

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3702 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR MR. THOMPSON PROVIDED BY: ENGINEERING

INTRODUCED BY MR. BURKHALTER SECONDED BY MR. STEFANCIK

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

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT THE ACT OF DONATION FROM VELVET PINES DEVELOPERS, LLC OF A CERTAIN PARCEL OF LAND ON PENN MILL ROAD WARD 3, DISTRICT 3

WHEREAS, St. Tammany Parish Government seeks to preserve natural drainage patterns in the area of Penn Mill Road; and

WHEREAS, Velvet Pines Developers, LLC owns Parcel 3 (also referred to as Parcel J-7) on Penn Mill Road, a piece of land characterized by very poor drainage, and through which drainage from the surrounding area passes;

WHEREAS, the acquisition of the subject parcel appears to be in the best interest of the citizens of St. Tammany Parish by maintaining natural drainage capacity and reducing the potential for flood related losses;

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Parish President Kevin Davis is hereby authorized to execute any and all documents in connection with the acceptance of a donation of a certain parcel of land on Penn Mill Road from Velvet Pines, LLC on behalf of St. Tammany Parish. Said property is further described as:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon, and all the rights, ways, means, privileges, servitude, prescriptions, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. Tammany, located in Section 30, Township 6 South, Range 11 East, and is more fully described as follows, to-wit:

1. From the Section corner common to Sections 24 and 25, Township 6 South, Range 10 East, and Sections 19 and 30, Township 6 South, Range 11 East, St. Tammany Parish, Louisiana, go South 89 degrees 55 minutes 24 seconds East, 669.55 feet; thence South 1315.87 feet; thence South 00 degrees 09 minutes 05 seconds West, 269.89 feet to a point; thence continue South, a distance of 1500.00 feet to a point, being the Point of Beginning.

From the Point of Beginning, go North 00 degrees 05 minutes 15 seconds West, 341.96 feet to a point located on the easterly right of way line of Penn Mill Road; thence continue along said easterly right of way line of Penn Mill Road, South 89 degrees 55 minutes 24 seconds East, 100.00 feet to a point; thence North 00 degrees 09 minutes 05 seconds East, 341.55 feet to a point; thence North 89 degrees 55 minutes 24 seconds West, 100.00 feet back to the Point of Beginning.

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 fifteen (15) days after adoption.

ORDINANCE CALENDAR NUMBER: 3702

ORDINANCE COUNCIL SERIES NO. 08-

PAGE 2 OF 2

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-

\_\_\_\_\_  
, COUNCIL CHAIRMAN

ATTEST:

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

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

Published introduction: NOVEMBER 29, 2007

Published adoption on: \_\_\_\_\_, 2008

Delivered to Parish President: \_\_\_\_\_, 2008 @ \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2008 @ \_\_\_\_\_

370

**ACT OF TRANSFER**

**STATE OF LOUISIANA**

**PARISH OF ST. TAMMANY**

**BE IT KNOWN**, that on this 22<sup>nd</sup> day of December, 2005, **BEFORE ME**, the undersigned Notary Public, duly commissioned in and for the above State and Parish, and in the presence of the undersigned competent witnesses, **PERSONALLY CAME AND APPEARED**:

**CROWN UNLIMITED, L.L.C. (TIN xx-xxx0805)**, a Limited Liability Company organized and existing under the laws of the State of Louisiana, herein represented by John T. Barry, Member, by virtue of the Certification of Authority of said company filed simultaneously with the Clerk of Court for Washington Parish, Louisiana; and said company's mailing address is 19214 Wymer Road, Covington, Louisiana 70435; (hereinafter referred to as "**Transferor**")

**AND**

**VELVET PINES DEVELOPERS, LLC (TIN xx-xxx8194)**, a Limited Liability Company organized and existing under the laws of the State of Louisiana, herein represented by John T. Barry, Member, by virtue of the Certification of Authority of said company filed with the Clerk of Court for Washington Parish, Louisiana; and said company's mailing address is 19214 Wymer Road, Covington, Louisiana 70435; (hereinafter referred to as "**Transferee**")

who declared that for and in consideration of services rendered by Transferee, Transferor hereby assigns, transfers and delivers unto Transferee any and all of Transferor's interest in and to the following described property:

