

Ord.

2015-0105

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PUBLIC WORKS)**

ORDINANCE NO. 15-4-7

An ordinance to approve and authorize the Lafourche Basin Levee District to purchase and/or expropriate the necessary real estate interest to a portion of land owned by Willowridge Estates, LLC, designated as Parcel 7-4 for the West Bank Hurricane Protection Levee, Phase II – Perimeter of Willowridge Estates from the Blouin Canal to the Davis Pond Guide Levee, St. Charles Parish, Louisiana, Sta. 100+00.00 to Sta. 212+46.34, and to authorize the transfer of the necessary funding thereof.

AMENDED
By: Ord. 15-5-5

- WHEREAS,** the Parish of St. Charles has determined a public need to protect the property owners of the Willowridge Subdivision from flooding of tidal water of the Gulf of Mexico with the Construction of the West Bank Hurricane Protection Levee, Phase II – Perimeter of Willowridge Estates from the Blouin Canal to the Davis Pond Guide Levee, St. Charles Parish, Louisiana, Sta. 100+00.00 to Sta. 212+46.34 "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 the project; and,
- WHEREAS,** it is necessary for Lafourche Basin Levee District to acquire the necessary real estate interest from landowners to begin construction of the Project without delay; and,
- WHEREAS,** the Lafourche Basin Levee District will provide just compensation offers and negotiate in good faith with the landowners Rathborne Land Company, L.L.C., to acquire the necessary real estate interest to Parcel 7-5 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 as evidenced by written authorization of the Parish President and the transfer of funds required for deposit in the registry of the court delivered by the Parish to the Lafourche Basin Levee District prior to filing of the expropriation proceedings; and,
- WHEREAS,** the fair market value of the required real estate interest that needs to be acquired for the West Bank Hurricane Protection Levee, Phase II, as established by two (2) licensed MAI appraisers and reviewed by an independent third-party licensed MAI Appraiser, is \$100.00.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That there is hereby a public need for the above described property to construct and maintain the West Bank Hurricane Protection Levee, Phase II.

SECTION II. That the Lafourche Basin Levee District is hereby authorized to purchase and/or expropriate the required real estate interest for the construction of the West Bank Hurricane Protection Levee, Phase II - Perimeter of Willowridge Estates from the Blouin Canal to the Davis Pond Guide Levee, St. Charles Parish, Louisiana, Sta. 100+00.00 to Sta. 212+46.34.

SECTION III. That the Parish hereby authorizes the transfer of \$100.00 in project funding to the Lafourche Basin Levee District for the acquisition of said property.

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

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

- YEAS:** SCHEXNAYDRE, LEWIS, WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FISHER-PERRIER
- NAYS:** NONE
- ABSENT:** FLETCHER

And the ordinance was declared adopted the 6th day of April, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
 SECRETARY: _____
 DLVD/PARISH PRESIDENT: _____
 APPROVED: DISAPPROVED: _____
 PARISH PRESIDENT: VJ St Pierre
 RETD/SECRETARY: _____
 AT: J. Spr RECD BY: _____

REFERENCE
Ord. 09-8-2

