

Earl Schmit
PO Box 791120
New Orleans, LA 70179-1120

March 1, 2014

MID-CITY NEIGHBORHOOD

Dear NEIGHBOR,

Volunteers of America Greater New Orleans, Inc. currently owns a vacant lot on Cleveland Avenue(4147 CLEVELAND AV) behind its administrative office located at 4152 canal St., New Orleans, LA 70119. They have requested Conditional Use Permit approval for a parking lot on this vacant lot on Cleveland Avenue in which they propose to place 32 additional parking spaces. They also propose to add video cameras facing south directions on Cleveland Avenue as a security measure. For the reasons which follow, we strongly object to this Conditional Use Application.

CONDITIONAL USE MUST BE DENIED AT 4147 CLEVELAND AV

Conditional Use approval for a parking lot at this Cleveland Avenue location should be denied for multiple reasons as being incompatible with existing uses and the neighborhood. By way of background, a historical residential structure was located on the subject lot for decades. This residential structure only recently burned down, and Volunteers of America recently purchased the vacant lot and chose not to rebuild a residential home. Instead of rebuilding a house, Volunteers of American proposed a large parking lot whose external effects on adjacent properties and on the surrounding neighborhood cannot be effectively mitigated by any conditions which could be imposed by the City Council.

The proposed parking lot would adversely affect the adjacent properties and the surrounding neighborhood in the following ways, among others:

- (1) **REDUCED PARKING ON CLEVELAND AVE.** Volunteers of American's efforts to alleviate their parking concerns will worsen the parking concerns of the residents on Cleveland Avenue. VOA plans to enlarge the "apron" for entering and exiting their parking lot which will take away street parking for residents on Cleveland Ave. Cleveland Avenue already has limited street parking available for residents.
- (2) **TRAFFIC CONGESTION ON CLEVELAND AVE.** Cleveland Avenue is a narrow street. When cars are parked on both sides of the street, heightened caution must be used when driving down Cleveland Ave. due to its narrowness. VOA's proposal, which would entail dozens of cars entering and exiting their proposed parking lot at all times of the day, will create a bottleneck funnel on an already narrow street.

MOTION
NO. M-14-267

CITY HALL: June 19, 2014

BY: COUNCILMEMBER GUIDRY

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 30/14 – VOLUNTEERS OF AMERICA OF GREATER NEW ORLEANS, INC- Requesting a Conditional Use to permit a parking lot providing off-street parking for a main use located within 300 feet of said lot in an RD-3 Two Family Residential District, on Square 783, Lot 26-A, in the First Municipal District, bounded by Cleveland and South Carrollton Avenues and Canal and South Solomon Streets (Municipal Address: 4147 Cleveland Avenue), be, and the same is hereby upheld, and the request is denied.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Brossett, Cantrell, Gray, Guidry, Head - 5

NAYS: 0

ABSENT: Ramsey, Williams - 2

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
AS A TRUE AND CORRECT COPY
Eric W. Johnson

Clerk of Council

MOTION
NO. M-14-267

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BY: COUNCILMEMBER GUIDRY

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TO BE A TRUE AND CORRECT COPY
Gene W. Simmons

CLERK OF COUNCIL

Dear NEIGHBOR, INITIAL _____
March 4, 2014
Page 3

neighborhood, is not consistent with the residential family-oriented atmosphere of the neighborhood, and threatens the residents' quality of life.

We strongly believe that voting in favor of the Conditional Use will be an inappropriate precedent to establish within this community. We ask you to do what is right for the Mid-City and vote against the Conditional Use Permit application of VOA.

Sincerely
Earl Schmit

Certified Mail 7013 2630 0001 3397 9022 Kelly Brown, CPC, CITY P COMMISSION
Certified Mail 7013 2630 0001 3397 9015 Leslie Kelly, CPC, CITY P COMMISSION
Certified Mail 7013 2630 0001 3397 9008, Robert D Rivers, CPC, CITY P COMMISS
Certified Mail 7013 2630 0001 3307 9039 Bonnie Garrigan, MID-CITY NEIGHBOR
Certified Mail 7013 2630 0001 3397 9046 Roux Merio, MID-CITY NEIGHBORHOO
Certified Mail 7013 2630 0001 3397 9060 Jennifer Farwell, MID-CITY NEIGHBORH

Thank you for your support. Please notify me of all updates and events.

email midcityparkinglot@gmail.com
Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

copies to:
MID-CITY NEIGHBORHOOD ORGANIZATION
Improving Mid-City Since 1975
Jennifer Farwell, President, phone# 504 535 4364 email president@mcno.org
Bonnie Garrigan, Director of Communications, phone# 504 504 975 5378 email communication@mcno.org
Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org
PO Box 791023
New Orleans, LA 70179

I Daison Whitmore, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.
ADDRESS 4122 CLEVELAND AVE.
PHONE NUMBER _____ E-MAIL _____

Daison Whitmore
SIGNATURE CITY, STATE DATE
NEW ORLEANS, LA 70119

Dear NEIGHBOR, INITIAL
March 4, 2014
Page 2

Emergency and Services vehicles already have difficulty in maneuvering down Cleveland Avenue, and the proposed parking lot will greatly worsen the existing situation.

(3) **DRAINAGE PROBLEMS.** Cleveland Avenue already has drainage problems causing street flooding even in moderate rainfalls. VOA'S proposal would convert virtually their entire lot, which now has natural soil covering and a natural permeable surface, into an entirely impervious concrete surface. As a result, virtually all the rain falling on this lot would become urban runoff and worsen the flooding problems on Cleveland Avenue whose drainage cannot now even handle moderate amounts of rainfall runoff.

(4) **PARKING LOT SECURITY.** Roughly 80% of the criminal acts at business offices, strip malls and shopping centers occur in the parking lot. VOA proposes to add security cameras facing both directions, but the addition of security cameras in parking lots in the last few decades has not shown any decrease in the 80% figure of criminal acts occurring in parking lots of business offices. It is also important to note that VOA has not proposed security personnel for the parking lot as a crime deterrent.

(5) **LIGHT POLLUTION.** To the extent that VOA proposes sufficient lighting for its parking lot security and for its CCTV surveillance cameras, such lighting will cause light pollution in the form of glare and illumination levels inappropriate for a residential neighborhood. Many medical researchers consider light pollution to be one of the fastest growing and most pervasive forms of environmental pollution, and there is a growing body of scientific research that light pollution can have lasting adverse effects on human health. Residents of this neighborhood do not want artificial light from parking lot floodlights spilling on to the adjacent property. Obtrusive lighting from the parking lot would turn night into day in the surrounding area, and lighting that is sufficiently bright for the safety and security of VOA's staff and customers becomes a nuisance to the neighborhood.

(6) **NOISE AND EXHAUST POLLUTION.** VOA'S proposed parking lot will greatly increase the noise pollution and exhaust pollution in this quiet residential neighborhood. The constant starting, stopping, entering and exiting of cars into and out of the proposed parking lot will adversely affect the character of this residential neighborhood.

At the hearing on this proposed Conditional Use Permit application, we intend to demonstrate how VOA'S proposed use is not compatible with present and future uses and is not consistent with the goals of the city's plan for Mid-City neighborhood re-building following the devastation of Hurricane Katrina. The city has made great strides in improving the quality of life for Mid-City residents and has stemmed the exodus of residents following the levee failures that flooded the area in August 2005 during Hurricane Katrina. The proposed Conditional Use does not fit the character of the

Dear NEIGHBOR, INITIAL KP
March 4, 2014
Page 3

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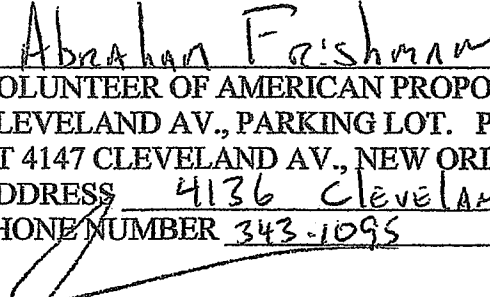
Sincerely
Earl Schmit

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Certified Mail 7013 2630 0001 3397 9015 Leslie Kelly, CPC, CITY P COMMISSION
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Certified Mail 7013 2630 0001 3397 9060 Jennifer Farwell, MID-CITY NEIGHBORH

Thank you for your support. Please notify me of all updates and events.

email midcityparkinglot@gmail.com
Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

copies to:
MID-CITY NEIGHBORHOOD ORGANIZATION
Improving Mid-City Since 1975
Jennifer Farwell, President, phone# 504 535 4364 email president@mcno.org
Bonnie Garrigan, Director of Communications, phone# 504 504 975 5378 email communication@mcno.org
Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org
PO Box 791023
New Orleans, LA 70179

I Abraham Fishman, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.
ADDRESS 4136 Cleveland Ave
PHONE NUMBER 343-1095 E-MAIL abrahamfishman@gmail.com

SIGNATURE CITY, STATE DATE
NEW ORLEANS LA 3/5/14

Dear NEIGHBOR, INITIAL _____
March 4, 2014
Page 3

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Certified Mail 7013 2630 0001 3397 9060 Jennifer Farwell, MID-CITY NEIGHBORH

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email midcityparkinglot@gmail.com
Face book midcityparkinglot
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

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PO Box 791023
New Orleans, LA 70179

I _____, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.

ADDRESS _____

PHONE NUMBER 504.919-1347 E-MAIL mcGee David 1929@gmail.com

David M. S. Sr NO, L.A. 3-10-13
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR, INITIAL _____
March 4, 2014
Page 3

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Certified Mail 7013 2630 0001 3397 9060 Jennifer Farwell, MID-CITY NEIGHBORH

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email midcityparkinglot@gmail.com
Face book midcityparkinglot
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

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communication@mcno.org
Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org
PO Box 791023
New Orleans, LA 70179

I MARGARET GRACE WELLMAN, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.

ADDRESS 4144 Cleveland Ave, New Orleans, LA 70019
PHONE NUMBER 305-467-3774 E-MAIL McManagers300@gmail.com

Margaret Grace Wellman New Orleans, LA 3-5-2014
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR, INITIAL ES
March 11, 2014
Page 3

We strongly believe that voting in favor of the Conditional Use will be an inappropriate precedent to establish within this community. We ask you to do what is right for the Mid-City and vote against the Conditional Use Permit application of VOA.

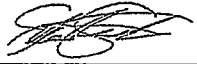
Sincerely
Earl Schmit
email midcityparkinglot@gmail.com
Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

YOU CAN MAIL TO CPCINFO.NOLA.GOV CITY PLANNING COMISSION, REF. 4147 CLEVELAND AV. YOUR REQUEST TO SUPPORT THE DENIAL.

Mail this form back or email midcityparkinglot@gmail.com a short support memo.

I September Shayna Stockstill, DO NOT SUPPORT THE VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147 CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.

MY ADDRESS IS: 4144 cleveland Ave.
PHONE NUMBER 504.982.4803 E-MAIL Septemberstockstill@gmail.com

 New Orleans, LA 3/11/2014
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR, INITIAL V.J.
March 4, 2014
Page 3

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Sincerely
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Certified Mail 7013 2630 0001 3397 9060 Jennifer Farwell, MID-CITY NEIGHBORH

Thank you for your support. Please notify me of all updates and events.

email midcityparkinglot@gmail.com
Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

copies to:
MID-CITY NEIGHBORHOOD ORGANIZATION
Improving Mid-City Since 1975
Jennifer Farwell, President, phone# 504 535 4364 email president@mcno.org
Bonnie Garrigan, Director of Communications, phone# 504 504 975 5378 email communication@mcno.org
Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org
PO Box 791023
New Orleans, LA 70179

I Vivian Joseph, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.
ADDRESS 134 S. SOLOMON
PHONE NUMBER 504-710-5180 E-MAIL Vivian.Joseph486@yahoo.com
Vivian Joseph New Orleans LA. 3-5-14
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR,
March 4, 2014
Page 3

INITIAL AD

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My Property location 4148-50 Cleveland Av. New Orleans

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Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org
PO Box 791023
New Orleans, LA 70179

I Amy Dickerson, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.
ADDRESS 117 S Solomon Apt 2 NOLA 70119
PHONE NUMBER 618-604-1408 E-MAIL amydickerson85@gmail.com
Amy Dick New Orleans, LA 3/6/14
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR, INITIAL RT
March 4, 2014
Page 3

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We strongly believe that voting in favor of the Conditional Use will be an inappropriate precedent to establish within this community. We ask you to do what is right for the Mid-City and vote against the Conditional Use Permit application of VOA.

Sincerely
Earl Schmit

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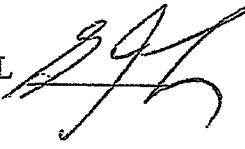
Thank you for your support. Please notify me of all updates and events.

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Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

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Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org
PO Box 791023
New Orleans, LA 70179

I Rachel Theriot, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.
ADDRESS 4132 Cleveland Ave
PHONE NUMBER 225-573-6113 E-MAIL Rachel.mtheriot

RMT NO LA 3/5/14
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR, INITIAL 
March 5, 2014
Page 3

residents following the levee failures that flooded the area in August 2005 during Hurricane Katrina. The proposed Conditional Use does not fit the character of the neighborhood, is not consistent with the residential family-oriented atmosphere of the neighborhood, and threatens the residents' quality of life.

We strongly believe that voting in favor of the Conditional Use will be an inappropriate precedent to establish within this community. We ask you to do what is right for the Mid-City and vote against the Conditional Use Permit application of VOA.

Sincerely
Earl Schmit
email midcityparkinglot@gmail.com
Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

YOU CAN MAIL TO CPCINFO.NOLA.GOV CITY PLANNING COMMISSION, REF. 4147 CLEVELAND AV. YOUR REQUEST TO SUPPORT THE DENIAL.

Mail this form back or email midcityparkinglot@gmail.com a short support memo.

I GERALD J. LEYDECKER, DO NOT SUPPORT THE VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147 CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.

MY ADDRESS IS: 4631 S. Carrollton Ave, mo LA 70119
PHONE NUMBER (504) 482-4444 E-MAIL LEYDECKER@MO.C.ORG.COM

 New Orleans, LA ⁰³ 17 / 2014
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR,
March 4, 2014
Page 3

INITIAL

KJB

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Certified Mail 7013 2630 0001 3397 9060	Jennifer Farwell, MID-CITY NEIGHBORH

Thank you for your support. Please notify me of all updates and events.

email midcityparkinglot@gmail.com
Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

copies to:

MID-CITY NEIGHBORHOOD ORGANIZATION

Improving Mid-City Since 1975

Jennifer Farwell, President, phone# 504 535 4364 email president@mcno.org

Bonnie Garrigan, Director of Communications, phone# 504 504 975 5378 email communication@mcno.org

Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org

PO Box 791023

New Orleans, LA 70179

I *Krista Fatterman*, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.

