

**HOUSING AUTHORITY OF NEW ORLEANS  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
JULY 16, 2013**

**RESOLUTION NO. 2013-33**

**WHEREAS**, the City of New Orleans (City) previously transferred of all of its right, title and interest in and to the streets and rights of way within the William J. Guste, Sr. Homes development area bounded by Simon Bolivar, Thalia, South Liberty, Melpomene, South Robertson, Erato, Freret and Clio Streets, to the Housing Authority of New Orleans (HANO); and

**WHEREAS**, the former streets and rights of way within the development described above were vacated to clear the way for the development of 993 low-rent public housing units in the early 1960's; and

**WHEREAS**, HANO plans to re-develop the Guste site through the Guste III New Affordable Housing Unit project, which will result in 155 new low-income residential units built along a traditional street grid; and

**WHEREAS**, HANO's development plan presented to the City calls for reintroduction of the new streets and rights of way within the Guste III project to the Municipal street grid; and

**WHEREAS**, the New Orleans City Council, via Ordinance No. 25135, authorized the Mayor of the City of New Orleans to accept the donation of and to rededicate streets from HANO within the Guste III housing site through a Notarial Act of Donation and Dedication;

**THEREFORE, BE IT RESOLVED**, the Board of Commissioners hereby authorizes the Administrative Receiver to execute the Act of Donation and Dedication of Streets for parcels located within Guste III, a copy of which is attached hereto as "Exhibit A", for the purposes set forth therein, together with all conveyance documents, mutual releases, servitude and deed restrictions, and any and all other documents necessary to effect said donation of the streets and rights of way within the Guste III development to the City of New Orleans.

**EXECUTED this 16<sup>th</sup> day of July, 2013**

**APPROVAL:**

  
\_\_\_\_\_  
**DAVID GILMORE  
ADMINISTRATIVE RECEIVER  
CHAIRMAN, BOARD OF COMMISSIONERS**



July 16, 2013

**MEMORANDUM**

**To: David Gilmore  
Administrative Receiver  
Chairman, Board of Commissioners**

**From: Desiree Andrepont  
Director of Real Estate Planning and Development**

**Re: Guste III - Act of Donation and Dedication of the Streets and Rights of Way**

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In the early 1960's, the City of New Orleans transferred all of its right, title and interest in and to the streets and rights of way within the William J. Guste, Sr. development to the Housing Authority of New Orleans (HANO). The streets and rights of way were vacated, and low income units were built across those areas (the "low rise" units.) The old low rise units have since been demolished as part of HANO's planned Guste III New Affordable Housing Units project – through which 155 low income units will be built along a traditional street grid.

The new streets and infrastructure of the Guste III development are 98% complete. However, before the City of New Orleans will issue building permits for the vertical construction of the 155 units, HANO must complete a re-subdivision of the existing parcels in Squares 383, 358, 357, 350, 349 and 324.

As part of the development process, HANO filed a re-subdivision application under Subdivision Docket No. 80/11. The City Planning Commission tentatively approved the application subject a proviso that requires an Act of Donation and Dedication for the purpose of transferring the streets and rights of way to the City.

Accordingly, approval by the Board of Commissioners is requested to authorize the Administrative Receiver to sign the Act of Donation and Dedication of Streets and related documents to transfer HANO-owned streets and rights of way in the Guste III development to the City of New Orleans.

## ACT OF DONATION AND DEDICATION OF STREETS

BY: HOUSING AUTHORITY  
OF NEW ORLEANS

UNITED STATES OF AMERICA

STATE OF LOUISIANA

TO: THE CITY OF NEW ORLEANS

PARISH OF ORLEANS

BE IT KNOWN, that on this \_\_\_\_ day of \_\_\_\_\_, 2013; before me,  
Notaries Public, duly commissioned and qualified in and for the aforementioned State of  
Louisiana and the Parish of Orleans, and in the presence of the witnesses hereinafter  
named and undersigned:

### PERSONALLY CAME AND APPEARED:

HOUSING AUTHORITY OF NEW ORLEANS (HANO), a public  
body formed with corporate and politic governance powers, constituting a  
political subdivision of the State of Louisiana and organized under the  
laws of the State of Louisiana, whose principal place of business is located  
at 4100 Touro Street, New Orleans, Louisiana 70122, represented herein  
by David Gilmore-Administrative Receiver, hereinafter referred to as  
"Donor";

