, and extending upriver approximately three miles, which is designated by the State Department of Highways as #325) maintained by the Parish of Plaquemines as a parish road. The said reach numbered 325, incidentally, and not now under consideration, was and is parish owned, but that part is maintained by the State Department of Highways at the request of the parish, no transfer of actual ownership having ever been contemplated or made of record. Further, that the Highway Department's files contain no historical acquisition data whatever covering such road's right-of-way, and no records of any permits requested or issued to occupy any part of such right-of-way, much of which is located atop the existing levee, and that

the entire road is probably as old or older than the time of the creation of the Parish of Plaquemines, that is, 1807, accordingly, subject portion of Gulftown Road is a public road belonging to Plaquemines Parish.

A public road is statutorily defined in Louisiana Revised Statutes, Title 48, Section 491 (LRS 48:491) as follows:

"(TITLE 48)

"SUB-PART C. LAYING-OUT OF ROADS

"§ 491. What are public roads

"All roads or streets in this state that are opened, laid out or appointed by virtue of any act of the legislature or by virtue of an order of any parish governing authority in any parish, or any municipal governing authority in any municipality, or which have been or are hereafter kept up, maintained or worked for a period of three years by authority of any parish governing authority in its parish or by authority of any municipal governing authority in its municipality shall be public roads or streets as the case may be. Also all roads or streets made on the front of their respective tracts of lands by individuals when the lands have their front on any of the rivers or bayous within this state shall be public roads when located outside of municipalities and shall be public streets when located inside of municipalities. As amended Acts 1954, No. 639, § 1." (Source - Rev. St. 1870, Sec.3368; Act 220 of 1914).

Without deeds, but by public use thereof with consent, or by unopposed occupancy, prescription (limitation), and public maintenance, the parish of Plaquemines for many years has had a vested real right in its public roads such as the present Gulftown Road. See Tate vs. Ville Platte (1950), 44 So. 2nd 360, re utility company, and re railroads; Gumble v. New Orleans Terminal Co. (1937), 186 La. 882, 173 So. 518, and a long line of cases cited therein. Tate vs. Town of Ville Platte (1950) declared that application of the doctrine of acquisition of servitude by unopposed use for public purpose, is not dependent on lapse of any specific prescriptive period, and, further, that even a brief period of occupancy and use of property by a public utility, with knowledge, consent or acquiescence of landowner, will suffice to effectuate such doctrine in favor of such utility. Further, Tate vs. Ville Platte held that the rule that servitudes could only be acquired by written authorization by owner does not apply to an entity which claims servitude, having power of eminent domain and having actually used property with acquiescence of owner. And, continuing, that where owner, Tate, not only acquiesced in town's pipeline running on his property for many months without making objection thereto, but also gave verbal permission for it to be constructed, town using pipeline for distribution of natural gas acquired servitude although there was not written authorization by the owner, since town had right to exercise power of eminent domain. The Comptroller General's Decision B-134242, December 24, 1957, is in harmony with the above Louisiana holdings.

In addition to the foregoing, attention is called to the following from ER 1180-1-1, Dec 69, 73-703, allowing relocation of any structure or facility owned by an agency of government (state, county (parish), city or town) at the cost of the United States:

"73-703 Relocation of Facilities Owned by Governmental Agencies. Under the provisions of Section 111 of 72 Stat. 303, as amended by Section 309 of 79 Stat. 1094 (33. U.S.C. 633), the Chief of Engineers may, in civil works projects, protect, alter, reconstruct, relocate or replace, any structure or facility owned by an agency of Government (state, county, city or town or any legally created subdivision thereof) and utilized in the performance of a Government function. This law applies particularly to public structures and facilities such as schools, fire stations, etc., which will be treated separately from relocation of municipal facilities in kind pursuant to Part 6 of this section."

In view of the foregoing, together with other information in the matter obtained by and for me, it is my opinion that the Parish of Plaquemines has an established compensable interest in Gulftown Road at the location shown in caption of this Report, required by subject project to be relocated, and that the United States is authorized and obligated to pay or reimburse for the relocation or alteration thereof, as required, to prevent interference therewith.

b.  
COMPENSABLE INTEREST  
OF  
LOUISIANA POWER & LIGHT COMPANY  
a Florida corporation domiciled at Tallahassee

By letter of 23 September 1970, Louisiana Power & Light Company, 1001 Virgil Street, Gretna, Louisiana 70053, through its Assistant Right of Way Agent, Donald E. Kern, furnished this office Xerox copy of a Certificate and Qualification and Good Standing, dated 7 September 1967, signed by Wade O. Martin, Secretary of State of the State of Louisiana.

A corporation having the right of eminent domain, as does Louisiana Power & Light Company, as well as South Central Bell Telephone Company, discussed next below, with legal authorities applicable to both utilities, acquires a vested real interest in its right of way by unopposed use. This is the situation here absent formal right of way easements. Also, wherever its line right of way crosses or is located within the present existing levee right of way relief may be granted it for the cost of labor relocation by the following ER 1180-1-1, 1 Dec. 69, Part 7 - Relocation and Alterations Made Pursuant to Special Statutory Authority:

73-701 Lack of Compensable Interest - Civil Works. Where a public utility will be destroyed or damaged due to operation of a civil works project and relocation or alteration of the facility is required to continue service to the public, the Government may assume the cost of relocating or altering the facility (but not the cost for a new right-of-way) when, in fact, the utility owner is not presently vested with a compensable interest in the existing right-of-way. Negotiations with utility owners in accordance with the foregoing is authorized under Section 2, Flood Control Act of 1938,



(52 State. 1215; 33 U.S.C. 701c-1). (See Comp. Gen. Decision B-134242, 24 Dec 1957).

Accordingly, Louisiana Power & Light Company, to the extent and for the reasons set forth below relative to South Central Bell Telephone Company, has a compensable interest in its presently existing right of way, and to its facilities located thereon, which are located outside of the existing levee right of way, it having acquired same by conventional right of way permits or servitudes, unrecorded, obtained from the said granting landowners, and from the remaining landowners by unopposed use. As to such rights of way, cost of removal and new locations may be furnished at Government cost. The acquisition of new rights of way in lieu of those now situated within the levee right of way will be the obligation of the utility company. To sum up, all labor costs incurred in subject item by Louisiana Power & Light Company is obliged to be paid by the United States. New rights of way expense may only be borne by the Government to replace such as are now outside of the present levee right of way.

c.  
COMPENSABLE INTEREST  
OF  
SOUTH CENTRAL BELL TELEPHONE COMPANY  
(Formerly South Central Telephone Co.,  
and Successor to  
Southern Bell Telephone & Telegraph Co.)