ADDRESS *2911 Ponce De Leon*
PHONE NUMBER _____ E-MAIL _____

Krista Fatterman *New Orleans, LA* *3/5/14*
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR, INITIAL mk
March 4, 2014
Page 3

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My Property location 4148-50 Cleveland Av. New Orleans

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Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org
PO Box 791023
New Orleans, LA 70179

Melissa Kudler, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.
ADDRESS 4128 Cleveland Ave New Orleans LA 70119
PHONE NUMBER 504-628-7320 E-MAIL mrsmtz@gmail

Melissa Kudler New Orleans LA 3-5-14
SIGNATURE CITY, STATE DATE

Dear NEIGHBOR,
March 4, 2014
Page 3

INITIAL PA

neighborhood, is not consistent with the residential family-oriented atmosphere of the neighborhood, and threatens the residents' quality of life.

We strongly believe that voting in favor of the Conditional Use will be an inappropriate precedent to establish within this community. We ask you to do what is right for the Mid-City and vote against the Conditional Use Permit application of VOA.

Sincerely
Earl Schmit

Certified Mail 7013 2630 0001 3397 9022 Kelly Brown, CPC, CITY P COMMISSION
Certified Mail 7013 2630 0001 3397 9015 Leslie Kelly, CPC, CITY P COMMISSION
Certified Mail 7013 2630 0001 3397 9008, Robert D Rivers, CPC, CITY P COMMISS
Certified Mail 7013 2630 0001 3307 9039 Bonnie Garrigan, MID-CITY NEIGHBOR
Certified Mail 7013 2630 0001 3397 9046 Roux Merio, MID-CITY NEIGHBORHOO
Certified Mail 7013 2630 0001 3397 9060 Jennifer Farwell, MID-CITY NEIGHBORH

Thank you for your support. Please notify me of all updates and events.

email midcityparkinglot@gmail.com
Face book [midcityparkinglot](https://www.facebook.com/midcityparkinglot)
phone number 504 908 4866
My Property location 4148-50 Cleveland Av. New Orleans

copies to:

MID-CITY NEIGHBORHOOD ORGANIZATION

Improving Mid-City Since 1975

Jennifer Farwell, President, phone# 504 535 4364 email president@mcno.org

Bonnie Garrigan, Director of Communications, phone# 504 504 975 5378 email communication@mcno.org

Roux Merio, Director of Quality of Life, phone# 504 957 0095 email qol@mcno.org

PO Box 791023

New Orleans, LA 70179

I Patrick N. Armstrong, DO NOT SUPPORT THE
VOLUNTEER OF AMERICAN PROPOSED CONDITIONAL USE AT 4147
CLEVELAND AV., PARKING LOT. PLEASE DENIED THE CONDITIONAL USE
AT 4147 CLEVELAND AV., NEW ORLEAS LA 70019.
ADDRESS 117 S. SOLOMON APT #1
PHONE NUMBER 912-222-4807 E-MAIL patrick.n.armstrong@gmail.com

[Signature]
SIGNATURE

NOLA
CITY, STATE

3/5/2014
DATE

Contact Information for Opposing Parking Lot on Cleveland

It is extremely important to make an individual appeal to the City requesting denial of the rezoning proposed by the Volunteers of America. This rezoning would create a large parking lot in the middle of a residential area. You can use standard mail, email or phone. Each communication, however brief, is counted. You can simply write or say:

“I am strongly opposed to the Volunteers of America proposed parking lot in the residential neighborhood at 4157 Cleveland Avenue.”

Better yet, expand the message to include reasons for your opposition.

Mr. Stephen Kroll Email: skroll@nola.gov
Mr. Derek Scheerer Email: discheerer@nola.gov
City Planning Commission
1340 Poydras St. Phone: 658-7033
New Orleans LA 70112

Re: Zoning Docket # 106-14

The Hon. Susan Guidry
Council Member, District A
City Council, City of New Orleans Email: sgguidry@nola.gov Phone: 658-1010
1300 Perdido St.
New Orleans LA 700112

Re: Zoning Docket # 030-14 *

NOTE: It is important that you include the Docket #106-14 in any communication.

This change in zoning could set an important precedent for any lot that comes up for sale that abuts the “Overlay Corridor” for commercial use. This corridor runs from Claiborne to City Park Ave. along Canal St. to the Canal side of Cleveland. All of the homes in this area could become commercial in the future.

For more information, email midcityparkinglot@gmail.com, or call 482-2427.

MOTION
NO. M-14-267

CITY HALL: June 19, 2014

BY: COUNCILMEMBER GUIDRY

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 30/14 – VOLUNTEERS OF AMERICA OF GREATER NEW ORLEANS, INC- Requesting a Conditional Use to permit a parking lot providing off-street parking for a main use located within 300 feet of said lot in an RD-3 Two Family Residential District, on Square 783, Lot 26-A, in the First Municipal District, bounded by Cleveland and South Carrollton Avenues and Canal and South Solomon Streets (Municipal Address: 4147 Cleveland Avenue), be, and the same is hereby upheld, and the request is denied.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Brossett, Cantrell, Gray, Guidry, Head - 5

NAYS: 0

ABSENT: Ramsey, Williams - 2

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lara W. Johnson
Clerk of Council

ATTACHMENT 2

COMMERCIAL INTRUSION INTO RESIDENTIAL MID-CITY

NEIGHBORHOOD ALERT!

Dear Neighbor,

There is a proposal to turn a residential lot adjacent to our homes into a parking lot. If approved, this action will set an unpredictable precedent for similar commercial intrusion and erode our residential neighborhoods, both now and in the future.

Please send an email to discheerer@nola.gov (Derek Scheerer) at the City Planning Commission no later than 4 p.m., on Monday March 31, 2014. (Also send a copy to midcityparkinglot@gmail.com) Your email may simply state:

*I OPPOSE Zoning Docket 030/14 because it allows commercial encroachment into our residential areas and may set a risky precedent for similar intrusions into our Mid-City neighborhoods in the future. **

PUBLIC HEARING

1:30 pm, Tuesday April 8, 2014

City Council Chamber

City Hall, 1300 Perdido St.

***LET YOUR VOICE BE HEARD ==**

DON'T PAVE THE WAY FOR PARKING!

From: Earl Schmit midcityparkinglot@gmail.com
Subject: Fwd: Mid-city parking lot
Date: March 30, 2014 at 10:47 AM
To: Gayle Gagliano ggagliano@cox.net

could be another name

On Sat, Mar 29, 2014 at 3:04 PM, Lisa Casper <lcasper2@gmail.com> wrote:
I OPPOSE Zoning Docket 031/14 because it allows commercial encroachment into our residential areas and may set a risky precedent for similar intrusions into our mid-city neighborhoods in the future.

Sent from my iPhone

From: **Earl Schmit** midcityparkinglot@gmail.com
Subject: Fwd: Zoning Docket 030/14
Date: March 30, 2014 at 5:20 PM
To: Gayle Gagliano ggagliano@cox.net

----- Forwarded message -----

From: **Jennifer Molina** <jmolina6@yahoo.com>
Date: Sun, Mar 30, 2014 at 11:10 AM
Subject: Zoning Docket 030/14
To: "**discheerer@nola.gov**" <discheerer@nola.gov>, "**midcityparkinglot@gmail.com**"
<midcityparkinglot@gmail.com>

I OPPOSE Zoning Docket 030/14 because it allows commercial encroachment into our residential areas and may set a risky precedent for similar intrusions into our Mid-City neighborhoods in the future.

Sincerely,
Jennifer Molina

From: Earl Schmitt midcityparkinglot@gmail.com
Subject: Fwd: Zoning Docket 030/14
Date: March 30, 2014 at 10:49 AM
To: Gayle Gagliano ggagliano@cox.net

COULD BE ANOTHER NAME?
UPDATE ME

----- Forwarded message -----

From: Lisa Buchert <lisa.buchert@gmail.com>
Date: Sun, Mar 30, 2014 at 10:03 AM
Subject: Zoning Docket 030/14
To: discheerer@nola.gov
Cc: midcityparkinglot@gmail.com

I OPPOSE Zoning Docket 030/14 because it will allow commercial encroachment into our residential areas. It could also set a risky precedent for future intrusions into our Mid-City neighborhoods.

Lisa Buchert

From: Earl Schmit midcityparkinglot@gmail.com
Subject: Fwd:
Date: March 31, 2014 at 10:29 AM
To: Gayle Gaglano ggaglano@cox.net

another name

sent her a thank

E

----- Forwarded message -----

From: Michelle Agosto <midcitychelle@yahoo.com>

Date: Mon, Mar 31, 2014 at 6:59 AM

Subject:

To: "discheerer@nola.gov" <discheerer@nola.gov>, "midcityparkinglot@gmail.com" <midcityparkinglot@gmail.com>

Michelle Agosto
4724 Cleveland Ave.
New Orleans, LA 70119

I Oppose Zoning Docket 030/14, because it allows commercial encroachment into our residential areas and may set a risky precedent for similar intrusions into our Mid City Neighborhoods in the future.

Sincerely,
Michelle Agosto

4152-54 Cleveland Ave.
New Orleans LA 70119
March 5, 2014

City Planning Commission
City of New Orleans
1340 Poydras Street
New Orleans LA 70112

Re: Docket # 030-14 Zoning Change to 4147 Cleveland Avenue

Dear Commission Members:

Recently I was stunned to learn the importance that the City Planning Commission attached to the Volunteers of America (VOA) neighborhood meeting late last year. I regarded the VOA event as a public relations initiative to ingratiate itself to the neighborhood in hopes of mitigating any negative reactions*. My son-in-law attended the event to listen to what VOA had planned, rather than to instigate a big confrontation. He felt that the other residents might have shared this perspective. Earl Schmit, who has been my neighbor and owns 4146-48 Cleveland Avenue, arrived late to the meeting and was unable to gain access to the building. I did not know if other residents had the same difficulty.

Please know that there is much neighborhood opposition to this plan, and we will galvanize the neighborhood in voicing their opposition to this proposed zoning change.

Thank you, and please acknowledge receipt of this communication. I can be contacted by phone at (504) 482-2427 or by email at ggagliano@cox.net.

Sincerely,

Gayle V. Gagliano

**The city should require some sort of disclaimer for any such letters sent to the neighborhood residents disclosing that their attendance and comments will weigh in the city's zoning decision.*

ATTACHMENT 3

March 20, 2014

Mr. Stephen Kroll, Mr. Derek Scheerer
City Planning Commission
1340 Poydras Street
New Orleans LA 70112

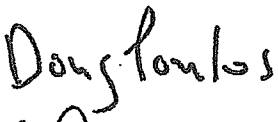


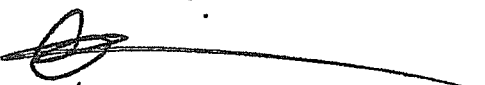

Re: Docket #030-14

Dear Planners:

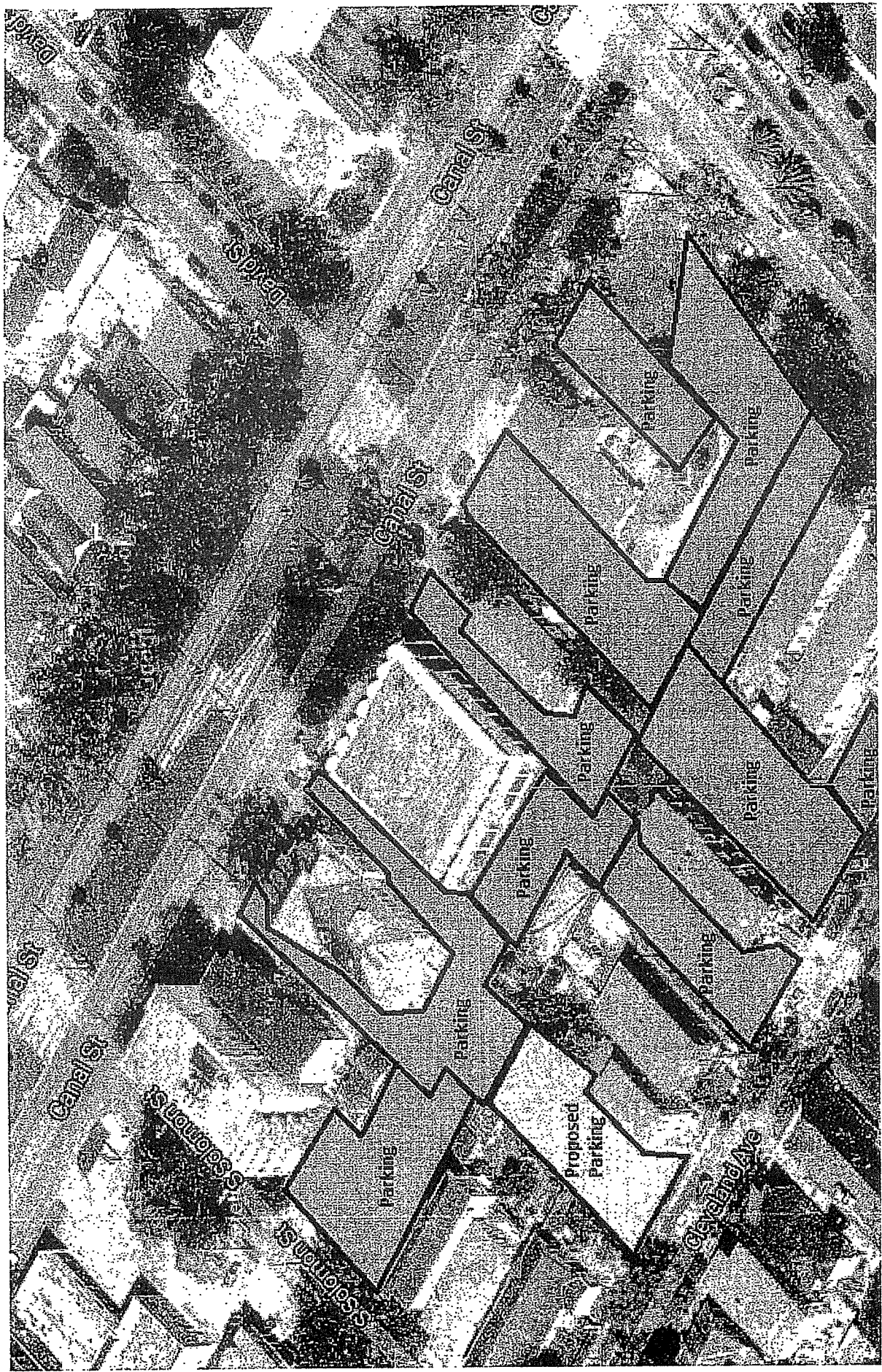
All of the undersigned attended the Volunteers of America (VOA) NPP meeting on November 20, 2013, to learn about their plans to secure a conditional use for parking on a residential lot. After reflection upon this destabilizing impact on our neighborhood, we strongly oppose this use for the following reasons:

- 1) The negative effect of another parking lot is an unwelcome commercial intrusion into our neighborhood's character and our quality of life.
- 2) No significant abatement of parking issues will occur, since Jesuit students take all available parking spaces early in the morning, before the start of the regular working day.
- 3) Flooding potential will be increased by paving a large grassy area, as well as by further stressing the dilapidated draining infrastructure (half of the storm drains on Cleveland and Solomon are non-functioning).
- 4) According to the VOA, their staff now numbers 50+ in our immediate area and seems to have outgrown its facility and our neighborhood.
- 5) Because of this lot's negative impact, the VOA, which is a community-based organization, should reconsider this zoning request, bearing in mind its significance to the quality of life and residential character in our mutual community. This lot will not serve any public purpose; it is only for the sake of its staff's parking convenience. Excellent public transportation and underutilized parking lots are nearby.

