

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3034 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 NEGOTIATE AND EXECUTE AN ACT OF CASH SALE FOR 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 purchase this property 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 purchase this property from Ernest Prieto, et al.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS to negotiate and execute an Act of Cash Sale for 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 pursuant to all applicable provisions of law, the Office of the Parish President is directed and authorized to do whatever is necessary to purchase the Property; and

That the Office of the Parish President is authorized and instructed to proceed with the purchase of the Property in a timely and orderly matter.

That the Office of the Parish President is authorized to exercise its discretion in purchasing this property, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

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

That, the purchase price shall be SEVENTY NINE THOUSAND SEVEN HUNDRED FORTY NINE DOLLARS AND 00/CENTS (\$79,749.00).

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

CASH SALE

BE IT KNOWN, that on this 2 day of February, in the year of our Lord two thousand five (2005);

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the State of Louisiana, in the presence of the undersigned competent witnesses hereinafter named and undersigned;

PERSONALLY CAME AND APPEARED:

ERNEST PRIETO, MARIE ELISE PRIETO, RONALD K. STOESSELL, MARILYN STOESSELL SEIFERT, ALFRED LLOYD STOESSELL, PRESTON T. PRIETO, JR., ROBERT T. DOOLITTLE, JR., BENJAMIN V. DOOLITTLE, JAMES KENT JACKSON, JANET RUTH JACKSON AND TROY JACKSON (see Exhibit "A" attached hereto for complete appearances); Hereinafter collectively referred to as Vendor.

Who declares that said Vendor does, by these presents, grant, bargain, sell, convey, transfer, assign, setover, abandon and deliver, with all legal warranties and with full substitution and subrogation, to all rights and actions of warranty against all former owners and vendors unto:

THE PARISH OF ST. TAMMANY, a political subdivision of the State of Louisiana, appearing herein through its duly constituted governing body, The St. Tammany Parish Council, a body politic, through Kevin Davis, Parish President, who is duly authorized to sign and execute this document on behalf of the Parish of St. Tammany, State of Louisiana; Hereinafter referred to a Vendee.

here present, accepting and purchasing for itself, its successors and assigns, and acknowledge due delivery and possession thereof, all and singular the following described property 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 full 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 SALE IS SUBJECT TO A RESERVATION OF ALL MINERALS IN PERPETUITY BY VENDORS AS PROVIDED IN LOUISIANA REVISED STATUTE 31:149 ET SEQ.

To have and to hold the above described property unto the said Vendee, her heirs, successors and assigns forever.

This sale is made and accepted for and in consideration of the gross sales price of SEVENTY-NINE THOUSAND SEVEN HUNDRED FORTY-NINE AND 00/100 (\$79,749.00) DOLLARS. The above named individual vendors are receiving the identical percentage of the gross sales price that corresponds to their ownership interest each appearer has in and to the above described property, all as more fully set forth hereinafter, which said Vendee has well and truly paid, in ready and current money to the said Vendor, who hereby acknowledges the receipt thereof and grant full acquittance and discharge thereof.

Vendors acknowledge that the gross purchase price reflects a valuation of \$9.00 per square foot based on a total of 8,861 square feet.

Vendors declare and acknowledge that their respective ownership interests and their share

of the purchase price is as follows:

	Ownership interest	Proceeds
Marilyn Stoessel Seifert	1/12	\$6,645.75
Alfred Lloyd Stoessel	1/12	\$6,645.75
Ronald Keith Stoessel	1/12	\$6,645.75
Ernest Prieto	1/36	\$2,215.25
Marie Elise Prieto	1/36	\$2,215.25
Robert T. Doolittle, Jr.	1/24	\$3,322.87
Benjamin V. Doolittle	1/24	\$3,322.87
Preston T. Prieto, Jr.	1/8	\$9,968.63
James Kent Jackson	1/16	\$4,984.31
Janet Ruth Jackson	1/16	\$4,984.31

Vendors further acknowledge the donations by the following named co-owners, specifically, Clay Carl Prieto, David M. Moore, Margery Moore Hanisee, Golden Properties, LLC, J. Ernest Prieto and Joan Prieto Doolittle (by Act before Terri Bankston Stirling, Notary Public, dated January 25, 2005).

Said Vendor stipulates that the aforesaid property has not heretofore been alienated by vendor and is free of all encumbrances.

All Parish and City, as applicable, taxes up to and including taxes due and exigible in 2004 are paid.

The parties hereto acknowledge that all mortgage, conveyance and tax research certificates and survey of said property have been waived, and the property description used was supplied by the parties and they do hereby release and relieve me, Notary, from any and all responsibility in connection therewith.

THUS DONE AND PASSED, in duplicate originals, in Mandeville, Louisiana, on the day, month and year first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after due reading of the whole.

WITNESSES:

Yolanda H. Moore
Print Witness Name: Yolanda H. Moore

Karl Seifert
Print Witness Name: KARL SEIFERT

Ronald K. Stoessel
RONALD K. STOESEL

Alfred Lloyd Stoessel
ALFRED LLOYD STOESEL P.O.A.
through Power of Attorney

Robert T. Doolittle, Jr.
ROBERT T. DOOLITTLE, JR.

James Kent Jackson
JAMES KENT JACKSON

Troy Jackson
TROY JACKSON

Ernest Prieto
ERNEST PRIETO

Marie Elise Prieto
MARIE ELISE PRIETO

Marilyn Stoessel Seifert
MARILYN STOESEL SEIFERT

Preston T. Prieto, Jr.
PRESTON T. PRIETO, JR.

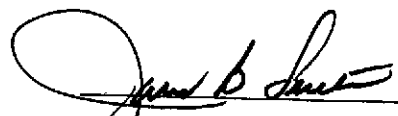
Benjamin V. Doolittle
BENJAMIN V. DOOLITTLE

Janet Ruth Jackson
JANET RUTH JACKSON


Clara Murphy
NOTARY PUBLIC
LSBA# 9843

THUS DONE AND PASSED, in duplicate originals, in Mandeville, Louisiana, on the day, month and year first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after due reading of the whole.

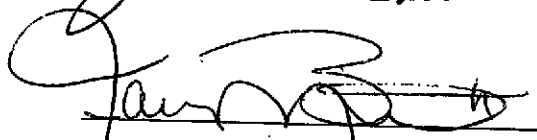
WITNESSES:



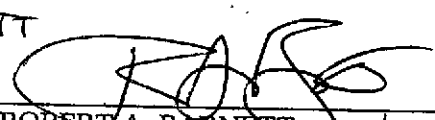
JAMES B. SMITH



THE PARISH OF ST. TAMMANY
BY KEVIN DAVIS, PARISH PRESIDENT



FANNIE M. BENNETT



ROBERT A. BARNETT
NOTARY PUBLIC
LSBA# 2778

2/3/05