

Ord

2012-0130

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

ORDINANCE NO. 12-4-5

An ordinance to approve and authorize the purchase of a certain piece of property owned by CMMM Investments, L.L.C and more fully described in the Cash Sale attached hereto, for the construction and maintenance of a sewer force main from Luling to Boutte.

WHEREAS, St. Charles Parish has determined a public need to construct and maintain a sewer force main from Ashton Sewer Lift Station in Luling to Boutte; and,

WHEREAS, property is needed for construction consisting of approximately 1.697 acres and 13.009 acres as more fully shown on the Survey entitled Survey of Property Belonging to CMMM Investments, L.L.C. to be Purchased by St. Charles Parish Located in Sections 88 & 89, T13S-R20E, ST. Charles Parish, Louisiana: by Bayou Country Surveying, LLC dated May 16, 2011; and,

WHEREAS, it is necessary to purchase from CMMM Investments, L.L.C., said property to be used for the construction and maintenance of a sewer force main; and,

WHEREAS, it is the desire of the Parish Council to approve and authorize said purchase and/or expropriation.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That there is hereby declared a public need for the above described property to construct and maintain a sewer force main from the Ashton Sewer Lift Station to Boutte.

SECTION II. That the Parish President is hereby authorized to purchase the above described property from CMMM Investments, L.L.C. for the construction of a sewer force main.

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

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

YEAS: SCHEXNAYDRE, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, NUSS

NAYS: NONE

ABSENT: FAUCHEUX, BENEDETTO

And the ordinance was declared adopted this 9th day of April, 2012, and to become effective immediately.

CHAIRMAN: 

ACTING SECRETARY: Calli Madire

DLVD/PARISH PRESIDENT: April 10, 2012

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: VJ St Pierre

RETD/SECRETARY: 4-10-12

AT: 3:32 pm RECD BY: CFM

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON April 27, 2012

AS ENTRY NO. 378556

IN MORTGAGE/CONVEYANCE BOOK

NO. 770 FOLIO 753

CASH SALE

UNITED STATES OF AMERICA

FROM: CMMM INVESTMENTS L.L.C.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 25th day of April, in the year two thousand and twelve(2012).

BEFORE ME, a Notary Public in and for the Parish of St. Charles, State of Louisiana, duly commissioned and qualified, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared:

CMMM INVESTMENTS, L.L.C. (TIN.#72-_____) a limited liability company authorized to do and doing business in the Parish of St. Charles, State of Louisiana, herein duly represented by Charles E. Meyer, its Manager, duly authorized by a Management Agreement attached hereto, who declared unto me, Notary, that domiciliary and mailing address is 4937 Hearst Street, Suite 1B, Metairie, Louisiana.

hereinafter designated as "vendor" who declared that for the consideration and upon the terms and conditions hereinafter expressed, said vendor does by these presents sell, grant, bargain, assign, transfer, deliver, and abandon and set over under all lawful warranties and with substitution and subrogation to all rights and actions of warranty against all preceding owners and vendor, unto

ST. CHARLES PARISH, a political subdivision of the State of Louisiana, herein represented by V. J. St. Pierre, Jr., its Parish President, and whose mailing address is P. O. Box 302, Hahnville, Louisiana, 70057; and pursuant to Ordinance No. 12-4-5 adopted by the St. Charles Parish Council on April 9, 2012 a copy of which is attached hereto and made a part hereof;

hereinafter designated as "purchaser", here present, accepting and purchasing and acknowledging delivery and possession of the following described property, to wit:

ALL OF ITS UNDIVIDED INTEREST IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

Commencing at a point being the Southwestern most corner of lot D1 of Boutte Estates Said point being the Point of Beginning; thence S 64°59'04" E a distance of 161.77'; thence S 33°30'56" W a distance of 487.31'; thence N 47°08'47" W a distance of 162.14'; thence N

33°30'56" E a distance of 437.09' Back to the Point of Beginning;

Having an area of 73,948 square feet, 1.697 acres. As shown on Plat Titled "Survey of Property Belonging to CMM Investments, L.L.C. to be Purchased by St. Charles Parish Located in Sections 88 & 89, T13S-R20E St. Charles Parish, Louisiana" Prepared by Bayou Country Surveying, LLC. Dated 5/16/2011.

AND

Commencing at a point being the Southwestern most corner of lot D1 of Boutte Estates Said point being the Point of Beginning; Thence N 33°30'56" E a distance of 2357.82'; Thence S 56°29'04" E a distance of 241.85'; Thence S 33°30'56" W a distance of 2271.12'; Thence S 64°59'04" E a distance of 16.19'; Thence S 33°30'56" W a distance of 50.56'; Thence N 64°59'01" W a distance of 260.73' Back to the Point of Beginning;

Having an area of 13.009 acres. As shown on Plat Titled "Survey of Property Belonging to CMM Investments, L.L.C. to be Purchased by St. Charles Parish Located in Sections 88 & 89, T13S-R20E St. Charles Parish, Louisiana" Prepared by Bayou Country Surveying, LLC. Dated 5/16/2011.

To have and to hold the said property unto the said purchaser forever. This present sale and conveyance is made and accepted for and in consideration of the sum and price of **TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS**, lawful current money of the United States of America, which amount the said purchaser has paid in ready CASH, receipt of which is hereby acknowledged by the vendor, and full discharge and acquittance granted therefor.

As an additional consideration for this sale, the parties hereto agree that the appraised value of the property is NINETY-SIX THOUSAND AND NO/100THS (\$96,000.00) DOLLARS, but as vendee is paying \$20,000.00 for the purchase, the parties further agree that SEVENTY-SIX THOUSAND AND NO/100THS (\$76,000.00) DOLLAR difference will be utilized by vendor for any and all tax benefit that may be available to vendor. All claims for lesion beyond moiety are hereby waived.

Taxes for 2011 are paid. The parties hereto waive any

conveyance, mortgage, tax and any other certificates and relieve and release me, Notary, from any and all responsibility in connection therewith. The parties also acknowledge that no examination of the title has been made by me, Notary, and agree to relieve, release, defend, save, hold harmless, and indemnify me, Notary, from any and all claims, liabilities, and responsibilities in connection therewith.

Whenever the word "vendor" is used in this act, it shall be construed to include "vendors," and whenever the word "purchaser" is used it shall be construed to include "purchasers."

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


The certificate of mortgages required by Article 3364 of the revised Civil Code of Louisiana is hereby dispensed with by the parties hereto.

THUS done, read and passed at my office in the City of Hahnville, Parish and State aforesaid, in the presence of undersigned competent witnesses who have hereunto signed their names with the parties and me, said Notary, the day, month and year first above written.

WITNESSES:

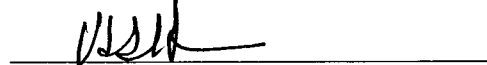
CMM INVESTMENTS, L.L.C.



