

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5871 ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: STEFANCIK/BRISTER PROVIDED BY: PLANNING DEVELOPMENT

INTRODUCED BY: _____ SECONDED BY: _____

ON THE 7 DAY OF SEPTEMBER , 2017

AN ORDINANCE TO REVOKE A PORTION OF JOSEPHINE STREET RIGHT-OF-WAY, LOCATED IN LACOMBE PARK SUBDIVISION, WARD 7, DISTRICT 7. (REV17-08-002)

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 Josephine Street in Lacombe 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 the abutting properties that he owns 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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 5 DAY OF OCTOBER , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: AUGUST 30 , 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____

REVOCATION STAFF ANALYSIS REPORT

CASE NO.: REV17-08-002

NAME OF STREET OR ROAD: JOSEPHINE STREET

NAME OF SUBDIVISION: LACOMBE PARK

WARD: 7 PARISH COUNCIL DISTRICT: 7

PROPERTY LOCATION: The property is located east of Fish Hatchery Road and north of U.S. Highway 190, Lacombe, Louisiana

SURROUNDING ZONING: Single Family Residential

PETITIONER/REPRESENTATIVE: Ms. Martha L. Jumonville, Attorney at Law

STAFF COMMENTARY:

The applicant, Mr. Karl Beier, owns two companies that abut the adjacent squares of the two segments of right-of-way intended to be revoked. We believe that his intentions are to assimilate the two segments of right-of-way into the adjacent squares that he owns.

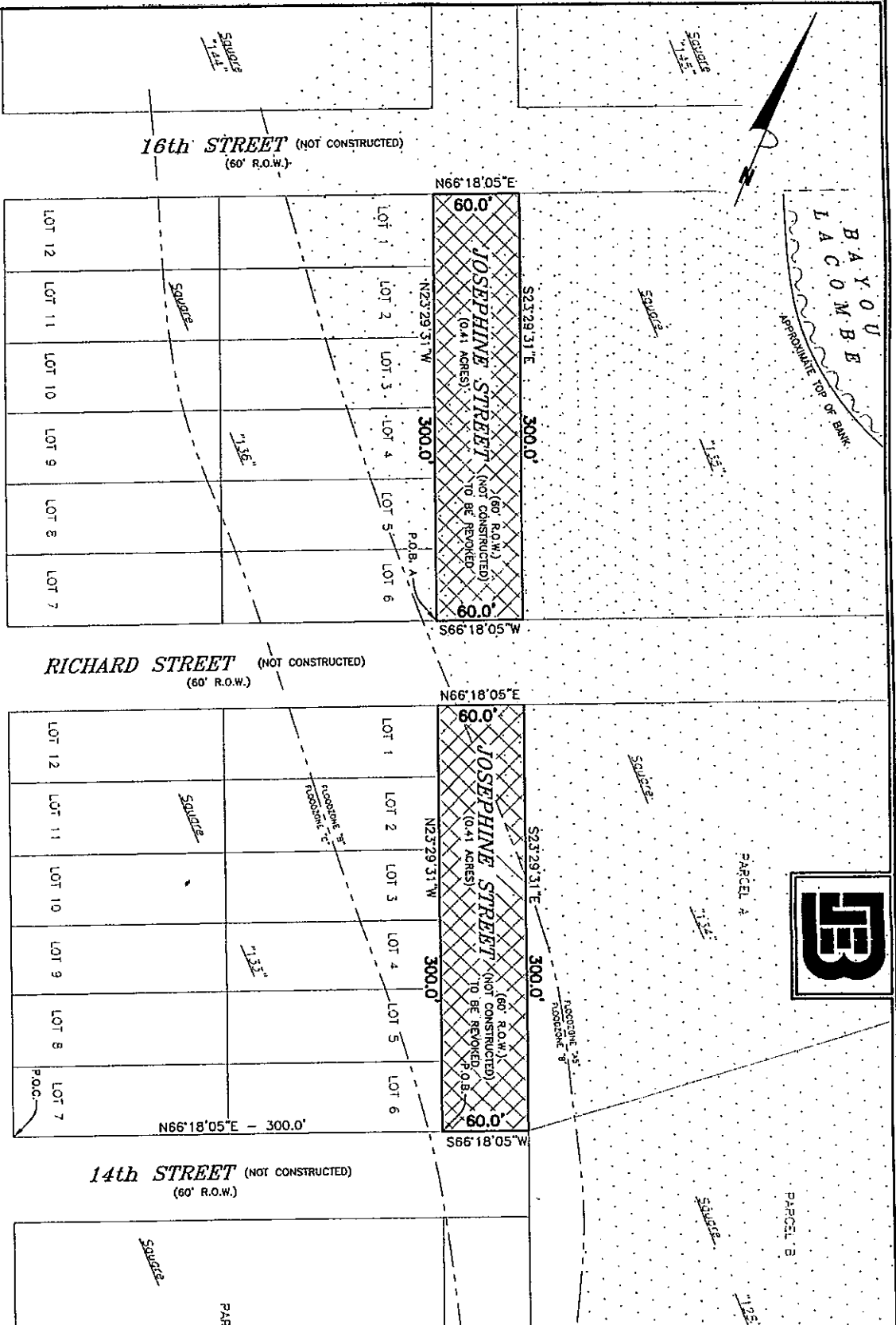
Recommendation:

Since many of the surrounding streets are not constructed, and a segment of Josephine Street has already been revoked immediately to the south, the staff believes that the proposal is consistent relative to the Louisiana Revised Statutes governing the revocation of immovable property since the two segments of right-of-way do not appear to serve any public use or benefit, other than to the applicant.

Therefore, the staff has no objections to the proposed revocation requests subject to the following stipulation:

- a.) The applicant should be required to assimilate the two segments of right-of-way into the adjacent squares that he owns through the parish's resubdivision process.

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LACOMBE
APPROXIMATE TOP OF BANK



LEGAL DESCRIPTION:
A PIECE OR PORTION OF LAND BEING A PORTION OF JOSEPHINE STREET BETWEEN 14th STREET AND 16th STREET, LACOMBE PARK, HEADRIGHT 40, T-8-S, R-12-E, ST. TAMMANY PARISH, LOUISIANA, AND IS MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SQUARE 133, SAID POINT BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FISH HATCHERY ROAD (FORMERLY DAVIS AVENUE) AND THE NORTHERLY RIGHT-OF-WAY OF 14th STREET; RUN ALONG SAID NORTHERLY RIGHT-OF-WAY OF 14th STREET, NORTH 68 DEGREES 18 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 60 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF BEGINNING;

FROM THE POINT OF BEGINNING, LEAVE SAID NORTHERLY RIGHT-OF-WAY AND RUN ALONG SAID WESTERLY RIGHT-OF-WAY, NORTH 23 DEGREES 29 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 300.0 FEET TO THE NORTHEAST CORNER OF SQUARE 133 AND THE SOUTHERLY RIGHT-OF-WAY OF RICHARD STREET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY, RUN NORTH 68 DEGREES 18 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 60.0 FEET TO THE NORTHWEST CORNER OF SQUARE 134 AND A POINT ON THE EASTERLY RIGHT-OF-WAY OF JOSEPHINE STREET; THENCE RUN ALONG SAID EASTERLY RIGHT-OF-WAY SOUTH 23 DEGREES 29 MINUTES 31 SECONDS FOR A DISTANCE OF 300.0 FEET TO THE SOUTHWEST CORNER OF SQUARE 135; THENCE RUN SOUTH 68 DEGREES 18 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 60.0 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.41 ACRES MORE OR LESS.

