

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3565

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MR. BILLIOT

PROVIDED BY: PLANNING

INTRODUCED BY: _____

SECONDED BY: _____

ON THE _____ DAY OF _____ 2007

An Ordinance amending the official zoning map of St. Tammany Parish, La, to reclassify a certain parcel located on the west side of LA Highway 59, south of Caroline Street, north of America Street and which property comprises a total of 0.75 acres of land more or less, from its present A-2 (Suburban) District to a C-2 (Highway Commercial) District, Ward 4, District 10. (ZC07-04-020)

Whereas, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC07-04-020, has recommended Denial to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area remains A-2 (Suburban) District .

Whereas, the St. Tammany Parish Council has held its public hearing in accordance with law:

Whereas, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare, to designate the above described property as C-2 (Highway Commercial) District (see Exhibit "A") for complete boundaries.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened that:

SECTION I: The zoning classification of the above described property is hereby changed from its present A-2 (Suburban) District to a C-2 (Highway Commercial) District .

SECTION II: The official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning reclassification specified in Section I hereof.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

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

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

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

YEAS:

NAYS:

ABSTAIN:

ABSENT:

EXHIBIT "A"

ZC07-04-020

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances, advantages and prescriptions thereunto belonging or in anywise appertaining, situated Square 155 of the Town of Mandeville, St. Tammany Parish, Louisiana, and more fully described as follows, to-wit:

Lots 39, 40, 41 and 42, which said lots adjoin each other and front 31.25 feet each on Henrietta Street by a depth of 120 feet between equal and parallel lines, together with any part of Henrietta Street, if it has been closed, attributable to said lots.

Lots 55, 56, 57 and 58, which said lots front 31.64 feet each on Gerard Street by a depth of 120 feet between equal and parallel lines.

Being the same property acquired by Jimmy D. Gill by act of Sale with Mortgage dated November 2, 1998 and recorded as Instrument #1128789 of the official records of St. Tammany Parish, Louisiana.

