

40<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF ST. JOHN THE BAPTIST  
STATE OF LOUISIANA

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The Descendants Project, Jocyntia Banner,  
and Joyceia Banner,

*Plaintiffs,*

v.

St. John the Baptist Parish, through its Chief  
Executive Officer, *et al*

*Defendants.*

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Civil Action: 77305

St. John The Baptist Filed Mar 06, 2023 5:27 PM Deputy Clerk of Court E-File Received Mar 06, 2023 5:12 PM	<b>C-77305</b> <b>C</b>
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Division C

**AFFIDAVIT**

STATE OF NEW YORK

COUNTY OF QUEENS

I, Pamela C. Spees, affirm as follows:

1. I am an attorney for Plaintiffs in the above-captioned matter.
2. On November 3, 2021, I submitted a public records request to the records custodian of St. John the Baptist Parish, seeking records relating to Ordinance 90-27.
3. On November 5, 2021, the records custodian produced several documents in response to that request.
4. **Exhibit P-1** is a true and correct copy of a document I received from the custodian entitled Ordinance 90-27 for St. John the Baptist Parish.
5. **Exhibit P-2** is a true and correct copy of a document entitled "OFFICIAL PROCEEDINGS OF THE ST. JOHN THE BAPTIST PARISH COUNCIL STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD ON THURSDAY, APRIL 19, 1990," obtained from the custodian of records and certified as true and correct by the Council Secretary.
6. **Exhibit P-3** is a true and correct copy of St. John the Baptist Parish Ordinance 88-68, also certified by the Council Secretary as a true and correct copy. The copy of the certified ordinance produced by the Parish is very faint; it is accompanied by a darker, more legible copy of the text of the ordinance that was produced together with the signed ordinance. The custodian of records also confirmed that there were no records of any subsequent repeal or amendment of Ordinance 88-68.

7. **Exhibit P-4** is, *in globo*, a set of true and correct copies of affidavits certifying publication in *L'Observateur* of advance public notices of hearings on the rezoning changes proposed in what would become Ordinance 90-27.

8. On January 3, 2022, I submitted a records request to the United States National Archives based in Fort Worth, Texas, for records from the federal criminal case out of the United States District Court for the Eastern District of Louisiana entitled *United States of America v. Lester Millet*, Docket No. 95-187. On January 26, 2022, the archives specialist at the National Archives produced several documents in response to that request.

9. **Exhibit P-5(a)** is a true and correct copy of the Judgment and Probation / Commitment Order in *United States v. Millet*, Case No. 95-0187, United States District Court, Eastern District of Louisiana, received from the archivist. It is redacted to remove confidential identifying information.

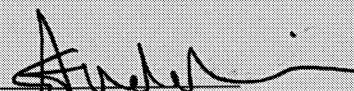
10. **Exhibit P-5(b)** is a true and correct copy of the opinion rendered by the United States Court of Appeals, Fifth Circuit, in *United States v. Millet*, 123 F.3d 268 (1997).

11. **Exhibit P-6** is a true and correct copy of the opinion rendered by the Louisiana Fifth Circuit Court of Appeals in *Save our Wetlands v. St. John the Baptist Parish*, 600 So.2d 790 (La. App. 5<sup>th</sup> Cir. 1992).

12. **Exhibit P-7** is a true and correct copy of provisions of the St. John the Baptist Parish Code of Ordinances pertaining to the procedures for zoning amendments.

  
PAMELA C. SPEES

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY PUBLIC, ON THIS 6<sup>th</sup>  
DAY OF Mar. 2023.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON 06/01/2023

**Sheikh Akram Uddin**  
Notary Public State of New York  
Reg. No. 01UD6025769  
Qualified In Queens County  
Commission Expires June 01 2023

# Exhibit P-1

ST. JOHN THE BAPTIST PARISH COUNCIL  
STATE OF LOUISIANA

ORDINANCE  
90-27

Mr. Lewis introduced the following ordinance.

Mr. Lewis proposes and Mr. Wolfe seconds the following ordinance.

THE ST. JOHN THE BAPTIST PARISH COUNCIL HEREBY ORDAINS:

An ordinance allowing for the following zoning changes on properties of the Whitney Plantation and adjacent properties, Edgard, LA, St. John the Baptist Parish:

- (1) Property proposed to be rezoned from B-1 to B-2
- (2) Property proposed to be rezoned from C-1 and R-1 to I-3
- (3) & (4) Property proposed to be rezoned from R-1 to I-3
- (5) Property proposed to be rezoned from C-1 to I-1
- (6) Property proposed to be rezoned from R-1 to I-1

Amendment: proposed zoning map submitted under Ordinance 90-27 to reflect the following: where ever an I-3 zone abuts a R-1 zone there shall be an I-1 buffer 300 feet within the I-3 zone separating the I-3 from R-1

This ordinance becomes effective five (5) days after publication in the Official Journal.

BE IT ORDAINED, that the St. John the Baptist Parish Council is acting as the governing authority for said parish.

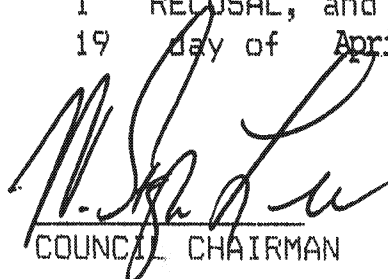
The above ordinance having been submitted to a vote; the vote thereon was as follows:

YEAS: Terry, Wolfe, Lewis, Duhe, Ferrilloux, Lee, Haydel, Wilson

NAYS: None

RECUSAL: McTopy

The result of the vote on the ordinance was 8 YEAS, 0 NAYS, 1 RECUSAL, and this ordinance was declared adopted on the 19 day of April 1990.

  
COUNCIL CHAIRMAN

  
SECRETARY

  
PARISH PRESIDENT

CERTIFIED, to be a true and correct copy of an ordinance adopted by the St. John the Baptist Parish Council on the \_\_\_\_\_ day of \_\_\_\_\_ 1990.

SECRETARY

ST. JOHN THE BAPTIST PARISH COUNCIL

(1) PROPERTY PROPOSED TO BE REZONED FROM B-1 TO B-2

That portion of Tracts 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67F, 68, 69F, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and Whitney Plantation, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated February 28, 1990, and Tracts 52-89 dated February 28, 1990, attached hereto, situated between the mean low water line of the Mississippi River and the existing boundary between the B-1 and C-1 zoning established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, (which follows the approximate center line of the Mississippi River Levee) on the northerly and north easterly side of Louisiana Highway 18.

*12 Homes*

(2) PROPERTY PROPOSED TO BE REZONED FROM C-1 AND R-1 TO I-3

That portion of Whitney Plantation and Tracts 88 and 89, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated February 28, 1990, and Tracts 52-59 dated February 28, 1990, situated between the existing the B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, on the northerly and northeasterly side of Louisiana Highway 18 to the rear of said tracts.

(3) & (4) PROPERTY PROPOSED TO BE REZONED FROM R-1 TO I-3

That portion of Tracts 70, 70A, 71, 72, 72A, 73, 73A, 74, 75, 76, and 77, shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89, dated February 28, 1990, situated between the existing boundary between the C-1 and R-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, on the southerly side of Louisiana Highway 18 (which is approximately 200 feet from the southerly right of way line of said Highway 18) and the rear of said tracts, but excluding Lots 1-6 and the adjoining 40 foot road and another lot sold to Wayne Francis Wesley, et ux on September 12, 1977, as shown on a survey map made by E. M. Collier, R.L.S., dated January 30, 1958, revised on June 27, 1977, which were taken from Tract 77.

*2 Homes  
to be  
removed*

That portion of Tracts 78, 79, 80, 81, 82, 83, 84, 85, 86 and 87, as shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89, dated February 28, 1990, situated between the line parallel to and measuring 1000 feet from the southerly right of way line of Louisiana Highway 18 and the rear of said tracts, but excluding Lots 10-15, Willow Grove Subdivision and the adjoining road right of way as well as the cemetery located on Tract 86.

*19 Home 11 trailers will remain*

**(5) PROPERTY PROPOSED TO BE REZONED FROM C-1 TO I-1**

That portion of Tracts 70, 70A, 71, 72, 72A, 73, 73A, 74, 75, 76 and 77, shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89 dated February 28, 1990 situated between the existing boundary between the B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised on the northerly side of Louisiana Highway 18 and the existing boundary between the C-1 and R-1 Zoning as established by the aforesaid Zoning Ordinance, on the southerly side of Louisiana Highway 18 (which is approximately 200 feet from the southerly right of way line of said Highway 18) but excluding Lots 1-6 and the adjoining 40 foot road and another lot sold to Wayne Francis Wesley, et ux on September 12, 1977, as shown on a survey map made by E. M. Collier, R.L.S. dated January 3, 1958, revised on June 27, 1977, which were taken from Tract 77.

**(6) PROPERTY PROPOSED TO BE REZONED FROM R-1 TO I-1**

That portion of Tracts 65, 66, 67R, 68 and 69R, as shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89 dated February 28, 1990, situated between a line parallel to and measuring 1000 feet from the southerly right of way line of Louisiana Highway 18 and the northerly right of way line of the West approach of the Mississippi River Bridge (Gramercy), as shown on Louisiana Department of Transportation and Development (Office of Highways) Map for State Projects Nos. 434-01-01 and 434-01-02 dated December 13, 1988.

# Exhibit P-2

OFFICIAL PROCEEDINGS OF THE ST. JOHN THE BAPTIST PARISH COUNCIL  
STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING  
HELD ON THURSDAY, APRIL 19, 1990

The Council of the Parish of St. John the Baptist, State of Louisiana, met in REGULAR SESSION in the Council Chambers of the Edgard Courthouse Building, Edgard, Louisiana, on Thursday, April 19, 1990, at 6:30 PM

ROLL CALL

There were present at Roll Call: Councilmen: William Terry, Richard Wolfe, Haston Lewis, Peter Ned Duhe, Clinton Perrilloux, Joel McTopy, Steve Lee, Harold Haydel, Ranney Wilson

There was absent: None

Legal Counsel, Tom Daley was present.

Mr. Perrilloux moved and Mr. Lewis seconded the motion to take up the public hearing on Ordinance 90-27 at this time. The vote in favor of the motion was unanimously approved with no absences.

Chairman Lee opened the public hearing on Ordinance 90-27. He introduced Mark Howard, Zoning Administrator to explain the actions of the Planning and Zoning Commission regarding the re-zoning of property request by Formosa Plastics. Mr. Howard outlined the area for proposed rezoning, read the recommendations of the Planning and Zoning Commission which unanimously approved the rezoning request. Legal Counsel Tom Daley reviewed the proposed zoning changes and recommended an amendment to Ordinance 90-27 as it pertains to the wetlands.

Chairman Lee explained the procedure the public hearing will be held stating that all those who signed the speaker list, pro or con, will be allowed 5 minutes to speak, on a first come, first served basis.

Speaking in favor of Ordinance 90-27 were Alden Andre, VP Formosa Plastics, David Scherer, V-Chair Chamber of Commerce, Charles Hickman, citizen Livingston Parish, Paul Stein, Edgard, Pat Sellars, owner A3M, LaPlace, Don Hays, State DEQ, Baton Rouge, Wayne Tucker, Harmony Corp. Baton Rouge, Mike Scioneaux, owner Scioneaux Inc., Reserve, Henry Brock, citizen Vacherie, Andy Dupuy.

Opponents of Ordinance 90-27 were Luke Fontana, Atty. Save our Wetlands, Tim Deville, St. John Citizens for Environmental Justice, Linda King, Environmental Health Network, Arron King, citizen Harvey, Ramona Stevens, LEAN, Gaynell Moore, St. Gabrielle, Blanche Tenell, Paul St. Martin, New Orleans, Wilfred Greene, Edgard, Samuel Jackson, Wallace, Pat White, Darlene Reaves, Sierra Club, Carl Baloney former resident of San Francisco Plantation (stated for the record his and his organization's opposition to re-locating the black residents of the Wallace area to place the Formosa Plant in that area), Gerry Baloney, Paul Aucoin, Zack North, Yvette Alexander, Baton Rouge, Andrew Jasmine, Catherine Stone, New Orleans, Anna Weidenhaft, Armand St. Martin, New Orleans/California, Camilo Salastin, New Orleans, Richard Miller (read a letter by Senator Fields), Frank Nette, Stan Caillouet, Audry Evans.

As Audry Evans began to speak, Mr. Haydel called for a Point of Order, stating Ms. Evans' name was on the speaker list but chose not to speak when her time was allotted.



Mr. Haydel moved and Mr. Duhe seconded the motion to close the public hearing. The vote in favor of the motion was unanimously approved with no absences.

With approval of Council, Chairman Lee closed the public hearing.

Due to the disruptive behavior of some audience members, Mr. Perrilloux moved and Mr. Duhe seconded the motion to recess for 5 minutes. The vote in favor of the motion was unanimously approved with no absences.

At 9:00 PM, the meeting re-convened.

Councilman McTopy stated that he conferred with Legal Counsel regarding whether or not he would be able to vote on the ordinance. Legal Counsel told Mr. McTopy that since Mr. McTopy has a vested interest in the batture property of the Whitney Plantation that he (McTopy) would have to recuse himself of voting.

Mr. Lewis moved and Mr. Wolfe seconded the motion to amend the proposed zoning maps submitted under Ordinance 90-27 to reflect the following: Where ever an I-3 zone abuts a R-1 zone there shall be an I-1 buffer 300 feet within the I-3 zone separating the I-3 from R-1. The vote in favor of the motion was unanimously approved with one recusal (McTopy).

90-27 (Public hearing held) (As amended) An ordinance allowing for the following zoning changes on properties of the Whitney Plantation and adjacent properties Edgard, LA, St. John the Baptist Parish: (1) property proposed to be rezoned from B-1 to B-2 (2) property proposed to be rezoned from C-1 and R-1 to I-3 (3) & (4) property proposed to be rezoned from R-1 to I-3 (5) property proposed to be rezoned from C-1 to I-1 (6) property proposed to be rezoned from R-1 to I-1. (Amendment) proposed zoning map submitted under Ordinance 90-27 to reflect the following: where ever an I-3 zone abuts a R-1 zone thre shall be an I-1 buffer 300 feet within the I-3 zone separating the I-3 from R-1, was offered for adoption by Mr. Lewis, seconded by Mr. Wolfe and unanimously approved with one recusal (McTopy).

Again because of audience disruption, Mr. Wolfe moved and Mr. Duhe seconded the motion to recess for 5 minutes. The vote in favor of the motion was unanimously approved with no absences.

At 9:20 PM, the meeting re-convened.

### CORRESPONDENCE

Chairman Lee addressed a letter from Congressman Holloway stating Mr. Holloway support of the location of the Formosa Plastics Corporation in St. John Parish, convinced that Formosa will be a good corporate citizen an the economic impact this plant will have on the parish.

Upon request by LaPlace Lions Club, Mr. Terry moved and Mr. Wolfe seconded the motion to approve the permit for the "Journey for Sight Road Race", to be held on April 29, 1990 at 9-9:30AM. The vote in favor of the motion was unanimously approved with no absences.

Upon request by St. Peter Catholic Community, Mr. Duhe moved and Mr. Wolfe seconded the motion to approve the fireworks display on April 20, 1990 at 11:00 PM, with the stipulations, location of display 1000 feet of Jr. Food Mart; Stop sale of gasoline during display an Fire

Department be on standby. The vote in favor of the motion was unanimously approved with no absences.

### COMMITTEE REPORTS

No committee reports were given.

### APPROVAL OF MINUTES

Mr. Terry moved and Mr. Haydel seconded the motion to approve the minutes of March 22, 1990 Finance/Regular Meeting. The vote in favor of the motion was unanimously approved with no absences.

Mr. Perrilloux moved and Mr. Haydel seconded the motion to approve the minutes of April 3, 1990 Special Meeting. The vote in favor of the motion was unanimously approved with no absences.

Mr. Terry moved and Mr. Duhe seconded the motion to approve the minutes of April 5, 1990 Special Meeting. The vote in favor of the motion was unanimously approved with no absences.

### CHAIRMAN'S COMMENTS

No Chairman's comments given.

### PRESIDENT'S REMARKS

Upon recommendation by Leroy Acosta, Chief Administrator, Mr. Haydel moved and Mr. Terry seconded the motion to award the lowest bid received for repair of Ruddock Water Tank, to Industrial Coatings, Gonzales, LA, in the amount not to exceed \$50,000. The vote in favor of the motion was unanimously approved with no absences.

Upon recommendation by Leroy Acosta, Chief Administrator, Mr. Wilson moved and Mr. Haydel seconded the motion to award the lowest bid received for Sewerage and Utility Repair Maintenance, to Lasseigne Inc., in the amount of \$15 per hour for labor and \$40 per hour for backhoe rental.

