

ORD.

2005-0014

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

ORDINANCE NO. 05-1-10

An ordinance to approve and authorize the execution of an Act of Donation by Dorvin Developments, Inc., for a Recreation Park in Destrehan.

WHEREAS, Dorvin Developments, Inc. is the Developer of Panther Run at Ormond Subdivision, Destrehan; and,

WHEREAS, in order to comply with the subdivision regulations, Recreational requirement, the Developer has agreed to donate a certain 1.20 acre parcel of property identified as Lot 20 in Panther Run to the Parish for use as a Recreational Park; and,

WHEREAS, it is the desire of the Parish Council to accept said donation.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Donation by Dorvin Developments, Inc. to St. Charles Parish is hereby approved.

SECTION II. 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: MARINO, FAUCHEUX, HILAIRE, RAMCHANDRAN, WALLS, DUHE, MINNICH

NAYS: NONE

ABSENT: FABRE, BLACK

And the ordinance was declared adopted this 24th day of January, 2005, to become effective five (5) days after publication in the Official Journal.

Act of Donation - Dorvin Dev.

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: January 25, 2005
APPROVED: _____ **DISAPPROVED:** _____

PARISH PRESIDENT: [Signature]
RETD/SECRETARY: January 25, 2005
AT: 1:49 P.M. **RECD BY:** [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON February 3, 2005
AS ENTRY NO. 303938
IN MORTGAGE/CONVEYANCE BOOK
NO. 646 FOLIO 743

ACT OF DONATION	*	UNITED STATES OF AMERICA
BY	*	
DORVIN DEVELOPMENTS, INC.	*	STATE OF LOUISIANA
TO	*	
ST. CHARLES PARISH	*	PARISH OF ST. CHARLES

BE IT KNOWN, that on the days and dates hereafter stated, before me, Robert L. Raymond, a Notary Public duly commissioned and qualified in and for the aforesaid State and Parish, and in the presence of the undersigned, competent witnesses,

PERSONALLY CAME AND APPEARED:

DORVIN DEVELOPMENTS, INC., a corporation organized under the laws of the State of Louisiana, represented herein by its president, Howat M. Raymond, duly authorized by virtue of a Resolution of its Board of Directors, a certified copy of which is annexed to the original of this act;

who declared that Donor does by these presents, hereby donate without any warranty of title whatsoever, by Donor, or their successors or assigns, but with full substitution and subrogation in and to all the rights and actions of warranty which Donor has or may have against all preceding owners, unto:

PARISH OF ST. CHARLES, herein represented by Albert Laque, the President of the Parish of St. Charles, duly authorized pursuant to Ordinance No. 05-19, dated Jan. 24, 2005, of the Council for the Parish of St. Charles (hereinafter referred to as the "Parish");

here present and accepting for the Parish the donation made herein to the Parish, and acknowledging due delivery and possession thereof, all and singular the following described property (the "Donated Property"), to-wit:

Lot 20, Panther Run at Ormond Subdivision – Phase II, more particularly described to-wit:

Commencing at the Northern most corner of Lot 1 of the subdivision on the southeastern edge of Stanton Hall Drive, thence along the eastern most edge of the subdivision S24°08'36" a distance of 1380.91' to a point and thus the **POINT OF BEGINNING**, thence continue S24°08'36" a distance of 291.61' to a point, thence S70°42'19"E a distance of 178.00' to a point, thence S43°16'51"W a distance of 125.34' to a point, thence N46°41'43"W a distance of 100.30' to a point of curvature, thence along a line of curvature with radius 2525.00' to the right a distance off 119.36' to a point of tangency, thence N49°24'13"W a distance of 238.98' to a point of curvature, thence along a line of curvature with radius 250.00' to the right a distance of 48.20' to a point, thence N66°06'27"E a distance of 192.39' to a point and thus the **POINT OF BEGINNING**, all containing 52,287.60 square feet (1.20 Ac.) more or less, as more fully shown on plan of survey entitled "Final Plat for Phase II, Panther Run at Ormond Subdivision" dated September 23, 2004, corrected on November 20, 2004 and changed on December 15, 2004.

And the said Dorvin Developments, Inc. did further declare it to be its purpose, desire and direction, to which the said Donee agrees, that the said real property donated herein shall be used for public recreation purposes only, and said donation shall and does satisfy any and all obligations set forth in the St. Charles Parish Code of Ordinances to donate land to the Parish or to the St. Charles Parish School Board.

Donor reserves all minerals in and under said property.

The Parish waives and releases Dorvin Developments, Inc. from any and all claims and or causes of action which the Parish may have or hereafter may be otherwise entitled to, based on vices or defects in the Donated Property, including all improvements located thereon, whether in the nature of redhibition, reduction of the purchase price, concealment, and/or any other theory of law. The Parish further assumes the risk as to all vices and defects in the Donated Property, including all improvements located thereon, whether those vices or defects are latent and/or not discoverable upon simple inspection, and including those vices or defects, knowledge of which would deter Parish from accepting this donation.

