

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3715

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MR. BILLIOT

PROVIDED BY: PLANNING

INTRODUCED BY: MR. BILLIOT

SECONDED BY: MR. STEFANCIK

ON THE 6TH DAY OF DECEMBER 2007

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA, TO RECLASSIFY A CERTAIN PARCEL LOCATED AT THE SOUTHEAST CORNER OF LONESOME ROAD AND U.S. HIGHWAY 190 AND WHICH PROPERTY COMPRISES A TOTAL OF 3.134 ACRES OF LAND MORE OR LESS, FROM ITS PRESENT SA (SUBURBAN AGRICULTURAL) DISTRICT TO A C-1 (NEIGHBORHOOD COMMERCIAL) DISTRICT, WARD 4, DISTRICT 10. (ZC07-11-064)

Whereas, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC07-11-064, has recommended Denial to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area remains SA (Suburban Agricultural) District .

Whereas, the St. Tammany Parish Council has held its public hearing in accordance with law:

Whereas, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare, to designate the above described property as C-1 (Neighborhood Commercial) District

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened that:

SECTION I: The zoning classification of the above described property is hereby changed from its present SA (Suburban Agricultural) District to a C-1 (Neighborhood Commercial) District (see Exhibit "A") for complete boundaries.

SECTION II: The change in zoning is subject to all of the provisions contained in the attached Declarations of Covenants, Conditions and Restrictions (Exhibit "B"), which instrument was recorded in the office of the St. Tammany Parish Clerk of Court on December 13, 2007, and more particularly the Restrictions on Use set forth in Section 3.1 of said instrument.

SECTION III: The official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning reclassification specified in Section I hereof.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

Exhibit "A"

Ord. Cal 3715

ZC07-11-064

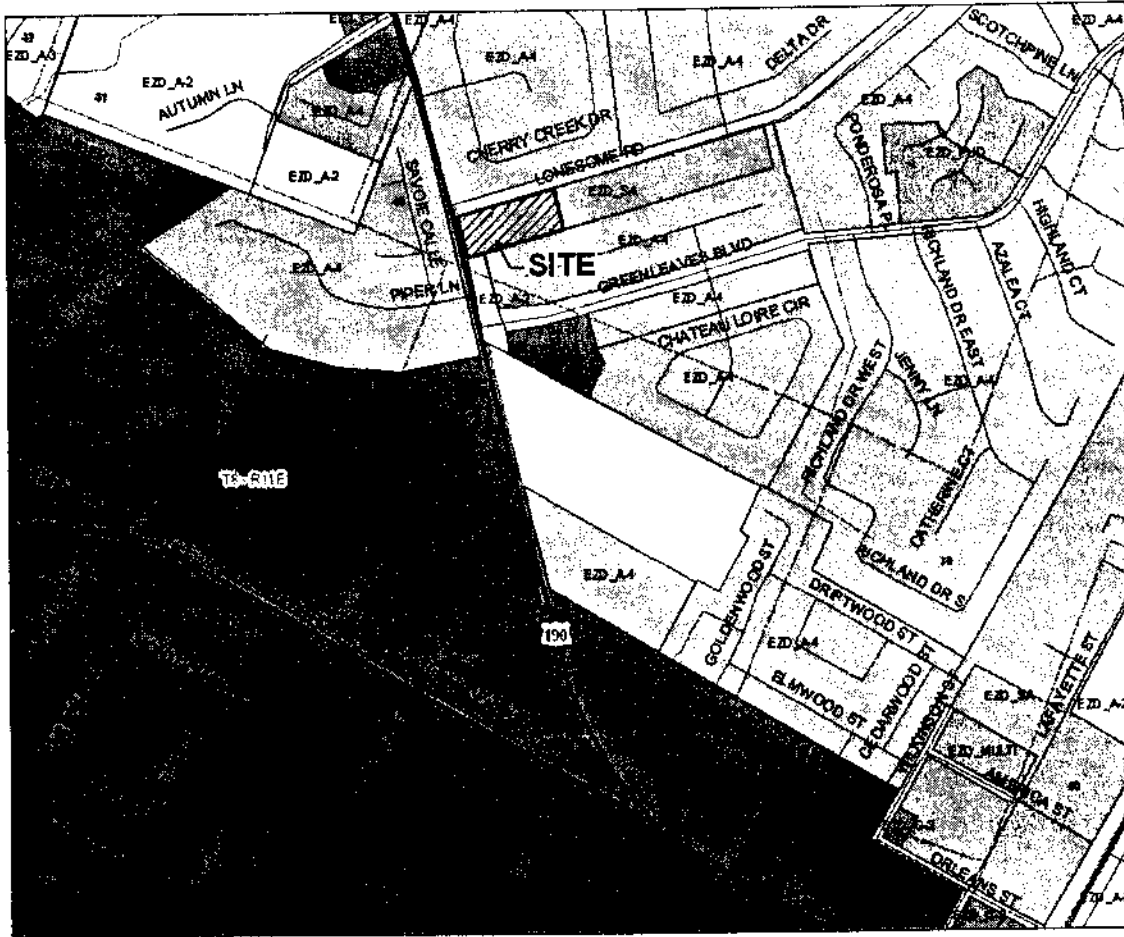
A certain piece or parcel of land together with all the improvements thereon and all of the rights, ways, privileges and servitudes thereunto belonging or in anywise appertaining, situated in the Parish of St. Tammany, State of Louisiana, and in Section 40, Township 8 South, Range 11 East, the boundary lines of which are more particularly described as follows:

