

ATTACHMENT: Comments received

To: Department of Property Management
Real Estate and Records Office, City Hall, Room 5W06, New Orleans, LA 70112
Attn: George A. Patterson, Director gapatterson@nola.gov
Max Camp mccycamp@nola.gov

City Planning Commission, 1300 Perdido St, 7th Floor, New Orleans, LA 70112
Attn: Leslie Alley, Planning Advisory Committee ltalley@nola.gov
Stephen Kroll skroll@nola.gov

Department of Public Works, 1300 Perdido St. Room 6W03, New Orleans, LA 70112
Attn: Col. Mark Jernigan, P.E. MarkD.Jernigan@nola.gov

New Orleans Fire Department, 317 Decatur St., New Orleans, LA 70130
Attn: Chief Roman Nelson rnelson@nola.gov

From: Keith Hardie, keithhardie@yahoo.com, 618 Audubon St. New Orleans, LA 70118

Date: 10/4/13

Re: Newcomb Boulevard

Newcomb Boulevard Association is seeking to purchase Newcomb Boulevard and close it to public use. The street is currently closed at its Freret Street end with a brick and wrought iron fence or gate, such that the street can only be entered by automotive traffic from St. Charles Avenue. The Courts have now held that that fence is illegal. The application to purchase and close the street should be rejected for the reasons stated in the attached memorandum.

**OPPOSITION TO
SALE OF NEWCOMB BOULEVARD**

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I. INTRODUCTION

On January 31, 2006, less than six months after Hurricane Katrina, John Shires, then Director ("Director") of the Department of Public Works ("DPW"), issued a letter to Mr. Frederic Theodore LeClercq, President of the Newcomb Boulevard Association ("NBA"), granting "approval to proceed with the closure of the street at Freret." (Emphasis added). *Attachment to Depo of Shires, Exh 8*. Later in 2006, Newcomb residents erected a privately-funded wrought iron fence at the Freret Street end of Newcomb Boulevard. *Exh 3, Depo LeClercq, p 14, 54*. The fence blocks all traffic between Newcomb and Freret, except for pedestrian traffic on the sidewalk.

Shires issued his permit without any notice to, or consideration by, the New Orleans City Planning Commission ("Planning Commission") or the New Orleans City Council ("City Council"). The closure was approved without attempting to implement lesser remedies, such as speed bumps, as recommended in a 2005 City-financed study by Urban Systems, Inc. ("USI"). *Exh 2*. The USI study did not recommend closing the street as a remedy for the residents' complaints of cut-through traffic and speeding by university students. Nor did the USI study include a traffic impact analysis ("TIA") to determine the effect of closing Newcomb Boulevard on other streets in the area. According to the City, such analyses are required by DPW procedures, and a TIA is certainly required under CPC Rules¹ governing the sale and closure of public streets.

¹ *Administrative Rules, Policies, and Procedures of New Orleans City Planning Commission*, § G.3.

II. FACTS

A. History and Location of Newcomb Boulevard

Newcomb Boulevard is a dedicated public street running from St. Charles Avenue to Freret Street near Tulane and Loyola Universities in New Orleans. *Exh 7(a) Depo Yrle/City, p 48*. On May 2, 1917, pursuant to Ordinance No. 3927, Commission Council Series, dated November 14, 1916, the City of New Orleans entered into an exchange with Robert Werk, whereby Werk gave the City the public right of way on what is now Newcomb Boulevard, and the City gave to Werk the rights of way for the cross streets of Hampson, Maple, and Burthe. *Exh 9*. The ordinance recognized that disputes existed as to whether these cross streets running from Audubon Street to the rear of lots on Audubon Boulevard had ever been dedicated for public use, and that this uncertainty justified an exchange of land that would permit the dedication of Newcomb Boulevard as a public thoroughfare between St. Charles Avenue and Elm (now Freret) Street.

Until 2006 Newcomb Boulevard served as one of the few means of connectivity between St. Charles Avenue and Freret Street in the area near Tulane and Loyola Universities. Prior to the 2006 closing of the intersection at Newcomb and Freret, Newcomb provided two-way access between Freret and St. Charles Avenue. Between State Street and Broadway, only Palmer and Newcomb Boulevard provided public access to Freret from St. Charles, and only Calhoun, Newcomb, and Audubon Street provided public access to St. Charles from Freret. The intersection of St. Charles and Broadway is one of the most congested intersections on St. Charles Avenue and traffic often backs up in all four directions. *Exh 7a, Depo Yrle/City, p 23-4*.

B. Prior Attempts to Close Newcomb Blvd.

Residents of Newcomb Boulevard have repeatedly tried to close the street since at least 1990, but had always been rebuffed. *Exh 6, Depo Darwin, p 22-27; Exh 7 (a), Depo Yrle/City, p 36-8*. According to former City Traffic Engineer Elmer Darwin, Newcomb residents had previously investigated the possibility of purchasing the street bed, even going so far as to obtain a price quotation from the Department of Property Management, at which point the inquiry was closed. *Exh 6, Depo Darwin, p 28*.

C. The USI Study²

In 2005, Newcomb residents complained of alleged speeding and "cut-through traffic,"³ which one Newcomb resident described as the use of the public street by "people . . . who don't live there and just use it as a trespass." *Exh 4, Depo Sontheimer, p 16*. As a result, the City hired USI as an expert consultant to study the issue and "present findings and make recommendations."⁴ Finding that there was some speeding, but that the volume of cut-through traffic was "normal and not excessive," USI did not recommend closing the street, but suggested speed humps, and recommended that another study be conducted prior to even installing the speed humps. *Exh 2, p 20*. The 2005 USI study did not consider the effect of a closure of Newcomb on other area streets.

² The 2005 Urban Systems Study is attached as *Exhibit 2*.

³ The USI report characterizes the complaint as "traffic that is using [Newcomb Boulevard] as cut-through to avoid congestion on St. Charles Avenue." *Exh 2, p 22*. Once Newcomb was closed, the outlet it provided from the congestion was eliminated, increasing the congestion on St. Charles Avenue.

⁴ The City paid USI over \$14,000 for three studies, one of which was the Newcomb study.

D. The Permit

On January 31, 2006, on his last day as Director of Public Works, Shires wrote a letter to the NBA President granting “approval to proceed with the closure of the street at Freret.” *Exh 8, Depo Shires, p 24; Exh 1, 1/31/06 letter*. The permit provided no justification for the closure and did not state how the closure was to be effected. *Id.*

E. Basis for Permit

Other closures of New Orleans streets have engendered significant public opposition. *See e.g., Coliseum Square Association v. City of New Orleans*, 544 So.2d 351 (La. 1989); *Lake Terrace Property Owners Association v. City of New Orleans*, 567 So.2d 69 (La. 1990).

The USI study, as noted above, recommended only speed humps as a permanent remedy for speeding, and those only after an additional speed study, a review of signage, and a radar speed trailer had been implemented and completed. *Exh 2, p 20*.

Elmer Darwin, the City's Chief Traffic Engineer from 1986 to 2008, said that a fence “would not be something that I would consider as an alternative to speeding,” and that, while he did not recall everything that happened in connection with the closure of Newcomb, that he would have disagreed with it “unless there was some extremely difficult or high conflict situation . . . high accident situation.” *Exh 6, Depo Darwin, p 35, 39-41*. During his tenure as Chief Traffic Engineer, Darwin “never saw anything like that,” and could not think of any reason to recommend closure of Newcomb. *Id., p 42, 58*.

F. The Fence

In the summer of 2006, based on Shires’ permit, NBA, using private funds contributed by some of the residents of the street, erected concrete barriers and, in late 2006, a wrought iron

fence at the Freret Street end of Newcomb Boulevard, blocking all motor vehicle traffic from entering or leaving Newcomb at Freret thereby rendering it a *cul-de-sac* and effectively deleting the intersection from the street grid. *Exh 3, Depo LeClercq, p 14, 99*. Pedestrian traffic can use the sidewalks to move between Newcomb and Freret, but because the entire roadway is blocked by the fence, bicyclists must leave the street and use the side walk in order to travel between the two streets. The *New Orleans City Code* prohibits any person over the age of 15 from riding a bicycle on the sidewalk. *City Code 154-1416*.

Although the fence is located on public land, it remains private property. According to Shires, the road beneath the fence is public with a private installation on top of it. *Exh 8, Depo Shires, p 81-2*. Shires testified that “the intention was to approve for them to close it and for them to maintain it . . . the City . . . doesn’t have the financial wherewithal to close streets themselves and maintain them” and that he did not recall any intent that the fence be donated to the City. *Id., p.78-9*.

G. The Suit

A suit was brought by area residents and two neighborhood organizations (Maple Area Residents Inc., and Carrollton Riverbend Residents Association) challenging the legality of the closure. The courts have now held that the permit was illegal and constituted an unconstitutional donation of public property to a private entity. *Exh 11 Reasons for Judgment, Exh 12 Opinion*. All appeals were exhausted on May 17, 2013 when the Louisiana Supreme Court refused to hear the matter. *Exh 13 Writ denial*.

H. The City Continues to Defend the Illegal and Unconstitutional Closure

While the suit was pending, the City failed to seek compensation from Newcomb

Boulevard Association or residents of the street for the value of their partially exclusive use of the street, and instead defended the permit issued by Shires. See *Exh 15*, City's Memorandum, adopting, with only two exceptions, the arguments set out in NBA's *Memorandum in Support of Motion for Summary Judgment, Exh 16*. Even now that Shires' permit has been definitively held to be an illegal and unconstitutional donation, the City continues to allow Newcomb residents to enjoy the benefits the fence provides and has demanded neither an agreement to pay rent nor a bond to be posted. In fact, while the City has admitted that it has a contractor prepared to remove the fence, rather than proceed to remove the illegal structure, it has asked the Court to stay implementation of the judgment, but has taken no steps to protect the public's right to be compensated for the private use of public property. *Exh 14, City Attorney's letter of 7/15/13*.

III. Newcomb Boulevard Should Not Be Sold or Closed

Before the Newcomb Boulevard could be sold and converted to a private street, Real Estate and Records, the Department of Public Works, and the Fire Department would have to approve it, and the Planning Commission and City Council would have to find that the street is not needed for public purposes, which they should not do for the following reasons:

A. The Street is Needed for Public Purposes

According to the 2004 Urban Systems study, on weekdays, 54 vehicles used the Freret St. entrance during the AM peak hour (7:30 - 8:30 a.m.), 38 used it during the midday peak hour (Noon - 1:00 PM), and 72 used it during the PM peak hour (4:45 - 5:45 p.m.) The average daily 24 hour traffic count in the 2004 USI study was 464 vehicles northbound and 294 southbound. *Exh 2, USI study, Figure 15*. The average daily 24 hour traffic count in the 1990 City study was 921 vehicles when the universities were in session, and 526 when they were not in session. *Exh 1, 1990 City Traffic Impact Study, p 2*. These numbers demonstrate that the street is needed for public purposes.

B. The Closure Exacerbates an Already Bad Traffic Situation

According to City Traffic Engineer Allen Yrle, the intersection of St. Charles and Broadway is one of the most congested intersections on St. Charles Avenue and traffic often backs up in all four directions. *Depo Yrle/City, p 23-4*. Those conditions are exacerbated by the current illegal closure of Newcomb at Freret, which has removed an outlet from St. Charles. *See footnote 10*. That closure and the resulting traffic congestion should not be made permanent.

C. A Sale Would Exacerbate an Already Bad Parking Situation

Parking demand is high in the University neighborhood, and the loss of parking spaces on Newcomb will make this bad situation even worse. The demand for parking has increased since USI did its study in 2004. When Tulane closed McAllister Drive in 2009, 80 parking spaces were lost. *Exh 10*. Tulane charges as much as \$ 650 a year for parking permits and oversells the permits,⁵ which encourages its faculty and students to park in the neighborhood. *Exh 9*. The new Tulane stadium will also generate significant parking demand. The current situation discourages parking on Newcomb Blvd. by limiting access from Freret St., but does not prevent parking. Selling the street would prevent parking and remove all of the currently available public parking spaces on Newcomb Blvd. from the neighborhood. Thus, there is clearly a public need for the parking spaces on Newcomb Boulevard, and it would be unfair to other area residents to sell the street, which would only further shift the demand for parking to other streets.

D. DPW Denied Previous Requests to Close Newcomb Blvd.

Previous requests from NBA to close the street were rebuffed by DPW as unnecessary and inappropriate. When a closure was requested in 1990, the City Traffic engineers, after a traffic study, refused to recommend closure. *Exh 1, 1990 study*. Since 1990, the Universities have expanded, and there is more demand for alternative routes and parking demand.

E. There is No Evidence that Conditions on Newcomb are Worse Than On Other Streets

The 2004 USI study found that cut through traffic was “normal and not excessive.”

⁵ “Question: Why do you sell more permits than there are spaces?”

“Answer: When you purchase a parking permit we are essentially buying a hunting license, and you are not guaranteed a space. If we reduce the number of permits sold more people who now qualify for permits would not be able to obtain them, so they would not have the opportunity even to look for a space. If sales were capped, permits would have to be rationed and the price of the permit could increase substantially to cover expenses.”

<http://tulane.edu/police/uptown/parking/faqs.cfm>

Newcomb residents then shifted their argument to a claim that there was unsafe speeding on the street. Though the 2004 study did find some speeding, there has been no finding that any speeding on Newcomb is any different from speeding on other area streets. Newcomb has not pointed to a single accident in support of its claim of speeding.

F. Conversion of the Street to a One-Way Would Encourage Speeding

Any speeding problems would not be solved by converting the street to a one way, because that would only encourage speeding. The 1990 study noted that conversion to a one way would "reduce non-local traffic . . . and . . . render northbound flow more efficient. This may, however, also promote the practice of speeding." *Exh 1, 1990 Study, p 4.*

G. Less Draconian Measures Have Not Been Tried

In its 2004 study, USI did not recommend closure of the street as a remedy for complaints of speeding and "cut through" traffic, but instead proposed speed bumps and other measures. However, Newcomb residents refused to consider speed bumps. Nor have traffic cameras, which have been successful in reducing speeding on other area streets, been tried.

H. The Fence Will Have to Be Removed to Complete a Valid TIA

The *Administrative Rules, Policies, and Procedures of the City Planning Commission*, § 3.A.3.b, requires that a Traffic Impact Analysis be submitted with any request for a street closure. However, a traffic study cannot be conducted unless the street is reopened so that a "before and after" study can be performed. Because NBA designed a fence with brick pillars *in the roadway*, those pillars would have to be removed in order to take new traffic measurements with and without the fence. Thus, in order for NBA to pursue a purchase, the fence will have to be removed.

I. The Current Fence and Turnaround Pose a Threat to Public Safety

The current fence poses a threat to public safety, and, even if the Newcomb Boulevard were to be sold and closed, it would have to be replaced by another structure and other measures implemented.

1. Though the center panel of the existing illegal fence is allegedly removable to allow access by emergency vehicles, the president of Newcomb Boulevard Association, Ted Leclercq, in sworn testimony, admitted that he could not confirm that the fire department had been given keys, and it is unclear how other emergency vehicles would access Newcomb from Freret. *Exh 3, Depo Ted Leclercq, p 106.* The 1990 study

questioned whether the issue of emergency access had a satisfactory resolution⁶, and the failure to provide for emergency access through the current (illegal) fence demonstrates that those concerns do not have a viable solution.

2. Leclercq did not know who, besides himself, had keys, and had never removed the section or opened it himself, and didn't know how many people it would take to remove it. *Exh 3, Depo Leclercq, p.104-9*
3. The turnaround built near the fence to allow vehicles to turn around and drive back out the St. Charles entrance is clearly deficient, as garbage trucks have so much difficulty using it that they have been seen backing down the full length of Newcomb and into St. Charles Ave.
<http://www.youtube.com/watch?v=f-XN9rph2o> The existing turnaround is clearly inadequate and if a proper turnaround cannot be designed and implemented, the closure will continue to pose difficulties for large vehicles such as garbage trucks, school busses, and delivery vans.
4. The fence was designed without oversight by DPW, which normally requires fences to be installed "to our specifications," and there is no evidence of any oversight by DPW.

J. Closure is Contrary to Traffic Engineering and Urban Planning Principles

The City's Traffic Engineers did not in the past, and are unlikely in the future to find that Newcomb Boulevard is not needed for public purposes. Here are some excerpts from the deposition testimony of the City's traffic engineers taken in the suit which found the 2006 closing to be illegal and unconstitutional:

- i. "To close a City street is an extreme measure" ; "I don't think I ever say anything [meriting closure] in my tenure as Chief Traffic Engineer" ; "I would have disagreed with it [the closing]"; a fence "would not be something that I would consider as an alternative to speeding" ; I would disagree with closure "unless there was some extremely difficult or high conflict situation . . . high accident situation" *Exh 6, Depo Elmer Darwin, former City Traffic Engineer, p 41, 42, 41, 35, 41.*
- ii. "The integrity of the street grid is important to maintain" *Exh 5, Depo Robert Mendoza, former head of DPW, p 90, 89, 67-8.*

⁶ "Some type of non-permanent physical barrier, such as a gate, would therefore be required. This raises further questions as to whether a gate would remain locked, who would secure the key(s), and how quickly could access to the key(s) be granted." *Exh 1, p 5.*

- iii. Before a legal closing could occur, there would have to be a “traffic study done to evaluate whether this can happen at all, whether displaced traffic can go somewhere else without causing other problems”; there was “nothing in [the USI study] . . . to recommend closure of Newcomb at Freret.”; “no measured data of any before and after of what’s happening out there.” *Exh 7(a), Depo City of NO through Allen Yrle, p 7, 25, 26-7.* ; “we [City Traffic Engineers Darwin and Yrle] have the same viewpoint on things like street closures, and we don’t believe that they should be done at the whim of residents. There should be valid traffic reasons why it should be done.” *Exh 7(b), Depo Allen Yrle, individually, p 16.*

K. The Existing Closure and Proposed Sale Violate the Master Plan

According to the Master Plan, New Orleans is “famously a city of neighborhoods,”⁷ and “[s]trategies for neighborhood livability must be comprehensive and integrated.” *Master Plan, Vol. 2, p 5.5.*, and policies and programs should “enhance the physical . . . character and diversity of existing residential neighborhoods.” *Master Plan, Vol. 2, p 5.6.*

. . . The “public realm” — sidewalks, streets, and public spaces — contribute to the function, safety, and attractiveness of neighborhoods. . . . many New Orleans neighborhoods are outfitted with sidewalks, pedestrian-scale lighting and street trees . . .

Master Plan, Vol. 2, p 5.16.

The entire population of the City of New Orleans has contributed to the upkeep of the public spaces of Newcomb Blvd. for almost a century. Thanks to those contributions, the street is one of the smoothest and well-paved streets⁸ in the city, with broad and level sidewalks. Many citizens enjoy using the street as an automotive shortcut between St. Charles Ave. and Freret St., as a pedestrian route from the St. Charles Streetcar or Audubon Park,⁹ or to get to and from Tulane and Loyola Universities. The sale of Newcomb Boulevard would be contrary to the Master Plan’s recommendation to

⁷ *Plan for the 21st Century: New Orleans 2030 (“Master Plan”), Vol.2, p 5.5*

⁸ Indeed, the apparent ability of Newcomb residents to get the City to maintain the Boulevard may be the main factor contributing to any speeding which exists.

⁹ Because of Newcomb Blvd.’s proximity to Audubon Park and its broad tree-lined sidewalks, it provides a “safe and comfortable walking route” to Audubon Park, and supports the Master Plan’s policy of promoting “walk-to” parks. *Master Plan, Vol. 2, p. 7.20.*

“advance projects that enhance connectivity,¹⁰ reduce barriers, and improve attractiveness of neighborhoods . . . while addressing transportation mobility.” *Master Plan, Vol. 3, p 11.23*. The sale of Newcomb Blvd would gerrymander the University neighborhood, forcing pedestrians and bicyclists (as well as motorists) to find new routes, segregating Newcomb residents from their neighbors in a suburban style *cul de sac*, and do nothing to relieve the congestion on St. Charles Avenue and Broadway. The closure of this well-used street is clearly contrary to the Master Plan.

L. The Sale of the Street Would be Unprecedented

The sale of a street used by the public as much as Newcomb Boulevard is would be unprecedented. If this street could be sold, why not other streets? The approval of this closure could lead to a rash of street closures, further aggravating traffic and parking congestion. Wealthy citizens would barricade themselves in privileged gated communities, forcing a form of economic segregation on the City. New Orleans would go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs.

IV. The City Continues to Breach its Obligation to Protect the Public Purse

The City has failed in its obligation to collect the value of the closure from Newcomb Residents. In finding that the permit for the fence was an unconstitutional donation, the Fourth Circuit noted that the residents of Newcomb Boulevard received a benefit from the closure while the general public suffered a loss:

. . . the constitutional prohibition against donating public property is intended “to prohibit a gratuitous alienation of public property.” *City of Gonzales*, 05–2298 at p. 15, 938 So.2d at 20. To establish the lack of a gratuitous alienation, NBA was required to show the benefits to the public as a whole, not to Newcomb Boulevard

¹⁰ “With adequate connectivity, traffic flows are evenly dispersed through a network and streets receive the types of traffic that they are designed to handle. If connectivity is restricted to fewer intersections, automobile traffic faces bottlenecks at certain intersections and is concentrated on fewer streets, resulting in congestion and/or larger more complicated intersections and wider streets. Poor connectivity can also encourage out-of-direction travel, which is particularly inconvenient for bicyclists and pedestrians. Emergency incidents, temporary street closures, and evacuation exacerbate congestion in a network that lacks sufficient connectivity.” *Master Plan, Volume 3, Chapter 11.3*

residents. As Plaintiffs point out, the benefits from the Fence flowed almost entirely in favor of Newcomb Boulevard residents, not the general public. As noted, the conversion of Newcomb Boulevard to a dead end street effectively limited the use of the public street only to local traffic— Newcomb Boulevard residents and persons visiting or those businesses making deliveries to those residents. The Newcomb Boulevard residents thus obtained free use of a public intersection, a decrease in vehicular traffic on their street, and a quieter street. The general public, on the other hand, suffered the loss of the right to use Newcomb Boulevard as a through street and an increase in traffic congestion on neighboring streets. Moreover, as Plaintiffs point out, the general public suffered the loss of the revenue that would have been produced if Newcomb Boulevard residents had been treated in the same manner as the Trianon Plaza residents – required to purchase the public right-of-way and to assume the maintenance costs.

