

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5986

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. TOLEDANO

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 7 DAY OF JUNE , 2018

AN ORDINANCE TO REVOKE A PORTION OF SIXTH STREET, LOCATED BETWEEN N. CAUSEWAY BLVD AND 5TH STREET, NORTH OF DESOTO STREET AND SOUTH OF MARQUETTE STREET, NORTHEAST MANDEVILLE. (WARD 4, DISTRICT 5) (REV 18-05-003)

WHEREAS, petitioner, whom owns property abutting the aforementioned Parish street right-of-way, has petitioned the St. Tammany Parish Council to revoke/alienate a portion of the dedication, specifically a portion of Sixth Street, North of Desoto Street and South of Marquette Street, northeast Mandeville; and

WHEREAS, the Departments of Public Works, Engineering, and Development have reviewed and researched said request and have reported their findings to the St. Tammany Parish Planning Commission; and

WHEREAS, the St. Tammany Parish Planning Commission, upon review of said petition, and after having considered all of the facts relevant to this request, has concluded that said portion of said street right-of-way is no longer needed for public purposes as defined pursuant to Louisiana statutory law, and therefore recommends to the Parish Council the adoption of the proposed revocation request.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that it hereby concurs with the findings of the Planning Commission and Therefore grants approval of the revocation/alienation request for the portion of the street right-of-way as referred to above, subject to the following:

SECTION I: The petitioners shall assimilate the right-of-way into the abutting properties that he owns through the Parish’s administrative re-subdivision process before the revocation can go into full force and effect.

SECTION II: The petitioner, or any other adjacent property owner who wishes to participate, if any, shall enter into a private cash sale with the Parish to conclude the revocation/alienation process as set forth in P.J. Ord. No. 93-1700, and in accordance with the provisions of L.R.S. 48:720 and 48:725.

SECTION III: All subsurface mineral rights therein shall be retained by St. Tammany Parish, unless otherwise stated 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.

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, 2018; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: MAY 30, 2018

Published Adoption: _____, 2018

Delivered to Parish President: _____, 2018 at _____

Returned to Council Clerk: _____, 2018 at _____

PEYTON B. BURKHALTER

ATTORNEY AT LAW

May 3, 2018

*Received
05/04/18*

Department of Planning & Development
St. Tammany Parish Government
21490 Koop Drive
Mandeville, Louisiana 70471

RE: My Client: Bunky Properties, LLC
Partial Revocation of the Unopened Sixth Street
Mandeville, Louisiana

Dear Sir or Madame:

Please allow this letter to serve as the application of Bunky Properties, LLC for the partial revocation of the unopened Sixth Street in accordance with St. Tammany Parish Code of Ordinances Section 20-001.00 relative to the closing, abandoning or revoking dedication of streets/roads. My client, Bunky Properties, LLC, is a Louisiana Limited Liability Company, with its principal domicile in the Parish of Orleans, State of Louisiana, whose mailing address and telephone number is 8180 Earhart Boulevard, New Orleans, Louisiana 70103 and (504) 861-8179.

Bunky Properties, LLC is presently in the process of constructing a retail center in Mandeville, adjacent to North Causeway Boulevard and the unopened Sixth Street, which is located in St. Tammany Parish. My client has a commitment to rent the majority of the space in the retail center to Helm Paint & Supply, a local paint and materials supplier. The purpose of this application is to allow and/or facilitate the construction of additional parking spaces as well as for the placement of a sign for the retail center. Attached to this application and in conformity with the cited ordinance, are the following documents which confirm that no utility company has any facilities or utilities in the unopened Sixth Street.

