



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbgp.net

#14

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

Fred Everhardt, Jr.
*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, OCTOBER 6, 2020 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #2268-10-20

Summary No. 3837

Introduced by: Administration on 9/1/20
Public Hearing held on 10/6/20

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF 2814 E. ST. BERNARD HIGHWAY, MERAUX, LOUISIANA (PARCEL #439900000921) FROM ST. BERNARD PROPERTIES COMPANY, LLC TO ST. BERNARD PARISH GOVERNMENT TO ESTABLISH THE MERAUX VALERO TRAILHEAD FOR THE ST. BERNARD PARISH MISSISSIPPI RIVER TRAIL AND TO EXECUTE ANY NECESSARY DOCUMENTS FOR THE DONATION INCLUDING THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT'S DONATION AGREEMENT AND CERTIFICATION.

WHEREAS, St. Bernard Parish Government, working with the Regional Planning Commission for Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes, conducted a feasibility study in 2003-2009 to determine whether a multi-use path within the Mississippi River corridor for walkers, joggers, bicyclists and other non-motorized users was possible; and,

WHEREAS, the results of the study determined a trail was feasible and St. Bernard Parish Government sought funding assistance to construct the Mississippi River Trail using federal transportation grants designed to improve the nation's surface transportation system; and,

WHEREAS, St. Bernard Parish Government was awarded a \$1,255,000.00 grant under the Congestion Mitigation and Air Quality Program in 2010 to construct Phase I & II of the St. Bernard Parish Mississippi River Trail; and,

WHEREAS, Phase I & II of the Mississippi River Trail commences at the eastern boundary of Valero Refinery in Meraux, Louisiana and extends eastward to the Violet Canal in Violet, Louisiana; and,

WHEREAS, St. Bernard Parish Government was awarded a \$582,384.00 grant under the Transportation Alternatives Program in 2018 to construct Phase IV of the St. Bernard Parish Mississippi River Trail; and,



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WHEREAS, Phase IV of the Mississippi River Trail commences at Paris Road and extends eastward to the eastern boundary of Valero Refinery in Meraux, Louisiana; and,

WHEREAS, St. Bernard Parish Government adopted the St. Bernard Bikeway and Pedestrian Plan Update in 2017 which identified access points for the regional trails, known as trailheads, to establish official trail entry points; and,

WHEREAS, this planning effort identified the need for a trailhead in Meraux near the beginning of Phase I & II and end of Phase IV of the Trail; and,

WHEREAS, Valero Energy Corporation acquired additional property on the east side of its existing refinery in 2019 through St. Bernard Properties Company, LLC; and,

WHEREAS, St. Bernard Parish Government representatives began working with representatives of Valero Refinery in 2016 to identify a potential location for a trailhead; and,

WHEREAS, Valero Energy Corporation agreed to donate a portion of property to St. Bernard Parish Government for purposes of establishing the Meraux Valero Trailhead; and,

WHEREAS, St. Bernard Parish Government approved resubdivision of the Valero property in 2019 for the trailhead located at 2814 E. St. Bernard Highway as shown on the attached Exhibit A; and,

WHEREAS, St. Bernard Parish Government completed an appraisal of Valero Refinery property adjacent to this location in 2019 in order to establish the approximate value of the trailhead property; and,

WHEREAS, based on that appraisal, the value of the Valero donation is estimated at \$86,592.00

WHEREAS, strict federal guidelines must be followed regarding the acquisition of real estate associated with a federally funded grant project even though said real estate is not financed in any way by the federal grant; and,

WHEREAS, in compliance with these federal guidelines, St. Bernard Parish Government and Valero Energy Corporation, represented by St. Bernard Properties



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Company, LLC, must execute the attached Act of Donation document and certification form.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The donated property is located at 2814 E. St. Bernard Highway, Meraux, Louisiana 70075 (Parcel #439900000921) as shown on the attached Exhibit A and referred to hereinafter in this ordinance as "THE PROPERTY" which is more particularly described as follows:

A CERTAIN PORTION OF GROUND, situated in Section 2, Township 13 South, Range 13 East of the Southern Land District, East of the Mississippi River, in the Parish of St. Bernard, State of Louisiana, being a portion of the upper 3/4 of Lot 21 of Corrine & Myrtle Grove Plantation Subdivision:

Commencing at the point of intersection of the northerly right of way line of Louisiana State Highway Number 46, known as East St. Bernard Highway and the upper or westerly line of Lot 21 of Corrine & Myrtle Grove Plantation Subdivision as shown on the Plan of Subdivision by A.C. Bell, dated July 11, 1893; thence along said upper or westerly line of Lot 21 bearing South 24 degrees 50 minutes 28 seconds West, a distance of 107.10 feet to the southerly line of said Highway; thence continuing South 24 degrees 50 minutes 28 seconds West along said upper or westerly line of Lot 21 to the point of intersection with the northerly line of Louisiana Southern Railroad, a distance of 14.00 feet; thence continuing South 24 degrees 50 minutes 28 seconds West along said upper or westerly line of Lot 21, across the rights of way of Louisiana Southern Railroad and River Road, a distance of 79.22 feet to the northwesterly corner of Parcel 3A as shown on a map of resubdivision of a Portion of Parcel 3 into 3A and 3B by Daniel T. Smith, P.L.S., Registration Number 4680, dated October 2, 2019 and approved by the St. Bernard Planning Commission on October 22, 2019 under Resolution S-2019-023, thence along the northerly line of said Parcel 3A, bearing South 82 degrees 53 minutes 29 seconds East a distance of 31.50 feet to the northwesterly corner of Parcel 3B and the POINT OF BEGINNING;

Thence, continuing South 82 degrees 53 minutes 29 seconds East along the northerly line of Parcel 3B, a distance of 117.19 feet to the point of intersection with the upper or westerly line of property, now or formerly, of Murphy L. Lamont, et als;

Thence along said property now or formerly, of Murphy L. Lamont, et als on a line bearing South 24 degrees 50 minutes 28 seconds West, a distance of 228.11 feet to



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the northeasterly corner of Parcel 3A, said point being located near the riverside crown of the Mississippi River Levee;

Thence along the common line of Parcel 3A and Parcel 3B bearing South 88 degrees 35 minutes 23 seconds West, more or less along said riverside levee crown, a distance of 125.29 feet to a southwesterly corner of Parcel 3B;

Thence along the common line of Parcel 3A and Parcel 3B, bearing North 24 degrees 50 minutes 28 seconds East, a distance of 247.60 feet to a point of intersection with the south line of River Road and the POINT OF BEGINNING.

The above described PARCEL 3B contains 26,726 square feet or 0.614 Acres, more or less. Bearings are based on the Map of ALTA/INSPS Land Title Survey, Portion of Upper 3/4 of Lot 21 of Corrine & Myrtle Grove Plantation Subdivision, T13S, R12E, S.E. District East of the Mississippi River, St. Bernard Parish, LA by BRIS Engineering, LLC, signed and sealed by Daniel T. Smith, P.L.S., Registration Number 4680 and dated May 24, 2019.

Being a portion of St. Bernard Properties Company, LLC property acquired by act recorded on June 3, 2019, in COB 1178, Folio 613, in the Parish of St. Bernard, Louisiana.

SECTION 2. The St. Bernard Parish Council hereby authorizes the Parish President to accept the donation of THE PROPERTY from St. Bernard Properties Company, LLC and to execute the Louisiana Department of Transportation and Development's Act of Donation with Restrictions and Access Servitude agreement (Exhibit B) and any other documents necessary to effectuate the donation.

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 of this Ordinance with the invalid portions omitted.



