

ORD.

2005-0227

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. 05-8-9

An ordinance approving and authorizing the execution of an Act of Dedication for Hidden Oaks Subdivision, Phase 1, in Luling, St. Charles Parish, LA., as requested by JJJ Development Partners, LLC.

WHEREAS, JJJ Development Partners, LLC are the owners and developers of property located in Sections 10 & 11 of T13S R21E, Luling, St. Charles Parish, LA and indicated on a Final Plat dated July 25, 2005, and prepared by L. Lyles Budden, Professional Land Surveyor, as a Final Plat of Hidden Oaks Subdivision Phase I, Being a Resubdivision of Tract "LE-1" into Lots 1-17 in Luling, St. Charles Parish LA; and,

WHEREAS, said subdivision has been constructed in accordance with the St. Charles Parish Subdivision Regulations of 1981, as amended; and,

WHEREAS, all required administrative reviews and approvals have been effected relative to said subdivision.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the attached Act of Dedication for Hidden Oaks Subdivision, Phase 1, which includes Lots 1 through 17, the dedication of Allie Lane, and utility servitudes is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute the attached Final Plat and Act of Dedication on behalf of St. Charles Parish.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, HILAIRE, RAMCHANDRAN, WALLS, BLACK,
DUHE, MINNICH
NAYS: NONE
ABSENT: FABRE

And the ordinance was declared adopted this 15th day of August, 2005, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
SECRETARY: Burton Joseph Jackson
DLVD/PARISH PRESIDENT: August 16, 2005
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: Albert D. Laque
RETD/SECRETARY: August 17, 2005
AT: 2:10 pm RECD BY: lgt

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON September 13, 2005
AS ENTRY NO. 311513
IN MORTGAGE/CONVEYANCE BOOK
NO. 656 FOLIO 484

ACT OF DEDICATION OF HIDDEN
OAKS SUBDIVISION, PHASE I

UNITED STATES OF AMERICA

BY: JJJ DEVELOPMENT PARTNERS, LLC

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 18th day of August, in the year of our Lord
Two Thousand and Five (2005).

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned
and qualified in and for the Parish and State aforesaid, therein residing, and in the
presence of the two competent witnesses hereinafter named and undersigned.

PERSONALLY CAME AND APPEARED:

JJJ DEVELOPMENT PARTNERS, LLC, TAX IDENTIFICATION NUMBER
01-0826764, a limited liability company duly organized, validly existing and
in good standing under the laws of the State of Louisiana, having as its
principal office, an address of 13726 River Road, Destrehan, Louisiana
70047, appearing herein through its duly authorized member and
managing partner, Jay A. Roberts, as per certificate of authority recorded
at COB 654, folio 45, records of St. Charles Parish, Louisiana;

(Hereinafter sometimes referred to as "JJJ Development")

Mailing Address: 13726 River Road
Destrehan, Louisiana 70047

"JJJ Development" declared unto me Notary, that it is the owner of a certain tract
immovable property situated on the West Bank of St. Charles Parish, which land is
designated as "Hidden Oaks Subdivision, Phase I" being a portion of Sections 10 and
11, Township 13 South, Range 21 East, St. Charles Parish, Louisiana, as shown on a
survey of said on resubdivision prepared by L. Lyles Budden, Land Surveyor, date
July, 25, 2005, a copy of which survey is attached hereto and made a part of this Act of
Dedication; and

"JJJ Development" further declared unto me that is has caused a portion of the
above property designated as Hidden Oaks Subdivision, Phase I on the survey referred
to above to be laid out into lots, in order to create the Hidden Oaks Subdivision,
Phase I, and

"JJJ Development" further declared unto me, Notary that on the aforesaid plan of
resubdivision it has laid out a certain street within the Hidden Oaks Subdivision,
Phase I, which is named and identified as Allie Lane in regard to this dedication as is
more fully described in Exhibit "A" which is attached hereto and made a part hereof. On
all matters of the description of the property on which the street above named is
located, the attached survey shall be controlling.

