

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4927 ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: GOULD/BRISTER PROVIDED BY: DEVELOPMENT

INTRODUCED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

ON THE 6 DAY OF DECEMBER, 2012

ORDINANCE TO REVOKE A PORTION OF EMERALD FOREST BOULEVARD RIGHT-OF-WAY, LOCATED IN WARD 3, DISTRICT 2. (REV12-11-005)

WHEREAS, the petitioner, who owns property abutting the aforementioned Parish street right-of-way, has petitioned the St. Tammany Parish Council to revoke/alienate a portion of the dedication, specifically a portion of Emerald Forest Boulevard; and

WHEREAS, the Departments of Public Works, Engineering, and Planning have reviewed and researched said request and have reported their findings to the St. Tammany Parish Planning Commission; and

WHEREAS, the St. Tammany Parish Planning Commission, upon review of said petition, and after having considered all of the facts relevant to this request, has concluded that said portion of said street right-of-way is no longer needed for public purposes as defined pursuant to statutory law, and therefore recommends to the Parish Council the adoption of the proposed revocation request.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that it hereby concurs with the findings of the Planning Commission and therefore grants approval of the revocation/alienation request for the portion of the street right-of-way as referred to above, subject to the following:

SECTION I: The petitioner, or any other adjacent property owner who wishes to participate, shall enter into a private cash sale with the Parish to conclude the revocation/alienation process as set forth in P.J. Ord. No. 93-1700, and in accordance with the provisions of L.R.S. 48:720 and 48:725.

SECTION II: All subsurface mineral rights therein shall be retained by St. Tammany Parish, unless otherwise stated within this ordinance; and the Parish shall reserve the right to retain any easements and/or servitudes existing at the time of revocation and/or may also require the establishment of same if the Parish deems it necessary.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 7 DAY OF MARCH , 2013 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

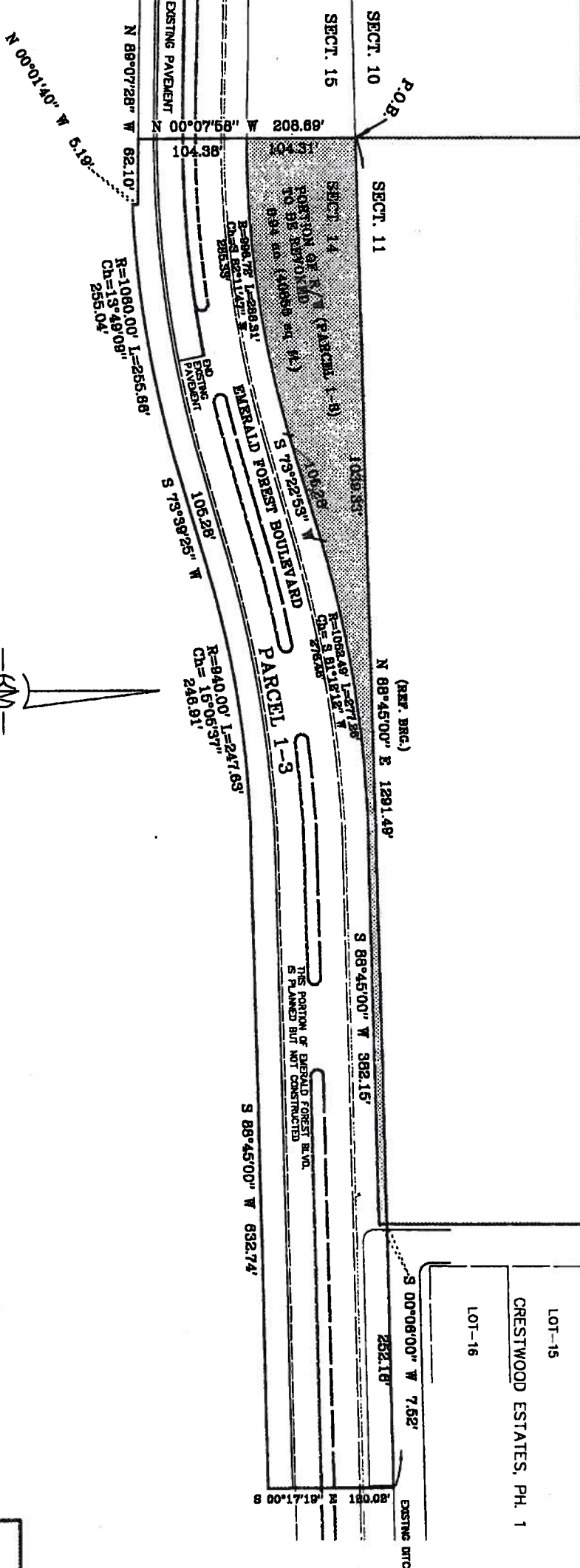
Published Introduction: NOVEMBER 29 , 2012