2001-01-000



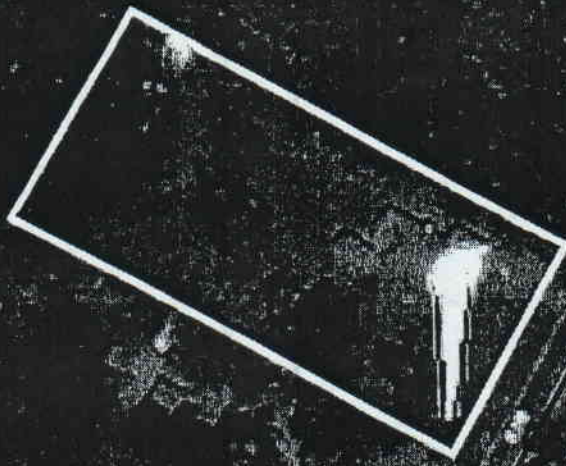
LAFITE

CAROLINE

LA 58

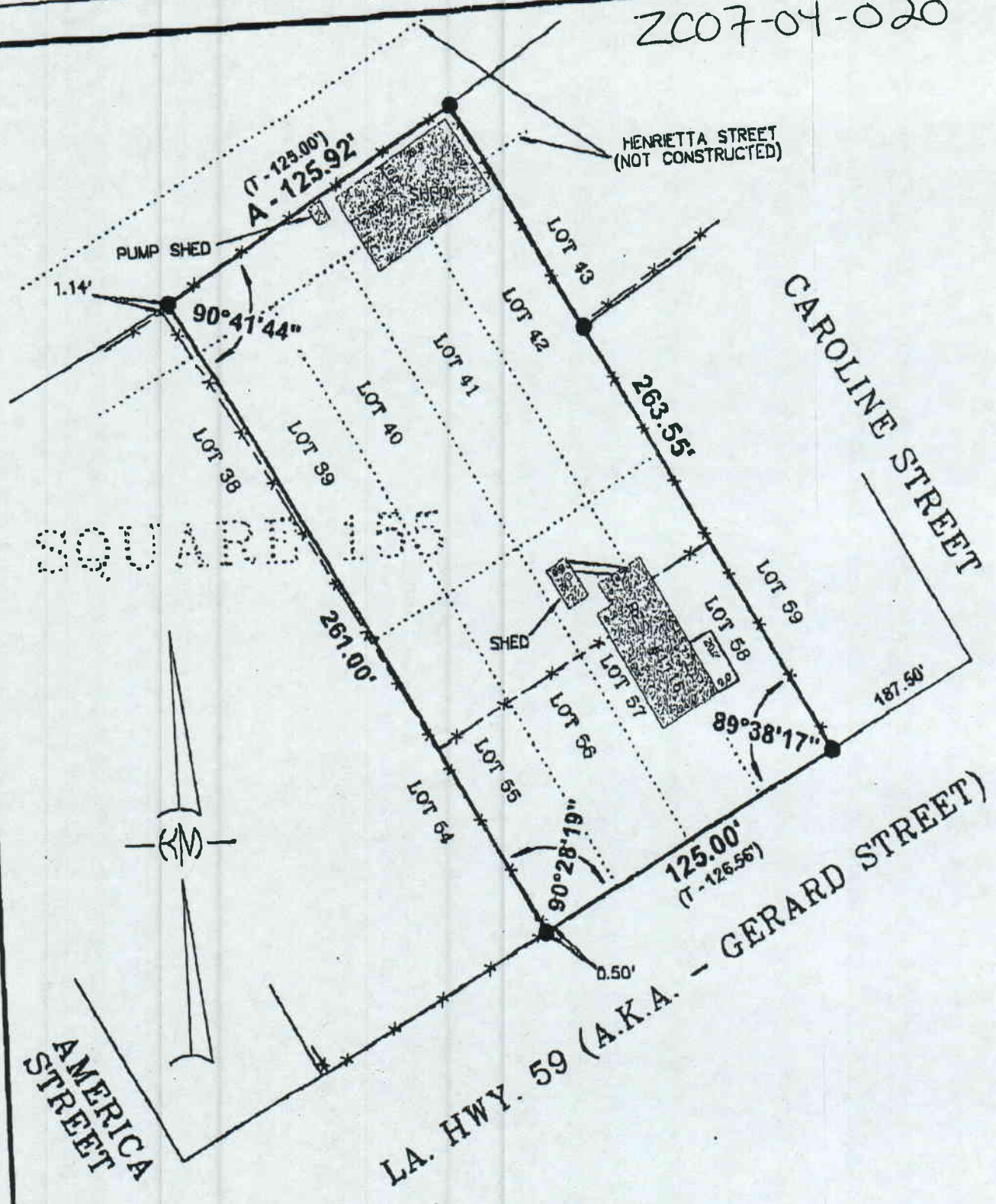
GERARD

AMERICA



This map is for planning purposes only. It is not a legally recorded plan, survey, official tax map or engineering schematic, and it is not intended to be used as such.

ZC07-04-020



- LEGEND —
- = 1/2" IRON PIPE FOUND
 - = 1/2" IRON ROD SET

THIS PROPERTY IS LOCATED IN FLOOD ZONE C; BASE FLOOD ELEV. N/A; F.I.R.M. PANEL NO. 225205 0360 C; REV. 4-2-91.

NOTE: SERVITUDES SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. SERVITUDES OF RECORD AS SHOWN ON TITLE OPINION OR TITLE POLICY WILL BE ADDED HERETO UPON REQUEST. AS SURVEYOR HAS NOT PERFORMED ANY TITLE SEARCH OR ABSTRACT.

Professional seal and signature of Kelly J. McHugh, Registered Professional Engineer and Land Surveyor, No. 4443, dated 3-16-05. The seal includes the text 'STATE OF LOUISIANA', 'KELLY J. MCHUGH', 'REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR', and 'NO. 4443'.

REFERENCE:

1. MAP SHOWING PROPERTY OF MRS. CATHERINE ARAGON BY JOSEPH PUGH, PARISH SURVEYOR DATED 11-11-1947.
2. SURVEY MAP OF LOTS 33-35, 49-51 AND A PORTION OF HENRIETTA ST. SQ. 155 BY JOHN E. BONNEAU & ASSO., INC. DATED 7-31-2000 SURVEY NO. 2000-156.
3. PLAT OF LAND SURVEYED FOR MR. JULES RUBIN BY EDDIE J. CHAMPAGNE, DATED 7-17-1978, DWG. NO. 4372.
4. INSTRUMENT #1128789 FILED ST. TAMMANY PAR. 12-23-1998 NO SETBACKS, SERVITUDE OR BASIS OF BEARING WERE SHOWN.

