



**REQUEST FOR QUALIFICATIONS** **April 2014**  
**Real Estate Marketing Services-Lake Charles Lakefront Development**

***Summary: The City of Lake Charles is issuing this Request for Qualifications from firms qualified to provide marketing services to develop and promote high visibility mixed use projects along the City's lakefront in accordance with the City's overall plan for development set forth in Section 7-09 of the City Charter. Qualified firms may indicate interest by responding to this RFQ with the information requested below.***

**INTRODUCTION**

Lake Charles is located in southwestern Louisiana and is the fifth largest city in the state. Bisected by Interstate 10, the City is 140 miles east of Houston and 120 miles west of Baton Rouge. The downtown is located on the Calcasieu River, which emerges into the large, attractive lake for which the City is named.

The City of Lake Charles (the "City") owns several tracts of undeveloped property along the Lake Charles lakefront in the designated Downtown Development District, Lakefront sub-district and is soliciting qualifications for a Real Estate Marketing firm for these sites. The City desires to utilize the full development potential of the sites.

The purpose of this RFQ is to select a qualified real estate consulting, development and/or marketing firm to market, to create development options and a process to select qualified developers to develop all or a portion of the lakefront property in accordance with Section 7-09 of the City Charter and as set forth in attached Resolution 55-14. Responses should include a detailed description of the firm's experience, with particular emphasis on the responder's experience with mixed use sustainable development and the implementation of Smart Codes or projects consistent with Smart Code development. Of particular interest are high visibility water front projects and projects with a focus on creating a mixed use center.

Based on the RFQs received, the City will determine the viability of the submittals and will identify a short list of potential teams to interview. If, after interviews, the City determines that one or more of the submittals is viable, it will begin negotiations with potential teams for the purpose of selecting one to provide the services as set forth herein.

The City will consider a wide range of development options to enable it to achieve the most viable and productive development for the site. Also, the City reserves the right to halt the process at any stage, to reject any responses that do not conform to the intent and purpose of this RFQ and to reject all proposals for any reason.

  
**Randy Roach, Mayor**

**City of Lake Charles**

### **REGISTRATION AND QUESTIONS:**

All interested proposers **must** email an indication of your interest to respond to this Request for Qualifications **by Monday May 12, 2014** at **2p.m.** to the following address: [lthibodeaux@cityoflc.us](mailto:lthibodeaux@cityoflc.us) and should state in all capital letters in email subject line **"LAKEFRONT RFQ REGISTRATION"**

Registration must include full contact information, including email, mailing and physical addresses and phone numbers.

All questions should be submitted in writing, should state in all capital letters in email subject line **"LAKEFRONT RFQ"** and should be directed to: [jcardone@cityoflc.us](mailto:jcardone@cityoflc.us) and [lmartinovich@cityoflc.us](mailto:lmartinovich@cityoflc.us)  
A copy of all questions and answers will be distributed to registered proposers. **No questions will be accepted after 4:30 p.m. Monday May 19, 2014.**

### **SUBMITTAL REQUIREMENTS AND PROCEDURES:**

Sealed qualifications must be received by the City of Lake Charles, no **later 4:30 p.m. Friday May 30, 2014** in accordance with this Request for Qualifications and the attached documents.

### **DELIVERY:**

An original and ten (10) hard copies and a complete electronic copy of all Requests for Qualification Proposals should be delivered to:

City of Lake Charles  
Office of the City Council  
P. O. Box 1178 (70602) OR 326 Pujoe Street 4<sup>th</sup> Floor (70601)  
Lake Charles, LA  
ATTN: Lynn Thibodeaux, Clerk of the Council  
PHONE: (337) 491-1290  
[lthibodeaux@cityoflc.us](mailto:lthibodeaux@cityoflc.us)

Proposals should be clearly marked on the outside as:

**"Request for Qualifications -- Real Estate Marketing Services, Lakefront Development"**

The proposal must be signed by an official authorized to bind the responder.

### **SUBMITTAL REQUIREMENTS**

**RFQ submittal should follow this format:**

1. Introduction:
  - a. Provide general company information including the address of the primary office and company history.
2. Letter of transmittal. The letter of transmittal shall be no longer than two pages in length and shall contain:
  - a. The name, title, address, telephone and fax number(s) of the individual(s) with authority to bind the proposer during the period in which the City is evaluating proposals. Such individual shall sign the Letter of Transmittal.
  - b. The address and legal form of the proposer. If a teamed approach is being proposed, provide the above information for all participating firms.
  - c. Statement that the proposal will remain in effect for and not be withdrawn for 90 days after the due date.
  - d. Statement acknowledging receipt of every Addendum that the City may issue to the RFQ.
  - e. Statement that, if selected, proposer will negotiate in good faith with the City.

3. Staff Qualifications:
  - a. Provide an organizational chart that illustrates how the company is organized and managed.
  - b. Provide resumes of those key staff members who will be completing the work with detailed relevant strategic and operational implementation, planning, and design experience. This submittal should fully describe the experience background of each individual and provide a description of professional status or applicable certification(s) indicating the applicable licenses to do business in the state of Louisiana and the City of Lake Charles. Two page limit on individual resumes.
  
4. Company Qualifications:
  - a. List a minimum of five (5) representative projects of comparable type work completed, highlighting experience in the design, establishment of strategic implementation frameworks, entitlement, development of operational structures, and otherwise leadership in the execution of comprehensive projects.
  - b. Provide brief description of project, client name, address, contact person, telephone number, and key staff member's name and responsibility.
  
5. Schedule:
  - a. Provide a statement and relevant evidence to attest to the Company's ability to perform this contract in a timely matter so as to allow the City of Lake Charles the greatest opportunity for development.
  
6. Project Approach:
  - a. Provide a brief narrative of the company's plan to perform and complete this contract.
  - b. What is the Marketing strategy for development?
  - c. Address the issue of timing. Assess market now and implement after construction is complete (18 months later)
  
7. Project fee schedule:
  - a. Provide to the City a schedule of performance, outline of services to be provided, and a detailed description of the proposed fee structure.
  - b. Indicate the role for each person assigned to this project and the principal Point of Contact.
  
8. Insurance, Indemnification, DBE , etc. See Additional information section below.
  
9. Addenda:
  - a. Replies of substance will be in the form of written addenda and submitted to all registered responders and posted with the proposal on the City of Lake Charles's website at: <http://www.cityoflakecharles.com>
  
- 10. No questions will be accepted after 4:30 p.m. Monday May 19, 2014.**

**EVALUATION CRITERIA:**

Ranking: RFQ will be ranked/evaluated using the following criteria:

1. Professional qualifications necessary for satisfactory project performance;
2. Specified experience and technical competence in the type of work;
3. Capacity to complete the work in a timely fashion;
4. Firm’s approach and understanding of the work to be completed (as determined from the completeness and adequacy of the response);
5. DBE Participation: Local, minority, and disadvantaged business participation are strongly encouraged. Interested firms are advised that no specific local, minority or disadvantaged participation levels have been set for this project. However, such participation has been of interest to the City in the past and will be a consideration in the award of the contract for this project. All responders shall take into consideration the demographics of the local community when submitting proposals for consideration

Interested parties should contact Lori Marinovich [lmarinovich@cityoflc.us](mailto:lmarinovich@cityoflc.us) for an electronic file of the Lakefront Plan and supporting documents or visit [www.cityoflakecharles.com](http://www.cityoflakecharles.com)

**SCHEDULE**

Distribute Request for Qualifications	April 28, 2014 Monday
Registration deadline and Voluntary pre-submittal conference and site tour; Lake Charles Civic Center, 900 Lakeshore Drive, Lake Charles, Louisiana 70601	May 12, 2014 at 2 pm Monday
Deadline for submission of questions to be included in Addendum	May 19, 2014 Monday 4:30 pm
Statement of Qualifications due to 4 <sup>th</sup> Floor 326 Pujo Street, Lake Charles, Louisiana 70601	4:30 pm on May 30, 2014 Friday
Shortlist and schedule interviews	By June 10, 2014
Conduct interviews	By June 17, 2014
Council Authorization to begin negotiations with one or more teams	July 2, 2014

**Additional information:**

Proposals may be delivered in person or by mail to the above address. PROPOSALS MUST BE PRESENTED IN WRITING; VERBAL OR FAXED PROPOSALS ARE NOT ACCEPTABLE. It is the Responder's responsibility to deliver Solicitation for Qualifications to the specified location prior to the time for the close of acceptance of Solicitation for Qualifications. The City assumes no responsibility for submitted Solicitation of Qualifications after the advertised deadline or at any office or location other than that specified herein, whether due to mail delays, courier mistake, mishandling, or any other reason. If Solicitation for Qualifications are delivered by other than hand delivery, it is recommended that the responder verify delivery. Any proposal received after the specified time and date will not be considered and will be returned unopened to the firm.

No reimbursement will be made by the City of Lake Charles for any costs incurred prior to a formal notice to proceed should an award of contract result from this solicitation.

The City of Lake Charles reserves the right to reject any and all responses and to waive technicalities as deemed to be in the best interest of the City. The City of Lake Charles reserves the right to request additional information from a respondent(s) as deemed necessary to analyze responses.

**INSURANCE:** The responder shall possess and maintain general liability coverage of at least \$1,000,000 per occurrence or bodily injury, personal injury, and property damage. Policy shall be endorsed to name the City of Lake Charles as an additional insured, provide thirty (30) days notice of any cancellation, modification, and/or alteration of the coverage, and specifically identify the project being insured.

The responder shall possess and maintain professional/public liability insurance coverage with a minimum limit of \$1,000,000 per claim covering itself and all of its employees and agents.

**SUBMIT WITH PROPOSAL:** Submit with proposal a specimen copy of Certificate of Insurance. Upon award of contract and prior to commencement of work under this contract, the successful responder shall provide the City of Lake Charles a Certificate of Insurance showing the type and limits of Insurance specified.

