

2001-0364

INTRODUCED BY: LANCE MARINO, COUNCILMAN, DISTRICT VI  
ORDINANCE NO. 01-10-8

An ordinance to approve and authorize the execution of a Supplemental Agreement No. 2 to Lease No. DACW29-1-81-44 to extend the Lease for the Bonnet Carre' Spillway Recreation Site.

WHEREAS, Ordinance No. 91-9-19 adopted on September 23, 1991, extended the lease for the twenty-six acre Bonnet Carre' Spillway Recreation Site through August 31, 2001; and,

WHEREAS, the Corps of Engineers has prepared Supplemental Agreement No. 2 to Lease No. DACW29-1-81-44 to extend said lease to March 1, 2002, in order for the Corps to process a new lease for the park; and,

WHEREAS, it is the desire of the Parish Council to approve said Agreement.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Supplemental Agreement No. 2 to Lease No. DACW29-1-81-44 is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Agreement on behalf of the St. Charles Parish Department of Parks and Recreation.

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

YEAS: RAMCHANDRAN, FAUCHEUX, MILLAIRE, FABRE, ABADIE, AUTHEMENT, BLACK, MARINO, MINNICH

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 15th day of October, 2001, to become effective five (5) days after publication in the Official Journal.

Lensa - Bonnet Carre Spillway Site

CHAIRMAN: Barry Minnich

SECRETARY: Barbara J. Gust

DLVD/PARISH PRESIDENT: October 16, 2001

APPROVED:  DISAPPROVED:

PARISH PRESIDENT: Albert D. Laguerre

RETD/SECRETARY: October 16, 2001

AT: 3:20 pm RECD BY: BJG

**SUPPLEMENTAL AGREEMENT NO. 2  
TO  
LEASE NO. DACW29-1-81-44**

**WHEREAS**, on September 1, 1981, Lease No. DACW29-1-81-44 was granted by the Government, as Grantor, and executed by the St. Charles Parish Department of Recreation, as Grantee for a public park and recreational purposes located in the Bonnet Carré Spillway, St. Charles Parish, Louisiana.

**WHEREAS**, by Amendment No. 1, effective 28 October 1986, was amended to reflect that paragraph 1 was modified to reduce the acreage from 68 acres to 26 acres, and add Conditions 18 and 19, requiring St. Charles Parish to maintain the primitive recreation area, mow and maintain all grass in a safe and acceptable manner, collect and appropriately remove trash from the site and mark the boundary of the leased area with signs stating that the area is leased by St. Charles Parish; and

**WHEREAS**, the lease expired on 31 August 2001, and St. Charles Parish wishes to continue to use the area for a public park and recreational purposes as described in Lease No. DACW29-1-81-44 and Amendment No. 1; and

**WHEREAS**, it will be necessary for St. Charles Parish to execute a new lease to continue to provide the park for recreational purposes as required by ER 405-1-12, paragraphs 8-87.c and 8-98; and

**WHEREAS**, there was insufficient time to process a new lease, prior to expiration of the current lease; and

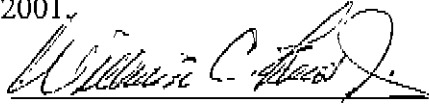
**WHEREAS**, St. Charles Parish is agreeable to execution of a new lease to replace Lease No. DACW29-1-81-44; and

**WHEREAS**, a supplemental agreement may extend the term of a lease, but not in lieu of or to avoid a renewal action pursuant to ER 405-1-12, paragraph 8-87.c; and

**WHEREAS**, it is agreeable to the Secretary of the Army to extend the lease.

**THEREFORE**, Lease No. DACW29-1-81-44, is extended for an additional six-month period effective 1 September 2001 through 1 March 2002, under the same terms and conditions described therein, to allow for the preparation of a new lease. If the new lease, replacing Lease No. DACW29-1-81-44, is executed prior to expiration of this temporary extension, this supplemental agreement becomes null and void.

IN WITNESS WHEREOF, I have hereto set my hand by authority of the Secretary of the Army this 23 th day of October 2001.



WILLIAM C. LEWIS, JR.  
Acting Chief, Real Estate Division  
U.S. Army Corps of Engineers  
New Orleans District

WITNESSES:

Jude F. Richard

The above Supplemental Agreement No. 2 is hereby accepted this 16<sup>th</sup> day of October 2001.

WITNESSES:

Barbara J. Jacob

Valerie Berthelot

St. Charles Parish Department  
of Recreation

BY: Albert D. Ryan

TITLE: Parish President

APPROVED AS TO LEGAL SUFFICIENCY:



MARCO ROSAMANO  
ATTORNEY ADVISOR  
U. S. Army Engineer District  
New Orleans

**CERTIFICATE OF AUTHORITY**

I, Albert D. Laque, do hereby certify that I am the principle legal officer of the St. Charles Parish Department of Recreation, that the St. Charles Parish Department of Recreation is a legally constituted public body with full authority and legal capability to adhere and comply with the terms and conditions for Supplemental Agreement No. 2 to Lease No. DACW29-1-81-44, for the purposes stated therein, in connection with the Bonnet Carre Spillway Project, and that the person who executed Supplemental Agreement No. 2 to Lease No. DACW29-1-81-44 on behalf of the St. Charles Parish Department of Recreation has acted within his/her statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification on this

18<sup>th</sup> day of October, 2001.

Sandra M. Lelse -

Title: Notary Public