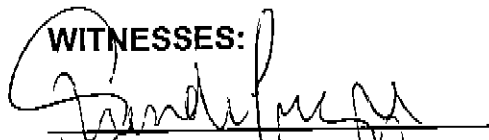

The Parish further hereby accepts the Donated Property as is, where is, in its existing environmental condition and waives, discharges, and releases Dorvin Developments, Inc., its affiliates, predecessors, successors, assigns, agents, members, managers, officers, employees, directors and insurers from any and all claims and/or causes of action which the Parish may have or hereafter be otherwise entitled to, whether affecting person and/or property, for any environmental liabilities arising from the Donated Property, including any claims, demands, causes of actions (both public and private), judgments, attorney's fees, costs, expenses, penalties and fines, imposed or assessed under any federal, state or local environmental law, rule, regulation, or ordinance involving the environment including, but without limitation Article 2315.3 of the Louisiana Civil Code, Statewide Order 29-B by Office of Conservation, Department of Natural Resources, State of Louisiana, the Louisiana Abandoned Oilfield Waste State Law (La. R.S. 30:71, et seq.), as amended, the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), as amended, the Comprehensive Environmental Response, Compensation and Liability Act, (42 U.S.C. §9601, et seq.), as amended, The Resource Conservation and Recovery Act (42 U.S.C. §6901, et seq.), the Superfund Amendments and Reauthorization Act of 1986, and the Toxic Substance Control Act (15 U.S.C. §2601, et seq.), as amended.

All taxes up to and including the taxes due and exigible in 2004 are paid.

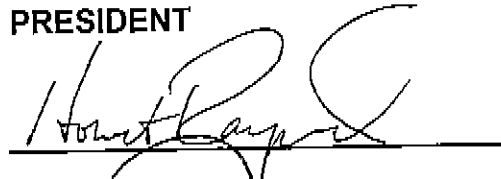
Dorvin Developments, Inc., declares, represents and warrants that there are no judgments, general or particular, of record or otherwise against Dorvin Developments, Inc., which may affect the Donated Property, and there are no liens, privileges, mortgages, pledges or other encumbrances of record or otherwise which may affect or burden the Donated Property. The parties hereto do hereby waive and dispense with the production of any and all certificates and/or researches required by law and relieve and release me, Notary, and the surety on my notarial bond from any and all liability and/or responsibility for the nonproduction thereof.


And the said St. Charles Parish, appearing as aforesaid, has accepted and does hereby accept and acknowledge the said donation of real property from the Donor, subject to and in conformity with all the conditions, provisions and stipulations hereinabove set forth.

THUS DONE AND PASSED in my office at Destrehan, Louisiana, on the 20th day of December, 2004, in the presence of the undersigned competent witnesses who have signed their names, together with appearers and me, Notary.

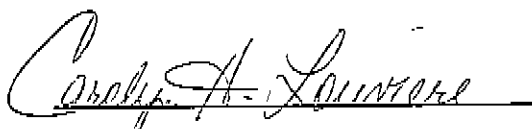

WITNESSES:



DORVIN DEVELOPMENTS, INC.
BY: HOWAT RAYMOND
PRESIDENT

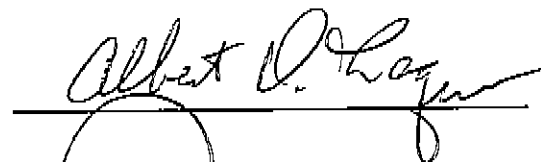




ROBERT L. RAYMOND, #11408
NOTARY PUBLIC

THUS DONE AND PASSED in my office at Destrehan, Louisiana, on the 1st day of January, 2005, in the presence of the undersigned competent witnesses who have signed their names, together with appearers and me, Notary.

PARISH OF ST. CHARLES
BY: ALBERT LAQUE
PARISH PRESIDENT




ROBERT L. RAYMOND, #11408
NOTARY PUBLIC

**DORVIN
DEVELOPMENTS
INC.**

2223 West Esplanade Ave.
Kenner, Louisiana 70065
(504) 443-6131

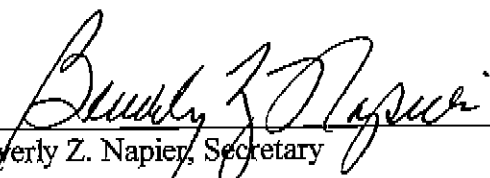
**RESOLUTION OF THE BOARD OF DIRECTORS
OF
DORVIN DEVELOPMENTS, INC.
72-0816212**

BE IT RESOLVED, by the Board of Directors of DORVIN DEVELOPMENTS, INC. on this 20th day of December, 2004, that HOWAT M. RAYMOND, its President, is hereby authorized and empowered for and on behalf of said corporation to execute an Act of Donation of Lot 20, Phase II of Panther Run Subdivision, St. Charles Parish, along with any and all documents necessary to conduct the business relating to the donation of said lot to St. Charles Parish for the purpose of recreation. Said Board of Directors hereby approve, confirm and ratify all acts the said President may do and perform by virtue of this resolution.

I, the undersigned Secretary of DORVIN DEVELOPMENTS, Inc., a Louisiana Corporation, do hereby certify that the foregoing is a true, complete and correct copy of a resolution unanimously adopted, on motion duly seconded, by the Board of Directors of said corporation, at a meeting held at its office in the Parish of Jefferson, State of Louisiana, on December 20, 2004, pursuant to due call and notice, at which meeting a quorum was present and acting throughout.

I also hereby certify that the above and foregoing resolution has neither been rescinded nor revoked and is presently in full force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 20th day of December, 2004.


Beverly Z. Napier, Secretary