

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on February 9, 2017, and laid over for publication of notice:

LIVINGSTON PARISH ORDINANCE NO. 17-02

AN ORDINANCE AUTHORIZING THE LIVINGSTON PARISH COUNCIL TO DECLARE CERTAIN ADJUDICATED PROPERTY SURPLUS AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO ADJOINING LAND OWNER(S), C.J. BOUDREAUX, JR. and MAMMIE S. BOUDREAUX, THEIR AGENTS OR ASSIGNS FOR THE PRICE OF \$30,000.00 AND WHICH PROPERTY IS DESCRIBED AS FOLLOWS:

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on February 23, 2017 at six o'clock (6:00) p.m., at the Parish Council Meeting Room in the Council Chambers 20355 Government Street, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

Sandy C. Teal, Council Clerk

Tracy Girlinghouse, Council Chairman

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form at a regular meeting of the Parish Council on February 9, 2017 a summary thereof having been published in the official journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage February 23, 2017 on motion of Maurice "Scooter" Keen and seconded by Jeff Ard:

LIVINGSTON PARISH ORDINANCE NO. 17-02

AN ORDINANCE AUTHORIZING THE LIVINGSTON PARISH COUNCIL TO DECLARE CERTAIN ADJUDICATED PROPERTY SURPLUS AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO ADJOINING LAND OWNER(S), C.J. BOUDREAUX, JR. and MAMMIE S. BOUDREAUX, THEIR AGENTS OR ASSIGNS FOR THE PRICE OF \$30,000.00 AND WHICH PROPERTY IS DESCRIBED AS FOLLOWS:

(Property Description)

Assessment Number: 80192
Physical Address: 32185 Linder Road, Denham Springs, LA
GPS Coordinates: N 30° 32' 4.16" W 90° 55' 49.95"
Legal Description: Tract 2-B and Tract 2-C, Section 8, T6S, R3E and
Tract 2-A, Section 8, T6S, R3E
Less and Except: A certain tract or parcel of land containing ½ acre, more or less, sold to Randy Dale Ginn, et ux, by Act of Cash Sale dated October 9, 1987, recorded as COB Book No. 508, Page No. 668, official records of Livingston Parish, Louisiana.
Audubon Village Inv, Inc 719/793
Taxpayer Name: KMA Services, L.L.C.

WHEREAS, the Parish of Livingston owns property described above said property having been adjudicated to the Parish for unpaid property taxes for the years 2008-2016; and assessed in the name of KMA Services, L.L.C.

WHEREAS, the Department of Public Works for the Parish of Livingston has recommended that the property be declared surplus and no longer needed for public purposes; and

WHEREAS, a request has been received by the Livingston Parish Finance Department from Clyde J. Boudreaux, Jr. and Mammie S. Boudreaux, adjoining property owners, to purchase said property for the sum of \$30,000.00 cash, at the time of sale; and

WHEREAS, pursuant to LSA-R.S. 47:2202(B) said property is being sold to adjacent property owner; and

WHEREAS, this Council is of the opinion that this property is surplus and no longer needed for public purposes and that it would be in the public interest to convey the above mentioned property to Clyde J. Boudreaux, Jr. and Mammie S. Boudreaux, for the offered sum.

NOW, THEREFORE, BE IT ORDAINED by the Livingston Parish Council that:

1) Two (2) certain lots or parcels of ground, together with all the buildings and improvements thereon, lying and being situated in the Parish of Livingston, State of Louisiana, in Section 8, Township 6 South, Range 3 East, and designated as **TRACT 2-B and TRACT 2-C**, on that certain plat of survey made by Alvin Fairburn & Associates, C.E. and Land Surveyors, dated February 14, 1981, revised October 5, 1985, entitled "Final Plat, Map Showing Survey and Division of a Certain Part of Tract 1 and Tract 2 Located In Section 8, Township 6 South, Range 3 East, G.L.D., Parish of Livingston, Louisiana, for James E. Clark, Jr.", a copy of which is attached to deed recorded under Entry Number 214,140, of the Livingston Parish records; said Tract 2-B fronting 57.50 feet on existing servitude as shown on said map or its Southerly boundary, measuring 57.50 feet on its Northern boundary, measuring 189.99 feet on its Western boundary, and measuring 190.00 feet on its Eastern boundary; said Tract 2-C fronting 57.50 feet on existing servitude as shown on said map or its Southerly boundary, measuring 57.50 feet on its Northern boundary, measuring 190.00 feet on its Western boundary, and measuring 190.00 feet on its Eastern boundary, all according to the above described plat of survey, which is made a part hereof by reference. Said property being subject to all easements or servitudes as shown on said plat of survey or as may be of record;

A certain tract or parcel of ground, together with all the buildings and improvements thereon, lying and being situated in the Parish of Livingston, State of Louisiana, in Section 8, Township 6 South, Range 3 East, and designated as **TRACT 2-A**, on that certain plat of survey made by Alvin Fairburn & Associates, C.E. and Land Surveyors, dated February 14, 1981, revised October 5, 1985, entitled "Final Plat, Map Showing Survey and Division of a Certain Part of Tract 1 and Tract 2 Located in Section 8, Township 6 South, Range 3 East, G.L.D., Parish of Livingston, Louisiana for James E.

Clark, Jr., a copy of which is attached to deed recorded under Entry #214,140, of the Livingston Parish records; said Tract 2-A having such measurements and dimensions as indicated and being subject to such servitudes as shown on the above described map.

LESS AND EXCEPT a certain tract or parcel of land containing one-half (1/2) acre, more or less sold to Randy Dale Ginn et ux, by Act of Cash Sale dated October 9, 1987, recorded as COB Book No. 508, Page No. 668, official records of Livingston Parish, Louisiana.

- 2) GPS COORDINATES: N 30° 32' 4.16" W 90° 55' 49.95"
- 3) MUNICIPAL ADDRESS: 32185 LINDER ROAD, DENHAM SPRINGS, LA
ASSESSMENT # 81092
WARD 2

is hereby declared to be surplus and no longer needed for public purpose.

Section 2. Ten 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 Livingston conveys the above described property to:

CLYDE J. BOUDREAUX, JR. and MAMMIE S. BOUDREAUX FOR THE SUM OF THIRTY THOUSAND AND 00/100 (\$30,000.00) CASH.

However, the Parish President shall not execute the act of cash sale until the Parish's Special Counsel's office has certified in writing to the Parish President the following:

A) Purchaser has certified in writing to the Parish's Special Counsel that purchaser or his agent has examined the mortgage records, conveyance records, probate and civil suit records of the Clerk of Court of Livingston 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 all as provided in LSA-R.S. 47:2206. Said written certification shall contain an indemnification and hold harmless clause by the purchaser in favor of the Parish of Livingston Parish, 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 Parish's Special Counsel to notify those persons identified above in accordance with LSA-R.S. 47:2206 and has paid the Parish the sum of twenty-five dollars per notice and/or the sum of the actual cost of notice by publication requested.

C) The Parish's Special Counsel has provided purchaser with proof of notice, and purchaser has recorded same in the conveyance records of Livingston Parish and has provided the Parish Attorney a stamped copy of the recorded proof on notice.

D) Purchaser has certified in writing to the Parish's Special Counsel that the number of days required by LSA-R.S. 47:2206 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 Parish's Special Counsel.

Section 3. If all of the requirements of Section 2 are not completed within one year 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 Livingston may have, and such sale shall contain such warranty limitations and other provisions as are required by the Parish's Special Counsel. The Parish of Livingston 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.

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

This ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT, MR. MACK, MR. AVERETT

NAYS: NONE

ABSENT: MR. LOBELL

ABSTAIN: NONE

And the ordinance was declared adopted on the 23rd day of February, 2017.

Tracy Girlinghouse, Council Chairman

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock ____ .M.

APPROVED BY PRESIDENT _____
Layton Ricks Date

VETOED BY PRESIDENT _____
Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____ .M.