

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 2889 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MS. BRISTER PROVIDED BY: President's Office

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. BINDER

ON THE 1ST DAY OF JULY 2004

ORDINANCE TO AUTHORIZE THE PARISH COUNCIL TO DECLARE A PORTION OF LOT 3, SQUARE 17, SLIDELL MANOR SUBDIVISION, WARD 9, DISTRICT 11, SLIDELL, AS SURPLUS PROPERTY AND TO AUTHORIZE THE SALE OF SAID LOTS/PARCEL.

WHEREAS, the Parish of St. Tammany owns property described as Portion of Lot 3, Square 17, Slidell Manor Subdivision, Ward 9, District 11, Slidell, Louisiana, said property having been adjudicated to the Parish for unpaid property taxes; and

WHEREAS, the Parish Council, through Resolution Council Series No. C-0562, adopted on July 11, 2002 has recommended that properties be declared surplus and no longer needed for public purposes; and

WHEREAS, a request has been received by the Executive Counsel to the Parish President from the following third parties to purchase said properties for the consideration of a sum in excess of the appraised value plus any and all associated costs, cash, at the time of sale; and

WHEREAS, no written opposition or higher offer has been filed with the Office of the Parish President; and

WHEREAS, the Parish Council desires to re-submit this Ordinance without the need to re-advertise the Notice of Intention to Sell, but merely to reestablish the effective date of this Ordinance, and

WHEREAS, the Parish Council declares that all bidding is closed and final, but for and excluding those properties/parcels wherein there exists two(2) or more qualified bidders, and

WHEREAS, this Parish is of the opinion that these properties are surplus and no longer needed for public purposes and that it would be in the public interest to convey said properties for the offered consideration.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Parish Council declares a portion Lot 3, Square 17, Slidell Manor Subdivision, Ward 9, District 11, Slidell, as surplus property and authorizes the sale of said lots/parcel as follows:

Section 1. A portion Lot 3, Square 17, Slidell Manor Subdivision Slidell, Louisiana, is hereby declared to be surplus and no longer needed for public purpose.

Section 2. Fifteen days after the final adoption of this ordinance, if no restraining order has been obtained, the Parish President is authorized to execute an act of cash sale in which the Parish of St. Tammany conveys said properties to the highest bidder, in consideration of a sum in excess of the Council approved acceptance plus any and all associated costs. However, the Parish President shall not execute the act of cash sale until certification that:

- A) Purchaser has certified in writing to the Office of the Parish President that purchaser or his agent has examined the mortgage records, conveyance records, probate and civil suit records of the Clerk of Court of St. Tammany Parish and attached to the certification a written list of the names and last know addresses off all owners, mortgagees, and any other person who might have a vested or contingent interest in the property, or who has filed a request for notice as provided in LA-R.S. 47:2261. Said written certification shall contain an indemnification and hold harmless clause by the purchaser in favor of the Parish of St. Tammany, its officers, agents and employees

if the purchaser should fail to request notification to an interested party or should incorrectly identify or locate any interested party.

- B) Purchaser has made written request to the Office of the Parish President to notify those persons identified above in accordance with LA-R.S. 33:4720.17 and LA-R.S. 47:2261 and has paid the Parish the sum of five dollars per notice and/or the sum of thirty dollars per notice by publication requested or supplied evidence that the notice satisfactory to the Office Of the Parish President that the notice required by LA-R.S. 33:4720.17 and LA-R.S. 47:2261 has been made by purchaser or his agents.
- C) Purchaser has recorded evidence of notice required by LA-R.S. 33:4720.17 and LA-R.S. 47:2261 in the conveyance records of St. Tammany Parish and has provided the Office of the Parish President a stamped copy of the recorded evidence on notice.
- D) Purchaser has certified in writing to the Office of the Parish President that the number of days required by LA-R.S. 33:4720.17 has elapsed since the above required notice was made or attempted and that the property has not been redeemed by the payment of the taxes owed.
- E) Purchaser has paid the consideration in cash to the Parish and the cash sale attached has been approved by the Office of the Parish President.
- F) Purchaser had deposited with the Parish of St. Tammany the amount required to be escrowed.

Section 3. If all of the requirements of Section 2 are not completed within six (6) months from the date this ordinance is adopted, the Parish President's authority to execute an act of cash sale for this property shall cease and any and all rights of the purchaser to this property shall terminate.

