

19-01286

The following Ordinance was previously introduced in written form at a regular meeting of the Metropolitan Council on November 26, 2019, a Notice Describing the Boundaries and Baseline Incremental Sales Tax Revenues of the Proposed Harveston Economic Development District was published twice in the Parish's official journal, and the Ordinance was offered by Councilman Chandler Loupe and seconded by Councilman LaMont Cole.

The Ordinance was thereupon signed by the President Pro Tempore, attested by the Council Administrator and declared to be adopted. The Ordinance provides as follows:

ORDINANCE

AN ORDINANCE CREATING THE HARVESTON ECONOMIC DEVELOPMENT DISTRICT AND DEFINING THE BOUNDARIES THEREOF FROM WHICH AREA PARISH SALES TAX INCREMENTS WILL BE DETERMINED AND USED TO FUND A PORTION OF THE COSTS OF AN ECONOMIC DEVELOPMENT PROJECT AS DESCRIBED HEREIN, ALL IN ACCORDANCE WITH AND AUTHORIZED BY CHAPTER 27 OF TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED; DESIGNATING THE GOVERNING AUTHORITY OF THE DISTRICT; PLEDGING AND DEDICATING TWO PERCENT OF INCREMENTAL SALES TAX COLLECTED BY THE PARISH WITHIN THE BOUNDARIES OF THE HARVESTON ECONOMIC DEVELOPMENT DISTRICT TO BE USED TO FINANCE SAID ECONOMIC DEVELOPMENT PROJECT COSTS; REQUIRING THE INITIAL ANNUAL BASELINE SALES TAX AND MONTHLY COLLECTION RATES IN THE HARVESTON ECONOMIC DEVELOPMENT DISTRICT TO BE CERTIFIED BY THE PARISH'S FINANCE DIRECTOR; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the governing authority of any parish in the State of Louisiana may create an economic development district composed of territory wholly within a parish pursuant to the provisions of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, inclusive (the "**EDD Act**"); and

WHEREAS, the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge (the "**Metropolitan Council**"), acting as governing authority of the Parish of East Baton Rouge, State of Louisiana (the "**Parish**") has been requested to create an economic development district whose boundaries begin at the intersection of Section 50, 51 and 52, being the northeastern corner of Section

52; and

WHEREAS, the Metropolitan Council introduced this Ordinance in written form on November 26, 2019 and a Notice Describing the Boundaries and Baseline Incremental Sales Tax Revenues of the Proposed Harveston Economic Development District was published twice in *The Advocate*, a newspaper of general circulation within the Parish, and is the official journal of the Parish; and

WHEREAS, it is the desire of the Metropolitan Council to create the Harveston Economic Development District (the "**District**"), all in accordance with and pursuant to the provisions of the EDD Act; and

WHEREAS, the Metropolitan Council shall serve as the governing authority of the District pursuant to Section 33:9038.32 of the EDD Act; and

WHEREAS, it is the desire of the Metropolitan Council to pledge and dedicate the incremental revenues generated by the Parish's two percent (2%) sales and use tax now being levied and collected by the Parish pursuant to La. R.S. 47:337.5.1 (the "**Parish Tax**") within the boundaries of the Harveston Economic Development District to finance said economic development project costs; and

WHEREAS, it is the desire of the Metropolitan Council to require the baseline sales tax collection rate in the Harveston Economic Development District to be certified by the Parish's Finance Director as required under Section 33:9038.34 of the EDD Act;

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge that:

Section 1. The Metropolitan Council introduced this

Ordinance in written form on November 26, 2019 and a Notice Describing the Boundaries and Baseline Incremental Sales Tax Revenues of the Proposed Harveston Economic Development District a was published twice in *The Advocate*, a newspaper of general circulation within the Parish, and is the official journal of the Parish, whereas such notice was substantially in the form of the Notice Describing the Boundaries and Baseline Incremental Sales Tax Revenues of the Proposed Harveston Economic Development District annexed hereto as **EXHIBIT A** and incorporated herein by reference, to the same extent as if it were set forth in full.

