

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4461

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: BINDER/DAVIS

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. GOULD

ON THE 2 DAY OF DECEMBER, 2010

ORDINANCE TO RATIFY ORDINANCE NO.09-2154 AND ORDINANCE NO. 09-2177 WHICH AUTHORIZED THE PARISH COUNCIL TO DECLARE LOT 51, SQUARE 233-A RURAL MANDEVILLE, AS SURPLUS PROPERTY AND AUTHORIZE THE SALE OF SAID LOT AND WHICH AUTHORIZED THE PARISH COUNCIL TO ACCEPT THE HIGHEST BID AND AUTHORIZE THE SALE OF SURPLUS PROPERTY TO THOMAS LAIZER, III FOR LOT 51, SQUARE 233-A, SECTION 13, TOWNSHIP 7 SOUTH, RANGE 11 EAST, MANDEVILLE, LOUISIANA.

WHEREAS, the Parish of St. Tammany owns property described as Lot 51, Square 233-A, Rural Mandeville, Louisiana, said property having been adjudicated to the Parish for unpaid property taxes, and

WHEREAS, the Parish Council, through Resolution Council Series No. 09-2154, adopted on November 5, 2009, and has recommended that the properties be declared surplus and no longer needed for public purposes; and

WHEREAS, Council Series No. 09-2154, adopted on November 5, 2009 and Council Series No. 09-2177, adopted on December 3, 2009 and is incorporated herein and reproduced below which authorized the sale of the above described property; and

WHEREAS, it is the intention of the Council to ratify Council Series No. 09-2154 and Council Series No. 09-2177, and the actions and statements contained therein and as stated in the instant Ordinance;

WHEREAS, the Parish Council desires to re-submit this Ordinance without the need to re-advertise the Notice of Intention to Sell, but merely to reestablish the effective date of this Ordinance; and

WHEREAS, the Parish Council declares that all bidding is closed and final, but for and excluding those properties/parcels wherein there exists two (2) or more qualified bidders; and

WHEREAS, the Parish has determined that this property is surplus and no longer needed for public purposes and that it would be in the public interest to convey said property for the offered consideration; and

WHEREAS, the offering bid was for the sum of FIVE THOUSAND AND 00/100 (\$ 5,000.00).

WHEREAS, no written opposition or higher offer has been filed with the Office of the Parish President; and

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the Parish Council ratifies Council Series No. 09-2154 and Council Series No. 09-2177, and declares Lot 51, Square 233-A, Rural Mandeville, Louisiana as surplus property and authorizes the sale of said lot as follows:

Section 1. Lot 51, Square 233-A, Rural Mandeville, Louisiana, is hereby declared to be surplus and no longer needed for public purpose.

Section 2. 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 appraised value 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 known addresses of 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 known addresses of all owners, mortgagees 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 had deposited with the Parish of St. Tammany the amount required to be escrowed.

Section 3. 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. 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.

Section 5. If construction of a new residence on said property has been commenced and any impact 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 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. Any and all sales of such property shall be subject to any and all servitudes and easements.

Section 7. All properties sold subject to an "as is" clause as prepared by the Parish.

NOTE: Particular of sales listed herein are available for review at the Parish Council Office upon completion of transaction to the highest bidder.

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: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF January, 2010; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

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JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

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THERESA L. FORD, COUNCIL CLERK

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KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: NOVEMBER 25, 2010

Published Adoption: \_\_\_\_\_, 2010

Delivered to Parish President: \_\_\_\_\_, 2010 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2010 at \_\_\_\_\_