

RESOLUTION NO. JR-013-2022

A JOINT RESOLUTION OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING JOINT RESOLUTION NO. JR-027-2021 AUTHORIZING A NON-WARRANTY CASH SALE OF 217 BEN B. STREET TO AN ADJOINING LANDOWNER PURSUANT TO LA. R.S. 47:2202(B) FOR THE PRICE OF THE SALE'S ANTICIPATED COSTS

BE IT RESOLVED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, the Lafayette City Council and the Lafayette Parish Council each adopted Resolution No. JR-027-2021 on September 7, 2021 which erroneously noted an incorrect property description; and

WHEREAS, the Lafayette City Council and the Lafayette Parish Council now wish to amend Resolution No. JR-027-2021 to correct the property description; and

WHEREAS, the Lafayette City-Parish Council adopted Ordinance No. O-246-2015, and subsequent amendments, establishing a process by which adjudicated properties may be sold, donated, or otherwise disposed of; and

WHEREAS, the Lafayette City-Parish Council adopted Ordinance No. O-155-2002, authorizing a Local Services Agreement among all entities having the authority to assess and collect property taxes in parts or all of Lafayette Parish, which Local Services Agreement assigns to Lafayette City-Parish Consolidated Government authority to oversee the sale, donation, or disposition otherwise of adjudicated properties; and

WHEREAS, the following political subdivisions with interests in adjudicated properties in parts or all of Lafayette Parish having agreed to the aforementioned Local Services Agreement: the City of Lafayette, the Parish of Lafayette, the Lafayette Parish Law Enforcement District, the Sheriff of Lafayette Parish, the Lafayette Parish School Board, the Lafayette Parish Library Board, the Lafayette Centre Development District, the Lafayette Economic Development Authority, the Bayou Vermilion District, the Lafayette Parish Tax Assessment District, the Lafayette Airport Commission, and the Teche-Vermilion Fresh Water District; and

WHEREAS, pursuant to La. R.S. 47:2201 *et seq.*, La. Const. Art. VII, Sec. 14, and the aforementioned Local Services Agreement among all political subdivisions levying *ad valorem* taxes on immovables within Lafayette Parish, Lafayette City-Parish Consolidated Government may elect at a public meeting of the Lafayette City Council and the Lafayette Parish Council to allow an adjoining landowner, who is determined to have maintained an adjudicated property for at least one (1) year, to purchase such adjudicated property for any price set by the Lafayette City Council and the Lafayette Parish Council; and

WHEREAS, the Lafayette City-Parish Consolidated Government Code of Ordinances in Ch. 72-30(e) permits that sale of adjudicated property to an adjoining landowner be submitted to the Joint Council for approval of a resolution authorizing its sale and adopting as its sale price the sale's anticipated costs; and

WHEREAS, the below-named Applicant for sale of the below-described property having submitted necessary verifying information for compliance with Louisiana statutes and the Lafayette City-Parish Consolidated Government Code of Ordinances; and

WHEREAS, the Lafayette City-Parish Consolidated Government has determined conformance by the below-named Applicant with La. R.S. 47:2202(B) and with Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-30(e).

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Lafayette City Council and the Lafayette Parish Council, that:

SECTION 1: All of the foregoing "Whereas" clauses are adopted as part of this resolution.

SECTION 2: The Lafayette City Council and the Lafayette Parish Council in due, regular and legal session convened, adopt pursuant to La. R.S. 47:2202(B), and Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-30(e), Lafayette City-Parish Consolidated Government's anticipated costs in the amount of zero (\$0) dollars as the price for Non-Warranty Cash Sale of the below-described property (the "Property") to the below-named Applicant, as amended below:

Applicant: Bobby Celestine

Assessment Number: 6027561

Property Address: 217 Ben B. Street, Lafayette, Louisiana 70501

Legal Description:

217 Ben B. Street, Lafayette, Louisiana 70501

"That certain lot of ground, situated in the SECOND HOME ADDITION to the City of Lafayette, Louisiana, together with all buildings and improvements thereon, and according to a map of said addition on file in the office of the clerk of Court of Lafayette Parish, is known and designated as LOT NUMBER TEN (10) of BLOCK NO. THREE (3), measuring fifty-three and 4/10ths (53.4) feet on Ben B. Street by a depth in parallel lines of one hundred two and 8/10ths (102.8) feet, bounded north by lot number nine (9), south by Home Addition, east by lot number two (2), and West by Ben B. Street; being the same property acquired by virtue of Act No. 139366 of the records of Lafayette Parish, Louisiana."

SECTION 3: Following the Applicant's compliance with:

a) the notice and publication requirements of, and lapse of the time periods described in, La. R.S. 47:2206(A) and (B), respectively, without the occurrence either of full redemption of the Property or the filing of any action to annul as permitted by La. R.S. 47:2286 *et seq.*; and

b) the notice requirement imposed by Ch. 72-15(c) of the Lafayette City-Parish Consolidated Government Code of Ordinances; and

c) the filing requirement imposed by Ch. 72-16(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances; the Administrator (as defined in Chapter 72-12) shall upon request of the Applicant cause to be authenticated by the Lafayette Mayor-President that Non-Warranty Cash Sale to Applicant in that form attached hereto as Exhibit A. The Administrator, however, shall decline to cause to be authenticated the Non-Warranty Cash Sale should those circumstances described by Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-18(c) arise prior to such authentication.

SECTION 4: Following authentication of the Non-Warranty Cash Sale, the Administrator shall cause Applicant to file the Non-Warranty Cash Sale in the Lafayette Parish Clerk of Court's conveyance records, along with this resolution, which shall be annexed to and incorporated by reference into the Non-Warranty Cash Sale; and to comply with the filing requirements set forth in Ch. 72-16(d) of the Lafayette City-Parish Consolidated Government Code of Ordinances.

SECTION 5: After compliance with the filing requirements set forth in Ch. 72-16(d) of the Lafayette City-Parish Consolidated Government Code of Ordinances, the acquiring person(s) shall submit copies of the affidavit required by that subsection 72-16(d) to a) the Lafayette Utilities System Customer Services/Tax Collection Division and b) the Lafayette Parish Sheriff's Office Tax Collection Division.

SECTION 6: Sale of the Property to Applicant is conditioned upon compliance with the dictates of this resolution, including the following:

1) Applicant is not a tax debtor or owner of the Property, nor acting for, directly or indirectly, any tax debtor or owner of the Property;

2) Applicant is not an employee, contractor, officer, director, elected or appointed official of Lafayette City-Parish Consolidated Government, nor any member of the immediate family of any of the above, nor any entity in which any of them has a substantial economic interest, nor acting for, directly or indirectly, any of the aforementioned, without the affirmative consent by resolution of the Lafayette City Council and the Lafayette Parish Council;

3) Applicant shall permit re-entry and inspection of the Property, at reasonable times and upon reasonable notice, by the Administrator or other agents of the Government, in order to verify compliance with any conditions imposed on the sale;

4) Applicant's compliance with the notice and filing requirements imposed by this resolution, the Louisiana Revised Statutes or by the Lafayette City-Parish Consolidated Government Code of Ordinances;

5) Applicant's maintenance of the Property in a clean and sanitary condition; and

6) Applicant's adherence to that property renovation plan attached hereto as Exhibit B.

SECTION 7: Should any suspensive condition prohibited by this resolution come to pass, or any resolutive condition required by this resolution cease, the Administrator upon learning of such circumstance shall cause to be revoked the Non-Warranty Cash Sale to Applicant.

SECTION 8: All resolutions, or parts thereof, in conflict herewith are hereby repealed.

This resolution having been submitted to a vote, the vote on behalf of the Lafayette City Council thereon was as follows:

YEAS: A. Naquin, Hebert, Cook, Lazard

NAYS: None

ABSENT: Lewis

ABSTAIN: None

This resolution having been submitted to a vote, the vote on behalf of the Lafayette Parish Council thereon was as follows:

YEAS: Tabor, Carlson, Guilbeau, Rubin

NAYS: None

ABSENT: K. Naquin

ABSTAIN: None

AND the resolution was declared adopted on this, the 5th day of April, 2022.

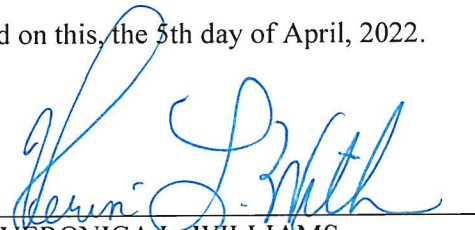

VERONICA L. WILLIAMS
LAFAYETTE CLERK OF THE COUNCIL

EXHIBIT A
NON-WARRANTY CASH SALE
STATE OF LOUISIANA
PARISH OF LAFAYETTE

BE IT KNOWN, on the dates written below before the undersigned Notaries Public, duly commissioned and qualified in their respective parishes, personally came and appeared:

Lafayette City-Parish Consolidated Government,

referred to as "Seller," a political subdivision of the State of Louisiana, represented herein by Lafayette Mayor-President Joshua S. Guillory, who, authorized by Joint Resolution No. JR-_____-2021 of the Lafayette City Council and the Lafayette Parish Council, declared that:

Seller sells, without any warranty of title whatsoever, either expressed or implied, even as to the return or reduction of the purchase price, except for the warranty against eviction resulting from a prior alienation by the political subdivision, but with full substitution and subrogation in and to all the rights and actions of warranty which Seller may have, to:

Bobby Celestine

whose permanent mailing address is 207 Country Club Drive, Lafayette, LA, 70501-6561, referred to as "Purchaser," all of Seller's right, title and interest in and to the property more fully described on Exhibit "1" attached hereto and made a part hereof, together with all appurtenances thereunto belonging or in any way appertaining, and all buildings and improvements located on the property, if any, collectively referred to as the "Property."

This sale is made and accepted for and in consideration of the sum of "Zero Dollars" cash, which Purchaser has paid to Seller.

Purchaser acknowledges that this sale is subject to, and conditioned upon, the provisions of the aforementioned Resolution, which is incorporated herein and made part hereof, and whose recordation alongside this Act of Sale is an essential condition of this Sale.

Remainder of this page intentionally blank

Pursuant to La. R.S. § 9:2721(A), from and after the date of execution of this Non-Warranty Cash Sale by the Seller, all property taxes and assessment notices should be mailed to the Purchaser at its address first set forth on the preceding page.

Remainder of this page intentionally blank

THUS DONE AND PASSED by Seller, before me, Notary, and the undersigned competent witnesses, on this 19th day of April, 2022, in the city of Lafayette, Louisiana.

WITNESSES:

SELLER:
LAFAYETTE CITY-PARISH
CONSOLIDATED GOVERNMENT

Julie Fruge
Signature

JULIE FRUGE
Printed Name:

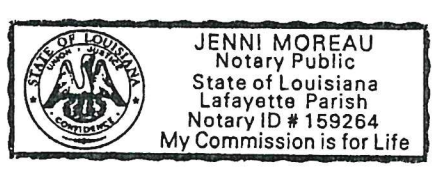
Chris Lewis
Signature

Christopher Lewis
Printed Name:

Josh. Guillory
Signature
Name: Joshua S. Guillory
Title: Lafayette Mayor-President

Jenni Moreau
NOTARY PUBLIC

Printed Name: _____
Notary/Bar Roll No.: _____



THUS DONE AND PASSED by Purchaser, before me, Notary, and the undersigned
competent witnesses on this _____ day of _____, _____, in the city of
_____, Louisiana.

WITNESSES:

PURCHASER(s):
Bobby Celestine

Signature

Signature

Printed Name

Printed Name

Signature

Signature

Printed Name

Printed Name

NOTARY PUBLIC
Printed Name: _____
Notary/Bar Roll No.: _____

Exhibit 1
Legal Description

Assessment Number: 6027561

Property Address: 217 Ben B. Street, Lafayette, LA 70501

“That certain lot of ground, situated in the SECOND HOME ADDITION to the City of Lafayette, Louisiana, together with all buildings and improvements thereon, and according to a map of said addition on file in the office of the clerk of Court of Lafayette Parish, is known and designated as LOT NUMBER TEN (10) of BLOCK NO. THREE (3), measuring fifty-three and 4/10ths (53.4) feet on Ben B. Street by a depth in parallel lines of one hundred two and 8/10ths (102.8) feet, bounded north by lot number nine (9), south by Home Addition, east by lot number two (2), and West by Ben B. Street; being the same property acquired by virtue of Act No. 139366 of the records of Lafayette Parish, Louisiana.”

Exhibit B
Renovation Plan

Applicant's plan is to maintain property as green and additional yard space.

RESOLUTION NO. JR-027-2021

A JOINT RESOLUTION OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AUTHORIZING A NON-WARRANTY CASH SALE OF 217 BEN B. STREET TO AN ADJOINING LANDOWNER PURSUANT TO LA R.S. 47:2202(B) FOR THE PRICE OF THE SALE'S ANTICIPATED COSTS

BE IT RESOLVED by the Lafayette City Council and the Lafayette Parish Council,
that:

WHEREAS, the Lafayette City-Parish Council adopted Ordinance No. O-246-2015, and subsequent amendments, establishing a process by which adjudicated properties may be sold, donated, or otherwise disposed of; and

WHEREAS, the Lafayette City-Parish Council adopted Ordinance No. O-155-2002, authorizing a Local Services Agreement among all entities having the authority to assess and collect property taxes in parts or all of Lafayette Parish, which Local Services Agreement assigns to Lafayette City-Parish Consolidated Government authority to oversee the sale, donation, or disposition otherwise of adjudicated properties; and

WHEREAS, the following political subdivisions with interests in adjudicated properties in parts or all of Lafayette Parish having agreed to the aforementioned Local Services Agreement: the City of Lafayette, the Parish of Lafayette, the Lafayette Parish Law Enforcement District and the Sheriff of Lafayette Parish; the Lafayette Parish School Board; the Lafayette Parish Library Board; the Lafayette Centre Development District; the Lafayette Economic Development Authority; the Bayou Vermilion District; the Lafayette Parish Tax Assessment District; the Lafayette Airport Commission; and the Teche-Vermilion Fresh Water District; and

WHEREAS, pursuant to La. R.S. 47:2201 *et seq.*, La. Const. Art. VII, Sec. 14, and the aforementioned Local Services Agreement among all political subdivisions levying *ad valorem* taxes on immovables within Lafayette Parish, Lafayette City-Parish Consolidated Government may elect at a public meeting of the Lafayette City Council and the Lafayette Parish Council to allow an adjoining landowner, who is determined to have maintained an adjudicated property for at least one (1) year, to purchase such adjudicated property for any price set by the Lafayette City Council and the Lafayette Parish Council; and

WHEREAS, the Lafayette City-Parish Consolidated Government Code of Ordinances in Ch. 72-30(e) permits that sale of adjudicated property to an adjoining landowner be submitted to the Joint Council for approval of a resolution authorizing its sale and adopting as its sale price the sale's anticipated costs; and

WHEREAS, the below-named Applicant for sale of the below-described property having submitted necessary verifying information for compliance with Louisiana statutes and the Lafayette City-Parish Consolidated Government Code of Ordinances; and

WHEREAS, the Lafayette City-Parish Consolidated Government has determined conformance by the below-named Applicant with La. R.S. 47:2202(B) and with Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-30(e).

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Lafayette City Council and the Lafayette Parish Council, that:

SECTION 1: All of the foregoing "Whereas" clauses are adopted as part of this resolution.