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NOW THEREFORE BE IT RESOLVED that the St. Bernard Parish Council, does hereby authorize the President of St. Bernard Parish Government to sign and execute all required Act of Donation documents as attached for the Meraux Valero Trailhead of the St. Bernard Parish Mississippi River Trail.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Lewis

NAYS: None

ABSENT: None

The Council Chair, Ms. Callais, cast her vote as **YEA**.

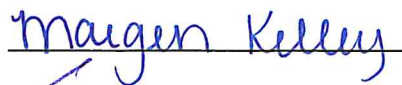
And the motion was declared **adopted** on the 6th day of October, 2020.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 10/9/2020 1:30pm
Date and Time

Received by



Approved



Vetoed

Parish President


Guy McInnis



St. Bernard Parish Council

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Returned to Clerk of the Council

10/13/2020 3:50pm
Date and Time

Gillis McCloskey
*Councilmember
District A*

Received by

Louisa Sabery

Joshua "Josh" Moran
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

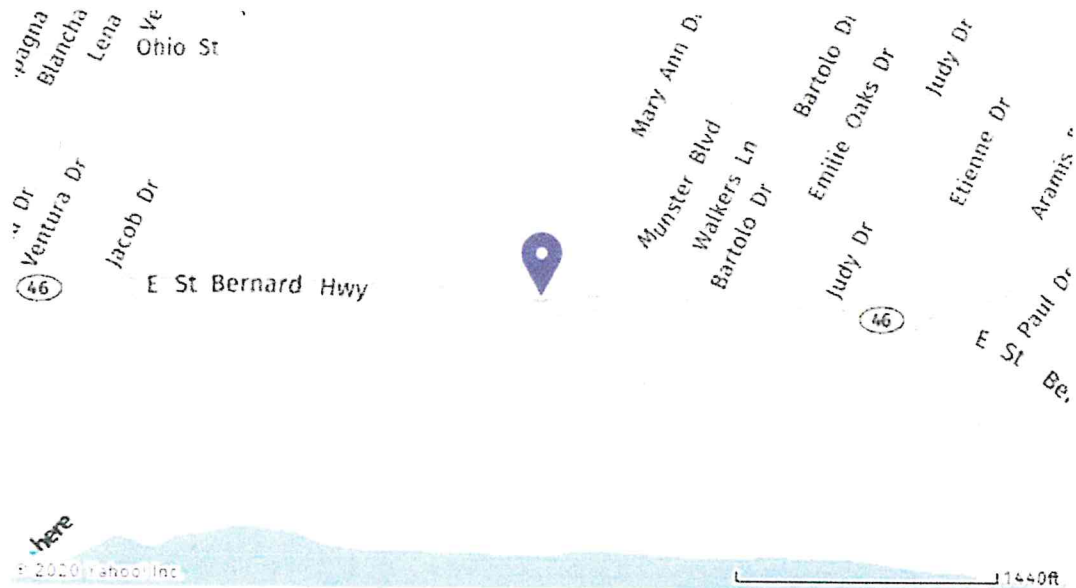
Wanda Alcon
*Councilmember
District D*

Fred Everhardt, Jr.
*Councilmember
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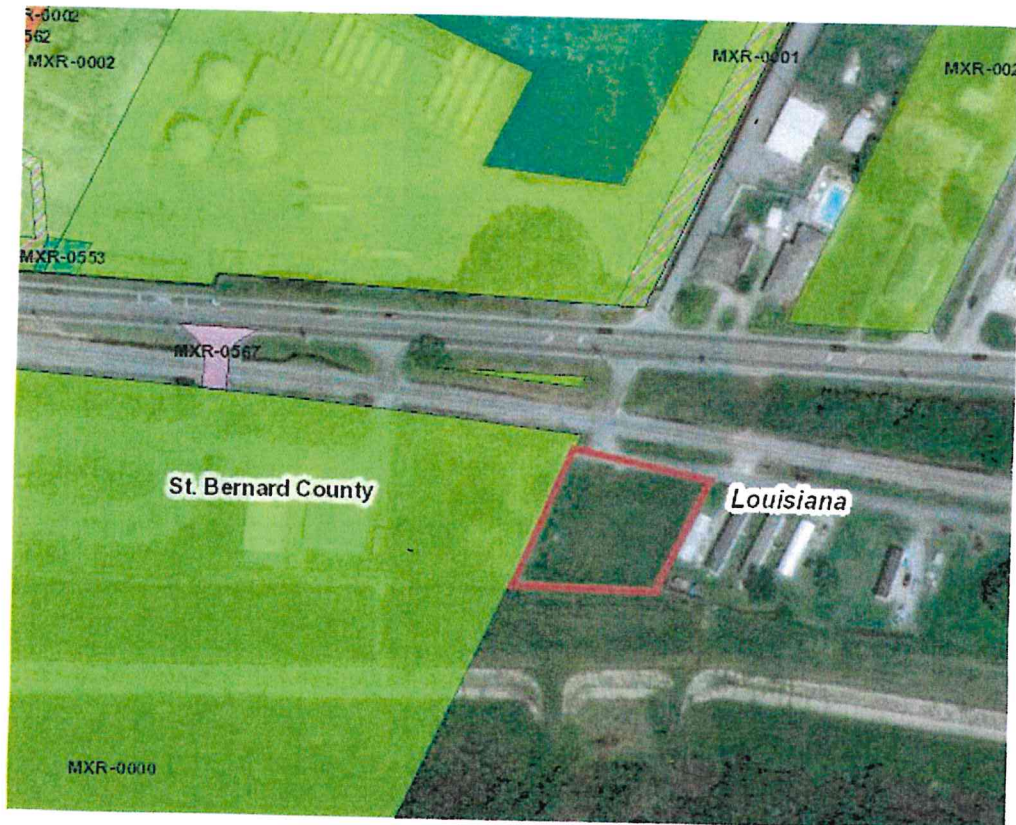
Roxanne Adams
Clerk of Council

EXHIBIT A
Location Map – 2814 E. St. Bernard Highway

General Location



Lot Location



STATE PROJECT NO. H.007546 and
H.013343
ST. BERNARD PARISH MISSISSIPPI
RIVER TRAIL, PHASE I, II AND IV
ROUTE: LA 46
PARISH: St. Bernard
PARCEL NO. 439900000921

ACT OF DONATION

STATE OF LOUISIANA:

PARISH OF ST. BERNARD

THIS DONATION MADE AND ENTERED INTO AND BETWEEN:

BEFORE ME, the undersigned notaries public, and in the presence of the undersigned competent witnesses, personally came and appeared: JAMES V. STEGALL, VICE PRESIDENT, REPRESENTING SAINT. BERNARD PROPERTIES COMPANY, LLC., a duly elected, qualified, and acting Vice President of Saint Bernard Properties Company, LLC, a Delaware limited liability company, as DONOR, whose permanent mailing address is One Valero Way, San Antonio, Texas 78249. DONOR, who declared that he does by these presents, donate, convey, assign, grant, transfer, set over and deliver, with all legal warranties and with full substitution and subrogation, to all rights and actions of warranty against all former owners and vendors,
unto

ST. BERNARD PARISH GOVERNMENT, PARISH OF ST. BERNARD, STATE OF LOUISIANA, DONEE, whose permanent mailing address is 8201 W. Judge Perez Drive, Chalmette, Louisiana 70043, herein represented by GUY MCINNIS, Parish President,

authorized by resolution of the St. Bernard Parish Council dated April 7, 2020, who accepts this donation on behalf of St. Bernard Parish Government, the following described property, situated in the Parish of St. Bernard, Louisiana: 2814 E. St. Bernard Highway, Meraux, Louisiana 70075.

DONOR declared that she/he does by these presents, donate, convey, assign, grant, transfer, set over and deliver, with all legal warranties and with full substitution and subrogation, to all rights and actions of warranty against all former owners and vendors, to DONEE, accepting for itself and its successors and assigns, and acknowledging due delivery and possession thereof the following described property:

DESCRIPTION

One (1) certain tract(s) or parcel(s) of land, together with all the improvements situated thereon, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in Section 2, Township 13, South Range 13 East, Southeastern Land District, St. Bernard Parish, Louisiana, identified as PARCEL NO. 439900000921 as shown on the attached survey prepared by Daniel T. Smith, a Louisiana Licensed Surveyor, State of Louisiana, dated June 26, 2019, said map being attached hereto and made a part hereof, which property is more particularly described as follows:

Parcel 439900000921

A CERTAIN PORTION OF GROUND, situated in Section 2, Township 13 South, Range 13 East of the Southern Land District, East of the Mississippi River, in the Parish of St. Bernard, State of Louisiana, being a portion of the upper 3/4 of Lot 21 of Corrine & Myrtle Grove Plantation Subdivision:

Commencing at the point of intersection of the northerly right of way line of Louisiana State Highway Number 46, known as East St. Bernard Highway and the upper or westerly line of Lot 21 of Corrine & Myrtle Grove Plantation Subdivision as shown on the Plan of Subdivision by A.C. Bell, dated July 11, 1893; thence along said upper or westerly line of Lot 21 bearing South 24 degrees 50 minutes 28 seconds West, a distance of 107.10 feet to the southerly line of said Highway; thence continuing South 24 degrees 50 minutes 28 seconds West along said upper or westerly line of Lot 21 to the point of intersection with the northerly line of Louisiana Southern Railroad, a distance of 14.00 feet; thence continuing South 24 degrees 50 minutes 28 seconds West along said upper or westerly line of Lot 21, across the rights of way of Louisiana Southern Railroad and River Road, a distance of 79.22 feet to the northwesterly corner of Parcel 3A as shown on a map of

resubdivision of a Portion of Parcel 3 into 3A and 3B by Daniel T. Smith, P.L.S., Registration Number 4680, dated October 2, 2019 and approved by the St. Bernard Planning Commission on October 22, 2019 under Resolution S-2019-023, thence along the northerly line of said Parcel 3A, bearing South 82 degrees 53 minutes 29 seconds East a distance of 31.50 feet to the northwesterly corner of Parcel 3B and the POINT OF BEGINNING;

Thence, continuing South 82 degrees 53 minutes 29 seconds East along the northerly line of Parcel 3B, a distance of 117.19 feet to the point of intersection with the upper or westerly line of property, now or formerly, of Murphy L. Lamont, et als;

Thence along said property now or formerly, of Murphy L. Lamont, et als on a line bearing South 24 degrees 50 minutes 28 seconds West, a distance of 228.11 feet to the northeasterly corner of Parcel 3A, said point being located near the riverside crown of the Mississippi River Levee;

Thence along the common line of Parcel 3A and Parcel 3B bearing South 88 degrees 35 minutes 23 seconds West, more or less along said riverside levee crown, a distance of 125.29 feet to a southwesterly corner of Parcel 3B;

Thence along the common line of Parcel 3A and Parcel 3B, bearing North 24 degrees 50 minutes 28 seconds East, a distance of 247.60 feet to a point of intersection with the south line of River Road and the POINT OF BEGINNING.

The above described PARCEL 3B contains 26,726 square feet or 0.614 Acres, more or less. Bearings are based on the Map of ALTA/INSPS Land Title Survey, Portion of Upper 3/4 of Lot 21 of Corrine & Myrtle Grove Plantation Subdivision, T13S, R12E, S.E. District East of the Mississippi River, St. Bernard Parish, LA by BRIS Engineering, LLC, signed and sealed by Daniel T. Smith, P.L.S., Registration Number 4680 and dated May 24, 2019.

Being a portion of DONOR'S property acquired by act recorded on June 3, 2019, in COB 1178, Folio 613, in the Parish of St. Bernard, Louisiana.

There is specifically included in this present donation and conveyance all of the improvements situated wholly or partially on the property together with the appurtenances thereto.