**INDEMNIFICATION:** Contractor assumes and agrees to be responsible for all claims for damages for injuries to persons or property arising out of the performance of its contract, whether due to its own default or negligence, negligence of its subcontractors, defective conditions of the premises, negligence of the City of Lake Charles or otherwise; provided, however, that contractor shall not be liable for any damage due solely to the affirmative negligent acts of the City of Lake Charles committed in the performance by the city of Lake Charles of any work on the premises. Contractor agrees to indemnify the City of Lake Charles on account of such claims and further agrees that it will indemnify the City of Lake Charles fully against any damages, fines, penalties or forfeitures of any kind which may be imposed upon or levied against the City of Lake Charles as the result of the contractor's violation or failure to comply with any valid law, ordinance or regulation of the United States, State of Louisiana, or the City of Lake Charles, including the Federal Occupational Safety and Health Act of 1970 as amended from time to time or any federal regulation adopted pursuant thereto. To further assure the performance of the covenant, the contractor shall procure and constantly maintain in force, at its expense, the liability insurance required.

**LEGAL COMPLIANCE:** Consultant agrees to abide by the requirements of the following laws as applicable: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1972, and the Americans With Disabilities Act of 1990. Further, Consultant agrees not to discriminate in its employment practices, and will render services under this Agreement, without regard to race, color, religion, sex, national origin, veteran status, political affiliation, disability, or sexual orientation. Any act of discrimination committed by Consultant or failure to comply with the foregoing legal obligations, as applicable, shall be grounds for termination of this Agreement.

**CONFLICTS OF INTEREST/NON-COLLUSION**

It is important that proposer avoid conflicts of interest. A typical conflict of interest is a situation where the proposer's private interest would interfere with its loyalty or responsibilities to the City or raises question about such interference. Accordingly, during the term of any agreement between the City and proposer that results from this RFQ, or while proposer is either performing services or receiving payment pursuant to any such agreement, proposer will not accept work, enter into a contract, accept an obligation, or engage in any activity, paid or unpaid, inconsistent or incompatible with proposer's obligations, or the scope of services to be rendered, to the City under the agreement, or that creates a actual or potential conflict of interest with the City. Proposer shall warrant that, to the best of its knowledge, there is no other contract or duty on proposer's part that conflicts with or is inconsistent with the services sought to be provided the City pursuant to this RFQ. Proposer, upon signing an agreement with the City, shall submit to the City, on such form as the City shall designate, a Non-Collusion Affidavit.

## **BACKGROUND**

Downtown Lake Charles is the central business, government, judicial and financial district for the region. The downtown has an advantageous location along I-10, which is the principal east-west artery of the entire Gulf Coast. The downtown is also located directly on the scenic lakefront and is immediately surrounded by high-quality neighborhoods to the south and east, including several historic areas.

The City of Lake Charles has considered several plans and concepts to reinvigorate the downtown business core and the public civic center area in recent decades. During Hurricane Rita, downtown Lake Charles experienced severe hurricane damage to buildings and infrastructure. After the hurricanes, Governor Blanco and the Louisiana Recovery Authority (LRA) initiated Hurricane Rita Recovery Planning with a team of high-profile architects and planners. Soon after the storm, the FEMA ESF-14 planning process began. Partnering with the Governor's LRA Louisiana Speaks initiative, FEMA initiated the Calcasieu Parish Long-Term Community Recovery Planning and Recovery Tool. This planning tool was finalized in spring 2006. Lakefront development was identified by residents as the number one priority for recovery in this parish-wide planning process.

In February 2006 the LRA sponsored a week-long series of public charrettes led by the design team of Duany, Plater-Zyberk & Company (DPZ). They incorporated intensive public input to generate a visionary, long-range plan to act as a catalyst for area redevelopment. The plan, entitled: "Downtown Lake Charles Charrette Report" was unanimously adopted by the City Council on February 11, 2006.

The Downtown Lake Charles Charrette Report provides the downtown with a vision that encourages mixed-use pedestrian-friendly development, and capitalizes on the downtown's terrific environment and regional location. It envisions converting the Lake Charles downtown lakefront development district into an active, medium-density urban community containing pedestrian-friendly streets leading past shops through greenways and embracing the lakefront. This pedestrian-friendly downtown environment is expected to reinvigorate construction activity, generate private investment, spawn economic expansion, and establish a regional cultural activity center.

### **Louisiana Speaks Downtown Lake Charles Charrette Report 2007**

The Downtown Lake Charles Charrette Report proposes recommendations to revitalize Downtown Lake Charles by:

1. Reconnecting the downtown core with the lake by extending the urban fabric over the large and valuable stretches of waterfront that are currently dedicated to surface parking.
2. Redesigning the water's edge to be conducive to public use, while incorporating techniques for storm surge and flood mitigation.
3. Creating predictable outcomes by means of a practical plan and code, thus enticing private developers to become active.
4. Resolving access and other traffic problems, and initiating an urban pattern that supports transit.
5. Integrating several projects that were under consideration before the hurricane.
6. Catalyzing post-hurricane housing construction of a certain baseline quality.
7. Achieving this quickly by taking advantage of opportunities created by the hurricane.
8. Providing an urban downtown plan that works as a model for using environmental building techniques and protections.

Following the adoption of this Charrette Report, the City Council adopted the Lake Charles Smart Code developed by DPZ for the Downtown Development District in May 2006.

### **Lake Charles Smart Code**

It is intended that the development of these lakeside properties be compatible with the goals of the Downtown Lake Charles Charrette Report and the Lake Charles Smart Code and provide a strong catalyst for reinvigorating the Lake Charles downtown development district.

### **The Lakefront Plan City Charter amendment Section 7-09**

The citizens of Lake Charles are very clear in their vision and expectations for lakefront development. The Lake Charles Smart Code, developed by DPZ was adopted in June 2006 to guide downtown development, including development along the lakefront. The City further engaged DPZ to refine the concepts identified in the Charrette Report into a conceptual master plan, the Lakefront Plan, which was finalized in November 2006. Lake Charles' voters approved (with 80 percent public approval) the Lakefront Plan on May 5, 2007, enabling the Downtown Development Authority (DDA) to enter into long term lease of designated development tracts.

The Lakefront Plan allows for development of approximately 65 acres of City- owned land with private development, which will encourage the construction of new buildings and the renovation of existing buildings while ensuring that rebuilt structures would have modern storm standards to mitigate future hurricanes.

Both the code adoption and the public referendum approvals provide a significant amount of predictability to proposed development requirements and also show a strong indication of the public support for this development. The City has a clear mandate from the

citizens on their desire for a public/private partnership that results in high quality mixed use development along the lakefront. Lakefront plan as described in Ordinance 14083

[Final ordinance Charter Ord. No. 14083](#)

[Lake Shore Charter Amendment Plan-exhibitA-030707](#)

#### **Available Property Descriptions:**

**Long Term Lease of City Property – Lakefront Sub-District per Ordinance 14083** The City owns the tracts under consideration and wishes to enter into a long-term lease and public/private partnership with one or more Master Developers. All developed property will be made available through a long-term lease with the City; the sale of this property is not considered as an option.

[Final ordinance Charter Ord. No. 14083](#)

[Lake Shore Charter Amendment Plan-exhibitA-030707](#)

#### **Property for Sale- donation from PNK (SCB) LLC per Ordinance 16297**

By Council authority Ordinance 16297, the City of Lake Charles has authority to sell surplus property the tract of land donated by PNK (SCB) LLC to the City of Lake Charles.

[Ord. 16297 sale of Pinnacle surplus property 5-16-12](#)

[25 PUBLIC SERVITUDE EXHIBIT 05-2-2013](#)

#### **PROPOSED DEVELOPMENT GOALS**

The City of Lake Charles is committed to creating high quality mixed use development that will maximize the benefits to the downtown and the community. The City encourages creative and innovative development that is compatible with the approved downtown plan.

Project goals include the following:

##### **Promote the City of Lake Charles's Downtown**

Promoting the growth and vibrancy of Lake Charles's downtown area as well as encouraging connectivity with the surrounding community.

##### **Compatibility**

Providing development compatible with the City of Lake Charles's DDD plans and the existing Civic Center.

##### **Maximizing Value**

Developing the site to its full potential, thereby maximizing the associated value to the DDD and the City.

##### **Sustainability**

Creating an environment that is planned using smart growth principles and to the extent possible is environmentally sustainable by incorporating Leadership in Energy Efficient Design (LEED) standards.

##### **Jobs**

Stimulating jobs through the development process. The project should promote an equitable business environment by creating opportunities for participation by qualified local businesses as well as minority and women-owned businesses, and encouraging involvement in apprenticeship program

#### **SIGNIFICANT PROGRAMS & RESOURCES**

##### **Downtown Development District, Lakefront Development Sub-district (LDS) Established per Ordinance 14114**

[Ordinance 14114 establishes the LDS per 33-9038.57](#)

The LDS covers the publically owned property in the lakefront area. The purpose of the LDS is to provide an investment and development zone that encourages the revitalization of the traditional city center and permits the coordination of lakefront development with the recognition, preservation, protection and adaptive reuse of the historic and cultural resources of the district so as to emphasize the dense urban character, foster continued redevelopment, and maintain the pedestrian, street-oriented character. A seven- member Downtown Development Authority (DDA-LDS) oversees all LDS activities

##### **Tax Increment Financing District (TIF)**

The City has adopted ordinance 14114 Lake Charles Tax Increment Financing Ordinance authorizing the City of Lake Charles to create a special taxing district and political subdivision of the state to provide for the commercial and/or residential development of designated areas along the lakefront in accordance with a comprehensive plan for development of property within the boundaries of the downtown development district. The special taxing district has as its purpose cooperative economic development between the City of Lake Charles, Lake Charles Facilities, or the special taxing district in order to provide for the renovation, restoration, and development of a hotel and for the commercial or residential development of all or any portion of the lakefront. The special taxing district may utilize sales tax increment financing of the costs and expenses associated with infrastructure improvements constructed in accordance with the Lakefront Plan for the commercial or residential development of property in the DDD. State and local authority has been granted for the TIF district. A local vote is required to enact the specific TIF district. The City will call an election to activate the TIF once an acceptable development plan is approved by council and ready for public review

##### **Streamlined Development Procedures**

To ensure that development review is timely, efficient and supports the goals of this project, the Downtown Development Authority will review development proposals and permits to ensure compliance with City requirements and to provide timely review of all submittals.

## **SITE DESCRIPTION**

### **An overview map exhibit of all available property**

[Lake Front 2014 RFQ marketing Exhibit](#)

### **Property for Sale- donation from PNK (SCB) LLC per Ordinance 16297**

By Council authority Ordinance 16297, the City of Lake Charles has authority to sell surplus property the tract of land donated by PNK (SCB) LLC to the City of Lake Charles.