Section 2. Pursuant to the provisions of the EDD Act, the Metropolitan Council hereby creates the "***Harveston Economic Development District***" comprised of the following territory located wholly within the Parish:

A certain tract or parcel of land, being designated as Tract A - East of Selene Parkway and formerly a portion of the Burtville Plantation located in Section 52, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, being more particularly described as follows: Commencing at the intersection of Section 50, 51 and 52, being the northeastern corner of Section 52, and being the Point of Beginning; From the POINT OF BEGINNING; Thence, along the eastern line of section 52 South 05 degrees 05 minutes 05 seconds West a distance of 1000.97 feet to a point and corner; thence, South 85 degrees 04 minutes 03 seconds West for a distance of 4782.99 feet to the eastern right of way line of Selene Parkway; thence, along a curve to the left on said right of way line, said curve having a radius of 2068.00 feet, an arc length of 627.89 feet, and whose long chord bears North 72 degrees 39 minutes 29 seconds West for a distance of 625.48 feet; thence, along the said right of way line North 81 degrees 21 minutes 24 seconds West for a distance of 717.78 feet to the beginning of a curve; said curve turning to the right on the said right of way line, having a radius of 707.00 feet, an arc length of 737.57 feet, and whose long chord bears North 51 degrees 28 minutes 12 seconds West for a distance of 704.58 feet; thence, along the said right of way line North 21 degrees 35 minutes 00 seconds West for a distance of 100.23 feet to the northern line of section 52; thence, along the said section line North 85 degrees 04 minutes 20 seconds East for a distance of 6773.75 feet to the Point of Beginning; (B) A certain tract or parcel of land, being designated as Tract A - West of Selene Parkway and formerly a portion of the Burtville Plantation located in Section 45 & 52, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, being more particularly described

as follows: Commencing at the intersection of Section 44, 45, 51 and 52, being the northeastern corner of Section 45, and being the northwestern corner of Section 52, and being the Point of Beginning; From the POINT OF BEGINNING; Thence, along the northern line of section 52 North 85 degrees 04 minutes 20 seconds East for a distance of 731.75 feet to the western right of way line of Selene Parkway; thence, along the said right of way line South 21 degrees 35 minutes 00 seconds East for a distance of 140.92 feet; thence, along a curve to the left on said right of way line, said curve having a radius of 843.00 feet, an arc length of 879.45 feet, and whose long chord bears South 51 degrees 28 minutes 12 seconds East for a distance of 840.11 feet; thence, along the said right of way line South 81 degrees 21 minutes 24 seconds East for a distance of 717.77 feet to the beginning of a curve; Said curve turning to the right on the said right of way line, having a radius of 1932.00 feet, an arc length of 331.17 feet, and whose long chord bears South 76 degrees 26 minutes 44 seconds East for a distance of 330.76 feet to a point and corner; thence, departing said right of way line South 85 degrees 04 minutes 03 seconds West for a distance of 333.09 feet to a point on a line; thence, South 84 degrees 48 minutes 09 seconds West for a distance of 2599.53 feet to a point on a line; thence, South 84 degrees 51 minutes 06 seconds West for a distance of 3709.09 feet to a point and corner along a 4' chain link fence; thence, along the said fence North 21 degrees 38 minutes 52 seconds West for a distance of 675.40 feet to a point and corner; thence, South 83 degrees 28 minutes 54 seconds West for a distance of 497.31 feet to a point on a line; thence, South 67 degrees 57 minutes 54 seconds West for a distance of 489.01 feet to the eastern right of way line of Louisiana Highway 30 (Nicholson Drive); thence, along the said right of way line North 22 degrees 24 minutes 10 seconds West for a distance of 202.19 feet to a point and corner of fence; thence, North 68 degrees 04 minutes 54 seconds East for a distance of 489.33 feet; thence, North 05 degrees 20 minutes 06 seconds West for a distance of 135.25 feet to the northern line of section 52; thence, along the said section line North 84 degrees 28 minutes 19 seconds East for a distance of 5001.03 feet to the Point of Beginning; (C) A certain tract or parcel of land, being designated as Tract B on a portion of the Burtville Plantation located in Section 45, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, being more particularly described as follows: Commencing at the intersection of the easterly right of way line of Louisiana Highway 30 (Nicholson Drive) and the northerly line of Section 45, being the northwesterly corner of an existing tract for Gladys Gianelloni, thence, along the easterly right of way line of Louisiana Highway 30 (Nicholson Drive) South 22 degrees 14 minutes 25 seconds East for a distance of 487.71 feet to the Point of Beginning; Thence, North 68 degrees 07 minutes 35 seconds East for a distance of 489.26 feet to a point; Thence, North 83 degrees 38 minutes 35 seconds East for a distance of 497.31 feet to a point; Thence, South 21 degrees 29 minutes 11 seconds East for a distance of 671.90 feet to a point; Thence, South 85 degrees 04 minutes 08 seconds West for a distance of 1004.21 feet to a point; thence North 22 degrees 14 minutes 25 seconds West for a distance of 512.30 feet to the Point of Beginning; (D) A certain tract or parcel of land, being designated as Tract B on a portion of the Burtville Plantation located in Section 45, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish,