We strongly urge you to deny this request for a conditional use of this property because of the detrimental impact on our homes and neighborhood.

NAME	SIGNATURE	ADDRESS
Doug Lake		216 S. Solomon St.
Charles M. Dawson		4154 Cleveland Av.
Daniel Troyano		4145 Cleveland Ave
Caylie Sadin		4145 Cleveland Ave.
MARY Logsdon		124 So. Solomon St.

ATTACHMENT 4



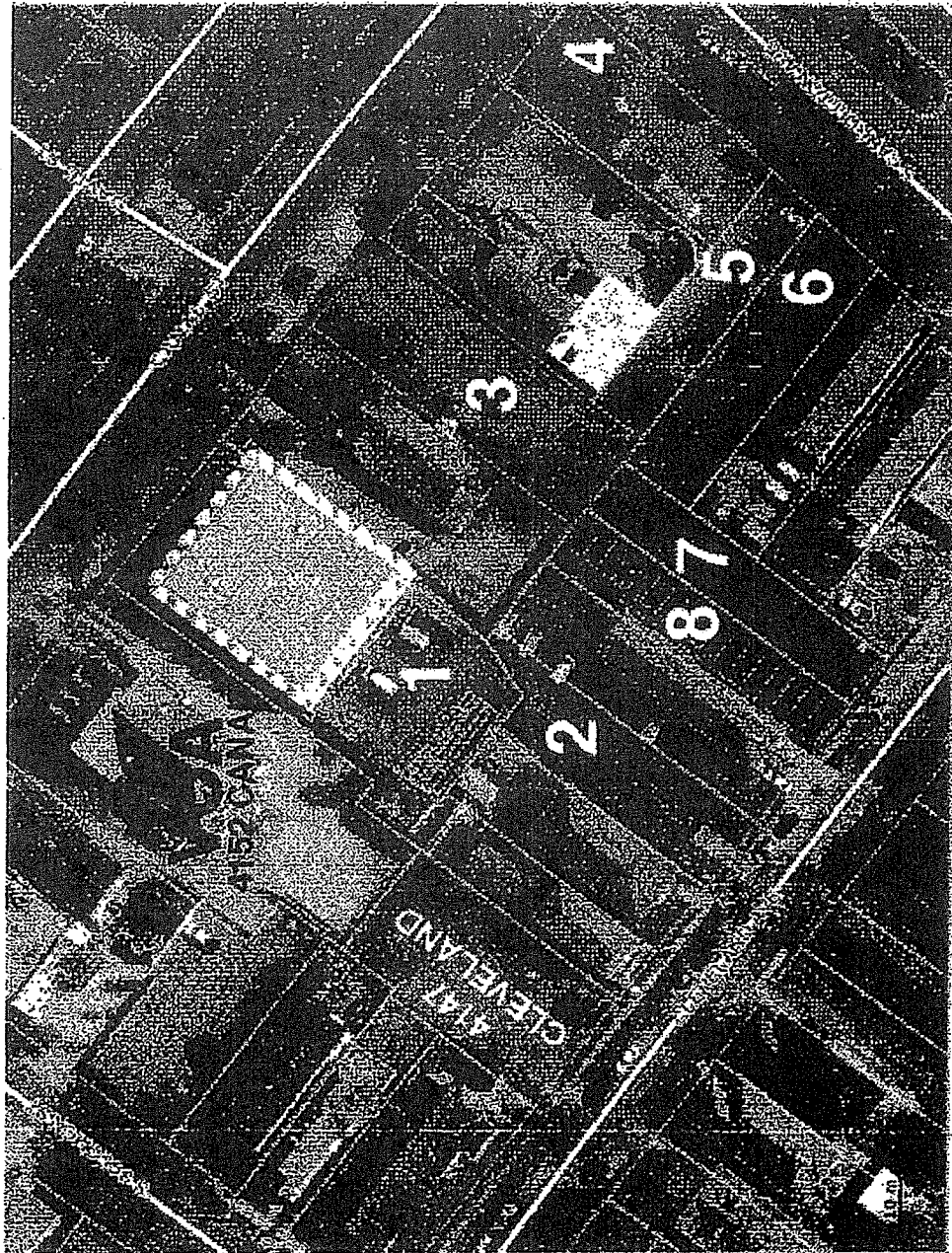
EXISTING ALTERNATIVES SHARED OR OFF-SITE PARKING

A

**EXISTING NON-CONFORMING OR COMMERCIAL ZONED PROPERTY
WITHIN THE SAME SQUARE AS VOA OFFICE USE AT 4152 CANAL STREET
INCLUDING VACANT LOTS AND UNDERUTILIZED SURFACE PARKING LOTS**

**No evidence the applicant has explored or exhausted alternative options
like contract, lease or purchase of nearby property or a shared parking arrangement**

1. 4140 CANAL
2. 4137 CLEVELAND
3. 4120 CANAL
4. 4106 CANAL
5. 4727 S CARROLTON
6. 4721 S CARROLTON
7. 4119 CLEVELAND
8. 4123 CLEVELAND



**VACANT COMMERCIAL
PROPERTY AVAILABLE
RIGHT NEXT DOOR**

**EXHIBIT
A2**

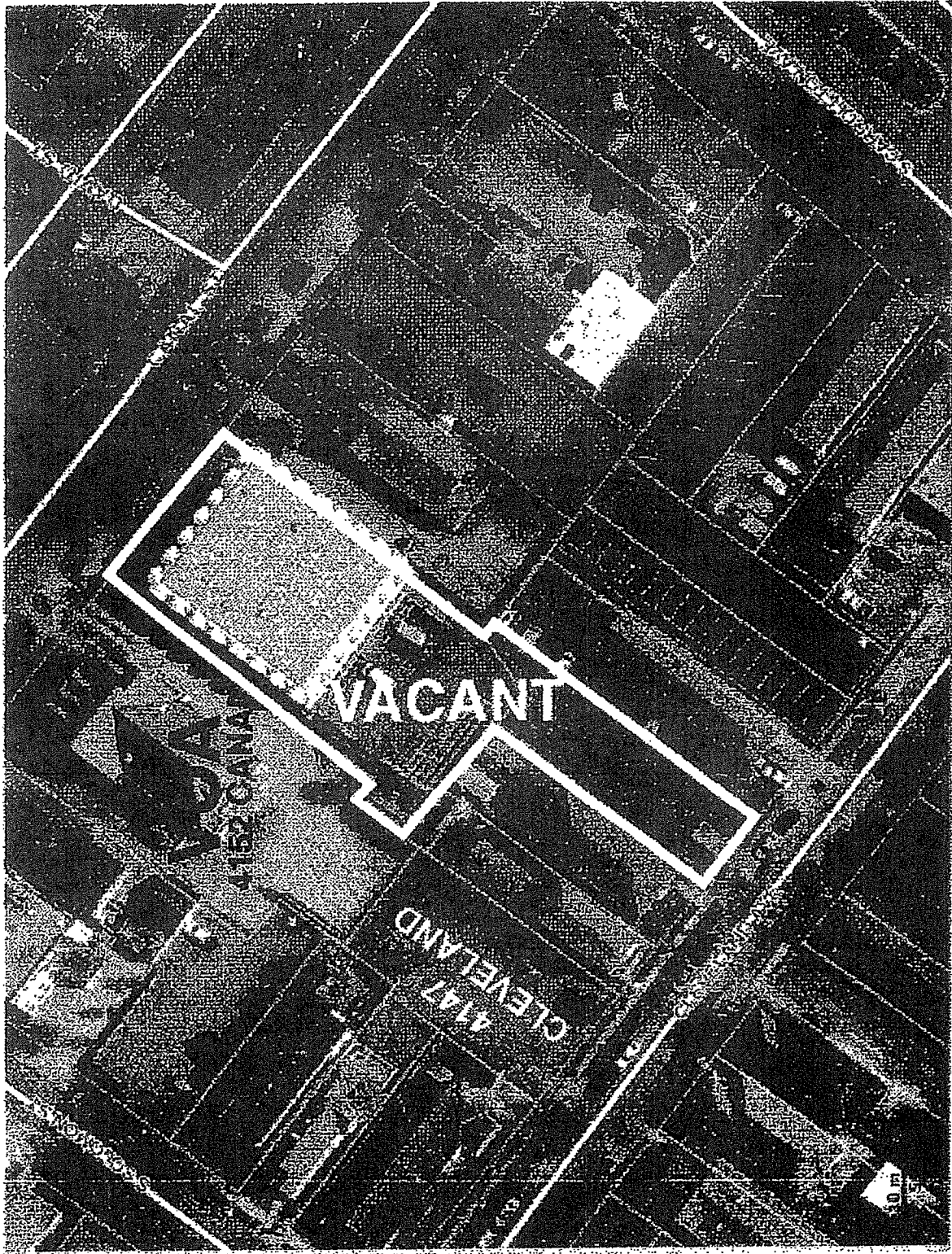
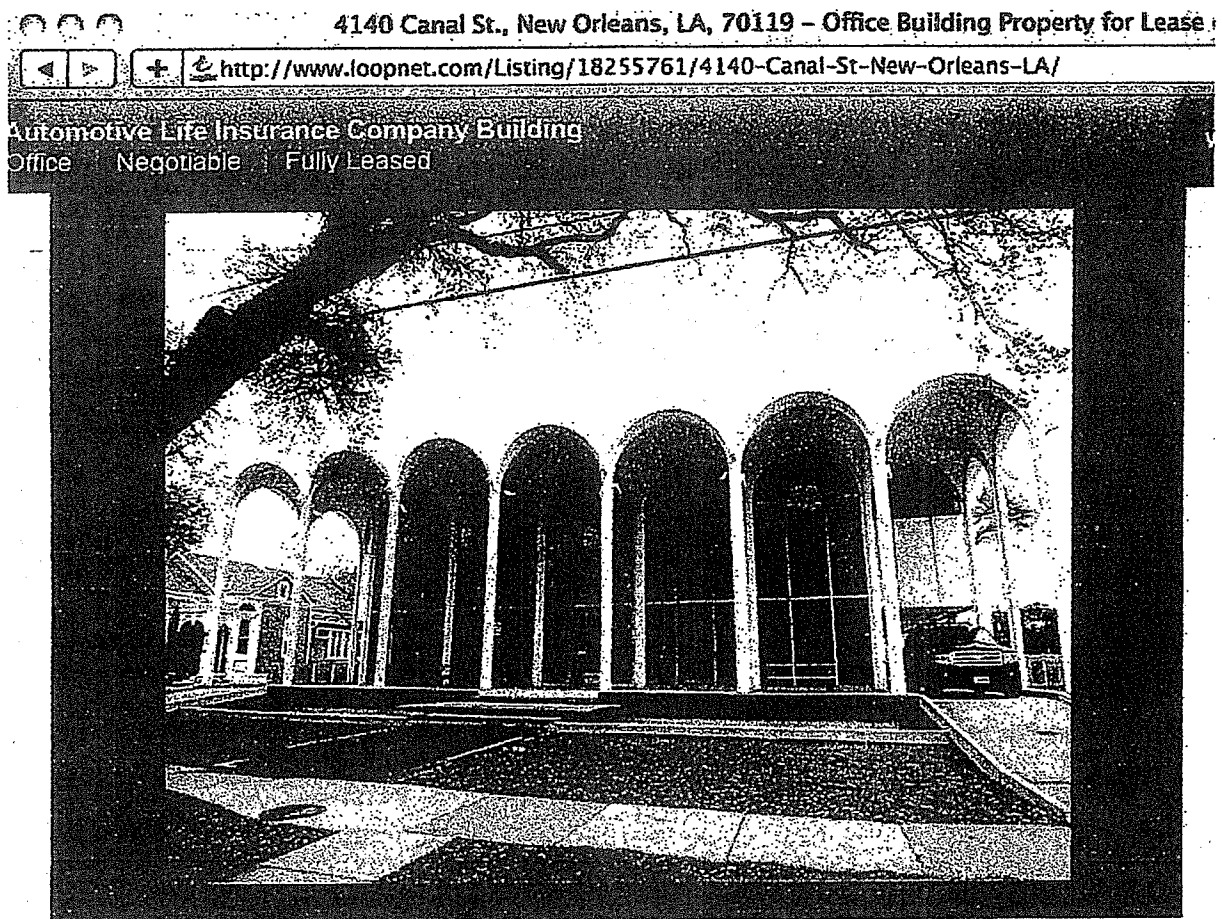


EXHIBIT A2

**AVAILABLE FOR LEASE NEXT DOOR TO APPLICANT'S OFFICE USE AT 4152
CANAL. LARGE VACANT PARKING LOT WITH AMPLE PARKING IN REAR**