Published Adoption: \_\_\_\_\_ , 2013

Delivered to Parish President: \_\_\_\_\_ , 2013 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_ , 2013 at \_\_\_\_\_

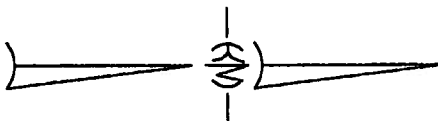
FALCONER DRIVE (SIDE)



A portion of the Right of Way for Emerald Forest Blvd. known as Parcel 1-3 to be Revoked.

Legal Description of

A certain parcel of ground situated in Section 11 Township-7-South, Range-11-East, St. Tammany Parish, Louisiana and more fully described as Follows: Commence at the Section corner common to Sections 10, 11, 14, & 15, Township-7-South, Range-11-East and measure North 88 degrees 45 minutes 00 seconds East a distance of 1,039.33 feet to a point; Thence South 00 degrees 06 minutes 00 seconds West a distance of 752 feet to a point; Thence South 88 degrees 45 minutes 00 seconds West a distance of 382.15 feet to a point of curve; Thence along a curve to the left having a radius of 1,052.49 feet, a delta of 15 degrees 05 minutes 37 seconds, an arc length of 277.26 feet, and a chord which bears South 81 degrees 12 minutes 12 seconds West having a chord distance of 276.46 feet to a point; Thence South 73 degrees 22 minutes 53 seconds West a distance of 105.28 feet to a point on a curve; Thence along a curve to the right having a radius of 995.72 feet, a delta of 18 degrees 27 minutes 30 seconds, an arc length of 286.31 feet, and a chord which bears South 82 degrees 11 minutes 47 seconds West having a chord distance of 285.33 feet to a point; Thence North 00 degrees 07 minutes 58 seconds West a distance of 104.31 feet to a point which is the POINT OF BEGINNING, and containing 40,885.11 square feet or 0.9386 acre(s) of land, more or less.



NOTE: SKETCHES SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. SKETCHES OF RECORD AS SHOWN ON TITLE ORIGIN OR TITLE POLAR SHALL BE ADDED HERETO UPON REQUEST, AS SURVEYOR HAS NOT REPRODUCED ANY TITLE SEARCH OR ASSIGNMENT.

Kelly J. McHugh, PE, No. 4443

CERTIFIED CORRECT AND ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND AND CHECKING WITH THE CLASS SURVEY. RED STAPLE SURVEYS CORRECT PLAT.

REFERENCES:

1. PLAT OF A SURVEY BY THIS FIRM DATED 11-30-2010 JOB NO. 12-281.
2. PLAT OF SURVEY OF PARCEL 1-3 BY BPM CORPORATION L.L.C.

A REVOCATION OF:

A PORTION RIGHT OF WAY FOR EMERALD FOREST BLVD. KNOWN AS PARCEL 1-3, IN SECTION 11, T-7-S, R-11-E, ST. TAMMANY PARISH, G.L.D., LOUISISANA.

SCALE: 1" = 100'	DATE: 08-31-12
DRAWN: DRJ	JOB NO.: 12-100
REVISED:	

KELLY J. McHUGH & ASSOC., INC.

CIVIL ENGINEERS & LAND SURVEYORS

845 GALVEZ ST., MANDEVILLE, LA. 626-5611

## **ADMINISTRATIVE COMMENTS**

***(REV12-11-005 - Revocation of a Portion of Emerald Forest Boulevard)***

The applicant owns property to the north of the proposed strip of land to be revoked whom plans on developing a residential single family planned unit development. The applicant wants to incorporate said strip of land into the development for recreation/green space purposes.

### **Recommendation:**

The strip of land in question is owned by St. Tammany Parish; and currently, based upon review of all relevant parish departments, has no intended use by the parish. Therefore, the staff believes that the proposal is consistent relative to the Louisiana Revised Statutes governing the revocation of immovable property since the right-of-way does not appear to serve any public use or benefit, other than to the applicant. Therefore, the staff has no objections to the proposed revocation request.