

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4030 ORDINANCE COUNCIL SERIES NO. 09-
COUNCIL SPONSOR MR. THOMPSON PROVIDED BY COUNCIL ATTORNEY
INTRODUCED BY: MR. THOMPSON SECONDED BY: MR. COOPER
ON THE 5TH DAY OF MARCH, 2009

ORDINANCE AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A COOPERATIVE AGREEMENT FOR THE PURPOSE OF GRANTING A SERVITUDE TO ACCESS PROPERTY, TO PROVIDE FOR CONSTRUCTION AND MAINTENANCE THEREOF BY GRANTEE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO (WARD 3 DISTRICT 3).

WHEREAS, St. Tammany Parish is the owner of "A Certain Piece or Portion of Land Being a Portion of Square 'J', Division of New Covington, Lot 1 and a Portion of Lots 2 & 3, Square 4, Division of Morgan, Commerce and Virtue Situated in the City of Covington St. Tammany Parish, Louisiana being more fully described on the attached survey of John E. Bonneau & Associates, Inc., Drawing No. 2005784A, dated 03/31/08, revised 12/15/08, which survey is attached hereto as Exhibit "A"; and

WHEREAS, 410 Jefferson Avenue, L.L.C. is the owner of "A Portion of Square 'J', Division of New Covington, and a Portion of Lot 1 & Lot 12, Division of Morgan, Commerce and Virtue Situated in the City of Covington St. Tammany Parish, Louisiana, all as more fully shown on the attached survey of John E. Bonneau & Associates, Inc., Drawing No. 2005784, dated 08/25/05, which survey is attached hereto as Exhibit "B"; and

WHEREAS, the property owned by 410 Jefferson Avenue, L.L.C. abuts the property owned by St. Tammany Parish. The property owned by the Parish is currently being used as an unimproved (gravel) parking area. In order to provide access to the property owned by 410 Jefferson Avenue and, in conjunction therewith, to provide an improved and perpetually maintained access to the property owned by St. Tammany Parish, the Parish proposes to grant a ten (10') foot servitude to 410 Jefferson Avenue, L.L.C., which servitude is more particularly depicted on the attached Exhibit "C". In turn, 410 Jefferson Avenue, L.L.C. shall dedicate a five (5') foot abutting servitude along its property. Further, 410 Jefferson Avenue, L.L.C. shall be solely responsible for the construction and maintenance of the driveway to be constructed on the servitude, and shall maintain a policy of general liability insurance that shall specifically name the Parish as an additional insured.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it authorizes the Parish President execute an act establishing a ten (10') foot servitude on the property described in Exhibit "A", which servitude is more particularly depicted on attached Exhibit "C", and in conjunction therewith, to enter into a Cooperative Endeavor Agreement that sets for the terms and conditions of granting said servitude, including those terms and conditions set forth herein above.

REPEAL: This ordinance, which is limited in purpose and scope, is not intended to amend or repeal any other ordinance.

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: 4030

ORDINANCE COUNCIL SERIES NO. _____

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 _____ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-_____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: February 26, 2009

Published adoption on: _____, 2009

Delivered to Parish President: _____, 2009 @ _____

Returned to Council Clerk: _____, 2009 @ _____

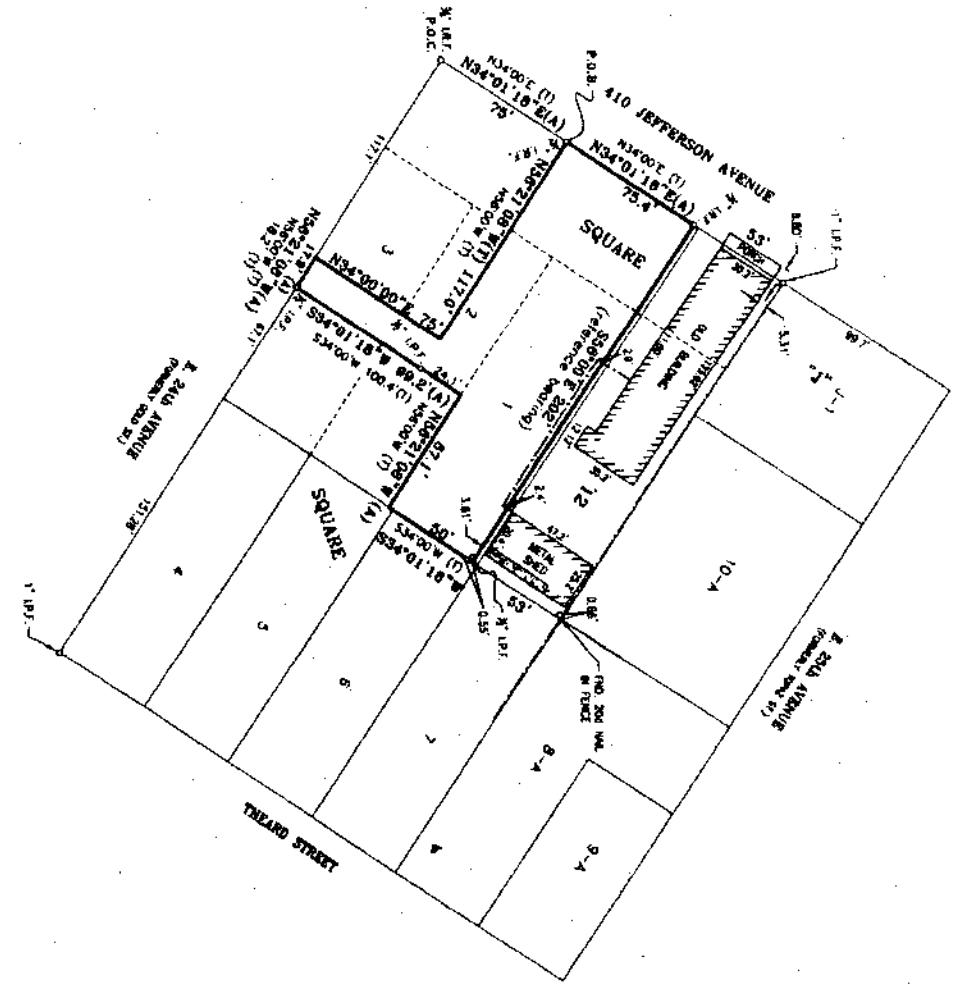
LEGAL DESCRIPTION

A CERTAIN PLOT OR PORTION OF LAND BEING A PORTION OF SQUARE 7, DIVISION OF NEW CONVENTION, LOT 1 AND A PORTION OF LOTS 2 & 3, SQUARE 4, DIVISION OF CONVENTION, COMMERCIAL AND VIRTUE SITUATED IN THE CITY OF CONVENTION, ST. TAMMARD PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST INTERSECTION OF EAST 24TH AVENUE (FORMERLY GOLD STREET) AND JEFFERSON AVENUE AND RUNNING ALONG THE SOUTHERLY RIGHT-OF-WAY OF JEFFERSON AVENUE NORTH 34 DEGREES 01 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; CONTINUE NORTH 34 DEGREES 01 MINUTES 18 SECONDS EAST (TITLE NORTH 34 DEGREES 01 MINUTES 18 SECONDS EAST) FOR A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING CONTINUE NORTH 34 DEGREES 01 MINUTES 18 SECONDS EAST (TITLE NORTH 34 DEGREES 01 MINUTES 18 SECONDS EAST) FOR A DISTANCE OF 75.40 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 56 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 202.00 FEET TO A POINT; THENCE RUN SOUTH 34 DEGREES 01 MINUTES 18 SECONDS WEST (TITLE SOUTH 34 DEGREES 01 MINUTES 18 SECONDS WEST) FOR A DISTANCE OF 50.00 FEET TO A POINT; THENCE RUN NORTH 56 DEGREES 00 MINUTES 00 SECONDS WEST (TITLE NORTH 56 DEGREES 00 MINUTES 00 SECONDS WEST) FOR A DISTANCE OF 67.10 FEET TO A POINT; THENCE RUN SOUTH 34 DEGREES 01 MINUTES 18 SECONDS WEST (TITLE SOUTH 34 DEGREES 01 MINUTES 18 SECONDS WEST) FOR A DISTANCE OF 99.20 FEET (TITLE 100.40 FEET) TO A POINT ON THE EASTERN RIGHT-OF-WAY OF THE AFOREMENTIONED EAST 24TH AVENUE (FORMERLY GOLD STREET); THENCE RUN ALONG SAID EASTERN RIGHT-OF-WAY NORTH 56 DEGREES 21 MINUTES 00 SECONDS WEST (TITLE NORTH 56 DEGREES 00 MINUTES 00 SECONDS WEST) FOR A DISTANCE OF 17.90 FEET (TITLE 18.20 FEET) TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 34 DEGREES 01 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 75.00 FEET TO A POINT; THENCE RUN NORTH 56 DEGREES 00 SECONDS WEST (TITLE NORTH 56 DEGREES 00 SECONDS WEST) FOR A DISTANCE OF 117.00 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.34 ACRES MORE OR LESS.



LEGEND:
 ○ = CORNER FOUND
 -X- = FENCE LINE

NOTE: REFERENCE MAPS:
 1. PLAT BY LAND SURVEYING INC., DATED 02-02-94.
 2. PLAT BY LOWELL E. CLARKSON, DATED 06-22-59, LC # 522.
 3. PLAT BY THIS FIRM DATED 08/23/05, WITH JOB #2005794.

NOTE: SEPARATE SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. SEPARATES OF RECORD AS SHOWN ON TITLE OR PHOTON OR TITLE POLICY WILL BE ADDED HERETO UPON REQUEST, AS SURVEYOR HAS NOT PERFORMED ANY TITLE SEARCH OR ABSTRACT.

NOTE: THE PROPERTY IS LOCATED WITHIN FLOOD ZONE "C" WITH A BASE FLOOD ELEVATION OF 8.4', ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 220080 0005 DATED NOVEMBER 19, 1980.

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.

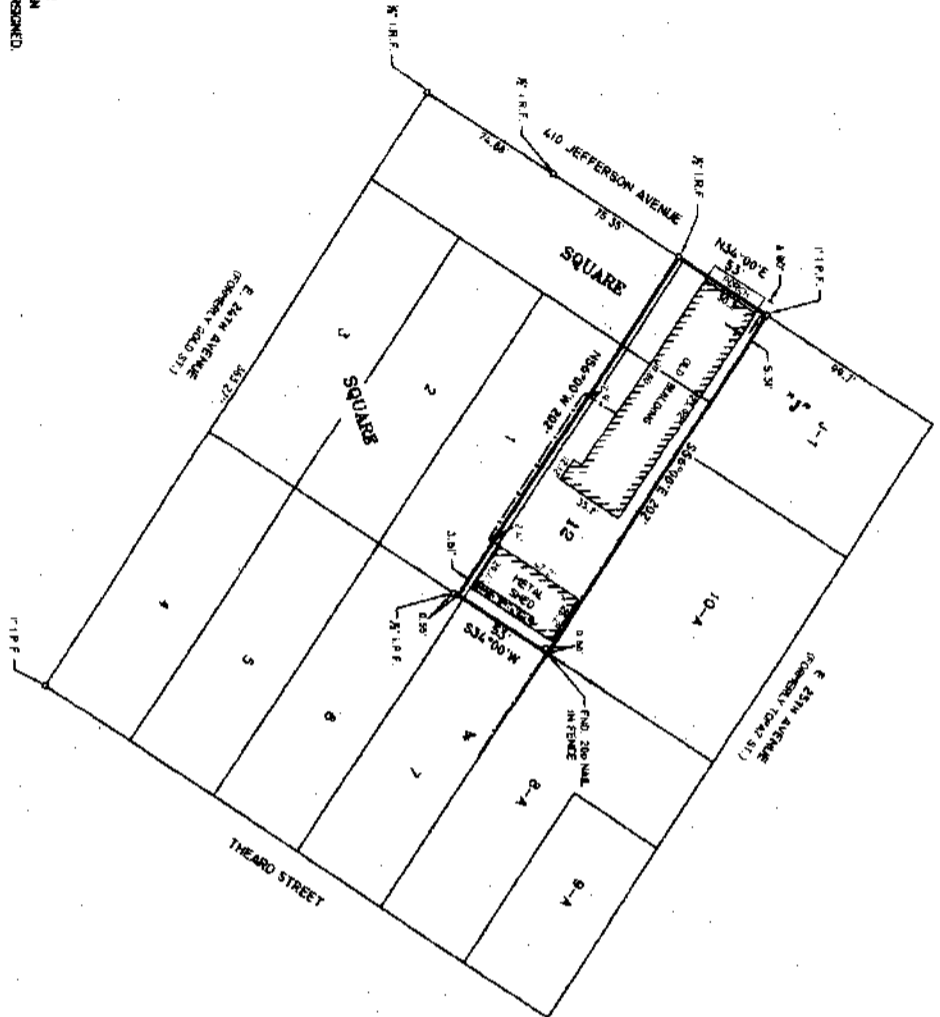
Dep't. No.	2005794	Sheet No.	1
Scale	1" = 40'	Station	(1)
Drawn by	JEB	Date	12/15/08
Date	02/21/08	Description	MAE

A SURVEY MAP OF A 0.34 ACRE PARCEL BEING A PORTION OF SQUARE 7, DIVISION OF NEW CONVENTION AND A PORTION OF LOTS 2 & 3, SQUARE 4, DIVISION OF CONVENTION, COMMERCIAL AND VIRTUE SITUATED IN THE CITY OF CONVENTION, ST. TAMMARD PARISH, LOUISIANA BY JOHN E. BONNEAU & ASSOCIATES, INC. 418 JEFFERSON AVENUE, L.L.C.

JOHN E. BONNEAU & ASSOCIATES, INC.
 Professional Land Surveyors - Planners - Consultants
 401 N. 12th St., Suite 201, Metairie, LA 70001
 (504) 885-1017 • (504) 885-1012 • (504) 885-1281 • Fax: (504) 885-1278
 www.jebassociates.com

STATE OF LOUISIANA
 JOHN E. BONNEAU
 REGISTERED PROFESSIONAL SURVEYOR
 No. 4423

Exhibit "A11"



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.

Original	position
Scale	1" = 40'
Drawn by	JEB
Date	08/25/05

Sheet No. 1

Revision	Date	Description

A SURVEY MAP OF A PORTION OF LOT 7, A PORTION OF LOT 8, A PORTION OF LOT 9, A PORTION OF LOT 10, A PORTION OF LOT 11, AND A PORTION OF LOT 12, ALL IN THE CITY OF JACKSON, ST. TAMMANT PARISH, LOUISIANA, BY JOHN E. BONNEAU, INC., 418 JEFFERSON AVENUE, LLC.

JEB
JOHN E. BONNEAU & ASSOCIATES, INC.
 Professional Land Surveyors - Planners - Consultants
 418 JEFFERSON AVENUE, SUITE 200, JACKSON, LA 70202
 PHONE (601) 944-1111 FAX (601) 944-1112
 WWW.JEBONNEAU.COM

Professional Seal of John E. Bonneau, No. 12345, State of Louisiana, Commission Expires 12/31/2008

NOTE: THE PROPERTY IS LOCATED WITHIN FLOOD ZONE "C" WITH A BASE FLOOD ELEVATION OF N/A ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 220200 0000-2, DATED NOVEMBER 19, 1999.

NOTE: SURVEYS SHOWN HEREON ARE NOT NECESSARILY DECLARED SURVEYS OF RECORD AS SHOWN ON TITLE DEEDS OR TITLE POLICY WILL BE ADDED HEREON UPON REQUEST, AS SURVEYOR HAS NOT PERFORMED ANY TITLE SEARCH OR ABSTRACT.

REFERENCE MAPS:
 1. PLAT BY LAND SURVEYING CO., DATED 02-22-94
 2. PLAT BY LOWELL E. CUMMINGS, DATED 06-22-99, JC # 322

LEGEND:
 O = CORNER FOUND
 -X- = FENCE LINE

EXHIBIT "B"

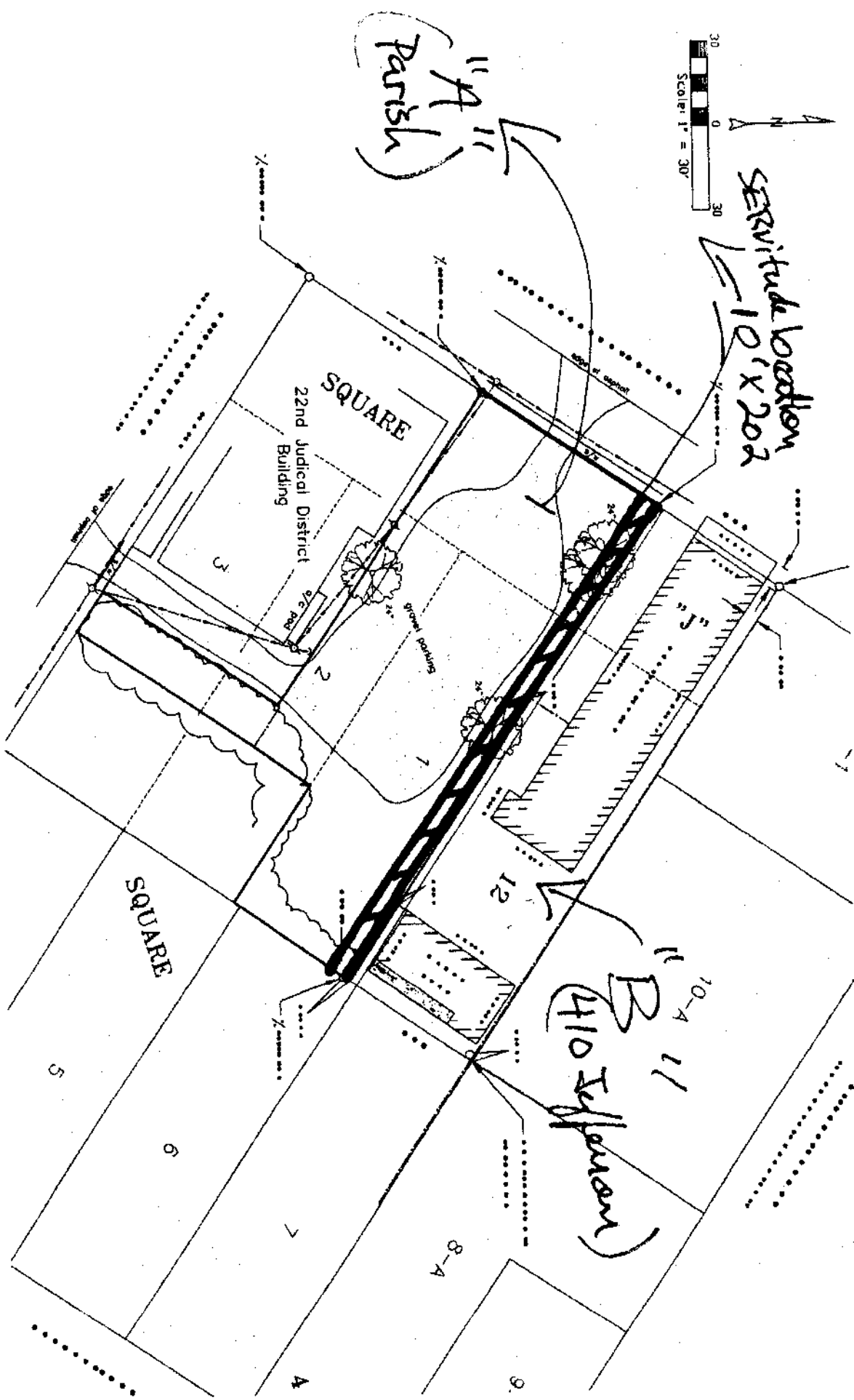


EXHIBIT "C"

Theresa L. Ford

From: Neil Hall
Sent: Monday, March 02, 2009 2:25 PM
To: Theresa L. Ford; Hope W. O'Bryan; Mike Sevante
Attachments: Ordinance - Servitude Wynne Office.wpd

#1

Attached is an off-the-floor ordinance, which authorizes the Parish President to execute a act of servitude on parish property. It is time sensitive in that the servitude is being granted in favor of adjacent property, which is located in Covington, and the property owner must submit plans for development of that property to the Historic Commission and for a variance, which is due the fsecond and third week of March.

3/2/2009
