

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3033 ORDINANCE COUNCIL SERIES NO.

COUNCIL SPONSOR STEFANCIK/PRESIDENT PROVIDED BY: President

INTRODUCED BY: MR. CANULETTE SECONDED BY: MR. BURKHALTER

ON THE 3RD DAY OF MARCH, 2005

ORDINANCE TO RATIFY THE ACTION OF THE OFFICE OF THE PARISH PRESIDENT, TO ACCEPT DONATION OF PROPERTY IN CONNECTION WITH THE CONSTRUCTION OF A TURN LANE AT HARRISON AVENUE AND HIGHWAY 59, WARD 3, DISTRICT 3. (AS SHOWN IN EXHIBIT "1" ATTACHED HEREINBELOW.)

WHEREAS, the St. Tammany Parish Government is charged with protecting the safety and welfare of the citizens of the parish; and

WHEREAS, there is a need and purpose to enter into this Agreement in order to provide improved traffic flow to the residents of the area; and

WHEREAS, it is the desire of St. Tammany Parish Government to accept this donation from Clay C. Prieto, et al.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS to ratify the action of the Office of the Parish President, to accept donation of property in connection with the construction of a turn lane at Harrison Avenue and Highway 59, Ward 3, District 3. (As shown in Exhibit "1" attached hereinbelow.)

That any actions previously taken by the Office of the Parish President to secure and accept the donation of this property are ratified and accepted accordingly.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

ACT OF DONATION

UNITED STATES OF AMERICA

BY: CLAY C. PRIETO, ET AL

STATE OF LOUISIANA

TO: ST. TAMMANY PARISH

PARISH OF ST. TAMMANY

BE IT KNOWN, on this 25th day of January, 2005;

BEFORE US, the undersigned Notaries Public, duly commissioned and qualified in and for the Parish and State hereinafter set forth, and in the presence of the undersigned and competent witnesses,

PERSONALLY CAME AND APPEARED:

CLAY CARL PRIETO [SS# _____ - _____ - 5008], of lawful age and domiciled in St. Tammany Parish, Louisiana, whose permanent mailing address is 400 America Street, Mandeville, LA 70448 [an undivided 1/36th interest]

DAVID M. MOORE [SS# _____ - _____ - 8962], of lawful age and a resident of and domiciled in the Parish of St. Tammany, Louisiana, whose permanent mailing address is P. O. Box 472, Mandeville, LA 70448 [an undivided 1/8th interest]

MARGERY MOORE HANISEE, [SS# _____ - _____ - 3921] of lawful age and domiciled in Taos County, State of New Mexico, whose permanent mailing address being P. O. Box 6489, Taos, New Mexico 87571 [an undivided 1/8th interest];

GOLDEN PROPERTIES, L.L.C. [E.I.N. 72-1472668], a Louisiana Limited Liability Company formed by Articles of Incorporation dated September 17, 1996, which were recorded in the office of the Louisiana Secretary of State on September 20, 1996, herein appearing by and through MARY PRIETO GOLDEN, one of its Co-Managers, duly authorized by the annexed Certificate of Authority dated January 25, 2005, in accordance with the Amended Articles of Organization and Operating Agreement in the Miscellaneous and Conveyance Records of St. Tammany Parish, Louisiana as Instrument No. 1321888, and whose permanent mailing address is 688 Soult Street, Mandeville, LA 70448 [an undivided 1/12th interest]

J. ERNEST PRIETO [SS# _____ - _____ - 3698], of lawful age and a resident of and domiciled in the Parish of St. Tammany, Louisiana, whose permanent mailing address is 2900 E. Causeway Blvd., Ste. D, Mandeville, LA 70448, appearing herein as and INTERVENOR.

JOAN PRIETO DOOLITTLE [SS# _____ - _____ - 8853], of lawful age and domiciled in St. Tammany Parish, Louisiana, whose permanent mailing address is 1300 Monroe Street, Mandeville, Louisiana, appearing herein as and INTERVENOR.

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. TAMMANY

BE IT KNOWN, on this 2 day of February, 2005;

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the Parish and State hereinafter set forth, and in the presence of the undersigned and competent witnesses,

THE PARISH OF ST. TAMMANY PARISH (T.I.N. 72-6001304), State of Louisiana, represented herein represented by Kevin Davis, appearing in his official capacity as President of St. Tammany Parish, on the authority of Article IX, Section 9.01 of the St. Tammany Parish Charter, whose permanent mailing address is 21490 Koop Drive, Mandeville, LA 70471.