Section 4. This act of sale shall be without any warranty or recourse whatsoever (including warranty of title), even for the return or any reduction of the purchase price, but with subrogation to all rights and actions of warranty Parish of St. Tammany may have, and such sale shall contain such warranty limitations and other provisions as are required by the Office of the Parish President. The Parish of St. Tammany shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property. The Parish does not guarantee good and merchantable title.

Section 5. If construction of a new residence on said property has been commenced and a any impact and/or developmental fee shall have become due within one year of the sale of said property by the Parish of St. Tammany, the amount being held in escrow shall be applied to the sewer impact fee and any excess shall be returned to the purchaser or his assign. If construction of a new residence has not been commenced or any impact and/or developmental fee shall not have become due within one year of the sale of said property by the Parish of St. Tammany, the amount being held in escrow shall be forfeited by the purchaser to the Parish of St. Tammany.

Section 6. Any and all sales of such property shall be subject to any and all servitudes and easements.

Section 7. All properties to be sold subject to an "as is" clause as exclusively prepared by the Parish.

NOTE: Particular of sales listed herein are available for review at the Parish Council Office upon completion of transaction to the highest bidder.

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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2004; AND BECOMES ORDINANCE COUNCIL SERIES NO. 04-_____.

PATRICIA BRISTER, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHIEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2004
Published adoption on: _____, 2004

Delivered to Parish President: _____, 2004 @ _____
Returned to Council Clerk: _____, 2004 @ _____



ST. TAMMANY PARISH
 OFFICE OF THE PRESIDENT
 P. O. Box 628
 COVINGTON, LA 70434
 PHONE: (985) 898-2362 OR (985) 646-4082
 FAX: (985) 898-5237
 e-mail: rbarnett@stpgov.org

#13

Robert A. Barnett
 Executive Counsel

MEMORANDUM

MAY 25, 2004

TO: DEPARTMENT HEADS
 FROM: ROBERT BARNETT *RAB/EBP*
 RE: ADJUDICATED PROPERTY

Description: Lot 3, Square 17, Slidell Manor Subdivision, less and except the portion of said lot lying in Farm No. 90 in Liberty Farms Subdivision, S37, T8S, R14E, measuring 210' by 622'.

Party requesting surplus declaration: The Level Playing Field Corporation

Parish Tax Sale of 1989

Councilmanic District No. 11
 Ward 9

In order for this property to be deemed surplus and sold per the terms of our Adjudicated Property Program, you acknowledge that your Department has determined that this specific parcel is or is not in a proper posture to be deemed surplus and sold. If your Department has determined that this parcel is needed for a public purpose or is not to be deemed as surplus, please give your reasons below:

Department of Engineering: Recommend ^{W/Note} Do Not Recommend: _____
 Title: Director

Signature: *Jan Hiladeaux*
 Date: 5/28/04, 2004

Comments/Reasons: Please note that the
Right ~~over~~ of way is not open to get
access to these lots.

Department of Public Works: Recommend Do Not Recommend: _____
 Title: Director

Signature: *D. [unclear]*
 Date: 6/2/04, 2004

Comments/Reasons: _____

Department of Planning/Zoning:

Recommend Do Not Recommend: _____
Title: DIRECTOR OF PLANNING

Signature: [Signature]
Date: 6/23/04, 2004

Comments/Reasons: _____

Department of Environmental Services:

