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Council (Persons to Address the Council)

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2004-0341

PETITION TO ADDRESS THE COUNCIL

St. Charles Parish Council Chairman Today's Date: 8/27/04

P. O. Box 302
Hahnville, LA 70057
(985) 783-5000

Dear Chairman:

Please place my name to address the Council on:

DATE: SEPTEMBER 7, 2004

SPECIFIC TOPIC: UPDATE REQUEST ON PROPOSAL TO SELL THE OLD SPANISH TRAIL BALLPARK.

one subject only

(\*see specific guidelines on reverse and

refer to

Parish Charter- Article VII., Sec. I.)

DOCUMENTS, IF ANY: YES/NO

NAME: PAUL J. HOGAN

ADDRESS: 147 VIC'S LANE DES ALLEMANS, LA 70030

PHONE: 504-615-4862

SIGNATURE:

Dear Constituent:

[Handwritten signature of Paul J. Hogan]

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

The Home Rule Charter provides for citizens to address the Council. It makes no provision for initiating debate, discussion, or question and answer sessions with Councilmembers or Administration Officials. Your right is also guaranteed to examine public documents as you prepare your presentation. Should you have any questions for Councilmembers and/or Department Heads as you prepare, please forward such inquiries to the Council Office to insure a timely response. Should you wish to speak to any Official or Department personally, a complete list of contact information will be furnished at your request.

Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council.

Please forward supporting documents to the Council Secretary for distribution to the Parish Council before your scheduled appearance in order for the Council to prepare themselves, if necessary.

Upon completion of your allotted time to address the Council, please respect the time given to Councilmembers to respond to your comments by not interrupting or interjecting remarks.

Slenderous remarks and comments will not be tolerated. If slenderous remarks or comments are made, your opportunity to address the Council will end, regardless of the remaining time left to address the Council.

Repetitious comments and subject matter will be strictly limited.

A confirmation letter will follow when your name is placed on the agenda.

Sincerely,

LANCE MARINO
COUNCIL CHAIRMAN

RIGHT TO DIRECT PARTICIPATION
COUNCIL GUIDELINES

No person shall be denied the right to observe and, within Council guidelines, to

PETITION QUESTION FOR THE SEPTEMBER 7, 2004  
COUNCIL MEETING REGARDING THE ATTACHED  
PROPOSAL FOR SALE OF  
THE OLD SPANISH TRAIL BALLPARK SITE  
ORIGINALLY PRESENTED TO THE PARISH IN A LETTER DATED JULY 21, 2004,  
PRESENTED VERBALLY AT THE AUGUST 2, 2004 COUNCIL MEETING, FORMALLY  
PRESENTED IN A LETTER DATED AUGUST 2, 2004, AND REITERATED IN A LETTER  
DATED AUGUST 16, 2004

1. The proposal was first presented to the Parish well over a month ago. Has the Proposal for sale of the Old Spanish Trail Ballpark Site been taken under advisement as of this point in time?
  - a. If it has not been given consideration:
    1. Will it be given any consideration at all?
      - a. If it will not be given consideration due to the Parish wanting to purchase property on J.B. Green Road instead, then :
        1. Is the Parish under any legal obligation to purchase the J.B. Green Road site? (ie: Is there is no purchase agreement for this property).
        2. Does the community no longer have concerns regarding the size of and safety at the J.B.Green Road site and now wants that site? If so, how was this expressed to the Parish since the community expressed otherwise in a petition to the Parish Council?
        3. Has the Parish compared the \$40,000 wooded 2.0 acre site on J.B. Green Road to the \$51,400 cleared 2.56 acre Old Spanish Trail Ballpark site? If it has, then how do they compare?
        4. Has the Parish performed an economic analysis to determine what would be the final cost of the J.B. Green site upon it being improved? If one has been performed, then:
          - a. How much will it cost for Parish labor and equipment or an outside contractor to clear the wooded 2 acre site and haul the trees and stumps hauled to the landfill?
          - b. How much will it cost the Parish to fill the 2-acre site?
          - c. How much will it cost to dress the site and to establish vegetation?
        5. How does the final cost for the J.B. Green Road site with required improvements compare to the cost of the ready to use Old Spanish Trail Ballpark site?
    - b. If it will be given consideration:
      1. Why has it not been given consideration as of yet?
      2. What is needed in order for it to be given consideration?
      3. When is it expected to be given consideration?
      4. Who with the Parish will be giving it consideration and who will be making the decisions on the proposal?