This donation is made for and in consideration of the mutual benefits accruing to the parties hereto.

DONOR acknowledges and agrees that the consideration provided herein constitutes full and final settlement for the property hereby donated and for any and all diminution in value of the DONOR's remaining property as a result of the transfer of this property for St. Bernard Parish Government purposes.

All ad valorem taxes assessed against the above described property for the four (4) years immediately preceding the current year have been paid. Taxes for the current year will be pro-rated in accordance with the provisions of Act No. 123 of the Legislature of the State of Louisiana for the year 1954.

It is expressly agreed and understood that DONOR has been afforded the right and opportunity to have this property appraised and has been afforded the right and opportunity to receive just compensation for such property, and that DONOR has elected to forego, waive and extinguish such rights and opportunities in favor of this donation to the DONEE.

The consideration recited herein represents full and final settlement of all claims of any kind to the full extent of DONOR's loss, except relocation assistance claims where applicable, and specifically represents a compromise by all parties to avoid formal expropriation proceedings and the added expense of litigation.

IN TESTIMONY WHEREOF, the parties hereto have signed and executed and acknowledged this instrument as their free and voluntary acts, in triplicate originals, in the presence of the undersigned competent witnesses, on the _____ day of _____, 2020.

WITNESSES:

DONOR: SAINT BERNARD PROPERTIES
COMPANY, LLC

JAMES V. STEGALL
VICE PRESIDENT

ACCEPTED BY DONEE:
ST. BERNARD PARISH GOVERNMENT

GUY MCINNIS
PARISH PRESIDENT

ATTACHMENT: Property Survey

AFFIDAVIT OF DONOR

STATE OF _____:

PARISH/COUNTY OF _____:

BEFORE ME, the undersigned authority, duly qualified in and for the aforesaid Parish/County and State, personally came and appeared _____, of the full age of majority and personally known to me, Notary, who, by me having been duly sworn, declared and acknowledged that she/he signed this instrument on the date thereof for the object and purpose therein expressed, and she/he acknowledged the same as her/his voluntary act and deed.

IN FAITH WHEREOF, Appearer executed this acknowledgement in the Parish/County of _____, State of _____ on this _____ day of _____, 2020 in the presence of the undersigned subscribing witnesses and me, Notary.

WITNESSES:

DONOR

NOTARY PUBLIC

PRINTED NAME _____

BAR ROLL/NOTARY ID NO. _____

COMMISSION EXPIRES _____

AFFIDAVIT OF DONEE

STATE OF LOUISIANA:

PARISH OF ST. BERNARD

BEFORE ME, the undersigned authority, duly qualified in and for the aforesaid Parish and State, personally came and appeared GUY MCINNIS, of the full age of majority and personally known to me, Notary, who, by me having been duly sworn, declared and acknowledged that he signed this instrument on the date thereof for the object and purposed therein expressed, and he acknowledged the same as his voluntary act and deed.

IN FAITH WHEREOF, Appearer executed this acknowledgement in the Parish of St. Bernard, State of Louisiana on this _____ day of _____, 2020, in the presence of the undersigned subscribing witnesses and me, Notary.

WITNESSES:

ST. BERNARD PARISH GOVERNMENT

GUY MCINNIS
PARISH PRESIDENT

NOTARY PUBLIC
PRINTED NAME _____
BAR ROLL/NOTARY ID NO. _____
COMMISSION EXPIRES _____

Project Caption: St. Bernard Mississippi River Trail Meraux Valero Trailhead

Parcel(s) No.: 439900000921

Owner: Saint Bernard Properties Company LLC

DONATION CERTIFICATION

I have been informed of the acquisition process and hereby certify I waive the following right(s) in connection with the acquisition of my property for the captioned project:

Check the boxes which apply:

- ☒ To have the acquiring agency appraise my property.
- ☒ To receive payment of the established Just Compensation Amount for the acquisition of said property.

Owner Name

Date

Witness

Witness