

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4621

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: GOULD/DAVIS

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 4 DAY OF AUGUST, 2011

ORDINANCE REVOKING THE DEDICATION OF THE UNOPENED, UNNAMED STREET RIGHT OF WAY WHICH IS LOCATED ON A PARCEL OF GROUND IDENTIFIED AS LOT 6, 5 ACRE FARM LOTS, IN THE SW 1/4 OF SECTION 14, T-8-S, R-14-E.

WHEREAS, Leon Lowe & Sons, Inc. dedicated and donated the portion of Lot 6 set out in Exhibit "A" and/or have granted a servitude and right of way to the Parish by act dated March 12, 1985 and recorded as conveyance instrument number 575564 (attached hereto as Exhibit "B"), as corrected by act dated April 14, 1989 and recorded as conveyance instrument number 719204 (attached hereto as Exhibit "C"); and

WHEREAS, the unnamed street has never been opened; and

WHEREAS, the existing roads, streets, rights of ways and means of ingress and egress are sufficient to meet the current and future needs of the public without opening the unnamed right of way; and

WHEREAS, the Parish has never accepted the unopened right of way, the Parish has never used the unopened right of way, the Parish is currently not using the unopened right of way, the Parish does not intend to open, improve or utilize the unnamed right of way, and, therefore, the Parish has determined that it is no longer needed for public use; and

WHEREAS, pursuant to the express authority granted to St. Tammany Parish by LSA R.S. 48:711, upon a determination by the governing authority to the effect that any immovable property owned by the Parish or title to which is in the public, including but without limitation, streets, roads, and alleys, is no longer needed for public use, the same may be disposed of in the manner hereinafter set forth. In this regard, LSA R.S. 48:712 provides that the said property may be disposed of by revocation of the dedication of the property if it consists of street, road or alley dedicated to public use, and, in accordance with LSA R.S. 48:714, where servitudes, streets, roads or alleys are involved, if the dedication of the same is revoked, upon the effective date of the revocation all of the soil covered by and embraced in such servitude, street, road or alley up to the center line thereof shall revert to the present owner or owners of the land contiguous thereto.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: in regular session convened, that St. Tammany Parish has determined that the dedicated but unopened, unnamed right of way is not needed for public purposes, and, therefore, St. Tammany Parish hereby revokes the dedication of the unnamed portion of Lot 6, 5 Acre Farm Lots, SW 1/4 of Section 14, T-8-S, R-14-E, which is more particularly depicted on the attached Survey of Sean M. Burkes, J.V. Burkes & Associates, Inc. (Exhibit "A").

BE IT FURTHER ORDAINED, that the dedication of the unopened, unnamed right of way having been revoked, St. Tammany Parish declares in accordance with the aforesaid authority, that it has no right, title and/or interest in and to said servitude, right of way or street, the ownership of which shall revert to the present owner or owners of the land contiguous thereto up to the center line thereof.

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 1 DAY OF SEPTEMBER, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