By letter of 24 August 1970, South Central Bell Telephone Company, through G. E. Orr, Jr., District Engineer, 1010 Hancock Street, Gretna, Louisiana 70053, furnished Plaquemines Parish Commission Council, Governing Body of Plaquemines Parish, Louisiana, copies of certificates, permits, servitudes (easements) and related documents in order to substantiate its lawful claim to its various facilities and the rights of way therefor. Among the furnished documents were:

1. Certificates of the Secretary of State, State of Louisiana, dated 19 August 1970, showing that South Central Bell Telephone Company, a Delaware Corporation, had filed copy of its Articles of Incorporation in his office and had qualified to do business in the State of Louisiana.

2. Affidavit by G. E. Orr, Jr., District Engineer, dated 14 August 1970, claiming for the telephone company, having the right of eminent domain, a compensable property interest in all other telephone plant not on existing public right-of-way (as modified by the above referred to letter of 24 August).

Telephone companies have the right of eminent domain, L.R.S. 19:2 and 45:781, but the latter statute expressly provides that, (the company) "...shall not impede the full use of the highways, navigable waters, or the drainage or natural servitudes of the land over which the right of way may be exercised..." R.S. 45:781.

For the area outside of the levee right of way, in, on or over which it cannot obtain a vested real right adverse to the public, South Central Bell Telephone Co., being a corporation with the right of eminent domain would be deemed to possess a vested right in the right of way to be relocated, even without conventional negotiation for and acquisition of such required servitudes, as was decreed in a long line of decisions by the Louisiana Supreme Court, of which the following are examples. See St. Julian vs. Morgan's Louisiana & T. R. Co., 35th La. Ann. 924, Gumbel vs. New Orleans Terminal Company, 186 La. 882, 183 So. 212, Tate vs. Town of Ville Platte, 44 So. 2nd 360. In Tremont & G. R. Co. vs. Louisiana & A. R. Co., 128 La. 299, 54 So. 826, it was pointed out that in order that the public shall have the services of public utility corporations and that there shall be no interruption in their services a prescriptive period has been placed upon their expropriation proceedings whereby the owner is barred from objecting. In Gumbel vs. New Orleans Terminal it was held a proper exercise of the judicial function, and not judicial legislation, for the Courts to decide that, when a corporation has the right of eminent domain, the landowner waives his right to insist that the creation and exercise of the servitude be preceded by an expropriation proceeding and estops himself from asserting the right and restricts himself to a claim for damages or compensation when he fails to object to the actual exercise of a servitude for a purpose of public utility across his property, the Courts thereby applying laws as to eminent domain as pertinent instead of those as to servitudes. The rights by which the present telephone facilities, wherever located on, over or across privately owned lands, are not such as may be terminated at the will of any private owner, same having long since been constructed with visible notice that it is claiming a servitude of right-of-way and without opposition of landowner. Tate vs. Town of Ville Platte (1950) declares that application of the doctrine of acquisition of servitude by unopposed use for public purpose, is not dependent on lapse of any specific prescriptive period, and even a brief period of occupancy and use of property by public utility, with knowledge, consent or acquiescence of landowner, will suffice to effectuate such doctrine in favor of a utility. Further, Tate vs. Ville Platte held that the rule that servitudes could only be acquired by written authorization by owner does not apply to one who claims servitude, having power of eminent domain and having actually used property with acquiescence of owner. And, continuing, that where owner, Tate, not only acquiesced in town's pipeline running on his property for many months without making objection thereto, but also gave verbal permission for it to be constructed, town using pipeline for distribution of natural gas acquired servitude although there was no written authorization by the owner, since town had right to exercise power of eminent domain. The Comptroller General's Decision B-134242, December 24, 1937, is in harmony with the above Louisiana holdings.

Hence, in the areas involving any facilities belonging to South Central Bell Telephone Company, similar to the above discussed Louisiana Power & Light Company, if they be situated over, on or under land not constituting the levees, then such telephone or utility company will have acquired a compensable interest by virtue of permit, grant, unopposed use

(coupled with the utility company's right of expropriation), but if they be situated within a levee right of way the telephone or utility cannot be deemed to possess a compensable interest and can be paid or reimbursed for its relocation only by virtue of Congressional authority, Sec 2 of the Flood Control Act of 1938, which, as in all such cases of Federal payment dependent upon such Act, will not include the cost of new right-of-way as is provided in ER 1180-1-1, 1 Dec 69, Part 7 - Relocations and Alterations Made Pursuant to Special Statutory Authority, which makes the following provision for public utilities lacking compensable interest:

"73-701 Lack of Compensable Interest - Civil Works. Where a public utility will be destroyed or damaged due to operation of a civil works project and relocation or alteration of the facility is required to continue service to the public, the Government may assume the cost of relocating or altering the facility (but not the cost for a new right-of-way) when, in fact, the utility owner is not presently vested with a compensable interest in the existing right-of-way. Negotiations with utility owners in accordance with the foregoing is authorized under Section 2, Flood Control Act of 1938, (52 Stat. 1215; 33 U.S.C. 701-c). (See Comp. Gen. Decision B-134242, 24 Dec 1957)."

Based upon the foregoing, the South Central Bell Telephone Company has a compensable interest in its easements (servitudes) EXCEPT within the levee right-of-way and the United States, subject to what is said relative to locations in levee rights-of-way is authorized to pay or reimburse for such alterations or relocations.

d.  
COMPENSABLE INTEREST  
of  
DELTA GAS, INC.

A Louisiana corporation, with registered office at 861 Carondelet Street, New Orleans, Louisiana 70130

According to information furnished, most of item G-1, Delta Gas Inc's lines are outside the present levee right-of-way. A small portion thereof is inside the levee right-of-way. Item G-2 is outside the levee right-of-way, but it appears most of it is within the proposed road right-of-way. It is considered that the gas lines must be relocated or perhaps abandoned, to accommodate levee construction -- instead of ordered to be removed for the convenience of the highway. The latter statement is likewise applicable to the necessity of South Central Bell Company, treated in "c" above, to relocate or abandon.

From the dates of applications for gas service, and permits or grants contained therein to cross customer-owned land to effect connections to such individual consumer-customer of the Gas Company, such lines have been so located dating back to 1956 or earlier. It is understood that

Delta Gas, Inc. operates and maintains a gas line or lines of various sizes, for gas utility service to the public in this area, besides those particularly located above within Item M-23.2-R, extending from above Ft. Jackson to or below Venice, Louisiana. Its right-of-way has been acquired by permit or grant from the customer-consumer to be served, or by acquisition or a servitude of right-of-way for its lines by unopposed use and occupancy. Such method of right-of-way acquisition is explained above herein with reference to the compensable interest of Louisiana Power and Light Company and South Central Bell Telephone Company. What is there said relates also in the absence of grant or right-of-way in applications for service to any portion of right-of-way so acquired by Delta. As to any portion of Delta's lines required to be removed

to accomodate the Project, which lie within present levee rights-of-way relief may be granted Delta under ER 73-701, covering payment of labor costs by United States to utilities lacking compensable interest applicable under such circumstance to Delta Gas, Inc., a public utility company under Louisiana statutes, having the right of eminent domain. See La. Rev. Statutes 45:301; 45:781; 19:2 and La. Civil Code Arts. 2626 and 2630.