SECTION 2: The Lafayette City Council and the Lafayette Parish Council in due, regular and legal session convened, adopt pursuant to La. R.S. 47:2202(B), and Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-30(e), Lafayette City-Parish Consolidated Government's anticipated costs in the amount of zero (\$0) dollars as the price for Non-Warranty Cash Sale of the below-described property (the "Property") to the below-named Applicant:

Applicant: Bobby Celestine

Assessment Number: 6027561

Property Address: 217 Ben B. Street, Lafayette, Louisiana 70501

Legal Description:

217 Ben B. Street, Lafayette, Louisiana 70501

"That certain lot of ground, together with all buildings and improvements situated thereon and thereunto appertaining, located in the Second Home Addition to the City of Lafayette, Parish of Lafayette, Louisiana, and, according to a map of said addition on file in the office of the Clerk of Court of Lafayette Parish, Louisiana, being Lot No. 9 of Block No. 3 of said Addition, having a front of 55 feet on Ben B. Street, together with a depth between parallel lines of 102.8 feet, and being bounded on the North by Lot No. 8, on the South by Lot No. 10, on the East by Lot No. 2, all of Block No. 3, and on the West by Ben B. Street, all of said Second Home Addition."

SECTION 3: Following the Applicant's compliance with:

a) the notice and publication requirements of, and lapse of the time periods described in, La. R.S. 47:2206(A) and (B), respectively, without the occurrence either of full redemption of the Property or the filing of any action to annul as permitted by La. R.S. 47:2286 *et seq.*; and

b) the notice requirement imposed by Ch. 72-15(c) of the Lafayette City-Parish Consolidated Government Code of Ordinances; and

c) the filing requirement imposed by Ch. 72-16(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances; the Administrator (as defined in Chapter 72-12)

shall upon request of the Applicant cause to be authenticated by the Lafayette Mayor-President that Non-Warranty Cash Sale to Applicant in that form attached hereto as Exhibit A. The Administrator, however, shall decline to cause to be authenticated the Non-Warranty Cash Sale should those circumstances described by Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-18(c) arise prior to such authentication.

SECTION 4: Following authentication of the Non-Warranty Cash Sale, the Administrator shall cause Applicant to file the Non-Warranty Cash Sale in the Lafayette Parish Clerk of Court's conveyance records, along with this resolution, which shall be annexed to and incorporated by reference into the Non-Warranty Cash Sale; and to comply with the filing requirements set forth in Ch. 72-16(d) of the Lafayette City-Parish Consolidated Government Code of Ordinances.

SECTION 5: After compliance with the filing requirements set forth in Ch. 72-16(d) of the Lafayette City-Parish Consolidated Government Code of Ordinances, the acquiring person(s) shall submit copies of the affidavit required by that subsection 72-16(d) to a) the Lafayette Utilities System Customer Services/Tax Collection Division and b) the Lafayette Parish Sheriff's Office Tax Collection Division.

SECTION 6: Sale of the Property to Applicant is conditioned upon compliance with the dictates of this resolution, including the following:

- 1) Applicant is not a tax debtor or owner of the Property, nor acting for, directly or indirectly, any tax debtor or owner of the Property;
- 2) Applicant is not an employee, contractor, officer, director, elected or appointed official of Lafayette City-Parish Consolidated Government, nor any member of the immediate family of any of the above, nor any entity in which any of them has a substantial economic interest, nor acting for, directly or indirectly, any of the aforementioned, without the affirmative consent by resolution of the Lafayette City Council and the Lafayette Parish Council;
- 3) Applicant shall permit re-entry and inspection of the Property, at reasonable times and upon reasonable notice, by the Administrator or other agents of the Government, in order to verify compliance with any conditions imposed on the sale;
- 4) Applicant's compliance with the notice and filing requirements imposed by this resolution, the Louisiana Revised Statutes or by the Lafayette City-Parish Consolidated Government Code of Ordinances;
- 5) Applicant's maintenance of the Property in a clean and sanitary condition; and
- 6) Applicant's adherence to that property renovation plan attached hereto as Exhibit B.