Office Property For Lease Get Financing

Total Space Available:	Fully Leased	Building Class:	A
Rental Rate:	Negotiable	Year Built:	1963
Min. Divisible:	Fully Leased	Lot Size:	23,633 SF
Max. Contiguous:	Fully Leased	Zoning Description:	C1-A, General Commercial District
Property Type:	Office	Listing ID	18255761
Property Sub-type:	Office Building	Last Updated	3 days ago
Additional Sub-types:	Creative/Loft		
Building Size:	9,259 SF		

MOTION
NO. M-14-267

CITY HALL: June 19, 2014

BY: COUNCILMEMBER GUIDRY

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 30/14 – VOLUNTEERS OF AMERICA OF GREATER NEW ORLEANS, INC- Requesting a Conditional Use to permit a parking lot providing off-street parking for a main use located within 300 feet of said lot in an RD-3 Two Family Residential District, on Square 783, Lot 26-A, in the First Municipal District, bounded by Cleveland and South Carrollton Avenues and Canal and South Solomon Streets (Municipal Address: 4147 Cleveland Avenue), be, and the same is hereby upheld, and the request is denied.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Brossett, Cantrell, Gray, Guidry, Head - 5

NAYS: 0

ABSENT: Ramsey, Williams - 2

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Shirley W. Williams
Clerk of Council

TIMELINE

EXHIBIT B

- 1929 Residential use of 4147 Cleveland and 4152 Canal.
- 1949 Residential use of 4147 Cleveland and 4152 Canal.
- June 24, 1996 Volunteers of America (VOA) acquires residence at 4152 Canal -VOA office (See Exhibit H)
- July 29, 1996 VOA enters lease agreement with Mr. Vincent Marcello, Jr. to "use and maintain" (EXHIBIT B2) a portion of 4147 Cleveland" as a parking lot" for ten years which "may include placing gravel or shells on the premises" which was not paved at the time of lease agreement. Lease entered without permits or proper approvals for a parking lot use on separate RD3 lot.
- 1996-1998 Applicant paves roughly 1800sf area of 4147 Cleveland as a surface parking lot. Google Earth aerial shot from 1998 confirms paved rear portion of 4147 Cleveland as parking lot. (EXHIBIT L)
- June 7, 2004 Owners, Mr. Vincent Jr. & Marika Menutis Marcello enjoined & restrained from selling any assets due to divorce including 4147 Cleveland. (Exhibit H)
- Jul. 19, 2005 Marika Menutis Marcello dies unexpectedly, age 39. Assets including 4147 Cleveland caught up in succession. (Exhibit H)
- July 29, 2006 Initial lease for unpermitted parking lot expires. (EXHIBIT B2)
- August 29, 2005 Katrina. Area flooding.
- March 3, 2006 Google Earth aerial photo confirms applicant's use of 4147 Cleveland as a paved parking lot without permit or proper approval of parking lot use on the RD-3 lot (Exhibit L)
- March 2006 For Sale sign placed at 4147 Cleveland
- April 3, 2012 Sweet Dog, LLC. enters contract with Mr. Vincent Marcello, Jr. to purchase 4147 and 4145 Cleveland Avenue with intent of rehabing homes for residential use. (Exhibit H)
- April 9, 2012 Final judgement in succession of Marika Minutis Marcello, partition & possession freeing assets including 4147 Cleveland (Exhibit H)
- April 19, 2012 Request for Subdivision to consolidate VOA's unpermitted parking lot at 4147 Cleveland Avenue with the VOA property at 4152 Canal (Exhibit ?). An "after-the-fact" application for conditional use for the commercial parking lot on the RD-3 lot is not applied for or required during review of subdivision by various departments. File notes and responses from various departments make no mention of unpermitted parking lot use of this RD-3 property. (EXHIBIT F)
- April 27, 2012 Sweet Dog, LLC acquires 4145 Cleveland from Marcello in name of Caylie Sadin (current homeowner 4145 Cleveland). (EXHIBIT H)
- Sale of 4147 Cleveland delayed because of unpermitted parking lot and subdivision request. Without subdivision applicant would lose future use of the unpermitted parking lot.
- May 12, 2012 A raging fire engulfs the home at 4147 Cleveland. 14 units and 45 firefighters respond to the massive blaze. Fire investigation results were inconclusive. Fire spreads to 4145 Cleveland under renovations for a month damaging windows and newly installed roof. (Exhibit I)
- June 6, 2012 Mr. Vincent Marcello, Jr. requests demolition of home at 4147 Cleveland after pressure from neighborhood organization and City. "Fire damaged and in imminent danger of collapse". Home is demolished. (EXHIBIT # 5 PERMIT RECORDS 4147 CLEVELAND)
- June 21, 2012 Contract between Sweet Dog, LLC and Mr. Marcello cancelled. (EXHIBIT H)
- June 26, 2012 Cash sale of 4147 Canal. Volunteers of America (P) Marcello Properties (V) \$110,000 (Exhibit H)
- February 8, 2013 Complaint / inspection: Unpermitted construction of a parking lot. (Exhibit G)
- January 31, 2014 VOA files application for conditional "main use" as a commercial parking lot on an RD-3 lot. Unpermitted parking lot is never included in Docket 030/14 "after-the-fact" and underlying zoning remains RD-3 without requirement for any zoning change.

EXHIBIT B2

LEASE

UNPERMITTED PARKING LOT RD-3 LOT AT 4147 CLEVELAND
VOLUNTEERS OF AMERICA AND MR. VINCENT MARCELLO, JR.

CONVEYANCE OFFICE
GASPER J. SCHIRO

24
VERIFIED

Dtd. 8-1-96 f66 LEASE

This lease was entered into this 26th day of July, 1996 by and between Vincent Marcello, a person of the full age of majority (hereinafter referred to as "Lessor") and Volunteers of America of Greater New Orleans, Inc., a Louisiana nonprofit corporation, (hereinafter referred to as "Lessee") as follows:

1. Lessor agrees to and does hereby lease to Lessee the following described property: (hereinafter referred to as the "premises") A portion of Lots 26 and 27, Square no. 783, First District, City of New Orleans, measuring approximately 60' by 40', as indicated on the survey dated February 26, 1996, by Gilbert, Kelly & Couturie attached hereto as "Exhibit A".
2. The term of this lease shall be ten (10) years or through the 30th day of September, 2006. If Lessee wishes to extend the lease for another 10 year term it must notify Lessor in writing at least 90 days prior to the expiration of the initial ten year term. *To Be Paid Annually in Advance*
3. Lessee agrees to pay Lessor \$100 per month rent for the premises during the initial ten (10) year term of this lease. If the Lease is renewed for an additional ten year term the rent shall be \$200.00 per month.
4. Lessor understands that Lessee shall use the premises as a parking lot and will make certain alterations or changes to the premises in order to accommodate parking, this may include placing gravel or shells on the premises. *AND MAINTAIN*
5. Lessee agrees to hold harmless, indemnify and defend Lessor

LEASE

EXHIBIT

UNPERMITTED PARKING LOT RD-3 LOT AT 4147 CLEVELAND
VOLUNTEERS OF AMERICA AND MR. VINCENT MARCELLO, JR.

B2

from any and all claims for damages made by any person or entity as a result of injury while on the premises. Lessee shall carry adequate property insurance on the premises and will have Lessor named as an additional insured on such insurance.

- 6. The parties understand that this lease is contingent upon Lessee signing an Act of Sale for the property located at 4152 Canal Street. If that Act of Sales does not go forward by July 26, 1996, regardless of the reason, this lease shall be null and void.
- 7. Lessor warrants that he has merchantable title to the premises and that he shall keep the Lessee in peaceable possession of said premises during the duration of this lease and any extensions.
- 8. Lessor agrees that his heirs, assigns and/or successors shall be bound by the terms of this lease. This shall include any purchasers, successors, or assignees of Lessor's property at 4147-4147 1/2 Cleveland Street.

Registered in
 Conveyance Office
 Book 953 Folio 198-200
 New Orleans 7-29-1996

Vincent Marcello
 LESSOR Vincent Marcello

M. Wilson
 BY Dr. C.B.

Volunteers of America of
 Greater New Orleans, Inc.

James M. LeBlanc
 LESSEE
 James M. LeBlanc

INSTR. No. 125948

CONVEYANCE OFFICE
 PARISH OF ORLEANS

7-29-96 *M. Wilson*

96-35162-129

LEASE

UNPERMITTED PARKING LOT RD-3 LOT AT 4147 CLEVELAND VOLUNTEERS OF AMERICA AND MR. VINCENT MARCELLO, JR.

CONVEYANCE OFFICE
GASPER J. SCHIRO

VEQUELICH

(2)

24

Date 8-1-96 *R66* LEASE

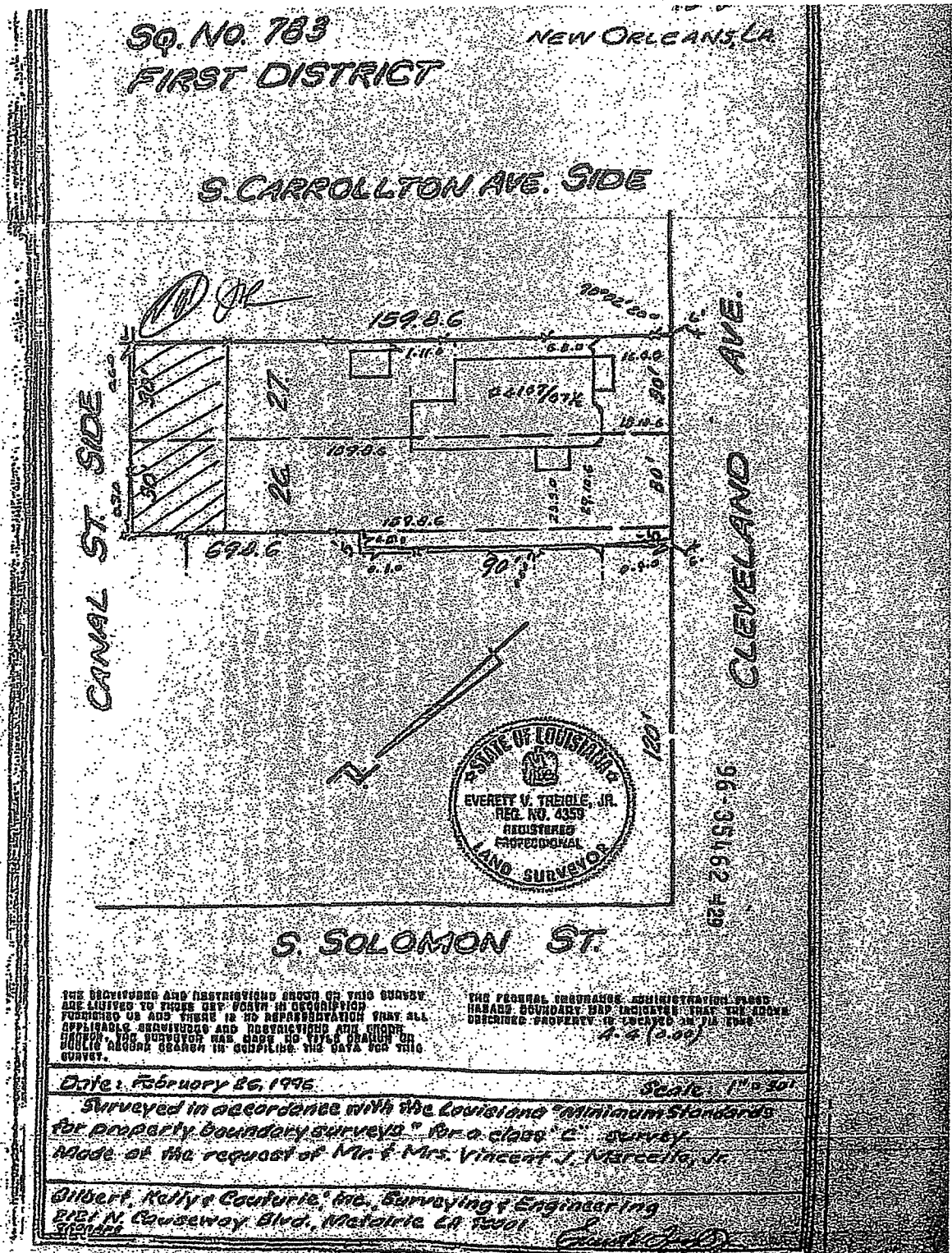
This lease was entered into this 26th day of July, 1996 by and between Vincent Marcello, a person of the full age of majority (hereinafter referred to as "Lessor") and Volunteers of America of Greater New Orleans, Inc., a Louisiana nonprofit corporation, (hereinafter referred to as "Lessee") as follows:

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2. The term of this lease shall be ten (10) years or through the 30th day of September, 2006. If Lessee wishes to extend the lease for another 10 year term it must notify Lessor in writing at least 90 days prior to the expiration of the initial ten year term.
3. Lessee agrees to pay Lessor \$100 per month rent for the premises during the initial ten (10) year term of this lease. If the Lease is renewed for an additional ten year term the rent shall be \$200.00 per month.
4. Lessor understands that Lessee shall use the premises as a parking lot and will make certain alterations or changes to the premises in order to accommodate parking, this may include placing gravel or shells on the premises.
5. Lessee agrees to hold harmless, indemnify and defend Lessor

RECEIVED
OFFICE
GASPER J. SCHIRO
8/1/96

LEASE

UNPERMITTED PARKING LOT RD-3 LOT AT 4147 CLEVELAND
VOLUNTEERS OF AMERICA AND MR. VINCENT MARCELLO, JR.



REQUEST FOR DETERMINATION

EXHIBIT
B3

From: Karen Ocker <designko@earthlink.net>
Subject: Request for Determination - 4147 Cleveland
Date: March 31, 2014 11:25:11 AM CDT
To: "Jared E. Munster" <jemunster@nola.gov>



Dear Mr. Munster:

This is a request for a determination as to whether the commercial parking lot paved, used and maintained on an RD-3 property at 4147 Cleveland by Volunteers of America is an unpermitted commercially used parking lot or a legal nonconforming parking lot. I realize this is a determination which should not be made lightly and also that the burden of proof is placed on the property owner. I also understand that a commercial parking lot was not a permitted use on an RD-3 lot in 1996 and is not permitted without conditional use approval today in the district.

