

**NOTICE OF INTRODUCTION OF ORDINANCE**

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on Thursday, February 24, 2011, and laid over for publication of notice:

L.P. ORDINANCE NO. 11-06

AN ORDINANCE AUTHORIZING THE LIVINGSTON PARISH COUNCIL TO DECLARE CERTAIN ADJUDICATED PROPERTY SURPLUS AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO MICHAEL MONTOYA, HIS AGENT OR ASSIGNS FOR THE MINIMUM PRICE OF \$ 35,333.34 BEING TWO-THIRDS (2/3RDS) OF THE APPRAISAL VALUE OR TO ANY PARTY BIDDING A HIGHER PRICE AT PUBLIC SALE TO BE HELD ON MARCH 21, 2011, AS PROVIDED IN THE PUBLIC NOTICE DATED FEBRUARY 17, 2011 AND WHICH PROPERTY IS DESCRIBED AS FOLLOWS:

LOT NO. ONE HUNDRED TWELVE (112), PLANTATION ESTATES SUBDIVISION

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, March 24, 2011, at six (6:00) o'clock p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

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Mary E. Kistler, Council Clerk

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Randall L. Rushing, Council Chairman

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on Thursday, February 24, 2011, a summary thereof having been published in the Official Journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage Thursday, March 24, 2011, as amended, on Motion of A. "Buddy" Mincey and seconded by Cindy Wale:

L.P. ORDINANCE NO. 11-06

AN ORDINANCE AUTHORIZING THE LIVINGSTON PARISH COUNCIL TO DECLARE CERTAIN ADJUDICATED PROPERTY SURPLUS AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO MICHAEL MONTOYA, HIS AGENT OR ASSIGNS FOR THE MINIMUM PRICE OF \$ 35,333.34 BEING TWO-THIRDS (2/3RDS) OF THE APPRAISAL VALUE OR TO ANY PARTY BIDDING A HIGHER PRICE AT PUBLIC SALE TO BE HELD ON MARCH 21, 2011, AS PROVIDED IN THE PUBLIC NOTICE DATED FEBRUARY 17, 2011 AND WHICH PROPERTY IS DESCRIBED AS FOLLOWS:

LOT NO. ONE HUNDRED TWELVE (112), PLANTATION ESTATES SUBDIVISION

**WHEREAS**, the Parish of Livingston owns property described above, said property having been adjudicated to the Parish for unpaid property taxes for the year 1987; and assessed in the name of Jefferey L. and Kathryn Johnston Donnell.

**WHEREAS**, the Department of Public Works for the Parish of Livingston has recommended that the property be declared surplus and no longer needed for public purposes; and

**WHEREAS**, the parish has received an appraisal on the property, and the appraised value of the property is \$53,000.00. Therefore, the minimum bid that the Council can accept on the first advertisement for sale is \$35,333.34.

**WHEREAS**, an offer has been received by the Livingston Parish Finance Department from Michael Montoya, to purchase said property for the consideration of \$35,335.00 cash, at the time of sale; and

**WHEREAS**, a public sale will be held on March 21, 2011 to afford any person to submit a higher bid, having qualified to bid by payment of fees as required and set forth in the Public Notice or to oppose and/or object to the sale.

**WHEREAS**, no opposition or objection was filed on or before March 17, 2011.

**WHEREAS**, this Council is of the opinion that this property is surplus and no longer needed for public purposes and that it would be in the public interest to convey the above mentioned property to Michael Montoya, for the offered consideration or to any party who bids a higher price at the public auction.

**NOW, THEREFORE, BE IT ORDAINED** by the Livingston Parish Council that:

- 1) A CERTAIN TRACT OR PARCEL OF LAND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS CONTAINED THEREON, AND ALL THE RIGHTS, WAYS, PRIVILEGES, SERVITUDES, APPURTENANCES AND ADVANTAGES THEREUNTO BELONGING OR IN ANYWISE APPERTAINING, SITUATED IN THE PARISH OF LIVINGSTON, STATE OF LOUISIANA, IN THAT SUBDIVISION KNOWN AS PLANTATION ESTATES AND DESIGNATED ON THE OFFICIAL MAP OF SAID SUBDIVISION ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR THE PARISH OF LIVINGSTON, STATE OF LOUISIANA, AS LOT NO. ONE HUNDRED TWELVE (112), SAID PLANTATION ESTATES SUBDIVISION, SAID LOT HAVING THE DIMENSIONS AND BEING SUBJECT TO THE SERVITUDES AND BUILDING LINE RESTRICTIONS ALL AS MORE PARTICULARLY SHOWING ON SAID OFFICIAL SUBDIVISION MAP.
- 2) THE PROPERTY IS RECORDED IN COB 260, PAGE 197 IN THE LIVINGSTON PARISH CLERK OF COURT'S OFFICE. ITS MUNICIPAL ADDRESS IS 25646 ROSEDOWN AVENUE, THE ASSESSMENT NUMBER 0109678, WARD 002

are hereby declared to be surplus and no longer needed for public purpose.

Section 2. Ten days after the final adoption of this ordinance, if no restraining order has been obtained, the Parish President is authorized to execute an act of cash sale in which the Parish of Livingston conveys the above described property to:

MICHAEL MONTOYA, HIS HEIRS OR ASSIGNS FOR THE CONSIDERATION OF \$35,335.00 CASH, OR TO THE HIGHEST BIDDER WHO SUBMITS HIS OFFER WITH A CERTIFIED CHECK OR MONEY ORDER IN THE AMOUNT OF \$375.00.

However, the Parish President shall not execute the act of cash sale until the Parish's Special Counsel's office has certified in writing to the Parish President the following:

- A) Purchaser has certified in writing to the Parish's Special Counsel that purchaser or his agent has examined the mortgage records, conveyance records, probate and civil suit records of the Clerk of Court of Livingston Parish and attached to the certification a written list of the names and last known addresses of all owners, mortgagees, and any other person who might have a vested or contingent interest in the property, or who has filed a request for notice as provided in LSA-R.S. 47:2206, et seq. Said written certification shall contain an indemnification and hold harmless clause by the purchaser in favor of the Parish of Livingston Parish, its officers, agents and employees if the purchaser should fail to request notification to an interested party or should incorrectly identify or locate any interested party.
- B) Purchaser has made written request to the Parish's Special Counsel to notify those persons identified above in accordance with LSA-R.S. 47:2206 and has paid the Parish the sum of twenty-five dollars per notice and/or the sum of the actual cost of notice by publication requested.
- C) The Parish's Special Counsel has provided purchaser with proof of notice, and purchaser has recorded same in the conveyance records of Livingston Parish and has provided the Parish Closing Attorney a stamped copy of the recorded proof on notice.
- D) Purchaser has certified in writing to the Parish's Special Counsel that the number of days required by LSA-R.S. 47:2206 has elapsed since the above required notice was made or attempted and that the property has not been redeemed by the payment of the taxes owed.
- E) Purchaser has paid the consideration in cash to the Parish and the cash sale attached has been approved by the Parish's Special Counsel.

Section 3. If purchaser should fail to complete the requirements of Section 2 A) and B) within one hundred twenty (120) days of the adoption of this ordinance, the Parish President is authorized to execute an act of cash sale in which the Parish of Livingston conveys the above described property to anyone who shall complete the requirements of Section 2. If all of the requirements of Section 2 are not completed within one year from the date this ordinance is adopted, the Parish President's authority to execute an act of cash sale for this property shall cease and any and all rights of the purchaser to this property shall terminate.

Section 4. This act of sale shall be without any warranty or recourse whatsoever (including warranty of title), even for the return or any reduction of the purchase price, but with subrogation to all rights and actions of warranty Parish of Livingston may have, and such sale shall contain such warranty limitations and other provisions as are required by the Parish's Special Counsel. The Parish of Livingston shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property.

Upon being subjected to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSENT:

And the ordinance was declared adopted on the 24th day of March 2011.

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Randall L. Rushing, Council Chairman

ATTEST:

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Mary E. Kistler, Council Clerk

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

DELIVERED TO PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.

APPROVED BY PRESIDENT \_\_\_\_\_  
Mike Grimmer Date

VETOED BY PRESIDENT \_\_\_\_\_  
Mike Grimmer Date

RECEIVED FROM PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.