

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4793

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: GOULD/BRISTER

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 7 DAY OF JUNE , 2012

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE BY DONATION AND/OR QUITCLAIM, CERTAIN MOVABLE AND IMMOVABLE ASSETS FROM 5196 CORPORATION, INC., TATTY COMPANY, L.L.C. AND THOMAS A. DUTEL.

WHEREAS, St. Tammany Parish is one of the fastest growing parishes in the State of Louisiana and with the growth in population comes the need for the governing authority to provide its citizens with certain services such as centralized sewer facilities; and

WHEREAS, in order to accomplish the goal of providing centralized sewer facilities the Parish intends to acquire existing sewer facilities; and

WHEREAS, the Parish of St. Tammany desires to acquire all the properties, whether movable or immovable, and all rights, including, without limitation, servitude rights, used in connection with the ownership and operation of the 5196 Corporation, Inc. system. Those properties and rights include, without limitation, the sewer collection, lift station and treatment plant located on and including Lot 21/Util#1 and the 10' Utility Servitudes located in Chinchuba Subdivision, Squares 10 and 11, as more fully described in the resubdivision survey by Wilson-Pope, PLS dated March 25, 1996, last revised August 1, 1996 and recorded as Map #1460 in the Map records of the Clerk of Court for the Parish of St. Tammany, a copy of which is annexed hereto as Exhibit "A" (hereinafter collectively referred to as "Property"), from 5196 Corporation, Inc., Tatty Company, LLC and Thomas A. Dutel in order to fulfill its goal of providing centralized sewer to its citizens; and

WHEREAS, there is a need and a public purpose for the acquisition of certain movable and immovable property from 5196 Corporation, Inc., Tatty Company, LLC and Thomas A. Dutel to centralize and provide for government sewer services; and

WHEREAS, the Parish of St. Tammany hereby desires to acquire the Property and authorizes the Office of the Parish President to do whatever is necessary to enter into negotiations and acquire said Property; and

WHEREAS, the Parish of St. Tammany will acquire by donation and/or quitclaim.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: to authorize the Parish of St. Tammany to acquire by donation and/or quitclaim all the properties, whether movable or immovable, and all rights, including, without limitation, servitude rights, used in connection with the ownership and operation of the 5196 Corporation, Inc. Utility System. Those properties and rights include, without limitation, the following "Property" described in Exhibit "A" attached hereto.

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 the Property.

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 matter.

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.

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 12 DAY OF JULY , 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: MAY 31 , 2012

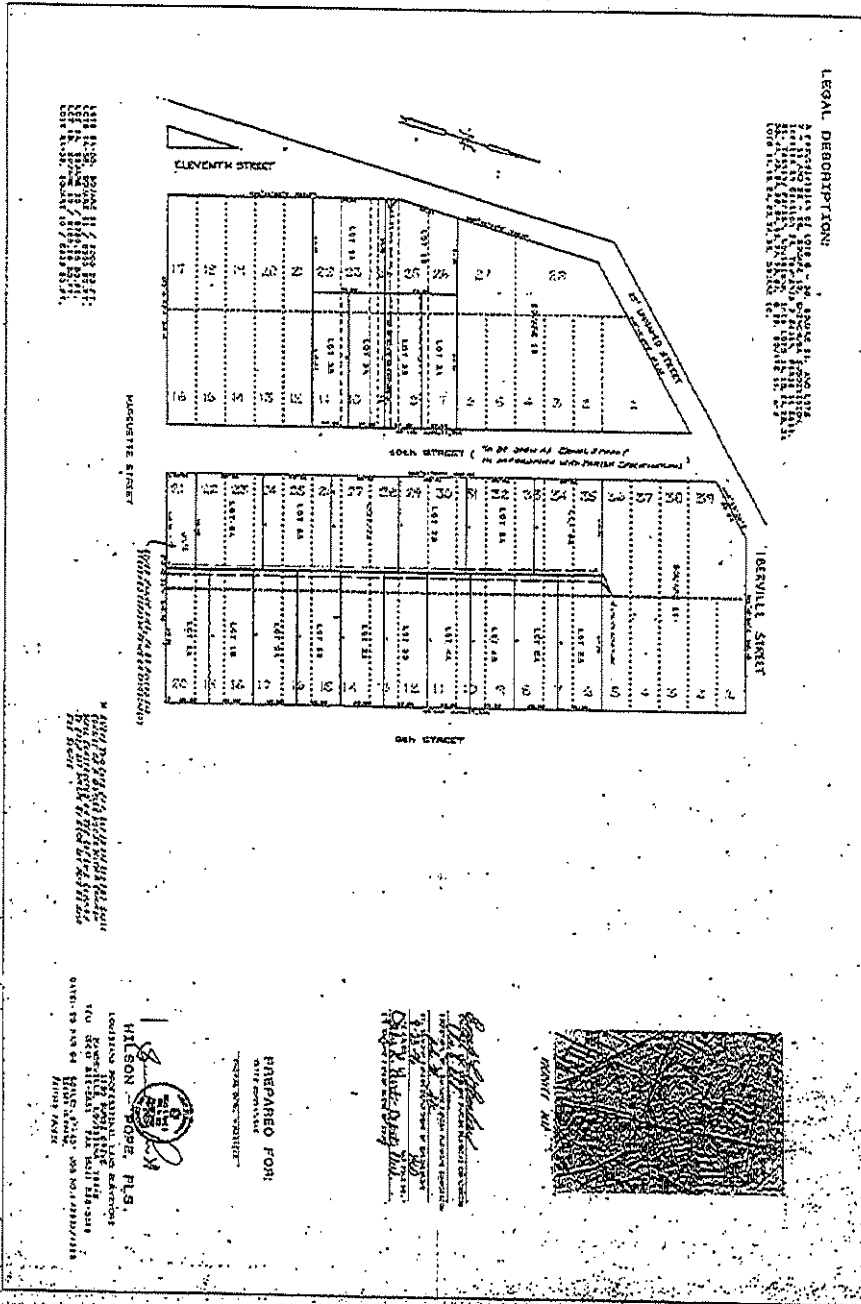
Published Adoption: _____ , 2012

Delivered to Parish President: _____ , 2012 at _____

Returned to Council Clerk: _____ , 2012 at _____

EXHIBIT "A"

St Tammany Parish Clerk of Court Map#1460 - MAPS MAY NOT PRINT TO SCALE



Ordinance Administrative Comment

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE BY DONATION AND/OR QUITCLAIM CERTAIN MOVABLE AND IMMOVABLE ASSETS FROM 5196 CORPORATION, INC., TATTY COMPANY, LLC AND THOMAS A. DUTEL

This is for the Parish to acquire a small sewer collection and treatment system operated by 5196 Corporation, Inc. on land owned by Tatty Company, LLC. Both entities are owned by Thomas Dutel. The system is small and does not have the revenues to meet its expenses. Parish already provides water to the customers served by this system. The property/system will be donated or quitclaimed to the Parish, and the Parish will not pay to purchase the property/system.
