



# St. Bernard Parish Council

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

**#12**

**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, FEBRUARY 7, 2023 AT SEVEN O'CLOCK P.M.

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

## ORDINANCE SBPC #2476-02-23

### Summary No. 4068

Introduced by: Administration on 1/17/23

Public Hearing held on 2/7/23

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF CERTAIN PROPERTY LOCATED IN THE VERSAILLES SUBDIVISION OF ST. BERNARD PARISH, STATE OF LOUISIANA, FROM MERAUX LAND DEVELOPMENT, L.L.C. AND TO EXECUTE ANY NECESSARY ANCILLARY DOCUMENTS FOR THE DONATION.

**WHEREAS**, Meraux Land Development, L.L.C. wishes to donate the following described property to St. Bernard Parish Government, to wit:

The following tract located in St. Bernard Parish, State of Louisiana, in Versailles Subdivision, and in accordance with a plan made by Joseph Pilie on the 15<sup>th</sup> day of April, 1837, deposited as Plan No. 85 in the book of plans of Theodore Seghers, a late Notary Public of New Orleans, and also according to a plan of A. Bourgerol, Surveyor, dated January 15, 1838, annexed to an act passed before O. deArmas, late Notary in the City of New Orleans, May 31, 1843, and further in accordance with the plan of resubdivision of Squares 302, 303, 304, 437, 328, 329 and the previously revoked portions of Montesuieu, Fenelon, Delille, Lafontaine & Treasure Streets into Squares 304-A, 327-A 327-B & Treasure Street, Versailles Subdivision, by All South Consulting Engineers, L.L.C., dated May 26, 2022, and approved by the St. Bernard Parish Planning Commission, under Resolution S-2022-059, dated June 28, 2022, and registered in COB 1239, folio 546, and described as follows:

Treasure Street, having such dimensions as shown on said plan.

Being a portion of the same property which was partly acquired by Meraux & Nunez, Inc. by instrument registered in COB 36, folio 486, Parish of St. Bernard, and Mrs. Frances Jessee Nunez Fraley by instrument registered in COB 56, folio 46, Parish of St. Bernard.



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Page -2-  
Extract #12, continued  
February 7, 2023

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

Being a portion of the same property acquired by Frances Jessee Nunez by Supplemental Act of Stock Redemption, Transfer and Settlement before Gladys L. Ziegan, Notary Public, dated June 11, 1952, recorded in COB 56, folio 55 of the records of St. Bernard Parish.

**Gillis McCloskey**  
*Councilmember  
District A*

Being a portion of same property as acquired by Deborah A. Vick and Susan E. Ashley (Formerly Susan DeLarios) as heirs and legatees of Betty J. Dunn, by Judgment of Partial Possession in the matter entitled the Succession of Frances Jesse Fraley, No. 92-8383 of the records of Orleans Parish, dated August 27, 1996, as recorded in COB 614, folio 356 of the records of St. Bernard Parish and as amended by Judgment dated April 18, 1997, as recorded in part in COB 625, folio 307 of the records of St. Bernard Parish.

**Joshua "Josh" Moran**  
*Councilmember  
District B*

**Howard Luna**  
*Councilmember  
District C*

Being a portion of same property as further acquired by Deborah A. Vick and Susan E. Ashley by Judgment of Possession in the matter entitled the Succession of Betty J. Dunn, No. 94-1495 of the Civil District Court for the Parish of Orleans, dated August 23, 1996, recorded in COB 612, folio 128 of the records of St. Bernard.

**Wanda Alcon**  
*Councilmember  
District D*

**Fred Everhardt, Jr.**  
*Councilmember  
District E*

Being a portion of the property as acquired by Ashley Sisters Investments, L.L.C. from Deborah A. Vick and Susan E. Ashley by act before various notaries, dated November 5, 1996, and recorded in COB 616, folio 298 of the Parish of St. Bernard and as amended by act of correction and deposit as recorded in COB 627, folio 491 of the records of St. Bernard.

**Roxanne Adams**  
*Clerk of Council*

Being a portion of the property as further acquired by Ashley Sisters Investments, L.L.C. from Patricia Gardiner Ashley, by act before Dorothy S. Jacobs, Notary Public, dated March 31, 1997, recorded in COB 623, folio 318 of the records of St. Bernard Parish.

Being a portion of the property as further acquired by Meraux Land Development, L.L.C. from Ashley Sisters Investments, L.L.C., Land investment Company, Inc., Deborah Ashley Vick and Susan E. Ashley by act before Sidney D. Torres, III, Notary Public, dated May 5, 1998, and registered in COB 644, folio 182.

**WHEREAS**, it is in the best interest of St. Bernard Parish to accept this donation.

**ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:**

**SECTION 1.** The property at issue is fully described in the Act of Donation, which is attached hereto as Exhibit A. This property will be referred to hereinafter in this ordinance as "THE PROPERTY".



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Page -3-  
Extract #12, continued  
February 7, 2023

**SECTION 2.** The St. Bernard Parish Council hereby authorizes the Parish President to accept the donation of THE PROPERTY, from Meraux Land Development, L.L.C. and to execute the Act of Donation (Exhibit A) and any 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.

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

**YEAS:** McCloskey, Moran, Luna, Alcon, Everhardt, Callais

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 7<sup>th</sup> day of February, 2023.

  
\_\_\_\_\_  
ROXANNE ADAMS  
CLERK OF COUNCIL

  
\_\_\_\_\_  
RICHARD "RICHIE" LEWIS  
COUNCIL CHAIR



# St. Bernard Parish Council

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Page -4-  
Extract #12, continued  
February 7, 2023

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

Delivered to the Parish President 2/9/23 9:20am  
Date and Time

**Gillis McCloskey**  
Councilmember  
District A

Received by Margen Kelley

**Joshua "Josh" Moran**  
Councilmember  
District B

Approved ✓ Vetoed \_\_\_\_\_

**Howard Luna**  
Councilmember  
District C

Parish President

Guy McInnis  
Guy McInnis

**Wanda Alcon**  
Councilmember  
District D

Returned to Clerk of the Council

2/9/23 2:00pm  
Date and Time

**Fred Everhardt, Jr.**  
Councilmember  
District E

Received by

Youya Talony

**Roxanne Adams**  
Clerk of Council

ACT OF DONATION	*	UNITED STATE OF AMERICA
	*	
BY	*	
	*	
MERAUX LAND DEVELOPMENT, L.L.C.	*	STATE OF LOUISIANA
	*	
TO	*	
	*	PARISH OF ST. BERNARD
ST. BERNARD PARISH GOVERNMENT	*	
	*	
	*	
* * * * *		

BE IT KNOWN, that on this \_\_\_\_\_ day of \_\_\_\_\_ 2022 before me, the undersigned Notary Public, duly commissioned and qualified in and for the aforesaid State and Parish, and in the presence of the undersigned competent witnesses, personally came and appeared:

**MERAUX LAND DEVELOPMENT, L.L.C.**, a Louisiana Limited Liability Company organized under the laws of the State of Louisiana, whose address is 5128 E. St. Bernard Highway, Violet, LA 70092, appearing herein by and through Rita O. Gue, its Manager and duly authorized representative, pursuant to a certificate of authority of its managers of said limited liability company, an original of which is attached hereto (the "Donor")

and

**ST. BERNARD PARISH GOVERNMENT**, a political subdivision of the State of Louisiana organized pursuant to and in accordance with La. R.S. 46:1051, et. Seq., whose address is 8201 W. Judge Perez Dr., Chalmette, LA 70043, appearing herein by and through its President Guy McInnis and duly authorized representative (the "Donee").

who declared unto me, Notary, that:

**WHEREAS**, the Donor desires to donate its interest in the Property (as hereinafter defined) to Donee, to serve a charitable purpose in accordance with IRS regulations relating to Donor's 501(c)(3) status, subject to the terms and conditions set forth in this Act of Donation; and

**WHEREAS**, the Donee desires to accept the Donor's donation of its interest in the Property, subject to the terms and conditions set forth in this Act of Donation; and

**NOW THEREFORE**, in consideration of the foregoing and other consideration set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1. Donation. Donor by these presents hereby irrevocably donates, conveys, transfers, sets over and delivers to Donee all of Donor's right, title and interest in and to the property more fully described on Exhibit "A," attached hereto and made a part hereof, together with all other buildings and improvements now or hereafter situated thereon, together with all fixtures and all other component parts appurtenant to any of the foregoing and further including all rights, ways, privileges, servitudes, appurtenances and advantages thereupon belonging (the "Property").

**TO HAVE AND TO HOLD** the Property unto Donee, its successors and assigns, in full ownership forever free from any lien, mortgage, privilege, or encumbrance.