BOUNDARY SURVEY OF:	
LOTS 38, 40, 41, 42, 56, 57, & 58 AND A PORTION OF HENRIETTA STREET, SQUARE 155, TOWN OF MANDEVILLE(UNINC) ST. TAMMANY PARISH, LA.	
PREPARED FOR:	
JIMMY GILL	
KELLY J. MCHUGH & ASSOC., INC. CIVIL ENGINEERS & LAND SURVEYORS 845 GALVEZ ST., MANDEVILLE, LA. 626-5611	
SCALE: 1" = 50'	DATE: 12-18-04
DRAWN: BWM	JOB NO.: 04-558
REVISED:	

CASE NO.:

PETITIONER:

OWNER:

REQUESTED CHANGE:

LOCATION:

SIZE:

ZC07-04-020

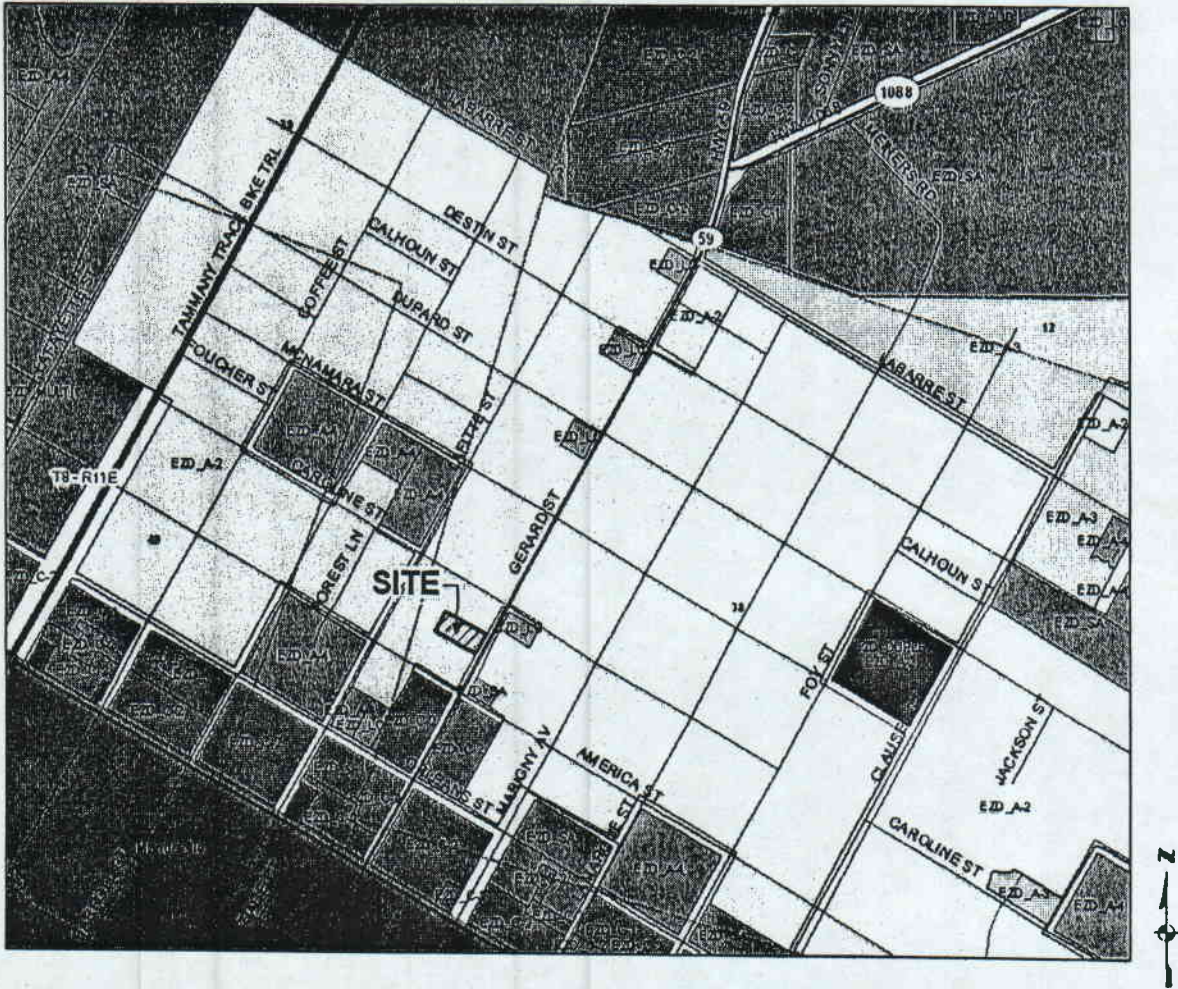
Jeffrey D. Schoen

Jimmy D. Gill, Jr.

From A-2 (Suburban) District to C-2 (Highway Commercial) District

Parcel located on the west side of LA Highway 59, south of Caroline Street, north of America Street; S38, T8S, R11E; Ward 4, District 10

0.75 acres



DEED RESTRICTIONS

UNITED STATES OF AMERICA

IMPOSED BY:

STATE OF LOUISIANA

JIMMY D. GILL, JR.

PARISH OF ST. TAMMANY

**ARTICLE I
INTRODUCTION**

Section 1.1. Party, Date. BE IT KNOWN, That on this 3rd day of May, 2007, before me, Jeffrey D. Schoen, a Notary Public, duly commissioned and sworn, in and for the Parish of St. Tammany, Louisiana, U.S.A., therein residing, and in the presence of the witnesses named and undersigned,

PERSONALLY CAME AND APPEARED:

JIMMY D. GILL, JR., a person of the full age of majority, who declared that he is a domiciliary of Jefferson Parish, Louisiana;

his mailing address being: 1917 Cypress Creek Road, Apt. 134
River Ridge, LA 70123

(hereinafter referred to as "Gill")

Section 1.2. Property Description.

Gill is the owner of the following described property, to-wit:

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 Town of Mandeville, St. Tammany Parish, Louisiana, said property being more fully described as follows, to-wit:

From the northwesterly intersection of Caroline Street and Louisiana Hwy. 59, being the easterly corner of Square 155 of the Town of Mandeville, thence run in a southwesterly direction along the northerly boundary of Louisiana Hwy. 59 a distance of 187.50 feet to an iron, serving as the Point of Beginning.

From the Point of Beginning, thence continue in a southwesterly direction along the northerly boundary of Louisiana Hwy. 59 a distance of 125.00 feet to an iron; turning right, thence go along a line parallel to Caroline Street a distance of 261.00 feet to an iron; turning right, thence go along a line parallel to Louisiana Hwy. 59 a distance of 125.92 feet to an iron; turning right, thence go along a line parallel to Caroline Street a distance of 253.55 feet back to the Point of Beginning.

This parcel contains all of Lots 39, 40, 41, 42, 55, 56, 57, and 58 of Square 155, Town of Mandeville, as well as one-half (½) of the former Henrietta Street (now revoked) abutting the northerly boundary of Lots 39-42 (inclusive).

All as more fully shown on the survey of Kelly J. McHugh & Assoc., Inc., Job No. 04-558, dated December 16, 2004, a copy of which is annexed hereto as Exhibit "A".

(hereinafter referred to as the "**Property**").

Section 1.3. Purpose. The purpose of this instrument is to impose certain deed restrictions on the Property as hereafter set forth in order to give the owners (Mr. and Mrs. Joseph Edward Landreneau) to the rear of the Property additional protection in light of the rezoning of the Property from A-2 Single Family Residential to C-2 Highway Commercial District by the St. Tammany Parish Council by Ordinance passed on May 3, 2007.

Section 1.4. Effective Date. The deed restrictions and provisions contained in this Article shall become effective on the date of filing for record in St. Tammany Parish of this instrument.

ARTICLE II DEED RESTRICTIONS

Section 2.1. Scope & Purpose of Deed Restrictions. The following deed restrictions are imposed by Gill so as to restrict the development of its Property in certain particulars.

