

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5778

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. CANULETTE

SECONDED BY: MR. BELLISARIO

ON THE 2 DAY OF MARCH , 2017

ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT THE DEDICATION AND DONATION OF CERTAIN INFRASTRUCTURE SITUATED WITHIN THE LANDINGS OF CROSS GATES SUBDIVISION, PHASES 1, 2, 3 AND 4, AND TO PROVIDE FOR OTHER RELATED MATTERS (DISTRICT 9, WARD 8).

WHEREAS, St. Tammany Parish Government (hereinafter "Parish") has a strong public interest in ensuring that infrastructure located within Parish jurisdiction is constructed and maintained in accordance with local, state and/or federal standards and regulations; and

WHEREAS, at the present time, all roads, right(s) of way and associated subsurface drainage infrastructure situated within The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4 (also hereinafter "Landings"), a private subdivision located in Slidell, St. Tammany Parish, Louisiana, are vested in Landings and/or The Landings Homeowner's Association, Inc. ("LHOA") and are for the private use of the residents and property owners of Landings. The homeowners and LHOA now desire that all roads, right(s) of way and associated subsurface drainage infrastructure situated with Landings be made public and maintained by Parish. Accordingly, the homeowners and LHOA desire that the final plats be corrected and/or amended to reflect that all roads, right(s) of way and associated subsurface drainage infrastructure situated within Landings (also hereinafter the "Infrastructure") are public. LHOA is governed by its Board of Directors, and, as evidenced by a resolution adopted at its regularly called meeting on December 9, 2015, the Board of Directors have met and approved the transfer of the foregoing Infrastructure to Parish.

WHEREAS, as authorized by the foregoing resolution, LHOA has previously initiated an application requesting that Parish acquire ownership of and assume responsibility for the maintenance of the Infrastructure; and

WHEREAS, the matter is to be reviewed by the St. Tammany Parish Planning Commission, and act(s) of correction of the final plat(s) of all phases of the Landings are to be executed by a licensed surveyor, wherein it will be noted that all roads, right(s) of way and associated subsurface drainage infrastructure situated within Landings are now public; and

WHEREAS, there is a need and public purpose for the acquisition of the Infrastructure, and Parish hereby desires to acquire the Infrastructure and authorize the Office of the Parish President to do whatever is necessary to enter into negotiations and acquire the same.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: to authorize St. Tammany Parish Government, through the Office of the Parish President, to execute any and all documents necessary to accept a dedication and donation of private roads, right(s) of way and associated subsurface drainage infrastructure situated within The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, all as more particularly depicted on the copies of recorded plat(s) attached hereto as Exhibit "A."

BE IT FURTHER ORDAINED: that prior to executing the aforesaid dedication and donation, Parish's Department of Engineering shall verify that the entrance gates to The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, have been removed, and that the aforementioned roads and associated drainage infrastructure have been constructed to Parish standards.

BE IT FURTHER ORDAINED: that prior to executing the aforesaid dedication and donation, Parish’s Department of Engineering shall verify that the traffic signage in the subdivision has been constructed and/or installed in accordance with St. Tammany Parish Code of Ordinances, Appendix ”B”, Subdivision Regulatory Ordinances No. 499, as amended.

BE IT FURTHER ORDAINED: The Act of Dedication and Donation herein referenced shall include the following: (1) LHOA shall maintain all traffic signage in The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4; (2) any signage that is damaged, destroyed or which fails at any time to meet the standards of the Manual on Uniform Traffic Control Devices (”MUTCD”) or similar Parish standards will be replaced by Parish with standard metal posts and signs, and LHOA reserves to itself, after written notification to the Parish, the right to replace said posts and/or signs with its own signs, all of which must conform to MUTCD and/or similar Parish specifications; (3) the Parish shall not be taking over any drainage outfalls or facilities owned by LHOA or The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4 other than the associated subsurface drainage infrastructure noted herein; (4) LHOA shall indemnify and hold the Parish harmless from any claims and actions for damages arising out of or associated with the maintenance of all traffic signage, but only to the extent that said claims and actions involve or are contributed to by the association’s signage or lack of maintenance of said signage; and (5) LHOA shall maintain a policy of liability insurance of which policy shall name St. Tammany Parish Government as an additional insured for all personal injury and/or property damage claims and actions in connection with this indemnity and hold harmless agreement.

BE IT FURTHER ORDAINED: This matter and proposed dedication and donation is to be reviewed by the St. Tammany Parish Planning Commission, and an Act of Correction of the final plat(s) of all phases of The Landings Subdivision are to be executed, wherein it will be noted that all roads, right(s) of ways and/or subsurface drainage infrastructure are public and not private.

