

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-4672

COUNCIL SPONSOR: MR. DEAN

PROVIDED BY: COUNCIL OFFICE

RESOLUTION TO VACATE IN PART, THE SIX (6) MONTH MORATORIUM ESTABLISHED BY ORDINANCE C.S. NO. 08-1741, AND ANY SUBSEQUENT EXTENSIONS THEREOF, FOR THE LIMITED PURPOSE OF ALLOWING THE APPROVAL OF REZONING APPLICATIONS AND THE ISSUANCE OF PLAN REVIEW PERMITS ON 5.5 ACRES LOCATED ON THE CORNER OF HIGHWAY 21 AND OCHSNER BOULEVARD. (WARD 1, DISTRICT 1)

WHEREAS, to protect and preserve the health, safety, welfare and property of residents from the adverse impacts and safety hazards of increased traffic on LA Highway 21, North of I-12, it was necessary to impose a moratorium on the receipt of submissions by the Parish Zoning and Planning

Commissions, for rezoning or subdivision of property, not previously applied for, located North of I-12 and abutting or having access to LA Highway 21 and Ochsner Boulevard, within unincorporated boundaries of Ward 1, Dist.1; and

WHEREAS, considering that the planned road construction project to address the increased traffic on LA Highway 21 has been completed and has alleviated the increased traffic on LA Highway 21 and Pinnacle Parkway, it is appropriate to allow for the receipt of rezoning applications and the issuance of plan review permits for 5.5 acres located on the corner of Highway 21 and Ochsner Boulevard and more fully described in the attached Exhibit A.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that that pursuant to Chapter 5, Article II, Sec. 5-056.00 of the Code of Ordinances, the Parish Council vacates, in part, the moratorium established by Ordinance C.S. No. 08-1741, and any subsequent extensions thereof, to remove therefrom the restriction on the receipt of an application for rezoning and the issuance of plan review permits on 5.5 acres located on the corner of Highway 21 and Ochsner Boulevard. (Ward 1, District 1)

BE IT FURTHER RESOLVED that the moratorium shall continue to be in full force and effect as established by Ordinance C.S. No. 08-1741, and any subsequent extensions thereof.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: SECONDED BY:

YEAS: _____

NAYS:

ABSTAIN:

ABSENT:

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 6 DAY OF OCTOBER , 2016, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

MARTY DEAN, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

ACT OF DEDICATION

UNITED STATES OF AMERICA

AND DONATION

TO ST. TAMMANY PARISH

STATE OF LOUISIANA

BE IT KNOWN, that on the dates hereinafter set forth,

BEFORE EACH OF US, the undersigned Notaries Public, duly commissioned and qualified in and for the Parish and State hereinafter set forth, and in the presence of the undersigned and competent witnesses,

PERSONALLY CAME AND APPEARED:

ALL STATE FINANCIAL COMPANY, a Louisiana general partnership, herein represented by its undersigned partners, duly authorized pursuant to its partnership agreement, whose mailing address is 3421 North Causeway Boulevard, Suite 201, Metairie, LA 70002; hereinafter referred to as "All State";

WAINER BROTHERS, a Louisiana partnership, organized and existing under the laws of the State of Louisiana, operating in accordance with the Amended and Restated Agreement of Partnership registered in Partnership Book 11, folio 738 of the records of Jefferson Parish, Louisiana, herein represented by its undersigned partners, duly authorized, which mailing address is declared to be 3421 N. Causeway Blvd, Suite 201, Metairie, Louisiana 70002; hereinafter referred to as "Wainer Brothers";

OCHSNER CLINIC FOUNDATION, a Louisiana nonprofit corporation, organized and existing under the laws of the State of Louisiana, herein represented by the undersigned, duly authorized by resolution attached hereto, which mailing address is 1514 Jefferson Highway, New Orleans, Louisiana 70121; hereinafter referred to as "Ochsner"; and

THE PARISH OF ST. TAMMANY, a political subdivision of the State of Louisiana, represented herein by Kevin Davis, its President, duly authorized, hereinafter referred to as the "Parish"

who declares and agrees as follows:

All State, Wainer Brothers and Ochsner do by these presents **FOREVER GRANT, BARGAIN, SET OVER ASSIGN, ABANDON, DONATE AND DEDICATE**, the following property as a public street to and in favor of the public and St. Tammany Parish for use by the public as a public street, **INCLUDING THE PARCEL OF GROUND, ITS ROAD BASE, SURFACE, DRAINAGE DITCHES, CULVERTS, BRIDGES, SIGNAGES IMPROVEMENTS AND APPURTENANCES THEREON AND THEREUNDER OR IN ANYWAY PERTAINING**

St. Tammany Parish 1436
Instrmnt #: 1640664
Registry #: 1760292 SHC
8/20/2007 12:02:00 PM
MB CB X MI UCC

THERETO. The Parish does accept the dedication and (i) agrees to incorporate the Dedicated Property (herein defined) into the St. Tammany Parish road maintenance system, (ii) assumes responsibility for the construction, operation and maintenance of the roadway located on the Dedicated Property and (iii) assumes responsibility for locating, protecting and relocating, as necessary, any utility lines located on the Dedicated Property. The parcel of property subject of this dedication is described as follows:

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 46, TOWNSHIP 7 SOUTH, RANGE 10 EAST AND SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

FROM THE SECTION CORNER COMMON TO SECTIONS 12, 45, & 46 TOWNSHIP 7 SOUTH, RANGE 10 EAST, ST. TAMMANY PARISH, LOUISIANA RUN SOUTH 00 DEGREES 02 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 2475.44 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 50 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 490.05 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING RUN SOUTH 32 DEGREES 19 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 292.85 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 645.00 FEET AND AN ARC LENGTH OF 656.28 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 22 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 137.64 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 9,945.00 FEET, AN ARC LENGTH OF 206.43 FEET, A CHORD BEARING OF NORTH 88 DEGREES 46 MINUTES 42 SECONDS EAST AND A CHORD LENGTH OF 206.42 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 17,640.00 FEET, AN ARC LENGTH OF 712.28 FEET, A CHORD BEARING OF NORTH 89 DEGREES 20 MINUTES 26 SECONDS EAST AND A CHORD LENGTH OF 712.23 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 17,640.00 FEET, AN ARC LENGTH OF 166.88 FEET, A CHORD BEARING OF SOUTH 89 DEGREES 13 MINUTES 55 SECONDS EAST AND A CHORD LENGTH OF 166.88 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 515.50 FEET, AN ARC LENGTH OF 295.54 FEET, A CHORD BEARING OF SOUTH 72 DEGREES 32 MINUTES 12 SECONDS EAST AND A CHORD LENGTH OF 291.51 FEET TO A POINT; THENCE RUN SOUTH 56 DEGREES 06 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 292.03 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF LOUISIANA HIGHWAY 21; THENCE RUN ALONG SAID RIGHT-

OF-WAY SOUTH 38 DEGREES 21 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 144.44 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE LEAVING SAID RIGHT-OF-WAY RUN ALONG SAID CURVE WITH A RADIUS OF 93.00 FEET, AN ARC LENGTH OF 68.35 FEET, A CHORD BEARING OF NORTH 35 DEGREES 03 MINUTES 31 SECONDS WEST AND A CHORD LENGTH OF 66.82 FEET TO A POINT; THENCE RUN NORTH 56 DEGREES 06 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 98.13 FEET TO A POINT; THENCE RUN NORTH 42 DEGREES 37 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 85.70 FEET TO A POINT; THENCE RUN NORTH 56 DEGREES 06 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 36.94 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 415.50 FEET, AN ARC LENGTH OF 238.21 FEET, A CHORD BEARING OF NORTH 72 DEGREES 32 MINUTES 12 SECONDS WEST AND A CHORD LENGTH OF 234.96 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 17,540.00 FEET, AN ARC LENGTH OF 165.94 FEET, A CHORD BEARING OF NORTH 89 DEGREES 13 MINUTES 55 SECONDS WEST AND A CHORD LENGTH OF 165.94 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 17,750.00 FEET, AN ARC LENGTH OF 708.24 FEET, A CHORD BEARING OF SOUTH 89 DEGREES 20 MINUTES 26 SECONDS WEST AND A CHORD LENGTH OF 708.19 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 10,045.00 FEET, AN ARC LENGTH OF 208.50 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 46 MINUTES 42 SECONDS WEST AND A CHORD LENGTH OF 208.50 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 22 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 137.64 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 745.00 FEET AND AN ARC LENGTH OF 758.03 FEET TO A POINT; THENCE RUN NORTH 32 DEGREES 19 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 356.49 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 51 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 118.53 FEET BACK TO THE POINT OF BEGINNING.