There are no permits or conditional use approval for any parking lot at 4147 Cleveland. The current owner entered a lease agreement on August 1, 1996 for a period of 10 years. That lease confirms that there was no paved parking lot and specifically gives the lessee permission to place gravel or shells on a portion of the property while the single-family residential use continued on the remainder. That lease for a parking lot was contingent on the closing or final sale of 4152 Canal to Volunteers of America who had not yet moved into the neighborhood. While I'm not sure, it appears 4152 may have also been a residence prior to VOA acquiring the site and can located documentation if necessary. It appears the intent to encroach and create a parking lot in our residential neighborhood began even before they established offices on Canal Street. Google Earth aerial photos confirm the present paved concrete parking lot in 2006 though I do not have an exact date the parking lot was paved.

According to LAMA records a complaint for unpermitted construction of a parking lot was received by the Department of Safety and Permits in 2013 but no outcome is provided.

The parking lot was consolidated into 4152 through subdivision in 2012, SD073/14 with no apparent comments provided by the Department of Safety and Permits in the file. The underlying zoning remains RD-3 for this portion.

Perhaps now that resubdivided into a C1A lot and used as excess accessory parking for the office use at 4152 Canal there is no remedy needed but if possible I would appreciate any determination you can provide before April 8, 2014.

I will provide you with relevant documentation by the close of business today.

Thank you,
Karen Ocker

EMAILS

Confirming "Main Use"

From: Stephen Kroll <skroll@nola.gov>
Subject: RE: General question re: non-accessory parking lots
Date: March 21, 2014 2:20:38 PM CDT
To: Karen Ocker <designko@earthlink.net>, "Derek I. Scheerer" <discheerer@nola.gov>
Cc: "Jared E. Munster" <jemunster@nola.gov>

I want to clarify CPC's position on this, which I assume is also Safety and Permits' position. The proposed parking, which is a conditional use, is legally a main use because it would be the only use on the lot.

Stephen Kroll
Principal City Planner
City Planning Commission
City of New Orleans
1300 Perdido Street
Room 7W03
New Orleans, Louisiana 70112
504.658.7010
skroll@nola.gov
www.nola.gov/cpc

From: "Derek I. Scheerer" <discheerer@nola.gov>
Subject: RE: General question re: non-accessory parking lots
Date: March 21, 2014 2:14:12 PM CDT
To: Karen Ocker <designko@earthlink.net>

The parking lot is permitted as a conditional use in the district. It is a main use that requires conditional use approval. We have had other applications for these before. Recent examples can be found at the corner of Republic and Industry Streets, and 3601 Camp Street.

Derek Scheerer, CFM
New Orleans City Planning Commission
1300 Perdido Street
Rm. 7W03
New Orleans, LA 70112
p. 504-658-7033

EMAILS

Confirming potential lease possible *future*

From: "Derek I. Scheerer" <disheerer@nola.gov>
Subject: RE: Zoning Docket: 030-14
Date: March 17, 2014 11:51:48 AM CDT
To: Karen Ocker <designko@earthlink.net>

Karen,

You are correct in that it can be leased to another use unless it is title restricted.

Me, Dubravka, and Rachel are doing design reviews now.

Derek Scheerer, CFM
New Orleans City Planning Commission
1300 Perdido Street
Rm. 7W03
New Orleans, LA 70112
p. 504-658-7033

-----Original Message-----

From: Karen Ocker [mailto:designko@earthlink.net]
Sent: Monday, March 17, 2014 11:03 AM
To: Derek I. Scheerer
Subject: Re: Zoning Docket: 030-14

Hi Derek,

I appreciate your help.

So this is essentially a separate use as parking lot which can be leased or sold to anyone. Could a future owner essentially use the parking lot as parking for another property within 300 feet or even just a main use as a parking lot that is not associated with any nearby use?

Any chance you can you tell me who handles design review these days? There is an RO-1 structure with proposed commercial on the ground floor but no apparent design review.

Thank you!!

Karen

EXHIBIT D

4147
CLEVELAND

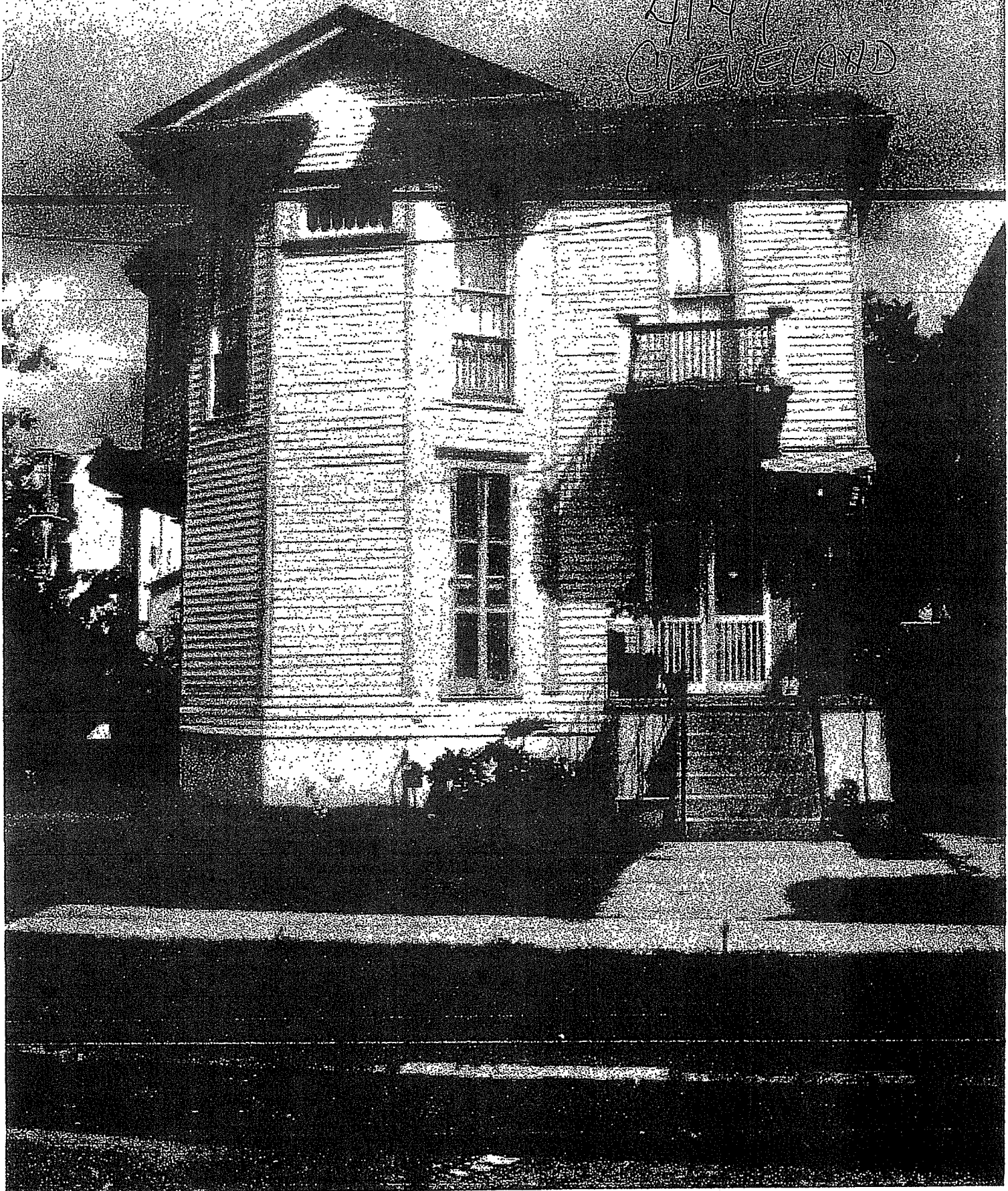
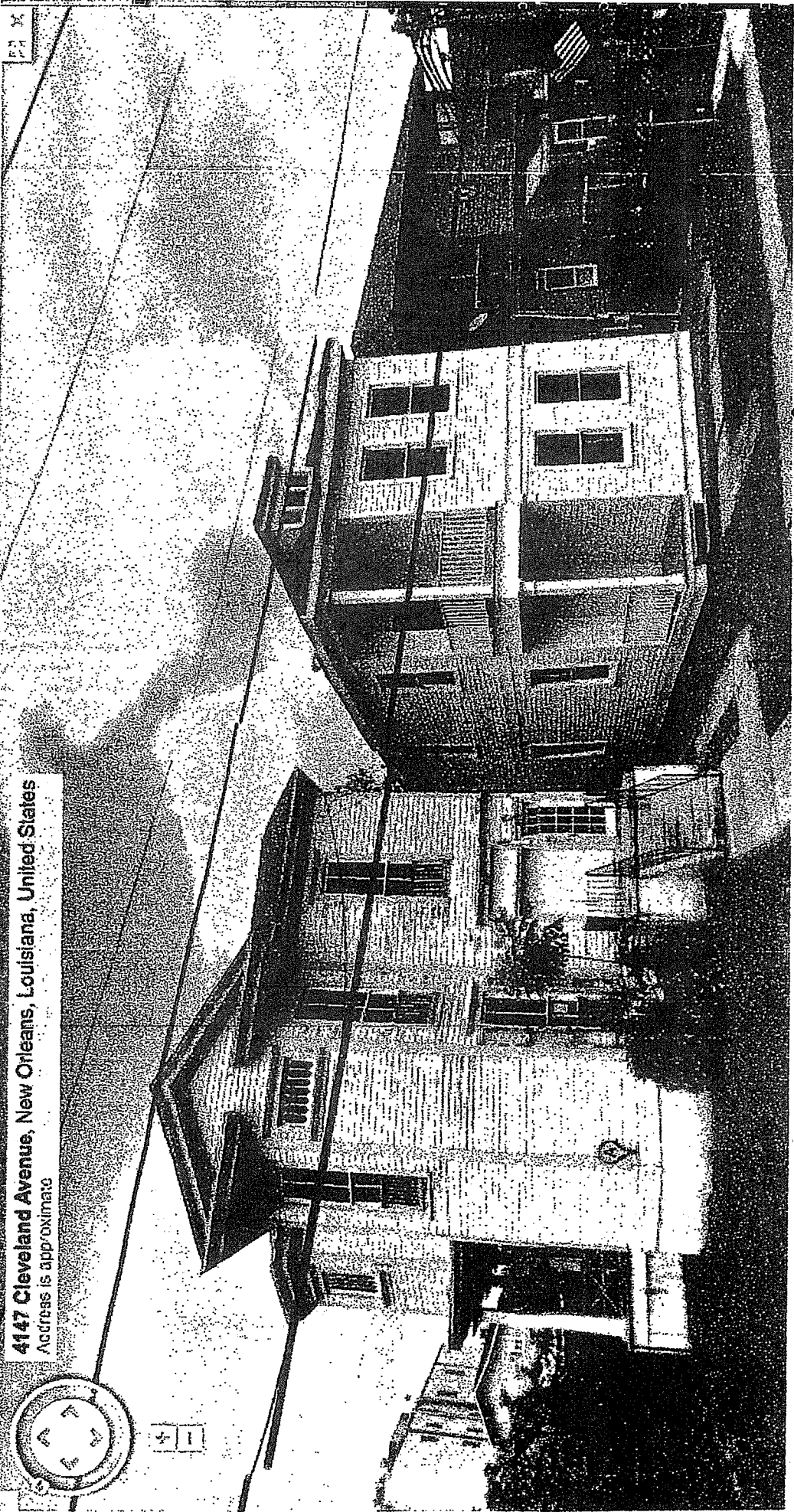


EXHIBIT D

4147 Cleveland Avenue, New Orleans, Louisiana, United States
Address is approximate



↑ 4147 CLEVELAND

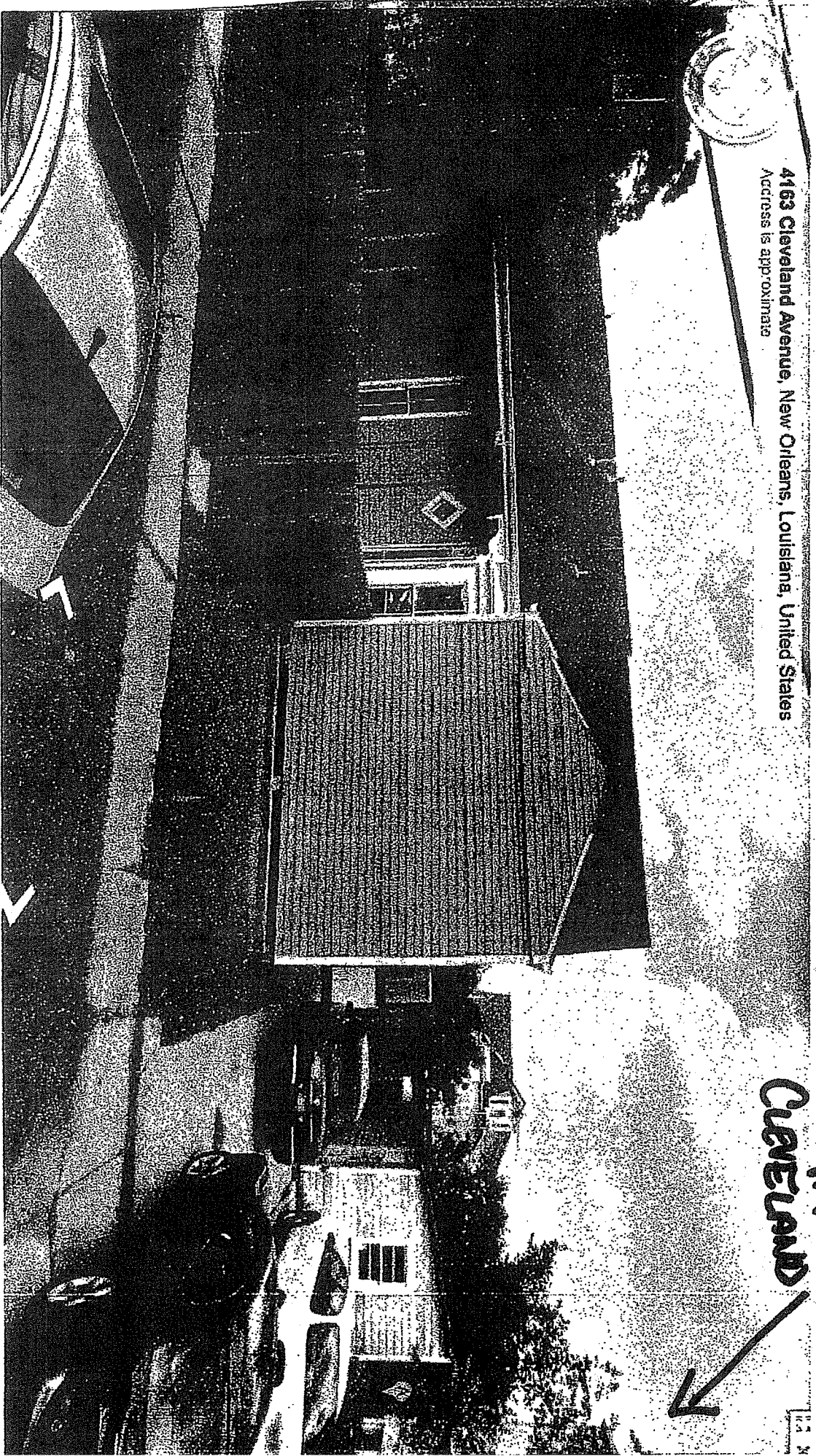
↑ 4145 CLEVELAND

← S. SOLOMON

→ S. CARROLLTON

Exhibit
D

4163 Cleveland Avenue, New Orleans, Louisiana, United States
Address is approximate



4147

Cleveland



ADJACENT TO
4147 CLEVELAND

CORNER OF
CLEVELAND + S. SALMON

**EXHIBIT
E**

**PHOTOS OF RUN-OFF FROM UNPAVED 4147 CLEVELAND
FLOODING ADJACENT 4145 CLEVELAND MARCH 2014**



EXHIBIT F

PLEASE SEE FILE FOR SD 073/12

From: Karen Ocker
 Subject: ZD0030/14 & SD073/12
 Date: March 30, 2014 10:59:41 PM CDT
 To: Stephen Kroll
 Cc: Derek I. Scheerer

Dear Stephen,

Please add a copy of the CFC file for Subdivision Docket 073/12 to the file for Zoning Docket 073/12.

