

ORDINANCE NO. O-136-2012

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL AUTHORIZING THE LAFAYETTE CITY-PARISH PRESIDENT TO PROVIDE FOR THE ACQUISITION AND DEVELOPMENT OF THAT CERTAIN PROPERTY GENERALLY LOCATED IN SECTION 53, TOWNSHIP 10 SOUTH, RANGE 4 EAST, LAFAYETTE PARISH, LOUISIANA, KNOWN AS THE "HORSE FARM," TO ENTER INTO AN ACT OF EXCHANGE OF THAT CERTAIN PROPERTY GENERALLY LOCATED IN SECTION 48, TOWNSHIP 10 SOUTH, RANGE 4 EAST, KNOWN AS "YOUTH PARK," AS PARTIAL CONSIDERATION FOR THE ACQUISITION OF THE HORSE FARM, TO PAY THE BALANCE OF THE ACQUISITION PRICE OF THE HORSE FARM WITH THE PROCEEDS OF THE SALE OF THOSE CERTAIN CERTIFICATES OF INDEBTEDNESS PREVIOUSLY AUTHORIZED BY ORDINANCE NO. O-052-2011, TO ENTER INTO NEGOTIATIONS AND INITIATE SUCH PRELIMINARY LEGAL PROCESSES AS MAY BE REQUIRED TO ENTER INTO ONE OR MORE COOPERATIVE ENDEAVOR AND/OR LEASE AGREEMENTS FOR THE DEVELOPMENT OF THE HORSE FARM INTO A PARK, TO EXECUTE ANY DOCUMENTS NECESSARY, CONVENIENT, OR DESIRABLE TO ACCOMPLISH THE PURPOSES SPECIFIED HEREIN, AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO

BE IT ORDAINED by the Lafayette City-Parish Council, that:

WHEREAS, the City of Lafayette (hereinafter referred to as the "City") currently owns certain property behind its Fire Station #5 at 2001 Johnston Street generally located in Section 48, Township 10 South, Range 4 East, known as "Youth Park" (hereinafter referred to as "Youth Park"); and

WHEREAS, the University of Louisiana at Lafayette (hereinafter referred to as "UL Lafayette") currently owns certain property bordering generally on two sides by Johnston Street and Coulee Mine, generally located in Section 53, Township 10 South, Range 4 East, and colloquially known as the "Horse Farm" property (hereinafter referred to as the "Horse Farm"); and

WHEREAS, UL Lafayette desires to acquire Youth Park for the public purpose of expanding its campus, and the City desires to acquire the Horse Farm for the public purpose of developing a public park; and

WHEREAS, pursuant to the previous authorization granted by the Lafayette City-Parish Council in Ordinance Number O-052-2011, the City has issued and sold Six Million and 0/100 (\$6,000,000.00) Dollars of Certificates of Indebtedness to acquire funding for the acquisition of the Horse Farm property; and

WHEREAS, because the Horse Farm has been appraised at Six Million, Six Hundred Eleven Thousand and 0/100 (\$6,611,000.00) Dollars, the City desires to exchange Youth Park (which has been appraised at Eight Hundred Eight Thousand and 0/100 (\$808,000.00) Dollars) for the Horse Farm, which will bring the cash balance owed by the City to UL Lafayette for the Horse Farm within the Six Million and 0/100 (\$6,000,000.00) Dollars intended to be utilized by the City for the acquisition of the Horse Farm property; and

WHEREAS, the City is authorized pursuant to La. R.S. 33:1321-1324 to exchange

property with another public entity for a public purpose without the necessity of public bid or advertisement; and

WHEREAS, La. R.S. 33:4551 provides that "municipalities which own public parks or other lands suitable for such purposes may enter into contracts with other parties for the construction, erection, or installation of golf courses or other recreational facilities and equipment on such terms and on such conditions as the governing authorities may fix provided that the contracts shall not bind or obligate the municipalities to defray any expenses in connection therewith"; and

WHEREAS, La. R.S. 33:4552 provides that "the governing body of any municipality or parish or ward may dedicate and set apart for use as playgrounds, recreation centers, or for other recreation purposes, any lands or buildings owned or leased by the municipality or parish, and not dedicated to another and inconsistent public use. The governing body may, in the manner provided by law for the acquisition of property for public purposes, acquire or lease lands or buildings within or beyond the corporate limits of the municipality or parish or ward for playgrounds, recreation centers or other recreation purposes. . . ."; and

WHEREAS, LA. R.S. 33:4622 provides that "municipalities and parishes may own, operate, improve, and provide for the maintenance, of . . . parks . . . whether owned by such municipality or parish or not"; and

WHEREAS, Article VII, Section 14(C) of the 1974 Constitution of the State of Louisiana states that, "[f]or a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private associations, corporation, or individual."