Huston v. City of New Orleans, 2013 WL 744918 (La.App. 4 Cir.),
2012-1171 (La.App. 4 Cir. 2/27/13)

Thus, the existing closure had and continues to have a monetary value for which the City has failed to seek compensation or to demand the posting of a bond. During the litigation, the City and City Attorney supported NBA's contention that there was no illegal donation, failing to advocate, in the alternative or otherwise, that the City should receive monetary compensation for any private use of public property or that NBA should bear the cost of its removal, as the law requires.¹¹ In May, all appeals were exhausted. Yet, the City still is failing to insist on monetary compensation, and instead is taking the position that the fence should remain in place while NBA attempts to purchase the street.¹² NBA however, has yet to even provide a traffic study to the City. So long as the City seeks to protect Newcomb's exclusive use of public property, there is little reason to expect NBA to expedite the process of purchasing the street. The public purse,

¹¹ When a public street has been obstructed without proper authority, *R.S. 48:512* requires the City to "summarily open the road, remove all obstructions therefrom, and restore it to its former condition, at the expense of the person who closed, obstructed, or changed the public road or street."

¹² See *Exh 14*, the City Attorney's letter of July 15, 2013.

therefore, was and continues to be cheated. The City and City Attorney have not demanded that Newcomb residents pay for the benefit of the closure enjoyed by NBA prior to the finality of the court decision or for the benefits currently enjoyed by NBA while it claims to be attempting to purchase the street. The City has the obligation not only to demand compensation, but to demand the posting of a bond to secure payment of such compensation.

CONCLUSION

The proposed closure or conversion to a one-way is clearly wrong-headed and contrary to urban planning and traffic engineering principles. More modest means of solving any of the minor speeding problems complained of, such as speed humps, sidewalk bump outs, and traffic cameras are available, and public demand for alternative routes and parking is already intense and should not be further aggravated by the permanent closure of Newcomb Boulevard. Furthermore, the City has legal and ethical obligations to protect the public purse by demanding that NBA pay reasonable compensation for the use of public property it has enjoyed and continues to enjoy.

s/ J. Keith Hardie, Jr.
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504-522-6222

CPCinfo

From: Beck, Trina J <tbeck@tulane.edu>
Sent: Thursday, March 27, 2014 3:10 PM
To: CPCinfo
Subject: Free Newcomb Blvd.

Dear planning commission,

As an employee of Tulane University who is very familiar with the Newcomb Blvd. area, I am outraged that the commission is considering allowing Newcomb Blvd. residents to essentially commandeer the street for private use after illegally installing a fence. I urge you to avoid setting the dangerous precedent of validating their illegal action. If they paid to have the fence installed, they should pay to have it removed.

Sincerely,

Trina J. Beck

Assistant Dean, Newcomb-Tulane College

Robert C. Cudd Hall, Room 205

New Orleans, LA 70118

Phone: 504-314-2806

Fax: 504-862-8757

<http://tulane.edu/college/programs/index.cfm>

CPCinfo

From: Lewis, Judith S <jslewis@tulane.edu>
Sent: Thursday, March 27, 2014 10:16 AM
To: CPCinfo
Subject: NEWCOMB BLVD.

I am very strongly opposed to the sale of Newcomb Blvd. This is a public street the sale of which would set a dangerous precedent that I would hate to see set a tone of exclusive privilege that shuts people out of public property. There are many ways to provide safety and traffic control without resorting to this drastic elitist approach.

Please do not approve this proposal.

Sincerely,

J.S. Lewis

8231 Plum St.

New Orleans, LA 70118

CPCinfo

From: Heather Murray <heatheremurray@gmail.com>
Sent: Wednesday, March 26, 2014 12:23 PM
To: CPCinfo
Subject: Opposing the sale of Newcomb Blvd

To whom it may concern:

I am a New Orleans resident who lives in the Uptown neighborhood. I oppose the sale of Newcomb Boulevard. Selling the street would validate the illegal fence built by residents. Privatizing the streets of this great city sends a message that New Orleans is only for the wealthy, and that is not the kind of message this city should be sending. New Orleans is for everyone, and public spaces should remain public.

Thank you for your time and consideration,
Heather Murray

3819 Carondelet Street
New Orleans, LA 70115

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CPCinfo

From: Daniel Carr <dcarr@praclawfirm.com>
Sent: Wednesday, March 26, 2014 12:18 PM
To: CPCinfo
Subject: Newcomb Blvd. closure/sale

CPC staff and members:

I a resident and taxpayer in Uptown New Orleans. I also attended Tulane University School of Law. I wholeheartedly oppose the NBA's application to purchase and permanently close Newcomb Blvd., a public street.

I agree with all of the positions stated below, as articulated on the website www.freenewcombbld.com.

1. The streets of New Orleans are not for sale.
2. Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.
3. Conditions on Newcomb are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems on other streets.
4. The street grid system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs.

Please deny this application and return Newcomb Blvd to its rightful owners, the taxpayers and citizens of New Orleans.

Thank you,

Daniel J. Carr
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CPCinfo

From: Tricia Stirling <tricia@stirlingprop.com>
Sent: Wednesday, March 26, 2014 11:35 AM
To: CPCinfo
Subject: Newcomb Blvd

Take the illegal gate @ Newcomb @ Freret down!!!!

Homeowners on Freret have directly benefitted, as the valuation of their property has increased; while the citizens of New Orleans wait in traffic on St. Charles Avenue, with no means of egress!

Vehicles are TRAPPED from Palmer to Broadway when heading towards Carrollton on St. Charles!

This never should have happened to begin with. Take the illegal fence down!!!!

Thank you,
Tricia Stirling

Sent from my iPhone

CPCinfo

From: Jeffrey Murray <usaordjam@aol.com>
Sent: Wednesday, March 26, 2014 11:29 AM
To: CPCinfo
Subject: Newcombe blvd

1. The streets of New Orleans are not for sale.
2. Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.
3. Conditions on Newcomb are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems on other streets.
4. The street grid system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs. Jeff Murray

CPCinfo

From: Octave Rainey <orainey3@cox.net>
Sent: Wednesday, March 26, 2014 11:16 AM
To: CPCinfo
Subject: Newcomb Blvd

I support the reopening of the public street **Newcomb Blvd** to the public.

Octave J, Rainey, III

CPCinfo

From: Judy LaBorde <jlabor1317@yahoo.com>
Sent: Wednesday, March 26, 2014 2:11 PM
To: CPCinfo
Cc: tommymilliner@fastmail.net ;
Subject: DO NOT SELL NEWCOMB BLVD.

The City of New Orleans, almost 300 years old, was founded on being an open city, which goes to the essence of democracy. It also feeds our embrace of diversity. I know that in a personal way, from growing up in the French Quarter, surrounded by all kinds of people.

When we know other people, we learn to trust and respect.

THAT IS WHY DREW BREES SAID HE DID NOT WANT HIS CHILDREN TO GROW UP IN A GATED COMMUNITY.

Let's keep our streets free and flowing.

Respectfully submitted,

Judy LaBorde
1317 Burdette Street
New Orleans, La. 70118

P.S. I would be happy to speak about this at your public hearings.

CPCinfo

From: Ben & Andree Arendt <ben_andree@bellsouth.net>
Sent: Wednesday, March 26, 2014 3:56 PM
To: CPCinfo
Subject: Newcomb Blvd

As a resident of uptown New Orleans I do not believe Newcomb Blvd. should be sold. I agree with the following reasons:

1. The streets of New Orleans are not for sale.
2. Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.
3. Conditions on Newcomb are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems on other streets.
4. The street grid system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs.

Benjamin J. Arendt
1126 Adams St.
New Orleans, LA 70118

CPCinfo

From: Francine Stock <francinestock@gmail.com>
Sent: Wednesday, March 26, 2014 3:51 PM
To: CPCinfo
Subject: NO to Newcomb Blvd sale

Dear City Planning Commission,

1. **Selling the streets of New Orleans to the wealthy elite sets a dangerous precedent.** Does Mayor Landrieu approve of this sale? The City Council?
2. Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.
3. Conditions on Newcomb are no different from those on other area streets. **Traffic and parking problems should be solved with area-wide solutions, not with street closures.** The closure of Newcomb merely pushes those problems on other streets.
4. **DPW Denied Previous Requests to Close Newcomb Blvd.** Previous requests from NBA to close the street were rebuffed by DPW as unnecessary and inappropriate. When a closure was requested in 1990, the City Traffic engineers, after a traffic study, refused to recommend closure. Since 1990, the Universities have expanded, and there is more demand for alternative routes and parking demand.
5. **The Existing Closure and Proposed Sale Violate the Master Plan**
According to the Master Plan, New Orleans is "famously a city of neighborhoods," (*Master Plan, Vol.2, p 5.5*), and "[s]trategies for neighborhood livability must be comprehensive and integrated." *Master Plan, Vol. 2, p 5.5*. Policies and programs should "enhance the physical . . . character and diversity of existing residential neighborhoods." *Master Plan, Vol. 2, p 5.6*.

Francine Judd Stock
1924 Gen. Taylor
New Orleans, LA

CPCinfo

From: Mary Ann Maguire <maryann.maguire@gmail.com>
Sent: Wednesday, March 26, 2014 3:27 PM
To: CPCinfo
Subject: Newcomb Boulevard

City streets are public. All streets should be open to drivers, bikers, skaters, walkers, runners. Newcomb Boulevard should not be up for sale.

Mary Ann Maguire

Sent from my iPad

CPCinfo

From: Michael <laughlinmichael@hotmail.com>
Sent: Wednesday, March 26, 2014 2:59 PM
To: CPCinfo
Subject: Newcomb Boulevard

Members of the Commission:

I am a lifelong resident of New Orleans, currently residing at 5962 Durbridge Drive in Algiers for the last 11 years.

I oppose the proposed sale of Newcomb Boulevard.

First, one of the reasons for the belated request to purchase is to preserve the fence on Newcomb Blvd. which was erected pursuant to a "permit" illegally issued by a former Director of the Department of Public Works on the last day of his employment by the City. Notwithstanding the declaration of the illegality of this permit and Order by the Louisiana Fourth Circuit Court of Appeal for the removal of the fence, the City and Newcomb Boulevard Association have continued to ignore the rights of all of us to fully use Newcomb Blvd. and have persisted, in defiance of an Order of Court, in perpetuating this illegality. This behavior should not be rewarded with approval of the sale of the street.

Secondly, there is no legal basis for the sale of Newcomb Boulevard. Certainly, the street continues to be necessary for the public purposes for which it was intended. The Commission need only look to the very popular use of the street complained of by the residents of Newcomb Blvd. up to the very time that the street was illegally closed by installation of the fence. There is no way that the Commission should be able to find that this street is no longer necessary to the uptown street grid.

Disclosure: I am part of the legal team which is seeking removal of the Newcomb Blvd. fence through the courts. However, as a lifelong resident of New Orleans I also oppose the concept of selling and removing streets from the grid which continue to be used by the public. As a resident of Algiers, I certainly would not want to see this proposal give way to attempts to establish private enclaves in Tall Timbers, Park Timbers, etc.

Michael J. Laughlin, Esq.
3636 S. I-10 Service Rd. W.
Suite 206
Metairie, Louisiana 70001
Telephone: (504) 835-9951
Fax: (504) 835-9984

CPCinfo

From: Nick Jenisch <nick.jenisch@gmail.com>
Sent: Wednesday, March 26, 2014 2:52 PM
To: CPCinfo
Subject: Re: Privatization of Newcomb Blvd.

PLEASE DO NOT PRIVATIZE OUR PUBLIC STREETS

The sale of Newcomb Blvd. to private homeowners represents the opposite of both traditional and progressive urban design and planning principals. Our grid of streets allows for increased pedestrian access, and decreases the traffic burden along major thoroughfares. Side streets are, by DESIGN, meant to take some traffic so that all vehicles are not relegated to major streets, particularly when the uptown grid is already impeded by Tulane University & Audubon Park (desirable uses, to be sure, but uses that force a lot of traffic onto two relatively small, one-lane-per-direction streets (St. Charles & Magazine).

Please consider the consequences of privatizing a public street and what it represents, not only to our city's connectivity, but to our democracy, where public spaces are meant for use by all citizens. Further consider the implications for continued requests for privatization; if Newcomb Blvd., why not Walnut? If Walnut, why not Audubon St.?

Thank you,

Nick Jenisch
1203 Valence St.
7462 Hurst St.

CPCinfo

From: Dan Zimmerman (1365) <Dan.Zimmerman@phelps.com>
Sent: Wednesday, March 26, 2014 2:41 PM
To: CPCinfo
Subject: Newcombe Blvd.

I encourage the City Planning Commission to vote to deny the request to privatize Newcombe Boulevard. Public streets should remain public.

Dan Zimmerman

Dan B. Zimmerman

Phelps Dunbar LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, LA 70130
Direct: 504-584-9365
Fax: 504-568-9130
Email: dan.zimmerman@phelps.com

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CPCinfo

From: Julia Broussard <broussardj@gmail.com>
Sent: Wednesday, March 26, 2014 7:33 PM
To: CPCinfo
Subject: Take down the Newcomb Blvd. fence

I write to voice my opposition to the illegal fence on Newcomb Blvd. The fence has been declared illegal and should never have been erected in the first place. It should be taken down ASAP and the street should remain a public street. If the fence is not taken down, it is a sure sign that the wealthy in this city and their interests matter more than the public good.

Sincerely,

Julia Broussard
723 Marengo St.
New Orleans, LA 70115
(225) 936-5481

CPCinfo

From: Ed Benefiel <EBenefiel@gordonarata.com>
Sent: Wednesday, March 26, 2014 4:33 PM
To: CPCinfo
Subject: Newcomb Blvd.

..... I am a resident of the uptown area and I want Newcomb Blvd. reopened to the public.
Please do not allow the sale of this vital organ to private interest.

Thanks

Ed Benefiel
1809 Valence St.

CPCinfo

From: Lisa Robinson <urbandogma@icloud.com>
Sent: Thursday, March 27, 2014 6:57 AM
To: CPCinfo
Subject: Newcomb Blvd Sale

I am a resident of Uptown New Orleans and I object to the proposed sale of Newcomb Blvd.

Lisa Robinson

Sent magically.

CPCinfo

From: Anne Atkinson <annierei57@gmail.com>
Sent: Thursday, March 27, 2014 12:45 AM
To: CPCinfo
Subject: Newcomb Blvd

I object to the proposed sale of Newcomb Blvd.

Anne Atkinson
1020 Terpsichore St #C
New Orleans LA 70130

CPCinfo

From: elizabeth landis <emlandis2002@me.com>
Sent: Thursday, March 27, 2014 7:50 AM
To: CPCinfo
Subject: Traffic backup on St.Charles
Attachments: photo.JPG; ATT00001.txt

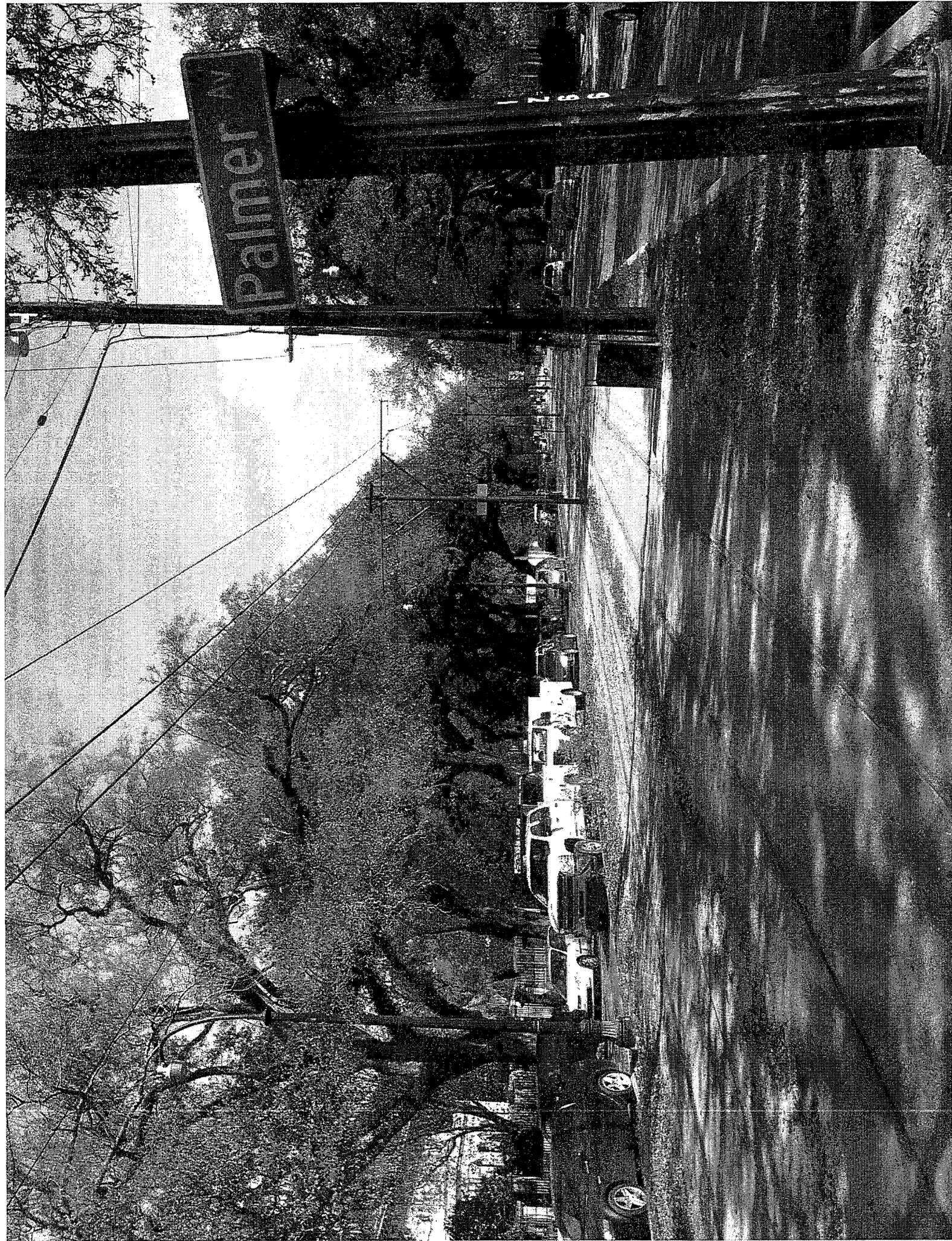
This picture is taken on a weekday at Palmer Ave. Looking downtown towards State St., there is traffic backed up on St Charles Ave as far as you can see.

Ever since Newcomb Place has been closed this has been a problem, because the traffic has no outlet to Freret St. from Palmer Ave until Broadway.

Please open Newcomb Place and offer an alternative route!

Sincerely,

Elizabeth Landis
1740 Palmer Ave.



CPCinfo

From: Christopher.Melton@shell.com
Sent: Thursday, March 27, 2014 9:53 AM
To: CPCinfo; Susan G. Guidry
Subject: DON'T SELL NEWCOMB BLVD

1. The streets of New Orleans are not for sale. The precedent being debated is a bad precedent. Are the rich allowed to buy public domain for their own use? How far will the sale of public domain spread? Can I buy my sidewalk and put a fence all the way to the street? Can my neighborhood association buy streets and make a gated community?

2. Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.

3. Conditions on Newcomb are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems on other streets.

4. The street grid system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs.

Christopher Melton
838 Webster St Uptown

CPCinfo

From: Alexandra Mora <amora@alexmora.com>
Sent: Thursday, March 27, 2014 9:44 AM
To: CPCinfo
Subject: Newcomb Blvd

I am against gated communities in New Orleans and against creating one for Newcomb Blvd.

Thanks for your consideration.

Kind regards,

Alexandra Mora

5323 Laurel Street

New Orleans, LA 70130

Alexandra E. Mora

Law Office of Alexandra Mora

A Professional Law Corporation

322 Lafayette Street

New Orleans, Louisiana 70130

(504) 566-0233

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CPCinfo

From: Holley Pavy <holleypavy@hotmail.com>
Sent: Thursday, March 27, 2014 9:39 AM
To: CPCinfo
Subject: Newcomb Blvd.

1. Public streets should not be closed or sold.
2. We need a city that treats its citizens fairly and equally, not to use its power for private interests. Holley Pavy

CPCinfo

From: keleher@inconi.com
Sent: Thursday, March 27, 2014 9:30 AM
To: CPCinfo
Subject: If Newcomb Blvd is sold, what streets are next?

Members of the City Planning Commission,

I am writing to express my opposition to the sale of Newcomb Blvd. to its residents.

To allow this sale to proceed would only encourage other neighborhoods to follow suit in erecting illegal barriers to public access and then offering to "solve" the problem they themselves created by turning their neighborhood into another limited access, private enclave. To have the New Orleans neighborhood fabric scarred by gated communities wherever the local residents have the wherewithal to purchase the street is aligned with neither the city's Master Plan nor with basic principles of city planning - to say nothing of the harm to New Orleans' unique neighborhood character.

The CPC has an opportunity to stop this lamentable outcome before it starts. Please seize the opportunity and decline the request for sale of Newcomb Blvd.

Sincerely,
William Keleher
706 Eleonore St.
New Orleans

CPCinfo

From: memegd@cox.net
Sent: Thursday, March 27, 2014 9:07 AM
To: CPCinfo
Subject: fence on Newcomb Blvd.

please vote to keep fence on Newcomb Blvd.