This subdivision is relative to a division of original boundaries of 4147 Cleveland and consolidation of a portion of 4147 Cleveland and 4152 Canal requested by Mr. Vincent Marcello, Jr. and Volunteers of America April 16, 2012.

Thank you,

Karen

LAMA Project Summary

Project Name:	4152 Canal St
Project Number:	SD073-12
Type:	Minor Subdivision
Location:	4152 Canal St
Applicant:	LAURIE TOUPS
Owner:	Vincent Marcello, Jr. & Volunteers Of America Of Greater New Orleans, Inc.
Description:	Historical Import Type: Planning Subdivision Minor Subdivision NA User: FFRETWELL Tracking: 86127340607 Status Date: 4/19/2012 9:00:11 AM Owner: Vincent Marcello, Jr. & Volunteers Of America Of Greater New Orleans, Inc. Owner Edited By: 4/19/2012 by FFRETWELL

Status Information:

Status	Date
Submit Application - Docketed, Certification Only	4/19/2012

Contacts:			Details:	
Name	Address		Property	Value
<<contact:name>>	<<contact:address>>		<<prop:name>>	<<prop:val>>
Fees:				
Type	Amount	Paid		
Subdivision	\$ 0.00	Paid: No		
Other	\$ 250.00	Paid: No		
Inspections:				
Type	Date	Status		

DEPARTMENT OF PROPERTY MANAGEMENT
DIVISION OF REAL PROPERTY RECORDS
ROOM 5W06-CITY HALL, N.O., LA.

REC'D - DIVISION OF REAL PROPERTY RECORDS
TYPE: RESUBS REC. 530 00 PG. 2
DATE: 07/24/12

DECLARATION OF TITLE CHANGE BY SUBDIVISION

Date: 7-24-2012

TO THE REGISTRAR OF CONVEYANCES:

CONFORMING WITH SUBDIVISION REGULATIONS ADOPTED BY CITY PLANNING AND ZONING COMMISSION 2/2/50 AND OFFICIALLY RECORDED 5/4/50, IT IS REQUESTED THAT ATTACHED SURVEY PLAT BE REGISTERED AND MADE PART OF THE TITLE CHAIN OF THE FOLLOWING DESCRIBED PROPERTY:

<u>783</u>	<u>*SEE BELOW*</u>	<u>I</u>	<u>125947</u>	<u>07/29/1996</u>
SQ. NO.	LOT NO.	MUN. DIST.	ACQ. CIN or COB/FOL	DATE
			<u>509535</u>	<u>04/10/2012</u>

SOUTH CARROLLTON AVENUE(SIDE), CLEVELAND AVENUE, SOUTH SOLOMON STREET, CANAL STREET BOUNDRIES

VINCENT MARCELLO JR., & VOLUNTEER OF AMERICA OF GREATER NEW ORLEANS, INC.
OWNER OF RECORD BEFORE SUBDIVISION CHANGE

13-A & 26-A
NOW SUBDIVIDED AS

R.W. KREBS, L.L.C.
SURVEYOR

73/12
SUBDIVISION DOCKET NUMBER

7-18-2012
DATE APPROVED -- CPC

OWNER(S): VOLUNTEER OF AMERICA OF GREATER NEW ORLEANS, INC.

NOTICE:
IF NOT RECORDED WITHIN 30 DAYS FROM DATE OF CPC APPROVAL, THIS SUBDIVISION SHALL BE DEEMED VOID

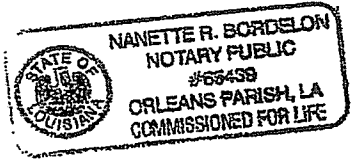
BY: [Signature]
VINCENT MARCELLO, JR.

13, 14, 15, 26, 27 & A PORTION OF LOT 25

C.O. RECORDATION

Nanette R. Bordelon

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 24 DAY OF July
2012



LAMA RECORD - COMPLAINTS UNPERMITTED CONSTRUCTION OF PARKING LOT

4147 Cleveland Ave • Building Code • Code Incident #13 00636-BLDGC • Ref Code: JEKXRD

[Print Summary](#) [Add to Watch List](#)

Type:	Applicant:	Status:	Date Filed:	Closed:
Building Code		Inspection	2/7/2013 8:21:28 AM	No

Description

INSPECT LOCATION FOR THE CONSTRUCTION OF A PARKING LOT WITHOUT PROPER PERMIT AND APPROVALS. HAD DEMOLITION PERMIT

Origin:	Division:	Last	Next	Violations:	Open Violations:
Citizen	SP	Compliance	Compliance	0	0
		Date:	Date:		

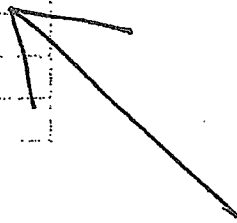
Last Hearing Date: Next Hearing Date:

LAMA Incident Summary

Incident Number:	13-00636-BLDGC
Type:	Building Code
Department:	SP
Location:	4147 Cleveland Ave
Owner:	Of America Of Volunteers
Description:	INSPECT LOCATION FOR THE CONSTRUCTION OF A PARKING LOT WITHOUT PROPER PERMIT AND APPROVALS. HAD DEMOLITION PERMIT
Current Status:	Inspection
Next Status:	Stop Work Order
User:	

Details:

Property	Value
In Historic District	No
Council District	A
Ward	3
Municipal District	1
Fire District	5
Code Enforcement District	11
FEMA Flood Zone	100 YR FLOOD
GISID	41035252



LAMA RECORD - COMPLAINTS / DEMO

4147 Cleveland Ave • Preliminary Investigation • Code Incident # 12ESP-02028 • Ref Code: A7QLEH

[Print Summary](#) • [Add to Watch List](#)

Type:	Applicant:	Status:	Date Filed:	Closed:
Preliminary Investigation		Draft Application	6/7/2012 7:48:59 AM	No

Description

Historical Import Type: Enforcement Safety and Permits Complaint NA NA User: JODOM Tracking: 186113708843 Owner: Vincent J Marcello Jr Ownr
Address: 1025 Bienville St Suite 5, New Orleans, LA 70112 Owner Edited By: 6/7/2012 by JODOM

Origin:	Division:	Last Compliance Date:	Next Compliance Date:	Violations:	Open Violations:
	SP			0	0

Last Hearing Date: **Next Hearing Date:**

LAMA Incident Summary

Incident Number:	12ESP-02028
Type:	Preliminary Investigation
Department:	SP
Location:	4147 Cleveland Ave
Owner:	

Details:

Property	Value
Council District	A
Code Enforcement District	11

4147 Cleveland Ave • Demolition • Permit #12BLD-03573 • Ref Code: STTYN1

[Print Summary](#) • [Add to Watch List](#)

Type:	Applicant:	Status:	Date Filed:	Closed:
Demolition	Vincent J Jr Marcello	Permit Issuance - Active	6/6/2012 12:00:00 AM	No

EXHIBIT
H

**MISC. CONTRACTS, SUCCESSION-PREVIOUS OWNER,
SALE OF 4147 CLEVELAND TO APPLICANT**

MOTION
NO. M-14-267

CITY HALL: June 19, 2014

BY: COUNCILMEMBER GUIDRY

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 30/14 – VOLUNTEERS OF AMERICA OF GREATER NEW ORLEANS, INC- Requesting a Conditional Use to permit a parking lot providing off-street parking for a main use located within 300 feet of said lot in an RD-3 Two Family Residential District, on Square 783, Lot 26-A, in the First Municipal District, bounded by Cleveland and South Carrollton Avenues and Canal and South Solomon Streets (Municipal Address: 4147 Cleveland Avenue), be, and the same is hereby upheld, and the request is denied.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Brossett, Cantrell, Gray, Guidry, Head - 5

NAYS: 0

ABSENT: Ramsey, Williams - 2

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
[Signature]
CLERK OF COUNCIL

Listing Firm			Selling Firm			
Seller's Designated Agent			<input type="checkbox"/>	Buyer's Designated Agent		
Phone Number	Office	Fax		Phone Number	Office	Fax
Email Address				Email Address		
Delivered by Designated Agent to			Day	Date	Time	AM/PM
Comments						
Received by Designated Listing Agent			Day	Date	Time	AM/PM

LOUISIANA RESIDENTIAL AGREEMENT TO BUY OR SELL

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Date: 4/3/2012

PROPERTY DESCRIPTION: I/We offer and agree to Buy/Sell the property at:
(Municipal Address) 4147 - 4147 1/2 Cleveland Ave.
City New Orleans ; Zip 70119 ; Parish Orleans ; Louisiana,
(Legal Description) Sq 783 Lots 26 & 27 Cleveland Av
on lands and grounds measuring approximately 60 X 120

or as per record title; including all buildings, structures, component parts, and all installed, built-in, permanently attached improvements, together with all fences, security systems, all installed speakers or installed sound systems, all landscaping, all outside TV antennas, all satellite dishes, all installed and/or built-in appliances, all ceiling fans, all air conditioning or heating systems including window units, all bathroom mirrors, all window coverings, blinds and associated hardware, all shutters, all flooring, all carpeting, all cabinet tops, all cabinet knobs or handles, all doors, all door knobs or handles, all windows, all roofing, all electrical systems, and all installed lighting fixtures, chandeliers and associated hardware, other constructions permanently attached to the ground. If owned by the SELLER prior to date of this Agreement, standing timber, unharvested crops and ungathered fruits of trees on the property shall be conveyed to the BUYER. The following movable items here remain with the property, but are not to be considered as part of the Sale Price and have no value: N/A

All items listed herein are included in the property sold no matter how they are attached or installed, provided that any or all of these items are in place at the time of signing of this Agreement to Buy or Sell (the "Agreement"), unless otherwise stated herein. (All of the above contained in lines 5 through 22 are collectively referred to herein as the "Property.") The following items are excluded from the Property sold: N/A

MINERAL RIGHTS: If SELLER transfers any mineral rights, they are to be transferred without warranty. 0 % mineral rights owned by SELLER are to be reserved by SELLER and the SELLER shall waive any right to use the surface for any such reserved mineral activity or use.

PRICE: The Property will be sold and purchased subject to title and zoning restrictions, servitudes of record, and law or ordinances affecting the Property for the sum of One Hundred Sixty Five Thousand Dollars (\$ 165,000.00) (the "Sale Price").

ACT OF SALE: The Act of Sale is to be executed before a settlement agent or Notary Public to be chosen by BUYER, on 4/27, 2012, or before if mutually agreed upon. Any change of the date for execution of the Act of Sale must be mutually agreed upon in writing and signed by SELLER and BUYER. At closing, BUYER must provide "good funds" if required by Louisiana statute LA R.S. 22:512 et seq. Security deposits are to be transferred to BUYER at Act of Sale.

OCCUPANCY: Occupancy/possession and transfer of keys are to be granted at Act of Sale unless mutually agreed upon in writing.

BUYER'S Initials BL WJ

SELLER'S Initials [Signature]



4147-4147 1/2 Cleveland Ave, New Orleans, LA 70119

Property address, street, city, state, zip

47 CONTINGENCY FOR SALE OF BUYER'S OTHER PROPERTY: This sale is contingent on the sale of other
48 property by the BUYER and the attached contingency clause addendum shall apply. This sale is not
49 contingent upon the sale of other property by the BUYER nor is the loan needed by the BUYER to obtain the Sale
50 Price contingent on the BUYER'S sale of any property.

51
52 ALL CASH SALE: BUYER warrants he has cash readily available to close the sale of this Property.

53
54 FINANCED SALE: This sale is conditioned upon the ability of BUYER to borrow with this Property as security
55 for the loan the sum of \$ _____ or _____% of the Sale
56 Price by a mortgage loan or loans at an initial interest rate not to exceed _____% per annum, interest and
57 principal, amortized over a period of not less than _____ years, payable in monthly installments or on any other
58 terms as may be acceptable to BUYER provided that these terms do not increase the cost, fees or expenses to
59 SELLER. The loan shall be secured by a Fixed Rate Mortgage; Adjustable Rate Mortgage; VA
60 Guaranteed Mortgage; FHA Insured Mortgage; Owner Financing; Bond Financing; Other. Fees paid
61 by SELLER that are required by lender, if any, shall not exceed \$ _____. BUYER agrees to
62 pay discount points not to exceed _____% of the loan amount. Other financing conditions:
63 _____
64 _____
65 _____
66 _____

67 In the event BUYER is not able to secure financing, SELLER reserves the right to provide all or part of mortgage
68 loan(s) under the terms set forth above. The BUYER acknowledges and warrants that he has available the funds
69 which may be required to complete the sale of the Property including, but not limited to, the deposit, the down
70 payment, closing costs, pre-paid items, and other expenses. BUYER agrees to make good faith application within
71 _____ calendar days after acceptance of this offer or any counteroffer. Written proof from the lender that the
72 application has been made shall be supplied by BUYER to the SELLER. Final loan approval shall be obtained on
73 or prior to _____. Any extension of this date shall be in writing and shall be signed by all
74 parties. BUYER authorizes and instructs lender to release to SELLER, or SELLER'S Broker or Designated Agent,
75 written verification of the loan application and final loan approval.