Delta Gas, Inc., as shown by furnished copies of Articles of Incorporation of 2 December 1946, with amendment changing its name on 18 March 1960, and Certificate of Incorporation by the Secretary of State of the State of Louisiana, dated 29 January 1954, shows Delta Gas, Inc. was originally organized as "Delta Power & Gas Co., Inc." in 1946, and that it amended only Article I of the Articles of Incorporation, to effect change of name to Delta Gas, Inc. in 1960. The corporation's organized purpose, as stated in its Articles, was, besides others, to construct and maintain gas plants, transmission and pipe lines, to distribute gas to public and private buildings for lighting, heating, power, fuel and all other purposes for which same may be used; to contract by franchise or otherwise with any public body or authority and any person, firm or corporation for the distributing, delivering and sale of gas, etc.

Relative to partial abandonment and discontinuance of services:

Louisiana Public Service Commission, P. O. Box 44035, State Capital, Baton Rouge, Louisiana 70804, pursuant to Article 6, Section 4, Constitution of Louisiana, 1921, supervises, regulates and controls carrier railroads, telephone, telegraph, gas, electric light, heat and power, water works, common carrier pipe lines, canals (except irrigation canals) and other public utilities in the State of Louisiana. The power, authority and duties of the Commission affect all matters of things connected with SERVICE TO BE GIVEN BY the common carriers and PUBLIC UTILITIES, and the Commission is empowered to adopt and enforce such REASONABLE rules, regulations and modes of procedure as it may deem proper for the discharge of its duties. Consequently, any major change in its business practice and procedure, such as any abandonment and discontinuance of service and facilities by South Central Bell Telephone Company and Delta Gas, Inc. as a consequence of or in connection with any of subject

projects levee enlargements and setbacks must first be reported to and proper ruling thereon obtained from the Public Service Commission. (See La. Const. 1921, Art 6, Sec 4, Note 86). Without specific authority to abandon, a utility company has the usual necessary power to contract. Also, business corporations, under the new corporations act, 105 of 1968, R. S. Title 12, applicable, except where earlier rights have vested, etc., to older corporation such as Delta, organized under Act 250 of 1928, as well as the telephone companies, have broader powers of alienation, R. S. 12:41 (4) and DONATION, R.S. 12:41 (12). In my opinion, when authorized by the Public Service Commission, Delta and the telephone company may reasonably abandon or discontinue its services and facilities where conditions so REQUIRE such action. Additionally, besides the authority from the Commission, Delta's application forms executed by individuals and corporations for services and connections as set out at No. 14 of its terms and conditions, contains the "Act of God" and "force majeure" clauses which should cover the unexpected and disruptive event here being dealt with, one beyond the control and desire of the contracting parties, and operate to excuse such party from a contract.

Discussions have previously been had regarding the effect to be given the Project of ER 1180-1-1, 1 December 1969, 73-209.3 Utilities (Relocations) and particularly 73-209.3(2) a. and b. thereof, covering facilities to be abandoned which do not interfere with the construction, and facilities to be abandoned which do interfere, respectively, which for convenience are here quoted in part:

"(2) To be abandoned and not replaced (including R.E.A. facilities).

a. If the facility to be abandoned does not interfere with the construction, maintenance, or operation of the project (and for this reason does not have to be removed) and if the probability of its being flooded is so remote as not to constitute a legal taking within the meaning of the Fifth Amendment of the United States Constitution, the land within the project boundary will be acquired subject to the outstanding rights, if any, and no compensation will be paid for the facility to be abandoned. This is consistent with the decision of the U. S. Court of Claims of 15 January 1958 in the case of Southern Counties Gas Company of California v. the United States, 157 Fed. Sup. 934; 79 S. Ct. 23; 358 U. S. 815-Cert Denied.

b. If the facility to be abandoned does interfere with the construction, maintenance or operation of the project (and for this reason must be removed) or if it will probably be flooded so frequently as to constitute a legal taking within the meaning of the Fifth Amendment of the United States Constitution, compensation may be made, whether or not the owner has a valid real property interest, under the provisions

of Section 2 of the Flood Control Act of 1958. In such cases, compensation will be limited to that portion of the facility lying within the project boundaries."

If, in order to provide Delta, or any other utility company, should such matter continue to arise, adequate substitute facilities in connection with tracts, or persons thereon, isolated from or deprived of utility services, it may be necessary to provide what, except for ER 1180-1-1, 73-205.1, usually is styled as "betterment". Such 73-205.1 is here quoted:

"73-205.1 Determination as to Adequacy of Substitute Facility and Reasonableness of Cost. If it has been determined that a relocation, alteration or protection is required, it will be planned to afford a degree of serviceability and susceptibility to flood or other damages compared to that possessed by the existing facility. Anything provided over and above such construction at increased cost must be considered a betterment, and the payment of cost thereof must be borne by the owner of the facility. The term 'betterment' should not, however, be interpreted to include more costly construction or construction to a higher class if such is necessitated solely as a result of the relocation."

Accordingly, Delta Gas, Inc., a public utility, has a compensable interest in its right-of-way located outside of levee right-of-way and to its facilities thereon which require relocating to prevent interference. Where such may be now situated within an existing levee right-of-way, or public property, payment may still be made to Delta for labor expenses or relocation under the above cited ER 73-701 covering public utilities. Payment may also be made for facilities to be abandoned and not replaced but require removal under 2b. of ECI 73-209.3, set out at page 7309 of ER 1180-1-1, 1 Dec 69, and Sec. 2 of the Flood Control Act of 1938 as there provided.

a.

