

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3630

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR: MR. STEFANCIK

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. BURKHALTER

ON THE 6<sup>TH</sup> DAY OF SEPTEMBER 2007

ORDINANCE AUTHORIZING THE PARISH PRESIDENT TO EXECUTE THE ATTACHED ACT OF TRANSFER AND ACCEPTANCE OF SERVITUDE AND RIGHT OF WAY FOR AIRPORT ROAD EXTENSION BY AND BETWEEN THE PARISH OF ST. TAMMANY AND THE MILITARY DEPARTMENT OF THE STATE OF LOUISIANA.

WHEREAS, pursuant to the attached Act of Transfer and Acceptance of Servitude and Right of Way, the Grantor, the Military Department of the State of Louisiana, for the consideration of One (\$1.00) Dollar, and such other good and valuable considerations set forth therein, has agreed to transfer a servitude and right of way, on the property particularly described therein, to the Parish of St. Tammany; and

WHEREAS, the servitude and right of way are for the purpose of placing, constructing, repairing and maintaining a public road, under the Airport Road Extension Project, Project No. 200-01-08, which road is to be constructed on the servitude and right of way herein granted, and to maintain said right of way, including mowing as required; and

WHEREAS, it is in the best interests of the residents and taxpayers of St. Tammany Parish that the Parish of St. Tammany obtains said servitude and right of way in order to construct and maintain a public road, under the Airport Road Extension Project, Project No. 200-01-08.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that for the purpose of protecting the health, safety and welfare of the residents of St. Tammany Parish, and in order to implement the Airport Road Extension Project, Project No. 200-01-08, the St. Tammany Parish President is hereby authorized and empowered to execute the attached Act of Transfer and Acceptance of Servitude and Right of Way for Airport Road Extension agreement, by and between the Parish of St. Tammany and the Military Department of the State of Louisiana.

REPEAL: This Ordinance, which is limited in its scope and application to the particular subject matter, 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 Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: 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:

**ACT OF TRANSFER AND ACCEPTANCE  
OF  
SERVITUDE AND RIGHT OF WAY FOR AIRPORT ROAD EXTENSION**

BY: MILITARY DEPARTMENT OF \*  
THE STATE OF LOUISIANA (Grantor) \*

Parish of St. Tammany  
Project No. 200-01-08

TO: ST. TAMMANY PARISH (Grantee) \*

THIS ACT OF TRANSFER AND ACCEPTANCE IS ENTERED INTO BY AND BETWEEN:

THE MILITARY DEPARTMENT OF THE STATE OF LOUISIANA (Grantor), herein represented by Colonel (Retired) Lester R. Schmidt, Sr., State Contracting Officer, a person of lawful age, whose mailing address is 718 E Street, Camp Beauregard, Pineville, LA 71360-3737, State of Louisiana, being duly authorized and acting on behalf of Major General Bennett C. Landreneau, The Adjutant General of Louisiana, to grant and transfer this Servitude and Right of Way for St. Tammany Parish to construct the Airport Road Extension through Camp Villere, Slidell, Louisiana.

GRANTOR, in consideration of one (\$1.00) dollar, the receipt whereof is hereby acknowledged and full acquittance granted therefore, and such other good and valuable considerations set forth herein, does hereby grant, transfer, set over and assign unto ST. TAMMANY PARISH, a political subdivision of the State of Louisiana, whose address is Post Office Box 628, Covington, Louisiana 70434, herein represented by its Parish President, Kevin Davis, as duly authorized by Council Ordinance C.S. No. \_\_\_\_\_, accepting for Grantee and to its successors or assigns, a servitude and right of way upon the property of Grantor, which is situated in the Parish of St. Tammany, State of Louisiana, and is more particularly described as follows:

A certain portion of ground situated in Section 20, T-8 S – R 14 E, Greenburg Land District, consisting of a 10.681 acre parcel of land located on Camp Villere, St. Tammany Parish, State of Louisiana, and being more particularly described on the Survey, dated August 2006, by All South Consulting Engineers, L.L.C., a copy which is attached hereto and made a part hereof.

GRANTOR and GRANTEE acknowledge and agree that the servitude and right of way are for the purpose of placing, constructing, repairing and maintaining a public road, under the Airport Road Extension Project, Project No. 200-01-08, which road is to be constructed on the servitude and right of way herein granted, and to maintain said right of way, including mowing as required.

GRANTOR and GRANTEE further acknowledge and agree that the following rights are also granted: the right, consistent with law, to allow ingress to and egress from said servitude and public road at all times.

It is understood and agreed that the servitude and right of way hereby granted is typically 150 feet in width as depicted on the survey provided by All South Consulting Engineers, L.L.C., which is attached hereto. (See Attachment)

GRANTOR and GRANTEE further acknowledge and agree that Grantor retains the right to cross through the servitude and right of way for Grantor's own purpose of accessing its land, on either side of the servitude granted, as long as such use does not interfere with the servitude and rights herein granted. However, Grantor shall not erect, locate or permit the erection or locations of any structure or object of any type whatever within said servitude and right of way, but Grantor shall require, as set forth below, that the Grantee fence any or all of the said property.

GRANTOR and GRANTEE further acknowledge and agree that this servitude and right of way and is granted and accepted subject to the following restrictions: Grantee shall fence the right of way on both sides of the right of way granted hereby. Grantee will install five (5) gates, with appropriate locks, in locations agreed to by both parties hereto, for Grantor's access to its property. Grantee shall provide culverts as required to permit Grantor to gain road access to the road to be constructed by Grantee and to service Grantor's property.

GRANTOR and GRANTEE further acknowledge and agree that this Act of Transfer and Acceptance does not convey any interest or rights whatever in or to any oil, gas or other minerals that are in, on or under the above described land.

GRANTOR and GRANTEE further acknowledge and agree that the servitude and right of way are granted by the Military Department of the State of Louisiana to St. Tammany Parish in perpetuity, unless terminated by the mutual consent of both parties to this agreement.

IN WITNESS WHEREOF, the undersigned has set his hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the presence of two competent witnesses, who sign as such with Grantor and Grantee after due reading.

WITNESSES:

STATE OF LOUISIANA  
MILITARY DEPARTMENT (GRANTOR)

\_\_\_\_\_  
(Witness)

BY: \_\_\_\_\_  
Colonel (Retired) Lester R. Schmidt, Sr.,  
State Contracting Officer

\_\_\_\_\_  
(Witness)

ST. TAMMANY PARISH

\_\_\_\_\_  
(Witness)

BY: \_\_\_\_\_  
Kevin Davis, Parish President

\_\_\_\_\_  
(Witness)

STATE OF LOUISIANA  
PARISH OF ST. TAMMANY

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_, who, being first duly sworn, did depose and say that he signed the within foregoing instrument as a witness, in the presence of the Grantor and another subscribing witness, all of whom signed in his presence, each signing in the presence of all the others, and that all of said signatures thereto are genuine and correct.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D.  
20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC