

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3977 ORDINANCE COUNCIL SERIES NO. 08-

COUNCIL SPONSOR BINDER/DAVIS PROVIDED BY PLANNING

INTRODUCED BY MR. STEFANCIK SECONDED BY MR. BURKHALTER

ON THE 4TH DAY OF DECEMBER 2008

ORDINANCE TO REVOKE A PORTION OF MACK RICHARDSON DRIVE AND A UNNAMED RIGHT-OF-WAY, LOCATED IN WARD 4, DISTRICT 7

WHEREAS, the petitioner, who owns property abutting the aforementioned Parish street right-of-way, has petitioned the St. Tammany Parish Council to revoke/alienate a portion of the dedication, specifically a portion of Mack Richardson Drive and an unnamed right-of-way; and

WHEREAS, the Departments of Public Works, Engineering, and Planning have reviewed and researched said request and have reported their findings to the St. Tammany Parish Planning Commission; and

WHEREAS, the St. Tammany Parish Planning Commission, upon review of said petition, and after having considered all of the facts relevant to this request, has concluded that said portion of said street right-of-ways are no longer needed for public purposes as defined pursuant to statutory law, and therefore recommends to the Parish Council the adoption of the proposed revocation requests.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that it hereby concurs with the findings of the Planning Commission and therefore grants approval of the revocation/alienation requests for the portions of the street right-of-ways as referred to above, subject to the following:

SECTION I: The petitioner and the Parish of St. Tammany shall enter into an equitable exchange of property without consideration of any monetary gain by either party. The exchange of property shall involve an extension of Koop Drive westward across the Tammany Trace.

SECTION II: All subsurface mineral rights therein shall be retained by St. Tammany Parish, unless otherwise stated within this ordinance; and the Parish shall reserve the right to retain any easements and/or servitudes existing at the time of revocation and/or may also require the establishment of same if the Parish deems it necessary.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

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 L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: NOVEMBER 27, 2008

Published adoption on: _____, 2008

Delivered to Parish President: _____, 2008 (a) _____

Returned to Council Clerk: _____, 2008 (a) _____