

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5028

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. TANNER

ON THE 6 DAY OF JUNE , 2013

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY TO ACCEPT THE DEDICATION AND DONATION OF THE STREETS, SHOULDERS, SIGNAGE AND RIGHTS OF WAY AND SITUATED WITHIN AUDUBON LAKE SUBDIVISION AND RELATED MATTERS. (DISTRICT 5)

WHEREAS, at the present time, the streets, rights-of-way and drainage servitudes are vested in the Audubon Lake Homeowners Association, Inc. (the "Association"). The homeowners and the Association desire that the final plat be corrected and the streets, shoulders, signage and rights-of-way within the subdivision be public. The Association is governed by its Board of Directors and the Board of Directors have met and approved the transfer of the ownership of the streets, shoulders, signage and rights-of-way to the Parish of St. Tammany; and

WHEREAS, the matter is to be reviewed by the St. Tammany Parish Planning Commission and an act of correction of the final plat is to be executed wherein it will be noted that the streets, shoulders, signage and rights-of-way within Audubon Lake Subdivision are now public; and

WHEREAS, the Department of Engineering has verified that the streets, shoulders and signage meet Parish standards.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: in regular session convened that:

SECTION 1. The Office of the Parish President is authorized to execute, on behalf of St. Tammany Parish, any and all documents necessary to accept a dedication and donation of the streets, shoulders, signage and rights-of-way within Audubon Lake Subdivision, all as more particularly depicted on the attached copy of recorded plat amended hereto as Exhibit A.

SECTION 2. The Act of dedication and donation is to include the following: (1) the Association indemnifies and holds the Parish harmless from any claims and actions for damages arising out of or associated with the Parish's maintenance of the streets, shoulders, signage and rights-of-ways; (2) the Association shall maintain a policy of liability insurance which policy shall name the Parish of St. Tammany as an additional insured for all personal injury and/or property damage claims and actions; (3) No entrance gates to the subdivision shall be permitted to exist; (4) All signage if damaged, destroyed or fails at any time to meet the standards of the Manual on Uniform Traffic Control Devices (MUTCD) will be replaced by the Parish with standard metal posts and signs and the association reserves to itself after written notification to the Parish the right to replace said posts and/or signs with its own signs which must conform to MUTCD specifications; (5) The Parish is not taking over the roadside ditches, drainage outfalls nor any drainage facilities including the lake control structure.

SECTION 3. The matter is to be reviewed by the St. Tammany Parish Planning Commission and an act of correction of the final plat of all phases of Audubon Lake Subdivision are to be executed wherein it will be noted that streets, shoulders, signage and underlying rights-of-way are public and not private. No maintenance warranty is required and is waived.

SECTION 4. Upon execution of the aforesaid dedication, donation and transfer of the streets, shoulders, signage and rights-of-way, said streets, shoulders, signage and right-of-ways, shall be included in the St. Tammany Parish maintenance system.

SECTION 5. The St. Tammany Parish Selective Road Maintenance System Inventory is amended to include the streets, shoulders, signage and rights-of-way set forth in Sections 1 and 2 herein above.

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 11 DAY OF JULY , 2013 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: May 30 , 2013

Published Adoption: _____, 2013

Delivered to Parish President: _____, 2013 at _____

Returned to Council Clerk: _____, 2013 at _____