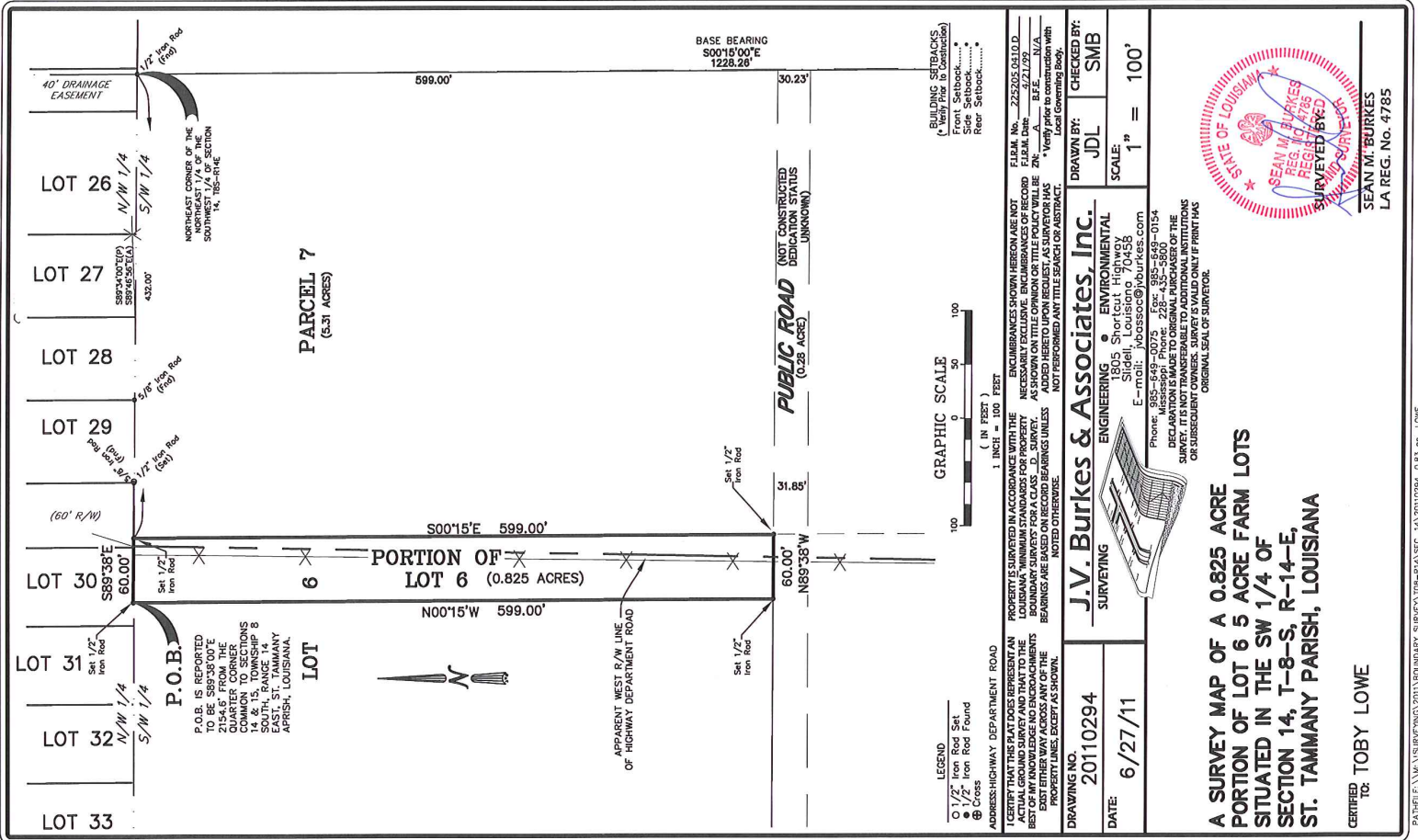
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: JULY 28, 2011

Published Adoption: _____, 2011

Delivered to Parish President: _____, 2011 at _____

Returned to Council Clerk: _____, 2011 at _____



LEGEND
 ○ 1/2" Iron Rod Set
 ● 1/2" Iron Rod Found
 ⊗ Cross

GRAPHIC SCALE
 (IN FEET)
 100 50 0 50 100
 1 INCH = 100 FEET

BUILDING SETBACKS
 (Verify Prior to Construction)
 Front Setback.....'
 Side Setback.....'
 Rear Setback.....'

ADDRESS: HIGHWAY DEPARTMENT ROAD
 I CERTIFY THAT THIS PLAT DOES REPRESENT AN ACTUAL GROUND SURVEY AND THAT TO THE BEST OF MY KNOWLEDGE AND ENGAGEMENTS THERE ARE NO UNDISCOVERED ENCUMBRANCES OR INTERESTS AFFECTING THE PROPERTY LINES, EXCEPT AS SHOWN.
 ENCUMBRANCES SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. ENCUMBRANCES OF RECORD AS SHOWN ON TITLE OPINION OR TITLE POLICY WILL BE KNOWN TO THE PURCHASER. THIS SURVEY HAS NOT BEEN PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENGINEERING PROFESSION AS NOTED OTHERWISE.
 FIRM No. 2282005 0410.D
 FIELD DATE: 6/27/11
 ZN: A B.F.E.: N/A
 *Verify prior to construction with Local Governing Body.

J.V. Burkes & Associates, Inc.
 SURVEYING ENGINEERING ENVIRONMENTAL
 805 Short Street
 Slidell, Louisiana 70458
 E-mail: jvbassoc@jvburkes.com
 Phone: 985-649-0075 Fax: 985-649-0154
 DRAWING NO. 20110294
 DATE: 6/27/11
 DRAWN BY: JDL
 CHECKED BY: SMB
 SCALE: 1" = 100'

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL OF SURVEYOR.

A SURVEY MAP OF A 0.825 ACRE PORTION OF LOT 6 5 ACRE FARM LOTS SITUATED IN THE SW 1/4 OF SECTION 14, T-8-S, R-14-E, ST. TAMMANY PARISH, LOUISIANA

CERTIFIED BY: **TOBY LOWE**

SEAN M. BURKES
 REG. NO. 4788
 SURVEYED BY

STATE OF LOUISIANA

SEAN M. BURKES
 LA REG. No. 4785

SERVITUDE OF WAY FOR PUBLIC ROAD

UNITED STATES OF AMERICA

BY: THE LAKES SUBDIVISION, INC. AND
LEON LOWE & SONS, INC.

STATE OF LOUISIANA

TO: THE PUBLIC

PARISH OF ST. TAMMANY

575564 ✓

BE IT KNOWN, That on this 12th day of March, 1985,

BEFORE ME, DENISE D. LINDSEY, a Notary Public, duly commissioned and qualified, in and for the Parish of St. Tammany, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

THE LAKES SUBDIVISION, INC., a Louisiana corporation, domiciled in the Parish of St. Tammany, represented by the undersigned, duly authorized, by virtue of a Resolution of its Board of Directors. Its permanent mailing address being:

Route 7, Box 7019
Slidell, Louisiana 70458

AND

LEON LOWE & SONS, INC., a Louisiana corporation organized under the laws of Louisiana, herein represented by LEON L. LOWE, its President, duly authorized by virtue of a resolution recorded at COB 903, folio 400 of the official records of St. Tammany Parish, Louisiana.

Handwritten signature and notary stamp: MAR 12 8 30 PM '85, DENISE D. LINDSEY, NOTARY PUBLIC, PARISH OF ST. TAMMANY, LA. Includes handwritten number 196.

who declared that under the covenants, conditions and stipulations hereinafter recited, appearers do hereby grant, donate, confirm, transfer and deliver to the public for the establishment of a public road, a servitude and right of way over and across the following described properties in the Parish of St. Tammany, Louisiana:

PARCEL I - Owned by The Lakes Subdivision, Inc.

ALL THAT CERTAIN PARCEL OF LAND being designated as part of Lot 6, situated in the North half of the Southwest Quarter of Section 14, Township 8 South, Range 14 East, Ward 8, District 10, St. Tammany Parish, Louisiana, being more fully described as follows:

From the Quarter Corner common to Sections 14 and 15 in said Township and Range, go South 89 degrees, 38 minutes, 00 seconds East 2,154.6 feet to the Point of Beginning.

Thence continue South 89 degrees, 38 minutes, 00 seconds East 60.0 feet; thence South 00 degrees, 15 minutes, 00 seconds East 599.0 feet; thence North 89 degrees, 38 minutes, 00 seconds West 60.0 feet; thence North 00 degrees 15 minutes, 00 seconds West 599.0 feet to the Point of Beginning.

Containing in all 0.83 acres of land, more or less.

PARCEL II - Owned by Leon Lowe & Sons, Inc.

