

Ord.

2017-0386

INTRODUCED BY: LARRY COCHRAN, PARISH PRESIDENT
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. 17-12-1

An ordinance to approve and authorize the Lafourche Basin Levee District to expropriate the necessary real estate interest to a portion of land designated as Parcel 26-2 for the Sunset Drainage District Levee in St. Charles Parish, Louisiana, and to authorize the transfer of the necessary funding thereof.

WHEREAS, the Parish of St. Charles has determined a public need to protect the property owners within the Sunset Drainage District from flooding of tidal water of the Gulf of Mexico with the West Bank Hurricane Protection Levee, Sunset Drainage District Levee, Burlington Northern Santa Fe Railroad to LA Highway 306, Paradis & Bayou Gauche, St. Charles Parish, Louisiana, STA. 830+00.00 to 962+07.17 (North) 10+00.00 (South) to 310+00.00 "Project"; and,

WHEREAS, the Parish of St. Charles has entered into a Cooperative Endeavour Agreement with the Lafourche Basin Levee District per Ordinance No. 09-8-2 on August 3, 2009 to acquire the necessary real estate interest to construct, operate, and maintain the project; and,

WHEREAS, it is necessary for Lafourche Basin Levee District to acquire the real estate interest from landowners for the Project without delay; and,

WHEREAS, the Lafourche Basin Levee District has provided just compensation offers and negotiated in good faith with the landowner Murray L. Dufrene to acquire the necessary real estate interests identified as Parcel 26-2 at fair market values established by two (2) certified independent appraisals; and,

WHEREAS, in the event landowners refuse to grant the necessary rights and the required real estate cannot be amicably acquired, the Lafourche Basin Levee District will be forced to expropriate to acquire the interests; and,

WHEREAS, Article 5, Item C of the Cooperative Endeavour Agreement states the decision to expropriate shall be at the sole discretion of the Parish of St. Charles as evidenced by written authorization of the Parish President and the transfer of funds required for deposit in the registry of the court prior to filing of the expropriation proceedings; and,

WHEREAS, the fair market value of the required real estate interest to be acquired for the Project designated as Parcel 26-2 has been established as \$750.00 by the higher of two (2) appraisal reports prepared by licensed appraisers and reviewed by an independent third-party licensed appraiser.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That there is hereby a public need for the property designated as Parcel 26-2 to construct, maintain, and operate the Project.

SECTION II. That the Lafourche Basin Levee District is hereby authorized to expropriate the required real estate interest designated as Parcel 26-2 in the event the landowner refuses to grant the necessary rights.

SECTION III. That the Parish hereby authorizes the transfer of \$750.00 in project funding to the Lafourche Basin Levee District for the expropriation of said property.

SECTION IV. That the Parish President is hereby authorized to execute any and all documents necessary to complete said expropriation on behalf of the Parish of St. Charles.

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

YEAS: BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, WOODRUFF,
BELLOCK, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted the 11th day of December, 2017, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Terrill D. Wilson

SECRETARY: Tiffany K. Clark

DLVD/PARISH PRESIDENT: 12/13/17

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 12/14/17

AT: MISSA RECD BY: [Signature]