

*Ord.*

**2009-0266**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)**

**ORDINANCE NO. 09-7-14**

An ordinance to approve and authorize the Act of Donation of Parcel S-2 of the Matthews/Oliviera Lands, Paradis, St. Charles Parish, Louisiana, from Paradis Plantation, LLC for the Paradis Pump Station.

**WHEREAS,** the Parish Council adopted ordinance 07-3-12 on March 19, 2007 authorizing a contract with Bucharth Horh, Inc to provide engineering and construction services for the installation of project P070107 Paradis Pump Station Bar Screen Cleaner and Deck; and,

**WHEREAS,** Bucharth Horn has completed the design and obtained necessary permits, and a FEMA Grant in the amount of \$750,000 has been granted; and,

**WHEREAS,** the purchase of an area of 0.1449 acres adjacent to the pump station is required to allow equipment access to perform station maintenance and deck cleaning by Public Works personnel; and,

**WHEREAS,** it is important that St. Charles Parish proceed with this project in order to protect the property and well being of its citizens; and,

**WHEREAS,** Paradis Plantation LLC has agreed to donate the property as described in the attached Act of Donation.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That a public purpose exist for the acquisition of Parcel S-2 of the Matthews/Oliviera Lands, Paradis, St. Charles Parish, Louisiana, from Paradis Plantation, LLC.

**SECTION II.** That the Act of Donation by Paradis Plantation, LLC to St. Charles Parish for a certain 0.1449 acres tract of land in Paradis is hereby approved.

**SECTION III.** That the Parish President is hereby authorized to execute said Act of Donation on behalf of St. Charles Parish.

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

- YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, LAMBERT, NUSS
- NAYS: NONE
- ABSENT: COCHRAN

And the ordinance was declared adopted this 20<sup>th</sup> day of July, 2009, to become effective (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]  
 SECRETARY: [Signature]  
 DLVD/PARISH PRESIDENT: July 21, 2009  
 APPROVED: [Signature] DISAPPROVED: \_\_\_\_\_  
 PARISH PRESIDENT: [Signature]  
 RETD/SECRETARY: July 21, 2009  
 AT: 4:25 pm RECD BY: BQJ vb

RECORDED IN THE ST. CHARLES PARISH  
 CLERK OF COURT OFFICE  
 ON August 13, 2009  
 AS ENTRY NO. 354505  
 IN MORTGAGE/CONVEYANCE BOOK  
 NO. 733 FOLIO 159

**ACT OF DONATION**

**UNITED STATES OF AMERICA**

**BY: PARADIS PLANTATION, LLC**

**STATE OF LOUISIANA**

**TO: ST. CHARLES PARISH**

**PARISH OF ST. CHARLES**

**BE IT KNOWN**, that on the day hereinbelow written, in the year of Our Lord two thousand and nine (2009);

**BEFORE ME**, LEON C. VIAL, III, 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 undersigned witnesses:

**PERSONALLY CAME AND APPEARED:**

**PARADIS PLANTATION, LLC** (Tax I.D.20-2258193) a Louisiana Limited Liability Company, domiciled in the Parish of Jefferson, herein represented by Francis T. Rene and Ben B. Mathews, duly authorized by unanimous written consent of the members, attached hereto and made a part hereof, and whose mailing address is 2100 Baratavia Blvd., Marrero, Louisiana, 70072;

who, declare that it does by these presents grant, bargain, convey, transfer, assign set over, abandon and deliver, with all legal warranties and with full substitution and subrogation in and to all the rights and actions of warranty which said appearer has or may have against all preceding owners and vendors, and do by these presents make a gift and donation unto:

**ST. CHARLES PARISH**, a political subdivision of the State of Louisiana, herein represented by V. J. St. Pierre, Jr., Parish President, by virtue of Ordinance No. 09-7-14, dated July 20, 2009, and whose mailing address is P. O. Box 302, Hahnville, Louisiana 70057;

hereby appearing for the purpose of accepting same, of the following:

**Parcel S-2**

That piece or portion of ground being Parcel S-2 of The Matthews/Oliviera Lands. Situated in Sections 3 & 39, T-14-S, R-20-E, Paradis, St. Charles Parish, Louisiana. All in accordance with a survey by Stephen P. Flynn, P.L.S. dated June 9, 2009 a copy of which is attached hereto and made a part hereof and being more fully described as follows:

Commence at the southeast intersection of La. U.S. Highway No. 90 and Louisiana Street; thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N55°57'09"E a distance of 173.70' to a point; thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N56°42'18"E a distance of 126.48' to a point; thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N55°37'58"E a distance of 146.16' to a point; thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N54°15'09"E a distance of 15.92' to a point; thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 along a curve to the left with a radius of 11474.77', a length of 109.28' and a chord bearing of N55°51'00"E a distance of

109.28' to a point, the point of beginning. Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 along a curve to the left with a radius of 11474.77', a length of 83.82' and a chord bearing of N55°22'04"E a distance of 83.82' to a point; thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N55°09'31"E a distance of 15.46' to a point; thence proceed in a southeasterly direction a bearing of S30°23'37"E a distance of 50.93' to a point; thence proceed in a southwesterly direction a bearing of S68°04'22"W a distance of 56.35' to a point; thence proceed in a northwesterly direction a bearing of N81°13'26"W a distance of 55.80' to a point, the point of beginning. Said Parcel S-2 contains approximately 0.0761 acres.

**TO HAVE AND TO HOLD** unto St. Charles Parish, its successor and assigns forever.

The value of the real property donated herein is TWELVE THOUSAND AND NO/100THS (\$12,000.00) DOLLARS.

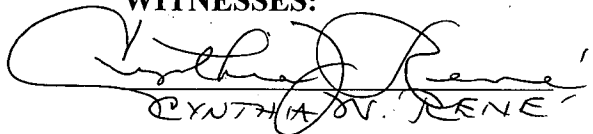
All State and Parish taxes up to and including the year 2008 are paid as per representations of donor herein.

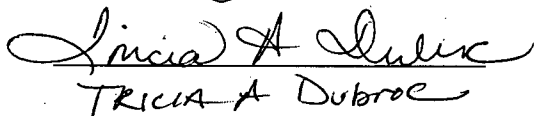
The mortgage and conveyance certificates otherwise required by law are hereby waived and dispensed with by the parties hereto and they hereby exonerate me, Notary, from any and all liability for their non-production.

The property herein donated is donated "as is" without any warranty whatsoever (except as to merchantable title), including without any warranty as to the use of the property for a particular purpose.

**THUS DONE AND PASSED** in my office in the City of METairie, Louisiana, on the 31<sup>st</sup> day of AUGUST, 2009, in the presence of the undersigned witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading of the whole.

**WITNESSES:**

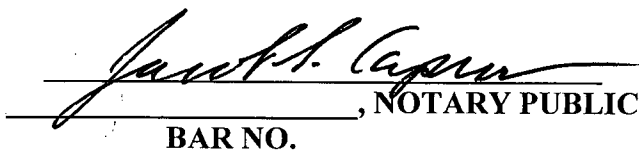
  
CYNTHIA V. RENE

  
TRICIA A. DUBROC

**PARADIS PLANTATION LLC**

  
BY: FRANCIS T. RENE

  
BY: BEN B. MATHEWS

  
\_\_\_\_\_, NOTARY PUBLIC  
BAR NO. \_\_\_\_\_

JACOB S. CAPRARO, #3862  
NOTARY PUBLIC  
Parish of Orleans, State of Louisiana  
My Commission is issued for Life.

**THUS DONE AND PASSED** in my office in the City of Hahnville, Louisiana, on the 28<sup>th</sup> day of July, 2009, in the presence of the undersigned witnesses, who

hereunto sign their names with the said appearers and me, Notary, after reading of the whole.

