

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5731

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. TANNER

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 5 DAY OF JANUARY , 2017

ORDINANCE CONCURRING IN THE DE-ANNEXATION ORDINANCE OF THE TOWN OF ABITA SPRINGS, DESCRIBING THE AREA TO BE ANNEXED INTO UNINCORPORATED ST. TAMMANY PARISH AND THE NEW BOUNDARIES THEREOF, AND ALSO CLASSIFYING THE ANNEXED PROPERTY AS AN A-2 SUBURBAN DISTRICT, RO RURAL OVERLAY & MHO MANUFACTURED HOUSING OVERLAY (STP-2016-01) (WARD 10, DISTRICT 6).

WHEREAS, the Parish of St. Tammany has received a resolution adopted by the Board of Aldermen for the Town of Abita Springs expressing its intent to de-annex property from the municipal boundaries of the Town (attached as Exhibit "A"); and

WHEREAS, the Town of Abita Springs was petitioned by Star Partners, LLC (a.k.a Star Acquisitions, LLC) and Jacquelyn Jenkins Clark, individually, the owners of the immovable property described herein, requesting the de-annexation of said property out of and from the corporate limits of the Town of Abita Springs; and

WHEREAS, the Planning Commission of the Town of Abita Springs has approved de-annexation of the property; and

WHEREAS, on , 2017, the Town Board of Aldermen adopted Ordinance No. . Pursuant to said Ordinance, the Board of Aldermen and Mayor of the Town of Abita Springs ordained that the property described herein after be and is hereby de-annexed and removed from the municipal and corporate limits and boundaries of the Town of Abita Springs, Louisiana; and

WHEREAS, in order to avoid there being any time period whereby the described property is not within a jurisdictional boundary, the removal of the property from the municipal and corporate limits and boundaries of the Town shall be conditioned upon and effective simultaneously with the annexation of the described property by ordinance into the boundaries of the Parish of St. Tammany; and

WHEREAS, Star Partners, LLC (a.k.a Star Acquisitions LLC), through its authorized agent, Vincent P. Centanni, Jr., and Jacquelyn Jenkins Clark, individually, have requested the annexation of the following described immovable property into the Parish of St. Tammany and that the annexation become effective immediately upon final adoption of this ordinance:

Two parcels of property comprising a total of 19.52 acres situated in Section 30, Township 6 South, Range 12 East, of St. Tammany Parish, Louisiana, and as further identified as "Parcel A" and "Parcel B" on a map of resubdivision by John E. Bonneau & Associates, Inc., Land Surveyors, dated 08/11/2008, and recorded as Map File No. 4719D in the Office of the Clerk of Court, in and for the Parish of St. Tammany, Louisiana (attached as Exhibit "B").

Legal Description Of Property (When Annexed into Town 2005)

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all buildings and improvements thereon, and all of the rights, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in One certain lot of land, containing approximately six (6) acres, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes appurtenances, and advantages, prescriptions and rights of prescription thereunto belonging or in anywise appertaining, situated in Section 30 Township 6 South, Range 12 East, Greensburg Land District, in St. Tammany Parish, State of Louisiana, being more fully described as follows, to-wit:

From the Quarter corner common to Section 29 and 30, Township 6 South, Range 12 East proceed thence South 89 deg 51 min 14 sec West 1500.72 feet and South 00 deg 10 min 06 sec West 448.67 feet to the Point of Beginning; from Point of Beginning continue to run South 00 deg 10 min 06 sec West 269.20 feet; thence run South 89 deg 51 min 14 sec West 970.86; thence run North 00 deg 10 min 06 sec East 269.20 feet; thence run North 89 deg 51 min 14 sec East 970.86 back to the Point of Beginning; subject to a servitude of ingress and egress 30 feet in between the lands of James Joseph Prats and Audrey Prats Hingle as illustrated on the plat of Fred L. Tilley & Associates, Registered Land Surveyors, dated the 8th of March 1994 and of record in the Office of the Clerk of Court of St. Tammany Parish at Map File EM1794.

AND

ONE CERTAIN LOT OF LAND, containing approximately 13.6 acres, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages, prescriptions and rights of prescription thereunto belonging or in anywise appertaining, situated in Section 30, Township 6 South, Range 12 East, Greensburg Land District, in St. Tammany Parish, State of Louisiana, being more fully described as follows, to-wit:

From the Quarter corner common to Section 29 and 30, Township 6 South, Range 12 East proceed thence South 89 deg 51 min 14 sec West 1500.72 feet and South 00 deg 10 min 06 sec West 717.88 feet to the Point of Beginning; from the Point of Beginning continue to run South 00 deg 10 min 06 sec West 606.60 feet; thence run South 89 deg 51 min 14 sec West 970.86 feet; thence run North 00 deg 10 min 06 sec East 606.60 feet; thence run North 89 deg 51 min 14 sec East 970.86 feet back to the Point of Beginning.

WHEREAS, pursuant to Town of Abita Springs Ordinance No. 298 of 2005, which provided for the annexation into the corporate limits of the Town (attached as "Exhibit C"), the property was zoned and designated for residential land use. Consideration being given to said prior classification, and that of surrounding land within unincorporated St. Tammany Parish, said property shall be designated as Parish zoning classification A-2 Suburban District, with RO-Rural and MHO-Manufactured Housing Overlays, upon execution of this Annexation; and

WHEREAS, the Parish of St. Tammany having been advised by the applicants that there are no persons currently residing upon the property described above; and

WHEREAS, notice of the filing of this petition by the above described property owners and opportunity for a public hearing being given by publication in the St. Tammany Farmer, the official journal of St. Tammany Parish, Louisiana; and

WHEREAS, no written objection and/or opposition to the proposed de-annexation/annexation having been received; and

WHEREAS, the St. Tammany Parish Council finding that it is necessary for the purpose of protecting the health, safety, and general welfare of the Parish of St. Tammany to concur with the proposed de-annexation/annexation; and

WHEREAS, the Charter of the Parish of St. Tammany requires that any property annexed into the boundaries of the Parish of St. Tammany be designated within a specific Parish Council district; and

WHEREAS, it is necessary to adhere to said requirement and confirm and designate the property as lying within the boundaries of Parish Council District 6.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, by its Parish Council in regular session convened that:

SECTION I. The Parish of St. Tammany hereby CONCURS with the Town of Abita Springs, Louisiana de-annexation of the property described herein and decreasing the boundaries of the Town to exclude the property previously annexed into the Town by Ordinance No. 298 of 2005, as presently

re-subdivided, which de-annexation is agreed to become effective simultaneously with the annexation of said property into the boundaries of the Parish of St. Tammany.

SECTION II. The following described property is hereby annexed into the unincorporated boundaries of the Parish of St. Tammany, Louisiana. Accordingly, the boundaries of St. Tammany Parish are hereby increased to include the following described annexed property, to-wit:

Two parcels of property comprising a total of 19.52 acres situated in Section 30, Township 6 South, Range 12 East, of St. Tammany Parish, Louisiana, and as further identified as "Parcel A" and "Parcel B" on a map of resubdivision by John E. Bonneau & Associates, Inc., Land Surveyors, dated 08/11/2008, and recorded as Map File No. 4719D in the Office of the Clerk of Court, in and for the Parish of St. Tammany, Louisiana (attached as Exhibit "B").

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THAT CERTAIN PIECE OR PORTION OF GROUND, together with all buildings and improvements thereon, and all of the rights, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in One certain lot of land, containing approximately six (6) acres, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes appurtenances, and advantages, prescriptions and rights of prescription thereunto belonging or in anywise appertaining, situated in Section 30 Township 6 South, Range 12 East, Greensburg Land District, in St. Tammany Parish, State of Louisiana, being more fully described as follows, to-wit:

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SECTION III. The zoning classification of the herein above described property is designated as an A-2 Suburban District, RO-Rural Overlay, and MHO-Manufactured Housing Overlay, in accordance with the St. Tammany Parish Unified Development Code. Accordingly, the official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning classification specified in this Section.