BE IT FURTHER ORDAINED: The Act of Correction and final plat(s) of all phases of the Landings Subdivision shall include an affirmative declaration that the Street Name signs and Traffic Control signs within the subdivision shall be privately maintained by LHOA as an affirmative obligation of that entity.

BE IT FURTHER ORDAINED: Upon execution of the aforesaid dedication, donation, and transfer of the roads, right(s) of way and associated subsurface drainage infrastructure situated in The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, said roads, rights of way(s) and associated subsurface drainage infrastructure shall be included in the St. Tammany Parish Maintenance System.

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 6 DAY OF APRIL , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

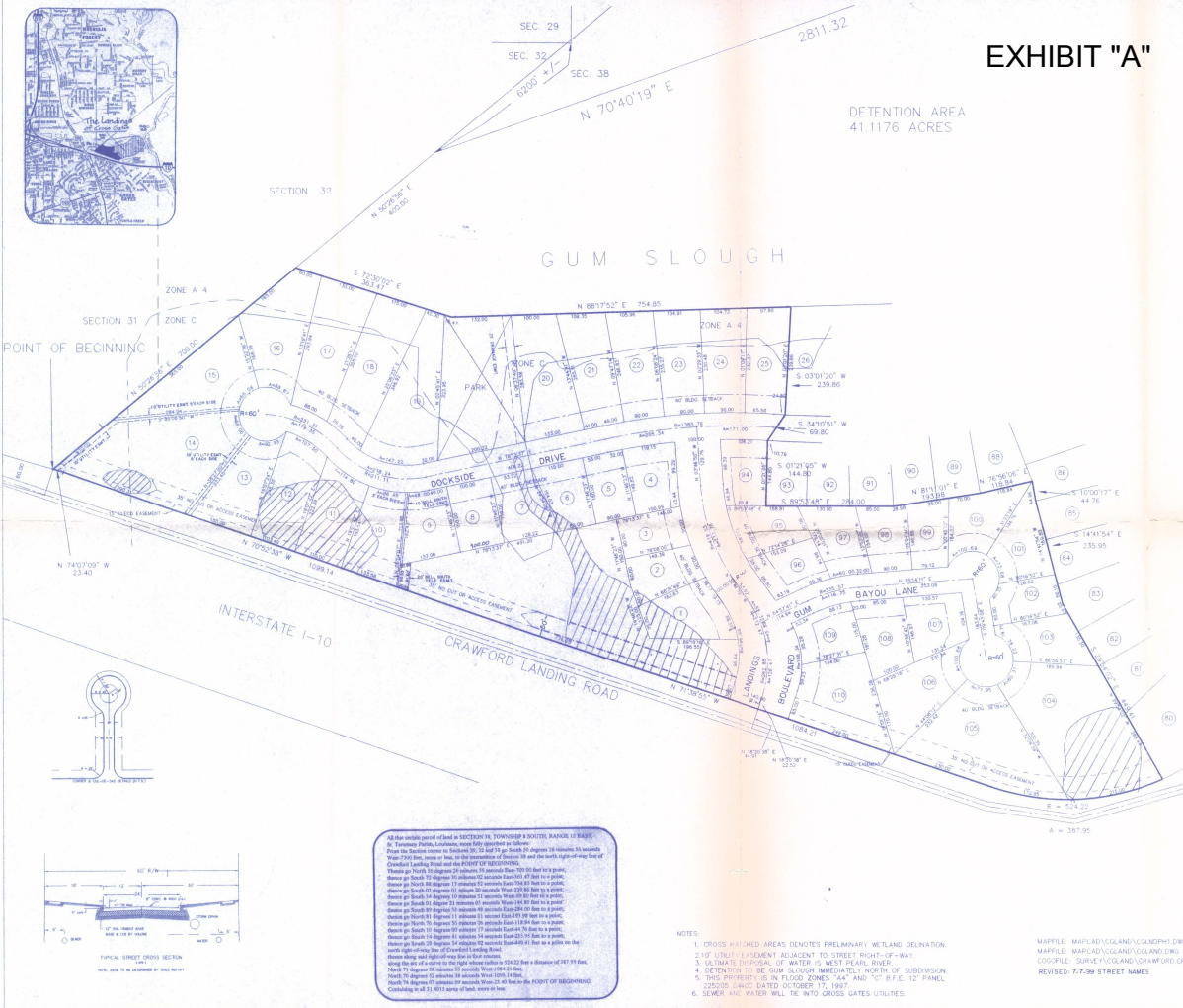
Published Introduction: FEBRUARY 23 , 2017

Published Adoption: \_\_\_\_\_, 2017

Delivered to Parish President: \_\_\_\_\_, 2017 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2017 at \_\_\_\_\_

EXHIBIT "A"



**RESTRICTIVE COVENANTS**

1. Easement for utility purposes shall be reserved to the owner of the property.
2. The building shall not be located closer than 10 feet to the property line.
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**CERTIFICATION:**

This map is certified to be correct and in accordance with a physical survey.

**DEDICATION:**

The LANDINGS OF CROSS GATES PHASE I is dedicated to the public use of the State of Louisiana.

**APPROVAL:**

FOR: *[Signature]*

APPROVAL: *[Signature]*

DATE: 11-16-1999

1754

**RECORDED PLAT**

RECORDED LOTS 12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

**J.V. BURKES & ASSOC., INC.**

2990 E. CAUSE BLVD. (504) 649-0070 SLIDELL, LA 70461

SCALE: 1" = 100'

DATE: APRIL 17, 1998

DRAWN BY: JVB

MAPFILE: MAPFILE\LANDINGS\LANDINGS.DWG

COORDINATE: SURVEY\LANDINGS\LANDINGS.DWG

REVISED: 7-7-99 STREET NAMES

FOR: CROSS GATES, INC. DWG NO: 981646





A SUBDIVISION OF A PARCEL OF LAND  
IN SECTION 38 - TOWNSHIP 8 SOUTH - RANGE 15 EAST  
ST. TAMMANY PARISH, LOUISIANA

A SUBDIVISION OF A PARCEL OF LAND  
IN SECTION 38 - TOWNSHIP 8 SOUTH - RANGE 15 EAST  
ST. TAMMANY PARISH, LOUISIANA

## - RESTRICTIVE COVENANTS -

- [illegible]

## CERTIFICATION

THIS MAP IS CERTIFIED TO BE CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER SUPERVISION OF THE UNDERSIGNED

*J. V. Burkes*  
J. V. BURKES, P.L.S. #540

THIS PLAN IS CERTIFIED TO CONFORM TO THE PROVISIONS OF THE WATER-OF-LOUISIANA, P.S. 4, 17, 18, 5951 AND LAWS AND ORDINANCES OF THE STATE OF

## DEDICATION

**DECLARATION**

BE IT RESOLVED BY THE UNDERSIGNED OWNER OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT THE BOUND RECORDS ARE TO BE A TRUE AND ACCURATE MAP OF

**THE LANDINGS OF CROSS GATES  
PHASE 3**

ALL STREET RIGHT-OF-WAYS AS SHOWN HEREON ARE PRIVATE AND ARE NOT DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FROM PROPER USES.

EASEMENTS SHALL BE RESERVED FOR DRAINAGE AND UTILITIES AS INDICATED HEREON AND NO OBSTRUCTION OR IMPROVEMENTS SHALL BE ALLOWED THAT WOULD INTERFERE WITH SUCH UTILITIES OR DRAINAGE PURPOSE.

*John J. [Signature]* 12-10-04

OWNER DATE

CROSS GATES, INC.

CROSS GATES, INC.

