

Gating Options Report for Lake Sherwood Acres



Dear Residents;

From time to time, we receive inquiries about addressing traffic or crime problems by installing gates at the entrances of the subdivision. Our response to these requests has been that, because we would have to assume the future maintenance of the streets, the cost of gating would be prohibitive. This was based upon the last investigation in 2003 when we asked then Councilman Mike Walker to determine what it would take to convert Lake Sherwood Acres into a "Gated Community".

Earlier this year, we learned that the Old Mill subdivision in Ascension Parish (a three-entrance subdivision at the intersection of two State highways) had closed one of its entrances in an effort to control cut-through traffic. Since this was a new approach to the "gating" issue, we decided to initiate a review that would more fully investigate the possibilities of gating LSA and update our files on this subject. Directors Don Frattini and Scott Shean volunteered to perform the review.

At our July SLA meeting, Don and Scott presented their findings. It is an extensive report on the requirements for gating the subdivision. A summary of that report follows:

In February, with the assistance of Councilman Buddy Amoroso, we began meeting and communicating with City-Parish officials to gather details on the latest requirements for gating. In summary, the basic requirements remain unchanged from 2003. It is still necessary to "revoke" any street before it is closed, and the approvals for "revoking" still require the consent of the utility companies, the DPW, the Planning Commission, the affected lot owners, and approval from the Metro Council.

The review included two options:

1. A partial gating of two of our four entrances involving the gating of LSA-East and Lake Lawrence near Coursey Boulevard to restrict cut-through traffic.
2. A classic fully gated community with all four entrances gated.

As we gathered more information about the process, we realized it would probably be necessary to include the Deerfield lot owners in the "resident approval" process. While they are not part of Lake Sherwood, they are landlocked and must use our streets for passage in and out of their subdivision. In the case of the fully gated option, they, too, would have to assume responsibility for the maintenance of their streets.

The "resident approval" portion of this exercise is significant. One of the requirements to revoking a street is a change to the General Plan of Development for Lake Sherwood and Deerfield, which would require approval by between 75 and 100% of the lot owners. Based upon the significant difficulty experienced in obtaining the 60% approval level to change the LSA Covenants and Restrictions in 2005, it is our opinion that these higher levels of approval, coupled with the requirement to obtain the Deerfield approval, would make the resident approval requirement near impossible to obtain.

Part of the review included cost estimates for the two gating options. The cost of gating two entrances could add as little as \$100 per year to each resident's annual dues, while the fully gated option could add as much as \$1,700 per year to each resident's annual dues. Unknowns, such as insurance costs, increased tax liability (from the incorporation of the streets into each lot) could significantly increase these estimates.

Despite these difficult hurdles, the greater hurdle comes with the violation of the Louisiana Revised Statute 48.512, which states that "No person shall close, obstruct, or change any legal road, public road, or street, as defined in RS 48:491". This means that even if we were able to satisfy all of the approvals needed by the utility companies, the DPW, the LSA residents, the Deerfield residents, the Planning Commission, and the Metro Council, there would always be the real likelihood that any lawsuit from the public would result in a ruling with unfavorable results.

Conclusions

Based upon the information and recommendations contained in the report, it is the conclusion of this SLA Board that any gating of Lake Sherwood is not a practical option. This also coincides with the conclusion reached by Councilman Amoroso.

As for the Old Mill subdivision, it continues to operate with one entrance gated. However, based upon our review work we think that, if challenged, the courts would rule that it is in violation of RS 48.512. We are aware of at least one legal challenge against another subdivision in Ascension Parish that has blocked one of their roads. This case is pending.

The full 26 page report may be viewed by clicking on this link:

Board of Directors
Sherwood Lake Association
July 17th, 2014
Scott