In discussion Mr. Terry questioned portions of the bids pertaining to size of dump truck and material; McTopy questioned the way the specs were advertised stating that there are some loosely written items that need to be clarified regarding the material supply and size of dumptruck; Mr. Millet stated the bid specs was for labor with parish supplying material. Legal Counsel Tom Daley requested to hold off action until next council meeting in order to review specs and bids.

Mr. McTopy moved and Mr. Wilson seconded a substitute motion to reject bids received for the Sewerage/Utility Repair Maintenance and rewrite the specifications more explicitly regarding material supply. The motion failed with 4 NAYS, 4 YEAS and one abstaining.

The vote on Mr. Wilson's motion to award the bid to Lasseigne Inc., passed with 5 YEAS, 3 NAYS and one abstaining. Mr. McTopy qualified his Nay vote due to loosely written specifications.

### OLD BUSINESS

Haston Lewis....Telephone service update

Merlin Villar of South Central Bell addressed the Council with an update of the telephone service for the westbank stating that the new system (optional) will begin 6/16/90 in Edgard, 7/1/90 in LaPlace, 7/1/90 Garyville, 7/1/90 Reserve. Customers can choose a 40 mile calling area with a 70% reduction in rates or a 22 mile calling area with long distance rates capped at \$15 per month or keep the current rates.

90-22 (Public hearing opened 3/22) An ordinance to authorize the Parish President Lester J. Millet Jr., to purchase on behalf of St. John the Baptist Parish, a 20' X 663.35' servitude for a drainage canal parallel and adjacent to the property of St. John the Baptist Parish purchased by act dated June 27, 1989, said property being more particularly described on Exhibit A, a copy of which is attached hereto and made part hereof, from Mr. and Mrs. Eugene J. Chauvin Sr., for a price not to exceed \$2,800.00, was offered for adoption by Mr. Lewis, seconded by Mr. Wolfe and unanimously approved with no absences.

90-25 (Public hearing held) An ordinance authorizing the Parish of St. John the Baptist to accept a portion of land from Landmark Land Inc., for the purpose of constructing a sidewalk. Said property is located in Riverlands Heights Subdivision in and parallels to Newport Drive on the North side of Newport, was offered for adoption by Mr. McTopy, seconded by Mr. Terry and unanimously approved with no absences.

90-26 (Public hearing held) An ordinance amending Ordinance 89-83 relative to the operating budget of the LaPlace Volunteer Fire Department for fiscal year ending December 31, 1990, was offered for adoption by Mr. Terry, seconded by Mr. Haydel and unanimously approved with no absences.

Mr. McTopy moved and Mr. Terry seconded the motion to Suspend the Rules to discuss an upcoming NACO Western Interstate Region Conference to be held in Alaska. The vote in favor of the motion was unanimously approved with no absences.

Mr. McTopy stated that he and Mr. Perrilloux plan to attend the NACO Western Interstate Region Conference to be held May 5 - 12, 1990 and will not be able to attend the May 10th Council meeting. He requested that he and any other Councilmember who wish to attend the conference be officially excused from the May 10th meeting.

Mr. McTopy moved and Mr. Perrilloux seconded the motion to officially excuse Mr. McTopy, Mr. Perrilloux and any other Councilmember from the May 10, 1990 Council Meeting in order for he and/or any other councilman to attend the NACO Western Interstate Region Conference in Anchorage Alaska on May 5 - 12, 1990. The vote in favor of the motion was unanimously approved with no absences.

#### NEW BUSINESS

John McTopy... discussion regarding utilities This item will be placed on the agenda of April 26, 1990.

#### INTRODUCTION OF ORDINANCES

90-31 An ordinance for the resubdivision of a portion of Parcel D into D-6, St. John the Baptist Parish, Louisiana, T11S, R7E, Section 64, was introduced by Mr. Terry.

90-32 Final approval be granted to the resubdivision of Lots 831B, 832B, 833B and 834B, into lots herein designated 831C, 832C, and 834C, St. Andrews Boulevard Extension, LaPlace Plantation, Section 21, T11S, R7E, Southeast District of Louisiana, East of the Mississippi River, LaPlace, LA, was introduced by Mr. McTopy.

90-33 An ordinance allowing for the resubdivision of Lots 2 and 3 into Lots herein designated 2A and 3A, Highland Estates Subdivision, was introduced by Mr. McTopy.

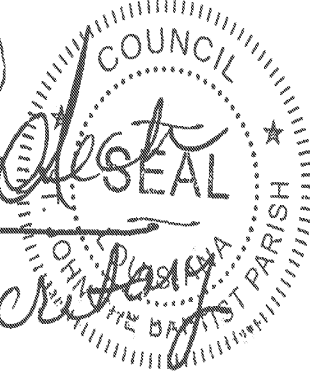
ADJOURNMENT

At 10:00 PM, Mr. Haydel moved and Mr. Terry seconded the motion to adjourn. The vote in favor of the motion was unanimously approved with no absences.

*M. St. John*  
CHAIRMAN

*Audrey Davis*  
SECRETARY

*Jackie L. [Signature]*  
Council Secretary  
2/27/23



# Exhibit P-3

ORDINANCE

89-68

Mr. McTopy introduced the following ordinance.

Mr. Terry proposes and Mr. Lee seconds the following ordinance.

THE ST. JOHN THE BAPTIST PARISH COUNCIL HEREBY ORDAINS:

An ordinance amending Ordinance 86-36, (adopting the Official St. John the Baptist Parish Zoning Map) to include the following modifications:

Garyville: Extend the Industrial 1 District adjacent to the Nalco Chemical Plant a width of six hundred (600) feet between the two railroad tracks.

Parishwide: Where an Industrial 3 district abuts a Residential 1 District, an area six hundred (600) feet wide from the R-1 District shall be re-zoned Industrial 1, up to State Highways.

LaPlacer: From the foot of West 3th St. to the ICRR track, all properties where businesses existed prior to the adoption of the Parish Zoning Ordinance; those business property owners shall be notified that their property has the privilege of retaining a zoning classification of C-1 or C-2 as the case may be. After notification from the Planning Commission property owners will have 180 days to request the C-1 or C-2 classification as the case may be, otherwise the property shall then be automatically zoned R-1. The benchmark line shall begin at the highway property right-of-way a distance of 200 feet in depth.

LaPlacer: From the foot of East Fifty Street to the St. John the Baptist Parish line the Residential 4 District shall be recinded. This area shall be reviewed with possible creation of an Historical District of the Parish.

Unless specified, this ordinance becomes effective five (5) days after publication in the Official Journal along with the minutes of the meeting at which this ordinance was adopted.

BE IT ORDAINED, that the St. John the Baptist Parish Council is acting as the governing authority for said parish.

The above ordinance having been submitted to a vote; the vote thereon was as follows:

YEAS: Terry, Wolfe, Lewis, Duhe, Perrilloux, McTopy, Lee, Haydel, Wilson

NAYS: None

ABSENT: None

The result of the vote on the ordinance was 9 YEAS, 0 NAYS, 0 ABSENT, and this ordinance was declared adopted on the 28<sup>th</sup> day of July 1988.

*Jeff McBoys*  
COUNCIL CHAIRMAN

*Andrey Brulov*  
SECRETARY

*Lester Miller*  
PARISH PRESIDENT

Delivered to Parish President: 8-1-88  
Approved: \_\_\_\_\_  
Disapproved: \_\_\_\_\_

Returned to Secretary: 8-1-88  
Received by: A. Miller

CERTIFIED, to be a true and correct copy of an ordinance adopted by the  
St. John the Baptist Parish Council on the 28 day of  
July 1988.

*John L. Decker*  
SECRETARY  
ST. JOHN THE BAPTIST PARISH COUNCIL

Modification of the Zoning Regulations of the Parish of St. John the Baptist.

Garyville: Extend the Industrial 1 District adjacent to the Nalco Chemical Plant a width of six (600) hundred feet between the two railroad tracks.

Parishwide: Where an Industrial 3 district abuts a Residential 1 district, an area six (600) hundred feet wide from the R-1 district shall be Re-zoned Industrial 1, up to State Highways.

LaPlace: From the foot of West 5th St. to the I.C.R.R. track, all properties where businesses existed prior to the adoption of the Parish Zoning Ordinance; those business property owners shall be notified that their property has the privilege of retaining a zoning classification of C-1 or C-2 as the case may be. After notification from the Planning Commission property owners will have 180 days to request the C-1 or C-2 classification as the case may be, otherwise the property shall then be automatically be zoned R-1. The benchmark line shall begin at the highway property right of way a distance of 200 feet in depth.

LaPlace: From the foot of East Fifth St. to the St. John Parish Line the Residential 4 district shall be rescinded. This area shall be reviewed with possible creation of an historical district of the Parish.



Modification of the Zoning Regulations of the Parish of St. John the Baptist.

Garyville: Extend the Industrial 1 District adjacent to the Nalco Chemical Plant a width of six (600) hundred feet between the two railroad tracks.

Parishwide: Where an Industrial 3 district abuts a Residential 1 district, an area six (600) hundred feet wide from the R-1 district shall be Re-zoned Industrial 1, up to State Highways.

LaPlace: From the foot of West 5th St. to the I.C.R.R. track, all properties where businesses existed prior to the adoption of the Parish Zoning Ordinance; those business property owners shall be notified that their property has the privilege of retaining a zoning classification of C-1 or C-2 as the case may be. After notification from the Planning Commission property owners will have 180 days to request the C-1 or C-2 classification as the case may be, otherwise the property shall then be automatically be zoned R-1. The benchmark line shall begin at the highway property right of way a distance of 200 feet in depth.

LaPlace: From the foot of East Fifth St. to the St. John Parish Line the Residential 4 district shall be rescinded. This area shall be reviewed with possible creation of an historical district of the Parish.

# Exhibit P-4

*Best Along the River*  
**L'OBSERVATEUR**

**Certification of Publication**

State of Louisiana  
Parish of St. John the Baptist  
City of LaPlace

Certification is hereby made by Brooke Robichaux, who attests that she is the news editor to L'Observateur, a twice weekly newspaper of general circulation in St. John The Baptist Parish and Official Journal of the St. John Parish Council and the School Board, and the Undersigned hereby certifies that the attached advertisement of:  
St. John the Baptist Council

1811 West Airline Hwy

LaPlace, LA 70068

Public Hearing for March 26, 1990 for rezoning

was published in L'Observateur on the following dates:  
March 8, 1990, March 15, 1990 & March 22, 1990

*Brooke Robichaux*

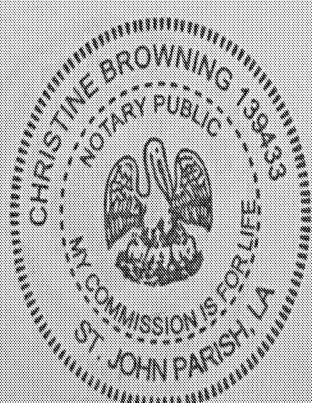
Brooke Robichaux, News Editor

Date of Certification February 27, 2023

Sworn to and subscribe before me this 27th day of February 2023

*Christine Browning*

CHRISTINE BROWNING  
Notary Public  
Notary ID No.139433  
State of Louisiana  
St. John the Baptist Parish



**Brooke Robichaux**

News Editor

116 Newspaper Dr. • LaPlace, Louisiana 70069

(985) 652-9545 • (985) 652-1633 (fax)

brooke.robichaux@lobserveateur.com

# PUBLIC NOTICES

## PUBLIC NOTICE

The public is hereby notified there will be a public hearing on Monday, March 26, at 6:30 p.m. in the Council Chambers of the St. John Parish Courthouse, River Road in Edgard to discuss the following proposed zoning changes:

### (1) PROPERTY PROPOSED TO BE REZONED FROM B-1 to B-2

That portion of Tracts 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67R, 68, 69F, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and Whitney Plantation, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated March 1, 1990, and Tracts 52-89 dated February 28, 1990, attached hereto, situated between the mean low water line of the Mississippi River and the existing boundary between the B-1 and C-1 zoning established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, (which follows the approximate center line of the Mississippi River Levee) on the northerly and north easterly side of Louisiana Highway 18.

### (2) PROPERTY PROPOSED TO BE REZONED FROM C-1 and R-1 To I-3

That portion of Whitney Plantation and Tracts 88 and 89, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated March 1, 1990, and Tracts 52-59 dated February 28, 1990, situated between the existing B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated

January, 1983, as revised, on the northerly and northeasterly side of Louisiana Highway 18 to the rear of said tracts.

### (3) & (4) PROPERTY PROPOSED TO BE REZONED FROM R-1 to I-3

That portion of Tracts 70, 70A, 71, 72, 72A, 73, 73A, 74, 75, 76, and 77, shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89, dated February 28, 1990, situated between the existing boundary between the C-1 and R-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, on the southerly side of Louisiana Highway 18 (which is approximately 200 feet from the southerly right of way line of said Highway 18) and the rear of said tracts, but excluding Lots 1-6 and the adjoining 40 foot road and another lot sold to Wayne Francis Wesley, et ux on September 12, 1977, as shown on survey map made by E.M. Collier, R.L.S., dated January 30, 1958, revised on June 27, 1977, which were taken from Tract 77.

That portion of Tracts 78, 79, 80, 81, 82, 83, 84, 85, 86 and 87, as shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89, dated February 28, 1990, situated between the line parallel to and measuring 1000 feet from the southerly right of way line of Louisiana Highway 18 and the rear of said tracts, but excluding Lots 10-15, Willow Grove Subdivision and the adjoining road right of way as well as the cemetery located on Tract 86.

### (5) PROPERTY PROPOSED TO BE REZONED FROM C-1 TO I-1

That portion of Tracts 70, 70A, 71, 72, 72A, 73, 73A, 74, 75, 76 and 77, shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89 dated February 28, 1990 situated between the existing boundary between the B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised on the northerly side of Louisiana Highway 18 and the existing boundary between the C-1 and R-1 Zoning as established by the aforesaid Zoning Ordinance, on the southerly side of Louisiana Highway 18 (which is approximately 200 feet from the southerly right of way line of said Highway 18) but excluding Lots 1-6 and the adjoining 40 foot road and another lot sold to Wayne Francis Wesley, et ux on September 12, 1977, as shown on a survey map made by E.M. Collier, R.L.S. dated January 3, 1958, revised on June 27, 1977, which were taken from Tract 77.

### (6) PROPERTY PROPOSED TO BE REZONED FROM R-1 TO I-1

That portion of Tracts 65, 66, 67R, 68 and 69R, as shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89 dated February 28, 1990, situated between a line parallel to and measuring 1000 feet from the southerly right of way line of Louisiana Highway 18 and the northerly right of way line of the West approach of the Mississippi River Bridge (Gramercy), as shown on Louisiana Department of Transportation and Development (Office of Highways) Map for State Projects Nos. 434-01-01 and 434-01-02 dated December 13, 1988.

3-8, 3-15, 3-22

rear, thence measuring Cypress Point Drive side nation. All in accordance with J.J. Krebs & Sons, Inc. resurveyed September 19, 1985. TERMS: CASH in the hands of the Sheriff's Office, Parish of St. John the Baptist, Louisiana, on or before March 5, 1990.

