

Decl.

2001-0470

**INTRODUCED BY: ALBERT LAQUE, PARISH PRESIDENT
(DEPT. OF PLANNING & ZONING)**

ORDINANCE NO. 02-1-13

An ordinance approving and authorizing the execution of an Act of Dedication for James Business Park Expansion, and the revocation of a portion of James Drive East, located in Section 30, T12S R9E St. Charles Parish, LA.

WHEREAS, Sealy FRLA Land, L.L.C. are the owners of a certain portion of property located in St. Charles Parish known as James Business Park Expansion, more fully described as a resubdivision of Lots 1, 2, 5 of Square 7B and a portion of James Drive East into Lots 1-A, 2-A, 5-A, & 5-B of Square 7B, the revocation of the a portion of James Drive East and the dedication of a portion of James Drive East, as shown on a plat prepared by Krebs, LaSalle, LeMieux Consultants, Inc., dated August 7, 2001.

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 and Act of Revocation by Sealy FRLA Land, L.L.C. to St. Charles Parish is hereby approved and accepted.

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

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

YEAS: RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, ABADIE, AUTHEMENT, MARINO, MINNICH
NAYS: NONE
ABSENT: BLACK

And the ordinance was declared adopted this 22nd day of January, 2002, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT January 23, 2002
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: Albert L. Laque
RETD/SECRETARY: January 24, 2002
AT 12:10 pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON 2/19/02
AS ENTRY NO. 263465
IN MORTGAGE/CONVEYANCE BOOK
NO. 598 FOLIO 348

ACT OF DEDICATION

BY

Sealy FRLA Land, L.L.C.

BE IT KNOWN, that on the dates indicated below, but effective as of the last date of execution of this instrument by the undersigned,

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the Parish/County and State indicated below and in the presence of the undersigned witnesses,

PERSONALLY CAME AND APPEARED:

SEALY FRLA Land, L.L.C. ("Sealy"), a Georgia limited liability company whose mailing address is c/o Sealy & Company, 333 Texas Street, Shreveport, Louisiana 71101, and Tax Identification Number is 58-2629975, represented by Mark P. Sealy, its duly authorized managing member, as set forth on the written consent of Sealy's members and managers attached hereto;

who did say, declare and agree as follows:

I. Sealy is the owner of a certain tract of real property situated in the State of Louisiana, Parish of St. Charles, in that part thereof known as James Business Park Expansion, Extension No. 2, comprising a portion of James Drive East between Lots 5-A and 5-B of Square 7B (the "**Road Extension Property**"). The Road Extension Property consists of an area comprising approximately 0.5956 acres as shown on a plat of resubdivision by Krebs, LaSalle, LeMieux Consultants, Inc., Job No. 400 0073, dated November 13, 2000, approved by the Parish of St. Charles on December 13, 2000 and registered in COB 579, folio 600, on December 18, 2000, a copy of which plat is attached hereto (the "**Resubdivision Plat**"). The Road Extension Property is more fully described as follows:

A certain piece or portion of ground situated in Section 39, Township 12 South, Range 9 East, Parish of St. Charles, State of Louisiana, in that part known as James Business Park Expansion, designated as James Drive East and described in accordance with the Resubdivision Plat as follows:

Commence at the northwesterly corner of Lot 2, Square 9, James Business Park Ext. No. 2;

Thence, along the easterly right of way line of James Drive East, N00°11'00" W a distance of 1165.15' to a point, the point of beginning;

Thence, S64°34'00" W a distance of 55.28' to a point on the westerly right of way line of James Drive East;

Thence along said westerly line N00°11'00" W a distance of 346.10' to the point of curvature;

Thence continue along said westerly line, around the arc of a curve to the right, having a radius of 60.00', an arc length of 269.30', a chord bearing of S51°36'11" E and a chord distance of 93.81' to the point of reverse curvature on the easterly right of way line of James Drive East;

Thence continue along said easterly line, around the arc of a curve to the left, having a radius of 30.00', an arc length of 40.40', a chord bearing of S38°23'49" W and a chord distance of 37.42' to the point of tangency;

Thence continue along said easterly line, S00°11'00" E a distance of 234.77' to the point of beginning.

