

Ord.
2001-0009

INTRODUCED BY: ALBERT D. LAQUE
PARISH PRESIDENT

ORDINANCE NO. 01-1-18

An ordinance to approve and authorize the execution of an Act of Onerous Donation by Esperanza Land Company of Tract 4 B located on Ashton Plantation at Luling.

WHEREAS, the Parish has identified the need to acquire property to be used as a Recreation/Fairgrounds Site with a section reserved for a possible future Civic Center/Multi-purpose Facility; and,

WHEREAS, Esperanza Land Company and the Edward A. Dufresne Family have agreed to donate a certain 33.98 acre tract of land located at Ashton Plantation in Luling for said purpose; and,

WHEREAS, it is the desire of the Parish Council to accept said donation.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Onerous Donation by Esperanza Land Company is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Act of Onerous Donation on behalf of St. Charles Parish.

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

YEAS: RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, AUTHEMENT, BLACK, MARINO

NAYS: ABADIE, MINNICH

ABSENT: NONE

And the ordinance was declared adopted this 22nd day of January, 2001, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Barry Minnich

Acting

SECRETARY: Nicole Beauchamp

DLVD/PARISH PRESIDENT: 1-23-01

APPROVED: ✓ DISAPPROVED:

PARISH PRESIDENT: Albert D. Laque

RETD/SECRETARY: 1-23-01

AT: 11:35 AM RECD BY: NB

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON February 5, 2001

AS ENTRY NO. 250816

IN MORTGAGE/CONVEYANCE BOOK

NO. 581 FOLIO 461

(this was filed by
Louis Authement)

(See Act Repealing Reversionary Clause attached
hereto)

REFERENCE

Ord. 09-2-10

ACT OF ONEROUS DONATION
BY: ESPERANZA LAND COMPANY
TO: ST. CHARLES PARISH

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES

BE IT KNOWN, that on this 2nd day of February, in the year of Our Lord Two Thousand and One (2001).

BEFORE ME, Louis G. Authement, Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

ESPERANZA LAND COMPANY (72-0928306), a Louisiana corporation having an address of 143 Esperanza Plantation Road, Luling, Louisiana 70070, represented herein by Edward A. Dufresne, Jr., its President, duly authorized by resolution of its Board of Directors attached hereto and made a part hereof and by LSA 12:41(12);

hereinafter referred to as Donor, which declared that for the consideration hereinafter set out, it does by these presents donate, give, grant, bargain, convey, transfer, assign, set over, abandon and deliver, without any warranties whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have against all preceding owners and vendors, unto:

ST. CHARLES PARISH, a political subdivision of the State of Louisiana, herein represented by its President, Albert D. Laque, and whose mailing address is P. O. Box 302, Hahnville, Louisiana, 70057; and pursuant to File No. 2001-0009, Ordinance No. 01-1-18 adopted by the St. Charles Parish Council on January 22, 2001, a copy of which is attached hereto and made a part hereof;

hereinafter referred to as Donee, here present accepting for itself and its successors and assigns, and acknowledging due delivery and possession thereof, all and singular the following described property, to-wit:

A CERTAIN TRACT OF LAND situated in Township 13 South, Range 20 East, and Township 13 South, Range 21 East, on the right descending bank of the Mississippi River, Parish of St. Charles, State of Louisiana, being a portion of Ashton Plantation and being designated as TRACT 4B on a sketch by Michael D. Bernard, PLS, dated January 2, 2001, a copy of which is attached hereto and made a part hereof. According to the attached sketch, TRACT 4B measures as follows:

Commencing at an iron pipe marker on the south right-of-way of La. Hwy. 18 (River Road) located between the property of the St. Charles Parish School Board and Tract 8 owned by the Parish of St. Charles; thence proceed S38°25'00"W for a distance of 1,028'± to a point constituting the Southeast corner of Tract 4A, as shown on the attached sketch; thence proceed S38°25'00"W a distance of 308.99' to a point constituting the Southeast corner of Tract 4B, said point being hereinafter referred to as the POINT OF BEGINNING; thence proceed S38°25'00"W a distance of 1592.71' to a point;

thence proceed N59°38'17"W a distance of 949.38' to a point; thence proceed N39°10'39"E a distance of 1595.85' to a point; thence proceed S59°38'17"E a distance of 927.97' back to the POINT OF BEGINNING and containing 33.98 acres of land as per the attached sketch.

Being a portion of the same property acquired by Esperanza Land Company by Act dated March 26, 1986 and duly recorded at COB 353, folio 173 of the official records of St. Charles Parish, Louisiana.

TO HAVE AND TO HOLD the above described property unto the said Donee, its successors and assigns forever.

