

Ord.

2009-0217

**INTRODUCED BY: V.J. ST. PIERRE, JR, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

ORDINANCE NO. 09-6-9

An ordinance to approve and authorize the execution of an Act of Dedication by Landcraft, Inc. for Highland Oaks Subdivision, Phase 3, Lots 35 thru 46 and Lots 48 thru 51 located in St. Rose.

WHEREAS, on October 2, 2006 the St. Charles Parish Council adopted Ordinance No. 06-10-11 approving and authorizing the execution of an Act of Dedication for Highland Oaks Subdivision, Phase 3, excluding Lots 35 thru 46 and Lots 48 thru 51 which is filed in the St. Charles Parish Conveyance Records as Entry No. 324061, No. 680, Folio 258; and,

WHEREAS, Landcraft, Inc. has now made certain improvements to said lots to comply with and resolve property line disputes and utility issues; and,

WHEREAS, it is the desire of the Parish Council to approve said Dedication and accept the above referenced lots as legal lots of record along with the various servitudes noted therein.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Dedication by Landcraft, Inc. to St. Charles Parish for Highland Oaks Subdivision, Phase 3, Lots 35 thru 46 and Lots 48 thru 51 in St. Rose is hereby approved and accepted.

SECTION II. That Lots 35 thru 46 and Lots 48 thru 51 of Highland Oaks Subdivision, Phase 3 are hereby accepted as legal lots of record. Said lots are identified and described on the map titled Final Plan, Highland Oaks, Phase 3, Section I, dated October 6, 2006, Revised April 19, 2007, May 26, 2009 and May 27, 2009.

SECTION III. That in addition the dedication of servitudes and the dedication of fee ownership of Lot 10AA, Square 8A, of Fairfield Oaks Subdivision as designated on the Survey Plat and Resubdivision To Dispose Of A Gap Of Land Of An Undesignated Portion Of Highland Oaks Subdivision Phase 3, Section I, Into Lots Herein Designated As Lots 1AA, 2AA, 3AA, 4AA, 5AA of Fairfield Oaks Subdivision Square No. 1A & Lots 1AA, 2AA, 3AA, 4AA, 5AA, 6AA, 7AA, 8AA, 9AA, 10AA & 5A-1 of Fairfield Oaks Subdivision Square No. 8A Situated In Section 39, T-12-S, R-9-E, St. Rose, St. Charles Parish, Louisiana, prepared by Riverlands Surveying Company, dated November 19, 2008 is hereby approved and accepted.

SECTION IV. That the Parish President is hereby authorized to execute said Act of Dedication 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, COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 15th day of June, 2009, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: June 16, 2009
APPROVED: [Signature] DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: June 16, 2009
AT: 3:20 pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON June 24, 2009
AS ENTRY NO. 353091
IN MORTGAGE/CONVEYANCE BOOK
NO. 730 FOLIO 466

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: LANDCRAFT, INC.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 12th day of June, in the year of our Lord Two Thousand and Nine (2009).

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified in and for the Parish and State aforesaid, therein residing, and in the presence of the two competent witnesses hererinafter named and undersigned.

PERSONALLY CAME AND APPEARED:

LANDCRAFT, INC., TAX IDENTIFICATION NUMBER 72-1187250, a Louisiana Corporation validly existing and in good standing under the laws of the State of Louisiana, having as its principal office, an address of 107 Fairway Drive, LaPlace, LA 70068, appearing herein through its duly authorized member, Joseph M. Scontrino, III, as per certificate of authority recorded at COB 652, Folio 394, records of St. Charles Parish, Louisiana;

(Hereinafter sometimes referred to as "Landcraft")

Mailing Address: 107 Fairway Drive, LaPlace and LA 70068

LANDCRAFT declared unto me Notary, that it is the owner of a certain tract of immovable property situated on the East Bank of St. Charles Parish, in St. Rose which land is designated as "**HIGHLAND OAKS PHASE III, FORMERLY TERRE HAUTE**", being a portion of Section 39, Township 12 South, Range 9 East, St. Charles Parish, Louisiana, as shown on a survey of said resubdivision prepared by Riverlands Surveying Company, Land Surveyor, dated October 6, 2006, revised April 19, 2007, May 26, 2009 and May 27, 2009, and titled Final Plat, Highland Oaks, Phase 3, Section 1, a copy of which survey is attached hereto and made a part of this Act of Dedication; and