COMPENSABLE INTEREST  
OF

PLAQUEMINES PARISH, LOUISIANA

(Governing Body: Plaquemines Parish Commission Council)  
in Sewerage Discharge Pipeline

Plaquemines Parish, Louisiana, and the other political subdivisions and districts situated therein, including the Buras Levee District and Grand Prairie Levee District (See Sec. 1, Art. I, and Sec. 4, Art II, of Charter, pages I and 5), as provided for by Section 3(d) of Article XIV (Act 631 of the 1960 Legislature), supplemented by Section 3(c) of Article XIV of the Louisiana Constitution, 1921, and

by the applicable laws of the State of Louisiana and the Charter for local Self-Government for Plaquemines Parish, Louisiana, is conducted and operated under a governing authority known as the PLAQUEMINES PARISH COMMISSION COUNCIL. Among the powers, not exclusive, of the Parish Council set forth in Section 3 of Article II of the Charter, are: Number 10, the right of eminent domain to secure lands and property needed for public improvements in laying out of streets, roads --and the construction and repairing of--sewers and other needed repairs and improvements; Number 13, maintain roads and streets dedicated for public use; Number 15, regulated public health; Number 17, provide sanitary and health requirements; Number 19, to compel and regulate construction or use of cesspools, connections of properties with sewers and drains; and Number 25, to regulate, control, grant franchises to, or itself operate any public utilities. Section 4, Title II of the Charter, provides that the Parish Council shall succeed to all the jurisdictions, powers, duties and functions of the Plaquemines Parish Police Jury as governing authority of the Parish of Plaquemines and of other political subdivisions and districts therein,--including the Buras and Grand Prairie Levee Districts --with the full authority as governing authority of said levee districts to appropriate property for levee and levee drainage purposes, as authorized by the State Constitution.

Personal investigation and inquiry by the undersigned, on the ground, as to Plaquemines Parish owned facilities and improvements concerned herein and otherwise, besides the background and history of roads and highways, inquiry at the offices of the Department of Highways at Baton Rouge, Louisiana, all subsequently confirmed by letter, affidavit and other documentary proof, discloses, to quote an appropriate and reliable affidavit dated 25 June 1970, that:

- "1) The road situated on the Mississippi River Levee from Ft. Jackson to Venice, (the portion being then inquired about) was constructed prior to the date that the U. S. Corps of Engineers assumed responsibility of the maintenance of the Mississippi River Levee and that this road has been continually maintained and improved either by Plaquemines Parish or State of Louisiana agencies since that date.
- "2) That the Parish of Plaquemines through its Police Jury, or its successor, the Plaquemines Parish Commission Council, constructed in 1957, and continually maintained, a potable water line in a portion of this same road right of way; that said potable water line extends along the road right of way and is an integral part of the Parish of Plaquemines potable water distribution system, a portion of which extends along Louisiana Highway No. 23 with several intermediate connections to the line along the River Road between Ft. Jackson and Venice, all of which is on public

right of way; that the water line extending along the Mississippi River Road is essential to the maintenance of adequate water pressure and supply to the entire area; that said water line is still in use and operation and still owned and operated by the Parish of Plaquemines for service to the public of potable water.

- "3) That the Parish of Plaquemines constructed in 1968 (Others upriver, including subject sewerage line, were of earlier origin) and has continued in use and operation a sewerage discharge line over said road and levee area at approximate station 3587+13.8 in the Boothville Community."

As to the public nature, public use, and public ownership of these facilities, basically, no dispute has been seriously presented. The following Codal articles should suffice to establish that Plaquemines Parish is entitled to use the public servitude established and recognized by the effect of law. No known case in Louisiana has made a distinction between the relative rights of a levee board and the rights of the Police Jury, the governing body of a parish (see "Confusion of Rights" and the "Equitable Doctrine of Merger"). All these river and levee servitudes are due the public, the people, the STATE (and the State has delegated the use of these rights to its agencies, but at the same time has retained the rights to itself insofar as might be required. See City of New Orleans vs. Board of Commissioners of Port of New Orleans. App. 1963, 148 So. 2d 782. Also, see the articles, shown below, which treat the subject of "CONFUSION" in law when the rights of the debtor and creditor merge into a single body of entity. Civil Code Articles 2217 and 805 state:

Of Confusion.

Art. 2217 (2215). Confusion Defined. When the qualities of debtor and creditor are united in the same person, there arises a confusion of right, which extinguishes the obligation.

Art. 805 (801). Union of the Two Estates; Extinction by Confusion. Every servitude is extinguished, when the estate to which it is due, and the estate owning it, are united in the same hands.

But it is necessary that the whole of the two estates should belong to the same owner; for if the owner of one estate only acquires the other in part or in common with another person, confusion does not take effect.

Also, as determined in the above cited case of New Orleans vs. Port, 148 So. 2d 782, under the annotations to Civil Code Article 805:



Art. 805. Confusion

1. Construction and application

The board of commissioners of the port of New Orleans was not entitled to take part of bank of Mississippi River fronting on Audubon Park in City of New Orleans for purpose of constructing an upstream extension of wharf, on theory that as agent of state board had right to exercise right of servitude of use for purposes of commerce and navigation, where under acts property was owned by the state, and was not burdened by predial servitude which had been extinguished by confusion when the state acquired ownership of the park property. City of New Orleans v. Board of Com'rs of Port of New Orleans, App. 1963, 148 So. 2d 782, writ refused 244 La. 204, 151 So. 2d 493.

Also from the Civil Code, the following Articles are apt:

Art. 453. Public things are those, the property of which is vested in a whole nation, and the use of which is allowed to all the members of the nation; of this kind are \*\*\*\* the beds of rivers, as long as the same are covered with water.

Art. 455. \*\*\* The use \*\*\* of the banks of navigable rivers, \*\*\* is public. \*\*\* Nevertheless the ownership of the river banks belongs to those who possess the adjacent lands. \*\*\*

Art. 457. \*\*\* The banks of a river \*\*\* are understood to be that which contains it in its ordinary state of high water; for the nature of the banks does not change, although for some cause they may be overflowed for a time.

Nevertheless on the borders of the Mississippi and other navigable streams, where there are levees, established according to law, the levees shall form the banks.

Art. 664. Servitudes.

2. Banks of streams. Land in Louisiana bordering on a navigable stream is subject to the state law allowing the public to impose servitudes on such land without compensation for the making and repairing of levees, even though the title to the land is derived from the United States. Eldridge v. Trozevant, 1896, 160 U. S. 452, 40 L.Ed. 450, 16 S. Ct. 345.

Rural property along banks of Red river, at least before Const. 1921, owed public servitude for levees and roads. Powell v Porter, 1931, 172 La. 681, 135 So. 24.

Road following levee along former bank of Red river, and used by public for over 60 years, held public road, if not by express, at least by tacit, dedication. Id.

The servitude given to the public upon the banks of navigable rivers or streams by Art. 455 is not necessarily confined to the definition of "banks". *McKeen v Kurfust*, 1855, 10 La. Ann. 523.

The space to be left for roads and levees by riparian proprietors is a legal servitude, which purchasers are bound to know; and a judgment recognizing it does not authorize a refusal to pay the price. *Bourg v. Niles*, 1851, 6 La. Ann. 77.

