

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3350

ORDINANCE COUNCIL SERIES NO. 06-

COUNCIL SPONSOR MR. THOMPSON

PROVIDED BY: PLANNING

INTRODUCED BY MR. THOMPSON

SECONDED BY MR. BAGERT

ON THE 3RD DAY OF AUGUST 2006

ORDINANCE TO REVOKE A PORTION OF DAHLIA STREET RIGHT-OF-WAY, LOCATED IN WEST ABITA SPRINGS SUBDIVISION, WARD 10, DISTRICT 3

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 Dahlia Street, located in West Abita Springs Subdivision, east of Covington, Louisiana; and

WHEREAS, the Departments of Public Works, Engineering, and Planning have reviewed and researched said request and have reported their findings to the St. Tammany Parish Planning Commission.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that the Parish Council, upon review of said petition, and after having considered all of the facts relevant to this request, hereby grants approval of the proposed revocation request, subject to the following:

SECTION I. The revocation approved on appeal herein shall not become effective unless and until all lots that abut the subject right-of-way, along with other adjacent lots, are combined through the appropriate Parish resubdivision process, whereby alternative access to other public rights-of-way within the vicinity would be provided, such as LA Highway 36 and Carnation, Jasmine and Affluence Streets.

SECTION II: The petitioner, or any other adjacent property owner who wishes to participate, 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 III: 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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby and henceforth repealed.

SEVERABILITY: If any provision of this Ordinance is held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provisions, 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.



COVINGTON, LA 70434
 PHONE: (985) 898-2529
 FAX: (985) 898-3003
 e-mail: planning@stp.gov.org

Parish President

Appeal 16

A PETITIONER OR ANY AGGRIEVED PROPERTY OWNER HAS TEN (10) DAYS IN WHICH TO FILE AN APPEAL REGARDING A DECISION OF THE PLANNING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING ON OR BEFORE THE TENTH DAY.
 (NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

APPEAL REQUEST LETTER

DATE: June 14, 2006
 TO: ST. TAMMANY PARISH COUNCIL
 FROM: PHILLIP M. LYNCH, JR.
 RE: AGGRIEVED BY DECISION MADE BY THE ST. TAMMANY PARISH PLANNING COMMISSION

REV. 06-06-006

I, PHILLIP M. LYNCH, JR., hereby request that the St. Tammany Parish Council review the below mentioned case and consider reversing the decision made by the St. Tammany Parish Planning Commission at their TUESDAY June 13, 2006 meeting.

The case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

REV06-06-006
 Revocation of a portion of Dahlia Street located between Squares 19 & 20,
 West Abita Springs Subdivision, Ward 10, District 3
 Applicant: Phillip Lynch, Jr. & The Magee Family Charitable Trust

I therefore, respectfully request that the St. Tammany Parish Council consider my appeal at their next appropriate regularly scheduled meeting.

This letter shall suffice as official notice to be placed on the docket of the next appropriate regularly scheduled meeting of the St. Tammany Parish Council; whereby, I shall give truthful testimony and present evidence to support my appeal request.

(PLEASE PRINT THE FOLLOWING INFORMATION)

APPELLANT'S NAME: PHILLIP M. LYNCH, JR.

ASSOCIATION TO CASE (PLEASE CHECK ONE): Developer Neighbor Group REP

ADDRESS: 1280 CAUSEL STREET

CITY: MANDRILL STATE: LA ZIP: 70448 PHONE NO: 985-626-9362

SIGNATURE:

XC: ALL ST. TAMMANY PARISH PLANNING COMMISSIONERS



REVOCATION STAFF ANALYSIS REPORT

OFF FLOOR

CASE NO.: REV06-06-006

NAME OF STREET OR ROAD: DALIA STREET

NAME OF SUBDIVISION: WEST ABITA SPRINGS

WARD: 10 PARISH COUNCIL DISTRICT: 3

PROPERTY LOCATION: The property is located on the south side LA Highway 36, west of Kustenmacher Road and east of Covington, Louisiana

SURROUNDING ZONING: Residential

PETITIONER/REPRESENTATIVE: Phillip Lynch & The Magee Family Trust

STAFF COMMENTARY:

The petitioner is proposing to revoke a 22' x 200' strip of right-of-way in which they own property on both sides thereof.