Recommend Do Not Recommend: _____
Title: Dir., Env. Services

Signature: [Signature]
Date: 6-24, 2004

Comments/Reasons: _____

Councilman, District 11
Steve Stefancik

Recommend Do Not Recommend: _____

Signature: [Signature]
Date: 6/23/2004, 2004

Comments/Reasons: _____

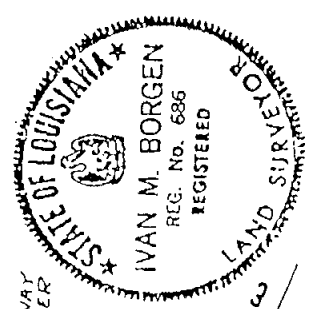
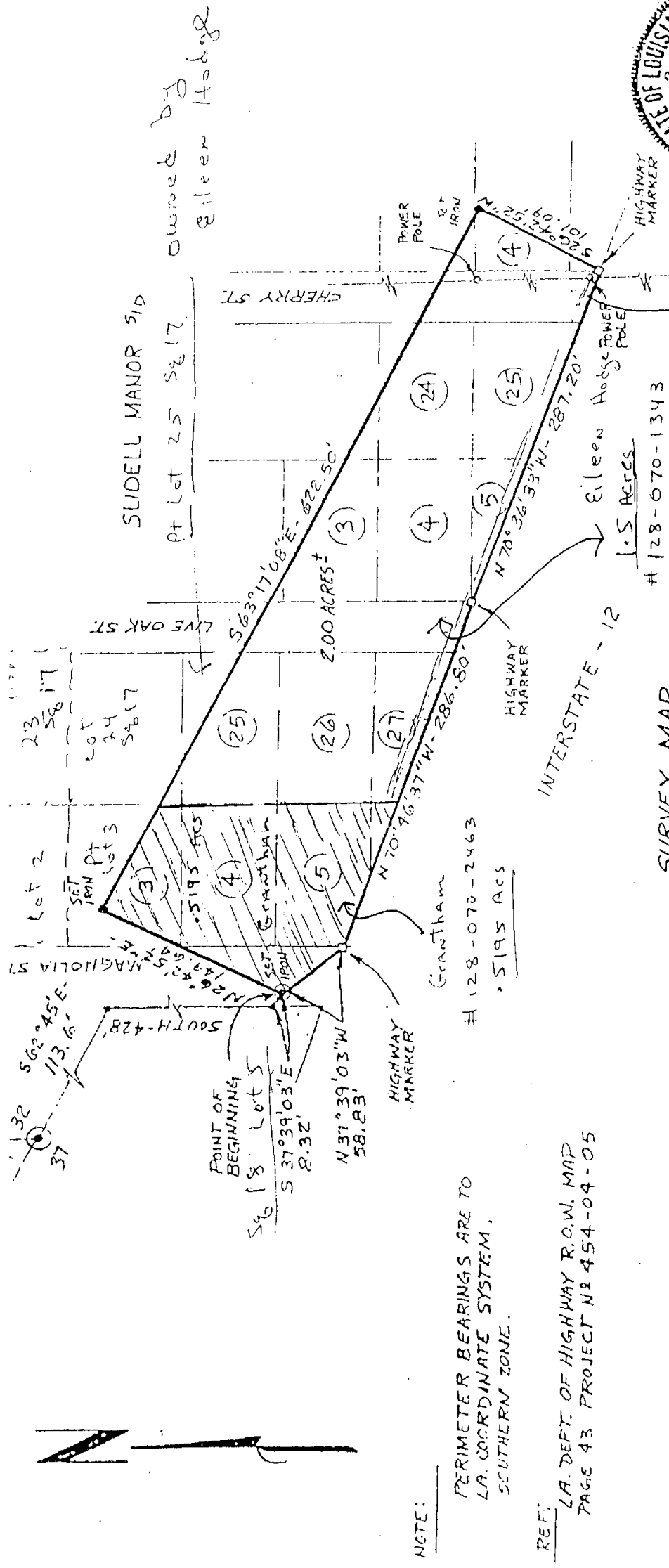
FOR USE BY THE OFFICE OF THE PARISH PRESIDENT ONLY

This property will will not _____ be deemed as adjudicated, surplus property.

Final Approval:

[Signature]
Parish President/C.A.O.
Date: 6/25, 2004

[Signature]
Robert A. Barnett, Executive Counsel
Date: 6/25, 2004



NOTE:

PERIMETER BEARINGS ARE TO
LA. COORDINATE SYSTEM,
SOUTHERN ZONE.

REF:

LA. DEPT. OF HIGHWAY R.O.W. MAP
PAGE 43 PROJECT N 454-04-05

SURVEY MAP
OF
REMAINDER OF FARM 90 IN LIBERTY FARMS SID
IN
ST. TAMMANY PARISH, LA.
FOR
DAVE HODGE

SURVEY NO: 38684
DATE: APRIL 7, 1984
REV:

Children
To
Eileen Hodge

SLIDELL MANOR SID
Pt Lot 25 S&17 owned by
Eileen Hodge

THIS SURVEY IS CERTIFIED
TRUE & CORRECT BY:

IVAN M. BORGEN
NO 686

1149 / 328

4-3-84

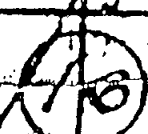
SCALE: 1"=100'

DRAWN BY: H

OF lots where in the
 ASSIGNMENT AND THE

3	2	29	129	29
4	3	24	125	29
5	4	25	115	22
6	5	26	105	23
7	6	27	95	24
8	7	28	85	25
9	8	29	75	26
10	9	30	65	27
11	10	31	55	28
12	11	32	45	29
13	12	33	35	30
14	13	34	25	31
15	14	35	15	32
16	15	36	5	33
17	16	37		34

NORTH



158 51
 75 845

INTER OFFICE



Kevin Davis
Parish President

MEMORANDUM

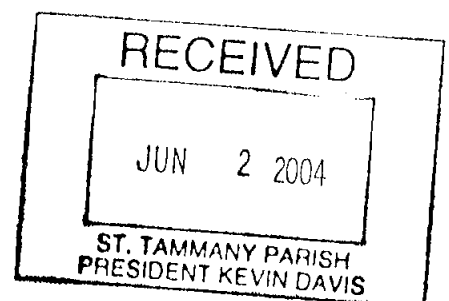
ST. TAMMANY PARISH GOVERNMENT
DEPARTMENT OF ENGINEERING

DATE: May 28, 2004
TO: Robert Barnett, Esq., Counsel to the Parish President
FROM: Jean M. Thibodeaux, Director of Engineering *JMT*
RE: Adjudicated Property - Lot 3, Sq. 17, Slidell Manor S/D

With reference to your memo of the 25th inst., please, note that the right-of-way is not open to get access to these lots. Subject to that caveat, I do recommend that the property be deemed surplus and sold per the terms of our Adjudicated Property Program.

JMT/la

Attachment (1)



ELKINS, P.L.C.
A PROFESSIONAL LAW CORPORATION

GARY J. ELKINS¹
DAVID B. EPSTEIN
SUSAN J. BURKENSTOCK²
PAMELA W. HAMMOND
RICHARD L. TRAINA
MICHAEL L. MANCUSO
MANDY K. MENDOZA³
JORDAN B. MONSOUR
JAMES L. BREAU

OF COUNSEL
YVONNE CHALKER

¹ BOARD CERTIFIED TAX ATTORNEY
² BOARD CERTIFIED ESTATE PLANNING
AND ADMINISTRATION SPECIALIST
³ LL.M. IN TAXATION

201 ST. CHARLES AVENUE
SUITE 4400
NEW ORLEANS, LOUISIANA 70170
TELEPHONE (504) 529-3600
FAX (504) 529-7163
WWW.ELKINSPLC.COM

WRITER'S E-MAIL

jlbreaux@elkinsplc.com

June 10, 2004

Mr. Robert A. Barnett
Executive Counsel to the Parish President
P. O. Box 628
Covington, LA 70434

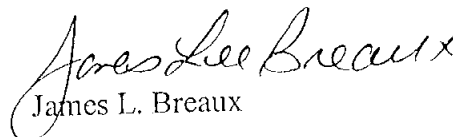
Re: Purchase of Surplus Adjudicated Property
Portion of Lot 3, Square 17, Slidell Manor Subdivision

Dear Mr. Barnett:

As you are aware, we represent The Level Playing Field Corporation, which is interested in acquiring the above-referenced tax adjudicated property. As we discussed by phone, The Level Playing Field Corporation plans to gain access to the property via the adjacent parcel that it owns and upon which Grantham University is operated (the "Grantham University Tract"). The Grantham University Tract is described in the legal description attached hereto as Exhibit "A" and is highlighted in yellow on the survey attached as Exhibit "B". The Grantham University Tract has been superimposed upon the plat of Slidell Manor Subdivision and is highlighted in orange on Exhibit "C". The portion of Lot 3, Square 17, Slidell Manor Subdivision that has been adjudicated to the Parish of St. Tammany is highlighted in green and lies adjacent to the Grantham University Tract.

If you should have any questions or need additional information from our client, please do not hesitate to contact us.

Sincerely,


James L. Breaux

JLB:dl
Enclosures
1/11726/C/18

WAYNE SANDOZ & ASSOCIATES, INC.

