

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 7600

ORDINANCE COUNCIL SERIES NO.: 24-\_\_\_\_\_

COUNCIL SPONSOR: PHILLIPS/COOPER

PROVIDED BY: PLANNING & DEVELOPMENT

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 6<sup>TH</sup> DAY OF JUNE, 2024

ORDINANCE TO REVOKE AN UNOPENED PORTION OF FIFTH STREET, LOCATED SOUTH OF DESOTO STREET, WEST OF ASBURY DRIVE, EAST OF 6TH STREET BETWEEN SQUARE 36 AND SQUARE 37 IN THE CHINCHUBA SUBDIVISION (AS DELINEATED ON MAP #130A), WARD 4, DISTRICT 5. (REV 24-04-002)

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 an unopened portion of Fifth Street, located south of Desoto Street, west of Asbury Drive, east of 6th Street between Square 36 and Square 37 in the Chinchuba Subdivision (as delineated on Map #130A), Ward 4, District 5; 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 a drainage and access easement on the unopened portion of Fifth Street prior to final cash sale.

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: formal servitude granted in favor of Atmos Energy prior to final Cash Sale.

SECTION V: A revised survey showing location of access easement and servitude.

SECTION VI: 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 11<sup>TH</sup> DAY OF JULY, 2024; AND BECOMES ORDINANCE COUNCIL SERIES NO. 24-.

\_\_\_\_\_  
ARTHUR A. LAUGHLIN, COUNCIL CHAIR

ATTEST:

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

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MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: MAY 29, 2024

Published Adoption: \_\_\_\_\_, 2024

Delivered to Parish President: \_\_\_\_\_, 2024 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2024 at \_\_\_\_\_