LANDCRAFT further declared unto me that it has caused a portion of the above property designated as **HIGHLAND OAKS SUBDIVISION, PHASE III**, on the survey referred to above to be laid out into lots, in order to create the **HIGHLAND OAKS SUBDIVISION, PHASE III**; and

LANDCRAFT further declared unto me, Notary that it is the owner of certain Lots of immovable property designated on the "Survey Plat and Resubdivision To Dispose Of A Gap Of Land Of An Undesignated Portion Of Highland Oaks Subdivision Phase 3, Section I, Into Lots Herein Designated As Lots 1AA, 2AA, 3AA, 4AA, 5AA of Fairfield Oaks Subdivision Square No. 1A & Lots 1AA, 2AA, 3AA, 4AA, 5AA, 6AA, 7AA, 8AA, 9AA, 10AA & 5A-1 of Fairfield Oaks Subdivision Square No. 8A Situated In Section 39, T-12-S, R-9-E, St. Rose, St. Charles Parish, Louisiana" prepared by Riverlands Surveying Company, and dated November 19, 2008 a copy of which survey is attached hereto and made a part of this Act of Dedication; and

LANDCRAFT further declared unto me, Notary that on the aforesaid plans of resubdivision it has laid out certain servitudes for water, utility and drainage within the

HIGHLAND OAKS SUBDIVISION, PHASE III, which is identified and more fully described in Exhibit "A" attached hereto and made a part hereof. On all matters of the description of the property on which the servitudes for water, utility and drainage above named are located, the attached surveys shall be controlling.

LANDCRAFT further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it does by these presents, dedicate the servitudes for water, utility and drainage, as hereinabove described to public use, unto and in favor of the Parish of St. Charles, the inhabitants of the Parish of St. Charles, and to the public in general; and

LANDCRAFT further declared unto me, Notary, that the aforesaid dedication and grant is subject to all the following terms and conditions, to-wit:

1. The herein grant of the servitudes for water, utility and drainage purposes shall constitute the granting only of a personal servitude of right of use being a "limited personal servitude" in favor of St. Charles Parish. Landcraft does hereby reserve all rights of fee ownership to that portion of the aforesaid Highland Oaks Subdivision, Phase III, except that Landcraft does hereby grant fee ownership of that certain lot identified as Lot 10AA, Square No. 8A of Fairfield (Plantation) Oaks Subdivision, as shown on the attached Survey.
2. Landcraft does hereby reserve all rights of ownership to all of the oil, gas and other minerals in, on and under the property covered and affected the water, utility and drainage servitude granted herein. In that connection, Landcraft does, however, agree to prohibit the use of any part of the surface of any of the property covered by the servitude with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with Landcraft's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Highland Oaks Subdivision, whereby, however, Landcraft will likewise impose a restriction on the entire subdivision against any use of the surface of any lot for exploration, development or productions of minerals, pursuant to this reservation. This reservation is made in accordance with Landcraft's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Highland Oaks Subdivision, Phase III whereby, however, Landcraft will likewise impose a restriction of the entire subdivision against any use of the surface of any lot for the exploration, development or production of minerals, or by any other binding means of strict surface operations in regard to mineral exploration in this subdivision.
3. The herein dedication of grant of servitude for water, utility and drainage purposes are made by Landcraft without any warranty whatsoever except as provided for herein areas.
4. This dedication is granted conditioned upon St. Charles Parish maintaining the water, utility and drainage facilities within the water, utility and drainage servitude areas.

5. The grant herein of servitudes for water, utility and drainage purposes shall be used exclusively for those purposes and Landcraft reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitude for water, utility and drainage purposes. The herein granted water, utility and drainage servitudes shall not be utilized so as to unreasonably interfere with or impair ingress and egress any of the lots in the Highland Oaks Subdivision, Phase III.
6. Landcraft warrants that the herein dedication of and grant of servitudes is free of any liens and/encumbrances and that no lots have been sold or alienated prior to the date hereof.
7. The dedication and grant made herein are made subject to any existing servitudes affecting the Highland Oaks Subdivision, Phase III such as by way of illustration but not limitation, pipeline servitudes and levees.
8. The herein dedication and grant shall insure to the benefit of St. Charles Parish and/or any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.
9. Landcraft warrants that all water, utility and drainage improvements have been placed within the servitudes granted herein.

