

**Minutes of February 25, 2021 – Special Meeting
Mayor and Board of Selectmen
City of Plaquemine, Louisiana**

The Mayor and Board of Selectmen met for a Special Meeting at Plaquemine City Hall, second floor courtroom, 23640 Railroad Avenue, City of Plaquemine, Parish of Iberville, State of Louisiana, 70764 on Thursday, February 25, 2021 at 6:30 p.m., with the following members present:

Present: Mayor Edwin M. Reeves, Jr. and Selectmen Lindon A. Rivet, Jr., Thomas D. LeBlanc, Shannon P. Courtade, Jimmie Randle, Jr. and Selectwoman Wanda B. Jones

Absent: Selectman Oscar S. Mellion

The Pledge of Allegiance followed the Clerk's evidence of proper notice for the calling of the meeting.

PUBLIC COMMENTS (MUST REGISTER WITH THE CLERK).

The following addressed the Mayor and Board concerning the subdivision identified as The Park at The Island: City Attorney L. Phillip Canova, Jr., Attorney F. Barry Marionneaux, Attorney Patrick Pendley, Mr. Henry Daigle, Mr. Timmy Medine, Mr. Charles Bujol, Mrs. Jeannie Panepinto, Mr. Ben Legrange and Ms. Linda Johnson.

TO DISCUSS AND CONSIDER A RESOLUTION APPROVING SEVENTY-FOUR (74) LOTS FOR SALE IN THE SUBDIVISION IDENTIFIED AS THE PARK AT THE ISLAND AND TO AUTHORIZE THE MAYOR OF THE CITY OF PLAQUEMINE TO EXECUTE THE FINAL PLAT FOR THE SUBDIVISION IDENTIFIED AS THE PARK AT THE ISLAND, PHASE 1, LOTS 1-97 (INCLUSIVE) AND TRACTS CA-1, CA-2, AND CA-3, AS AMENDED, SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN AND OTHER MATTERS RELATED THERETO.

The following resolution was offered by Selectman Shannon P. Courtade and seconded by Selectwoman Wanda B. Jones:

RESOLUTION

A RESOLUTION APPROVING SEVENTY-FOUR (74) LOTS FOR SALE IN THE SUBDIVISION IDENTIFIED AS THE PARK AT THE ISLAND AND TO AUTHORIZE THE MAYOR OF THE CITY OF PLAQUEMINE TO EXECUTE THE FINAL PLAT FOR THE SUBDIVISION IDENTIFIED AS THE PARK AT THE ISLAND, PHASE I, LOTS 1-97 (INCLUSIVE) AND TRACTS CA-1, CA-2, AND CA-3, AS AMENDED, SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN AND OTHER MATTERS RELATED THERETO

WHEREAS, the Mayor and Board of Selectmen are in litigation in the matters entitled "City of Plaquemine vs. Island 7th Filing, LLC Consolidated with Island 7th Filing, LLC et al vs. City of Plaquemine Board of Selectmen, et al, 18th Judicial District Court, Parish of Iberville, State of Louisiana, Docket No. 80,369 and 80, 371 "A".

WHEREAS, the Mayor and Board of Selectmen has been presented a proposed resolution to the litigations identified herein.

WHEREAS, the Mayor and Board of Selectmen declare the approval of Seventy-Four (74) Lots for sale in the Subdivision identified as The Park at The Island, under the terms and conditions set forth herein.

