

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 2877 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR _____ PROVIDED BY: President's Office

INTRODUCED BY: _____ SECONDED BY: _____

ON THE ____ DAY OF _____ 2004

ORDINANCE TO ACCEPT THE HIGHEST BID AT PUBLIC AUCTION
AND AUTHORIZE SALE OF SURPLUS PROPERTY
TO _____ LOT 556, PHASE 3-D, MOONRAKER
SUBDIVISION. WARD 9. DISTRICT 13

WHEREAS, the Parish of St. Tammany owns property described as Lot 556, Phase 3-D, Moonraker Subdivision, Slidell, Louisiana, said properties having been adjudicated to the Parish for unpaid property taxes; and

WHEREAS, the Parish Council, through Ordinance Calendar No. 2812, adopted on June 3, 2004 has recommended that the property 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, the Parish Council declared that all bidding is closed and final; 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; and

WHEREAS, _____ was the highest, responsive and final bidder on such property in the amount of \$ _____, plus all applicable taxes, fees, interest and costs, as per law and Ordinances related hereto.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Parish Council declares:

Section 1: That the lot described as Lot 556, Phase 3-D, Moonraker Subdivision, Slidell, Louisiana, be sold as surplus property and herewith authorizes the sale of said lot/parcel as follows: \$ _____ to _____, plus all outstanding taxes, interest, statutory penalties, and all related Parish fees and costs, all subject to a credit of \$750.00.

Section 2: That 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 has deposited with the Parish of St. Tammany the amount required to be escrowed.

Section 3. That 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. That 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. That if construction of a new residence on said property has been commenced and 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. That any and all sales of such property shall be subject to any and all servitudes and easements.

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

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 immediately or as per law, whichever is earliest.

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 HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

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

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

#7 Drg. 2811

OFFER TO PURCHASE

NOTE: AN AMOUNT MUST BE SPECIFIED AS TO EACH LOT FOR WHICH AN OFFER IS BEING MADE, UNLESS MULTIPLE LOTS ARE COVERED BY A SINGLE STRUCTURE

DATE: APRIL 28, 2004

TO: Parish President's Office, Parish of St. Tammany

The undersigned offers to purchase from the Parish of St. Tammany the following described adjudicated surplus property:

1) Legal Description

LOT 556, MOONRAKER ISLAND PHASE 3D

2) Municipal Address of the Property

for the sum of \$ 1,300.00 Dollars to be paid in cash at time of closing. This offer shall remain open for a period of one hundred and eighty (180) days or until such time as the Parish Council shall approve the sale, whichever comes first. The undersigned understands and agrees that:

- 1) This property shall be sold in accordance with ISA-R.S. 33:4712, without any warranty whatsoever, even as to the return of the purchase price, and with full reservation of all mineral rights to the Parish, but all surface rights to the purchaser;
 - 2) This sale is contingent upon the St. Tammany Parish Council declaring the above described property surplus;
 - 3) The St. Tammany Parish Council has the right to accept a higher offer, if timely made, and also has the right to reject all offers and not sell the
- _____

above described property; in the event the Parish does not accept the offer then this offer is null and void;

- 4) It shall be the responsibility of the undersigned to determine the date and time of the St. Tammany Parish Council hearing on this offer to purchase the above described property and to attend same to reply to any other bids properly received. Notice of the hearing will be published in the legal notice section of the Official Parish News Paper three times prior to the Council hearing,
- 5) The undersigned will not be refunded any of the cost or fees advanced if: a.) the undersigned is the high bidder and that offer is rejected; or b.) the property is redeemed by the tax debtor prior to the date of the sale. If undersigned is the high bidder, the costs and fees shall not be refunded except the \$750.00 initial processing fee will be credited against the purchase price.

All sums advanced for processing fees, appraisal fees and all costs are not to be considered a deposit, and only the initial \$750.00 fee shall applied to the purchase price.


- 6) The Ordinance authorizing the sale of the above described property shall require the following to be completed prior to sale:
 - 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 known addresses of all owners, mortgagees, and any other persons or entities who might have a vested or contingent interest in the property, or who has filed a request for notice as provided in LSA-R.S. 47:2261.
 - B) Purchaser has made written request to the Office of the Parish President to notify those persons identified above in accordance with LSA-R.S. 33:4720.17 and LSA-R.S. 47:2261 and has paid the Parish the sum of ten (\$10.00) dollars for each notice to be mailed and the sum of sixty (\$60.00) dollars for each notice requiring publication. A cost deposit will be posted if requested.

