

2013-0088

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(CHIEF ADMINISTRATIVE OFFICER)**

An ordinance to authorize the Parish President to sign and approve a Consent Judgment to make full and final settlement in the matter entitled **Bayou Fleet Partnership, L.L.P. vs. St. Charles Parish**, Civil Action No. 10-1557, Section B (3) pending in the United States District Court for the Eastern District of Louisiana.

WHEREAS, the Consent Judgment provides for a \$50,000 payment to Bayou Fleet Partnership, LLP, said amount to be paid by the Parish's underwriters in consideration for the full and final settlement of the pending litigation; and,

WHEREAS, in addition to the monetary consideration for settlement, the following shall also be contained in the Consent Judgment:

Parcels of batture property owned by Bayou Fleet Partnership, LLP located in Hahnville, Louisiana and currently zoned B-1 with B-2 uses would be rezoned B-2 with deed restrictions limiting the use of the property to the current B-2 uses in both scope and size as defined in Consent Judgment by Bayou Fleet, Inc. and the Parish of St. Charles in the case *Bayou Fleet vs. Ellis A. Alexander, et. al*, Case No. 97-2205, United States District Court for the Eastern District of Louisiana with the following conditions and exceptions:

- (a) Property previously known as the "Old Rivarde Tract" which is not contiguous to Bayou Fleet Partnership, LLP's main tracts shall have no B-2 uses,
- (b) At Bayou Fleet Partnership's option, the existing warehouse located on Bayou Fleet Partnership, LLP's batture property may be demolished and a new warehouse may be built on Bayou Fleet's batture property at a location that is closer to the Mississippi River. The use of the new warehouse is limited to existing B-2 uses and the new warehouse cannot exceed the size of the current warehouse,
- (c) The Parish will not object to the installation of a land-based crane per application number MVN 1997-05027EQ submitted by Bayou Fleet, Inc. to the United States Corps of Engineers dated September 20, 2010, but the crane may only be used from legal sunrise to legal sunset.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Parish President is hereby authorized to enter in a Consent Judgment authorizing underwriters to issue payment to Bayou Fleet Partnership, L.L.P., in the amount of \$50,000 and to agree to the compromises on the use of Bayou Fleet Partnership, LLP's batture property as set forth in the settlement offer in consideration for a full and final settlement and compromise of all claims between and among the parties in connection with the above referenced litigation.

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

YEAS: SCHEXNAYDRE, HOGAN

NAYS: FAUCHEUX, WILSON, TASTET, BENEDETTO, COCHRAN, FLETCHER, FISHER-PERRIER

ABSENT: NONE

**PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY
ON MARCH 25, 2013.**

2013-0088 FAILED Ordinance - Settlement - Bayou Fleet