2. Sealy acquired the Roadway Property by Act of Cash Sale by FI Development Services, L.P. unto Sealy, dated June 27, 2001 and recorded in the records of St. Charles Parish on June 29, 2001 at COB 587, folio 786.

3. As depicted on the Resubdivision Plat, Sealy has caused to be constructed an extension of the street known as James Drive East on the Road Extension Property.

4. Under the covenants, conditions and stipulations hereinafter recited, Sealy does hereby dedicate the Road Extension Property in fee ownership unto and in favor of the Parish of St. Charles, for use as a public street by the inhabitants of the Parish of St. Charles and the public in general.

5. The aforesaid dedication is subject to all of the following terms and conditions:

- a. Sealy does hereby reserve all rights of ownership in and to all of the oil, gas and other minerals in, on and under the property covered and affected by the Road Extension Property, provided however that no part of the surface of the property covered and affected by the Road Extension Property shall be used for the exploration, development or production of minerals, and further provided that building restrictions exist on the property adjacent to the Road Extension Property prohibiting the use of any part of the surface of said property for the exploration, development or production of minerals.
- b. The dedication of the Road Extension Property is made by Sealy without any warranty whatsoever except as provided herein.
- c. By its acceptance of this dedication, St. Charles Parish binds and obligates itself not to use any of the Road Extension Property in any manner which would be inconsistent with or detrimental to use as a public street.
- d. This dedication is conditioned upon St. Charles Parish maintaining and policing the Road Extension Property dedicated herein and any utility and drainage facilities located therein.
- e. The dedication made herein is made subject to any existing servitudes affecting the Road Extension Property, such as, by way of illustration without limitation, utility and drainage servitudes.
- f. Sealy warrants that the dedication of the Road Extension Property is free of any liens and/or encumbrances, except for those servitudes referenced in subsection (e) above.
- g. The dedication made herein shall inure to the benefit of the St. Charles Parish Council or any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.

AND NOW, to these presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert D. Laque, Parish President, duly authorized by virtue of Ordinance No. 02-1-13 of the St. Charles Parish Council adopted on January 22, 2002, a 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 set forth above, and also does hereby acknowledge that the construction of the extension of James Drive East within the Road Extension Property as dedicated herein and any appurtenant work related thereto has been satisfactorily completed in accordance with all standards and requirements, and St. Charles Parish does hereby accept the Road Extension Property and any utility and drainage facilities therein and assumes the maintenance thereof.

[SIGNATURE PAGES TO FOLLOW]

THUS DONE AND PASSED by Sealy FRLA Land, L.L.C. on the 7th day of January, 2002, in the Parish/County of Caddo, State of Louisiana, before me, the undersigned Notary Public, duly commissioned and qualified in and for said Parish/County and State, and in the presence of the undersigned competent witnesses, who have signed after due reading of the whole.

Witnesses:

Sealy FRLA Land, L.L.C., a Georgia limited liability company

Pamela R. Wood

By: Mark P. Sealy

Mark P. Sealy

Its: **Managing Member**

[Signature]

Carla A. Durfee

NOTARY PUBLIC

CARLA DURFEE, NOTARY PUBLIC
BOSSIER PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

Seal

My Commission Expires: at death

THUS DONE AND PASSED by St. Charles Parish on the 24 day of January, 2012 in the Parish of St. Charles, State of Louisiana, before me, the undersigned Notary Public, duly commissioned and qualified in and for said Parish and State, and in the presence of the undersigned competent witnesses, who have signed with St. Charles Parish after due reading of the whole.

WITNESSES:

PARISH OF ST. CHARLES

Valerie Berthelot

By: Albert D. Laque
Albert D. Laque
Parish President

Sandra M. Miguez

Lina V. Bouquie
NOTARY PUBLIC

**ACT OF REVOCATION AND
QUITCLAIM**

BY

ST. CHARLES PARISH

UNTO

SEALY FRLA LAND, L.L.C.

