

**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 Thursday, September 8, 2011, and laid over for publication of notice:

L. P. ORDINANCE NO. 11-29

AN ORDINANCE TO DECLARE ADJUDICATED PROPERTY 30839 E. BATES ROAD, HAMMOND, DESIGNATE SUCH PROPERTY SURPLUS AND AUTHORIZE THE SALE OF SAID PROPERTY.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, October 13, 2011, at six (6:00) o'clock p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

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Mary E. Kistler, Council Clerk

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Randall L. Rushing, 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 required for adoption at a regular meeting of the Livingston Parish Council on Thursday, September 8, 2011, 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 Thursday, October 13, 2011, on Motion of \_\_\_\_\_ and seconded by \_\_\_\_\_:

L. P. ORDINANCE NO. 11-29

AN ORDINANCE TO DECLARE ADJUDICATED PROPERTY 30839 E. BATES ROAD, HAMMOND, DESIGNATE SUCH PROPERTY SURPLUS AND AUTHORIZE THE SALE OF SAID PROPERTY.

AN ORDINANCE AUTHORIZING THE LIVINGSTON PARISH COUNCIL TO DECLARE LOUISIANA SURPLUS PROPERTY:

1) A CERTAIN TRACT OR PARCEL OF LAND TOGETHER WITH ALL IMPROVEMENTS LOCATED IN THE PARISH OF LIVINGSTON, STATE OF LOUISIANA, PROPERTY BEING DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 38, T7S, R6E, THENCE PROCEED EAST A DISTANCE OF 1278.02 FEET AND SOUTH 425.32 FEET TO A POINT; THENCE PROCEED NORTH 00 DEGREES 47 MINUTES 02 SECONDS EAST A DISTANCE OF 18.87 FEET TO THE POINT OF BEGINNING. THENCE PROCEED NORTH 00 DEGREES 47 MINUTES 02 SECONDS EAST A DISTANCE OF 197.13 FEET TO A POINT AND CORNER; THENCE PROCEED NORTH 89 DEGREES 42 MINUTES 16 SECONDS WEST A DISTANCE OF 12.00 FEET TO A POINT AND CORNER; THENCE PROCEED SOUTH 00 DEGREES 47 MINUTES 02 SECONDS WEST A DISTANCE OF 197.13 FEET TO A POINT AND CORNER; THENCE PROCEED SOUTH 89 DEGREES 42 MINUTES 16 SECONDS EAST A DISTANCE OF 12.00 FEET BACK TO THE POINT OF BEGINNING. ALL AS MORE FULLY SHOWN ON PLAT MAP ENTITLED "PLAN OF SURVEY OF THE DONALD MARTINEZ PROPERTY BEING DIVIDED INTO TWO (2) TRACTS AS SHOWN AND BEING LOCATED IN SECTIONS TWO (2) AND THIRTY-EIGHT (38), TOWNSHIP SEVEN (7), RANGE SIX (6) EAST, LIVINGSTON PARISH, STATE OF LOUISIANA, RODNEY DAVIS AND DONALD MARTINEZ."

2) THE PROPERTY IS RECORDED IN COB 887, PAGE 560, IN THE LIVINGSTON PARISH CLERK OF COURT'S OFFICE. ITS MUNICIPAL ADDRESS IS 30839 E. BATES ROAD, HAMMOND, LA 70406. THE ASSESSMENT NUMBER 0184002, WARD 6

3) TO AUTHORIZE THE SALE OF SAID PROPERTY TO LANCE DAVIS FOR THE SUM OF \$10,000.00 CASH.

**WHEREAS**, the Parish of Livingston owns property described above as:

A CERTAIN TRACT OR PARCEL OF LAND TOGETHER WITH ALL IMPROVEMENTS LOCATED IN THE PARISH OF LIVINGSTON, STATE OF LOUISIANA:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 38, T7S, R6E, THENCE PROCEED EAST A DISTANCE OF 1278.02 FEET AND SOUTH 425.32 FEET TO A POINT; THENCE PROCEED NORTH 00 DEGREES 47 MINUTES 02 SECONDS EAST A DISTANCE OF 18.87 FEET TO THE POINT OF BEGINNING. THENCE PROCEED NORTH 00 DEGREES 47 MINUTES 02 SECONDS EAST A DISTANCE OF 197.13 FEET TO A POINT AND CORNER; THENCE PROCEED NORTH 89 DEGREES 42 MINUTES 16 SECONDS WEST A DISTANCE OF 12.00 FEET TO A POINT AND CORNER; THENCE PROCEED SOUTH 00 DEGREES 47 MINUTES 02 SECONDS WEST A DISTANCE OF 197.13 FEET TO A POINT AND CORNER; THENCE PROCEED SOUTH 89 DEGREES 42 MINUTES 16 SECONDS EAST A DISTANCE OF 12.00 FEET BACK TO THE POINT OF BEGINNING. ALL AS MORE FULLY SHOWN ON PLAT MAP ENTITLED "PLAN OF SURVEY OF THE DONALD MARTINEZ PROPERTY BEING DIVIDED INTO TWO (2) TRACTS AS SHOWN AND BEING LOCATED IN SECTIONS TWO (2) AND THIRTY-EIGHT (38), TOWNSHIP SEVEN (7), RANGE SIX (6) EAST, LIVINGSTON PARISH, STATE OF LOUISIANA, RODNEY DAVIS AND DONALD MARTINEZ."