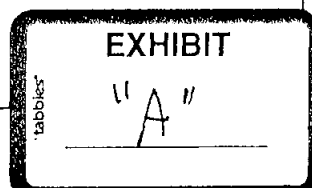
LEGAL DESCRIPTION

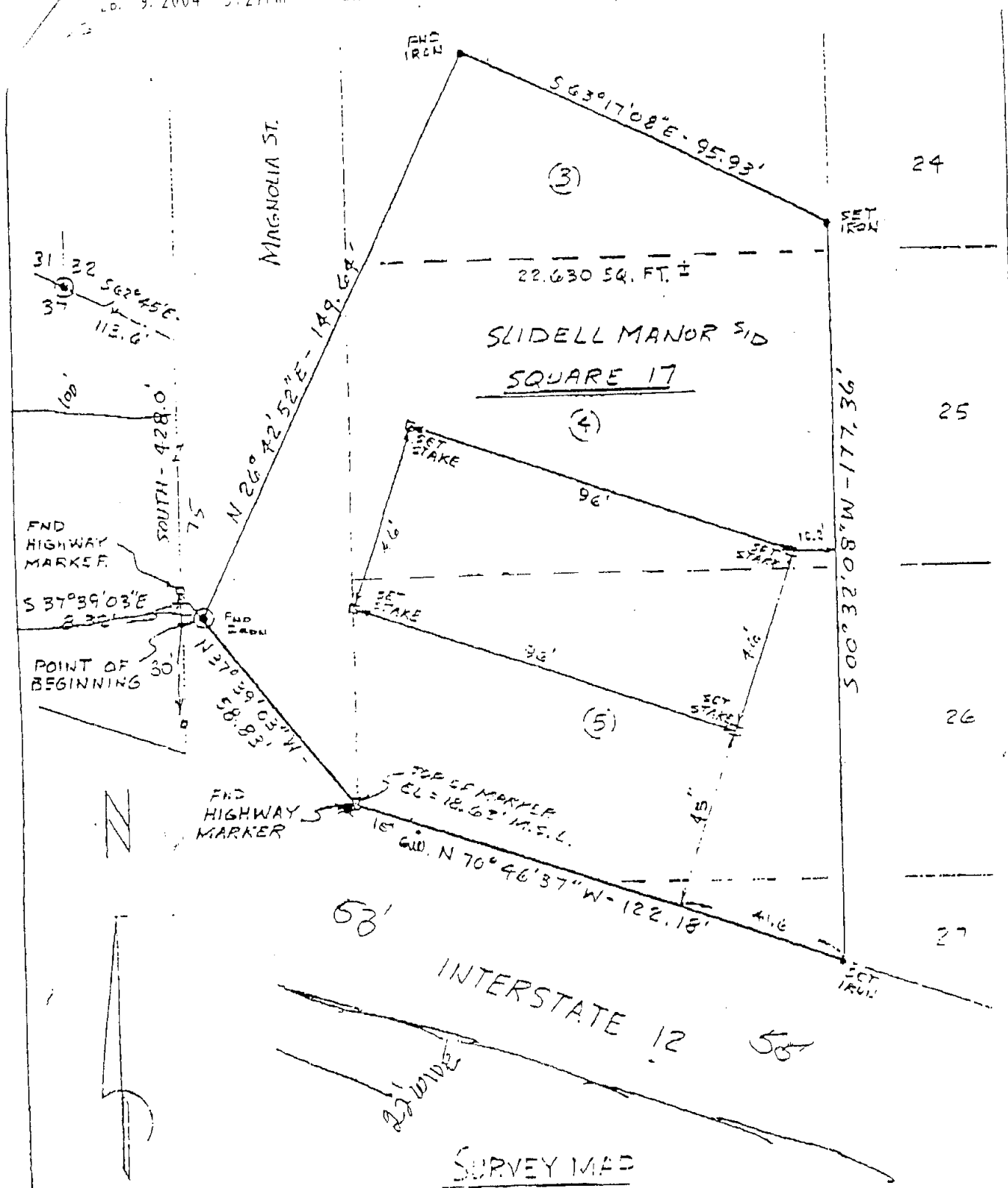
ALL THAT CERTAIN LOT OR PARCEL OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways means, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, lying and being situated as part of Farm 90 in Liberty Farms Subdivision, Section 37, Township 8 South, Range 14 East, St. Tammany Parish Louisiana, and being better described as follows, to-wit:

From the section corner common to Sections 31, 32, and 37 in said Township and Range go South 62 degrees, 45 minutes East 113.60 feet to a point, thence go South 428.0 feet to a point, thence go South 37 degrees 39 minutes 03 seconds East 8.32 feet to the Point of Beginning.

Thence go North 26 degrees 42 minutes 52 seconds East 149.64 feet to a point; thence go South 63 degrees 17 minutes 08 seconds East 95.93 feet to a point; thence go South 00 degrees 32 minutes 08 seconds West 177.36 feet to a point; thence go North 70 degrees 46 minutes 37 seconds West 122.18 feet to a point; thence go North 37 degrees 39 minutes 03 seconds West 58.83 feet back to the point of beginning.

