

Laura H. Culpepper, Jackson Clerk of Court

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CERTIFIED COPY OF ORIGINAL

THIS Oct 27 2021

Janya Noveck

Dy. Clerk of Court
Jackson Parish

TOWN OF CHATHAM
ORDINANCE 2021 – 07

The following ordinance having been introduced at a regularly called meeting held on Tuesday September 14, 2021 and notice of its introduction having been published in the official journal and a public hearing having been held in connection therewith at a regular call meeting held on this date, was offered for final adoption by Toni Malone and seconded by Sue Ann Proffer.

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DESIGNEE TO ADVERTISE FOR AND SOLICIT SEALED BIDS TO SELL, TO THE HIGHEST RESPONSIBLE BIDDER, SURPLUS TOWN- OWNED IMMOVABLE PROPERTY (I.E. REAL PROPERTY) AND ALL IMPROVEMENTS THEREON LOCATED AT 6357 HWY 34 CHATHAM, LA 71226, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Town of Chatham (“Town”) is the owner of immovable property (i.e. real property) and all improvements thereon, 6537 Hwy 34 Chatham, Louisiana 71226, hereinafter referred to as the “Property”;

and

WHEREAS, the Town acquired ownership of the property in March 18, 2021 by donation from Richard A. Tyler through all appropriate processes and procedures; and

WHEREAS, since the Town does not need this property, **Resolution No. 2021-16 of 2021**, declared the property as *surplus property* and it is *not needed for public purposes*: and

WHEREAS, selling this Property will allow for development of the property and allows the Town to repurpose all proceeds of the sale for the benefit of the community; and

WHEREAS, before disposition can be made of Town-owned immovable property (i.e. real property) under the provisions of La. R.S. 33:4712(B) the following is required: an ordinance must be introduced: (1) giving the reasons for the action on the part of the governing authority, (2) fixing the minimum price and (3) terms of the *sale, lease, exchange, or other contract* to be made with reference to the property; and

WHEREAS, pursuant to La. R.S. 33:4712(B), no real property or rights to real property shall be sold by the Town except upon *sealed bids* or at *public auction* and after due advertisement, all as the Town Council may from time to time determine and direct; and

WHEREAS, all *sales* made by the Town of Chatham shall be made on the basis of *competitive bids* after such public notice as may be prescribed by the Town Council by Ordinance and all sales shall be to the *highest responsible bidder*; and

WHEREAS, Article VII, §14 of the Louisiana Constitution of 1974, provides that except as otherwise provided, the property or things of value of the Town shall not be loaned, pledged, or donated to any person, association, or corporation, public or private, and therefore it can be said that Section 14 mandates that, at a minimum, a public entity must recover *fair market value* when selling surplus immovable property (i.e. real property); and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Chatham, Louisiana, in due, regular and legal session convened, that:

1. **Resolution No. 2021-16**, declared that the Town-owned immovable property (i.e. real property) and all improvements thereon, located at 6357 Hwy 34 Chatham, Louisiana (hereafter referred to as the "Property"), is *surplus property* and is *not needed for public purposes*.
2. As required by La. R.S. 33:4712(B), it is hereby stated that it has been determined by this Town Council that it is in the best interest of the Town *to sell the Property*.
3. The Mayor of the Town of Chatham, and/or his designee, is hereby authorized to *advertise for and solicit sealed bids* and to sell the Property, to the *highest responsible bidder* under the terms, substantially in accordance with **IFB#202101** attached hereto and made part hereof as **Exhibit "A"**.
4. As required by law the MINIMUM BID PRICE, for the sale of the Property, shall be fixed and set at FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000).
5. All sales made by the Town of Chatham shall be made on the basis of *competitive bids* after such public notice as may be prescribed by law and all sales shall be to the *highest responsible bidder*.
6. As required by La. R.S. 33:4712(B), the Property, including any and all improvements, is described as:
225-180: 225-178: 225-176: 196-7: 294-245: 295-883: 296-779: #410084:
#420674:421653: 136-118: COMMENCE AT THE SEC NE NE, SEC-10-15-1-WEST,
TH WEST 767.5' TO A PT, TH SOUTH 47.1' TO THE NEC OF THE LOT HEREIN
DESC. THENCE SOUTH 16 DEG. 30' EAST ALG 50' SERVICE ROAD 172.4' TO
THE N ROW LINE OF STATE HWY #234, TH ALG HWY 234, S 44 DEG. 00' WEST
100', TH NORTH 46 DEG. WEST 150', TH NORTH 44 DEG. EAST 185.4' TO THE
POB. & CONTAINING .0149 ACS M/L & LOC. IN SW OF NE, SEC-10-15-1-WEST.
7. This is the first advertised attempt to sell this property.
8. To the extent permitted by law, the Town shall reserve unto itself *all oil, gas and other minerals and mineral rights*, whatsoever, *in, on or under* the described Property to be transferred.
9. To the extent permitted by law, the Town shall reserve unto itself *all air rights*, whatsoever, *in or above* the described Property to be transferred to the extent it does not infringe on federal regulations or statutory impositions.
10. The sale of the Property shall be "AS IS". There shall be no warranty of fitness, condition or title. The Town does not warrant the use of the property for any particular purpose. The Town does not warrant that the property does not contain hazardous substances such as, but not limited to, asbestos, lead or lead paint. By submitting a bid, the Purchaser acknowledges this waiver of any warranty which shall be permanent and irrevocable.
11. The Town Council may reject any and all bids and readvertise for bids.
12. Pursuant to La. R.S. 38:2214, the Town Council may reject any and all bids for *just cause*.
13. If the Town fails to sell the property because the maximum bid received was not equal to or greater than the minimum bid established, by this ordinance, the Town shall reject all bids and is hereby granted the authority to readvertise to solicit bids under a newly issued invitation for bid (IFB) and is hereby granted the authority to repeat the process until the Property is sold or as otherwise directed by the Town Council.

14. As required by La. R.S. 38:2213, the Town shall disclose in the official record at least seven (7) days prior to the sale (or purchase) of any land by it, the names of any person known to be: (1) An elected official of the state or any of the Town who has a pecuniary interest in the purchase or sale of such land; or (2) An appointed official or employee of the Town making the purchase or sale and having a pecuniary interest in the purchase or sale of the land.
15. The Mayor of the Town of Chatham, and/or his designee, is hereby authorized to execute any and all documents necessary to carry out the sale of the Property or take any action in furtherance or necessary to complete the terms and intent of this Ordinance.
16. The Town's Clerk Office, or its designee, shall prepare the Act of Sale and conduct the closing.
17. The Town Council declares and confirms, in accordance with La. R.S. 33:4712, that notice of this ordinance was published at least three (3) times within fifteen (15) days, one week apart prior to adoption of said ordinance and all other procedural requirements have been met.
18. Subject to the requirements of La. R.S. 33:4712(C), this ordinance shall not become effective until ten (10) days after its passage, during which time any interested citizen may apply to the district court having jurisdiction of the municipality for an order restraining the disposition of the property.
19. Subject to the conditions expressed in the above paragraph and in accordance with the requirements of La R.S. 33:4712(C), *if* no order restraining the disposition of the property has been issued by the District Court, the **effective date of this Ordinance shall be ten (10) days after is adoption/passage** and cannot be contested for any reason thereafter.

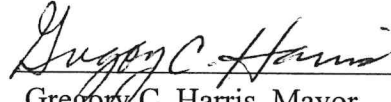
BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

The final adoption of the foregoing Ordinance having been duly moved and seconded, the roll was called, and the following vote was taken and recorded:

	YEA	NAY	ABSENT	ABSTAIN
Marvin Davis	X			
Tonja "Toni" Malone	X			
Laverne Mixon	X			
Sue Richardson Proffer	X			
Mike Wilson	X			

There being a favorable vote on the ordinance of at least a majority of the authorized members of the Governing Authority, the ordinance was declared adopted on this the 12th day of October 2021.


Gregory C. Harris, Mayor

ATTEST:


Lynette Roberts, Clerk