ALL THAT CERTAIN PARCEL OF LAND being designated as a proposed 60 foot road Right-of-Way being situated in "Lakes Subdivision", Section 14, Township 8 South, Range 14 East, Ward 8, St. Tammany Parish, Louisiana, being more fully described as follows:

From the Quarter corner common to Sections 14 & 11, in said Township and Range, thence South 1331.34 feet; thence South 89 degrees, 56 minutes, 51 seconds West 1318.97 feet; thence South 00 degrees, 36 minutes, 53 seconds East 1323.37 feet; thence South 89 degrees, 50 minutes, 19 seconds East 852.7 feet to the Point of Beginning.

Thence along the Westerly Right-of-Way line of said proposed street North 00 degrees, 09 minutes, 41 seconds East 150.0 feet; thence South 89 degrees, 50 minutes, 19 seconds East 60.0 feet to the Easterly Right-of-Way line of said proposed street; thence along said Easterly Right-of-Way line South 00 degrees, 09 minutes, 41 seconds West 150.0 feet; thence along the Southerly Right-of-Way line of said street North 89 degrees, 50 minutes, 19 seconds West 60.0 feet to the Point of Beginning.

RESOLUTION OF
THE LAKES SUBDIVISION, INC.

JH At a meeting of the Board of Directors of this Corporation, held on this day of January 1985, at its domicile, after due notice, with all members present and voting, the following resolution was adopted unanimously:

BE IT RESOLVED THAT: GLEN W. REINE, PRESIDENT

at his sole discretion, be authorized and empowered for and on behalf of this Corporation, (1) to purchase any and all real estate property or properties, improved or unimproved, wherever located, from any person, firm or corporation, for such price and on such terms and conditions as he deem fit and proper; (2) to borrow money and in this connection to mortgage and encumber any of the real estate or other property acquired or now owned by this Corporation; (3) to transfer, sell, alienate, or otherwise dispose of any property or properties owned by this Corporation, in whole or in part, to any person, firm or corporation, for such price, on such terms and conditions, that the said officers may deem fit and proper; and (4) to enter into and execute building contracts with any person, firm or corporation, for the construction of homes or any other buildings, on any property, for such price, and on such terms and conditions, that they may deem fit and proper, and (5) to enter into and grant any servitudes or right of ways as they may deem fit, and (6) and to sign any and all documents to enter into or amend any condominium regime or association that said corporation may be an owner thereof.

BE IT FURTHER RESOLVED, that the said officer be and he is hereby authorized to sign and execute on behalf of this Corporation the act of sale, any and all notes, mortgages, and other instruments, including notarial acts, and all other documents in order to carry out the purpose of this resolution; to receive as well as to pay the cash consideration of sales and purchases; to grant mortgages and vendor's liens; as well as to pay the cash consideration of sales and purchases, as well as to do any and all other things, which as in their sole discretion they may deem fitting or proper in order to carry out this resolution; and, to appear before any Notary Public to carry out these purposes. The vendor's liens and mortgages herein authorized shall contain all required security clauses, including confession of judgement, waiver of appraisalment.

I, the undersigned, Secretary of this Corporation do hereby certify that the above and foregoing is a true and correct copy of a resolution taken from the minutes of a meeting of the Board of Directors of this Corporation, held at the domicile of the Corporation, with all members present and voting which is in force and has never been revoked or rescinded as of this 14 day of January, 1985.


Secretary, STEVE DUVERNAY

ATTEST:


President, GLEN W. REINE

Appearers hereby acknowledge that part of the consideration given to Leon Lowe & Sons, Inc. for the dedication of their portion of the Servitude is the obligation of The Lakes Subdivision, Inc. and or its heirs or assigns to develop Phase I of the Lakes Subdivision prior to the development of any other portions of the larger tract of which the Servitude forms a part and that The Lakes Subdivision, Inc. will use the Servitude to haul fill material excavated from the Lakes Subdivision.