SECTION IV. The herein above described property shall be part of Council District 6 of the Parish of St. Tammany, consistent with surrounding property.

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 immediately upon final 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 2 DAY OF FEBRUARY , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: DECEMBER 29 , 2016

Published Adoption: _____ , 2017

Delivered to Parish President: _____ , 2017 at _____

Returned to Council Clerk: _____ , 2017 at _____

AD 2016-02 26A1112

Town of Abita Springs, La.

TOWN CLERK
CLERK OF COURT
KATHY ARMAND

FINANCIAL CLERK
NIKI MENDOW

COUNCIL CLERK
LEANNE SCHAFFER

ATTORNEY
EDWARD DEANO

CERTIFIED BUILDING OFFICIAL
DAVID CHATELAIN

PUBLIC WORKS DIRECTOR
JOHNNY CLAY



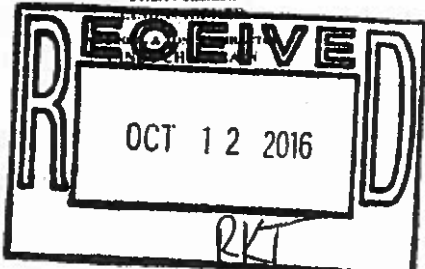
MAYOR
GREG LEMONS

ALDERMEN
GINA KILPATRICK HARPER
(MAYOR PRO-TEM)

PATRICK BERRIGAN
DANIEL J. CURTIS
RYAN MURPHY
LESLIE BLITCH WELLS

UTILITY MANAGER
DEBRA MACLEAN

UTILITY CLERK D



RESOLUTION

A RESOLUTION OF THE BOARD OF THE TOWN OF ABITA SPRINGS TO EXPRESS ITS INTENT TO CONTRACT THE MUNICIPAL BOUNDARIES OF THE TOWN OF ABITA SPRINGS;

WHEREAS, petition has been made by Star Acquisitions, LLC, the owner of the below describe property, to de-annex and remove from the municipal boundaries the property described below.

WHEREAS, that petition was approved by the Planning Commission of the Town of Abita Springs; and,

WHEREAS, the Town of Abita Springs desires to de-annex the below describe property; and,

THEREFORE BE IT RESOLVED that the Board of Aldermen of the Town of Abita Springs hereby expresses its intent to contract the municipal corporate limits of the Town of Abita Springs by removing therefrom by the de-annexation of the following describe property:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all buildings and improvements thereon, and all of the rights, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in One certain lot of land, containing approximately six (6) acres, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes appurtenances, and advantages, prescriptions and rights of prescription thereunto belonging or in anywise appertaining, situated in Section 30 Township 6 South, Range 12 East, Greensburg Land District, in St. Tammany Parish, State of Louisiana, being more fully described as follows, to-wit:

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Town of Abita Springs, La.

TOWN CLERK
CLERK OF COURT
KATHY ARMAND
FINANCIAL CLERK
NIKI MENDOW
COUNCIL CLERK
LEANN SCHAEFER
ATTORNEY
EDWARD DEANO
CERTIFIED BUILDING OFFICIAL
DAVID CHATELAIN
PUBLIC WORKS DIRECTOR
JOHNNY CLAY



MAYOR
GREG LEMONS

ALDERMEN
GINA KILPATRICK HARPER
(MAYOR PRO-TEM)
PATRICK BERRIGAN
DANIEL J. CURTIS
RYAN MURPHY
LESLIE BLITCH WELIVER
CITY MANAGER
DEBRA MACLEAN
UTILITY CLERK II
LINDA MEEKER
PLANNING & ZONING DIRECTOR
CINDY CHATELAIN

subject to a servitude of drive 60 feet in width across the South end of this property of record in the office of the Clerk of Court at COB Instrument # 910469 dated the 15th of June 1994, which road is now called Prats Road; and further subject to a servitude of ingress and egress 30 feet in width between the lands of James Joseph Prats and Audrey Prats Hingle as illustrated on the plat of Fred L. Tilley & Associates, Registered Land Surveyors, dated the 8th of March 1994 and of record in the office of the Clerk of Court for St. Tammany Parish at Map file EM1794.

