

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5817

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: STEFANCIK/BRISTER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 4 DAY OF MAY, 2017

ORDINANCE AMENDING AND RESTATING ORDINANCE
CALENDAR NO. 5416 AUTHORIZING THE PARISH OF
ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH
PRESIDENT, TO ACQUIRE CERTAIN RIGHTS OF WAY AND/OR
SERVITUDES FOR THE BEN THOMAS DETENTION POND
PROJECT (WARD 9, DISTRICT 14).

WHEREAS, St. Tammany Parish Council approved Ordinance Calendar No. 5416, authorizing the Parish of St. Tammany ("Parish"), through the Office of the Parish President, to acquire certain right(s) of way and/or servitudes for the Ben Thomas Detention Pond Project (the "Project"); and

WHEREAS, there is a need and public purpose for the acquisition of certain right(s) of way and/or servitudes for the Project, which Project will involve the construction of an on-line detention pond in the Bayou Vincent Basin (W-13) north of Ben Thomas Road, and will serve to substantially reduce downstream flows and improve drainage in the subject area; and

WHEREAS, at this time, Parish desires to amend and restate Ordinance Calendar No. 5416 to attach an additional survey more clearly depicting the pertinent temporary construction servitude and permanent maintenance servitude, and/or other right(s) of way, to be acquired for the Project, a copy of which survey is attached hereto as Exhibit "B"; and

WHEREAS, Parish desires to acquire the aforementioned right(s) of way and/or servitudes, and authorizes the Office of the Parish President to do whatever is necessary to acquire the same.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it hereby amends and restates Ordinance Calendar No. 5416 with this Ordinance.

BE IT FURTHER ORDAINED that the Parish of St. Tammany, through the Office of the Parish President, is authorized to acquire, by purchase, donation or otherwise, all right(s) of way and/or servitudes described and depicted in Exhibits "A" and "B."

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 said right(s) of way and/or servitudes.

BE IT FURTHER ORDAINED that, if purchased, the purchase price shall not exceed fair market value of the right(s) of way and/or servitudes as evidenced by an appraisal obtained or supplied to the Parish plus fees and cost.

BE IT FURTHER ORDAINED that the Office of the Parish President is authorized to exercise its discretion in acquiring the right(s) of way and/or servitudes, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

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 1 DAY OF JUNE , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO .

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

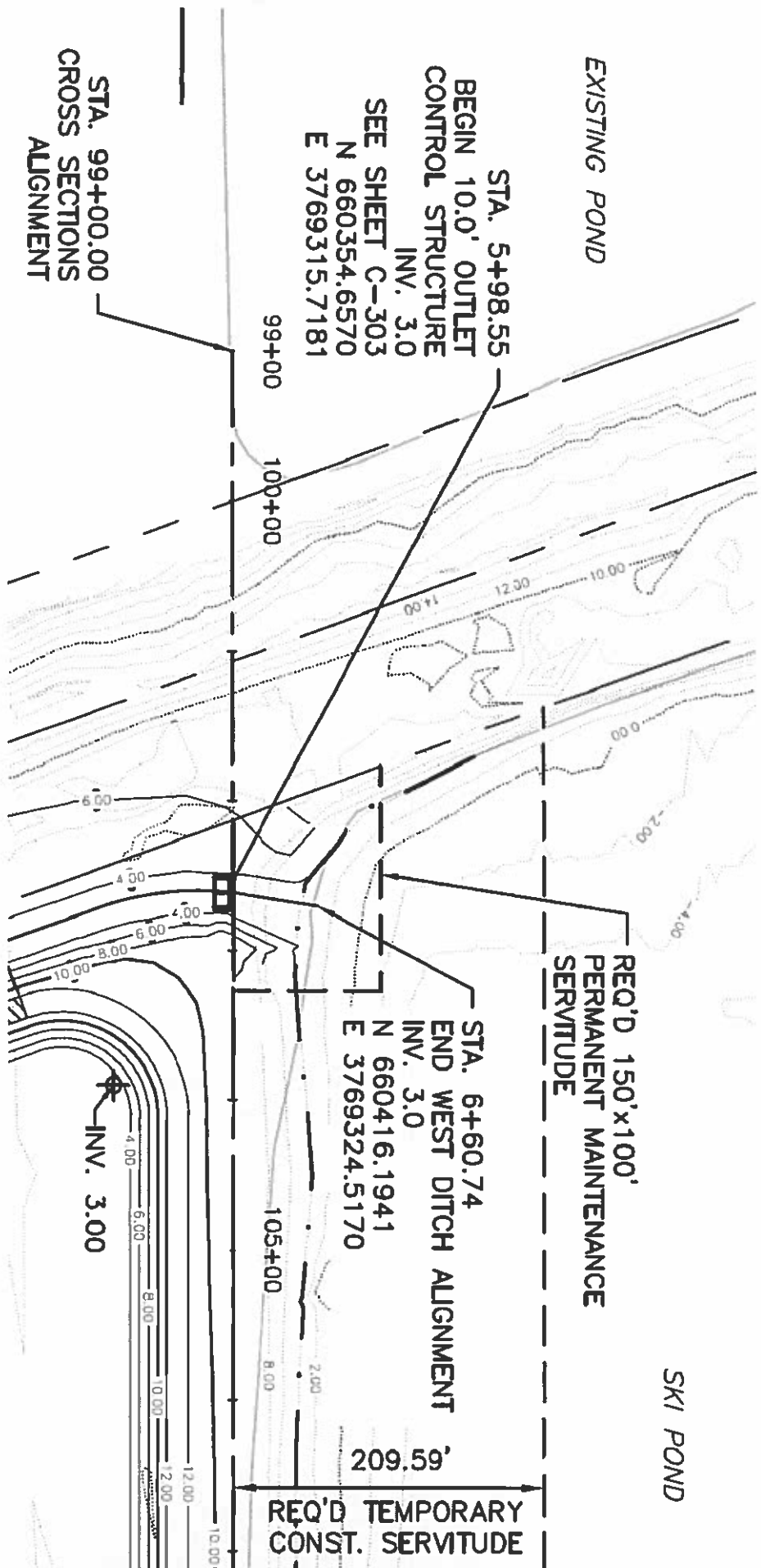
Published Introduction: APRIL 26 , 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____

EXHIBIT "A"



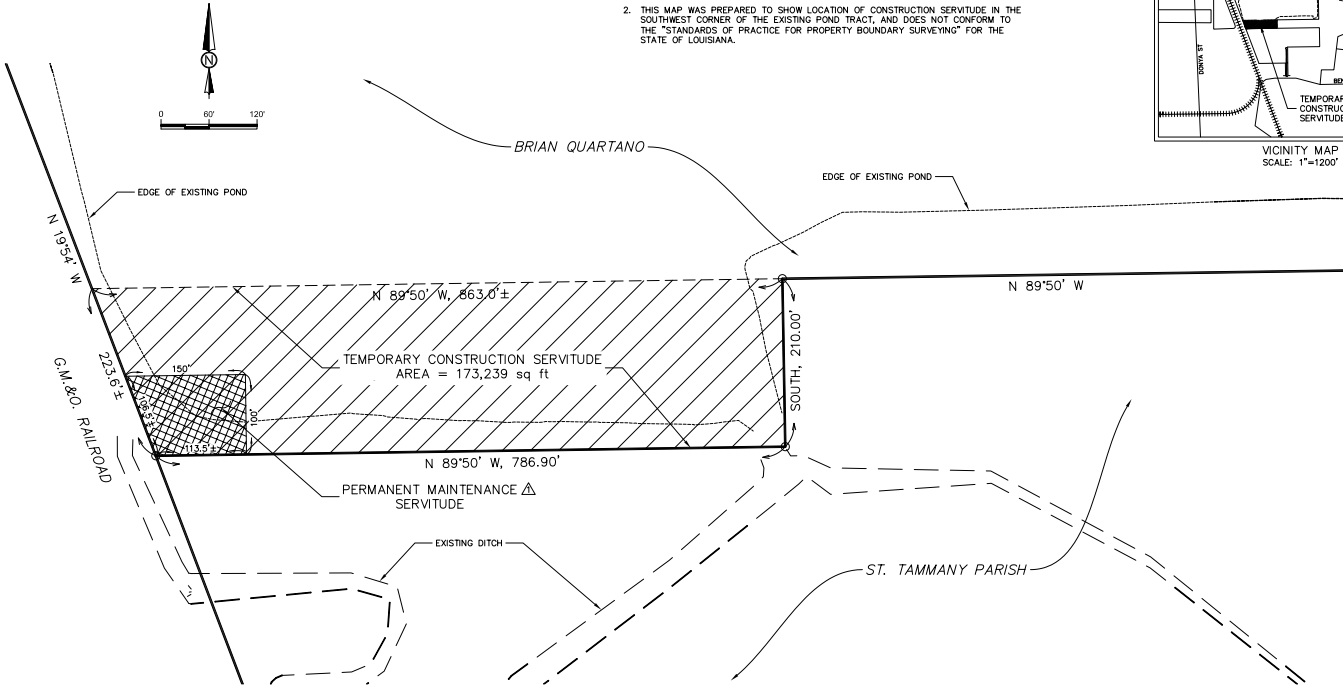
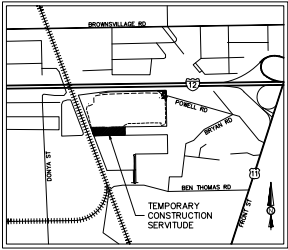
PLAN