LLOYD B. JOHNS  
Burton J. Ory, Executive Assistant

3-8, 4-5

## JUDICIAL ADVERTISEMENT

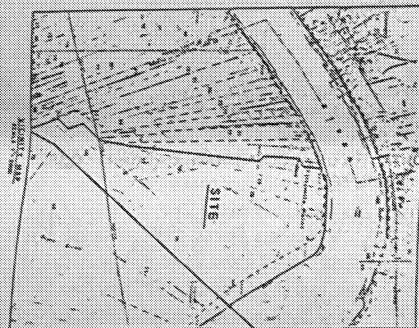
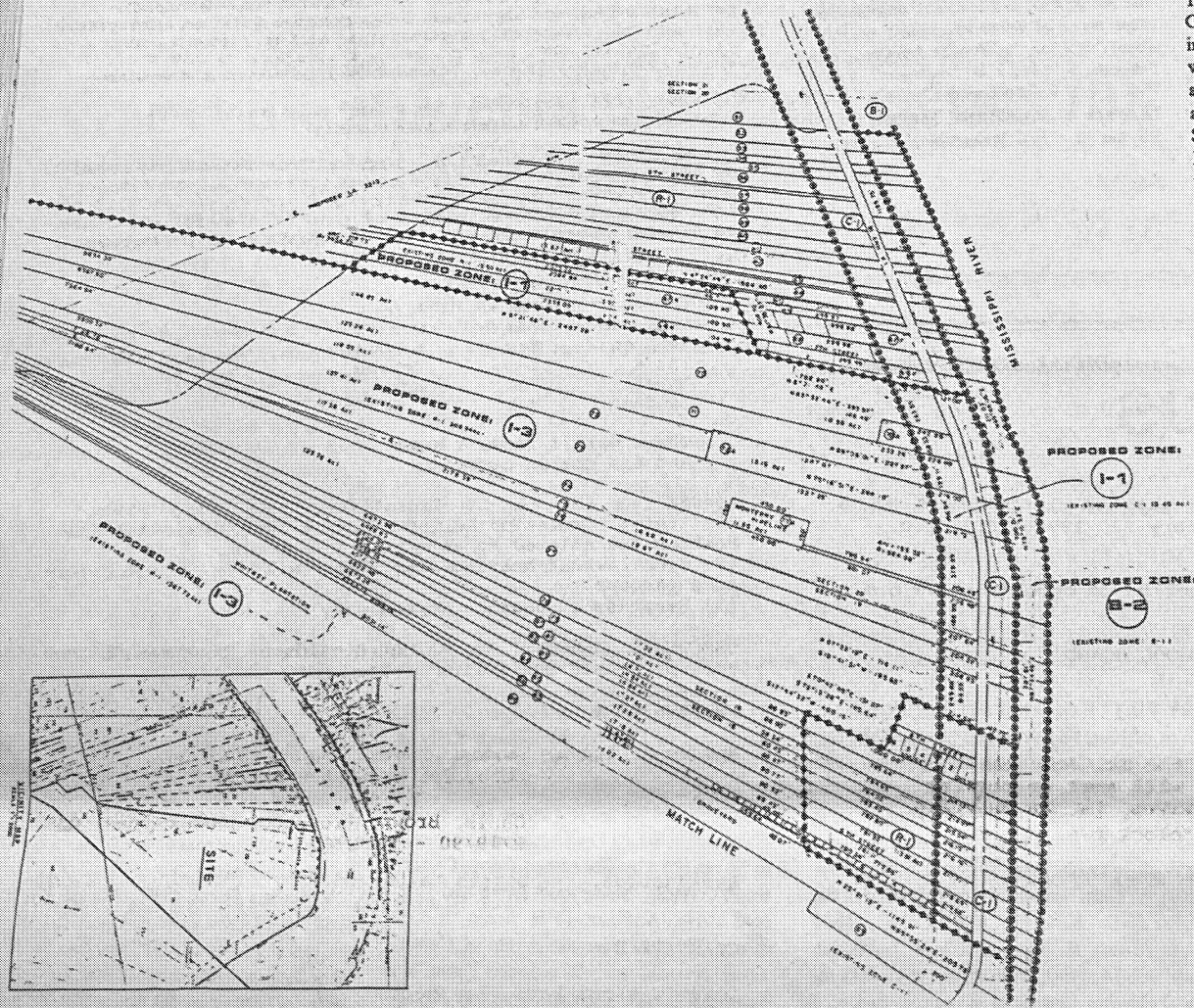
STATE OF LOUISIANA  
PARISH OF ST. JOHN THE BAPTIST  
40th JUDICIAL DISTRICT COURT  
NO. 26009  
C S B MORTGAGE COMPANY

RODNEY BLAIR HOLLAND

BY VIRTUE OF A Writ of Seizure and Sale issued by the 40th Judicial District Court of St. John the Baptist Parish, Louisiana, in the above entitled and numbered cause, bearing date of February 20, 1990, I will proceed to sell to the last and highest bidder at Public Auction without appraisal at the front door of the Percy D. Hebert Building on April 11, 1990 at 3:00 p.m. the following described land, together with all improvements thereon, ways, privileges and advantages, and any other appertaining thereto, situated in the Parish of St. John the Baptist, Louisiana, forming part of the 40th Judicial District Court, located on the southerly side of Highway 11 South of the intersection of Highway 18 and Highway 60, and has been surveyed and shown on the Official Zoning Ordinance, No. 58, dated December 5, 1988, as amended, SUBDIVISION OF LANDS, which has been accepted by the Jury of the Parish of St. John the Baptist, Louisiana, and of record in the Parish Court and Executive Assistant's Office, and according to the plat of said subdivision, the surveyed lot of LOT 6, BLOCK 1, DIVISION 1, (formerly known as North Line Lands below the intersection of Highway 18 and Highway 60), and the lands below the intersection of Highway 18 and Highway 60, front on the southerly side of the rear of 70, the Jeffers site situated on the southerly side of the rear of 70, by Survey No. 417 Sycamore, dated 7/20/68; and the rights-of-way of record thereon.

3-8, 4-5

PARISH OF ST. JOHN THE BAPTIST



JUDICIAL ADVERTISEMENT  
STATE OF LOUISIANA  
PARISH OF ST. JOHN THE BAPTIST  
40th JUDICIAL DISTRICT COURT  
NO. 26009  
OAK TREE SAVINGS BANK, S.S.B.  
VS.  
TRINA JORDAN SIMS

Sheriff's Office, Parish of St. John the Baptist  
March 5, 1990  
LLOYD B. JOHNSON, SHERIFF  
Burton J. Ory  
Executive Assistant

3-8

hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. The quotes will be opened at 3:00 p.m., April 10, 1990 in the Council Chambers of the Percy D. Hebert Building, 1801 West Airline Highway, LaPlace, Louisiana.

Copies of the specifications may be obtained at the office of the parish president, 1801 West Airline Highway, LaPlace, Louisiana between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

Quotes are to be addressed to St. John Parish Council. Envelopes must be sealed and clearly marked. Quote for furnishing (Backhoe & Operator, laborer) for sewerage and utilities Department.

## PUBLIC NOTICE

I am applying to the Commission on Alcoholic Beverage Control of the State of Louisiana for a permit to sell beverages of high alcohol content.

BY VIRTUE OF AND IN OBEDIENCE to a Writ of Seizure and Sale issued by the 40th Judicial District Court of St. John the Baptist Parish, State of Louisiana, in the above entitled and numbered cause, bearing date of February 20, 1990, I will proceed to sell to the last and highest bidder at Public Auction without appraisal at the front



# PUBLIC NOTICES

## PUBLIC NOTICE

The public is hereby notified there will be a public hearing on Monday, March 26, at 6:30 p.m. in the Council Chambers of the St. John Parish Courthouse, River Road in Edgard to discuss the following proposed zoning changes:

### (1) PROPERTY PROPOSED TO BE REZONED FROM B-1 to B-2

That portion of Tracts 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and Whitney Plantation, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated March 1, 1990, and Tracts 52-89 dated February 28, 1990, attached hereto, situated between the mean low water line of the Mississippi River and the existing boundary between the B-1 and C-1 zoning established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, (which follows the approximate center line of the Mississippi River Levee) on the northerly and north easterly side of Louisiana Highway 18.

### (2) PROPERTY PROPOSED TO BE REZONED FROM C-1 and R-1 To I-3

That portion of Whitney Plantation and Tracts 88 and 89, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated March 1, 1990, and Tracts 52-59 dated February 28, 1990, situated between the existing B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated

January, 1983, as revised, on the northerly and northeasterly side of Louisiana Highway 18 to the rear of said tracts.

### (3) & (4) PROPERTY PROPOSED TO BE REZONED FROM R-1 to I-3

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### (5) PROPERTY PROPOSED TO BE REZONED FROM C-1 TO I-1

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mer employment and re- economically disadvan- The complete applicati- review at the St. Charles and Training Office, 804 Interested persons wi- should do so no later th- this publication. Comm- the St. Charles Parish C- Box 1010, Hahnville.

3-15, 3-22, 3-29

## PUBLIC

Anyone knowing the v- J. Gilbert and Catherin- contact - Brenda Brat- law at 652-3749

3-15, 3-22

## PUBLIC

Anyone knowing the Ernest, Jr., please co- ner, Attorney at La

3-15, 3-22

## PUBLIC

I am applying to the ic Beverage Contro- for a permit to se- alcoholic content a- John the Baptist FRED'S 40000 Hwy. 643 Vacherie, La. 700 Fernand J. Ponvil 004-1 Rue St. M Vacherie, La. 700

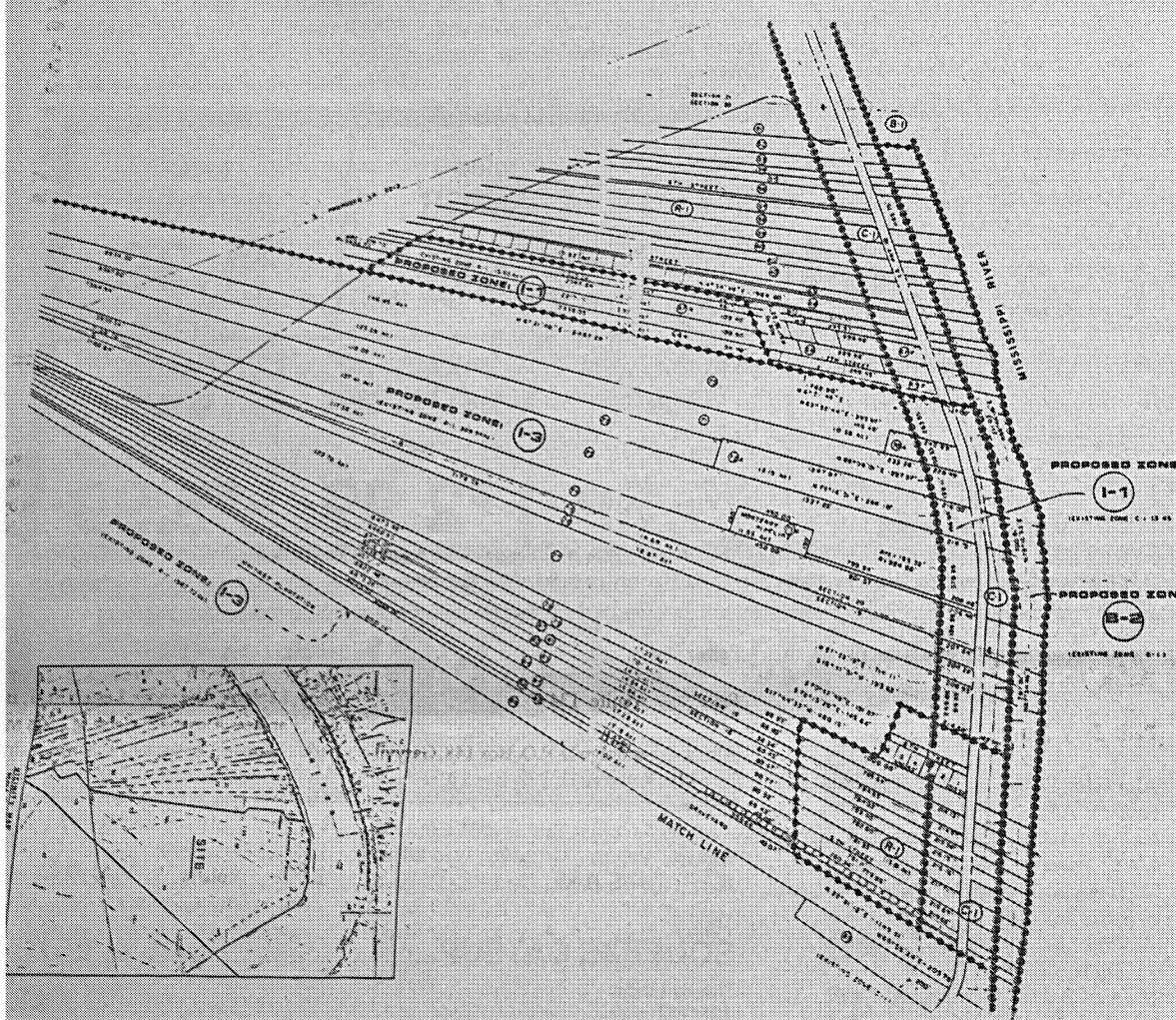
3-15, 3-22

## JUDICIAL STATE PARISH OF S 40th JUDICL

## BANCOSTO

## SUELLEN LAWRENCE JR. & BEVER of/and

BY VIRTUE O- Writ of Seizur- Judicial Distric- St. John the Ba- above entitled- date of January- to the last and- tion without ap- the PERCY D- West Airline- on March 28, 1- the following- A CERTAIN- with all the- thereon, and a- servitudes, a- thereunto bel- ing, situated i- tist, State of- known as N- per plan by F- 20, 1978, la- annexed to ar- 508, Entry 1- Conveyance- Parish, Louis- said lot is de- "G" and is l- Said Lot 26



## PUBLIC NOTICE

Knowing the whereabouts of Louise Bourgeois, please notify Robert R. ... ux, Jr., Attorney at Law, 176 Belle Blvd., LaPlace, La 70069-1960, 1-2889, curator ad hoc in the matter Franklin Savings Association vs. Kay Nass & Lois Gatton Nass & Threse Bourgeois, Division "A", of the 40th Judicial District Court, Parish of St. John the Baptist, State of

3-22

16, 1990, a bill to prohibit shell dredging in Lake Ponchartrain.

3-15, 3-22

No bids will be received after the date and hour specified. The right is reserved to reject any and all bids and to waive any formalities.

E.C. Segue Executive Director

3-15, 3-22, 3-29, 4-5

## PUBLIC NOTICE

## HELP WANTED

Applications are now being accepted by St. John the Baptist Parish Council for the JTPA Summer Youth Employment Program. Applicants must be economically dis-advantaged and...

## PUBLIC NOTICE

## FORTIETH JUDICIAL DISTRICT

*Best Along the River*  
**L'OBSERVATEUR**

## Certification of Publication

State of Louisiana  
Parish of St. John the Baptist  
City of LaPlace

Certification is hereby made by Brooke Robichaux, who attests that she is the news editor to L'Observateur, a twice weekly newspaper of general circulation in St. John The Baptist Parish and Official Journal of the St. John Parish Council and the School Board, and the Undersigned hereby certifies that the attached advertisement of:

St. John the Baptist Council

1811 West Airline Hwy

LaPlace, LA 70068

Public Hearing for April 2, 1990 for rezoning

was published in L'Observateur on the following dates:

March 29, 1990

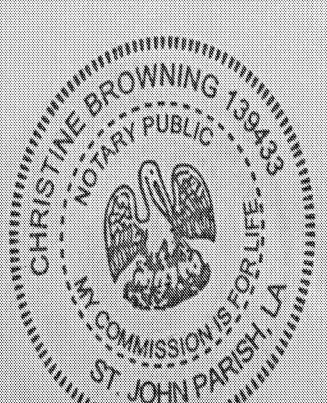
*Brooke Robichaux*

Brooke Robichaux, News Editor

Date of Certification February 27, 2023

Sworn to and subscribe before me this 27<sup>th</sup> day of February, 2023

CHRISTINE BROWNING  
Notary Public  
Notary ID No.139433  
State of Louisiana  
St. John the Baptist Parish



**Brooke Robichaux**

News Editor

116 Newspaper Dr. • LaPlace, Louisiana 70069

(985) 652-9545 • (985) 652-1633 (fax)

brooke.robichaux@lobservateur.com





*Best Along the River*  
**L'OBSERVATEUR**

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St. John the Baptist Council

1811 West Airline Hwy

LaPlace, LA 70068

Public Hearing for April 19, 1990 for rezoning

was published in L'Observateur on the following dates:  
April 5, 1990

*Brooke Robichaux*

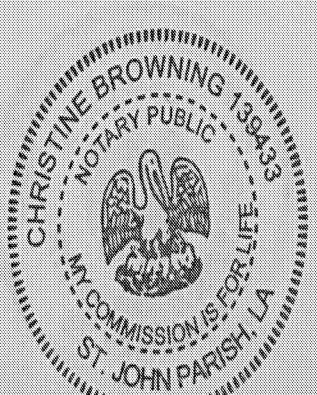
Brooke Robichaux, News Editor

Date of Certification February 27, 2023

Sworn to and subscribe before me this 27<sup>th</sup> day of February, 2023

*Christine Browning*

CHRISTINE BROWNING  
Notary Public  
Notary ID No.139433  
State of Louisiana  
St. John the Baptist Parish



**Brooke Robichaux**  
News Editor  
116 Newspaper Dr. • LaPlace, Louisiana 70069  
(985) 652-9545 • (985) 652-1633 (fax)  
brooke.robichaux@observateur.com

# PUBLIC NOTICES

(140.01') on Oak Alley Drive, having a width in the rear of one hundred fifty-five and twenty-five one-hundredths feet (155.25') on a public alley, and a depth on its northern and common boundary with Lot B of one hundred forty and one-one-hundredths feet (140.01').