WHEREAS, the Mayor and Board of Selectmen, based on the representations by Island 7th Filing, LLC duly authorized representative, Scott D'Agostino, Island 7th Filing, LLC has an option to acquire property adjacent to the subdivision identified as The Park at the Island, which if said option is exercised, could be developed as Phase 2 to the Phase 1 subdivision, The Park at the Island.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Board of Selectmen declare the approval of Seventy-Four (74) Lots for sale in the Subdivision identified as The Park at The Island, under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and Board of Selectmen of the City of Plaquemine, Louisiana, in legal session, hereby approve the "FINAL PLAT OF THE

PARK AT THE ISLAND, PHASE I, LOTS 1-97 (INCLUSIVE) AND TRACTS “CA-1”, “CA-2”, AND “CA-3” FORMERLY BEING TRACT “C-2” LOCATED IN SECTION 12, T9S-R12E, SOUTHEAST LAND DISTRICT, IBERVILLE PARISH, STATE OF LOUISIANA FOR ISLAND 7TH FILING, LLC, 9337 SCULPTOR COURT, BATON ROUGE, LA 70809,” **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS** and authorize Edwin M. Reeves, Jr., Mayor of the City of Plaquemine, and Roxane M. Richard, City Clerk for the City of Plaquemine, on behalf of the City of Plaquemine, to execute the FINAL PLAT OF THE PARK AT THE ISLAND, PHASE I, LOTS 1-97 (INCLUSIVE) AND TRACTS “CA-1”, “CA-2”, AND “CA-3” FORMERLY BEING TRACT “C-2” LOCATED IN SECTION 12, T9S-R12E, SOUTHEAST LAND DISTRICT, IBERVILLE PARISH, STATE OF LOUISIANA FOR ISLAND 7TH FILING, LLC, 9337 SCULPTOR COURT, BATON ROUGE, LA 70809, **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS**, to-wit:

1. The City of Plaquemine, Island 7th Filing, and Scott D’Agostino shall enter a Consent Judgment, and authorize the City of Plaquemine Attorneys, L. Phillip Canova, Jr. and/or F. Barry Marionneaux to execute same on behalf of the City of Plaquemine, as set forth herein:
 - a. Lots 69, 70, and 41 shall designated as “Common Areas” as the term is set forth in Final Plat under “Private Dedication.” As Common Areas, Lots 69, 70, and 41 maintenance shall be by the Island Community Association.
 - i. In the event the Island 7th Filing, LLC, or its successors and/or assigns, does not acquire the property described in Sub-Part (1)(b)(i), prior to the termination date of Island 7th Filing, LLC’s Option to Purchase the property described in Sub-Part (1)(b)(i) or the termination date of any extension to the Option to Purchase, Lots 69, 70, and 41 shall not be designated “Common Areas” and shall be available for sale and construction of improvements thereon, **subject to the following restrictions and covenants on said Lots 1, 69, 70 and 41**, to-wit:
 - ii. Any residence constructed on Lots 1, 69, 70 and 41, and/or configured and re-aligned Lots 69, 70 and 71, shall contain a minimum of 2500 square feet living area as per Island 5th Filing.
 - iii. Any residence constructed on Lots 1, 69, and 41 and/or configured and re-aligned Lots 69, 70 and 71, shall have its front entrance face Island Drive.
 - iv. Further, in the event the Island 7th Filing, LLC, or its successors and/or assigns, does not acquire the property described in Sub-Part (1)(b)(i), prior to the termination date of Island 7th Filing, LLC’s Option to Purchase the property described in Sub-Part (1)(b)(i) or the termination date of any extension to the Option to Purchase, Lots 69, 70, and 71 shall be configured and re-aligned to front Island Drive. The front entrance of any residence constructed on the configured and re-aligned Lots 69, 70 and 71 shall face Island Drive. The City of Plaquemine shall be obligated and is responsible for the costs of configuring and re-aligning Lots 69, 70 and 71 as set forth herein. The City of Plaquemine shall be obligated and is responsible for the costs of re-locating, moving, and re-connecting, if necessary, the utility services (electricity, water, sewerage and natural gas) to the configured and re-aligned Lots 69, 70 and 71. The City of Plaquemine, Island 7th Filing, LLC and Scot D’Agostino agree to execute any and all documents necessary to implement the configured and re-aligned Lots 69, 70 and 71.
 - b. Lots 24, 55, 56, 57, 58, 59, 60, 61, 62, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, and 97 shall not be sold. Lots 24, 55, 56, 57, 58, 59, 60, 61, 62, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, and 97 can be sold, and the City of Plaquemine shall issue the necessary permits for the improvements on said lots in the event the following conditions are satisfied and fulfilled:
 - i. The Island 7th Filing LLC, or its successors and/or assigns, acquire the property described below, which is to be developed as “Phase 2”, to-wit:
THAT CERTAIN LOT OF GROUND, lying and being situated in Sections 12