Containing in all 0.5195 acres or 22,630 square feet of land, more or less.





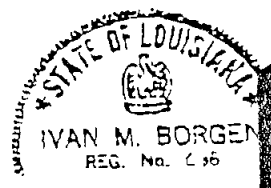
SURVEY MAP

OF

PART OF FARM 90 IN LIBERTY FARMS SID
SEC 37-T85-R14E
ST. TAMMANY PARISH, LA.

FOR

CLARK'S PLAN SERVICE



EXHIBIT

"B"

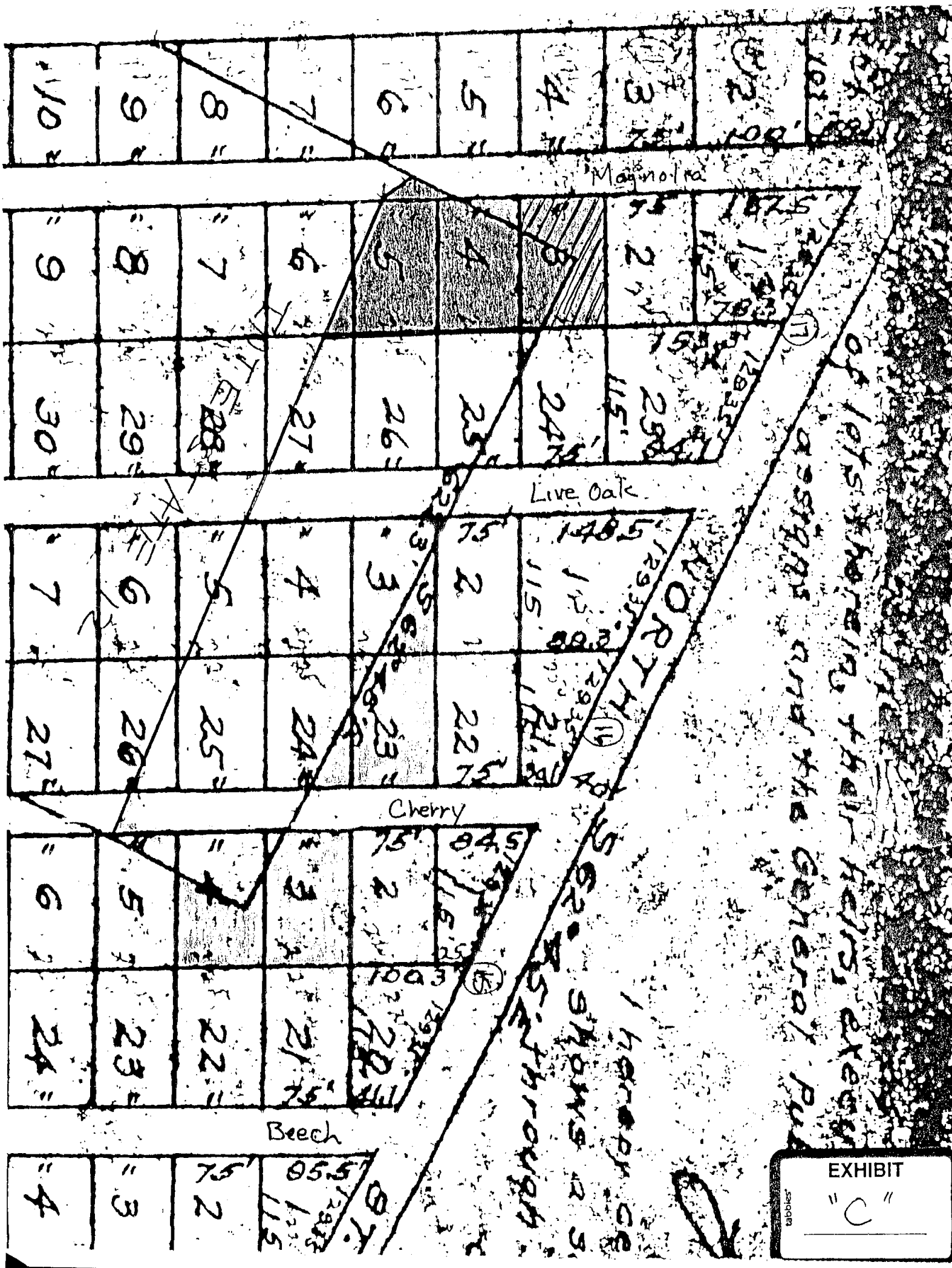


EXHIBIT
 "C"