

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3098 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

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

INTRODUCED BY MR. BAGERT SECONDED BY MR. CANULETTE

ON THE 2<sup>ND</sup> DAY OF JUNE, 2005.

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT THE ACT OF DEDICATION AND DONATION OF A PORTION OF PORTION OF FALCONER DRIVE, AND TO INCLUDE SAME INTO THE ROAD MAINTENANCE SYSTEM. WARD 3, DISTRICT 5 (AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO)

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that:

SECTION I: The Act of Dedication and Donation by Belcher Properties, Inc. of a portion of Falconer Drive is accepted, and same shall be incorporated into the St. Tammany Parish Selective Road Maintenance System Inventory.

SECTION II: The Parish President and/or C.A.O. is hereby authorized to execute any and all documents necessary in connection with said acceptance of said strip of land.

SECTION III: The Department of Public Works is directed to provide the appropriate maintenance thereto.

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REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2005, AND BECOMES ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_.

\_\_\_\_\_  
STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
DIANE HUESCHEN, COUNCIL CLERK

\_\_\_\_\_  
KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction \_\_\_\_\_, 2005  
 Published Adopted \_\_\_\_\_, 2005  
 Delivered to Parish President on \_\_\_\_\_, 2005 @ \_\_\_\_\_  
 Returned to Council Clerk on \_\_\_\_\_, 2005 @ \_\_\_\_\_

**A PORTION OF FALCONER DRIVE  
SITUATED IN  
SECTION 15, TOWNSHIP 7 SOUTH - RANGE 11 EAST  
ST. TAMMANY PARISH, LOUISIANA**

**EMERALD FOREST APARTMENTS**

N89°17'55"W 804.55'  
60.00'  
S89°17'35"E 60.00'

5003914W 84492.  
**FALCONER DRIVE**  
(TO BE DEDICATED)  
1.171 ACRES

N00°39'14"E 84497

**WAL-MART**

Existing Emerald Forest Boulevard  
60' Public Right-of-Way

APPROVED:  
 \_\_\_\_\_  
 CHAIRMAN PARISH PLANNING COMMISSION  
 \_\_\_\_\_  
 CHAIRMAN PARISH COUNCIL  
 \_\_\_\_\_  
 PARISH ENGINEER  
 \_\_\_\_\_  
 DIRECTOR OF PUBLIC WORKS  
 \_\_\_\_\_  
 CLERK OF COURT  
 \_\_\_\_\_  
 DATE FILED \_\_\_\_\_ FILE NO. \_\_\_\_\_

DESCRIPTION OF PORTION TO BE DEDICATED

All that certain parcel of ground being situated in Section 15, Township 7 South - Range 11 East, St. Tammany Parish, Louisiana and being more fully described as follows:  
 Commence from the intersection of the section corner corner to Section 10, 11, 14 and 15 Township 7 South - Range 11 East; thence go along the common to sections 14 and 15 South 07°02'50" West, a distance of 208.71 feet to a public fence on North 89°17'35" West, a distance of 804.35 feet to the POINT OF BEGINNING.  
 Thence go South 10°39'14" West, a distance of 844.92 feet to a point; thence go North 89°17'35" West, a distance of 804.57 feet to a point; thence go South 18°17'55" East, a distance of 80.00 feet to POINT OF BEGINNING.  
 Said parcel contains 1.171 acres of ground more or less.

<p>HE SURVEYOR AND RESTRICTIONS SHOWN ON THIS SURVEY ARE LIMITED TO WHAT SET FORTH IN THE RECORDING PLANNING LAWS THERE IS NO REPRESENTATION THAT ALL APPLICABLE LAWS AND REGULATIONS ARE FULLY COMPLIED WITH. THE SURVEYOR HAS NO CONTROL OVER THE CONSTRUCTION OF THE PROJECT OR THE USE OF THE PROPERTY.</p>	<p>SURVEYED IN ACCORDANCE WITH THE LOUISIANA MEASUREMENT STANDARDS FOR PRIVATE BOUNDARY SURVEYS FOR A CLASS "C" SURVEY.</p>
<p><b>Advance</b> 2007</p> <p>Randall W. Brown, P.L.S. Professional Land Surveyor LA Registration No. 04585</p>	<p><b>Randall W. Brown &amp; Associates, Inc.</b> Professional Land Surveyors Planners - Consultants</p> <p>228 W. Calumet Ave. Mandeville, LA 70448 (985) 624-5368 FAX (985) 624-5309</p>
<p>Scale: 1"=400' Date: May 11, 2002 Survey No. 02333</p>	<p>10' DRAINAGE SERVICE</p>

