

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5826

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: STEFANCIK/BRISTER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: MR. DEAN

SECONDED BY: MR. TANNER

ON THE 1 DAY OF JUNE, 2017

ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO PURCHASE OR OTHERWISE ACQUIRE CERTAIN SERVITUDES AND/OR RIGHTS OF WAY FOR THE BENEFIT OF THE TENET POND PROJECT (WARD 8, DISTRICT 8).

WHEREAS, St. Tammany Parish Government (hereinafter referred to as "Parish") desires to acquire certain rights of way and/or servitudes upon certain immovable property (also hereinafter referred to as "Property"); and

WHEREAS, there is a need and a public purpose for the acquisition of certain rights of way and/or drainage and construction servitudes for the benefit of the Tenet Pond project, which will serve to improve area drainage; and

WHEREAS, Parish desires to acquire the Property and authorizes 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 the Parish of St. Tammany, through the Office of the Parish President, to acquire by purchase, donation or otherwise, all or parts of those proposed property, servitudes and/or rights of way described and depicted in Exhibit "A" attached hereto; and

BE IT FURTHER ORDAINED: that pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to acquire said Property; and

BE IT FURTHER ORDAINED: that the Office of the Parish President is authorized and instructed to proceed with the acquisition of the Property in a timely and orderly manner; and

BE IT FURTHER ORDAINED: that the Office of the Parish President is authorized to exercise its discretion in acquiring the Property, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

BE IT FURTHER ORDAINED: that, if purchased, the purchase price shall not exceed the fair market value of the Property as evidenced by an appraisal obtained or supplied to the Parish plus fees and costs; and

BE IT FURTHER ORDAINED: that any and all actions previously taken by the Office of the Parish President in furtherance of the actions contemplated herein are ratified and accepted accordingly.

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 13 DAY OF JULY, 2017; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: MAY 24, 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____

Ordinance Administrative Comment

ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO PURCHASE OR OTHERWISE ACQUIRE CERTAIN SERVITUDES AND/OR RIGHTS OF WAY FOR THE BENEFIT OF THE TENET POND PROJECT (WARD 8, DISTRICT 8).

Parish seeks to acquire certain rights of way and/or servitudes to facilitate greater access to the Tenet Pond property. The cross-hatched area as depicted on the attached plan sheet will provide access from the Tenet Pond to the I-10 Service Road. The Parish intends to pay no more than appraised value, plus closing costs, for any right of way and/or servitude acquired.