BE IT KNOWN, that on the dates indicated below, but effective as of the last date of execution of this instrument by the undersigned,

BEFORE US, the undersigned Notaries Public, duly commissioned and qualified, and in the presence of the undersigned witnesses,

PERSONALLY CAME AND APPEARED:

ST. CHARLES PARISH (the "**Parish**"), a political subdivision of the State of Louisiana represented herein by its President, Albert D. Laque, duly authorized by the St. Charles Parish Council pursuant to the ordinance attached hereto; and

SEALY FRLA Land, L.L.C. ("**Sealy**"), a Georgia limited liability company whose mailing address is c/o Sealy & Company, 333 Texas Street, Shreveport, Louisiana 71101, and Tax Identification Number is 58-2629975, represented by Mark P. Sealy, its duly authorized managing member, as set forth on the written consent of Sealy's members and managers attached hereto;

who did say, declare and agree as follows:

1. Sealy is the owner of a certain parcel of real property situated in the State of Louisiana, Parish of St. Charles, in that part thereof known as James Business Park Expansion, Extension No. 2, designated as **Lot 5-A of Square 7B**, in accordance with a plan of resubdivision of Krebs, LaSalle LeMieux Consultants, Inc., Job No. 400 0073, dated November 13, 2000, approved by St. Charles Parish Planning Commission on December 13, 2000, recorded December 18, 2000, COB 579, folio 600 (the "**Resubdivision Plat**"), a copy of which is attached hereto.
2. Sealy acquired said property (referred to herein as "**Lot 5-A**") by Act of Cash Sale by FI Development Services, L.P. unto Sealy, dated June 27, 2001 and recorded in the records of St. Charles Parish on June 29, 2001 at COB 587, folio 786.
3. As depicted on the Resubdivision Plat, a parcel of property in the vicinity of the southeastern corner of Lot 5-A is the former cul-de-sac of James Drive East, and said property (referred to herein as the "**Former Cul-de-Sac**") is marked as "**TO BE REVOKED**" on the Resubdivision Plat. The Former Cul-de-Sac is more particularly described as follows:

THAT CERTAIN PIECE OR PORTION OF GROUND, situated in Section 39, township 12 South, Range 9 East, Parish of St. Charles, State of Louisiana, in that part known as James Business Park Expansion, designated as a portion of Lot 5-A of Square 7B in accordance with a plan of resubdivision of Krebs, LaSalle LeMieux Consultants, Inc., Job No. 4000073, dated November 13, 2000, approved by St.

Charles Parish Planning Commission on December 13, 2000, recorded December 18, 2000, COB 579, folio 600 and in accordance with a survey of Dading, Marques & Associates, Inc., Job No.00-9915, dated January 18, 2001, last revised September 21, 2001, a copy of which is attached hereto, said portion of Lot 5-A is more particularly described as follows:

Commence at the northwesterly corner of Lot 2, Square 9, James Business Park Ext. No.2;

Thence along the easterly Right of Way line of James Drive East, N00°11'00"W, a distance of 36.10' to a point;

Thence S89°49'00"W a distance of 50.00' to a point on the westerly Right of Way line of James Drive East;

Thence along said westerly Right of Way, N00°11'00"W, a distance of 954.28' to the point of beginning;

Thence around the arc of a curve to the left, having a radius of 30.00' an arc length of 36.93', a chord bearing N35°26'52"W, and a chord distance of 34.64 to a point of reverse curve;

Thence along the arc of a curve to the right having a radius of 60.00', an arc length of 141.66'; a chord bearing of N03°04'22"W, a chord distance of 110.98' to a point of tangency;

Thence N64°34'00"E, a distance of 28.30 to a point of the westerly Right of Way line of James Drive East;

Thence along said westerly Right of Way line, S00°11'00"E, a distance of 158.51' to the point of beginning.

