

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4604

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: GOULD/DAVIS

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 7 DAY OF JULY, 2011

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE CERTAIN PARCELS AND DISPOSE OF CERTAIN PARCELS FOR VETERAN’S CEMETERY ROAD PROJECT.

WHEREAS, the St. Tammany Parish Government desires to acquire certain immovable property and dispose of certain immovable property (hereinafter referred to as "Property"); and

WHEREAS, there is a need and a public purpose for the acquisition of certain immovable property for the Veteran’s Cemetery Road Project and disposition of certain immovable property for the Veteran’s Cemetery Road Project; and

WHEREAS, the Parish of St. Tammany hereby desires to acquire the Property, rights of way and/or servitudes and dispose of Property, rights of way and/or servitudes to the adjacent land owner and authorizes the Office of the Parish President to do whatever is necessary to enter into negotiations to acquire and dispose of said Property, servitudes and/or rights of way.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: to authorize the Parish of St. Tammany, to acquire and dispose by purchase, donation or act of exchange, all that certain parcel of ground described in Exhibit "A" attached hereto; and

That pursuant to all applicable provision of law, the Office of the Parish President is directed and authorized to do whatever is necessary to acquire the Property, servitudes and/or rights of way; and

That the Office of the Parish President is authorized and instructed to proceed with the acquisition of the Property, servitudes and/or rights of way in a timely and orderly matter; and

That the Office of the Parish President is authorized to exercise its discretion in acquiring the Property, servitudes and/or rights of way, together with all agreements and all transactions necessary to carry out the intent of this Ordinance; and

That, if purchased, the purchase price shall not exceed the fair market value of the Property as evidenced by an appraisal obtained or supplied to the Parish plus fees and costs; and

That, any and all actions previously taken by the Office of the Parish President in furtherance of the actions contemplated herein 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: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 4 DAY OF August, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: JUNE 30, 2011

Published Adoption: _____, 2011

Delivered to Parish President: _____, 2011 at _____

Returned to Council Clerk: _____, 2011 at _____



St. Tammany Parish

Office of The Parish President

Legal Department

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Covington, LA 70434

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Dayna M. Williams

Property Coordinator

INTEROFFICE MEMORANDUM

DATE: June 20, 2011
TO: Mr. Mike Sevante, Council Administrator
FROM: Dayna M. Williams, Property Coordinator
CC: Kelly M. Rabalais, Executive Counsel *KM*
RE: Land Acquisition Council Agenda Item No. 01

As per your request below is the appraisal information we have for the following agenda items which relate to land acquisitions:

Agenda Item No. 01:

ORDINANCE TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ACQUIRE CERTAIN PARCELS AND DISPOSE OF CERTAIN PARCELS FOR VETERAN'S CEMETERY ROAD PROJECT.

The Parish has negotiated and intends to exchange property with the adjacent land owner, Mr. McEnery. In the event that the Parish needs to acquire additional property for this project, we will request quotes for appraisal services. Once we obtain an appraisal, we will forward a copy to you for your review. The Parish intends to pay no more than appraised value or less, plus costs and fees.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Dayna M. Williams

/dmw
Attachment(s)



Bobby Jindal
Governor

STATE OF LOUISIANA
DEPARTMENT OF VETERANS AFFAIRS



Lane A. Carson
Secretary

File
cc - Bill
K

December 22, 2010

P.M. McEnery
The McEnery Company, Inc.
19411 Helenberg Road, Suite 103
Covington, Louisiana 70433

Re: Donation of McEnery Land- St. Tammany Parish, Louisiana COUNTER-LETTER

Dear Mr. McEnery:

LDVA is very pleased to be working with your family on the donation of land for the purposes of development of veteran related services in Section 28, T7S, R12E, St. Tammany Parish, Louisiana.

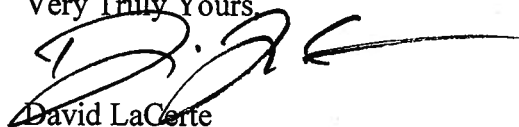
In consideration of your requests as discussed in our meeting and as outlined in your December 15, 2010 letter, please review the following and accept our counter-letter if you verify it conforms with our discussions and is acceptable to your family.

- 1.) The requested acreage will be donated by the McEnery family to the State of Louisiana for the purpose of the construction of a veteran's cemetery or other such facility as determined by the Louisiana Department of Veterans Affairs, but in no event will any facility that is not directly tied to the provision of services to veterans of the armed forces of the United States of America be allowed under the terms of the donation of land.
- 2.) The land area will be approximately 60 acres (to be determined by survey) and will generally be located along the south line of Section 28.
- 3.) The 40 acre parcel owned by St. Tammany Parish in Section 28 and donated by the McEnery family will be returned to the donor in conjunction with the current 60 acre donation to the State of Louisiana.
- 4.) The land area, all rights of way, means of ingress and egress, servitudes of passage, etc will be determined and surveyed by the State of Louisiana and Parish of St. Tammany; and, with final agreement by the McEnery family with all costs associated with said surveys, analysis, permitting costs, etc., borne by the State of Louisiana and/or Parish of St. Tammany. The construction of any roads will be paid for or caused to be paid for by the Parish of St. Tammany.

- 5.) If within three (3) years from the date of said donation, no development work has commenced on the donated site, the McEnery family will have the donated parcel returned to the McEnery family with any costs associated with the return of the donated parcel borne by the state of Louisiana.
- 6.) The State of Louisiana or Parish of St. Tammany will have an appraisal performed to determine the market value of the donated parcel prior to said donation occurring. The McEnery family is given the right to approve the appraiser.
- 7.) All costs associated with affecting the donation will be borne by the State of Louisiana. Legal services associated with the representation of the McEnery family will be handled by Edward B. Poitevent II, who has graciously agreed to handle all matters and waive any costs for the family associated with the donation.
- 8.) The McEnery Family reserves the right to have the facility or facilities named after H. Alfred McEnery II or any other member of the family, subject to federal VA approval. It is noted that the US Dept of Veterans Affairs will not allow the facility to be named after a donor, but will permit some naming rights in honor of a veteran from the area with significant military honors.

The McEnery family will proceed with arrangements to affect the donation of land in Section 28, T7S, R12E, St. Tammany Parish, Louisiana based on the above conditions and subject to capital outlay approval by the State of Louisiana. The donation of land may not be conveyed later than May 15th 2010 without the expressed approval of the McEnery family, namely Peter M. McEnery, Mary Forest McEnery Broussard, and Henry A. McEnery, III.

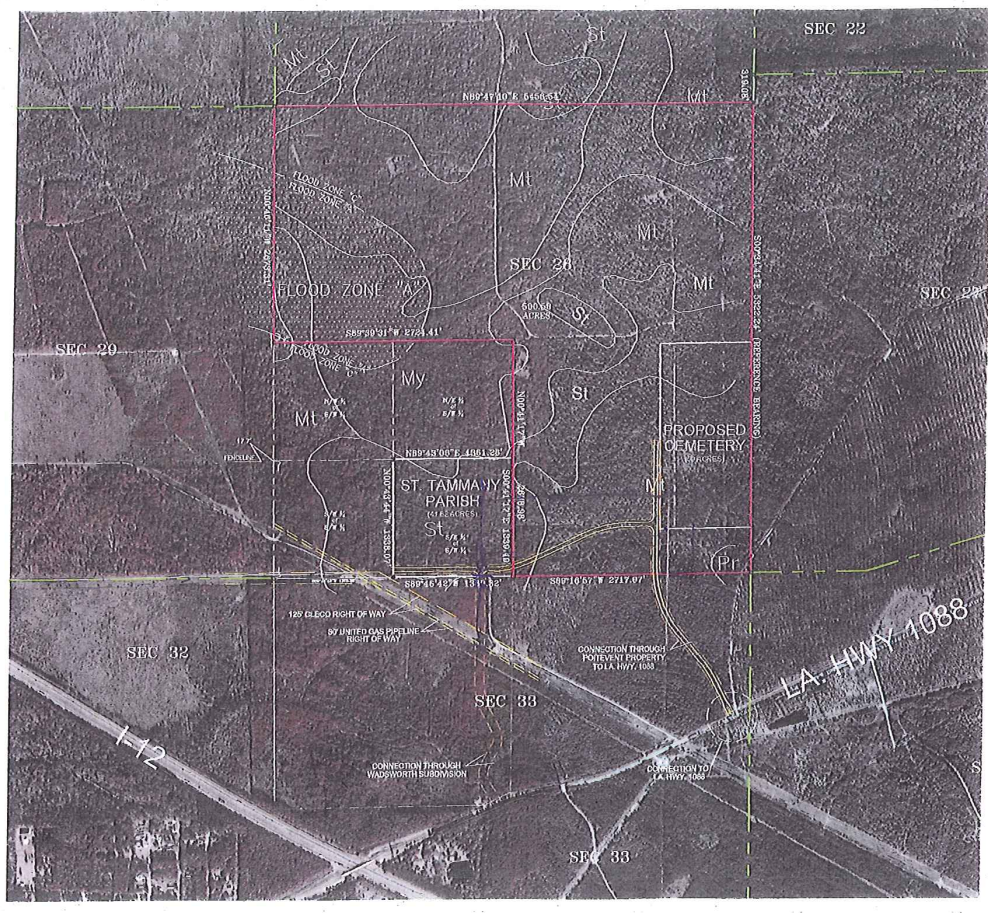
Very Truly Yours



David LaCerte
Deputy Secretary and Executive Counsel
Louisiana Department of Veterans Affairs

Cc:
Edward B. Poitevent, II
Kevin Davis

EXHIBIT "A"



LEGEND
 Ml - MYATT FINE SANDY LOAM
 Pr - PRENTISS FINE SANDY LOAM,
 0 TO 1% SLOPES
 St - STOUGH FINE SANDY LOAM



1088-11282.dwg 12/19/2007 10:26:59 AM mma@chuck	
DATE: 12/19/2007 TIME: 10:26:59 AM USER: mma@chuck	PROJECT: PROPOSED VETERANS CEMETERY SECTION: 26, 725 - RISE ST. TAMMANY PARISH, LOUISIANA SOILS TYPE MAP
SHEET NO.: 3 OF 5	ITR ASSOCIATES, LLC 1000 PINE BLVD., SUITE 100 METairie, LA 70002