**THE PROPERTY** conveyed herein is being donated “as-is, where-is”, without any warranty whatsoever with respect to the condition of the Property or any of its component parts, and without any warranty whatsoever with respect to fitness of the Property for any particular or general use or purpose, soil conditions, zoning or other use restrictions, or any environmental matters. Donee has inspected the Property and is satisfied with its current conditions. Donor and Donee jointly acknowledge and agree that the foregoing waivers and disclaimers are of the essence of the transaction and the same would not otherwise have been entered into or consummated.

2. Acceptance. Donee hereby accepts Donor’s donation of the Property to Donee.

3. Reservation of Mineral Rights. Donor reserves unto itself, its successors and assigns, and excepts from this Act of Donation, all of the oil, gas and other minerals in, under and which may be produced from the Property, it being understood, however, that Donor, its successors and assigns, shall have the right to produce oil, gas or other minerals in, under and from the Property by the use of directional drilling methods only, provided, however that said directional drilling has no adverse impact on the improvements to be constructed on the Property; and thus Donor hereby waives surface rights. Further, this Act of Donation is subject to any and all existing oil, gas and mineral leases.

4. Restriction. Donor hereby restricts the future use of this Property to be the construction, maintenance, and use of a public street and related infrastructure. Donor hereby restricts the conveyance of this Property by Donee without its written consent. Donee hereby accepts these restrictions in consideration of the donation being made to it.

5. The parties hereto waive the production of tax, mortgage, conveyance and other certificates and relieve and release me, Notary from any and all responsibility and/or liability in connection therewith.

6. The parties hereto agree and acknowledge that the undersigned Notary has not been required to examine title to the Property conveyed herein, or render an opinion of title with respect thereto, and hereby relieve and release the undersigned Notary from any and all responsibility or liability in connection therewith.

7. Each person signing this Act of Donation warrants that he/she has full authority to do so and further if the party executes this Act of Donation on behalf of the nonprofit corporation and/or political subdivision, this Act of Donation is binding as to the nonprofit corporation and/or political subdivision.

8. It is expressly agreed and understood that Donor 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 Parish of St. Bernard, Louisiana.

**[Separate Signature Pages to Immediately Follow]**

**THUS DONE AND PASSED**, in St. Bernard, Louisiana, on this \_\_\_\_\_, day of \_\_\_\_\_, 2022, in the presence of the undersigned competent witnesses, who hereunto sign their names with said appearers and me, Notary, after due reading of the whole.

**WITNESSES:**

**DONOR:**  
**MERAUX LAND DEVELOPMENT, L.L.C.**

\_\_\_\_\_

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

\_\_\_\_\_  
By: Rita O. Gue  
Title: Manager

\_\_\_\_\_

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

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

**THUS DONE AND PASSED**, in St. Bernard, Louisiana, on this \_\_\_\_\_, day of \_\_\_\_\_, 2022, in the presence of the undersigned competent witnesses, who hereunto sign their names with said appearers and me, Notary, after due reading of the whole.

**WITNESSES:**

**DONEE:**

**ST. BERNARD PARISH GOVERNMENT**

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

\_\_\_\_\_  
By: Guy McInnis  
Title: President

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

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

Exhibits "A" – Property Description  
Resolutions

Exhibit "A"

**Property Description**

The following tract located in St. Bernard Parish, State of Louisiana, in Versailles Subdivision, and in accordance with a plan made by Joseph Pilie on the 15<sup>th</sup> day of April, 1837, deposited as Plan No. 85 in the book of plans of Theodore Seghers, a late Notary Public of New Orleans, and also according to a plan of A. Bourgerol, Surveyor, dated January 15, 1838, annexed to an act passed before O. deArmas, late Notary in the City of New Orleans, May 31, 1843, and further in accordance with the plan of resubdivision of Squares 302, 303, 304, 437, 328, 329 and the previously revoked portions of Montesuieu, Fenelon, Delille, Lafontaine & Treasure Streets into Squares 304-A, 327-A 327-B & Treasure Street, Versailles Subdivision, by All South Consulting Engineers, L.L.C., dated May 26, 2022, and approved by the St. Bernard Parish Planning Commission, under Resolution S-2022-059, dated June 28, 2022, and registered in COB 1239, folio 546, and described as follows:

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**RESOLUTIONS**

[attached]

