

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3731 ORDINANCE COUNCIL SERIES NO. 08-

COUNCIL SPONSOR CHAIRMAN/DAVIS PROVIDED BY: PLANNING

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. THOMPSON

ON THE 17TH DAY OF JANUARY, 2008

ORDINANCE TO REVOKE A PORTION OF MARIGNY AVENUE RIGHT-OF-WAY, LOCATED IN TOWN OF MANDEVILLE SUBDIVISION, WARD 4, DISTRICT 7

WHEREAS, the petitioner, who owns property abutting the aforementioned Parish street right-of-way, has petitioned the St. Tammany Parish Council to revoke/alienate a portion of the dedication, specifically a portion of Marigny Avenue, located in Town of Mandeville Subdivision; and

WHEREAS, the Departments of Public Works, Engineering, and Planning have reviewed and researched said request and have reported their findings to the St. Tammany Parish Planning Commission; and

WHEREAS, the St. Tammany Parish Planning Commission, upon review of said petition, and after having considered all of the facts relevant to this request, has concluded that said portion of said street right-of-way is no longer needed for public purposes as defined pursuant to statutory law, and therefore recommends to the Parish Council the adoption of the proposed revocation request.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that it hereby concurs with the findings of the Planning Commission and therefore grants approval of the revocation/alienation request for the portion of the street right-of-way as referred to above, subject to the following:

SECTION I:

- The dedication of a 5' wide by the length of the property utility servitude in favor of Bell South/AT&T to be located along the far most eastern end of the property.
- The dedication of a 30' wide by the length of the property drainage servitude in favor of St. Tammany Parish, in which location is to be determined at a later date by agreement between the parish and the applicant.
- The dedications of both proposed servitudes are to be depicted on the survey of the property as well as noted within each deed and title for lots 1 through 4, that abut the revocation.

SECTION II: The petitioner, or any other adjacent property owner who wishes to participate, shall enter into a private cash sale with the Parish to conclude the revocation/alienation process as set forth in P.J. Ord. No. 93-1700, and in accordance with the provisions of L.R.S. 48:720 and 48:725.

SECTION III: All subsurface mineral rights therein shall be retained by St. Tammany Parish, unless otherwise stated within this ordinance; and the Parish shall reserve the right to retain any easements and/or servitudes existing at the time of revocation and/or may also require the establishment of same if the Parish deems it necessary.

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

SEVERABILITY: If any provision of this Ordinance is held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provisions, and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: 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 DULY 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

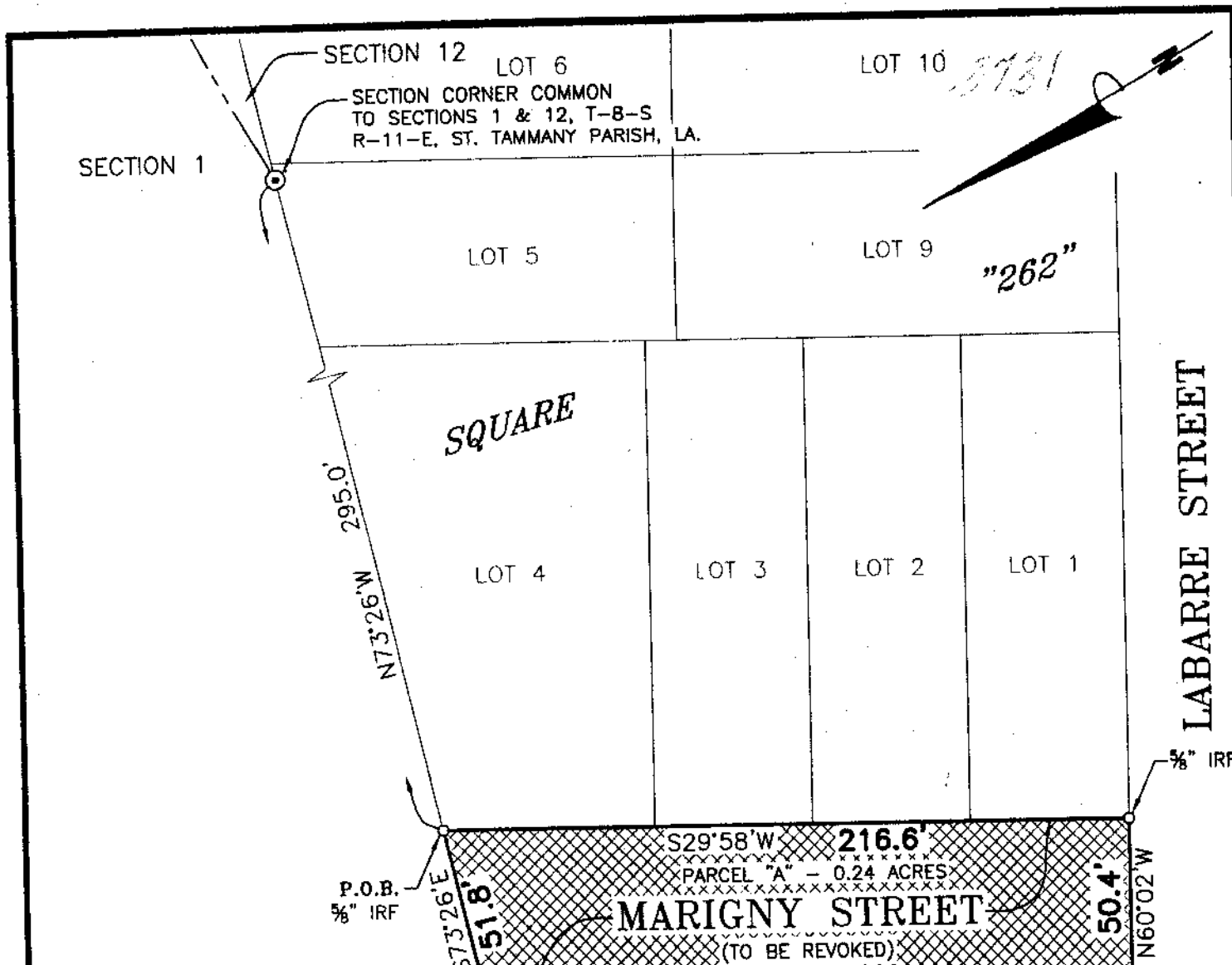
ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published introduction January 10, 2008
Published adoption _____, 2008