[Ord. 16297 sale of Pinnacle surplus property 5-16-12](#)

[25 PUBLIC SERVITUDE EXHIBIT 05-2-2013](#)

**Long Term Lease of City Property – Lakefront Sub-District** The City owns the tracts under consideration and wishes to enter into a long-term lease and public/private partnership with one or more Master Developers. All developed property will be made available through a long-term lease with the City; the sale of this property is not considered as an option.

[Final ordinance Charter Ord. No. 14083](#)

[Lake Shore Charter Amendment Plan-exhibitA-030707](#)

### **Lakefront- Sub-District Tracts Descriptions and Uses**

**Tract One Description** Tract One is bordered on the east by Lakeshore Drive, on the north by the Lakeshore Drive Drainage Lateral, on the west by Lake Charles, and on the south by the Pithon Coulee Locks. This tract shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to six acres. The Civic Center grounds are included in Tract One. Additionally, Tract One includes several sub-tracts designated as Tract One-A, Tract One-B, Tract One-C and Tract One-D. The adjacent area designated for Lakeshore Drive shall also be available for commercial and residential use if all or any portion of this right-of-way is abandoned.

**Tract One Authorized Uses** Tract One-A, Tract One-B, Tract One-C and Tract One-D are designated for commercial and/or residential development. The remainder of Tract One is reserved for recreational and public use. All commercial and residential development in Tract One shall be subject to Servitude of Public Use. Any development in Tract One shall accommodate the following existing uses: Millennium Park, PPG Fountain, Civic Center, Amphitheater and the 911 Memorial. These existing uses may be improved and/or relocated within the area designated as reserved for recreational or public use. All other existing improvements are subject to demolition to accommodate future commercial or residential development.

**Tract Two Description** Tract Two is bordered on the east by Lakeshore Drive, on the north by the Veteran's Memorial Park, on the west by Lake Charles, and on the south by Tract One, and is comprised of approximately 8 acres. Tract Two shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to ten acres. The adjacent areas designated for Lakeshore Drive shall also be available for commercial and recreational use if all or any portion of this right-of-way is abandoned

**Tract Two Authorized Uses** Tract Two is designated for commercial and/or residential development. All commercial and residential development shall be subject to a Servitude of Public Use. Any development in Tract Two shall accommodate the following existing uses: Veteran's Memorial Park. All other existing improvements shall be subject to demolition to accommodate development. This area may be also used for the construction and operation of a facility known as the America's Wetland Discovery Center by America's Wetland Discovery Center, Inc., a Louisiana Nonprofit Corporation.

**Tract Three Description** Tract Three consists of property owned by the City of Lake Charles bordered on the east by the west boundary of the land now owned by Pinnacle Entertainment, LLC, on the north by the I-10 service road, to the west by the North Beach Recreation area, and to the south by Lake Charles, and is comprised of approximately 10 acres. Tract Three shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to fourteen acres.

**Tract Three Authorized Uses** Tract Three is designated for commercial and/or residential development. All commercial and residential development in Tract Three shall be subject to a Servitude of Public Use. Any development in this area shall accommodate the Offices of the Convention and Visitor's Bureau (CVB). All other existing improvements shall be subject to demolition to accommodate development.



**Tract Four Description** Tract Four includes that portion of the lakefront property of the City of Lake Charles extending from the east boundary of the area known as the North Beach Recreation area down to and including the Yacht Club limited to the strip of land within one hundred twenty-five feet of the existing parking area along the beach. Tract Four shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to five acres.

**Tract Four Authorized Uses** Tract four is designated for commercial development. Commercial development in this area shall be limited to facilities that support recreational use of this area. The remainder of Tract Four is reserved for public use.

**Servitude of Public Use Definition** Land immediately adjacent to the bank of the lakefront, or the seawall in areas reclaimed as authorized under state law. This servitude, or right-of-way, is reserved for the construction and maintenance of public uses which may include but are not limited to: public walkways, landscaping, public parks, public space, piers, docks and limited vehicular ingress and egress.

#### **Required Public Servitude**

##### SECTION 4. Servitude of Public Use.

(a) Except as hereinafter set forth, all development of land owned by the city in areas designated as Tract One, Tract Two and Tract Three shall be subject to a minimum sixty (60) foot Servitude of Public Use immediately adjacent to the bank of the lakefront, or the seawall in areas reclaimed as authorized under state law. This servitude is reserved for the construction and maintenance of said Servitude of Public Use which may include but is not limited to: public walkways, landscaping, public parks, public space, piers, docks, and limited vehicular ingress and egress.

(b) On Tract One D, Tract Two and Tract Three, the Servitude of Public Use shall be a minimum of Sixty (60) feet in width unless modified by the City Council to a width of not less than Twenty (20) feet. Within Tract Two, the Servitude of Public Use may deviate from the current shoreline and be relocated in the area of the lakefront leased for the construction and operation of the NHMSC per the CEA

(c). On Tract One A, Tract One B and Tract One C, the Servitude of Public Use shall be a minimum of Sixty (60) feet in width unless modified by the City Council to a width of not less than Forty (40) feet.

(d). Any modification of the Servitude of Public Use as provided for in Section 4 (b and/or c) above, shall be in the form of a request for variance by ordinance for a specific development and adopted by the affirmative vote of two thirds (2/3rds) of the entire authorized membership of the City Council.

(e) The City of Lake Charles shall make all reasonable efforts to obtain a Sixty (60) foot minimum Servitude of Public Use adjacent to the shoreline of the lakefront on the privately owned land areas to provide for continuous public access pursuant to applicable Louisiana law.

(f) The Servitude of Public Use areas, except as provided for herein, may be modified only by an amendment to the City Charter.

(g) Nothing herein shall prevent the City from issuing permits to vendors and others allowing for placement of temporary movable structures to provide seasonal, itinerant and incidental commercial services to facilitate public use and enjoyment of the lakefront within this defined servitude area by members of the public or patrons of commercial establishments located in the adjacent developed areas, provided continuous public access is maintained.

**Unified Development Code Requirements:** The areas within Tracts One, Two, Three, and Four which are available for commercial and/or residential development as provided herein shall be developed in accordance with Section 5-306 of Appendix A-Zoning (Smart Code) of the Code of Ordinances of the City of Lake Charles. [Lake Charles Smart Code](#)

**25 FOOT WIDE PUBLIC SERVITUDE**

A 25 FOOT WIDE PUBLIC SERVITUDE IN SECTION 31, TOWNSHIP 9 SOUTH, RANGE 8 WEST, LAKE CHARLES, CALCASIEU PARISH, LOUISIANA, LOCATED GENERALLY ALONG NORTH SHORE OF LAKE CHARLES IN THE VICINITY OF THE FORMER PINNACLE HOTEL PROPERTY SITE AND BEING MORE FULLY DESCRIBED AS A 25 FOOT WIDE PUBLIC SERVITUDE LYING NORTH OF AND ADJOINING THE FOLLOWING DESCRIBED OR SOUTHERN BOUNDARY OF SAID 25 FOOT SERVITUDE:

FOR A POINT OF COMMENCEMENT, BEGIN AT THE SOUTHEAST CORNER OF BLOCK 3 OF THOMAS BILBO AND ANN LAWRENCE SUBDIVISION IN THE CITY OF LAKE CHARLES, LOUISIANA;

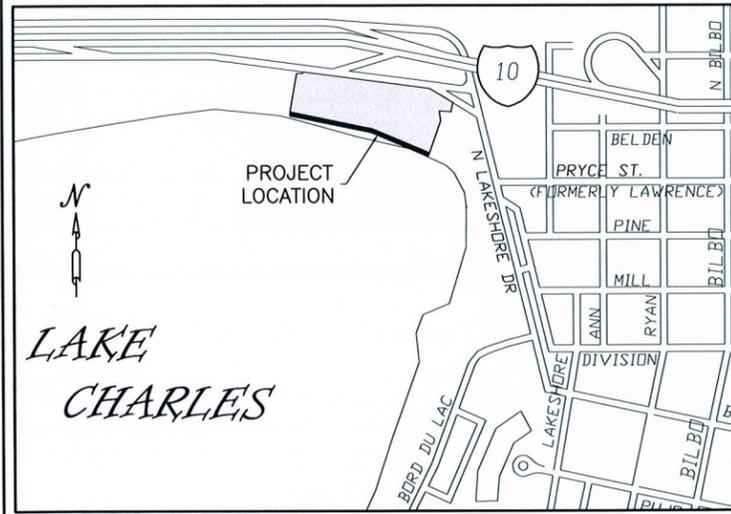
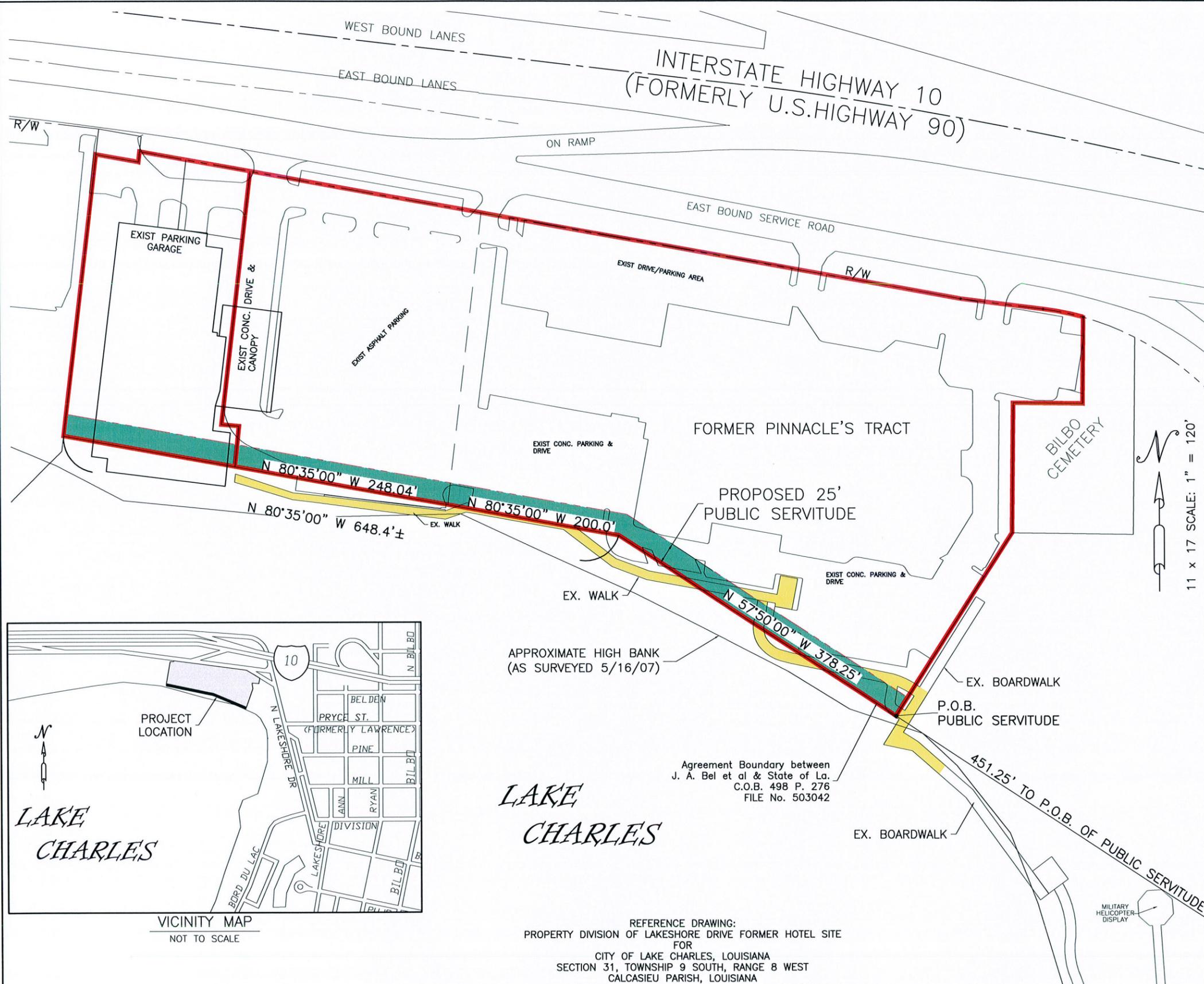
THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF LAWRENCE STREET AND ALONG THE WEST PROLONGATION OF THE NORTH RIGHT-OF-WAY LINE OF LAWRENCE STREET 450.0 FEET TO THE POINT IN THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 90 - BUSINESS ROUTE AND/OR THE WEST RIGHT-OF-WAY LINE OF ORANGE STREET (ABANDONED) PROJECTED SOUTH;