LOT H - Commences at a point where the north line of Oak Alley Drive intersects the east line of Ormond Boulevard, and runs thence along the east line of Ormond Boulevard five hundred ninety-four and ninety-three one-hundredths feet (594.93') to a point, which point is the point of beginning of Lot H. LOT I fronts fifty-one and seventy-one one-hundredths feet (51.71') on the east line of Ormond Boulevard, having a depth of one hundred forty feet (140') with its southern or common boundary with Lot G having a width in the rear of fifty-two and one tenth feet (52.1') on a public alley and having a depth of one hundred forty and zero one-one-hundredths feet (140.01') on its northern or common boundary with Lot J.

north line of Oak Alley Drive intersects the east line of Ormond Boulevard, and runs thence along the east line of Ormond Boulevard three hundred ten and eighty-eight one-hundredths feet (310.88') to a point, which point is the point of beginning of Lot E. Lot E fronts fifty-eight and three tenths feet (58.3') on the east line of Ormond Boulevard, having a depth of one hundred forty and zero tenths feet (140.0') with its southern or common boundary with Lot D having a width in the rear of fifty-eight and nine tenths feet (58.9') on a public alley and having a depth of one hundred forty and zero one-hundredths feet (140.01') on its northern or common boundary with Lot J.

LOT J - Commences at a point where the north line of Oak Alley Drive intersects the east line of Ormond Boulevard, and runs thence along the east line of Ormond Boulevard three hundred sixty-nine and eighteen one-hundredths feet (369.18') to a point, which point is the point of beginning of Lot J. Lot J fronts one hundred twenty-three and twenty-five one-hundredths feet (123.25') on the east line of Ormond Boulevard, having a depth of one hundred forty and zero one-one-hundredths feet (140.01') with its southern or

common boundary with Lot E having a width in the rear of one hundred thirty and six tenths feet (130.6') on a public alley and having a depth of one hundred forty and zero one-one-hundredths feet (140.01') on its northern or common boundary with Lot F.

Being a portion of the same property acquired by Gravois Management, Inc. from P.M. Property Development, Inc., by act of sale passed before Joseph Accardo, Jr., N.P., on December 31, 1974, recorded in C.O.B. 91, page 6, St. John the Baptist Parish.

TERMS: CASH in the form of currency, certified funds or letter of credit Sheriff's Office, Parish of St. John the Baptist March 5, 1990

**LLOYD B. JOHNSON, SHERIFF**  
Burton J. Ory, Executive Assistant

3-8, 4-5

- D) Household Furnishings
  - E) Certificate of Deposit, Bank of St. John, \$10,000.00
  - F) Money Market Certificate - 1 year, Dixie Savings and Loan, #1502003248 (Origin \$10,000.00)
  - G) Money Market Certificate - 1 year, Dixie Savings and Loan #1502002109 (\$15,000.00)
  - H) Bank of LaPlace Stock, LaPlace Bancshares, Inc., 500 shares at \$7.00 each
  - I) Bank of LaPlace Debenture, LaPlace Bancshares, Inc.
  - J) American Bank - Norco
  - K) Bank of St. John
- Any heir, legatee, or creditors who opposes the proposed sale must file his opposition within seven (7) days from the day on which the last publication of this notice appears.

**BY ORDER OF THE COURT**  
**CHARLES J. OUBRE, JR., CLERK**  
Deputy Clerk: Lena C. Breaux

4-5, 4-26

## PUBLIC NOTICE

The public is hereby notified that the St. John the Baptist Parish Council will hold a public hearing on Thursday, April 19, 1990, at 6:30 p.m., in the Council Chambers of the Edgard Courthouse Building, Edgard, Louisiana, to allow the public to make any comments on the following ordinances which the Council is considering for adoption:

90-27, An ordinance allowing for the following zoning changes on properties of the Whitney Plantation and adjacent properties, Edgard, La, St. John the Baptist Parish:

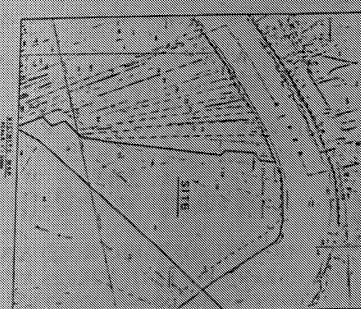
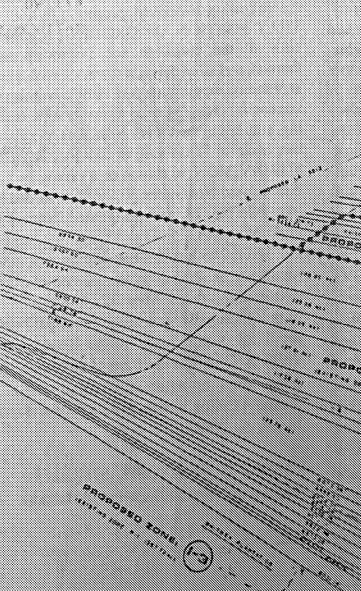
- (1) Property proposed to be rezoned from B-1 to B-2
- (2) Property proposed to be rezoned from C-1 and R-1 to I-3
- (3) & (4) Property proposed to be rezoned from R-1 to I-3
- (5) Property proposed to be rezoned from C-1 to I-1
- (6) Property proposed to be rezoned from R-1 to I-1

Audrey Millet  
Secretary  
St. John the Baptist Parish Council

## PUBLIC NOTICE

### (1) PROPERTY PROPOSED TO BE REZONED FROM B-1 TO B-2

That portion of Tracts 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67F, 68, 69F, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and Whitney Plantation, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated February 28, 1990, and Tracts 52-89 dated February 28, 1990, attached hereto, situated between the mean low water line of the Mississippi River and the existing boundary between the B-1 and C-1 zoning established by the Official Zoning Ordinance of St. John the Baptist Parish, dated January, 1983,



## PUBLIC NOTICE

**SUCCESSION**  
OF NO: P-2899  
**MICHAEL D. CARMOUCHE**  
FILED: March 26, 1990  
29TH JUDICIAL DISTRICT COURT  
PARISH OF ST. CHARLES

as revised, (which follows the approximate center line of the Mississippi River Levee) on the northerly and north easterly side of Louisiana Highway 18.

### (2) PROPERTY PROPOSED TO BE REZONED FROM C-1 and R-1 TO I-3

That portion of Whitney Plantation and Tracts 88 and 89, as shown on the attached maps made by Daryl B. Patin, C.E. of Whitney Plantation dated February 28, 1990, and Tracts 52-89 dated February 28, 1990, situated between the existing B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, on the northerly and northeasterly side of Louisiana Highway 18 to the rear of said tracts.

### (3) & (4) PROPERTY PROPOSED TO BE REZONED FROM R-1 TO I-3

That portion of Tracts 70, 70A, 71, 72, 72A, 73, 73A, 74, 75, 76, and 77, shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89, dated February 28, 1990, situated between the existing boundary between the C-1 and R-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, on the southerly side of Louisiana Highway 18 (which is approximately 200 feet from the southerly right of way line of said Highway 18) and the rear of said tracts, but excluding Lots 1-6 and the adjoining 40 foot road and another lot sold to Wayne Francis Wesley, et ux on September 12, 1977, as shown on survey map made by E.M. Collier, R.L.S., dated January 30, 1958, revised on June 27, 1977, which were taken from Tract 77.

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4-5, 4-12

## PUBLIC NOTICE

### (NOTICE OF INTENTION TO INTRODUCE LOCAL BILL - HLS 90-945)

Public notice is hereby given, in compliance with Section 13, Article III of the Louisiana Constitution, that there will be introduced at the next regular session of the Legislature of Louisiana, which is to be convened on April 16, 1990, a bill relative to judicial expense fund of the Fortieth Judicial District Court; to increase the maximum amount of additional court costs that may be assessed in civil suits or proceedings.

4-5, 4-12

## PUBLIC NOTICE

### ADVERTISEMENT FOR BIDS

SEALED BIDS for the construction of STATION NO.2, Louisiana Highway Mount Airy, Louisiana will be received by St. John the Baptist Parish Council Office of the Parish President, F. Hebert Building, 1801 West Airline Highway, LaPlace, Louisiana. Bids will be opened and read aloud, Tuesday, 1990 at 2:00 p.m. in the Council Chamber Courthouse Annex Building, 1801 West Airline Highway in LaPlace, Louisiana. All Bidders must show proof she is licensed in the State of Louisiana form this type of construction. Each bid must be accompanied by a bid bond, cashier's check for an amount percent (5%) of the total base bid company licensed to do business in Louisiana. The Successful Bidder will deliver a Performance and Labor Payment Bond written by a contractor to do business in Louisiana equal to the Contract Sum prior to the Contract. All bid bonds are for the unsuccessful bidders after award.

Plans and Specifications for the proposed project can be obtained from CAMPO HURRY ARC deposit of \$35.00 per one (1) specifications, non-refundable 652-2618.

Bids must be submitted on the date and to the address to the Parish Council. Envelope AND CLEARLY MARKED "FIRE STATION NO. LOUISIANA." Contract must be on the face of the bid and must be returned within (30) days after the act thereof. Any bid received after the date and to the address and to waive any irregularities incidental there to.

Loery Acosta  
Chief Administrator  
St. John the Baptist Parish Council

4-5, 4-12, 4-19

## PUBLIC NOTICE

### ST. JOHN FOOD SERVICE

St. John Parish Food Service is seeking applications for the position of Food Service Supervisor. The position is open to all persons over 18 who have completed high school and are currently enrolled in a school program. The successful applicant will be responsible for the supervision of the food service staff and the maintenance of the food service program. Applications should be submitted to the Parish Office, 1801 West Airline Highway, LaPlace, Louisiana. For more information, contact the Parish Office at 652-2618.

AIN PIECES OR PORTIONS together with all the buildings on the premises thereon, and all of the privileges, servitudes, appurtenances thereunto belonging or pertaining, situated in the Parish of St. John the Baptist Parish, Louisiana, Unit No. 1, IRLANDS, being an undesignated parcel shown on a plan of subdivision of Krebs & Sons, dated May 12, 1957, and approved by the Parish of St. John the Baptist Parish, dated January 31, 1957 and approved by the Parish of St. John the Baptist Parish, dated January 31, 1957.

ferred, along with other lots, as being carved from property of Lakeshore Estates, Inc., situated in Sections 35 and 27, T 13 S, R 18 E, St. John the Baptist Parish, and which map or layout dated July 28, 1971 depicts Lots 52 through 112, Tract 1, and the map or layout dated March 27, 1972, depicts Lots 113 through 250, Tract 1 and 3. Said Lots herein have such dimensions as shown on layouts or maps

and 27, T 13 S, R 18 E, St. John the Baptist Parish, and which map or layout dated July 28, 1971, depicts Lots 52 through 112, Tract 1, and the map or layout dated March 27, 1972, depicts Lots 113 through 250, Tract 1 and 3.

Said Lot herein has such measurements and dimensions as shown on layouts or maps

*Best Along the River*  
**L'OBSERVATEUR**

## Certification of Publication

State of Louisiana  
Parish of St. John the Baptist  
City of LaPlace

Certification is hereby made by Brooke Robichaux, who attests that she is the news editor to L'Observateur, a twice weekly newspaper of general circulation in St. John The Baptist Parish and Official Journal of the St. John Parish Council and the School Board, and the Undersigned hereby certifies that the attached advertisement of:  
St. John the Baptist Council

1811 West Airline Hwy

LaPlace, LA 70068

Public Hearing for April 19, 1990 for rezoning

was published in L'Observateur on the following dates:  
April 12, 1990

*Brooke Robichaux*

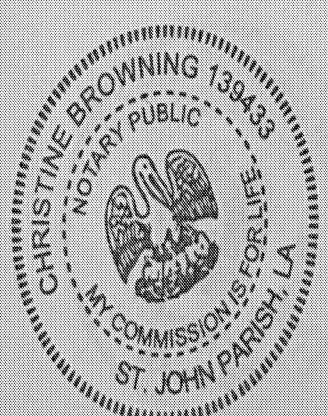
Brooke Robichaux, News Editor

Date of Certification February 27, 2023

Sworn to and subscribe before me this 27<sup>th</sup> day of February, 2023

*Christine Browning*

CHRISTINE BROWNING  
Notary Public  
Notary ID No.139433  
State of Louisiana  
St. John the Baptist Parish



**Brooke Robichaux**  
News Editor

116 Newspaper Dr. • LaPlace, Louisiana 70069  
(985) 652-9545 • (985) 652-1633 (fax)  
brooke.robichaux@lobserveur.com

# PUBLIC NOTICES

THURSDAY, APRIL 12, 1990 L'OBSERVATEUR

## PUBLIC NOTICE

The public is hereby notified that the St. John the Baptist Parish Council will hold a public hearing on Thursday, April 19, 1990, at 6:30 p.m. in the Council Chambers of the Edgard Courthouse Building, Edgard, Louisiana, to allow the public to make any comments on the following ordinances which the Council is considering for adoption.

1) An ordinance allowing for the following zoning changes on properties of the Whitney Plantation and adjacent properties, Edgard, La. St. John the Baptist Parish:

- (1) Property proposed to be rezoned from B-1 to B-2
- (2) Property proposed to be rezoned from R-1 to I-3
- (3) Property proposed to be rezoned from C-1 to R-1 to I-3
- (4) Property proposed to be rezoned from R-1 to I-3

2) Property proposed to be rezoned from R-1 to I-3

3) Property proposed to be rezoned from R-1 to I-3

4) Property proposed to be rezoned from R-1 to I-3

5) Property proposed to be rezoned from R-1 to I-3

6) Property proposed to be rezoned from R-1 to I-3

7) Property proposed to be rezoned from R-1 to I-3

8) Property proposed to be rezoned from R-1 to I-3

9) Property proposed to be rezoned from R-1 to I-3

10) Property proposed to be rezoned from R-1 to I-3

11) Property proposed to be rezoned from R-1 to I-3

12) Property proposed to be rezoned from R-1 to I-3

13) Property proposed to be rezoned from R-1 to I-3

14) Property proposed to be rezoned from R-1 to I-3

15) Property proposed to be rezoned from R-1 to I-3

16) Property proposed to be rezoned from R-1 to I-3

17) Property proposed to be rezoned from R-1 to I-3

18) Property proposed to be rezoned from R-1 to I-3

19) Property proposed to be rezoned from R-1 to I-3

20) Property proposed to be rezoned from R-1 to I-3

21) Property proposed to be rezoned from R-1 to I-3

22) Property proposed to be rezoned from R-1 to I-3

23) Property proposed to be rezoned from R-1 to I-3

24) Property proposed to be rezoned from R-1 to I-3

25) Property proposed to be rezoned from R-1 to I-3

26) Property proposed to be rezoned from R-1 to I-3

27) Property proposed to be rezoned from R-1 to I-3

28) Property proposed to be rezoned from R-1 to I-3

29) Property proposed to be rezoned from R-1 to I-3

30) Property proposed to be rezoned from R-1 to I-3

31) Property proposed to be rezoned from R-1 to I-3

32) Property proposed to be rezoned from R-1 to I-3

33) Property proposed to be rezoned from R-1 to I-3

34) Property proposed to be rezoned from R-1 to I-3

35) Property proposed to be rezoned from R-1 to I-3

36) Property proposed to be rezoned from R-1 to I-3

as revised, (which follows the approximate center line of the Mississippi River Levee) on the northerly and north easterly side of Louisiana Highway 18.

### (2) PROPERTY PROPOSED TO BE REZONED FROM C-1 AND R-1 TO I-3

That portion of Whitney Plantation and Tracts made by Daryl B. Patin, C.E. of Whitney Tracts 52-59 dated February 28, 1990, and situated between the existing B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, on the northerly and northeasterly side of Louisiana Highway 18 to the rear of said tracts.

### (3) & (4) PROPERTY PROPOSED TO BE REZONED FROM R-1 TO I-3

That portion of Tracts 70, 70A, 71, 72, 72A, 73, 73A, 74, 75, 76, and 77, shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89, dated February 28, 1990, situated between the existing boundary established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised, on the southerly side of Louisiana Highway 18 (which is approximately 200 feet from the southerly right of way line of said Highway 18) and the rear of said tracts, but excluding Lots 1-6 and the adjoining 40 foot road and another lot sold to Wayne Francis Wesley, et ux on September 12, 1977, as shown on a survey map made by E.M. Collier, R.L.S., dated January 30, 1958, revised on June 27, 1977, which were taken from Tract 77.

That portion of Tracts 78, 79, 80, 81, 82, 83, 84, 85, 86 and 87, as shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89, dated February 28, 1990, situated between the line parallel to and measuring 1000 feet from the southerly right of way line

of Louisiana Highway 18 and the rear of said tracts, but excluding Lots 10-15, Willow Grove Subdivision and the adjoining road right of way as well as the cemetery located on Tract 86.

