

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3502

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MARTY GOULD

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: MR. GOULD

SECONDED BY: MS. BRISTER

ON THE 1ST DAY OF FEBRUARY, 2007

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO PURCHASE AND/OR EXPROPRIATE LOT 4 OF TOLAWA PLACE AND AN UNDIVIDED INTEREST IN AND TO TRACT 8 AND 9 OF TOLAWA PLACE, WARD 4, DISTRICT 5 AND MORE FULLY DESCRIBED HEREIN

WHEREAS, the Parish of St. Tammany desires to purchase and/or expropriate Lot 4 of Tolawa Place S/D containing 7.82 acres of land and an undivided interest in and to Tract 8 and 9 of Tolawa Place currently owned by Superior Homes, LP; and

WHEREAS, there is a need and purpose to purchase and/or expropriate the Property in order to improve drainage in the area; and

WHEREAS, the Parish of St. Tammany hereby desires to purchase and/or expropriate the property, as per law, and authorizes the Office of the Parish President to do whatever is necessary to purchase and/or expropriate said property, as per law, in the best interests of the Parish; and

WHEREAS, the legal description is described as follows:

All that certain piece or parcel of land, together with all the buildings and improvements thereon, and all the rights, ways, means, privileges, servitudes, prescriptions, appurtenances and advantages thereunto belonging or in anywise appertaining thereto, situated in Section 22, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana and being known and designated as Lot 4 of Tolawa Place Subdivision, containing 7.82 acres, more or less, and having such measurements and dimensions as shown on a survey by E.L. Dewailly, Sr., dated April 4, 1968, Map File No. 1103 of the official records of St. Tammany Parish, Louisiana.

There is also conveyed hereby an undivided 1/7 interest in and to Tract 8 and Tract 9 as shown on said survey of Tolawa Place. Vendor and Vendee do hereby grant and establish a servitude of right of way and passage over and upon said Tract 9 in favor of Tracts 1, 2, 3, 4, 5, 6, 7 and 8, which servitude shall run in favor of said tracts only, and is not and shall not be considered a dedication to the Parish or the public; and

WHEREAS, the purchase price shall not exceed SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$600,000.00).

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, to authorize the Office of the Parish President to purchase and/or expropriate said property belonging to Superior Homes, LP (referred to hereinabove as "Property") to improve drainage which is necessary and critical for the safety, health and welfare of the public.

That pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to purchase and/or expropriate 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 purchasing and/or expropriating said 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: January 25, 2007

Published adoption on: _____, 2007

Delivered to Parish President: _____, 2007 @ _____

Returned to Council Clerk: _____, 2007 @ _____