

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 7660

ORDINANCE COUNCIL SERIES NO.: 24-

COUNCIL SPONSOR: COUGLE/COOPER

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: MR. IMPASTATO

SECONDED BY: MR. ROLLING

ON THE 1ST DAY OF AUGUST, 2024

ORDINANCE REVOKING THE DEDICATION OF AN UNOPENED, 30' DRAINAGE EASEMENT LOCATED ALONG THE SIDELINE BETWEEN LOTS 113 AND 114 (15' EACH LOT), MAGNOLIA FOREST SUBDIVISION, SEVENTH PHASE. (WARD 8, DISTRICT 9)

WHEREAS, the developer of Magnolia Forest Subdivision, Seventh Phase dedicated a 30' Drainage Easement, 15' each side, on Lots 113 and 114, as same are shown on the Plat by Ivan M. Borgen, Borgen Engineering, dated June 15, 1997 and recorded as Map File No. 532-A; and

WHEREAS, said drainage easement has never been opened; and

WHEREAS, the existing drainage servitudes situated elsewhere are sufficient to meet the current and future needs of the public without opening the subject drainage easement; and

WHEREAS, the Parish has never used the unopened drainage easement, the Parish does not intend to open, improve or utilize the unopened drainage easement, and, therefore, the Parish has determined that it is no longer needed for public use; and

WHEREAS, pursuant to LSA R.S. 48:714, where a servitude is revoked, upon the effective date of the revocation all of the soil covered by and embraced in such servitude to the center line thereof shall revert to the present owners of the land contiguous thereto.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish has determined that the dedicated but unopened 30' Drainage Easement, 15' each side, on Lots 113 and 114 of Magnolia Forest Subdivision, Seventh Phase is not needed for public purposes, and therefore St. Tammany Parish hereby revokes the dedication of the 30' Drainage Easement, 15' each side, on Lots 113 and 114 of Magnolia Forest Subdivision, Seventh Phase, which is more particularly depicted on the Plat by Ivan M. Borgen, Borgen Engineering, dated June 15, 1997 and recorded as Map File No. 532-A.

BE IT FURTHER ORDAINED, that the dedication of the unopened 30' Drainage Easement having been revoked, St. Tammany Parish declares that it has no right, title and/or interest in and to said servitude, the ownership of which shall revert to the present owners of the land contiguous thereto up to the center line thereof.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 5TH DAY OF SEPTEMBER, 2024; AND BECOMES ORDINANCE COUNCIL SERIES NO. 24-
_____.

ARTHUR A. LAUGHLIN, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JULY 24, 2024

Published Adoption: _____, 2024

Delivered to Parish President: _____, 2024 at _____

Returned to Council Clerk: _____, 2024 at _____

Administrative Comment

ORDINANCE REVOKING THE DEDICATION OF AN UNOPENED, 30' DRAINAGE EASEMENT LOCATED ALONG THE SIDELINE BETWEEN LOTS 113 AND 114 (15' EACH LOT), MAGNOLIA FOREST SUBDIVISION, SEVENTH PHASE (WARD 8, DISTRICT 9)

Council Meeting Date

Introduction: August 1, 2024

Department

Civil Division Assistant District Attorney

Parish seeks to revoke a platted but unused drainage servitude that was dedicated via subdivision plat but never constructed. Actual drainage constructions are situated in another location outside of this platted servitude.