### (5) PROPERTY PROPOSED TO BE REZONED FROM C-1 TO I-1

That portion of Tracts 70, 70A, 71, 72, 72A, 73, 73A, 74, 75, 76 and 77, shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89 dated February 28, 1990 situated between the existing boundary between B-1 and C-1 zoning as established by the Official Zoning Ordinance of St. John the Baptist Parish dated January, 1983, as revised on the northerly side of Louisiana Highway 18 and the existing boundary between the C-1 and R-1 Zoning as established by the aforesaid Zoning Ordinance, on the southerly side of Louisiana Highway 18 (which is approximately 200 feet from the southerly right of way line of said Highway 18) but excluding Lots 1-6 and the adjoining 40 foot road and another lot sold to Wayne Francis Wesley, et ux on September 12, 1977, as shown on a survey map made by E.M. Collier, R.L.S., dated January 30, 1958, revised on June 27, 1977, which were taken from Tract 77.

### (6) PROPERTY PROPOSED TO BE REZONED FROM R-1 TO I-1

That portion of Tracts 65, 66, 67R, 68 and 69R, as shown on the attached map made by Daryl B. Patin, C.E. of Tracts 52-89 dated February 28, 1990, situated between a line parallel to and measuring 1000 feet from the southerly right of way line of Louisiana Highway 18 and the northerly right of way line of the West approach of the Mississippi River Bridge (Gramercy), as shown on Louisiana Department of Transportation and Development (Office of Highways) Map for State Projects Nos. 434-01-01 and 434-01-02 dated December 13, 1988.

4-5, 4-12

## PUBLIC NOTICE

### (NOTICE OF INTENTION TO INTRODUCE LOCAL BILL - HLS 90-945)

Public notice is hereby given, in compliance with Section 13, Article III of the Louisiana Constitution, that there will be introduced at the next regular session of the Legislature of Louisiana, which is to be convened on April 16, 1990, a bill relative to judicial expense fund of the Fortieth Judicial District Court; to increase the maximum amount of additional court costs that may be assessed in civil suits or proceedings.

4-5, 4-12

## PUBLIC NOTICE

### ADVERTISEMENT FOR BIDS

SEALED BIDS for the construction of FIRE STATION NO. 2, Louisiana Highway 44, Mount Airy, Louisiana will be received by the St. John the Baptist Parish Council at the Office of the Parish President, Percy D. Hebert Building, 1801 West Airline Highway, LaPlace, Louisiana. Bids will be publicly opened and read aloud, Tuesday, May 8, 1990 at 2:00 p.m. in the Council Chambers of the Courthouse Annex Building located at 1801 West Airline Highway in LaPlace, Louisiana. All Bidders must show proof that he or she is licensed in the State of Louisiana to perform this type of construction. Each bid shall be accompanied by a bid bond, certified check or cashier's check for an amount equal to five percent (5%) of the total base bid written by a company licensed to do business in Louisiana. The Successful Bidder will be required to deliver a Performance and Labor and Material Payment Bond written by a company licensed to do business in Louisiana in an amount equal to the Contract Sum prior to execution of the Contract. All bid bonds will be returned to the unsuccessful bidders within 30 days after award.

Plans and Specifications for the above mentioned project can be obtained from the office of CAMPO HURRY ARCHITECTS upon deposit of \$35.00 per one (1) set of plans and specifications, non-refundable. Phone (504) 652-2618.

Bids must be submitted on Bid Forms furnished for this purpose by the Architects. Bids are to be addressed to the St. John the Baptist Parish Council. Envelopes must be SEALED AND CLEARLY MARKED: "BIDS FOR FIRE STATION NO. 2, MOUNT AIRY, LOUISIANA." Contractor's license number must be on the face of the sealed envelope. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof. Any bid received after closing time will be returned unopened.

The Council reserves the right to reject any and all bids without compensation to bidders and to waive any irregularities or informalities incidental thereto.

Leroy Acosta  
Chief Administrator  
St. John the Baptist Parish Council

4-5, 4-12, 4-19

Office, 1801 West Airline Highway, LaPlace, La., Monday thru Friday, between the hours of 8:30 a.m. and 4:30 p.m. All bids must be received in the Office of the Sheriff no later than 10:00 a.m. April 16, 1990. Bids must be sealed and will be opened at 11:00 a.m. on April 16, 1990 in the Office of the Sheriff. Sealed Police Patrol Vehicles. The St. John the Baptist Parish Sheriff's Office reserves the right to reject and/or refuse any and all bids or to waive any informalities.

4-5, 4-12

## PUBLIC NOTICE

### JUDICIAL ADVERTISEMENT

#### STATE OF LOUISIANA

#### PARISH OF ST. JOHN THE BAPTIST

#### 40th JUDICIAL DISTRICT COURT

No. 25495

CARTERET SAVINGS BANK F A vs. ELDON EUGENE MANWILLER & ELLA MARIE MANGRUM MANWILLER

BY VIRTUE OF AND IN OBEDIENCE to a Writ of Seizure and Sale issued by the 40th Judicial District Court, in and for the Parish of St. John the Baptist, State of Louisiana, in the above entitled and numbered cause, bearing date of October 27, 1989, I will proceed to sell to the last and highest bidder at Public Auction without appraisal at the front door of the PERCY D. HEBERT BUILDING, 1801 West Airline Highway, LaPlace, Louisiana on April 18, 1990, Wednesday, at 10:00 a.m. the following described property, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. John the Baptist, in GODCHAUX COMMUNITY, UNIT NO. 1, Riverlands, being a resubdivision of a portion of the LaPlace Plantation, Sections 24 and 25, T 11 S, R 7 E, Southeastern District of Louisiana, East of the Mississippi River, designated as LOT NO. 286 in Square bounded by Ormond Boulevard, Madewood Road, North Boundary of Subdivision, Chatsworth Drive, and now or formerly Mississippi River Development Property, all in accordance with a survey of J. J. Krebs & Sons, Inc., dated May 1, 1957, revised October 2, 1957, and revised February 4, 1964, recorded in the Office of the Clerk of Court of St. John the Baptist Parish, on October 11, 1957, Plan No. 78, and also shown on plan by J.J. Krebs & Sons, Inc., dated March 22, 1962.

According to the above referred to plans, Lot No. 286 is shown to commence 1265.79 feet from the corner of Ormond Boulevard and Madewood Road and measures thence 66 feet front on MADEWOOD ROAD, thence 110 feet width in the rear of 60 feet and a depth on a sideline of 110 feet. All as more fully shown on survey by J.J. Krebs & Sons, Inc., August 15, 1964, copy of which is annexed to Act No. 28145 and as also shown on a survey by Harold J. Flynn, dated September 1977, a copy of which is annexed to 59367. According to a survey by Gilbert & Couturie, Inc., dated March 1981, Said lot has the same location, dimensions and measurements as set out above. Measurements thereon bear the Municipal 1229 Madewood Road.

TERMS: CASH in the form of certified funds or letter of credit from the Sheriff's Office, Parish of St. John the Baptist, Louisiana, on or before March 12, 1990.

LLOYD B. JOHNSON, Sheriff  
Burton J. Ort, Executive A

3-15, 4-12

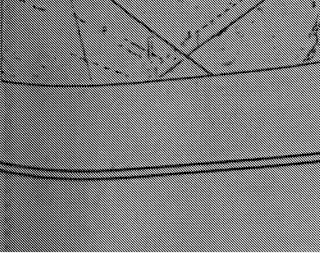
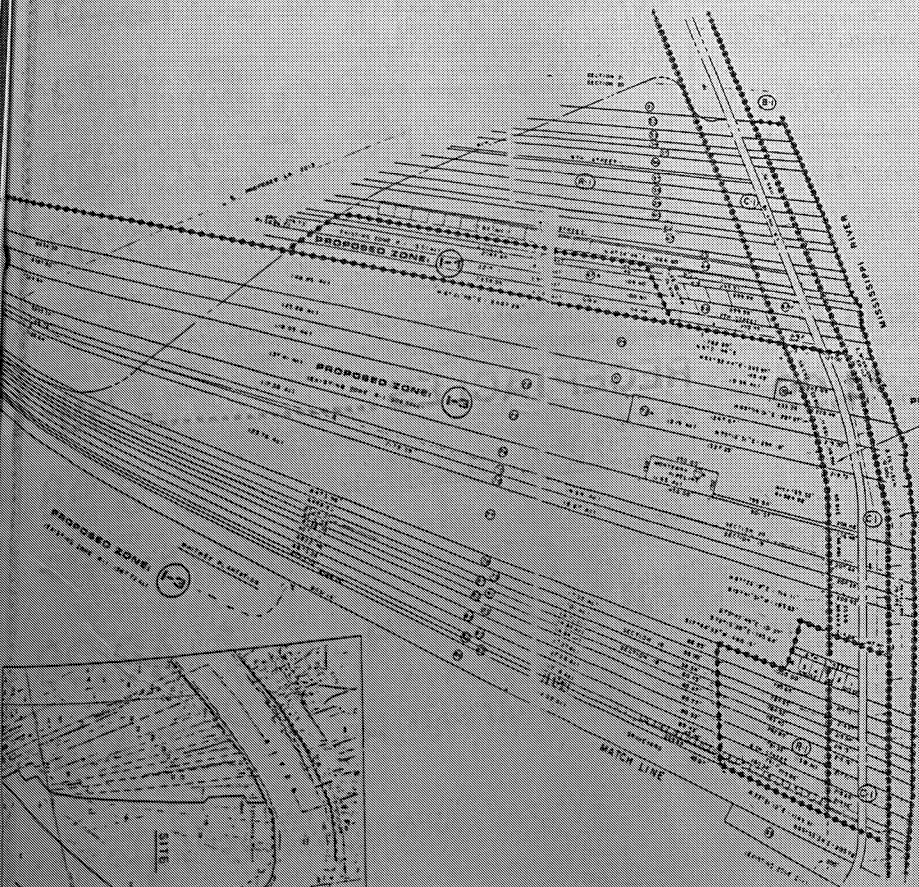
## PUBLIC NOTICE

### ST. JOHN PARISH COUNCIL

### FOOD SERVICE FOR CHILDREN

St. John Parish Council announces the sponsorship of the Summer Food Program for children 18 years or younger or any person over 18 who has been determined by the State to be mentally or physically handicapped and to be enrolled in a public or private non-profit school program. Children at each site will be served the same meal at no charge regardless of race, color, handicap, sex, age or national origin. "If you believe you have been discriminated against, write immediately to the Secretary of Agriculture, Washington, DC."

3-15, 4-12



## PUBLIC NOTICE

Bank vs. Fellman P. Mire, III, et al, #25,817, Division "A" of the 40th Judicial District Court, for the Parish of St. John the Baptist.

4-5, 4-12

JUDICIAL ADVERTISMENT  
STATE OF LOUISIANA  
PARISH OF ST. JOHN THE BAPTIST  
40th JUDICIAL DISTRICT COURT  
No. 25495  
CARTERET SAVINGS BANK F A vs. ELDON EUGENE MANWILLER & ELLA MARIE MANGRUM MANWILLER

BY VIRTUE OF AND IN OBEDIENCE to a Writ of Seizure and Sale issued by the 40th Judicial District Court, in and for the Parish of St. John the Baptist, State of Louisiana, in the above entitled and numbered cause, bearing date of October 27, 1989, I will proceed to sell to the last and highest bidder at Public Auction without appraisal at the front door of the PERCY D. HEBERT BUILDING, 1801 West Airline Highway, LaPlace, Louisiana on April 18, 1990, Wednesday, at 10:00 a.m. the following described property, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. John the Baptist, in GODCHAUX COMMUNITY, UNIT NO. 1, Riverlands, being a resubdivision of a portion of the LaPlace Plantation, Sections 24 and 25, T 11 S, R 7 E, Southeastern District of Louisiana, East of the Mississippi River, designated as LOT NO. 286 in Square bounded by Ormond Boulevard, Madewood Road, North Boundary of Subdivision, Chatsworth Drive, and now or formerly Mississippi River Development Property, all in accordance with a survey of J. J. Krebs & Sons, Inc., dated May 1, 1957, revised October 2, 1957, and revised February 4, 1964, recorded in the Office of the Clerk of Court of St. John the Baptist Parish, on October 11, 1957, Plan No. 78, and also shown on plan by J.J. Krebs & Sons, Inc., dated March 22, 1962.

According to the above referred to plans, Lot No. 286 is shown to commence 1265.79 feet from the corner of Ormond Boulevard and Madewood Road and measures thence 66 feet front on MADEWOOD ROAD, thence 110 feet width in the rear of 60 feet and a depth on a sideline of 110 feet. All as more fully shown on survey by J.J. Krebs & Sons, Inc., August 15, 1964, copy of which is annexed to Act No. 28145 and as also shown on a survey by Harold J. Flynn, dated September 1977, a copy of which is annexed to 59367. According to a survey by Gilbert & Couturie, Inc., dated March 1981, Said lot has the same location, dimensions and measurements as set out above. Measurements thereon bear the Municipal 1229 Madewood Road.

TERMS: CASH in the form of certified funds or letter of credit from the Sheriff's Office, Parish of St. John the Baptist, Louisiana, on or before March 12, 1990.

LLOYD B. JOHNSON, Sheriff  
Burton J. Ort, Executive A

3-15, 4-12

## PUBLIC NOTICE

### ST. JOHN PARISH COUNCIL

### FOOD SERVICE FOR CHILDREN

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3-15, 4-12

## PUBLIC NOTICE

### JUDICIAL ADVERTISMENT

#### STATE OF LOUISIANA

#### PARISH OF ST. JOHN THE BAPTIST

#### 40th JUDICIAL DISTRICT COURT

No. 25495

CARTERET SAVINGS BANK F A vs. ELDON EUGENE MANWILLER & ELLA MARIE MANGRUM MANWILLER

BY VIRTUE OF AND IN OBEDIENCE to a Writ of Seizure and Sale issued by the 40th Judicial District Court, in and for the Parish of St. John the Baptist, State of Louisiana, in the above entitled and numbered cause, bearing date of October 27, 1989, I will proceed to sell to the last and highest bidder at Public Auction without appraisal at the front door of the PERCY D. HEBERT BUILDING, 1801 West Airline Highway, LaPlace, Louisiana on April 18, 1990, Wednesday, at 10:00 a.m. the following described property, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. John the Baptist, in GODCHAUX COMMUNITY, UNIT NO. 1, Riverlands, being a resubdivision of a portion of the LaPlace Plantation, Sections 24 and 25, T 11 S, R 7 E, Southeastern District of Louisiana, East of the Mississippi River, designated as LOT NO. 286 in Square bounded by Ormond Boulevard, Madewood Road, North Boundary of Subdivision, Chatsworth Drive, and now or formerly Mississippi River Development Property, all in accordance with a survey of J. J. Krebs & Sons, Inc., dated May 1, 1957, revised October 2, 1957, and revised February 4, 1964, recorded in the Office of the Clerk of Court of St. John the Baptist Parish, on October 11, 1957, Plan No. 78, and also shown on plan by J.J. Krebs & Sons, Inc., dated March 22, 1962.

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TERMS: CASH in the form of certified funds or letter of credit from the Sheriff's Office, Parish of St. John the Baptist, Louisiana, on or before March 12, 1990.

LLOYD B. JOHNSON, Sheriff  
Burton J. Ort, Executive A

3-15, 4-12

**Exhibit P-5(a)**

RECEIVED  
SEP 13 1996

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
SEP 8 3 55 PM '96  
95-0187  
CRIMINAL SECTION  
CLERK

UNITED STATES OF AMERICA  
VS. LESTER J. MILLET, JR.  
3 [REDACTED] STREET  
[REDACTED]

[REDACTED] [REDACTED]  
(SOC. SEC. NO.)

**JUDGMENT AND PROBATION/COMMITMENT ORDER**

In the presence of the attorney for the government, Month Day Year  
the defendant appeared in person on this date ----- ( 9 6 96 )

However the court advised defendant of right to counsel and asked  
WITHOUT COUNSEL whether defendant desired to have counsel appointed by the court  
and the defendant thereupon waived assistance of counsel.

XXWITH COUNSEL JOHN R. MARTZELL, ESO.  
(Name of Counsel)

Court Reporter's Name: RHONDA HARDIN

PLEA: XGUILTY, and the court being satisfied NOLO CONTENDERE NOT GUILTY  
that there is a factual basis for the plea.

There being a verdict of: (XX GUILTY, APRIL 24, 1996

Defendant as been convicted as charged of the offense(s) of 18§1951; 18§1956; 18§1952  
INTERFERENCE WITH COMMERCE BY THREATS, MONEY LAUNDERING AND INTERSTATE TRAVEL  
IN AID OF A RACKETEERING ENTERPRISES AS CHARGED IN THE SUPERSEDING  
INDICTMENT.