AND NOW, these presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through V. J. St. Pierre, Jr., Parish President, 15045 River Road, P. O. Box 302, Hahnville, LA 70057, duly authorized by virtue of Ordinance No. 09-6-9 of the St. Charles Parish Council adopted on June 15, 2009, a certified 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 contained hereinabove, and does also hereby acknowledge that the construction of the water, utility and drainage improvements dedicated herein has been satisfactorily completed in accordance with all requirements, and St. Charles Parish does hereby accept all of said street and water, utility and drainage facilities and assumes the maintenance thereof.

This Act of Dedication and Acceptance was approved and accepted by the St. Charles Parish Council by Ordinance 09-6-9 on the 15th day of June, 2009, a photocopy of which is attached and made a part hereof.

THIS DONE AND PASSED in triplicate originals, in my office the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

LANDCRAFT, INC.

[Signature]

BY:

[Signature]

Joseph M. Scontrino, III

Mauro Scontrino

[Signature]

NOTARY PUBLIC

FRANCESCO J. GUASTELLA

Notary Public, LBA #27488

State of Louisiana

My Commission Expires at Death

THUS DONE AND PASSED in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

ST. CHARLES PARISH

Barbara Jacob Tucker

BY:

[Signature]

6/16/09

V. J. St. Pierre, Jr.,

Parish President

Valerie Berthelot

[Signature]

NOTARY PUBLIC

Leona C. Vial

#13061

LEGAL DESCRIPTION

Highland Oaks, Phase 3, Section 1

**Lots 1AA, 2AA, 3AA, 4AA & 5AA, Square No. 1A &
Lots 1AA, 2AA, 3AA, 4AA, 5AA, 6AA, 7AA, 8AA, 9AA, 10AA & 5A-1, Square No.
8A**

That piece or portion of ground being Lots 1AA, 2AA, 3AA, 4AA & 5AA, Square No. 1A Fairfield Plantation Oaks Subdivision, Square No. 1A & Lots 1AA, 2AA, 3AA, 4AA, 5AA, 6AA, 7AA, 8AA, 9AA, 10AA & 5A-1, Square No. 8A Fairfield Plantation Oaks Subdivision. Situated in Section 39, T-12-S, R-9-E, St. Rose, St Charles Parish, Louisiana. All in accordance with a survey by Stephen P. Flynn, P.L.S. dated November 19, 2008 and being more fully described as follows:

Commence at the northwest intersection of La. Highway 48 – Jefferson Highway and West Pin Oak Drive Thence proceed in a southwesterly direction along the north right of way of La. Highway 48 – Jefferson Highway a bearing of $S63^{\circ}15'49''W$ a distance of 356.05' to a point;

The Point of Beginning

Thence proceed in southwesterly direction a bearing of $S63^{\circ}15'49''W$ a distance of 6.09' to a point;

Thence proceed in a northwesterly direction a bearing of $N02^{\circ}21'42''W$ a distance of 430.72' to a point;

Thence proceed in a northeasterly direction a bearing of $N87^{\circ}38'18''E$ a distance of 170.00' to a point;

Thence proceed in a northwesterly direction a bearing of $N02^{\circ}21'42''W$ a distance of 844.91' to a point;

Thence proceed in a southeasterly direction a bearing of $S56^{\circ}43'08''E$ a distance of 16.34' to a point;

Thence proceed in a southeasterly direction a bearing of $S02^{\circ}03'50''E$ a distance of 845.27' to a point;

Thence proceed in a southwesterly direction a bearing of $S86^{\circ}15'28''W$ a distance of 174.12' to a point;

Thence proceed in a southeasterly direction a bearing of $S02^{\circ}27'46''E$ a distance of 414.14' to a point;

DEDICATION CERTIFICATE

(May 29, 2009)

KNOW ALL MEN BY THESE PRESENT That we, the undersigned being the owner and the only interested parties in those land described below, have laid out, subdivided and platted the same into a public servitude, for public use, public way, utilities, utility easements and drainage easements reserved to and for the use of all present and future owners of lots and tracts comprising Highland Oaks Subdivision, Phase 3 for the construction, maintenance and operation of the water, sewer and drainage facilities.