I am a former member of MARI

Keith Hardie, Jr. is always looking for the next issue to harass

MARI board focused on Bruno's for years to the detriment of their neighborhood group

Karen Profumo
1214 Pine Street
NOLA 70118

CPCinfo

From: Jerry Speir <jerryspeir@gmail.com>
Sent: Thursday, March 27, 2014 8:57 AM
To: CPCinfo
Subject: Newcomb Boulevard -- Property Disposition/Sale -- April 8 agenda

Dear City Planning Commissioners:

It is hard to believe that it's worth your time or mine to detail the numerous ways in which the proposed sale of Newcomb Boulevard is outrageous.

The gate went up with no public notice or discussion in the last days of some past officials and administrators. After a lengthy lawsuit, the appellate court said: Take down the gate. The city said: OK.

But now we're talking about selling the street to the residents? And why?

Because some drivers speed down their street? Speed bumps and cameras will easily fix that.

Because the residents there feel entitled? Perhaps.

And next: Walnut Street? Audubon Boulevard? One could make a lengthy list.

Please: Don't take this seriously. Reject the sale of Newcomb Boulevard.

Thank you,

Jerry Speir

8318 Zimpel Street, NOLA 70118

jerryspeir@gmail.com

CPCinfo

From: Sidney <goseesid@hotmail.com>
Sent: Thursday, March 27, 2014 7:57 AM
To: CPCinfo
Subject: Newcomb Boulevard

Dear Sirs,

I am opposed to the sale of Newcomb Boulevard, to benefit the few. The streets of New Orleans should not be for sale. The fence harkens back to the Jay Batt era, and should be removed, as he was.

Sidney Lambert
721 Short Street
New Orleans, LA 70118

CPCinfo

From: Kathy Sebastian <staff@irenesebastianmd.com>
Sent: Wednesday, March 26, 2014 10:50 AM
To: CPCinfo
Subject: Take the fence down on Newcomb

The existing closure has reduced the "connectivity" which is a goal of the Master Plan. Selling the street would validate the illegal and unconstitutional closure and permanently shift parking demand and traffic onto other area streets. Our grid system is one of the reasons New Orleans is known as a charming, walkable City. Traffic conditions on Newcomb Boulevard, before it was closed, were not significantly different from those on many streets, and certainly were not significant enough to require that the street be closed. As City Traffic Engineer Allen Yrle testified, streets should not "be closed at the whim of residents." The application to purchase the street should be denied and the fence removed. **Free Newcomb Boulevard and give it back to the citizens of New Orleans.**

Kathy Sebastian
Office Manager
401 Veterans, suite 203
Metairie, LA 70005
ph 504-838-9804
fax 504-838-9806
Office hours: Monday-Thursday
9am-noon, 1:30-5pm

Please note that emails will be read and answered only during office hours. Send all emails regarding requests for appointments and supplements directly to me.
Thank you.

CPCinfo

From: jane johnson <janeljohnson49@hotmail.com>
Sent: Wednesday, March 26, 2014 10:39 AM
To: CPCinfo
Subject: Proposed sale of Newcomb Blvd.

I object to the sale of Newcomb Blvd. This would set a bad precedent for the conversion of valuable public property to private use. This is aggravated by the fact that only the most wealthy neighborhoods could afford to do so.

Jane Johnson
1936 S. Carrollton Ave.
New Orleans, LA 70118

CPCinfo

From: John Koeferl <johnkoeferl@gmail.com>
Sent: Wednesday, March 26, 2014 8:33 AM
To: CPCinfo
Subject: Newcomb Blvd

Please keep Newcomb Boulevard an open city street.

This request is based not only on principle but practice. I have found it much more difficult to navigate this immediate area in my business uptown since this city street was closed off to the public. I would like to see this street reopened to traffic for the public use, pedestrian and vehicular, though not heavy trucks.

Thank you.

John Koeferl
4442 Arts St
New Orleans, LA 70122

CPCinfo

From: Bayer, Thomas M <tbayer@tulane.edu>
Sent: Wednesday, March 26, 2014 8:19 AM
To: CPCinfo
Subject: Newcomb Blvd

I object to the sale of Newcomb Blvd. to the residents.

Thomas M. Bayer, PhD.

CPCinfo

From: Florence Brown <Flobrown@bellsouth.net>
Sent: Wednesday, March 26, 2014 7:35 AM
To: CPCinfo
Subject: Newcmb Blvd

I am OPPOSED to the sale of any city street to private owners.

Here are 2 of many good reasons NOT to sell Newcomb Blvd:

1. The streets of New Orleans are not for sale.
2. Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.

Florence Brown
7727 Saint Charles Ave.
New Orleans, LA 70118

CPCinfo

From: Stephen L. Sontheimer <ladddad@cox.net>
Sent: Wednesday, March 26, 2014 6:49 AM
To: CPCinfo
Subject: Property Disposition 002/14

I am a resident of Newcomb Blvd. and SUPPORT the proposal regarding the residents wish to purchase the right-of-way between St. Charles Avenue and Freret Street.

We face a SIGNIFICANT traffic hazard with speeding vehicles traveling on a very long and narrow street with parking on one side of the street and no outlet streets for cars to exit. There are 33 houses on this street with each house having at least 2 vehicles. There are always repair and maintenance trucks coming and going doing work on the houses and delivery vehicles as well.

We have had the traffic control devise in place for 8 years and has helped the situation. The street has been open to parking by others not associated with residents. There have been NO complaints about the traffic control devise.

Unfortunately, one attorney neighborhood activist has chosen to challenge our right to this traffic control device and has used his influence to entice others to join his cause. The issue of our purchase of the street as an alternative was raised during the litigation and was endorsed by the litigant. He even wrote an editorial in THE LENS endorsing the idea of the purchase. Now, the litigant is trying to oppose that option as well.

Please vote in favor of our purchase of the street at an appraised and fair market value.

Thanks.

Stephen L. Sontheimer
12 Newcomb Blvd.
New Orleans, Louisiana 70118
504-866-0666 Home
504-861-2300 Fax
504-228-2426 Cell
207-863-2144 Maine

CPCinfo

From: nolatom@gmail.com on behalf of Tom Lowenburg <tom@octaviabooks.com>
Sent: Wednesday, March 26, 2014 4:15 AM
To: CPCinfo
Subject: Newcomb Blvd.

I write urging you to reject the proposal to sell Newcomb Blvd. Not only would it take away my access to this street in particular, which was already done in part through the illegal fence put up at one end of the street, but it would set a dangerous precedent for turning essential public property into private hands. And privatizing such streets shuts down public access, causing traffic overload on other streets. The problem is even worse because there are already so few streets in the area that run between St. Charles Avenue and Freret St.

Thank you for your consideration.

Sincerely,

Tom Lowenburg
2035 Jefferson Avenue
New Orleans, LA 70115
504-895-2033

CPCinfo

From: Lucy Tucker <lucy_tucker.stu@lusherschool.org>
Sent: Tuesday, March 25, 2014 10:49 PM
To: CPCinfo
Subject: NEWCOMB BLVD

To Whom it May Concern,

Newcomb Boulevard should be open to the public and not privately owned. Part of having a healthy, thriving community is that the streets are open to everyone. All people, no matter the financial circumstance, should have to abide by city laws. Our city should treat all neighborhoods with equality and respect and not give in to the private interests of a group of people just because they have money. Take down Newcomb's fence and don't let them buy the street.

Thank you for your time,
Lucy Tucker

CPCinfo

From: Nahum Laventhal <slipnfall2003@yahoo.com>
Sent: Tuesday, March 25, 2014 8:44 PM
To: CPCinfo
Subject: Closing Newcomb Blvd

Please vote against closing this public street. There is already too much of the haves and have nots in this town. Keep it public.

Nahum Laventhal
2223 Fern ST
NOLA 70118

CPCinfo

From: Nadia Haik <nadiachaik@bellsouth.net>
Sent: Tuesday, March 25, 2014 7:42 PM
To: CPCinfo
Subject: Sale of Newcomb Blvd.

To whom it may concern, (Planning Commission): I object to the proposed sale of Newcomb Blvd.
Nadia Haik

CPCinfo

From: E M BROWNSON <embrownson@bellsouth.net>
Sent: Tuesday, March 25, 2014 6:09 PM
To: CPCinfo
Subject: Newcomb Blvd

Public streets should not be purchased for private use. Margueritte Brownson

CPCinfo

From: Jan <jesntess@cox.net>
Sent: Tuesday, March 25, 2014 4:24 PM
To: CPCinfo
Subject: Sale of Newcomb Blvd - April 8th hearing - Opposed --

To: New Orleans City Planning Commission
Subject: Sale of Newcomb Blvd., Hearing on April 8th

Ladies and Gentlemen,

This email is in regards to the April 8th hearing on the sale of Newcomb Blvd. I oppose such sale (as well as the taking or blocking of the street) for several reasons, including:

- 1) **Public Safety:** Uptown is a jumble of crowded neighborhoods with many one-way streets, wooden homes, with wooden fences. Dead-end streets are an obvious hazard to safety. Emergency vehicles, including fire trucks and ambulances, should have numerous unobstructed and alternate access routes at their disposal. *Reducing the choices in routes for our emergency vehicles, reduces safety for everyone in the entire area.*
- 2) **Fair treatment:** I live on Broadway, between the river and St. Charles. Children, dog walkers and the elderly regularly traverse this street. Speeding vehicles are a danger to all. I suspect that the residents of Broadway might also like to block off or purchase this section of Broadway for private use and private passage only. In all fairness—if Newcomb is for sale, then every street should be for sale!
- 3) **Bad precedent:** With all due respect, I understand why the property owners on Newcomb would find a private or blocked street to be desirable; however, creating a private street at this point in time would set a very bad precedent. The value of uptown properties are rising, and the average homeowner is becoming more affluent than when I purchased my home in the 90's. In the event that Newcomb Blvd is privatized, it would set a precedent that would encourage property owners on various streets to unite and petition for their streets to be privatized or blocked as well. New Orleans's streets could then become a maze of dead-ends and private neighborhoods. A maze of *dead-end streets reduces the choices in routes for our emergency vehicles, thereby reducing the safety of everyone in the entire area.*
- 4) **Inappropriate:** Privatization and gated communities may have their place in the suburbs, where such a community is pre-planned and pre-owned by a developer. It is not appropriate to put the City streets and access routes up for sale. Hopefully, New Orleans is not that kind of place.

Please log this email into your records as a formal opposition to the sale of Newcomb Blvd.

Thank you for your attention.

Jan E. Sutton
161 Broadway Street
New Orleans, Louisiana 70118
504.862.0668 home
504.862.1951 office
504.220.0095 cell

jesntess@cox.net

CPCinfo

From: Houck, Oliver A <ohouck@tulane.edu>
Sent: Monday, March 17, 2014 5:20 PM
To: CPCinfo
Subject: Newcomb Street sale proposal

Executive Director
City Planning Commission
1300 Perdido Street
New Orleans, La 70112

March 17, 2014

in re Newcomb Street sale proposal

Dear Commission Director and Members,

My wife and I have lived in uptown New Orleans for the past thirty four years, raised our children here. We both teach in schools nearby. We are both, in our work and lives, deeply committed to a functioning, integrated city. The proposal to allow a small group of wealthy citizens to privatize a city street is against everything we believe in, and we believe the city believes in. Starting with the Planning Commission. What would it say about New Orleans? Please do not let us down.

Thank you for your consideration of these views.

Oliver and Lisa Houck
909 Burdette Street
New Orleans,
Louisiana 70118

CPCinfo

From: Florence Brown <Flobrown@bellsouth.net>
Sent: Tuesday, March 18, 2014 8:27 PM
To: CPCinfo
Subject: Newomb Blvd.

I urge you to vote AGAINST the privatization of Newcomb Blvd.

Newcomb Blvd. should remain a public street. The public should be able to park on the street and walk on the street.

The selling of public streets is not part of good city planning.

Florence Brown
7727 Saint Charles Ave.

CPCinfo

From: Susan Ary <susan_ary@lusherschool.org>
Sent: Tuesday, March 18, 2014 10:57 PM
To: CPCinfo
Subject: Sale of Newcomb Blvd

Do not allow Newcomb Blvd to become privatized! This is against the law is extremely unfair to the tax paying citizens of this city. I recall bring able to drive through this street from Freret to St. Charles Ave, and now I am locked out. And you're telling me that soon I will not even be able t walk down this street? What about the ability to park there, too? Must I now find some other place because the elite, privileged Audubon Blvd - wannabees want to keep the front of their properties car-free?

Give me a break. Follow the law in the first place and remove the gated-community effect of a fence at the end of the street on Freret Street.

Susan Ary
School Teacher

CPCinfo

From: Rhonda Hall <rhondaksh@me.com>
Sent: Tuesday, March 25, 2014 3:49 PM
To: CPCinfo
Subject: Newcomb Blvd

"I object to the proposed sale of Newcomb Blvd

**Rhonda Hall
504-615-4230**

Sent from my iPad

CPCinfo

From: Kevin Brown <kevin@tccno.org>
Sent: Tuesday, March 25, 2014 1:03 PM
To: CPCinfo
Subject: Newcomb Blvd.

I object to the proposed sale of Newcomb Blvd.

Kevin Brown, Executive Director
Trinity Christian Community
PO BOX 13665
New Orleans, LA 70185-3665
504-482-7822
fax: 504-482-7822
www.tccno.org
kevin@tccno.org

CPCinfo

From: CallJudith@aol.com
Sent: Tuesday, March 25, 2014 3:23 PM
To: CPCinfo
Subject: (no subject)

NO PRIVATE OWNED STREETS. A bad precedent for Orleans Parish. all no why some residents want their own street to pick and choose who drives on City funded pavement that my taxes support.

NO.....NO..... NO

Judith Triche

calljudith@aol.com
504. 669-7400

CPCinfo

From: artyprojects@cybermesa.com
Sent: Tuesday, March 25, 2014 3:00 PM
To: CPCinfo
Subject: Absurd tactics

Importance: High

Dear Sir or Madam,

I am appalled to learn, after a 7 year lawsuit, WON in the courts, the residents of Newcomb Boulevard are now buying the street to make it a private boulevard.

This move reflects a tasteless move by the elites of New Orleans. Don't you think there will be repercussions in the community over this kind of closure of a public street?

Congestion and parking problems caused on other public streets because of this purchase will anger and cause revengeful behaviors I am afraid. Will the residents, then, hire their own police force to protect their little street and homes. This is NOT what New Orleans is about, culturally. It is about inclusion and working together.

Think twice about this,
Sally Blakemore
Former resident of New Orleans

CPCinfo

From: Martha R Crocker <martha@willcrocker.com>
Sent: Tuesday, March 25, 2014 3:01 PM
To: CPCinfo
Subject: NEWCOMB BLVD

Dear City Planning Commission

Please do your job! The fence blocking Newcomb Blvd at Ferret is an outrage. New Orleans is better than this. Are we going to have a city that attempts to treat its citizens fairly and equally, or a city that allows its power to be used by private interests?

Remove the fence.

Sincerely,

Martha Crocker

Martha R Crocker
Crocker Studio llc
1806 Magazine Street
New Orleans LA 70130
(504) 522-2651

(504) 495-4421 cell
martha@willcrocker.com

CPCinfo

From: James Morrison <jjmjr312@yahoo.com>
Sent: Tuesday, March 25, 2014 2:47 PM
To: CPCinfo
Cc: Kent Morrison; Jan; keithhardie@yahoo.com
Subject: Sale of Newcomb Blvd

I live at 312 Walnut Street and want to understand the process to petition to have Walnut Street from St. Charles to Magazine St. sold to its abutting property owners as is being proposed for Newcomb Blvd.

If the City will not give the Walnut Street property owners the same rights as is being proposed for Newcomb Blvd. property owners then I am opposed to the sale of Newcomb Blvd.

Please be assured that if your department proposes to the City Council that Newcomb Blvd. be sold I will organize my neighbors to seek the exact same treatment for Walnut Street and I am sure the neighbors on Audubon St. from St. Charles to Magazine will do the same. In fact since my son lives on Audubon Street I can assure you they will also organize such a petition.

James J. Morrison, Jr.
101 Stella St.
Metairie, LA 70005
504-884-1177 cell
504-830-0128 office
504-830-2813 fax

OTHER

silverapts@yahoo.com Ruth
billsmorr@yahoo.com billing

CPCinfo

From: Michelle Zande <michelle@line58.com>
Sent: Tuesday, March 25, 2014 10:06 AM
To: CPCinfo
Subject: Newcomb Blvd

Dear Planning Commission

I strongly object to the sale of Newcomb Blvd. Public streets should **never** become private property if a city is to be vibrant and economically viable. It's a very undemocratic move, not to mention elitist.

Sincerely

Michelle Zande

.....

Michelle Zande
5406 Constance St.
New Orleans LA 70115

504.606.9756 mobile

CPCinfo

From: Michelle McCarthy <michellemccarthy@cox.net>
Sent: Tuesday, March 25, 2014 12:39 PM
To: CPCinfo
Subject: Newcomb Boulevard

To the members of the New Orleans City Planning Commission:

The closure and sale of Newcomb Boulevard should not be approved. This closure did not have the proper hearings when the original action was taken, part of "politics as usual," in New Orleans.

As a neighbor who walks, bikes, and drives in this area on a regular basis, it seems crazy that this condition has been able to continue since 2006 without our city officials and city personnel correcting this matter.

In addition, conditions on Newcomb Boulevard are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems on other streets.

Please do not approve the sale of Newcomb Boulevard.

Best,

Michelle McCarthy
7816 Pearl Street
New Orleans 70118

CPCinfo

From: Goodwin, Bruce M <goodwin@tulane.edu>
Sent: Tuesday, March 25, 2014 12:12 PM
To: CPCinfo
Subject: Newcomb Blvd

I object to the proposed sale of Newcomb Blvd. As a resident of the neighborhood and a professor of architecture at Tulane, I think this proposal would damage the neighborhood and represents a violation of the values of our society and of the principles of good urban design.

Bruce Goodwin

Bruce Goodwin, Architect, LEED AP
Associate Professor
School of Architecture
Tulane University
New Orleans, LA 70118
850.377.3178

CPCinfo

From: michael billings <mdb9@me.com>
Sent: Tuesday, March 25, 2014 12:00 PM
To: CPCinfo
Subject: Please Keep Newcomb Blvd Closed

To Whom It May Concern:

I am writing to ask that you support the efforts of homeowners on Newcomb Boulevard to maintain the status quo as to the blocking of the street at its intersection with Freret.

I am not now, or have I ever been a property owner on Newcomb; I have no personal stake whatsoever in the outcome. However, I am a frequent visitor (both before and after the street was closed), and I can attest that closing Newcomb was, and is the proper thing to do.

Anyone who has ever once driven down Newcomb will note that the street is considerably more narrow than the standard New Orleans street. In fact, with limited off street parking, it is impossible for two cars to pass in opposite directions without one or the other yielding behind cars parked at the curb to allow the other to pass. There are in fact "passing zones" which were cut into the street when it was originally constructed, as this limitation was understood even way back then!

There is a great deal of foot traffic from Freret, not to mention resident children playing in their yards, riding bikes, etc. Residents, their visitors and others familiar with the neighborhood have an innate understanding of the need for maintaining a slow speed, a watchful eye for children/pedestrians and a general respect for and courtesy toward other drivers on the street.

One can easily spot the driver who has mistakenly turned onto Newcomb to cut through to Freret: traveling at a high rate of speed, slamming on brakes as street parked cars are encountered, little or no regard for the safety of residents, children or other pedestrians along the way.

If the residents of Newcomb Boulevard are willing to reach into their own pockets to purchase and maintain their street, that is surely in the greater public interest of all the citizens of New Orleans. It would put much needed revenue into city coffers, and shift the ongoing cost of street maintenance from the city to the residents. How could anyone object to this?

On the other hand, there is no useful purpose to forcing the street open; it will never be adequate or appropriate as a "cut through" street for all the reasons I've already mentioned.

Please do the right thing for the city and support the residents of Newcomb Boulevard in their efforts to keep the Freret end of their street closed to traffic.

Thank you,

Michael Billings

Sent from my iPhone

CPCinfo

From: Renee Webb <rwebb@stcharles.k12.la.us>
Sent: Tuesday, March 25, 2014 11:54 AM
To: CPCinfo
Subject: Opposition to the Sale of Newcomb Boulevard

I am opposed to the sale of Newcomb Boulevard to the Newcomb Boulevard Association. The sale of Newcomb Boulevard sets a bad precedent for the City. Our streets make up a grid system that alleviates parking and traffic through sharing of the burden across all residents. Everyone has experienced the long wait on St. Charles Avenue near Newcomb Boulevard. Having that additional street open to local residents could alleviate some of that congestion. We must be respectful of both the benefits and difficulties that this places on all of our neighbors and neighborhoods. When numerous streets in the City are sold to neighborhood associations and access blocked to these streets, both traffic and parking issues for the remaining taxpayers will be increased unfairly. This type of planning where each neighborhood was separated from the City by limited access was how Baton Rouge evolved, and now the traffic and lifestyle of Baton Rouge due to these poor planning decisions is nearly unbearable.

The city streets of New Orleans should not be for sale to any entity. The infrastructure of the city, including Newcomb Boulevard, is so intertwined as to make the sale of any component of it unfair to other taxpayers. City residents and businesses paid for Newcomb Boulevard's construction with tax dollars, paid for its maintenance until its closure with tax dollars, and would continue to pay for all of the necessary supporting infrastructure even if it was sold. For example, the storm drains from Newcomb Boulevard cannot be made independent of the rest of the City's drainage system. Therefore, as an example, the sale of Newcomb Boulevard would place an undue burden on those of us that would continue to pay taxes to support the drainage system for Newcomb Boulevard (and its upgrades through SELA and long-term repairs) but would not have any use of the road itself.

Finally, the solution to the residents' issues on Newcomb Boulevard is not to place their traffic and parking burdens on their neighbors to free them of these problems. Instead, other solutions should be pursued that have successfully worked in neighborhoods in the University area. Residential parking restrictions, speed cameras, neighborhood funded patrols, increased DPW parking ticketing efforts, etc., are solutions that have worked well by the Uptown Triangle Neighborhood Association and the Central Carrollton Neighborhood Association. These can be tried on Newcomb Boulevard as well.

I will be attending the 8 April meeting to provide additional comments if possible and to see how the Commission votes. Thank you for providing the public with an opportunity to comment on this important decision.