Flawn St. Pierre  
Robbi Cullen

PARISH OF ST. CHARLES

V. J. St. Pierre, Jr.  
BY: V. J. ST. PIERRE, JR.  
PARISH PRESIDENT

Leon C. Vial, III  
LEON C. VIAL, III, NOTARY PUBLIC  
BAR NO. 13061

**UNANIMOUS WRITTEN CONSENT  
OF THE MEMBERS  
IN LIEU OF A SPECIAL MEETING OF MEMBERS  
OF  
PARADIS PLANTATION, LLC**

In lieu of a special meeting of the Members of **Paradis Plantation, LLC**, a Louisiana Limited Liability Company organized on January 28, 2005 pursuant to LSA-R.S. 12:1301, et. seq. (the "Company") the **Etienne Francis Rene Trust, Francis T. Rene, Marion P. Guirovich, Laura G. Trahan, Audrey L. Simoneaux, Elaine Briggs, and Matmoor, Inc.** (collectively, the "LLC Members"), and being all of the Members of the Company, do hereby take and authorize by written consent such actions as hereinafter set forth. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Operating Agreement for the Company dated March 1, 2005.

**WHEREAS**, the LLC Members acknowledge that due to the death of Elaine Briggs she is no longer deemed a Member of the Company and her heirs have not yet been admitted as Member of the Company pursuant to the procedure established in Article 11 of the Operating Agreement of the Company so that the undersigned Members constitute all of the current Members of the Company; and

**WHEREAS**, the Company desires to authorize the sale of certain property to the Parish of St. Charles, State of Louisiana, or its assignee; and

**WHEREAS**, the Company desires to authorize the donation of certain property to the Parish of St. Charles, State of Louisiana, or its assignee; and

**WHEREAS**, the Company desires to authorize the execution of documents evidencing said sale and donation.

**NOW THEREFORE, IT IS RESOLVED, AGREED AND CONSENTED** by the LLC Members of Paradis Plantation, LLC that:

**Section 1.** The Company is authorized to sell the property described on Exhibit "S-1" hereto for the sum of not less than Eleven Thousand, Nine Hundred, Eighty-Six and 50/100 Dollars, (\$11,986.50) all cash to the Company, and to pay such closing costs from the proceeds of the sale or other available funds as the Authorized Representatives designated in Section 3 hereof deem appropriate. The Authorized Representatives are further authorized to execute on behalf of the Company any and all documents and certificates necessary to accomplish this sale.

**Section 2.** The Company is authorized to donate the property described on Exhibit "S-2" hereto to the Parish of St. Charles, State of Louisiana, or its assignee for public purposes. The Authorized Representatives are further authorized to execute on behalf of the Company any and all documents and certificates necessary to accomplish this donation.

**Section 3. Francis T. Rene and Ben B. Mathews** (collectively, the "Authorized Representatives") are hereby authorized to execute on behalf of the Company and its Members any and all documents and certificates necessary to carry out the purposes of this consent, including but not limited to, Purchase Agreement for the designated property and an Act of Donation for the designated property.

**Section 4.** This Consent may be executed in multiple counterparts.

**Section 5.** This Consent may be executed by facsimile signatures all of which shall be deemed equivalent to manual signatures for purposes of authorizing this Consent and the actions authorized therein.

## Parcel S-1

That piece or portion of ground being Parcel S-1 of The Matthews/Oliviera Lands. Situated in Sections 3 & 39, T-14-S, R-20-E, Paradis, St. Charles Parish, Louisiana. All in accordance with a survey by Stephen P. Flynn, P.L.S. dated June 9, 2009 and being more fully described as follows:

Commence at the southeast intersection of La. U.S. Highway No. 90 and Louisiana Street  
Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N55°57'09"E a distance of 173.70' to a point;

Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N56°42'18"E a distance of 126.48' to a point;

Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N55°37'58"E a distance of 146.16' to a point;

Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N54°15'09"E a distance of 15.92' to a point;

Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 along a curve to the left with a radius of 11474.77', a length of 109.28' and a chord bearing of N55°51'00"E a distance of 109.28' to a point;

Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 along a curve to the left with a radius of 11474.77', a length of 83.82' and a chord bearing of N55°22'04"E a distance of 83.82' to a point;

Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N55°09'31"E a distance of 15.46' to a point;

### **The Point of Beginning**

Thence proceed in a northeasterly direction along the south right of way of La. U.S. Highway No. 90 a bearing of N55°09'31"E a distance of 59.81' to a point;

Thence proceed in a southeasterly direction a bearing of S35°23'26"E a distance of 46.06' to a point;

