

1 Introduced November 7, 2023, by Councilman
2 Tamborella, seconded by Councilwoman
3 Haggerty, (by request of Administration)

4 **Item No. 23-11-3497**

5
6 **ORDINANCE NO. 4147**

7
8 An ordinance declaring certain City property, being 0.740 acres of land, more
9 or less, part of Cleveland Avenue (Extension) in Sec. 44, T9S, R14E, in Slidell, St.
10 Tammany Parish, Louisiana, to be surplus property no longer required for public use, and
11 authorizing its transfer to Robin W. Goldsmith, in full and final settlement of the legal action
12 entitled and captioned *Robin W. Goldsmith, et al. v The City of Slidell, et al.*, Docket No.
13 2016-11761 "D", 22nd Judicial District Court, Parish of St. Tammany, State of Louisiana.

14 WHEREAS, according to La. R.S. 33:4712.A., "A municipality may sell, . . .
15 exchange, or otherwise dispose of, to or with . . . private persons, at public or private sale,
16 any property, or portions thereof, including real property, which is, in the opinion of the
17 governing authority, not needed for public purposes"; and

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19 WHEREAS, the City is the owner of certain immovable property, being 0.740
20 acres of land, more or less, in Sec. 44, T9S, R14E, in Slidell, St. Tammany Parish,
21 Louisiana, as more fully shown and described on the survey attached hereto as Exhibit A
22 (the "Property"); and

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24 WHEREAS, a portion of the Property was acquired by the City from Robin
25 Goldsmith in 1999 and utilized in connection with other lands to construct an extension to
26 Cleveland Avenue; and

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28 WHEREAS, the Property is adjacent to the southern border of a larger tract of
29 land owned by Robin Goldsmith; and

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31 WHEREAS, when the Cleveland Avenue railroad crossing was closed in 2015,
32 the Goldsmiths no longer had direct access to this larger tract from Front St./Hwy 11; and
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4 WHEREAS, as a result of the closure of the railroad crossing, Robin Goldsmith
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6 instituted a legal action against the City and the State DOTD entitled and captioned *Robin*
7 *W. Goldsmith, et al. v The City of Slidell, et al.*, Docket No. 2016-11761 "D", 22nd Judicial
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9 District Court, Parish of St. Tammany, State of Louisiana (the "Litigation"), alleging various
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11 disputed causes of action related to the closure; and

12 WHEREAS, to avoid the time, expense, and legal and financial uncertainty
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14 associated with further pursuing/defending the Litigation, the parties, without any
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16 admission of liability by any defendant, desire to compromise and settle their dispute by
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18 having the City transfer the Property to Robin Goldsmith in full and final settlement of the
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20 Litigation, which transfer is, therefore, not gratuitous; and

21 WHEREAS, the City has determined that the Property, save the sewer lift
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23 station infrastructure located at its northeast corner, is no longer needed for public use and
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25 should be declared surplus property; and

26 WHEREAS, Cleco Corporation owns the tract to the immediate south of the
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28 Property and has advised the City it has no objection to the transfer of the Property to
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30 Robin Goldsmith, Cleco having primary access to its tract from public roadways on the
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32 southern and western sides of said tract; and

33 WHEREAS; as conditions precedent to the transfer of the Property, the parties
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35 to the Litigation shall agree in a standard written settlement that: (1) a right of access/way
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37 over/across the Property shall be granted in favor of (i) Parcel A1 as identified in
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39 resubdivision Map File #6144, dated May 5, 2022, by Daniel J. Poche, recorded in the land

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4 records of the St. Tammany Parish Clerk and (ii) the tract/estate to the immediate south of
5 the Property, currently owned by the Cleco Corporation, for purposes of road access to
6 those respective tracts; (2) the City shall reserve any mineral rights and/or interests it may
7 have in the Property as well as the sewer lift station infrastructure it has in the northeast
8 corner of the Property as shown on Exhibit A, which area shall also constitute a utility
9 servitude in favor of the City (any drainage infrastructure over or under the Property being
10 transferred to Robin Goldsmith); (3) the City shall be granted ingress and egress rights
11 across the Property, as an access servitude, to service and maintain said utility servitude
12 and lift station infrastructure; (4) upon transfer of the Property, the transferee shall
13 undertake all further responsibility for the condition, upkeep, repair, and replacement of the
14 roadway, and the responsibility the Property generally; (5) contemporaneously with the
15 transfer of the Property, the Litigation and all claims therein shall be dismissed by plaintiffs
16 as to all defendants, with prejudice, and without further payment, each party to bear its
17 own costs.