NOW THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this ordinance.

SECTION 2: The Lafayette City-Parish President is hereby authorized to execute an Act of Exchange with UL Lafayette for the acquisition by the City of the Horse Farm property in return for (1) the sale and transfer of Youth Park to UL Lafayette for its appraised value; and (2) after application of the acquisition price of the Youth Park property, such additional sum in cash, not to exceed Six Million and 0/100 (\$6,000,000.00), as is necessary to cause UL Lafayette to receive, in combined property and cash, the appraised value of the Horse Farm property.

SECTION 3: The Act of Exchange authorized in Section 2 shall be substantially in the

form attached hereto, but may be revised, and may contain such additional provisions, as the Lafayette City-Parish President, in consultation with the City-Parish Attorney, may deem necessary, convenient, or desirable to carry out the intent and provisions of this Ordinance.

SECTION 4: Without limiting the generality of the authorization of Sections 2 and 3 hereinabove, the Lafayette City-Parish President is specifically authorized to provide in the Act of Exchange that (1) the Horse Farm property shall be developed into a park within ten (10) years of the date of the Act of Exchange, in default of which the Horse Farm property shall revert to UL Lafayette; and (2) formal permanent basketball, football, baseball, softball, and soccer fields or tennis courts shall not be constructed or maintained on the Horse Farm property, the enforcement of which shall be by UL Lafayette only and by specific performance only.

SECTION 5: Without limiting the generality of the authorization of Sections 2 and 3 hereinabove, the Lafayette City-Parish President is specifically authorized to provide, within the Act of Exchange or otherwise, for the relocation of the horticultural functions of the UL Lafayette Ira Nelson Horticulture Center upon the Horse Farm, provided that such relocation shall be consistent with any restrictive covenants and development plans imposed upon the Horse Farm, and provided that enforcement of any such provision shall be by UL Lafayette only and by specific performance only.

SECTION 6: The Lafayette City-Parish President is further authorized to enter into preliminary negotiations and initiate such preliminary legal processes as may be necessary to enter into one or more cooperative endeavor agreements and/or lease agreements with other public or private entities to provide for the development of the Horse Farm as a park. Said cooperative endeavor and/or lease agreements may provide for, but need not be limited to, one or more of the following purposes: (1) the improvement or development of the Horse Farm into a park, including design and development plans; (2) the construction of improvements on the Horse Farm; (3) the management of the Horse Farm; (4) the operation and maintenance of the Horse Farm; (5) the enforcement of restrictive covenants and other rules and regulations upon the Horse Farm; (6) the allocation of risk and liability, with appropriate insurance coverages, for acts, omissions, occurrences, conditions, events, and improvements in or upon the Horse Farm; and (7) the financing and allocation of other resources and personnel to any of the foregoing. Any such cooperative endeavor agreements and/or lease agreements shall be submitted to the Lafayette City-Parish Council for separate approval, which approval may be by resolution in accordance with Section 2-11(C) of the Lafayette City-Parish Consolidated Government Home Rule Charter.

SECTION 7: The Lafayette City-Parish President is further authorized to take any and

~~all action necessary in complying with any applicable law such as, the Public Leasing Law, La.~~
R.S. 41:1211, *et seq.* and the Public Bid Law, La. R.S. 38:2211 *et seq.*, in connection with any cooperative endeavor agreement or lease agreement, and is further authorized to execute any and all other documents necessary, convenient, or desirable to accomplish the purposes specified in this Ordinance.

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

SECTION 9: This ordinance shall become effective upon signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.

