

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO. C-2223

COUNCIL SPONSOR MR. BAGERT

PROVIDED BY COUNCIL OFFICE

RESOLUTION REQUIRING RECORDATION OF AN ACT OF CORRECTION TO THE FINAL SUBDIVISION PLAT (RESTRICTIVE COVENANTS) FOR MAGNOLIA TRACE SUBDIVISION IN THE PUBLIC RECORDS OF THE CLERK OF COURT FOR ST. TAMMANY PARISH WITHIN 30 DAYS TO INCORPORATE RESTRICTIONS PROVIDED FOR IN ORDINANCE C.S. NO. 06-1383, ADOPTED BY THE PARISH COUNCIL SEPTEMBER 7, 2007, REQUIRING HOMES NO LESS THAN 1800 SQUARE FEET WITHIN SAID SUBDIVISION. (Ward 8, District 9)

WHEREAS, in regular session convened on September 7, 2007, the St. Tammany Parish Council, finding it necessary for the purpose of protecting the public health, safety and general welfare, adopted Ordinance C.S. No. 06-1383, changing the zoning classification of the herein after described property from its A-2 (Suburban) District classification to a PUD (Planned Unit Development) District for the purpose of developing a subdivision initially identified as Tiger Trace Subdivision; and

WHEREAS, the property was described as "a certain parcel located on the south side of Morgan Bluff Road, east of Military Road and which property comprises a total of 13.48 acres of land more or less" and more particularly described in Exhibit A of said ordinance and this Resolution; and

WHEREAS, during the August 3, 2006-appeal hearing before the Parish Council, Mr. Steve Duvernay, attorney for the owner, stipulated and agreed that the following conditions and restrictions would be applicable and binding on the Planned Unit Development, to-wit: (1) Density not to exceed that permitted in the A-4 Single Family Residential District; (2) Location of all detention ponds to be outside all delineated wetland areas, as approved by the Parish Engineering Department; (3) Homes to be constructed with a minimum of 1800 square feet living area; and

WHEREAS, following the Council's August 3, 2006-decision to approve the requested change in zoning to a Planned Unit Development, and the introduction of an ordinance to enact the change in zoning, and inclusion of the aforesaid restrictions and conditions, on September 7, 2006 the Parish Council adopted Ordinance C.S. No. 06-1383, changing the zoning classification and ordaining as follows:

SECTION III: The rezoning herein is subject to the following conditions:

1. Density not to exceed that permitted in the A-4 Single Family Residential District.
2. Location of all detention ponds to be outside all delineated wetland areas, as approved by the Parish Engineering Department.
3. Homes to be constructed with a minimum of 1800 square feet living area.

WHEREAS, following the approval of the change in zoning and conceptual plan, the owner of the property, FMG-LTL, LLC, obtained the St. Tammany Parish Planning Commission's approval of a Tentative Subdivision Plan for Tiger Trace Subdivision, A Planned Unit Development, and, in due course, approval of the below described Final Plat; and

WHEREAS, the Final Subdivision Layout (Plat) of Magnolia Trace (Formerly Tiger Trace S/D) Located in Section 19 T8S R15E, St. Tammany Parish, Louisiana, was duly signed by the owner, on April 13, 2007, and approved by the Planning Commission Chairman, Emile Lombard, Parish Engineer, Joseph Gustafson, and Planning Commission Secretary, Ron Keller. The Plat was duly filed and recorded in the office of the Clerk of Court for St. Tammany Parish on June 21, 2007, **File Number 4494**; and

WHEREAS, the approved Final Plat of Magnolia Trace (Formerly Tiger Trace S/D), **File Number 4494**, does not contain all of the conditions and restrictions, provided for in Ordinance C.S. 06-1383, which were agreed and stipulated to by the owner, specifically the condition that "Homes to be constructed with a minimum of 1800 square feet living area." To insure adequate notice on the public records, it is necessary that this condition be recorded in the public records of the Clerk of Court.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that the owner is directed to prepare, and to file with the St. Tammany Parish Clerk of Court, within thirty (30) days of the adoption of this Resolution, an Act of Correction of the Restrictive Covenants contained in Final Subdivision Layout (Plat) of Magnolia Trace (Formerly Tiger Trace S/D), **File Number 4494** (Exhibit B). The Act of Correction shall set forth the following condition that is expressly required by Ordinance C.S. 06-1383, to wit:

3) Homes to be constructed with a minimum of 1800 square feet living area.