The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The court adjudged  
the defendant guilty as charged and convicted and ordered that: The defendant is hereby  
committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of  
57 MONTHS as to Counts 1, 2 and 3, to be served concurrently. IT IS FURTHER ORDERED that the  
defendant shall pay to the United States a fine of \$200,000.00 as to Count 1. Said fine includes  
the cost of confinement pursuant to U.S.S.G. §5E1.2(f) and (i). The payment of the fine of  
\$200,000.00 shall begin while the defendant is incarcerated. Upon release, any unpaid balance  
shall be paid at a rate of \$10,000.00 per month. Upon release from imprisonment, the defendant  
shall be placed on supervised release for a term of 3 YEARS, as to Counts 1, 2 and 3, all such  
terms to run concurrently. Within 72 hours of release from the custody of the Bureau of Prisons,  
the defendant shall report in person to the probation office in the district to which the  
defendant is released. While on supervised release, the defendant shall not commit another  
federal, state, or local crime, shall not unlawfully possess a controlled substance, and shall  
comply with the standard general conditions have been adopted by this court. The defendant shall  
not possess a firearm. The drug testing condition called for by 18 USC§3583(d) is suspended  
based on the court's determination that the defendant poses a low risk of future substance abuse.  
In addition, the following special conditions are imposed: 1.) That the defendant make complete  
disclosure of his personal and business finances and submit to an audit of his financial records,  
as directed by the U. S. Probation Officer. 2.) The defendant shall not incur new credit charges  
or open additional lines of credit without the approval of the probation officer. 3.) That the  
defendant shall pay any fine that is imposed by this judgment.

IT IS FURTHER ORDERED that the defendant shall pay to the United States a special assessment  
of \$ 50.00 as to Count(s) 1, for a total assessment of \$ 50.00

IT IS FURTHER ORDERED that the defendant notify the United States Attorney for this District  
within 30 days of any change of residence or mailing address until all fines, restitution,  
costs and special assessments imposed by this Judgment are fully paid. In addition to the  
special conditions of probation imposed above, IT IS HEREBY ORDERED that the general  
conditions of probation/supervised release set out on the reverse side be imposed.

**IT IS FURTHER ORDERED:**

[ ] The court has determined that the defendant does not have the ability to pay interest.  
The interest requirement is (waived) (modified as follows):

SIGNED BY:  
XXX U.S. District Judge  
       U.S. Magistrate

G. THOMAS PORTEOUS, JR.  
(Date) 9/6/96

CERTIFIED AS A TRUE COPY  
ON THIS DATE 9-11-96  
BY: [Signature]  
Deputy Clerk

        
        
        
DOCUMENT No.

Exhibit P-5(b)

123 F.3d 268

United States Court of Appeals,  
Fifth Circuit.

UNITED STATES of  
America, Plaintiff–Appellee,

v.

Lester J. MILLET, Jr., Defendant–Appellant.

Nos. 96–30968, 96–30999.

|

Sept. 15, 1997.

### Synopsis

Defendant was convicted in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., J., of violating Hobbs Act, money laundering, and violating Travel Act. The Court of Appeals, Howell Cobb, District Judge, sitting by designation, held that: (1) indictment was not constructively amended, and (2) evidence was sufficient to support convictions.

Affirmed.

### Attorneys and Law Firms

\*269 Stephen A. Higginson, Assistant U.S. Attorney, Greg Gerard Guidry, New Orleans, LA, for Plaintiff–Appellee.

John R. Martzell, Duggan Fowler Ellis, Martzell & Bickford, New Orleans, LA, for Defendant–Appellant.

Appeals from the United States District Court for the Eastern District of Louisiana.

\*270 Before DUHÉ and BARKSDALE, Circuit Judges, and COBB,<sup>1</sup> District Judge.

### Opinion

HOWELL COBB, District Judge:

A jury in the federal district court for the Eastern District of Louisiana convicted the defendant for violations of 18 U.S.C. §§ 2, 1951, 1952, and 1956, resulting from the misuse of his official position as Parish President of the St. John the Baptist Parish, Louisiana. Millet challenges his convictions

on a variety of theories. Finding no merit in any of these theories, we affirm.

I.

### BACKGROUND

Between January, 1988 and October, 1992, Defendant–Appellant Lester Millet, the duly elected President of St. John the Baptist Parish, Louisiana, extracted, under color of official right, a portion of the commission earned by Durel Matherne from the sale of the Whitney Plantation (Whitney) to the Formosa Chemical Corporation (Formosa). Formosa, a Taiwanese Corporation, acquired the Whitney Plantation for the purpose of building a rayon pulp industrial facility in St. John the Baptist Parish, Louisiana.

In 1988, Formosa, in search of a location for a new rayon pulp facility, narrowed its choices to Texas and Louisiana. Formosa considered Louisiana to have advantages over Texas because two suitable sites for the proposed facility were identified and readily available, and Louisiana had superior access to both raw materials and deep-water shipping lanes on the Mississippi River. The two Louisiana sites were both located on the west bank of the Mississippi River in St. John the Baptist Parish. The first site (Willowbend) was owned by the Shell Oil Corporation. It appeared to be the most suitable of the two because it was already zoned for heavy industry, an environmental impact statement (EIS)<sup>2</sup> was nearly complete, and the river abutting the property's batture was deep enough for ocean going vessels. The second site (Whitney), owned by the Barnes family, was large enough for the facility but it was zoned for agriculture, no EIS was underway, and the river abutting the property was not deep enough to support ocean going vessels.

In late 1988, after Formosa rejected the Willowbend site as too expensive, Millet engaged his friend Durel Matherne, a licenced real estate broker who was not actively engaged in a commercial real estate business, in a scheme in which Millet would arrange for Matherne to become the exclusive broker for the sale of the Whitney. In exchange for Millet's influence as President of St. John the Baptist Parish to secure his contract to broker the property, Matherne was expected to share with Millet the sizeable (\$479,000) commission he earned from the sale of the Whitney.



Millet, identifying himself as a high ranking public official, then met with Walter Barnes and informed him that the Whitney Plantation could be sold to Formosa for the rayon pulp facility and insisted that Matherne be the broker for the sale. Barnes agreed to the arrangement. Millet then promised Formosa that if it purchased the Whitney Plantation for the rayon facility, he would use his authority to push through the needed rezoning and would ensure Formosa obtained the necessary deep water access for the facility. Millet planned to do this by “convincing”, through threats of expropriation if necessary, owners of property adjacent to the Whitney (Wallace tracts) to convey their property to Formosa. He also promised Formosa to assist in obtaining the necessary EPA permits.

In May, 1989, Formosa and the Barnes family signed a contract for the sale of the Whitney. Formosa's purchase was conditioned on being able to obtain the Wallace tracts and necessary rezoning.

Apparently aware of the Whitney's shortcomings and the conditional nature of the contract, Shell contacted Virginia Simons, the development manager for the Port of South Louisiana, to reconvene negotiations between \*271 Shell and Formosa for the sale of the Willowbend site. Simons arranged a meeting in which she, a Shell representative, and Millet discussed Shell's interest. In that meeting, Millet verbally abused both of them for “messing with his deal”. Shortly afterwards, Millet tried to use his official position as Parish President to have Simons fired and later arranged to withhold \$1,000,000 in funds from the port.

In April, 1990, the sale of the Whitney to Formosa was completed and Millet immediately demanded a \$200,000 share of the \$479,000 commission from Matherne. To effect this transfer, Millet bought an undeveloped piece of real estate (Highway 51 Property) for \$200,000 and, against the advice of Matherne's attorney and within two weeks conveyed one-half of it to Matherne for \$200,000.

In September, 1990, Matherne submitted a proposal for a contract to provide wood chips to the proposed Formosa facility. On learning of Matherne's proposal, Millet made it clear to Matherne that, even though he (Millet) had no capital to invest in the wood chip venture, he would participate with Matherne on a 50–50 basis. Millet intended to contribute by using his official position to secure the lucrative contract for himself and Matherne. Millet further made it clear that if he

was not allowed to participate, he would use his position to spoil the deal for Matherne.

In January, 1991, Millet, Alden Andre,<sup>3</sup> and Lionel Bailey<sup>4</sup> traveled from Baton Rouge to Dallas to meet with the EPA concerning permits for the proposed rayon plant. Upon returning from Dallas, Millet offered to give Bailey a convenience store which would be located near the rayon facility in exchange for Bailey's assistance in securing the wood chip contract. Bailey reported this offer to Andre shortly after it was made.

Just prior to the Dallas trip, The New Orleans Times Picayune reported the Highway 51 land transaction in an investigative article. This disclosure embarrassed Formosa officials in the United States and Taiwan. In October, 1992, Formosa abandoned its plans to construct the rayon pulp facility in part because of mounting public opposition and in part because of the activities of Lester Millet.

Pursuant to a three count indictment, Millet was charged with: Count 1, violating 18 U.S.C. §§ 2, 1951, (Hobbs Act); Count 2, violating 18 U.S.C. §§ 2, 1956 (Money Laundering); and Count 3, violating 18 U.S.C. § 1952 (Travel Act). In accord with the provisions of 18 U.S.C. § 982, the government also sought a forfeiture of the \$200,000 Millet received from Matherne. The jury convicted Millet of all three counts. He was subsequently sentenced to fifty-seven (57) months imprisonment, fined \$200,000, and ordered to forfeit \$200,000.

On timely appeal, Millet raises nine issues in urging this Court to reverse his convictions.<sup>5</sup> Even though Millet's enumerates \*272 nine issues, in essence he challenges his Hobbs Act conviction on grounds of constructive amendment and insufficiency of the evidence;<sup>6</sup> his money laundering conviction on grounds that the Hobbs Act conviction is invalid;<sup>7</sup> and his Travel Act conviction on grounds that the Hobbs Act conviction cannot be the “unlawful activity”, the indictment was insufficient and the court improperly charged the jury.<sup>8</sup>

II.

THE HOBBS ACT

The Hobbs Act penalizes: (1) “[w]hoever in any way or degree obstructs, delays, or affects commerce or any article in commerce, (2) by robbery or extortion or attempts or conspires to do so, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do any thing in violation of this section[.]” 18 U.S.C. § 1951(a) (West 1997). Millet argues that his conviction under the Hobbs Act must be reversed because the district court constructively amended the indictment and the evidence presented at trial was insufficient to convict.

(a) *Constructive Amendment*

A constructive amendment to the indictment occurs when the jury is permitted to convict the defendant on a factual basis that effectively modifies an essential element of the offense charged in the indictment. *United States v. Young*, 730 F.2d 221, 223 (5th Cir.1984); *United States v. Holley*, 23 F.3d 902, 912 (5th Cir.1994) (citations omitted). However, all factual variations do not rise to the level of a constructive amendment. This Court must distinguish between a constructive amendment to the indictment and mere variations between the indictment and proof.

An indictment can be constructively amended either by evidence offered at trial or by jury instruction. *Stirone v. United States*, 361 U.S. 212, 80 S.Ct. 270, 4 L.Ed.2d 252 (1960). The constructive amendment can be either explicit or implicit. *United States v. Doucet*, 994 F.2d 169, 172 (5th Cir.1993). Millet argues both apply here. He contends his indictment was constructively amended when the district court permitted the government to offer proof concerning the direct effect his act had on Formosa's interstate commerce activities, and when the district court included a theory within the Hobbs Act jury charge which allowed the jury to find a Hobbs Act violation if it found that Millet's actions directly and adversely affected Formosa.

In the absence of a timely objection at trial, this court subjects a post-conviction claim of constructive amendment to plain error analysis. *United States v. Olano*, 507 U.S. 725, 731–34, 113 S.Ct. 1770, 1776–78, 123 L.Ed.2d 508 (1993); *United States v. Reyes*, 102 F.3d 1361, 1364 (5th Cir.1996). Mere factual variations between the indictment and proof at trial are examined under the harmless error doctrine. *Young*, 730 F.2d at 223. At trial, Millet failed to object to the evidence concerning the effect his acts had on Formosa's commerce activities and, although he raised a general objection to the Hobbs Act jury charge, it was insufficient to preserve a constructive amendment error. Accordingly, we first look to

see if there was a constructive amendment to the indictment and if there was, we analyze for plain error.

For this Court to find a constructive amendment to the indictment, we review the record to determine if evidence offered at trial or the district court's jury charge permitted the jury to convict Millet on a factual basis which effectively modified one of the two essential elements charged of the Hobbs Act indictment. *Id.* As it applies to this \*273 case, the two essential elements of the Hobbs Act are extortion and commerce. Commerce means, “[A]ll commerce between any point in a state ... and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.” 18 U.S.C. § 1951(b)(3) (West 1997). The term extortion means, “the obtaining of property from another with his consent ... under the color of official right”. 18 U.S.C. § 1951(b)(2) (West 1997).

Millet bases his constructive amendment argument on Paragraph 18 of Count 1 which states:

From on or about January 11, 1988, and continuing until or about January 13, 1992 in the Eastern District of Louisiana and elsewhere, LESTER J. MILLET, JR., while serving as Parish President for St. John the Baptist Parish, Louisiana did knowingly, willfully and unlawfully, affect and attempt to affect interstate commerce by means of extortion, in that the defendant did unlawfully obtain approximately \$200,000 not due him or his office from Durel Matherne, with Durel Matherne's consent, under color of official right, that is, for or because of official act by LESTER J. MILLET, JR., related to the sale of the Whitney Plantation. In urging this court find a constructive amendment, Millet argues the district court was bound to narrowly construe this charging paragraph as a “specific act against an individual” and as such, the government was limited to proving the extortion element, and proving the effect on interstate commerce by only offering evidence that: (1) his act depleted the assets of Matherne, an individual customarily engaged in interstate commerce; (2) his act caused the completion of, or created the likelihood that the assets of an entity engaged in interstate or foreign commerce would be depleted; or (3) the number of individuals affected was so great or the sum extorted was so large that there was some cumulative effect on interstate commerce. *United States v. Collins*, 40 F.3d 95, 100 (5th Cir.1994). In short, Millet insists that, as in *Collins* and *Stirone* his indictment was constructively amended when the district court accepted evidence that his actions directly affected Formosa's interstate activities, this

evidence impermissibly modified the essential commerce element, and that the jury was allowed to convict on that basis. *Id.* We disagree.

We distinguish *Stirone* and *Collins* on the facts. In *Stirone*, the defendant's Hobbs Act conviction was reversed when the Court found his indictment was constructively amended by the district court's admission of evidence and its jury charge that permitted the jury to convict *Stirone* upon a showing that his acts affected the movement of steel in interstate commerce. *Stirone*, 361 U.S. at 214, 80 S.Ct. at 271–72. The Court reasoned that because *Stirone's* indictment charged only that the defendant's extortionate act affected the movement of sand (an important building material) in interstate commerce, it was uncertain whether *Stirone* was convicted of impeding commerce in sand, as charged or steel which was uncharged. *Id.* at 219, 80 S.Ct. at 274. Unlike the *Stirone* indictment, we read Paragraph 18 of Count 1 of the indictment as drawn in general terms that tracks the statutory language of 18 U.S.C. § 1951(a). There is no limitation imposed on proving the effect on interstate commerce.

Likewise, *Collins* is distinguished in that the Hobbs Act charge stemmed from the defendant's robbery of the personal property of a salesman. *Collins*, 40 F.3d at 99–100. No extortion was involved. Furthermore this Court found that the nexus between the robbery victim and interstate commerce was at best indirect and extremely attenuated and more than likely, there was none. *Id.* Here, Millet's extortionate act was integral to a land transaction of a multi-national corporation and was a cause of Formosa's abandonment of its plans. *Collins* simply does not control this case.

Millet's argument that Paragraph 18 of Count 1 is a specific charge against an individual has merit only if the last clause were taken entirely out of context or if it stood alone as Count 1. We decline to read the last clause out of context and we also decline to ignore the preceding seventeen (17) paragraphs in Count 1 of Millet's indictment.

**\*274** When an indictment under the Hobbs Act is drawn in general terms, a conviction may rest on a showing that commerce of one kind or another has been burdened. *Stirone*, 361 U.S. at 218, 80 S.Ct. at 273–74. It follows that when the indictment is drawn generally, the government may offer proof that the act either directly or indirectly affected interstate commerce. *Id.* We see the only limitation imposed by Count 1 of the indictment was that the government was limited to proving extortion under color of official right as

opposed to robbery, threats, or the use of physical violence. Our examination of the record indicates no such proof of the latter three was offered.

We find the district court did not err in admitting proof that Millet's extortionate act directly affected the interstate activities of Formosa. Count 1, including Paragraph 18, when read in its entirety indicates a general indictment under the Hobbs Act and as such, the district court's admission of proof that Millet's act directly affected Formosa did not modify the essential element of interstate commerce as defined by 18 U.S.C. § 1951(b)(2) (West 1997).

