

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3781

ORDINANCE COUNCIL SERIES NO. ____

COUNCIL SPONSOR: BINDER/DAVIS

PROVIDED BY: PRESIDENT/ LEGAL

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. BURKHALTER

ON THE 6TH DAY OF MARCH 2008

ORDINANCE AUTHORIZING PARISH PRESIDENT TO PURCHASE, EXPROPRIATE OR OTHERWISE ACQUIRE THOSE CERTAIN PARCELS OF LAND AND/OR RIGHTS OF WAY FOR THE CLAIBORNE HILL BRIDGE PROJECT AS DESCRIBED IN EXHIBIT "A" HERETO.

WHEREAS, the Parish of St. Tammany desires to acquire certain immovable property and/or rights of way (hereinafter referred to as "Property"), and

WHEREAS, there is a need and a public purpose to construct certain roads, specifically, Highway 190/Claiborne Hill Bridge more fully described in Project No. 82001 of the Department of Engineering for St. Tammany Parish; and

WHEREAS, in order to construct the improvements described in Project No. 82001 it is necessary to acquire a right of way and/or acquire the Property; and

WHEREAS, the Parish of St. Tammany hereby authorizes the Office of the Parish President to do whatever is necessary to enter into negotiations and acquire said property and/or acquire rights of way.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS to authorize the Parish of St. Tammany to acquire all that certain parcel of ground, and/or rights of way over or upon the Property described in Exhibit "A" attached hereto; and

That pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to acquire the Property and/or rights of way; and

That the Office of the Parish President is authorized and instructed to proceed with the acquisition of the Property and/or rights of way in a timely and orderly matter; and

That the Office of the Parish President is authorized to exercise its discretion in acquiring the Property and/or rights of way, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

That, if purchased, the purchase price shall not exceed the fair market value of the Property as evidenced by an appraisal obtained or supplied to the Parish plus fees and costs; and

That any and all actions previously taken by the Office of the Parish President in furtherance of the actions contemplated herein are ratified and accepted accordingly.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 upon final 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 _____ 2008; AND BECOMES ORDINANCE COUNCIL SERIES NO. 08-

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: February 28, 2008
Published adoption on: _____, 2008

Delivered to Parish President: _____, 2008 @ _____
Returned to Council Clerk: _____, 2008 @ _____

EXHIBIT "A"

ORDINANCE CALENDAR NUMBER: 3781

PARCEL 1

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, prescriptions, advantages and appurtenances thereunto belonging or in anywise appertaining, being located in Section 42, Township 6 South, Range 11 East, St. Tammany Parish, State of Louisiana, more fully described as follows: Commencing at the fourth mile post of the South boundary of Township 6 South, Range 11 East, St. Tammany Parish, State of Louisiana, proceed North 72°45' West a distance of 4,303 feet to a point; thence proceed North 87°10' East a distance of 68.74 feet to the point of beginning as noted on a survey annexed to a cash sale dated May 30, 1986 executed before Leslie E. LeDoux, II, N.P.; thence proceed North 29°02' West a distance of 50.65 feet to a point; thence proceed North 42°43' East a distance of 55.47 feet to a point; thence proceed South 76°30' East a distance of 299.69 feet to a point; thence proceed South 87°10' West a distance of 304.85 feet to a point, being the point of beginning. Said parcel contains approximately 0.33 acres as per survey of Jeron Fitzmorris, dated July 18, 1983, #3148, a copy of which is annexed to the above referenced act before Leslie E. LeDoux, II, N.P.

PARCEL 2

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, prescriptions, advantages and appurtenances thereunto belonging or in anywise appertaining, being located in Section 42, Township 6 South, Range 11 East, St. Tammany Parish, State of Louisiana, and also composed of a portion of Lot 161, Town of Claiborne, St. Tammany Parish, Louisiana, and more fully described as follows: Commencing at the fourth mile post common to Township 6 South, Range 11 East and proceed North 72°45' West a distance of 4,303.2 feet to a point; thence proceed North 86°45' East a distance of 14.67 feet to a point on the east bank of the Bogue Falaya River, being the point of beginning. From the point of beginning and leaving the bank of the river continue North 86°45' East a distance of 366.13 feet to a point and corner; thence proceed South 73°10'52" East, actual (South 78°30' East, title) for 43.97 feet to a point and corner; thence proceed South 18°50'39" East a distance of 158.04 feet to a point and corner; thence South 65°21'42" West a distance of 194.67 feet, actual, (South 53°00' West, 197.0 feet, title); thence South 86°40'00" West a distance of 544.44 feet, actual (547.7 feet, title) to a point on the east bank of the Bogue Falaya River; thence proceed along said bank North 38°41'30" East a distance of 239.59 feet; thence North 42°08'17" East a distance of 17.29 feet to a point, being the Point of Beginning. Said lot is now designated as Lot 161-A and contains 3.073 acres of land, more or less, all as per a survey of Kelly J. McHugh & Associates, Inc., dated November 26, 1996.

PARCEL 3

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, prescriptions, advantages and appurtenances thereunto belonging or in anywise appertaining, being located in Section 42, Township 6 South, Range 11 East, St. Tammany Parish, State of Louisiana, in what is known as the old Town of Claiborne, and more fully described as per map and plat of Land Engineering Services, Inc., dated November 21, 1974, under #72-4532, a copy of which is attached to an act before Larry J. Green, N.P., dated February 5, 1975, describing said property, to wit:

From the second Milepost westerly from the Southeast corner of Township 6 South, Range 11 East, St. Tammany Parish, Louisiana, proceed North 89°35' West a distance of 2,328.0 feet to a point; thence proceed North 29°30' West a distance of 1,258.0 feet to a point; thence proceed North 52°00' West a distance of 484.0 feet to a point; thence proceed South 89°35' East a distance of 100.0 feet to a point; thence proceed South 65°45' West a distance of 195.0 feet to a point; thence proceed South 62°00' West a distance of 66.0 feet to an iron and the point of beginning. From the point of beginning proceed South 75°44' East a distance of 33.7 feet to an iron; thence South 00°6' East a distance of 61.6 feet to an iron; thence proceed South 29°10' West a distance of 36.1 feet to an iron; thence South 58°24' East a distance of 20.2 feet to an iron; thence South 8°11' West a distance of 16.1 feet to an iron; thence proceed South 86°45' West a distance of 141.6 feet along the right-of-way of the GM&O Railroad to an iron; thence North 3°30' East a distance of 92.0 feet to an iron; thence proceed North 67°19' East a distance of 114.5 feet to an iron, designated above as the point of beginning. Said parcel of ground contains 0.36 acres, more or less. Said property includes all of Lot 152, Town of Claiborne, less sales recorded in COB "W" folios 146, 133 & 427-1 and COB 146 folio 613.