

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5023

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BINDER/BRISTER

PROVIDED BY: DEVELOPMENT

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. TANNER

ON THE 6 DAY OF JUNE, 2013

ORDINANCE TO REVOKE A PORTION OF BRYAN DRIVE RIGHT-OF-WAY, LOCATED IN SLIDELL OZONE HEIGHTS SUBDIVISION, WARD 9, DISTRICT 14. (REV13-05-001)

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 Bryan Drive, located in Slidell Ozone Heights Subdivision; and

WHEREAS, the Departments of Public Works, Engineering, and Development 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, if any, 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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 5 DAY OF SEPTEMBER, 2013; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

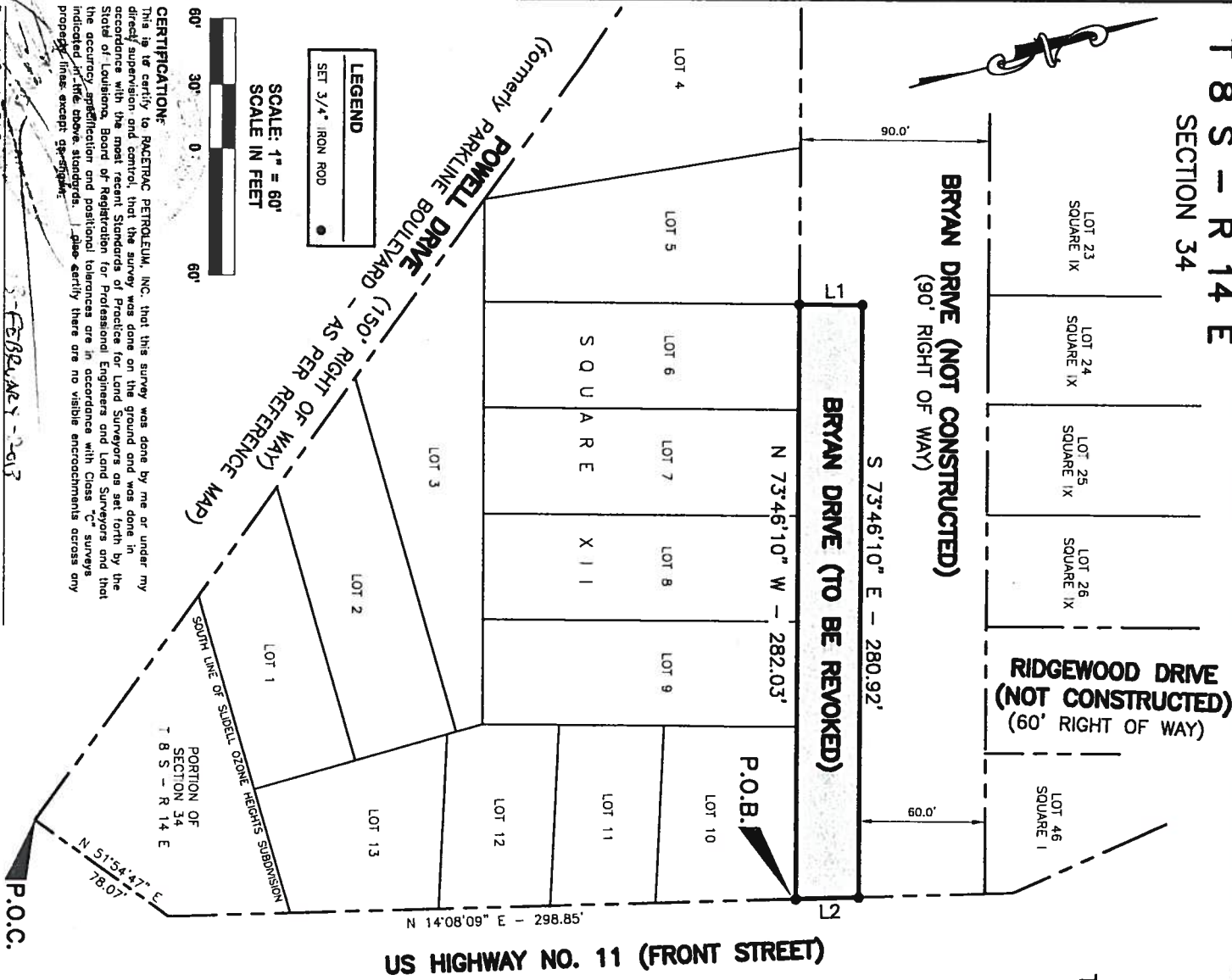
Published Introduction: MAY 30, 2013

Published Adoption: _____, 2013

Delivered to Parish President: _____, 2013 at _____

Returned to Council Clerk: _____, 2013 at _____

T 8 S - R 14 E
SECTION 34



PLAT SHOWING REVOCATION
OF
A PORTION OF BRYAN DRIVE
LOCATED IN SECTION 34,
TOWNSHIP 8 SOUTH - RANGE 14 EAST
ST. TAMMANY PARISH, LOUISIANA
FOR
RACETRAC PETROLEUM, INC.

