

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3589

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR MS. BRISTER

PROVIDED BY: PLANNING

INTRODUCED BY _____

SECONDED BY _____

ON THE ____ DAY OF _____ 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.

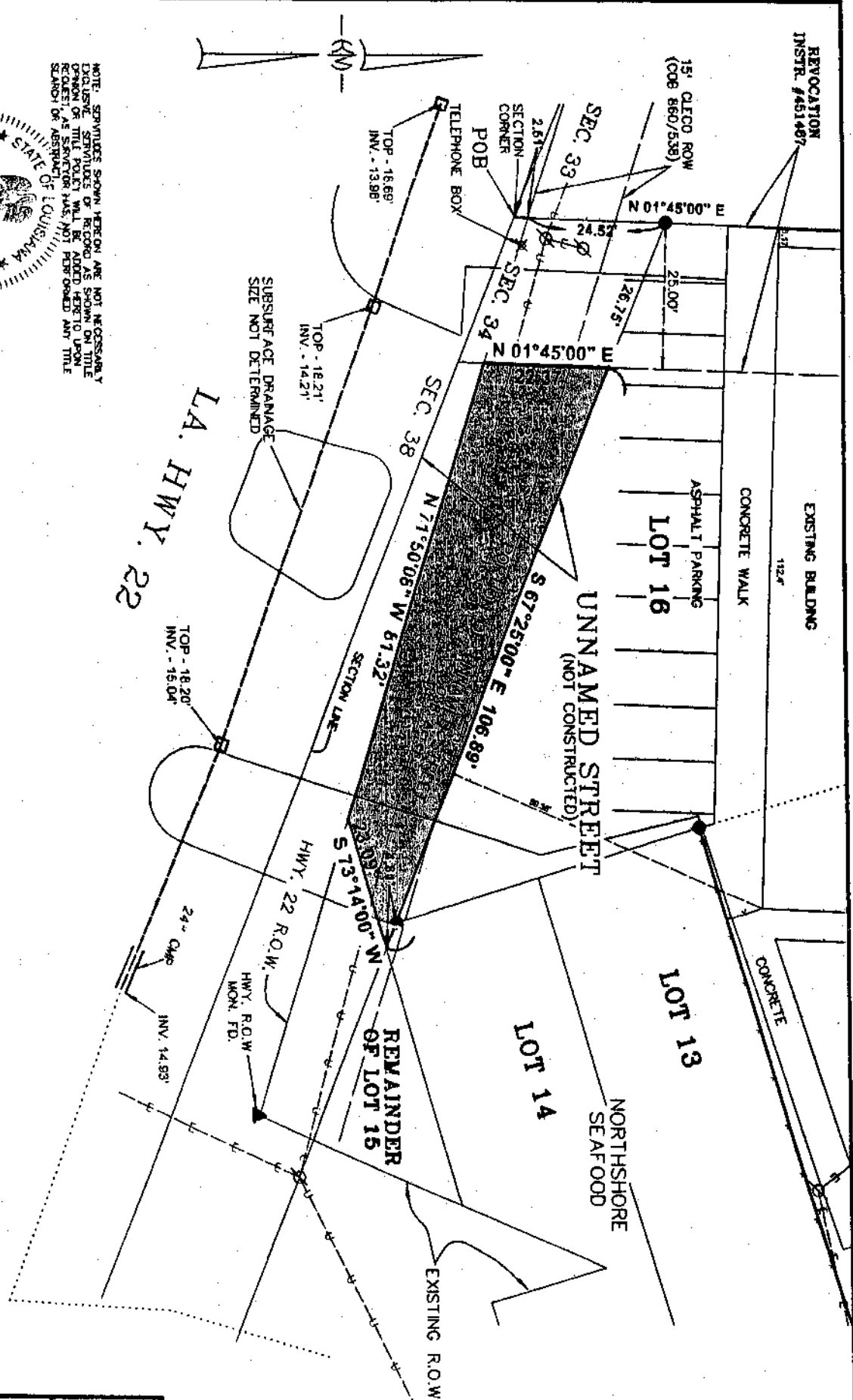
SECTION II: All subsurface mineral rights therein shall be retained by St. Tammany Parish, unless otherwise stated within this ordinance; and the Parish shall reserve the right to retain any easements and/or servitudes existing at the time of revocation and/or may also require the establishment of same 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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby and henceforth repealed.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: _____



STATE OF LOUISIANA
 KELLY J. MCHUGH
 License No. 4443
 PROFESSIONAL

NOTE: SCRIPTURES SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. SCRIPTURES OF RECORD AS SHOWN ON TITLE DEEDS OR TITLE POLICY WILL BE ADDED HERE TO UPON REQUEST. A SURVEYOR HAS NOT FORGONE ANY TITLE SEARCH OR RESEARCH.

LEGEND
 ● 1/2" RON ROD FOUND
 ○ 1/2" RON ROD SET
 ▲ HWY. MONUMENT
 ▽ POWER POLE
 C CABLE
 E ELECTRIC
 U BOTH ELECTRIC AND TELEPHONE

THIS PROPERTY IS LOCATED IN FLOOD ZONE C. BASE FLOOD ELEV. N/A; FIRM PANEL NO. 225205 0240 E; REV. 8-16-95.

PREPARED FOR:
MANDEVILLE METRO L.L.C.

KELLY J. MCHUGH & ASSOC., INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 845 GALVEZ ST., MANDEVILLE, LA. 70266-5611

SCALE: 1" = 20'
 DRAWN: BMW
 DATE: 1-31-07
 JOB NO.: 07-054

REVISED: 3-13-07, 5-30-07
 FILE/SOATA/0482007/07-054 LABRIS-REVOCACTION.dwg

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

REFERENCE:
 BOUNDARY SURVEY OF LOTS 5-12 & 16 AND PART OF AN UNNAMED STREET, BY THIS FIRM, DATED 12-17-1997, JOB NO. #97-380, FROM WHICH SCRIPTURES AND BASIS OF BEARING WERE TAKEN. NO SETBACKS SHOWN.

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

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.