

Ord.
2016-0106

**INTRODUCED BY: LARRY COCHRAN, PARISH PRESIDENT
(DEPARTMENT OF PUBLIC WORKS)**

ORDINANCE NO. 16-3-17

An ordinance to approve and authorize the Parish President to acquire a 6,890.02 SF perpetual drainage servitude over property identified as Parcel DS2-6 in Section 7, Township 12 South – Range 7 East, Town of MONTZ, St. Charles Parish, Louisiana, which property is more particularly described in the Act of Servitude attached hereto and made a part hereof, from Shelly Lukes Babineaux and Blaine A. Babineaux, 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 P080802 Coulee Canal Improvements.

WHEREAS, the area near Evangeline Road in Montz, St. Charles Parish, Louisiana has a history of drainage problems; and,

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

WHEREAS, the proposed drainage improvement project requires the acquisition of a perpetual drainage servitude over Parcel DS2-6 in Section 7, Township 12 South – Range 7 East, Town of Montz, 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 \$96,500.00 the property more particularly described in the Act of Servitude attached hereto and made a part hereof, from Shelly Lukes Babineaux and Blaine A. Babineaux 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 cleaning and reshaping the Coulee 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: BENEDETTO, HOGAN, CLULEE, GIBBS, WOODRUFF, BELLOCK, FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: WILSON

And the ordinance was declared adopted the 21st day of March, 2016, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Wesley Benedetto*
SECRETARY: *[Signature]*
DLVD/PARISH PRESIDENT: *3/22/16*
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: *[Signature]*
RETD/SECRETARY: *3/22/16*
AT: *Q:DDa* RECD BY: *[Signature]*

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON *May 25, 2016*
AS ENTRY NO. *415099*
IN MORTGAGE/CONVEYANCE BOOK
NO. *832* FOLIO *419*

UNITED STATES OF AMERICA

STATE OF LOUISIANA

PARISH OF ST. CHARLES

ACT OF SERVITUDE

BE IT KNOWN, that on this 19th day of May, in the year two thousand and sixteen (2016).

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**:

SHELLY LUKES BABINEAUX WIFE OF/AND BLAINE A. BABINEAUX, both being of the full age and majority, domiciled in the Parish of St. Charles, State of Louisiana who declared unto me, Notary, that they have been married but once, and then to each other and that they are presently living and residing together, whose present mailing address is 352 Evangeline Road, Montz, LA, 70068;

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

-and-

PARISH OF ST. CHARLES, a political subdivision of the State of Louisiana, herein represented by **LARRY COCHRAN**, its Parish President, whose mailing address is P.O. Box 302, Hahnville, Louisiana, 70057; authorized pursuant to Ordinance No. 16-3-17 adopted by St. Charles Parish Council on the 21st day of March, 2016, 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 described as DS2-6 unto **GRANTEE** to locate, construct, maintain, repair, operate, patrol and/or replace a drainage channel, including all appurtenances thereto, 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 PORTION of the **Coulee Canal Maintenance & Access Servitude** located across Lots 63, 64, 65 and 66, Square 3, Unit 3 of Evangeline City Subdivision, in Section 7, Township 12 South – Range 7 East, **Town of MONTZ**, St. Charles Parish, Louisiana, being the property of Shelly Lukes Babineaux and Blaine A. Babineaux and is more fully described as follows:

COMMENCE at the southeast corner of Lot 63, Square 3, Unit 3 of Evangeline City Subdivision;

THENCE, proceed along the common property line of Lots 62 and 63, N 47°09'28" W a distance of 55.47 feet to the **POINT OF BEGINNING**;

THENCE, continue along the aforesaid common property line, N 47°09'28" W a distance of 79.75 feet to a point;

THENCE, proceed N 84°42'29" E a distance of 44.82 feet to a point;

THENCE, proceed N 84°43'14" E a distance of 53.39 feet to a point;

THENCE, proceed N 79°26'45" E a distance of 33.48 feet to a point on the common property line of Lots 66 and 67;

THENCE, proceed along the aforesaid common property line, S 47°09'28" E a distance of 44.13 feet to a point on the easterly line of Lots 65 and 66;

THENCE, proceed S 39°39'05" W a distance of 30.58 feet to a point;

THENCE, proceed S 79°26'45" W a distance of 86.53 feet to the **POINT OF BEGINNING**.

