

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3638

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR: MR. DEAN

PROVIDED BY ATTORNEY WAYNE BURAS

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. BURKHALTER

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

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY THROUGH THE OFFICE OF THE PARISH PRESIDENT TO ENTER INTO AN ACT OF EXCHANGE OF LAND COMPRISING A PORTION OF PINNACLE PARKWAY FOR THE NEW RIGHT-OF-WAY FOR PINNACLE PARKWAY, MORE FULLY DESCRIBED HEREIN.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that:

SECTION 1. The Office of the Parish President is authorized to enter into an exchange of a portion of Pinnacle Parkway located in Section 47, Township 7 South, Range 11 East, containing .97 acres (Description "A") for a portion of land representing a realignment of Pinnacle Parkway located in Section 47, Township 7 South, Range 11 East, containing .97 acres, all in accordance with the Act of Exchange and set forth in Exhibits "A" and "B" attached hereto and made part hereof.

SECTION 2. The Act of Dedication and Donation by Wainer Brothers, et al for a parcel of land located in Section 47, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana is accepted. The roadway shall be incorporated into the St. Tammany Parish Selective Road Maintenance System Inventory upon construction of the roadway in conformity with all St. Tammany Parish Regulations and certified by the St. Tammany Parish Department of Engineering. The Parcel of land in Description "A" shall be transferred to Wainer Brothers, et al in fee simple ownership free and clear of any public dedication or rights as a roadway and the parcel of land in Description "B" transferred to St. Tammany Parish and shall be dedicated for public use as a roadway.

SECTION 3. The Parish President and/or C.A.O. are hereby authorized to execute any and all documents necessary in connection with said Act of Exchange and Acceptance of Dedication of Roadway.

SECTION 4. The Parish President and/or C.A.O. are hereby authorized to execute any and all documents and instruments in furtherance of the above on behalf of St. Tammany Parish.

DESCRIPTION "A" (Parcels transferred in the exchange to Wainer Brothers, et al)

PARCEL 1:

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CORNER COMMON TO SECTIONS 12, 13 & 46 TOWNSHIP 7 SOUTH, RANGE 10 EAST, ST. TAMMANY PARISH, LOUISIANA RUN NORTH 00 DEGREES 40 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 1423.63 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 23 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 1109.12 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 14 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 95.62 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 17 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 700.84' TO A POINT ON THE NORTH RIGHT-OF-WAY OF INTERSTATE 12 AND THE EAST RIGHT-OF-WAY OF LOUISIANA HIGHWAY 21; THENCE LEAVING SAID EAST RIGHT-OF-WAY AND RUNNING ALONG SAID NORTH RIGHT-OF-WAY OF INTERSTATE 12 SOUTH 48 DEGREES 43 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 326.61 FEET TO A POINT; THENCE RUN SOUTH 10 DEGREES 45 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 243.47 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 51 DEGREES 51 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 401.51 FEET TO A

POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PINNACLE PARKWAY; THENCE RUN ALONG SAID RIGHT-OF-WAY SOUTH 65 DEGREES 54 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 33.00 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 37 DEGREES 47 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 82.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF PINNACLE PARKWAY AND SAID POINT ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT-OF-WAY RUN SOUTH 65 DEGREES 54 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 635.74 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 44 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 88.14 FEET TO A POINT; THENCE RUN NORTH 65 DEGREES 54 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 437.01 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 451.09 FEET, AN ARC LENGTH OF 252.21 FEET, A CHORD BEARING OF NORTH 47 DEGREES 10 MINUTES 11 SECONDS WEST AND A CHORD LENGTH OF 248.94 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.92 ACRES MORE OR LESS.

PARCEL 2:

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

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FROM THE POINT OF BEGINNING CONTINUE NORTH 33 DEGREES 51 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 10.20 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 56 DEGREES 08 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 135.18 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 280.00 FEET AND AN ARC LENGTH OF 94.68 FEET TO A POINT; THENCE RUN SOUTH 33 DEGREES 51 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 11.49 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 101.93 FEET, A CHORD BEARING OF NORTH 46 DEGREES 24 MINUTES 16 SECONDS WEST AND A CHORD LENGTH OF 101.44 FEET TO A POINT; THENCE RUN NORTH 56 DEGREES 08 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 128.07 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.05 ACRES MORE OR LESS.

EXCHANGED FOR:

DESCRIPTION "B" (Parcel transferred in exchange to St. Tammany Parish and Dedicated as a Public Road)

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

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FROM THE POINT OF BEGINNING CONTINUE NORTH 51 DEGREES 51 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 32.60 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PINNACLE PARKWAY; THENCE RUN ALONG SAID RIGHT-OF-WAY SOUTH 65 DEGREES 54 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 288.25 FEET TO A POINT ON A CURVE RIGHT (CLOCKWISE & NON-TANGENT); THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY AND RUNNING ALONG SAID CURVE WITH A RADIUS OF 451.09 FEET, AN ARC LENGTH OF 270.01 FEET, A CHORD BEARING OF SOUTH 14 DEGREES 00 MINUTES 14 SECONDS EAST AND A CHORD LENGTH OF 266.00 FEET TO A POINT; THENCE RUN NORTH 86 DEGREES 14 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 120.09 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 353.09 FEET, AN ARC LENGTH OF 448.26 FEET, A CHORD BEARING OF NORTH 33 DEGREES 52 MINUTES 00 SECONDS WEST AND A CHORD LENGTH OF 418.76 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.97 ACRES MORE OR LESS.

