

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5121

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BINDER/BRISTER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. STEFANCIK

ON THE 5 DAY OF DECEMBER, 2013

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE CERTAIN PARCELS, RIGHTS OF WAY AND/OR SERVITUDES FROM THE ARCHDIOCESE OF NEW ORLEANS, FOR HOLY TRINITY DRIVE, AND FURTHER FOR THE PARISH TO INCORPORATE HOLY TRINITY DRIVE INTO THE PARISH MAINTENANCE SYSTEM (WARD 4, DISTRICT 5).

WHEREAS, St. Tammany Parish Government desires to acquire certain immovable property (hereinafter referred to as "Property"); and

WHEREAS, there is a need and a public purpose for the acquisition of certain immovable property from the Archdiocese of New Orleans for regional transportation improvements; and

WHEREAS, the Parish of St. Tammany hereby desires to acquire the Property, rights of way and/or servitudes and authorizes the Office of the Parish President to do whatever is necessary to enter into negotiations and acquire said Property, rights of way and/or servitudes; and

WHEREAS, the Parish of St. Tammany hereby desires to incorporate Holy Trinity Drive into St. Tammany Parish Selective Road Maintenance System Inventory and the acceptance is subject to approval of the roadway standards set by the Parish Council and the Department of Engineering and a Warranty Obligation.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: to authorize the Parish of St. Tammany, to acquire by purchase and/or donation all that certain parcel of ground described in Exhibit "A" attached hereto.

BE IT FURTHER ORDAINED that pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to acquire the Property, rights of way and/or servitudes.

BE IT FURTHER ORDAINED that the Office of the Parish President is authorized and instructed to proceed with the acquisition of the Property, rights of way and/or servitudes in a timely and orderly matter.

BE IT FURTHER ORDAINED that the Office of the Parish President is authorized to exercise its discretion in acquiring the Property, rights of way and/or servitudes, together with all agreements and all transactions necessary to carry out the intent of this Ordinance.

BE IT FURTHER ORDAINED that, if purchased, the purchase price shall not exceed the fair market value of the Property as evidenced by an appraisal obtained or supplied to the Parish plus fees and cost.

BE IT FURTHER ORDAINED to authorize the incorporation of all that certain property, rights of way and/or servitudes, described in Exhibit "A" into the St. Tammany Parish Maintenance System for the Department of Public Works to provide appropriate maintenance thereto.

BE IT FURTHER ORDAINED that any and all actions previously taken by the Office of the Parish President in furtherance of the actions contemplated herein are ratified and accepted accordingly.

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 9 DAY OF JANUARY, 2014; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: December 12, 2013

Published Adoption: _____, 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____

Ordinance Administrative Comment

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE CERTAIN PARCELS, RIGHTS OF WAY AND/OR SERVITUDES FROM THE ARCHDIOCESE OF NEW ORLEANS, FOR HOLY TRINITY DRIVE, AND FURTHER FOR THE PARISH TO INCORPORATE HOLY TRINITY DRIVE INTO THE PARISH MAINTENANCE SYSTEMS (WARD 4, DISTRICT 5).

St. Tammany Parish seeks to acquire certain parcels, rights of way, and/or servitudes from the Archdiocese of New Orleans for Holy Trinity Drive and further for the Parish to incorporate Holy Trinity Drive into the Parish Maintenance System. The Parish intends to pay no more than appraised value or less, plus closing costs and fees.