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Introduced March 25, 2008, by Councilman Canada, seconded by Councilman Hursey, (by request of Administration)

#### Item No. 08-02-2712

#### **ORDINANCE NO. 3460**

AN ORDINANCE CREATING THE "FREMAUX **ECONOMIC** DEVELOPMENT DISTRICT, STATE OF LOUISIANA"; DEFINING THE BOUNDARIES THEREOF FROM WHICH AREA LOCAL AND STATE SALES TAX INCREMENTS WILL BE DETERMINED AND USED TO HOTEL **OCCUPANCY** TAX **ECONOMIC FINANCE** AND/OR DEVELOPMENT PROJECTS IN ACCORDANCE WITH AND AUTHORIZED BY PART II OF CHAPTER 27 OF TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE FOREGOING.

WHEREAS, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, et seq.) (the "Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the Act and other law; and

WHEREAS, the City of Slidell, State of Louisiana (the "City"), acting through this City Council as its governing authority, desires to avail itself of the Act to create an economic development district to be called the "Fremaux Economic Development District, State of Louisiana" (the "District"), in accordance with La. R.S. 33:9038.32, from which District local and State sales tax increments are expected to be determined and used to fund the Fremaux Economic Development District Trust Fund; and

WHEREAS, La. R.S. 33:9038.39 further permits such economic development districts to levy sales and use taxes at a rate up to two percent (2%) and/or hotel occupancy taxes at a rate up to two percent (2%) for authorized purposes; and

WHEREAS, La. R.S. 33:9038.34(O) provides that this governing authority may create a special trust fund for the furtherance of economic development projects, as defined in the Act, into which the incremental increases in such sales taxes shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects as defined in the Act; and

WHEREAS, in accordance with the Act, particularly La. R.S. 33:9038.32(B) and La. R.S. 33:9038.39, and a resolution adopted on February 26, 2008, the City has given notice

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of its intention to create the District, and notice that it will hold a public hearing relative to the proposed creation of the District and the proposed levy of the sales and use tax and/or hotel occupancy tax therein, including a description of the boundaries of the District and containing a map showing the boundaries of the District, which notice has been published once a week for two weeks in the City's official journal, the first publication having appeared at least fourteen days before the public hearing mentioned therein; and

WHEREAS, on March 25, 2008, this governing authority did hold a public hearing pursuant to the aforesaid notice of intention, at which public hearing no objections were received with respect to the creation of the District or the levy of a 1.00% sales and use tax and or a 1.00% hotel occupancy tax therein.

**NOW THEREFORE BE IT ORDAINED** by the Slidell City Council, acting as the governing authority of the City; that:

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

SECTION 2. <u>Creation of District</u>. Under the authority of La. R.S. 33:9038.32 there is hereby created an economic development district within the City, to be named the "Fremaux Economic Development District, State of Louisiana," having the geographical boundaries set forth in <u>Exhibit A</u> attached hereto, which <u>Exhibit A</u> is hereby incorporated in and made a part of this Ordinance, all pursuant to the Act. As provided by the Act, the governing body of the District shall be the City Council. As provided by the Act, the District shall be a political subdivision of the State of Louisiana and shall possess such powers and authority and have such duties as provided in the Act and other law.

SECTION 3. <u>Creation of Trust Fund</u>. Under the authority of La. R.S. 33:9038.34(O), there is hereby created a special trust fund, to be named the "Fremaux Economic Development District Trust Fund" (the "Trust Fund") the purpose of which will be to fund economic development projects selected by the District in the manner provided by the Act. The Trust Fund shall be established by the Director of Finance of the City and maintained as a separate fund, apart from other funds and accounts of the City or other entities, and shall be used strictly for the purposes set forth herein and in the Act.

SECTION 4. <u>Authorization of Officers</u>. The Mayor, President of the Council and Council Administrator are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this ordinance.

