



St. Charles Parish

St. Charles Parish
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Legislation Text

File #: 2014-0162, Version: 1

2014-0162

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

ORDINANCE NO.

An ordinance to approve and authorize the Lafourche Basin Levee District to purchase and/or expropriate the necessary real estate interests to construct the West Bank Hurricane Protection Levee, Phase I - Magnolia Ridge, St. Charles Parish, Louisiana, and to authorize the transfer of the necessary funding thereof.

WHEREAS, the parish has determined a Public need to protect the property owners of the Magnolia Ridge area from flooding of tidal water of the Gulf of Mexico with the Construction of the West Bank Hurricane Protection Levee, Phase I - Magnolia Ridge "Project"; and,

WHEREAS, the Parish of St. Charles has entered into a Cooperative Endeavor Agreement with the Lafourche Basin Levee District per Ordinance No. 09-8-2 on August 3, 2009 to acquire the necessary real estate interests to construct the Project; and,

WHEREAS, it is necessary for Lafourche Basin Levee District to acquire the necessary real estate interests from landowners to begin construction of the Project without delay; and,

WHEREAS, the Lafourche Basin Levee District has provided just compensation offers and been negotiating in good faith with the landowner Fahrig Sons, LLC to acquire the necessary real estate interests at fair market values established by two (2) certified independent appraisals, but the landowners have refused to grant the necessary rights to the Lafourche Basin Levee District; and,

WHEREAS, Article 5, Item C of the Cooperative Endeavor 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 interests needing expropriation for the Phase I - Magnolia Ridge, St. Charles Parish Louisiana, established by two (2) licensed MAI appraisers and reviewed by an independent third-party licensed MAI appraiser is \$6,690.00.

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 the West Bank Hurricane Protection Levee, Phase I.

SECTION II. That the Lafourche Basin Levee District is hereby authorized to purchase and/or expropriate the required real estate interests for the construction of the Phase I - Magnolia Ridge, St. Charles Parish Louisiana,

SECTION III. That the Parish hereby authorizes the transfer of \$6,690.00 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:

And the ordinance was declared adopted the ____day of ____, 2014, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____