THENCE WEST 60.0 FEET ALONG THE AGREEMENT BOUNDARY LINE BETWEEN THE STATE OF LOUISIANA AND THE J.A. BEL, ET AL ESTATE, PER COB 498, PAGE 276, FILE #503042;

THENCE NORTH 57°50'00" WEST 451.25 (RECORD) ALONG THE SAID AGREEMENT LINE TO THE POINT OF COMMENCEMENT OF THE 25 FOOT WIDE PUBLIC SERVITUDE HEREIN DESCRIBED.

THENCE NORTH 57°50'00" WEST 378.25 (RECORD) ALONG THE SAID AGREEMENT LINE;

THENCE NORTH 80°35'00" WEST 648.4 FEET MORE OR LESS ALONG THE SAID AGREEMENT LINE TO THE WEST LINE OF THE EXISTING PARKING GARAGE PARCEL.

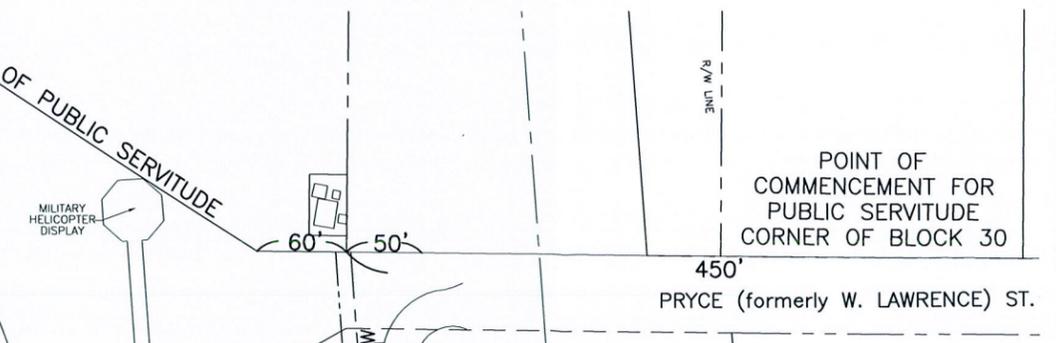


APPROXIMATE HIGH BANK (AS SURVEYED 5/16/07)

**LAKE CHARLES**

Agreement Boundary between J. A. Bel et al & State of La. C.O.B. 498 P. 276 FILE No. 503042

REFERENCE DRAWING:  
PROPERTY DIVISION OF LAKESHORE DRIVE FORMER HOTEL SITE FOR  
CITY OF LAKE CHARLES, LOUISIANA  
SECTION 31, TOWNSHIP 9 SOUTH, RANGE 8 WEST  
CALCASIEU PARISH, LOUISIANA  
BY MORRISON SURVEYING, INC. REVISE DATE 4/12/2012



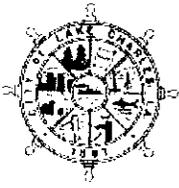
No.	DATE	REVISION DESCRIPTION	BY	FIELD BOOK
1				

DRAWN	M. W. Leger
APPROVED	D. W. JESSEN, JR.
DATE	04/26/13
ACAD FILE	2012-606(Demolition of Harrah's site parking-foundation).dwg
REFERENCE	N/A
	N/A

**D.W.J.**  
D. W. Jessen & Associates, LLC  
Civil and Consulting Engineers Lake Charles, Louisiana  
440 Kirby Street Lake Charles, LA 70601  
Phone: (337)433-0561 Fax: (337)433-5842  
D. W. Jessen, Jr., P.E., P.L.S.  
P.E. La. Reg. No. 21449 P.L.S. La. Reg. No. 4616

PROJECT No. LC-2013-603	SHEET NUMBER
CITY OF LAKE CHARLES	01
EXHIBIT SHOWING 25 FOOT PUBLIC SERVITUDE AND BOARDWALK ON CITY PROPERTY (FORMER PINNACLE TRACT) LCMGB SITE	
LOCATION PLAN	

I:\land projects 2012\2012-606(DemoHarahsite)\dwg\2012-606(Demolition of Harrah's site parking-foundation).dwg, 4/26/2013 5:01:27 PM, mlegel



# City of Lake Charles

## Signature

Ordinance Number: 14083

326 Pujo Street  
P.O. Box 1178  
Lake Charles, LA  
70602-1178

---

**An ordinance authorizing implementation of an amendment to the Charter of the City of Lake Charles to provide for and permit the commercial and/or residential development of the entirety of the lakefront property owned by the City and generally described for reference purposes on the attached Lakefront Development map and attached hereto as "Exhibit A", as follows:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in special session convened, that:

SECTION 1. Effective Date. The provisions of this Ordinance shall be effective only if the majority of the voters approve the commercial and residential development of the lakefront as defined herein in a referendum vote scheduled for May 5, 2007.

SECTION 2: Title. Lakefront Development Plan.

SECTION 3. Description of land and authorized use.

(a) The map attached hereto and made a part hereof by reference as Exhibit "A" generally describes the areas reserved for public use and those areas which will be available for commercial and residential development of the lakefront if approved by a majority of the voters as set forth above. Public areas are highlighted in green.

(b) Tract One.

I. Tract One is bordered on the east by Lakeshore Drive, on the north by the Lakeshore Drive Drainage Lateral, on the west by Lake Charles, and on the south by the Pithon Coulee Locks. Tract One shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to six (6) acres. The Civic Center grounds are included in Tract One. Additionally, as shown in Exhibit A, Tract One includes several sub-tracts designated as Tract One-A, Tract One-B, Tract One-C, and Tract One-D. The adjacent area designated for Lakeshore Drive shall also be available for commercial and residential use if all or any portion of this right-of-way is abandoned.

II. Tract One Authorized uses:

Tract One-A, Tract One-B, Tract One-C and Tract One-D are designated for commercial and/or residential development.

The remainder of Tract One shall be reserved for recreational and public use. All commercial and residential development in Tract One shall be subject to a servitude of Public Use as set forth in Section 4 herein.

Any development in Tract One shall accommodate the following existing uses: Millennium Park, PPG Fountain, Civic Center, Amphitheater and the 911 Memorial.

These existing uses may be improved and/or relocated within the area designated as reserved for recreational or public use.

All other existing improvements would be subject to demolition to accommodate future commercial or residential development.

(c) Tract Two

Tract Two is bordered on the east by Lakeshore Drive, on the north by the Veteran's Memorial Park, on the west by Lake Charles, and on the south by Tract One. Tract Two shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to ten (10) acres. The adjacent area designated for Lakeshore Drive shall also be available for commercial and residential use if all or any portion of this right-of-way is abandoned.

#### I. Tract Two Authorized uses

Tract Two is designated for commercial and/or residential development. All commercial and residential development shall be subject to a Servitude of Public Use as set forth in Section 4 herein. Any development in Tract Two shall accommodate the following existing uses: Veteran's Memorial Park. All other existing improvements shall be subject to demolition to accommodate development. This area may be also used for the construction and operation of a facility known as the America's Wetland Discovery Center by America's Wetland Discovery Center, Inc., a Louisiana Nonprofit corporation, pursuant to a 99 year lease agreement if the majority of the voters approve such use in the referendum vote scheduled for May 5, 2007.

#### (d). Tract Three

Tract Three consists of property owned by the City of Lake Charles bordered on the east by the west boundary of the land now owned by Pinnacle Entertainment, LLC., on the north by the I-10 service road, to the west by the North Beach Recreation area, and to the south by Lake Charles. Tract Three shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to fourteen (14) acres.

#### I. Tract Three Authorized Uses

Tract Three is designated for commercial and/or residential development. All commercial and residential development in Tract Three shall be subject to a Servitude of Public Use as set forth in Section 4 herein. Any development in this area shall accommodate the Offices of the Convention and Visitor's Bureau (CVB). All other existing improvements shall be subject to demolition to accommodate development.

#### (e) Tract Four

Tract Four includes that portion of the lakefront property of the City of Lake Charles extending from the east boundary of the area known as the North Beach Recreation area down to and including the Yacht Club limited to the strip of land within one hundred twenty-five (125) feet of the existing parking area along the beach. Tract Four shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to five (5) acres.