Millet also urges a constructive amendment of his indictment because the court supplemented the *Collins* factors *supra* in its jury charge with, “Under this theory the defendant may have interfered with or affected interstate commerce in one or all of the following ways: ... 4) adversely affecting the interstate and international commerce activities of Formosa Plastics Corporation....”.<sup>9</sup> However, the *Collins* factors apply only if a criminal act was directed to an individual and therefore, the district court was warranted in supplementing the *Collins* factors. *Collins*, 40 F.3d at 100. Accordingly, this Court looks to whether the district court's jury charge as a whole is a correct statement of the law. *United States v. Stacey*, 896 F.2d 75, 77 (5th Cir.1990). We find that the district court's Hobbs Act jury charge in which it gave the *Collins* factors along with its supplemental factor was a correct statement of law and did not constructively amend the indictment. Moreover, we think the charge was helpful to the jury in that it illustrated the possible ways that Millet's extortionate act may have affected interstate commerce.

In summary, we find there was no constructive amendment to Count 1 of the indictment and therefore, we need not undertake plain error analysis.

#### (b) *Sufficiency of the Evidence*

In determining whether there was sufficient evidence to support a conviction, this Court must determine, in a light most favorable to the verdict whether a rational trier of the facts could have found that the evidence established guilt beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979); *United States v. Carrasco*, 830 F.2d 41, 43–44 (5th Cir.1987). Millet advances three separate theories as to why there was insufficient evidence to support his conviction. We disagree with all of them.

Millet first contends there could have been no extortion because his only act related to the charged extortion was to place a telephone call to a private individual over whom the official had no power and upon whom he exercised no official power before Millet's first contact with the alleged victim. This is nonsense.

To prove extortion the government must show that Millet took money or something of value not due him or his office for the performance or non-performance of an official function. See *McCormick v. United States*, 500 U.S. 257, 111 S.Ct. 1807, 114 L.Ed.2d 307 (1991). The official need not control the function in question if the extorted party reasonably believes in the official's powers. *United States v. Rabbitt*, 583 F.2d 1014 (8th Cir.1978). Millet claims that because this was a private deal between private parties, there can be no "color of official right". The record is replete with evidence that Durel Matherne, who was not a practicing real estate agent, could not have become the exclusive broker for the sale of the Whitney Plantation without the approval of Millet who was acting in his capacity as the St. John the Baptist Parish President. The record also contains substantial evidence that in exchange for arranging Matherne's employment as the exclusive broker for the Whitney's sale, Millet demanded and received a portion of the Whitney sales commission. Specifically, Walter Barnes, one of the Whitney's owners, testified he had not heard of Matherne before Millet introduced them, and the only reason Millet was able to secure Matherne's employment as broker for the Whitney was because of his official position as St. John the Baptist Parish President. We find there was sufficient evidence for a rational jury to conclude that all parties involved believed they must accede to Millet's demands to accomplish the sale of the Whitney to Formosa.

Millet next argues he did not explicitly promise to perform an official act in exchange for a benefit from the alleged victim. He further asserts that he committed no official act and therefore, cannot be convicted under the Hobbs Act. As authority, Millet cites *Evans v. United States*, 504 U.S. 255, 112 S.Ct. 1881, 119 L.Ed.2d 57 (1992). Millet misreads *Evans*. *Evans* stands for the proposition that an explicit demand for payment for the official act is not required to convict under the Hobbs Act and further, that an affirmative step is not an element under the statute. *Id.* at 268, 112 S.Ct. at 1889. Millet used the apparent authority of his official position to secure the real estate listing for Matherne. Furthermore, the government proved at trial that Millet used

his official capacity to satisfy the conditions imposed by the contract for the sale of the Whitney to ensure the sale was ultimately consummated. We find the government's theory that the payment Millet extracted from Matherne was in exchange for not just the listing but, for all of his official acts is credible, and that it satisfies the *quid pro quo* requirement of the Hobbs Act.

Finally, Millet argues the only thing he received from the alleged victim was the purchase price of the Highway 51 property on a "value for value" basis to which he was entitled. Millet's argument refers to his conveyance of half of the Highway 51 property to Matherne's wife in exchange for approximately one-half of Matherne's commission from the sale of the Whitney. He contends that if the Highway 51 property were developed, subdivided and later sold as individual lots, Matherne would more than recover the \$200,000 he transferred to Millet for the property. The implication is that this transaction was an arms-length contract for the sale of real estate. We find this argument entirely without merit.

In Louisiana, it is well settled that the value of an immovable property be evaluated according to the state in which it was at the time of the sale. See La.Civ.Code.Ann. art. 2590 (West 1997) (emphasis added). The "market value" of a property means "the fair value of the property between one who wants to buy and one who wants to sell under the usual circumstances." *Henderson v. Dyer*, 68 So.2d 623, 625 (La.Ct.App. 1st Cir.1953) (citations omitted). At trial, the jury was presented with substantial evidence: that the portion of the Highway 51 property did not have a fair market value of \$200,000 at the time it was conveyed to Matherne; that the property was not sold under the usual circumstances; and that Matherne did not want to buy the property.

The government presented credible evidence that Millet and Matherne sought a means of conveying to Millet the \$200,000 which represented Millet's share of the Whitney commission. Among the schemes considered were: a direct payment from Matherne to Millet; an office lease under which Matherne would pay a grossly inflated rental; and paying Millet's son a grossly inflated draw as a new "partner" in Matherne's insurance business. Matherne's attorney advised that all these sham transactions were thinly disguised kickbacks which would constitute \*276 an illegal payment to a public official. Despite that warning, to effect the \$200,000 kickback Millet bought the Highway 51 property for \$200,000 and almost

immediately demanded Matherne accept one-half of that property in exchange for \$200,000.

At trial, the government presented substantial evidence that, at the time Millet conveyed half of the Highway 51 property to Matherne, the entire undeveloped Highway 51 property was worth at most, \$200,000. The government also offered credible evidence that when Millet divided the property into halves and conveyed one-half to Matherne, the half he conveyed to Matherne had a value of less than one-half of the original \$200,000 purchase price. Yet, Matherne paid \$200,000 for his parcel. All of this occurred less than two weeks from the time Millet originally bought the property. Given the evidence, the timing and the fact that Millet presented no credible evidence to support his position that the value of the parcel conveyed to Matherne was worth anywhere near \$200,000, we find that a rational jury could find beyond a reasonable doubt this transaction was a sham designed to kick-back part of Matherne's Whitney commission to Millet.

Matherne did not want to purchase the undeveloped Highway 51 property from Millet but did so only because of pressure applied by Millet for a share of the Whitney commission. Matherne was not in the business of real estate speculation or real estate development and would ordinarily have no interest in an undeveloped parcel of property; particularly one for which he would have to pay at least twice the market value. Evidence in the record also indicates that at the time of the Highway 51 transaction, Matherne had financial and (income) tax difficulties to which he would likely have applied the \$200,000 Millet demanded for the property. Matherne testified that at best, he expected to break even if he could develop and sell the property. All this is evidence that given a free choice, Matherne had no desire to purchase the Highway 51 property.

Though Matherne was not a practicing real estate agent, he held a valid real estate licence and was hardly a novice when it came to valuing the undeveloped Highway 51 property. Matherne testified that he knew the value of the Highway 51 property was less than one-half of what he was paying. Given disparities in value, the parties' knowledge thereof, their relative positions, and the fact that there was no evidence presented that Millet and Matherne conducted any sort of price negotiation (a strong indicator of an arms-length transaction) a rational jury would conclude these were not the usual circumstances under which a real estate transaction occurs.

We find sufficient evidence was presented at trial that a reasonable jury would characterize the Highway 51 land transaction as a sham or kickback scheme designed to convey a \$200,000 share of the Whitney Plantation commission from Durel Matherne to Lester Millet. We further find that all elements of 18 U.S.C. § 1951 were proven beyond a reasonable doubt and accordingly we AFFIRM Lester Millet's Hobbs Act conviction.

### III.

#### MONEY LAUNDERING

Millet's sole basis for urging this Court to reverse his conviction under 18 U.S.C. § 1956 (money laundering) is that his conviction under the Hobbs Act must be reversed and therefore, there was no unlawful activity to support the money laundering conviction. The pertinent section of the money laundering statute, states:

(a)(1) Whoever knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

(B) knowing that the transaction is designed in whole or in part—(I) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of a specified unlawful activity;[.]

18 U.S.C. § 1956(a)(1)(B)(I) (West 1997).

Because we affirm Millet's conviction under the Hobbs Act, the Hobbs Act serves as the unlawful activity, and we find that the Highway 51 real estate conveyance fits the \*277 definition of a financial transaction designed to conceal the source of the proceeds, we AFFIRM Millet's conviction under 18 U.S.C. § 1956.

### IV.

#### THE TRAVEL ACT

To obtain a conviction under 18 U.S.C. § 1952 (Travel Act), as it applies to the instant case, the government had to prove the following elements beyond a reasonable doubt: 1) travel

in interstate or foreign commerce; 2) with the intent to; 3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and 4) thereafter performs or attempts to perform [an act described in element 3]. 18 U.S.C. § 1952(a)(3)(A) (West 1997). “Unlawful activity” means, extortion, bribery, or arson in violation of the laws of the state in which committed or of the United States. 18 U.S.C. § 1952(b)(i)(2) (West 1997).

Millet attacks his conviction under the Travel Act on three theories: 1) a scheme to “personally benefit” from the Formosa plant is not unlawful under the Hobbs Act and consequentially is not unlawful under the Travel Act; 2) because his Hobbs Act, which serves as the “unlawful activity” must be reversed on insufficient proof of an “effect on interstate activity”, his Travel Act conviction too must be reversed; and 3) the adoption of the Hobbs Act charge as the unlawful activity for the Travel Act charge is prejudicial error because the Hobbs Act crime terminated before the necessary travel for the Travel Act. We find no merit in any of these theories.

Millet first complains that the use of the phrase, “scheme to personally benefit” in Count 3, Paragraph 1 does not state a crime under the Hobbs Act and therefore cannot be the requisite unlawful activity as defined by the Travel Act. This complaint suffers from the same flaw as his Hobbs Act constructive amendment argument; that being Millet extracts a single phrase from context and argues that the phrase standing alone, somehow invalidates the entire count. Even if we find that the phrase he complains of was inartfully drawn, we decline to read it totally out of context. When Paragraph 1 of Count 3 is read in its entirety, it is clear that it refers to a Hobbs Act violation. We also note that Millet’s argument here is particularly specious because the record indicates he motioned the district court for an eleven part bill of particulars directed solely to Count 3 of the indictment. Nowhere in that motion did Millet raise this somewhat trivial complaint and though his motion was denied, he received a full hearing at which he conceded the government adequately responded in writing to his query concerning the nature of unlawful activities that formed the basis for the Travel Act indictment. We therefore dismiss this complaint as groundless.

Millet next complains that his Travel Act conviction cannot be sustained because it was predicated on a Hobbs Act “official act” conviction which was deficient in its proof on the effect on interstate commerce. Because, for reasons stated above, we

find the jury properly convicted Millet of the charged Hobbs Act violation, we find this argument without merit.

Finally, Millet argues that the adoption of the Hobbs Act charge as the unlawful activity for the Travel Act charge is prejudicial error because the Hobbs Act crime terminated before the necessary travel for the Travel Act occurred. This argument appears to be premised on his notion that for there to be a conviction under the Travel Act, there necessarily must be a conviction of the underlying predicate unlawful activity. This is not the law.

The Travel Act was one of several bills enacted by Congress to aid the states in the battle against organized crime. *Perrin v. United States*, 444 U.S. 37, 41–42, 100 S.Ct. 311, 313–14, 62 L.Ed.2d 199 (1979) (citations omitted). Because the definition of the unlawful activity refers to both state as well as federal offenses, it is clear Congress intended for the Travel Act to supplement state authority in battling organized crime problems. *Id.* at 42, 100 S.Ct. at 314. It is also well settled that under the principles of federalism, the federal courts may not assume jurisdiction \*278 over state offenses. Therefore, it clearly follows that if a state law offense were to serve as the underlying “unlawful activity” for the Travel Act and the law is to supplement state law rather than burden it, there can be no requirement for a conviction of the underlying unlawful activity.<sup>10</sup> See *United States v. Nardello*, 393 U.S. 286, 290–95, 89 S.Ct. 534, 536–39, 21 L.Ed.2d 487 (1969) (*discussing* the use of a state law as the underlying unlawful activity); *United States v. Jones*, 642 F.2d 909, 913 (5th Cir.1981) (defendant convicted of Travel Act violation without underlying conviction of illegal organized gambling). Lastly, a violation of the Travel Act does not require that a facilitation act in the destination state be an unlawful activity. *Perrin*, 444 U.S. at 49–50, 100 S.Ct. at 317–18.<sup>11</sup>

Accordingly, we find that Count 3 of the indictment properly charges a violation of the Travel Act. It properly identifies the unlawful activities, it identifies the interstate travel and it identifies the act Millet thereafter attempted to perform (promotion).<sup>12</sup>

We do not agree that Millet’s Travel Act conviction is necessarily predicated on his Hobbs Act conviction. The record supports and the government proved at trial that Millet engaged in a multi-faceted scheme to extract illegal personal profits wherever practicable, “under color of official right” from the siting of Formosa’s rayon pulp plant. While the scheme itself is not the underlying unlawful activity, any

one of its individual components may serve as the unlawful activity if it meets the statutory definition and the government meets its burden of proving beyond a reasonable doubt that the defendant committed the unlawful activity.

Finally, we look at the court's jury instructions to ensure that the jury was properly charged. In reviewing the propriety of a jury instruction, this court looks at whether the charge as a whole is a correct statement of the law. *Stacey*, 896 F.2d at 77. We find that the district court correctly stated the law in its jury charge on the Travel Act.

Because Count 3 of the indictment properly charged a violation of the Travel Act, sufficient evidence was presented at trial for a rational jury to convict Millet of the charge, and the district court properly instructed the jury, Millet has no substantive complaint. His conviction under 18 U.S.C. § 1952 is hereby AFFIRMED.

V.

#### CONCLUSION

For reasons stated above, we find no reason to disturb the jury's decision to convict Millet for violations of 18 U.S.C. §§ 2, 1951, 1952 and 1956. We also find no reason to disturb the forfeiture resulting from Millet's unlawful activities. Accordingly, we AFFIRM his conviction on all counts.

#### All Citations

123 F.3d 268

#### Footnotes

- 1 District Judge of the Eastern District of Texas, sitting by designation.
- 2 At the time, the United States Environmental Protection Agency (EPA) required an EIS before constructing a new chemical manufacturing facility in this area.
- 3 Formosa's vice president.
- 4 Formosa's environmental manager.
- 5 On appeal Millet raises the following issues:
  - 1) Over objection, the trial court charged, and the government argued at trial that the jury could convict on Count 1, a violation of 18 U.S.C. § 1951 ("Hobbs Act") on evidence of the effects on interstate commerce other than relates to the specified victim;
  - 2) The jury was allowed to convict on a theory of extortion of victims other than the charges in the indictment;
  - 3) The only act by Millet related to the charged extortion was a telephone call to a private individual over whom the official had no power and upon whom he exercised no official power before Millet's first contact with the alleged victim;
  - 4) The only thing received by Millet from the alleged victim was the purchase price of property on a "value for value" basis to which Millet was entitled;
  - 5) The proof at trial does not show a promise from Millet to perform an official act in exchange for a benefit from the alleged victim. The official act occurred before Millet had contact with the victim;
  - 6) Count 2 of the indictment which charges a violation of 18 U.S.C. § 1956 ("Money Laundering") states as its predicate offense the Hobbs Act violation and since the Hobbs Act conviction cannot stand, the money laundering conviction cannot stand;
  - 7) A scheme to "personally benefit" from the Formosa plant is not unlawful under the Hobbs Act;

8) Count 3 which charges a violation of 18 U.S.C. § 1952 ("Travel Act") cannot be sustained because it is predicated on an "official act" Hobbs Act violation which is deficient in its proof of "effect on interstate activity";

9) The adoption of the Hobbs Act charge as the unlawful activity for the Travel Act charge is prejudicial error because the Hobbs Act crime terminated before the necessary travel for the Travel Act.

6 Issues 1, 2, 3, 4 and 5 relate to Millet's conviction under the Hobbs Act.

7 Issue 6 relates to Millet's conviction on money laundering.

8 Issues 7, 8, and 9 relate to Millet's conviction under Travel Act.

9 The Court's charge to the jury on Count 1 included the following:

Under this theory the defendant may have interfered with or affected commerce in any one or all of the following ways: 1) depleting the assets of an individual customarily and directly engaged in interstate commerce; 2) causing or creating the likelihood that Durel Matherne would deplete the assets of a business or businesses engaged in interstate commerce; 3) extorting such a large amount that it had a cumulative effect on interstate commerce; or 4) adversely affecting the interstate and international commerce activities of the Formosa Plastics Corporation, a company headquartered in Taipei, Taiwan, Republic of China.

