

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3589

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR MS. BRISTER

PROVIDED BY: PLANNING

INTRODUCED BY MR. THOMPSON

SECONDED BY MR. GOULD

ON THE 5TH DAY OF JULY 2007

ORDINANCE TO REVOKE A PORTION OF AN UNNAMED
STREET RIGHT-OF-WAY, LOCATED IN CHINCHUBA
SUBDIVISION, WARD 4, DISTRICT 4

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 an unnamed street, located in Chinchuba Subdivision; 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; 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, 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.

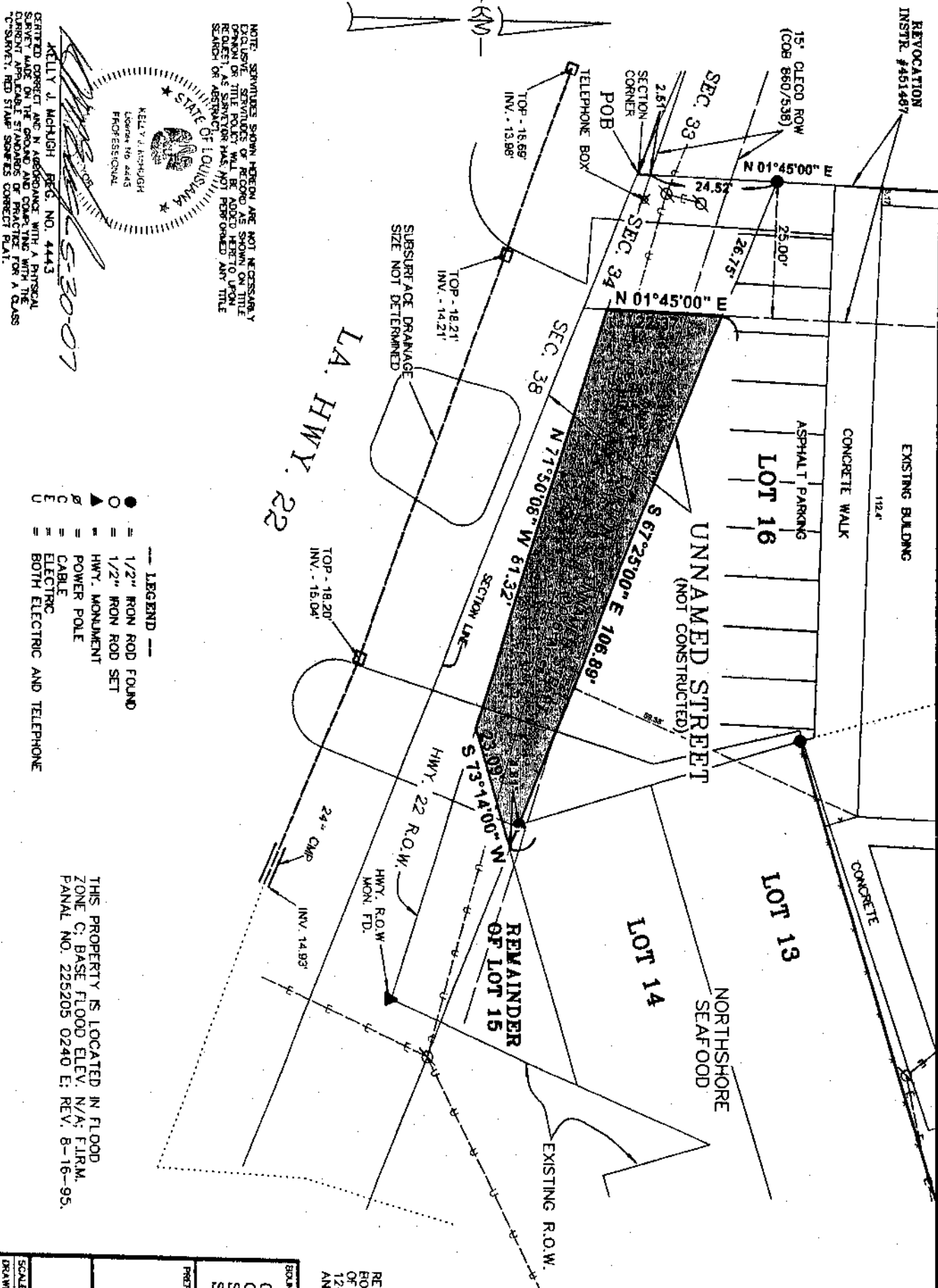
SECTION II: All subsurface mineral rights therein shall be retained by St. Tammany Parish, unless otherwise stated within this ordinance; and the Parish shall reserve the right to retain any easements and/or servitudes existing at the time of revocation and/or may also require the establishment of same if the Parish deems it necessary.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby and henceforth repealed.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

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____



NOTE:
UTILITIES SHOWN HEREON LOCATED AS PER DOTT
TICKET #50011362. ALL UTILITIES SHOULD BE
VERIFIED BEFORE ANY CONSTRUCTION.

REFERENCE:
BOUNDARY SURVEY OF LOTS 5-12 & 16 AND PART
OF AN UNNAMED STREET, BY THIS FIRM, DATED
12-17-1997, JOB NO. #97-360, FROM WHICH SERVICE
AND BASIS OF BEARINGS WERE TAKEN. NO SETBACKS SHOWN.