#### I. Tract Four Authorized Uses

Tract Four is designated for commercial development. Commercial development in this area shall be limited to facilities that support recreational use of this area within the area described above. The remainder of Tract Four is reserved for public use.

#### (f). Unified Development Code for Lake Charles

The areas within Tracts One, Two, Three, and Four which are available for commercial and/or residential development as provided herein shall be developed in accordance with Section 5-306 of Appendix A-Zoning (Smart Code) of the Code of Ordinances of the City of Lake Charles adopted pursuant to Ordinance No. 13701 on May 3, 2006 or as may be amended. The guidelines setting forth the intent and purpose of the redevelopment of the lakefront are set forth in the report prepared by Duany Plater-Zyberk & Company entitled Downtown Lake Charles Charette Report (Fall 2006) which is incorporated herein by reference and paraphrased "Ne Varietur" by the Clerk of the Lake Charles City

Council/Notary Public for identification herewith and shall be maintained on permanent file in the Planning Office and in the offices of the Clerk of the Lake Charles City Council.

#### SECTION 4. Servitude of Public Use.

(a) Except as hereinafter set forth, all development of land owned by the city in areas designated as Tract One, Tract Two and Tract Three shall be subject to a minimum sixty (60) foot Servitude of Public Use immediately adjacent to the bank of the lakefront, or the seawall in areas reclaimed as authorized under state law. This servitude is reserved for the construction and maintenance of said Servitude of Public Use which may include but is not limited to: public walkways, landscaping, public parks, public space, piers, docks, and limited vehicular ingress and egress.

(b) On Tract One-D, Tract Two and Tract Three, the Servitude of Public Use shall be a minimum of Sixty (60) feet in width unless modified by the City Council to a width of not less than Twenty (20) feet. Within Tract Two, the Servitude of Public Use may deviate from the current shoreline and be relocated in the area of the lakefront leased for the construction and operation of the America's Wetland Discovery Center. If the construction of the America's Wetland Discovery Center does not begin within Thirty-six (36) months or is not completed within Sixty (60) months of the date of adoption of this ordinance the Servitude of Public Use shall remain subject to the width requirements as set forth herein.

(c) On Tract One-A, Tract One-B and Tract One-C, the Servitude of Public Use shall be a minimum of Sixty (60) feet in width unless modified by the City Council to a width of not less than Forty (40) feet.

(d) Any modification of the Servitude of Public Use as provided for in Section 4 (b and/or c) above, shall be in the form of a request for variance by ordinance for a specific development and adopted by the affirmative vote of two-thirds (2/3rds) of the entire authorized membership of the City Council.

(e) The City of Lake Charles shall make all reasonable efforts to obtain a Sixty (60) foot minimum Servitude of Public Use adjacent to the shoreline of the lakefront on the privately owned land areas to provide for continuous public access pursuant to applicable Louisiana law.

(f) The Servitude of Public Use areas, except as provided for herein, may be modified only by an amendment to the City Charter.

(g) Nothing herein shall prevent the City from issuing permits to vendors and others allowing for placement of temporary movable structures to provide seasonal, itinerant and incidental commercial services to facilitate public use and enjoyment of the lakefront within this defined servitude area by members of the public or patrons of commercial establishments located in the adjacent developed areas, provided continuous public access is maintained.

SECTION 5: On the effective date of this ordinance, the Charter of the City of Lake Charles shall be amended to add Section 7-09 as follows:

"Sec. 7-09. Lakefront Development Plan.

Description of land and authorized use.

(a) The map attached hereto and made a part hereof by reference as Exhibit "A" generally describes the areas reserved for public use and those areas which will be available for commercial and residential development of the lakefront if approved by a majority of the voters as set forth above. Public areas are highlighted in green.

(b) Tract One.

I. Tract One is bordered on the east by Lakeshore Drive, on the north by the Lakeshore Drive Drainage Lateral, on the west by Lake Charles, and on the south by the Pithon Coulee Locks. Tract One shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to six (6) acres. The Civic Center grounds are included in Tract One. Additionally, as shown in Exhibit A, Tract One includes several sub-tracts designated as Tract One-A, Tract One-B, Tract One-C, and Tract One-D. The adjacent area designated for Lakeshore Drive shall also be available for commercial and residential use if all or any portion of this right-of-way is abandoned.

II. Tract One Authorized uses:

Tract One-A, Tract One-B, Tract One-C and Tract One-D are designated for commercial and/or residential development.

The remainder of Tract One shall be reserved for recreational and public use. All commercial and residential development in Tract One shall be subject to a servitude of Public Use as set forth in Section 4 herein.

Any development in Tract One shall accommodate the following existing uses: Millennium Park, PPG Fountain, Civic Center, Amphitheater and the 911 Memorial.

These existing uses may be improved and/or relocated within the area designated as reserved for recreational or public use.

All other existing improvements would be subject to demolition to accommodate future commercial or residential development.

(c) Tract Two

Tract Two is bordered on the east by Lakeshore Drive, on the north by the Veteran's Memorial Park, on the west by Lake Charles, and on the south by Tract One. Tract Two shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to ten (10) acres. The adjacent area designated for Lakeshore Drive shall also be available for commercial and residential use if all or any portion of this right-of-way is abandoned.

I. Tract Two Authorized uses

Tract Two is designated for commercial and/or residential development. All commercial and residential development shall be subject to a Servitude of Public Use as set forth in Section 4 herein. Any development in Tract Two shall accommodate the following existing uses: Veteran's Memorial Park. All other existing improvements shall be subject to demolition to accommodate development. This area may be also used for the construction and operation of a facility known as the America's Wetland Discovery Center by America's Wetland Discovery Center, Inc., a Louisiana Nonprofit corporation, pursuant to a 99 year lease agreement if the majority of the voters approve such use in the referendum vote scheduled for May 5, 2007.

(d). Tract Three

Tract Three consists of property owned by the City of Lake Charles bordered on the east by the west boundary of the land now owned by Pinnacle Entertainment, LLC., on the north by the I-10 service road, to the west by the North Beach Recreation area, and to the south by Lake Charles. Tract Three shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to fourteen (14) acres.

I. Tract Three Authorized Uses

Tract Three is designated for commercial and/or residential development. All commercial and residential development in Tract Three shall be subject to a Servitude of Public Use as set forth in Section 4 herein. Any development in this area shall accommodate the Offices of the Convention and Visitor's Bureau (CVB). All other existing improvements shall be subject to demolition to accommodate development.

(e) Tract Four

Tract Four includes that portion of the lakefront property of the City of Lake Charles extending from the east boundary of the area known as the North Beach Recreation area down to and including the Yacht Club limited to the strip of land within one hundred twenty-five (125) feet of the existing parking area along the beach. Tract Four shall also include additional lakefront property that may be constructed on state water bottoms in the area defined by state law, comprising up to five (5) acres.

I. Tract Four Authorized Uses

Tract Four is designated for commercial development. Commercial development in this area shall be limited to facilities that support recreational use of this area within the area described above. The remainder of Tract Four is reserved for public use.

(f). Unified Development Code for Lake Charles

The areas within Tracts One, Two, Three, and Four which are available for commercial and/or residential development as provided herein shall be developed in accordance with Section 5-306 of Appendix A-Zoning (Smart Code) of the Code of Ordinances of the City of Lake Charles adopted pursuant to Ordinance No. 13701 on May 3, 2006 or as may be amended. The guidelines setting forth the intent and purpose of the redevelopment of the lakefront are set forth in the report prepared by Duany Plater-Zyberk & Company entitled Downtown Lake Charles Charette Report (Fall 2006) which is incorporated herein by reference and paraphrased "Ne Varietur" by the Clerk of the Lake Charles City Council/Notary Public for identification herewith and shall be maintained on permanent file in the Planning Office and in the offices of the Clerk of the Lake Charles City Council.

Servitude of Public Use.

(a) Except as hereinafter set forth, all development of land owned by the city in areas designated as Tract One, Tract Two and Tract Three shall be subject to a minimum sixty (60) foot Servitude of Public Use immediately adjacent to the bank of the lakefront, or the seawall in areas reclaimed as authorized under state law. This servitude is reserved for the construction and maintenance of said Servitude of Public Use which may include but is not limited to: public walkways, landscaping, public parks, public space, piers, docks, and limited vehicular ingress and egress.

(b) On Tract One-D, Tract Two and Tract Three, the Servitude of Public Use shall be a minimum of Sixty (60) feet in width unless modified by the City Council to a width of not less than Twenty (20) feet. Within Tract Two, the Servitude of Public Use may deviate from the current shoreline and be relocated in the area of the lakefront leased for the construction and operation of the America's Wetland Discovery Center. If the construction of the America's Wetland Discovery Center does not begin within Thirty-six (36) months or is not completed within Sixty (60) months of the date of adoption of this ordinance the Servitude of Public Use shall remain subject to the width requirements as set forth herein.

(c). On Tract One-A, Tract One-B and Tract One-C, the Servitude of Public Use shall be a minimum of Sixty (60) feet in width unless modified by the City Council to a width of not less than Forty (40) feet.

(d). Any modification of the Servitude of Public Use as provided for in Section 4 (b and/or c) above, shall be in the form of a request for variance by ordinance for a specific development and adopted by the affirmative vote of two-thirds (2/3rds) of the entire

authorized membership of the City Council.

(e) The City of Lake Charles shall make all reasonable efforts to obtain a Sixty (60) foot minimum Servitude of Public Use adjacent to the shoreline of the lakefront on the privately owned land areas to provide for continuous public access pursuant to applicable Louisiana law.

(f) The Servitude of Public Use areas, except as provided for herein, may be modified only by an amendment to the City Charter.

(g) Nothing herein shall prevent the City from issuing permits to vendors and others allowing for placement of temporary movable structures to provide seasonal, itinerant and incidental commercial services to facilitate public use and enjoyment of the lakefront within this defined servitude area by members of the public or patrons of commercial establishments located in the adjacent developed areas, provided continuous public access is maintained."