4. The Parish hereby declares that the Former Cul-de-Sac is no longer needed for public purposes; the dedication of same is hereby revoked, rescinded and set aside; and the ownership thereof shall revert to the present owners of the land contiguous thereto in accordance with law, including without limitation La. R.S. 48:701.

5. As depicted on the Resubdivision Plat, the land contiguous to the Former Cul-de-Sac is Lot 5-A and a portion of James Drive East. As set forth above, Lot 5-A is owned by Sealy. The portion of James Drive East contiguous to the Former Cul-de-Sac was dedicated to the Parish for public use pursuant to an Act of Dedication by First Industrial Development Services, L.P. dated effective January 19, 2000 and recorded on January 24, 2000 at COB 563, folio 753, as corrected by an Act of Deposit and Correction dated July 6, 2000 and recorded on September 28, 2000 at COB 573, folio 488.

6. The Parish hereby declares that any reversionary interest it has in the Former Cul-de-Sac by operation of law as owner or dedicatee of the portion of James Drive East contiguous to the Former Cul-de-Sac is no longer needed for public purposes. The Parish further declares that in consideration of Sealy causing James Drive East to be extended in a northerly direction beyond the Former Cul-de-Sac as shown on the Resubdivision Plat, the sufficiency and receipt of which consideration is hereby acknowledged by the Parish, the Parish hereby transfers, assigns, quitclaims, abandons, delivers and relinquishes unto Sealy all of the right, title and interest which the Parish has or may have in and to the Former Cul-de-Sac by operation of law as owner or dedicatee of the portion of James Drive East contiguous to the Former Cul-de-Sac, and Sealy hereby accepts the foregoing transfer for itself, its successors and assigns, acknowledging due delivery and possession thereof.

7. The following described servitude has not been transferred or assigned by the Parish and is hereby declared to be no longer needed for public purposes and the dedication of same is hereby revoked, rescinded and set aside:

That certain servitude identified as "45' TEMPORARY DRAINAGE SERVITUDE TO BE REVOKED UPON INSTALLATION OF SUBSURFACE DRAINAGE SYSTEM" affecting pieces or portions of ground designated as **Lot 5-B and Lot 1-A of Square 7B** and situated in Section 39, Township 12 South, Range 9 East, Parish of St. Charles, State of Louisiana, in that part known as James Business Park Expansion, as depicted on a plan of resubdivision of Krebs, LaSalle LeMieux Consultants, Inc., Job No. 400 0073, dated November 13, 2000, approved by St. Charles Parish Planning Commission on December 13, 2000, recorded December 18, 2000, COB 579, folio 600.

[SIGNATURE PAGES TO FOLLOW]

THUS DONE AND PASSED by Sealy FRLA Land, L.L.C. on the 9th day of October, 2001, in the Parish/County of CADDO, State of LOUISIANA, before me, the undersigned Notary Public, duly commissioned and qualified in and for said Parish/County and State, and in the presence of the undersigned competent witnesses, who have signed after due reading of the whole.

Witnesses:

Sealy FRLA Land, L.L.C., a Georgia limited liability company

Pamela H. Wood

By: Mark P. Sealy
Mark P. Sealy
Its: Managing Member

Ursula Byles

Christine Shifflett
NOTARY PUBLIC

Seal

My Commission Expires:

CHRISTINE SHIFFLETT, NOTARY PUBLIC
BOSSIER PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

THUS DONE AND PASSED by St. Charles Parish on the 24 day of _____
January, 2002 in the Parish of St. Charles, State of Louisiana, before me, the
undersigned Notary Public, duly commissioned and qualified in and for said Parish and State, and
in the presence of the undersigned competent witnesses, who have signed with St. Charles Parish
after due reading of the whole.

WITNESSES:

PARISH OF ST. CHARLES

Jalanie Berthelot

By: Albert D. Laque
Albert D. Laque
Parish President

Sandra D. Miguez

Zira Bouquie
NOTARY PUBLIC