



St. Bernard Parish Council

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

#32

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, SEPTEMBER 5, 2017 AT SEVEN O'CLOCK P.M.

On motion of Mr. Montelongo, seconded by Ms. Callais, it was moved to adopt the following ordinance:

ORDINANCE SBPC# 2002-09-17

Summary No. 3523

Introduced by: Administration on 8/15/17

Public hearing held on 9/5/17

AN ORDINANCE TO AUTHORIZE THE PARISH PRESIDENT TO ACCEPT THE DONATION OF LOTS 99C THROUGH 103C, INCLUSIVE IN FERNANDEZ SUBDIVISION OF DELACROIX ISLAND, IN S37, T15S, R14E AND THE WATERFRONT ACROSS FROM LOTS 99 THROUGH 103, INCLUSIVE, FROM THE ARLENE AND JOSEPH MERAUX CHARITABLE FOUNDATION AND EXECUTE ANY NECESSARY DOCUMENTS FOR THE DONATION.

WHEREAS, the Arlene and Joseph Meraux Charitable Foundation wishes to donate Lots 99C through 103C, inclusive in Fernandez Subdivision of Delacroix Island, in S37, T15S, R14E and the waterfront across from Lots 99 through 103, inclusive, to St. Bernard Parish Government;

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 St. Bernard Parish Council hereby authorizes the Parish President, on behalf of St. Bernard Parish Government, to accept the donation of the properties described as Lots 99C through 103C, inclusive in Fernandez Subdivision of Delacroix Island, in S37, T15S, R14E and the waterfront across from Lots 99 through 103, inclusive, more fully described in the Act of Donation, which is attached hereto as Exhibit A. These properties will be referred to hereinafter in this ordinance as "THE PROPERTIES".

SECTION 2. The St. Bernard Parish Council hereby authorizes the Parish President to execute the Act of Donation (Exhibit A) and any necessary documents necessary to effectuate the donation of THE PROPERTIES from the Arlene and Joseph Meraux Charitable Foundation to St. Bernard Parish Government.

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



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Page -2-
Extract #32 continued
September 5, 2017

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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

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District E

Roxanne Adams
Clerk of Council

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: Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: McCloskey

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

And the motion was declared **adopted** on the 5th day of September, 2017.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD LEWIS
COUNCIL CHAIR

Delivered to the Parish President 9/8/2017 2:50pm
Date and Time

Received by 



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Page -3-
Extract #32 continued
September 5, 2017

Approved _____

Vetoed _____

Parish President

Guy McInnis

Returned to Clerk of the Council

9/11/2017 11:37am
Date and Time

Received by

ACT OF DONATION

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UNITED STATES OF AMERICA

BY

**ARLENE AND JOSEPH MERAUX
CHARITABLE FOUNDATION**

STATE OF LOUISIANA

TO

PARISH OF ST. BERNARD

ST. BERNARD PARISH GOVERNMENT

* * * * *

BE IT KNOWN, That on the day and dates hereinafter provided;

BEFORE US, the undersigned Notaries Public, duly commissioned and qualified in and for the State and the Parish/County hereinafter provided, and in the presence of the undersigned witnesses:

ARLENE AND JOSEPH MERAUX CHARITABLE FOUNDATION, a non-profit corporation organized under the laws of the State of Louisiana, whose address is 5128 East St. Bernard Highway, Violet, Louisiana 70092, appearing herein by and through Rita O. Gue, its President and duly authorized representative, pursuant to a resolution of the Board of Directors of said corporation, a certified copy 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 West Judge Perez Drive, Chalmette, Louisiana 70043, appearing herein by and through Guy McInnis, its President and duly authorized representative, pursuant to an Ordinance # _____, a certified copy of which is attached hereto (the "Donee").

who declared unto me, Notary, that:

WHEREAS, the Donor desires to donate its interest in the Property (as hereinafter defined) to Donee for use as a recreational area for St. Bernard Parish residents, 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, subject to the stipulation set forth hereafter, 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. Donor and Donee stipulate and agree that the estimated value of the Property is One Hundred Twenty-Eight Thousand and 00/100s (\$128,000.00) Dollars with the Value of the Waterfront at \$50,000.00 and the Value of the C Lots at \$78,000.00.

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. Use. The parties hereto agree the property is to be used for the construction of a new wharf and dry dock facility in Bayou Delacroix specifically for public use, as well as construction of a permanent parking and staging area for fishing vessels and a pavilion assembly structure for public use.

If the Donee fails to use the donated property for the express purposes for which this Donation is made by Donor, Donor shall have the right to demand the return of the donated property pursuant to LA CC Articles 1532 and 1533, as amended, free of any alienations, leases or encumbrances made by Donee or its successors after the Donation. In the event that the return

of the Property cannot be effected, then Donee or its successors shall be required to compensate Donor for the fair market value of the Property

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.

Exhibits "A" – Property Description
Resolution
Ordinance

Exhibit "A"

Property Description

A CERTAIN PORTION OF GROUND, situated in the Parish of St. Bernard, State of Louisiana, designated as **LOTS 99C THROUGH 103C, INCLUSIVE** in **FERNANDEZ SUBDIVISION OF DELACROIX ISLAND**, in S37, T15S, R14E and the WATERFRONT ACROSS FROM LOTS 99 THROUGH 103, INCLUSIVE, more fully described as follows:

Commencing at the intersection of the western right of way line of Louisiana State Highway #300 and the extension of the northern sideline of Lot 99, Fernandez Subdivision of Delacroix Island, the POINT OF BEGINNING and thence running in a southerly direction along the western right of way line of Louisiana State Highway #300 a distance of 199 feet, more or less, to a point on the extension of the southerly sideline of Lot 103, Fernandez Subdivision of Delacroix Island, and thence running in a westerly direction to the eastern shoreline of Bayou Terre Aux Boeufs a distance of 50 feet, more or less, and thence running along said shoreline meandering in a northerly direction a distance of 199 feet, more or less; thence running in a easterly direction along the northern sideline of Lot 99, Fernandez Subdivision of Delacroix Island, a distance of 50 feet, more or less, back to the Point of Beginning. All as shown on the survey by Thomas P. Reed, dated August 15, 1977.