



# *St. Bernard Parish Council*

8201 West Judge Perez Drive Chalmette, Louisiana, 70043  
(504) 278-4228 Fax (504) 278-4209  
[www.sbpj.net](http://www.sbpj.net)

**#19**

**Kerri Callais**  
*Councilmember  
at Large*

**Richard "Richie" Lewis**  
*Councilmember  
at Large*

**Gillis McCloskey**  
*Councilmember  
District A*

**Nathan Gorbaty**  
*Councilmember  
District B*

**Howard Luna**  
*Councilmember  
District C*

**Wanda Alcon**  
*Councilmember  
District D*

**Manuel "Monty"  
Montelongo III**  
*Councilmember  
District E*

**Roxanne Adams**  
*Clerk of Council*

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 2, 2019 AT SEVEN O'CLOCK P.M.

On motion of Mr. McCloskey, seconded by Mr. Gorbaty, it was moved to adopt the following ordinance:

## **ORDINANCE SBPC #2152-04-19**

### **Summary No. 3697**

Introduced by: Administration on 3/19/19

Public Hearing held on 4/2/19

AN ORDINANCE TO AUTHORIZE THE RESCISSION OF THE SALE OF 2109 ESTEBAN STREET TO PAUL E. HERKES, III AND THE RESCISSION OF THE ACT OF RESUBDIVISION WHICH CREATED LOT 3-A AND TO AUTHORIZE THE PARISH PRESIDENT, THE ST. BERNARD HOUSING, REDEVELOPMENT AND QUALITY OF LIFE COMMISSION, AND THE ROAD HOME CORPORATION TO EXECUTE ANY NECESSARY DOCUMENTS FOR THE RESCISSIONS.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**WHEREAS**, Paul E. Herkes, III purchased 2109 Esteban Street, a "rear" lot located in Arabi, Louisiana, from the Road Home Corporation, as part of the Lot Next Door Program.

**WHEREAS**, Paul E. Herkes, III desires to rescind the sale and the Act of Resubdivision, which created Lot 3-A in exchange for a refund of the purchase price, so that ownership of 2109 Esteban can revert to the Road Home Corporation and/or ultimately be transferred to St. Bernard Parish Government and returned to commerce.

**WHEREAS**, it is in the best interest of St. Bernard Parish and the redevelopment of 2109 Esteban for these rescissions to occur.

**SECTION 1.** The rescission of the act of sale of 2019 Esteban to Paul E. Herkes, III and the rescission of the Act of Resubdivision, which created Lot 3-A are hereby authorized in exchange for the return of the purchase price to Paul E. Herkes, III.

**SECTION 2.** The Parish President, the St. Bernard Housing, Redevelopment and Quality of Life Commission, and/or The Road Home Corporation are authorized to execute any necessary documents for the rescissions.



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Page -2-  
Extract #19 continued  
April 2, 2019

**SECTION 3. Effective Date.** This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

**SECTION 4. Severability.** If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

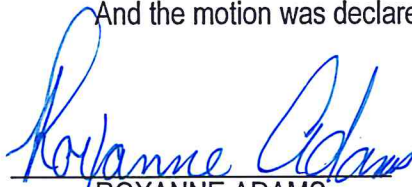
**YEAS:** McCloskey, Gorbaty, Alcon, Callais

**NAYS:** None

**ABSENT:** Luna, Montelongo

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 2<sup>th</sup> day of April, 2019.

  
ROXANNE ADAMS  
CLERK OF COUNCIL

  
RICHARD "RICHIE" LEWIS  
COUNCIL CHAIR

Delivered to the Parish President

4/3/19 4:00pm  
Date and Time

Received by

Margen Campu

Approved 

Vetoed





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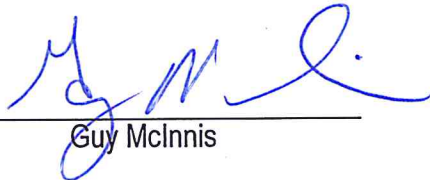
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Page -3-  
Extract #19 continued  
April 2, 2019

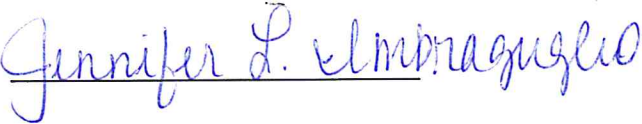
Parish President

  
Guy McInnis

Returned to Clerk of the Council

4/4/19 10:36am  
Date and Time

Received by

  
Jennifer L. Imbraguglio

**ACT OF RESCISSION OF  
NON-WARRANTY CASH SALE**

**STATE OF LOUISIANA  
PARISH OF ST. BERNARD**

**BY: PAUL E. HERKES, III**

**TO: ST. BERNARD PARISH GOVERNMENT**

**ST. BERNARD HOUSING, REDEVELOPMENT AND QUALITY OF LIFE  
COMMISSION**

**ROAD HOME CORPORATION D/B/A LOUISIANA LAND TRUST**

**PROPERTY: 2109 ESTEBAN STREET, ARABI, LOUISIANA 70032**

**BE IT KNOWN**, on the date(s) written below before the undersigned Notary(ies) Public, duly commissioned and qualified in the Parish of St. Bernard, personally came and appeared:

**ST. BERNARD PARISH GOVERNMENT**, a political subdivision of the State of Louisiana, represented herein by Parish President, Guy McInnis, undersigned representative of St. Bernard Parish, authorized pursuant to Section 3-01 of the Home Rule Charter of St. Bernard Parish, referred to as "Seller"; and