The use of the banks of navigable rivers, is a servitude for the public use, or common utility; and every proprietor adjacent to the shores of a navigable river is bound to leave sufficient space for levees, roads (streets) and other public or common works. *Hanson v. City Council of Lafayette*, 1841, 18 La. 295. (Emphasis added)

No man or individual proprietor of the banks of a navigable river, can appropriate them exclusively to his own use, and at his pleasure construct levees, or erect buildings and works that will obstruct the free use of its banks to all men, although the right of property is in him as proprietor of the adjacent lands.

Federal Government had all powers possessed by state in location, survey and construction of levees and their maintenance and other improvements upon the Mississippi and its tributaries, and such agencies as might be selected and appointed by federal legislation for such purpose had full authority to locate, survey and trace out such works and could appropriate necessary lands for that purpose without having to resort to proceedings usually invoked for purpose of expropriating property for public use. *Op. Atty. Gen.* 1918-20, p. 584.

Art. 665. Legal public servitudes.

Art. 665. Servitudes imposed for the public or common utility, relate to the space which is to be left for the public use by the adjacent proprietors on the shores of navigable rivers, and for the making and repairing of levees, roads and other public or common works. (Emphasis supplied).

All that relates to this kind of servitude is determined by laws or particular regulations.

The Parish of Plaquemines was created by the Acts of the Territory of Orleans, of the year 1807, 2nd Session of 1st Legislature, Chap. 1, page 2, approved March 31, 1807. The government of the parish was by Police Jury, or its primitive form thereof. (The governing body - Police Jury - was actually called by that name beginning in the year 1811). Such governing body - which by L.R.S.33:1236, setting forth the powers of a police jury, at number (2) thereof, has, among many others, the power "To regulate the proportion and direction, the making and repairing of the roads, bridges, causeways, dikes, dams, LEVEES, and highways \*\*\*" (emphasis mine) - continued to govern the Parish of Plaquemines until the adoption of the Charter form of Commission Council in 1960, pursuant to the State of Louisiana Constitutional authority (Article 14, Sec. 3d) adopted November 8, 1960.

The Buras Levee District was created by Act 18 of 1894. By specific section in the Parish Charter, Section 4, Article II, at page 5 of the printed Charter, provision is made for the assumption of jurisdiction, powers, duties, and functions of various existing bodies and agencies of and situated in the Parish as follows:

"The Parish Council shall succeed to all the jurisdictions, powers, duties and functions of the Plaquemines Parish Police Jury as governing authority of the Parish of Plaquemines and other political subdivisions and districts therein, including the Buras Levee District and the Grand Prairie Levee District, with full authority as governing authority of said LEVEE DISTRICTS to APPROPRIATE property for levee and levee drainage purposes, as authorized by the State Constitution." (Underscore and emphasis supplied).

According to information obtained by me from the President of the Plaquemines Parish Commission Council (in December 1971) the bonded indebtedness of the former Buras Levee District (having only a fictional legal existence for Constitutional requirements that its contracts cannot be abridged in this instance, and of outstanding indebtedness) has been ASSUMED by the Commission Council when the Charter was adopted.

The following is pertinent hereto:

"U.S. La. (1876). A levee board charged with the maintenance of levees within a certain district, when superseded in its functions by a law dividing the district and creating a new corporation for one portion, and placing the other under charge of the local authorities, ceases to exist, except so far as its existence is expressly continued for special objects, - such as settling up its indebtedness, etc. - Barkley v. Levee Com'rs of Louisiana, 93, U. S. 258, 23 L.Ed. 893."

As set forth in the various discussions and citations preceding this point, the Parish of Plaquemines, begun in 1807, has no newly acquired rights by virtue of the Charter. The Charter only changed the form of its government and the Parish, by virtue of its powers and those designated a Police Jury always had the right to use the levees and the banks of the river to the full extent of the State's rights.

The Parish's ownership of Gulftown Road is discussed above. Along a portion of such road and crossing it and the levee is located subject and other sewerage discharge pipelines referred to in the above quoted affidavit. However, all subject facilities are publicly owned and operated by the local Parish governing agency for the areas where same are situated, having the combined and merged powers of other agencies to which it succeeded by vote and consent of the people of Plaquemines Parish and the resultant adoption of the Charter for Local Self-Government for Plaquemines Parish above described, such governing agency having, besides its numerous other powers and duties, the powers of both appropriation (when fictionally operating under its acquired rights of a Levee Board) and condemnation. A corporate or body politic such as the present Plaquemines Parish Council having both the right of appropriation and the right of eminent domain would be deemed to possess a vested right in the public levee right of way to be relocated and to its roads, even without conventional negotiation for and acquisition of such required servitudes as was decreed in a long line of decisions by the Louisiana Supreme Court cited above herein relative to South Central Bell Telephone Company. The rights by which the Parish's water mains and sewerage discharge pipelines, wherever located on, over or across privately owned lands, are not such as may be terminated at the will of any private owner, same having long since been constructed under plans, consents and authorizations of the now same Parish Council in view of its merged powers which it succeeded to and acquired from the earlier separate appropriate agencies and districts, resulting in the facility having been constructed by itself, naturally without dissent from its own body, but with its own sanction and approval, and without opposition of landowner. See Tate vs. Ville Platte (1950) discussed in report hereinabove re South Central Bell Telephone Company.

In view of the foregoing, together with other information in the matter obtained by and for me for use herein, it is my opinion that PLAQUEMINES PARISH, LOUISIANA, through its governing body and authority, PLAQUEMINES PARISH COMMISSION COUNCIL, usually referred to as "Parish Council" has an established compensable interest in its water mains, particularly to subject sewerage discharge pipeline described in caption hereof, required by project to be relocated, and that the United States is authorized to pay or reimburse for the relocation thereof, as required to prevent interference therewith.

f, g, n, i, j. k. l and m  
COMPENSABLE INTEREST  
(in the order captioned)  
OF  
MATTHEW FRANICEVICH  
FUEL SERVICE OF BURAS, INC.  
(MATTHEW SUMICH)  
LEASE SERVICE(S), INC.  
RIVERLAND DEVELOPMENT CORPORATION  
ANDREW COGNEVICH  
H. BARNEY SCHOENBERGER  
HERBERT COLLETTE  
and  
EMMETT MOREL

Each of the several owners, by letters or instruments, dated 28 December 1971 or 22 February 1972, to the Plaquemines Parish Commission Council and United States Corps of Engineers, which letter or instrument includes the respective and applicable levee station numbers, as shown in caption, has authorized the removal of subject facilities from the Mississippi River levee right of way in order not to interfere with project. None has a compensable interest in such improvements located, at the sufferance of the public in the levee right of way. Inasmuch as consent is granted, by all such owners, for the removal of their interfering facilities, with no mention having been made as to contemplated reimbursement, it will be considered that such facilities are abandoned by the owners, except for possible salvage, if any, without reimbursement.