SECTION 5. <u>Severability</u>. If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision

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enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 6. <u>Repealer</u>. All ordinances or resolution, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7. <u>Publication</u>; <u>Effective Date</u>. This ordinance shall be published one time in the official journal of the City, and shall become effective as provided by law.

ADOPTED this 25th day of March, 2008.

Raymond H. Canada
President of the Council

Councilman, District E

Ben O Morris

-Mayor

DELIVERED

a:30 p.m. to the Mayor

3127/08

RECEIVED

4108 from the Mayor 9:40 a.m.

Thomas P. Reeves
Council Administrator

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#### **EXHIBIT A**

#### **BOUNDARIES AND MAP OF DISTRICT**

A certain tract or parcel of land designated as "TRACT 1A" being a portion of "TRACT 1" of the Robert Levis Development L.L.C. Properties, containing 89.159 acres or 3,883,770 square feet, located in sections 11 & 14, Township 9 South, Range 14 East, of the Greensburg Land District, St. Tammany Parish, Louisiana and being more particularly described as follows:

Commencing at the corner common to Sections 10, 11, 14 and 15, located along the southern right-of way line of Daney St.; said point being the "POINT OF COMMENCEMENT," and labeled P.O.C.

Then, continuing along said right of way line, North 89 degrees 11 minutes 00 seconds East a distance of 332.00 feet to a point;

Then, North 89 degrees 11 minutes 00 seconds East a distance of 828.00 feet to a point;

Then, departing said right of way line, South 00 degrees 53 minutes 56 seconds East a distance of 426.06 feet to a point;

Then, North 89 degrees 14 minutes 33 seconds East a distance of 275.00 feet to a point;

Then, North 00 degrees 53 minutes 56 seconds West a distance of 424.53 feet to a point, located along the southerly right of way line of Daney St.;

Then, continuing along said right of way line, along a non-tangent curve to the right having a delta of 16 degrees 17 minutes 43 seconds, a radius of 300.00 feet, an arc length of 85.32 feet, a chord bearing of South 76 degrees 21 minutes 57 seconds East and a chord distance of 85.03 feet to a point;

Then, South 68 degrees 13 minutes 05 seconds East a distance of 38.57 feet to a point;

Then, along a curve to the left having a delta of 30 degrees 56 minutes 24 seconds, a radius of 375.00 feet, an arc length of 202.50 feet, a chord bearing of South 83 degrees 41 minutes 17 seconds East and a chord distance of 200.05 feet to a point;

Then, North 80 degrees 50 minutes 31 seconds East a distance of 167.84 feet to a point;

Then, along a curve to the right having a delta of 08 degrees 20 minutes 29 seconds, a radius of 1,180.00 feet, an arc length of 171.79 feet, a chord bearing of North 85 degrees 00 minutes 45 seconds East and a chord distance of 171.64 feet to a point;

Then, North 89 degrees 11 minutes 00 seconds East a distance of 457.12 feet to a point;

Then, departing said right of way line, South 00 degrees 54 minutes 24 seconds East a distance of 305.86 feet to a point;

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Then, North 88 degrees 52 minutes 00 seconds East a distance of 96.48 feet to a point: Then, North 89 degrees 12 minutes 00 seconds East a distance of 659.91 feet to a point; Then, North 00 degrees 49 minutes 38 seconds West a distance of 330.00 feet to a point: Then, South 89 degrees 48 minutes 29 seconds East a distance of 87.29 feet to a point; Then, North 30 degrees 15 minutes 15 seconds East a distance of 121.88 feet to a point; Then, North 12 degrees 42 minutes 53 seconds East a distance of 121.63 feet to a point: Then, North 02 degrees 51 minutes 46 seconds West a distance of 32.86 feet to a point: Then, North 13 degrees 49 minutes 48 seconds West a distance of 90.97 feet to a point; Then, North 89 degrees 09 minutes 03 seconds East a distance of 15.43 feet to a point; Then, North 12 degrees 18 minutes 35 seconds West a distance of 2.41 feet to a point; Then, North 03 degrees 53 minutes 55 seconds West a distance of 173.82 feet to a point; Then, North 14 degrees 24 minutes 36 seconds East a distance of 160.77 feet to a point, located along the southerly right of way line of US Highway No. 190 (also known as Fremaux Road/ Short Cut Road); Then, continuing along said right of way, South 65 degrees 44 minutes 07 seconds