Section 2.2. Deed Restrictions Imposed on The Property. The following deed restrictions are imposed on the Property, to be applicable upon the procurement of a building permit for the Property, to-wit:

- A. The owner of the property shall erect an eight (8) foot high wooden fence (with at least three runners) along and across the entire northerly boundary of the Property where it abuts the adjoining property of Mr. and Mrs. Joseph Edward Landreneau (hereinafter referred to as the "**Landreneau Line**").
- B. Inside the Landreneau Line, the owner of the Property shall plant and maintain a landscape buffer, on The Property, being 10 feet in width, running along and inside the entire Landreneau Line, said landscape area to include plants that will achieve a sufficient height and thickness to establish a landscape buffer inside the fence constructed on the Landreneau Line.
- C. The Property shall have a minimum rear building setback of 25 feet from the Landreneau Line.
- D. All drainage on the Property shall be directed away from the Landreneau Line, and, if necessary, a retaining ditch shall be dug along and inside the Landreneau Line to prevent water from leaving the Property and crossing the Landreneau Line.
- E. All operations for the proposed tire center on the Property shall be conducted Monday through Friday, no earlier than 7:00 A.M., and no later than 6:00 P.M., as well as from 7:00 A.M. until 12:00 Noon on Saturday, with no operations (store opening) on Saturday afternoon and/or Sunday.
- F. Under no circumstances shall any use of the Property be made for the establishment of a bar, lounge, nightclub, or anything similar thereto.

**ARTICLE III
GENERAL PROVISIONS**

Section 3.1. Deed Restrictions As Servitudes. The deed restriction contained in Sections 2.2 shall be servitudes and covenants running with the land, and they shall run in favor of the adjoining property owner to the rear of the Property.

Section 3.2. Enforcement by Parish. The deed restrictions and provisions contained herein shall be enforceable at law or in equity by the St. Tammany Parish Zoning Commission, the St. Tammany Parish Council, and/or the District Attorney for St. Tammany Parish, by way of injunction, civil suit for damages, or any other remedy deemed necessary.

Section 3.3. Enforcement by Other Parties. The deed restrictions contained herein shall also be enforceable at law or in equity by way of injunction, civil suit for damages, or any other remedy deemed necessary by any adjoining property owner to the rear of the Property.

Section 3.4. Term. The deed restrictions shall become binding on all parties and all persons claiming under them for a period of 25 years from the date such covenants become effective, after which time such covenants shall be automatically extended for successive periods of ten (10) years.


Section 3.5. Amendments to These Restrictions. The restriction enumerated in Sections 2.2 above shall not be amended without the written consent of the St. Tammany Parish Zoning Commission and the St. Tammany Parish Council as well as an instrument signed by 100% of the owners of all property adjoining the rear of the Property.


Section 3.6. Captions and Headings, Section References. The captions and headings herein are for convenience only and shall not alter or modify the meaning of the provisions hereof. Section references herein are to the Sections of this agreement unless the context clearly indicates otherwise.

Section 3.7. Severability. Invalidity of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

THUS DONE AND PASSED, in my office at Covington, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearer and me, Notary, after reading of the whole.

