

2019-0297

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

ORDINANCE NO. 19-10-2

An ordinance to approve and authorize the Parish President to execute a Cooperative Endeavor Agreement (CEA) between Esperanza Land, L.L.C. and St. Charles Parish to access, survey, perform wetland delineation, and geotechnical testing to property owned by Esperanza Land, L.L.C., southwest of LA Highway 3127 for the possibility of a future oxidation pond.

WHEREAS, Esperanza Land, L.L.C. is a Louisiana limited liability company appearing herein through Debra Dufresne Vial, duly authorized, and whose mailing address is 14305 River Road, Luling, Louisiana; and,

WHEREAS, Esperanza Land, L.L.C. owns property located on the West Bank of St. Charles Parish in Luling southwest of LA Highway 3127; and,

WHEREAS, there are a large number of MODAD units privately owned and operated independent of the St. Charles Parish Wastewater System producing approximately 200,000GPD of effluent; and,

WHEREAS, the St. Charles Parish West Bank Wastewater system is approaching capacities of the West Bank treatment facility and infiltration from storm events as well as the expected growth will over burden the capacity of the current treatment facility; and,

WHEREAS, St. Charles Parish has the need to investigate opportunities to address this issue and has identified a site with an existing pond that has the possibility of locating and operating a new oxidation pond on Esperanza Land, L.L.C.'s property to address the parish's need to reduce the load on the West Bank treatment facility; and,

WHEREAS, **ESPERANZA LAND, L.L.C.** is willing to grant access to **ST. CHARLES PARISH** and its contractors for the above purposes conditioned on **ST. CHARLES PARISH** holding it harmless and indemnifying it against any and all claims, causes of action, and damages including all attorney fees and costs which may arise out of and from the grant of access; and,

WHEREFORE, **IN FUTURE OF PUBLIC PURPOSES** stated above, **ESPERANZA LAND, L.L.C. and ST. CHARLES PARISH** agree as follows:

ESPERANZA LAND, L.L.C. hereby grants **ST. CHARLES PARISH** and its third party contractors all necessary authorities, permissions, and approvals to access its property generally located southwest of LA Highway 3127 in Luling, St. Charles Parish, Louisiana as depicted in Exhibit A attached hereto for the purpose of performing survey work, geotechnical studies and testing, and wetlands delineation for the purpose of determining the feasibility of locating and operating an oxidation pond on said property for the benefit of **ST. CHARLES PARISH**;

ST. CHARLES PARISH hereby agrees to hold harmless and indemnify **ESPERANZA LAND, L.L.C.** from and against any and all claims, causes of action, and damages, including all attorney fees and costs, which may arise out of omission of **ST. CHARLES PARISH** and its third party contractors performing the above described work on its properties.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Cooperative Endeavor Agreement with Esperanza Land, L.L.C. and St. Charles Parish is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Agreement 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 this 7th day of October, 2019, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]

SECRETARY: Michelle Spantak

DLVD/PARISH PRESIDENT: October 8, 2019

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: October 9, 2019

AT: 2:20 PM RECD BY: [Signature]

COOPERATIVE ENDEAVOR AGREEMENT

UNITED STATES OF AMERICA

BY ESPERANZA LAND, L.L.C.

STATE OF LOUISIANA

AND ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 23rd day of October, 2019;

BEFORE ME, Robert L. Raymond, a Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter undersigned:

PERSONALLY CAME AND APPEARED:

ESPERANZA LAND, L.L.C., a Louisiana limited liability company domiciled in Luling, St. Charles Parish, Louisiana, appearing herein through Debra Dufresne Vial, duly authorized, and whose mailing address is 14305 River Road, Luling, Louisiana;

and

ST. CHARLES PARISH, a political subdivision of the State of Louisiana, herein represented by Larry Cochran, its Parish President, whose mailing address is P. O. Box 302, Hahnville, Louisiana, 70057; and pursuant to Ordinance No. 19-10-2, adopted by St. Charles Parish Council on October 7, 2019, a copy of which is attached hereto and made a part hereof.