East a distance of 205.13 feet to a point;

Then, South 65 degrees 49 minutes 03 seconds East a distance of 94.22 feet to a point; said being the "POINT OF BEGINNING" and labeled "P.O.B.4,"

Then, continuing along said right of way, South 65 degrees 49 minutes 03 seconds East a distance of 188.76 feet to a point;

Then, departing said right of way, South 22 degrees 11 minutes 41 seconds East a distance of 22.23 feet to a point;

Then, South 20 degrees 57 minutes 02 seconds West a distance of 128.81 feet to a point: Then, South 60 degrees 44 minutes 07 seconds East a distance of 286.86 feet to a point;

Then, South 60 degrees 43 minutes 57 seconds East a distance of 278.21 feet to a point;

Then, South 30 degrees 57 minutes 31 seconds East a distance of 283.50 feet to a point;

point;

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Then, South 06 degrees 28 minutes 36 seconds West a distance of 74.73 feet to a point; Then, South 73 degrees 10 minutes 08 seconds East a distance of 22.71 feet to a point: Then, North 84 degrees 21 minutes 35 seconds East a distance of 108.06 feet to a point; Then, South 05 degrees 06 minutes 41 seconds East a distance of 274.30 feet to a point; Then, South 40 degrees 18 minutes 15 seconds West a distance of 360.63 feet to a point; Then, South 17 degrees 10 minutes 07 seconds West a distance of 400.00 feet to a point: Then, South 13 degrees 15 minutes 56 seconds East a distance of 463.92 feet to a point, located on the westerly right of way line of Interstate Highway no. 10; Then, continuing along said right of way, South 17 degrees 10 minutes 07 seconds West a distance of 1008.64 feet to a point; Then, departing said right of way, North 73 degrees 56 minutes 09 seconds West a distance of 204.68 feet to a point; Then, South 54 degrees 24 minutes 20 seconds West a distance of 128.51 feet to a point; Then, North 40 degrees 58 minutes 45 seconds West a distance of 233.70 feet to a point; Then, North 85 degrees 14 minutes 26 seconds West a distance of 75.34 feet to a point; Then, North 00 degrees 49 minutes 44 seconds West a distance of 11.91 feet to a point; Then, South 89 degrees 02 minutes 58 seconds West a distance of 100.00 feet to a point; Then, South 00 degrees 49 minutes 44 seconds East a distance of 1.91 feet to a point; Then, North 85 degrees 14 minutes 26 seconds West a distance of 456.60 feet to a point: Then, North 04 degrees 45 minutes 34 seconds East a distance of 571.77 feet to a point; Then, North 85 degrees 14 minutes 06 seconds West a distance of 328.54 feet to a point; Then, South 84 degrees 06 minutes 07 seconds West a distance of 42.24 feet to a point: Then, South 79 degrees 20 minutes 24 seconds West a distance of 93.43 feet to a

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Then, along a non-tangent curve to the left having a delta of 74 degrees 25 minutes 21 seconds, a radius of 84.00 feet, an arc length of 109.11 feet, a chord bearing of North 10 degrees 30 minutes 42 seconds West and a chord distance of 101.60 feet to a point;

Then, along a curve to the right having a delta of 44 degrees 08 minutes 05 seconds, a radius of 20.00 feet, an arc length of 15.41 feet, a chord bearing of North 25 degrees 39 minutes 20 seconds West and a chord distance of 15.03 feet to a point;

Then, along a curve to the left having a delta of 11 degrees 12 minutes 34 seconds, a radius of 550.00 feet, an arc length of 107.60 feet, a chord bearing of North 09 degrees 11 minutes 34 seconds West and a chord distance of 107.43 feet to a point;