And

THE CITY OF NEW ORLEANS, a municipal subdivision of the State  
of Louisiana, whose principal place of business is 1300 Perdido Street,  
New Orleans, LA 70112, represented herein by Mitchell J. Landrieu-  
Mayor, hereinafter referred to as "Donee"

Donor, who declares that for good and valuable consideration, the receipt and  
sufficiency of which is hereby acknowledged, they do by these presents, irrevocably,  
give, grant, transfer and donate unto Donee, any and all rights, title and interest in and to  
the hereinafter described property , with all legal warranties and with full substitution and  
subrogation in and to all the rights and actions of warranty which Donor has or may have  
against all preceding vendors and owners, and Donee hereby appearing for the purpose of  
accepting same, accepts said donation for Donee, its successors and assigns, and  
acknowledges the delivery and possession of the following described property, to-wit::

**See Attached "Exhibits A thru F"**

The parties hereto waive the production of conveyance and mortgage certificates  
in connection with this donation and understand that neither have a title or tax

examination been performed and do hereby relieve and release me, Notary, from any and all liability and responsibility in connection therewith.

Furthermore, Donor hereby permanently dedicates said property to Donee for use of the streets by the general public and, as such, said streets shall become the sole liability and responsibility of Donee. The parties further agree that the Donee shall use the aforementioned described property exclusively for public purposes as public streets.

In the event the aforementioned described property is not used for the exclusive purposes as previously stated, the Donor shall be entitled to institute legal action to enforce performance and to enjoin any acts which are violative of this agreement. The Donor shall also be entitled to return of the donated property for breach of this agreement. Upon execution of the Donation, Donee assumes complete responsibility for the maintenance and upkeep of the premises. Donee assumes full responsibility for any damage or injury to any person or property occurring on said premises. Furthermore, Donee agrees to pay all costs associated with the transfer of this property, including, but not limited to, the Orleans Parish Documentary Transfer Tax.

Donee expressly waives formal demand, notice of default, citation and ordinary delays, consents to summary procedure, and confesses judgment reverting title.

The Property is accepted, donated and conveyed in its "as is" physical condition. Donee expressly waives all warranties as to the property herein donated, whether implied by this or any other writing or representation, as well as all warranties provided by law. This waiver applies to all warranties of any nature, express or implied, including without limitation warranties of fitness for a particular purpose, or of merchantability, or otherwise. Donee expressly waives any and all warranties with respect to all defects, whether apparent or latent, visible or not, and regardless of whether Donee is presently aware of such defects. This waiver of warranty extends to all defects, even if the defect or defects render the property absolutely useless, or so inconvenient and imperfect that Donee would not have accepted it had Donee known of the defect. Donee has examined the property thoroughly and is fully satisfied with its condition. Furthermore, Donor has disclosed, and Donee is fully aware of certain environmental conditions associated with this property. In addition, Donee waives, relieves, discharges, relinquishes and releases Donor from any and all demands, claims, causes of action or other rights to payment,

performance, remedy or relief, which Donee may have or may be otherwise entitled to, whether affecting person and/or property. Additionally, Donee assumes responsibility for any and all necessary environmental remediation necessary for its future use of the property.

**SIGNATURES ON FOLLOWING PAGES**

THUS DONE AND PASSED, in my office in New Orleans Louisiana, on the day, month and year hereinabove first written, in the presence of the undersigned competent witnesses, who have signed these presents with the said appearer and me, Notary after due reading of the whole.

WITNESSES:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

DONOR:

Housing Authority of New Orleans

BY: \_\_\_\_\_  
David Gilmore  
Administrative Receiver

\_\_\_\_\_  
NOTARY PUBLIC

THUS DONE AND PASSED, in my office in New Orleans Louisiana, on the day, month and year hereinabove first written, in the presence of the undersigned competent witnesses, who have signed these presents with the said appearer and me, Notary after due reading of the whole.