*Paul C. Murphy*  
PRESIDENT

*Francis C. Connela*  
SECRETARY

**RECORD PLAT**

APPROVAL

*Francis C. Connela*  
TREASURER

*Enid B. Leland*  
MANAGING & PLANNING MANAGER

*Don Kellen*  
SECRETARY

*Sam J. Leland*  
PROPERTY MANAGER

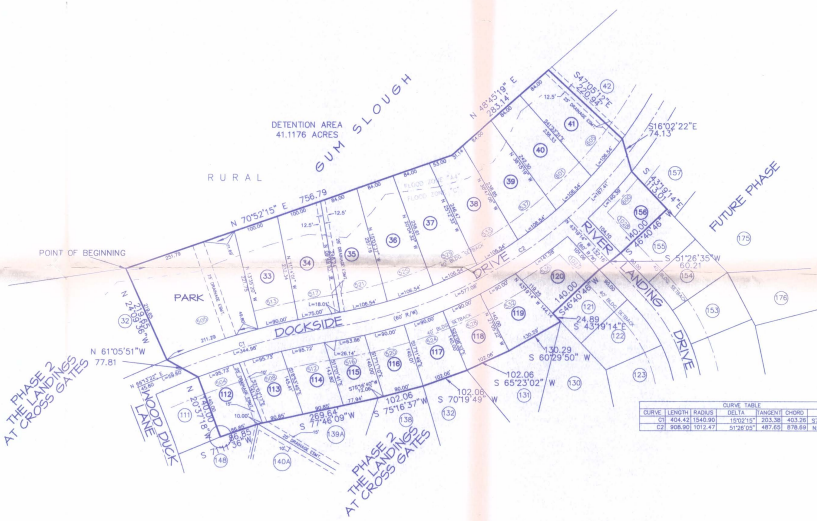
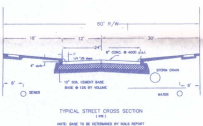
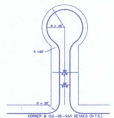
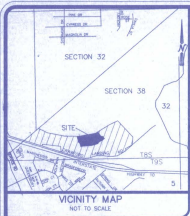
*Gene C. Murphy*  
CLERK OF COURT

DATE FILED 1-7-2005 FILE NUMBER 3727

RECORDED  
PLAT

THE LANDINGS OF CROSS GATES  
PHASE 3  
SECTION 38, T 9 S, R 14 E  
T. TAMMANY PARISH, LOUISIANA

1" = 100'	
10/08/04	
IN BY: JVB	CHECKED BY:
NO.	
1043637	



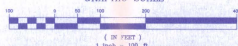
#### LEGAL DESCRIPTION

From the POINT OF BEGINNING go N 70°22'55"E - 756.76' to a point; thence N 48°45'05"E - 383.64' to a point; thence S 47°08'32"E - 233.64' to a point; thence S 18°22'22"E - 74.15' to a point; thence S 43°19'42"E - 113.23' to a point; thence S 48°45'48"N - 140.00' to a point; thence S 78°38'38"W - 83.20' to a point; thence S 44°05'18"W - 140.00' to a point; thence S 42°39'42"E - 24.80' to a point; thence S 50°28'50"W - 130.20' to a point; thence S 69°23'38"W - 101.00' feet to a point; thence S 70°14'48"W - 102.00' feet to a point; thence S 78°15'33"W - 103.00' to a point; thence S 77°40'18"W - 266.64' to a point; thence S 77°17'36"W - 86.80' to a point; thence N 20°27'18"W - 140.00' to a point; thence N 80°00'00"W - 77.80' to a point; thence N 34°36'36"W - 378.45' back to the POINT OF BEGINNING.

- NOTES:
1. 10' UTILITY EASEMENT ADJACENT TO STREET RIGHT-OF-WAY.
  2. ULTIMATE DISPOSAL OF WATER IS WEST PEARL RIVER.
  3. DETENTION TO BE GAN SLOUGH IMMEDIATELY NORTH OF SUBDIVISION.
  4. THIS PROPERTY IS IN FLOOD ZONES "A" AND "C", B.F.E. 12', PANEL 225205 04400 DATED APRIL 21, 1999.
  5. SEWER AND WATER WILL THE INTO CROSS GATES UTILITIES.
  6. AREA IN DRAINAGE EASEMENTS IS 0.32 ACRES.
  7. (SHE) = MUNICIPAL ADDRESSES.

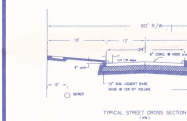
BENCHMARK: C/L INTERSECTION STREET DOCKSIDE DR.  
AND WOOD DUCK LANE. ELEVATION 19.53

GRAPHIC SCALE



10.745 ACRES	19	1242 L.F.
AREA	NO. OF LOTS	LOTH. OF STREET
90' X 140'	CENTRAL	A - 4
AVG. LOT SIZE	SEWAGE SYSTEM	ZONING
CONCRETE	24'	CENTRAL
ROAD SURFACING	STREET WIDTH	WATER SYSTEM





### **Ordinance Administrative Comment**

**ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT THE DEDICATION AND DONATION OF CERTAIN INFRASTRUCTURE SITUATED WITHIN THE LANDINGS OF CROSS GATES SUBDIVISION, PHASES 1, 2, 3 and 4, AND TO PROVIDE FOR OTHER RELATED MATTERS (DISTRICT 9, WARD 8).**

The Landings Homeowner's Association, Inc. ("LHOA") seeks to convert all private roads, right(s) of way and associated subsurface drainage infrastructure situated within the Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, to public use for incorporation into Parish's maintenance system. The subdivision's drainage outfalls and facilities, and signage, shall remain private and will remain the maintenance obligation of LHOA.