

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3809 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MR. BILLIOT PROVIDED BY COUNCIL OFFICE

INTRODUCED BY: _____ SECONDED BY: _____

ON THE 3RD DAY OF APRIL, 2008.

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY TO ACCEPT THE DEDICATION AND DONATION OF THE WEIR FORMING A DRAINAGE FEATURE SITUATED WITHIN PARC DU LAC SUBDIVISION AND THE EXECUTION OF AN ACCESS AGREEMENT WITH THE SUBDIVISION HOMEOWNERS ASSOCIATION. (WARD 4, DISTRICT 10)

WHEREAS, at the present time there exists a weir, otherwise known as a dam, which forms a drainage system feature within Parc du Lac Subdivision and ownership of said weir is currently vested in the Parc du Lac Home Owner's Association, Inc. (the "Association"). The homeowners and the Association desire that the weir within the subdivision be public and maintained by the Parish. The Association is governed by its Board of Directors and the Board of Directors have met and approved the transfer of the ownership of the weir to the Parish of St. Tammany; and

WHEREAS, the Department of Engineering has verified that the weir is needed by the Parish in order to maintain and improve regional drainage infrastructure within the Mandeville area and the Bayou Chinchuba drainage basin; and

WHEREAS, should the weir be accepted by the Parish and brought into its maintenance system, it is necessary that an access agreement be executed between the Parish and Parc du Lac Subdivision Homeowners Association to provide for an adequate means by which the Parish may access the weir across subdivision property for maintenance and improvement.

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

SECTION 1. The Office of the Parish President is authorized to execute, on behalf of St. Tammany Parish, any and all documents necessary to accept a dedication and donation of the weir forming a drainage feature within Parc du Lac Subdivision.

SECTION 2. Upon execution of the aforesaid dedication, donation and transfer of the weir property, said weir shall be included in the St. Tammany Parish maintenance system.

SECTION 3. The St. Tammany Parish Selective Drainage Maintenance System Inventory is amended to include the weir property set forth in Sections 1 and 2 herein above.

SECTION 4. The Office of the Parish President is further authorized to execute an agreement with the Parc du Lac Subdivision Homeowners Association for the granting of a right of access across the streets and property of the subdivision sufficient and necessary to provide access to the weir for maintenance and improvement purposes. Included within the agreement, there shall contain provisions requiring the Homeowners Association to indemnify and hold harmless the Parish from any claims and actions for property damages arising out of or associated with the Parish's access for maintenance and improvement to the weir.

SEVERABILITY: If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect any other provision 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.

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REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

DATE OF ENACTMENT: This ordinance shall become effective immediately upon final 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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2008; AND BECOMES ORDINANCE PARISH COUNCIL SERIES NO. _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction _____, 2008

Published adoption _____, 2008

Delivered to Parish President _____, 2008 at _____

Returned to Council Clerk _____, 2008 at _____