Commence at a point along the eastern right of way line of U.S. Highway 190, point also being The Point of Beginning.

Thence from Point of Beginning along the eastern right of way line of U.S. highway 190 N12°42'05"W a distance of 224.12 feet to a point and turn; thence N31°04'16"E a distance of 22.34 feet to a point along the southern right of way line of Lonesome Road and turn; thence leaving said eastern right of way line and continue on said southern right of way line N75°00'00"E a distance of 554.80 feet to a point and turn; thence S12°53'48"E a distance of 239.60 feet to a point and turn; thence S75°00'00"W a distance of 571.08 feet back to the Point of Beginning, containing within said bounds 3.134 acres or 136,521 square feet more or less.

3715

CASE NO.: ZC07-11-064
PETITIONER: Jeff Birnbaum
OWNER: Shirley H. Kastrop/Julius Helfitsh
REQUESTED CHANGE: From SA (Suburban Agricultural) District to C-1 (Neighborhood Commercial) District
LOCATION: Parcel located at the southeast corner of Lonesome Road and U.S. Highway 190; S40, T8S, R11E; Ward 4, District 10
SIZE: 3.134 acres

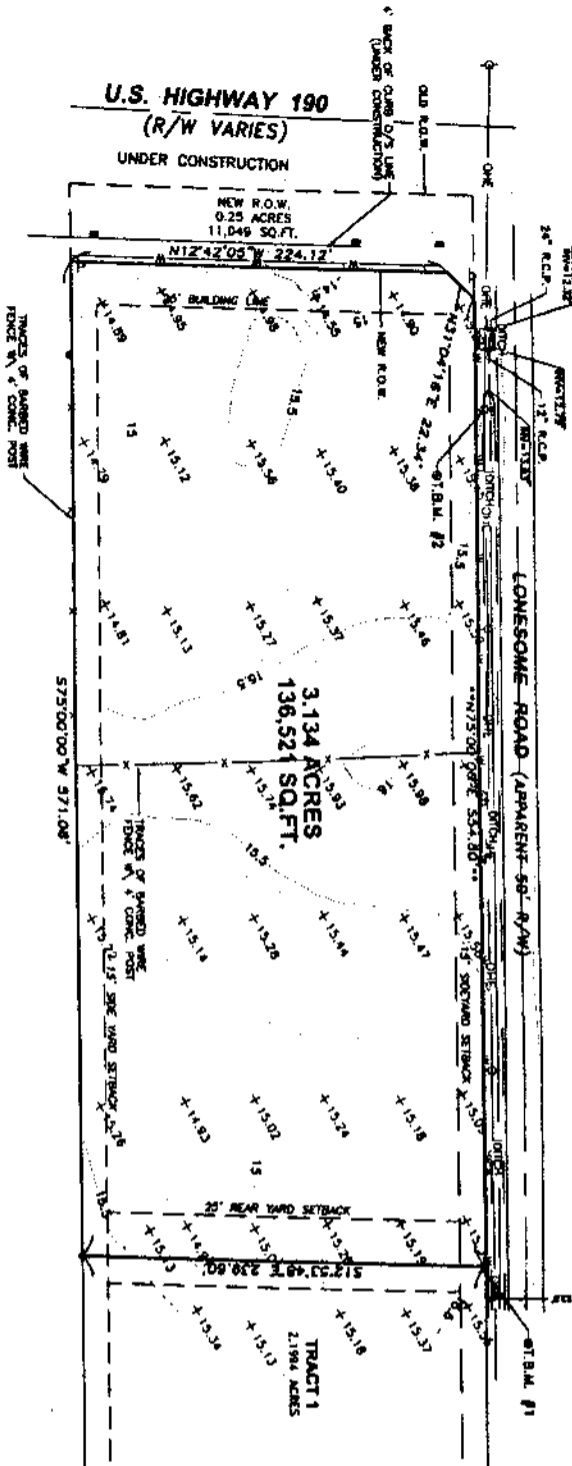


2007-11-064

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LEGEND	
[Symbol]	Property Boundary
[Symbol]	Survey Boundary
[Symbol]	Right of Way
[Symbol]	Water
[Symbol]	Other

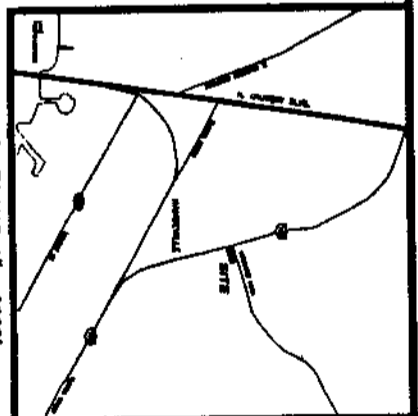


C. MISTRIC SURVEYORS, INC.
 11841 CONCRETE BLVD.
 BATON ROUGE, LA. 70802
 PHONE: (225) 232-3993
 FAX: (225) 233-8503
 EMAIL: CMISTRIC@CMISTRIC.COM

Scale 1" = 50'

1. ENGINE CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED UNDER THE SUPERVISION AND IN ACCORDANCE WITH THE FIELD NOTES OF THE SURVEY.