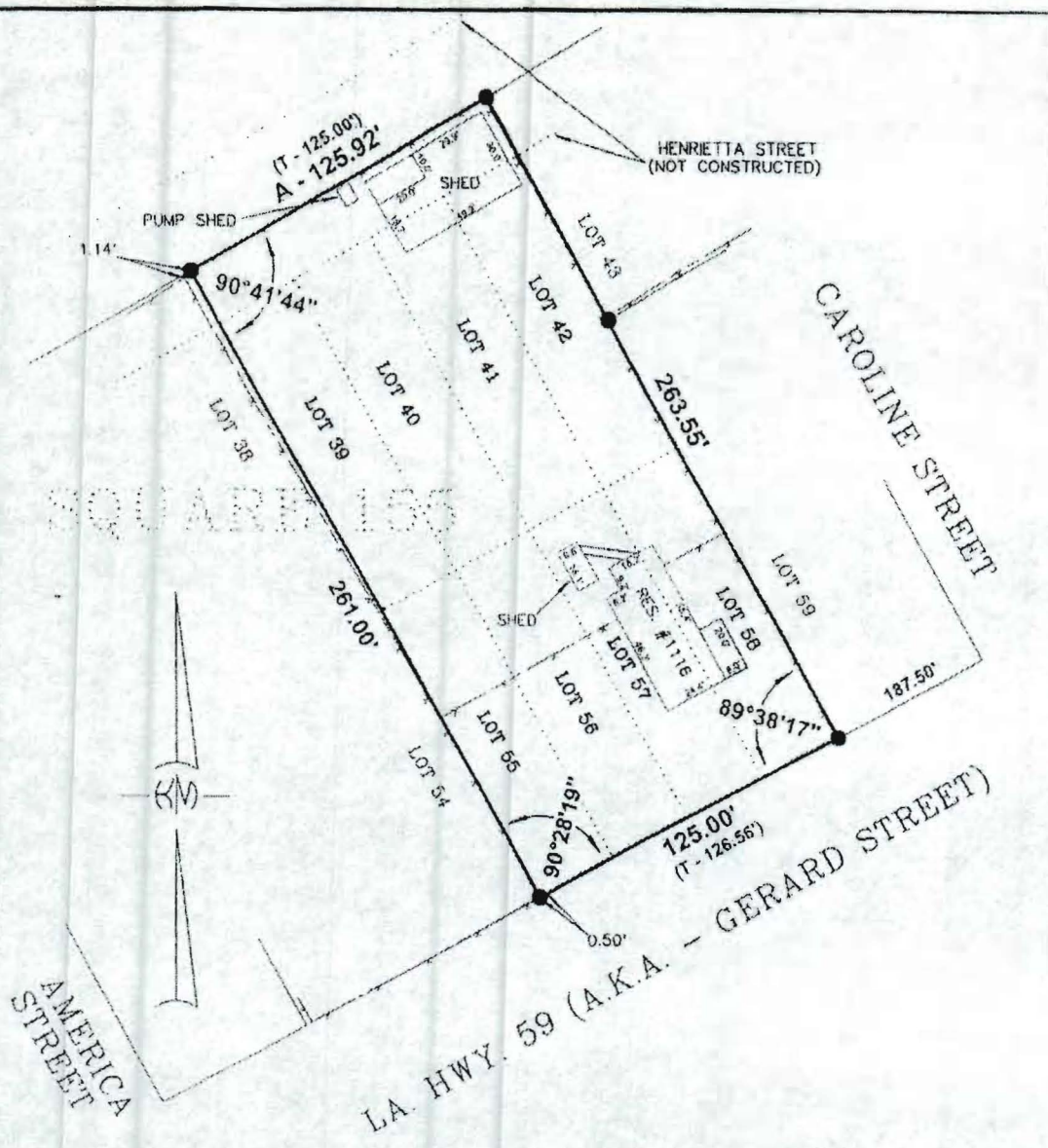
WITNESSES:


Sheila W. Graham


JIMMY D. GILL, JR.


Wendie J. Daigle


JEFFREY D. SCHOEN
NOTARY PUBLIC
LA Bar Roll #11809



- LEGEND --
- = 1/2" IRON PIPE FOUND
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ZONE C; BASE FLOOD ELEV. N/A; F.I.R.M.
PANEL NO. 225205 0360 C; REV 4-2-91.

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CURVE OR TITLE POLICY WILL BE ADDED HERETO UPON
REQUEST. AS SURVEYOR HAS NOT PERFORMED ANY TITLE
SEARCH OR ABSTRACT.

STATE OF LOUISIANA
KELLY J. McHUGH
SURVEYOR NO. 4443
PROFESSIONAL
JUL 15 2007
KELLY J. McHUGH REG. NO. 4443

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

REFERENCE:

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BY JOSEPH PUGH, PARISH SURVEYOR DATED 11-11-1947.
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SQUARE 155, TOWN OF MANDEVILLE (UNINC)
ST. TAMMANY PARISH, LA.

PREPARED FOR:

JIMMY GILL

KELLY J. McHUGH & ASSOC., INC.
CIVIL ENGINEERS & LAND SURVEYORS
845 GALVEZ ST., MANDEVILLE, LA. 626-5811

SCALE:	1" = 50'	DATE:	12-16-04
DRAWN:	BWM	JOB NO.:	04-558
REVISED:			