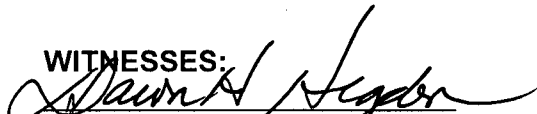

The above described portion of ground contains **6,890.02** square feet or **0.158** acres. All in accordance with the attached plan of **DRAINAGE SERVITUDES** by G.E.C., Inc., Job No. 413-2060106.004, dated April 21, 2015; revised August 25, 2015.

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 NINETY SIX THOUSAND FIVE HUNDRED AND NO/100 (\$96,500.00) DOLLARS, which **GRANTEE** has paid cash in hand, in current money, to said **GRANTOR**, who acknowledges 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 to locate, construct, maintain, repair, operate, patrol and/or replace a drainage channel, including all appurtenances thereto. **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.

THUS done, read and passed at my office in Destrehan, 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:


DAWN H. HIGDON

BOBBI N. CULLEN

GRANTOR:


SHELLY LUKES BABINEAUX



WITNESSES:


DAWN H. HIGDON

BOBBI N. CULLEN

GRANTOR:

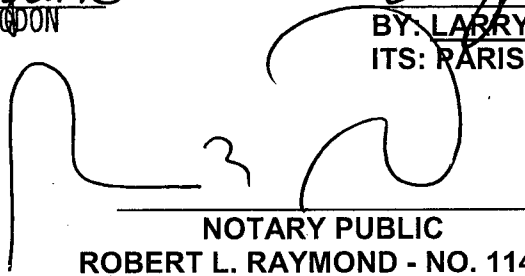

BLAINE A. BABINEAUX

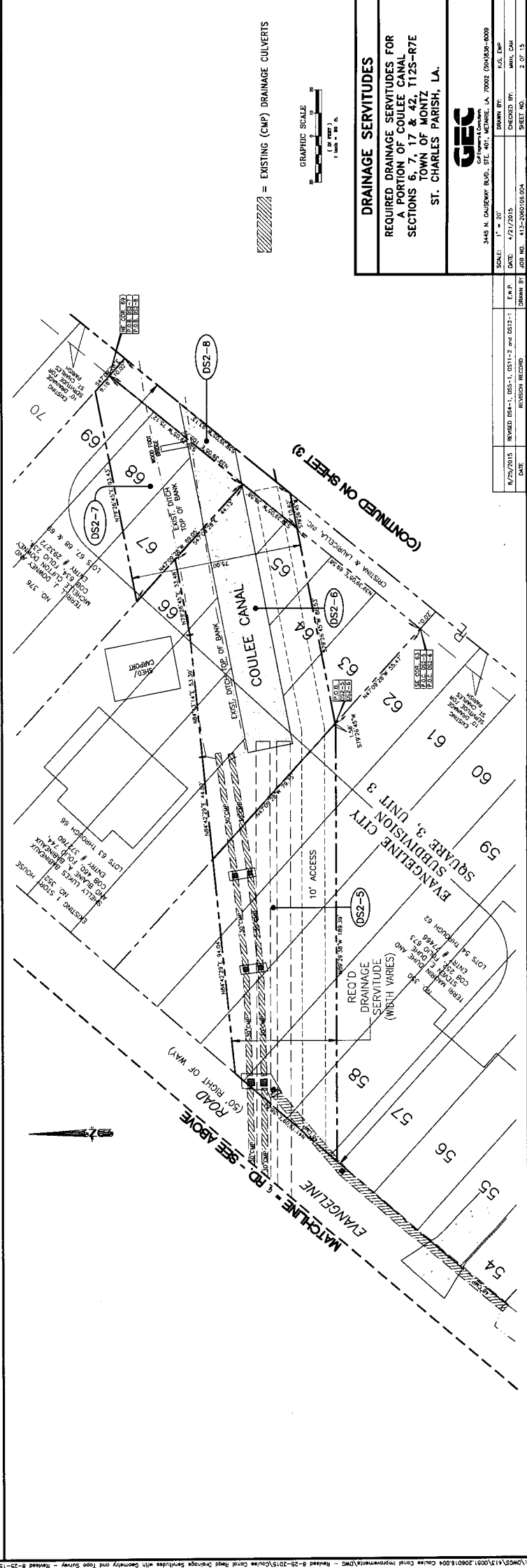
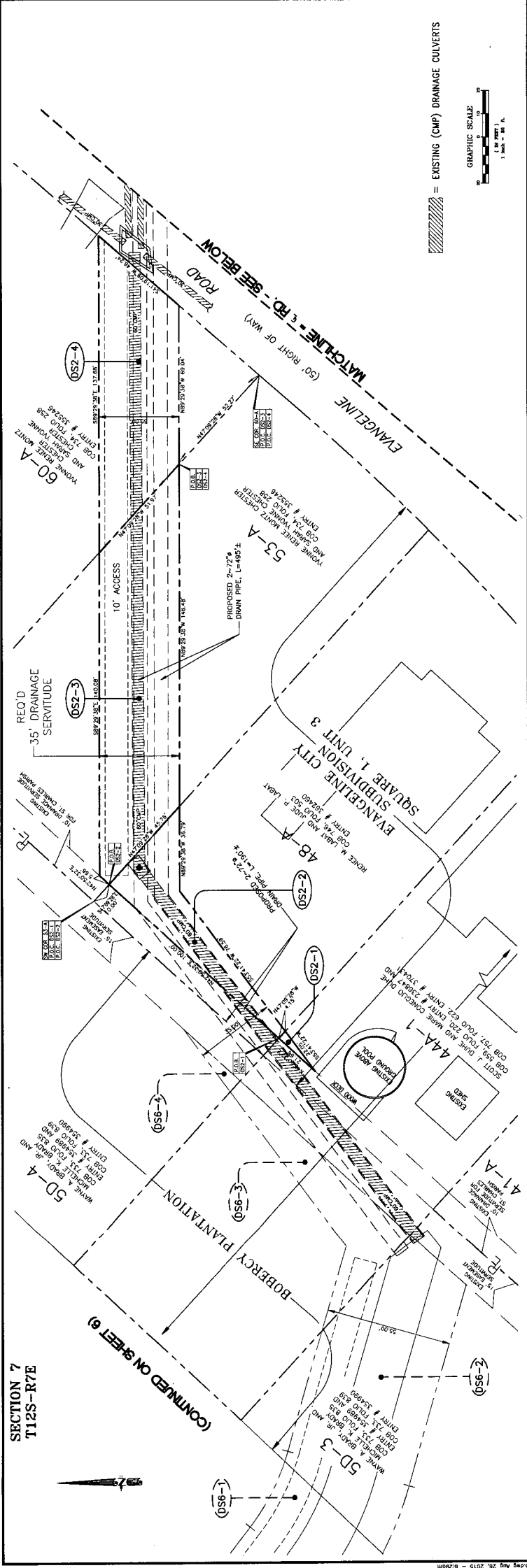
WITNESSES:


ROBIN S. DELAHOUSSEY

DAWN H. HIGDON

GRANTEE:
PARISH OF ST. CHARLES


BY: LARRY COCHRAN
ITS: PARISH PRESIDENT


NOTARY PUBLIC
ROBERT L. RAYMOND - NO. 11408



DRAINAGE SERVITUDES	
REQUIRED DRAINAGE SERVITUDES FOR A PORTION OF COULEE CANAL SECTIONS 6, 7, 17 & 42, T12S-R7E TOWN OF MONITZ ST. CHARLES PARISH, LA.	
GEC	
3145 N. CALDWAY BLVD., STE. 407, METairie, LA. 70002 (504)298-0099	
SCALE: 1" = 80'	DRAWN BY: J.A.S. GMP
DATE: 4/21/2015	CHECKED BY: M.H.H. GMP
PROJECT NO.: 112S-R7E-004	DRAWN BY: M.H.H. GMP
DATE: 4/21/2015	REVISION RECORD:
SHEET NO.:	2 OF 15

SECTION 7
T12S-R7E

DRAINAGE SERVITUDES

REQUIRED DRAINAGE SERVITUDES FOR A PORTION OF COULEE CANAL SECTIONS 6, 7, 17 & 42, T12S-R7E TOWN OF MONITZ ST. CHARLES PARISH, LA.



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