WHEREAS, ESPERANZA LAND, L.L.C. owns property located on the west bank of St. Charles Parish, southwest of LA Highway 3127;

WHEREAS, there are a large number of privately owned and operated MODAD units on the west bank of St. Charles Parish which are operated independently of the St. Charles Parish Wastewater System;

WHEREAS, the St. Charles Parish West Bank Sewerage Treatment Facilities are reaching maximum capacity;

WHEREAS, any significant growth on the west bank of St. Charles Parish will overburden the current capacity of the existing sewerage treatment facilities;

WHEREAS, ST. CHARLES PARISH is investigating the possibility of locating and operating an oxidation pond on Esperanza Land, L.L.C.'s property to reduce the load on the West Bank Sewerage Treatment Facilities and to remove the need for the numerous independently operated MODAD units, all for the public's use and benefit;

WHEREAS, in order to determine the feasibility of an oxidation pond, certain technical jobs and tasks must be completed, including surveying, geotechnical studies and wetland delineations, all of which require access to Esperanza Land, L.L.C.'s property;

WHEREAS, ESPERANZA LAND, L.L.C. is willing to grant access to ST. CHARLES PARISH and its contractors for the above purposes conditioned on ST. CHARLES PARISH holding it harmless and indemnifying it against any and all claims, causes of action and damages including all attorney fees and costs which may arise out of and from the grant of access.

WHEREFORE, IN FURTHERANCE OF THE PUBLIC PURPOSES stated above, ESPERANZA LAND, L.L.C. and ST. CHARLES PARISH agree as follows:

1.

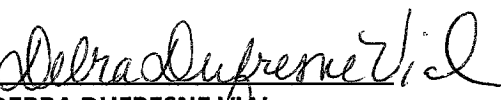
ESPERANZA LAND, L.L.C. hereby grants ST. CHARLES PARISH and its third-party contractors all necessary authorities, permissions and approvals to access its property generally located southwest of LA Highway 3127, in Luling, St. Charles Parish, Louisiana, as more particularly depicted on Exhibit A attached hereto, for the purpose of performing surveying work, geotechnical studies and wetlands delineations for the purpose of determining the feasibility of locating an oxidation pond on said property for the benefit of ST. CHARLES PARISH;

2.

ST. CHARLES PARISH hereby agrees to hold harmless and indemnify ESPERANZA LAND, L.L.C. from and against any and all claims, causes of action and damages, including all attorney fees and costs, which may arise out of omission of ST. CHARLES PARISH and its third-party contractors performing the above-described work on its properties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates shown below.

ESPERANZA LAND, L.L.C.

BY: 
DEBRA DUFRESNE VIAL

DATE: 10-23-19

WITNESS: 

PRINTED: Andrea G. Neber


WITNESS: 