* * * * *



705 W. University Avenue
P. O. Box 4017-C
Lafayette, Louisiana 70502
Tel: (337) 291-8015
Fax: (337) 291-8843
E-mail: mhebert@lafayettela.gov

Michael D. Hebert
City-Parish Attorney

RECEIVED

AUG 02 2012

August 2, 2012

LCG Council Office

Norma Dugas
Clerk of Council
Lafayette City-Parish Consolidated Government
705 W. University Avenue
Lafayette, LA 70502

RE: Certified Copy of Act of Exchange for Horse Farm Property

Dear Norma:

Enclosed is a certified copy of the executed Act of Exchange for the Horse Farm property, with exhibits, as recorded with the Clerk of Court on July 31, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Hebert", written over a horizontal line.

Michael D. Hebert

MDH:smh
Enclosures

Lafayette Parish Recording Page

Louis J. Perret
Clerk of Court
800 South Buchanan
PO Box 2009
Lafayette, LA 70502-2009
(337) 291-6400

First VENDOR

UNIVERSITY OF LOUISIANA SYSTEM THE

First VENDEE

LAF-CITY

Index Type : Conveyances

File Number : 2012-00029757

Type of Document : Exchange

Recording Pages : 6

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Lafayette Parish, Louisiana

Louis J. Perret
Clerk of Court

On (Recorded Date) : 07/31/2012

At (Recorded Time) : 4:11:22PM



Doc ID - 033752230006



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2012-29757
(2 Plats)

Do not Detach this Recording Page from Original Document

File Number: 2012-00029757 Seq:

ACT OF EXCHANGE

STATE OF LOUISIANA

PARISH OF LAFAYETTE

BE IT KNOWN, that on the 28th day of July, 2012, before me, the undersigned authority, Notary Public duly commissioned and qualified in and for the Parish of Lafayette, State of Louisiana, and in the presence of the undersigned witnesses, personally came and appeared:

The BOARD OF SUPERVISORS FOR THE UNIVERSITY OF LOUISIANA SYSTEM on behalf of the University of Louisiana at Lafayette (formerly Southwestern Louisiana Industrial Institute), (hereinafter sometimes referred to as "UL"), represented herein by its duly authorized President, Dr. Michael Randy Moffett;

AND

The CITY OF LAFAYETTE, a political subdivision of the State of Louisiana (formerly the Corporation of Lafayette) represented herein by L.J. Durel, Jr., City-Parish President, duly authorized by Ordinance No. O-136-2012 dated July 3, 2012 (hereinafter sometimes referred to as the "City");

who declared that they do, by these presents, make an exchange of property on the expressed terms and conditions hereinafter set forth as follows:

WHEREAS, UL is authorized pursuant to Act 385 of the 2009 Legislative Session to transfer, sell or exchange the property described herein to any governmental entity or nonprofit corporation;

WHEREAS, the City is authorized pursuant to Article 7, Section 14(C) of the Louisiana Constitution, as well as La. R.S. 33:1321-1324, to engage in cooperative endeavors for a public purpose and to exchange property with another public entity without the necessity of public bid and advertisement; and

WHEREAS, the City is authorized pursuant to Ordinance No. O-136-2012 to enter into this Act of Exchange with UL for the property described herein.

NOW, THEREFORE, considering the premises, it is hereby agreed by UL and the City that:

For and in consideration of the transfer to it as hereinafter set forth, UL does hereby grant, bargain, assign, transfer, deliver and set over, with substitution and subrogation to all

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2012-29757
(2 Plats)

rights and actions of warranty against all preceding owners and vendors, unto the City the following described property (commonly known and hereinafter sometimes referred to as the "Horsefarm"), to-wit:

That certain tract or parcel of land, together with all buildings and improvements thereon, and all rights, ways privileges, servitudes and appurtenances belonging or appertaining thereunto, located in Section 53, Township 10 South, Range 4 East, Lafayette Parish, Louisiana, containing 65 superficial arpents, more or less, bounded on the north by land of George K. Bradford or assigns, on the south by land of Cleophus Broussard and Bocque or assigns, on the east by land of Eraste Patin or assigns and on the west by land of the Fletcher family or assigns, being the same property acquired by Southwestern Louisiana Industrial Institute from George K. Bradford by Act No. 56603 of the public records of Lafayette Parish, Louisiana;