**PARCEL 1:**

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND**, together with all the buildings and improvements thereon, and all the rights, ways, means, privileges, servitudes, prescriptions, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. Tammany, located in Section 30, Township 6 South, Range 11 East, and is more fully described as follows, to-wit:

From the Section corner common to Sections 24 and 25, Township 6 South, Range 10 East, and Sections 19 and 30, Township 6 South, Range 11 East, St. Tammany Parish, Louisiana, go South 89 degrees 55 minutes 24 seconds East, 669.55 feet; thence South 1315.87 feet; thence South 00 degrees 09 minutes 05 seconds West, 269.89 feet to a point; thence continue South, a distance of 1700.00 feet to a point, being the Point of Beginning.

From the Point of Beginning, go North 00 degrees 05 minutes 15 seconds West, 341.13 feet to a point located on the easterly right of way line of Penn Mill Road; thence continue along said easterly right of way line of Penn Mill Road, South 89 degrees 55 minutes 24 seconds East, 100.00 feet to a point; thence North 00 degrees 09 minutes 05 seconds East, 340.71 feet to a point; thence North 89 degrees 55 minutes 24 seconds West, 100.00 feet back to the Point of Beginning.

All as more fully shown on survey by Ned R. Wilson, PLS dated December 20, 2005, Job No. 11584, a copy of which is annexed hereto.

**PARCEL 2:**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon, and all the rights, ways, means, privileges, servitudes, prescriptions, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. Tammany, located in Section 30, Township 6 South, Range 11 East, and is more fully described as follows, to-wit:

From the Section corner common to Sections 24 and 25, Township 6 South, Range 10 East, and Sections 19 and 30, Township 6 South, Range 11 East, St. Tammany Parish, Louisiana, go South 89 degrees 55 minutes 24 seconds East, 669.55 feet; thence South 1315.87 feet; thence South 00 degrees 09 minutes 05 seconds West, 269.89 feet to a point; thence continue South, a distance of 1800.00 feet to a point, being the Point of Beginning.

From the Point of Beginning, go North 00 degrees 05 minutes 15 seconds West, 341.55 feet to a point located on the easterly right of way line of Penn Mill Road; thence continue along said easterly right of way line of Penn Mill Road, South 89 degrees 55 minutes 24 seconds East, 100.00 feet to a point; thence North 00 degrees 09 minutes 05 seconds East, 341.13 feet to a point; thence North 89 degrees 55 minutes 24 seconds West, 100.00 feet back to a point; thence go North 89 degrees, 55 minutes, 24 seconds West, 100.00 feet to the Point of Beginning.

All as more fully shown on survey by Ned R. Wilson, PLS dated December 20, 2005, Job No. 11585, a copy of which is annexed hereto.

Being a portion of the same property acquired by Velvet Pines Developers, LLC by act dated December 5, 2003 and filed with the Clerk of Court for St. Tammany Parish as COB Instrument #1407110.

As a material and integral consideration for the execution of this act of transfer between the parties hereto, Transferee waives and releases Transferor from any and all claims and or causes of action to which they may have or hereafter may be otherwise entitled, based on vices or defects in the described property, or any improvements or component parts thereof, whether in the nature of redhibition, reduction of the transfer consideration, concealment, or any other theory of law. Transferee further assumes the risk of any and all vices and defects in the herein described property, and all improvements and component parts thereof, whether those vices or defects are latent or not discoverable upon simple inspection and including those vices and defects, knowledge of which would deter the Transferee from making the acquisitions.

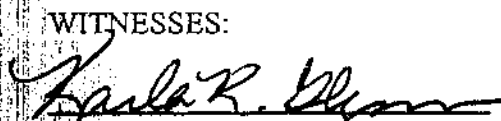
Appearers represent and warrant that, as to the property being transferred herein, (1) that no other sale or grant of interest in said property has been or will be made by said parties; and (2) that the said property is not and will not become subject to any lien or encumbrance by act of omission by parties or claim against parties, except as otherwise noted or excepted.

