

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5788                      ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_  
COUNCIL SPONSOR: STEFANCIK/BRISTER              PROVIDED BY: PLANNING DEVELOPMENT  
INTRODUCED BY: MR. CANULETTE                      SECONDED BY: MS. O'BRIEN  
ON THE 6 DAY OF APRIL , 2017

AN ORDINANCE TO REVOKE A PORTION OF HICKORY STREET  
RIGHT-OF-WAY, LOCATED IN OZONE PARK SUBDIVISION,  
WARD 4, DISTRICT 5. (REV17-03-001)

WHEREAS, the 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 Hickory Street in Ozone Park Subdivision; 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 his abutting lots through the parish’s administrative resubdivision 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 4 DAY OF MAY , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: MARCH 29 , 2017

Published Adoption: \_\_\_\_\_, 2017

Delivered to Parish President: \_\_\_\_\_, 2017 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2017 at \_\_\_\_\_

## REVOCATION STAFF ANALYSIS REPORT

CASE NO.: REV17-03-001

NAME OF STREET OR ROAD: Hickory Street

NAME OF SUBDIVISION: Ozone Park

WARD: 4 PARISH COUNCIL DISTRICT: 5

PROPERTY LOCATION: The property is located at the far western end of Hickory Street, east of U.S. Highway 190 and north of Mandeville, Louisiana

SURROUNDING ZONING: Commercial and Single Family Residential

PETITIONER/REPRESENTATIVE: Salvador Gagliano

### **STAFF COMMENTARY:**

The applicants are proposing to revoke a portion of Hickory street in order to assimilate said property into his respective adjacent commercial lots in order to expand his business.

A couple of property owners that technically touch the proposed street revocation at a point on the eastern corners are objecting to the revocation request stating that they fear that the revocation request will have a negative impact on the value of their property.