AND

That certain tract or parcel of land, together with all buildings and improvements thereon, and all rights, ways privileges, servitudes and appurtenances belonging or appertaining thereunto, located in Section 53, Township 10 South, Range 4 East, Lafayette Parish, Louisiana, containing 61 superficial arpents, more or less, bounded on the north by that certain strip of land described hereinafter and land of Gustave Judice or assigns, on the south by that tract of land described hereinabove, on the northwest by a public road, and on the southwest by land of the Fletcher family or assigns and by land of J.A. Van Dyke or assigns, being the same property acquired by Southwestern Louisiana Industrial Institute from George K. Bradford by Act No. 56603 of the public records of Lafayette Parish, Louisiana.

AND

A certain strip of land situated in Section 53, Township 10 South, Range 4 East, Lafayette Parish, Louisiana, having a front of 117' on a public road, by a depth of 503', bounded on the north by Lot 2 of that certain Partition recorded under Entry No. 40997 of the public records of Lafayette Parish, Louisiana, northwesterly by said public road and southwesterly by that tract of land containing approximately 61 superficial arpents described hereinabove, being the same property acquired by Southwestern Louisiana Industrial Institute from George K. Bradford by Act No. 56603 of the public records of Lafayette Parish, Louisiana.

LESS AND EXCEPT:

That certain irregularly shaped tract of land which is orphaned from the larger tracts hereinabove described by the coulee, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes and appurtenances belonging or appertaining thereunto, located in Section 53, Township 10 South, Range 4 East, Lafayette Parish, Louisiana, said property being bounded on the north by Minglewood Park Subdivision and Dixieland Subdivision and bounded on southerly and southwesterly by a coulee.

AND LESS AND EXCEPT:

That certain irregularly shaped tract of land located in Section 53, Township 10 South, Range 4 East, Lafayette Parish, Louisiana, containing approximately 7.35 acres, being bounded on the north by Dixieland Subdivision, the land of W.F.

Baxter or assigns, and the land of Loma Knighton or assigns, on the east by Greenbriar Estates, and southerly and westerly by the larger tracts hereinabove described, being the same property identified as the "400' Coulee Mine Cut-Off Canal R/W" and shown more fully on that plat of survey prepared by Emery Domingue, dated October 22, 1985 attached hereto as Exhibit A.

And now, for and in consideration of the transfer to it as hereinabove set forth, the City does hereby grant, bargain, assign, transfer, deliver, and set over, with substitution and subrogation to all rights and actions of warranty against all preceding owners and vendors, unto UL, the following described property (commonly known and hereinafter sometimes referred to as "Youth Park"), to-wit:

That certain lot or parcel of ground, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes and appurtenances belonging or appertaining thereunto, located in Section 48, Township 10 South, Range 4 East, containing eight (8) acres more or less, bounded on the north and east by the property now or formerly of M.E. Girard Estate, on the south by the property now or formerly of J.S. Whittington, and east by west by the public road, being the same property acquired by the Corporation of Lafayette (predecessor to the City of Lafayette) from J. Desire' Ducharme by Act No. 24680 and from the Police Jury of the Parish of Lafayette by Act No. 326676 of the public records of Lafayette Parish, Louisiana.

AND

That certain lot or parcel of ground, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes and appurtenances belonging or appertaining thereunto, located in Section 48, Township 10 South, Range 4 East, being irregular in shape, containing one (1) acre more or less, and designated as lot No. 6 on the hand drawn plat attached to Act No. 54,666 of the public records of Lafayette Parish, Louisiana, being the same property acquired by the City of Lafayette from Crow Girard by Act No. 54,666.

The foregoing being all of the property acquired by the City of Lafayette, or its predecessor, the Corporation of Lafayette, by Act Nos. 24680, 54666 and 326676 of the public records of Lafayette Parish, Louisiana.

LESS and EXCEPT:

That certain tract or parcel of ground situated in Section 48, Township 10 South, Range 4 East, Parish of Lafayette, State of Louisiana, and being more particularly known as the City of Lafayette Fire Station No. 5 and E. St. Julien Street, and being that said tract or parcel of ground found between the letters A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and A, and having further measurements and boundaries, dimension, shape, form, and location as is more fully shown on that Plat of Survey prepared by Craig P. Spikes, RLS No. 4580, dated July 25, 2012, and attached hereto as Exhibit B.