This onerous donation is made and accepted for and in consideration of Donee agreeing to design, construct and complete on or before January 1, 2007 on the above-described property a parish multi-purpose indoor complex, to be named in honor of the late Edward A. Dufresne, Sr., and built to accommodate a variety of indoor events, including but not limited to graduation ceremonies, trade shows, seminars, concerts, conventions, and recreation activities, and with a further stipulation that the exterior grounds be available for recreational activities. This onerous donation is further made and accepted based on the stipulation that the above-described property and all improvements constructed thereon shall continue to be used for the purposes set out above.

In the event the conditions, covenants, provisions and stipulations recited above are not satisfied, this Act shall be deemed rescinded and title to the above-described property, and all improvements thereon, shall automatically revert to Donor without any further action or consent required of Donee and without any obligation on Donor to compensate Donee for any improvements thereto.

Donor further reserves unto itself, its successors and assigns, and excepts from this donation, all of the oil, gas and other minerals in, under and which may be produced from the property herein donated, it being understood, however that Donor, its successors and assigns, shall have the right to produce oil, gas or other minerals in, under or from the property herein conveyed by the use of directional drilling methods only, and thus hereby waives surface rights.

Donee has accepted and does hereby accept and acknowledge delivery of the above described property from Donor, subject to and in conformity with all the conditions, covenants, provisions and stipulations set forth above.

The parties hereto estimate the value of said donated property to be in the amount of \$1,850,211.00

All parties hereby agree to waive the production of tax and mortgage certificates and hereby relieve and release me, Notary, for any liability regarding their non-production. Should

any zoning, planning or other Parish ordinances affect this act, the parties hereto relieve me, Notary, from any liability or for any responsibility to determine or see to compliance of these regulations. The parties also acknowledge that no examination of the title has been made by me, Notary, and agree to relieve, release, defend, save, hold harmless, and indemnify me, Notary, from any and all claims, liabilities and responsibilities in connection therewith. Donee further acknowledges that the above-described property has not been resubdivided.

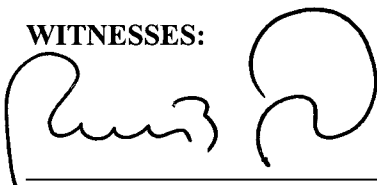
All agreements and stipulations herein contained and all of the obligations herein assumed shall inure to the benefit of and be binding upon the heirs, successors and assigns of the respective parties hereto.

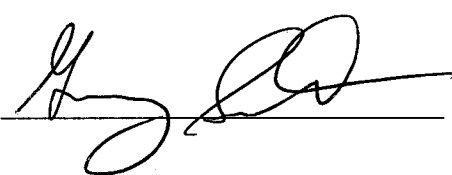
No survey was requested of or made by the undersigned Notary and the parties hereto hereby relieve and release said Notary from any and all liability in connection therewith.

All state and parish taxes for the year 2000 have been paid by Donor. All state and parish taxes for the year 2001 shall be assumed by Donee.

THUS DONE AND PASSED at Luling, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary, after reading of the whole.

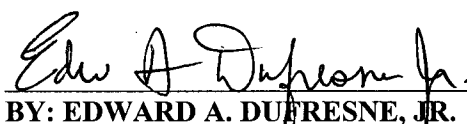
WITNESSES:





DONOR:


ESPERANZA LAND COMPANY



BY: EDWARD A. DUFRESNE, JR.
ITS: PRESIDENT

ACCEPTANCE BY DONEE:

ST. CHARLES PARISH



BY: ALBERT D. LAQUE
PARISH PRESIDENT



NOTARY PUBLIC



BARBARA JACOB-TUCKER
COUNCIL SECRETARY

ST. CHARLES PARISH
OFFICE OF THE COUNCIL SECRETARY

P.O. BOX 302 • HAHNVILLE, LOUISIANA 70057
(985) 783-5000 • Fax: (985) 783-2067
www.st-charles.la.us • scpcouncil@st-charles.la.us

FILE

MEMORANDUM

DATE: APRIL 22, 2008
TO: PARISH COUNCIL
FROM: BARBARA JACOB-TUCKER
COUNCIL SECRETARY

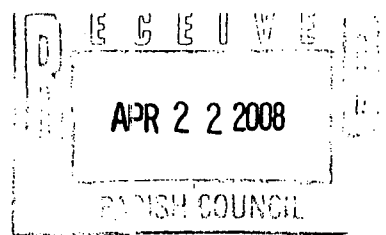
Attached for your review is a copy of an Act Revoking Reversionary Clause document which was signed on December 22, 2001. This document waives, revokes, and rescinds the right of Esperanza Land Company to rescind the Act of Onerous Donation accepted and enacted on January 22, 2001.

Thank you.

BJT/ag

attachment

FILE COPY



ACT REVOKING REVERSIONARY CLAUSE

UNITED STATES OF AMERICA

BY: ESPERANZA LAND COMPANY

STATE OF LOUISIANA

IN FAVOR OF: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 22nd day of December, in the year of Our Lord Two Thousand and One (2001).

BEFORE ME, Louis G. Authement, Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

ESPERANZA LAND COMPANY (72-0928306), a Louisiana corporation having an address of 143 Esperanza Plantation Road, Luling, Louisiana 70070, represented herein by Edward A. Dufresne, Jr., its President, duly authorized by resolution of its Board of Directors attached hereto and made a part hereof;

which does by these presents hereby irrevocably waive, revoke and rescind that right reserved by it in that certain Act of Onerous Donation to St. Charles Parish, dated February 2, 2001, recorded at COB 581, Folio 461, which right gave Esperanza Land Company the authority to rescind said donation if St. Charles Parish did not construct, on or before January 1, 2007, on the property donated therein, a parish multi-purpose indoor complex, to be named in honor of the late Edward A. Dufresne, Sr., and built to accommodate a variety of indoor events, including but not limited to graduation ceremonies, trade shows, seminars, concerts, conventions, and recreation activities, and with a further stipulation that the exterior grounds be available for recreational activities. Said donation was further made and accepted based on the stipulation that the property described therein and all improvements constructed thereon must continue to be used for the purposes set out above.

By this Act, Esperanza Land Company hereby irrevocably waives, revokes and rescinds the right to rescind said donation and have the title to the property described therein, together with all improvements thereon, revert back to Esperanza Land Company in the event the conditions, covenants, provisions and stipulations recited in said donation are not satisfied.

Notwithstanding the revocation of the right to rescind said donation as set forth herein, the property made the subject of said donation shall remain subject to the same conditions,

covenants, provisions and stipulations regarding the use of said property for the construction of a parish multi-purpose indoor complex, to be named in honor of the late Edward A. Dufresne, Sr., and built to accommodate a variety of indoor events, including but not limited to graduation ceremonies, trade shows, seminars, concerts, conventions, and recreation activities, and with a further stipulation that the exterior grounds be available for recreational activities. No other use of said property shall be made without the express written consent of Esperanza Land Company. In all other respects, the above referenced Act of Onerous Donation remains unchanged.

THUS DONE AND PASSED at Luling, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary, after reading of the whole.

WITNESSES:

ESPERANZA LAND COMPANY

Edward A. Dufresne, Jr.

Edward A. Dufresne, Jr.
BY: EDWARD A. DUFRESNE, JR.
ITS: PRESIDENT

Albra Dufresne

Luis S. Anthony
NOTARY PUBLIC

**EXCERPT OF THE MINUTES
OF A SPECIAL MEETING OF THE
DIRECTORS AND SHAREHOLDERS
OF ESPERANZA LAND COMPANY
HELD ON DECEMBER 22, 2001**

RESOLVED, that Edward A. Dufresne, Jr., in his capacity as the President of Esperanza Land Company (the "Company") is hereby authorized for and on behalf of this Company to execute the attached Act Revoking Reversionary Clause for the purpose of revoking the Company's right to rescind that certain Act of Onerous Donation to St. Charles Parish dated February 2, 2001.

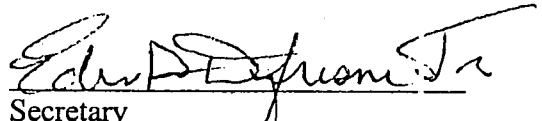
FURTHER RESOLVED, that Edward A. Dufresne, Jr., in his capacity as the President of the Company is authorized and empowered to do or cause to be done all such acts or things and to sign and deliver, or cause to be signed and delivered, all such documents, instruments and certificates in the name and on behalf of this Company or otherwise, as he may deem necessary, advisable or appropriate to effectuate or carry out the purposes and intent of the foregoing Resolution.

FURTHER RESOLVED, that all acts, transactions, or agreements undertaken prior to the adoption of these Resolutions by Edward A. Dufresne, Jr. in connection with the foregoing matters are hereby ratified, confirmed and adopted by this Company.

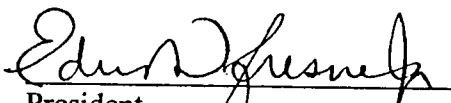
CERTIFICATE

As Secretary of Esperanza Land Company, I hereby certify that the foregoing is a true and correct copy of resolutions duly and legally adopted by the Board of Directors and Shareholders of Esperanza Land Company at a meeting held on December 22, 2001.

Witness my signature on this 22nd day of December, 2001.


Secretary

ATTEST:


President

RECEIVED