- 1) April 6, 2018 email confirmation from Suzette R. Johnson, Sr. Marketing Consultant Centerpoint Energy, which sets forth Centerpoint Energy does not have any utilities located in the proposed revocation area;
- 2) April 4, 2018 letter from Olene Whiddon, Project Specialist, Atmos Energy Corporation, which confirms that Atmos Energy does not own or operate any facilities within the proposed revocation area; and further, have no objection to the proposed revocation as referenced in the plat by Kelly McHugh & Associates;
- 3) April 5, 2018 email from Bryan Jones, Manager of Engineering, Washington-St. Tammany Electric Cooperative, Inc., confirming that Washington-St. Tammany

2540 SEVERN AVE., SUITE 129 • METAIRIE, LOUISIANA 70002 • PHONE: 504-266-2044 • FAX: 504-266-2049
213 N. VERMONT • COVINGTON, LOUISIANA 70433 • PHONE: 985-307-0112 • FAX: 504-266-2049
EMAIL: PETE@PEYTONBURKHALTERLAW.COM

Electric does not have any lines in this area; and therefore, has no objection to the revocation of the undeveloped Sixth Street in Mandeville;

- 4) April 11, 2018 letter from Jonathan Foster of Charter Communications, which provides that Charter has no facilities within this project; and therefore, does not conflict with proposed construction route;
- 5) April 4, 2018 email from Edwin Whiteman, Sr. Right of Way Agent for Cleco Power, LLC, which provides that Cleco has no poles or lines or equipment of any kind in the portion of Sixth Street to be revoked by St. Tammany Parish; and
- 6) April 17, 2018 notarized letter of no opposition from AT&T, which provides that AT&T does not have existing facilities in the portion of the undeveloped roadway. Further, that they have no objection to the proposal.

In connection with the utility suppliers' affirmation of no services or facilities in the proposed revocation area, attached is a copy of the Kelly McHugh & Associates diagram of February 9, 2018, as well as their survey which was provided to the utility companies.

Further, please find attached the following:

- 1) A notarized letter of no opposition from Junque Drawer, LLC, as well as a copy of the Louisiana Secretary of State printout evidencing that John Derricks is the Member and Officer of Junque Drawer, LLC and St. Tammany Parish Assessor's assessment detail, confirming Junque Drawer, LLC presently owns the property at 4085 DeSoto Street;
- 2) A notarized letter of no opposition from Flick Properties, LLC, the Louisiana Secretary of State detail on Flick Properties, LLC evidencing that Richard Q. Flick is the registered agent and officer of Flick Properties, LLC, and the St. Tammany Assessor's detail evidencing that it owns 1975 N. Causeway Blvd.; and
- 3) A notarized letter of no opposition from Riverside Veterinary Hospital, Inc., Louisiana Secretary of State printout evidencing that H. Paul Ritch, D.V.M. is the Agent and Officer of Riverside Veterinary Hospital, Inc., and the St. Tammany Parish Assessor's detail evidencing that Riverside Veterinary Hospital owns 2099 N. Causeway Blvd.

My client contacted the following individual owners and provided their proposed plan. As of this writing, the two owners listed below have not responded to my client's request for no opposition letters relative to their property. Nicholas Gristina, 4075 DeSoto Street, Mandeville, La., telephone No. 985-869-0263. The assessor's detail evidencing ownership of 4075 DeSoto is attached for your review. Next, Kenneth and Jane Lauber, 2025 N. Causeway Boulevard,

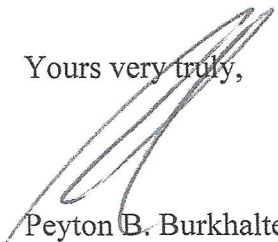
Mandeville, La., telephone No. 985-237-4670. The assessor's detail evidencing ownership of 2025 N. Causeway is attached for your review.

Please also find attached five (5) surveys depicting the proposed revocation area prepared by Kelly McHugh & Associates, 845 Galvez St., Mandeville, Louisiana 70448. Next, attached is five (5) surveys which include the applicable signature lines for the Parish officials for filing following the revocation process as well as the legal description describing the boundaries of the property to be revoked.

Finally, please see attached my firm check in the amount of \$150.00 for the subject application.

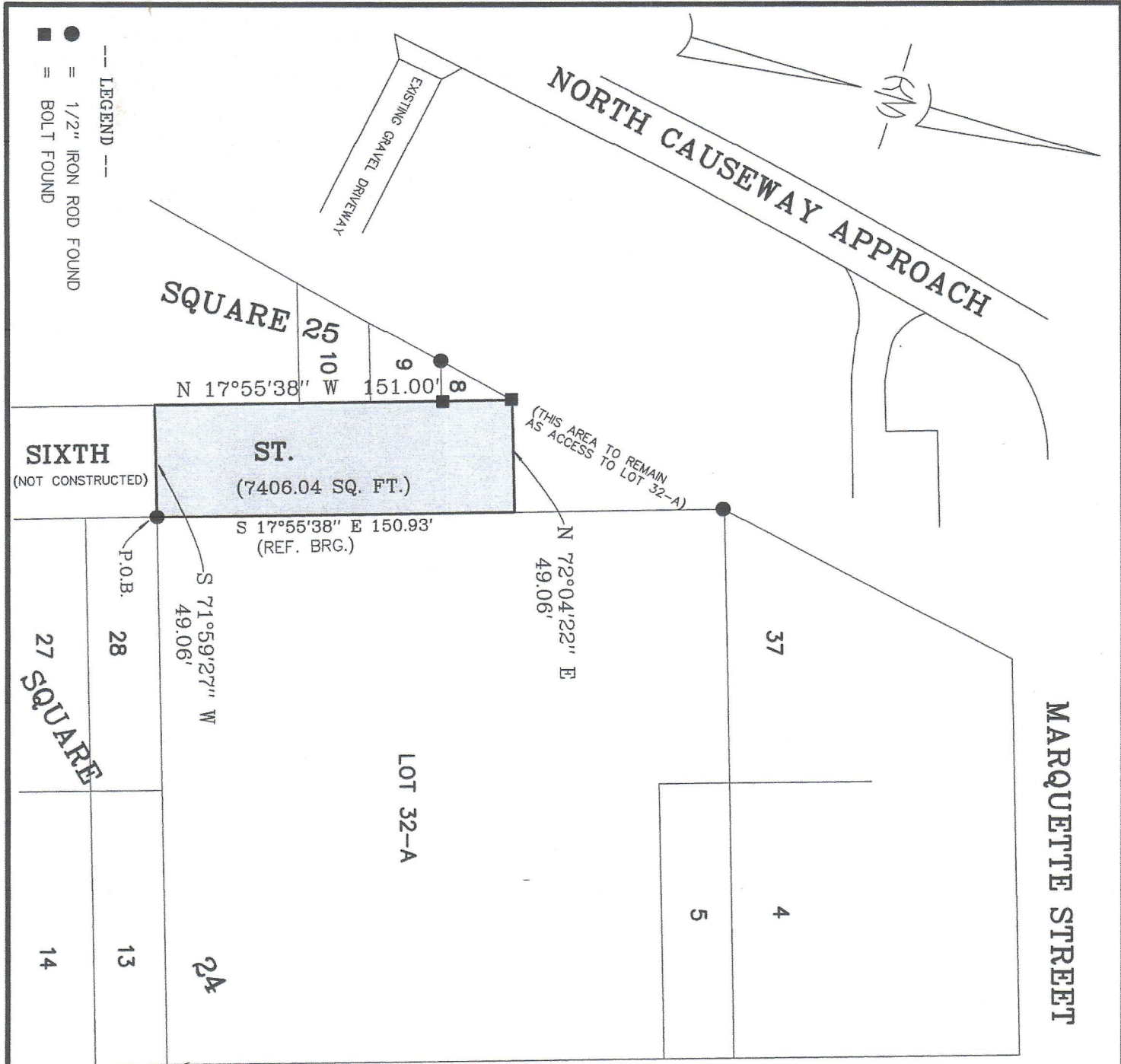
Should you require anything in addition to the documents attached hereto, please contact me at your earliest possible opportunity to discuss this matter. Thanking you for your anticipated cooperation, I remain

Yours very truly,



Peyton B. Burkhalter

PBB/dsr
Enclosure
cc: Bunky Properties, LLC



--- LEGEND ---
 ● = 1/2" IRON ROD FOUND
 ■ = BOLT FOUND

MARQUETTE STREET

FIFTH STREET (ASPHALT)

Legal Description
 A certain parcel of ground situated in Chinchuba Subdivision, St Tammany Parish, Louisiana, and more fully described as follows:
 Commence at the Southwest corner of Lot 32-A, Square 24 and the POINT OF BEGINNING and measure
 South 71°59'27" West a distance of 49.06 feet to a point;
 Thence North 17°55'38" West a distance of 151.00 feet to a point;
 Thence North 72°04'22" East a distance of 49.06 feet to a point;
 Thence South 17°55'38" East a distance of 150.93 feet to the POINT OF BEGINNING, and containing 7,406.04 square feet or 0.1700 acre(s) of land, more or less.

- REFERENCES:**
1. PLAT OF CHINCHUBA SUBDIVISION BY ROBERT A. BERLIN FILED DEC. 1956, AS MAP FILE NO 130A.
 2. SURVEY BY JOHN E BONNEAU DATED 10-03-2000, NO. 2000-611
 3. PLAT OF A RESUBDIVISION BY THIS FIRM FILED 08-29-2017, MAP FILE NO. 5667D

NOTE:
 NO ATTEMPT HAS BEEN MADE BY KELLY McHUGH & ASSOC., INC. TO VERIFY TITLE, ACTUAL LEGAL OWNERSHIP, SERVITUDES, EASEMENTS, RIGHTS OF WAY, DEED RESTRICTIONS, WETLANDS OR ENVIRONMENTAL ISSUES OR OTHER ENCUMBRANCES ON THIS PROPERTY OTHER THAN THOSE FURNISHED BY THE CLIENT.



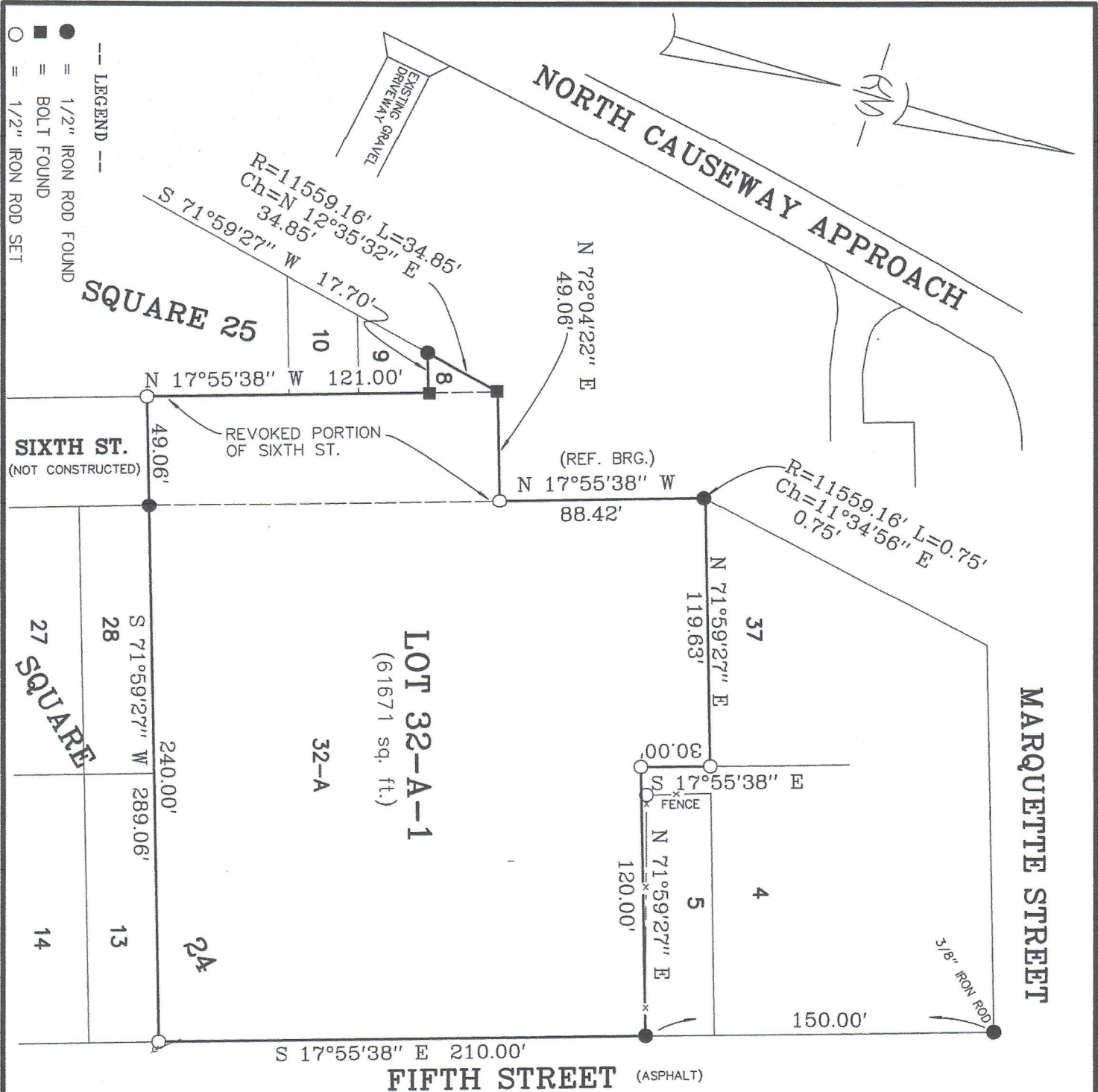
CERTIFIED CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND AND COMPLYING WITH THE CURRENT APPLICABLE STANDARDS OF PRACTICE FOR A CLASS "C" SURVEY. RED STAMP SIGNIFIES CORRECT PLAT.

PREPARED FOR:
**BUNKY PROPERTIES LLC,
 WHITNEY BANK, AND FIRST
 AMERICAN TITLE INSURANCE
 COMPANY OF LOUISIANA.**

KELLY J. McHUGH & ASSOC., INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 845 GALVEZ ST., MANDEVILLE, LA. 626-5611

BOUNDARY SURVEY OF:
**REVOCATION OF AN
 UNOPENED PORTION OF SIXTH STREET
 CHINCHUBA SUBDIVISION,
 GREENSBURG LAND DISTRICT,
 ST. TAMMANY PARISH, LOUISIANA.**

SCALE: 1" = 60'	DATE: 05-25-18
DRAWN: DRJ	JOB NO.: 03-583
REVISED:	



APPROVAL:

SECRETARY PLANNING COMMISSION

DIRECTOR OF THE DEPARTMENT OF ENGINEERING

DATE FILED FILE NO.

CLERK OF COURT

THIS PROPERTY IS LOCATED IN FLOOD ZONE C; BASE FLOOD ELEV. NA; F.I.R.M. PANEL NO. 225205 0240 E; REV. 08-16-95

NOTE: NO BUILDING SETBACKS ARE SHOWN.

REFERENCES:

1. PLAT OF CHINCHUBA SUBDIVISION BY ROBERT A. BERLIN FILED DEC. 1956, AS MAP FILE NO 130A.
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PREPARED FOR:

BUNKY PROPERTIES LLC,
WHITNEY BANK, AND FIRST
AMERICAN TITLE INSURANCE
COMPANY OF LOUISIANA.

KELLY J. McHUGH & ASSOC., INC.
CIVIL ENGINEERS & LAND SURVEYORS
845 GALVEZ ST., MANDEVILLE, LA. 626-5611

A RESUBDIVISION OF LOT 8, SQUARE 25, LOT 32-A, SQ. 24 AND A REVOKED PORTION OF SIXTH STREET INTO LOT 32-A-1, SQ. 24, CHINCHUBA SUBDIVISION, GREENSBURG LAND DISTRICT, ST. TAMMANY PARISH, LOUISIANA.

SCALE:	1" = 60'	DATE:	05-25-18
DRAWN:	DRJ	JOB NO.:	03-583
REVISED:			

LEGAL DESCRIPTION FOR THE PROPOSED REVOKED PORTION OF 6TH STREET

A certain parcel of ground situated in Chinchuba Subdivision, St. Tammany Parish, Louisiana and more fully described as follows, Commence at the Southwest corner of Lot 32-A, Square 24 and the POINT OF BEGINNING and measure South 71°59'27" West a distance of 49.06 feet to a point; Thence North 17°55'38" West a distance of 151.00 feet to a point; Thence North 72°04'22" East a distance of 49.06 feet to a point; Thence South 17°55'38" East a distance of 150.93 feet to the POINT OF BEGINNING, and containing 7,406.04 square feet or 0.1700 acre(s) of Land, more or less.