

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4491

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BINDER/DAVIS

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 6 DAY OF JANUARY, 2011

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE FROM ROAD HOME CORPORATION CERTAIN PARCELS, RIGHTS-OF-WAY AND/OR SERVITUDES.

WHEREAS, the St. Tammany Parish Government desires to acquire certain immovable property (hereinafter referred to as "Property"); and

WHEREAS, there is a need and a public purpose for the acquisition of certain immovable property from the Road Home Corporation; and

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

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: to authorize the Parish of St. Tammany, to acquire by Act of Transfer or by Act of Donation all that certain parcel of ground described in Exhibit "A" attached hereto; and

That pursuant to all applicable provision of law, the Office of the Parish President is directed and authorized to do whatever is necessary to acquire the Property, servitudes and/or rights of way; and

That the Office of the Parish President is authorized and instructed to proceed with the acquisition of the Property, servitudes and/or rights of way in a timely and orderly matter; and

That the Office of the Parish President is authorized to exercise its discretion in acquiring the Property, servitudes and /or rights of way, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

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

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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 1 DAY OF January, 2010; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: December 30, 2011

Published Adoption: _____, 2011

Delivered to Parish President: _____, 2011 at _____

Returned to Council Clerk: _____, 2011 at _____

EXHIBIT "A"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, SITUATED IN SECTION 44, TOWNSHIP 9 SOUTH, RANGE 14 EAST, 9TH WARD, ST. TAMMANY PARISH, LOUISIANA, MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT:

FROM THE SOUTHEAST CORNER OF A CERTAIN PARCEL OF LAND ACQUIRED BY PURCHASE FROM DALTON J. BARANGER FROM HENRY PIERRE ACHER, RECORDED IN COB 210, FOLIO 211 OF ST. TAMMANY PARISH, LOUISIANA NORTH 30 DEGREES 37 MINUTES EAST 45 FEET TO A POINT; THENCE NORTH 55 DEGREES 23 MINUTES WEST 60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 55 DEGREES 23 MINUTES WEST 60 FEET; THENCE NORTH 30 DEGREES 31 MINUTES EAST 40 FEET; THENCE SOUTH 55 DEGREES 23 MINUTES EAST 60 FEET; THENCE SOUTH 30 DEGREES 31 MINUTES WEST 40 FEET AND THE POINT OF BEGINNING, AND BEING A CERTAIN PARCEL OF LAND 40 FEET BY 60 FEET, BETWEEN EQUAL AND PARALLEL LINES, AND BEING LOCATED NEAR HIGHWAY 11 SOUTH, ST. TAMMANY PARISH, LOUISIANA.

Said property having a municipal address of: 4425 Pontchartrain Drive, Slidell, LA, 70458

AND

A CERTAIN LOT OR PARCEL OF LAND, together with all the rights, ways, privileges, servitudes, appurtenances, advantages and component parts thereto belonging or in anywise appertaining, lying and being situated in SECTION 44, TOWNSHIP 9 SOUTH, RANGE 14 EAST, St. Tammany Parish, Louisiana, more fully described as follows:

Commencing at the Southeast corner of a certain piece of land acquired by Dalton J. Baranger, et al recorded in COB 190, folio 586, go North 34 degrees 37 minutes East along west right of way line of U.S. Highway No. 11 a distance of 1500 feet to point of beginning;

Thence North 34 degrees 37 minutes East along West right of way line of U.S. Highway No. 11, 40 feet; thence North 55 degrees 23 minutes West 60 feet; thence South 34 degrees 37 minutes West 40 feet; thence South 55 degrees 23 minutes East go 60 feet to point of beginning.

Said property having a municipal address of: 4463 Pontchartrain Drive, Slidell, LA, 70458

AND

A certain piece of land, situated in Section 44, Township 9 South, Range 14 East, St. Tammany Parish, Louisiana, to-wit:

From the northeast corner of the property sold by Wilmer E. Jenkins to Thomas J. Kelly, Jr., as per COB 279, folio 479 of the official records of St. Tammany Parish, Louisiana which said point is located on the west edge of the right-of-way of U.S. Highway 11 and go north 34 degrees 37 minutes east 90.0 feet along the west edge of the right-of-way of said U.S. Highway No. 11 to the place of beginning; thence go north 34 degrees 37 minutes east 45.0 feet along the west edge of right-of-way of said U.S. Highway No. 11; thence go north 55 degrees 23 minutes west 75.0 feet; thence go south 34 degrees 37 minutes west 45.0 feet; thence go south 55 degrees 23 minutes East 75.0 feet back to the point of beginning.

Said property having a municipal address of: 4621 Pontchartrain Drive, Slidell, LA, 70458

AND

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Section 44, Township 9 South, Range 14 East, 9th Ward, St. Tammany Parish, Louisiana, and being more fully described and delineated as follows, to-wit:

From the NE corner of the property belonging to Dalton Barranger, being part two of COB 190, folio 586 and the SE corner of W.E. Jenkins property, per COB, 185 folio 376, go along the westerly right of way line of U. S. Highway No. 11, being North 34 degrees 37 minutes East, 330 feet to the point of beginning.

Thence continue along said westerly right of way line North 34 degrees 37 minutes East 45 feet; thence go North 55 degrees 23 minutes West 75 feet; thence go South 34 degrees 37 minutes West 45 feet; thence go South 55 degrees, 23 minutes East 75 feet to the point of beginning.

Said property having a municipal address of: 4635 Pontchartrain Drive, Slidell, LA, 70458

AND

A certain lot of ground, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Tammany, State of Louisiana, in Section 44, Township 9 South, Range 14 East, to-wit:

From the milepost number 170, situated on the Eastern right of way line of the Southern Railroad System, go South 34 degrees, 37 minutes West, a distance of 2,813.8 feet to a point; thence go South 55 degrees, 23 minutes East, a distance of 1,750.0 feet to an iron set on the Western bank of the canal; thence go South 34 degrees, 37 minutes West, a distance of 91 feet to the Point of Beginning.

Thence continue South 34 degrees, 37 minutes West along said Western bank of said canal a distance of 30 feet to a point; thence go North 55 degrees, 23 minutes West, a distance of 70 feet to a point; thence go North 34 degrees, 37 minutes East, a distance of 30 feet to a point; thence go South 55 degrees, 23 minutes East, a distance of 70 feet to a Point of Beginning. Also, including all of owner's rights, title, and/or interest to the frontage on the Western right of way line of the US Highway 11 across said canal with a frontage of 30 feet between the parallel extensions of the property heretobove described and whatever property said owner owns between said Western right of way and said US Highway 11 and the property heretobove conveyed.

AND

A certain lot of ground, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Tammany, State of Louisiana, in Section 44, Township 9 South, Range 14 East, to-wit:

A lot of ground measuring 67 feet North, 67 feet South, 70 feet East and 70 feet West. This lot of ground joins the above property, to-wit:

From the milepost number 170 situated on the Eastern right of way of the Southern Railroad System, go South 34 degrees 37 minutes West, a distance of 2,813.8 feet to a point; thence go South 55 degrees 23 minutes East a distance of 1,750.0 feet to an iron set on the Western bank of canal; thence go South 34 degrees 37 minutes West, a distance of 91 feet to the Point of Beginning.

Thence continue South 34 degrees 37 minutes West along said Western bank of said canal, a distance of 30 feet to a point; thence go North 55 degrees 23 minutes West, a distance of 70 feet to a point; thence go North 34 degrees 37 minutes West, a distance of 30 feet to a point; thence go South 55 degrees 23 minutes East, a distance of 70 feet to a Point of Beginning.

Said property having a municipal address of: 4601 Pontchartrain Drive, Slidell, LA, 70458

AND

One certain lot or parcel of land, lying and being situated in Section 44, Township 9, Range 14 East, 9th Ward, St. Tammany Parish Louisiana, more fully described as follows:

From the intersection of the westerly right of way line of U.S. Highway 11 with the westerly line of the above mentioned Section 44, go thence along said right of way line north 34 degrees 37 minutes east a distance of 341.9 feet to the southeast corner of the property acquired by Dalton L. Barranger, per deed recorded in COB 187, folio 530 of the official records of St. Tammany Parish, Louisiana, thence continue along said right of way line north 34 degrees 37 minutes east 167.1 feet to the point of beginning.

Thence go north 55 degrees 23 minutes west 220 feet;

Thence go north 34 degrees 37 minutes east 40 feet;

Thence go south 55 degrees 23 minutes east 220 feet to the westerly right of way line of U.S. Highway 11;

Thence go along said right of way line south 34 degrees 37 minutes west 40 feet to the point of departure;

Said property having a municipal address of: 4689 Pontchartrain Drive, Shidell, LA, 70458

AND

A certain lot or parcel of land, together with all the rights, etc., thereto belonging, lying and being situated in a part of Section 51, Township 9 South, Range 14 East, St. Tammany Parish, Louisiana, which parcel of land is designated as the north 47.67 feet of Lot 9 as drawn on survey #5542 by R.P. Rordam, C.E., dated September 4, 1937, more fully described as follows:

From an old iron pipe set in concrete placed by Frank Weadell, C.E., in October, 1936 on the westerly right of way line of the original Pontchartrain Bridge North approach and go thence along said right of way line parallel to the center line of the N.O. & N.E. R.R., the bearing of which is shown on the Kordam survey as North 28 degrees 26 minutes East a distance of 734.70 feet to the southeast corner of Lot 8 of the Rordam survey; thence continue North 28 degrees 26 minutes East a distance of 3.33 feet to the point of beginning;

Thence continue along said right of way line North 28 degrees 26 minutes East a distance of 46.67 feet to a point; thence go North 61 degrees 34 minutes West a distance of 100 feet to the railroad right of way line; thence south 28 degrees 26 minutes West a distance of 46.67 feet along the right of way; thence South 61 degrees 34 minutes East a distance of 100 feet to the point of departure.

All in accordance with survey number 6488 by I.V. Burkes, C.E. dated December 15, 1969. Said property having a municipal address of: 4959 Pontchartrain Drive, Shidell, LA, 70458

AND

All that certain parcel or lot of land, lying and being situated in fractional NE 1/4 of the NW 1/4 of Section 32, Township 9 South, Range 14 East, 9th Ward, St. Tammany Parish, Louisiana and being more fully described as follows:

Beginning at the quarter section corner common to Sections 29 and 32 of Township 9 South, Range 14 East, St. Tammany Parish, Louisiana, go West 1020.0 feet; thence South 750.0 feet to a post set on the right of way of U.S. Highway 11; thence along the northerly edge of the right of way of U.S. Highway 11, 192.6 feet to a point of beginning.

Thence in an easterly direction along said U.S. Highway 11, 32.1 feet; thence North 200.0 feet, thence South 60 degrees, 30 minutes West 52.1 feet; thence South 200.0 feet to the point of departure.

Said property having a municipal address of: 4835 Pontchartrain Drive, Shidell, LA, 70458

AND

ONE CERTAIN PIECE OR PORTION OF LAND, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the PARISH OF ST. TAMMANY, State of Louisiana, and identified as Parcel X-1, as per plat of survey dated July 10, 1964, revised September 10, 1964 by Douglas O. Sheehan, Surveyor, and is more fully described as follows:

To reach the point of beginning, start at the northwest corner of Section 32, Township 9 South, Range 14 East, St. Tammany Parish, La.; thence run North 89 degrees, 27 minutes, 18 seconds East along the North line of Section 32 a distance of 1320 feet thence South 0 degrees, 32 minutes, 27 seconds East a distance of 880.19 feet to a point on the Northwest side of U.S. Highway No. 11 a distance of 160 feet to the point of beginning; thence from the point of beginning, continue southwesterly along the northwest side of U.S. Highway No. 11 a distance of 75 feet; thence run Northwesterly and perpendicular to U.S. Highway No. 11 a distance of 65 feet; thence run northeasterly and parallel to U.S. Highway No. 11 a distance of 78 feet more or less; thence run southeasterly and perpendicular to U.S. Highway No. 11 a distance of 65 feet to the point of beginning. The said described property lying and being situated in Section 32, Township 9 South, Range 14 East, Parish of St. Tammany, State of Louisiana.

Said property having a municipal address of: 4877 Pontchartrain Drive, Sibley, LA, 70458

AND

ALL THAT CERTAIN TRACT OR PORTION OF LAND and its component parts, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the PARISH OF ST. TAMMANY, State of Louisiana, and more fully described as follows, to wit:

Designated as LOTS 31 AND 32, DUBUSSION TRACT, being situated in Section 32, Township 9 South, Range 14 East, St. Tammany Parish, Louisiana.

Said property having a municipal address of: 4807 Pontchartrain Drive, Sibley, LA, 70458

AND

All that certain lot or parcel of ground, together with all the rights, ways, privileges, servitudes, appurtenances, advantages and component parts thereunto belonging or in anywise appertaining, lying and being situated in the Southwest Quarter of the Southeast Quarter, Section 29, Township 9 South, Range 14 East, 9th Ward, St. Tammany Parish, Louisiana, having a frontage of thirty (30) feet on U.S. Highway #11, by a depth of 75 feet between equal and parallel lines and being more fully described as follows:

From the intersection from the Westerly right of way line of U.S. Highway #11, with the line between Section 29 and 32, go in a Northeasterly direction along the curve of the westerly right of way line of U.S. Highway #11, a distance of 146 feet to the point of beginning.

Thence North 32 degrees, 30 minutes West 75 feet; thence following a curve in a Northeast direction, parallel to the highway right of way line, a distance of 30 feet; thence South 32 degrees, 30 minutes East 75 feet to the Westerly right of way line of U.S. Highway #11; thence along the curve of said right of way line, in a Southwesterly direction a distance of 30 feet to the point of departure; all as per process verbal by H. Fritchie, Surveyor, dated August 16, 1955.

And further in accordance with survey by Ivan M. Borgsen, Land Surveyor, dated July 12th, 1983, Survey No. 34215.

Said property having a municipal address of: 4753 Pontchartrain Drive, Sibley, LA, 70458

AND

THAT PORTION OF GROUND, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereto belonging or in anywise appertaining, situated in ROADSIDE CAMP SITES, a subdivision which lies partially in the SE 1/4 of the NE 1/4 of Section 31 and partially in the SW 1/4 of the NW 1/4 of Section 32, Township 9 South, Range 14 East, at North Shore, 9th Ward, St. Tammany Parish, Louisiana, more fully described as follows:

BENGLOTS NOS. 29 and 30 of said CAMP SITES SUBDIVISION, measuring each 30 feet front on Ponchartraine Road or Highway 11, by a depth of 100 feet extending westerly between equal and parallel lines, all in accordance with plan and survey No. 1411 made by H. C. Fritchie Parish Surveyor, dated April 27, 1951, and as amended September 12, 1956, a copy of which is in file in the Office of the Clerk of Court further delineated by Ivan M. Borgun, C.E., Survey No. 7123, dated June 15, 1976.

Said property having a municipal address of: 4909 Ponchartraine Drive, Shidell, LA, 70458

AND

ALL THAT CERTAIN TRACT, or portion of land, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereto belonging or in anywise appertaining, situated in section 32, 19S, R14E, St. Tammany Parish, Louisiana, and identified as per plat of survey by J. Y. Burkes, C. E., No. 4607, dated February 4, 1965, being more fully described as follows, to-wit:

Commencing at the corner common to sections 29, 30, 31 and 32, go North 89 degrees 27 minutes 18 seconds east 1320.00 feet; thence South 00 degrees 32 minutes 27 seconds East, a distance of 880.19 feet to the western right of way line of U.S. Highway 11; thence following the right of way line of said highway, go in a southwest direction a distance of 319 feet to the point of beginning.

From the point of beginning, continue along said right of way a distance of 78 feet the north right of way to Carr Drive, thence along the right of way of said drive, go North 45 degrees 51 minutes 32 seconds West, a distance of 65 feet; thence go in a northeasterly direction following the rear boundaries of Parcel A and B a distance of 82 feet, more or less, to the northerly boundary of parcel Y-2, thence along the property line of said parcel, go in a southeasterly direction a distance of 65 feet back to the point of beginning. All in accordance with plat of survey by J. Y. Burkes, C.E., dated February 4, 1965, and being Survey Number 4687, the property is above described.

Said property having a municipal address of: 4881 Ponchartraine Drive, Shidell, LA, 70458

AND

TWO CERTAIN LOTS OR PARCELS OF GROUND, together with all the rights, ways, privileges, servitudes, appurtenances and advantages thereto belonging or in anywise appertaining, situated in the Parish of St. Tammany, State of Louisiana, in ROADSIDE CAMP SITES SUBDIVISION, and designated as Lots Nos. 13 and 14.

Said Lots 13 and 14 measures each 30' on Highway 11 or Ponchartraine Bridge Road, by a depth of 100' extending westerly between equal and parallel lines.

Said Subdivision lies partially in the Southeast Quarter of the Northeast Quarter of Section 31 and partially in the Southwest Quarter of the Northwest Quarter of Section 32, T9S, R14E, at North Shore, Ninth Ward, St. Tammany Parish, Louisiana, all in accordance with plat of survey No. 1141, made by H. G. Fritchie, Parish Surveyor, dated 4/27/51, recorded in the official conveyance records of the Parish of St. Tammany, Louisiana.

Said property having a municipal address of: 4933 Ponchartraine Drive, Shidell, LA, 70458

AND

ALL THAT CERTAIN LOT OR PARCEL OF LAND, TOGETHER WITH ALL THE RIGHTS, WAYS, PRIVILEGES, SERVITUDES, APPURTENANCES, ADVANTAGES AND COMPONENT PARTS THEREUNTO BELONGING OR IN ANYWISE APPERTAINING, SITUATED IN A PART OF SECTION 31, TOWNSHIP 9 SOUTH, RANGE 14 EAST, ST. TAMMANY PARISH, LOUISIANA, MORE PARTICULARLY DESCRIBED AS PER CORRECTED SURVEY MADE BY R.P. RORDAM, C.E., DATED SEPTEMBER 4, 1937 (BEING A PART OF SAID SURVEY) IS SITUATED AND MEASURES AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE PROPERTY DENNIS MARCADE, IN SAID SECTION, TOWNSHIP AND RANGE, THENCE RUN NORTH, IN SAID SECTION, TOWNSHIP AND RANGE THENCE RUN NORTH 23 DEGREES, 26 MINUTES EAST 230 FEET TO THE NORTH LINE OF THE NEW ORLEANS AND NORTHEAST RAILROAD RIGHT OF WAY; THENCE RUN IN A SOUTHERLY DIRECTION ALONG THE SAID LINE OF THE N.O. & N.E. RAILROAD RIGHT OF WAY 50 FEET; THENCE RUN IN A EASTERLY DIRECTION ALONG THE LINE BEING PROPERTY 100 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY HEREIN CONVEYED;

Said property having a municipal address of: 4953 Poncechartrain, Slidell, LA, 70458

AND

All that certain piece of portion, together with all the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the PARISH OF ST. TAMMANY, STATE OF LOUISIANA, and being more fully described as follows, to-wit:

Lot 17, ROADSIDE CAMP SITES, LOCATED IN SECTION 31 AND 32, TOWNSHIP 9 SOUTH, RANGE 14 EAST, G. L. D., NEAR SLIDELL, ST. TAMMANY PARISH, LOUISIANA.

All in accordance with map and plat of survey by Albert A. Lovell & Associates, Inc., C. E., dated March 1, 1983, Job No. 97254, and annexed to an Act of Sale dated April 6, 1984 and filed in the conveyance records of St. Tammany Parish, LA at COB 1146, folio 452; said lot measures 30 feet front U.S. Hwy., same width in the rear, by a depth of 100 feet between equal and parallel lines.

Said property having a municipal address of: 4929 Poncechartrain Drive, Slidell, LA, 70458