

On motion by Rodney Doucet, seconded by Daniel Lorraine, the following resolution was introduced and adopted;

RESOLUTION NO. 09-065

RESOLUTION TO DECIDE A COURSE OF ACTION TO RESOLVE THE FLOODING ISSUES PERTAINING TO CUT OFF ELEMENTARY SCHOOL AND THE RESIDENTS IN THAT AREA (COUNCIL DISTRICT 8) WITH A RECOMMENDATION FROM DRAINAGE DISTRICT #1 AND AUTHORIZING THE PARISH PRESIDENT TO PROCEED WITH THE PROJECT, INCLUDING HIRING AN ATTORNEY TO PURCHASE OR EXPROPRIATE PROPERTY, AND TO SIGN, EXECUTE, AND ADMINISTER ANY AND ALL RELEVANT DOCUMENTS.

WHEREAS, Tarpon Appraisal Service performed appraisals on the Nicol Tract which was prepared and submitted on November 14, 2007; and further performed an appraisal on a portion of the property of C&D Production Specialists, Inc. and Crosby Family Limited Partnership referred to in the appraisal as “the larger tract” on LA Highway 3235 prepared and submitted on January 23, 2009; and

WHEREAS, an appraisal was performed for Drainage District #1 by Tarpon Appraisal Service on West 55th Street, Crosby 1 Tract and Crosby 2 Tract which was prepared and submitted on January 12, 2008; and

WHEREAS, at the February 10, 2009 regular Council Meeting the council requested that the three options be presented to Drainage District #1 for their recommendation to Council at the March 10, 2009 Council Meeting.

WHEREAS, the appraisals of said properties are presented to Council as three different options so that the Council may attempt to resolve the flooding issues in Council District 8 area around Cut Off Elementary School.

WHEREAS, at the March 5, 2009 meeting of Drainage District #1 all options were presented. The proposed options are as follows:

OPTION 1: Expropriate the property on the property entitled Crosby 1 Tract and Crosby 2 Tract on West 55th Street. This work would entail digging a drainage canal that runs from LA Highway 3235 northeast for approximately 1722’ (Tract 2) and take a 90 degree turn northwest for 100’ (Tract 1) that would tie into the state ditch on LA Highway 3235. The estimated just compensation value of the unencumbered interest in the Crosby 1 Tract as of January 12, 2008 is \$3,325 and \$24,373 for Crosby 2 Tract. These amounts include market value of property and damages to remaining property, and improvements. If this option is chosen another appraisal is required and an attorney must be retained to prepare legal documents.

OPTION 2: Purchase the Joseph Nicol Tract (Parcel No. 0101739000) and dig a canal on this property to allow for improved drainage. This purchase would be for 9.16 acres (less 10’ +/- on the bayou side) between LA Highway 1 and LA Highway 3235 and 4.67 on the west side of LA Highway 3235. The owners wish to retain the bayou side property valued at \$2400; therefore, the appraised value would be reduced to \$189,100. If this option is chosen, the landowner, Apache Corporation and the Lessee, Paul

Dufrene III have tentatively agreed to grant servitude to the Parish for the adjacent property located to the west of the proposed canal to build a levee from Cut Off to Pointe Aux Chein with the spoils. If this option is chosen, no further appraisal will be required; however, an attorney must be retained to prepare sale documents.

OPTION 3: Expropriate a portion of the property (1.162 acres) of C&D Production Specialists, Inc. and Crosby Family Limited Partnership referred to in the appraisal as “the larger tract” to dig a ditch that would connect to other drainage systems that run into the 40 arpent canal, making a 90 degree turn to tie into the other system. The estimated just compensation of the unencumbered interest in the subject property as of January 23, 2009 is \$51,903 for 1.162 acres. This amount includes market value of property, damages to remaining property, and improvements which the Parish would make on the property in order to provide access to the landowners to their remaining property on the other side of the drainage canal. If this option is chosen another appraisal is required and an attorney must be retained to prepare legal documents. *(C&D Production Lot C of the “3 Crosby’s Family Partition Survey Plat, Section 2 T18S-R21E, parcel number 0101735427) (Crosby Family Limited Partnership Lot D of the “3 Crosby’s Family Partition Survey Plat, Section 3 T18S-R21E, Parcel Number 0101738950).*

WHEREAS, to authorize expropriation, the Home Rule Charter requires an Ordinance to be approved by Council.

WHEREAS, in order to purchase or expropriate property, the council must approve the hiring of an attorney to prepare legal documents.

WHEREAS, Drainage District #1 recommends Option 3

WHEREAS, this Resolution was sponsored for Administration by Mr. Rodney Doucet, Councilman, District 8; and

WHEREAS, it is recommended by the Administration of the Lafourche Parish Government that the Council takes action and authorizes the Parish President proceed in any event of the option decided upon, including hiring an attorney to purchase or expropriate property, and to sign, execute, and administer any and all relevant documents.

THEREFORE, BE IT RESOLVED, that the Lafourche Parish Council convened in Regular Session on March 10, 2009, and does hereby approve Option 3 and authorizes the Parish President proceed with the project, including hiring an attorney to purchase or expropriate property, and to sign, execute, and administer any and all relevant documents.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Law Office of Joel Hanberry, PC, P. O. Box 646, Cut Off, LA 70345; Lafourche Parish School Board, Attention: Jo Ann Matthews, Superintendent of Schools, P. O. Box 879, Thibodaux, LA 70302, and the Lafourche Parish Government Department of Public Works, Finance, and the Office of the Parish Administrator.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Louis Richard
Mr. Joseph "Joe" Fertitta
Mr. Matt Matherne
Mr. Rodney Doucet
Mr. Daniel Lorraine

NAYS: Mr. Jerry Jones
Mr. Michael Delatte
Mr. Lindel Toups
Mr. Phillip Gouaux

ABSENT: None

And the resolution was declared adopted this 10th day of March, 2009.

**JERRY JONES, CHAIRMAN
LAFOURCHE PARISH COUNCIL**

**CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL**

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I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Resolution No. 09-065, adopted by the Assembled Council in Regular Session on March 10, 2009, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS 12TH, DAY OF MARCH, 2009.

**CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL**