

2015 Regular Session

SENATE BILL NO. 211

BY SENATOR JOHNS

MUNICIPALITIES. Provides relative to lease or sale of certain lakefront property in the city of Lake Charles. (8/1/15)

AN ACT

To amend and reenact R.S. 33:4699.1(D), relative to public improvements; to provide relative to the city of Lake Charles; to provide relative to certain lakefront property; to provide relative to lease or sale of property; to provide relative to appraisal and bid; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4699.1(D) is hereby amended and reenacted to read as follows:

§4699.1. City of Lake Charles; lakefront property

* * *

~~D.(1) Notwithstanding any other provision of this Section to the contrary, upon approval by a vote of a majority of the electors qualified to vote in the city of Lake Charles voting thereon in a special election called for such purpose, the city shall have full and exclusive right, jurisdiction, power, and authority to lease and develop all or any portion of any of the property described in this Section in accordance with the procedures provided herein, for any commercial and profit-oriented purpose, including gaming as defined by law, or any residential purpose,~~

1 ~~pursuant to the design guidelines for such development in order to facilitate~~
2 ~~hurricane recovery and in accordance with a permit for development issued by the~~
3 ~~city on or before December 31, 2008. Upon voter approval of this planned~~
4 ~~development as provided herein, the city may also construct, acquire, extend, or~~
5 ~~improve facilities such as marinas, motels, hotels, restaurants, residential housing,~~
6 ~~commercial office space and boating facilities and provide roads, sewer, water and~~
7 ~~other utilities to facilitate such plan for commercial or residential use. Nothing in this~~
8 ~~Paragraph shall in any way supersede the sole authority and responsibility of the~~
9 ~~Louisiana Gaming Control Board relative to gaming as specified in R.S. 27:15.~~

10 ~~(2) The governing authority of the city of Lake Charles is authorized to call~~
11 ~~a special election in accordance with law to submit the question of commercial and~~
12 ~~residential usage of the areas described in this Section to those electors qualified to~~
13 ~~vote. If a majority of the qualified electors of the municipality voting thereon~~
14 ~~approve the commercial or residential usage of all or any portion of the areas~~
15 ~~described in this Section, the city shall have the full and exclusive right, jurisdiction,~~
16 ~~power, and authority to conduct and effectuate development in those areas for~~
17 ~~residential, commercial and profit-oriented purposes. Nothing in this Subsection~~
18 ~~shall affect any law regarding the requirement for or the conduct of any election~~
19 ~~regarding the conduct of any form of gaming.~~

20 As a result of the approval by a majority of the electors in a special
21 election held on May 5, 2007, the city has full and exclusive right, jurisdiction,
22 power, and authority to lease and develop all or any portion of any of the
23 property described in Subsections A, B, and C of this Section or in Paragraph
24 (3) of this Subsection for any commercial and profit-oriented purpose, other
25 than gaming, and for any residential purpose in accordance with the procedures
26 provided in Paragraph (2) of this Subsection pursuant to the terms and
27 conditions of the voter referendum and in accordance with the design guidelines
28 for such development as referenced therein. Accordingly, the governing
29 authority of the city of Lake Charles may also construct, acquire, extend, or

1 improve facilities such as marinas, motels, hotels, restaurants, residential
2 housing, commercial office space, and boating facilities and provide roads,
3 sewer, water, and other utilities to facilitate the voter plan for commercial or
4 residential use pursuant to the terms and conditions of the voter referendum
5 and the design guidelines as referenced therein.

6 (2) Notwithstanding any other provision of law to the contrary, leases of
7 lakefront property described in Subsections A, B, and C of this Section and in
8 Paragraph (3) of this Subsection may be entered into with any natural or
9 juridical person for development in accordance with the terms and conditions
10 of the voter referendum and the design guidelines set fourth in the permit issued
11 pursuant thereto. The procedure and authority for the lease of property with
12 or without public bid set forth in R.S. 33:4717.2 shall apply to the disposition
13 of this property. Accordingly, the city of Lake Charles may, in determining the
14 consideration for the disposition of said property, consider the potential value
15 of the economic impact of the commercial and profit oriented development as
16 well as the value of the land, building or other properties involved.