76
77 PRORATION/OTHER COSTS: Real estate taxes, flood insurance premium if assumed, rents, assessments,
78 condominium dues, assessments, and/or other dues owed to homeowners associations and the like for the
79 current year are to be prorated through the date of the Act of Sale. Act of Sale costs, title insurance and other
80 costs required to obtain financing, shall be paid by BUYER, unless otherwise stated herein. All necessary tax,
81 mortgage, conveyance, release certificates or cancellations and SELLER closing fees, if any, shall be paid by
82 SELLER. Seller shall pay all previous years taxes, assessments, condominium dues, assessments and/or dues
83 owed to homeowners associations and the like. All special assessments bearing against the Property prior to Act
84 of Sale, other than those to be assumed by written agreement as of the date of the Act of Sale, are to be paid by
85 Seller.

86
87 APPRAISAL: This sale is NOT conditioned on appraisal. This sale IS conditioned on the appraisal of the
88 Property being not less than the Sale Price. If the appraised value of the Property is equal to or greater than the
89 Sale Price, the BUYER shall pay the Sale Price agreed upon prior to the appraisal. If the appraised value is less
90 than the Sale Price, BUYER shall immediately provide written notification to SELLER of appraised value and
91 BUYER'S request for SELLER to reduce the Sale Price. Within _____ (_____) calendar
92 days after SELLER'S receipt of such written notification of the appraised value, BUYER shall have the option to
93 pay the Sale Price agreed upon prior to the appraisal or to void this Agreement unless SELLER agrees in writing
94 to reduce the Sale Price to the appraised value or all parties agree to a new Sale Price.

95
96 DEPOSIT: Upon acceptance of this offer, or any attached counter offer, SELLER and BUYER shall be bound by
97 all terms and conditions of this Agreement, and BUYER or BUYER'S agent will deliver immediately upon notice of
98 acceptance of the offer a deposit (the "Deposit") in the amount of \$ _____ 5,000.00 or N/A %
99 of the Sale Price to be paid in the form of: Cash \$ _____

100 Check \$ _____ Promissory Note \$ _____ N/A
101 The Deposit shall be held by _____ Crescent Title 7820 Maple St. #A, New Orleans, LA 70118

102
103 Failure to deliver the Deposit shall be considered a default of this Agreement. If the Deposit is held by a Broker, it
104 must be held in accordance with the rules of the Louisiana Real Estate Commission in a federally insured banking
105 or savings and loan institution without responsibility on the part of the Broker in the case of failure or suspension
106 of such institution. In the event the parties fail to execute an Act of Sale by date specified herein, and/or a dispute

BUYER'S Initials BI WB

SELLER'S Initials [Signature]



169 the Property, the SELLER shall provide, at SELLER's expense, approval of the private water or sewerage system, in accordance with the appropriate governmental entity. An approved sewerage and/or water inspection report will be issued within thirty (30) days prior to the Act of Sale by the appropriate governmental agency. The approved inspection and test on the water and/or sewerage system are to be furnished and paid for by the SELLER. Any private water system or private sewerage system repairs necessary to obtain approved inspection certificate will be paid by SELLER.

176 HOME SERVICE/WARRANTY: A home service/warranty plan will not be purchased at the closing of sale at a cost not to exceed \$_____ to be paid by BUYER SELLER Neither and ordered by _____ it is understood that Agent/Broker may receive compensation from the home warranty company for actual services performed. The home service warranty plan does not warrant pre-existing defects and options, and does not supersede or replace any other inspection clause or responsibilities. If neither BUYER nor SELLER accepts the home service warranty plan, they declare that they have been made aware of the existence of such a plan, and further declare that they hold the Broker and Agents harmless from any responsibility or liability due to their rejection of such a plan.

184 WARRANTY OR AS IS CLAUSE WITH WAIVER OF RIGHT OF REDHIBITION: (CHECK ONE ONLY)
 A. SALE WITH WARRANTIES: SELLER and BUYER acknowledge that this sale shall be with full SELLER warranties as to any claims or causes of action including but not limited to redhibition pursuant to Louisiana Civil Code Article 2520, et seq. and Article 2541, et seq.

189 B. SALE "AS IS" WITHOUT WARRANTIES: SELLER and BUYER hereby acknowledge and recognize that the Property being sold and purchased is to be transferred in "as is" condition and further BUYER does hereby waive, relieve and release SELLER from any claims or causes of action for redhibition pursuant to Louisiana Civil Code Article 2520, et seq. and Article 2541, et seq. or for reduction of Sale Price pursuant to Louisiana Civil Code Article 2541, et seq. Additionally, BUYER acknowledges that this sale is made without warranty of fitness for ordinary or particular use pursuant to Louisiana Civil Code Article 2524. SELLER and BUYER agree that this clause shall be made a part of the Act of Sale.

197 C. NEW HOME WARRANTIES. Notwithstanding lines 185 through 196 and irrespective of whether A or B above is checked, if the Property is a new construction, the parties agree that neither A or B will apply but instead the provisions of the New Home Warranty Act (LA R.S. 9:3141 et seq.) shall apply. The warranty of condition of this Property is governed by the New Home Warranty Act if a home on the Property is a "home" as defined in the New Home Warranty Act.

203 MERCHANTABLE TITLE/CURATIVE WORK: SELLER shall deliver to BUYER a merchantable title at SELLER's costs (see lines 207 through 209). In the event curative work in connection with the title to the Property is required or is a requirement for obtaining the loan(s) upon which this Agreement is conditioned, the parties agree to and do extend the date for passing the Act of Sale to a date not more than _____
Forty Five (45) calendar days from the date of the Act of Sale stated herein. SELLER's title shall be merchantable and free of all liens and encumbrances except those that can be satisfied at Act of Sale. All costs and fees required to make title merchantable shall be paid by SELLER. SELLER shall make good faith efforts to deliver merchantable title. SELLER's inability to deliver merchantable title within the time stipulated herein shall render this Agreement null and void, reserving unto BUYER the right to demand the return of the Deposit and to recover from SELLER actual costs incurred in processing of sale as well as legal fees incurred by BUYER.

214 FINAL WALK THROUGH: BUYER shall have the right to re-inspect the Property within five (5) days prior to the Act of Sale, or occupancy, whichever will occur first in order to determine if the Property is in the same or better condition as it was at the initial inspection(s) and to insure all agreed upon repairs have been completed. SELLER agrees to provide utilities for the final walk through and immediate access to the Property.
218 DEFAULT OF AGREEMENT BY SELLER: In the event of any other default of this Agreement by SELLER except as set forth in lines 110 through 122 or lines 209 through 212, BUYER shall at BUYER'S option have the right to declare this Agreement null and void with no further demand, or to demand and/or sue for any of the following:
222 1) Termination of this Agreement; 2) Specific performance; 3) Termination of this Agreement and an amount equal to 10% of the Sale Price as stipulated damages.

225 Further, BUYER shall be entitled to the return of the Deposit. The prevailing party to any litigation brought to enforce any provision of this Agreement shall be awarded their attorney fees and costs. The SELLER may also be liable for Broker fees.

BUYERS Initials *WS*

SELLER'S Initials



4147-4147 1/2 Cleveland Ave, New Orleans, LA 70119

Property address, street, city, state, zip

228 **DEFAULT OF AGREEMENT BY BUYER:** In the event of any other default of this Agreement by BUYER except
229 as set forth in lines 103 through 122, SELLER shall have at SELLER's option the right to declare this Agreement
230 null and void with no further demand, or to demand and sue for any of the following:
231 1) Termination of this Agreement; 2) Specific performance; 3) Termination of this Agreement and an amount
232 equal to 10% of the Sale Price as stipulated damages.

233
234 Further, SELLER shall be entitled to retain the Deposit. The prevailing party to any litigation brought to enforce
235 any provision of this Agreement shall be awarded their attorney fees and costs. The BUYER may also be liable
236 for Broker fees.

237
238 **MOLD RELATED HAZARDS NOTICE:** An informational pamphlet regarding common mold related hazards that
239 can affect real property is available at the EPA website <http://www.epa.gov/iaq/molds/index.html>. By initialing
240 this page of the Agreement, BUYER acknowledges that the real estate agent has provided BUYER with the EPA
241 website enabling BUYER to obtain information regarding common mold related hazards.

242
243 **OFFENDER NOTIFICATION:** The Louisiana State Police maintains the State Sex Offender and Child Predator
244 Registry through the Louisiana Bureau of Criminal Identification and Information. It is a public access database of
245 the locations of individuals who are required to register pursuant to LA R.S. 15:540 et seq. The website for the
246 database is <http://www.lsp.org/socpr/default.html>. Sheriff and police departments serving jurisdictions of
247 450,000 also maintain such information. Inquiries can be made by phone at 1-800-858-0551 or 1-225-925-6100.
248 Send written inquiries to Post Office Box 66614, Box A-6, Baton Rouge, Louisiana 70896.

249
250 **CHOICE OF LAW:** This Agreement shall be governed by and shall be interpreted in accordance with the laws of
251 the State of Louisiana.

252
253 **DEADLINES: TIME IS OF THE ESSENCE** and all deadlines are final, except where modifications, changes, or
254 extensions are made in writing and signed by all parties to this Agreement. All "calendar days" as used in this
255 Agreement shall end at 12:00 midnight in Louisiana.

256
257 **ADDITIONAL TERMS AND CONDITIONS:**
258 Deposit of \$5,000.00 becomes non-refundable upon passing Act of Sale and transfer of 4145 Cleveland Ave.
259 New Orleans, LA 70119 to Caylie Rebecca Sadin.
260 _____
261 _____
262 _____
263 _____
264 _____
265 _____

266 **ROLES OF BROKERS AND DESIGNATED AGENTS:** Broker(s) and Designated Agent(s) have acted only as
267 real estate brokers to bring the parties together and make no warranty to either party for performance or non
268 performance of any part of this Agreement or for any warranty of any nature unless specifically set forth in writing.
269 Broker(s) and Designated Agent(s) make no warranty or other assurances whatsoever concerning Property
270 measurements, square footage, room dimensions, lot size, Property lines or boundaries. Broker(s) and
271 Designated Agent(s) make no representations as to suitability or to a particular use of the Property, and BUYER
272 has or will independently investigate all conditions and characteristics of the Property which are important to
273 BUYER. BUYER is not relying on the Broker or the Designated Agent(s) to choose a representative to inspect or
274 re-inspect the Property; BUYER understands any representative desired by BUYER may perform this function. In
275 the event Broker/Agent(s) provides names or sources for such advice or assistance, Broker/Agent(s) does not
276 warrant the services of such experts or their products and cannot warrant the condition of Property or interest to
277 be acquired, or guarantee that all defects are disclosed by SELLER(s). Broker/Agent(s) do not investigate the
278 status of permits, zoning, code compliance, restrictive covenants, or insurability. The Broker(s) and Designated
279 Agent(s) specifically make no warranty whatsoever as to whether or not the Property is situated in or out of the
280 Government's hundred year flood plan or is or would be classified as wetlands by the U.S. Army Corp. of
281 Engineers, or as to the presence of wood destroying insects or damage therefrom. BUYER(s) are to satisfy
282 themselves concerning these issues. Designated Agent shall be an independent contractor for Broker if the
283 conditions as set forth in LA R.S. 37:1446(h) are met.

284
285 **LIST ADDENDA TO BE ATTACHED AND MADE A PART OF THIS AGREEMENT:**
286 Contingency for Sale of Buyer's Other Property Addendum _____
287 Condominium Addendum _____
288 FHA Amendatory Clause _____
289 New Construction Addendum _____

BUYER'S Initials *BJ WJ*

SELLER'S Initials *WJ*



NEW ORLEANS, LA

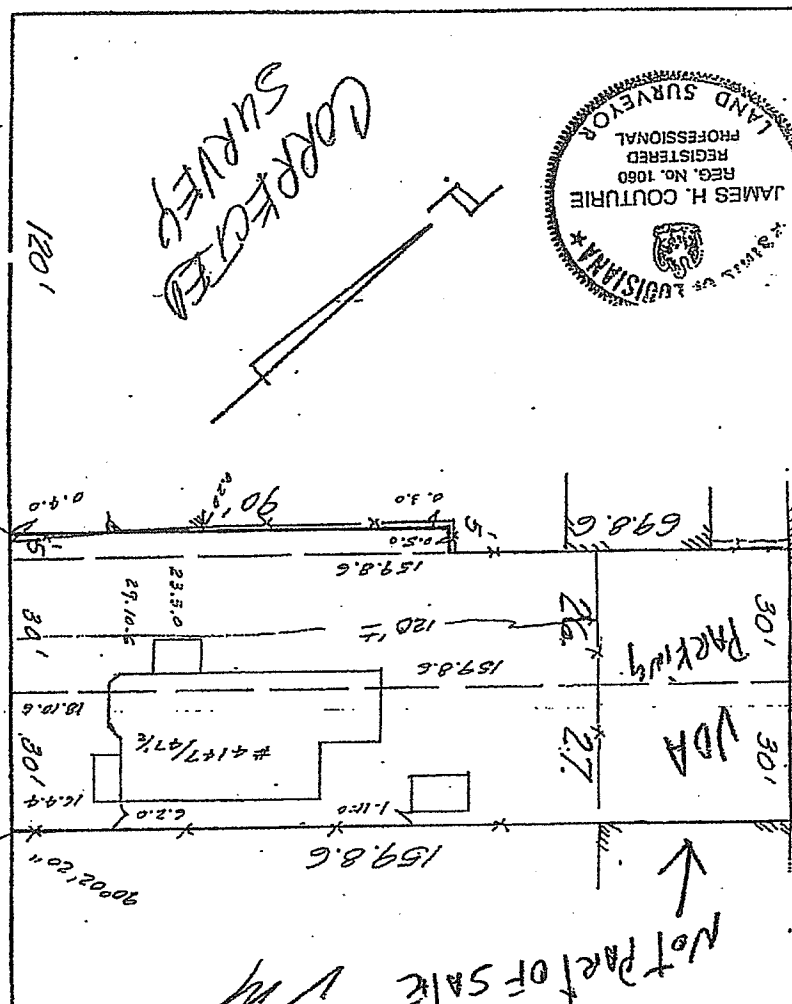
SQ. NO. 183
FIRST DISTRICT

S. CARROLLTON AVE. SIDE

Not part of sale ✓
↓

CLEVELAND AVE.