Thence proceed in a southwesterly direction a bearing of S50°57'21"W a distance of 64.38' to a point;

Thence proceed in a northwesterly direction a bearing of N30°23'37"W a distance of 50.93' to a point;

### **The Point of Beginning**

## Parcel S-2

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### **The Point of Beginning**

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Thence proceed in a southeasterly direction a bearing of S30°23'37"E a distance of 50.93' to a point;

Thence proceed in a southwesterly direction a bearing of S68°04'22"W a distance of 56.35' to a point;

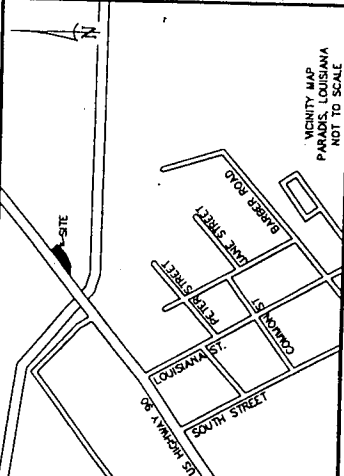
Thence proceed in a northwesterly direction a bearing of N81°13'26"W a distance of 55.80' to a point;

### **The Point of Beginning**



THE LOTS, RIGHTS OF UNDERGROUND AND OTHER NONWATER UTILITIES SHOWN OR NOT SHOWN ON THIS SURVEY AND ALL DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING THE RECORDS OR OTHERWISE OBTAINED FROM RECORDS MADE AVAILABLE TO THE SURVEYOR, AND THE SURFACE FEATURES OF RECORDS, WHERE FOUND, THE SURFACE FEATURES OF RECORDS MAY VARY FROM THOSE OF THE ACTUAL NONWATER UTILITIES LOCATIONS AND THE SURFACE FEATURES OF RECORDS. THE SURVEYOR SHOULD BE CONTACTED PRIOR TO THE PRECISE LOCATION UPON THE ACCURACY OF SUCH INFORMATION FROM RECORDS, INCLUDING PRIOR TO EXCAVATION AND DIGGING.

DEVELOPER: ST. CHARLES PARISH DEPARTMENT OF PUBLIC WORKS / WASTEWATER 499 DAVIS DRIVE PARADIS, LOUISIANA 70070 985-763-5102



RECORDED IN THE CLERK OF COURT'S OFFICE ST. CHARLES PARISH ON THE DAY OF \_\_\_\_\_ IN BOOK \_\_\_\_\_ FOLI \_\_\_\_\_ ENTRY # \_\_\_\_\_

APPROVED: CHAIR, PLANNING AND ZONING COMMISSION DATE \_\_\_\_\_

CHAIR, ST. CHARLES PARISH COUNCIL DATE \_\_\_\_\_

PARISH PRESIDENT DATE \_\_\_\_\_

CERTIFICATION: THIS IS TO CERTIFY THAT THIS PLAN IS MADE IN ACCORDANCE WITH LA. REVISED STATUTES 15:504 ET SEQ. AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

