

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4764

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. ARTIGUE

ON THE 5 DAY OF APRIL , 2012

ORDINANCE TO AMEND ST. TAMMANY PARISH ORDINANCE COUNCIL SERIES NO. 08-1752 RELATIVE TO THE REVOCATION/ALIENATION OF A PORTION OF MARIGNY AVENUE RIGHT-OF-WAY, LOCATED IN MANDEVILLE SUBDIVISION, AND TO AUTHORIZE AN ACT OF EXCHANGE AND ACCEPTANCE OF A SERVITUDE IN CONNECTION THEREWITH.

WHEREAS, St. Tammany Ordinance Council Series No. 08-1752 authorized the revocation/ alienation of a portion of Marigny Avenue right-of-way, located in Mandeville Subdivision, which revocation was previously approved by the St. Tammany Parish Planning Commission as said right-of-way was declared as no longer need for public purpose; and

WHEREAS, St. Tammany Parish in said Ordinance authorized the private cash sale of said revoked right-of-way to the original petitioner or any other adjacent property owner who wished to participate; and

WHEREAS, St. Tammany Parish now wishes to enter into an act of exchange with the original petitioner wherein the identified revoked right-of-way will be transferred to the said petitioner and in exchange the petitioner will transfer to the Parish ownership of a parcel of ground and a twenty (20) foot drainage easement; and

WHEREAS, the properties to be included in said act of exchange have been determined to be of equal value.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish Ordinance Council Series No. 08-1752 is amended, in part, to read as follows:

SECTION III: The petitioner or any other adjacent property owner who wishes to participate shall enter into a private cash sale an act of exchange with the Parish to conclude the revocation/alienation process as set forth in P. J. Ord. No. 93-1700, and in accordance with the provisions of L.R.S. 48:720 and 48:725, and the Parish President is authorized to execute the said act of exchange in which the Parish will receive full ownership of the property identified as lot D-1 on the attached survey in addition to the dedication of a twenty (20) foot drainage easement in favor of the Parish and the petitioner will receive ownership of the revoked portion of a part of Marigny Avenue right-of-way located in town of Mandeville Subdivision all as identified on a copy of a survey attached hereto.

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 DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF MAY, 2012; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: March 29, 2012

Published Adoption: _____, 2012

Delivered to Parish President: _____, 2012 at _____

Returned to Council Clerk: _____, 2012 at _____