

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7054

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: BINDER/COOPER

PROVIDED BY: PUBLIC WORKS/CIVIL ADA

INTRODUCED BY: MR. DEAN

SECONDED BY: MS. CAZAUBON

ON THE 4TH DAY OF AUGUST, 2022

ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT AN ACT OF DEDICATION AND DONATION FOR A PORTION OF BENNETT CEMETERY ROAD (WARD 1, DISTRICT 3)

WHEREAS, Jenkins Homes, Inc. (the “Owner”) is owner of a certain parcel approximately thirty-five (35’) feet in width and running west off Highway 1077 near Folsom (the “Property”); and

WHEREAS, the Property is more fully depicted as “Bennett Cemetery Road” on the Survey of Parcel 3A1 Situated in Section 31, Township 5 South, Range 10 East, St. Tammany Parish, Louisiana by Randall W. Brown, P.L.S. dated May 10, 2022; and

WHEREAS, Owner has requested and Parish desires to accept the dedication and donation of the Property in consideration of the use of the Property as a public road; and

WHEREAS, there is a need and a public purpose for the acquisition of the Property for further enhancement of public road access in the area.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish Government, through the Office of the Parish President, is authorized to acquire by an Act of Dedication and Donation all that certain property of approximately thirty-five (35’) feet in width and depicted as “Bennett Cemetery Road” on the Survey of Parcel 3A1 Situated in Section 31, Township 5 South, Range 10 East, St. Tammany Parish, Louisiana by Randall W. Brown, P.L.S. dated May 10, 2022 (the “Property”); and

BE IT FURTHER ORDAINED: that the Office of the Parish President is hereby authorized to exercise its discretion in acquiring the Property and/or all related rights-of-way, infrastructure and/or servitudes, together with signing all documents, agreements and transactions necessary to carry out the intent of this Ordinance; and

BE IT FURTHER ORDAINED: that any and all actions previously taken by the Office of the Parish President in furtherance of the actions contemplated herein are ratified and accepted accordingly.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 1ST DAY OF SEPTEMBER, 2022; AND BECOMES ORDINANCE COUNCIL SERIES NO. 22-_____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JULY 27, 2022

Published Adoption: _____, 2022

Delivered to Parish President: _____, 2022 at _____

Returned to Council Clerk: _____, 2022 at _____

Administrative Comment

ORDINANCE TO AUTHORIZE ST. TAMMANY PARISH GOVERNMENT,
THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT AN ACT OF
DEDICATION AND DONATION FOR A PORTION OF BENNETT CEMETERY
ROAD (WARD 1, DISTRICT 3)

The Parish seeks to acquire a formal dedication of right-of-way over this portion of Bennett Cemetery Road, which is already a tacitly-dedicated road in Parish's road maintenance system. Acquiring a formal dedication from a tacit dedication formalizes what Parish already owns and eliminates disputes as to right-of-way limits.