and 14, Township 9 South, Range 12 East, S.E. Land District, West of the Mississippi River, City of Plaquemine, Iberville Parish, State of Louisiana, and being known and designated as Tract C-3, 18.970 acres, 826.351 Sq. Ft., all as more fully shown on that certain “Final Plat Showing the Resubdivision of Tract C (being a Portion of the A. Wilbert’s Sons Original 338.138± Acre Tract) Into Tracts C-1, C-2 & C-3 Located in Sections 12 and 14, Township 9 South, Range 12 East, S.E. Land District, West of the Mississippi River, City of Plaquemine, Iberville Parish, State of Louisiana for Island 7th Filing, LLC”, prepared by Cletus Langlois, R.L.S. for Patin Engineers & Surveyors, dated August 28, 2018, a copy of which was recorded August 28, 2018 in the conveyance records of Iberville Parish, Louisiana as File #13036, Book 695, Entry 141.

- ii. The Island 7th Filing LLC, or its successors and/or assigns, shall submit to the City of Plaquemine a Preliminary Plat as set forth in Plaquemine Code of Ordinances Chapter 18, Sections 4 and 426.
 - iii. The Island 7th Filing LLC, or its successors and/or assigns, shall submit to the City of Plaquemine Construction Plans as set forth in Plaquemine Code of Ordinances Chapter 18, Sections 4 and 427.
 - iv. The Island 7th Filing LLC, or its successor and/or assigns, shall submit to the City of Plaquemine a Final Plat as set forth in Plaquemine Code of Ordinances Chapter 18, Sections 4 and 429; or
 - v. The City of Plaquemine shall approve the Preliminary Plat upon certification by the City of Plaquemine Engineer(s), hereby designated as Professional Engineering Consultants Corporation, Baton Rouge, Louisiana, that it complies with Plaquemine Code of Ordinances Chapter 18, Sections 4 and 426.
 - vi. The City of Plaquemine shall approve the Construction Plans upon certification by the City of Plaquemine Engineer, Professional Engineering Consultants Corporation, Baton Rouge, Louisiana, that it complies with Plaquemine Code of Ordinances Chapter 18, Section 4 and 427.
 - vii. The City of Plaquemine shall approve the Final Plat upon certification by the City of Plaquemine Engineers, Professional Engineering Consultants Corporation, Baton Rouge, Louisiana, that it complies with Plaquemine Code of Ordinances Chapter 18, Sections 4 and 429.
 - viii. The Property acquired in Sub-Part 1(b)(i) shall be subject to all building restrictions of record affecting the Property acquired in Sub-Part 1(b)(i) and subject to the obligation of Island 7th Filing, LLC and Scott D’Agostino, their heirs, successors, administrators, and assigns, to include restrictions in the acts of sale whereby any portion of the Property sold that: (1) all houses constructed on any lots will abide by the residential design guidelines and covenants and restrictions of the Third Filing according to the Island Community Association guidelines and restrictions; and (2) Island 7th Filing, LLC and Scott D’Agostino, their heirs, successors, administrators, and assigns, shall not drill or otherwise construct a water well on any party of the Property.
- c. The City of Plaquemine, Island 7th Filing, LLC and Scott D’Agostino agree, acknowledge and accept that the condition set forth in Sub-Part (1)(a)(i)(ii)(iii)(iv) shall be satisfied and fulfilled upon the termination date of Island 7th Filing, LLC’s Option to Purchase the property described in Sub-Part (1)(b)(i) or the termination date of any extension to the Option to Purchase the property described in Sub-Part (1)(b)(i).
 - d. The City of Plaquemine, Island 7th Filing, LLC and Scott D’Agostino agree, acknowledge and accept that the condition set forth in Sub-Part (1)(b) shall be satisfied and fulfilled upon the termination date of Island 7th Filing, LLC’s Option to Purchase the property described in Sub-Part (1)(b)(i) or the termination date of any extension to the Option to

