

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4547

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: HOWELL

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MS. HOWELL

SECONDED BY: MR. HAMAUEI

ON THE 7 DAY OF APRIL, 2011

ORDINANCE AMENDING ORDINANCE C. S. NO. 10-2200, TO ACCEPT INTO THE PARISH SELECTIVE ROAD MAINTENANCE SYSTEM INVENTORY THE SIXTY (60') FOOT RIGHT OF WAY AND SERVITUDE PREVIOUSLY ACCEPTED BY SAID ORDINANCE, AND TO RATIFY SAID ORDINANCE AS AMENDED HEREBY. (WARD 10, DISTRICT 6)

WHEREAS, in accordance with the provisions of R.S. 33:3682, and Section 20-004.01 of the Code of Ordinances, the petitioner and owner of an approximate thirty (30) acre tract, situated within Section 22, Township 6 South, Range 12 East, St. Tammany Parish, Louisiana, and immediately abutting the end of Shubert Lane, previously petitioned the Parish to have the road serving as an extension of Shubert Lane accepted into the Parish Selective Road Maintenance System Inventory; and

WHEREAS, pursuant to Ordinance Calendar No. 4211, Ordinance C.S. No. 10-2200, adopted on February 4, 2010, the Parish of St. Tammany Ordained that it accepts the Act of Dedication and Donation the sixty (60') foot servitude and right of way situated within Section and servitude that is depicted on the attached plan of CEI Cooper Engineering, Inc. as the extension of Shubert Lane; and

WHEREAS, the dedication of the sixty (60') foot servitude and right of way accepted by the Parish of St. Tammany pursuant to Ordinance C.S. No. 10-2200 for the extension of Shubert Lane has been substantially improved and cement culverts installed along the roadway that provides access to the aforesaid thirty (30) acre tract and five two-acre lots; and

WHEREAS, it is in the best interest of the public health, safety and welfare to accept the dedication and donation of said sixty (60') foot right of way and servitude for future improvement of the extension of Shubert Lane, subject to the provisions set forth herein below.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it ratifies its prior acceptance of accepts the Act of Dedication and Donation of the sixty (60') foot servitude and right of way by the owner(s) of the approximate thirty (30) acre tract that is situated within Section 22, Township 6 South, Range 12 East, St. Tammany Parish, Louisiana, which servitude and right of way is more particularly depicted on the attached plan/survey of CEI Cooper Engineering, Inc. that was attached to Ordinance C.S. 10-2200.

THE PARISH OF ST. TAMMANY HEREBY FURTHER ORDAINS that the following provision of Ordinance C.S. No. 10-2200 is amended to provide: The Parish of St. Tammany Hereby Further Ordains that the Parish President and/or the C.A.O. is hereby authorized to execute any and all documents necessary to perfect the dedication, donation, transfer and acceptance authorized hereby. ~~which shall be subject to the following: The dedication and acceptance thereof shall impose no liability on the Parish, and shall impose no responsibility on the Parish for any maintenance or improvement to the existing road and/or dedicated servitude until such time as the necessary funds are appropriated for that purpose and written certification is provided by the Department of Public Works that the improvements have commenced.~~

THE PARISH OF ST. TAMMANY HEREBY FURTHER ORDAINS that the dedicated and substantially improved servitude and right of way for the extension of Shubert Lane, without further requirement, shall be accepted and included into the Parish Selective Road Maintenance System.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are superceded hereby.

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 5 DAY OF May, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

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

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: APRIL 21, 2011

Published Adoption: \_\_\_\_\_, 2011

Delivered to Parish President: \_\_\_\_\_, 2011 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2011 at \_\_\_\_\_