

2006-0249

INTRODUCED BY: DESMOND HILAIRE, COUNCILMAN DISTRICT 1

ORDINANCE NO. 06-8-5

An ordinance providing that the St. Charles Parish Code of Ordinances be amended through the addition of subpart "11.5-21.5 Union Carbide Expansion." The ordinance shall extend the formally recognized Union Carbide "industrial area" in St. Charles Parish.

**WHEREAS**, Union Carbide, a wholly owned subsidiary of the Dow Chemical Company, has submitted to the Department of Planning and Zoning required documentation requesting an area of the Parish of St. Charles, State of Louisiana be declared an Industrial Area and be granted the privileges and immunities offered under R.S. 33:130.11, et seq; and

**WHEREAS**, the requested Industrial Area has been fully described on an accurate legal description of which is attached hereto as Exhibit "A" and on a sketch and accurate surveys which are attached hereto as Exhibit "B"; and

**WHEREAS**, Union Carbide Corporation owns an interest of not less than 51% of the land in the request for Industrial Area Status; and,

**WHEREAS**, all of the land in the request for Industrial Area Status is outside the boundaries of any municipal corporation of the Parish of St. Charles; and

**WHEREAS**, the St. Charles Parish Council has determined that the land proposed for Industrial Area Status is primarily suited for industrial development and that such determination of feasibility was positively made by the St. Charles Parish Planning & Zoning Commission and the Department of Planning & Zoning as forth in the Code of Ordinances; and,

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS**, that Chapter 11.5 of the Code of Ordinances is hereby amended through the addition of the following subpart:  
Sec. 11.5-21.5 Union Carbide Expansion

(a) *Created*: The following land is hereby designated an industrial area under the terms and conditions of and with all the privileges and immunities granted by R.S. 33:103.11 et seq.:

From a concrete monument located on the south right of way of the River Road (Louisiana Highway No.18) at its intersection with the upper, or western line, of the Star Plantation;

Thence N 79-10 W., a distance of 167.7 feet along the south right of way line of Louisiana Highway No. 18 to a concrete monument;

Thence N 80-25 W., a distance of 174.04 feet along the south right of way line of Louisiana Highway No. 18, to a concrete monument at the point of beginning.

Thence S 17-45W., a distance of 756 feet to a concrete monument;

Thence N 81-29 W., a distance of 100 feet to a stake;

Thence N 83-36 W., a distance of five feet to a concrete monument;

Thence N 17-45 E., a distance of 756 feet to a concrete monument at the south right of way line of Louisiana Highway No. 18;

Thence S 83-36 E., a distance of five feet to a stake;

Thence S 81-29 E., along the south right of way line of Louisiana Highway No. 18, a distance of 100 feet to the point of beginning, being in Section 17 – T12S. – R20E, and containing 1.799 acres of land.

Property formerly described as A. & E. Haydel Estates

A certain tract of land containing one (1) acre more or less described as commencing at the intersection of the River Road or Louisiana Highway No. 18 and the western boundary of the above described property (which western boundary is the property now or formerly belonging to Willie Hymel), thence running in an easterly direction along the south side of the River Road or Louisiana Highway No. 18 a distance of ninety (90) feet,

thence running South a distance of six hundred (600) feet, thence West a distance of ninety (90) feet to the Western boundary of the aforescribed property (which Western boundary is the property now or formerly belonging to Willie Hymel) thence Northerly along said Western boundary a distance of six (600) feet to the place of beginning. Said excepted one (1) acre tract is bounded on the North by the River Road or Louisiana Highway No. 18, on the South by a line of six (600) feet South of said highway and parallel thereto, (which line is on the boundary of property formerly sold to Union Carbide Corporation) on the West by property now or formerly of Willie Hymel, on the East by property formerly conveyed to Union Carbide Corporation.

Property formerly described as Mrs. C. A. Lorio Estate

Two certain St. Charles Parish Louisiana parcels of land containing a total of 58.99 acres, more or less, said parcels being situated in Section 13, T12 South, Range 20 East and Sections 39 and 66, Township 13 South, Range 20 East, of St. Charles Parish, Louisiana, together with all of the buildings and improvements, rights, ways, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining and being more particularly described as follows:

PARCEL 1:

Beginning at a concrete monument in the South right-of-way line of Louisiana State Highway No. 18 at the intersection of the common line between land owned by Union Carbide Chemicals and Plastics Company, Inc. (COB 56, Folio 302) and this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 944.54 feet to the mean low water line of the Mississippi River for the Northwest corner of this parcel,

THENCE, in a Southeasterly direction following the meander of the said mean low water line for a distance of 135 feet, more or less, to a point in the common line with J. C. Triche for the Northeast corner of this parcel.

THENCE, along the common line with J. C. Triche South 17-26'20" West passing an iron rod set at the top edge of a rock slope at 97.93 feet, passing an iron rod set in the South right-of-way line of Louisiana State Highway No. 18 at 856.18 feet, and continuing for a total distance of 12014.67 feet to an iron rod set in the North right-of-way line of Louisiana State Highway No. 3127 (COB 111, Folio 267) for the Southeast corner of this parcel.

THENCE, along the said Louisiana Highway No. 3127 right-of-way line North 55-36'10" West 230.38 feet to an iron rod set in the said common line with Union Carbide Chemicals and Plastics Company, Inc. (COB 56, Folio 302) for the southwest corner of this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 10,961.22 feet to a concrete monument located in the said South right-of-way line of Louisiana State Highway 18, the True Point of Beginning;

Said parcel contains 47.83 acres more or less.

