

Ord.

2015-0008

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

ORDINANCE NO. 15-1-12

An ordinance to approve and authorize the Parish President to acquire a twenty (20') foot wide perpetual drainage servitude over property identified as Parcel A-1A of Hill Heights Country Club, which property is more particularly described in the Act of Servitude attached hereto and made a part hereof, from Hill Heights Country Club, Inc., and/or all other owners of record, as their interests may appear, said property to be used for drainage purposes in connection with Parish Project P080502-10 Hill Heights Drainage Improvements.

WHEREAS, the area surrounding the Hill Heights Drainage Canal in Destrehan, St. Charles Parish, Louisiana has a history of drainage problems; and,

WHEREAS, an Engineering Analysis was completed along the length of the Hill Heights Canal, which produced recommendations to improve the drainage conveyance system in said area including widening and reshaping the Hill Heights Canal; and,

WHEREAS, the proposed drainage improvement project requires the acquisition of a perpetual drainage servitude over Parcel A-1A of Hill Heights Country Club in St. Charles Parish, Louisiana, described in the Act of Servitude attached hereto; and,

WHEREAS, the drainage project and the acquisition of the hereinafter described servitude is in furtherance of the public's best interest and purpose, and is in satisfaction of a public need.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Parish President is hereby authorized to purchase at a price not to exceed its appraised value of \$38,376.00 the property more particularly described in the Act of Servitude attached hereto and made a part hereof, from Hill Heights Country Club, Inc., and/or all other owners of record, as their interests may appear, said property is to be used by St. Charles Parish for drainage purposes, including but not limited to the widening and reshaping the Hill Heights Drainage Canal.

SECTION II. That the Parish President is hereby authorized to execute any and all documents necessary to complete said purchase.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted the 26th day of January, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 7/28/15

APPROVED: ✓ DISAPPROVED: _____

PARISH PRESIDENT: 7/28/15

RETD/SECRETARY: 9:45a

AT: 9:45a RECD BY: 202

**RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE**

ON March 25, 2015

AS ENTRY NO. 404488

IN MORTGAGE/CONVEYANCE BOOK

NO. 814 FOLIO 165

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES

ACT OF SERVITUDE

BE IT KNOWN, that on this 2nd day of March, in the year two thousand and fifteen (2015).

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified and in the presence of the two competent witnesses hereinafter undersigned; PERSONALLY CAME AND APPEARED:

HILL HEIGHTS COUNTRY CLUB, INC., a Non-Profit Corporation duly organized under the laws of the State of Louisiana, whose mailing address is P.O. Box 296, Destrehan, LA 70047, herein appearing through **WILLIAM J. PIERRE, JR.**, its duly authorized President pursuant to Certificate of Authority attached hereto and made a part hereof;

Herein after referred to as "**GRANTOR**"

-and-

PARISH OF ST. CHARLES, a political subdivision of the State of Louisiana, herein represented by **V. J. ST. PIERRE, JR.**, its Parish President, whose mailing address is P.O. Box 302, Hahnville, Louisiana, 70057; authorized pursuant to Ordinance No. 15-1-12 adopted by St. Charles Parish Council on the 26th day of January, 2015, a copy of which is attached hereto and made a part hereof;

Herein after referred to as "**GRANTEE**"

GRANTOR does hereby grant, present, dedicate, assign, transfer, deliver, and set over a drainage servitude, easement, and right-of-way unto **GRANTEE** for the purposes of constructing, installing, operating, maintaining, repairing, and/or replacing drainage improvements on, through, around, under, and/or over the following described property situated in St. Charles Parish, reserving, however, to the **GRANTOR**, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines, said property being more particularly described as follows:

LEGAL DESCRIPTION

That certain piece or portion of ground being identified as Parcel A-1A of Hill Heights Country Club situated in Section 13, T-12-S, R-8-E., Destrehan, St.

Charles Parish, Louisiana. All in accordance with a survey plan by Stephen P. Flynn, P.L.S., dated July 18, 2014 and being more fully described as follows:

Commencing at a Point said point being the southwest corner of Lot 80, Square H, Phase B of Ormond Country Club Estates Section 12 and the northern right of way of Y & MV Railroad; Thence proceed in a northwesterly direction along the northern right of way of Y & MV Railroad a bearing of N23°37'34"W a distance of 40.27' to a point; being the **Point of Beginning**;

Thence Proceed in a northwesterly direction along the east right of way of Y & MV Railroad a bearing of N23°37'34"W a distance of 27.74' to a point;

Thence proceed in a northeasterly direction along the west line of Parcel A-1A a bearing of N22°30'41"E a distance of 997.20' to a point;

Thence proceed in a southeasterly direction along the north line of Parcel A-1A a bearing of S32°25'36"E a distance of 24.43' to a point;

Thence proceed in a southwesterly direction along the east line of Parcel A-1A a bearing of S22°30'41"W a distance of 1002.39' to a point; being the **Point of Beginning**.