At a meeting of the City Council on 3/13/2007, this Ordinance was adopted as amended by the following vote:

**For:** A.B. Franklin, Rodney Geyen, Dana Carl Jackson, David R. Perry,  
Marshall Simien and Stuart Weatherford

**Absent:** Mike Huber

Passed and Adopted

David Perry  
David Perry, President or Presiding  
Officer

Date 3-13-07

Attest

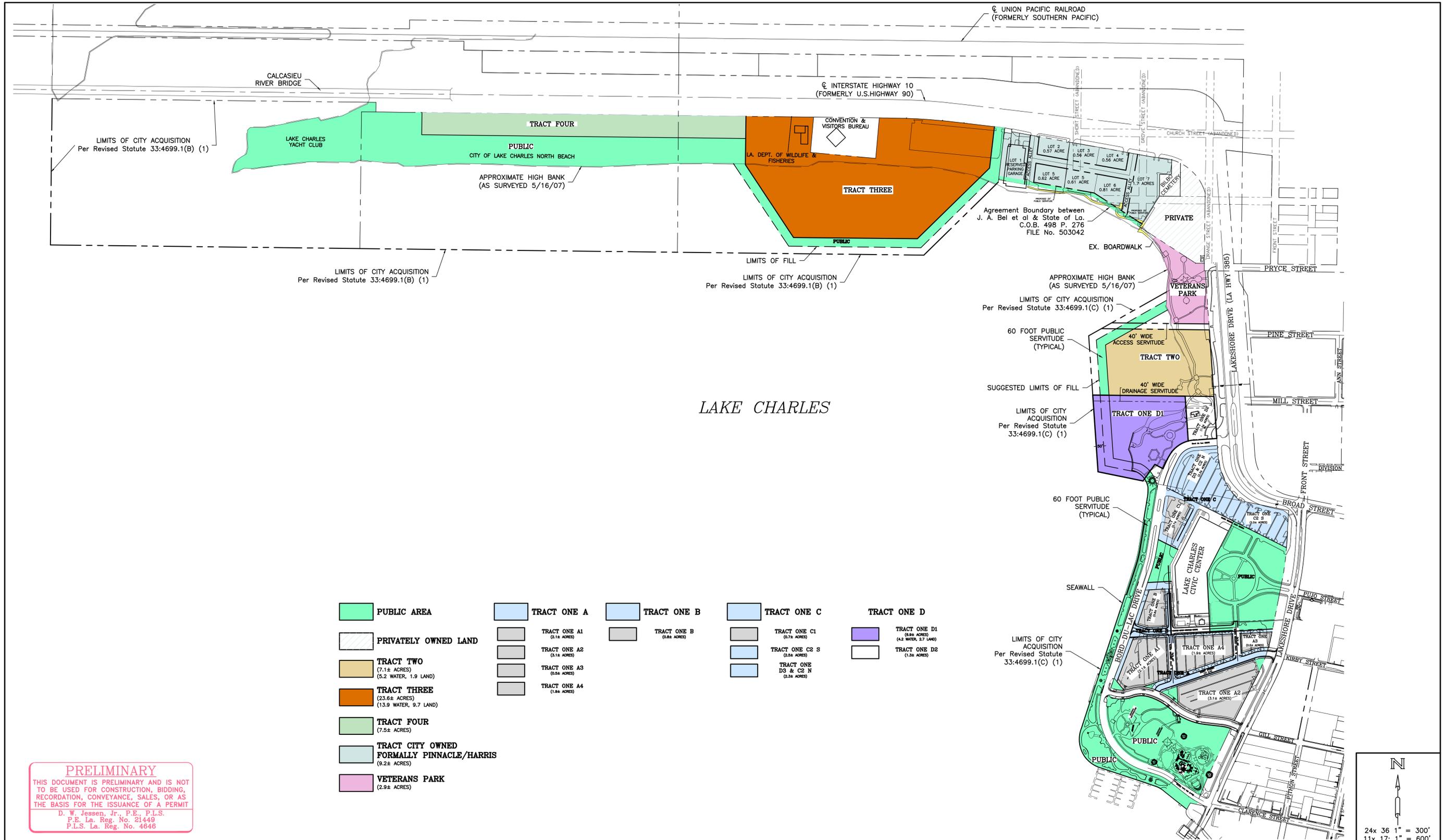
Lynn F. Thibodeaux  
Lynn F. Thibodeaux  
Clerk of the Council

Date 3-13-07

Approved by

Randy Roach  
Randy Roach, Mayor  
City of Lake Charles, Louisiana

Date 3-14-07

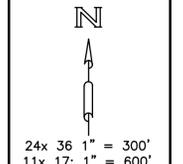


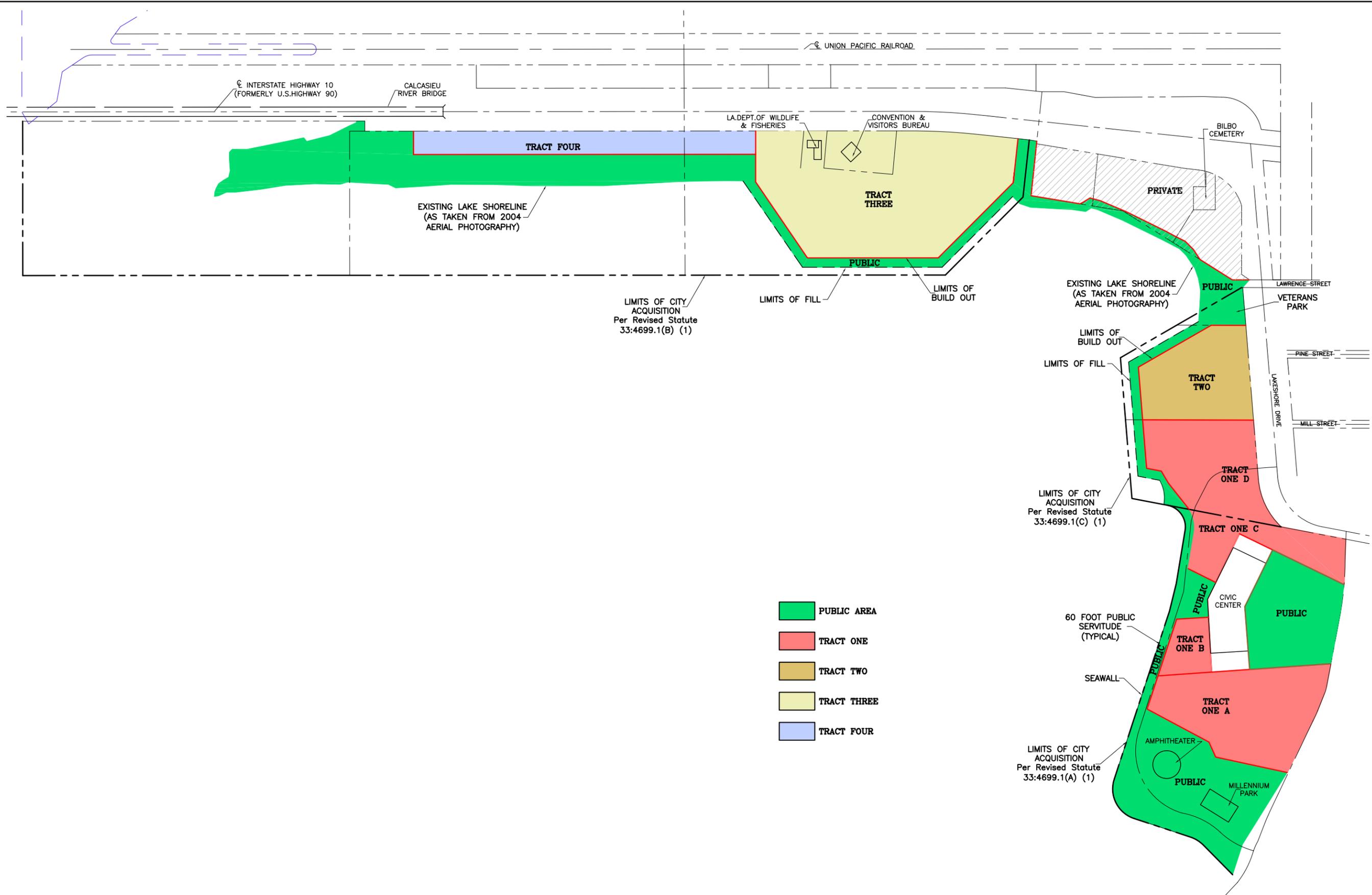
**PRELIMINARY**  
 THIS DOCUMENT IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES, OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT.  
 D. W. Jessen, Jr., P.E., P.L.S.  
 P.E. La. Reg. No. 21449  
 P.L.S. La. Reg. No. 4646

		DRAWN	M. W. Leger
		APPROVED	D. W. JESSEN, JR.
		DATE	04/25/14
		ACAD FILE	LC-2014-648(Lake Front Marketing Exhibit).dwg
		REFERENCE	N/A
		BY	N/A
No.	DATE	REVISION DESCRIPTION	FIELD BOOK

**DWJ**  
**D. W. Jessen & Associates, LLC**  
 Civil and Consulting Engineers - Lake Charles, Louisiana  
 440 Kirby Street Lake Charles, LA 70601  
 Phone: (337)433-0561 Fax: (337)433-5842  
 D. W. Jessen, Jr., P.E., P.L.S.  
 P.E. La. Reg. No. 21449 P.L.S. La. Reg. No. 4646

PROJECT No. LC-2014-648	SHEET NUMBER
<b>CITY OF LAKE CHARLES</b>	
LAKE FRONT MARKETING EXHIBIT	01
OVERALL PLAN	





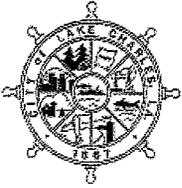
- PUBLIC AREA
- TRACT ONE
- TRACT TWO
- TRACT THREE
- TRACT FOUR

DRAWN	M. W. Leger
APPROVED	D. W. JESSEN, JR.
DATE	03/07/07
ACAD FILE	LC-2006-233(Lake Shore Charter Amendment Plan).dwg
REFERENCE	N/A
FIELD BOOK	N/A

**DWJ**  
**D. W. Jessen & Associates, LLC**  
 Civil and Consulting Engineers Lake Charles, Louisiana  
 440 Kirby Street Lake Charles, LA 70601  
 Phone: (337)433-0561 Fax: (337)433-5842  
 D. W. Jessen, Jr., P.E., P.L.S.  
 C.E. La. Reg. No. 21449 P.L.S. La. Reg. No. 4646

PROJECT No. LC-2006-233  
**CITY OF LAKE CHARLES**  
 EXHIBIT "A"  
 CHARTER of the CITY of LAKE CHARLES SEC. 7-09(a)  
 LAKEFRONT DEVELOPMENT PLAN

