

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4032

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. HAMAUEI

PROVIDED BY: PRESIDENT/ LEGAL

INTRODUCED BY MR. HAMAUEI

SECONDED BY MR. CANULETTE

ON THE 5TH DAY OF MARCH, 2009

ORDINANCE TO APPROVE AND AUTHORIZE ST. TAMMANY PARISH THROUGH THE OFFICE OF THE PARISH PRESIDENT TO SIGN AND/OR EXECUTE TRANSFER DOCUMENT FOR RIGHT OF WAY NEEDED FOR STATE 1088 INTERCHANGE PROJECT

WHEREAS, the Louisiana Department of Transportation and Development desires to construct a new Interstate Interchange along I-12 in St. Tammany Parish at the current LA 1088 overpass; and

WHEREAS, the LADOTD seeks to acquire certain parcels and right of way needed for the construction of the 1088 Interchange; and

WHEREAS, it has been determined that a one-third (1/3) interest in a single parcel needed for the right of way has been adjudicated to the Parish for non-payment of property taxes. The legal description and tax adjudication is attached as Exhibit "A"; and

WHEREAS, there is a need and a public purpose for the State to acquire the Parish's one third (1/3) interest in said immovable property; and

WHEREAS, to facilitate the prompt and efficient construction of the 1088 Interchange it is in the interest of the public welfare to transfer the Parish's interest to LADOTD; and

WHEREAS, the Parish of St. Tammany hereby desires to enter into a Transfer Agreement with LADOTD and authorizes the Office of the Parish President to do whatever is necessary to enter into negotiations and transfer its interest in said property.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the Parish President is hereby authorized to sign and/ or execute a Transfer Agreement between St. Tammany Parish and Louisiana Department of Transportation and Development and to take all actions necessary, including entering into all agreements or negotiations in furtherance of the actions authorized herein; and

THAT all acts previously taken by the Office of the Parish President in furtherance of the actions or agreements contemplated herein are hereby ratified and approved.

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 any other provision 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 after adoption.

MOVED OR 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 DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL HELD ON THE ____ DAY OF _____, 2009, AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction MARCH 12, 2009

Published Adopted _____, 2009

Delivered to Parish President on _____, 2009 @ _____

Returned to Council Clerk on _____, 2009 @ _____

461300 //

United States of America

State of LOUISIANA

Parish ~~of~~ of JEFFERSON

CASH SALE

No. _____

APRIL 21, 1981

Sale of Property

BY

ETHEL MIRE SCHMIDT

TO

FRED E. MOOLEKAMP, JR.

Be it Known, That on this 21st. day of the Month of APRIL in the year of our Lord one thousand nine hundred and eighty-one, BEFORE ME, JOHN E. BENZ, a Notary Public, duly commissioned and qualified, in and for the City of Metairie and the Parish ~~of~~ (County) of Jefferson therein residing, and in the presence of the witnesses hereinafter named and undersigned,

Personally Came and Appeared:

ETHEL MIRE SCHMIDT,

A person of the full age of majority and a resident of the Parish of Orleans, State of Louisiana, who did declare under oath that she has been married but once and then to Aubrey Schmidt, who predeceased her, and since his said death she has not remarried;

Who declare that she does ~~not~~ by these presents grant, bargain, sell, convey, transfer, assign, set over, abandon and deliver, with all legal warranties and with full substitution and subrogation in and to all the rights and actions of warranty which she has or may have against all preceding owners and vendors, unto FRED E. MOOLEKAMP, JR.,

A person of the full age of majority and a resident of the Parish of Orleans, State of Louisiana;

MAILING ADDRESS: 3320 SOUTH CARROLLTON AVENUE
NEW ORLEANS, LOUISIANA 70118

amt. \$ 2,500

here present accepting, and purchasing for himself, his heirs and assigns,

388

APR 21 1981
388

*COB 1011-388
filed 4-23-81*

and acknowledging due delivery and possession thereof, all and singular the following described property to-wit:

ALL OF HER RIGHT, TITLE AND INTEREST IN AND TO:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon, all rights, ways, means, privileges, servitudes, prescriptions, appurtenances and advantages thereunto belonging or in anywise appertaining; situated in Section 32, Township 7 South, Range 12 East, and Section 5, Township 8 South, Range 12 East, in the subdivision known as Pineview Heights, St. Tammany Parish, Louisiana, described in accordance with official plat of survey by Lowell E. Cummings, Surveyor, on October 3, 1958, on file in the Office of the Clerk of Court for the Parish of St. Tammany, and being more fully described as follows, to-wit:

LOT 3, SQUARE 4, PINEVIEW HEIGHTS

Being the same property acquired by Roger Lee Bordelon, Gail Schmidt and Ethel Mire Schmidt from Resort Land Company, by act before Norma K. Keck, Notary Public, dated February 29, 1980, registered in COB 964, folio 730, records of St. Tammany Parish, Louisiana.

To have and to hold the above described property unto the said purchaser, his heirs and assigns forever.

Thus Done and Passed in my office at 2921 David Drive
Metairie, Louisiana
on the day, month and year herein first above written, in the presence of Messieurs
DARLENE P. LaCAVA -and- AGNES H. ANZALONE
competent witnesses, who hereunder sign their names with the said appearers, and me,
Notary, after reading of the whole.

WITNESSES:

Darlene P. LaCava
DARLENE P. LaCAVA

Ethel Mire Schmidt
ETHEL MIRE SCHMIDT

Agnes H. Anzalone
AGNES H. ANZALONE

John E. Benz
JOHN E. BENZ
NOTARY PUBLIC

461200

Recorded and Registered in Conveyance Book.....

Folio _____ day of _____, 19____

391

Filed for record April 23, 1981
Truly recorded April 23, 1981

Cheryl A. Mc Cain, DuCloux
Clerk of Court & Exofficio Recorder

CASH SALE
STATE OF LOUISIANA

On this 29th day of February, 1980

before me, a Notary Public for the Parish of St. Tammany,
and in the presence of the subscribing witnesses, personally appeared:

RESORT LAND COMPANY, a corporation organized under the laws of the State of Louisiana, authorized to do and doing business in the Parish of St. Tammany, appearing herein through Gordon E. Nordgren, President, duly authorized by a resolution of the Board of Directors copy of which is attached hereto and made part hereof;

herein called SELLER, resident of and domiciled in Covington, the Parish and State aforesaid, whose permanent mailing address is declared to be 242 Washington, Covington, Louisiana, 70433

who declared that for the price of SEVEN THOUSAND FIVE HUNDRED AND NO/100 (\$7,500.00) DOLLARS, cash, receipt of which is acknowledged, SELLER hereby sells and delivers with full warranty of title and subrogation to all rights

and actions of warranty SELLER may have, unto: ROGER LEE BORDELON, a person of the full age of majority who declared he has been married three times; first to Jacqueline Schultz from whom he was divorced in 1961 in Orleans Parish, La.; second to Marcia Stenger from whom he was divorced in 1973 in Denver, Colorado; and third to Gail Schmidt, with whom he is living and residing;

GAIL SCHMIDT, a person of the full age of majority, who declared that she has been married twice; first to Fred Moolekamp from whom she was divorced in 1964 in Orleans Parish, La., and second to Roger Bordelon, with whom she is living and residing;

ETHEL MIRE SCHMIDT, of the full age of majority, married but once and then to Aubrey J. Schmidt, who died on February 14, 1965, she not having since remarried, appearing herein by virtue of Power of Attorney to Gail Schmidt Bordelon dated February 7, 1979, copy of which is attached hereto

herein called BUYER, resident of and domiciled in New Orleans, the Parish and State aforesaid, whose permanent mailing address is declared to be 2139 South Lopez, New Orleans, Louisiana, 70125

the following described property the possession and delivery of which BUYER acknowledges:

ALL THAT CERTAIN PIECE OR PARCEL OF GROUND, TOGETHER WITH ALL THE BUILDINGS and improvements thereon, all rights, ways, means, privileges, servitudes, prescriptions, appurtenances and advantages thereunto belonging or in any wise appertaining, situated in Section 32, Township 7 South, Range 12 East and Section 5, Township 8 South, Range 12 East, in the subdivision known as Pineview Heights, St. Tammany Parish, Louisiana, described in accordance with official plat of survey by Lowell E. Cummings, Surveyor, on October 3, 1958, on file in the Office of the Clerk of Court for the Parish of St. Tammany, and being more fully described as follows, to-wit:

LOT 3, SQUARE 4, PINEVIEW HEIGHTS.

Being part of the same property acquired by Resort Land Company from Lawrence P. Smith by act dated October 5, 1972, recorded in COB 690, folio 43 of the Official Records of St. Tammany Parish. Being further acquired by Resort Land Company from Lawrence P. Smith in Act of Correction dated December 13, 1972, recorded in COB 694, folio 578 of the Official Records of St. Tammany Parish.

MAR 5 9 30 AM '80
FILED
HCB
DY. CLERK OF COURT
730

INTER OFFICE



Kevin Davis
Parish President

MEMORANDUM

ST. TAMMANY PARISH GOVERNMENT
LEGAL DEPARTMENT

Date: March 2, 2009

To: Bill Oiler
CAO

From: Kelly M. Rabalais *Kelly*
Executive Counsel

Re: PLACEMENT OF ITEM ON OFF THE FLOOR COUNCIL AGENDA

I am requesting the following item be placed on the March 5, 2009 Council Agenda. This item needs to be Off The Floor because it is of a time sensitive nature.

ORDINANCE FOR INTRODUCTION:

ORDINANCE TO APPROVE AND AUTHORIZE ST. TAMMANY PARISH THROUGH THE OFFICE OF THE PARISH PRESIDENT TO SIGN AND/OR EXECUTE TRANSFER DOCUMENT FOR RIGHT OF WAY NEEDED FOR STATE 1088 INTERCHANGE PROJECT

Theresa L. Ford

From: Marilyn F. Davidson
Sent: Wednesday, March 04, 2009 8:42 AM
To: Cynthia L. Salvage
Cc: Theresa L. Ford
Subject: Sponsor for the Off-The-Floor Item

Cindy,

Kelly asked Mr. Hamauei to be the sponsor.

Thank you,

Marilyn

3/4/2009