COMPENSABLE INTEREST OF OWNERS

By reference to LMNRE-A letter dated 22 December 1971; subject: Relocation of Facilities Required for Future Modification of Mississippi River Levees (this district's reply to LMVED-TD/LMVRE letter dated 21 October 1971, subject as above), which explained the nature of commitments made in regard to the subject project, this item is considered committed.

New Orleans, Louisiana  
29 March 1973

  
RALPH E. HALLIBURTON

ATTORNEY

U. S. ARMY ENGINEER DISTRICT, NEW ORLEANS  
NEW ORLEANS, LOUISIANA

ATTORNEY'S REPORT

**SUBJECT:** Attorney's Investigation and Report concerning the concrete slab road on the Mississippi River main line levee from approximate levee stations 3113+50 to 3142+28.1, which reach, located above Fort Jackson, is sometimes referred to as "Gulftown Road"; and the road also located on such levee below Fort Jackson from approximate levee stations 3354+56.7 to 3797+64.2, all in Plaquemines Parish, Louisiana.

**TO:** District Engineer  
U. S. Army Engineer District, New Orleans  
New Orleans, Louisiana

An investigation and report, in accordance with ER 1180-1-1, Section 53, Part 2 (ECI 53-203 and ECI 53-204), of the legal obligations of the Government and determination of compensable interest and ownership of the road, identified above, in connection with the current study involving the raising of the main line Mississippi River Levee.

PROPOSED OBLIGATION

Reference Cmt. 1, DF dated 29 October 1969, from Chief, Engineering Division, to Chief, Real Estate Division, subject "Compensable Interest Study Plaquemines Parish, La.", and the attached copy of letter of 24 October 1969 from Herbert R. Haar, Jr., Colonel, CE, District Engineer, to Mr. Chalin O. Perez, President, Plaquemines Parish Commission Council, Pointe-a-la-Hache, Louisiana 70082. It is intended that relocation of the road, if required by levee construction under the Mississippi River Levees Project, will be at federal cost. Additionally, it is anticipated that rights-of-way to be occupied by the relocated road may be paid for by the Federal Government, provided the owner of the road is vested with a compensable interest in rights-of-way for the road at its existing location. See ER 1180-1-1, Change 58, 5 May 1961, 53-701, Lack of Compensable Interest - Civil Works, citing Sec. 2, Flood Control Act of 1938 (52 Stat. 1215; 33 U.S.C. 701c-1) and Comp. Gen. Decision B-134242, Dec. 24, 1957. See also 53-703 of said ER 1180-1-1, Relocation of Facilities Owned by Governmental Agencies, and DIVR 1110-2-1, 29 Jan. 1968, 4b., at page 2, Construction, Enlargement or Improvement of Main Line Mississippi River Levees, referring to correspondence to MRC letter, LMVED-TL, 20 September 1966, subject: "Relocation or Replacement of Roads Required by New Construction on Mississippi River Levees," and to Act of 15 May 1928 (PL 391, 70th Congress), as amended, and Act 23 April 1934 (PL 171, 73d Congress). See also, as changed 7 May 1968, 5. Criteria, of said DIVR 1110-2-1, at page 3 thereof.

EXHIBIT B

## COMPENSABLE INTEREST

The subject road is located in Plaquemines Parish, Louisiana, which parish was created by Acts of the Territory of Orleans of 1807, 2nd Session of 1st Legislature, ch. 1, page 2. The governing body of said parish, formerly the Plaquemines Parish Police Jury, is now styled Plaquemines Parish Commission Council, with all the powers granted by the laws of Louisiana to police juries, which includes the paramount authority in location, construction and maintenance of roads in its district. See Donaldson v. Police Jury of Tangipahoa Parish, 1926, 161 La. 471, 109 So. 34. See La. Constitution, 1921, Section 4 of Art. II and Sec. 3(d) as amended Parish Charter Comm. of Art. XIV (Act 631 of 1960, adopted Nov. 8, 1960) - L.R.S. 38:991 as amended by Act 229 of 1960; and L.R.S. 33:1236 (Police Jury Powers). The road is located in that portion of Plaquemines Parish which is within the territorial limits and jurisdiction of The Buras Levee District, domiciled at Pointe-a-la-Hache, Louisiana, created by Act 18 of 1894, of the Louisiana Legislature, and partly in The Buras Back Levee District, domiciled also at Pointe-a-la-Hache. The limits of the latter district, created by Act 100 of 1932 of the Louisiana Legislature, is superimposed over a part of The Buras Levee District.

Investigation and inquiry as to the origin and ownership of the road was made by the undersigned at the office of the Department of Highways, State of Louisiana, Baton Rouge. Mr. Les Benton of the right-of-way division of such Department and to whom the roads of the Parish of Plaquemines are especially assigned, readily furnished the information that subject road is an ancient road owned and, with the exception of that reach beginning at The Jump, at Venice, and extending upriver approximately three miles, which is designated by the State Department of Highways as #325, is maintained by the Parish of Plaquemines as a parish road. The said reach numbered 325 was and is parish owned, but is maintained by the State Department of Highways at the request of the parish, no transfer of actual ownership having ever been contemplated or made of record. Further, that the Highway Department's files contain no historical acquisition data whatever covering such road's right-of-way, and no records of any permits requested or issued to occupy any part of such right-of-way, most of which is located atop the existing levee, and that the road is probably as old or older than the time of the creation of the Parish of Plaquemines, that is, 1807. Inquiry of Mr. Chalin O. Perez, President of the Plaquemines Parish Commission Council, as to the age and history of the road in place evoked the response that it had existed before he was born and that he was born in 1923, and remembered quite clearly making trips extending along the entire length of such road, when he was not older than 5 years of age, to accompany members of his family and friends on hunting trips to and below The Jump of several days duration. That the road was necessarily located on the levee and that it had been so

located long before the United States first took any part in the levee work there, inasmuch as the elevation of the land back from the higher land at the river's edge was too low upon which to construct a road. This vein of information was verified by two long time, over 30 years, employees now in the Real Estate Division of this District. The Secretary of the Plaquemines Parish Commission Council, Mrs. Edna LaFrance, an especially reliable well-informed and efficient long time Plaquemines Parish employee, has advised that none of the parish bodies has any records made at the time of the construction of the road and that there are no permits for the occupancy of the road on the levee. It appears that the road may have existed on the high elevation at river's edge along its route even before the construction of any levee whatever; and that the first levees, when constructed privately by the landowners along its course, placed the levee on the former road right-of-way and continued to use the road at its newly elevated height atop the finished levee. For a history of the early means and manner of the construction of levees in Louisiana, see Mayer v. Caddo Levee District, 177 La. 1119 at page 1123. A full discussion of the historical background of servitudes for levee purposes in Louisiana, derived from the laws of France and Spain, is found in Dickson v. Caddo Levee District, 26 So. 2d 474 at page 478.