Ord. 2877

- C) The Office of the Parish President has provided purchaser with proof of notice, and purchaser has recorded same in the conveyance records of St. Tammany Parish and has provided the Office of the Parish President a stamped copy of the recorded proof on notice.
- D) Purchaser has certified in writing to the Office of the Parish President that at least 60 days has elapsed, or waivers been executed 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 form of the cash sale to be used has been approved by the Office of the Parish President.

That in reviewing my offer, I wish the St. Tammany Parish Council to consider the following facts:

Signature


MARKS LAKE, Inc.
Standard Letter, President

Name

104 Duplessis ST
Address

Metairie LA 70005
City, State and Zip

504-301-7934
Telephone Number

OFFER TO PURCHASE

NOTE: AN AMOUNT MUST BE SPECIFIED AS TO EACH LOT FOR WHICH AN OFFER IS BEING MADE, UNLESS MULTIPLE LOTS ARE COVERED BY A SINGLE STRUCTURE

DATE: November 8, 2003

TO: Parish President's Office, Parish of St. Tammany

The undersigned offers to purchase from the Parish of St. Tammany the following described adjudicated surplus property:

1) Legal Description

Lot 556, Moonraker Subdivision, Phase 3-D

2) Municipal Address of the Property

LOT 556, Moonraker Drive, Slidell, LA 70458

for the sum of \$1,267.00 Dollars to be paid in cash at time of closing. This offer shall remain open for a period of one hundred and eighty (180) days or until such time as the Parish Council shall approve the sale, whichever comes first. The undersigned understands and agrees that:

- 1) This property shall be sold in accordance with LSA-R.S. 33:4712, without any warranty whatsoever, even as to the return of the purchase price, and with full reservation of all mineral rights to the Parish, but all surface rights to the purchaser; this property will be sold subject to all existing servitudes, right of ways and easements, including drainage;
- 2) This sale is contingent upon the St. Tammany Parish Council declaring the above described property surplus;
- 3) The St. Tammany Parish Council has the right to accept a higher offer,

if timely made, and also has the right to reject all offers and not sell the above described property; in the event the Parish does not accept the offer then this offer is null and void;

- 4) It shall be the responsibility of the undersigned to determine the date and time of the St. Tammany Parish Council hearing on this offer to purchase the above described property and to attend same to reply to any other bids properly received. Notice of the hearing will be published in the legal notice section of the Official Parish News Paper on the three times prior to the hearing,
- 5) The undersigned will not be refunded any of the cost or fees advanced if: a.) the undersigned is the high bidder and that offer is rejected; or b.) the property is redeemed by the tax debtor prior to the date of the sale. If undersigned is the high bidder, the costs and fees shall not be refunded except the \$500 initial processing fee will be credited against the purchase price.

All sums advanced for processing fees, appraisal fees and all costs are not to be considered a deposit, and only the initial \$500.00 fee shall applied to the purchase price.

- 6) The Ordinance authorizing the sale of the above described property shall require the following to be completed prior to sale:
 - 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 known addresses of all owners, mortgagees, and any other persons or entities who might have a vested or contingent interest in the property, or who has filed a request for notice as provided in LSA-R.S. 47:2261.
 - B) Purchaser has made written request to the Office of the Parish President to notify those persons identified above in accordance with LSA-R.S. 38:4720.17 and LSA-R.S. 47:2261 and has paid the Parish the sum of ten (\$10.00) dollars for each notice to be mailed and the sum of sixty (\$60.00) dollars for each notice requiring publication. A cost deposit will be posted if requested.

- C) The Office of the Parish President has provided purchaser with proof of notice, and purchaser has recorded same in the conveyance records of St. Tammany Parish and has provided the Office of the Parish President a stamped copy of the recorded proof on notice.
- D) Purchaser has certified in writing to the Office of the Parish President that at least 60 days has elapsed, or waivers been executed 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 form of the cash sale to be used has been approved by the Office of the Parish President.

That in reviewing my offer, I wish the St. Tammany Parish Council to consider the following facts:

Bidder owns home immediately adjacent to lot 556.

If successful, bidder intends to bulkhead lot 556 to prevent erosion, which, in time, might jeopardize the roadway of Moonraker Drive.

If successful, bidder intends to maintain a large portion of the shoreline of the lot for the use of indigenous wildlife, possibly fencing off that portion from public access. Fence would not intrude on the 25 ft setback requirement.

John W. O. Williams
Signature

John W. O. Williams
Name

375 Moonraker Drive
Address

Slidell, Louisiana 70458
City, State and Zip

(985) 781-8882
Telephone Number