IT IS FURTHER RESOLVED that the Clerk of the Board of Aldermen of the Town of Abita Springs do all things necessary and proper in furtherance of this Resolution including to submit a certified copy of it to the Parish Council of St. Tammany Parish within ten (10) days of its adoption.

Adopted on motion of Alderman Berrigan and seconded by Alderman Kilpatrick-Harper on the 20th day of September, 2016.


A vote was called on the motion with the following results:

YEAS: 5, Aldermen Berrigan, Curtis, Kilpatrick-Harper, Murphy, Blitch Welliver


NAYS: 0

ABSENT: 0

ABSTAIN: 0



HONORABLE GREG LEMONS
MAYOR, TOWN OF ABITA SPRINGS

ATTEST:


KATHY ARMAND
CLERK, TOWN OF ABITA SPRINGS

AB2016-01 - De-Annex

MAGEE, ZERINGUE & RICHARDSON

ATTORNEYS AT LAW

(NOT A PARTNERSHIP)

William M. Magee
A Professional Law Corporation
Board Certified Civil Trial Advocate
By the National Board of Trial Advocacy
Admitted to practice in Colorado
bill@wmageelaw.com



Zara Zeringue
zara@wmageelaw.com

Suellen Richardson
suellen@wmageelaw.com

Sarabeth T. Bradley
sarabeth@wmageelaw.com

Of Counsel:

Rhea P. Loney
rhea@wmageelaw.com

October 11, 2016

*Via Facsimile tjhand@stpgov.org
and Ordinary Mail*

Mr. Terry Hand, Attorney at Law
St. Tammany Parish
21490 Koop Drive
Covington, LA 70433

Re: Star Acquisitions, LLC vs.
The Town of Abita Springs
22nd JDC No. 2010-11900, "B"
Our File No. 09-6314

Dear Terry:

I have enclosed the original Resolution from the Town of Abita Springs to be put on the agenda for the next Parish council meeting for its concurrence in the de-annexation. Please let me know when it will be taken up.

Should you have any questions or need additional information, please let me know. Thank you for your cooperation and with best regards, I am

Sincerely,

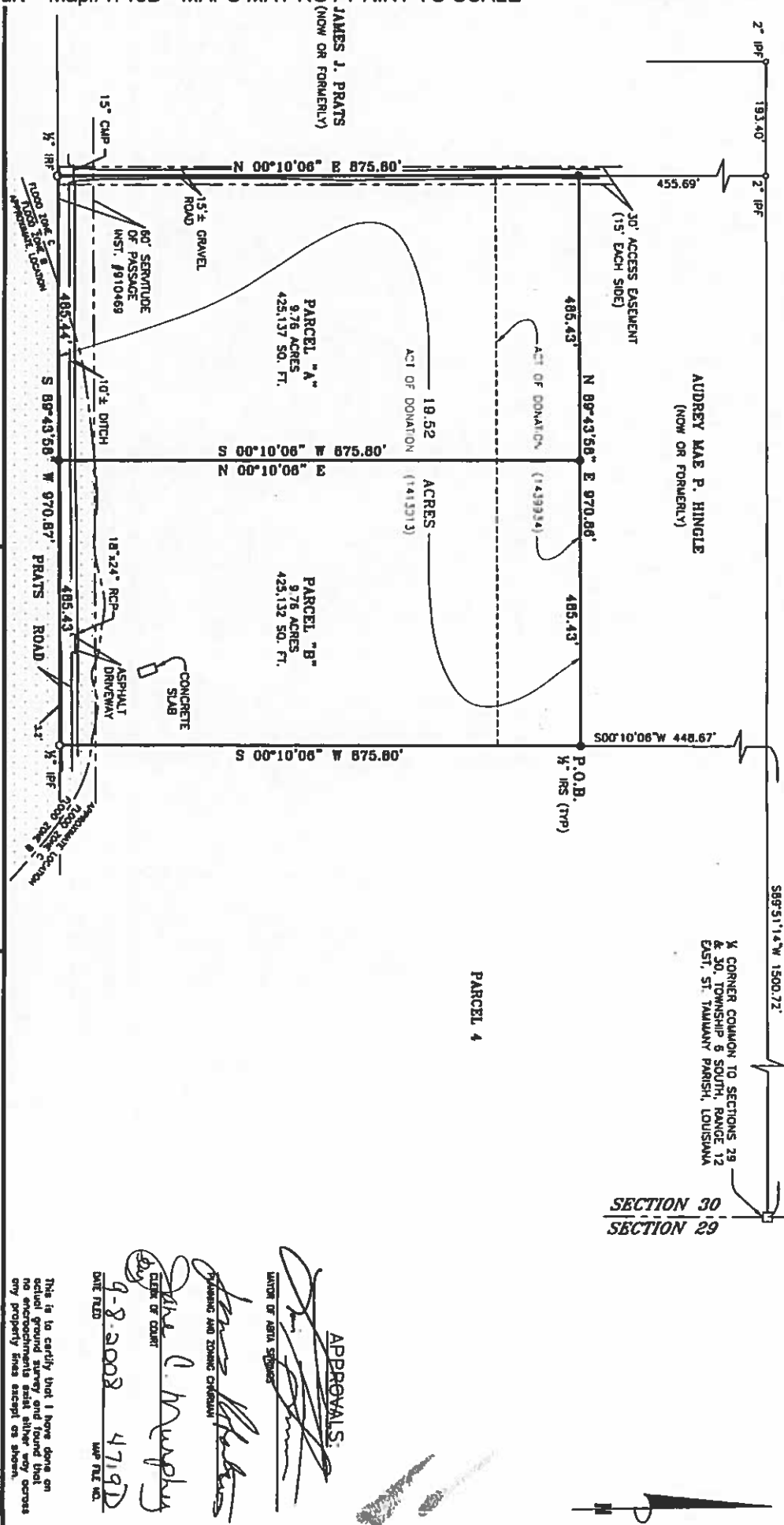
A handwritten signature in black ink that reads "Bill Magee".

William M. Magee

WMM/mcs

Enclosure

cc: Jackie Clark (via email jenjack7@bellsouth.net)
Vincent Centanni (via email vcentanni@bellsouth.net)
Leanne Schaeffer (via email leanne.schaeffer@townofabitasprings.com)



**A RESUBDIVISION MAP OF
A 19.52 ACRE PARCEL OF LAND
into
PARCEL "A" (9.76 ACRES) & PARCEL "B" (9.76 ACRES)**
situated in
SECTION 30, T-6-S, R-12-E
St. Tammany Parish, Louisiana
for
MIKE CLARK

Note: This is to certify that I have consulted the Federal Flood Insurance Administration and have found that the property described is located in Flood Zone(s) "X" & "A" with a Base Flood Elevation of N/A in accordance with Community Panel No. 225205 0235 C
Revised: OCTOBER 17, 1989

Survey No. 2006616 B
Date: MAY 25, 2006
Drawn by: SPH
Revised: 8/11/06 (RESUBDIVISION)

JOHN E. BONNEAU & ASSOCIATES, INC.
Professional Land Surveyors
Planners and Consultants
420 HWY. 1009, EXT. 437 • MADISONVILLE, LA. 70447
(985)945-1012 • (985)945-1013 • (985)945-1351 • FAX NO. (985)945-1778
www.JEBConsulting.com • e-mail: jeb@jebconsulting.net

Scale: 1" = 160'

THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECT SUPERVISION AND CONTROL, AND THAT THE SURVEY WAS DONE ON THE GROUND AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE OF LOUISIANA SURVEYING AND LAND SURVEYING ACT OF 1967, AS AMENDED.

NOTE: Sat/GPS lines shall be verified by either the surveyor or contractor prior to any construction. If the surveyor has not been performed by the undersigned.