ST. TAMMANY OAKS SUBD. N89°20'46"W 60.00'

**ACT OF DEDICATION AND DONATION  
OF A PORTION OF FALCONER DRIVE**

**UNITED STATES OF AMERICA**

**BY: BELCHER PROPERTIES, INC.**

**STATE OF LOUISIANA**

**TO: ST. TAMMANY PARISH**

**PARISH OF ST. TAMMANY**

**BE IT KNOWN**, that on the dates hereafter 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:**

**BELCHER PROPERTIES, INC. (TIN 72-1222658)**, a Louisiana Corporation, domiciled in East Baton Rouge Parish, Louisiana, herein represented by its duly authorized President, Lance B. Belcher, by virtue of a Resolution of its Board of Directors dated April 19, 1996, attached to Instrument No. 992778;

(hereinafter referred to as "**Belcher**")

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 "**Parish**")

who declares and agrees as follows:

Belcher does by these presents **FOREVER GRANT, BARGAIN, SET OVER, ASSIGN, ABANDON, DONATE AND DEDICATE, WITH FULL WARRANTY AND GUARANTY OF TITLE, ALL OF ITS 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 Selective Road Maintenance Inventory, under which the Parish is responsible for its maintenance and control.

**The parcel of property dedicated is described as follows:**

**ALL THAT CERTAIN TRACT OR PORTION OF LAND**, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise

appertaining, situated in Section 15, Township 7 South, Range 11 East, Parish of St. Tammany, State of Louisiana, located within Orchard Drives Subdivision, and being more fully described as follows:

Commence at the section corner common to Sections 10, 11, 14, and 15, Township 7 South, Range 11 East and measure South 00 degrees 05 minutes 50 degrees West a distance of 208.71 feet to a point; thence measure North 89 degrees 17 minutes 55 seconds West, a distance of 804.55 feet to a point, said point serving as the Point of Beginning.

From the Point of Beginning, continue North 89 degrees 17 minutes 55 seconds West, a distance of 60.0 feet to an iron; thence go South 00 degrees 39 minutes 14 seconds West, a distance of 849.97 feet to an iron; thence go South 89 degrees 20 minutes 46 seconds East, a distance of 60.0 feet to an iron; thence go North 00 degrees 39 minutes 14 seconds East, a distance of 849.92 feet back to the Point of Beginning.

Said property is shown as "FALCONER DRIVE" on the survey of Randall W. Brown & Associates, Inc., dated May 5, 2002, Survey No. 02333, a copy of which is annexed hereto and made a part hereof.

(hereinafter referred to as "Dedicated Property")

**BELCHER FURTHER AGREES TO SECURE, AT ITS 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 UNDERSTOOD 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 Baton Rouge, Louisiana, on the 26<sup>th</sup> day of April, 2005, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

BELCHER PROPERTIES, INC.

Quincy Graham  
Quincy Graham

BY: Lance B. Belcher  
LANCE B. BELCHER, President

Linda Minvielle  
Linda Minvielle

Fred H. Belcher, Jr.  
NOTARY PUBLIC  
NAME: Fred H. Belcher, Jr.  
NUMBER: 2913

STATE OF LOUISIANA

3098

PARISH OF ST. TAMMANY

ACCEPTANCE OF DEDICATION AND DONATION

BE IT KNOWN, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

BEFORE ME, the undersigned Notary Public, and in the presence of the undersigned competent witnesses, personally came and appeared:

THE PARISH OF ST. TAMMANY, represented herein by Kevin Davis, appearing in his official capacity as President of St. Tammany Parish, on the authority of Article IX, Section 9.01 of the St. Tammany Parish Charter,

WHICH DOES HEREBY, and by these presents accept the Dedicated Property described in this Act of Dedication and Donation of a Portion of Falconer Drive and acknowledge due delivery and possession thereof, to form a portion of a thoroughfare for use by the public as a public street to be included in the St. Tammany Parish Selective Road Maintenance Inventory, and to be owned by the Parish in fee simple, together with all of the area within the right-of-way, the road base and surface, the drainage ditches, culverts, bridges, signages, improvements, and appurtenances thereon and thereunder or thereunto belonging or in anywise appertaining.

THUS DONE AND PASSED, in the presence of me, Notary, and that of the undersigned competent witnesses, in St. Tammany Parish, Louisiana, on the date above written.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

PARISH OF ST. TAMMANY

BY: \_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

\_\_\_\_\_  
ROBERT A. BARNETT  
NOTARY PUBLIC, LA. BAR ROLL 2778