Louisiana, being more particularly described as follows: Commencing at the intersection of the easterly right of way line of Louisiana Highway 30 (Nicholson Drive) and the northerly line of Section 45, being the northwesterly corner of an existing tract for Gladys Gianelloni, being the Point of Beginning; Thence, North 84 degrees 38 minutes 00 seconds East for a distance of 552.81 feet to a point; Thence, South 5 degrees 10 minutes 25 seconds East for a distance of 135.25 feet to a point; Thence, South 68 degrees 14 minutes 35 seconds West for a distance of 489.33 feet to a point; Thence, North 22 degrees 14 minutes 25 seconds West for a distance of 285.62 feet to the Point of Beginning; (E) A certain tract or parcel of land, being designated as Tract W, being portion of the Longwood Plantation and Burtville Plantation Property located in Section 44, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, being more particularly described as follows: Commencing at the intersection of the easterly right of way line of Louisiana Highway 30 (Nicholson Drive) and the northerly right of way line of Louisiana Highway 1248 (Bluebonnet Boulevard) being the Point of Beginning; From the POINT OF BEGINNING; thence continue North 22°25'02" West a distance of 1644.70 feet to a Point; thence continue North 68°27'46" East a distance of 1975.68 feet to a Point; thence continue South 21°21'26" East a distance of 2201.98 feet to a Point; thence continue South 84°28'02" West a distance of 2021.86 feet to the Point of Beginning; (F) A certain tract or parcel of land, being designated as Tract W, being portion of the Longwood Plantation and Burtville Plantation Property located in Section 44, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, being more particularly described as follows: Commencing at the intersection of the easterly right of way line of Louisiana Highway 30 (Nicholson Drive) and the northerly right of way line of Louisiana Highway 1248 (Bluebonnet Boulevard), thence South 84°28'02" East a distance of 2021.86 feet to a Point, being the Point of Beginning; From the POINT OF BEGINNING; thence continue South 84°28'02" East a distance of 3391.97 feet to a Point; thence continue North 21°21'26" West a distance of 3137.20 feet to a Point; thence continue South 68°27'46" West a distance of 3263.44 feet to a Point; thence continue South 21°21'26" East a distance of 2201.98 feet to the Point of Beginning; (G) A certain tract or parcel of land, being designated as Tract W, being portion of the Longwood Plantation and Burtville Plantation Property located in Section 44, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, being more particularly described as follows: Commencing at the intersection of the easterly right of way line of Louisiana Highway 30 (Nicholson Drive) and the northerly right of way line of Louisiana Highway 1248 (Bluebonnet Boulevard), thence South 84°28'02" East a distance of 5413.83 feet to a Point, being the Point of Beginning; From the POINT OF BEGINNING; thence continue North 84°28'02" East a distance of 609.05 feet to a Point; thence continue 1343.08 feet along a curve to the left through a central angle of 42°31'55", said curve having a radius of 1809.29 feet a chord direction of North 63°12'05" East and a chord length of 1312.45 feet; thence continue South 85°03'19" West a distance of 830.77 feet to a Point; thence continue North 22°02'46" West a distance of 737.83 feet to a Point; thence continue North 21°05'55" West a distance of 725.10 feet to a Point; thence continue North

