

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3121 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: STEFANCIK/PRESIDENT PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY MR. CANULETTE SECONDED BY MR. GOULD

ON THE 5<sup>TH</sup> DAY OF JULY, 2005.

**ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES TO INCLUDE REQUIREMENTS RELATING TO ANY AND ALL REAL ESTATE TRANSFERS.**

WHEREAS, an amendment to the Parish Code of Ordinance that sets out requirement for title insurance policies relating to any and all real estate transfers is necessary.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Parish Code of Ordinance be amended to include requirements relating to any and all real estate transfers, donations, dedications, and sales to St. Tammany Parish:

Section 1. When a third party and/ or any prospective Transferor seeks to donate/ dedicate/ transfer/ sell any interest in and to immovable property including but not limited to real estate, rights of way and servitudes, said person or entity shall provide:

- a) A title insurance policy in favor of St. Tammany Parish on the caption of the property to be dedicated, donated, transferred or sold.
- b) Such dedication, donation, sale or transfer of any interest in and to immovable property shall be in the name of St. Tammany Parish.
- c) Any such title insurance policy shall be in an amount to be mutually established between the transferor and St. Tammany Parish.
- d) Transferor shall be responsible for all costs of any insurance policy premiums.
- e) Transferor shall be responsible for all costs of any title examination and/ or curative work.
- f) Transferor shall pay for all recordation costs.
- g) Transferor shall be deemed to include any person or entity that sells, dedicates, donates, or transfers an interest of such property.
- h) Transferor shall use St. Tammany Parish standard forms or documents and or that which may be specifically approved by the Office of the Parish President.
- i) The requirements of sub-parts (a) through (h) shall not supercede any other St. Tammany Parish ordinance or regulation.

Section 2. Where such dedication/ donation/ sale/ transfer is intended and/ or needed in perpetuity, including but not limited to real estate, rights of way and servitudes as determined by the Office of the Parish President, the requirements of Section 1 shall apply.

Section 3. Where such dedication/ donation/ sale/ transfer is not intended or is not needed in perpetuity, including but not limited to real estate, rights of way and servitudes, as determined by the Office of the Parish President, then:

- a) Such dedication, donation, sale or transfer of any interest in and to immovable property shall be in the name of St. Tammany Parish.
- b) Transferor may be responsible for all costs of any title examination
- c) Transferor shall be responsible for all costs of curative work.
- d) Transferor may be required to pay for all recordation costs.
- e) Transferor shall be deemed to include any person or entity that sells, dedicates, donates, or transfers an interest of such property.
- f) Transferor shall use St. Tammany Parish standard forms or documents and or that which may be specifically approved by the Office of the Parish President.
- g) The requirements of sub-parts (a) through (f) shall not supercede any other St. Tammany Parish ordinance or regulation.

SEVERABILITY: If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect any other provision 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.

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

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

MOVED OR ADOPTION BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_

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

YEAS:

NAYS:

ABSTAIN:

ABSENT: