

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4109 ORDINANCE COUNCIL SERIES NO.
COUNCIL SPONSOR MR. HAMAUEI PROVIDED BY COUNCIL ATTORNEY
INTRODUCED BY MR. HAMAUEI SECONDED BY MR. GOULD
ON THE 2ND DAY OF JULY 2009

ORDINANCE AUTHORIZING THE ACCEPTANCE OF CERTAIN DRAINAGE SERVITUDES LOCATED WITHIN THE FOREST BROOK SUBDIVISION INTO THE PARISH MAINTENANCE SYSTEM. (Ward 4 District 7)

WHEREAS, depicted on the plat of the Forest Brook Subdivision, particularly in the areas designated as Phase 4C-4, Phase 4B-4 and Phase 4C-2, are two ten-foot (10') "Drainage & Access Servitude(s)" that commence at their intersection with Hill Court and extend in a southerly direction to the north side of Bluff Court. The westernmost ten-foot servitude continues on the southern side of Bluff Court and into the southernmost retention pond. The easternmost ten-foot servitude stops at its intersection with the roadside drainage ditch on the north side of Bluff Court. For engineering purposes, these servitudes are more correctly described as "outfall" drainage servitudes; and

WHEREAS, although the Forest Brook Subdivision plan depicts the above described "Drainage & Access Servitude(s)" as being ten-foot (10') in width, the servitudes are actually five (5') feet in width along the rear of each rear-abutting property and are maintained by the owners of the respective lots;

WHEREAS, the plan of Forest Brook Subdivision depicts seven (7) cul de sacs on the southern side of the subdivision, being Bluff Court, Stream Court, Cove Court, Knoll Court, River Court, Creek Court and Lake Court. The plan also depicts eight (8) "15' Drainage & Access Servitude(s)", more correctly described as "outfall" drainage servitudes, that extend from the end of each cul de sac and into the southernmost retention pond. The "outfall" drainage servitudes are maintained by the Homeowners' Association; and

WHEREAS, the Parish currently maintains the roads and roadside ditches in the Forest Brook Subdivision and, according to the Department of Engineering, the drainage along said roads would function more efficiently if the profiles of the above referenced "outfall" drainage servitudes were restored and properly maintained;

WHEREAS, in order to provide more efficient drainage within the subdivision and along the roadside drainage ditches, it is necessary for the owners of the lots abutting the parallel ten-foot (10) "Drainage & Access Servitude(s)" described herein above to dedicate the five feet (5') of said servitude along the rear of their respective lots to the Parish. Similarly, it is necessary for the Homeowners's Association to dedicate to the Parish the eight (8) "15' Drainage & Access Servitude(s)" that extend from the end of each cul de sac described herein above.

WHEREAS, it is in the best interest of the public health, safety and welfare to accept the dedication of the aforesaid servitudes and, upon the dedication by each owner and the Homeowners' Association, to accept said servitudes into the Parish Maintenance System.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that upon receipt of the duly

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executed dedications of the herein above describe servitudes, by each of the respective lot owners and the Homeowners Association, the aforesaid servitudes shall be accepted into the Parish Maintenance System.

THE PARISH OF ST. TAMMANY HEREBY FURTHER ORDAINS that the Parish President and/or the C.A.O. is hereby authorized to execute any and all documents necessary to perfect the dedication, donation, transfer and acceptance authorized hereby.

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 immediately upon 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 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 FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2009
Published adoption on: _____, 2009
Delivered to Parish President: _____, 2009 @ _____
Returned to Council Clerk: _____, 2009 @ _____