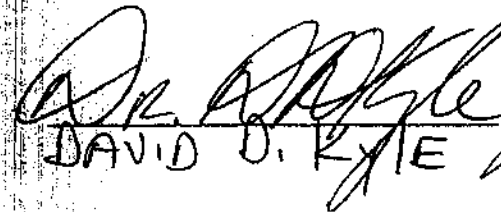
The parties hereto declare that all taxes up to and including the taxes due and exigible in 2004 are paid for the herein described property.

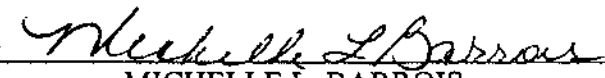
The parties herein take cognizance of the fact that the undersigned Notary has not prepared an abstract nor examined the title to the herein transferred property, and the parties hereby exonerate the undersigned Notary from any and all liability in connection with said non-production.

**THUS DONE AND PASSED** on the date first herein written, at my office in Mandeville, Louisiana, in the presence of the undersigned competent witnesses, who signed their names with me, Notary, and with the parties hereto, after due reading of the whole.

WITNESSES:

  
KARLA K. GWYNN  
CROWN UNLIMITED, L.L.C., Transferor  
By: John T. Barry, Member

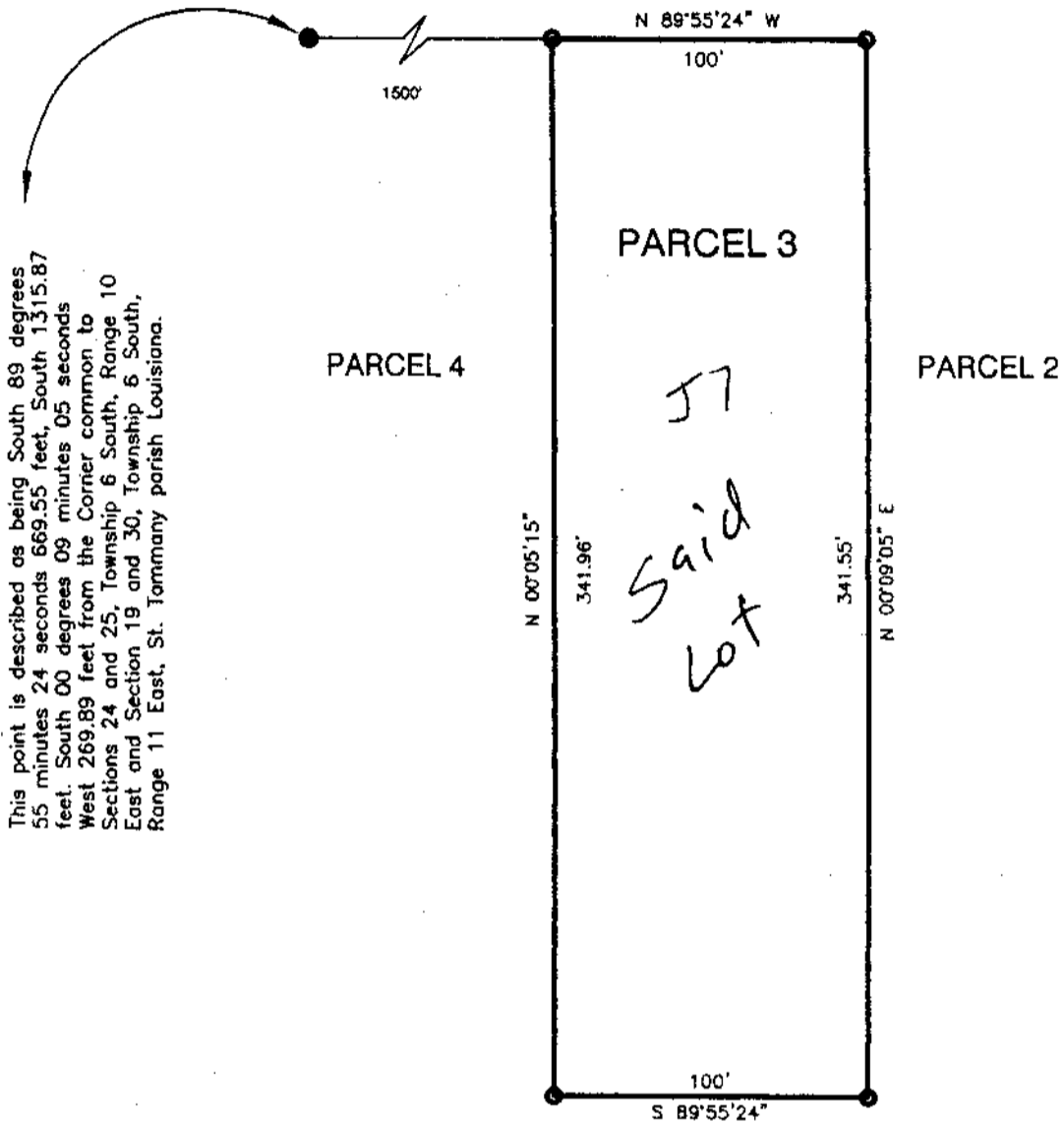
  
DAVID D. KYIE  
VELVET PINES DEVELOPERS, LLC, Transferee  
By: John T. Barry, Member

  
MICHELLE L. BARROIS  
Notary Public  
Notary Identification Number: 42134  
My Commission Is For Life

File #051243

**LEGAL DESCRIPTION:**

Parcel 3 of a parcel of land located in Section 30, Township 6 South, Range 11 East, St. Tammany Parish, Louisiana as per survey by Johe E. Bonneau, Plat No. 91902, Dated 8 Nov 91.



This point is described as being South 89 degrees 55 minutes 24 seconds 669.55 feet, South 1°31'5.87" West 269.89 feet from the Corner common to Sections 24 and 25, Township 6 South, Range 10 East and Section 19 and 30, Township 6 South, Range 11 East, St. Tammany parish Louisiana.