This exchange is made and mutually accepted by the parties hereto. It is agreed and understood by the parties that the Horsefarm is valued at SIX MILLION, SIX HUNDRED ELEVEN THOUSAND and NO/100 (\$6,611,000.00) DOLLARS, that Youth Park is valued at EIGHT HUNDRED EIGHT THOUSAND AND NO/100 (\$808,000.00) DOLLARS, and that as additional consideration, the City hereby pays unto UL the sum of FIVE MILLION, EIGHT HUNDRED THREE THOUSAND, and No/100 (\$5,803,000.00) DOLLARS receipt of which is hereby acknowledged.

The parties hereto hereby acknowledge and recognize that this exchange is in "AS IS" condition, and accordingly, hereby relieve and release each other and all previous owners thereof from any and all claims for any vices or defects in said property, whether obvious or latent, known or unknown, easily discoverable or hidden, and particularly for any claim or cause of action for redhibition pursuant to Louisiana Civil Code of Articles 2520, et seq., or for diminution of purchase price pursuant to Louisiana Civil Code Articles 2541, et seq. The parties acknowledge and understand that Louisiana redhibition law enables them to hold each other responsible for any obvious or hidden defects in the property existing on the act of exchange date, and that they are waiving that right.

It is agreed by the parties that 100 % of the mineral rights owned by UL are reserved by UL, and 100% of the mineral rights owned by the City are reserved by the City, but UL and the City waive any right to use the surface for any such reserved mineral activity or use.

It is agreed by the parties that if the City, or its successors or assigns, fails to develop the Horsefarm into a park within ten years of the execution of this Exchange, ownership of the said property shall revert to UL, or its successors or assigns.

The City, and its successors and/or assigns, are prohibited from constructing or maintaining formal permanent basketball, football, baseball, softball, and soccer fields or tennis courts on the Horsefarm. The provisions of this paragraph are enforceable only by UL, and only by specific performance, and no actual or alleged violation of the provisions of this paragraph shall cause the Horsefarm to revert to UL, or to its successors or assigns.

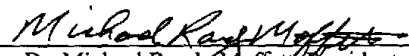
As additional consideration, the City agrees to allow relocation of the functionalities of the Ira Nelson Horticultural Center to the Horsefarm within five (5) years of the date of this Act of Exchange. UL shall cause any such functionalities so transferred to be consistent with the development of the subject property as a park and consistent with any additional restrictive covenants and development plans placed upon the subject property by the City or its successors or assigns. The provisions of this paragraph are enforceable only by UL and the City, and only by specific performance, and no actual or alleged violation of the provisions of this paragraph shall cause the Horsefarm to revert to UL, or to its successors or assigns.

THUS DONE AND PASSED at Lafayette, Louisiana on the day and date first written hereinabove, in the presence of the undersigned witnesses who sign their names hereunto with Appearers and me, Notary, after due reading of the whole.

WITNESSES:

BOARD OF SUPERVISORS FOR THE
UNIVERSITY OF LOUISIANA SYSTEM


DIANNE M. IRVINE



By: Dr. Michael Randy Moffett, President

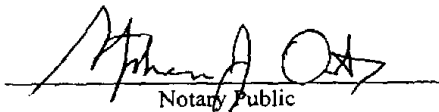

SANDRA CYPRIAN


E. JOSEPH SAVOIE

CITY OF LAFAYETTE

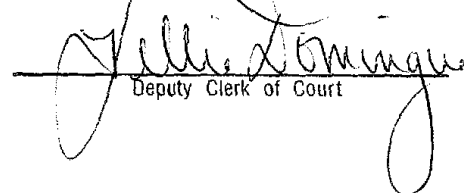

MICHAEL D. HEBERT


By: L.J. Durel, Jr., City Parish President


Notary Public
Stephen J. Oats
Bar Roll No.: 2018
Commissioned for Life

LAFAYETTE, LOUISIANA 8-2, 2012

This is to certify that the above is a true
and correct copy of the original on file in the
office of the Clerk of Court of Lafayette Parish.


