

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 July 14, 2016, and laid over for publication of notice:

L.P. ORDINANCE 16-27

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF LIVINGSTON PARISH BY INCLUDING A CHAPTER TO BE LABELED CHAPTER 11.5, "PARISH PROPERTY," TO INCLUDE PROVISIONS FOR THE SALE OF ADJUDICATED PROPERTY AS MORE FULLY SET FORTH HEREIN.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, August 11, 2016, at six (6:00) o'clock p.m., at the Governmental Building, Livingston Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

Sandy C. Teal, Council Clerk

John Wascom, 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 Parish Council on July 14, 2016, 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 August 11, 2016, on Motion of Maurice “Scooter” Keen and seconded by Tracy Girlinghouse:

L.P. ORDINANCE 16-27

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF LIVINGSTON PARISH BY INCLUDING A CHAPTER TO BE LABELED CHAPTER 11.5, “PARISH PROPERTY,” TO INCLUDE PROVISIONS FOR THE SALE OF ADJUDICATED PROPERTY AS MORE FULLY SET FORTH HEREIN.

BE IT ORDAINED by the governing authority, the Livingston Parish Council, that the Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended by adding a Chapter to be labeled Chapter 11.5, which Chapter shall read as follows:

CHAPTER 11.5 – PARISH PROPERTY

ARTICLE I - Adjudicated Property

Section 1-1. Definitions

Adjudicated Property. For the purposes of this section, adjudicated property shall be defined as property that has been procured through legal process that warrants the right of the parish governing authority to seek property for non-payment of property taxes or for any other reason relevant to lien, debts or donation as prescribed by Louisiana law.

Section 1-2. Sale of Adjudicated Property

a. Sale after Expiration of Redemption Period. After declaration of the Council by Ordinance that the property is deemed surplus, the Office of the Parish President may, after the expiration of period fixed by law for redemption of adjudicated property, sell the property in the manner specified within this section.

b. Advertising Sale of Adjudicated Property after Expiration of Redemption Period. Any person desiring to be notified in the event specific immovable property will be subject to a post-adjudication sale may file a request for the notice in the mortgage records of the parish where the immovable property is located.

c. Appraisal of Property. The Office of the Parish President, at its option, may have any adjudicated property offered or solicited for sale, appraised by an appraiser licensed in Louisiana to determine the fair market value of said property.

d. Minimum acceptable bid; adjudication to tax debtor or his representatives on payment of taxes and assessments.

(1) The property shall be adjudicated to the last and highest bidder for cash, payable in current money of the United States, at the time of the adjudication. If the Office of the Parish President elects to have the property appraised, no bid shall be accepted which is less than two-thirds of the appraised value. If no appraisal is requested by the governing body, the minimum bid shall be at least the total amount of statutory impositions, government liens and costs of sale.

(2) At any moment before the actual adjudication takes place, whether the property was appraised or not, if the tax debtor, his heir, administrator, executor, assign, or successor, pays to the tax collector of the parish or municipality all taxes, charges imposed pursuant to R.S. 33:1236, or paving or other local improvements assessments due upon the property, including all interest, costs, penalties, taxes or, charges imposed pursuant to R.S. 33:1236, or paving or local improvement assessments which have accrued since the date when the property was adjudicated to the parish to the tax debtor, his heirs, administrator, executor, assign, or successor, as the case may be, by preference over all other bidders, though they may bid larger sums.

e. Sale to adjoining landowner maintaining property. The Office of the Parish President may elect to allow an adjoining landowner to purchase adjudicated property for the price of one (\$1.00) dollar; provided, that the Office of the Parish President receives sufficient evidence, in its discretion, that the adjoining landowner has maintained the subject adjudicated property for at least one (1) year prior to the sale as per Louisiana Revised Statute 47:2202(B).

f. Terms of sale. The 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 that Livingston Parish may have. These waivers of warranty shall be self-operative regardless of whether the waivers are contained in the act of sale, regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the acquiring person. Livingston Parish 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.

STATE REFERENCE: Statutory law allows for the disposal of adjudicated properties by local governing authorities per R.S. 33:2861 et seq., R.S. 47:2251, 2261 and 2262.

SEC. 1-3. PROGRAM. Adjudicated Real Estate/Immovable Property

Any and all real estate and/or immovable property that is otherwise adjudicated in the future or previously has been adjudicated to Livingston Parish in any previous year will now be subject to the following program:

a. Reclamation program development. The Office of the Parish President shall hereinafter be charged with the duty and responsibility to develop a program of reclamation of such property, including but not limited to identification of affected property, retention of necessary staff to place any program into effect, establishing a fee schedule, and oversight of all programs, together with advertisement, selling such properties where necessary and reasonable, all as per law.

b. Authorization. The Office of the Parish President is specifically authorized to establish such an administrative program to immediately address the magnitude of properties currently adjudicated to the Parish. The Office of the Parish President is likewise exclusively vested with the power and authority to seek out and search all properties and to formulate, in conjunction with the Louisiana State Land Office, a plan of identification, redemption, listing, sale or whatever else is necessary to dispose of such property.

The Office of the Parish President is authorized with the power to negotiate terms and conditions of any sales, enter listing agreements, sign purchase agreements, and such other actions necessary to transfer the Parish's interest in and to such properties, all as per law.

c. Dedication of funds. Funds received from the sale of such properties shall be in accordance with Chapter 2, Article II, Section 2-31 of this Code.

d. Sale. The Office of the Parish President shall adhere to the requirements of the Parish Charter as to the sale of such properties. The Office of the Parish President shall have the option to exercise the method and/or procedure under this Ordinance necessary to dispose of such properties as per (1) the current Parish Ordinance or (2) that which is delineated in state law as to the sale of adjudicated 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. MACK, MR. LOBELL, MR. AVERETT, MR. HARRIS, MR. TALBERT,
MR. KEEN, MR. GIRLINGHOUSE, MR. ARD, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 11th day of August 2016.

John Wascom, Council Chairman

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

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

APPROVED BY PRESIDENT

Layton Ricks, Parish President

Date

VETOED BY PRESIDENT

Layton Ricks, Parish President

Date

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