10 It further follows that if the Travel Act requires no conviction of an underlying state offense, it also follows that there need be no conviction of an underlying federal offense.

11 This is not to say that there is no limitation on the reach of Travel Act. The Court in *Rewis v. United States*, limited the reach of the Travel Act by requiring a tangible nexus to interstate commerce and by warning that the act could not be used to turn a relatively minor state offense into a federal felony. *Rewis v. United States*, 401 U.S. 808, 811–12, 91 S.Ct. 1056, 1059–60, 28 L.Ed.2d 493 (1971). We note that when the underlying unlawful activity is an uncharged federal or a state law offense, there are three essential elements which must be proved beyond a reasonable doubt: 1) the defendant traveled in interstate commerce on or about the time and between the places charged in the indictment; 2) the defendant engaged in such travel with the specific intent to promote, manage, establish or carry on an unlawful activity; and 3) the defendant thereafter knowingly and willfully committed an act to promote, manage, establish or carry on such unlawful activity. *United States v. Green*, 882 F.2d 999, 1006 (5th Cir.1989).

12 The "promotion" corresponds to the fourth element of the Travel Act. In this case it refers to Millet's attempt to bribe Lionel Bailey in violation of Louisiana's Commercial Bribery Statute. La.Rev.Stat. Ann. § 14.73 (West 1997).



# Exhibit P-6

600 So.2d 790  
Court of Appeal of Louisiana,  
Fifth Circuit.

SAVE OUR WETLANDS, INC.

v.

ST. JOHN THE BAPTIST PARISH, et al.

No. 92-CA-28.

|

May 15, 1992.

|

Writ Denied Sept. 25, 1992.

### Synopsis

Environmental organization brought action to challenge rezoning from residential to commercial property. The 40th Judicial District Court, Parish of St. John the Baptist, Remy Chaisson, J., ad hoc, upheld rezoning. Organization appealed. The Court of Appeal, Gaudin, J., held that rezoning was not shown to be arbitrary and capricious.

Affirmed.

### Attorneys and Law Firms

\*790 G. Charles Lorio, Jr., Rodney Brignac, George Ann Graugnard, Laplace, for defendant-appellee.

Paul G. Aucoin, Vacherie, for plaintiff-appellant.

Before GAUDIN, DUFRESNE and CANNELLA, JJ.

### Opinion

GAUDIN, Judge.

This is an appeal by Save Our Wetlands, Inc. following the rezoning of an 1,800-acre tract in St. John the Baptist Parish from residential to commercial. Appellant contends that the parish council's decision was arbitrary and capricious and was made without adequate feasibility and environmental studies.

The record, however, indicates that the property was rezoned after several public hearings before the parish's zoning commission and after a public debate before the council. Various ideas and thoughts were expressed. As there was \*791 sufficient evidence and testimony in support of

the rezoning request, we are prohibited from saying that the council's action was arbitrary or capricious or from substituting our judgment for that of elected public officials in the event our conclusions differ. Accordingly, we affirm.

In *Palermo Land Co. v. Planning Commission*, 561 So.2d 482 (La.1990), the Supreme Court of Louisiana clearly stated the courts' role in zoning cases. The authority to deal with zoning flows from the police power of governmental bodies *and that whenever the propriety of a zoning decision is debatable, it will be upheld.*

Here, the primary thrust of appellant's argument is that the council was not fully informed before agreeing with the rezoning petition. The council did listen to, and apparently was swayed by, favorable expert testimony including that of Dr. Dennis Earhardt, the head of the Department of Geography and Urban and Regional Planning at the University of Southwestern Louisiana. Dr. Earhardt, who performed a zoning analysis at the request of St. John the Baptist Parish, testified that the area in question, known as Whitney Plantation, was “... ideally suited for this type of industrial development.”

Dr. Earhardt further said that the property had adequate land access; in fact, Dr. Earhardt stated, if the area developed residentially instead of commercially, there would be more of a traffic problem.

To rebut Dr. Earhardt in district court, appellant called Dr. Ralph Thayer, a University of New Orleans professor in urban planning and public administration and an expert in land use and zoning. Dr. Thayer said that the parish council, when it made its rezoning decision, did not have sufficient information on which to grant or deny the zoning change. However, there is no requirement, statutory or otherwise, for any parish council to order or conduct a land use study in a rezoning matter.

St. John the Baptist Parish, according to testimony in the record, has a relatively high unemployment rate, a rate of 7.2 in March, 1991 compared to the overall Louisiana unemployment rate of 6.2. The parish council no doubt considered this factor and felt that the proposed industrial plant would have a much needed economic impact.

In any event, elected public officials are vested with the responsibility of making zoning decisions. There was objection to the instant change and we agree that the decision

was probably debatable; however, the authority of the courts in such instances must bow to the police power of the elected governing body.

AFFIRMED.

We affirm the judgment of the 40th Judicial District Court dated August 10, 1991 with Save Our Wetlands, Inc. to bear costs of this appeal.

**All Citations**

600 So.2d 790

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# Exhibit P-7

SUBPART B - LAND DEVELOPMENT REGULATIONS  
Chapter 113 - ZONING  
ARTICLE II. - ADMINISTRATION AND ENFORCEMENT  
DIVISION 3. AMENDMENTS

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***DIVISION 3. AMENDMENTS<sup>1</sup>***

**Sec. 113-76. Intent.**

The provisions of this chapter, including the official zoning map, may be amended by the parish council on its own motion, or on recommendation of the planning commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission for review and recommendation. Before enacting an amendment to this chapter, the planning commission shall give public notice and hold a public hearing thereon as required herein.

(Code 1988, § 33:145)

**Sec. 113-77. Initiation.**

- (a) Amendments to this chapter, including the official zoning map, may be initiated:
  - (1) By action of the parish council itself;
  - (2) On petition of at least 51 percent of the property owners, or their authorized agents; or
  - (3) Upon the recommendation of the planning commission.
- (b) No amendment shall be made unless it is determined by the planning commission that the amendment, or supplement, or change to the regulations, restrictions or boundaries should be made, except as otherwise provided herein.

(Code 1988, § 33:146)

**Sec. 113-78. Procedure for amendments to zoning map.**

Each application to amend the official zoning map shall be filed with zoning regulatory administrator or designee. Each application shall be submitted under the following conditions:

- (1) *Application; contents.* An application shall include the following items and information:
  - a. A legal description of the tract proposed to be rezoned;
  - b. A plat showing the dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and his seal shall be affixed to plat;
  - c. The present and proposed zoning classification for the tract;
  - d. The name and address of the owners of the land and their legally authorized agents, if any; and
  - e. Payment of appropriate fees as established in section 14-113.

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<sup>1</sup>State law reference(s)—Zoning amendments, R.S. 33:4780.33 et seq.

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- (2) *Review.* The application shall be reviewed by the zoning regulatory administrator or his designee who shall be responsible for determining the application's adherence to the applicable development standards for the district for which application is made. He shall submit his findings to the planning commission after the public hearing.
  - (3) *Schedule.* An application shall be submitted in accordance with a schedule adopted by the planning commission that shall provide that each application shall be submitted to allow sufficient time to legally advertise for public hearing in accordance with these regulations.
  - (4) *Withdrawal of application.* When a petition requesting a zoning change is withdrawn by the applicant after it has been accepted by the parish and legally advertised as required by this section, the parish council shall not consider any further petition requesting or proposing the same change or amendment for the same property within a one calendar year from the date of the request to withdraw.
  - (5) *Advertising.* Notice of the proposed change and the time and place of the hearing before the planning commission shall have been published once a week for three weeks consecutively in the official journal of the parish. At least four days shall elapse between the last date of publication and the date of the hearing. A printed notice in bold type shall have been posted for not less than ten consecutive days prior to the public hearing conducted by the planning commission on a sign not less than one square foot in area, prepared, furnished and placed by zoning regulatory administrator or his designee upon the principal and assessable rights-of-way adjoining the area proposed for a change in land use classification.
  - (6) *Public hearing.* A public hearing shall be held in accordance to law and duly advertised before the planning commission at which parties in interest and citizens shall have an opportunity to be heard. After such public hearing, the zoning regulatory administrator or his designee shall submit a report of his findings and recommendations to the planning commission to the proposed changes.
  - (7) *Planning commission action.* The planning commission shall review and take action upon each application in accordance with the schedule adopted by the planning commission after a public hearing has been held, at which parties in interest and citizens shall have had the opportunity to be fully heard. Each application shall be presented to the planning commission by zoning regulatory administrator, or his designee, together with his recommendations on it. A report of the planning commission's recommendation and the zoning regulatory administrator or his designee recommendation shall be submitted to the parish council.
    - a. The planning commission shall adopt such rules and regulations for the conduct of public hearings and meetings as are consistent with state law and are appropriate to its responsibilities, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to rule on a matter in which he has an interest directly or indirectly.
    - b. A final vote shall have been taken on the proposal by the planning commission within 45 days after the public hearing. In the event that no final vote is taken, the proposal shall be automatically approved. However, in the event that the 45-day deadline falls on a holiday or a meeting that has been canceled by the planning commission, the 45-day deadline will be extended automatically to the next regular planning commission meeting.
  - (8) *Action by the parish council.* The governing authority shall not take official action until the report of the planning commission is received. A final vote shall have been taken on the proposal by the parish council within 45 days after the report has been received from the planning commission. In the event that no final vote is taken the proposal shall be automatically approved. However, in the event that the 45-day deadline falls on a holiday or a meeting that has been canceled by the parish council, the 45-day deadline will be extended automatically to the next regular parish council meeting. Any amendment that has failed to receive the approval of the planning commission shall not be passed by the parish council except by the affirmative vote of two-thirds of the legislative body.

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- (9) *One-year limitation.* Whenever a petition is filed requesting or proposing a change in or amendment to these regulations or to the official zoning map and this petition has been finally acted on and denied by the council in accordance with the procedure outlined in this section, the council shall not consider any further petition requesting or proposing the same change or amendment for the same property within one calendar year from the date of the council's final action on the original petition.

(Code 1988, § 33:147; Ord. No. 97-05, 1-28-1997; Ord. No. 04-13, 3-9-2004)

### **Sec. 113-79. Rezoning guidelines and criteria.**

- (a) Before the planning commission recommends or the parish council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:
- (1) Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponents property and adjacent property. The term "reasonableness" means:
    - a. Land use the same as, or similar to that existing or properties next to, or across the street from the site under consideration.
    - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
    - c. Consideration of changes in land value, physical environment or economic aspects that tend to limit the usefulness of vacant land or buildings.
  - (2) The proposed zoning change, and the potential of resulting land use change, will comply with the general public interest and welfare and will not create:
    - a. Undue congestion of streets and traffic access.
    - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks, and other public facilities.
    - c. Land or building usage that is, or may become incompatible with existing character or usage of the neighborhood.
    - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
- (b) As far as possible, the planning staff should base rezoning analyses on these criteria. The planning commission in its recommendations to the parish council, may state its concurrence with, or rejection of, proponents' offers of proof at public hearings and may state, in its motion of recommendation to the parish council, its position in relation to proponents' statements and planning staff analyses shall be forwarded to the parish council along with the planning commission's recommendations.
- (c) If the planning commission recommends denial and the parish council concurs, the matter need not be introduced for public hearing, and if the planning commission's vote to deny is unanimous, the matter shall not be introduced except by majority vote by the parish council.

(Code 1988, § 33:148; Ord. No. 94-93, 12-13-1994)

### **Sec. 113-80. Text amendment.**

- (a) *Initiation and procedure.* The amendment process to change the text of this chapter may be initiated by resolution of the council directing the preparation of an ordinance or study or by introduction of an

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ordinance by the council. It may also be initiated upon the recommendation of the planning commission or their designee.

- (b) *Notice.* Except as otherwise provided, the following notice shall be provided:
- (1) *Published notice.* Notice requirements shall be consistent with a proposed zoning map amendment as provided in this section. No other mandatory types of notice shall be required; however, the planning commission or planning director, by rule, may provide for additional discretionary forms of notice.
  - (2) *Defective notice; validity.* No amendment, supplement or change shall be declared invalid by reason of any defect in the publication of the notice of the purpose or subject matter and the time and place of the hearing if the published notice gives reasonable notice of its purpose, subject matter, substance or intent. Any defect in or failure to strictly adhere to the discretionary forms of notification shall not form a basis for declaring invalid any ordinance or council action on any matter described in this section.
  - (3) *Substitute, alternative or modified proposal.* Notice of the original proposal on the docket of the planning commission in accordance with this section shall also constitute notice of any substitute, alternative or modified amendment, supplement or change that may be adopted by the council, or recommended by the planning director, other department director, planning commission, or parish board, following the public hearing, if the said substitute, alternative or modified proposal is within reasonable limits of the purpose or subject matter of the original proposal.
- (c) *Public hearing.* A public hearing for each proposed amendment shall be conducted by and before the planning commission, at which time all interested parties and citizens shall have an opportunity to be heard. Each proposed amendment shall be allotted a case or docket number and scheduled for public hearing. During the public hearing the planning director, or his designee, shall be called upon for presentation of a technical recommendation and analysis for the proposed amendment.
- (d) *Decision makers.*
- (1) *Planning director action.* Prior to the public hearing, the planning director shall submit findings and recommendations related to the proposed amendment for consideration by the planning commission.
  - (2) *Planning commission action.* After considering public testimony and the findings and recommendations of the planning director, the planning commission may recommend adoption of the proposed amendment as presented, adoption of the amendment with modifications, or disapproval of the amendment.
  - (3) *Recommendations to council.* Within 45 days of initiation of the public hearing, the planning director shall forward to the parish council the planning commission's recommendation, the director's findings and recommendations and the minutes of public testimony.
  - (4) *Parish council action.* Upon receipt of the above referenced findings, recommendations and testimony, the council may take official action. The council shall consider the findings, recommendations and testimony prior to making a decision. If no findings, testimony, and recommendations are received by the council within 45 days after the initiation of the planning commission public hearing, the council may take official action upon the proposed amendment without this record.
- (e) *Approvals pending ordinance amendments; interim development standards.*
- (1) Upon adoption of a resolution or introduction of an ordinance to call a text study, the council may establish interim development standards providing for reasonable approval conditions or exemptions for certain types of development applications that would otherwise be affected by the study.
  - (2) The council action shall not affect action on completed applications submitted prior to the resolution or ordinance, but may affect subsequent applications for the same project.



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- (3) Interim development standards shall be in effect from the date that a resolution or ordinance is adopted for up to one year.
  - (4) Introduction of an ordinance that conveys the substantial intent of the planning director's findings and recommendations for the final disposition of a study shall extend interim zoning regulations for an additional period not to exceed six months.
  - (5) The expiration of interim development standards shall not result in the expiration of a study. The planning director shall notify the council 90 days prior to the expiration of interim development standards. At any time during the 90-day period the council may extend the interim development regulations by resolution or ordinance for no more than one additional period not to exceed six months. Upon the expiration of the interim development standards, no interim standards shall be imposed for a two-year period from the final expiration date of the standards.

(Ord. No. 16-08, 3-8-2016)

**Secs. 113-81—113-98. Reserved.**

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**Sec. 113-143. Established districts adopted; official zoning map.**

- (a) *Districts established.* The parish is hereby divided into districts or zones as set forth in section 113-142 and as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter.
- (b) *Official zoning map.* The official zoning map shall be identified by the signature of the parish president, council chairman, and chairman of the planning commission together with the date of the adoption of the ordinance from which this chapter is derived. A computerized reproduction of the official zoning map in whole or part, shall constitute an official zoning map when printed as a original production, printout, or graphic illustration, and bearing the signature of the planning commission or its duly appointed director or representative.
  - (1) *Changes to the official zoning map.* If, in accordance with ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the parish council with a revision date and zoning case number entered onto the zoning map.
  - (2) *Final authority as to zoning.* Regardless of the existence of purported copies of all or part of the official zoning map which may from time to time be made or published, The official zoning map, which shall be located in the parish engineer's office, shall be the final authority as to the current zoning status of all lands and waters in the unincorporated areas of the parish.
  - (3) *Replacement of the official zoning map.* If the official zoning map, or any portion thereof, becomes damaged, lost, destroyed or difficult to interpret by reason of the nature or number of changes, the parish council may, by resolution, adopt a new official zoning map which may correct drafting errors or omissions, but shall not amend the original official zoning map. The prior maps remaining shall be preserved as a public record together with all available records pertaining to the adoption or amendment.

(Code 1988, § 33:3; Ord. No. 99-24, 5-11-1999)