Renée Laborde Webb, M. Ed., NCED
Central Carrollton Association Board Member
8012 Panola St.
New Orleans, LA 70118

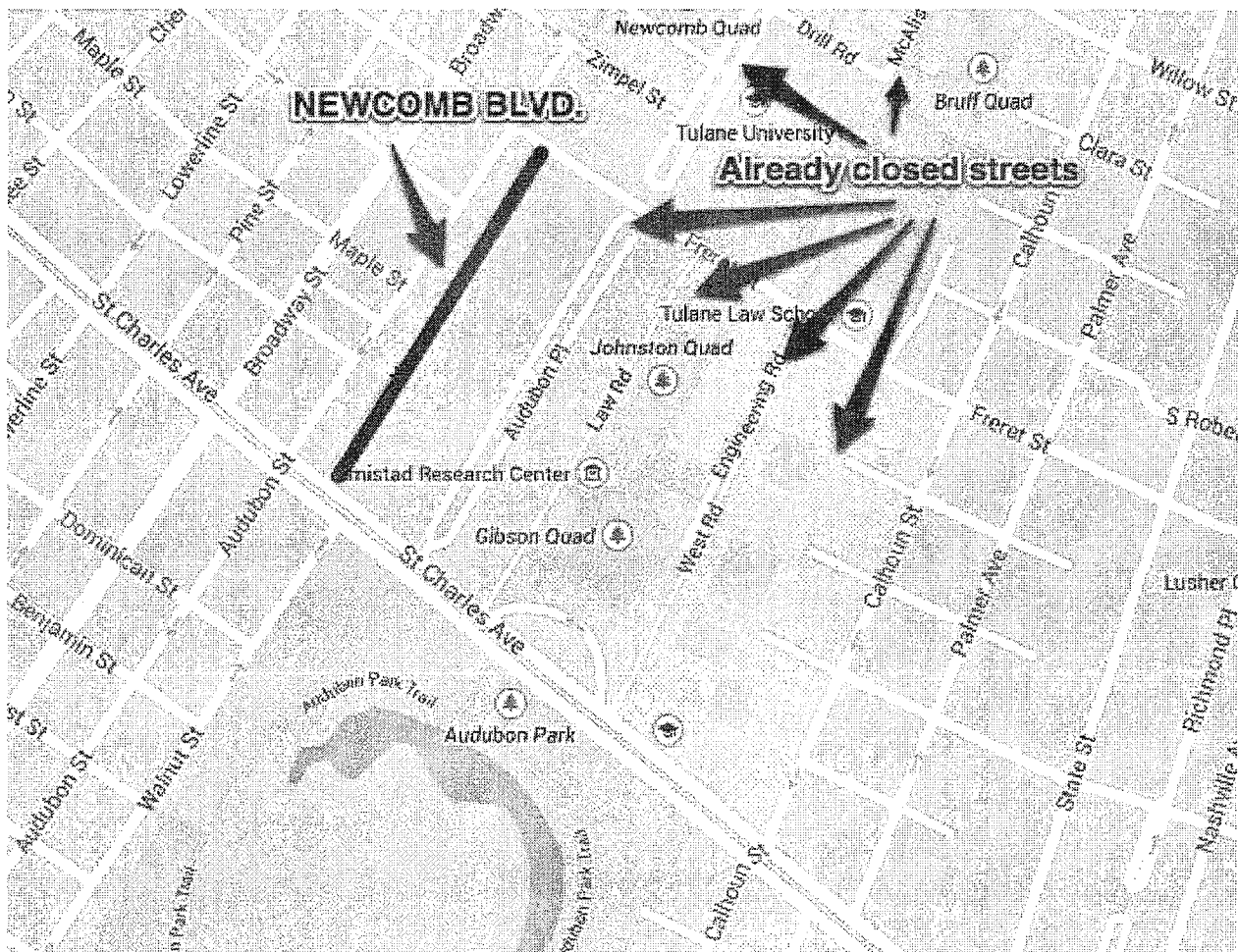
CPCinfo

From: Paulette Hurdlik <paulette@culturethirst.com>
Sent: Tuesday, March 25, 2014 10:23 AM
To: CPCinfo
Subject: Newcomb Blvd. sale

Dear Commission members,

I live right next to Newcomb Blvd. and have been adversely affected by the gate they erected illegally 8 years ago. I am writing to urge you to oppose the sale of the street.

Furthermore, the urban grid is already greatly compromised by multiple street closures in the immediate area owing to the private Audubon Place and the many streets utilized exclusively by Tulane and Loyola Universities.



The closure of Newcomb at Freret has successfully resulted in decreased traffic on Newcomb but greatly increased traffic on my street, Audubon Street. Finally, in summary:

1. Public streets should not be sold or closed.

2. Newcomb Boulevard was used by hundreds of drivers a day and is needed to relieve congestion and excessive parking demand on other streets in the University area.

3. Conditions on Newcomb are no different from those on other area streets, and closing the street because of moderate traffic is overkill.

Paulette Hurdlik
618 Audubon Street
New Orleans, LA 70118
Cell: 504-258-1271

CPCinfo

From: Beth Aguillard <bethaguillard@gmail.com>
Sent: Tuesday, March 25, 2014 9:27 AM
To: CPCinfo
Subject: Newcomb Blvd

I object to the proposed sale of Newcomb Blvd.

Sincerely,
A nearby neighbor

CPCinfo

From: Katie Levy <katielevy@bellsouth.net>
Sent: Tuesday, March 25, 2014 8:57 AM
To: CPCinfo
Subject: Newcomb blvd

This street should not be for sale. How entitled...also what a poor planing decision. Traffic is bad enough.

Katie Koch
1117 Josephine st.
New Orleans, la 70130

CPCinfo

From: Ellie Rand <brandsbyrand@aol.com>
Sent: Tuesday, March 25, 2014 8:32 AM
To: CPCinfo
Subject: Newcomb Blvd

Newcomb Blvd. should not be a fenced off, private street. I grew up in the neighborhood, live in the neighborhood now and went to Newcomb College. I object to the sale of Newcomb Blvd to its residents if it means the street will continue to be closed off to pedestrian and automobile traffic. Newcomb Blvd was once a lovely part of the university section, integrating residents, students and those who frequented the campus area. What if we all purchased our streets and closed them off to each other?

Ellie Rand
7916 Burthe Street
Brands by Rand
www.brandsbyrand.com
(504) 343-6551

CPCinfo

From: Goldstein, David S <dgoldst@tulane.edu>
Sent: Tuesday, March 25, 2014 8:30 AM
To: CPCinfo
Subject: Newcomb Blvd

Friends:

I am opposed to privatizing Newcomb Blvd. To do so must entail a full public hearing and total transparency, rather than semisecret fiat.

Thank you.

Rabbi David Goldstein

CPCinfo

From: King, Wendy E <wking@tulane.edu>
Sent: Tuesday, March 25, 2014 8:08 AM
To: CPCinfo
Subject: Reopen Newcomb Blvd.

I support the reopening of Newcomb Blvd., at Freret Street. Its closure to through traffic after Hurricane Katrina has been declared by the city's courts to be illegal and unconstitutional, and the proposal to sell it, so that it can remain closed to traffic from Freret Street, is unacceptable. That street should be reopened. Its care and maintenance are borne by our tax dollars, and denying access to the public, which pays for this street's upkeep, is absolutely unfair.

Sincerely,

Wendy King

2100 St. Charles Ave., #9J

New Orleans LA 70130

(cell ph) 919-0432

CPCinfo

From: David Keiffer <keiffer@loyno.edu>
Sent: Tuesday, March 25, 2014 7:49 AM
To: CPCinfo
Subject: Newcomb Blvd.

I object to the selling and removing from public traffic of Newcomb Blvd. on many grounds, most of which have to do with traffic flow. But to me the really important issue has to do with the possibility of a small group of individuals being able to take over public property and isolate themselves for no other discernible reason than to prevent contamination from the rest of the community.

David Keiffer
keiffer@loyno.edu

CPCinfo

From: James O'Meara <jomeara@ochsner.org>
Sent: Tuesday, March 25, 2014 7:43 AM
To: CPCinfo
Subject: Newcomb Blvd.

There is no compelling reason to sell Newcomb Blvd. The city of New Orleans should not be in the business of selling off its real estate once it achieves a level of desirability.

Avoiding the St. Charles - Broadway intersection is reason enough to tear down the illegal gates. We deserve the right to use our streets.

The Newcomb Blvd residents have not been 'good citizens' and should not be rewarded with our valuable real estate. Government should not be empowered to feed the greed of our wealthiest citizens. Segregation of the rich is beyond acceptable behavior of our elected officials.

Sent from my iPhone

CPCinfo

From: Eric Webb <webberic@yahoo.com>
Sent: Tuesday, March 25, 2014 6:09 AM
To: CPCinfo
Subject: Opposition to the Sale of Newcomb Boulevard

I am opposed to the sale of Newcomb Boulevard to the Newcomb Boulevard Association. The city streets of New Orleans should not be for sale to any entity. The infrastructure of the city, including Newcomb Boulevard, is so intertwined as to make the sale of any component of it unfair to other taxpayers. City residents and businesses paid for Newcomb Boulevard's construction with tax dollars, paid for its maintenance until its closure with tax dollars, and would continue to pay for all of the necessary supporting infrastructure even if it was sold. For example, the storm drains from Newcomb Boulevard cannot be made independent of the rest of the City's drainage system. Therefore, as an example, the sale of Newcomb Boulevard would place an undue burden on those of us that would continue to pay taxes to support the drainage system for Newcomb Boulevard (and its upgrades through SELA and long-term repairs) but would not have any use of the road itself.

The sale of Newcomb Boulevard also sets a bad precedent for the City. Our streets make up a grid system that alleviates parking and traffic through sharing of the burden across all residents. We must be respectful of both the benefits and difficulties that this places on all of our neighbors and neighborhoods. When numerous streets in the City are sold to neighborhood associations and access blocked to these streets, both traffic and parking issues for the remaining taxpayers will be increased unfairly. This type of planning where each neighborhood was separated from the City by limited access was how Baton Rouge evolved, and now the traffic and lifestyle of Baton Rouge due to these poor planning decisions is nearly unbearable.

Finally, the solution to the residents' issues on Newcomb Boulevard is not to place their traffic and parking burdens on their neighbors to free them of these problems. Instead, other solutions should be pursued that have successfully worked in neighborhoods in the University area. Residential parking restrictions, speed cameras, neighborhood funded patrols, increased DPW parking ticketing efforts, etc., are solutions that have worked well by the Uptown Triangle Neighborhood Association and the Central Carrollton Neighborhood Association. These can be tried on Newcomb Boulevard as well.

I will be attending the 8 April meeting to provide additional comments if possible and to see how the Commission votes. Thank you for providing the public with an opportunity to comment on this important decision.

Eric Webb, PhD
8012 Panola Street
New Orleans, LA 70118

CPCinfo

From: JT <jltnol@gmail.com>
Sent: Monday, March 24, 2014 7:54 PM
To: CPCinfo
Subject: Take Down The Fence

As a resident of Uptown, near the illegal Newcomb Blvd fence, I can attest that it has cause MORE traffic jams than it as solved. This is a public, city street. I pay to keep it up, and should be able to use it without any restrictions.

The courts have ruled this fence illegal.. TWICE. And now it's time for it to be taken down.

While I understand there is some move to make it a one way street, should that be the case, it should be One way north bound to Freret street, to match the existing one way south bound Audubon one street over. However, before the fence went up, it was a 2 way street then, so all arguments that it isn't big enough are moot. It was a 2 way street before, there is no reason why it can't be a 2 way street again.

If the residents of the street want to buy the street, I'm sure there is a process for that to happen, and once the street is open, they can start that process, which will allow all kind of public input, most of which I'm sure want the street left open.

With the coming Tulane Stadium, the loss of parking on this street will only serve to congest the area even more.

None of the current arguments for leaving the fence up make any sense, except for the residents of the street. And I'm sure that every resident of the city would like to live on a private street, but that just isn't possible. There are other private streets in the city, and if the residents of Newcomb want to live on a private street, they can move to one.

A 2 way street would help in the event of some emergency... allowing police, fire, and ambulance more routes to traverse from Freret to St. Charles.

Please, take the fence down now.

Regards

Jeffrey Talbot
7521 Jeannette
NOLA

CPCinfo

From: Melanie Morel-Ensminger <melanie.morelensminger@gmail.com>
Sent: Monday, March 24, 2014 5:21 PM
To: CPCinfo
Subject: Reopen Newcomb Blvd!

Dear City Planning Commission:

I am opposed to the proposed sale and permanent closure of Newcomb Blvd.

My first reason is that this effort is a run-around the legal ruling made in December 2013.

But more substantively, I am in general opposed to the sale of public streets unless there is a clear compelling interest that benefits the city as a whole (for example, the portion of the street sold to Secondline movie studios and the portion behind the Saenger Theater. But selling a residential street because the rich home owners want to block it off serves no public purpose and indeed is the opposite of a public purpose.

When it was open, Newcomb Boulevard was used by hundreds of drivers a day, and is still needed to relieve congestion on both St. Charles and Freret and to ease excessive parking demand in the University area.

Speeding on Newcomb is no different from that on other area streets, and if any remedy is needed, traffic calming measures should be employed rather than closing the street.

Our city's grid system should in general be preserved, and cul de sacs should be discouraged. Access and ease of movement is a hallmark of urban life. There is no compelling reason for change on this instance.

(Rev.) Melanie Morel-Ensminger
1465 Annunciation St.
NOLA 70130

CPCinfo

From: Teddy <teddy1233@cox.net>
Sent: Sunday, March 23, 2014 1:27 PM
To: CPCinfo
Subject: ORDINANCE 4264 MCS NEWCOMB BLVD

The closure of Newcomb Blvd. for the private use of its residents was not approved by either the City Council at the time of the fence's erection, nor more recently the Courts' decision.

After the Court ruled the closure/fence should be removed, the City indicated the fence would be removed "shortly". That "shortly" was months ago and then suddenly after 7 years of doing nothing other than erecting the fence/closure, the current residents indicate they wish to purchase the street from the city. Why the wait?

I do not believe the City Council has not been contacted regarding this.

Has the City/the Assessor set a price per front foot for the street's purchase?

Is there a payment is due the City for the use of the street as a private entity since the fence has been in existence? There should be as this was and is a private use of public property.

The history of this fence and the closure on Freret St. at Newcomb Blvd. speaks of cronyism and a lack of transparency by both the current and past administrations. The street is wider than many of the older streets in the city, which are also hindered by the lack of off-street parking, which is not a problem on Newcomb Blvd.. Yes, erecting a fence to protect from traffic use would be very attractive to other residents on other streets, but not by the way this action that has been nor should be taken; without the proper review by the City, under which we , New Orleans residents live.

Will a rental be charged to the residents for the years of closure without payment to the City?

I am opposed to the closure of Newcomb Blvd. and wish to have the street accessible to residential traffic as well as to city services.

Thank you,

Dorothea "Teddy" Martin
7601 Hampson St.

CPCinfo

From: Daniel Keiffer <dannykeiffer@gmail.com>
Sent: Thursday, March 20, 2014 11:17 AM
To: CPCinfo
Subject: NEWCOMB BLVD SALE--DISAPPROVE

I HAVE BEEN A RESIDENT OF CARROLLTON FOR 53 YEARS AND IT WOULD GREATLY DISAPPOINT ME IF THE CITY APPROVES THE SALE OF NEWCOMB BLVD.

THIS STREET SHOULD BE LEFT OPEN TO THRU TRAFFIC AND I STRONGLY RECOMMEND THAT THE CITY IMMEDIATELY REMOVE THE BARRIER GATES AS THE COURTS HAVE REPEATEDLY RULED.

AT THIS POINT IT APPEARS THAT THE ADMINISTRATION IS PLAYING POLITICS AND FAVORITES. PLEASE, LETS BE FAIR AND MOVE PASS THIS ISSUE.

THE NEIGHBORHOOD ASSOCIATIONS HAVE ALREADY WASTED ENOUGH TIME IN TRYING TO HAVE THE LAWS ENFORCED--TIME THAT COULD HAVE BEEN USED MORE PRODUCTIVELY ON OTHER ISSUES

SINCERELY
DANIEL KEIFFER
8630 ZIMPEL ST
452 6110

CPCinfo

From: John pecorino <johnpecorino@me.com>
Sent: Friday, March 28, 2014 7:57 AM
To: CPCinfo
Subject: Newcombe Blvd. - keep it closed

I park on Newcomb while working at various homes there and have done so since the old days of being a through-street. When it was open, it was dangerously narrow and often problematic when you encountered a car coming from the opposite direction. That is still an issue, but a small one since there isn't through-traffic.

John Pecorino

Sent from my iPad

CPCinfo

From: Beth Sheridan <beth501@me.com>
Sent: Friday, March 28, 2014 6:17 AM
To: CPCinfo
Subject: Newcomb Blvd

Dear City Planning Commission Members,

PLEASE do NOT let private citizens close off Newcomb Blvd!! The traffic on St. Charles Ave because of the high density of students and citizens is awful. Having lived on both Broadway and Palmer Avenues I can tell you that having one less street connecting St. Charles and Freret would only make things worse. We are a lovely old city like Savannah with an open grid of streets, and NOT a suburb of cul-de-sacs.

As we all know, this public street was privatized pursuant to an illegal permit authorizing the erection of a fence without any review by the CPC or the City Council or any payment to the City for the use of public land. Even after the courts declared the fence illegal and unconstitutional and ordered it removed, the current administration has disobeyed a mandatory injunction and continues to fight against the interests of the general public to protect a handful of privileged people.

I beg you to step in and correct this new way of doing business. If not - others will follow this precedent!!

Beth Sheridan
3823 St. Charles Ave.

formerly: 501 Broadway
grew up: 1700Palmer Ave.

CPCinfo

From: Dennis Herlihy <dennybo32@gmail.com>
Sent: Friday, March 28, 2014 5:45 AM
To: CPCinfo
Cc: Enrico J. Sterling
Subject: NEWCOM BLVD

The Uptown Triangle Neighborhood Association does not support the sale of this street. To do so would be bad public policy.

Our location.. Broadway to St Charles to Leake Ave.

Dennis Herlihy
Pres, UTNA

CPCinfo

From: F. Scott Brown <ffssbb@aol.com>
Sent: Thursday, March 27, 2014 10:31 PM
To: CPCinfo
Subject: Re: Newcomb Blvd. Street Closure issue

Dear City Planning,

Newcomb Blvd. home owners on the uptown side of their street all have private off street parking which is accessed from Audubon Street. There are approximately 15 or 16 private driveways on Audubon except for 2 or 3 Newcomb Blvd. residents who have closed off their driveways for alternate uses.

Frankly, with virtually no access to the lake side of Saint Charles Avenue neighborhoods from Calhoun to Broadway, it is outrageous for the street with one of the most abundant parking of any street uptown to block a public right of way with the need so great for all of our tax paying residents.

I am the property owner of 906-908 Audubon Street next to Newcomb Blvd.

Please open this public street for all to use.

Thank you, Scott Brown
504-874-4221

CPCinfo

From: HV Nagendra <h.nagendra@att.net>
Sent: Thursday, March 27, 2014 9:34 PM
To: CPCinfo
Subject: Newcomb Boulevard

I oppose the sale of Newcomb Boulevard.

If Newcomb Blvd. is allowed to become a private street, it will set a precedent for other communities to close other public street . If Newcomb Blvd. is allowed to become a private street, there is every reason to expect other neighboring streets with expensive homes and wealthy residents will want to do the same. This precedent will destroy the city fabric and the urban life styles. We cannot allow our Uptown, Carrollton and University Area communities to become a confederation of private streets and denigrate the New Orleans Cultural heritage as we know it. Permitting the closure of any street for private use will embolden others who believe there must be a separation between the economic classes. As an Urban Designer and Architect who has contributed constructively to the community I live and work in, I find it inexcusable that residents & leaders Newcomb Blvd should consider forming an exclusive niche in a relatively idyllic urban setting. Therefore, again I appeal to you to not permit the privatization of the Newcomb Blvd.

Thank you

H. V. Nagendra

2319 Adams Street
(504) 861-8555 – hm
(504) 524-4634 - wk

CPCinfo

From: Harry Barton <harry.barton1979@gmail.com>
Sent: Thursday, March 27, 2014 5:48 PM
To: CPCinfo
Subject: Open Newcomb Blvd.

I am writing to voice my opposition to the sale of Newcomb Blvd. As a resident of Uptown, I have experienced the frustration that traffic congestion in this area of the city causes, particularly on St. Charles Ave. The grid in that area is already closed off enough with the university campuses and Audubon Park. I accept those because both the park and the campuses benefit the entire city. However, the proposed sale, and continued closure of Newcomb Blvd. to two-way traffic, only benefits a select few well-heeled citizens at the daily detriment of thousands of others.

The arguments advanced by this group ring hollow when contrasted to the realities of every other street in New Orleans. All the streets here are narrow. I live on Camp St. Sometimes it's necessary to pull off to the side to let oncoming traffic pass. This is normal New Orleans life. The solution to this issue is common sense, and courtesy, not closing an entire street to satisfy the whim of a small group of people. Public streets belong to, and should be used by, the public. Please do your job and help keep it that way.

-Harry Barton
New Orleans, LA

Geoffrey N. Moen

From: Pratt Provosty <pratt.provosty@propertyone.com>
Sent: Sunday, March 30, 2014 12:51 PM
To: Geoffrey N. Moen
Cc: Christian Rooney (Christian.Rooney@fd-cf.com); Kimberly.Rooney@fd-cf.com; nicolep@macaronikid.com
Subject: RE: Hey there...just wanted to reach out

Geoffrey-

Please substitute the following e-mail letter for the previous one sent. I eliminated the statement about the width of Audubon St as it varies in width in different places. I would rather stick to the facts about Newcomb than make comparisons that could be challenged. Please confirm that you have substituted this email in the CPC package. Thank you.

Pratt

Dear Friends!

Please take a moment to read below. I really need your help...for those who may not know me, please accept my apologies in advance. And please help if you can! Thank you...

