

ORD.

2006-0045

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

ORDINANCE NO. 06-2-2

An ordinance approving and authorizing the execution of an Act of Dedication for Riverbend Estates Phase II Subdivision, in St. Rose, St. Charles Parish, LA, as requested by R Bend Estates II, LLC.

WHEREAS, R Bend Estates II, LLC are the owners and developers of property located in Sections 41 & 43 T12S, R9E and Sections 37 & 38, T13S, R9E, St. Rose St. Charles Parish, LA and indicated on a Final Plat dated April 23, 2004, and revised on April 12, 2005, April 17, 2005, June 30, 2005, and January 18, 2006, and prepared by Richmond W. Krebs, Professional Land Surveyor, as a Final Plat of Riverbend Estates Phase II, Being a Resubdivision of Lot 123-B, Sections 41 & 43 T12S, R9E and Sections 37 & 38, T13S, R9E into Riverbend Estates, Phase II and the Dedication of Rue Sydney and a Portion of Wagon Train Lane, Lots 1 through 26, St. Charles Parish, LA; and,

WHEREAS, said subdivision has been constructed in accordance with the St. Charles Parish Subdivision Regulations of 1981, as amended; and,

WHEREAS, all required administrative reviews and approvals have been effected relative to said subdivision.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the attached Act of Dedication for Riverbend Estates, Phase II, which includes Lots 1 through 26, the dedication of Rue Sydney, a Portion of Wagon Train Lane, a 15' strip and utility servitudes is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute the attached Final Plat and 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: MARINO, HILAIRE, FABRE, RAMCHANDRAN, WALLS, BLACK, MINNICH

NAYS: NONE

ABSENT: FAUCHEUX, DUHE

And the ordinance was declared adopted this 6th day of February, 2006, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Dorian C. Falgout*
SECRETARY: *Michelle J. Tucker*
DLVD/PARISH PRESIDENT: February 7, 2006
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: *Albert D. Laque*
RETD/SECRETARY: February 7, 2006
AT: 3:50 pm RECD BY: *BJA*

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON February 15, 2006
AS ENTRY NO. 315393
IN MORTGAGE/CONVEYANCE BOOK
NO. 663 FOLIO 695

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: R BEND ESTATES II, L.L.C.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 6 day of February the year of Our Lord Two Thousand Six (2006),

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 hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED;

R BEND ESTATES II, L.L.C. (Tax I.D. No. 20-0882311), a Louisiana limited liability company domiciled in the Parish of St. Charles, being represented herein by and through Warren G. Treme and Ashton J. Ryan, Jr., its duly authorized members, by virtue a Certificate of Authority and Unanimous Consent of Members, which is attached hereto and made a part hereof;

(Herein sometimes referred to as "R BEND II");

MAILING ADDRESS: 20 Veterans, Suite 102
Kenner, Louisiana 70062

R BEND II 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, which is land designated as Riverbend Estates, Phase II, indicated on a Final Plat dated April 23, 2004, and revised on April 12, 2005, April 17, 2005, June 30, 2005, and January 18, 2006, and prepared by Richmond W. Krebs, Professional Land Surveyor, as a Final Plat of Riverbend Estates, Phase II. Being a Resubdivision of Lot 123-B, Sections 41 & 43, T12S, R9E, and Sections 37 & 38, T13S, R9E, into Riverbend Estates, Phase II, and the Dedication of Rue Sydney and a Portion of Wagon Train Lane, Lots 1 through 26, St. Charles Parish, LA; and

R BEND II further declared unto me that it has caused a portion of the above property designated as Riverbend Estates, Phase II on the survey referred to above to be laid out into lots in order to create the Riverbend Estates, Phase II Subdivision; and

R BEND II further declared unto me, Notary, that on the aforesaid plan of resubdivision it has laid out a certain street within the Riverbend Estates, Phase II Subdivision, which is named and identified as Rue Shannon, which street in regard to this

dedication is 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 street above named is located, the attached survey shall be controlling.

R BEND II further declared unto me, Notary, that on the aforesaid plan of resubdivision, it has also designated and labeled various servitudes for water, utility and drainage purposes; and

R BEND II further declared unto me, Notary, that under the covenants, conditions and stipulations herein recited it does, by these presents, dedicate the following street located all within Riverbend Estates, Phase II, namely: Rue Shannon, as hereinabove described and does hereby grant the various servitudes for water, utility and drainage purposes, all as shown on the annexed plan of subdivision, 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

R BEND II further declared unto me, Notary, that the aforesaid dedication and grant is subject to all of the following terms and conditions, to wit:

1. The dedication of the fee ownership of the property to Parish of St. Charles is covered by the street identified hereinabove as Rue Sydney, a portion of Wagon Train Lane and the 15' to be dedicated to St. Charles Parish, but only as far as said street and Parcels are located in Riverbend Estates, Phase II Subdivision. Also being dedicated to the Parish of St. Charles is the fee ownership of that certain parcel of property identified as "Future Extension of Wagon Train Lane" on the Final Plat of Riverbend Estates, dated April 8, 2003, which was accepted by the St. Charles Parish Council by Ordinance No. 03-4-25, adopted on April 21, 2003, and filed on May 1, 2003, as Entry No. 279252, in Conveyance Book No. 618, Folio 295, of the St. Charles Parish Clerk of Court's Office.
2. The herein grant of the various 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. R BEND II does hereby reserve all rights of fee

ownership to that portion of the aforesaid Riverbend Estates, Phase II Subdivision, which comprises the various servitudes for water, utility and drainage purposes.