BOUNDARY SURVEY OF:

0.038 ACRE PORTION OF UNNAMED STREET
CHINCHUBA SUBDIVISION,
SECTION 34, T-7-S, R-11-E
ST. TAMMANY PARISH, LOUISIANA

PREPARED FOR:

MANDEVILLE METRO L.L.C.

KELLY J. MCHUGH & ASSOC., INC.

CIVIL ENGINEERS & LAND SURVEYORS
845 GALVEZ ST., MANDEVILLE, LA. 7026-5611

SCALE: 1" = 20'

DRAWN: BWM DATE: 1-31-07

REVISED: 3-13-07, 5-30-07

FILE/SDATA/lot2007/07-054 LA06CRIS-REVOCA000501

NOTE: SERVICES SHOWN HEREON ARE NOT NECESSARILY
GUARANTEED. THE SURVEYOR HAS NO LIABILITY FOR
RELIANCE ON THIS TITLE. THE SURVEYOR HAS NO
SEARCH OR ABSTRACT.

STATE OF LOUISIANA

KELLY J. MCHUGH
LICENSE NO. 4443
PROFESSIONAL

KELLY J. MCHUGH, REG. NO. 4443
5-30-07

CERTIFIED CORRECT AND IN ACCORDANCE WITH A PHYSICAL
SURVEY MADE ON THE GROUND AND COMPARING WITH THE
CURRENT APPLICABLE STANDARDS OF PRACTICE FOR A CLASS
C SURVEY. RED STAMP SIGNIFIES CORRECT PLAT.

3589

Robert L. Bailey, III

Attorney at Law

*520 North Causeway Boulevard
Mandeville, Louisiana 70448*

Mailing Address:

P.O. Box 55

Mandeville, Louisiana 70470-0055

985-626-7375

June 7, 2007

St. Tammany Parish Department of Planning
21490 Koop Drive
Mandeville, Louisiana 70471

Attention: Mr. Ron Keller

In re: Application by Mandeville Metro, L.L.C.
for the revocation and private sale of
1655.09 sq. feet, or .038 of an acre
being part of Unnamed Street in Chinchuba
S/D fronting Hwy. 22 and adjoining Lot 16
of Sq. 30 situated in Section 34, T7S R11E
St. Tammany Parish, Louisiana
(See legal description & survey attached)

Dear Mr. Keller:

Pursuant to the provisions of St. Tammany Parish Ordinance 20-001.00 et. seq., in behalf of my client Mandeville Metro, L.L.C., as its duly authorized attorney, my client requests that the above portion of the unnamed and undeveloped street be revoked, and offers to subsequently purchase this said parcel from St. Tammany Parish by private act of sale for an amount as determined by your authorized appraiser.

This sale would of course be subject to the existing fifteen foot servitude as shown on the attached survey, granted by Helen Claire Seeger Moran, Et Al in favor of Central Louisiana Electric Company, Inc., recorded in the conveyance records of St. Tammany Parish, Louisiana on January 31, 1978 in COB 860, folio 538. (A copy of this servitude is annexed hereto.)

My client, the current owner of Lots 5-12 and 16 of Square 30, Chinchuba Subdivision, requests the revocation for the following reasons:

- 1) This fractional street is completely surrounded by my client's property, along with Mr. and Mrs. Glen C. Robertson, and La. Highway 22.
- 2) This parcel has never been used for any public purpose beginning with its establishment according to the official subdivision plan by Preston Herndon, Surveyor, dated April 18, 1912 which greatly exceeds the ten year requirement of non-use by the Parish.
- 3) No construction could be placed on this parcel except for parking or to act as a servitude of passage based on the limitation placed thereon by the servitude granted Cleco.
- 4) The property is not needed for any public purpose.

TO: Mr. Ron Keller
St. Tammany Parish Department of Planning
June 7, 2007
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In accordance with the above stated ordinance, attached hereto are the following:

- 1) Letter of No Objection from the only owner of the adjoining property (except for my client), Mr. and Mrs. Glen C. Robertson, the owners of Northshore Seafood, as referenced on the enclosed survey;
- 2) Legal Description;
- 3) Survey (Five copies of the subject parcel certified by Kelly J. McHugh, Registered Surveyor);
- 4) Letter of No Objection from the following utilities:
 - a) Bell South d/b/a A. T. & T. LOUISIANA
 - b) Cleco Power, LLC, successor to Central Louisiana Electric Company, Inc.
 - c) Charter Communications
5. Certification by the undersigned, certifying that there are no gas lines affecting the subject parcel.
6. Cleco Servitude (as attached).

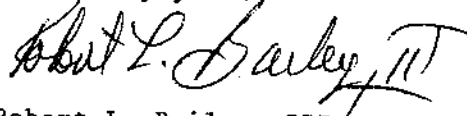
Pursuant to our meeting on June 6, 2007, I request that this matter be expedited by presenting this application for introduction at the next meeting of the Parish Council.

Additionally, I hereby personally guarantee any and all costs and expenses that may be incurred in completing this application, including but not limited to cost of appraisal, advertisement, document preparation, and recording.

Pursuant to the requirement of the ordinance, enclosed is my check in the sum of \$150.00 for the cost of application, and an additional check in the sum of \$250.00 as an initial deposit on the cost of an appraisal.

In closing please direct all communications in regard to this application to me as attorney for my client, Mandeville Metro, L.L.C. Thanking you in advance for your cooperation and assistance, I remain

Very truly yours,



Robert L. Bailey, III

RLB:tc
Encl.

cc: Mandeville Metro, L.L.C.