The above described tract contains 19,996 square feet or 0.459 acres, more or less, and being a portion of the same property conveyed to Hill Heights Country Club, Inc., from Sam J. Vitrano by Act of Credit Sale dated February 28, 1967 and recorded in COB 66, folio 290, Entry #30728 on February 28, 1967 in the official records of St. Charles Parish, Louisiana.

TO HAVE AND TO HOLD said servitude, easements, and rights of way unto said **GRANTEE**, and its successors and assigns forever. The consideration for the herein described servitude is the price and sum of THIRTY EIGHT THOUSAND THREE HUNDRED SEVENTY SIX AND NO/100 (\$38,376.00) DOLLARS, which **GRANTEE** has paid cash in hand, in current money, to said **GRANTOR**, who acknowledge the receipt thereof and grant full acquittance and discharge thereof.

GRANTOR grants unto **GRANTEE** the right of ingress and egress to and from said servitude for the purpose of constructing, installing, operating, maintaining, repairing, and/or replacing drainage improvements. **GRANTOR** retains the rights to fully use and enjoy the above-described property, except as to the rights here and above granted. **GRANTEE** agrees to indemnify and hold harmless **GRANTOR** from any and all damages, which **GRANTOR** may suffer, caused either wholly or in part, by reason of the negligence of the Parish of St. Charles, its agents or employees, in the installation, operation, and/or maintenance of this drainage servitude.

It is further understood and agreed that **GRANTOR** improvements, specifically two (2) light poles, a set of metal bleachers, and twenty (20) linear feet of chain link fencing shall be allowed to remain within the described right-of-way. Upon commencement of construction activities, **GRANTEE**, at its cost and discretion, shall relocate the specifically listed improvements to an area on **GRANTOR** property outside of the right-of-way described herein. **GRANTOR** further agrees not to install any additional improvements in the right-of-way that may

interfere with or abridge the rights granted herein. Relocation of any improvements installed after the effective date of the servitude shall be at the sole cost of **GRANTOR**.

THUS done, read and passed at my office in the City of Hahnville, Parish and State aforesaid, in the presence of undersigned competent witnesses who have hereunto signed their names with the parties and me, said Notary, the day, month and year first above written.

WITNESSES:

Dorothy Mobdy
[Signature]
[Signature]
[Signature]

GRANTOR:
HILL HEIGHTS COUNTRY CLUB, INC.

[Signature]
BY:
ITS: PRESIDENT

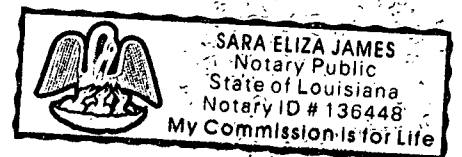
WITNESSES:

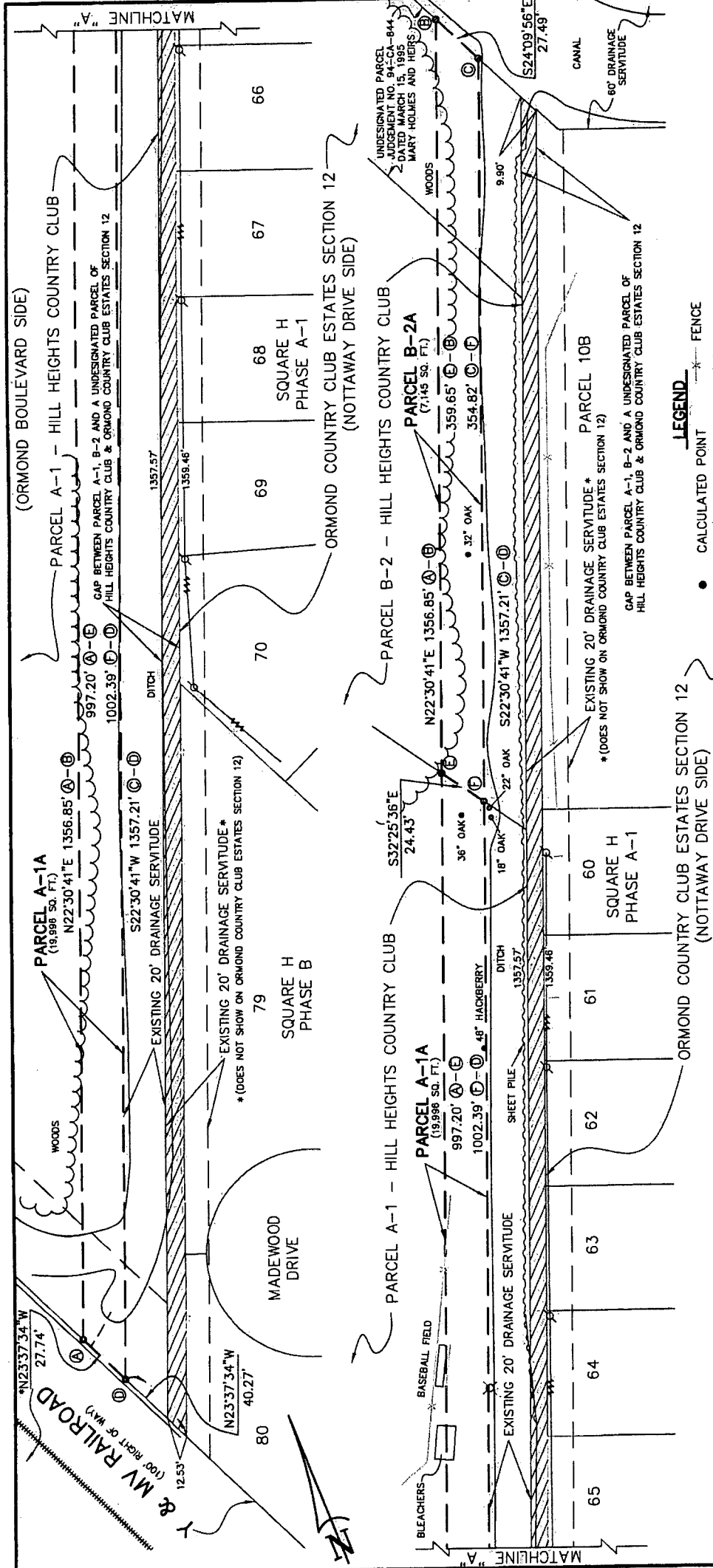
[Signature]
Anedra Coleman
[Signature]
Tiffany K Clark

GRANTEE:
PARISH OF ST. CHARLES

[Signature]
BY: V. J. ST. PIERRE, JR.
ITS: PARISH PRESIDENT

Sara Eliza James
NOTARY PUBLIC





STEPHEN P. FLYNN
P.L.S. NO. 4868
REGISTERED
PROFESSIONAL
LAND SURVEYOR
STATE OF LOUISIANA

TITLE: SURVEY PLAT OF PARCEL A-1A & PARCEL B-2A BEING A PORTION OF PARCEL A-1 & PARCEL B-2 OF HILL HEIGHTS COUNTRY CLUB AND AN UNDESIGNATED PARCEL OF GROUND UNDER JUDGEMENT NO. 94-CA-844 DATED MARCH 15, 1995, MARY HOLMES AND HEIRS, SITUATED IN SECTION 13, T-12-S, R-8-E, DESTREHAN, ST. CHARLES PARISH, LOUISIANA.

DATE: JULY 18, 2014

SURVEY REFERENCE:

1. SURVEY PLAT AND RESUBDIVISION OF PARCEL A & PARCEL B-1 OF HILL HEIGHTS COUNTRY CLUB INTO PARCEL B-1-A AND PARCEL A-1 BY STEPHEN P. FLYNN, P.L.S. DATED JUNE 23, 2010.
2. ORMOND COUNTRY CLUB ESTATES SECTION 12 BY JOHN F. MARSHALL, R.L.S. DATED NOVEMBER 13, 1992.

BASIS OF BEARING: *THE NORTHERN RIGHT OF WAY OF THE Y & M V RAILROAD TAKEN FROM REFERENCED SURVEY PLAT NO. 1.

SURVEYOR'S NOTES:

- A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND DOES NOT COMPLY WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.
- B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
- C. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.
- D. NO CORNERS WERE SET.

RIVERLANDS SURVEYING COMPANY
505 HEMLOCK STREET
LAPLACE, LA. 70068
1-800-248-6982
985-652-6356

LEGEND

- CALCULATED POINT
- ⋈ POWER POLE
- POWER LINE
- FENCE
- ⋈ LIGHT POLE

SCALE IN FEET
1" = 50'

DRAWN BY: KPB
DRAWING NO. L1552_W02097