**ST. BERNARD HOUSING, REDEVELOPMENT AND QUALITY OF LIFE COMMISSION**, a political subdivision of the State of Louisiana, whose mailing address is 8201 W. Judge Perez Drive, Chalmette, Louisiana, acting herein by its duly authorized agent and authorized representative (sometimes referred to herein as "HRQLC"); and

**ROAD HOME CORPORATION D/B/A LOUISIANA LAND TRUST**, a Louisiana non-profit corporation, created under and pursuant to the provisions of La. R.S. 40:660.01 through 40:660.08, inclusive, domiciled in the Parish of East Baton Rouge Parish, whose mailing address is 11601 Southfork Avenue, Suite D, Baton Rouge, Louisiana 70816, acting herein by its duly authorized agent and authorized representative, duly authorized by resolution adopted on February 26, 2010 and recorded at Instrument Number 540235 or by resolution adopted on June 25, 2009 and recorded at Instrument Number 557672 in St. Bernard Parish, Louisiana (sometimes referred to herein as "LLT"); and

**PAUL E. HERKES, III** (SSN: XXX-XX-7388), person of the full age of majority and resident of the State of Louisiana, who declared unto me, Notary, that he is a single person, whose mailing address is 2108 Esteban Street, Arabi, Louisiana 70032, referred to as "Herkes";

Herkes, LLT, HRQLC and SBPG declare herein that on November 29, 2011, LLT, Herkes did execute as Seller and Purchaser, and HRQLC did execute as Intervenor an Act of Cash (hereinafter, the "Sale") wherein Seller intended to convey all ownership, rights, title and interest in and to the real property described below in exchange for Purchaser's payment to Seller of good funds in the amount of TWO THOUSAND SIX HUNDRED SIXTY AND 00/100 (\$2,660.00) DOLLARS cash (hereinafter, the "Payment"):

THAT CERTAIN LOT OF GROUND, together with all the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging, or in anywise appertaining, situated in the Parish of St. Bernard, State of Louisiana, in that portion thereof known as ARABI PARK SUBDIVISION, and in accordance with a plan of subdivision by H.E. Sutch, Surveyor, dated October 17, 1952, attached to act of dedication of streets passed before James P. O'Connor, N.P., dated November 5, 1952, said property is designated by the No. 26, situated in SQUARE E of said ARABI PARK SUBDIVISION, which square E bounded by Esteban, Rocheblave, Aycock and Patricia Streets. Lot 26 commences 105.74 feet from the corner of Esteban and Patricia Streets, and measures thence, in the direction of Rocheblave Street, 50 feet front on Esteban Street, same width in the rear, by a depth between equal and parallel lines of 112 feet; all in accordance with white print of survey made by Adloe Orr, Jr. & Associates, C.E., dated January 14, 1955.

Said property having a municipal address of: 2109 Esteban St., Arabi, Louisiana 70032 (hereinafter referred to as the "Property"),

However, subsequent to the above recordation of the Sale, LLT, Herkes, HRQLC and SBPG agreed to rescind the sale.

Considering the foregoing, the Sale must be rescinded. Accordingly, LLT, Herkes, HRQLC and SBPG hereby declare that this Act of Rescission of Act of Cash Sale be executed by both, filed and recorded in the Conveyance Records of St. Bernard Parish, Louisiana, and that all rights, title and interest to the Property be restored to the same situation that existed prior to the Sale and as if the Sale had never taken place.

**THUS, DONE AND PASSED** by Purchaser, before me, Notary, and the undersigned competent witnesses, on this \_\_\_\_\_ day of March, 2019, in the Parish of St. Bernard, Louisiana.

**WITNESSES:**

**PURCHASER:**

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
By: PAUL E. HERKES, III



\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
NOTARY PUBLIC

Print: \_\_\_\_\_  
Bar/Notary No.: \_\_\_\_\_

**THUS, DONE AND PASSED** by Road Home Corporation d/b/a Louisiana Land Trust, through its agent \_\_\_\_\_, before me, Notary, and the undersigned competent witnesses, on this \_\_\_\_\_ day of March, 2019, in the Parish of \_\_\_\_\_, Louisiana.

**WITNESSES:**  
**LOUISIANA LAND TRUST**

**ROAD HOME CORPORATION D/B/A**

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
By:  
Title:

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
NOTARY PUBLIC

Print: \_\_\_\_\_  
Bar/Notary No.: \_\_\_\_\_

**THUS, DONE AND PASSED** by St. Bernard Housing, Redevelopment and Quality of Life Commission, through its agent \_\_\_\_\_, before me, Notary, and the undersigned competent witnesses, on this \_\_\_\_\_ day of March, 2019, in the Parish of St. Bernard, Louisiana.

**WITNESSES:**  
**REDEVELOPMENT AND QUALITY OF LIFE COMMISSION**

**ST. BERNARD HOUSING,**

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
By:  
Title:

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
NOTARY PUBLIC

Print: \_\_\_\_\_

Bar/Notary No.: \_\_\_\_\_

**THUS, DONE AND PASSED** by Seller, before me, Notary, and the undersigned competent witnesses, on this \_\_\_\_\_ day of March, 2019, in the Parish of St. Bernard, Louisiana.

**WITNESSES:**

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

**SELLER:**

**ST. BERNARD PARISH GOVERNMENT**

\_\_\_\_\_  
By: Guy McInnis, Parish President

\_\_\_\_\_  
NOTARY PUBLIC

Print: \_\_\_\_\_

Bar/Notary No.: \_\_\_\_\_