It is appropriate to refer to Articles 665 and 707 of the Louisiana Civil Code which treats of the establishment of levee and levee road servitudes (easements) by law on river lands, without purchase or further formal acquisition. It will be noted, C. C. Article 707, that in certain instances therein described, the proprietors of land upon which a levee or levee road rests or is situated, and which is no longer usable, are under obligation to furnish another such right-of-way at no cost. Attention is called however to Sec. 6 of Article XVI of the Louisiana Constitution, 1921, which requires that land taken for levee purposes (by appropriation inasmuch as expropriation is not required for lands which owe a levee servitude) be paid for at a price equal to the previous year's assessed value. The prescriptive period for these actions or claims is two years, L.R.S. 9:5626. In this connection, attention is invited to the United States Statute, 33:702a-12 U.S.C.A., which permits the United States to reimburse such local agencies of a state the payment of the reasonable market value of such required lands for future setbacks (not enlargements) of main line Mississippi River levees.

To sum up, as set out above, there have been no purchases for the acquisition of the subject levee or the road atop same, nor are there any permits (the construction having occurred prior to the evolution of such practice) governing permission to build or remove at builders expenses. The levee and the road have been in existence by virtue of the law governing servitudes, by consent, especially inasmuch as the original construction was likely by the owners of the land upon which



FLOOD CONTROL  
MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
ITEM M-23.2-R  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
PLAQUEMINES PARISH, LOUISIANA  
DESIGN MEMORANDUM NO. 10

APPENDIX II  
STATE OF LOUISIANA  
DEPARTMENT OF HIGHWAYS  
MINIMUM DESIGN STANDARDS  
FOR RURAL HIGHWAYS AND ROADS

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# LOUISIANA DEPARTMENT OF HIGHWAYS

## MINIMUM DESIGN STANDARDS FOR RURAL HIGHWAYS AND ROADS

DATE \_\_\_\_\_  
 JULY 1, 1969  
 REV. AUGUST 8, 1969  
 REV. MARCH 10, 1971

C SYSTEM								LOCAL ROADS	
B SYSTEM									
A SYSTEM									
ITEM NO.	ITEMS	CLASS 1	CLASS 2	CLASS 3	CLASS 4	CLASS 5	CLASS 6	HARD SURFACED	AGGREGATE OR NO SURFACE
1	CURRENT AVERAGE DAILY TRAFFIC	OVER 12,000	12,000 - 3,001	3,000 OR LESS	1,500 - 751	750 OR LESS	400 OR LESS	300 OR LESS	100 OR LESS
2	DESIGN HOURLY VOLUME <sup>①</sup>	OVER 2,400	2,400 - 601	600 OR LESS	400 - 200				
3	NUMBER OF TRAFFIC LANES	6	4	2	2	2	2	2	2
4	WIDTH OF EACH LANE	12'	12'	12'	12'	10'	10'	9'	9'
5	WIDTH OF SHOULDERS	MINIMUM	8' OUT. INS. 6'	8' OUT. INS. 6'	8'	8'	5'		
		DESTRALBLE	10' OUT. INS. 6'	10' OUT. INS. 6'	10'				
6	TYPE OF SHOULDERS	STABILIZED & SURFACED	STABILIZED & SURFACED	AGGREGATE <sup>②</sup>	AGGREGATE	AGGREGATE	AGGREGATE		
7	WIDTH OF MEDIAN	44' DEPRESSED 20' OTHER	44' DEPRESSED 20' OTHER						
8	FORE SLOPE - RATIO	MINIMUM	4:1	4:1	4:1	3:1	3:1	3:1	2:1
		DESTRALBLE	6:1	6:1	6:1	4:1			
9	BACK SLOPE - RATIO	MINIMUM	3:1	3:1	3:1	3:1	3:1	2:1	2:1
		DESTRALBLE	4:1	4:1	4:1				
10	DESIGN SPEED M.P.H.	70	70	60 <sup>③</sup>	60	50	40	40	20
11	STOPPING SIGHT DISTANCE	600'	600'	475' <sup>④</sup>	475'	350'	275'	275'	200'
12	CONTROLLING CURVATURE <sup>⑤</sup>	DESTRALBLE	3"	3"	3"	5°30'	8°30'	12°30'	18°30'
		MAXIMUM	4"	4"	5°30'	5°30'	8°30'	12°30'	18°30'
13	CONTROLLING GRADE <sup>⑤</sup>	4%	4%	5% <sup>④</sup>	5%	6%	7%	10%	
14	VERTICAL CLEARANCE <sup>⑥</sup>	15'	15'	15'	15'	15'	15'	15'	15'
15	HORIZ. CLEARANCE (MEASURED FROM EDGE OF PAVEMENT) <sup>⑦</sup>	30'	30'	30'	30'	15'	11'	8'	
16	RIGHT OF WAY WIDTH <sup>⑧</sup>	300'	300'	150' <sup>⑨</sup>	120'	100'	80'	60' <sup>⑩</sup>	40' <sup>⑪</sup>
17	DESIGN LOADING FOR BRIDGES	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-44	N-15	N-15
18	MINIMUM WIDTH OF BRIDGES (MEASURED FROM FACE TO FACE OF BRIDGE RAIL)	APPROACH PAVEMENT & SHOULDERS <sup>⑫</sup>	APPROACH PAVEMENT & SHOULDERS <sup>⑫</sup>	APPROACH PAVEMENT & SHOULDERS <sup>⑫</sup>	APPROACH PAVEMENT & SHOULDERS <sup>⑫</sup>	28'	28'	20' <sup>⑬</sup>	20' <sup>⑭</sup>
19	PAVEMENT CROSS SLOPE	0.02%	0.02%	0.02%	0.02%	0.02%	0.02%	0.02%	NO
20	GUARDRAIL REQUIRED AT BRIDGE ENDS	YES	YES	YES	YES	YES	YES	YES	NO

- ① DETAILED INFORMATION TO BE FURNISHED BY TRAFFIC AND PLANNING.
- ② STABILIZED AND SURFACED DESIRABLE.
- ③ ON FUTURE FOUR LANE FACILITY DESIGN FOR 70 MPH WITH 600' S.S.D. AND 4% CONTROLLING GRADE.
- ④ BASED ON 0.10 FT/FT MAXIMUM SUPERELEVATION.
- ⑤ GRADES MAY BE INCREASED TO MAXIMUM USEABLE WITH DESIGN SPEED SELECTED, BUT NOT TO EXCEED 8% IN ANY CASE, EXCEPT FOR CLASS 6 HIGHWAYS AND LOCAL ROADS.
- ⑥ 16 FT. VERTICAL CLEARANCE OVER TRUNK LINE ROUTES.
- ⑦ MAY BE LESS IF PROTECTED BY GUARDRAIL.
- ⑧ MINIMUM FOR NEW LOCATION. FOR EXISTING LOCATION NOT LESS THAN THAT REQUIRED FOR ALL ELEMENTS OF THE CROSS-SECTION AND APPROPRIATE BORDER AREAS.
- ⑨ 300' WHERE FUTURE FOUR LANES ARE INDICATED.
- ⑩ AS REQUIRED TO ACCOMMODATE SECTION.
- ⑪ IN SPECIAL CASES PARTIAL SHOULDERS MAY BE USED.
- ⑫ 18' MINIMUM WIDTH FOR RETENTION OF BRIDGES IN GOOD CONDITION.