Then, North 14 degrees 47 minutes 52 seconds West a distance of 401.79 feet to a point:

Then, along a curve to the right having a delta of 31 degrees 56 minutes 40 seconds, a radius of 424.60 feet, an arc length of 236.73 feet, a chord bearing of North 01 degrees 10 minutes 29 seconds East and a chord distance of 233.68 feet to a point;

Then, North 17 degrees 08 minutes 49 seconds East a distance of 51.60 feet to a point:

Then, along a curve to the right having a delta of 50 degrees 00 minutes 59 seconds, a radius of 190.00 feet, an arc length of 165.86 feet, a chord bearing of North 42 degrees 09 minutes 19 seconds East and a chord distance of 160.64 feet to a point;

Then, North 67 degrees 09 minutes 48 seconds East a distance of 626.21 feet to a

point;
Then, along a curve to the left having a delta of 11 degrees 51 minutes 53 seconds, a radius of 397.07 feet, an arc length of 82.22 feet, a chord bearing of North 61 degrees 13 minutes 52 seconds East and a chord distance of 82.08 feet to a point;

Then, North 55 degrees 17 minutes 55 seconds East a distance of 280.87 feet to a point;

Then, along a curve to the right having a delta of 36 degrees 16 minutes 37 seconds, a radius of 20.00 feet, an arc length of 12.66 feet, a chord bearing of North 73 degrees 26 minutes 13 seconds East and a chord distance of 12.45 feet to a point;

Then, South 88 degrees 25 minutes 28 seconds East a distance of 57.46 feet to a point;

Then, along a curve to the left having a delta of 160 degrees 05 minutes 58 seconds, a radius of 109.00 feet, an arc length of 304.57 feet, a chord bearing of North 11 degrees 31 minutes 33 seconds East and a chord distance of 214.72 feet to a point;

Then, along a curve to the right having a delta of 50 degrees 31 minutes 52 seconds, a radius of 20.00 feet, an arc length of 17.64 feet, a chord bearing of North 43 degrees 15 minutes 30 seconds West and a chord distance of 17.07 feet to a point;

Then, North 17 degrees 59 minutes 34 seconds West a distance of 102.86 feet to a point;

Then, along a curve to the right having a delta of 42 degrees 18 minutes 51 seconds, a radius of 269.00 feet, an arc length of 198.66 feet, a chord bearing of North 03 degrees 09 minutes 52 seconds East and a chord distance of 194.18 feet to a point;

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Then, North 24 degrees 19 minutes 17 seconds East a distance of 437.09 feet to a point; to the POINT OF BEGINNING.

A certain tract or parcel of land being a portion of "TRACT 2C" of the Robert Levis Development L.L.C. Properties, containing 2.399 acres or 104,520 square feet, located in sections 11 & 14, Township 9 South, Range 14 East, of the Greensburg Land District, St. Tammany Parish, Louisiana and being more particularly described as follows:

Commencing at the corner common to Sections 10, 11, 14 and 15, located along the southern right-of way line of Daney St.; said point being the "POINT OF COMMENCEMENT," and labeled P.O.C.

Then, continuing along said right of way line, North 89 degrees 11 minutes 00 seconds East a distance of 1,160.00 feet to a point;

Then, departing said right of way, South 00 degrees 53 minutes 56 seconds East a distance of 426.06 feet to a point;

Then, North 89 degrees 14 minutes 33 seconds East a distance of 275.00 feet to a point:

Then, North 00 degrees 53 minutes 56 seconds West a distance of 424.53 feet to a point, located along the southerly right of way of Daney St.;

Then, continuing along said right of way, Then, along a non-tangent curve to the right having a delta of 16 degrees 17 minutes 43 seconds, a radius of 300.00 feet, an arc length of 85.32 feet, a chord bearing of South 76 degrees 21 minutes 57 seconds East and a chord distance of 85.03 feet to a point;

