

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7337

ORDINANCE COUNCIL SERIES NO. 23-\_\_\_\_\_

COUNCIL SPONSOR FITZGERALD/COOPER

PROVIDED BY: PLANNING & DEVELOPMENT

INTRODUCED BY: MS. O'BRIEN

SECONDED BY: MR. CANULETTE

ON THE 3<sup>RD</sup> DAY OF AUGUST, 2023

ORDINANCE TO REVOKE AN UNOPENED PORTION OF 10TH AVENUE, LOCATED SOUTH OF 9TH AVENUE, NORTH OF 11TH AVENUE BETWEEN SQUARE 97 AND SQUARE 114 IN THE TOWN OF ALEXIUSVILLE SUBDIVISION (AS DELINEATED ON MAP #171B), WARD 3, DISTRICT 2. (REV 23-07-005)

WHEREAS, the petitioner, who 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 10th Avenue, located south of 9th Avenue, north of 11th Avenue between Square 97 and Square 114 in the Town of Alexiusville Subdivision (as delineated on Map #171B), Ward 3, District 2; and

WHEREAS, the Department of Public Works, and Department of Planning & 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 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 revocation of the subject property will be conditioned upon a formal dedication or establishment of the existing servitudes on the unopened portion of 10<sup>th</sup> Avenue prior to approval.

SECTION II: The petitioners, 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 St. Tammany Parish Code of Ordinances Section 35-1, and in accordance with the provisions of La. R.S. 48:701, et seq. and/or La. R.S. 48:711, et seq.

SECTION III: Following execution of the private cash sale(s), the petitioners shall assimilate the right-of-way into its abutting lots through the Parish's administrative resubdivision process.

SECTION IV: 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 and henceforth repealed.

SEVERABILITY: If any provision of this Ordinance is held to be invalid, such invalidity shall not affect other provisions herein, which can be given effect without the invalid provisions, 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 7<sup>TH</sup> DAY OF SEPTEMBER, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-\_\_\_\_\_.

\_\_\_\_\_  
JACOB "JAKE" AIREY, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
KATRINA L. BUCKLEY, COUNCIL CLERK

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MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JULY 26, 2023

Published Adoption: \_\_\_\_\_, 2023

Delivered to Parish President: \_\_\_\_\_, 2023 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2023 at \_\_\_\_\_