WITNESSES:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

DONEE:

City of New Orleans

BY: \_\_\_\_\_  
Mitchell J. Landrieu  
Mayor

Form and Legality Approved

\_\_\_\_\_  
By:  
Law Department

\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT A**

**PORTION OF SOUTH ROBERTSON STREET**

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA PARISH OF ORLEANS, FIRST DISTRICT, BETWEEN ERATO AND THALIA STREET, DESIGNATED AS A PORTION OF SOUTH ROBERTSON STREET AND MORE FULLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the southerly right of way line of Erato Street and the westerly right of way of South Robertson Street; thence along said southerly line in a easterly direction a distance of 44 feet, 9 inches, one line to a point; thence in a southerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 256 feet 3 inches, 1 line to a point; thence in a westerly

direction on an interior angle of  $90^{\circ}00'00''$  a distance of 44 feet, 9 inches, 1 line to a point on the westerly right of way line of South Robertson Street; thence along said westerly line in northerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 256 feet, 3 inches, 1 line to a point, the point of beginning.



EXHIBIT B

PORTION OF FRERET STREET

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ORLEANS, FIRST DISTRICT, BETWEEN ERATO STREET AND THALIA STREET, DESIGNATED AS A PORTION OF FRERET STREET AND MORE FULLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the southerly right of way line of Erato Street and the westerly right of way of Freret Street; thence along said southerly line a easterly direction a distance of 44 feet, 9 inches, 1 line to a point; thence in a southerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 256 feet, 2 inches, 1 line to a point; thence in a westerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 44 feet 9 inches, 1 line to a point on the westerly right of way line of Freret Street; thence along said westerly line in northerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 256 feet, 3 inches, 1 line to a point, the point of beginning.

EXHIBIT C

PORTION OF LASALLE STREET

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ORLEANS, FIRST DISTRICT, BETWEEN CLIO AND THALIA STREET, DESIGNATED AS A PORTION OF LASALLE STREET AND MORE FULLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the southerly right of way line of Clio Street and the westerly right of way line of Lasalle Street; thence along said southerly line in a easterly direction a distance of 44 feet, 9 inches, 1 line to a point; thence in a southerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 618 feet, 7 inches, 1 line to a point, thence in a westerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 44 feet, 9 inches, 1 line to a point on the westerly right of way line of Lasalle Street; thence along said westerly line in a northerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 618 feet, 7 inches, 1 line, to a point, the point of beginning.

**EXHIBIT D**

**PORTION OF SOUTH LIBERTY STREET**

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ORLEANS, FIRST DISTRICT, BETWEEN CLIO AND THALIA STREET, DESIGNATED AS A PORTION OF SOUTH LIBERTY STREET AND MORE FULLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the southerly right of way of Clio Street and the westerly right of way line of Clio Street and the westerly right of way line of South Liberty Street, thence along said southerly line in an easterly direction a distance of 63 feet, 11 inches, 3 lines to a point, thence in a southerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 618 feet, 7 inches, 1 line to a point, thence in a westerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 63 feet, 11 inches, 3 lines to a point on the westerly right of way line of South Liberty Street; thence along

said westerly line in a northerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 618 feet, 7 inches, 1 line to a point, the point of beginning.

EXHIBIT E

PORTION OF THALIA STREET

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ORLEANS, FIRST DISTRICT, BETWEEN SOUTH ROBERTSON STREET AND SOUTH LIBERTY STREET, DESIGNATED AS A PORTION OF THALIA STREET AND MORE FULLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the northerly right of way line of Thalia Street and the easterly right of way line of South Robertson Street; thence along said northerly line in a easterly direction a distance of 912 feet, 8 inches, 2 lines to a point; thence in a southerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 44 feet, 9 inches, 1 line to a point on the southerly right of way line of Thalia Street; thence along said southerly line in a westerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 912 feet, 8 inches, 2 lines to a point; thence in a northerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 44 feet, 9 inches, 1 line to a point, the point of beginning.

EXHIBIT F

PORTION OF ERATO STREET

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ORLEANS, FIRST DISTRICT, BETWEEN FRERET STREET AND EASTERLY RIGHT OF WAY LINE OF SOUTH LIBERTY STREET, DESIGNATED AS A PORTION OF ERATO STREET AND MORE FULLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the northerly right of way line of Erato Street and the easterly right of way line of Freret Street; thence along said northerly line in a easterly direction a distance of 678 feet, 4 inches, 6 lines to a point; thence in a southerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 42 feet, 7 inches, 4 lines to a point; thence in a westerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 678 feet, 4 inches, 6 lines to a point; thence in a northerly direction on an interior angle of  $90^{\circ}00'00''$  a distance of 42 feet, 7 inches, 4 lines to a point, the point of beginning.