

Ord.

2010-0209

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

ORDINANCE NO. 10-7-15

An ordinance to approve and authorize the execution of an Act of Cash Sale by David J. Vial, M.D., L. L. C., to St. Charles Parish for a certain 7.3788 acre parcel of property located at 166 Scorpio Street in Hahnville.

WHEREAS, the current Department of Public Works maintenance yard, office and shop are located at 307 Third Street in Luling partly on an unimproved street right-of-way and partly on Department of Waterworks property; and,

WHEREAS, the Department of Waterworks is in need of expanding its facility at 301 Third Street; and,

WHEREAS, the Parish is in need of additional property to relocate the Department of Public Works maintenance yard and provide for future expansion; and,

WHEREAS, David J. Vial, M.D., L. L. C., is the owner of a certain 7.3788 acre parcel of property located at 166 Scorpio Street in Hahnville, designated as Lot DV-1, as per the Survey Plat prepared by Riverlands Surveying Company which would house the current Department of Public Works maintenance yard and provide for future expansion; and,

WHEREAS, it is the desire of the Parish Council to acquire said property.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Cash Sale by David J. Vial, M.D., L. L. C., to St. Charles Parish for the above described property in the amount of \$404,675.00 is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Act of Cash Sale on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN,
COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 26th day of July, 2010, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Billy Raymond, Sr.

SECRETARY: Barbara Jean Tucker

DLVD/PARISH PRESIDENT: July 27, 2010

APPROVED: ✓

DISAPPROVED: _____

PARISH PRESIDENT: W. St. Pierre

RETD/SECRETARY: July 27, 2010

AT: 11:20 AM

RECD BY: COA

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON August 11, 2010

AS ENTRY NO. 363000

IN MORTGAGE/CONVEYANCE BOOK

NO. 747 FOLIO 394

ACT OF CASH SALE

UNITED STATES OF AMERICA

BY: DAVID J. VIAL, M.D., L.L.C.

STATE OF LOUISIANA

TO: PARISH OF ST. CHARLES

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 5th day of August, in the year of Our Lord Two Thousand Ten (2010).

BEFORE ME, LOUIS G. AUTHEMENT, Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

DAVID J. VIAL, M.D., L.L.C. (TIN:****), a Louisiana limited liability company domiciled in the Parish of St. Charles, with its stated address at 126 Post Drive, Luling, Louisiana 70070, appearing herein in accordance with the attached Certificate of Authority by and through the **SUCCESSION OF DAVID J. VIAL, M. D.**, (TIN:****), Proceeding No. P-8689, Div. "C" 29th Judicial District Court for the Parish of St. Charles, State of Louisiana appearing herein through its duly appointed Co-Independent Administrators, Stephen O. Vial and Francesca Vial, pursuant to the attached Letters of Co-Independent Administrators incorporated herein by reference,

hereinafter referred to as seller, who declared that it does by these presents grant, bargain, sell, convey, transfer, assign, set over, abandon and deliver, with all legal warranties and with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have against all preceding owners and vendors, unto:

ST. CHARLES PARISH, a political subdivision of the State of Louisiana, herein represented by its President, V.J. St. Pierre, Jr., whose mailing address is P. O. Box 302, Hahnville, Louisiana, 70057; pursuant to the authority granted by File No. 2010-0209, Ordinance No. 10-7-15 adopted by the St. Charles Parish Council on July 26, 2010, a copy of which is attached hereto and made a part hereof;

hereinafter referred to as purchaser, here present accepting, and purchasing for itself, its successors and assigns, and acknowledging due delivery and possession thereof, all and singular the following described property, to-wit:

ONE CERTAIN LOT OR PORTION OF GROUND, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes, appurtenances, and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Charles, State of Louisiana, in Sections 3, 23 and 68, T13S-R20E designated as **LOT DV-1** on that certain survey and plan of

resubdivision by Riverlands Surveying Company etntitled "Survey Plat and Resubdivision of Hahville Land & Development Co., Inc. Tract, a Portion of a 2.5' Reserved Strip & Lot 88 of St. Charles Industrial Complex into Lots Herein Designated as Lot DV-1, DV-2 & Remainder of Hahnville Land & Development Co., Inc. Tract (the "Survey") dated May 5, 2010 and approved by the St. Charles Parish President and Director of Planning and Zoning and recorded at COB 747, folio 39, Instrument No. 362718, according to which Lot DV-1 measures as follows:

Lot DV-1 has a front along Scorpio Street of 100' along a bearing line of S67°53'05"W; proceed from a #4 iron rod set at the Southwest corner of Lot DV-1 along Scorpio Street (the "Point of Beginning") a distance of 167.50' along a bearing line of N22°06'55"W to a point marked with a #4 iron rod; thence proceed a distance of 277.92' along a bearing line of S67°53'05"W to a point; thence proceed a distance of 394.28' along a bearing line of N22°06'55"W to a point; thence proceed a distance of 756.39' along a bearing line of N67°57'02"E to a point marked with a #4 iron rod; thence proceed a distance of 309.69' along a bearing line of S22°03'14"E to a point; thence proceed 81.86' along a bearing line of N67°56'46"E to a point marked with a #4 iron rod; thence proceed 83.63' along a bearing line of S22°06'55"E to a point marked with a #4 iron rod; thence proceed 460.00' along a bearing line of S67°53'05"W to a point marked with a #4 iron rod; thence proceed 167.50' along a bearing of S22°06'55"E to a point marked with a #4 iron rod; thence proceed 100' along a bearing line of S67°53'05"W back to the Point of Beginning, consisting of 7.3788 acres all as more fully shown on the Survey which is incorporated herein by reference.

Being a portion of the same property acquired by seller herein by act dated December 27, 1999, and recorded at COB 562, folio 733.

The above-described property is subject to:

- 1) Apparent ditch servitudes as depicted on the Survey.
- 2) 5' Servitude for water recorded at COB 257, folio 356 as depicted on the Survey.
- 3) Fence encroachment or misalignment as depicted on the Survey.

TO HAVE AND TO HOLD the above described property unto the said purchaser, its successors and assigns forever.

This sale is made and accepted for and in consideration of the price and sum of **FOUR HUNDRED AND FOUR THOUSAND SIX HUNDRED SEVENTY FIVE AND NO/100 (\$404,675.00) DOLLARS** Cash, which the said purchaser has well and truly paid, in ready and current money to the said seller who hereby acknowledges the receipt and sufficiency thereof and grants full acquittance and discharge therefor.

Purchaser accepts the above described property subject to the restrictions referred to herein and agrees for itself, its successors and assigns to be bound thereby.

All State and Parish taxes up to and including the taxes due and exigible in 2009 have been paid as per representation by seller herein.

All parties hereby agree to waive the production of tax and mortgage certificates and hereby relieve and release me, Notary, for any liability regarding their non-production. Should any zoning, planning or other Parish ordinances affect this transfer, the parties hereto relieve me, Notary, from any liability or for any responsibility to determine or see to compliance of these regulations. The parties hereto further relieve me, Notary, from any liability or for any responsibility to determine the wetland delineation or flood zone determination pertaining to the above described property.

The parties hereto declare that they have not requested an Environmental Site Assessment and/or Environmental Impact Study of the herein conveyed property; nor have they requested any kind of study or evaluation of the property or the buildings thereon for any harmful pollutant or noxious substances (including asbestos); nor have they requested any opinion or evaluation of the usability of said property due to any considerations of the environment (including a declaration that the said property is "wetlands"). The parties further acknowledge that said Notary has advised them of the availability of obtaining any of the above evaluations or studies and they have chosen to proceed without such studies; and they do hereby relieve and release me, Notary, from any responsibility in connection therewith.

The seller herein further declares that there are no judgments, mortgages or liens against the hereinabove described property and it has conveyed no portion of the premises nor done any act or allowed any act to be done which has changed or could change the boundaries of the premises.

All agreements and stipulations herein contained and all of the obligations herein assumed shall inure to the benefit of and be binding upon the successors and assigns of the respective parties hereto.

No survey or title examination was requested of or made by the undersigned Notary and the parties hereto hereby relieve and release said Notary from any and all liability in connection therewith.

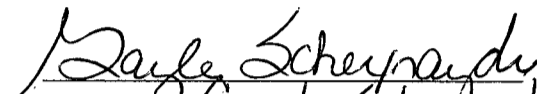
As the context herein may require, the singular shall be deemed to include the plural and the masculine form shall be deemed to include the feminine and neuter.

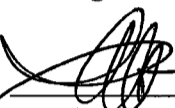
THUS DONE AND PASSED at Hahnville, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary, after reading of the whole.

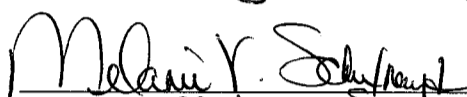
WITNESSES:

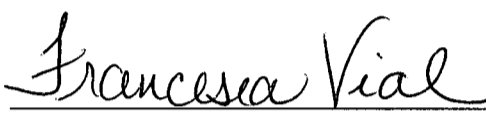
DAVID J. VIAL, M.D., L.L.C.