JJJ Development further declared unto me, Notary, that on the aforesaid plan of
resubdivision, it has also designed and labeled various servitudes for water, utility and
drainage purposes; and

JJJ Development further declared unto me, Notary, that under the covenants,
conditions and stipulations hereinafter recited it does by these presents, dedicate the
following street located all within Hidden Oaks Subdivision, Phase I, namely: Allie Lane,
as hereinabove described and does hereby grant the various servitudes for water, utility
and drainage purposes, all as shown on the annexed plan of subdivision, to public use,
unto and in favor of the Parish of St. Charles, the inhabitants of the Parish of
St. Charles, and to the public in general; and

JJJ Development further declared unto me, Notary, that the aforesaid dedication
and grant is subject to all the following terms and conditions, to-wit:

1. The dedication of the fee ownership of the property to the Parish of St. Charles
which is covered by the street identified hereinabove as Allie Lane, but only as
far as said street is located in Hidden Oaks Subdivision, Phase I.

2. The herein grant of the various servitudes for water, utility and drainage purposes shall constitute the granting only of a personal servitude of right of use being a "limited personal servitude" in favor of St. Charles Parish. JJJ Development does hereby reserve all rights of fee ownership to that portion of the aforesaid Hidden Oaks Subdivision, Phase I, which comprises the various servitudes for water, utility and drainage purposes.
3. JJJ Development does hereby reserve all rights of ownership to all of the oil, gas and other minerals in, on and under the property covered and affected by the street identified hereinabove and by the aforesaid water, utility and drainage servitudes granted herein. In that connection, JJJ Development does, however, agree to prohibit the use of any part of the surface of any of the property covered by the street and servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with JJJ Development's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Hidden Oaks Subdivision, Phase I, whereby, however, JJJ Development will likewise impose a restriction on the entire subdivision against any use of the surface of any lot for exploration, development or productions of minerals, pursuant to this reservation, or by any other binding means of strict surface operations in regard to mineral exploration in this subdivision.
4. The herein dedication of street and grant of servitudes for water, utility and drainage purposes are made by JJJ Development without any warranty whatsoever except as provided for herein.
5. St. Charles Parish must bind and obligate itself not to use the property dedicated herein for street purposes in any manner, which would be inconsistent with or detrimental to such uses as a public street. St. Charles Parish must further bind and obligate itself to use the water, utility and drainage servitudes for water, utility and drainage purposes.
6. This dedication and granted servitudes are conditioned upon St. Charles Parish maintaining and policing the street dedicated herein, and maintaining the various water, utility and drainage facilities within the various water, utility and drainage servitude areas.
7. The grant herein of various servitudes for water, utility and drainage purposes shall be used exclusively for those purposes and JJJ Development reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitudes for water, utility and drainage purposes. There herein granted water, utility and drainage servitudes shall not be utilized so as to unreasonably interfere with or impair ingress and egress from the street dedication herein to any of the lots in the Hidden Oaks Subdivision, Phase I.
8. JJJ Development warrants that the herein dedication of street and grant of servitudes are free of any liens and/encumbrances and that no lots have been sold or alienated prior to the date hereof.
9. The dedication and grant made herein are made subject to any existing servitudes affecting the Hidden Oaks Subdivision, Phase I such as by way of illustration but not limitation, pipeline servitudes and levees.
10. The herein dedication and grant shall insure to the benefit of St. Charles Parish of any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.
11. JJJ Development warrants that all utilities and streets have been placed within the servitude(s) granted herein.

AND NOW, these presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert D. Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on August 15, _____, 2005, a certified copy of which is annexed hereto and made part hereof, and said St. Charles Parish does hereby accept, approve and ratify the herein dedication and grant under all of the terms and conditions as contained hereinabove, and does also hereby acknowledge that the construction of the street dedicated herein has been satisfactorily completed in accordance with all requirements and that all water, utility and drainage facilities have been likewise satisfactorily completed in accordance with all requirements, and St. Charles Parish

does hereby accept all of said street and water, utility and drainage facilities and assumes the maintenance thereof.

This Act of Dedication and Acceptance was approved and accepted by the St. Charles Parish Council by Ordinance 05-8-9 on the day of August 15, 2005, a photocopy of which is attached and made a part hereof.

THIS DONE AND PASSED in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

Belinda Palk

Belle Morris

"JJJ DEVELOPMENT", L.L.C.

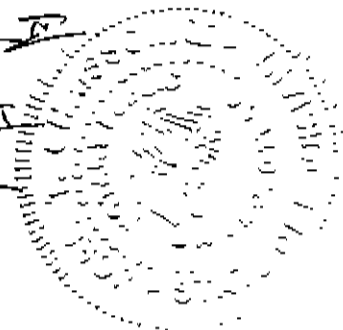
BY: JAY A. ROBERTS

Joel T. Chaisson II

NOTARY PUBLIC

Joel T. Chaisson II

Bar No. 01756



THUS DONE AND PASSED in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

Timothy J. Viol

[Signature]

ST. CHARLES PARISH
BY: [Signature]
ALBERT D. LAQUE
PARISH PRESIDENT

NOTARY PUBLIC

Bar #11408

EXHIBIT A

Legal Description of Allie Lane being located within Hidden Oaks Subdivision, Phase I being a resubdivision of Tract "LE-1" in Sections 10 & 11, T-13-S, R-21-E, Near Luling in St. Charles Parish, Louisiana more particularly described as follows:

Commencing at the northwest corner of Lot 17 of Hidden Oaks Subdivision, Phase I at the found ½ " iron rod; thence S 56°32'00" E, 101.69' (feet) to the point of beginning; thence S 33°28'00" W, 578.19' (feet); thence along a non-tangential curve to the left with a radius of 60.00' (feet) and arc of 325.42' (feet); thence N 33°28'00" E, 578.19' (feet); thence N 56°32'00" W, 50.00' (feet) to the point of beginning, containing 0.9187 acres, more or less, and shown more fully on a map entitled "Final Plat of Hidden Oaks Subdivision, Phase I, being a resubdivision of Tract "LE-1", in Luling, St. Charles Parish, Louisiana, for JJJ Development Partners, L.L.C., in Sections 10 & 11 of T13S-R21E of the Southeastern West of Mississippi River Land District," dated July 25, 2005, by L. Lyles Budden, P.L.S.

PARTIAL RELEASE OF MORTGAGE

UNITED STATES OF AMERICA

BY: LULING ESTATES, INC.

STATE OF LOUISIANA

TO: JJJ DEVELOPMENT, L.L.C.

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 18th day of August, 2005;

BEFORE ME, Joel T. Chaisson II, a Notary Public, duly commissioned and qualified in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED: Luling Estates, Inc., who exhibited to me, Notary as last holder and owner thereof, one (1) certain promissory note drawn by JJJ Development, L.L.C. and made payable to the order of LULING ESTATES, INC., dated January 13, 2005, paraphed for identification with an Act of Sale and Mortgage on the same date, and which said note is in the sum of EIGHTY-FIVE THOUSAND (\$85,000.00) DOLLARS, due on demand.

NOW THEREFORE, the said appearer grants a release of its mortgage securing payment of said note, but in so far only as the same bears on and operates against the property hereinafter described, and no further, and the said appearer hereby authorizes and directs the Recorder of Mortgages for the Parish of St. Charles to partially erase and cancel from the records of his office the inscription of the said mortgage recorded in MOB 1062, folio 487 of the mortgage records of said parish, but in so far only as it bears upon and affects the property described as follows, to-wit:

THOSE CERTAIN PIECES OR PORTIONS OF GROUND LYING BENEATH THE STREET DEDICATED TO ST. CHARLES PARISH FOR PUBLIC USE IN ACT OF DEDICATION DATED August 18, 2005, PASSED BEFORE Joel T. Chaisson II, NOTARY PUBLIC, DULY RECORDED IN COB , FOLIO OF THE OFFICIAL RECORDS OF ST. CHARLES PARISH, NAMELY: ALLIE LANE IN HIDDEN OAKS SUBDIVISION AS PER THE LEGAL DESCRIPTION AND PLAT OF SUBDIVISION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A" AND EXHIBIT "B" RESPECTIVELY.

The said mortgage is to remain in full force and effect as to the remaining properties described in said act. After mentioning on said note, the partial release herein granted, and after having paraphed and said note "Ne Varietur" for identification herewith, I, said Notary, have returned the same to the said holder, who acknowledges delivery thereof.

THUS DONE AND PASSED in Hahnville, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearer and me, Notary, after reading of the whole.

WITNESSES:

Delinda Polk

Balbi Morris

LULING ESTATES, INC.

BY: Joel T. Chaisson II
JOEL T. CHAISSON
SECRETARY

Joel T. Chaisson II
NOTARY PUBLIC
Joel T. Chaisson II
Bar No. 1756