

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 2883 ORDINANCE COUNCIL SERIES NO.

COUNCIL SPONSOR BRISTER/PRESIDENT PROVIDED BY: PRESIDENT

INTRODUCED BY: MR. CANULETTE SECONDED BY: MR. IMPASTATO

ON THE 1ST DAY OF JULY, 2004

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT DONATION OF A PARCEL OF LAND COMMONLY KNOWN AS "OCHSNER ROAD" (AS DESCRIBED IN EXHIBIT "A" ATTACHED HEREINBELOW.)

WHEREAS, the St. Tammany Parish Government is charged with protecting the safety and welfare of the citizens of the parish; and

WHEREAS, there is a need and purpose to accept the donation of this parcel of land in order to provide improved traffic flow, to the residents of the area; and

WHEREAS, it is the desire of St. Tammany Parish Government to accept the donation of such parcel of land that has been donated to the Parish by Wainer Brothers and Ochsner Clinic Foundation.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it authorizes the Parish of St. Tammany, through the Office of the Parish President, to accept donation of a parcel of land more commonly known as "Ochsner Road" (As described in Exhibit "A" attached hereinbelow.)

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

EXHIBIT "A"

Ord. Cal 2883

ALL THAT CERTAIN TRACT OR PORTION OF LAND, situated in Section 46, Township 7 South, Range 10 East and Section 47, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, as shown on a survey by Ned R. Wilson, dated July 19, 1984, revised September 5, 1984, a copy of which is annexed to a deed recorded in COB 1180, folio 389 of the official records of St. Tammany Parish, Louisiana and more particularly described as follows, to-wit:

From the Section corner common to Sections 12, 45 and 46, Township 7 South, Range 10 East, run along the Section line between Section 12 and 46, South 00 degrees 03 minutes 13 second East 3057.65 feet; thence run North 89 degrees 02 minutes 09 seconds East 977.48 feet to the Point of Beginning.

From the Point of Beginning run North 89 degrees 02 minutes 09 seconds East 646.16 feet; thence South 56 degrees 18 minutes 29 seconds East 408.86 feet to a point on the westerly line of Louisiana Highway 21; thence run along the westerly line of Louisiana Highway 21 South 38 degrees 05 minutes 07 seconds West 60.18 feet; thence North 56 degrees 18 minutes 29 seconds West 386.16 feet; thence South 89 degrees 02 minutes 09 seconds West 627.44 feet; thence North 00 degrees 57 minutes 51 seconds West 60 feet to the Point of Beginning.

**ACT OF DEDICATION
AND DONATION**

UNITED STATES OF AMERICA

TO ST. TAMMANY PARISH

STATE OF LOUISIANA

BE IT KNOWN, that on the dates hereinafter set forth,

BEFORE EACH OF US, the undersigned Notaries Public, duly commissioned and qualified in and for the Parish and State hereinafter set forth, and in the presence of the undersigned and competent witnesses,

PERSONALLY CAME AND APPEARED:

WAINER BROTHERS, a Louisiana partnership, organized and existing under the laws of the State of Louisiana, operating in accordance with the Amended and Restated Agreement of Partnership registered in Partnership Book 11, folio 738 of the records of Jefferson Parish, Louisiana, herein represented by its undersigned partners, duly authorized, which mailing address is declared to be 3421 N. Causeway Blvd, Suite 201, Metairie, Louisiana 70002; hereinafter referred to as "Wainer Brothers";

OCHSNER CLINIC FOUNDATION, a Louisiana non-profit corporation, organized and existing under the laws of the State of Louisiana, herein represented by the undersigned, duly authorized by resolution attached hereto, which mailing address is 1514 Jefferson Highway, New Orleans, Louisiana 70121; hereinafter referred to as "Ochsner;" and

THE PARISH OF ST. TAMMANY, a political subdivision of the State of Louisiana, represented herein by Kevin Davis, its President, duly authorized, hereinafter referred to as the "Parish;"

who declares and agrees as follows:

Wainer Brothers and Ochsner do by these presents **FOREVER GRANT, BARGAIN, SET OVER ASSIGN, ABANDON, DONATE AND dedicate, WITH FULL WARANTEE AND GUARANTY OF TITLE, ALL RIGHTS, TITLES AND INTERESTS IN AND TO** the following property as a public street to and in favor of the public and St. Tammany Parish for use by the public as a public street, **INCLUDING THE PARCEL OF GROUND, ITS ROAD BASE, SURFACE, DRAINAGE DITCHES, CULVERTS, BRIDGES, SIGNAGES IMPROVEMENTS AND APPURTENANCES THEREON AND THEREUNDER OR IN ANYWAY PERTAINING THERETO.** The Parish does appear herein and does accept the dedication and agrees to incorporate the Dedicated Property (herein defined) into the St. Tammany Parish road maintenance system. The parcel of property subject of this dedication is described as follows:

ALL THAT CERTAIN TRACT OR PORTION OF LAND, situated in Section 46, Township 7 South, Range 10 East and Section 47, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, as shown on a survey by Ned R. Wilson, dated July 19, 1984, revised September 5, 1984, a copy of which is annexed to a deed recorded in COB 1180, folio 389 of the official records of St. Tammany Parish, Louisiana and more particularly described as follows, to-wit:

DRAFT

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Herein referred to as the "Dedicated Property."

WAINER AND OCHSNER FURTHER AGREE TO SECURE, AT THEIR OWN EXPENSE, AND SUPPLY TO THE PARISH AN ADEQUATE POLICY OF TITLE INSURANCE ON THE PROPERTY CONVEYED HEREIN NAMING THE PARISH OF ST. TAMMANY AS INSURED, AS PROVIDED BY LAW.

IT IS FURTHER AGREED AND UNDRSTOOD THAT THE UNDERSIGNED NOTARIES PUBLIC ARE RELEASED AND RELIEVED OF ANY LIABILITY HEREIN INSOFAR AS NO TITLE EXAMINATION HAS BEEN REQUESTED NOR CERTIFICATES ISSUED AND RUN BY ANY CLERK OF COURT.

THUS DONE AND SIGNED in Covington, Louisiana, on the ____ day of _____, 2004, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

WAINER BROTHERS

By:

BRUCE WAINER

NOTARY PUBLIC

THUS DONE AND SIGNED in _____, Louisiana, on the ____ day of _____, 2004, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

OCHSNER CLINIC FOUNDATION

By:

DRAFT

NOTARY PUBLIC

THUS DONE AND SIGNED in _____, Louisiana, on the _____ day of _____, 2004, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

THE PARISH OF ST. TAMMANY

By:

KEVIN DAVIS

NOTARY PUBLIC