2. If the proposal has been given consideration, what was the decision on the proposal?
  - a. If the proposal was found to be acceptable:
    1. Shall the Parish or shall I prepare a purchase agreement?
    2. Does the Council have to authorize the execution of the purchase agreement or who has the authority to sign it?
    3. Does the Council have to authorize that an appraisal be performed or can the Parish President order the appraisal himself?
    4. Would the Parish or I be responsible for preparing the Act of Sale should the time come?
  - b. If the proposal was found to be unacceptable:
    1. Specifically what part (or parts) of the proposal were found to be unacceptable and why are they unacceptable?
    2. What changes to the unacceptable part (or parts) does the Parish feel are needed in order for the proposal to be acceptable?
3. Will the Council, at the September 7, 2004 Council meeting, send the proposal to the Special Projects Committee for advisement if the proposal has not yet been considered by the time I address the Council at that Council meeting? If it will not, then why not?
4. Will one of the At-Large Council members representing District IV help resolve this issue should it not be resolved by September 7, 2004 by: 1) reviewing and accepting the proposal, 2) sending it to the Special Projects Committee for advisement, or 3) stating that the Parish is no longer considering a local park for the community in the vicinity of J.B. Green Road and Old Spanish Trail?
  - a. If an at Large Member will not do at least one of these, why not?
    1. If its because of the belief that the District Councilman should make the call on it, I could not agree more. But the District Councilman has not. He has been given ample time to review and comment on this proposal. I have not heard back from him as of yet. That is why I am requesting that an At Large member which represents our District help resolve this issue.
  - b. How does the At Large members propose this issue be resolved should the District Councilman not resolve the issue in a timely manner?

**PROPOSAL FOR SALE OF**  
**THE OLD SPANISH TRAIL BALLPARK SITE**

I, Paul J. Hogan, herein referred to as Seller, does hereby make this formal proposal to St. Charles Parish.

1. Seller agrees to sell the 2.56-acre property known as the Old Spanish Trail Ballpark to St. Charles Parish with the Act of Sale showing the current fair market value of the property.
2. At the sale, St. Charles Parish will pay \$51,400 and Seller proposes to make a charitable donation of the difference between the current fair market value and the \$51,400 should the current fair market value be greater than \$51,400. If it is found that the property value has decreased from the Parish's original appraised value of \$51,400, the Seller agrees to sell the property for the current fair market value.
3. Seller proposes to have the property resubdivided into one large lot at the Seller's cost upon the execution of a purchase agreement.
4. Seller proposes reimburse the Parish up to \$300 at the Act of Sale to help with the cost the Parish will have expended in obtaining an appraisal to determine the current fair market value.
5. Seller proposes the following method for determining the current fair market value.
  - A. St. Charles Parish and the Seller shall each have the R-1A(M) property appraised as one large lot as shown on the attached drawing. This is in lieu of its current configuration of 5 lots and a portion of another and in lieu of the portions of two lots as it existed prior to my resubdivisions so as to minimize the value in the appraisals.
  - B. If the two appraisals come within 10% of the higher value of the two, I would agree to use the lower of the two values as the current fair market value.
  - C. If the two appraisals differ by more that 10% of the higher value of the two, then Seller and St. Charles Parish agree to have a third appraisal performed with the appraiser to be selected and agreed to by both the Parish and the Seller. If the third appraisal would happen to come in higher than the initial two, then the Seller and the Parish would agree to use the higher of the two initial market values as the current fair market value. If the third appraisal would happen to come in lower than the initial two, then the Seller and St. Charles Parish would agree to use the lower of the two initial market values as the current fair market value.
  - D. Seller proposes to pay or to reimburse an additional \$300 to the Parish for a third appraisal should it be required.