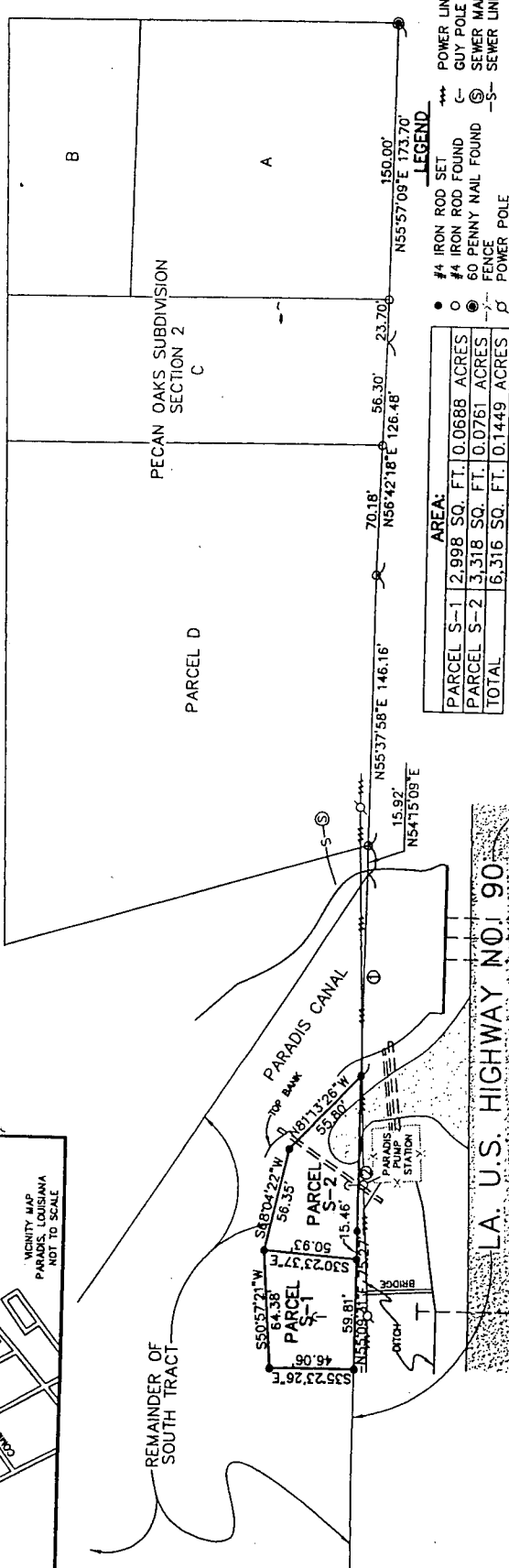
APPROVED: CHAIR, PLANNING AND ZONING COMMISSION DATE \_\_\_\_\_

CHAIR, ST. CHARLES PARISH COUNCIL DATE \_\_\_\_\_

PARISH PRESIDENT DATE \_\_\_\_\_

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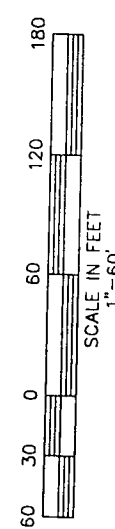
CURVE DATA:  
 ① L=109.28  
 R=11474.77  
 Ch=NS53106°E 109.28'  
 ② L=83.82'  
 R=11474.77  
 Ch=NS52304°E 83.82'



AREA:

PARCEL S-1	2.998 SQ. FT. 0.0688 ACRES
PARCEL S-2	3,318 SQ. FT. 0.0761 ACRES
TOTAL	6,316 SQ. FT. 0.1449 ACRES

- LEGEND:
- #4 IRON ROD SET
  - 60 PENNY NAIL FOUND
  - 60 PENNY NAIL FOUND
  - FENCE
  - ⊕ POWER POLE
  - POWER LINE
  - GUY POLE
  - ⊙ SEWER MANHOLE
  - SEWER LINE



TITLE: SURVEY PLAT AND RESUBDIVISION OF THE SOUTH TRACT OF THE MATTHEWS/OLIVERA LANDS INTO LOTS HEREIN DESIGNATED AS PARCEL S-1 AND PARCEL S-2 OF THE MATTHEWS/OLIVERA LANDS SITUATED IN SECTIONS 3 & 39, T-14-S, R-20-E, PARADIS, ST. CHARLES PARISH, LOUISIANA.

DATE: JUNE 9, 2009

SURVEY REFERENCE:

1. SURVEY OF THE EAST TRACT & THE WEST TRACT MATTHEWS/OLIVERA LANDS BEING REMAINING PORTIONS OF LOTS 9, 10, 11 & 12 BY MICHAEL D. MATTHEWS & MICHAEL D. OLIVERA, NOVEMBER 13, 2004.

2. RIGHT OF WAY MAP, DES ALLEMANDS BOULEVARD, HIGHWAY 90, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

3. SURVEY OF PARCEL D PECAN OAK SUBDIVISION, SECTION 146, T-14-S, R-20-E, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

4. SURVEY OF PARCEL C PECAN OAK SUBDIVISION, SECTION 146, T-14-S, R-20-E, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

5. SURVEY OF THE EAST TRACT & THE WEST TRACT MATTHEWS/OLIVERA LANDS BEING REMAINING PORTIONS OF LOTS 9, 10, 11 & 12 BY MICHAEL D. MATTHEWS & MICHAEL D. OLIVERA, NOVEMBER 13, 2004.