SECTION 7: Should any suspensive condition prohibited by this resolution come to pass, or any resolatory condition required by this resolution cease, the Administrator upon learning of such circumstance shall cause to be revoked the Non-Warranty Cash Sale to Applicant.

SECTION 8: All of the aforescribed "Whereas" clauses are adopted as part of this resolution.

SECTION 9: All resolutions, or parts thereof, in conflict herewith are hereby repealed.

This resolution having been submitted to a vote, the vote on behalf of the Lafayette City Council thereon was as follows:

YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard

NAYS: None

ABSENT: None

ABSTAIN: None

This resolution having been submitted to a vote, the vote on behalf of the Lafayette Parish Council thereon was as follows:

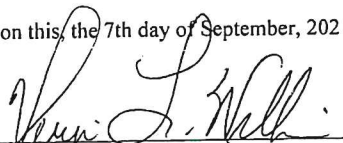
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin

NAYS: None

ABSENT: None

ABSTAIN: None

AND the resolution was declared adopted on this, the 7th day of September, 2021.


VERONICA L. WILLIAMS
LAFAYETTE CLERK OF THE COUNCIL



RECEIVED

MAR 18 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Development and Planning Department
Office of the Director (9010)

TO: Cydra Wingerter

DATE: March 18, 2022

FROM: Mary Sliman, Director

SUBJ: **RESOLUTION AMENDING JR-027-2021, ADOPTED SEPTEMBER 7, 2021**
217 BEN B. STREET, ASSESSMENT NO. 6027561
ADJUDICATED PROPERTY DISPOSITION BY SALE TO ADJOINING PROPERTY OWNER
JOINT COUNCIL RESOLUTION FOR ADOPTION – APRIL 5, 2022

Enclosed for your review and consideration is a proposed joint resolution of the Lafayette City Council and the Lafayette Parish Council amending Joint Resolution JR-027-2021 which facilitated the disposition (by sale to an adjoining property owner) of 217 Ben B. Street.

The proposed amendment corrects the subject property description which was originally noted incorrectly in Resolution JR-027-2021.

Please find enclosed the following:

1. Submittal Item Justification Form;
2. Resolution;
3. JR-027-2021.

If all is in order, please submit for adoption on the April 5, 2022 City Council and Parish Council agendas.

Mary Sliman, Director
Development and Planning Department

MS/kt

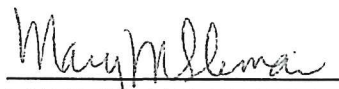
Attachments

LAFAYETTE JOINT COUNCIL MEETING

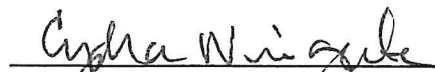
AGENDA ITEM SUBMITTAL FORM

- 1) **JUSTIFICATION FOR REQUEST:** To authorize a joint resolution of the Lafayette City Council and the Lafayette Parish Council amending Resolution No. JR-027-2021 authorizing a non-warranty cash sale of 217 Ben B. Street (Assessment No. 6027561), to an adjoining landowner pursuant to LA R.S. 47:2202(B) for the price of the sale's anticipated costs.
- 2) **ACTION REQUESTED:** Adoption of the attached resolution to authorize the amendment of JR-027-2021.
- 3) **REQUEST ACTION OF COUNCIL:**
 - A. INTRODUCTION:
 - B. FINAL ADOPTION: April 5, 2022
- 4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
 - A. Cover letter from Director (1 page)
 - B. Submittal Form (1 page)
 - C. Resolution (10 pages)
 - D. JR-027-2021 (4 pages)
- 5) **FISCAL IMPACT:**
☐ Fiscal Impact (will be detailed in Cost-Revenue Analysis)
☒ No Fiscal Impact

RECOMMENDED BY:


MARY SLIMAN, DIRECTOR

APPROVED FOR AGENDA:


CHIEF ADMINISTRATIVE OFFICER