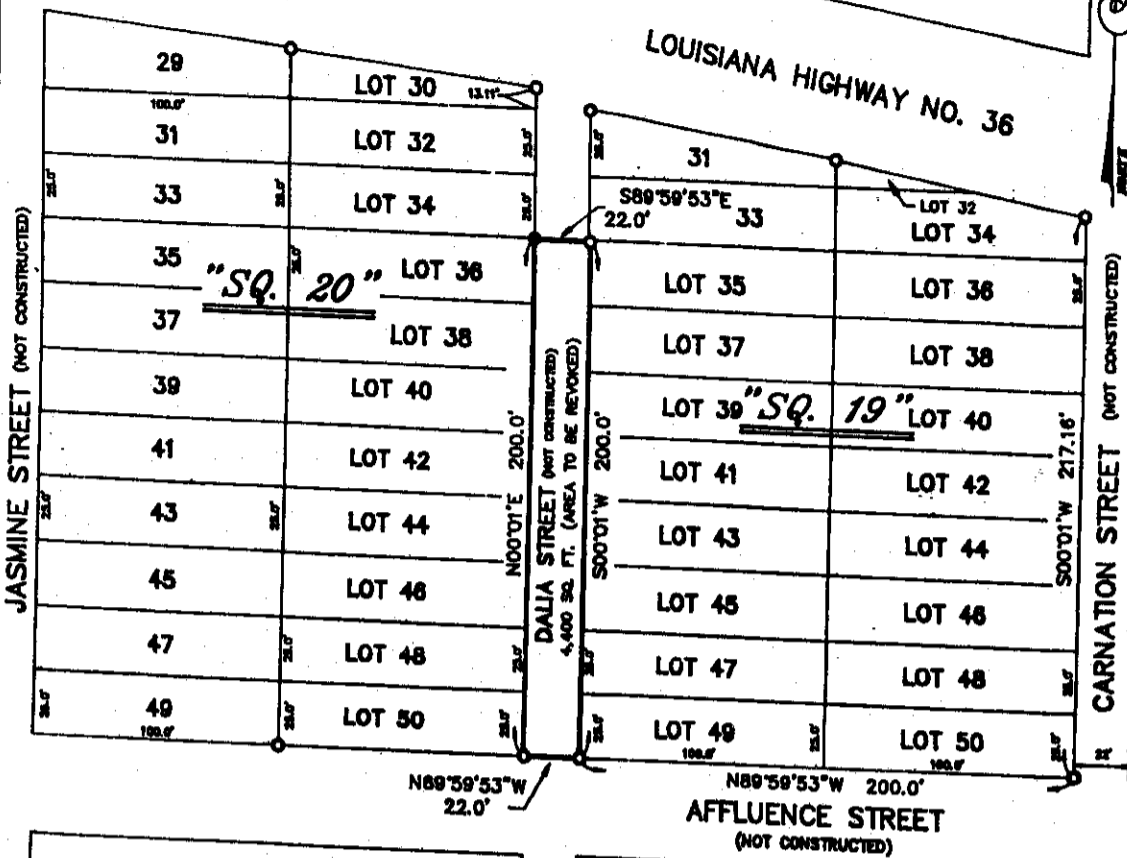
Recommendation:

The staff recommends denial of the proposed revocation request based on the fact that if the property in question were to be revoked, then there would be no means of formal public road access afforded to lots 35, 37, 39, 41, 43, 45, & 47, Sq. 19, and lots 36, 38, 40, 42, 44, 46 & 48, Sq. 20, of West Abita Springs Subdivision. Furthermore, by revoking the right-of-way, a possible future north-south intersection tie-in from LA Highway 36 to Affluence Street and other roads south would be denied.

The staff is unclear as to the motives of the petitioner's request for revocation, but if the motive is to create a private servitude in lieu of a public one, the staff still would object to the proposal, because by creating a private servitude, the parish would not have the authority to apply public road construction standards if the servitude were ever constructed; nor would we be able to obtain the necessary property on either side of the substandard right-of-way in order to make improvements for said construction relative to traffic flow, traffic safety and drainage mitigation.

However, the staff would not oppose the revocation request if the petitioners were to combine the lots together that abut the right-of-way, along with other adjacent lots, through the parish's administrative resubdivision process, whereby alternative access to other public rights-of-way within the vicinity would be provided, such as LA Highway 36 and Carnation, Jasmine and Affluence Streets.

ASTRONOMIC NORTH
DETERMINED BY SOLAR
OBSERVATIONS



JASMINE STREET (NOT CONSTRUCTED)

DALIA STREET (NOT CONSTRUCTED)
4,400 SQ. FT. (AREA TO BE REVOKED)

CARNATION STREET (NOT CONSTRUCTED)

KUSTENMACHER ROAD (BLACKTOP)

LEGEND

- = Iron Rod Found
- = 1/2" Iron Rod Set

THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND/OR RESTRICTIONS HAVE BEEN SHOWN HEREIN. ANY SERVITUDES AND/OR RESTRICTIONS SHOWN ON THIS PLAT ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION AND/OR INFORMATION FURNISHED THE UNDERSIGNED. A TITLE OR PUBLIC RECORD SEARCH FOR SUCH INFORMATION WAS NOT MADE BY THE UNDERSIGNED IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT.

NOTE: This property is located in Flood Zone C, per F.E.M.A. Map No. 225205 0235 C, dated October 17, 1989.

REFERENCE SURVEY:

Survey for William Magee and Philip Lynch by Fred L. Tiley and Associates, dated November 19, 1994.

603 N. JEFFERSON AVENUE
COVINGTON, LA 70433

John G. Cummings and Associates
Professional Land Surveyors in Louisiana & Mississippi

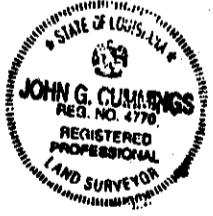
PHONE (908) 898-1800
FAX (908) 898-9200

PLAT PREPARED FOR: **William M. Magee**

SHOWING A SURVEY OF: **A REVOCATION OF A PORTION OF DALIA STREET, BETWEEN A PORTION OF SQUARES 19 & 20, WEST ABITA SPRINGS SUBDIVISION, LOCATED IN SECTION 36, TOWNSHIP 6 SOUTH RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA.**

THIS PLAT REPRESENTS A PHYSICAL SURVEY MADE ON THE GROUND BY ME, OR THOSE UNDER MY DIRECTION, AND CONFORMS TO ALL APPLICABLE STANDARDS SET FORTH BY THE STATE OF LOUISIANA, AND BEARS A CLASS "A" SURVEY.

John G. Cummings
PROFESSIONAL LAND SURVEYOR

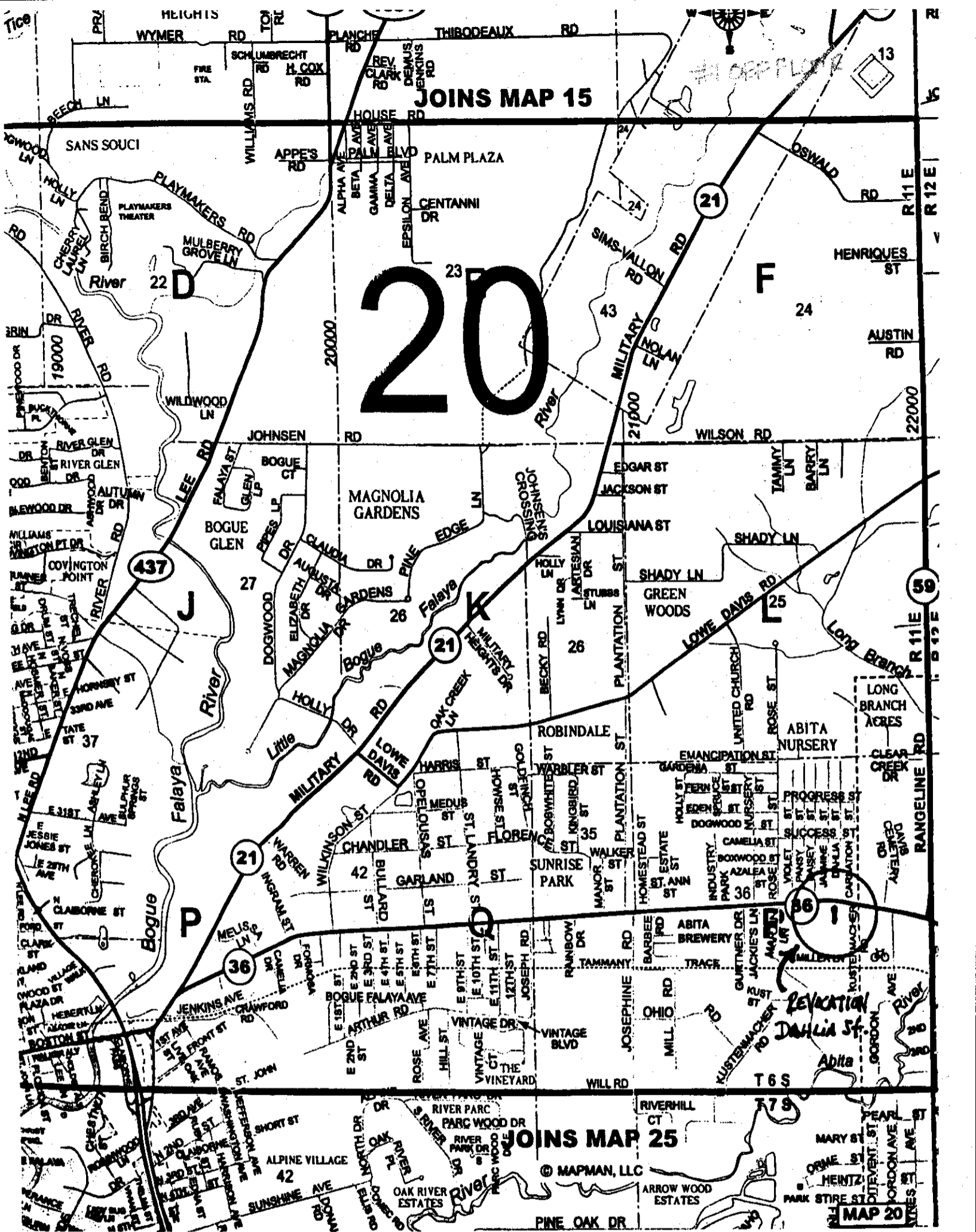


SCALE: 1" = 50'

NUMBER: 91-71-C1

DATE: MARCH 31, 2006

REVISED:



JOINS MAP 15

20

JOINS MAP 25

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MAP 20