Then, South 68 degrees 13 minutes 05 seconds East a distance of 38.57 feet to a point;

Then, along a curve to the left having a delta of 30 degrees 56 minutes 24 seconds, a radius of 375.00 feet, an arc length of 202.50 feet, a chord bearing of South 83 degrees 41 minutes 17 seconds East and a chord distance of 200.05 feet to a point;

Then, North 80 degrees 50 minutes 31 seconds East a distance of 167.84 feet to a point;

Then, along a curve to the right having a delta of 08 degrees 20 minutes 29 seconds, a radius of 1,180.00 feet, an arc length of 171.79 feet, a chord bearing of North 85 degrees 00 minutes 45 seconds East and a chord distance of 171.64 feet to a point;

Then, North 89 degrees 11 minutes 00 seconds East a distance of 457.12 feet to a point;

Then, departing said right of way, South 00 degrees 54 minutes 24 seconds East a distance of 305.86 feet to a point;

Then, North 88 degrees 52 minutes 00 seconds East a distance of 96.48 feet to a point;

Then, North 89 degrees 12 minutes 00 seconds East a distance of 659.91 feet to a point; said being the "POINT OF BEGINNING" and labeled "P.O.B.3,"

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Then, North 00 degrees 49 minutes 38 seconds West a distance of 330.00 feet to a point; Then, South 89 degrees 48 minutes 29 seconds East a distance of 87.29 feet to a point; Then, North 30 degrees 15 minutes 15 seconds East a distance of 121.88 feet to a point; Then, North 12 degrees 42 minutes 53 seconds East a distance of 121.63 feet to a point; Then, North 02 degrees 51 minutes 46 seconds West a distance of 32.86 feet to a point; Then, North 13 degrees 49 minutes 48 seconds West a distance of 90.97 feet to a point: Then, North 89 degrees 09 minutes 03 seconds East a distance of 15.43 feet to a point; Then, North 12 degrees 18 minutes 35 seconds West a distance of 2.41 feet to a point: Then, North 03 degrees 53 minutes 55 seconds West a distance of 173.82 feet to a

point;
Then, North 14 degrees 24 minutes 36 seconds East a distance of 160.77 feet to a point, located along the southerly right of way line of US Highway No. 190 (also known as Fremaux Road/ Short Cut Road);

Then, continuing along said right of way, South 65 degrees 44 minutes 07 seconds East a distance of 187.34 feet to a point;

Then, departing said right of way, South 24 degrees 19 minutes 17 seconds West a distance of 436.83 feet to a point;

Then, along a curve to the left having a delta of 38 degrees 05 minutes 10 seconds, a radius of 381.00 feet, an arc length of 253.26 feet, a chord bearing of South 05 degrees 16 minutes 43 seconds West and a chord distance of 248.63 feet to a point;

Then, along a curve to the right having a delta of 69 degrees 03 minutes 48 seconds, a radius of 269.00 feet, an arc length of 324.25 feet, a chord bearing of South 20 degrees 46 minutes 01 seconds West and a chord distance of 304.97 feet to a point;

Then, South 55 degrees 17 minutes 55 seconds West a distance of 10.79 feet to a point:

Then, South 50 degrees 32 minutes 06 seconds West a distance of 26.39 feet to a point;

Then, North 41 degrees 03 minutes 04 seconds West a distance of 32.13 feet to a point; to the POINT OF BEGINNING.

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STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, the undersigned Council Administrator of the Slidell City Council do hereby certify that the foregoing ten (10) pages constitute a true and correct copy of the proceedings taken by said Council on March 25, 2008, creating the "Fremaux Economic Development District, State of Louisiana," defining the boundaries thereof from which area local and state sales tax increments will be determined and used to finance economic development projects in accordance with and as authority by Part II of Chapter 27 of Title 33 of the Louisiana Revised Statues of 1950, as amended; and providing for other matters in connection with the foregoing.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of said City on this, the 25th day of March, 2008.

(SEAL)

Thomas P. Reeves Council Administrator