BY COUNCILMAN VANCE

CITY OF CENTRAL
ORDINANCE NO. 2015-34

AN ORDINANCE TO RATIFY THE "AGREEMENT BETWEEN ACADIANA DEVELOPMENT OF CENTRAL, LLC, JEFFREY S. COUVILLION, AND THE CITY OF CENTRAL RELATED TO THE CONSTRUCTION OF QUARTER DRIVE IN THE CENTRAL SQUARE DEVELOPMENT" DATED JULY 24, 2015, AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, litigation has been instituted against the Mayor and four of the City Council members challenging, in part, the enforceability of the "Agreement between Acadiana Development of Central, LLC, Jeffrey S. Couvillion and the City of Central Related to the Construction of Quarter Drive in the Central Square Development" dated July 24, 2015 (the "Agreement"); and

WHEREAS, the Agreement calls for the extension of Quarter Drive to the property line and the acceptance of Quarter Drive and other properly constructed roadways within Central Square as public roads by the City; and

WHEREAS, there are several ways for roadways within the City of Central to become public roadways, including dedications that are "formal," "statutory," "implied," and "tacit;" and

WHEREAS, the plaintiffs in the litigation have alleged that the Mayor did not have authority to enter into the Agreement without City Council approval; and

WHEREAS, the City Council believes that the Mayor did have authority to enter into the Agreement, but wishes to forever remove the issue of the Mayor's authority to enter into the Agreement from the litigation.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:

Section 1: The "Agreement between Acadiana Development of Central, LLC, Jeffrey S. Couvillion and the City of Central Related to the Construction of Quarter Drive in the Central Square Development" dated July 24, 2015 and attached hereto as Exhibit A is hereby ratified, and in accordance with the Agreement, the City may accept the dedication of Quarter Drive, N. Vieux Carré Circle, and W. Vieux Carré Circle as public streets and for public maintenance.

Section 2: The specific terms and conditions of this Ordinance shall prevail against other ordinances of the City to the extent that there may be any conflict. Except for the

foregoing, the development of the subject property is subject to the terms of all applicable ordinances and regulations of the City of Central, including any amendment thereto.

Section 3: Severability. If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

Section 4. Effective Date. This Ordinance shall be effective upon publication.

Introduced before the Council on September 8, 2015.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For: Evans, Fralick, Messina, Vance
Against: None
Absent: None
Recused: Ellis

Adopted the 22nd day of September, 2015.

Signed the 22nd day of September, 2015.

Delivered to the Mayor on the 22nd day of September, 2015.

Mark Miley, City Clerk

Approved:

I.M. Shelton, Jr. Mayor

Received from Mayor on the 22nd day of September, 2015:

Mark Miley, City Clerk

Adopted Ordinance published in The Advocate on the 26th day of September, 2015

Exhibit A

AGREEMENT BETWEEN ACADIANA DEVELOPMENT OF CENTRAL, LLC, JEFFREY S. COUVILLION, AND THE CITY OF CENTRAL RELATED TO THE CONSTRUCTION OF QUARTER DRIVE IN THE CENTRAL SQUARE DEVELOPMENT" DATED JULY 24, 2015

AGREEMENT BETWEEN ACADIANA DEVELOPMENT OF CENTRAL, LLC, JEFFREY S. COUVILLION AND THE CITY OF CENTRALRELATED TO THE CONSTRUCTION OF QUARTER DRIVE IN THE CENTRAL SQUARE DEVELOPMENT

This Agreement between Jeffrey S. Couvillion ("Couvillion"), Acadiana Development of Central, LLC ("Acadiana Development") and the City of Central ("City") is as follows:

WHEREAS, Couvillion is the managing principal of Acadiana Development; and

WHEREAS, Acadiana Development is the developer of property on either side of Wax Road on the east side of Sullivan Road in the City known as "Central Square;" and

WHEREAS, the plans originally presented by Couvillion and Acadiana Development and approved by the City for Central Square showed Quarter Drive as a private roadway that extended to the south property line of the development; and

Whereas, Quarter Drive was not constructed all the way to the south property line of the development; and

WHEREAS, Quarter Drive, along with N. Vieux Carré Circle and W. Vieux Carré Circle, other roadways in Central Square, were constructed to public road standards; and

WHEREAS, the City desires for Quarter drive to be extended to the south property line of the property as originally proposed and approved and is willing to accept Quarter Drive, N. Vieux Carré Circle and W. Vieux Carré Circle as public streets with public maintenance; and

WHEREAS, Couvillion and Acadiana Development desire to dedicate Quarter Drive, along with N. Vieux Carré Circle and W. Vieux Carré Circle as public streets and drainage with public maintenance.

THEREFORE, it is agreed as follows:

1. Couvillion and Acadiana Development shall, prior to December 31, 2015, extend Quarter Drive to the south property line of the property as shown on the Final Plat of Central Square Phase 3 dated May 6, 2015. Said construction shall be in compliance with all City ordinances and shall include an appropriately sized culvert where Quarter Drive crosses the private drainage servitude along the south property line.

2. Couvillion and Acadiana Development shall provide the City with documentation showing that Quarter Drive, N. Vieux Carré Circle and W. Vieux Carré Circle and their associated drainage facilities have been built in compliance with the City's public road standards.

Should the roadways and/or associated drainage facilities not be built in compliance with City ordinances, Couvillion and/or Acadiana shall correct those deficiencies.

3. Upon completion of construction of the extension of Quarter Drive and provision of documentation as set forth above, the City will, after Acadiana Development's posting of the required eighteen (18) month maintenance bond, accept the dedication of Quarter Drive, N. Vieux Carré Circle and W. Vieux Carré Circle as public streets and for public maintenance.

Made this 24 day of July, 2015 in Central, Louisiana

7/24/15

Jeffrey S. Couvillion,
Individually, and on behalf of Acadiana
Development of Central, LLC

7/24/15

I. M. Shelton, Jr.
Mayor, City of Central

9965-9302, v. 3