

ORDINANCE NO. 11-18B

Refer to 3.5.19,6.4.19, 2.7.20 Minutes

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

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WHEREAS, the initial appraisal identified the market value of the Property as **THIRTY-ONE THOUSAND DOLLARS (\$31,000.00)**.

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-ONE THOUSAND DOLLARS (\$31,000.00)**, based on the lack of bids at the price of **THIRTY-THREE THOUSAND DOLLARS (\$33,000.00)**.
5. This is the 1st advertised attempt to sell this property at \$31,000.00.
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.S38:2213, Elizabeth shall disclose in the official record at