CAVAL ST. SIDE



S. SOLOMON ST.

Revised 7/1/96 to show actual location of front fence *[Signature]*

THE SURVEYORS AND RESTRICTIONS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SET FORTH IN DESCRIPTION THAT ALL APPLICABLE SURVEYS AND RESTRICTIONS ARE SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS SURVEY.

Date: February 26, 1996
Scale: 1" = 30'

Surveyed in accordance with the Louisiana "Minimum Standards for Property Boundary Surveys" for a class "C" survey.
Made at the request of Mr. & Mrs. Vincent J. Marcello, Jr.

Gibbert, Kelly & Couturie, Inc., Surveying & Engineering
2121 N. Causeway Blvd., Metairie LA 70001
[Signature]

CANCELLATION OF AGREEMENT TO PURCHASE / SELL

4147-4147 1/2 CLEVELAND


AGREEMENT TO PURCHASE DATED APRIL 3, 2012

It is hereby agreed and understood that Seller, Vincent Marcello, Jr., and Purchasers, Sweet Dog, LLC, do mutually cancel and nullify the above referenced Agreement to Purchase. The undersigned parties do hereby authorize Crescent Title, LLC to return Purchasers' deposit to Purchaser upon execution of this cancellation.

The undersigned parties, hereby release each other from any and all obligations and liability in connection with said Agreement to Purchase / Sell and release and hold harmless Crescent Title, LLC and Robert J. Bergeron from any claims or liabilities.

Seller

Purchaser



Vincent Marcello, Jr. date
6/21/12

Sweet Dog, LLC


By: Victoria May Sadin, Member date
6/21/12



By: William A. Sadin, Member date
6/21/12

**AUDUBON TITLE
INSURANCE AGENCY, L.L.C.
4130 CANAL STREET
NEW ORLEANS, LA 70119**

<p>QUITCLAIM DEED</p> <p>by VINCENT JOSEPH MARCELLO, JR.</p> <p>To VOLUNTEERS OF AMERICA OF GREATER NEW ORLEANS, INC.</p>	<p>UNITED STATES OF AMERICA 504 485 0200</p> <p>STATE OF LOUISIANA</p> <p>PARISH OF ORLEANS</p>
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BE IT KNOWN, that on the date set forth below,

BEFORE the undersigned Notary Public, duly commissioned and qualified in and for the Parish and State hereinafter set forth and in the presence of the undersigned competent witnesses personally came and appeared:

Vincent Joseph Marcello, Jr. (SSN XXX-XX-0604), being a person of the full age of majority and resident of the Parish of Orleans, State of Louisiana, who declares unto me, Notary, that he has been married but once and then to Manika Menutis Marcello, from whom he is divorced and he has not since remarried; ("Transferor")

who declared that for and in consideration of the mutual benefits to be obtained and for the purpose of removing any cloud from the title to the herein described property and to relinquish any claim which transferor might have in or to said property, transferor does hereby sell, transfer, assign, quitclaim, remise, release and relinquish unto:

Volunteers of America of Greater New Orleans, Inc. (TIN XX-0009750), a Louisiana non-profit corporation organized under the laws of the State of Louisiana on November 9, 1984, authorized to do and doing business in the State of Louisiana, domiciled at 4152 Canal Street, New Orleans, LA 70119; ("Transferee")

ONE HUNDRED PERCENT (100%) of the right, title and interest which said transferor has or may have in and to the following described property situated in the Parish of Orleans, State of Louisiana, to wit:

TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the FIRST DISTRICT OF THE CITY OF NEW ORLEANS, in SQUARE NUMBER SEVEN HUNDRED AND EIGHTY-THREE (783), bounded by Canal and Solomon Streets, and Cleveland and Carrollton Avenues, designated as LOT NUMBERS TWENTY-SIX (26) AND TWENTY-SEVEN (27) on a survey made by Frank H. Waddill, Civil Engineer and Surveyor, dated May 6, 1912, annexed to act before H.L. Loomis, Jr., Notary Public, dated May 28, 1912, and according thereto the said lots adjoin and measure each thirty (30') feet front on Cleveland Avenue, by a depth between equal and parallel lines of one hundred and fifty-nine feet, eight inches and six lines (159'8"6"), Lot Number Twenty-Six (26) being nearer to Solomon Street and one hundred twenty-five (125') feet distant therefrom.

AND

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the FIRST DISTRICT OF THE CITY OF NEW ORLEANS, in SQUARE NUMBER SEVEN HUNDRED AND EIGHTY-THREE (783), bounded by Cleveland and Carrollton Avenue, and Canal and Solomon Streets, commencing at a point one hundred twenty (120') feet from Solomon Street, and measuring five (5') feet front on Cleveland Avenue, by a depth

NOTARIAL ARCHIVES OF ORLEANS PARISH
 NA # 2012-29011 DT 07/27/12
 TYPE: CC FEE: \$20.00 Pg: 2

between equal and parallel lines of ninety (90') feet, the whole as shown by a sketch and certificate of survey signed by E.C. Simon, Civil Engineer and Surveyor, dated August 14, 1910, annexed to an act of sale by Michael F. Carrano to Octave Suarez, passed before Robert Leiger, Notary Public, on May 20, 1912.

According to survey made by Gilbert, Kelly & Couturie, Inc., C.E., dated February 26, 1996, Lots 26 and 27 and the portion of ground measuring have the same measurements as above set forth and Square 783 is shown to be bounded by Cleveland Avenue, S. Solomon Street, Canal Street (side), and S. Carrollton Avenue (side).

Improvements bear Municipal No. 4147-47 1/2 Cleveland Avenue, New Orleans, Louisiana.

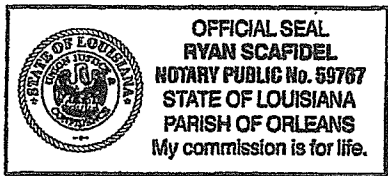
THUS DONE AND SIGNED In the Parish of Orleans, State of Louisiana, on the 26th day of July, 2012, in the presence of the undersigned competent witnesses, who sign these presents with the undersigned appearer and me, Notary, after due reading of the whole.

WITNESSES:

[Signature]
Gary Zafra
[Signature]
Rachael Lederman
[Signature]
Rachael I. Lederman

[Signature]
Vincent Joseph Marcello, Jr.,
Transferor

[Signature]
RYAN SCAFIDEL, NOTARY PUBLIC
NOTARY ID#: 59767
MY COMMISSION IS FOR LIFE



NA #: 12-29011
INST. #: 516130
TYPE: QUIT CLAIM/COUNTER LETTER
AMT: \$30.00
DATE: 7/27/2012 1:44:29 PM
DALE N. ATKINS
CLERK: CIVIL DISTRICT COURT

VERIFIED

PFA

ADDITIONAL TITLE
INSURANCE AGENCY, L.L.C.
4130 CANAL STREET
NEW ORLEANS, LA 70119

504 485 0200

CASH SALE

Sale of Property

by:

Vincent Joseph Marcello, Jr.

to:

**Volunteers of America of Greater
New Orleans, Inc.**

*United States of America
State of Louisiana
Parish of Orleans*

Be it known that on this 26th day of July, 2012,

Before me, a Notary Public, duly commissioned and qualified, in and for the Parish of Orleans, State of Louisiana, and in the presence of the witnesses hereinafter named and undersigned:

Personally came and appeared:

Vincent Joseph Marcello, Jr. (SSN XXX-XX-0604), being a person of the full age of majority and resident of the Parish of Orleans, State of Louisiana, who declares unto me, Notary, that he has been married but once and then to Manika Menutis Marcello, from whom he is divorced and he has not since remarried;

MAILING ADDRESS: 1025 Bienville Street, Ste. 5; New Orleans, LA 70112

hereinafter referred to as SELLER, who declared that for the price of One Hundred Ten Thousand and 00/100 (\$110,000.00) cash, receipt of which is hereby acknowledged, SELLER does hereby sell and deliver, with full warranty of title and subrogation to all rights and actions of warranty SELLER may have, unto:

Volunteers of America of Greater New Orleans, Inc. (TIN XX-XXX9750), a Louisiana non-profit corporation organized under the laws of the State of Louisiana on November 9, 1984, authorized to do and doing business in the State of Louisiana, domiciled at 4152 Canal Street, New Orleans, LA 70119, herein represented by James M. LeBlanc, President, pursuant to Resolution attached hereto;

MAILING ADDRESS: 4152 Canal Street, New Orleans, LA 70119

hereinafter called BUYER, here present, accepting and purchasing for themselves, their heirs and assigns, and acknowledging due delivery and possession thereof, all and singular the following described property, to-wit:

"Description of Property"

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the FIRST DISTRICT OF THE CITY OF NEW ORLEANS, in SQUARE NUMBER 783, bounded by Cleveland and Carrollton Avenue, and Canal and Solomon Streets designated as LOT NUMBER 26-A and a portion of Lot 13-A, said portion measuring 60 feet in width by 39 feet 8 inches 6 lines more fully shown on Declaration of Title Change by Subdivision by R.W. Krebs, L.L.C., approved by the City Planning Commission on July 18, 2012 and recorded in CN 515940.

Said property derived from Lots formerly described as:

TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the FIRST DISTRICT OF THE CITY OF NEW ORLEANS, in SQUARE NUMBER SEVEN HUNDRED AND EIGHTY-THREE (783), bounded by Canal and Solomon Streets, and Cleveland and Carrollton Avenues, designated as LOT NUMBERS TWENTY-SIX (26) AND TWENTY-SEVEN (27) on a survey made by Frank H. Waddill, Civil Engineer and Surveyor, dated May 6, 1912, annexed to act before H.L.



MOTION
NO. M-14-267

CITY HALL: June 19, 2014

BY: COUNCILMEMBER GUIDRY

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 30/14 – VOLUNTEERS OF AMERICA OF GREATER NEW ORLEANS, INC- Requesting a Conditional Use to permit a parking lot providing off-street parking for a main use located within 300 feet of said lot in an RD-3 Two Family Residential District, on Square 783, Lot 26-A, in the First Municipal District, bounded by Cleveland and South Carrollton Avenues and Canal and South Solomon Streets (Municipal Address: 4147 Cleveland Avenue), be, and the same is hereby upheld, and the request is denied.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Brossett, Cantrell, Gray, Guidry, Head - 5

NAYS: 0

ABSENT: Ramsey, Williams - 2

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
AS A TRUE AND CORRECT COPY
Lena W. Johnson
CLERK OF THE CITY

Loomis, Jr., Notary Public, dated May 28, 1912, and according thereto the said lots adjoin and measure each thirty (30') feet front on Cleveland Avenue, by a depth between equal and parallel lines of one hundred and fifty-nine feet, eight inches and six lines (159'8"6"), Lot Number Twenty-Six (26) being nearer to Solomon Street and one hundred twenty-five (125') feet distant therefrom.

AND

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the FIRST DISTRICT OF THE CITY OF NEW ORLEANS, in SQUARE NUMBER SEVEN HUNDRED AND EIGHTY-THREE (783), bounded by Cleveland and Carrollton Avenue, and Canal and Solomon Streets, commencing at a point one hundred twenty (120') feet from Solomon Street, and measuring five (5') feet front on Cleveland Avenue, by a depth between equal and parallel lines of ninety (90') feet, the whole as shown by a sketch and certificate of survey signed by E.C. Simon, Civil Engineer and Surveyor, dated August 14, 1910, annexed to an act of sale by Michael F. Carrano to Octave Suarez, passed before Robert Leiger, Notary Public, on May 20, 1912.

According to survey made by Gilbert, Kelly & Couturie, Inc., C.E., dated February 26, 1996, Lots 26 and 27 and the portion of ground measuring have the same measurements as above set forth and Square 783 is shown to be bounded by Cleveland Avenue, S. Solomon Street, Canal Street (side), and S. Carrollton Avenue (side).

Improvements bear Municipal No. 4147-47 1/2 Cleveland Avenue, New Orleans, Louisiana.

THIS ACT IS MADE, EXECUTED AND ACCEPTED SUBJECT TO THE FOLLOWING:

Subject to all previously recorded building restrictions, servitudes, building set back lines; and oil, gas and mineral reservations, conveyances, servitudes and leases of record. By accepting this Sale subject to the foregoing, the Buyer does not acknowledge their validity or intend to interrupt the running of prescription with respect thereto.

The parties hereto take cognizance that no survey on the herein described property in connection with the Act of Sale has been made nor has one been produced or attached and the parties do hereby relieve and release me, Notary, from any and all liability, responsibility or damage including court costs and attorney's fees in connection herewith.

SALE "AS IS" WITHOUT WARRANTIES: SELLER and BUYER hereby acknowledge and recognize that the Property being sold and purchased is to be transferred in "as is" condition and further BUYER does hereby waive, relieve and release SELLER from any claims or causes of action for redhibition pursuant to Louisiana Civil Code Article 2520, et seq. and Article 2541, et seq. or for reduction of Sale Price pursuant to Louisiana Civil Code Article 2541, et seq. Additionally, BUYER acknowledges that this sale is made without warranty of fitness for ordinary or particular use pursuant to Louisiana Civil Code Article 2524.

Initials: 

Seller declared that all ad valorem taxes assessed against the Property by the Parish of ORLEANS up to and including the year 2012, including any interest and penalties thereon, have been paid. From and after the date of this Act of Cash Sale, Purchaser shall be responsible for all property taxes and assessments.

In accordance with La. R.S. 9:2721(B), from and after the date of this Act of Cash Sale, (a) the name of the person responsible for all property taxes and assessments is Purchaser, and (b) all property tax and assessment notices should be mailed to the following address:

4152 Canal Street, New Orleans, LA 70119 :

All parties signing the within instrument have declared themselves to be of full legal capacity. The certificate of mortgages required by Article 3361 of the revised Civil Code of Louisiana is dispensed with by the parties. Taxes for the current year are paid. The tax assessment number is 105305714. All agreements and stipulations herein contained and all the obligations herein assumed shall inure to the benefit of and be binding upon the heirs, successors and assigns of the respective parties, and the BUYER, their heirs and assigns shall have and hold the described property in full ownership forever.