WHEREAS, ST. TAMMANY PARISH has filed an Expropriation Suit against appearers and other PRIETO HEIRS on December 29, 2004, being Suit No. 2004-16097, Division J of the 22nd Judicial District Court for the Parish of St. Tammany, State of Louisiana, as to two [2] properties [Parcel 1: Lots 31 & 32, The Birg Blvd. Subdivision.; and Parcel 2: a 15.37' x 30.0' parcel]

WHEREAS, ST. TAMMANY PARISH, as Plaintiff, had two [2] appraisals made of the properties to be expropriated [Michael Breeding - \$34,500.00; Murphy - \$71,000.00], averaged the two appraisals and offered \$52,750.00 for the property to be taken for public use.

WHEREAS, LSA R.S. 31:149 et seq allows a property owner in an expropriation proceeding to reserve minerals in perpetuity, and appearers respectively reserve their individual mineral interest as provided by law.

NOW THEREFORE, the said CLAY C. PRIETO, DAVID M. MOORE, MARGERY MOORE HANISEE, and GOLDEN PROPERTIES, LLC do hereby transfer, donate and deliver fee title of the hereafter described property to ST. TAMMANY PARISH, for use in widening Harrison Avenue [Dog Pound Road], to-wit:

Parcel 1: All that certain parcel of ground being situated in Section 12, Township 7 South, range 11 East, St. Tammany Parish, Louisiana and being more fully described as Lots 31 & 32 in Block 31, Northern Division of Birg Boulevard subdivision.

Parcel 2: All that certain parcel of ground being situated in Section 12, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana and being more fully described as a parcel of ground commencing at the intersection of the southern right of way of Harrison Avenue and the western right of way of Louisiana State Highway 59 and measuring 30 feet front on Louisiana State Highway 59 by a depth of 15.37 feet, more or less, front on Harrison Avenue, between equal and parallel lines.

THIS DONATION IS SUBJECT TO A RESERVATION OF ALL MINERALS IN PERPETUITY AS PROVIDED IN LSA R.S. 31:149 ET SEQ.

INTERVENORS:

NOW INTO THIS ACT intervenes J. ERNEST PRIETO, who declares that he has previously donated his entire interest in **Parcel 1** noted above unto MARIE ELISE PRIETO, CLAY C. PRIETO, AND ERNEST [NMI] PRIETO, but who nonetheless donates any interest he has or might have to **Parcel 1**, and further donates any interest he has or might have, being his one twelfth [1/12] interest in **Parcel 2** unto ST. TAMMANY PARISH, reserving all minerals in perpetuity as provided under LSA R.S. 31:149, et seq.

NOW INTO THIS ACT intervenes JOAN PRIETO DOOLITTLE, who declares that she has previously donated her entire interest in **Parcel 1** noted above unto ROBERT T. DOOLITTLE, JR., but who nonetheless donates any interest she has or might have to **Parcel 1**, and further donates any interest she has or might have, being her one twelfth [1/12] interest in **Parcel 2** unto ST. TAMMANY PARISH, reserving all minerals in perpetuity as provided under LSA R.S. 31:149, et seq

The consideration for the donation herein made is appearers wish to assist St. Tammany Parish by making access from Harrison Avenue onto and off La. Highway 59 more safe for public use. The donors declare that the property herein donated is but a small portion of the property owned by them respectively, and that it is not necessary for his, her, or it's maintenance and/or support.

Donors declare that the fair market value of the interest herein donated is FIFTY TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 [\$52,750.00] DOLLARS Cash for the 100% interest. The donor's respective gifts are valued as follows:

A. PARCEL 1 & PARCEL 2:

[1]	CLAY C. PRIETO [1/36TH]	\$ 1,465.27
[2]	DAVID M. MOORE [1/8TH]	\$ 6,593.75
[3]	MARGERY MOORE HANISEE [1/8TH]	\$ 6,593.75
[4]	GOLDEN PROPERTIES, LLC [1/12]	\$ 4,395.83

B. INTERVENORS: [PARCEL 2 ONLY]

[5]	J. ERNEST PRIETO [1/12]	\$ 1.00
[6]	JOAN PRIETO DOOLITTLE [1/12]	\$ 1.00
		\$19,050.60

AUTHORIZATION TO RETURN FUNDS

Donors further authorize MALISE PRIETO, CLERK OF COURT to return unto ST. TAMMANY PARISH, that portion of the expropriation funds representing donors interest as held by the Clerk of Court.