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27 NOW THEREFORE, BE IT ORDAINED by the Slidell City Council that certain
28 immovable property, being 0.740 acres of land, more or less, in Sec. 44, T9S, R14E, in
29 Slidell, St. Tammany Parish, Louisiana, as more fully shown and described on the survey
30 attached hereto as Exhibit A (the "Property"), is no longer needed for public use and is
31 hereby declared to be surplus property (except for the sewer lift station infrastructure
32 located at its northeast corner), and it hereby authorizes the Mayor of the City of Slidell, on
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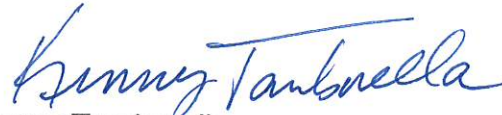
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4 behalf of the City, to settle the Litigation by standard written settlement and transfer of the
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6 Property to Robin W. Goldsmith, conditioned upon:

7 (1) a right of access/way over/across the Property being granted in favor of (i)
8 Parcel A1 as identified in resubdivision Map File #6144, dated May 5, 2022, by
9 Daniel J. Poche, recorded in the land records of the St. Tammany Parish Clerk and
10 (ii) the tract/estate to the immediate south of the Property, currently owned by the
11 Cleco Corporation, for purposes of road access to those respective tracts; (2) the
12 City's reservation of any mineral rights and/or interests it may have in the Property
13 as well as the sewer lift station infrastructure it has in the northeast corner of the
14 Property as shown on Exhibit A, which area shall also constitute a utility servitude in
15 favor of the City (any drainage infrastructure over or under the Property being
16 transferred to Robin Goldsmith); (3) a grant of ingress and egress rights to the City
17 across the Property, as an access servitude, to service and maintain said utility
18 servitude and lift station infrastructure; (4) the transferee's acceptance of all further
19 responsibility for the condition, upkeep, repair, and replacement of the roadway on
20 the Property and responsibility for the Property generally; and (5) a
21 contemporaneous dismissal of the Litigation and all claims therein by plaintiffs as to
22 all defendants, with prejudice, and without further payment, each party to bear its
23 own costs.

24 **BE IT FINALLY ORDAINED** by the Slidell City Council that this ordinance shall
25 become effective upon adoption.

26 **ADOPTED** this 12th day of December, 2023.

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29 Kenny Tamborella
30 President of the Council
31 Councilman, District E

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33 Greg Cromer
34 Mayor

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36 Thomas P. Reeves
37 Council Administrator
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DELIVERED	12/18/23
8:45 a.m.	to the Mayor
RECEIVED	12/18/23
11:15 a.m.	from the Mayor