PARCEL 2:

Commencing at a concrete monument located at the common corner of Sections 21, 40 and 66 of the Township 13 South, Range 20 East, thence along the common line between Sections 21 and 66 South 83-55'21" East 398.41 feet to an iron pipe in the common line between Sections 21 and 66 in the common line between Union Carbide Chemicals and Plastics Company, Inc. (COB 56, Folio 302) and this parcel, the True Point of Beginning and the Southwest corner of this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 2160.44 feet to a point in the South right-of-way line of Louisiana Highway No. 3127 (COB 111, Folio 267), the Northwest corner of this parcel;

THENCE, along the said South right-of-way line of Louisiana State Highway 3127 South 55-36'10" East 232.92 feet to an iron rod located in the common line with J. C. Triche, the Northeast corner of this parcel;

THENCE, along the aid common line with J.C. Triche South 17-26'20" West 2044.30 feet to an iron pipe set in the common Section Line between Sections 25 and 66, the Southeast corner of this parcel;

THENCE, along the said common section line North 83-55'21" West past a concrete monument at the common corner of Sections 21 and 25 at 43.06 feet and continuing for a total distance of 244.35 feet to an iron pipe in the common line with Union Carbide, the True Point of Beginning.

Said parcel contains 11.16 acres, more or less.

**Less and Except (remove from the Industrial Area):**

An area or parcel of land fronting 200 feet on Louisiana Highway No. 18 being 150 feet deep and containing 30,000 square feet as follows: Commencing at Union Carbide's Plant Coordinate North 15,849.93, East 6,776.35; then in an easterly direction along the south right-of-way line of Louisiana Highway No. 18, 200 feet, more or less, to the True Point of Beginning, the northwest corner of this parcel, thence continuing in a easterly direction along the said south right-of-way line of Louisiana Highway No. 18, in a southerly direction parallel to the old property lines 150 feet to a corner, the southeast corner of this parcel; thence in a westerly direction along a line parallel with the said south right-of-way line of Louisiana Highway No. 18, 200 feet to a corner, the southwest corner of this parcel; then in a northerly direction parallel with said east line of this parcel 150 feet to a point and corner in the said south right-of-way line of Louisiana Highway NO. 18, also the northwest corner of this parcel and the True Point of Beginning, as shown on U.C.C. Taft Plant Drawing No. 7762-91-2-R-3, Proposal No. 3, attached hereto and made a part hereof.

- (1) The Secretary of the parish council is instructed to file certified copies of the legal description, the survey of the industrial area, and this section with the clerk of the district court in both the mortgage and conveyance records; and
- (2) The Secretary of the parish council is directed to furnish a certified copy this section to the petitioner, Union Carbide Corporation, and to the assessor, and to ask that the said assessor duly note the action of the parish council in the records of his office; and
- (3) The Secretary of the parish council is instructed to provide a certified copy of this section to the State Department of Economic Development, Baton Rouge, Louisiana, and the State Department of Public Works, Baton Rouge, Louisiana; and,
- (4) No portion of the industrial area may be included within a special service district hereafter created for the purpose of construction and cleaning streets, provided the industries located within the industrial area, individually, or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of the parish council so stating. The service provided for in this paragraph shall not apply to public streets and public roads within the industrial area; and,
- (5) No portion of this industrial area may included within a special service district hereafter created for the purpose of street lighting, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
- (6) Nor portion of this industrial area may be included within a special service district hereafter created for the purpose of sewers and sewerage works, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
- (7) Nor portion of the industrial area may be included within a special service district hereafter created for the purpose of fire protection, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,

(8) No portion of the industrial area may be included within a special service district hereafter created for the purpose of garage and refuse collection and disposal, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,

(b) Administrative requirements:

- (1) No industry located or in progress of being located within the boundaries of this industrial area shall have any of the privileges and immunities set forth in Act Number 406 of 1964, as amended by Act Number 505 of 1966, or this section unless and until that industry files with the secretary of the parish council a duly executed agreement to notify the parish council in writing immediately upon the discontinuance of the furnishing and/or maintenance of any one of all of the services to themselves which had been previously set forth in an affidavit filed by the industry with the parish council and to allow inspection by the parish council and to allow inspection by the parish council or any designee thereof, of the premises on which the industries claim, by affidavit duly filed, that they shall furnish and maintain any or all of the above enumerated services. Such inspection shall be made at reasonable times and the intervals and shall be limited to observation of the areas and/or facilities pertinent to the services which the industries claim, by duly filed affidavit, to be furnishing; and,
  - (2) The Secretary of the parish council is directed to file certified copies of all agreements filed with the secretary by companies in the industrial area with the assessor; and,
  - (3) This section shall, in no way, impair or restrict any agreement between industries located in this industrial area and the parish council and/or any municipality or municipalities situated therein, for mutual fire protection in grave emergencies.
  - (4) This section shall in no way, impair or restrict the parish council and/or any municipality or municipalities situated therein, from the enforcement of buffer zone requirements as contained in any zoning or land use base Code provision
- The foregoing ordinance having been submitted to a vote, the vote thereon was

as follows:

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

And the ordinance was declared adopted this 21st day of August, 2006, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Brian C. Falgout  
 SECRETARY: Shelley Jean Tucker  
 DLVD/PARISH PRESIDENT: August 22, 2006  
 APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: Albert W. Leger  
 RETD/SECRETARY: August 22, 2006  
 AT: 3:52 pm RECD BY: RGF

RECORDED IN THE ST. CHARLES PARISH  
 CLERK OF COURT OFFICE  
 ON September 6, 2006  
 AS ENTRY NO. 322394  
 IN MORTGAGE/CONVEYANCE BOOK  
 NO. 677 FOLIO 605