THUS DONE AND SIGNED in St. Tammany Parish, Louisiana in the presence of the two (2) witnesses after due reading of the whole.

WITNESSES:

Claire M. Strain
CLAIRE M. STRAIN

DONORS:

Clay Carl Prieto
CLAY CARL PRIETO

DAVID M. MOORE
MARGERY MOORE HANISEE

Barbara B. Brumfield
BARBARA B. BRUMFIELD

BY:

David M. Moore
DAVID M. MOORE,
Individually and as Agent for
MARGERY MOORE HANISEE

GOLDEN PROPERTIES, L.L.C.

BY:

Mary Prieto Golden
MARY PRIETO GOLDEN,
CO-MANAGER

J. Ernest Prieto
J. ERNEST PRIETO, INTERVENOR

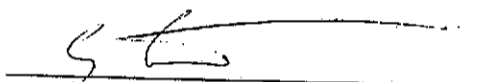
Joan Prieto Doolittle
JOAN PRIETO DOOLITTLE,
INTERVENOR

TERRI BANKSTON STIRLING - NOTARY PUBLIC
LA. BAR NO. 2748

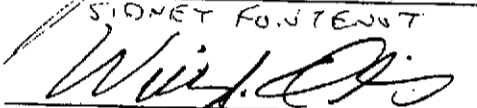
AND NOW INTERVENES, ST. TAMMANY PARISH, through KEVIN DAVIS, President, it's undersigned representative, who does accept the aforesaid donation of the fee title to the two [2] parcels above described and who agrees to include the donated property into the widening of a public street [Harrison Avenue (Dog Pound Road)], with the dedicated street to be made a part of the street maintenance system of St. Tammany Parish, Louisiana, without cost or assessment to CLAY C. PRIETO, GOLDEN PROPERTIES, LLC, DAVID M. MOORE, MARGERY MOORE HANISEE, and J. ERNEST PRIETO for the construction or maintenance thereof, and the later widening of Harrison Avenue.

THUS DONE AND SIGNED in St. Tammany Parish, Louisiana in the presence of the two (2) witnesses after due reading of the whole.

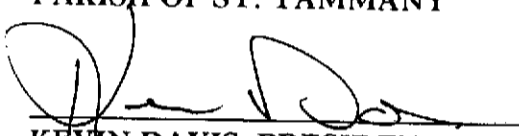
WITNESSES:



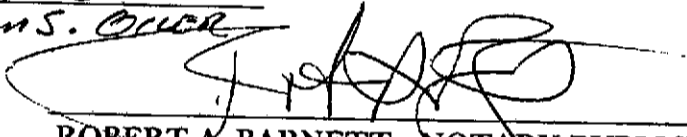
SIDNEY FONTENOT



William S. Oubre

PARISH OF ST. TAMMANY
BY: 

KEVIN DAVIS, PRESIDENT



ROBERT A. BARNETT - NOTARY PUBLIC
LA. BAR NO. 2778

CERTIFICATE OF AUTHORITY
GOLDEN PROPERTIES, L.L.C.

JANUARY 25, 2005

Pursuant to the Articles of Organization and the Operating Agreement at a meeting of GOLDEN PROPERTIES, L.L.C. with all members present and voting, the following resolution was unanimously adopted:

BE IT RESOLVED that MARY PRIETO GOLDEN, Co-Manager of GOLDEN PROPERTIES, L.L.C. be authorized and empowered to act as Manager and at her uncontrolled discretion, be authorized and empowered for and in behalf of this limited liability company to carry out the powers described in the Amended Articles of Organization and Operating Agreement dated August 19, 2002 and recorded in Miscellaneous & Conveyance Instrument Nos. 1321888 of the official records of St. Tammany Parish, Louisiana.

BE IT FURTHER RESOLVED that the following persons are the sole shareholders of GOLDEN PROPERTIES, L.L.C.: MARY PRIETO GOLDEN, LAUREN BROWNING GOLDEN; and MOLLOY CALDWELL GOLDEN.

GOLDEN PROPERTIES, L.L.C.

Mary Prieto Golden
MARY PRIETO GOLDEN, CO-MANAGER

Lauren Browning Golden
LAUREN BROWNING GOLDEN, CO-MANAGER

Molloy Caldwell Golden
MOLLOY CALDWELL GOLDEN, CO-MANAGER