I assume by now you have become aware of the brewing battle over the barrier on Newcomb Blvd at Freret Street. I live at 44 Newcomb Blvd, the lot bounded by Newcomb Blvd, Freret St and Audubon St. My driveway is situated roughly 8-10 feet from Freret St and shrouded from sightlines along Freret St. It is dangerously close to the busy Freret thoroughfare. My wife and kids use this driveway each and every day to come and go.

You may also know that the City erected the traffic barrier in 2006 after determining the street to be unsafe as a connective thoroughfare between St. Charles and Freret St. The process by which the City approved the traffic barrier was subsequently challenged in the courts and the courts ruled that the process was not appropriate. The Newcomb Boulevard Association ("NBA") incurred huge legal fees trying to defend the City and retain the barrier; we relied on the City and lost. Shortly after it became apparent that all legal avenues had been extinguished, NBA started the process of applying to purchase the street from the City. It should be noted that during the time of this long drawn out legal battle, more than half of the homes, eighteen (18) of the thirty five (35), on Newcomb Blvd changed hands

A few facts about Newcomb Blvd:

- Newcomb Blvd was designed and constructed as a private street in 1915.
- Newcomb Blvd is **less than 22 feet wide from curb to curb.**
- **Newcomb Blvd is a single block street (equivalent of over a quarter of a mile) w NO CROSS STREETS. It is not part of a street grid. It never has been. Therefore, there is no way off of the street for the equivalent of four straight blocks.**

These conditions pose a serious danger to residents on the street should the connection be made from St. Charles to Freret. There is no way out for those trapped by an accident or traffic snarl. Those living on the Audubon Place side have absolutely no way out of the street. Newcomb Blvd is simply not adequately designed

to serve as a thoroughfare connecting two major traffic arteries, St. Charles and Freret streets. This is why there have been efforts to control traffic on Newcomb Blvd for decades!

As you probably already know, there are a few operatives at work (Keith Hardie et al) trying to foil NBA's efforts to consummate a purchase of Newcomb Blvd. Please understand that Hardie and his small group originally took the position that the NBA should purchase the street (see: **Subject:** Hey, Mr. Mayor: Looking for a quick half-million? | The Lens <http://thelensnola.org/2011/11/15/newcomb-boulevard-fenced-off/>). As soon as NBA started the process of attempting to do exactly what Hardie's group wanted in the first place, Hardie's group changed its tactic. **It's clear that this is personal for Hardie and his group. Now Hardie et al want to force Newcomb Blvd to be a two way street, posing a grave a danger to my family and many other families each and every day.** Why? I cannot understand it. I do not think or operate in such a realm. But they will stop at nothing else. NBA has tried to negotiate with them. They have access to a PR company and the media to leverage their bidding. They are a negative, agitating force in this community and have been for some time. **They are misleading with conjecture and conveniently silent on what does not support their arguments.**

So I want to give you the facts: The Newcomb Association is trying to purchase the street and in return pay the City fair market value, thereby providing the City with much needed capital and saving the City maintenance costs. Maybe these funds can be earmarked for crime fighting, repairing streets or promoting public safety. We are NOT trying to create a closed off, private enclave, as Hardie and his group now assert. We are willing to keep the street open to public parking and public foot traffic, the way it has been for the past eight years. We are just trying to protect our families and protect our hard earned investment in our personal residences. The City has recently publicly declared the nature of Newcomb Blvd's design to be dangerous and has further declared that Newcomb Blvd cannot and should not ever be a two way street.

Furthermore, opening Newcomb paves the way for thousands of Tulane and Loyola students to speed through here day and night while accessing classes and the bar and fraternity district. We all understand the quality of judgment possessed by these young "adults". I see it and hear it every single day and night. I'm not blaming them. It's simply the nature of it. We were all there at one time in our lives.

So here I am asking for your help. I am asking you to please support us in our effort to defend against the Hardie propaganda machine! Please help me spread the word. Keith Hardie is cranking up a PR machine. We are trying to protect our families. Please let me know if you would be willing to **sign the attached petition simply stating the facts about Newcomb Blvd and supporting our efforts. Simple to sign, scan and return. We have to submit signed petitions this coming Monday March 31st, so time is of the essence!**

We have a public hearing scheduled in front of the City Planning Commission on Tuesday, April 8th at 1:30 PM in City Hall. I am not asking that you show up in support. I am asking that if you are willing to show support, please do so by printing and signing the attached Petition in support of our efforts. Again, **Simply to sign, scan and return to my attention through a reply to this e-mail or a fax to (504)681-3438.**

Anything you can do would be great. And If you happen to see me, ask me to buy you a beer, wine, tea, soft drink or cool glass of water. Let's talk!

I cannot express how much I appreciate your consideration in this matter.

Sincerely,

Pratt

G. Pratt Provosty

44 Newcomb Blvd
New Orleans, LA 70118

G. Pratt Provosty

PPQ Development, LLC
4141 Veterans Blvd., Suite 300
Metairie, LA 70002

M: 504.615.0505
O: 504.681.3410

www.ppqdevelopment.com



From: Geoffrey N. Moen [mailto:GNMoen@nola.gov]
Sent: Thursday, March 27, 2014 4:54 PM
To: Leslie T. Alley; Pratt Provosty
Cc: Christopher C. Mills
Subject: RE: Hey there...just wanted to reach out

Pratt,

Please let me know if you would like your email included as an attachment to the report that goes to the City Planning Commission.

Best,

Geoffrey N. Moen
Principal City Planner
New Orleans City Planning Commission
504.658.7027
gnmoen@nola.gov

From: Leslie T. Alley
Sent: Thursday, March 27, 2014 4:53 PM
To: 'Pratt Provosty'
Cc: Christopher C. Mills; Geoffrey N. Moen
Subject: RE: Hey there...just wanted to reach out

Sorry Pratt – Chris indicates that Geoff Moen is the planner working on the case. I have copied him above.

From: Leslie T. Alley
Sent: Thursday, March 27, 2014 4:42 PM
To: 'Pratt Provosty'

Geoffrey N. Moen

From: Paul Cramer
Sent: Monday, March 31, 2014 9:21 AM
To: Geoffrey N. Moen
Subject: FW: NEWCOMB BLVD

From: President UTNA [<mailto:president@uptowntriangle.com>]
Sent: Sunday, March 30, 2014 12:31 PM
To: Paul Cramer
Subject: NEWCOMB BLVD

Mr. Cramer. this email is to inform CPC that the Uptown Triangle Neighborhood Association is against the sale of Newcomb Blvd. To do so would be bad public policy.

Our--

Location: Broadway to St Charles to Leaks Ave.

Dennis Herlihy

UTNA Presiden

Uptown Triangle Neighborhood Association

www.uptowntriangle.com

CPCinfo

From: ROBERT WALMSLEY <rwalmsley@gmail.com>
Sent: Monday, March 31, 2014 9:51 AM
To: CPCinfo
Subject: Support for Newcomb boulevard

We live on Audubon Street at Maple and have had no adverse impact from the closing of Newcomb Boulevard. We support the closure

CPCinfo

From: Carroll Grevemberg <grevy@cox.net>
Sent: Monday, March 31, 2014 9:36 AM
To: CPCinfo
Cc: Teddy Martin; Keith Hardie
Subject: Fwd: Newcomb Blvd. should not become a permanently closed street

Begin forwarded message:

From: Carroll Grevemberg <grevy@cox.net>
Subject: Newcomb Blvd. should not become a permanently closed street
Date: March 25, 2014 9:24:02 AM CDT
To: CPCinfo@nola.gov
Cc: Teddy Martin <teddy1233@cox.net>, Keith Hardie <keithhardie@yahoo.com>, Kirk Groome <DKGROOME@aol.com>

To whom it may concern,

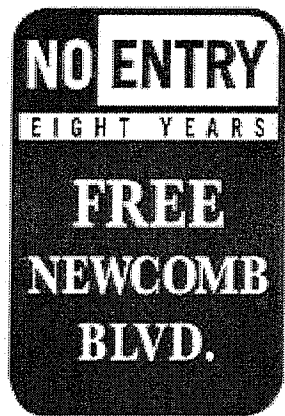
I live on Maple Steet 4 blocks from Newcomb Blvd. which contends with similar issues of student parking. The residents on Maple St. would love to permanently close our street as well for similar issues. Allowing Newcomb Blvd. residents to permanently block a public street forces other streets in close proximity to Loyola & Tulane universities to absorb the burden.

Considering how a handful of residents were allowed to block a public street, after Katrina, is par for the questionable decisions of our city government. It is obvious that if you have enough money you can disobey a mandatory injunction ordered by the Fourth Circuit Court of Appeals to remove the fence and continue to violate the interests of the public good.

If this issue is not handled in the appropriate manner it will cast a negative shadow on the legitimacy of our present administration. Our city fathers must respond for the public good.

Thank you,

Carroll Grevemberg



CPCinfo

From: Mark Klyza <smk@kullmanlaw.com>
Sent: Monday, March 31, 2014 9:28 AM
To: CPCinfo
Subject: Newcomb Boulevard

I strongly oppose the propose sale of Newcomb Boulevard for all the reasons propounded by Mr. Keith Hardie. There is no justification for this action. Thank you.

Mark Klyza
922 Burdette St.
New Orleans 70118

--
S. Mark Klyza
The Kullman Firm
1100 Poydras St., Ste. 1600
New Orleans, LA 70163
(504) 596-4125
smk@kullmanlaw.com

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

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CPCinfo

From: artsplan@msn.com on behalf of Lake Douglas <wdoug1@lsu.edu>
Sent: Monday, March 31, 2014 9:21 AM
To: CPCinfo
Cc: keithhardie@yahoo.com
Subject: Opposition to sale of Newcomb Blvd

The streets of New Orleans should not be for sale.

Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.

Conditions on Newcomb are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems on other streets.

The street grid system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs.

This is not only bad planning but also bad policy. I oppose!

Lake Douglas, Ph.D., ASLA
925 Moss Street
New Orleans, LA 70119

Associate Dean of Research and Development
College of Art & Design
Associate Professor, Robert Reich School of Landscape Architecture
Louisiana State University
Baton Rouge, LA 70803

225-578-9222  225-578-9222

CPCinfo

From: Marshall Hevron <marshall.hevron@gmail.com>
Sent: Monday, March 31, 2014 9:01 AM
To: CPCinfo
Subject: Newcomb Blvd

To whom it may concern:

Please note that I oppose the sale of Newcomb Blvd. Privatization of public thoroughfares should be an extremely rare occurrence and is not warranted in this situation.

Thank you,

Marshall Hevron

CPCinfo

From: Thomas Peyton <thpeyton@gmail.com>
Sent: Monday, March 31, 2014 8:56 AM
To: CPCinfo
Subject: Newcomb Boulevard

I oppose the sale of Newcomb Blvd -- not because of parking issues or because of traffic issues (while valid reasons) -- but because the streets of New Orleans should not be for private purchase. While I have empathy for those living on Newcomb Blvd, the city need not be carved and isolated simply because certain citizens do not want to be bothered by a living, breathing city. The public realm should be maintained for all to utilize and enjoy. The sale of the street, while not unprecedented, would create a slippery slope, spurring the interest of the many upper class communities to close their streets. I ask that the city do not allow the sale of the street and to explore other alternatives, rather than privatizing the street.

Thank you,
Tommy Peyton

CPCinfo

From: Bayer, Thomas M <tbayer@tulane.edu>
Sent: Monday, March 31, 2014 8:12 AM
To: CPCinfo
Subject: RE: Newcomb Boulevard

To

Whom It May Concern

Please find below a quote from the city's Master Plan.

“With adequate connectivity, traffic flows are evenly dispersed through a network and streets receive the types of traffic that they are designed to handle. If connectivity is restricted to fewer intersections, automobile traffic faces bottlenecks at certain intersections and is concentrated on fewer streets, resulting in congestion and/or larger more complicated intersections and wider streets.” *Master Plan, Volume 3, Chapter 11.3.*

The attempt to privatize a Newcomb Boulevard is in direct violation of this plan. I have lived in this part of town (Maple Street) since 1979. The removal of Newcomb Blvd from regular public use - as it was intended - has been a noticeable inconvenience to all EXCEPT the residents of Newcomb Blvd. Favoritism extended to the few (and wealthy) to the detriment of the many less well-heeled is a gross injustice.

Please do not allow Newcomb Blvd to be privatized.

Thomas M. Bayer, PhD.

CPCinfo

From: Terry Weaver <terry_weaver@travelctm.com>
Sent: Sunday, March 30, 2014 9:58 PM
To: CPCinfo
Subject: Sale of Newcomb Blvd

I am a resident of 25 Newcomb Blvd and I SUPPORT the sale of Newcomb Blvd to the residents. Newcomb Blvd. is a very narrow street and it is very difficult for cars to pass especially if there is a car parked on the street. I have three kids and two of them are now in college and until the gate went up I was always fearful that they would be playing outside and hit by one of the college students that drove down our street and went well over the speed limit. The gate has afforded all of us a sense of security for our families. Although we have been residents for over 15 years, many of our new neighbors have bought here because we had the safety of having the fence and therefore did not have the traffic problem and it is not fair to punish these residents for what the city is now re thinking and calling a mistake to have approved it in the first place.

This issue would probably never be brought up if it were not for the antics for one "activist" that right now has Newcomb Blvd in his cross hairs. He has made it his mission to oppose many uptown projects and also has not stated the facts for what they are. On his facebook page and in the literature he has distributed he has stated that if this passed then it would be a parking problem for many people as no one could park or even walk on the street when in fact that is not the case at all. Right now anyone can park or walk on our street and that would not change if we could purchase the street.

Please consider the facts on behalf of our neighborhood.

Thanks,
Terry Weaver
25 Newcomb Blvd
504-390-8883-cell
504-862-0023-home

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CPCinfo

From: Myriam Robinson <myriamrobinson@icloud.com>
Sent: Sunday, March 30, 2014 6:47 PM
To: CPCinfo
Subject: Newcomb Blvd purchase

As a resident (3 Newcomb Blvd) of Newcomb Blvd. for 2 years, I have enjoyed the low traffic flow on this very narrow street and in fact purchased my home here partially based on the promise of living on a dead end street. The ongoing legal issues with the traffic barrier have been deeply troubling.

The prospect of the residents' purchasing the street in order to maintain the street's low traffic flow and the benefits of maintaining the status quo are clearly obvious.
Newcomb Blvd. was built to be a private street many years ago and it's closure has caused no impact on the natural flow of traffic in and around St. Charles, Broadway and Freret St.

The purchase of Newcomb Blvd. will benefit the coffers of the City by increasing property values and maintaining the safety and security of it's residents. Except for one VERY LOUD voice, the purchase has not raised opposition by any other than the proteges of this one VERY LOUD voice.

I am a widow, living alone who wishes to maintain my peaceful, safe street. Although I cannot be present at the hearing, I sincerely hope the members will consider the facts of the issue and give us the privilege of maintaining our street as it is.

I am grateful for your consideration.

Myriam Robinson
3 Newcomb Blvd.
New Orleans, LA. 70118



Mimi Robinson
5500 Magazine Street
New Orleans, LA 70115
504.269.6464 W
504.251.5634 M
myriamrobinson@icloud.com

CPCinfo

From: johnbpeters@gmail.com
Sent: Sunday, March 30, 2014 6:07 PM
To: CPCinfo
Subject: Please Support the sale of Newcomb Blvd.

Dear City Planning Commission,

Please examine the facts and not the hyperbole and disinformation concerning Newcomb Blvd. This issue is not about money, class or privilege as the spin would have you believe, but about safety, common sense and using our street in the way it was originally designed and constructed.

I ask you to please support the sale of Newcomb Blvd.

Newcomb Blvd was designed in 1915 as a private street and not a vehicular thoroughfare. It is 21.7 feet wide curb to curb, with no cross streets and far too narrow for cars to pass. Two way traffic would represent a genuine safety issue for everyone concerned.

My Family and I moved from California (a city with far too many cars) five years ago to 9 Newcomb Blvd to be part of the New Orleans Renaissance.

Our purchase was made not for the house, but for the street and the fabric of community life on Newcomb Blvd.

Pedestrians regularly walk down the middle of the road, safe in the absence of speeding cars using a cut through.

When every other major capital city around the world is reducing vehicular traffic why would New Orleans wish to create more?

Thank you for taking the time to read this letter.

John Peters

CPCinfo

From: Cindy Woessner <cindywoessner@gmail.com>
Sent: Sunday, March 30, 2014 6:04 PM
To: CPCinfo
Subject: Newcomb Boulevard Sale

Dear City Planning Commission,

As a 30 year resident of Newcomb Boulevard, I am submitting this request in support of the proposed sale of Newcomb Boulevard. to the residents. Since the traffic control device has been installed our street has been measurably safer.

My family has experienced living on Newcomb Boulevard. before and after the traffic control device. Indeed, when my sons were small children they were allowed to play only in the back yard because of the dangerous street conditions in front of our home. Students and speeding drivers were moving in and out of parked cars along the street as they drove by to avoid hitting each other. Newcomb was known as a cut through to get to class quickly. Those days are gone since the city saw fit to protect the resident children with the traffic device.

It is not reasonable to weigh an adults convenience against the safety of the children of our city and allow the adults to rule in this situation. I implore you to please allow the barrier to remain and keep our street a safe place for children playing and entering and exiting cars. It is impossible to see small children behind cars when they are crossing our narrow street or attempting to get into carpool. Please consider the implications of allowing convenience over safety in the lives of our children.

With great respect,

Cindy Woessner
7 Newcomb Boulevard
New Orleans, Louisiana 70118
504-861-9891

CPCinfo

From: JMKAL@aol.com
Sent: Sunday, March 30, 2014 5:31 PM
To: CPCinfo
Subject: Property Disposition 002/14 City Planning Commision 4/8/14 hearing

Dear City Planning Commision:

Re: Property Disposition 002/14

We live at # 2 Newcomb Blvd. We purchased the home in '07 and what attracted us to it was knowing that this one long street without any side streets would never be used as a thoroughfare from St Charles to Feret in order to 'short cut' the established thoroughfare of Broadway St. We would have never bought a home on a small street located near such a large institution like Tulane University where the natural instincts of all students, employees and visitoirs of Tulane would be to take the 'shortcut and use Newcomb Blvd as a thoroughfare.

St. Charles is a true Avenue and Broadways is a true avenue meant for the purpose of conducting the heavy traffic. Newcomb Blvd was never intended to be used in such a manner.

We are for the neighborhood to buy the 'right of way' and leave the gate as it is and to continue to allow the public use of it as before.

Thank you,

Jeno Kalozdi
#2 Newcomb Blvd
tel: 861-7282

CPCinfo

From: Pratt Provosty <pratt.provosty@propertyone.com>
Sent: Sunday, March 30, 2014 4:28 PM
To: CPCinfo
Subject: Newcomb Boulevard

Dear CPC-

My wife and I and our two children are residents of 44 Newcomb Boulevard, located on a lot of record bounded by Newcomb Blvd, Freret St and Audubon St. Our driveway is situated roughly 8-10 feet from Freret St and shrouded from sightlines along Freret St. It is dangerously close to the busy Freret thoroughfare. My wife and kids use this driveway each and every day to come and go.

We purchased our home in August of 2006 because of the nature of the street being situated as a cul de sac. Even though we knew that proximity to Freret St and the Universities would present certain challenges, we made the decision for safety purposes based upon the traffic barrier prohibiting through traffic from St. Charles Avenue. Since that time, we have made a significant investment in renovating our home. It should be noted that more than half of the homes, eighteen (18) of the thirty five (35), on Newcomb Blvd have changed hands since the erection of the traffic barrier.

A few facts about Newcomb Blvd:

- Newcomb Blvd was designed and constructed as a private street in 1915.
- Newcomb Blvd is **less than 22 feet wide from curb to curb**.
- **Newcomb Blvd is a single block street (equivalent of over a quarter of a mile) w NO CROSS STREETS. It is not part of a street grid. It never has been. Therefore, there is no way off of the street for the equivalent of four straight blocks.**

These conditions pose a serious danger to residents on the street should the connection be made from St. Charles to Freret. There is no way out for those trapped by an accident or traffic snarl. Those living on the Audubon Place side have absolutely no way out of the street. Newcomb Blvd is simply not adequately designed to serve as a thoroughfare connecting two major traffic arteries, St. Charles and Freret streets. This is why there have been efforts to control traffic on Newcomb Blvd for decades! Furthermore, because of its length of over a quarter mile long with no cross streets or turn offs, it does not lend itself well to a one way design. Imagine being three house off of St. Charles or Freret and having to travel in the direction of either of those streets. One would have to travel 7-8 blocks simply to get to their put of origin.

As you probably already know, there are a few operatives at work trying to foil NBA's efforts to consummate a purchase of Newcomb Blvd. The effort to purchase has been made necessary due to the courts determining that the City's process for approving the installation of the gate was illegal. Please understand that leaders of this small group originally took the position that the NBA should purchase the street (see: **Subject:** Hey, Mr. Mayor: Looking for a quick half-million? | The Lens <http://thelensnola.org/2011/11/15/newcomb-boulevard-fenced-off/>). As soon as NBA started the process of attempting to do exactly what this group wanted in the first place, the group changed its tactic. **Now this group wants to force Newcomb Blvd to be a two way street, posing a grave a danger to my family and many other families each and every day.** Why? I cannot understand it. I do not think or operate in such a realm. But they will stop at nothing else. NBA has tried to negotiate with them. They have access to a PR company and the media to leverage their bidding. **They are misleading with conjecture and conveniently silent on what does not support their arguments.**

So I want to give you the facts: The Newcomb Association is trying to purchase the street and in return pay the City fair market value, thereby providing the City with much needed capital and saving the City maintenance costs. Maybe these funds can be earmarked for crime fighting, repairing streets or promoting public safety. We are NOT trying to create a closed off, private enclave, as this group now assert. We are willing to keep the street open to public parking and public foot traffic, the way it has been for the past eight years. We would be willing to deed restrict the street from a closure at St. Charles Avenue. We are just trying to protect our families and protect our hard earned investment in our personal residences. The City's Department of Public Works has recently publicly declared the nature of Newcomb Blvd's design to be dangerous and has further declared that Newcomb Blvd cannot and should not ever be a two way street.