Highland Oaks, Phase 3, Section 1

**Lots 1AA, 2AA, 3AA, 4AA & 5AA, Square No. 1A &
Lots 1AA, 2AA, 3AA, 4AA, 5AA, 6AA, 7AA, 8AA, 9AA, 10AA & 5A-1, Square No.
8A**

That piece or portion of ground being Lots 1AA, 2AA, 3AA, 4AA & 5AA, Square No. 1A Fairfield Plantation Oaks Subdivision, Square No. 1A & Lots 1AA, 2AA, 3AA, 4AA, 5AA, 6AA, 7AA, 8AA, 9AA, 10AA & 5A-1, Square No. 8A Fairfield Plantation Oaks Subdivision. Situated in Section 39, T-12-S, R-9-E, St. Rose, St Charles Parish, Louisiana. All in accordance with a survey by Stephen P. Flynn, P.L.S. dated November 19, 2008 and being more fully described as follows:

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Thence proceed in a northwesterly direction a bearing of N02°21'42"W a distance of 430.72' to a point;

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Thence proceed in a northwesterly direction a bearing of N02°21'42"W a distance of 844.91' to a point;

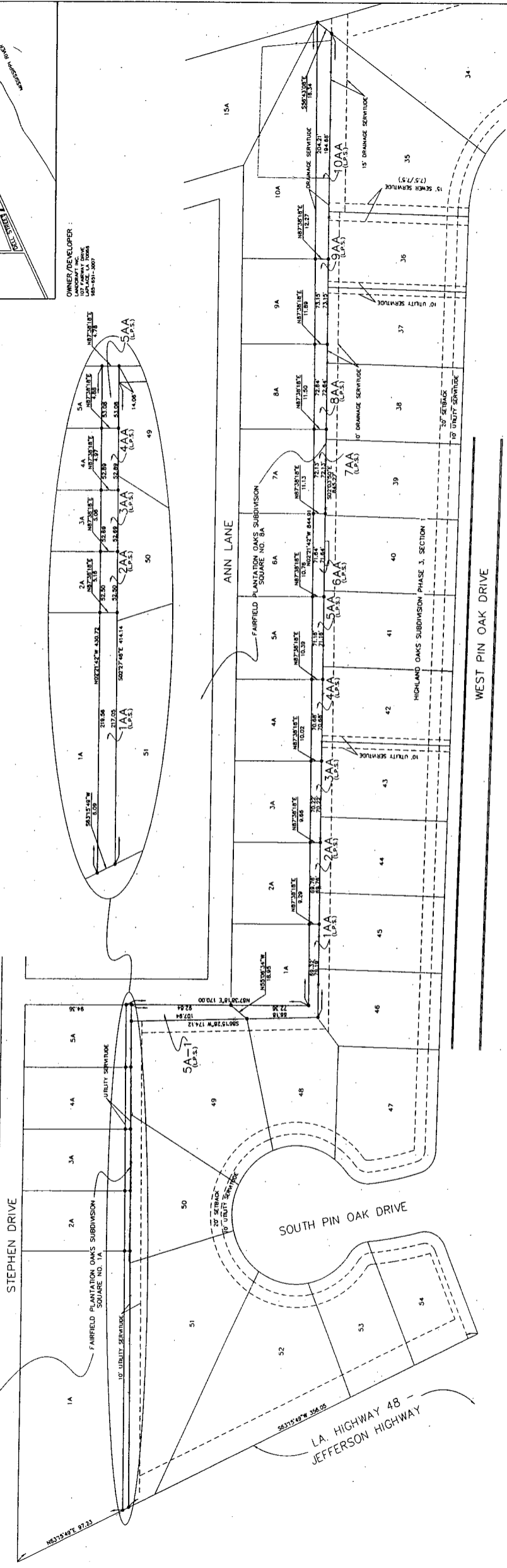
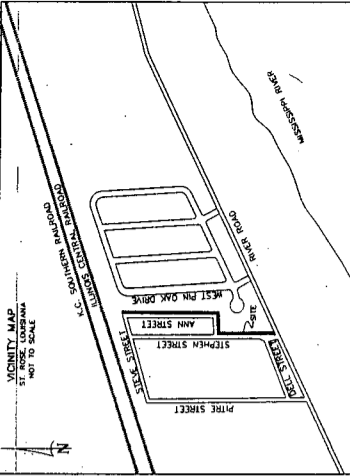
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Thence proceed in a southwesterly direction a bearing of S86°15'28"W a distance of 174.12' to a point;

