



ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN AT LARGE, DIVISION B

P.O. BOX 302 • HAHNVILLE, LA 70057

(985) 783-5000 • Fax: (985) 783-2067


www.stcharlesparish-la.gov

MEMORANDUM

**4th Request
4-19-18**

DATE: MARCH 13, 2018

TO: MR. ROBERT RAYMOND
LEGAL SERVICES DIRECTOR

FROM: PAUL J. HOGAN, PE
COUNCILMAN-AT-LARGE, DIVISION B 

RE: LO-2018-0003
EXECUTION OF DOCUMENTS BY THE PARISH PRESIDENT

Please provide a legal opinion with respect to an ordinance written with the wording "An ordinance approving, authorizing, and requiring the execution of ...", as to whether this would be proper and legal and would require the Parish President to execute any document(s) attached to such an ordinance having this wording, and that if the Parish President wishes not to execute such document(s), that a veto of the ordinance would be the proper means of not having to execute such document(s).

If the wording "An ordinance approving, authorizing, and requiring the execution of ..." would not obligate the Parish President to sign such document(s) attached to an ordinance, please provide an opinion on what wording would need to be placed in the ordinance should any wording be possible or what would need to be adopted by code or by an amendment to the Home Rule Charter that would require the signing of such document(s).

Thank you.

PJH/VB583:ag



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MEMORANDUM

DATE: DECEMBER 20, 2017

TO: MR. ROBERT RAYMOND
LEGAL SERVICES DIRECTOR

FROM: PAUL J. HOGAN, PE
COUNCILMAN-AT-LARGE, DIVISION B

RE: LO-2017-0007
ADOPTION OF ORDINANCES

Please provide a legal opinion from your office with respect to the following question:

When the Council approves an ordinance, which in part states that "the St. Charles Parish President, Larry Cochran, is hereby authorized to execute the.....", and therefers to a legal document, contract, agreement, etc., is the Parish President obligated to execute (to sign) the said instrument or is it his choice whether to sign or not, and is there a time frame in which he is supposed to sign if he has no choice but to sign?

As an example of one that was not signed, please find attached Ordinance No. 17-8-18 which was approved by the Council pertaining to the authorization to execute a document which the Parish President has not signed as of this date.

not With your legal opinion, if your opinion is that the Parish President is obligated to execute any such document, what is the procedure that the Council is to take in order to have the Parish President execute the agreement.

Thank you.

PJH/TKC576:ag

Attachments

cc: Parish Council w/attachments
Parish President Larry Cochran w/attachments
Mr. Billy Raymond, Chief Administrative Officer w/attachments
West Bank Boat Launch Citizens Advisory Panel Members w/attachments

2017-0264

INTRODUCED BY: LARRY COCHRAN, PARISH PRESIDENT
(DEPARTMENT OF PARKS & RECREATION)

ORDINANCE NO. 17-8-15

An ordinance approving the Donation of Servitude by
Mary Keller wife of/and Neal J. Clulee to St. Charles
Parish.

WHEREAS, the Department of Parks and Recreation desires to provide access to a
fishing area with a boat launch; and,

WHEREAS, the Parish desires to provide access to the public for the establishment and
maintenance of a public road, a servitude and right of way; and,

WHEREAS, the proposed servitude provides the necessary access to the proposed boat
launch on the west bank of St. Charles Parish.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS: that St. Charles Parish
President, Larry Cochran, is hereby authorized to execute the Donation of Servitude by
Mary Keller wife of/and Neal J. Clulee to St. Charles Parish.

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

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

And the ordinance was declared adopted this 28th day of August, 2017,
to become effective (5) days after publication in the Official Journal.

CHAIRMAN: Tennell D. Wilson
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: 8/30/17
APPROVED: [Signature] DISAPPROVED: _____
PARISH PRESIDENT: _____
RETD/SECRETARY: August 31, 2017
AT: 3:35 pm RECD BY: TKC '16

SERVITUDE OF WAY FOR A ROAD

UNITED STATES OF AMERICA

BY: MARY KELLER WIFE OF/AND
NEAL J. CLULEE

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

On this 1st day of September, 2017, come MARY KELLER WIFE OF/AND NEAL J. CLULEE, who declared that under the covenants, conditions and stipulations hereinafter recited, appearers hereby grant, donate, confirm, transfer and deliver unto ST. CHARLES PARISH, and do hereby grant, donate, confirm, transfer and deliver unto St. Charles Parish, and do hereby dedicate to the public for the establishment and maintenance of a public road, a servitude and right-of-way over and across the following described property in the Parish of Jefferson and the Parish of St. Charles, Louisiana:

ACCESS SERVITUDE B
(0.5981 acres)

A certain piece or portion of ground, being designated as Access Servitude B situated in Section 30, Township 13 South, Range 22 East, Jefferson Parish, State of Louisiana, being more fully described as follows:

Beginning at the intersection of the western line of a Perpetual Road Servitude and the southern right of way line of U.S. Highway 90, said point bears the coordinates of North 515,733.60 and East 3,617,537.13; THE POINT OF BEGINNING;

Thence proceed in a southeastern direction along the southern right of way line of U.S. Highway 90, a bearing of S86°38'27"E, a distance of 90.00' to a point;

Thence proceed in a southwestern direction along the eastern line of a Perpetual Road Servitude, a bearing of S03°41'58"W, a distance of 286.44' to a point;

Thence proceed in a southwestern direction along the southern line of Section 30 being the northern line of Section 31, a bearing of S89°29'53"W, a distance of 90.24' to a point;

Thence proceed in a northeastern direction along the western line of a Perpetual Road Servitude, a bearing of N03°41'58"E, a distance of 292.51' to a point, THE POINT OF BEGINNING.

All more fully shown on a survey by Cody A. DiMarco, Professional Land Surveyor, dated April 28, 2017, and

revised to adjust lease parcel and add access servitudes
on July 24, 2017.

This grant and dedication shall be in effect only as long as St. Charles Parish operates a public boat launch at or near the Corps of Engineers Control Structure at Sellers Canal south of Highway 90 in St. Charles Parish. St. Charles Parish shall perform all necessary maintenance on the servitude of passage granted herein.

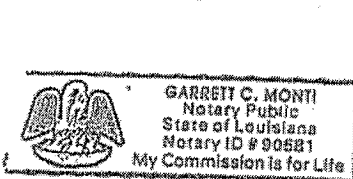
AND NOW, to these presents come and appeared St. Charles Parish through its President, Larry Cochran, and that in his capacity as such accepts the foregoing grant and dedication.

THUS DONE AND PASSED this 1st day of September, 2017, in triplicate originals, in my office, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appears and me, Notary, after reading of the whole.

WITNESSES:

Armande Wilcox
Dawn C Duke

Mary K. Clulee
MARY K. CLULEE
Neal J. Clulee
NEAL J. CLULEE



Garrett C. Monti
NOTARY NAME: Garrett C. Monti
NOTARY/BAR NO: 90581

THUS DONE AND PASSED this _____ day of _____, 2017, in triplicate originals, in my office, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appears and me, Notary, after reading of the whole.

WITNESSES:

ST. CHARLES PARISH

BY: _____
LARRY COCHRAN
PARISH PRESIDENT

NOTARY NAME: _____
NOTARY/BAR NO: _____