said property having been adjudicated to the Parish for unpaid property taxes for the year 2007; and assessed in the name of Robert C & Mary Louise Kirk.

**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 Lance Davis, an adjoining property owner, to purchase said property for the sum of \$10,000.00 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 Lance Davis, for the offered sum.

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

1) A CERTAIN TRACT OR PARCEL OF LAND TOGETHER WITH ALL IMPROVEMENTS LOCATED IN THE PARISH OF LIVINGSTON, STATE OF LOUISIANA:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 38, T7S, R6E, THENCE PROCEED EAST A DISTANCE OF 1278.02 FEET AND SOUTH 425.32 FEET TO A POINT; THENCE PROCEED NOTH 00 DEGREES 47 MINTUES 02 SECONDS EAST A DISTANCE OF 18.87 FEET TO THE POINT OF BEGINNING. THENCE PROCEED NOTH 00 DEGREES 47 MINUTES 02 SECONDS EAST A DISTANCE OF 197.13 FEET TO A POINT AND CORNER; THENCE PROCEED NOTH 89 DEGREES 42 MINUTES 16 SECONDS WEST A DISTNACE OF 12.00 FEET TO A POINT AND CORNER; THENCE PROCEED SOUTH 00 DEGREES 47 MINUTES 02 SECONDS WEST A DISTANCE OF 197.13 FEET TO A POINT AND CORNER; THENCE PROCEED SOUTH 89 DEGREES 42 MINUTES 16 SECONDS EAST A DISTANCE OF 12.00 FEET BACK TO THE POINT OF BEGINNING. ALL AS MORE FULLY SHOWN ON PLAT MAP ENTILED "PLAN OF SURVERY OF THE DONALD MARTINEZ PROPERTY BEING DIVIDED INTO TWO (2) TRACTS AS SHOWN AND BEING LOCATED IN SECTIONS TWO (2) AND THIRTY-EIGHT (38), TOWNSHIP SEVEN (7), RANGE SIX (6) EAST, LIVINGSTON PARISH, STATE OF LOUISNANA, RODNEY DAVIS AND DONALD MARTINEZ."

2) THE PROPERTY IS RECORDED IN COB 887, PAGE 560 IN THE LIVINGSTON PARISH CLERK OF COURT'S OFFICE. ITS MUNICIPAL ADDRESS IS 30839 E. BATES ROAD, HAMMOND, LA 70403. THE ASSESSMENT NUMBER 0184002, WARD 6

**are 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:

LANCE DAVIS FOR THE SUM OF \$10,000.00 CASH.

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

A) Purchaser has certified in writing to the Parish Attorney 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 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 Attorney 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 Attorney 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 Attorney 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 Attorney.

Section 3. If purchaser should fail to complete the requirements of Section 2 A) and B) within one hundred twenty (120) days of the adoption of this ordinance, the Parish President is authorized to execute an act of cash sale in which the Parish of Livingston conveys the above described property to anyone who shall complete the requirements of Section 2. 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 Attorney. 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.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. HARRIS, MR. McCOY, MR. MINCEY, MR. RUSHING, MR SHARP, MR. WAGNER, MRS. WALE, MR. WATSON, MR. WHEAT

NAYS: NONE

And the ordinance was declared adopted on the \_\_\_\_ day of \_\_\_\_\_ 2011.

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Randall L. Rushing, Council Chairman

ATTEST:

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Mary E. Kistler, Council Clerk

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INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_  
DELIVERED TO PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.  
APPROVED BY PRESIDENT \_\_\_\_\_  
Mike Grimmer Date  
VETOED BY PRESIDENT \_\_\_\_\_  
Mike Grimmer Date  
RECEIVED FROM PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.