Thence proceed in a southeasterly direction a bearing of S02°27'46"E a distance of 414.14' to a point;

**SURVEY-PLAT AND RESUBDIVISION TO DISPOSE OF A GAP OF LAND
OF AN UNDESIGNATED PORTION OF HIGHLAND OAKS SUBDIVISION PHASE 3, SECTION 1
INTO LOTS HEREIN DESIGNATED AS LOTS 1AA, 2AA, 3AA, 4AA, 5AA,
6AA, 7AA, 8AA, 9AA, 10AA & 5A-1 OF FAIRFIELD OAKS SUBDIVISION SQUARE NO. 1A &
OF FAIRFIELD OAKS SUBDIVISION SQUARE NO. 1A &
SITUATED IN SECTION 39, T-12-S, R-9-E
ST. ROSE, ST. CHARLES PARISH, LOUISIANA**



OWNER/DEVELOPER:
LANDMARK INC.
LAPLACE, LA 70086
985-891-3607

SQUARE NO.	1A AREA	SQUARE NO.	5A
1AA	1,169 SQ. FT.	1AA	11,425 SQ. FT.
2AA	289 SQ. FT.	2AA	661 SQ. FT.
3AA	265 SQ. FT.	3AA	691 SQ. FT.
4AA	261 SQ. FT.	4AA	722 SQ. FT.
5AA	257 SQ. FT.	5AA	753 SQ. FT.
6AA	784 SQ. FT.	6AA	817 SQ. FT.
7AA	850 SQ. FT.	7AA	850 SQ. FT.
8AA	850 SQ. FT.	8AA	850 SQ. FT.
9AA	850 SQ. FT.	9AA	850 SQ. FT.
10AA	1,292 SQ. FT.	10AA	11,292 SQ. FT.

SURVEY REFERENCE: 1. WORKING DRAWING PHASE 3, SECTION 1, BY STEPHEN P. FLYNN, DATED OCTOBER 11, 2008.
BASIS OF BEARING: TRUE FROM INTRODUCED SURVEY PLAT.
FLOOD NOTE: THE SURVEYED PARCEL IS IN ZONE "X" PER FEDERAL FLOOD INSURANCE RATE MAP NUMBER 22004-0000-0000 DATED 8/7/2003.
SURVEYOR'S NOTES:
1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.
2. THE SURVEYOR HAS REVIEWED THE RECORD PLAT AND THE SURVEY PLAT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.
3. THE SURVEYOR HAS REVIEWED THE RECORD PLAT AND THE SURVEY PLAT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.
4. THE SURVEYOR HAS REVIEWED THE RECORD PLAT AND THE SURVEY PLAT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.

THE LOCATION OF UNDERGROUND AND OTHER NONVISIBLE DATA EITHER DISCLOSED BY THE ADJACENT CONTROLLING PARTY OR DISCOVERED BY THE SURVEYOR IS NOT GUARANTEED BY THE SURVEYOR. THE SURVEYOR HAS REVIEWED THE RECORD PLAT AND THE SURVEY PLAT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION. THE SURVEYOR HAS REVIEWED THE RECORD PLAT AND THE SURVEY PLAT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION. THE SURVEYOR HAS REVIEWED THE RECORD PLAT AND THE SURVEY PLAT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.

APPROVAL:
DATE: 11/14/09
DATE: 12/21/09
DATE: 12/21/09

CHAIRMAN, PLANNING COMMISSION
CHAIRMAN, PARISH COUNCIL
PARISH PRESIDENT

RECORDED IN THE CLERK OF COURTS OFFICE, ST. CHARLES PARISH
ON THE DAY OF _____
ENTRY NO. _____
BOOK _____
PAGE _____

ST. CHARLES PARISH LAND USE REGULATIONS INCLUDE SETBACK STANDARDS, SUPERSEDE SUBDIVISION CONFERENCE MAPS, PARISH REGULATIONS ARE MORE RESTRICTIVE.

RIVERLANDS SURVEYING COMPANY
505 HEMLOCK STREET
LAPLACE, LA 70086
1-985-892-6592

STEPHEN P. FLYNN
REGISTERED PROFESSIONAL LAND SURVEYOR
P.L.S. LA. ST. REC. NO. 4688

DATE: NOVEMBER 11, 2008
SHEET NO. 1 OF 1
DRAWING NO. 032808