ADOPTED *A. B. Ratcliff, Jr.*  
 A. B. RATCLIFF, JR.  
 CHIEF ENGINEER  
 MARCH 10, 1971

FLOOD CONTROL  
MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
ITEM M-23.2-R  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
PLAQUEMINES PARISH, LOUISIANA  
RELOCATION OF FACILITIES  
DESIGN MEMORANDUM NO. 10

APPENDIX III  
PERTINENT CORRESPONDENCE

---



**South Central Bell**

1010 Hancock Street  
Gretna, Louisiana 70053  
Phone (504) 529-9314

March 27, 1973 DLC:nt

Jerome C. Baehr  
U. S. Army Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana  
Attention: Mr. Robert Gunn

RE: Buras - Triumph Levee Setback

Dear Sir:

This letter is to inform you of our position regarding telephone facilities involved in the Buras - Triumph Levee Setback.

There is no work to be performed by us between stations 3029 + 65.03 and 3112 + 00.0.

Between stations 3112 + 00.0 and 3142 + 28.1 we have three (3) short legs of cable in the way. These will be removed by South Central Bell at no cost to the Corps of Engineers.

Between station 3142 + 28.1 and 3197 + 00 we have no facilities in the way.

If you have any questions please feel free to call.

Yours truly,

  
District Engineer

FLOOD CONTROL  
MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
ITEM M-23.2-R  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
PLAQUEMINES PARISH, LOUISIANA  
RELOCATION OF FACILITIES  
DESIGN MEMORANDUM NO. 10

APPENDIX IV  
DETAILED COST ESTIMATE  
GULFTOWN ROAD

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APPENDIX IV  
 DETAILED COST ESTIMATE  
 PLAQUEMINES PARISH ROADS  
 (March 1973 Price Levels)

Item No.	Description	Unit	Quantity	Unit Cost (\$)	Amount (\$)
1	Clearing and Grubbing	Sum	Job	Sum	10,000
2	Removal of Structures and Obstructions	Sum	Job	Sum	5,000
3	Removal of Portland Cement Concrete Pavement	SY	345	2.00	690
4	Removal of Surfacing and Stabilized Base Course	SY	25	2.00	50
5	Unclassified Excavation	CY	3,750	2.00	7,500
6	Special Borrow Excavation (Select Material)	CY	4,770	4.00	19,080
7	Cement Treated Shell and Sand Base Course	CY	1,620	12.00	19,440
8	Aggregate Surface Course (Ramps and Shoulders)	CY	1,440	6.00	8,640
9	Portland Cement Concrete Pavement (8" Thick)	SY	8,180	9.00	73,620
10	Asbestos Bonded Corrugated Metal Pipe Arch (22"x13") (Watertight Bands)	LF	296	15.00	4,440
11	Asbestos Bonded Corrugated Metal Pipe Arch (29"x18") (Watertight Bands)	LF	28	25.00	700
12	Reinforced Concrete Pipe (Class III) (18") (Flexible Watertight Gaskets)	LF	180	11.00	1,980

APPENDIX IV - (cont'd)  
 DETAILED COST ESTIMATE  
 PLAQUEMINES PARISH ROADS  
 (March 1973 Price Levels)

Item No.	Description	Unit	Quantity	Unit Cost (\$)	Amount (\$)
13	Manholes (R-CB-13) (Brick)	Each	4	600.00	2,400
14	Catch Basins (R-CB-3 Mod) (Concrete)	Each	4	800.00	3,200
15	Adjusting Manholes	Each	3	130.00	390
16	Signs and Barricades	Sum	Job	Sum	7,500
17	Field Lab (for General Use)	Bldg	1	5,000	5,000
18	Bedding Material	CY	200	8.00	1,600
19	Dead End Road Installations	Each	6	650.00	3,900
20	Adjusting Sanitary Sewer House Connections	Each	13	150.00	1,950
21	8-inch Cast Iron Pipe	LF	40	15.00	600
	Relocation Cost				177,680
	Plus Removal Cost				<sup>1/</sup> 2,620
	Subtotal				180,300
	Contingencies (25% +)				45,100
	Subtotal				225,400
	E&D (6% +)				13,600
	S&A (6% +)				13,600

APPENDIX IV - (cont'd)  
 DETAILED COST ESTIMATE  
 PLAQUEMINES PARISH ROADS  
 (March 1973 Price Levels)

Item No.	Description	Unit	Quantity	Unit Cost (\$)	Amount (\$)
	Subtotal				252,600
	Right-of-Way Cost				172,700 <sup>2/</sup>
	Total				425,300

1/ Represents removal cost for that portion of the roadway which exists outside of the proposed levee right-of-way. Removal of that portion within the proposed levee right-of-way will be included in the contract for levee construction.

2/ Based on LMNRE-AV Gross Appraisal Report No. 30213; includes \$59,000 for cost of benefits allowable under the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970.



FLOOD CONTROL  
MISSISSIPPI RIVER AND TRIBUTARIES  
MISSISSIPPI RIVER LEVEES  
ITEM M-23.2-R  
BURAS-TRIUMPH LEVEE ENLARGEMENT  
PLAQUEMINES PARISH, LOUISIANA  
RELOCATION OF FACILITIES  
DESIGN MEMORANDUM NO. 10

APPENDIX V  
RELOCATION COST SUMMARY

APPENDIX V  
RELOCATION COST SUMMARY

<u>ITEM</u>	<u>ESTIMATED COST (\$)</u>
Gulftown Road	225,400
Gulftown Road R/W	<u>172,700</u>
Subtotal - Roads	398,100
Louisiana Power and Light Company	39,900
Delta Gas, Inc.	5,700
Plaquemines Parish Pipelines	<u>37,200</u>
Subtotal - Utilities	<u>82,800</u>
Subtotal - Relocations	480,900
E&D	18,700
S&A	<u>18,700</u>
TOTAL	518,300