SHEET NUMBER	01
--------------	----



# City of Lake Charles

## Signature

Ordinance Number: 16297

326 Pujo Street  
P.O. Box 1178  
Lake Charles, LA  
70602-1178

---

**An ordinance authorizing the City of Lake Charles to sell surplus property donated by Pinnacle to the City of Lake Charles, less and except the parking garage.**

WHEREAS, the City of Lake Charles, through the Lake Charles City Council, has determined that if the property described below can be sold for an amount equal to or exceeding the purchase price set forth herein, the property should be deemed not needed for public purposes;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

SECTION 1: The Mayor of the City of Lake Charles, Louisiana, is hereby authorized to sell on behalf of the City of Lake Charles, Louisiana, in "as is" condition, a parcel of property described as follows:

A TRACT OF LAND IN THE SECTION 31, TOWNSHIP 9 SOUTH, RANGE 8 WEST, LAKE CHARLES, CALCASIEU PARISH, LOUISIANA, MORE FULLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 30 OF THOMAS BILBO AND ANN LAWRENCE SUBDIVISION IN THE CITY OF LAKE CHARLES, LOUISIANA:

THENCE WEST ALONG THE NORTH RIGHT OF WAY LINE OF LAWRENCE STREET AND ALONG THE WEST PROLONGATION OF THE NORTH RIGHT OF WAY LINE OF LAWRENCE STREET, FOR A DISTANCE OF 450.0 FEET TO THE POINT IN THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90 - BUSINESS ROUTE AND/OR THE WEST RIGHT OF WAY LINE OF ORANGE STREET (ABANDONED) PROJECTED SOUTH;

THENCE WEST, ALONG THE AGREEMENT BOUNDARY LINE BETWEEN THE STATE OF LOUISIANA AND THE J.A. BEL ESTATE, FOR A DISTANCE OF 60.0 FEET;

THENCE NORTH 57° 50' 45" WEST, ALONG THE SAID AGREEMENT LINE, FOR A DISTANCE OF 451.25 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE NORTH 32° 00' 15" EAST, FOR A DISTANCE OF 250.90 FEET;

THENCE NORTH 00° 18' 02" WEST, FOR A DISTANCE OF 148.03 FEET;

THENCE SOUTH 89° 59' 48" EAST, FOR A DISTANCE OF 80.06 FEET;

THENCE NORTH 00° 06' 13" WEST, FOR A DISTANCE OF 96.97 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 90 BUSINESS ROUTE, SAID POINT BEING IN A CURVE TO THE LEFT HAVING A RADIUS OF 355.00 FEET AND A CENTRAL ANGLE OF 61° 01' 50";

THENCE WESTERLY, THROUGH AN ANGLE OF 07° 42' 24", ALONG THE SOUTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 90 BUSINESS ROUTE AND SAID CURVE TO THE LEFT, FOR AN ARC LENGTH DISTANCE OF 47.75 FEET, ALSO HAVING A CHORD BEARING OF NORTH 76° 43' 44" WEST, A DISTANCE OF 47.72 FEET;

THENCE NORTH 83° 59' 03" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 95.41 FEET;

THENCE NORTH 80° 28' 21" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, FOR

A DISTANCE OF 559.94 FEET;

THENCE NORTH 80° 34' 31" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 270.42 FEET;

THENCE SOUTH 06° 01' 29" WEST, ALONG AN EXTENSION OF AND THE BACK OF AN EXISTING CONCRETE CURB, FOR A DISTANCE OF 290.09 FEET;

THENCE SOUTH 84° 03' 45" EAST, FOR A DISTANCE OF 20.54 FEET;

THENCE SOUTH 06° 03' 38" WEST, FOR A DISTANCE OF 48.21 FEET;

THENCE SOUTH 80° 34' 31" EAST, FOR A DISTANCE OF 248.27 FEET;

THENCE SOUTH 80° 06' 16" EAST, FOR A DISTANCE OF 199.89 FEET;

THENCE SOUTH 57° 50' 45" EAST, FOR A DISTANCE OF 379.75 FEET TO THE POINT OF BEGINNING.

HEREIN DESCRIBED TRACT CONTAINING 7.87 ACRES, MORE OR LESS.

The reason for this sale is this property is no longer needed for public purposes.

SECTION 2: The sale shall be to the highest bidder at a price not less than \$4,000,000.00 subject to the land/use restrictions of record, all applicable planning and zoning ordinances and building codes as well as any other terms and conditions imposed by the City Council including but not limited to approval of the developer's proposed use(s), design, construction materials, timeline for construction and subject to a permanent public servitude of public access along the shoreline of the lake.

All bidders shall include, at a minimum the following information with any bid together with any other terms or provisions deemed necessary to evaluate the offer, to wit:

- A. Developer's proposed use(s);
- B. Developer's proposed design, construction materials;
- C. Developer's proposed timeline for construction;
- D. Developer's proposed width and location of servitude of public access and any limitations regarding the use associated therewith;
- E. Developer's proposal for lease and/or purchase of the parking garage including term of lease and rent or, if a purchase, sale price and conditions of deed; and
- F. Developer's proposal for the renovations and future maintenance of the parking garage.

SECTION 3: Any sale shall contain a reversionary or right of first refusal provision which allows the City of Lake Charles to re-acquire ownership for the price of the original transfer less any damages to the land in the event developer attempts to transfer the property or a controlling interest in any legal entity deemed owner of the land without the City Council's consent or if the developer fails to comply with all aspects of the development proposal.

SECTION 4: Any sale shall provide for the necessary repairs to the parking garage as well as future maintenance of said parking garage.

SECTION 5: The Lake Charles City Council shall approve by future ordinance any sale or transfer of the property in accordance with the terms and conditions of said transfer as outlined and set forth above.

SECTION 6: This property is the property donated to the City of Lake Charles by PNK less and except the parking garage.

SECTION 7: The Mayor of the City of Lake Charles, Louisiana, is hereby empowered to do any and all things necessary to accomplish the sale of the said property subject to all conditions which he deems appropriate subject to City Council approval.

SECTION 8: Notice of this ordinance shall be published three (3) times in fifteen (15) days one week apart, in the Lake Charles American Press and final action on this ordinance shall be taken at 5:30 P.M. on the 16th day of May, 2012.

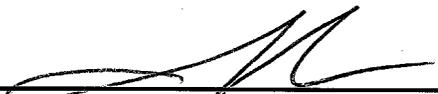
SECTION 9: Any opposition to the proposed sale shall be made in writing, filed with the Clerk of the Lake Charles City Council within fifteen (15) days after the first publication set forth hereinabove. If an opposition is filed, the City Council shall hold a public hearing on such on the 16th day of May, 2012, at 5:30 P.M.

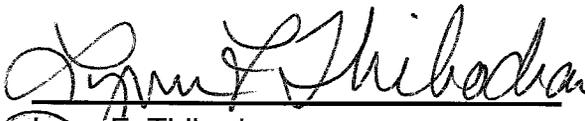
SECTION 10: Further, if this ordinance is adopted, it shall not become effective until ten (10) days after its passage during which time any interested citizen may apply to the Fourteenth Judicial District Court for an order restraining disposition of the property. After the ordinance becomes effective, it cannot be contested for any reason.

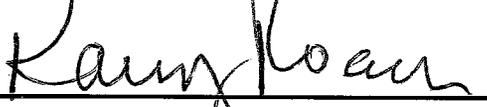
SECTION 11: The authority for this ordinance is LSA R.S. 33:4712.

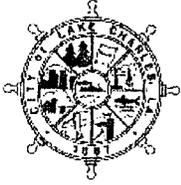
At a meeting of the City Council on 5/16/2012, this Ordinance was adopted by the following vote:

**For:** John Ieyoub, Mark Eckard, Dana Carl Jackson, Rodney Geyen, Marshall Simien, Stuart Weatherford and Luvertha August

**Passed and Adopted**  **Date** 5-16-12  
John Ieyoub, President or Presiding Officer

**Attest**  **Date** 5-16-12  
Lynn F. Thibodeaux  
Clerk of the Council

**Approved by**  **Date** 5/21/12  
Randy Roach, Mayor  
City of Lake Charles, Louisiana



# City of Lake Charles

## Signature

Ordinance Number: 14114

326 Pujo Street  
P.O. Box 1178  
Lake Charles, LA  
70602-1178

**An ordinance authorizing the City of Lake Charles to create a special taxing district and political subdivision of the state to provide for the commercial and/or residential development of designated areas along the lakefront in accordance with a comprehensive plan for development of property within the boundaries of the downtown development district in accordance with the provisions of R.S. 33:9038.57.**

WHEREAS, Title 33 of the Louisiana Revised Statute, Section 9038.57, authorizes the City of Lake Charles to create a special taxing district and political subdivision of the state for cooperative economic development purposes; and,

WHEREAS, the special taxing district shall have as its purpose cooperative economic development between the City of Lake Charles, Lake Charles Facilities, Inc. and other qualified participants in order to provide for the renovation, restoration, and development of a hotel and/or for the commercial or residential development of all or any portion of the lakefront in accordance with a downtown development plan approved by the City Council; and,

WHEREAS, the special taxing district, in carrying out its purposes, may utilize sales tax increment financing of the costs and expenses associated with infrastructure improvements constructed in accordance with the Downtown Plan for the commercial or residential development of all or any portion of the property located within the boundaries of the district as provided in Section 2 herein below;

WHEREAS, the redevelopment and implementation by the special taxing district of the lakefront and downtown development plan, subject to approval by the City Council, will impact the development of property included within the Downtown Development District and this development should be coordinated in order to accomplish the intended economic development benefits for the city and the surrounding area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

**SECTION 1. GENERAL PROVISIONS.** All of the above and foregoing is hereby made a part of the provisions of this ordinance.

**SECTION 2. CREATION.** (A) The City Council of the City of Lake Charles hereby reestablishes the Lake Charles Downtown Development District (District) to include the following areas of the city: All the area zoned Downtown Lakefront by the Zoning Ordinance of the City of Lake Charles. The District shall be administered by the Downtown Development Authority.

(B) The City Council does hereby create, as a sub-district of the Lake Charles Downtown Development District, a special taxing district, hereinafter sometimes referred to as the Lakefront Development Sub-District (LDS). The LDS District shall be comprised of the geographical boundaries set forth in LA R.S. 33:4699.1 which generally includes that portion of City land lying west of Lakeshore Drive from its intersection with Clarence and extending along the lakefront to the area known as the Yacht Club.