Furthermore, opening Newcomb paves the way for thousands of Tulane and Loyola students to speed through here day and night while accessing classes and the bar and fraternity district. We all understand the quality of judgment possessed by these young "adults". I see it and hear it every single day and night. I'm not blaming them. It's simply the nature of it. We were all there at one time in our lives.

I am asking for your help. I am asking you to please support us in our effort to purchase Newcomb Boulevard and protect our families.

Thank you so much for your consideration in this matter.

Sincerely,

G. Pratt Provosty

44 Newcomb Blvd
New Orleans, LA 70118

CPCinfo

From: Karen Goldenberg <rgoldenb@msn.com>
Sent: Sunday, March 30, 2014 3:26 PM
To: CPCinfo
Subject: Do not sell Newcomb Blvd

To whom it may concern:

1. The streets of New Orleans are not for sale.
2. Newcomb Boulevard was used by hundreds of drivers a day before it's closure and is needed to relieve congestion and excessive parking demand in the University area.
3. Conditions on Newcomb Blvd are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems onto other streets.
4. The street grid system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs. I have lived in Houston, Texas and traffic there is a nightmare due to such planning in many areas.

In conclusion, I am a neighbor of Newcomb Boulevard living on an adjacent street and oppose the sale of Newcomb Boulevard. The selling of city streets that were originally built as public streets sets a very dangerous precedent for the city of New Orleans and, among other reasons, I oppose the sale of Newcomb Boulevard. I further request that the city honor the court's ruling and reopen the street to thru traffic.

Sincerely,
Karen Goldenberg

CPCinfo

From: John Jin <johnyjinn@gmail.com>
Sent: Sunday, March 30, 2014 2:08 PM
To: CPCinfo
Subject: Against selling of Newcomb Blvd.

We are the property owners at 830 Audubon Street. After learning more about issues at hand, we are against the continuation of illegal closure of and the current attempt to privatize Newcomb Blvd. Some Newcomb blvd residents recently visited our street soliciting petitions on their behalf to keep their street closed to through traffic. One argument they used in keeping the status quo is in so doing it will keep their street safe and quiet for the benefits of their family. They fail to see the benefits they have been enjoying "illegally" for the past eight years were made at the expenses of residents in the nearby neighborhoods. As a result of closing their street to through traffic, other streets have been getting the diverted traffic volume for eight years. Enough is enough. If the city will allow the sale of a public street, start with Audubon Street. After all, Drew Brees lives on this street.

John Jin , Li Jin

Sent from my iPad

CPCinfo

From: John-Christopher Ward <jc8ward@cox.net>
Sent: Sunday, March 30, 2014 1:47 PM
To: CPCinfo
Subject: Newcomb Boulevard

Greetings,

I am adamantly opposed to the closing of Newcomb Boulevard. The move to privatize Newcomb Boulevard was never reviewed by the City Planning Commission, yet the Newcomb Neighborhood Association was granted a permit to close the street. This has been held illegal by Judge Bagneris and his ruling was upheld by the La 4th Circuit Court, who further ordered the fence removed and the street reopened.

The streets of New Orleans are not and should not for sale.

Conditions on Newcomb are no different from those on other area streets. Newcomb Boulevard has been used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.

Traffic and parking problems are exacerbated, not solved, by street closures. The closure of Newcomb merely pushes those problems on other streets.

our public street system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its charm and walkable, open streets to just another series of hard-to-navigate suburban cul-de-sacs.

I hope you will deny this permit and keep the street open to the public.

Sincerely,

John-Christopher Ward
918 Stewart Court
New Orleans 70119
504-488-5077

CPCinfo

From: stephenmfrancis9@gmail.com
Sent: Sunday, March 30, 2014 12:14 PM
To: CPCinfo
Cc: Jennifer Francis
Subject: Illegal Newcomb Fence

Importance: High

To the Planning Commission:

We are writing to express our concern and protestations about the 1) lack of compliance with the federal court's order to remove the illegal fence on Newcomb Blvd "without delay;" and 2) the appalling possibility that the city would "sell" a PUBLIC street to a private group of individuals when all traffic studies found that this was neither necessary nor advisable.

New Orleans public streets should NOT be for sale, ESPECIALLY when the consideration of such was only made after the street was illegally appropriated in the first place, denying taxpayers of their legal ingress and egress of the street for eight long years (at the cost of hundreds of thousands of dollars).

Newcomb is NOT narrower than our street or any other street in the area. The residents of this particular street have no right to take away the public's ability to use our city street grid. Our street running behind Newcomb has had to take up the slack of the lost traffic, which has caused considerable damage to our street and property, a situation which the city seems to think is acceptable.

As taxpayers and citizens of this city, the fact that the "sale" of a public street is even being considered is despicable. Should this proceed, no one who votes in favor of this will ever have the vote of anyone in our family again, and we are very motivated with other citizens who feel similarly (and we vote in every local election).

Believe me, we feel passionately about this issue, and it will not go away should this "sale" proceed.

Sincerely,

Stephen and Jennifer Francis
834 Audubon Street
New Orleans, LA 70118

CPCinfo

From: Sharon Betpouey <sebmurex3@cox.net>
Sent: Sunday, March 30, 2014 9:25 AM
To: CPCinfo
Subject: No streets for sale.

Supposed we all want to close off our streets? Then what? Please open Newcombe and keep it open. Our streets are not for sale.

Sharon Betpouey
New Orleans

Sent from my iPad

CPCinfo

From: Teddy <teddy1233@cox.net>
Sent: Sunday, March 30, 2014 8:48 AM
To: CPCinfo
Subject: MAPLE AREA RESIDENTS Newcomb Blvd fence removal.docx
Attachments: MAPLE AREA RESIDENTS Newcomb Blvd fence removal.docx

MAPLE AREA RESIDENTS, INC.

P.O. BOX 850952

NEW ORLEANS, LA. 70185-0952

Members of the City Planning Commission

Re: Newcomb Blvd. Fence

The membership of the Maple Area Residents, Inc. lives between St. Charles Ave., Willow St., S. Carrollton Ave. and travel up and down on St. Charles on a regular basis. A constant aggravation is the mile long stretch from Palmer Ave. to Broadway St. as currently no right hand turn can be made on to a public street prior to Broadway. The result is a back-up of traffic, especially between the hours of 3:00pm and 5:30pm.

The closure of Newcomb Blvd. at Freret St. by the residents of that street has contributed to that congestion. The claim of residents of Newcomb about "children living on the street being in danger" from traffic should not be given much consideration, as the closure only moves speeders to other streets. The street is needed both for local traffic and to share the parking demand from university operations.

The issue was heard by the courts, whose decision was the fence/blockage should be removed. The City Administration stated the fence would be removed promptly. It hasn't been. Why the delay? It has been SEVEN years since the fence's erection. If the residents felt the need to purchase the street there has been ample time for a purchase and not necessitating going to the court. Who has the right to take over a public street and claim it as their own and erect a barricade without the consent of the proper authority? Not even a picayune has passed to the City's coffers from the residents of Newcomb Blvd. for the past seven years.

The Board of Maple Area Residents, Inc. has voted unanimously that the Court's ruling be upheld and the City removes the fence promptly.

Thank you,

Dorothea Martin

President, Maple Area Residents. Inc.

CPCinfo

From: Kimberly Rooney <Kimberly.Rooney@fd-cf.com>
Sent: Saturday, March 29, 2014 11:40 PM
To: CPCinfo
Subject: Sale of Newcomb Blvd.

Dear City Planning Commission,

I am submitting this correspondence in support of the proposed sale of Newcomb Blvd to its residence. My husband and I purchased our home at 38 Newcomb Blvd in June 2006 after the barrier was established. Being on a "dead end street" was very appealing to us and quite frankly is one of the primary reasons we decided to purchase this home. I understand that the City didn't follow the proper process when allowing the barrier to be erected, but the City's view that the street needed a traffic barrier for safety purposes remains true.

Newcomb Blvd was developed as a private street in 1915 and is an exceptionally narrow street (22 feet curb to curb) and we have parking on one side. It is a single block street, spanning the equivalent of four city blocks, over a quarter of a mile long, with no cross streets. For comparison, Audubon St, parallel to Newcomb between St. Charles and Freret is a one way street and somewhat a typical Uptown New Orleans street, and it is 27 feet wide curb to curb, 23% wider than Newcomb Blvd. Cars traveling from each direction cannot pass through our street without one of them yielding to the other. I understand that the inability to pass is common in New Orleans; however, not having a cross street to exit for such a long distance is uncommon and very unique.

We live towards the end of the street and now have three children ages 7 months, 3 years and 5 years and we are extremely concerned for their safety if this barrier goes down.

Eighteen of the 36 houses on Newcomb Boulevard have new owners since the barrier was erected and hundreds of thousands of dollars have been spent in property improvements as a result. The street has been improved, the property values have increased and the City is the beneficiary. It is unfair for half of Newcomb Blvd's residents to be penalized in property values for a mistake made by the City.

There is a self-proclaimed "community activist", Keith Hardie, trying to prevent the sale of Newcomb Blvd. He has a reputation for fighting against anything and everything under the guise of "helping the community". From our experience, he fights for the sake of fighting. Ironically Mr. Hardie originally took the position that the Newcomb residents should purchase the street (see: Subject: Hey, Mr. Mayor: Looking for a quick half-million? | The Lens <http://thelensnola.org/2011/11/15/newcomb-boulevard-fenced-off/>) and now that we are in the process of attempting to do exactly what he originally wanted, Mr. Hardie has changed his course and has launched a smear campaign full of lies and misrepresentations of the residents of Newcomb Blvd and our intentions.

I have tried my best not to stoop to Mr. Hardie's level and I had every intention to leave his name and any reference to him out of this correspondence, but reality is that he is spending countless hours and resources trying to spin the facts and I don't want to risk losing this barrier because I was trying to "keep it positive".

All I ask is that you consider the facts, that the street was not designed to be a cut through St. Charles to Freret and therefore cannot accommodate the traffic in a safe manner, that the City apparently

understood and appreciates the safety concerns otherwise they would not have authorized the barrier in the first place.

Thank you very much for your consideration.

Sincerely,
Kimberly Rooney

CPCinfo

From: Danny Sullivan <danielvincentsullivan@gmail.com>
Sent: Saturday, March 29, 2014 4:11 PM
To: CPCinfo
Subject: Do not sell Newcomb Boulevard!

The streets of New Orleans are not for sale.

Newcomb Boulevard was used by hundreds of drivers a day, and is needed to relieve congestion and excessive parking demand in the University area.

Conditions on Newcomb are no different from those on other area streets. Traffic and parking problems should be solved with area-wide solutions, not with street closures. The closure of Newcomb merely pushes those problems on other streets.

The street grid system serves the function of dispersing traffic evenly and should be preserved. New Orleans should not go from being a City known for its urbanist charm, open grid, and lively pedestrian traffic to just another series of hard-to-navigate suburban cul-de-sacs.

Do not let a bunch of oligarchs dictate city planning!

CPCinfo

From: Paulette Hurdlik <paulette@culturethirst.com>
Sent: Saturday, March 29, 2014 1:26 PM
To: CPCinfo
Subject: Newcomb Blvd.

3/29/14

Dear Commission Members,

I am writing to you as the administrator of the FREE NEWCOMB BLVD. Facebook page.

There has been phenomenal public interest in the issue. As the administrator I am privy to the stats which I would like to share with you. The page was created on March 23, only 6 days ago.

Likes - 251

A "Like" is a public display of loyalty. By liking a page you, as an individual, are admitting that the content the page is sharing is of some value to you and that the content it shares is worth having in your News Feed.

Total Reach - 16,556

The number of people who liked, commented, shared or clicked on our posts

Engagement - 885

The unique number of people who liked, commented, shared or clicked on our posts. This number indicates that half of the total reach were interested enough to engage with our content at least twice.

Post clicks - 1,430

The total number of clicks on our posts, not including likes, comments or shares.

Post shares - 43

The number of people who forwarded a post on to someone they know

Comments - 87

Following is a small sample of comments but I invite you to visit our Facebook page yourself and see them in context.

• **William Keleher** If Newcomb Blvd. succeeds in turning itself into a private, gated community, what is to stop other neighborhoods from following suit? March 27

• • **Colton Gray** Or maybe we just don't want traffic down our street..?
Like · Reply · Yesterday at 8:07am

Stephen Francis Neither do I, but I have MORE traffic down my street because you illegally closed yours.

Like · 4 · Yesterday at 10:16am

Keith Hardie Newcomb's proposal is what I call "leaf blower planning." They want to take their problems and blow them to other streets! Where have the cars that used Newcomb when it was open gone? To other area streets, making congestion worse on Broadway, Audubon, Freret and St. Charles.
Like · 4 · Yesterday at 10:48am

• • **Owen Courreges** The city is going to extreme lengths, even flouting a court order, to benefit Newcomb's residents at the expense of everyone else.

- Cynthia LeBreton I am in total support of Selling this street to the very responsible neighbors. The opposition is a very litigious busy body neighbor ! March 27 at 4:12pm
-
- Debra Howell Cynthia, are you really implying these "responsible neighbors" have done nothing illegal!? Several judges might beg to disagree!? You know, the ones who heard both sides, represented by capable attorneys, and ruled AGAINST these so-called "responsible neighbors"!! Wow--I would be fascinated to hear your definition of "irresponsible" neighbors. Oh, but wait--I guess in your world that would be the "busy-body" neighbor who protested the illegal closure in the first place. HE's the irresponsible one, right?
Like · Reply · March 27 at 10:08pm
-
- Don-Paul Landry I went to Tulane and what the residents of that street have to tolerate is extreme. If I lived there I would want to make it private also.
Like · Reply · 2 · March 27 at 7:01am
-
- Debra Howell I gotta laugh at the "what residents of that street have to tolerate is extreme" comment Don--if the annoyance of dealing with Tulane students, their infinite number of cars, and their disrespect for other residents is a criteria for closing and privatizing New Orleans' streets, most of the University area bounded by Claiborne, State, Pitt and Hillary would become a fenced city!! What a terrific precedent that would set, not to mention codifying a shocking level of intolerance into our collective lives. Like · Reply · 3 · March 27 at 9:04am
- - Stephen Francis Can we make Audubon St. private, too? And all the other streets in the area that are even smaller than Newcomb? What is it that makes THAT street special?
Like · March 27 at 2:37pm
 -
 -

Finally, please visit our Facebook Page "Free Newcomb Blvd." at <http://tinyurl.com/lrb3kph> and our website www.freenewcombblvd.com so you can see for yourselves the neighborhood passion the issue has unveiled.

.....
Paulette Hurdlik
CultureThirst

.....
Dedicated to telling it compellingly

Web: www.culturethirst.com
Phone: (504) 258-1271
Visit: 618 Audubon St., New Orleans, LA 70118

CPCinfo

From: Joseph Guarisco <jguarisco@ochsner.org>
Sent: Saturday, March 29, 2014 12:39 PM
To: CPCinfo
Subject: Gate

Just because you CAN buy a street doesn't mean it should be allowed and violate the rights of an entire community.

CPCinfo

From: cynthia mizgala <redspa504@gmail.com>
Sent: Saturday, March 29, 2014 9:22 AM
To: CPCinfo
Subject: Re: Newcomb Boulevard

Sent from my iPhone

On Mar 28, 2014, at 9:20 PM, cynthia mizgala <redspa504@gmail.com> wrote:

> Dear City Planning Commission
>
> I am submitting this correspondence in support of the proposed sale of
> Newcomb Blvd.
> I purchased the property at 22 Newcomb Blvd in 1996 , continue to
> reside there and am raising a family now.
> I became concerned about the traffic issues as students used this 4
> block long stretch as a speed track to class.
> Shortly after Katrina, I adopted a baby girl abandoned in the
> hospital. She is my heart. As she grew up, I was relieved that the
> traffic barrier gate that was erected in 2006 controlled traffic
> outside our front door. The security that this gate provided allowed
> me to feel comfortable with my daughter playing outside and mingling
> with our neighbors. I no longer felt the need to move to Jefferson
> Parish so that my daughter could play outside safely. She has formed
> so many friendships over the last eight years .
> This gate has created a sense of New Orleans community and friendship
> that we all cherish. It has been up for 8 years, without incident,
> other than the loud voice of a neighbor behind us. I find it somewhat
> ironic that the neighbor in question never has any traffic on his
> street yet still feels the need to barricade a section of his public
> street with cones, to protect a portion of the public street for his
> own private convenience. He now uses debris (such as a recycling
> bins and or leaves) in lieu of cones. His neighbors do not notice the
> increased traffic congestion that our family friendly gate has
> 'supposedly created'. I have personally spoken to his neighbors .
> Maybe it is his cones that create the traffic congestion just in front
> of his own home.
> Please evaluate all the facts and I think that you will agree that the
> Newcomb blvd gate is good for New Orleans Thank you
>
> Cynthia Mizgala MD
>
> 22 Newcomb Blvd
>
> Tel : (504)554-2881
>
> Please commission, give careful consideration to maintaining our
> family friendly gate so we don't all have to move to Metairie.

- >
- > Thank you
- >
- > Sent from my iPhone

CPCinfo

From: Mary Youngblood <maryyoungblood@cox.net>
Sent: Saturday, March 29, 2014 7:49 AM
To: CPCinfo
Subject: Newcomb Blvd.

Please vote to open Newcomb Blvd. to the public. How anyone can think it's a good idea to close it is beyond me. It reeks of the super rich keeping other people out.

Mary Youngblood
3447 Constance St.
New Orleans, LA 70115

CPCinfo

From: cynthia mizgala <redspa504@gmail.com>
Sent: Friday, March 28, 2014 9:21 PM
To: CPCinfo
Cc: Kimberly Rooney
Subject: Newcomb Boulevard

Dear City Planning Commission

I am submitting this correspondence in support of the proposed sale of Newcomb Blvd.

I purchased the property at 22 Newcomb Blvd in 1996 , continue to reside there and am raising a family now.

I became concerned about the traffic issues as students used this 4 block long stretch as a speed track to class.

Shortly after Katrina, I adopted a baby girl abandoned in the hospital. She is my heart. As she grew up, I was relieved that the traffic barrier gate that was erected in 2006 controlled traffic outside our front door. The security that this gate provided allowed me to feel comfortable with my daughter playing outside and mingling with our neighbors. I no longer felt the need to move to Jefferson Parish so that my daughter could play outside safely. She has formed so many friendships over the last eight years .

This gate has created a sense of New Orleans community and friendship that we all cherish. It has been up for 8 years, without incident, other than the loud voice of a neighbor behind us. I find it somewhat ironic that the neighbor in question never has any traffic on his street yet still feels the need to barricade a section of his public street with cones, to protect a portion of the public street for his own private convenience. He now uses debris (such as a recycling bins and or leaves) in lieu of cones. His neighbors do not notice the increased traffic congestion that our family friendly gate has 'supposedly created'. I have personally spoken to his neighbors .

Maybe it is his cones that create the traffic congestion just in front of his own home.

Please evaluate all the facts and I think that you will agree that the Newcomb blvd gate is good for New Orleans Thank you

Cynthia Mizgala MD

22 Newcomb Blvd

Tel : (504)554-2881

Please commission, give careful consideration to maintaining our family friendly gate so we don't all have to move to Metairie.

Thank you

Sent from my iPhone

CPCinfo

From: Chris Poche <cwpoche@gmail.com>
Sent: Friday, March 28, 2014 6:09 PM
To: CPCinfo
Subject: Newcomb Boulevard

To Whom it May Concern,

As a resident of the University area, I strongly oppose the sale of Newcomb Boulevard.

Removing it from the grid has created a major disruption to traffic flow in an already badly congested area. Without it, there is a nine-block stretch, from Broadway to Palmer, without a single southerly route. This is a very, very densely populated area and the closing of this street has predictably helped to create bottlenecks on the surrounding streets. Also, the terrible parking conditions in the area are made even worse by removing four blocks of much-needed street parking in an area where all the residents have off-street parking of their own. And it will set a terrible precedent if a professional planning commission allows a group of residents to simply buy an important city street and remove it from an already-stressed urban grid.

I, too, live two blocks from the Universities. Students park in front of my house and are often loud and often litter in my yard. Traffic on my street gets congested and, at times, even dangerous. It would be very convenient for me to be able to simply purchase my street, cut it off, and force all that traffic in front of someone else's house. But it's not my right. It's not anyone's.

Sincerely,

Chris Poché

CPCinfo

From: Martin Adamo <martinadamolmt@gmail.com>
Sent: Friday, March 28, 2014 4:42 PM
To: CPCinfo
Subject: Newcomb Blvd

What is it the hoi poloi do not understand about, "Some pigs are more equal than others.?"

Keep Newcomb Boulevard the Way It Is

Newcomb Boulevard is a narrow 22 ft wide single-block street spanning four city blocks with no cross streets, which was originally designed and constructed as a private street. Newcomb Boulevard has been in its current pedestrian accessible configuration for over 7 years, during which more than half of the streets ownership has changed. I understand that the Newcomb Boulevard Association has submitted a request to purchase the street for fair market value. Given its history and unique nature, the Newcomb Boulevard Association should be allowed to purchase the street based on fair market value, which will immediately benefit the City and tax payers long term.

My sister and her
3 little girls moved
here from California
and live on Newcomb
Boulevard. Please
keep it safe for
the children.

Thank you!

Danynine
SIGNATURE

Diana Winingder
PRINT NAME

1316 Octavia St
ADDRESS

March 26, 2014
DATE

MAR28'14 02:55PM

CPCinfo

From: Christian Rooney <Christian.Rooney@fd-cf.com>
Sent: Monday, March 31, 2014 4:57 PM
To: CPCinfo; Robert D. Rivers; Paul Cramer; Geoffrey N. Moen
Subject: Newcomb Boulevard
Attachments: Newcomb Blvd Facts 3.31.14.pdf

Attached is a fact sheet regarding our request for the City Planning Commission's approval to proceed with petitioning the City Council to purchase our street.