PENN MILL ROAD

CERTIFIED TO:  
**VELVET PINES  
 REGIONS BANK  
 MASON TERRE**

PRIOR TO CONSTRUCTION, OWNER OR BUILDER MUST VERIFY SETBACK LINES AND BASE FLOOD ELEVATIONS WITH THE APPROPRIATE CITY/PARISH GOVERNING OFFICIALS.

- LEGEND:**
- SET 1/2" IRON ROD
  - FOUND IRON ROD
  - FOUND OLD WOOD
  - FENCE—X—X—
  - BEARINGS: RECORD
  - SETBACK LINES — — —
  - FRONT SIDES
  - REAR STREET

This survey is based upon the description furnished by the client. There may be other restrictions shown on this plat that may exist in the public records. There are no visible encroachments existing except where shown hereon. If not otherwise noted, Elevations refer to NGVD 1929 datum.

I hereby certify that this plat is based on a physical survey made on the ground and in accordance with the standards of a RURAL survey and the applicable standards of practice cited in LAC 46: LXI. Signatures must be in RED and sealed by the undersigned for this plat to be certified.

BOUNDARY	12-20-05	CLASS/TYP:	"D"
FORMBOARDS		CPN:	225205 0125 C
SLAB TIE		FIRM DATE:	17 OCT 89
AS-BUILT		FIRM ZONE:	
REVISED:		BASE FLOOD:	
		DRAWN BY:	MF
		CHECKED BY:	
JOB NO:	11586	SCALE:	1 inch=60 ft

**NED R. WILSON, PLS**  
 REG. No. 4336  
 LOUISIANA REGISTERED PROFESSIONAL SURVEYOR NO. 4336  
 1990 SURGI DRIVE  
 MANDERLY, LOUISIANA 70448  
 TEL: (985) 626-3654 FAX: (985) 626-5626