Herein referred to as the "Dedicated Property."

I. Pursuant to Section 149 of the Louisiana Mineral Code, (i) All State reserves all mineral rights and interests in perpetuity in that portion of the Dedicated Property owned by it prior to this dedication and donation; (ii) Wainer reserves all mineral rights and interests in perpetuity in that portion of the Dedicated Property owned by it prior to this dedication and donation; (iii) Ochsner reserves all mineral rights and

interests in perpetuity in that portion of the Dedicated Property owned by it prior to this dedication and donation. This Act of Dedication and Donation is made subject to the following additional restrictions and reservations: (i) Except for signage and markings required by statute or reasonably required for safety purposes, Ochsner shall have the exclusive right to place signage or markings on the roadway to be located on the Dedicated Property, including utility poles and median, as well as on any future extensions of said roadway, (ii) the roadway to be located on the Dedicated Property, and all future extensions thereof, shall be forever named Ochsner Boulevard.

ALL STATE, WAINER AND OCHSNER MAKE THIS ACT OF DEDICATION AND DONATION WITHOUT WARRANTY AS TO TITLE, CONDITION OR FITNESS FOR ANY USE, ALL OF WHICH WARRANTIES, WHICH, IF IMPOSED BY LAW, ARE HEREBY RENOUNCED AND DECLARED NOT APPLICABLE TO THIS ACT.

IT IS FURTHER AGREED AND UNDRSTOOD THAT THE UNDERSIGNED NOTARIES PUBLIC ARE RELEASED AND RELIEVED OF ANY LIABILITY HEREIN INsofar AS NO TITLE EXAMINATION HAS BEEN REQUESTED NOR CERTIFICATES ISSUED AND RUN BY ANY CLERK OF COURT.

THUS DONE AND SIGNED in Covington, Louisiana, on the 9th day of August, 2007, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

Pat Martner
Fred O'Neal

WAINER BROTHERS
By: [Signature]
BRUCE WAINER, Partner
By: [Signature]
HAROLD WAINER, Partner

[Signature]
NOTARY PUBLIC

THUS DONE AND SIGNED in Covington, Louisiana, on the 9th day of August, 2007, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

Pat Gantree

Fred O'Neal

ALL STATE FINANCIAL COMPANY

By: [Signature]
BRUCE WAINER, Partner

By: [Signature]
HAROLD WAINER, Partner

[Signature]
NOTARY PUBLIC

THIS DONE AND SIGNED in Jefferson Parish, Louisiana, on the 9th day of August, 2007, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

Jimmy R. Ebright
Print Name: Jimmy R. Ebright

William C. Ward
Print Name: WILLIAM C. WARD

Ochsner Clinic Foundation

By: Warner L. Thomas
Warner L. Thomas, President

By: B.C. Brannon
B.C. Brannon, Executive Vice President,
Director of Finance and Treasurer

R. Christopher Martin August 9, 2007
NOTARY PUBLIC

R. CHRISTOPHER MARTIN
NOTARY PUBLIC, #09000
STATE OF LOUISIANA
COMMISSION IS FOR LIFE

THUS DONE AND SIGNED in Mandeville, Louisiana, on the 20 day of ~~AUGUST~~, 2007, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

THE PARISH OF ST. TAMMANY

Nick [Signature]

By: [Signature]
KEVIN DAVIS, PRESIDENT

Tanya [Signature]

[Signature]
NOTARY PUBLIC
Jason Olivier
#20313