

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3563

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR: BAGERT/DAVIS

PROVIDED BY: ADAMS & REESE LAW FIRM

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. CANULETTE

ON THE 3RD DAY OF MAY 2007

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 18, BY ADDING A NEW ARTICLE THERETO CREATING THE "COLONIAL PINNACLE NORD DU LAC ECONOMIC DEVELOPMENT DISTRICT", DEFINING THE BOUNDARIES THEREOF FROM WHICH AREA LOCAL AND STATE SALES TAX INCREMENTS WILL BE DETERMINED AND USED TO FINANCE ECONOMIC DEVELOPMENT PROJECTS ON A CASH BASIS TO FUND A PORTION OF THE COST OF ECONOMIC DEVELOPMENT PROJECTS IN ACCORDANCE WITH AND AS AUTHORIZED BY PART II OF CHAPTER 27 OF TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Parish of St. Tammany, State of Louisiana (the "Parish") may use local and State sales tax increments on a cash basis, in accordance with Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31 through 33:9038.42, inclusive) (the "Act"), to provide funds needed to finance economic development projects; and

WHEREAS, the Parish desires to create a special trust fund pursuant to the Act to be designated the "Colonial Pinnacle Nord du Lac Economic Development District Trust Fund" the purpose of which will be to fund economic development projects selected by the hereinafter defined District; and

WHEREAS, in order to accomplish the funding of projects in accordance with the requirements of the Act and to fund the Colonial Pinnacle Nord du Lac Economic Development District Trust Fund, the Parish Council proposes to create an economic development district within the Parish to be known as the "Colonial Pinnacle Nord du Lac Economic Development District, State of Louisiana" (the "District"), from which District local and State sales tax increments are expected to be determined and used to fund the Colonial Pinnacle Nord du Lac Economic Development District Trust Fund and reimburse CPNDL Joint Venture, a joint venture between Colonial Properties Trust and the Robert B. Aikens Co. (the "Developer") or its designee.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that:

SECTION 1: All of the above "Whereas" clauses are adopted as part of this ordinance.

SECTION 2: There is hereby created an economic development district within the Parish, to be named the "Colonial Pinnacle Nord du Lac Economic Development District, State of Louisiana", having the geographical boundaries set forth in Exhibit A attached hereto, which Exhibit A is hereby incorporated in and made a part of this Ordinance, all pursuant to the Act. As provided by the Act, the governing body of the District shall be the Parish Council. As provided by the Act, the District shall be a political subdivision of the State of Louisiana and shall possess such powers and authority and have such duties as provided in the Act and other law.

SECTION 3: There has been published two times in the *St. Tammany Farmer*, the official journal of the Parish, a notice in the form attached hereto as Exhibit B, describing the boundaries of the District and informing the citizens of the date of considerations of this ordinance.

SECTION 4: This Ordinance shall be published one time in the *St. Tammany Farmer*.

SECTION 5: There is hereby created a special trust fund, to be named the "Colonial Pinnacle Nord du Lac Economic Development District Trust Fund" the purpose of which will be to fund economic development projects selected by the District.

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SECTION 6: The Parish President and the Council Clerk are hereby authorized to do any and all things necessary and incidental to carry out the provisions of this Ordinance.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 9: This Ordinance shall become effective immediately upon final 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 _____ 2007; AND BECOMES ORDINANCE COUNCIL SERIES NO. 07-_____.

BARRY BAGERT, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published introduction April 26, 2007

Published adoption _____, 2007

Delivered to Parish President _____, 2007 @ _____

Returned to Council Clerk _____, 2007 @ _____

EXHIBIT A

The boundaries of the District are:

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CORNER COMMON TO SECTIONS 12, 13 & 46 TOWNSHIP 7 SOUTH, RANGE 10 EAST, ST. TAMMANY PARISH, LOUISIANA RUN NORTH 00 DEGREES 40 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 1423.63 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 23 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 1109.12 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 14 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 95.62 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 17 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 700.84' TO A POINT ON THE NORTH RIGHT-OF-WAY OF INTERSTATE 12 AND THE EAST RIGHT-OF-WAY OF LOUISIANA STATE HIGHWAY 21; THENCE LEAVING SAID NORTH RIGHT-OF-WAY AND RUNNING ALONG SAID EAST RIGHT-OF-WAY NORTH 28 DEGREES 42 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 228.29 FEET TO A POINT; THENCE RUN NORTH 33 DEGREES 51 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 127.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF PINNACLE PARKWAY ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING AND LEAVING SAID NORTH RIGHT-OF-WAY OF PINNACLE PARKWAY AND RUNNING ALONG SAID SOUTH RIGHT-OF-WAY OF LOUISIANA STATE HIGHWAY 21 NORTH 33 DEGREES 51 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 131.04 FEET TO A POINT; THENCE RUN NORTH 12 DEGREES 58 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 31.42 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 55 DEGREES 34 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 200.00 FEET TO A POINT; THENCE RUN NORTH 33 DEGREES 50 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 200.16 FEET TO A POINT; THENCE RUN SOUTH 56 DEGREES 03 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 133.27 FEET TO A POINT; THENCE RUN SOUTH 34 DEGREES 02 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 393.82 FEET TO A POINT; THENCE RUN SOUTH 29 DEGREES 34 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 68.51 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); THENCE RUN ALONG SAID CURVE WITH A RADIUS OF 350.00 FEET AND AN ARC LENGTH OF 37.83 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 15 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 2228.41 FEET TO A POINT; THENCE RUN SOUTH 21 DEGREES 01 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 288.34 FEET TO A POINT; THENCE RUN SOUTH 24 DEGREES 03 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 129.53 FEET TO A POINT; THENCE RUN SOUTH 68 DEGREES 58 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 2372.21 FEET TO A POINT; THENCE RUN SOUTH 21 DEGREES 01 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 675.48 FEET TO A POINT; THENCE RUN NORTH 68 DEGREES 58 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 446.91 FEET TO A POINT; THENCE RUN SOUTH 21 DEGREES 01 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 221.43 FEET TO A POINT; THENCE RUN SOUTH 60 DEGREES 15 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 361.74 FEET TO A POINT; THENCE RUN SOUTH 30 DEGREES 33 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 177.94 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY INTERSTATE 12;

THENCE RUN ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING:

NORTH 68 DEGREES 55 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 214.25 FEET TO A POINT; SOUTH 67 DEGREES 31 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 415.14

FEET TO A POINT; NORTH 68 DEGREES 56 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 2148.28 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); ALONG SAID CURVE WITH A RADIUS OF 23,068.31 FEET AND AN ARC LENGTH OF 252.24 FEET TO A POINT; NORTH 64 DEGREES 20 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 101.17 FEET TO A POINT; NORTH 69 DEGREES 53 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 704.32 FEET TO A POINT; NORTH 55 DEGREES 10 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 315.57 FEET TO A POINT; NORTH 36 DEGREES 18 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 272.27 FEET TO A POINT; NORTH 10 DEGREES 45 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 298.56 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 51 DEGREES 51 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 401.51 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF PINNACLE PARKWAY; THENCE RUN ALONG SAID RIGHT-OF-WAY SOUTH 65 DEGREES 54 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 33.00 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 37 DEGREES 47 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 82.35 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF PINNACLE PARKWAY;

THENCE RUN ALONG SAID RIGHT-OF-WAY THE FOLLOWING:

NORTH 65 DEGREES 54 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 91.00 FEET TO A POINT ON A CURVE TO THE RIGHT (CLOCKWISE & TANGENT); ALONG SAID CURVE WITH A RADIUS OF 360.00 FEET AND AN ARC LENGTH OF 228.33 FEET TO A POINT; NORTH 29 DEGREES 34 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 77.97 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & TANGENT); ALONG SAID CURVE WITH A RADIUS OF 360.00 FEET AND AN ARC LENGTH OF 48.58 FEET TO A POINT; NORTH 29 DEGREES 52 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 50.74 FEET TO A POINT ON A CURVE TO THE LEFT (COUNTERCLOCKWISE & NON-TANGENT); ALONG SAID CURVE WITH A RADIUS OF 370.00 FEET WITH AN ARC LENGTH OF 71.14 FEET, A CHORD BEARING OF NORTH 50 DEGREES 37 MINUTES 49 SECONDS WEST AND A CHORD LENGTH OF 71.03 FEET TO A POINT; NORTH 56 DEGREES 08 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 135.18 FEET BACK TO THE POINT OF BEGINNING

SAID PARCEL OF LAND CONTAINS 137.41 ACRES OR 5,985,593.63 SQ. FT. MORE OR LESS

EXHIBIT B**PARISH OF ST. TAMMANY, STATE OF LOUISIANA
OFFICIAL NOTICE**

NOTICE IS HEREBY GIVEN that the St. Tammany Parish Council proposes to consider the creation of an economic development district to be called "Colonial Pinnacle Nord du Lac Economic Development District, State of Louisiana" (the "District"). The public is further notified that pursuant to an ordinance adopted by the St. Tammany Parish Council that the Parish of St. Tammany, State of Louisiana proposes to consider the levy of an additional sales tax of three-quarters of one cent (0.0075%) in the District, which will be deposited in a special trust fund to be used for the furtherance of economic development projects within the District, together with a like amount of State sales tax increment, if approved by the State, to reimburse costs of economic development projects in the District on a cash basis pursuant to the authority of Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31 through 9038.42, inclusive).

The boundaries of the District are:

A CERTAIN PIECE OR PORTION OF LAND SITUATED IN SECTION 47, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA BEING MORE FULLY DESCRIBED AS FOLLOWS:

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SAID PARCEL OF LAND CONTAINS 137.41 ACRES OR 5,985,593.63 SQ. FT. MORE OR LESS

The public is further notified that the Parish of St. Tammany, State of Louisiana plans to consider creation of the District, the levy of the additional sales tax of three-quarters of one cent (0.0075%) in the District and related matters at the regular Parish Council meeting to be held at 6:00 p.m. on June 7, 2007, at which time the public will be afforded an opportunity to comment upon the levying of the aforementioned sales tax.

ORDINANCE CALENDAR NUMBER 3563

ORDINANCE COUNCIL SERIES NO. 07-

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, the undersigned Clerk of the St. Tammany Parish Council do hereby certify that the foregoing six (6) pages constitute a true and correct copy of the proceedings taken by said Council on June 7, 2007, amend the Parish Code of Ordinances, Chapter 18, by adding Article ____, to create an economic development district, and specifically Colonial Pinnacle Nord Du Lac Economic Development District, State of Louisiana, defining the boundaries thereof from which area the local and state sales tax increments will be determined and used to finance economic development projects on a cash basis to fund a portion of the cost of economic development projects in accordance with and as authorized by Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended; and providing for other matters in connection with the foregoing.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of said Parish Council on this, the ____ day of _____, 2007.

(SEAL)

Council Clerk