Deputy Clerk of Court

RED-LINED

ORDINANCE NO. O-136-2012

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL AUTHORIZING THE LAFAYETTE CITY-PARISH PRESIDENT TO PROVIDE FOR THE ACQUISITION AND DEVELOPMENT OF THAT CERTAIN PROPERTY GENERALLY LOCATED IN SECTION 53, TOWNSHIP 10 SOUTH, RANGE 4 EAST, LAFAYETTE PARISH, LOUISIANA, KNOWN AS THE "HORSE FARM," TO ENTER INTO AN ACT OF EXCHANGE OF THAT CERTAIN PROPERTY GENERALLY LOCATED IN SECTION 48, TOWNSHIP 10 SOUTH, RANGE 4 EAST, KNOWN AS "YOUTH PARK," AS PARTIAL CONSIDERATION FOR THE ACQUISITION OF THE HORSE FARM, TO PAY THE BALANCE OF THE ACQUISITION PRICE OF THE HORSE FARM WITH THE PROCEEDS OF THE SALE OF THOSE CERTAIN CERTIFICATES OF INDEBTEDNESS PREVIOUSLY AUTHORIZED BY ORDINANCE O-052-2011, ~~TO ESTABLISH RESTRICTIVE COVENANTS UPON THE HORSE FARM PROPERTY CONSISTENT WITH THE DEVELOPMENT OF THAT PROPERTY AS A PARK, TO ENTER INTO TO ENTER INTO NEGOTIATIONS AND INITIATE SUCH PRELIMINARY LEGAL PROCESSES AS MAY BE REQUIRED TO ENTER INTO ONE OR MORE COOPERATIVE ENDEAVOR AND/OR LEASE AGREEMENTS FOR THE DEVELOPMENT OF THE HORSE FARM INTO A PARK, TO EXECUTE ANY DOCUMENTS AND ENTER INTO ANY AGREEMENTS NECESSARY, CONVENIENT, OR DESIRABLE TO ACCOMPLISH THE PURPOSES SPECIFIED HEREIN, AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO~~

BE IT ORDAINED by the Lafayette City-Parish Council, that:

WHEREAS, the City of Lafayette (hereinafter referred to as the "City") currently owns certain property behind its Fire Station #5 at 2001 Johnston Street generally located in Section 48, Township 10 South, Range 4 East, known as "Youth Park" (hereinafter referred to as "Youth Park"); and

WHEREAS, the University of Louisiana at Lafayette (hereinafter referred to as "UL ~~Lafayette~~") currently owns certain property bordering generally on two sides by Johnston Street and Coulee Mine, generally located in Section 53, Township 10 South, Range 4 East, and colloquially known as the "Horse Farm" property (hereinafter referred to as the "Horse Farm"); and

WHEREAS, UL ~~Lafayette~~ desires to acquire Youth Park for the public purpose of expanding its campus, and the City desires to acquire the Horse Farm for the public purpose of developing a public park; and

WHEREAS, pursuant to the previous authorization granted by the Lafayette City-Parish Council in Ordinance Number O-052-2011, the City has issued and sold Six Million and 0/100 (\$6,000,000.00) Dollars of Certificates of Indebtedness to acquire funding for the acquisition of the Horse Farm property; and

WHEREAS, because the Horse Farm has been appraised at Six Million, Six Hundred Eleven Thousand and 0/100 (\$6,611,000.00) Dollars, the City desires to exchange Youth Park (which has been appraised at Eight Hundred Eight Thousand and 0/100 (\$808,000.00) Dollars) for the Horse Farm, which will bring the cash balance owed by the City to UL ~~Lafayette~~ for the

RED-LINED

Horse Farm within the Six Million and 0/100 (\$6,000,000.00) Dollars intended to be utilized by the City for the acquisition of the Horse Farm property; and

WHEREAS, the City is authorized pursuant to La. R.S. 33:1321-1324 to exchange property with another public entity for a public purpose without the necessity of public bid or advertisement; and

WHEREAS, La. R.S. 33:4551 provides that "municipalities which own public parks or other lands suitable for such purposes may enter into contracts with other parties for the construction, erection, or installation of golf courses or other recreational facilities and equipment on such terms and on such conditions as the governing authorities may fix provided that the contracts shall not bind or obligate the municipalities to defray any expenses in connection therewith"; and

