

March 8, 2005
OPINION NUMBER 05-0120

35 ELECTIONS – Calling or ordering notice & holding;
Municipal general elections – time & place of holding.

LSA-R.S. 33:1(A)

Ms. Erin Monroe Wesley
Assistant Executive Counsel
Office of the Governor
P. O. Box 94004
Baton Rouge, LA 70804-9004

The Petition for Incorporation of Central was presented to this Office previously and found to be defective. The Petition has been resubmitted and that defect has been cured; therefore the Petition for Incorporation of Central is in compliance with the requirements set forth in R.S. 33:1(A), *et seq.*, and can be submitted to the voters on the next available election date.

Dear Ms. Wesley:

You have requested of this Office an Opinion regarding whether the petition and supporting documents proposing the incorporation of Central as a municipality in the Parish of East Baton Rouge are in compliance with R.S. 33:1, *et seq.*

R.S. 33:1 states in pertinent part:

**§ 1. Petition
for
incorporati
on;
contents;
circulation;
required
signatures**

A. Residents
of any
unincorporat
ed area with
a population
in excess of
two hundred
inhabitants
may propose
the
incorporation

of the area
as provided
in this
Subpart. A
petition
proposing
the
incorporation
of the area
shall be
prepared
and shall
contain the
following:

(1) A legal
description
of the area
proposed for
incorporation
and the
statement
that all lands
included in
the area
constitute a
contiguous
area.

(2) A
statement of
the number
of
inhabitants
residing in
the
unincorporat
ed area.
Such
statement
shall be
based on the
latest federal

decennial
census or
another
current
population
report or
count which
is verifiable.

(3) A
statement of
the
assessed
value of the
real property
located in
the
unincorporat
ed area.

(4) A listing
of the public
services the
municipal
corporation
proposes to
render to the
area and a
plan for the
provision of
these
services.

(5) A
statement of
the
corporate
name
desired for
the new
municipality.

(6) The
names of

two or more
chairpersons
for the
petition for
incorporation
who shall
serve as
agents for
the
petitioners in
all legal
matters,
including the
receipt of
notices.
Notice will
be sufficient
if served on
any one of
the
chairpersons

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In the Petition for Incorporation of Central, the Petitioners have a legal description of the area proposed for incorporation and the statement verifying that all lands included in the area proposed to be incorporated constitute a contiguous area, all of which comport with Section (1).

The petition meets the requirements of Section (2) by stating that there are 26,600 inhabitants according to the 2000 federal decennial census.

The petition represents that the assessed value of the real property located in the area is approximately \$100,905,200 as reflected on the 2004 tax roll which fulfills the requirements of Section (3).

Section (4) requires a listing of the public services the municipal corporation proposes to render to the area and a plan for the provision of these services. This is outlined in detail in the Petition thereby fulfilling that requirement.

The Petition satisfies the requirement of Section (5) by having as its title "Petition for Incorporation of Central" which is clearly a statement of the corporate name desired for the new municipality.

Section (6) is satisfied by listing the names of the two chairpersons for the petition for incorporation who shall serve as agents for the petitioners in all legal matters, including the receipt of notices.

There is also a map included on the petition which represents the proposed area for incorporation and visually displays its contiguity.

As the "Petition for Incorporation of Central" satisfies all of the requirements of R.S. 33:1, it is the opinion of this office that the proposal to determine whether the unincorporated area described in the petition shall become a municipality can be submitted to the voters on the next available election date, pursuant to R.S. 33:3.

Yours very truly,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

By:

WILLIAM P. BRYAN, III
Assistant Attorney General

CCF, Jr./WPB, III/sfj

SYLLABUS
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DATE RECEIVED:

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William P. Bryan, III
Assistant Attorney General