MICHAEL L. MISTRIC, P.E.



GENERAL NOTES:
 1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 2. ALL BEARINGS ARE TRUE BEARINGS.
 3. ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR STEEL PIPES.
 4. ALL CORNERS ARE TO BE BURNED OR PAINTED.
 5. ALL CORNERS ARE TO BE BURNED OR PAINTED.
 6. ALL CORNERS ARE TO BE BURNED OR PAINTED.
 7. ALL CORNERS ARE TO BE BURNED OR PAINTED.
 8. ALL CORNERS ARE TO BE BURNED OR PAINTED.
 9. ALL CORNERS ARE TO BE BURNED OR PAINTED.
 10. ALL CORNERS ARE TO BE BURNED OR PAINTED.

FLOOD NOTE:
 THIS TRACT IS LOCATED IN FLOOD ZONE V-1.
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 THE FLOOD ZONE IS LOCATED IN FLOOD ZONE V-1.
 THE FLOOD ZONE IS LOCATED IN FLOOD ZONE V-1.

REFERENCE MAPS & BASIS FOR BEARINGS:
 1. STATE OF LOUISIANA, SECTION 10, 185-411, 185-412, 185-413, 185-414, 185-415, 185-416, 185-417, 185-418, 185-419, 185-420, 185-421, 185-422, 185-423, 185-424, 185-425, 185-426, 185-427, 185-428, 185-429, 185-430, 185-431, 185-432, 185-433, 185-434, 185-435, 185-436, 185-437, 185-438, 185-439, 185-440, 185-441, 185-442, 185-443, 185-444, 185-445, 185-446, 185-447, 185-448, 185-449, 185-450, 185-451, 185-452, 185-453, 185-454, 185-455, 185-456, 185-457, 185-458, 185-459, 185-460, 185-461, 185-462, 185-463, 185-464, 185-465, 185-466, 185-467, 185-468, 185-469, 185-470, 185-471, 185-472, 185-473, 185-474, 185-475, 185-476, 185-477, 185-478, 185-479, 185-480, 185-481, 185-482, 185-483, 185-484, 185-485, 185-486, 185-487, 185-488, 185-489, 185-490, 185-491, 185-492, 185-493, 185-494, 185-495, 185-496, 185-497, 185-498, 185-499, 185-500.

