

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3639

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 CORRECTION OF DRAINAGE RIGHT OF WAY LYING AND SITUATED WITHIN AND WEST OF PINNACLE PARKWAY.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that:

SECTION 1. The office of the Parish President is authorized to enter into an act of correction of right of way including a revocation and abandonment of rights relating to a drainage right of way situated within and west of Pinnacle Parkway located in Section 47, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana; the portion of right of way being abandoned contains approximately 0.26 acres or 11,254.23 sq. ft. as set forth in "Exhibits A" and "B" attached hereto and made a part hereof.

SECTION 2. The right of way being corrected, revoked and abandoned was granted and created pursuant to a grant of right of way by the Succession of Emily Kolb to St. Tammany Parish Police Jury dated September 21, 1989, recorded at COB 1399, folio 239 of the records of St. Tammany Parish, Louisiana according to legal descriptions set forth therein. The portion of right of way being abandoned is no longer needed for public purposes and has been replaced and superseded by a dedication of roadway with drainage ways and utility servitudes for Pinnacle Parkway recorded in the public records.

SECTION 3. The Parish President and/or CAO are hereby authorized to execute any and all documents necessary in connection with the act of correction, revocation and abandonment of a portion of the drainage servitude. The portion of the servitude being removed from the grant of servitude at COB 1399, folio 239 and further revoked and abandoned by this public body is described as follows, to-wit:

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 ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING AND LEAVING SAID NORTH AND EAST RIGHT-OF-WAYS RUN NORTH 89 DEGREES 15 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 454.97 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PINNACLE PARKWAY AND SAID POINT BEING A POINT ON A CURVE TO THE LEFT(COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID RIGHT-OF-WAY AND SAID CURVE WITH A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 31.06 FEET, A CHORD BEARING OF SOUTH 37 DEGREES 07 MINUTES 21 SECONDS EAST AND A CHORD LENGTH OF 31.06 FEET TO A POINT; THENCE LEAVING SAID

RIGHT-OF-WAY RUN SOUTH 89 DEGREES 15 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 445.93 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 12; THENCE RUN ALONG SAID RIGHT-OF-WAY NORTH 48 DEGREES 25 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 37.14 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.26 ACRES OR 11,254.23 SQ. FT. MORE OR LESS

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

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 \_\_\_\_\_

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-

ATTEST:

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

\_\_\_\_\_  
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 CORRECTION  
OF DRAINAGE SERVITUDE

BY: WAINER BROTHERS  
AND ST. TAMMANY PARISH

UNITED STATES OF AMERICA  
STATE OF LOUISIANA  
PARISH OF ST. TAMMANY

BE IT KNOWN, on the dates hereinafter set forth;

BEFORE EACH OF US, 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"); and

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 declares that by act dated September 21, 1989, the Succession of Emily Kolb granted to St. Tammany Parish Policy Jury a drainage servitude and right of way for construction maintenance and improvements of drainage ditches through and across property owned by the Succession of Emily Kolb, being a twenty-five (25') foot strip of land more particularly described in the instrument recorded at COB 1399, folio 239 of the records of St. Tammany Parish, Louisiana ("Drainage Servitude"). Wainer is the successor in interest to the grantee of the Drainage Servitude and owner of the Property subject of the Drainage Servitude.

1. Correction of Drainage Servitude:

Arising from the dedication and construction of Pinnacle Parkway, a portion of the right of way granted and created in the Drainage Servitude lying and situated within and on the westerly side of Pinnacle Parkway are no longer needed for drainage purposes. Therefore Wainer and the Parish have agreed to reform and recast the legal description of drainage right of way in the Drainage Servitude and further declare that the servitudes for drainage located within and west of Pinnacle Parkway created in the Drainage Servitude are declared abandoned, revoked, vacated, and set aside and the legal description of drainage right of way set forth in the Drainage Servitude is hereby amended to exclude, remove and less and except the following property from the legal description set forth in the Drainage Servitude, to-wit:

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 0.26 ACRES OR 11,254.23 SQ. FT. MORE OR LESS.

2. Miscellaneous:

The undersigned requests that this correction be noted in the margin of the records COB 1399, folio 239 to serve as occasion may require.

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:

WAINER BROTHERS

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
BRUCE 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. \_\_\_\_\_

SKETCH MAP

