

ORDINANCE NO. 11-18A

AN ORDINANCE AUTHORIZING THE VILLAGE TO ADVERTISE FOR AND SOLICIT SEALED BIDS TO SELL, TO THE HIGHEST RESPONSIBLE BIDDER, SURPLUS VILLAGE-OWNED IMMOVABLE PROPERTY AND ALL IMPROVEMENTS THEREON LOCATED AT THE CORNER OF HWY 112 AND HORSESHOE DRIVE, ELIZABETH, LOUISIANA, 70638, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Village of Elizabeth (“Elizabeth”) is the owner of immovable property and all improvements thereon, located at the corner of HWY 112 and Horseshoe Drive, Elizabeth, Louisiana, 70638 (more particularly described in Exhibit A attached hereto) (hereinafter, the “property”); and

WHEREAS, the property is no longer needed for a public purpose and has been declared surplus property by Elizabeth; and

WHEREAS, Elizabeth desires to sell the property due to it no longer being needed for a public purpose; and

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

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

WHEREAS, Article VII, §14 of the Louisiana Constitution of 1974, provides that except as otherwise provided, the property or things of value of Elizabeth 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; and

WHEREAS, the initial appraisal identified the market value of the Property as THIRTY-SIX THOUSAND DOLLARS (\$36,000.00).

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Elizabeth, Louisiana, in due, regular and legal session convened, that:

1. The village-owned immovable property and all improvements thereon, located at the corner of HWY 112 (more particularly described in Exhibit A attached hereto) and Horseshoe Drive, Elizabeth, Louisiana, 70638 (more particularly described in Exhibit A attached hereto) 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 the Board of Aldermen that it is in the best interest of Elizabeth to sell the previously described property.
3. In accordance with law, the Mayor or her designee is hereby authorized to advertise for and solicit sealed bids and to sell the previously described property, to the highest responsible bidder.
4. As required by law, the minimum bid price for the sale of the property shall be fixed and set at THIRTY-THREE THOUSAND DOLLARS (\$33,000.00), based on the lack of bids at the price of THIRTY-SIX THOUSAND DOLLARS (\$36,000.00) which is presumed to be the fair market value .
5. This is the 1st advertised attempt to sell this property at \$33,000.00.
6. The sale of the Property shall be "AS IS". There shall be no warranty of fitness, condition or title. Elizabeth does not warrant the use of the property for any particular purpose. Elizabeth 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.
7. The Mayor may reject any and all bids and readvertise for bids with approval by the Board of Aldermen.
8. If Elizabeth 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 Mayor shall reject all bids and is hereby granted the authority to readvertise to solicit bids under a newly issued invitation for bid and is hereby granted the authority to repeat the process until the property is sold or as otherwise directed by the Board of Aldermen.
9. As required by La. R.S. 38:2213, Elizabeth 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 Elizabeth who has a pecuniary interest in the purchase or sale of such land; or (2) An appointed official or employee of Elizabeth making the purchase or sale and having a pecuniary interest in the purchase or sale of the land.
10. The Mayor of Elizabeth 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.
11. 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 restrained disposition of the property.

12. 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 has been issued by the District Court, the effective date of this Ordinance shall be ten (10) days after its 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.

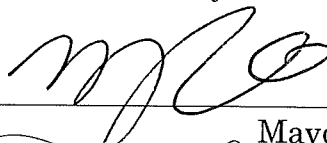
BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

Said Ordinance having been introduced on the 7th day of May, 2019 by notice of Public Hearing having been published on the 23rd day of May, 2019 said Public Hearing having been held on the 4th day of June, 2019, title having been read and Ordinance considered, on motion by Angela Smith and seconded by Kelly Stalsby to adopt the Ordinance. A record vote was taken and the following result was had:

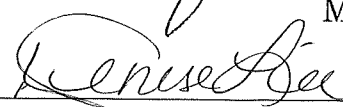
	YEA	NAY	ABSENT	ABSTAINING
Angela Smith	X			
Kelly Stalsby	X			
Ken Kelly			X	

Whereupon the Mayor declare the above Ordinance duly adopted on the 5th day of June, 2019. Final publication was made on the 20th day of June, 2019.

Thereupon, the Mayor declared the ordinance adopted on the 5th day of June, 2019.



Mayor

Attest: 

Clerk