Through the Succession of David J. Vial M.D.


Printed Name: Gayle Schexnaydre



BY: Stephen O. Vial
ITS: Independent Co- Administrator


Printed Name: Melanie V. Schexnaydre


BY: Francesca Vial
ITS: Independent Co- Administrator

ACCEPTANCE BY:
ST. CHARLES PARISH


BY: V.J. St. PIERRE, JR.
PARISH PRESIDENT


LOUIS G. AUTHEMENT
NOTARY PUBLIC
NOTARY ID#25814

S U C C E S S I O N

OF

DAVID J. VIAL, M.D.

NO. P. 8689

DIVISION C

29TH JUDICIAL DISTRICT COURT

PARISH OF ST. CHARLES

STATE OF LOUISIANA

FILED: _____

CLERK: _____

LETTERS OF CO-INDEPENDENT ADMINISTRATION

THIS IS TO CERTIFY that Stephen O. Vial and Francesca Vial have been confirmed as co-independent administrators of the Succession of David J. Vial, M.D. by the Honorable 29th Judicial District Court for the Parish of St. Charles, State of Louisiana; that they have qualified for the office by complying with all the requirements of law relating thereto.

IN WITNESS WHEREOF, these Letters of Co-Independent Administration are issued in the name and under the seal of the Honorable 29th Judicial District Court for the Parish of St. Charles, State of Louisiana, this 23rd day of September, 2004.

Lynda B. St. Amant
DY. CLERK OF COURT
29th Judicial District Court
St. Charles Parish, Louisiana

CERTIFICATE OF THE CLERK

I hereby certify that a copy of the foregoing motion and/or order has been mailed to all counsel of record - D. Vial III
this 23rd day of Sept. 20 04

By Lynda B. St. Amant
Charles J. Oubre, Jr.
Clerk of Court

STATE OF LOUISIANA
PARISH OF ST. CHARLES
I HEREBY CERTIFY THAT THE WITHIN
AND FOREGOING IS A TRUE COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE.
William C. Paulsen
CLERK OF COURT
ST. CHARLES PARISH

**CERTIFICATE OF AUTHORITY
FOR DAVID J. VIAL, M.D., L.L.C.**

The undersigned, being the only managers of DAVID J. VIAL, M.D., L.L.C. (the "Company") and acting in such capacity, hereby certify:

That Stephen O. Vial and Francesca Vial are hereby authorized for and on behalf of this Company to sell the following described property to the Parish of St. Charles for a sales price and sum of \$404,675.00, according to such terms and conditions as they deem best, and to execute and deliver for and on behalf of this Company such agreements and acts as may be necessary or required in connection with said sale:

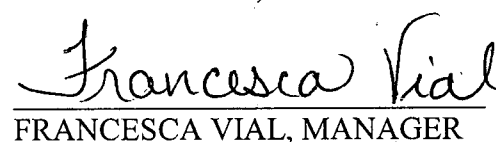
ONE CERTAIN LOT OR PORTION OF GROUND, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes, appurtenances, and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Charles, State of Louisiana, in Sections 3, 23 and 68, T13S-R20E designated as **LOT DV-1** on that certain survey and plan of resubdivision by Riverlands Surveying Company entitled "Survey Plat and Resubdivision of Hahville Land & Development Co., Inc. Tract, a Portion of a 2.5' Reserved Strip & Lot 88 of St. Charles Industrial Complex into Lots Herein Designated as Lot DV-1, DV-2 & Remainder of Hahnville Land & Development Co., Inc. Tract (the "Survey") dated May 5, 2010 and approved by the St. Charles Parish President and Director of Planning and Zoning and recorded at COB 747, folio 39, Instrument No. 362718, according to which Lot DV-1 measures as follows:

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Be It Further Resolved: That Stephen O. Vial and Francesca Vial be and they are hereby authorized to appear and answer on behalf of the Company and to sign all papers, acts, deeds, and documents that they may consider necessary or proper in order to carry the foregoing resolution into effect. All acts of the said managers done under the authority hereof are hereby ratified and confirmed and the undersigned hereby certify their authority to act on behalf of the Company in accordance with these resolutions.

Dated this 5th day of August, 2010.


STEPHEN O. VIAL, MANAGER


FRANCESCA VIAL, MANAGER