3. R BEND II 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 by the street identified hereinabove and by the aforesaid water, utility and drainage servitudes granted herein. In that connection, R BEND II does, however, agree to prohibit the use of any part of the surface of any of the property covered by the street and servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with R BEND II's plan and intention to reserve all of the minerals rights in, on and under all of the lots in the Riverbend Estates, Phase II Subdivision, whereby, however, Riverbend Estates, Phase II Subdivision will likewise impose a restriction on the entire subdivision against any use of the surfaces 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 explorations in this subdivision.
4. The herein dedication of streets and grant of servitudes for water, utility and drainage purposes are made by R BEND II without any warranty whatsoever except as provided for herein.
5. St. Charles Parish must bind and obligate itself not to use the property dedicated herein for street purposes in any manner which would be inconsistent with or detrimental to such use as a public street. St. Charles Parish must further bind and obligate itself to use the water, utility and drainage servitudes granted herein only for water, utility and drainage purposes.
6. This dedication and grant are conditioned upon St. Charles Parish maintaining and the policing the street dedicated herein, and

maintaining the various water, utility and drainage facilities within the various water, utility and drainage servitudes areas.

7. The grant herein of various servitudes for water, utility and drainage purposes shall be exclusively for all those purposes and R BEND II reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitudes 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 from the street dedicated herein to any of the lots in the Riverbend Estates, Phase II Subdivision.
8. R BEND II warrants that the herein dedication of street and grant of servitudes are free of any liens and/or encumbrances and that no lots have been sold or alienated prior to the date hereof.
9. The dedication and grant made herein are made subject to any existing servitudes affecting the Riverbend Estates, Phase II Subdivision, such as by way of illustration but not limitation pipeline servitudes and levees.
10. The herein dedication and grant shall inure to the benefit of St. Charles Parish or any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.
11. R BEND II warrants that all utilities and streets have been placed within the servitude(s) granted herein.

AND NOW, to those presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on February 10, 2006, 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 terms and conditions as contained hereinabove, and does also hereby acknowledge that the construction of the street dedicated herein has been satisfactorily completed in accordance with all requirements and that all water, utility and drainage facilities have been likewise satisfactorily completed in accordance

with all requirements, and St. Charles Parish does hereby accept all 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 No. 062-2 the 6th day of February, 2006, a photocopy of which is attached and made part hereof.

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 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:

Danielle S. Jerni
Sina Stogolo

R BEND II, L.L.C.

BY: Ashton J. Ryan, Jr.
Ashton J. Ryan, Jr., Member

BY: Warren G. Treme
Warren G. Treme

Kevin G. Heald
NOTARY PUBLIC

THUS DONE AND PASSED, in the 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:

Timothy J. Usal
Albert Laque

ST. CHARLES PARISH

BY: Albert Laque
Albert Laque, Parish President

Kevin G. Heald
NOTARY PUBLIC

EXHIBIT "A"



KREBS

R.W. Krebs, LLC

Professional Land Surveying

P.O. Box 8641 • Metairie, Louisiana 70011-8641

local: (504)889-9616 fax: (504) 889-0916 toll free: (877)837-9014

Latitude: 30°01'19.57"N
Longitude: 090°11'42.79"W

email: richmondk@krebssurvey.com

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ST. CHARLES, RIVERBEND ESTATES II AND MORE FULLY DESCRIBED AS WAGON TRAIN LANE AND RUE SYDNEY AND MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE FROM THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF MISSISSIPPI RIVER ROAD AND THE EASTERLY PROPERTY LINE OF RIVERBEND ESTATES; THENCE ALONG SAID EASTERLY LINE N21°57'38"W A DISTANCE OF 3720.76 FEET TO A POINT, THE POINT OF BEGINNING. MEASURE THENCE FROM THE POINT OF BEGINNING ALONG SAID EASTERLY LINE N21°57'38"W A DISTANCE OF 69.45 FEET; THENCE N48°56'13"E A DISTANCE OF 398.30 FEET; THENCE S21°26'12"E A DISTANCE OF 69.67 FEET; THENCE S48°56'13"W A DISTANCE OF 145.71 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 36.98 FEET, A CHORD BEARING OF S13°37'35"W, A CHORD DISTANCE OF 34.68 FEET TO A POINT OF TANGENCY; THENCE S21°41'03"E A DISTANCE 795.24 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 25.23 FEET, A CHORD BEARING OF S45°46'52"E, A CHORD DISTANCE OF 24.50 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A CURVE TO RIGHT HAVING A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 289.43 FEET, A CHORD BEARING OF S68°18'41"W, A CHORD DISTANCE OF 80.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 25.23 FEET, A CHORD BEARING OF N02°24'30"E, A CHORD DISTANCE OF 24.49 FEET TO A POINT OF TANGENCY; THENCE N21°41'03"W A DISTANCE OF 753.04 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 57.27 FEET, A CHORD BEARING OF N76°22'25"W, A CHORD DISTANCE OF 48.96 FEET TO A POINT OF TANGENCY; THENCE S48°56'13"W A DISTANCE OF 124.56 FEET TO A POINT ON THE EASTERLY PROPERTY LINE OF RIVERBEND ESTATES, THE POINT OF BEGINNING.

ALL AS MORE FULLY SHOWN ON PLAN OF SUBDIVISION BY RICHMOND W. KREBS, DATED APRIL 23, 2004, APRIL 12, 2005, APRIL 17, 2005, JUNE 30, 2005 & JANUARY 18, 2006.

AND:

That certain portion of property identified as 15' to be dedicated to St. Charles Parish measuring 398.30' along Wagon Trail Lane by a width of 15.87' on its Southern end and 15.93' on its Northern end and 398.30' along the Canadian National/Illinois Central Railroad.

