

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3693

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR: MRS. BRISTER

PREPARED BY COUNCIL OFFICE

INTRODUCED BY _____

SECONDED BY _____

ON THE _____ DAY OF _____ 2007

ORDINANCE AUTHORIZING THE PINELAND PARK ESTATES PROPERTY OWNERS' ASSOCIATION TO INSTALL AND MAINTAIN A FOUR FOOT HIGH FENCE ABUTTING THE CONCRETE BARRIER THAT IS LOCATED ON THE UNOPENED PARISH RIGHT OF WAY KNOWN AS OZONE STREET, PINELAND PARK ESTATES SUBDIVISION, ST. TAMMANY PARISH. (WARD 4, DISTRICT 4)

WHEREAS, the Pineland Park Estates Property Owners' Association has requested that the Parish create a bicycle/pedestrian opening in the existing concrete barrier that is located on and across the unopened right of way known as Ozone Street, Pineland Park Subdivision, and that the Parish authorize the Association to install and maintain a four-foot high fence, and any appropriate landscaping, along and abutting said concrete barrier; and

WHEREAS, it is in the best interests of the public health, safety, welfare and property of the residents of Pineland Park Estates and Deer Run Subdivision to create the requested bicycle/pedestrian opening in the existing concrete barrier that is located on and across the unopened right of way known as Ozone Street, Pineland Park Subdivision, and to authorize the installation and maintenance of a four-foot high fence, and any appropriate landscaping, along and abutting the existing concrete barrier, subject to the requirements and conditions set forth herein below.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it authorizes the Department of Public works to create the requested bicycle/pedestrian opening in the existing concrete barrier that is located on and across the unopened right of way known as Ozone Street, Pineland Park Subdivision.

BE IT FURTHER ORDAINED that the Pineland Park Estates Property Owners' Association is hereby authorized to install and maintain a four-foot high fence, and any appropriate landscaping, along and abutting the existing concrete barrier that is located on and across the unopened right of way known as Ozone Street, Pineland Park Subdivision, subject to the following requirements and conditions:

- 1) Installation and maintenance of the fence, and any appropriate landscaping, and all costs associated therewith, shall be the sole responsibility of the Association;
- 2) The authorization to install the fence and landscaping shall not be deemed to be the granting of any right of encroachment, a waiver of any right or action by the Parish, or the granting of an irrevocable right of use. In this regard, it is understood that the authorization is of a temporary nature and may be revoked, and the fence and landscaping removed, at the sole discretion of the Parish;
- 2) The Parish shall not be liable for any damage that may result to the fence and/or landscaping that arises from the Parish's use or maintenance of said right-of-way or barrier. Additionally, should the Parish determine that it is necessary, for any purpose, to remove all or any part of the fence and/or landscaping, which determination shall be at the sole discretion of the Parish, the Parish may remove and dispose of said fence and/or landscaping without any prior notice and without any responsibility or liability whatsoever.

BE IT FURTHER ORDAINED That this Ordinance shall become effective immediately upon final adoption and shall remain in effect until amended, superseded or repealed.

REPEAL: This ordinance, which is limited in its scope and application, shall not be held to repeal any previously existing ordinance or parts of ordinances

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.

DATE OF ENACTMENT: This Ordinance shall become effective immediately upon final adoption.

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

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2007; AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

BARRY D. BAGERT, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction October 25, 2007

Published Adoption on _____, 2007

Delivered to Parish President _____, 2007 @ _____

Returned to Council Clerk on _____, 2007 @ _____