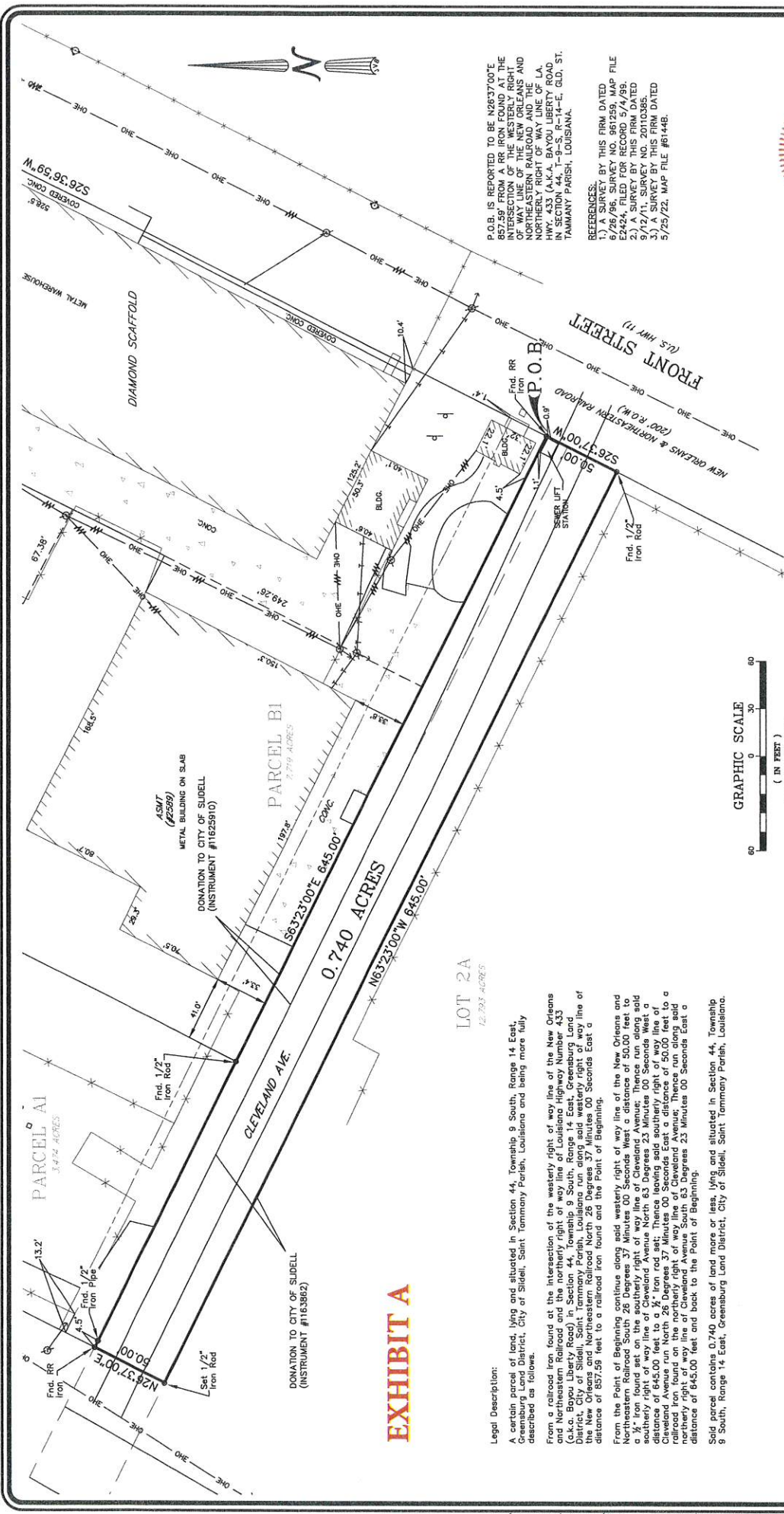


EXHIBIT A

Legal Description:

A certain parcel of land, lying and situated in Section 44, Township 9 South, Range 14 East, Greenburg Land District, City of Slidell, Saint Tammany Parish, Louisiana and being more fully described as follows:

From a railroad iron found at the intersection of the westerly right of way line of the New Orleans and Northeastern Railroad South 26 Degrees 37 Minutes 00 Seconds West a distance of 50.00 feet to a 1/2\"/>

SCALE:	1" = 60'
DATE:	20230434
DRAWN BY:	JDL
CHECKED BY:	MAC
DWG. NO:	20230434
SHEET	1 OF 1

I certify that this plat does represent an actual survey and that the boundaries shown hereon are not encroachments or easements of record as shown any of the property lines, except as necessarily indicated. Encumbrances of record as added hereto upon request, as surveyor has not performed any title search or abstract.

I have consulted the Flood Insurance Rate Maps and found this property is in a Special Flood Hazard Area.

F.I.R.M.: 220204 0010 C
DATE: 4/27/99
B.F.E. = 9'

• Verify prior to construction with local governing body.

A SURVEY PLAT OF A 0.740 ACRE PARCEL OF LAND SITUATED IN SECTION 44, T-9-S, T-14-E, GLD. CITY OF SLIDELL, ST. TAMMANY PARISH, LOUISIANA

Registration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners. Survey is valid only if print has original seal of surveyor. Property is surveyed in accordance with the Louisiana "Standards of Practice for Property Boundary Surveys" for a Class C survey. Bearings are based on record bearings unless noted otherwise.

CITY OF SLIDELL

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ENGINEERING • ENVIRONMENTAL

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SEAN M. BURKES
LA REG. NO. 4785

SEAN M. BURKES
REG. NO. 4785
LAND SURVEYOR