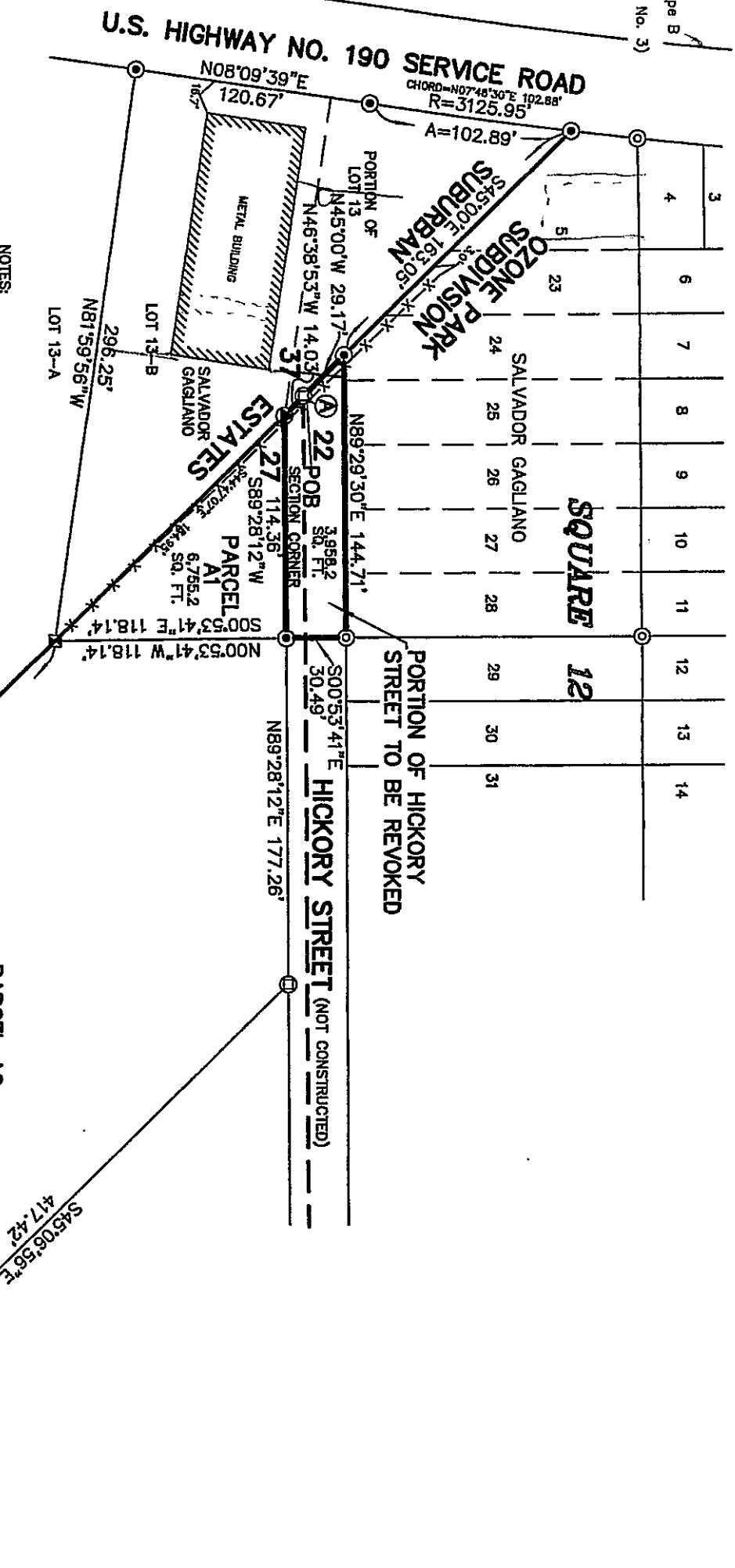
### **Recommendation:**

The objection of the two abutting property owners notwithstanding, staff believes that the proposal is consistent relative to the Louisiana Revised Statutes governing the revocation of immovable property since the right-of-way does not appear to serve any public use or benefit, other than to the applicant. Therefore, the staff has no objections to the proposed revocation request subject to the applicant assimilating the right-of-way into the lots that he owns on both sides of same through the parish's administrative resubdivision process.

REFERENCE BEARING:  
Iron Pipe A to Iron Pipe B  
S45°00'E  
(per Reference Survey No. 3)



- LEGEND
- = WOOD CORNER FOUND
  - = 1" IRON PIPE FOUND
  - ⊙ = 3/4" IRON PIPE FOUND
  - ⊗ = 1/2" IRON ROD FOUND
  - ⊕ = 3/8" IRON ROD FOUND
  - ⊖ = 1/2" IRON ROD SET
  - = FENCE



REFERENCE SURVEYS:

1. Survey for Thomas J. Torante, Jr. by Tilden J. Dufrene, Jr., dated July 11, 1995, revised October 2, 2002, filed St. Tammany Parish Clerk of Court Map file No. 2572.
2. Survey for Josef Zaengle by Kelly McHugh, Surveyor, dated March 26, 1996.

NOTES:

1. This property is located in Flood Zone C, per F.E.M.A., Map No. 225205 0240 E, dated August 16, 1995.
2. IMPROVEMENTS NOT LOCATED.

603 K. JEFFERSON AVE. **John G. Cummings & Associates** Phone (985) 892-1549  
COVINGTON, LA 70439 PROFESSIONAL LAND SURVEYORS IN LOUISIANA & MISSISSIPPI Fax (985) 892-2850

PLAT PREPARED FOR: **Sammy Gagliano**

SHOWING A SURVEY OF: A STREET REVOCATION OF A PORTION OF HICKORY STREET, OZONE PARK SUBDIVISION, LOCATED IN SECTIONS 22 & 27, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA.

THIS PLAT REPRESENTS A PHYSICAL SURVEY MADE ON THE GROUND BY ME, OR THOSE UNDER MY DIRECTION, AND IS IN ACCORDANCE WITH THE APPLICABLE STANDARDS OF PRACTICE AND BEARS A CLASS C SURVEY.

PROFESSIONAL LAND SURVEYOR

SCALE: 1" = 60' DATE: 4-29-2016 JOB NO. 15218-STR

THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND/OR RESTRICTIONS HAVE BEEN SHOWN HEREON. ANY SERVITUDES AND/OR RESTRICTIONS SHOWN ON THIS PLAT ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION AND/OR REFERENCE TO THE UNDERGROUND RECORDS AND/OR FIELD RECORDS SHOWN FOR SUCH INFORMATION WAS NOT MADE BY THE UNDERSIGNED IN COMPLYING DATA FOR THIS SURVEY.

## **ADMINISTRATIVE COMMENTS**

### **CASE ITEM:**

#### **REV17-03-001**

The revocation of a portion of Hickory Street, in Ozone Park Subdivision, located at the far western end of Hickory Street and east of U.S. Highway 190 Service Road, south of Covington, Louisiana, Ward 4, District 5.

Applicant: Salvador Gagliano

Surveyor: John G. Cummings & Associates, Inc.

Parish Council District Representative: Hon. Rykert Toledano

### **Staff Recommendation:**

The staff recommended approval.

### **Planning Commission Recommendation:**

The Planning Commission unanimously recommended approval subject to the applicant assimilating his abutting lots with Hickory Street right-of-way through the parish's administrative resubdivision process.