

**ADOPTED
METROPOLITAN COUNCIL**

Original 994 Bundle Number 10056

JAN 25 1989

ORDINANCE 8846

Donald Nijboer
COUNCIL ADMINISTRATOR

CONDITIONALLY REVOKING AND SETTING ASIDE THE DEDICATION OF THAT PORTION OF A 40-FOOT DRAINAGE SERVITUDE WHICH IS LOCATED WITHIN TRACT W-Y-3-A (PROPOSED OAK HILLS 7TH FILING PART I) AS SHOWN ON A MAP ENTITLED "MAP SHOWING RESUBDIVISION OF A PORTION OF TRACT "W-Y-1" & TRACT "W-Y-3" OF THE RUSSELL C. KLEINPETER ET AL PROPERTY INTO TRACT "W-Y-1-A" & TRACT "W-Y-3-A", PREPARED BY NORRIS DECOTEAU, RLS, DATED JULY 20, 1988.

WHEREAS, there was dedicated in connection with Oak Hills Park, 3rd and 4th Filing Subdivisions, a 40-foot drainage servitude; and

WHEREAS, in connection with the development of Oak Hills Park, 7th Filing Part I on Tract W-Y-3-A the southern, northern and western portions of the drainage channel located within said servitude have been replaced by subsurface drainage facilities; and

WHEREAS, a new 40-foot substitute drainage servitude will be dedicated at the relocation of the drainage channel; and

WHEREAS, the aforementioned improvements have been constructed in accordance with the plans and specifications previously approved by the City-Parish Department of Public Works; and

WHEREAS, this Council believes that it would be in the public interest to revoke a portion of the aforementioned drainage servitude affecting the above described property, conditioned upon the dedication of the required substitute drainage servitudes to replace the subject servitudes, the approval by the Department of Public Works of the engineering drawings showing the completed substitute drainage structures, and the final acceptance of the aforementioned servitude by the Department of Public Works:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan

Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. The dedication of that portion of a 40-foot drainage servitude which is located within Tract "W-Y-3-A" as shown on a map entitled "Map showing Resubdivision of a Tract "W-Y-1" & Tract "W-Y-3", of the Russell Kleinpeter Et Al, Property into Tract "W-Y-1-A" & Tract "W-Y-3-A", prepared by Norris Decoteau, RLS, dated 7-20-88 is hereby expressly renounced, set aside, and abandoned as no longer needed for public purposes, pursuant to the provisions of Article 771 of the Louisiana Civil Code, contingent on the completion of the following items as required by the Department of Public Works:

1. Dedication of the required substitute drainage servitudes to take the place of the subject servitudes.
2. Approval by Department of Public Works of the engineering drawings showing the substitute drainage structures (completed).
3. Final acceptance of the substitute drainage facilities by the Department of Public Works.
4. The Developer or his Engineer to furnish a reproducible and four blacklines of a revision to the drainage layout reflecting the changes.

Section 2. This Council does not warrant its authority to act herein, pursuant to the above cited provisions of the Louisiana Civil Code, nor any other provisions, nor does it warrant title to any of the property contained ~~ORIS 1094~~ ~~servitude~~ ~~10056~~ herein abandoned.

FILED AND RECORDED
EAST BATON ROUGE PARISH, LA.

1989 JAN 26 PM 12:04:28
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H. M. MIKE CANNON
CLERK OF COURT & RECORDER

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JAN 26 1989

R. M. Cannon
Assistant Council Administrator