

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3931 ORDINANCE COUNCIL SERIES NO.

COUNCIL SPONSOR: Binder/Davis PROVIDED BY: President/ Legal

INTRODUCED BY: MR. BILLIOT SECONDED BY: MR. STEFANCIK

ON THE 11TH DAY OF SEPTEMBER, 2008.

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO PURCHASE, EXPROPRIATE OR OTHERWISE ACQUIRE ALL CERTAIN PARCELS AND/OR RIGHTS OF WAY FOR THE BREWSTER ROAD EXTENSION PROJECT AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO

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

WHEREAS, there is a need and a public purpose for the acquisition of certain immovable property for the Brewster Drive Extension Project; and

WHEREAS, the Parish of St. Tammany hereby desires to acquire the Property and/or rights of way and authorizes the Office of the Parish President to do whatever is necessary to enter into negotiations and acquire said Property and/or 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 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REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 fifteen (15) days after adoption.

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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:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: AUGUST 28, 2008

Published adoption on: _____, 2008

Delivered to Parish President: _____, 2008 @ _____

Returned to Council Clerk: _____, 2008 @ _____

Exhibit "A" Ordinance Calendar No. 3931

A CERTAIN PIECE OR PORTION OF LAND CONTAINING 2.05 ACRES SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CORNER COMMON TO SECTIONS 47, 49 & 52 TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA RUN ALONG THE SOUTH LINE OF SECTION 47 NORTH 89 DEGREES 40 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 1770.24 FEET TO A POINT BEING ON THE SOUTH RIGHT-OF-WAY OF A 125 FOOT CLECO RIGHT-OF-WAY; THENCE LEAVING SAID SECTION LINE AND RUNNING ALONG SAID RIGHT-OF-WAY NORTH 65 DEGREES 48 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 2089.41 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING CONTINUE ALONG SAID RIGHT-OF-WAY NORTH 65 DEGREES 48 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 919.92 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 39 DEGREES 04 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 61.01 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 659.62 FEET AND AN ARC LENGTH OF 42.07 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 47 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 884.86 FEET TO A POINT; THENCE RUN SOUTH 19 DEGREES 58 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 99.30 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.05 ACRES MORE OR LESS.

A CERTAIN PIECE OR PORTION OF LAND CONTAINING **7.21 ACRES** SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CORNER COMMON TO SECTIONS 47, 49 & 52 TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA RUN ALONG THE SOUTH LINE OF SECTION 47 NORTH 89 DEGREES 40 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 1770.24 FEET TO A POINT BEING ON THE SOUTH RIGHT-OF-WAY OF A 125 FOOT CLECO RIGHT-OF-WAY; THENCE LEAVING SAID SECTION LINE AND RUNNING ALONG SAID RIGHT-OF-WAY NORTH 65 DEGREES 48 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 2025.17 FEET TO THE **POINT OF BEGINNING**.

FROM THE **POINT OF BEGINNING** CONTINUE ALONG SAID RIGHT-OF-WAY NORTH 65 DEGREES 48 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 64.24 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 19 DEGREES 58 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 99.30 FEET TO A POINT; THENCE RUN SOUTH 65 DEGREES 47 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 36.65 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 515.00 FEET AND AN ARC LENGTH OF 458.58 FEET TO A POINT; THENCE RUN NORTH 63 DEGREES 11 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 184.07 FEET TO A POINT; THENCE RUN NORTH 26 DEGREES 48 MINUTES 25 SECONDS WEST FOR A DISTANCE OF 5.50 FEET TO A POINT; THENCE RUN NORTH 63 DEGREES 11 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 78.13 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 615.00 FEET AND AN ARC LENGTH OF 277.25 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 01 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 167.55 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 58 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 5.50 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 01 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 212.59 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 615.00 FEET AND AN ARC LENGTH OF 148.31 FEET TO

A POINT; THENCE RUN SOUTH 77 DEGREES 09 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 162.87 FEET TO A POINT; THENCE RUN NORTH 12 DEGREES 50 MINUTES

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26 SECONDS EAST FOR A DISTANCE OF 5.50 FEET TO A POINT; THENCE RUN SOUTH 77 DEGREES 09 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 195.89 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 744.50 FEET AND AN ARC LENGTH OF 267.08 FEET TO A POINT; THENCE RUN NORTH 82 DEGREES 17 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 604.46 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 4136.20 FEET AND AN ARC LENGTH OF 145.60 FEET TO A POINT; THENCE RUN SOUTH 13 DEGREES 55 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 101.07 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 4036.20 FEET, AN ARC LENGTH OF 156.54 FEET, A CHORD BEARING OF SOUTH 83 DEGREES 23 MINUTES 51 SECONDS WEST AND A CHORD LENGTH OF 156.53 FEET TO A POINT; THENCE RUN SOUTH 82 DEGREES 17 MINUTES 11 SECONDS WEST FOR DISTANCE OF 297.98 FEET TO A POINT; THENCE RUN SOUTH 34 DEGREES 42 MINUTES 00 SECONDS WEST FOR DISTANCE OF 82.04 FEET TO A POINT; THENCE RUN SOUTH 82 DEGREES 28 MINUTES 03 SECONDS WEST FOR A DISTANCE OF 91.11 FEET TO A POINT; THENCE RUN NORTH 57 DEGREES 34 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 76.46 FEET TO A POINT; THENCE RUN SOUTH 82 DEGREES 17 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 110.92 FEET TO A POINT; THENCE RUN NORTH 07 DEGREES 42 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 9.00 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 850.00 FEET, AN ARC LENGTH OF 304.93 FEET, A CHORD BEARING OF NORTH 87 DEGREES 26 MINUTES 11 SECONDS WEST AND A CHORD LENGTH OF 303.30 FEET TO A POINT; THENCE RUN NORTH 77 DEGREES 09 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 325.76 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 515.00 FEET AND AN ARC LENGTH OF 124.20 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 01 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 136.51 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 58 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 5.50 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 01 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 264.73 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 515.00 FEET AND AN ARC LENGTH OF 232.17 FEET TO A POINT; THENCE RUN SOUTH 63 DEGREES 11 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 260.94 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 615.00 FEET AND AN ARC LENGTH OF 512.68 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 7.21 ACRES MORE OR LESS.