

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5850

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: STEFANICK/BRISTER

PROVIDED BY: ENGINEERING

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 3 DAY OF AUGUST , 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 GREENLEAVES VILLAGE TOWNHOMES, PHASE 1 AND PHASE 2, TO PROVIDE FOR OTHER RELATED MATTERS. (WARD 4, DISTRICT 10)

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 roadside drainage infrastructure situated within Greenleaves Village Townhomes, Phase 1 and Phase 2, a private subdivision located in Mandeville, St. Tammany Parish, Louisiana, are vested in the Greenleaves Village Townhome Association, Inc. ("HOA") and are for the private use of the residents and property owners of Greenleaves Village Townhomes. The homeowners and HOA now desire that all roads, right(s) of way and associated roadside drainage infrastructure situated within Greenleaves Village Townhomes, Phase 1 and Phase 2, be made public and maintained by Parish. Accordingly, the homeowners and HOA desire that the final plats be corrected and/or amended to reflect that all roads, right(s) of way and associated roadside drainage infrastructure situated within Greenleaves Village Townhomes, Phase 1 and Phase 2, (also hereinafter the "Infrastructure") are public. The HOA is governed by its Board of Directors, and, as evidenced by a resolution adopted at its special meeting on August 6, 2015, the members of the HOA have met and approved the transfer of the foregoing Infrastructure to Parish.

WHEREAS, as authorized by the foregoing resolution, HOA 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 Phase 1 and Phase 2 of Greenleaves Village Townhomes are to be executed by a licensed surveyor, wherein it will be noted that all roads, right(s) of way and associated roadside drainage infrastructure situated within Greenleaves Village Townhomes 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 roadside drainage infrastructure situated within Greenleaves Village Townhomes, 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 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) HOA shall maintain all traffic signage in Greenleaves Village Townhomes; (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 HOA 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 HOA or Greenleaves Village Townhomes, other than the associated roadside drainage infrastructure noted herein; (4) HOA 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) HOA 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 Phase 1 and Phase 2 of Greenleaves Village Townhomes 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 Phase 1 and Phase 2 of Greenleaves Village Townhomes shall include an affirmative declaration that the Street Name signs and Traffic Control signs within the subdivision shall be privately maintained by HOA 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 roadside drainage infrastructure situated in Greenleaves Village Townhomes, Phase 1 and Phase 2, 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 7 DAY OF SEPTEMBER , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 26 , 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____



ST. TAMMANY PARISH
PATRICIA P. BRISTER
PARISH PRESIDENT

ADMINISTRATIVE COMMENT

ORDINANCE FOR INTRODUCTION

Greenleaves Village Townhomes, Ph 1 & 2 (Private to Public)

The Planning Commission on May 9, 2017 approved this ordinance to accept the dedication and donation of certain infrastructure.

The Department of Engineering has inspected the site and all infrastructure is in accordance with Parish standards.