WHEREAS, La. R.S. 33:4552 provides that "the governing body of any municipality or parish or ward may dedicate and set apart for use as playgrounds, recreation centers, or for other recreation purposes, any lands or buildings owned or leased by the municipality or parish, and not dedicated to another and inconsistent public use. The governing body may, in the manner provided by law for the acquisition of property for public purposes, acquire or lease lands or buildings within or beyond the corporate limits of the municipality or parish or ward for playgrounds, recreation centers or other recreation purposes. . . ."; and

WHEREAS, LA. R.S. 33:4622 provides that "municipalities and parishes may own, operate, improve, and provide for the maintenance, of . . . parks . . . whether owned by such municipality or parish or not"; and

WHEREAS, Article VII, Section 14(C) of the 1974 Constitution of the State of Louisiana states that, "[f]or a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private associations, corporation, or individual."

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this ordinance.

SECTION 2: The Lafayette City-Parish President is hereby authorized to execute an Act of Exchange with UL Lafayette for the acquisition by the City of the Horse Farm property in return for (1) the sale and transfer of Youth Park to UL Lafayette for its appraised value; and (2) after application of the acquisition price of the Youth Park property, such additional sum in cash,

RED-LINED

not to exceed Six Million and 0/100 (\$6,000,000.00), as is necessary to cause UL ~~Lafayette~~ to receive, in combined property and cash, the appraised value of the Horse Farm property.

SECTION 3: The Act of Exchange authorized in Section 2 shall be substantially in the form attached hereto, but may be revised, and may contain such additional provisions, as the Lafayette City-Parish President, in consultation with the Lafayette City-Parish Attorney, may deem necessary, convenient, or desirable to carry out the intent and provisions of this Ordinance.

SECTION 4: Without limiting the generality of the authorization of Sections 2 and 3 hereinabove, the Lafayette City-Parish President is specifically authorized to provide in the Act of Exchange that (1) the Horse Farm property shall be developed into a park within ten (10) years of the date of the Act of Exchange, in default of which the Horse Farm property shall revert to UL ~~Lafayette~~; and (2) formal permanent basketball, football, baseball, softball, and soccer fields or tennis courts shall not be constructed or maintained on the Horse Farm property, the enforcement of which shall be by UL Lafayette only and by specific performance only.

~~SECTION 5: The City Parish President is further authorized to impose additional restrictive covenants upon the Horse Farm property, after acquisition by the City, that are consistent with the development of said property as a park. Said restrictive covenants may include, but need not be limited to, any or all of the following: (1) regulations upon the permissible activities upon the Horse Farm property; (2) regulations upon the permissible improvements or structures upon the Horse Farm property; and (3) one or more enforcement mechanisms limiting the right of action to specific persons or classes of persons and limiting enforcement to non-judicial means.~~

SECTION 56: Without limiting the generality of the authorization of Sections 2 and 3 hereinabove, the Lafayette City-Parish President is specifically authorized to provide, within the Act of Exchange or otherwise, for the relocation of the horticultural functions of the UL ~~Lafayette~~ Ira Nelson Horticulture Center upon the Horse Farm, provided that such relocation shall be consistent with any restrictive covenants and development plans imposed upon the Horse Farm, and provided that enforcement of any such provision shall be by UL Lafayette only and by specific performance only.

SECTION 67: The Lafayette City-Parish President is further authorized to enter into preliminary negotiations and initiate such preliminary legal processes as may be necessary to enter into one or more cooperative endeavor agreements and/or lease agreements with other public or private entities to provide for the development of the Horse Farm as a park. Said cooperative endeavor and/or lease agreements may provide for, but need not be limited to, one or more of the following purposes: (1) the improvement or development of the Horse Farm into a

park, including design and development plans; (2) the construction of improvements on the Horse Farm; (3) the management of the Horse Farm; (4) the operation and maintenance of the Horse Farm; (5) the enforcement of restrictive covenants and other rules and regulations upon the Horse Farm; (6) the allocation of risk and liability, with appropriate insurance coverages, for acts, omissions, occurrences, conditions, events, and improvements in or upon the Horse Farm; and (7) the financing and allocation of other resources and personnel to any of the foregoing. Any such cooperative endeavor agreements and/or lease agreements shall be submitted to the Lafayette City Parish Council for separate approval, which approval may be by resolution in accordance with Section 2-11(C) of the Lafayette City-Parish Consolidated Government Home Rule Charter.

