

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4698 AA

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: BELLISARIO

SECONDED BY: CANULETTE

ON THE 1 DAY OF DECEMBER, 2011

ORDINANCE REVOKING THE DEDICATION OF THE RIGHT-OF-WAY KNOWN AS RED ROOSTER ROAD, SITUATED BETWEEN LOTS 6 AND 7 OF DAWES SUBDIVISION. (WARD 8, DISTRICT 9)

WHEREAS, as depicted on the attached drawing by Sean M. Burkes, Louisiana Registered Surveyor, of J. V. Burkes & Associates, Inc., Drawing No. 20110231, dated 09/01/2011 (Exhibit 1), the public road known identified as Red Rooster Road is situated between Lots 6 & 7 of Dawes Subdivision. Red Rooster Road is a substandard road within the existing right-of-way that measures 15.25' in width on the north end and 20.65' in width on the south end; and

WHEREAS, the owner of Lots 6 & 7 of Dawes Subdivision petitioned the Parish to revoke the existing Red Rooster Road and proposed to dedicate and construct an alternate road consisting of a 20' asphalt roadway within a 35' right of way; and

WHEREAS, at a public hearing held before the Planning Commission on November 9, 2011, the Planning Commission considered the proposed revocation of the existing substandard road and its replacement. The Revocation Staff Analysis Report reported that the proposed roadway would be an improvement over the existing one relative to the right-of-way width (35' versus 15'-20' feet), paved roadway service width (20' versus 12'-14') which would allow for two-way traffic, and provide drainage ditches that the current road does not have, that could result in improved drainage flow within the area; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended that the existing Red Rooster Road right-of-way be revoked, subject to, and effective upon, the dedication and construction the proposed alternate road as depicted on the attached Drawing No. 20110231 (Exhibit 1); and

WHEREAS, at the public hearing of the St. Tammany Parish Council, held on December 1, 2011, the Parish Council considered the recommendation of the Planning Commission and determined that it was in the best interest of the public health, safety and welfare to concur with the recommendation to revoke the existing Red Rooster Road upon the dedication and construction of the alternate road. Accordingly, the Parish Council adopted ~~Ordinance Calendar No. 4662~~, Ordinance Council Series No. 11-2640, on December 1, 2011, authorizing the dedication of the proposed 35' right-of-way for construction of the alternate roadway; and

WHEREAS, pursuant to the express authority granted to St. Tammany Parish by 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, 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 a street, road or alley dedicated to public use, and, in accordance with 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 servitudes, 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 right of way and road known as Red Rooster Road is not needed for public purposes, effective upon the dedication and construction of the proposed alternate road and, therefore, St. Tammany Parish hereby revokes the dedication of the existing right of way and

road known as Red Rooster Road, which is situated between Lots 6 & 7 of Dawes Subdivision and is more particularly depicted on the attached Drawing No. 20110231 of J. V. Burkes & Associates, Inc. (Exhibit. 1).

BE IT FURTHER ORDAINED that CLECO is granted a servitude over the entire width of the right-of-way to be revoked, to be depicted on the survey by J.V. Burkes and Associates, Inc.; and require that the applicant locate the existing gas line in the right-of-way and grant Atmos Energy a 10' wide servitude on each side of said gas line, also to be depicted on the survey.

BE IT FURTHER ORDAINED that all subsurface mineral rights therein shall be retained by St. Tammany Parish, unless otherwise specified within this Ordinance; and the Parish shall reserve the right to retain any easements and/or servitudes existing at the time of revocation and/or may also require the establishment of same if the Parish deems it necessary.

BE IT FURTHER ORDAINED that the revocation of the dedication of the right of way and road known as Red Rooster Road shall be subject to, and effective upon, the dedication and construction of the alternate road as provided for in ~~Ordinance Calendar No. 4662~~ Ordinance Council Series No. 11-2640, adopted December 1, 2011. Upon completion of the construction of the alternate road, and acceptance thereof by the Department of Engineering, St. Tammany Parish declares that the aforesaid revocation shall be effective and, 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 Lots 6 & 7 of Dawes Subdivision up to the center line thereof.

REPEAL: All Resolutions, 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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 12 DAY OF JANUARY, 2012; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: NOVEMBER 24, 2011

Published Adoption: _____, 2012

Delivered to Parish President: _____, 2012 at _____

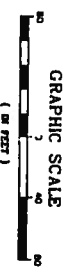
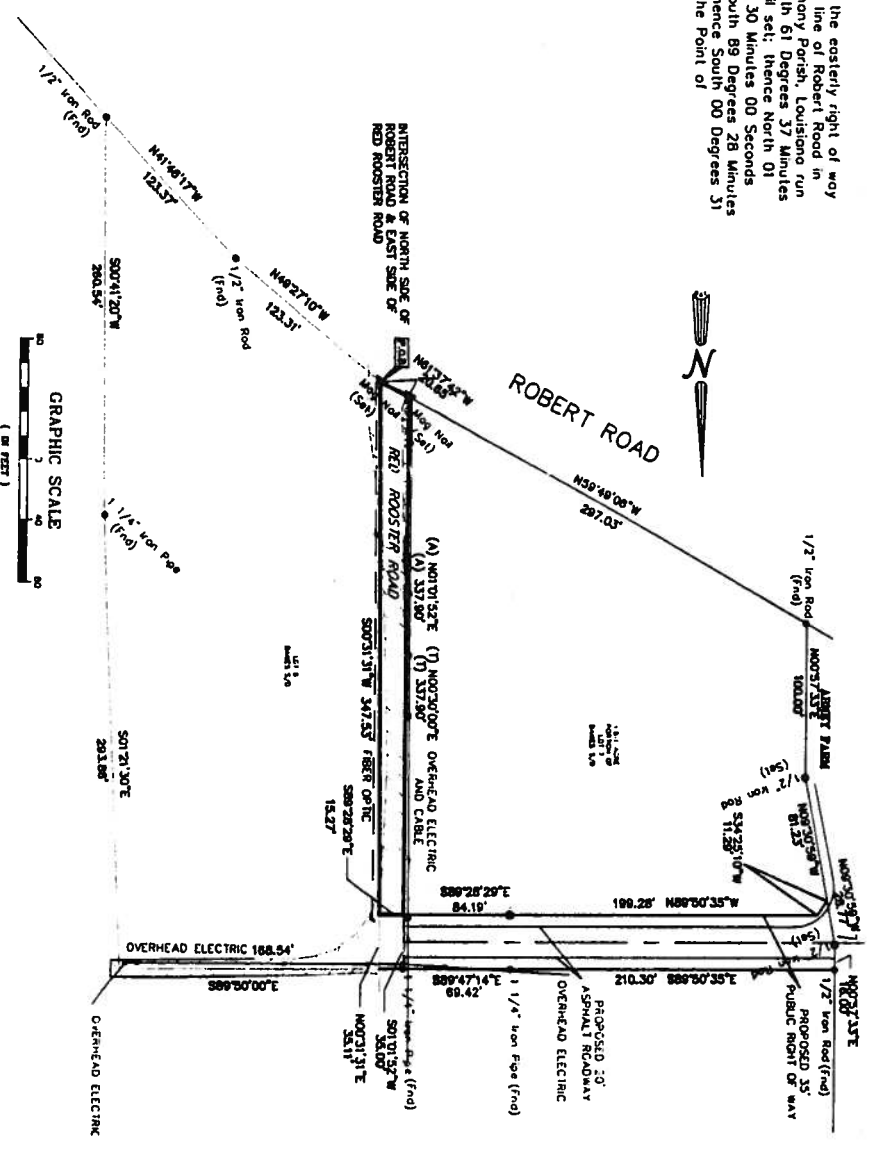
Returned to Council Clerk: _____, 2012 at _____

PROPERTY DESCRIPTION REVOCATION

A certain parcel of land being a portion of Lots 6 & 7, Dawes S/D, situated in Section 24, Township 8 South, Range 14 East, Saint Tammany Parish, Louisiana and more fully described as follows:

Commencing from a Mag Nail set at the intersection of the easterly right of way line of Red Rooster Road and the northerly right of way line of Robert Road in Section 24, Township 8 South, Range 14 East, St. Tammany Parish, Louisiana run along the northerly right of way line of Robert Road North 61 Degrees 37 Minutes 42 Seconds West a distance of 20.65 feet to a Mag Nail set; thence North 01 Degrees 01 Minutes 52 Seconds East (North 00 Degrees 30 Minutes 00 Seconds East-tile) a distance 337.90 feet to a point; thence South 89 Degrees 28 Minutes 29 Seconds East a distance of 15.27 feet to a point; thence South 00 Degrees 31 Minutes 31 Seconds West a distance of 347.53 feet to the Point of Commencement.

Containing 0.1321 acres of land, more or less of land



REVOCATION OF LAND FROM LOTS 6 & 7 OF DAWES SUBDIVISION FOR THE PROPOSED RED ROOSTER ROAD EXTENSION ST. TAMMANY PARISH LOUISIANA

SCALE:	1" = 80'
DATE:	09/01/2011
DRAWN BY:	AKGCE
CHECKED BY:	SMB
DWG. NO.:	20110231
SHEET:	1 OF 1

I certify that this plot does represent an actual survey and that to the best of my knowledge no other survey has been made across any of the property lines, except as shown. Encumbrances shown herein are not necessarily exclusive. Encumbrances of record are added hereto upon request. This survey was not performed on any this street or district.

I have consulted the Flood Insurance Rate Map and found this property is in Flood Hazard Area. F.I.R.M.: 23505 0410 D DATE: 04/21/1999 ZONE: Zone C 87E - EL. N/A

Verily given to construction with local governing body

Declaration is made to original purchaser of the survey, it is not for sale to additional institutions or subsequent owners. Survey is used only if plot has original seal of Surveyor Property & Surveyed in Recordings are based on record bearings unless noted otherwise.

J.V. Burkes & Associates, Inc.
 SURVEYING
 ENGINEERING & ENVIRONMENTAL
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 Slidell, Louisiana 70458
 Phone: 985-649-0075 Fax: 985-649-0154
 Mississippi Phone: 228-433-5800

Seam M. Burkes
 SEAM M. BURKES
 LA REG. NO. 4785