Purchase. Upon the Island 7th Filing, LLC's termination of its Option to Purchase or the termination date of any extension to the Option to Purchase, Island 7th Filing, LLC shall be entitled to market, sell and/or improve Lots 24, 55, 56, 57, 58, 59, 60, 61, 62, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, and 97.

- e. The City of Plaquemine, Island 7th Filing, LLC and Scott D'Agostino agree, acknowledge and accept that the condition set forth in Sub-Part (1)(a)(i-iv) shall be satisfied and fulfilled upon the termination date of Island 7th Filing, LLC's Option to Purchase the property described in Sub-Part (1)(b)(i) or the termination date of any extension to the Option to Purchase. Upon the Island 7th Filing, LLC's termination of its Option to Purchase or the termination date of any extension to the Option to Purchase, Island 7th Filing, LLC shall be entitled to market, sell and/or improve Lots 69, 70 and 41, subject to the conditions, covenants and restrictions set forth in Sub-Part (1)(a)(i-iv)
 - f. In the event the Island 7th Filing, LLC, or its successors and/or assigns, acquire the property identified in Sub-Part (b)(i) and develops "Phase 2", upon submission of Construction Plans as set forth in Plaquemine Code of Ordinances Chapter 18, Section 4 and 427, the City of Plaquemine shall enter a Development Agreement under the terms and conditions as set forth in Exhibit "A", incorporated herein by reference.
 - g. The City of Plaquemine, Island 7th Filing, and Scott D'Agostino shall dismiss, with prejudice their cases identified herein, the parties responsible for their own cost of court.
 - h. The Final Plat identified herein supersedes and supplants the "Final Plat of The Park At The Island Phase 1, Lots 1 Thru 97 (Inclusive) & Tracts "CA-1, "CA-2" and "CA-3" formerly being Tract "C-2" Located in Section 12, T9S-R12E, Southeast Land District, Iberville Parish, State of Louisiana, for Island 7th Filing, LLC9331 Sculptor Court, Baton Rouge, LA 70809," filed on September 29, 2020 in the Conveyance Records of the Parish of Iberville, File #22663, Book 712, Entry 76.
 - i. The City of Plaquemine, Island 7th Filing, LLC and Scott D'Agostino agree to execute any and all documents necessary to affect the provisions, terms and conditions of the Consent Judgment and Resolution.
 - j. The provisions of this Resolution shall be binding upon and shall inure to the benefit and obligation of the City of Plaquemine, Island 7th Filing, LLC and Scott D'Agostino, their heirs, executors, administrators, successors and assigns.
2. The Mayor and Board of Selectmen hereby direct the City Clerk to execute a Certified Copy of this Resolution and it attached the Consent Judgment in the litigation identified above.

The foregoing resolution having been submitted to a vote, was adopted by the following yeas and nay vote on roll call:

Yeas: Shannon P. Courtade, Jimmie Randle, Jr., Thomas D. LeBlanc and Wanda B. Jones

Nays: Lindon A. Rivet, Jr.

Absent: Oscar S. Mellion

ADJOURNMENT.

Selectman Jimmie Randle, Jr. moved, seconded by Selectman Shannon P. Courtade that the City of Plaquemine adjourn at 7:15 p.m.

The foregoing was adopted by the following votes:

Yeas: Lindon A. Rivet, Jr., Wanda B. Jones, Thomas D. LeBlanc, Shannon P. Courtade and Jimmie Randle, Jr.

Nays: None

Absent: Oscar S. Mellion

CITY OF PLAQUEMINE

/s/Edwin M. "Ed" Reeves, Jr., Mayor

/s/Roxane M. Richard, City Clerk