Delivered to the Parish President _____, 2008 at _____
Returned to the Council Clerk on _____, 2008 at _____



LEGAL DESCRIPTION

A CERTAIN PIECE OF LAND BEING PARCEL "A" AND IS SITUATED IN THE TOWN OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA AND IS MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SECTION CORNER COMMON TO SECTIONS 1 & 12, T-8-S, R-11-E, ST. TAMMANY PARISH, LA., RUN NORTH 73 DEGREES 26 MINUTES WEST A DISTANCE OF 295.0 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, RUN SOUTH 29 DEGREES 58 MINUTES WEST A DISTANCE OF 216.6 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF LABARRE STREET; THENCE RUN ALONG SAID RIGHT OF WAY NORTH 60 DEGREES 02 MINUTES WEST A DISTANCE OF 50.4 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, RUN NORTH 29 DEGREES 58 MINUTES EAST A DISTANCE OF 204.6 FEET TO A POINT; THENCE RUN SOUTH 73 DEGREES 26 MINUTES EAST A DISTANCE OF 51.8 FEET BACK TO THE POINT OF BEGINNING.

SAID PIECE OF LAND CONTAINS 0.24 ACRE MORE OR LESS.

Note: This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found the property described is located in Flood Zone(s) "C" with a Base Flood Elevation of N/A in accordance with Community Panel No. 225205 0360 C : Revised: APRIL 2, 1991

Note: Servitudes shown hereon are not necessarily exclusive. Servitudes of record as shown on title opinion or title policy will be added hereto upon request, as surveyor has not performed any title search or abstract.

This is to certify that I have done an actual ground survey and found that no encroachments exist either way across any property lines except as shown.

NOTE: Setback lines shall be verified by owner or contractor prior to any construction, as an abstract has not been performed by the undersigned.

THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECT SUPERVISION AND CONTROL; AND THAT THE SURVEY WAS DONE ON THE GROUND AND IS IN ACCORDANCE WITH THE "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" AS ADOPTED BY THE STATE OF LOUISIANA, BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR A CLASS "C" SURVEY.

A REVOCATION MAP OF
**THE EASTERLY 50.4' OF MARIGNY STREET ADJACENT TO
 SQUARE 262, TOWN OF MANDEVILLE, SECTION 38, T-8-S, R-11-E**
 (NOT IN CORP. LIMITS)
 in
 St. Tammany Parish, Louisiana
 for
T-BO CONTRACTING, L.L.C. & CITIZENS BANK TRUSTEE CO.

Survey No. 2006 1119 Drawn by: SPH Scale: 1" = 50'
 Date: AUGUST 29, 2006 Revised: 10/9/07(REVOCATION MAP); 11/14/07(GRAVEL ROAD)

JOHN E. BONNEAU & ASSOCIATES, INC.
 Professional Land Surveyors • Planners and Consultants

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