Please confirm receipt and if you have any questions, please reply or call.

Thank you very much for your consideration. Your time and effort is much appreciated.

Kind regards,
Christian
President, Newcomb Boulevard Association
504-818-8268

To: City Planning Commission cpcinfo@nola.gov
1300 Perdido St, 7th Floor, New Orleans, LA 70112
Attn: Robert D. Rivers, Executive Director rdrivers@nola.gov
Paul Cramer, Planning Administrator pcramer@nola.gov
Geoffrey N. Moen, Principal City Planner GNMoen@nola.gov

From: Christian Rooney, President, Newcomb Boulevard Association ("NBA")
christian.rooney@fd-cf.com, 38 Newcomb Blvd., New Orleans, LA 70118

Date: 3/31/14

Re: Newcomb Boulevard Facts

1. In 2006 the City of New Orleans, through the Director of Public Works, authorized the residents of Newcomb Boulevard to place a traffic barrier at Newcomb Boulevard and Freret Street.
2. The City's decision to allow the barrier was challenged in the courts. A primary argument of those who challenged the City was that NBA should be required to petition the City Council to purchase the street as opposed to being allowed to place the barrier where it now stands.
3. NBA respects the decision of the Court and the position taken by those who challenged the City in the lawsuit.
4. Now that the Court has spoken, NBA is attempting to purchase the street to allow it to permanently affix the barrier where it now stands.
5. The City of New Orleans has, for over a century, permitted the creation of private streets and has permitted citizens to petition the City Council for permission to purchase existing public streets. NBA does not assume that those who made such requests in the past had any malicious intent in doing so. Nor does NBA assume that those who oppose such efforts are doing anything other than exercising their right to be heard.
6. The families who live on Newcomb Boulevard (roughly half of whom purchased homes on the street after the barrier was placed in 2006) contend that insofar as it is the policy of the City of New Orleans to permit the repurchase of public streets by residents in limited circumstances, that they are entitled to a fair presentation of the facts (as opposed to ad hominem attacks or hyperbole) regarding why Newcomb Boulevard is a street which should be subject to purchase:
 - Newcomb Boulevard was not originally designed as part of the original Uptown Street grid. Instead, it was the site of a college which closed down after the 1915 hurricane.
 - Newcomb Boulevard was built as a private street.
 - It is unique in that it is 4 blocks long with no intersecting streets and it dead ends on both ends (at St. Charles and at Freret). Thus, it has limited utility as a part of the street grid.
 - A traffic study was conducted prior to the placement of the barrier. Another traffic study was recently conducted. The report on those traffic studies has been submitted to the CPC. The conclusion of the traffic engineer who conducted such studies is that the net impact of the Newcomb Boulevard on the intersection at Broadway and St. Charles Avenue is "estimated to be minimal" based upon the results of these studies.
7. NBA has acknowledged to the CPC that its purchase of the street would require NBA to maintain the street. However, NBA is acknowledging that even after the purchase, the public would retain the ability to park on Newcomb Boulevard and continue to access it for pedestrian and bicycling uses.

CPCinfo

From: Ann Woodruff / Jack Stewart <gosmerwoodruff@hotmail.com>
Sent: Monday, March 31, 2014 4:53 PM
To: CPCinfo
Subject: "RE: Newcomb Boulevard"

City Planning Commission
City of New Orleans

Dear Ladies & Gentlemen of the Commission:

The Board of Directors of the Lafayette Square Association voted to ask you to please support the Master Plan's goals of connectivity and a walk able city by voting not to sell Newcomb Boulevard.

Jack Stewart, President
Lafayette Square Association

CPCinfo

From: Holmes, Georgia <gholmes@joneswalker.com>
Sent: Monday, March 31, 2014 4:56 PM
To: CPCinfo
Subject: N2795609.DOC
Attachments: N2795609.DOC.doc

I am sending this on behalf of Alex Trostorff

ALEX P. TROSTORFF
11 Newcomb Blvd.
New Orleans, LA 70118

March 31, 2014

cpeinfo@nola.gov

City of New Orleans
City Planning Commission
City Hall
1300 Perdido Street, Rm. 7W03
New Orleans, LA 70112

Dear Sir/Madam:

I am in support of the sale of Newcomb Blvd.

I am taken aback to Mr. Hartie's tactics of representing that the street would prevent entry into the street. This is blatantly false and hypocritical by someone who habitually puts cones in the street in front of his house to reserve and prevent others from parking in front of his house. This is clearly illegal and against the City Ordinance.

Also, during litigation Mr. Hartie had argued that the Newcomb Blvd residents should buy the street; now he opposes such sale.

Lastly, more than half of the present residents purchased their residences after the city agreed that a gate could be put up. It is safe to say that these residents did not know of any controversy regarding the fence.

CPCinfo

From: Le Clercq, Ted <ted@dkslaw.com>
Sent: Monday, March 31, 2014 4:18 PM
To: CPCinfo
Subject: Newcomb comment
Attachments: 20140331134738608.pdf

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Petition

Support the Purchase of Newcomb Blvd by the Newcomb Boulevard Association

Newcomb Boulevard is a narrow 22 foot wide single-block street spanning four city blocks with no intersecting streets. This narrow design makes Newcomb Boulevard a full twenty (20%) narrower than the typical uptown New Orleans street. Unlike most uptown streets, Newcomb Boulevard is not part of a street grid. Newcomb Boulevard was originally designed and constructed as a private street. Newcomb Boulevard has been in its current configuration for almost eight years, during which time more than half of the street ownership, eighteen (18) homes, has changed hands. I understand that the Newcomb Boulevard Association has submitted a request to purchase the street for fair market value. Given its history and unique nature, I fully support the Newcomb Boulevard Association's efforts to purchase the street for fair market value. Thank you.

Edmund Redd

SIGNATURE

EDMUND REDD

PRINT NAME

1427 FOURTH ST, NOLA 70130

ADDRESS

3-30-14

DATE

CPCinfo

From: scott scott <srlagraize@gmail.com>
Sent: Monday, March 31, 2014 4:16 PM
To: CPCinfo
Subject: Newcomb Blvd.

Dear City Planning Commission,

I respectfully request the members of the New Orleans City Planning Commission to allow the process to continue for the sale of Newcomb Blvd to its residents. My wife and I purchased our home on Newcomb Blvd in December of 2010. Five years after the traffic barrier was erected. A significant reason for us moving to Newcomb Blvd was the dead end created by the traffic barrier.

Before I purchased our home I asked friends of mine, some who worked for the City, if they thought the law suit against the City had any merit. I was told that the City would not have erected the barrier if it did not believe it had the authority to do so. I have proudly called New Orleans home for 42 years and with my faith in the City I purchased my home on Newcomb Blvd with confidence.

Now one individual with the privilege of a law degree and the megaphone of a PR firm, he owns, behind him is able to drum up an amount of noise that second guesses the City and their decision. I have become caught in the middle of this situation and can't help but feel powerless to Keith Hardie's false and inconsistent claims. Over the past week I have talked to many neighbors of mine on both sides of Broadway St and all around Newcomb Blvd and have learned that Keith is a self proclaimed "activist" who has frustrated much of the uptown area with his antics. Please do not reward his behavior. I respectfully request that you please allow the process to continue for the sale of Newcomb Blvd to its residents.

Thank you very much for your consideration.

Sincerely,
Scott and Bonnie LaGraize

CPCinfo

From: Debra Howell <dhowellnola@yahoo.com>
Sent: Monday, March 31, 2014 4:07 PM
To: CPCinfo
Subject: Re Newcomb Blvd.

Dear Members of the City Planning Commission,

I am writing to voice my strenuous opposition to any plan to sell Newcomb Blvd, a public street and right-of-way that has been illegally closed to traffic since 2006, to the Newcomb Blvd. Association and its members.

Despite the NBA member's assertions, their street is NOT any narrower than the surrounding streets, and it is in no way "unfair" to them to take away their illegal fence. For the past 8 years, their illegal "taking" of our public property has had a negative impact on everyone else who must traverse the nearby streets on a regular basis, especially if getting through the intersection of St Charles Ave and Broadway in the uptown direction is something one has to do regularly.

These people seem to have one-track minds, and more money than sense to even suggest that they should be allowed to purchase this public street in order to legitimize their illegal fence and to deprive their fellow citizens of the use of this street permanently. They have had the audacity to claim that THEIR peace and quiet is more important than that of the residents of the surrounding streets who have suffered the resulting increase in traffic, and that THEIR children's "safety" is somehow more important than the safety of the children living on the surrounding streets too! And that their street is "different", so they should have more rights to it than the rest of us do—to any street, not just Newcomb.

I find their attitude that "well, if we have the money, we should be able to do what we want" profoundly disturbing. Every square inch of our city shouldn't be for sale, just because someone has a lot of money, and the desire to use it against the rest of us.

The idea of privatizing a public street in this way is also disconcerting on principle, especially since it has absolutely nothing to do with "the greater good"—the opposite, in fact—vs being exclusively about the ability of a small group of very fussy and entitled people to produce a large sum of money in order to get their way, having been defeated in this goal by silly things like laws and courts up to now.

Please do not reward them for their poor civic attitude and exaggerated sense of self-worth by supporting the selling off our city's public property for private use. Please.

Debra Howell
1540 Adams St
NOLA 70118

CPCinfo

From: ken kolb <kenk455@gmail.com>
Sent: Monday, March 31, 2014 3:50 PM
To: CPCinfo
Subject: Newcomb Boulevard

I am writing to oppose authorizing the conversion of Newcomb Boulevard from a public to a private street. In 2006 the city illegally permitted the residents of Newcomb Boulevard to erected a gate preventing traffic from going to and from Freret and St. Charles Avenue. Recently, the Louisiana 4th Circuit ruled that the fence was illegally erected and must be removed. After initially stating that it would comply with the court's order, the city then claimed that the street must first be converted into a one way street. This has clearly been a dodge for the street's residents as Newcomb Boulevard is no more difficult to negotiate then Burthe St. between Broadway and Pine St. which is a two way street.

Now that the one way ruse has not proven to be effective, the Newcomb residents (at the city's suggestion), want to be able to convert the public street on which they live into a private street so they will not not have to be bothered with thru traffic. While they may feel that they are entitled to receive special treatment from the city, they are no different (except for their feeling of entitlement) then the rest of New Orleans tax payers in front of who's homes traffic go by every day. If they do not wish to be subjected to vehicular traffic, as the rest of us are, they are free to move to a gated community.

As there is no legitimate reason for for this change, I urge that the request be denied.

Ken Kolb
420 Fern St.

CPCinfo

From: Le Clercq, Ted <ted@dkslaw.com>
Sent: Monday, March 31, 2014 3:34 PM
To: CPCinfo
Subject: Newcomb comment
Attachments: 20140331143301669_0001.pdf

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Support the Purchase of Newcomb Blvd by the Newcomb Boulevard Association

Newcomb Boulevard is a narrow 22 foot wide single-block street spanning four city blocks with no intersecting streets. This narrow design makes Newcomb Boulevard a full twenty (20%) narrower than the typical uptown New Orleans street. Unlike most uptown streets, Newcomb Boulevard is not part of a street grid. Newcomb Boulevard was originally designed and constructed as a private street. Newcomb Boulevard has been in its current configuration for almost eight years, during which time more than half of the street ownership, eighteen (18) homes, has changed hands. I understand that the Newcomb Boulevard Association has submitted a request to purchase the street for fair market value. Given its history and unique nature, I fully support the Newcomb Boulevard Association's efforts to purchase the street for fair market value. Thank you.

[illegible]

CPCinfo

From: Le Clercq, Ted <ted@dkslaw.com>
Sent: Monday, March 31, 2014 2:53 PM
To: CPCinfo
Subject: Sale of Newcomb Boulevard

Dear City Planning Commission,

We had speeding safety-issues on our no-cross-street, one-block-long, extra-narrow, 1,400 foot street. Almost no other street in New Orleans fits that description. And then you can add to that description the proximity of the two universities. The speeding issues created an unusual danger, especially for the many young children on the street. The city had previously declined to allow speed bumps. Fortunately, the city did not require a child be killed by a speeding car on this odd-shaped street before addressing the documented safety issue.

On that basis, the city responded to the documented safety issue by permitting NBA to pay for and install, at no city expense, a traffic-barrier at Freret and Newcomb. Subsequent traffic study has shown the city's action remedied the serious safety issue on this odd-shaped street.

We subsequently learned that NBA needed to pursue a different process, that of purchasing the street, to maintain the safety-solution authorized by the city and which resolved the serious safety issue.

It is somewhat ironic that the other side, who wrote so often for us to buy the street, now opposes that request to buy it.

Given the unique nature of this odd-shaped street and the serious safety issue fixed by the traffic barrier, it would be reasonable to allow the residents to purchase the street for fair market value, as was done on Trianon Plaza.

Sincerely,
Ted Le Clercq

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CPCinfo

From: Keith Hardie <keithhardie@yahoo.com>
Sent: Monday, March 31, 2014 2:47 PM
To: CPCinfo
Subject: Newcomb Boulevard: Letter in Opposition
Attachments: 140331 LTR TO CPC re Newcomb.pdf

Please file the attached letter into the record.

Keith Hardie, Jr.
keithhardie@yahoo.com
757 St. Charles, Suite 304
New Orleans, LA 70130
(504) 522-6222
(504) 522-6226 (fax)

**J. KEITH HARDIE, JR.
618 AUDUBON ST.
NEW ORLEANS, LA. 70118
(504) 861-9798**

City Planning Commission
Suite 7W03
1300 Perdido St.
New Orleans, LA 70112

RE: Newcomb Boulevard Closure PD 002/14

Dears Sirs and Madams:

Please deny the application to purchase Newcomb Boulevard ("NB"). The sale of this public street would be contrary to sound planning principles and the Master Plan.

My wife and I live on Audubon Street, one block over and parallel to NB. I agree with the residents of NB that there are issues of speeding, traffic congestion, and scarce parking in the university area. I disagree with piecemeal fixes such as the selling and fencing off of streets, which merely move problems without solving them.

Traffic and Speeding on Audubon St.

Like NB, Audubon St. has speeding issues. In addition to carrying university-area traffic, Audubon Street is a "cab driver short-cut," meaning that river-bound traffic (including taxi cabs) will avoid the lights and congestion on Broadway by turning left from Broadway at Zimble and right onto Audubon St., and taking Audubon all the way to Magazine, with only two stop signs. Over the past fifteen years, I have had side-view mirrors knocked off my parked car four times, probably by speeding or intoxicated drivers. Drivers often reach high speeds on the long runs on Audubon St. There is no evidence that speeding on NB is any worse than speeding on Audubon or other area streets. However, with NB closed, logic dictates¹ that traffic and speeders who formerly used NB have been pushed to Audubon St.

Parking Issues on Audubon St.

Audubon Street also shares parking issues with NB, stemming from inadequate parking plans at Tulane and a failure of the City to enforce two-hour parking restrictions. At present, the fence discourages parking on NB by limiting access from Freret St., but does not prevent parking. Selling the street would prevent parking and remove all of the currently available public parking spaces on NB from the neighborhood inventory. Again, sale and closure will not solve neighborhood parking issues, it will just push Newcomb's share of those parking issues to other streets.

¹ The February 27, 2014 Urban Systems memorandum failed to measure or even discuss the effect of the closure of NB on Audubon St.

Number of Drivers Affected by Closure

In its memo of February 27, 2014, Urban Systems, Inc.² estimates that during the two peak AM and PM hours, approximately 71-72 vehicles per hour are being “redistributed across the network” by the fence, which means that these drivers would have used Newcomb Boulevard had the fence not been up. Thus, during the peak hours, more than one driver a minute is denied the right to use the public street of his choice to get to his or her destination. The February 2014 USI memo estimates that the impact of the closure of NB on traffic at the signals at Broadway and St. Charles and Broadway and Freret “to be minimal.” However, the impact is not “minimal” to those drivers – over one-a-minute during the two peak traffic hours and hundreds over the course of a day – prevented from using the public street of their choice every day. On the other hand, peak traffic of 71 vehicles an hour on Newcomb hardly qualifies as being “inundated by rush hour traffic on a daily basis,” as NBA’s application claims was the case.

NBA’s application characterizes traffic on St. Charles as “occasionally” backing up in the afternoon “from the traffic signal at Broadway.” As one who travels that route almost daily, I can tell you that traffic backs up at least five blocks from Broadway to Calhoun St. on a daily – not occasional – basis. City Traffic Engineer Allen Yrle characterized the intersection of St. Charles and Broadway as one of the “most congested intersections” on St. Charles Avenue and said that traffic often backs up in all four directions. Funneling an additional car every minute into the congestion at St. Charles during the peak afternoon traffic hour affects not only the drivers who wanted to use Newcomb, but every other car backed up in traffic at Broadway.

Conclusion: Broad Solutions and Connectivity

While I experience on Audubon St. many of the same problems that Newcomb residents experienced before the fence was erected, I see the proper resolution not in the sale and closure of the street but in broad, area-wide solutions and improving connectivity, as called for in the Master Plan.³ Making the illegal and unconstitutional closure permanent will not solve these problems, it will only perpetuate the imposition of Newcomb’s share of these problems on other area residents. The Master Plan policy of connectivity should be honored by the Commission, which should not approve the sale of this public street, but should look for broader solutions to traffic congestion, excess parking demand, speeding and other problems facing the university area.

Cordially,

/s/ J. Keith Hardie, Jr.

J. Keith Hardie, Jr.

² USI was paid by the City for its first parking study in 2005, but was paid by Newcomb Blvd for the October 8, 2013 and February 27, 2014 memoranda.

³ “With adequate connectivity, traffic flows are evenly dispersed through a network and streets receive the types of traffic that they are designed to handle. If connectivity is restricted to fewer intersections, automobile traffic faces bottlenecks at certain intersections and is concentrated on fewer streets, resulting in congestion and/or larger more complicated intersections and wider streets.” *Master Plan, Volume 3, Chapter 11.3*

CPCinfo

From: Ellie Rand <brandsbyrand@aol.com>
Sent: Monday, March 31, 2014 2:40 PM
To: CPCinfo
Subject: Newcomb Blvd

I'm writing about Newcomb Blvd and residents' efforts to close it off to the public. The residents claim that the street, without being fenced off, it is a safety hazard to children since drivers use it as a "speedway and cut through." I agree that drivers should not speed through residential neighborhoods.

I feel the same way about my street, Burthe Street in the Riverbend. Drivers coming in from River Road speed up Burthe every morning to avoid St. Charles Avenue. If Newcomb Blvd residents are allowed to close off their street for this purpose, I would like the right to purchase and close off Burthe Street between Carrollton and Fern.

Perhaps instead of closing off every street drivers speed on, the city should enforce speed limits in ALL neighborhoods.

Thank you,

Ellie Rand
7916 Burthe Street
New Orleans, LA 70118

(504) 343-6551

CPCinfo

From: Tommy Milliner <tommymilliner@fastmail.net>
Sent: Monday, March 31, 2014 2:18 PM
To: CPCinfo
Subject: Newcomb Boulevard
Attachments: Audubon Blvd Opinion.pdf

To the Staff and Members of the City Planning Commission:

I urge you to deny the request to sell to sell Newcomb Boulevard.

The proposal to sell Newcomb Boulevard and close the street is contrary to the City's Master Plan which provides:

"With adequate connectivity, traffic flows are evenly dispersed through a network and streets receive the types of traffic that they are designed to handle. If connectivity is restricted to fewer intersections, automobile traffic faces bottlenecks at certain intersections and is concentrated on fewer streets, resulting in congestion and/or larger more complicated intersections and wider streets." *Master Plan, Volume 3, Chapter 11.3.*

The privatization of Newcomb Boulevard not only removes this particular street from the City's grid, but it sets a precedent for transferring essential and valuable public property into private use. If Newcomb Blvd. is allowed to become a private street, it is likely that people on other streets will want to do the same with their respective streets. In fact, the residents on Walnut Street have already indicated that they will also try to convert their street to a private street if the City allows Newcomb Blvd. to become private. I am also personally familiar with a past proposal to close Audubon Blvd. at Willow Street. See attachment. If Newcomb Blvd. is allowed to become a private street, there is every reason to expect the Audubon Blvd. residents would revive their attempt to close their street, particularly in light of the increased traffic resulting from the new Tulane Stadium. Will the Commission deny these requests if they approve Newcomb Boulevard's request? What possible justification would the Commission have for approving Newcomb's request but denying Walnut Street's and Audubon Boulevard's requests?

Furthermore, this is just not an uptown issue; it is very easy to think of streets in every part of town that well-to-do residents would like to convert to private usage. Lakeshore Parkway in Lakeview, Allard Street in Mid-City, Bancroft Drive in Gentilly, and Lake Barrington in New Orleans East are just a few streets that come to mind as candidates for conversion to private usage. It is difficult to think of any justification to grant Newcomb's request but deny the requests of residents of these other streets.

This request has ramifications far beyond Newcomb Boulevard. It has the potential not only of thwarting the Master's plans goals of connectivity and a walkable city, but to balkanize our city into private fiefdoms.

I urge you to deny this request.

--

Thomas W. Milliner
Anzelmo, Milliner & Burke LLC
3636 S. I-10 Service Road W.
Suite 206

Metairie, Louisiana 70001

(504) 835-9951 (Voice)

(504) 835-9984 (Fax)



ERNEST N. MORIAL
MAYOR

CITY OF NEW ORLEANS
LAW DEPARTMENT

RECEIVED
MAR 30 1982

REAL ESTATE RECORDS
DIVISION

SALVADOR ANZELMO
CITY ATTORNEY

March 25, 1982

Mr. A. E. Fleury, Jr., Administrator
Division of Real Estate & Records
Department of Property Management
Room 2W04 - City Hall
1300 Perdido Street
New Orleans, Louisiana 70112

File - C.I. Attorney
3/24/82

RE: Request For An Opinion -
Servitude over dedicated
street - File #3-1-7501-2

Dear Mr. Fleury:

This is in response to your request for an opinion relative to the City granting a servitude over a dedicated street. Specifically, you ask: (1) what is the distinction under Louisiana law between personal servitude and a predial servitude; (2) whether the City may grant a personal servitude over part of a dedicated street such as Audubon Boulevard without revoking the dedication of said street; and (3) whether the City may revoke the dedication over part of Audubon Boulevard and then grant a personal servitude over that part.