T.A.M. REFERENCES:
 1. T.A.M. #1 - SECTION ON THE HIGHWAY
 2. T.A.M. #2 - 307 SQ. YD. IN POWER POLE
 3. T.A.M. #3 - 1724'

TOPOGRAPHIC SURVEY
 OF
A CERTAIN 3.134 ACRE LOT
 LOCATED IN SEC. 40, T8S-R11E, ST.
 TAMMANY PARISH, LOUISIANA
 FOR
S.L. SHAW & ASSOCIATES

EXHIBIT 17

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

BE IT KNOWN that on the date set forth below, before the undersigned notary public, and in the presence of the undersigned competent witnesses, personally came and appeared:

LONESOME 123, LLC, a Louisiana limited liability company, domiciled in the Parish of East Baton Rouge, State of Louisiana, represented herein by its Authorized Member, Jeffrey M. Bimbaun, duly authorized pursuant to Written Consent of Members recorded in the official records of St. Tammany Parish, Louisiana, who declares its mailing address to be 4309 Bluebonnet Blvd., Baton Rouge, Louisiana 70809 (the "**Declarant**")

who did depose and say that:

Recitals

- A. Declarant is the owner of the real property (the "**Property**") described in Exhibit "A" attached to and made a part of this Declaration of Covenants, Conditions and Restrictions (this "**Declaration**");
- B. Declarant shall develop the Property for use as a professional office development;
- C. Declarant believes that the establishment of a uniform plan of development affecting the Property according to the covenants, conditions, restrictions, and other provisions of this Declaration will enhance the value of the Property; and
- D. Declarant intends that the covenants, conditions, restrictions, and other provisions of this Declaration shall run with the Property, and shall be binding upon and inure to the benefit of all parties having any right, title or interest in the Property, the owners of property in Greenleaves Subdivision, and their heirs, successors and assigns.

Therefore, in consideration of the premises, the provisions hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant executes this Declaration affecting the Property, and by this Declaration, imposes upon the Property the restrictions, conditions, liens and servitudes hereinafter set forth.

Article 1 General

1.1 Purpose. The commercial subdivision developed on the Property shall have a uniform plan of development pursuant to the covenants, restrictions, servitudes, conditions, reservations, liens and charges stated in this Declaration. The plan is established to enhance the property values and amenities of the Property, insure the best use and most appropriate development and improvement of each Unit and protect the Owners of Units, and owners of adjacent property in Greenleaves Subdivision, against use of surrounding Units that depreciates the value of their

STATE OF LOUISIANA PARISH OF ST. TAMMANY
MALISE PRIETO CLERK OF COURT
I certify that this instrument was filed and recorded
Dec 13 2007 at 11:18 A M
INST. # _____ of the official records.
Sharon K. Cain
DEPUTY CLERK

property.

1.2 Declaration Running with Land. The covenants, conditions and restrictions of this Declaration shall run with and shall inure to the benefit of and shall be binding upon (a) the Property; (b) the Declarant and its successors and assigns; (c) all persons having or hereafter acquiring any right, title or interest in a Unit or Units and their respective heirs and personal representatives; and (d) the owners of property in Greenleaves Subdivision, and their heirs, successors and assigns. These covenants, conditions and restrictions shall be building restrictions in accordance with Louisiana Civil Code Article 775 et seq.

1.3 Development of Property. The Property shall be owned, held, transferred, conveyed, sold, leased, rented, hypothecated, encumbered, used, occupied, maintained, altered and improved subject to the covenants, conditions and restrictions set forth in this Declaration.

Article 2 Definitions

2.1 Declarant. "Declarant" shall mean Lonesome 123, LLC, its successors and assigns. A person shall be deemed a "successor and assign" of the Declarant only if specifically designated in a duly recorded written instrument as a successor or assign of Declarant, and then only as to the particular rights or interests of Declarant under this Declaration. Notwithstanding the foregoing, a successor of Lonesome 123, LLC, receiving all or substantially all of the Property owned by Declarant by reason of a foreclosure, dation en paiement, merger or consolidation, shall be deemed a successor and assign of Declarant.

2.2 Declaration. "Declaration" shall mean this Declaration.

2.3 Owner. "Owner" shall collectively mean Person or all Persons (including Declarant) who hold full or partial title of Record to a Unit.