6. RIGHT OF WAY MAP, DES ALLEMANDS BOULEVARD, HIGHWAY 90, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

7. SURVEY OF PARCEL D PECAN OAK SUBDIVISION, SECTION 146, T-14-S, R-20-E, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

8. SURVEY OF PARCEL C PECAN OAK SUBDIVISION, SECTION 146, T-14-S, R-20-E, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

9. SURVEY OF THE EAST TRACT & THE WEST TRACT MATTHEWS/OLIVERA LANDS BEING REMAINING PORTIONS OF LOTS 9, 10, 11 & 12 BY MICHAEL D. MATTHEWS & MICHAEL D. OLIVERA, NOVEMBER 13, 2004.

10. RIGHT OF WAY MAP, DES ALLEMANDS BOULEVARD, HIGHWAY 90, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

11. SURVEY OF PARCEL D PECAN OAK SUBDIVISION, SECTION 146, T-14-S, R-20-E, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

12. SURVEY OF PARCEL C PECAN OAK SUBDIVISION, SECTION 146, T-14-S, R-20-E, PARADIS, ST. CHARLES PARISH, LA. SHEETS 9, 10 & 11, DATED JULY 1, 2004 REVISED JANUARY 17, 2005.

FOR REVIEW

STEPHEN P. FLYNN  
 P.L.S. LA. ST. REC. NO. 4668

RIVERLANDS SURVEYING COMPANY  
 505 HEMLOCK STREET  
 LAPLACE, LA. 70068  
 1-800-248-6982  
 985-652-6366

DRAWN BY: TPT DRAWING NO. L1553\_PARADIS

SCALE IN FEET 1"=60'

REMAINDER OF SOUTH TRACT

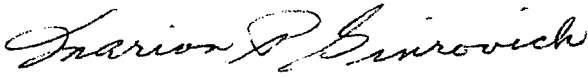
PARADIS CANAL

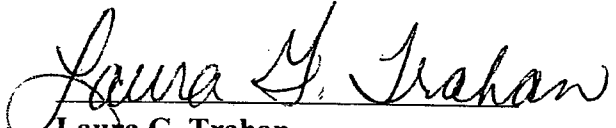
L.A. U.S. HIGHWAY NO. 90

LOUISIANA STREET

IN WITNESS WHEREOF, we have signed this Unanimous Consent on this 22<sup>th</sup> day of June, 2009, but with an effective date of July 1, 2009.

**Paradis Plantation, LLC,**  
BY:

  
\_\_\_\_\_  
Marion P. Guirovich

  
\_\_\_\_\_  
Laura G. Trahan

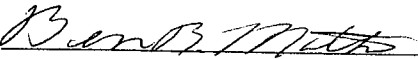
\_\_\_\_\_  
Audrey L. Simoneaux

\_\_\_\_\_  
Francis T. Rene, individually

**Etienne Francis Rene Trust:**

**Matmoor, Inc.:**

By: \_\_\_\_\_  
Francis T. Rene, Trustee

By:   
Ben B. Mathews, Secretary  
President

IN WITNESS WHEREOF, we have signed this Unanimous Consent on this 22<sup>th</sup> day of June, 2009, but with an effective date of July 1, 2009.

**Paradis Plantation, LLC,**  
BY:

\_\_\_\_\_  
**Marion P. Guirovich**

\_\_\_\_\_  
**Laura G. Trahan**

\_\_\_\_\_  
**Audrey L. Simoneaux**

Francis T. Rene'  
**Francis T. Rene, individually**

**Etienne Francis Rene Trust:**

By: Francis T. Rene, Trustee  
**Francis T. Rene, Trustee**

**Matmoor, Inc.:**

By: \_\_\_\_\_  
**Ben B. Mathews, Secretary**

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\_\_\_\_\_  
Laura G. Trahan

  
Audrey L. Simoneaux

\_\_\_\_\_  
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By: \_\_\_\_\_  
Ben B. Mathews, Secretary