

2002-0279

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. 02-8-9

An ordinance to approve and authorize the execution of a Wetlands Mitigation Agreement with Riverside Coastal Mitigation Lands, L.L.C. for the West Bank Hurricane Protection Levee in the amount of \$575,000.00.

**WHEREAS,** the U.S. Army Corps of Engineers has issued Permit No EM-20-000-0722 and the Louisiana Department of Natural Resources has issued Coastal Use Permit No. P19991399 for the construction of Phase I of the West Bank Hurricane Protection Levee; and,

**WHEREAS,** said Permits require that "...to mitigate for the unavoidable loss 29.7 acres of swamp habitat and 37.3 acres of bottomland hardwood habitat, St. Charles Parish shall purchase 37.7 acres of cypress tupelo swamp habitat and 56.2 acres of bottomland hardwood habitat and from the Riverside Coastal Mitigation Lands..."; and,

**WHEREAS,** it is the desire of the Parish Council to approve said Wetlands Mitigation Agreement in order to comply with the mandates of said permits.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the Wetlands Mitigation Agreement by and between Riverside Coastal Mitigation Lands, L.L.C. and St. Charles Parish is hereby approved.

**SECTION II.** That the Parish President is hereby authorized to execute said Agreement 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, ABADIE, AUTHEMENT, BLACK

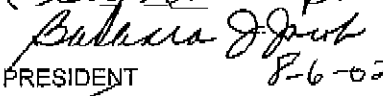
NAYS: NONE

ABSENT: MARINO, MINNICH

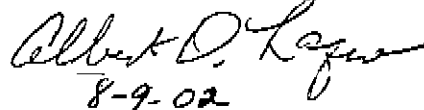
And the ordinance was declared adopted this 5th day of August, 2002, to become effective five (5) days after publication in the Official Journal.

Wetlands Mitigation Agree Riverside Coastal

CHAIRMAN: 

SECRETARY:   
DLVD/PARISH PRESIDENT 8-6-02

APPROVED:  DISAPPROVED:

PARISH PRESIDENT:   
RETD/SECRETARY: 8-9-02

AT: 9:45 AM RECD BY: 

STATE OF LOUISIANA

PARISH OF ST. CHARLES

WETLANDS MITIGATION AGREEMENT

KNOWN ALL MEN BY THESE PRESENTS THAT:

Riverside Coastal Mitigation Lands, L.L.C., whose address is 46 Timber Creek Drive, Suite 200, Cordova, Tennessee 38018 (hereinafter referred to as “Obligor”) and St. Charles Parish – Attn: Mr. Albert Laque, whose address is 15045 River Road Hahnville, LA 70057, (hereinafter referred to as “Obligee”) hereby enter into this Wetlands Mitigation Agreement relative to Obligee’s acquisition of certain mitigation acres from Obligor relative to the Riverside Coastal Mitigation Area (the “Property”), located in St. Charles Parish, Louisiana.

For and in consideration of the sum stated in Paragraph 2 below, and the mutual covenants contained in this Wetlands Mitigation Agreement, the receipt and sufficiency of which are hereby acknowledged by and between the parties hereto, and of the covenants and conditions herein contained, Obligor and Obligee do hereby agree as follows:

1. Obligor hereby sell to Obligee, and Obligee hereby accepts, all of the mitigation credits attributable to 37.7 acres of cypress swamp and 56.2 acres of bottomland hardwoods in the mitigation area operated by Obligor as the Riverside Coastal Mitigation Area pursuant to the Interagency Mitigation Agreement described in Paragraph 4 below, it is being understood that no other right in, on, over, under or to the Property are conveyed, Obligor reserving said Property and other rights to and for itself exclusively.

2. Obligee has paid and delivered, and does hereby pay and deliver, unto Obligor the sum of Five hundred seventy-five thousand and 00/100, (\$575,000.00) DOLLARS cash, contemporaneous with the execution of this Wetlands Mitigation Agreement by Obligor and Obligee.

3. It is specifically intended by Obligee, and understood by Obligor, that the mitigation acres purchased hereunder by Obligee are being purchased in accordance with regulatory directive providing for mitigation areas for the purpose of complying with certain compensatory wetlands mitigation requirements made as part of Obligee’s following permits:

U.S. Army Corps of Engineers Permit No. EM-20-000-0722  
Coastal Management Permit No. P19991399

4. Obligor and Obligee further understand and agree that Obligor is authorized to operate a mitigation area as set forth in that certain Interagency Mitigation Agreement dated effective as of October, 1999 by and between Riverside Coastal Mitigation Lands, L.L.C. and the United States Army Corps of Engineers, et al, the terms and conditions of which are incorporated herein by reference as if copied completely herein. Obligor covenants and agrees that it will operate said mitigation area in accordance with all of the specific terms and conditions of the Interagency Agreement as of the date of this Wetland Mitigation Agreement.

5. This Wetlands Mitigation Agreement shall be governed and construed for all purposes under and in accordance with the laws of the state of Louisiana.

6. Obligor and Obligee agree that in the event this Agreement is not given final approval by the St. Charles Parish Council this entire Agreement shall become null and void. If this Agreement becomes null and void Obligor releases any and all rights that it may have against Obligee related to this Agreement.

WITNESSES:

*Jennifer Clift*  
*Lue Roney*

OBLIGOR:

RIVERSIDE COASTAL MITIGATION LANDS L.L.C.

BY:

*Harry R. Coleman*  
Harry R. Coleman

OBLIGEE:

*St. Charles Parish*

*Barbara Faust*  
*Valerie Berthelot*

BY:

*Albert O. Lopez*

ITS:

*Parish President*