21°22'07" West a distance of 459.06 feet to a Point; thence continue South 68°26'04" West a distance of 12.79 feet to a Point; thence continue North 20°47'04" West a distance of 972.92 feet to a Point; thence continue South 68°27'33" West a distance of 20.33 feet to a Point; thence continue North 21°21'26" West a distance of 52.76 feet to a Point; thence continue South 68°27'46" West a distance of 1066.51 feet to a Point; thence continue South 21°21'26" East a distance of 3137.20 feet to the Point of Beginning; and (H) A certain tract or parcel of land, being designated as Tract Y-1, being portion of the Longwood Plantation and Burtville Plantation Property located in Section 44 & 51, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, being more particularly described as follows: Commencing at the intersection of Section 44, 45, 51 and 52, being the northeastern corner of Section 45, being the Point of Beginning; From the POINT OF BEGINNING; thence continue South 84°28'02" West a distance of 5554.33 feet to a Point; thence continue North 22°25'02" West a distance of 311.95 feet to a Point; thence continue North 32°31'16" East a distance of 68.79 feet to a Point; thence continue North 84°28'02" East a distance of 5926.11 feet to a Point; thence continue 259.46 feet along a curve to the left through a central angle of 7°41'08" said curve having a radius of 1934.29 feet a chord direction of North 80°37'28" East and a chord length of 259.27 feet; thence continue South 66°53'53" East a distance of 45.20 feet to a Point; thence continue South 21°28'56" East a distance of 370.29 feet to a Point; thence continue South 85°04'22" West a distance of 723.72 feet to the Point of Beginning.

Section 3. The District shall be known as the "**Harveston Economic Development District**," and, as such, shall enjoy all powers and privileges granted to economic development districts under the Louisiana Constitution of 1974, as amended (the "**Louisiana Constitution**"), particularly Article VI, Section 30 of the Louisiana Constitution, and the laws of the State of Louisiana, particularly the provisions of the EDD Act, and shall be a political and legal subdivision of the State of Louisiana within the meaning of the Louisiana Constitution.

Section 4. Pursuant to the provisions of the EDD Act, particularly Section 33:9038.32 thereof, the Metropolitan Council shall be the governing authority of the District and the Treasurer of the Parish shall be the Treasurer of the District.

Section 5. The Metropolitan Council hereby pledges and dedicates the incremental revenues generated by the Parish Tax

collected within the boundaries of the District to finance economic development project costs in the District, as such term is defined in Section 33:9038.36 of the EDD Act. Such dedication and pledge also constitutes a designation of the local sales taxes which are to be used in determining the sales tax increments and the initial annual baseline collection rate for the sales tax area, which shall be the amount of such designated sales taxes collected in the sales tax area in the fiscal year of the local governmental subdivision most recently completed prior to the establishment of the sales tax area, all as defined in Section 33:9038.34(C) of the EDD Act.

Section 6. The Metropolitan Council hereby directs the Parish's Finance Director to determine the initial baseline sales tax collection rate and the monthly baseline sales tax collection rate in the District as described by Section 33:9038.34 of the EDD Act. The Metropolitan Council further directs the Finance Director to cause such certification to be included **EXHIBIT A** annexed hereto. As provided by Section 33:9038.34 of the EDD Act, if the amounts of the initial annual baseline collection rate and the monthly baseline collection rate are not contested within thirty (30) days after the said publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the initial annual baseline collection rate or the monthly baseline collection rate.

Section 7. If any one or more of the provisions of this Ordinance shall for any reason 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 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 8. Upon adoption, this Ordinance shall be published in full in one (1) issue of *The Advocate* and shall be recorded in the mortgage records of the East Baton Rouge Parish Clerk of Court.

Section 9. That the Mayor-President and Council Administrator/Treasurer are hereby further authorized and directed, for and on behalf of the Parish and the District, empowered and directed to take any and all such action as may be necessary to carry into effect the provisions of this Ordinance.

Section 10. This Ordinance shall immediately take effect upon adoption.

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

YEAS: Councilwoman Denise Amoroso, Councilwoman Chauna Banks, Councilman LaMont Cole, Councilwoman Donna Collins-Lewis, Councilwoman Barbara Freiberg, Councilwoman Erika Green, Councilman Dwight Hudson, Councilman Chandler Loupe, Councilwoman Matt Watson, Councilwoman Tara Wicker

NAYS:

ABSTAIN:

ABSENT: Councilman Trae Welch, Councilman Scott Wilson

Done, Approved and adopted on this, the 11th day of December, 2019.

/s/ Ashley Beck
Council Administrator

/s/ Scott Wilson
President Pro Tempore