

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3575

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: _____

SECONDED BY: _____

ON THE _____ DAY OF _____, 2007

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT THE DONATION OF THE VICTORIAN OAKS SUBDIVISION RETENTION POND, FOR DRAINAGE PURPOSES, AND FOR SAME TO BE ACCEPTED INTO THE ST. TAMMANY PARISH SELECTIVE DRAINAGE MAINTENANCE SYSTEM INVENTORY, WARD 4, DISTRICT 5

WHEREAS, the Parish of St. Tammany, through the Office of the Parish President, is hereby authorized to accept the donation of the Victorian Oaks Subdivision retention pond, currently owned by Minute Men Southern, Inc.; and

WHEREAS, there is a need and purpose to accept this donation in order to improve drainage in the area; and

WHEREAS, this retention pond will be included into the St. Tammany Parish Selective Drainage Maintenance System Inventory and will be operated and maintained by the Department of Public Works; and

WHEREAS, the acceptance of this donation is necessary and critical for the safety, health and welfare of the public; and

WHEREAS, the Victorian Oaks, retention pond area greenbelt is described as follows:

A certain parcel of land located in Headrights 39 and 40 Township 7 South, Range 11 East, St Tammany Parish, Louisiana; more fully described as follows, to-wit:

Commence at the Northwest corner of Headright 40 and run south 67 degrees 08 minutes East, 309.1 feet to the POINT OF BEGINNING, thence

North 23 degrees 02 minutes 22 seconds East, 78.36 feet, thence
North 66 degrees 57 minutes 38 seconds West, 156.28 feet, thence
South 07 degrees 54 minutes 22 seconds West, 104.13 feet, thence
South 89 degrees 28 minutes 09 seconds West, 117.93 feet, thence
North 35 degrees 34 minutes 46 seconds East, 82.55 feet, thence
North 67 degrees 09 minutes 24 seconds West, 68.00 feet to the
POINT OF BEGINNING.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS to authorize St. Tammany Parish, through the Office of the Parish President, to accept the donation of the Victorian Oaks Subdivision retention pond, currently owned by Minute Men Southern, Inc. for drainage purposes, and for same to be included into the St. Tammany Parish Selective Drainage Maintenance System Inventory.

That pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to accept the donation of said Property; and

That the Office of the Parish President is authorized and instructed to proceed accordingly in a timely and orderly matter.

That the Office of the Parish President is authorized to exercise its discretion in accepting the donation of this property, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

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 immediately or as per law, which ever is earlier.

MOVED FOR 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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2007; AND BECOMES ORDINANCE COUNCIL SERIES NO. 07-

BARRY BAGERT, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: MAY 31, 2007

Published adoption on: _____, 2007

Delivered to Parish President: _____, 2007 @

Returned to Council Clerk: _____, 2007 @

ACT OF DEDICATION AND DONATION

BY: MINUTE MEN SOUTHERN, INC.

STATE OF LOUISIANA

TO: PARISH OF ST. TAMMANY

PARISH OF ST. TAMMANY

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

Minute Men Southern, Inc., a corporation organized under the laws of the State of Louisiana herein represented by Anthony Marino, President of the corporation, appearing in his capacity as President of Minute Men Southern, Inc.

WHICH AFTER BEING DULY SWORN, does declare that it hereby and by these presents now and forever, dedicate and donate unto the Parish of St. Tammany, State of Louisiana, for the public use, and specifically for inclusion unto the St. Tammany Parish Selective Drainage Maintenance Systems Inventory, under which the Parish shall be responsible for the operation and maintenance, that certain detention/retention pond and surrounding area located in Victorian Oaks Subdivision depicted and dedicated on the official recorded subdivision map:

A certain parcel of land located in Headright 39 and 40 Township 7 South, Range 11 East, St Tammany Parish, Louisiana; more fully described as follows, to-wit:

Commence at the Northwest corner of Headright 40 and run south 67 degrees 08 minutes East, 309.1 feet to the POINT OF BEGINNING, thence

North 23 degrees 02 minutes 22 seconds East, 78.36 feet, thence North 66 degrees 57 minutes 38 seconds West, 156.28 feet, thence South 07 degrees 54 minutes 22 seconds West, 104.13 feet, thence South 89 degrees 28 minutes 09 seconds West, 117.93 feet, thence North 35 degrees 34 minutes 46 seconds East, 82.55 feet, thence North 67 degrees 09 minutes 24 seconds West, 68.00 feet to the POINT OF BEGINNING.

Minute Men Southern, Inc., further agrees to secure, at its own expense, and supply to the Parish of St. Tammany an adequate policy of title insurance on the property conveyed herein naming the Parish of St. Tammany as insured, as provided by law.

Minute Men Southern, Inc., further agrees to maintain the grass and only employ insured lawn maintenance companies to maintain the grass on the property conveyed herein and to hold harmless the Parish of St. Tammany from any claim in connection with the lawn maintenance of said property.

THUS DONE AND PASSED, in the presence of me, Notary, and that of the undersigned competent witnesses, in Covington, St. Tammany Parish, Louisiana this ___ day of _____, 2007.

WITNESSES:

Print: _____

MINUTE MEN SOUTHERN, INC.

Print: _____

BY: _____
ANTHONY MARINO, PRESIDENT,
MINUTE MEN SOUTHERN, INC.

NOTARY PUBLIC

Print name: _____

ACCEPTANCE OF DEDICATION AND DONATION

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

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 Dedication and Donation of the hereinabove described detention/retention pond in Victorian Oaks Subdivision, for inclusion into the St. Tammany Parish Selective Drainage Maintenance System Inventory, by which the Parish of St. Tammany shall be responsible for the operation and maintenance of the said detention/retention pond and surrounding area, all as described hereinabove.

THUS DONE AND PASSED, in the presence of me, Notary, and that of the undersigned competent witnesses, in Covington, St. Tammany Parish, Louisiana, this ____ day of _____, 2007.

WITNESSES:

PARISH OF ST. TAMMANY

Print: _____

BY: _____
KEVIN DAVIS, PARISH PRESIDENT

Print: _____

NOTARY PUBLIC

Print name: _____

(My commission expires _____)