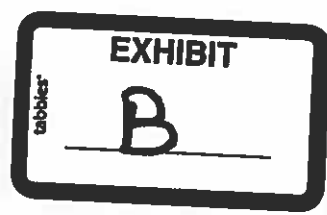
NOTE: Squiggled phone numbers are not to be used in any way. If a phone number is added here to upon request, the surveyor has not performed any title search or abstract.

John E. Bonneau
Professional Land Surveyor
Registration No. 4423

This is to certify that I have done an actual ground survey and found that no encroachments exist other than any property lines except as shown.

APPROVALS:
Walter J. Hinkle
Clerk of Court
9-8-2008 4719D
DATE FILED WJH FILE NO.

SECTION 30
SECTION 29



MC

Town of Abita Springs, La.

CLERK
SECRETARY-TREASURER
TAX COLLECTOR
DONNA KILPATRICK

CHIEF OF POLICE
THELMA NAQUIN

CLERK OF COURT
ROBIN MCGOURTY

ATTORNEY
EDWARD DEANO

BUILDING INSPECTOR
DAVID CHATELAIN



MAYOR
LOUIS FITZMORRIS

ALDERMEN
TROY DUGAS
(MAYOR PRO-TEM)
CALVIN COGNEVICH
JONATHAN DAVIS
PATRICIA EDMISTON
REGINA BENTON
UTILITY CLERK
AMIE WOOD
PLANNING & ZONING CLERK
CINDY MURRY
ACCOUNTS PAYABLE
JENNIFER OALMANN

ORDINANCE NO. 298

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF CERTAIN LANDS INTO THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS AND TO PROVIDE FOR RELATED MATTERS.

Introduced by ALDERMAN DUGAS and seconded by ALDERMAN EDMISTON on this 18th day of OCTOBER, 2005.

IT IS HEREBY ORDAINED by the Board of Aldermen of the Town of Abita Springs that the below described property be and is hereby annexed into the municipal corporate limits of the Town of Abita Springs, Louisiana.

The officials of the Town of Abita Springs are hereby authorized and directed to take all necessary actions that are proper in order to effect the annexation into the corporate limits of the Town of Abita Springs of the below described property.

ONE CERTAIN LOT OF LAND, containing approximately 13.6 acres, together with all the building and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages, prescriptions and rights of prescription thereunto belonging or in anywise appertaining, situated in Sections 30, Township 6 South, Range 12 East, Greensburg Land District, in St. Tammany Parish, State of Louisiana, being more fully described as follows, to wit:

FROM THE QUARTER CORNER COMMON TO SECTIONS 29 and 30, Township 6 South, Range 12 East proceed thence South 89 degrees 51 minutes 14 seconds West 1500.72 feet and South 00 degrees 10 minutes 06 seconds West 717.88 feet to the Point of Beginning; from the Point of Beginning continue to run South 00 degrees 10 minutes 06 seconds West 606.60 feet; thence run South 89 degrees 51 minutes 14 seconds West 970.86; thence run North 00 degrees 10 minutes 06 seconds East 606.60 feet; thence run North 89 degrees 51 minutes 14 seconds East 970.86 feet back to the Point of Beginning; subject to a servitude of drive 60 feet in width across the South end of this property of record in the office of the Clerk of Court at COB Instrument # 910469 dated the 15th of June 1994, which road is now called Prats Road; and further



subject to a servitude of ingress and egress 30 feet in width between the lands of James Joseph Prats and Audrey Prats Hingle as illustrated on the plat of Fred L. Tilley & Associates, Registered Land Surveyors, dated the 8th March 1994 and of record in the office of the Clerk of Court of St. Tammany Parish at Map File EM1794.

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Adopted on motion of ALDERMAN DUGAS and seconded by ALDERMAN EDMISTON on the 15th day of NOVEMBER, 2005.

A vote was called on the motion with the following results:

YEAS: 5-Cognewich, Davis, Dugas, Edmiston + Bernier

NAYS: 0

ABSENT: 0 ABSTAIN: 0

ATTEST:


DONNA KILPATRICK
CLERK, TOWN OF ABITA SPRINGS


HON. LOUIS FITZMORRIS
MAYOR, TOWN OF ABITA SPRINGS