SECTION 78: The Lafayette City-Parish President is further authorized to take any and all action necessary in complying with any applicable law such as, the Public Leasing Law, La. R.S. 41:1211, *et seq.* and the Public Bid Law, La. R.S. 38:2211 *et seq.*, in connection with any cooperative endeavor agreement or lease agreement, and is further authorized to execute any and all other documents ~~or agreements~~ necessary, convenient, or desirable to accomplish the purposes specified in this Ordinance.

SECTION 89: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 940: This ordinance shall become effective upon signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.

* * * * *

LAFAYETTE CITY-PARISH COUNCIL/LPUA MEETING

AGENDA ITEM SUBMITTAL FORM

1. **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to provide for the acquisition and development of that certain property generally located in Section 53, Township 10 South, Range 4 East, Lafayette Parish, Louisiana, known as the "Horsefarm," to enter into an Act of Exchange of that certain property generally located in Section 48, Township 10 South, Range 4 East, known as "Youth Park," as partial consideration for the acquisition of the Horsefarm, to pay the balance of the acquisition price of the Horsefarm with the proceeds of the sale of those certain Certificates of Indebtedness previously authorized by Ordinance No. O-052-2011, to establish restrictive covenants upon the Horsefarm property consistent with the development of that property as a park, to enter into one or more Cooperative Endeavor or Lease Agreements for the development of the Horsefarm into a park, to enter into any agreements necessary, convenient, or desirable to accomplish the purposes specified herein, and to provide for other matters related thereto.
2. **ACTION REQUESTED:** Adoption of ordinance
3. **COUNCIL DISTRICT(S) (if applicable):** _____
If it involves a budget revision, please complete a budgetary revision form.
4. **REQUESTED ACTION OF COUNCIL:**
 - A) INTRODUCTION: June 19, 2012
 - B) FINAL ADOPTION: July 3, 2012
5. **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
 - A) Ordinance
 - B) _____
 - C) _____
 - D) _____
 - E) _____
6. **FISCAL IMPACT:**
_____ Fiscal Impact (Explain)

_____ No Fiscal Impact

/s/ Mike Hebert, Legal
Author(s)

DISPOSITION OF ORDINANCE NO. O-136-2012

1. This ordinance was introduced: June 19, 2012
YEAS: K. Naquin, Castille, Shelvin,
Boudreaux, Bellard, A. Naquin, Bertrand,
Patin, Theriot
NAYS:
ABSENT:
ABSTAIN:
AMENDMENT:
- Final disposition by Council:
July 3, 2012
YEAS: K. Naquin, Castille, Shelvin,
Boudreaux, A. Naquin, Bertrand, Patin,
Theriot
NAYS: Bellard, Theriot
ABSENT: None
ABSTAIN: None
2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on June 22, 2012.
3. This ordinance was presented to the President for his approval on July 5, 2012 at 9:50 o'clock 9 a.m.

Norma A. Dugas
CLERK OF THE COUNCIL
4. Disposition by President:
I hereby:
A. Approve this ordinance, the 9 day of July, 2012, at 9:30 o'clock A.m.
B. Veto this ordinance, the _____ day of _____, 2012, at _____ o'clock _____m., veto message is attached.
C. Line item veto certain items this _____ day of _____, 2012 at _____ o'clock _____m., veto message is attached.

[Signature]
PRESIDENT
5. Returned to Council office ~~with~~ without veto message on July 11, 2012, at 1:40 o'clock P.m.
6. Reconsideration by Council (if vetoed):
On _____, 2012, the Council did/refused to adopt this ordinance after the President's veto.

Norma A. Dugas
CLERK OF THE COUNCIL
7. Full Publication:
Full publication of this ordinance was made in the Advertiser on July 6, 2012.

NOTE: If no approval nor veto of President appears, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.