

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5778

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 2 DAY OF MARCH , 2017

ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT THE DEDICATION AND DONATION OF CERTAIN INFRASTRUCTURE SITUATED WITHIN THE LANDINGS OF CROSS GATES SUBDIVISION, PHASES 1, 2, 3 AND 4, AND TO PROVIDE FOR OTHER RELATED MATTERS (DISTRICT 9, WARD 8).

WHEREAS, St. Tammany Parish Government (hereinafter "Parish") has a strong public interest in ensuring that infrastructure located within Parish jurisdiction is constructed and maintained in accordance with local, state and/or federal standards and regulations; and

WHEREAS, at the present time, all roads, right(s) of way and associated subsurface drainage infrastructure situated within The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4 (also hereinafter "Landings"), a private subdivision located in Slidell, St. Tammany Parish, Louisiana, are vested in Landings and/or The Landings Homeowner's Association, Inc. ("LHOA") and are for the private use of the residents and property owners of Landings. The homeowners and LHOA now desire that all roads, right(s) of way and associated subsurface drainage infrastructure situated with Landings be made public and maintained by Parish. Accordingly, the homeowners and LHOA desire that the final plats be corrected and/or amended to reflect that all roads, right(s) of way and associated subsurface drainage infrastructure situated within Landings (also hereinafter the "Infrastructure") are public. LHOA is governed by its Board of Directors, and, as evidenced by a resolution adopted at its regularly called meeting on December 9, 2015, the Board of Directors have met and approved the transfer of the foregoing Infrastructure to Parish.

WHEREAS, as authorized by the foregoing resolution, LHOA has previously initiated an application requesting that Parish acquire ownership of and assume responsibility for the maintenance of the Infrastructure; and

WHEREAS, the matter is to be reviewed by the St. Tammany Parish Planning Commission, and act(s) of correction of the final plat(s) of all phases of the Landings are to be executed by a licensed surveyor, wherein it will be noted that all roads, right(s) of way and associated subsurface drainage infrastructure situated within Landings are now public; and

WHEREAS, there is a need and public purpose for the acquisition of the Infrastructure, and Parish hereby desires to acquire the Infrastructure and authorize 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 St. Tammany Parish Government, through the Office of the Parish President, to execute any and all documents necessary to accept a dedication and donation of private roads, right(s) of way and associated subsurface drainage infrastructure situated within The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, all as more particularly depicted on the copies of recorded plat(s) attached hereto as Exhibit "A."

BE IT FURTHER ORDAINED: that prior to executing the aforesaid dedication and donation, Parish's Department of Engineering shall verify that the entrance gates to The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, have been removed, and that the aforementioned roads and associated drainage infrastructure have been constructed to Parish standards.

BE IT FURTHER ORDAINED: that prior to executing the aforesaid dedication and donation, Parish’s Department of Engineering shall verify that the traffic signage in the subdivision has been constructed and/or installed in accordance with St. Tammany Parish Code of Ordinances, Appendix ”B”, Subdivision Regulatory Ordinances No. 499, as amended.

BE IT FURTHER ORDAINED: The Act of Dedication and Donation herein referenced shall include the following: (1) LHOA shall maintain all traffic signage in The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4; (2) any signage that is damaged, destroyed or which fails at any time to meet the standards of the Manual on Uniform Traffic Control Devices (”MUTCD”) or similar Parish standards will be replaced by Parish with standard metal posts and signs, and LHOA reserves to itself, after written notification to the Parish, the right to replace said posts and/or signs with its own signs, all of which must conform to MUTCD and/or similar Parish specifications; (3) the Parish shall not be taking over any drainage outfalls or facilities owned by LHOA or The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4 other than the associated subsurface drainage infrastructure noted herein; (4) LHOA shall indemnify and hold the Parish harmless from any claims and actions for damages arising out of or associated with the maintenance of all traffic signage, but only to the extent that said claims and actions involve or are contributed to by the association’s signage or lack of maintenance of said signage; and (5) LHOA shall maintain a policy of liability insurance of which policy shall name St. Tammany Parish Government as an additional insured for all personal injury and/or property damage claims and actions in connection with this indemnity and hold harmless agreement.

BE IT FURTHER ORDAINED: This matter and proposed dedication and donation is to be reviewed by the St. Tammany Parish Planning Commission, and an Act of Correction of the final plat(s) of all phases of The Landings Subdivision are to be executed, wherein it will be noted that all roads, right(s) of ways and/or subsurface drainage infrastructure are public and not private.