17 (3)(a) The following described property now owned by the governing
18 authority of the city of Lake Charles and located immediately adjacent to the
19 land described in Paragraph (1) of Subsection B of this Section may also be sold
20 for development for any commercial and profit-oriented purpose and for any
21 residential purpose in accordance with terms and conditions of the voter
22 referendum and the design guidelines set forth in the permit issued pursuant
23 thereto. The procedure and authority for the sale of property with or without
24 public bid set forth in R.S. 33:4717.2 shall apply to the disposition of this
25 property. Accordingly, the city of Lake Charles may, in determining the
26 consideration for the disposition of said property, consider the potential value
27 of the economic impact of the commercial and profit oriented development as
28 well as the value of the land, building or other property involved including:

29 A tract of land in Section 31, Township 9 South, Range 8 West, in the

1 city of Lake Charles, parish of Calcasieu, Louisiana, more fully described as:

2 For a point of commencement, begin at the Southeast corner of Block 30
3 of Thomas Bilbo and Ann Lawrence subdivision in the city of Lake Charles,
4 Louisiana;

5 Thence West along the North right of way line of Lawrence Street and
6 along the West prolongation of the North right of way line of Lawrence Street,
7 450.0 feet to the point in the West right of way line of U.S. Highway No. 90
8 Business route and/or the West right of way line of Orange Street (abandoned)
9 projected South;

10 Thence West, 60.0 feet along the agreement boundary line between the
11 state of Louisiana and the J.A. Bel Estate;

12 Thence North 57° 50' 00" West record (North 57° 50' 45" measured),
13 451.25 record and measured feet along the said agreement line to the point of
14 commencement of the tract herein described;

15 Thence North 32° 10'00" East 249.49 feet record (North 32° 00'15" East
16 250.90 feet measured);

17 Thence due North 148.03 feet record (North 00°18'02" West 148.03 feet
18 measured);

19 Thence due East 80.0 feet record (South 89° 59' 48" East 80.06 feet
20 measured);

21 Thence due North 96.6 feet record more or less (North 0° 06' 13" West
22 96.97 feet measured) to a point on the South right of way line of U.S. Highway
23 No. 90 Business route;

24 Thence Westerly on the said right of way line along the arc of a curve
25 having a radius of 355.0 feet [the chord of which bears North 76°44'00" West
26 47.72 feet record (North 76°52'12" West 47.73 feet measured)] an arc distance
27 of 47.72 feet record (and measured);

28 Thence North 83°35'00" West 95.46 (North 83°59'03" West 95.41 feet
29 measured) along said South right of way line;

1 Thence North 80°35'00" West 560.4 feet record (North 80°28'21" West
2 560.66 feet measured) along said South right of way line;

3 Thence North 80°35'0" West (North 80°34'31" West measured) 400 feet
4 record and measured along said South right of way line;

5 Thence South 06°01'00" West (South 06°01'29" West measured) 12 feet
6 record and measured;

7 Thence North 80°35'00" West (North 80°34'31" West measured) 50 feet
8 record and measured;

9 Thence South 6°01'00" West 325 feet record (South 06°01'29" West
10 325.06 feet measured);

11 Thence South 80°35'00" East 450 feet record (South 80°34'31" East
12 449.12 feet measured);

13 Thence South 80°35'00" East 200 feet record (South 80°06'16" East
14 199.89 feet measured);

15 Thence South 57°50'00" East 378.25 feet record (South 57°50'45" East
16 379.75 feet measured) to the point of commencement, containing 9.246 Acres.

17 (b) The governing authority of the city of Lake Charles is authorized to
18 execute any acts of correction that may be necessary in the future to conform
19 the description of the property as described in Subparagraph (a) of this
20 Paragraph to a more accurate survey or to correct any defects in the chain of
21 title to the property.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 211 Original 2015 Regular Session Johns

Present law designates certain lakefront areas of the city of Lake Charles for residential, and commercial or revenue producing purposes with or without public bid.

Present law authorizes the governing authority of the city of Lake Charles to conduct development in areas for residential or commercial and profit-oriented purposes, including gaming, if a majority of voters approve the commercial or residential usage of all or any portion of the areas described in present law.

Present law authorizes the governing authority of the city of Lake Charles to present a

comprehensive development plan for voter approval on or before December 31, 2008; and proposed law incorporates by reference the plan that was approved by voter referendum on May 5, 2007.

Proposed law retains present law and authorizes the additional adjacent land acquired by the city in 2010 be leased or sold for development for any commercial and profit-oriented purpose and for any residential purpose pursuant to the design guidelines for such development approved by the voters with or without public bid in accordance with present law provisions regarding the transfer of property by a political subdivision for industrial inducement purposes.

Proposed law authorizes the governing authority of the city to cure any title defects to additional land.

Effective August 1, 2015.

(Amends R.S. 33:4699.1(D))