

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 7450

ORDINANCE COUNCIL SERIES NO.: 24-_____

COUNCIL SPONSOR: TOLEDANO/COOPER

PROVIDED BY: PLANNING & DEVELOPMENT

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 7TH DAY OF DECEMBER, 2023

ORDINANCE TO REVOKE AN UNOPENED PORTION OF RIGHT-OF-WAY LOCATED ON THE NORTH SIDE OF PONTCHITOLAWA DRIVE SOUTH OF INTERSTATE 12 BETWEEN LOT 6 AND LOT 7 OF THE PONTCHITOLAWA ESTATES SUBDIVISION (AS DELINEATED ON MAP #35C). (WARD 3, DISTRICT 5) (REV23-10-006)

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 right-of-way, located on the north side of Ponchitolawa Drive south of Interstate 12 between Lot 6 and Lot 7 of the Pontchitolawa Estates Subdivision (as delineated on Map #35C) Ward 3, 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 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 II: The reservation of servitude 10 feet from centerline of 8 inch waterline for a total servitude width of 20 feet.

SECTION III: The reservation of servitude 10 feet from centerline of 8 inch sewerline for a total servitude width of 20 feet.

SECTION IV: The applicant submitting a revised survey to depict and denote both servitude reservations for entire length of unopened right of way.

SECTION V: No structures, buildings, fences, gates and/or similar shall be allowed to remain and/or exist within the servitude areas reserved

SECTION VI: The Department of Utilities shall retain unrestricted access for perpetuity to servitudes with no advance notice required or limitations imposed.

SECTION VII: 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.

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 11TH DAY OF JANUARY, 2024 AND BECOMES ORDINANCE COUNCIL SERIES NO.: 24-.

JACOB "JAKE" A. AIREY, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: NOVEMBER 29, 2023

Published Adoption: _____, 2024

Delivered to Parish President: _____, 2024 at _____

Returned to Council Clerk: _____, 2024 at _____