BE IT FURTHER ORDAINED: The Act of Correction and final plat(s) of all phases of the Landings Subdivision shall include an affirmative declaration that the Street Name signs and Traffic Control signs within the subdivision shall be privately maintained by LHOA as an affirmative obligation of that entity.

BE IT FURTHER ORDAINED: Upon execution of the aforesaid dedication, donation, and transfer of the roads, right(s) of way and associated subsurface drainage infrastructure situated in The Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, said roads, rights of way(s) and associated subsurface drainage infrastructure shall be included in the St. Tammany Parish Maintenance System.

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 6 DAY OF APRIL , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

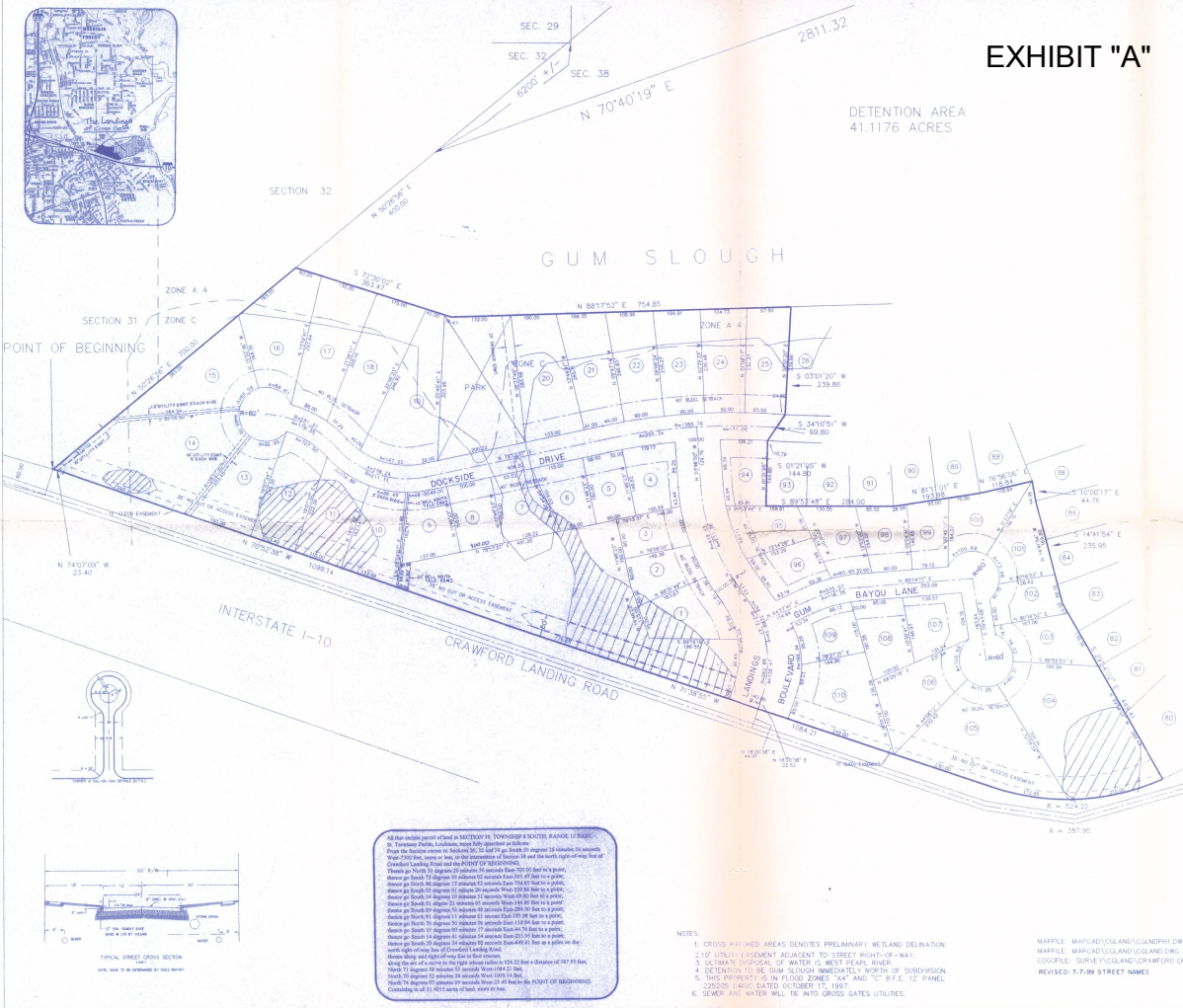
Published Introduction: FEBRUARY 23 , 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____

EXHIBIT "A"



- RESTRICTIVE COVENANTS**
1. Easement for utility purposes shall be reserved to the owner of the property.
 2. The building shall not be located closer than 10 feet to the property line.
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CERTIFICATION:

This map is certified to be correct and in accordance with a physical survey made on the 17th day of October, 1995, by the undersigned.