2.4 Person. "Person" shall mean a natural person, a corporation, a partnership or any other entity.

2.5 Record, Recorded or Recordation. "Record" or "Recorded" or "Recordation" shall interchangeably mean the filing for record of any documents in the mortgage and/or conveyance records of St. Tammany Parish, Louisiana.

2.6 Unit. "Unit" shall mean any building within the Property which may be sold or conveyed without violation of the provisions of Louisiana law pertaining to the sale of condominiums.

Article 3 General Restrictions Applicable to Property

3.1 Restrictions on Use. The following restrictions on use shall apply equally to the Property and each Unit:

3.1.1 Commercial Use Only. Units may be used for professional offices only.

3.1.2 Permitted Uses.

- a) **Law Offices.**
- b) **Architecture and Engineering Offices.**
- c) **Accountant and other Financial Professional Offices.**
- d) **Real Estate Offices.**
- e) **Insurance Offices.**
- f) **Business Offices.**
- g) **Medical Offices.**
- h) **Other Professional Offices.**

3.2 No Noxious Activity. No noxious or offensive activity shall be carried on, nor shall anything be done which may be or become an annoyance or nuisance to the Owners of Units or owners of adjacent property. No offensive or unlawful use shall be made of any Lot, nor any part thereof. All valid laws, zoning ordinances and regulations of all governmental bodies having applicable jurisdiction thereof shall be observed.

Article 4 Miscellaneous

4.1 Term of Declaration. Unless amended as herein provided, all other covenants, conditions, restrictions, servitudes and other provisions contained in this Declaration shall be effective until December 31, 2037.

4.2 Remedies Cumulative. Each remedy provided under this Declaration is cumulative and not exclusive.

4.3 Costs and Attorneys' Fees. In any action or proceeding under this Declaration, the prevailing party shall be entitled to recover its costs and expenses in connection therewith, including reasonable attorneys' fees.

4.4 Limitation on Liability. The any Owner, agent or employee of the same shall not be liable to any person arising out of the enforcement or failure to enforce any provision of this Declaration if the action or failure to act was in good faith and without malice.

4.5 Liberal Interpretation. The provisions of this Declaration shall be liberally construed as a whole to effectuate the purposes set forth herein.

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4.6 Governing Law. This Declaration shall be construed and governed under the laws of the State of Louisiana.

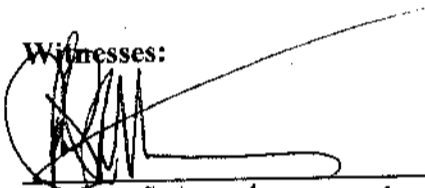
4.7 Severability. Each of the provisions of this Declaration shall be deemed independent and severable and the invalidity or unenforceability or partial invalidity or partial unenforceability of any provision or portion thereof shall not affect the validity or enforceability of any other provision or portion thereof.

4.8 Number and Gender. Unless the context requires a contrary construction, the singular shall include the plural and the plural shall include the singular, and the masculine, feminine or neuter shall each include the masculine, feminine and neuter.

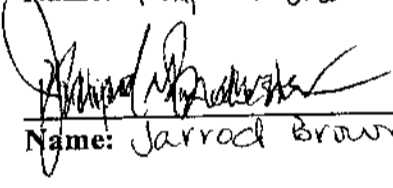
4.9 Captions for Convenience. The table of contents, titles, headings and captions used in this Declaration are intended solely for convenience of reference and shall not be considered in construing any of the provisions contained herein.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the 10th day of December, 2007, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

Witnesses:

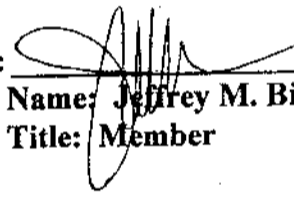


Name: Philip Manchester



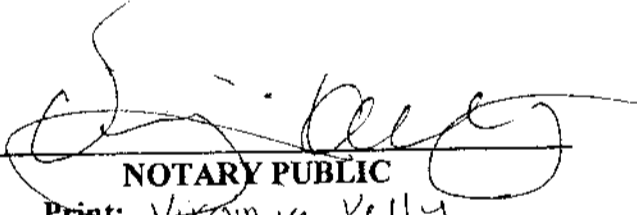
Name: Jarrad Brown

LONESOME 123, LLC

By: 

Name: Jeffrey M. Birnbaum

Title: Member



NOTARY PUBLIC
Print: Virginia Kelly
Bar Roll No.: 28371