BE IT FURTHER RESOLVED that, in the event that the owner fails to record the Act of Correction in the office of the St. Tammany Parish Clerk of Court, within thirty (30) days of the adoption of this Resolution, the Chairman and Secretary of the St. Tammany Parish Planning Commission are directed to execute the aforesaid Act of Correction and to record said Act of Correction with the St. Tammany Parish Clerk of Court.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 1ST DAY OF NOVEMBER, 2007 AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

BARRY D. BAGERT, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

ORDINANCE

ORDINANCE CALENDAR NO. 3349 ORDINANCE COUNCIL SERIES NO. 06-1383
 COUNCIL SPONSOR MR. BAGERT PROVIDED BY: PLANNING
 INTRODUCED BY: MR. BAGERT SECONDED BY: MR. THOMPSON
 ON THE 3RD DAY OF AUGUST 2006

An Ordinance amending the official zoning map of St. Tammany Parish, La, to reclassify a certain parcel located on the south side of Morgan Bluff Road, east of Military Road and which property comprises a total of 13.4869 acres of land more or less, from its present A-2 (Suburban) District to a PUD (Planned Unit Development) District, Ward 8, District 9. (ZC06-07-061)

Whereas, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC06-07-061, has recommended Denial to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area remains A-2 (Suburban) District.

Whereas, the St. Tammany Parish Council has held its public hearing in accordance with law:

Whereas, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare, to designate the above described property as PUD (Planned Unit Development) District.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened that:

SECTION I: The zoning classification of the above described property is hereby changed from its present A-2 (Suburban) District to a PUD (Planned Unit Development) District (see Exhibit "A") for complete boundaries.

SECTION II: The official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning reclassification specified in Section I hereof.

SECTION III: The rezoning herein is subject to the following conditions:

1. Density not to exceed that permitted in the A-4 Single Family Residential District.
2. Location of all detention ponds to be outside all delineated wetland areas, as approved by the Parish Engineering Department.
3. Homes to be constructed with a minimum of 1800 square feet living area.

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: MR. CANULETTE, SECONDED BY: MR. THOMPSON

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

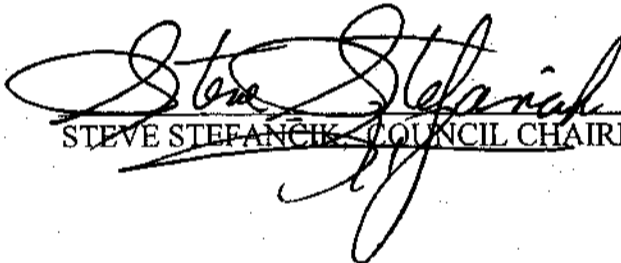
YEAS: DEAN, FITZMORRIS, THOMPSON, BRISTER, GOULD, SINGLETARY, CANULETTE, BILLIOT, STEFANCIK, THOMAS (10)

NAYS: (0)

ABSTAIN: (0)

ABSENT: IMPASTATO, BAGERT, BINDER, BURKHALTER (4)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 7TH DAY OF SEPTEMBER, 2006; AND BECOMES ORDINANCE COUNCIL SERIES NO. 06-1383.


STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:


DIANE HUESCHEN, COUNCIL CLERK


KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: August 24, 2006

Published Adoption: Sept. 28, 2006

Delivered to Parish President: Sept 15, 2006 at 3:30 pm

Returned to Council Clerk: Sept 18, 2006 at 10:10am

EXHIBIT "A"

ZC06-07-061

A certain piece or portion of ground situated in Section 19, Township 8 South, Range 15 East, St. Tammany Parish, Louisiana and being more fully described as follows:

From the Quarter Section corner common to Section 19, Township 8 South, Range 15 East and Section 24, Township 8 South, Range 14 East, St. Tammany Parish, Louisiana go North 89° 45' East-1607.1 feet; thence South 00° 15' East-20.0 feet to a point located on the south right-of-way line of Morgan Bluff Road and the point of beginning. From the point of beginning, go North 89° 43' 41" East-560.00 feet all along said right-of-way to a point; thence leaving said right-of-way, go South 00° 15' 00" East-969.22 feet to a point; thence South 89°46'34" West-658.85 feet to a point; thence North 00° 15' 00" East-467.81 feet to a point; thence North 89° 28' 37" East-100.41 feet to a point; thence North 00° 40' 18" West-500.44 feet to a point located on the south right-of-way line of Morgan Bluff Road back to the point of beginning.

Said portion or ground contains 13.48 acres.