DAWN H. HIGDON

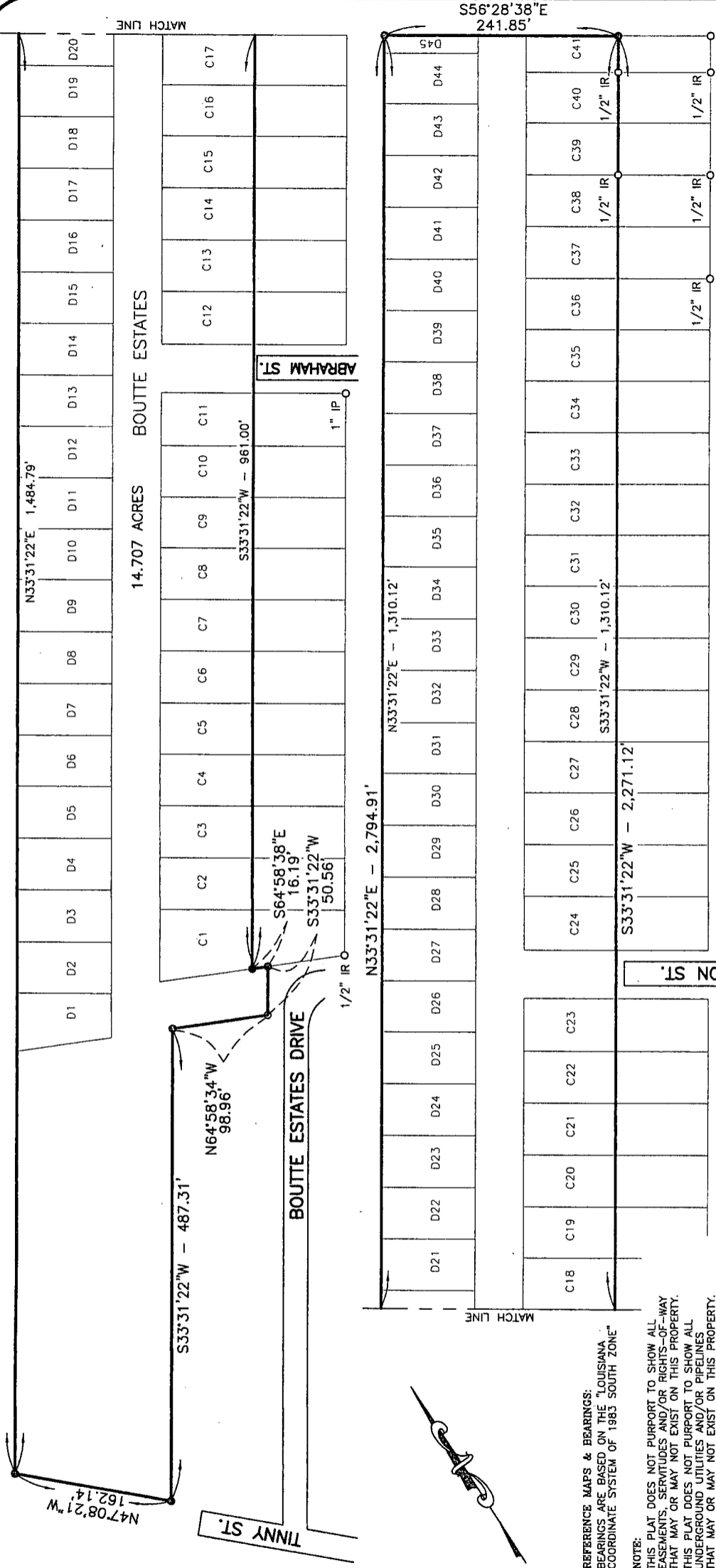

BY: CHARLES E. MEYER
MANAGER


BOBBI N. CULLEN

PARISH OF ST. CHARLES


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


NOTARY PUBLIC
LEON C. VIAL, III
NO. 13061

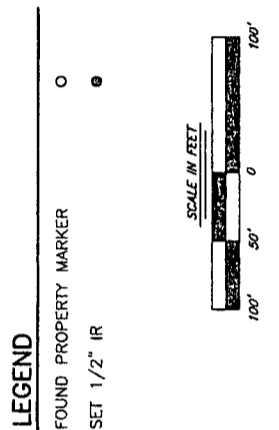


SURVEY OF PROPERTY BELONGING TO
CMM INVESTMENTS, L.L.C.
TO BE PURCHASED BY ST. CHARLES PARISH
LOCATED IN SECTIONS 88 & 89, T13S-R20E
BOUTTE, ST. CHARLES PARISH, LOUISIANA

BAYOU COUNTRY SURVEYING, LLC
Professional Land Surveyors
PO Box 166 Labadieville, LA 70372
Office 985-626-0016

DESIGNED: HES
CHECKED: HES
DATE: 4/9/2012

TRACED:
CHECKED: HES
FILE: C:\BAYOU_COUNTRY_SURVEYING\JOBS\T13S-R20E\BAYOU_COUNTRY_SURVEYING JOB NO. 1739



THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL, THAT THE SURVEY WAS DONE ON THE GROUND AND WAS DONE IN ACCORDANCE WITH THE MOST RECENT MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS AS SET FORTH BY THE STATE OF LOUISIANA, BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THAT THE ACCURACY SPECIFICATION AND POSITIONAL TOLERANCES ARE IN ACCORDANCE WITH CLASS "C" SURVEYS INDICATED IN THE ABOVE STANDARDS.

I ALSO CERTIFY THERE ARE NO ENCROACHMENTS ACROSS ANY PROPERTY LINES EXCEPT AS SHOWN

APPROVED: *Henry E. Schwartz IV*
Henry E. Schwartz IV
Reg. No. 4899

NOTE:
THIS PLAT DOES NOT PURPORT TO SHOW ALL EASEMENTS, SERVITUDES AND/OR RIGHTS-OF-WAY THAT MAY OR MAY NOT EXIST ON THIS PROPERTY. THIS PLAT DOES NOT PURPORT TO SHOW ALL UNDERGROUND UTILITIES AND/OR PIPELINES THAT MAY OR MAY NOT EXIST ON THIS PROPERTY. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE ABSTRACT AND TITLE OPINION.

CERTIFICATIONS