PRINTED: Kristi Knight

ST. CHARLES PARISH


LARRY COCHRAN
PRESIDENT

DATE: 10-9-19

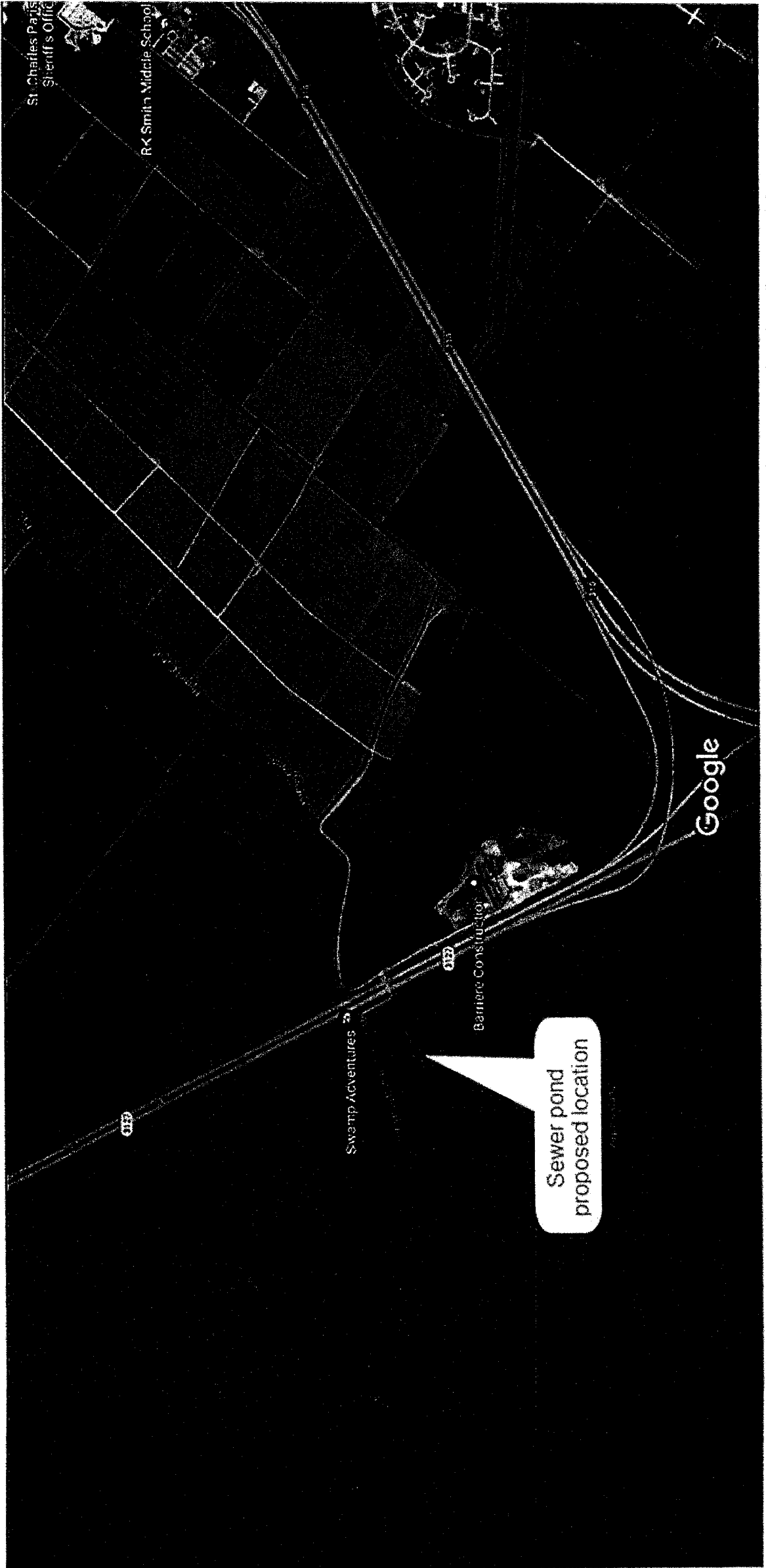
WITNESS: 

PRINTED: Robin S. Debrahassaye

WITNESS: 

PRINTED: Micah Cormier

EXHIBIT A



**CERTIFICATE OF AUTHORIZATION for
ESPERANZA INVESTMENTS, LLC
ESPERANZA HOLDINGS, LLC
ESPERANZA LAND, LLC
JACKIE BEE HOLDINGS, LLC
JACKIE BEE INVESTMENTS, LLC**

The undersigned being the Board of Managers of –

ESPERANZA INVESTMENTS, LLC (EI)

ESPERANZA HOLDINGS, LLC (ELH)

ESPERANZA LAND, LLC(EL)

JACKIE BEE HOLDINGS, LLC (JBH)

JACKIE BEE INVESTMENTS, LLC (JBI)

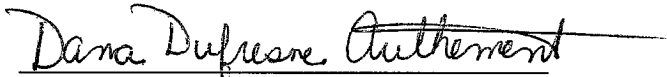
and acting in such capacity, hereby adopt the following resolution:

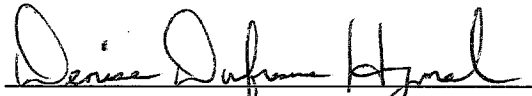
RESOLVED, that Debra Dufresne Vial, as the Authorized Representative of **EI, ELH, EL, JBH & JBI**, is hereby authorized for and on behalf of each company to enter into a Cooperative Endeavor Agreement with St. Charles Parish Government for applications associated with properties owned.

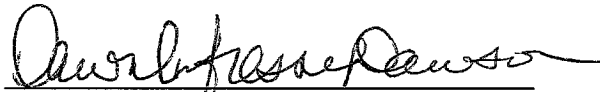
FURTHER RESOLVED, that Debra Dufresne Vial is authorized and empowered to do or cause to be done all such acts or things and to sign and deliver, or cause to be delivered, all such documents, instruments and certificates in the name and on behalf of each company or otherwise, as she may deem necessary, advisable or appropriate to effectuate or carry out the purposes and intent of the foregoing resolution.


Dated this 23rd day of October, 2019
DATE MONTH YEAR


Debra Dufresne Vial, Manager


Dana Dufresne Authement, Manager


Denise Dufresne Hymel, Manager


Dawn Dufresne Dawson, Manager


Karan Accardo, Manager