1) PERSONAL AND PREDIAL SERVITUDES:

Article 533 of the Louisiana Civil Code establishes two kinds of servitudes: personal servitudes and predial servitudes. Article 646 defines a predial servitude as a charge on one piece of land (the servient estate) for the benefit of another piece of land (the dominant estate). Predial servitudes may be either affirmative or negative. Affirmative servitudes are those which give the right to the owner of the dominant estate to do a certain thing on the servient estate. Negative servitudes are those that impose on the owner of the servient estate the duty to abstain from doing something on his estate. When either estate is sold, the rights and obligations of the predial servitude are transferred to the new owner of the estate.

Article 534 of the Civil Code defines a personal servitude as being a charge on an estate for the benefit of a person. A personal servitude may establish such advantages in favor of a person that a predial servitude bestows upon a dominant estate. LSA-C.C. Article 640. A personal servitude may be granted in favor of a natural person or a legal entity.

2) THE CITY OF NEW ORLEANS MAY NOT GRANT A PERSONAL SERVITUDE OVER PART OF A DEDICATED STREET SUCH AS AUDUBON BOULEVARD:

Dedication is generally defined to be the devotion or donation of property to a public use by an unequivocal act of the owner, manifesting an intention that it shall be accepted and used presently or in the future. 11 McQuillin Municipal Corp., Section 33.02, p. 630. Landry vs. Council of Parish of East Baton Rouge, 220 So.2d 795 (La. App. 1st Cir. 1969), writ ref., 223 So.2d 410 (La. 1969). There are several modes by which land can be dedicated to public use. A formal dedication is a donation to the public by an owner by a written juridical act. Yiannapoulis, Civil Law of Property, Section 63, p. 189 (2nd Ed. 1980). Statutory dedication occurs when subdividers of land prepare and record plats pursuant to LSA-R.S. 33:5051 (Act 134 of 1896). This statute imposed on subdividers of land certain duties, including the filing of plats and the recordation of streets and other public places. When an owner formally dedicates land or when a subdivider sells lots with plats attached in substantial compliance with Act 134 of 1896, the ownership of the land dedicated to the public use is conveyed to the public unless the juridical act or plat expressly provides otherwise. Arkansas-Louisiana Gas Company vs. Parker Oil Company, 183 So.2d 229 (La. 1938); Wright vs. Department of Highways, 342 So.2d 230 (La. App. 1st Cir. 1977), writ denied, 343 So.2d 1075 (La. 1977).

Turning to the matter at hand, Audubon Boulevard may be considered to have been both formally and statutorily dedicated as a public street. Audubon Boulevard was formally dedicated as a municipal street by Elias Paillet in an act of sale to the Southern Land Company on July 20, 1908 and registered in the Conveyance Office as Book 221, Folio 50. A copy of the aforesaid act is marked Exhibit "A", attached hereto. In this juridical act, Mr. Paillet dedicated to public use "a street or roadway to be opened through the center of said tract by a depth of 170' more or less." The Southern Land Company subdivided the tract and a plat of the tract was filed with the office of the City Engineer of the City of New Orleans. A copy of said plan is marked Exhibit "B", attached hereto. The plat of Audubon Boulevard was annexed to the act of sale of a lot located on Audubon Boulevard on July 20, 1908 and registered in the Conveyance Office, Book 224, Folio 23. A copy of the act of sale is marked Exhibit "C", attached hereto. The City of New Orleans formally accepted the dedication and declared Audubon Boulevard to be a "public street of the City of New Orleans" pursuant to Ordinance No. 5512 C.C.S. (August 26, 1919). A copy of the aforesaid Ordinance is marked Exhibit "D", attached hereto.

The foregoing facts demonstrate that Audubon Boulevard could be considered to have been both statutorily and formally dedicated as a public street. In either case, as there was no reservation or restriction indicating an intention to retain the ownership of Audubon Boulevard, the ownership of the street was vested in the public.

Dedication to public use gives rise to multiple legal interests. A member of the general public has a right to participate in the public use which is accorded absolute protection. Yiannapoulis, supra, Section 59, p. 181. Specifically, where land is dedicated to be used as a public street and the public accepts the dedication as such, each and every member of the general public has the right to use the dedicated land as a street. 26 C.J.S. "Dedication", Section 54, p. 537. This right may not be alienated, lost by prescription, or abandoned; and an unwarranted interference with the right gives rise to an action for damages or injunction. Yiannapoulis, supra, Section 59, p. 181.

In Louisiana, political subdivisions may grant certain rights to persons in property subject to public use. Suburban Natural Gas Company., Inc. vs. Waterworks District Number Three, 223 So.2d 417 (La. App. 3rd Cir.), writ ref., 226 So.2d 523 (La. 1969). However, they may not grant a right that excludes public use or substantially interferes with it. Yiannapoulis, supra, Section 59, p. 183. Such grants are subject to judicial review and are annulled if they are found to be discriminatory, arbitrary, or capricious. Johnson vs. Johnson, 50 So.2d 490 (La. App. 1st Cir. 1951).

Applying the foregoing principles of law to the facts at hand, since Audubon Boulevard is a dedicated public street, the City of New Orleans may not grant rights which would substantially interfere with the general public's use as such. The granting of a personal servitude over part of Audubon Boulevard and turning the street into a cul-de-sac by placing a fence along that part would substantially interfere with the public's use of Audubon Boulevard as a public street. Therefore, the City of New Orleans may not grant a personal servitude in favor of a person or association over part of Audubon Boulevard.

3) THE CITY OF NEW ORLEANS MAY NOT REVOKE THE DEDICATION OF AUDUBON BOULEVARD BECAUSE IT IS NOT ABANDONED IN FACT BY THE GENERAL PUBLIC:

It is well established in Louisiana that the dedication of a City street may be revoked by the municipality only when the street is no longer used by the general public.

"When the ownership of the land on which roads and streets are built is vested in the public, as in the case of a formal or a statutory dedication, the public interest may terminate only by a formal abandonment or revocation of the dedication by the parish or municipal authorities . . . the validity of a formal abandonment or

revocation of dedication is ordinarily predicated on abandonment in fact. If the road is still needed by the public, the authorities may not abandon it or revoke its dedication." Yiannapoulis, supra, Section 70, p. 207-8. (Emphasis supplied).

The decision of the governing authority to declare a street as being no longer needed for public use is governed by the arbitrary or capricious standard. Luneau vs. Avoyelles Parish Police Jury, 196 So.2d 631 (La. App. 3rd Cir. 1967). That is, a court may rescind the decision of a public body to abandon a street if the court finds the public body's decision to be arbitrary or capricious.

Based upon the foregoing, it appears that it would be arbitrary or capricious for the City Council to declare Audubon Boulevard as being no longer needed for public use. It is the understanding of this office that Audubon Boulevard is a two-way street divided by a neutral ground. This office has been informed that Audubon Boulevard is well used by the general public and, in particular, serves as one of the few means of access to Tulane University. As Audubon Boulevard has not been abandoned by the general public, it would appear to be arbitrary and capricious for the Council to declare Audubon Boulevard as being not needed for public use and to revoke the dedication of the street.

It should be noted that the situation presented by a well used public thoroughfare such as Audubon Boulevard is distinguishable from the situation presented by dead-end streets. In both situations, the central issue is whether or not the public has abandoned its use of the street in question. In the case of dead-end streets, the factual question as to whether a particular dead-end street is needed for public use depends only upon whether the adjoining property owners have adequate ingress or egress to their respective properties because they are the only ones who utilize the dead-end street. However, in the case of a through street such as Audubon Boulevard, the question of public use turns upon whether the members of the general public still use the through street as well as whether the adjacent property owners retain adequate ingress and egress to their respective properties. In the situation at hand, the Council of the City of New Orleans may not revoke the dedication of Audubon Boulevard because it is not abandoned in fact by the general public.

4) CONCLUSION:

It is the opinion of this office that the City of New Orleans may not grant a personal servitude over part of a dedicated street such as Audubon Boulevard because the granting of such a servitude would substantially in-

Mr. A. E. Fleury, Jr.
March 25, 1982
Page 5

terfere with the general public's right to utilize Audubon Boulevard as a public street. It is further the opinion of this office that the City of New Orleans may not revoke the dedication of part of Audubon Boulevard because the public has not abandoned its use of Audubon Boulevard as a public street.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

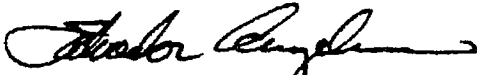
Respectfully submitted, .



THOMAS W. MILLINER
ASSISTANT CITY ATTORNEY

TWM/bc

APPROVED:



SALVADOR ANZELMO
CITY ATTORNEY

cc: Councilman Bryan Wagner

CPCInfo

From: Shawn Preau <svpreau@icloud.com>
Sent: Monday, March 31, 2014 2:18 PM
To: CPCInfo
Subject: Newcomb Blvd

I'm writing to express my opposition to the closing of this public street. Privatizing streets is bad public policy. At its best it is harmful to traffic flow. At its worst it reeks of inequity.

-Shawn Preau
7915 Green St
Nola

CPCinfo

From: Moran Jerry <nativeorleanian@cox.net>
Sent: Monday, March 31, 2014 2:15 PM
To: CPCinfo
Subject: "RE: Newcomb Boulevard."

Importance: High

I am sending this to you because I oppose the Newcomb Blvd sale, although I do support area-wide solutions, not piecemeal fixes which just push problems to neighboring streets.

Sincerely,
Moran Jerry
nativeorleanian@cox.net

CPCinfo

From: Grace Ledet <grace.ledet@gmail.com>
Sent: Monday, March 31, 2014 2:04 PM
To: CPCinfo
Subject: Newcomb Boulevard

I do not think that the city should allow the purchase of this street because of the lack of connecting streets between St. Charles and Freret St. The gate was built illegally and should be removed per the order of the court system. By allowing the purchase of the street, the city is further supporting the illegal actions of the residence of the street.

--Grace Ledet
(504) 559-4614

CPCinfo

From: Marksbury, Richard A <rmarksby@tulane.edu>
Sent: Monday, March 31, 2014 2:04 PM
To: CPCinfo
Subject: Newcomb Blvd

The barricade blocking Newcomb Blvd at Freret never should have been erected in the first place. Judge Bagneris was correct in calling it an "abuse of power". The decision to block the road is typical of the power the "politically connected" have in our city. The day I learned about the decision to block-off Newcomb Blvd, I complained to our City Council members. It was all to no avail, money and connections won out. Finally, the good sense of our judges prevailed; yet, the delay in tearing down the barricade continues. If the residents of Newcomb Blvd are concerned about speeding, then pay for speed bumps.

I am a 30+ year resident of the "University" neighborhood. The City Planning Committee should consider one very important thing as they weigh options. A motorist traveling west (Uptown) on St. Charles Avenue who passes Palmer St. and who wants to turn right (north) must travel all of the way to Broadway in order to make such a turn. The distance between Palmer and Broadway includes the following: 1) Calhoun Street...one way to the south); 2) Loyola University Campus; 3) Tulane University Campus; 4) Audubon Place; 5) Newcomb Blvd (blockaded); 6) Audubon St. (one way to the south, like Calhoun).

IF the decision is to make Newcomb Blvd one-way, it should be made one-way going from St. Charles Ave. to Freret Street, i.e., north-to-south. However, it is my hope that the street can be designated a two-way street with the blockade removed. The blockade was/is an injustice and its continuation is not fair to the tax-payers of our city and certainly is not fair to those of us (less connected) who live Uptown on 2-way streets and who have children.

Sincerely,
Richard A. Marksbury
8131 Birch Street

CPCinfo

From: Christine <cmnurse2001@cox.net>
Sent: Monday, March 31, 2014 1:59 PM
To: CPCinfo
Cc: Christian Rooney; Kimberly Rooney; Husband
Subject: Fwd: City planning commission
Attachments: city planning commission.docx; ATT00001.htm; city planning commission.pdf; ATT00002.htm

Please include this letter for the hearing on April 8th in support of the Newcomb Neighborhood Association.

Christine Maristany

Sent from my iPhone

Begin forwarded message:

From: "Maristany, Michael" <MMaris@lsuhsc.edu>
Date: March 30, 2014 at 10:25:23 PM CDT
To: Christine <cmnurse2001@cox.net>
Subject: City planning commission

March 30, 2014
Michael and Christine Maristany
7107 St. Charles Avenue
New Orleans, LA 70112

City Planning Commission:

We are in support of the residents on Newcomb Blvd in their efforts to buy their street. We live on the adjacent street on the corner of Audubon and St. Charles Ave. We let our kids ride their bikes in that area because of the safety factor of having the fence, which reduces the traffic on the street. We don't think it adversely affects traffic on our street. We have always felt we could travel the street and use it for parking if needed.

Sincerely,

Michael and Christine Maristany

CPCinfo

From: Ray <rbfalk@gmail.com>
Sent: Monday, March 31, 2014 1:58 PM
To: CPCinfo
Subject: Newcomb Blvd

TO: New Orleans City Planning Commission

My wife and I are firmly opposed to the sale and privatization of Newcomb Blvd. The closing has caused increased traffic on my street (Audubon St) and my use of Newcomb Blvd as a route to and from work.

The closing of the street was found to be illegal in Civil District Court in 2012, and in late 2013 the Fourth Circuit Court of Appeals confirmed that finding AND ordered the fence to be removed. I do not understand why the City has chosen to disobey this order by not taking the fence down. Furthermore, since the fence was installed by the Newcomb Boulevard Association, I also do not understand why they have not been ordered to remove the fence at their own expense.

The following paragraph can be found in the City's new Master Plan, and clearly applies to the potential loss of Newcomb Boulevard :

“With adequate connectivity, traffic flows are evenly dispersed through a network and streets receive the types of traffic that they are designed to handle. If connectivity is restricted to fewer intersections, automobile traffic faces bottlenecks at certain intersections and is concentrated on fewer streets, resulting in congestion and/or larger more complicated intersections and wider streets.” *Master Plan, Volume 3, Chapter 11.3.*

Best regards,

Raymond B. Falk
540 Audubon Street
New Orleans, LA 70118

CPCinfo

From: Sandra Stokes <sistokes@earthlink.net>
Sent: Monday, March 31, 2014 1:37 PM
To: CPCinfo
Subject: Newcomb Boulevard

I am writing to oppose the privatization of Newcomb Boulevard. One of the finest features of New Orleans is the street grid system. We are the envy of many cities who hold us as a model. Newcomb Blvd is needed for connectivity, and to provide relief from traffic congestion and parking demands.

There seems to be a pattern emerging to stake claim to the streets of New Orleans, denying access to the community. Streets are city assets, and should not be sold to private concerns. It is simply bad policy.

Please deny privatization and permanent closure of Newcomb Boulevard.

Sincerely,

Sandra Stokes
600 Julia Street
New Orleans, LA 70130
225-445-3800 cell

CPCinfo

From: Jcarrere@aol.com
Sent: Monday, March 31, 2014 1:21 PM
To: CPCinfo
Cc: Susan G. Guidry; Enrico J. Sterling; johnlafargue@aol.com
Subject: Newcomb Boulevard

TO: New Orleans City Planning Commission

RE: Sale and Closure of Newcomb Boulevard

My family has lived within a block of Newcomb Boulevard since 1981. It has been my practice to use Newcomb Boulevard on average once per day in order to transit the neighborhood. This option ended in 2006 when the City permitted the Newcomb Boulevard Association to close their street at Freret Street WITHOUT any public notice or public meeting.

Their action above was found to be illegal in Civil District Court in 2012, and in late 2013 the Fourth Circuit Court of Appeals confirmed that finding AND ordered the fence to be removed. I do not understand why the City has chosen to disobey this order by not taking the fence down. Furthermore, since the fence was installed by the Newcomb Boulevard Association, I also do not understand why they have not been ordered to remove the fence at their own expense.

The following paragraph can be found in the City's new Master Plan, and clearly applies to the potential loss of Newcomb Boulevard :

“With adequate connectivity, traffic flows are evenly dispersed through a network and streets receive the types of traffic that they are designed to handle. If connectivity is restricted to fewer intersections, automobile traffic faces bottlenecks at certain intersections and is concentrated on fewer streets, resulting in congestion and/or larger more complicated intersections and wider streets.” *Master Plan, Volume 3, Chapter 11.3.*

However, if the New Orleans City Planning Commission, and subsequently the City Council decide to put Newcomb Boulevard up for sale, *I would like the opportunity to consider a bid on purchasing the street myself with other investors.*

Sincerely,

John F. Carrere, Jr.
555 Audubon Street
New Orleans, LA 70118-4949

CPCinfo

From: Ross Ledet <rossledet@gmail.com>
Sent: Monday, March 31, 2014 1:11 PM
To: CPCinfo
Subject: Newcomb Boulevard

I believe the street should be maintained as a public street.

If there are concerns of speeding on the narrow street, the residents can always petition the city to install speeding cameras.

-Ross Ledet

CPCinfo

From: Roy Arrigo <tranerep@hotmail.com>
Sent: Monday, March 31, 2014 1:10 PM
To: CPCinfo
Subject: Newcomb Boulevard

Please DO NOT ALLOW the sale of this public street. It is time for our city government to do the right thing. Tell these folks that our city streets are not for sale.

Thank You,

Roy Arrigo
6724 Bellaire Drive
New Orleans, LA 70124

CPCinfo

From: Jeanie Blake <jeanieblake@gmail.com>
Sent: Monday, March 31, 2014 1:09 PM
To: CPCinfo
Subject: Newcomb Blvd.

Please, please take down that elitist gate. The (selfish) interests of a few should not override the interests of the community.

This street is a needed to combat this congested area.

Sincerely,

Jeanie Blake

CPCinfo

From: Peter Derbes <pderbes@gmail.com>
Sent: Monday, March 31, 2014 1:00 PM
To: CPCinfo
Subject: Newcomb Boulevard

Remove the gate and open Newcomb Boulevard to all.

Peter Derbes
1017 Jefferson Avenue
New Orleans, LA 70115

CPCinfo

From: Annie Tete <annie.tete@nationalww2museum.org>
Sent: Monday, March 31, 2014 12:48 PM
To: CPCinfo
Subject: Neighbor opposition to the sale of Newcomb Boulevard

Please consider my opposition to the sale of Newcomb Boulevard. As a homeowner in the University area, approximately 6 blocks from the site, I strongly oppose the closure and privatization of this street. I am particularly concerned with the lack of access for emergency vehicles between St. Charles Avenue and Freret Street along with significant traffic on St. Charles and Freret traveling west during the evening commute. I am happy to answer any questions.

Kind Regards,

Annie Tête | STEM Education Coordinator
The National WWII Museum, 945 Magazine Street, NOLA 70130 | 504.528.1944 [315]

Love science? Check out SciTech Tuesday!

CPCinfo

From: Melanie Owen <nolagirl4@hotmail.com>
Sent: Monday, March 31, 2014 12:43 PM
To: CPCinfo
Subject: RE: Newcomb Blvd

Dear people:

Closing Newcomb Blvd sets a bad precedent, especially as it relates to the Master Plan for a walkable city. Next thing you know, Newcomb Blvd residents will annex and close adjacent streets and then want to establish their own town, demanding i.d. to gain entrance.

Please don't close Newcomb Blvd.

Sincerely,

Melanie Owen
620 Julia St.

CPCinfo

From: Perrienpr <perrienpr@aol.com>
Sent: Monday, March 31, 2014 12:32 PM
To: CPCinfo
Subject: re newcomb blvd rukus --

hi -- I do not support sale of newcomb blvd. lame decision -- please confirm you have received -- kind regards paulette perrien

CPCinfo

From: Sally Stevens <nolacoop@gmail.com>
Sent: Monday, March 31, 2014 12:13 PM
To: CPCinfo
Subject: RE: Newcomb Boulevard

As an uptown resident I oppose the sale and permanent closure of Newcomb Boulevard.

Sally Stevens
New Orleans Cooperative Development Project
nolacoop@gmail.com
(504) 715-6911

CPCinfo

From: Steve <stevewroberts@yahoo.com>
Sent: Monday, March 31, 2014 11:48 AM
To: CPCinfo
Subject: Newcomb

Please open up the publicly owned Newcombe Blvd and improve our neighborhood traffic.

Thanks.

Steve Roberts
930 Adams st

Sent from my iPhone

CPCinfo

From: Katie Levy <katielevy@bellsouth.net>
Sent: Monday, March 31, 2014 11:14 AM
To: CPCinfo
Subject: Do not close Newcomb

----- This is a solution for a few not the masses. Please open the gates! -----

Katie Koch
1117 Josephine st.
New Orleans, la 70130

CPCinfo

From: Swan, Cynthia A <ppdswan@tulane.edu>
Sent: Monday, March 31, 2014 11:00 AM
To: CPCinfo
Subject: Please oppose the sale and permanent closure of Newcomb Boulevard

Members of the Commission,
Thank you so much for your public service on the City Planning Commission.
I appreciate your sharing your education, experience, time, and judgment to make the difficult planning decisions for this unique, historic city.

I'm writing to oppose the sale and permanent closure of Newcomb Boulevard. Closure seems to be an extreme reaction to a situation which may be more appropriately addressed with area-wide solutions and calming structures, like Seminole humps, rather than drastic overreaction. Selling a public street sets a bad precedent: Where will it end? Selling off bits of New Orleans to the highest bidder would seem to have a balkanizing effect and to result in a patchwork of gated communities.

Planned changes on the Tulane campus and the effects on the neighbors should be evaluated before taking the extreme action of selling a street.
For example, when Katrina repairs on Howard-Tilton Memorial Library are completed, the opening of Newcomb Place at the Freret Street end should improve traffic flow.

Please look for common ground, consider all alternatives, and work together with neighbors for a solution that addresses real issues, but keeps the public street open to the public.

Thank you again for your time, your patience, and your wisdom in planning the future of a great American city.

Gratefully,
Cynthia Swan
6225 Annunciation Street
NOLA 70118