- NOTES:**
- 1) No attempt has been made by Acadia Land Surveying, L.L.C. to verify title, actual legal ownership, deed restrictions servitudes, easements, alleys, right-of-ways or other burdens on the property, other than that furnished by the client or his representative. There is no representation that all applicable servitudes and restrictions are shown hereon. The surveyor has made no title search or public record search in compiling the date for this survey.
 - 2) The words "Certify," "Certified" or "Certification" as used herein is understood to be an expression of professional opinion by the surveyor, based upon his best knowledge, information, and belief, as such, it does not constitute a guarantee nor a warranty, expressed or implied.
 - 3) Setback lines shall be verified by owner or contractor prior to any construction, as an abstract has not been performed by the surveyor.
 - 4) No improvements shown.

LEGAL DESCRIPTION: PORTION OF BRYAN DRIVE TO BE REVOKED

A certain piece of land being designated as "BRYAN DRIVE (TO BE REVOKED)," containing 0.194 acres or 8,444 square feet, located in Section 34, Township 8 South, Range 14 East, St. Tammany Parish, Louisiana, and being more fully described as follows:

Commencing at the intersection of the westerly right of way line of US Highway No. 11 (Front Street) and the northerly right of way line of Powell Drive, said point being the "POINT OF COMMENCEMENT" and labeled "P.O.C.,"

Then, continuing along the westerly right of way line of US Highway No. 11 (Front Street), North 51 degrees 54 minutes 47 seconds East a distance of 78.07 feet to a point;

Then North 14 degrees 08 minutes 09 seconds East a distance of 298.85 feet to a point, said point being the "POINT OF BEGINNING" and labeled "P.O.B.,"

Then, leaving said right of way line, North 73 degrees 46 minutes 10 seconds West a distance of 282.03 feet to a point;

Then, North 16 degrees 16 minutes 04 seconds East a distance of 30.00 feet to a point;

Then, South 73 degrees 46 minutes 10 seconds East a distance of 280.92 feet to a point, said point located along the westerly right of way line of US Highway No. 11 (Front Street);

Then, along the westerly right of way line of US Highway No. 11 (Front Street), South 14 degrees 09 minutes 10 seconds West a distance of 30.02 feet to the "POINT OF BEGINNING."

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE REVOCATION PLAT HEREON HAS BEEN FOUND TO COMPLY WITH THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 20 ROAD AND BRIDGES, ARTICLE (STREET REVOCATION/Alienation REQUIREMENTS)

PARISH PRESIDENT _____ DATE _____

CHAIRMAN OF THE PLANNING COMMISSION _____ DATE _____

CHAIRMAN OF PUBLIC WORKS _____ DATE _____

DIRECTOR OF PARISH ENGINEERING _____ DATE _____

CLERK OF COURT _____ DATE _____

MAP FILE NUMBER _____ DATE _____

REFERENCE MAP & FLOOD ZONE:

- 1) Reference Maps:
 - A.) Survey by John E. Bonnaeu & Associates, Inc.; Drawing No.: 02557 dwg
 - B.) Map of Stidell Ozone Heights For the Great American Investment Corp. Prepared by L.G. Richard, Jr. and dated July 21, 1956.
 - 2) Basis of Bearings: Reference Map "A."
 - 3) In accordance with FEMA Flood Insurance Rate Map Panel Number 225205 0420 E, dated April 21, 1959, for St. Tammany Parish, Louisiana: The property hereon is located in Flood Zone "A1 (EL. 15) (Areas of 100-Year flood; base flood elevations and flood hazard factors determined.)
- In accordance with Panel LA-NNA1 dated January 18, 2006, of the Hurricane Katrina Advisory Base Flood Elevation (ABFE) Maps for St. Tammany Parish, The site is located outside the limits of the ABFE zone.

LINE	BEARING	LENGTH
L1	N 16°16'04" E	30.00'
L2	S 14°09'10" W	30.02'

ACADIA

LAND SURVEYING, LLC

LOUISIANA • MISSISSIPPI • TEXAS

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Phone • (985) 448-0094 Fax • (985) 448-0095

E-MAIL: ACADIA@ACADIALANDSURVEYING.COM

COMPLETED ON: FEBRUARY 13, 2013

CERTIFICATION:

This is to certify to RACETRAC PETROLEUM, INC. that this survey was done by me or under my direct supervision and control, that the survey was done on the ground and was done in accordance with the most recent Standards of Practices for Land Surveyors as set forth by the State of Louisiana, Board of Registration for Professional Engineers and Land Surveyors and that the accuracy, specification and positional tolerances are in accordance with Class "C" surveys indicated in the above standards. I also certify there are no visible encroachments across any property lines except as shown.

Byron J. Orndale, P.L.S. Reg. No. 5011

This survey plat is not valid without the colored seal and signature of the Registered Land Surveyor

ADMINISTRATIVE COMMENTS
(REV13-05-001 - Revocation of a Portion of Bryan Drive)

Overview:

The applicant owns property to the south of the proposed 30' wide strip of land to be revoked, and plans on using the revoked property in conjunction with their own property to develop a "Racetrac" gas station facility.

Staff Recommendation:

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 subject to the revoked strip of land being assimilated into the owners property through the parish's administrative resubdivision process.

Planning Commission Recommendation:

The Planning Commission recommended adoption by unanimous vote.