At such time as The Lakes Subdivision, Inc., its heirs, successors or assigns dedicate said servitude to the St. Tammany Parish Police Jury, Leon Lowe & Sons, Inc. hereby grants unto The Lakes Subdivision, Inc., its heirs, successors or assigns, a power of attorney to grant and dedicate that portion of the servitude owned by Leon Lowe & Sons, Inc. to the St. Tammany Parish Police Jury for the public use.

The Lakes Subdivision, Inc. herein declares that it is not in the dirt hauling business and it will not operate a dirt hauling or selling business in competition with Leon Lowe & Sons, Inc.

The Lakes Subdivision, Inc. has the right to strip the first four (4) feet of soil from the ground and dispose of it as it sees fit.

The Lakes Subdivision, Inc. herein grants to Leon Lowe & Sons, Inc. a right of first refusal on any and all contracts for the hauling and/or purchase of that soil or matter located four (4) ft. or more from the surface. Leon Lowe & Sonc, Inc. has three (3) days in which to accept the proposed contract from the date of receipt of proposal. If Leon Lowe & Sons, Inc. accepts, they have the right to haul and/or dispose of that dirt for the price of \$.35 per cubic foot. If Leon Lowe & Sons, Inc. has not accepted said contract within that time period, The Lakes Subdivision, Inc. shall have the right to enter into a dirt hauling contract with any other company and The Lakes Subdivision, Inc. shall not be held liable for any loss incurred by Leon Lowe & Sonc, Inc. as a result thereof.

THUS DONE AND PASSED in my office in Slidell, Louisiana on the day, month and year herein first above written, in the presence of the undersigned witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading of the whole.

WITNESSES;

THE LAKES SUBDIVISION, INC.

Corlene Lisa

By *[Signature]*
GLEN W. REINE, PRESIDENT

Joyce Braxman

LEON LOWE & SONS, INC.

By *Leon L. Lowe*
LEON L. LOWE, PRESIDENT

[Signature]
DENISE D. LINDSEY, NOTARY PUBLIC

ACT OF CORRECTION

UNITED STATES OF AMERICA

BETWEEN: THE LAKES SUBDIVISION, INC. and
LEON LOWE & SONS, INC.

STATE OF LOUISIANA

TO: THE PUBLIC

PARISH OF ST. TAMMANY

BE IT KNOWN, that on this 14th day of April, 1989,

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified within and for the above named Parish and State, and in the presence of the undersigned competent witnesses,

PERSONALLY CAME AND APPEARED:

DENISE D. LINDSEY, who declared unto me, Notary, that she was the notary on an Act of Servitude of Way for Public Road dated March 12, 1985, granted by The Lakes Subdivision, Inc. and Leon Lowe & Sons, Inc. as recorded March 22, 1985 in COB 1196, folio 215, records of St. Tammany Parish, Louisiana.

Appearer further declares that an error was made in preparing aforesaid Servitude of Way for Public Road in that the names of the owners of the two parcels were reversed and in fact Parcel I is owned by Leon Lowe & Sons, Inc. and Parcel II is owned by The Lakes Subdivision, Inc.

The purpose of this act of correction is to correct said servitude and to authorize and request the Recorder of Conveyances to make mention of the within act of correction to the Servitude of Way for Public Road as recorded in COB 1196, folio 215, records of St. Tammany Parish, Louisiana, to serve as occasion may require.

THUS DONE AND PASSED in my office at Slidell, St. Tammany Parish, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned competent, who hereunder sign their names with the said appearers and me, Notary, after reading of the whole.

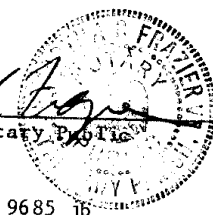
WITNESSES:

Cindy Vansloas

Denise D. Lindsey
Denise D. Lindsey

Joseph Brannan

Notary Public



9685 JB

INSTR. # 719204
DT. REG # 228941
FILED ST. TAMMANY PAR
04MAY89 16:29 TBT
COB 1196 FOLIO 215
MOE _____ FOLIO _____

88R-481

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