PROJECT NO. 76026-00			BEN THOMAS DETENTION POND ST. TAMMANY PARISH	DRAWING NO. 101
ENGINEER: M.K.P.				
DESIGNED BY: D.M.B.				
CHECKED BY: M.K.P.				
DATE: 04/15/2015				
SHEET 1 OF 1				

EXHIBIT "B"

- NOTES:
1. BEARINGS AND DIMENSIONS ARE BASED UPON RECORD INFORMATION SHOWN ON MAP TITLED "SK-1, PARCEL OF LAND IN SEC 34, T-8-S, R-14-E, 45.743 ACRES" BY L.O.L. DEVELOPERS, DATED NOVEMBER 24, 1995.
 2. THIS MAP WAS PREPARED TO SHOW LOCATION OF CONSTRUCTION SERVITUDE IN THE SOUTHWEST CORNER OF THE EXISTING POND TRACT, AND DOES NOT CONFORM TO THE "STANDARDS OF PRACTICE FOR PROPERTY BOUNDARY SURVEYING" FOR THE STATE OF LOUISIANA.



MAP OF
TEMPORARY CONSTRUCTION SERVITUDE
FOR THE
BEN THOMAS ROAD
DETENTION POND PROJECT



GOTECH, INC.

NO.	DATE	DESCRIPTION	BY
1	9/23/15	REVISED TO ADD PERMANENT MAINTENANCE SERVITUDE	BKD
CONSULTING ENGINEERS		8383 BLUEBONNET BLVD.	BATON ROUGE, LA. 70810
Date:		10/7/14	Job No.: 690
Approved By:		BKD	Checked By: BKD
		Drawn By: ELA	SHEET NO. 1

Ordinance Administrative Comment

ORDINANCE AMENDING AND RESTATING ORDINANCE CALENDAR NO. 5416 AUTHORIZING THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE CERTAIN RIGHTS OF WAY AND/OR SERVITUDES FOR THE BEN THOMAS DETENTION POND PROJECT (WARD 9, DISTRICT 14).

Parish seeks to acquire certain right(s) of way and/or servitudes for the purpose of the construction and future maintenance of drainage improvements. The Parish intends to pay no more than appraised value or less, plus closing costs and fees for any right(s) of way and/or servitudes acquired.

Parish seeks to amend the Original Ordinance to attach an additional survey more clearly depicting the immovable property interests to be acquired for the subject project.