**SECTION 3. GOVERNANCE.** (A) The Downtown Development Authority, hereinafter sometimes referred to interchangeably as the "DDA" and/or the "Board," is hereby established as the board of commissioners for, and the governing authority of both the District and the LDS District. Membership of the DDA, including term limits and officers, as well as meeting and voting requirements, shall be as follows:

1. Membership.

- a. The DDA shall be comprised of seven (7) Board of Commissioners.
- b. Each member shall be appointed by the Mayor of the City of Lake Charles and approved by the City Council.
- c. Each member of the Board shall serve a term of four (4) years.
- d. Each member of the Board shall be a resident of the City of Lake Charles.
- e. If a vacancy occurs prior to the expiration of a member's term, the mayor shall appoint a member for the duration of the unexpired term.

2. Officers.

- a. The Mayor shall designate the initial officers of the District to serve for an initial term as officer for a period of two (2) years. At the first regular meeting of each year after the expiration of the initial term, the members of the board shall elect a chairman, vice-chairman, and a secretary-treasurer from among its members. After the initial term, the terms of the officers shall be one (1) year, but any officer shall be eligible for re-election. However, no member may serve more than three (3) consecutive terms.
- b. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of chairman.
- c. The members of the board shall, in the event both the chairman and vice-chairman are absent from a meeting, select a member to preside over the meeting.
- d. The chairman shall preside over all meetings of the board and, in addition, may appoint committees, composed of members of the board, as well as other persons, to serve the board as deemed necessary.
- e. The chairman may engage in discussion and vote in the same manner as any other member of the board.
- f. The chairman may suggest motions but may neither make nor second motions.
- g. The secretary-treasurer shall keep the minutes of all meetings of the board and maintain the record for each board meeting, hearing, or other proceeding, as well as keep and maintain all financial records.
- h. The board shall adopt such rules, not in conflict with this ordinance or other law, for the transaction of its business as it deems necessary and shall keep a record of its resolutions, transactions, studies, findings, and determinations, which record shall be a public record. The board may appoint an executive director and such other persons as are necessary to carry out the functions of the board.

3. Quorum and Voting. No business shall be transacted by the board without a quorum which shall consist of at least four (4) members of the board being present. The concurring vote of at least four (4) members shall be necessary for the board to take any action.

4. Meetings.

- a. The board shall hold regular monthly meetings. Special meetings may be called by the chairman, or at the written request of any two members of the board.
- b. All meetings shall be open to the public and shall be conducted in accordance with the procedure set forth in the Louisiana Open Meetings Law, and any rules of procedure

adopted by the commission pursuant to subsection B(8) of this section.

c. Any rules of procedure shall be kept on file by the board and be available to the public at all times, and copies thereof shall be available at any meeting.

d. In the event that less than a quorum is present at any meeting of the board, the meeting shall be rescheduled by the secretary as soon as practical.

**SECTION 4. RIGHTS, POWERS, AND DUTIES.** (A) With respect to the District, the Board shall exercise all development duties set forth in the Strategic Planning Element for the Downtown Development District, as set out in Exhibit "A" attached hereto and made a part hereof, and as ratified, passed and adopted by the Lake Charles City Council, per City Ordinance No. 11914, at its regular meeting on June 21, 2000, as it is now or as it may hereinafter be amended. Furthermore, all rights, powers, and duties described in the said City Ordinance No. 11914, regarding the Strategic Planning Element, companion resource allocation budget, and matching funds provision for the District shall henceforth inure to the benefit of and be applicable to the Lake Charles Downtown Development District created herein.

(B) With respect to the LDS District, the Board shall have the following development duties and responsibilities:

1. The DDA shall formulate a Downtown Development Plan ("Plan") for the LDS District which shall be based upon and include the lakefront development plan approved and adopted by the City Council by Ordinance No. 14083. The complete plan shall be presented to the City Council for review and approval and shall describe the manner in which the lakefront plan will support and encourage development in the adjacent downtown area. The Council shall adopt or reject such a plan by a majority vote of its members. Modifications of such a plan may be proposed and shall be approved or rejected in the same manner. The Board shall formulate a program or programs to implement any Plan approved by the Council and include this information in a report to the Council. These programs shall be developed in such a manner to aid and encourage private development within those areas of the LDS District authorized for commercial or residential development both in the lakefront and the downtown areas. In formulating such a program, the Board may conduct studies and may consult with all departments of the City of Lake Charles and other public and private agencies concerned with matters affecting or affected by the program or Plan.

2. The City Council shall review and consider any contract or program for the implementation of the Plan recommended by the Board and shall adopt or reject such proposal by a majority vote of its members. If the City Council rejects the proposal, it shall notify the Board of its action, and the Board may again prepare and submit its recommendations to the city Council in accordance with the procedures provided herein. Where a development plan has previously been approved, the City Council may amend the development program by a majority vote of its members. Each proposal submitted to the Council for approval shall set forth the projects recommended, the estimated cost thereof, recommendations for funding, and such other information as required by this ordinance or by the City Council.

3. After approval of development program by the City Council, the LDS District may implement any portion thereof in such manner as shall in the judgment of its Board most likely accomplish said program.

4. The LDS District may issue and review Request For Proposals (RFPs) soliciting developers relative to the implementation of the Plan and make recommendations to the Council regarding the suitability and selection of a particular developer for a project within the District. The recommendation may also include suggestions as to the terms and conditions of any contract entered into by the City for the proposed development. The selection of the developer and the terms and conditions of the contract shall be approved by the City Council.

(C) With respect to development within the LDS District, the Board shall have and exercise all powers of a political subdivision and special taxing district necessary or convenient for the carrying out of its objects and purposes subject to City Council approval and the process as set forth in Sections 4, 5 and 6, including but not limited to the following:

1. To sue and to be sued.
2. To adopt bylaws and rules and regulations.
3. To receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.
4. For the public purposes of the district to enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.
5. Appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
6. To acquire by gift, grant, purchase, lease, or otherwise such property as may be necessary or desirable for carrying out the objectives and purposes of the district and to mortgage and sell such property.
7. In its own name and on its own behalf to incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness. For this purpose the district shall be deemed and considered to be an issuer for purposes of La R.S. 33:9037 and shall, to the extent not in conflict with this Section, be subject to the provisions of La. R.S. 33:9037.
8. Establish such funds or accounts as are necessary for the conduct of the affairs of the district.

**SECTION 5. TAX INCREMENT FINANCING.** (A) The City Council of the City of Lake Charles hereby authorizes the LDS District, by and through the Board, to formulate a tax increment financing plan setting forth the criteria for participation in and implementation of tax incremental financing, and to establish a funding formula in accordance with the applicable laws, to be used in determining the amount of tax revenues available to be used for eligible projects, subject to City Council approval.

(B) In order to provide funds for the purposes of the district, the district, acting by and through its board of commissioners, is hereby authorized to levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the boundaries of the LDS District, subject to City Council approval. The tax rate for such tax shall be at least equal to the aggregate rate of all such taxes levied and collected within the city of Lake Charles by the state of Louisiana, local governmental subdivisions, and other political subdivisions or special taxing districts, except for the rate of the tax on the occupancy of hotel rooms levied by the Southwest Louisiana Convention and Visitors Bureau. The district may issue revenue bonds payable from an irrevocable pledge and dedication of up to the full amount of hotel occupancy tax increments, in an amount to be determined by the district, to finance or refinance any project or projects, or parts thereof, which are consistent with the purposes of the district in accordance with and pursuant to Louisiana Revised Statute 33:9038.57(G), subject to City Council approval.

(C) In addition, the LDS District may, subject to City Council approval, collect the sales tax increment from all taxable sales within the boundaries of the District to be used and administered in accordance with R.S. 33:0957(H). This sales tax increment may consist of that portion of state sales tax revenues of any or all taxing authorities including the state of Louisiana and any political subdivision whose boundaries are coterminous with those of the state collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services, all as defined in La.R.S. 47:301 et seq., or any other appropriate

provision or provisions of law, as amended, from taxpayers located within an area of the district designated by the board of commissioners as provided for in Subparagraph (b) of this Paragraph which exceeds the sales tax revenues that were collected by such taxing authorities in the year immediately prior to the year of designation of such area.

(D)The sales tax increment may only be used to finance the costs and expenses associated with infrastructure improvements constructed in accordance with the Downtown Development Plan, adopted, and as amended, by the Lake Charles City Council, for the commercial or residential development of all or any portion of the property located within the boundaries of the LDS District as provided for in Section 2 of this ordinance.

SECTION 6: BONDS. The LDS District is hereby authorized to, in its own name and on its own behalf, incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness, to pay for public improvements within accordance Louisiana Revised Statutes 33:9037 and 33:9038.57, subject to City Council approval.

SECTION 7. TERM. The LDS District shall dissolve and cease to exist one (1) year after the date all bonds, notes, and other evidences of indebtedness of the LDS District, including refunding bonds are paid in full as to both principal and interest; however, under no event shall the LDS District have an existence of less than three (3) years.

SECTION 8. LIBERAL CONSTRUCTION. This ordinance, being necessary for the welfare of the City of Lake Charles and its residents, shall be liberally construed to effect the purposes hereof.

SECTION 9. SEVERABILITY. Should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that they would have adopted all other portions of this ordinance independent of the invalid portions, and to this end the provisions of this ordinance are declared severable.

SECTION 10. The mayor and the City Council are hereby authorized to do any and all things necessary and incidental to carrying out the provisions of this Ordinance.

SECTION 11. This ordinance shall become effective immediately upon approval of the plan for lakefront development by a majority of those persons voting in the city referendum which is scheduled for May 5, 2007.

At a meeting of the City Council on 3/21/2007, this Ordinance was adopted as amended by the following vote:

For: A.B. Franklin, Mike Huber, Rodney Geyen, Dana Carl Jackson, David R. Perry, Marshall Simien and Stuart Weatherford

Passed and Adopted David R. Perry Date 3-21-07  
David R. Perry, President or Presiding Officer

Attest Lynn F. Thibodeaux Date 3-21-07  
Lynn F. Thibodeaux  
Clerk of the Council

Approved by Randy Roach Date 3-27-07  
Randy Roach, Mayor  
City of Lake Charles, Louisiana