COMMENCING AT THE SOUTHWEST CORNER OF SQUARE 133, SAID POINT BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF FISH HATCHERY ROAD (FORMERLY DAVIS AVENUE) AND THE NORTHERLY RIGHT-OF-WAY OF 14th STREET; RUN ALONG SAID NORTHERLY RIGHT-OF-WAY OF 14th STREET, NORTH 68 DEGREES 18 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 300.0 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF JOSEPHINE STREET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY, RUN NORTH 23 DEGREES 29 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 360.0 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF RICHARD STREET AND THE SOUTHWEST CORNER OF SQUARE 136; SAID POINT BEING THE POINT OF BEGINNING A.

FROM THE POINT OF BEGINNING, A, LEAVE SAID NORTHERLY RIGHT-OF-WAY AND RUN ALONG SAID WESTERLY RIGHT-OF-WAY, NORTH 23 DEGREES 29 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 300.0 FEET TO THE NORTHEAST CORNER OF SQUARE 133 AND THE SOUTHERLY RIGHT-OF-WAY OF RICHARD STREET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY, RUN NORTH 68 DEGREES 18 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 60.0 FEET TO THE NORTHWEST CORNER OF SQUARE 135 AND A POINT ON THE EASTERLY RIGHT-OF-WAY OF JOSEPHINE STREET; THENCE RUN ALONG SAID EASTERLY RIGHT-OF-WAY SOUTH 23 DEGREES 29 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 300.0 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF RICHARD STREET AND THE SOUTHWEST CORNER OF SQUARE 135; THENCE RUN SOUTH 68 DEGREES 18 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 60.0 FEET BACK TO THE POINT OF BEGINNING A.

SAID PARCEL OF LAND CONTAINS 0.41 ACRES MORE OR LESS.

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FISH HATCHERY ROAD (FORMERLY DAVIS AVENUE)
(60' R.O.W.)

A REVOCATION MAP OF

A PORTION OF JOSEPHINE STREET BETWEEN
SQUARES 133 & 134 AND 135 & 136, LACOMBE PARK

situated in
Headright 40, T-8-S, R-12-E
St. Tammany Parish, Louisiana
for

KARL BEIER, BEIER PROPERTY MANAGEMENT, LLC
AND BEIER REAL ESTATE, LLC

Survey No. 2016 004 A
Date: MAY 04, 2017

Drawn by: SPH
Revised: 05/10/17(OFFICE)

Scale: 1" = 80'

JOHN E. BONNEAU & ASSOCIATES, INC.
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Planners and Consultants

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WWW.JEBONCOLANDSURVEYING.COM • e-mail: info@jebosurvey.com

(OWNER)

ST. TAMMANY PARISH CLERK OF COURT

DATE FILED MAP FILE NO.

ST. TAMMANY PARISH DEPARTMENT OF ENGINEERING

SECRETARY, ST. TAMMANY PARISH PLANNING COMMISSION

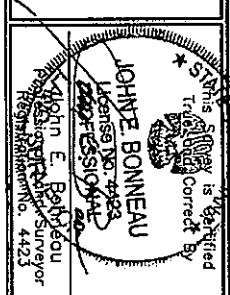
CHAIRMAN, ST. TAMMANY PARISH PLANNING COMMISSION

ST. TAMMANY PARISH COUNCIL CHAIRMAN

REFERENCE SURVEY:

A survey by this firm with survey number 2016 004 dated 11-22-16.

BASIS FOR BEARINGS:
The Reference Survey.



ADMINISTRATIVE COMMENTS

CASE ITEM:

REV17-08-002

The revocation of portions of Josephine Street, in Lacombe Park Subdivision, located at the intersection with Richard Street, Lacombe, Louisiana, Ward 7, District 7.

Applicant: Beier Real Estate, L.L.C. & Beier Property Mgt., L.L.C.

Parish Council District Representative: Hon. Jacob Groby

Staff Recommendation:

The staff recommended approval.

Planning Commission Recommendation:

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