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

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

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:

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2007; AND BECOMES ORDINANCE PARISH COUNCIL SERIES NO. 07-\_\_\_\_\_.

\_\_\_\_\_  
BARRY D. BAGERT, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
DIANE HUESCHEN, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published introduction August 30, 2007  
Published adoption \_\_\_\_\_, 2007  
Delivered to Parish President \_\_\_\_\_, 2007 @ \_\_\_\_\_  
Returned to Council Clerk \_\_\_\_\_, 2007 @ \_\_\_\_\_

EXHIBIT "A"

ACT OF EXCHANGE

UNITED STATES OF AMERICA

BY WAINER BROTHERS

STATE OF LOUISIANA

AND ST. TAMMANY PARISH

PARISH OF ST. TAMMANY

BE IT KNOWN, on the dates hereinafter set forth;

BEFORE ME, the undersigned Notaries Public, duly commissioned and qualified in and for the Parish and State hereinafter set forth, and in the presence of the undersigned and competent witnesses,

PERSONALLY CAME AND APPEARED:

WAINER BROTHERS (TIN ##-###8481), a Louisiana partnership, organized and existing under the laws of the State of Louisiana, operating in accordance with the Amended and Restated Agreement of Partnership registered in Partnership Book 11, folio 738, of the records of Jefferson Parish, Louisiana, represented herein by Bruce Wainer and Harold Wainer, duly authorized, its mailing address being Suite 201, 3421 N. Causeway Blvd., Metairie, Louisiana, (hereinafter referred to as "Wainer"),

ST. TAMMANY PARISH, a political subdivision of the State of Louisiana, represented herein by Kevin Davis, its President, duly authorized, (hereinafter referred to as the "Parish");

who declared that they did and do by these presents make an exchange of property on the expressed terms and conditions hereinafter set forth as follows, to-wit:

For and in consideration of the transfer to it as hereinafter set forth, the said Parish does hereby grant, bargain, assign, set over, transfer and deliver, with all legal warranties and with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have against all preceding owners and vendors, unto Wainer, the following described property, to-wit:

DESCRIPTION "A" (Parcels transferred in the exchange to Wainer Brothers, et al)

PARCEL 1:

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

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RIGHT-OF-WAY RUN NORTH 37 DEGREES 47 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 82.35 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF PINNACLE PARKWAY AND SAID POINT ALSO BEING THE POINT OF BEGINNING.

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AND NOW, for and in consideration of the transfer to him as aforesaid, Wainer does by these presents grant, bargain, assign, transfer, set over and deliver with all legal warranties and with full substitution and subrogation in and to all the rights and actions of warranty which they have or may have against all preceding owners and vendors, unto Parish, the following described property, to-wit:

EXCHANGED FOR:

DESCRIPTION "B" (Parcel transferred in the exchange to St. Tammany Parish and Dedicated as a Public Road)

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

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SAID PARCEL OF LAND CONTAINS 0.97 ACRES MORE OR LESS

This exchange is made and mutually accepted by the parties hereto, it being agreed and understood that the properties exchanged are equal in value.

Parish and Wainer declare that there are no mortgages, liens or encumbrances whatsoever encumbering the property transferred by them this date, and agree that if any mortgage, lien or encumbrance appears in the records as encumbering the property transferred by them this date, that they shall obtain the release thereof immediately upon request.

All the agreements and stipulations herein contained, and all the obligations herein assumed shall inure to the benefit of and be binding upon the heirs, successors, and assigns of the respective parties hereto.

The appearers declared that the taxes for the year 2006 and prior years are paid; 2007 taxes on the property transferred by Wainer to Parish shall be paid by Wainer; 2007 taxes on the property transferred by Parish to Wainer are exempt from payment of ad valorem property taxes.

THUS DONE AND SIGNED by the parties in my office in Covington, Louisiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, in the presence of me, Notary, and the following competent witnesses who have signed in the presence of the parties and me, Notary.

WITNESSES:

WAINER BROTHERS

\_\_\_\_\_

By: \_\_\_\_\_  
BRUCE WAINER

\_\_\_\_\_

By: \_\_\_\_\_  
HAROLD WAINER

\_\_\_\_\_  
A. WAYNE BURAS, NOTARY PUBLIC  
LA. BAR ROLL NO. 3651

THUS DONE AND SIGNED in \_\_\_\_\_, Louisiana, on the \_\_\_\_ day of \_\_\_\_\_ 2007, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

THE PARISH OF ST. TAMMANY

\_\_\_\_\_

By: \_\_\_\_\_  
KEVIN DAVIS, PRESIDENT

\_\_\_\_\_

\_\_\_\_\_  
, NOTARY PUBLIC  
LA. BAR ROLL OR NOTARY NO. \_\_\_\_\_



SCALE 1" = 150'  
SED 08-17-07

SKETCH MAP