DEDICATION:

The undersigned hereby dedicates to the public the lands shown on this map for the purposes of the project shown on this map.

APPROVAL:

For the City of St. Louis, Missouri: *[Signature]*
For the County of St. Louis, Missouri: *[Signature]*
For the State of Missouri: *[Signature]*

RECORDED PLAT

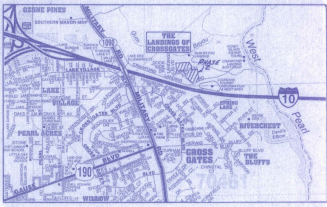
RECORDED IN THE PUBLIC RECORDS OF THE CITY OF ST. LOUIS, MISSOURI, IN BOOK 1754, PAGE 1754.

J.V. BURKES & ASSOC., INC.
2990 E. CAUSE BLVD. (504) 649-0070
SLC001, LA 70461

DATE: APRIL 17, 1995
DRAWN BY: JVB
SCALE: 1" = 100'

THE LANDINGS OF CROSS GATES
PHASE 1
SEC. 38 + T8S - R1E

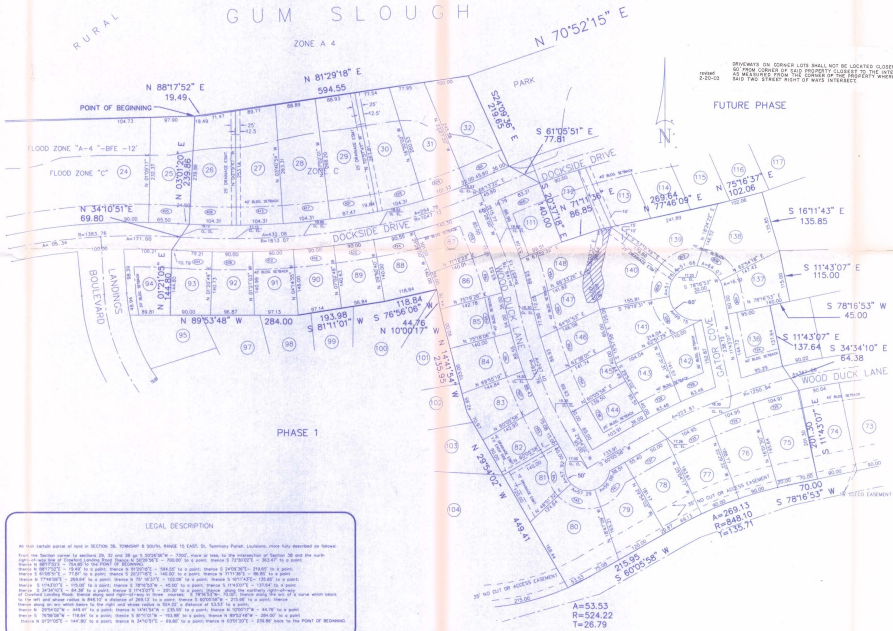
FOR: CROSS GATES, INC. DWG. NO. 981646



VICINITY MAP

THE LANDINGS OF CROSS GATES
PHASE 2
SEC. 38 - T8S - R15E
ST. TAMMANY PARISH, LOUISIANA

DETENTION AREA
41.176 ACRES



WETLAND AREA

NOTES:

1. 10' UTILITY EASEMENT ADJACENT TO STREET RIGHT-OF-WAY.
2. ULTIMATE DISCHARGE OF WATER IS WEST PEARL RIVER.
3. DETENTION TO BE GUM SLOUGH IMMEDIATELY NORTH OF SUBDIVISION.
4. THIS PROPERTY IS IN FLOOD ZONES "A" AND "C" B.F.E. 12' PANEL.
5. 225020 (DRAWN) DATED APRIL 21, 1999.
6. AREA IN DRAINAGE EASEMENTS IS 0.49 ACRES.
7. SEWER AND WATER WILL BE INTO CROSS GATES UTILITIES.
8. NO-CUT EASEMENTS ARE 0.44 ACRES.
9. CSD = MANUFACTURED ADDRESSES.
10. AS PER GPS/200 - 11661 THE HATCHED WETLAND AREAS WITHIN THE REAR SETBACK LINES OF LOTS 140, 147 AND 148 AND ARE NOT MITIGATED.

BENCHMARK: C/A INTERSECTION STREET DUCKS DR.
AND WOOD DUCK LANE - ELEVATION 19.57

MAPFILE: MAPCAD/COLORADO/COLORADO.DWG
MAPFILE: MAPCAD/COLORADO/COLORADO.DWG
COORDINATE: SURVEY/COLORADO/COLORADO.DWG

RESTRICTIVE COVENANTS

1. No Certificate of Occupancy shall be issued before the coverage and water supply are installed. Use of water or electricity shall be limited to the minimum necessary for the operation of the building.
2. Construction of any nature is prohibited in portion drainage or street easements.
3. Lots may not be used for the storage of trash or junk vehicles.
4. The minimum floor elevation required shall be 11'0" above mean sea level.
5. No lot shall be further subdivided without prior approval of the St. Tammany Parish Planning Commission.
6. The minimum driveway widths are not required (Subdivision Diagram).
7. Driveway on corner lots where a driveway is to be established shall be located on the lot line, and not be located on the corner lot line. The property shall be divided into two (2) lots, one (1) lot shall be located on the corner lot line, and the other (1) lot shall be located on the corner lot line. The property shall be divided into two (2) lots, one (1) lot shall be located on the corner lot line, and the other (1) lot shall be located on the corner lot line.
8. The dimensional restrictions shall be noted in each lot or deed in addition to the required listing on the first subdivision plat.
9. A retention pond is not required.
10. 40' FRONT SETBACK
11. 40' FRONT SETBACK ON OIL-GAS-SACS
12. 40' FRONT SETBACK
13. 40' FRONT SETBACK
14. 40' FRONT SETBACK

This subdivision is exempt by statute from the provisions of the Interstate Land Sale Act.

CERTIFICATION

I, the undersigned, do hereby certify that this plat is a true and correct copy of the original as recorded in the public records of the State of Louisiana, and that the same is in conformity with the provisions of the Louisiana Subdivision Act of 1954, as amended.

LA REGISTERED LAND SURVEYOR # 640

LA REGISTERED CIVIL ENGINEER # 6997

DEDICATION

THE LANDINGS OF CROSS GATES PHASE 2

ALL RIGHTS-OF-WAY AND EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC FOR THE USE OF THE PUBLIC.

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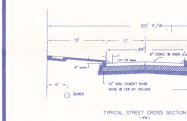
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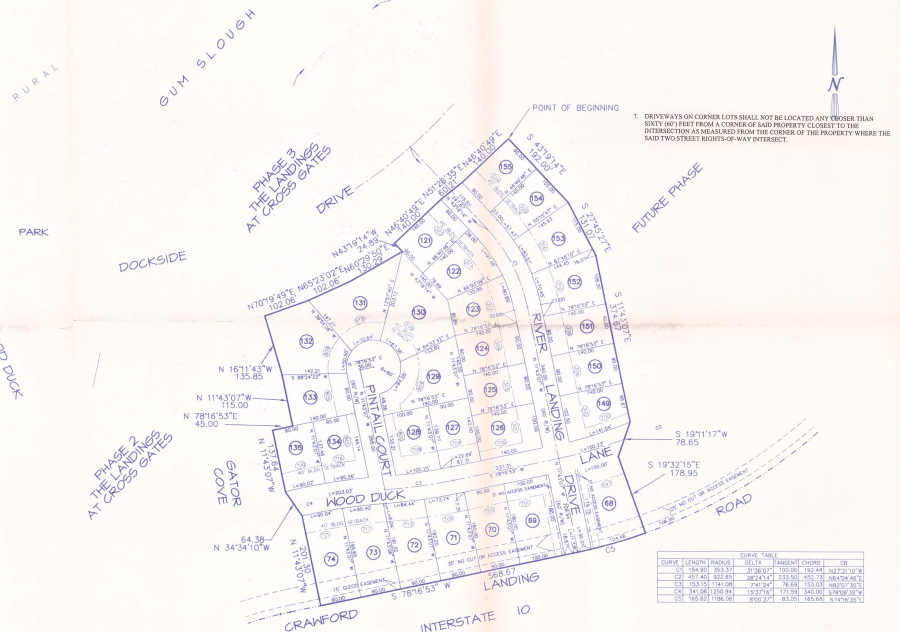
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THE LANDINGS OF CROSS GATES

PHASE 4

A SUBDIVISION OF A PARCEL OF LAND
IN SECTION 38 - TOWNSHIP 8 SOUTH - RANGE 15 EAST
ST. TAMMANY PARISH, LOUISIANA

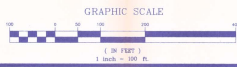


7. DRIVEWAYS ON CORNER LOTS SHALL NOT BE LOCATED ANY CLOSER THAN SIXTY (60') FEET FROM A CORNER OF SAID PROPERTY CLOSEST TO THE INTERSECTION AS MEASURED FROM THE CORNER OF THE PROPERTY WHERE THE SAID TWO STREET RIGHTS-OF-WAY INTERSECT.

[illegible]

- NOTES:
1. 10' UTILITY EASEMENT ADJACENT TO STREET RIGHT-OF-WAY.
 2. ULTIMATE DISPOSAL OF WATER IS WEST PEARL RIVER.
 3. DETENTION TO BE GUM SLOUGH IMMEDIATELY NORTH OF SUBDIVISION
 4. THIS PROPERTY IS IN FLOOD ZONE "C", PANEL
225205 04400 DATED APRIL 21, 1999.
 5. SEWER AND WATER WILL TIE INTO CROSS GATES UTILITIES.
 6. AREA IN DRAINAGE EASEMENTS IS 0.0 ACRE.
 7. (MS) = MUNICIPAL ADDRESSES.

BENCHMARK: C/L INTERSECTION STREET DOCKSIDE DR.
AND WOOD DUCK LANE. ELEVATION 19.53



- RESTRICTIVE COVENANTS -

- [illegible]

CERTIFICATION

THIS MAP IS CERTIFIED TO BE CORRECT AND IN ACCORDANCE WITH A SURVEY MADE ON THE GROUND UNDER SUPERVISION OF THE UNDERSIGNED

C. V. Burkes

C. V. BURKES, P.L.S. #840

THIS PLAN IS CERTIFIED TO CONFORM TO THE PROVISION OF THE STATE OF LOUISIANA P.L.S. 3-33 8-5051 AND LAWS AND ORDINANCES OF THE PARISH OF ORLEANS

DEDICATION

BE IT RESOLVED BY THE UNDERSIGNED OWNER OF THE LAND AS SHOWN HEREON, THAT HE DOES DECLARE THIS TO BE A TRUST AND ACCURATE MAP OF

THE LANDINGS OF CROSS GATES
PHASE 4

ALL STREET RIGHT-OF-WAYS AS SHOWN HEREON ARE PRIVATE AND ARE NOT DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FROM PROPER USES.

EASEMENTS SHALL BE RESERVED FOR DRAINAGE AND UTILITIES AS INDICATED HEREON AND NO OBSTRUCTION OR IMPROVEMENTS SHALL BE ALLOWED THAT PREVENT OR HINDER SUCH BEING USED FOR SUCH INTENDED PURPOSE.

OWNER: *Benjamin J. Williams* DATE: *12-16-11*

CROSS GATES, INC.

Francis G. Conella
LOUIS G. MERRON, JR. - PRESIDENT

Francis G. Conella
FRANCIS G. CONELLA - SECRETARY

Francis G. Conella
FRANCIS G. CONELLA - TREASURER

RECORDING
PLAT

CHAIRMAN PARISH PLANNING COMMISSION
FOR FILE
SECRETARY PARISH PLANNING COMMISSION
FOR FILE
PARISH ENGINEER
Rachelle Cusack
CLERK OF COURT
04 3-7-2005 3788
DATE FILED FILE NUMBER

12.928 ACRES	29	1902 L.F.
AREA	NO. OF LOTS	LGTH. OF STREET
90' X 140'	CENTRAL	A - 4
Avg. LOT SIZE	SERVICES SYSTEM	ZONING
CONCRETE	24'	CENTRAL
ROAD SURFACING	STREET WIDTH	WATER SYSTEM

J.V. Burkes & Associates, Inc.
SURVEYING ENGINEERING • ENVIRONMENTAL

THE LANDINGS OF CROSS GATES PHASE 4

CROSS GATES, INC.

Ordinance Administrative Comment

ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT THE DEDICATION AND DONATION OF CERTAIN INFRASTRUCTURE SITUATED WITHIN THE LANDINGS OF CROSS GATES SUBDIVISION, PHASES 1, 2, 3 and 4, AND TO PROVIDE FOR OTHER RELATED MATTERS (DISTRICT 9, WARD 8).

The Landings Homeowner's Association, Inc. ("LHOA") seeks to convert all private roads, right(s) of way and associated subsurface drainage infrastructure situated within the Landings of Cross Gates Subdivision, Phases 1, 2, 3 and 4, to public use for incorporation into Parish's maintenance system. The subdivision's drainage outfalls and facilities, and signage, shall remain private and will remain the maintenance obligation of LHOA.