

2019-0056

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

ORDINANCE NO. 19-3-6

An ordinance to approve and authorize the Parish President to acquire a 0.009- acre temporary construction servitude for use in the construction of the US 61 (Railroad Overpass to LA 50) Culvert Installation Project over property identified as Parcel No. 5-1, portion of Lot 38, Almedia Plantation, Sec. 40, T12S – R9E St. Rose, now or formerly owned by George Saba Ellis, Jr. Et Al.

WHEREAS, the Louisiana Department of Transportation and Development (DOTD) is designing road improvements to US 61; and,

WHEREAS, drainage improvements are needed to convey stormwater from the south-side to the north-side of US 61 in the St. Rose area; and,

WHEREAS, the Parish is collaborating with DOTD to add the design of stormwater culverts across US 61 to improve drainage; and,

WHEREAS, the proposed drainage improvement requires the acquisition of a temporary construction servitude over Parcel No. 5-1; and,

WHEREAS, the drainage improvement 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 \$344.00 the property more particularly described in the "Temporary Construction Servitude" document attached hereto and made a part hereof, from now or formerly owned by George Saba Ellis, Jr. Et Al.

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

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

YEAS: BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, WOODRUFF,
BELLOCK, FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 25th day of March, 2019, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: Michelle Dupont
DLVD/PARISH PRESIDENT: March 26, 2019
APPROVED: [Signature] DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: March 27, 2019
AT: 9:05am RECD BY: [Signature]

STATE PROJECT NO. H.000320
US 61 (RAILROAD OVERPASS TO LA 50)
CULVERT INSTALLATION PROJECT
ST. CHARLES PARISH
PARCEL NO. 5-1

TEMPORARY CONSTRUCTION SERVITUDE

STATE OF LOUISIANA
PARISH OF ST. CHARLES

BEFORE ME, the undersigned notaries public, and in the presence of the undersigned competent witnesses, personally came and appeared:

GEORGE SABA ELLIS, JR. (XXX-XX-____), (1/2 interest, separate property), being of the full age of majority and a resident of Parish of Orleans, State of Louisiana, who declared that he has been married but twice, first to Jane Reeves Schlegal from whom he is divorced and then to Kelley Lozes Ellis, with whom he is separate in property and with whom he lives and resides at 215 Fairway Drive, New Orleans, LA 70124;

JOAN ELLIS GREEN (XXX-XX-____), nee Ellis, (1/2 interest, separate property) , being of the full age of majority and a resident of the County of Davidson, State of Tennessee, whose mailing address is 706 Greeley Drive, Nashville, TN 37205, who declared that she has been married but once and then to David Sawyer Green, with whom she lives and resides, collectively called Grantor;

and

ST. CHARLES PARISH, 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, appearing herein pursuant to Ordinance No. 19-3-6, adopted by St. Charles Parish Council on March 25, 2019 a copy of which is attached hereto and made a part hereof, hereinafter referred to as Grantee;

Grantor in consideration of the benefits, uses and advantages accruing to Grantor and for and upon such other terms and conditions or considerations hereinafter expressed does hereby grant, transfer, assign, set over and deliver unto the Grantee the following described temporary construction servitude for use in the construction of the US 61 (Railroad Overpass to LA 50) Culvert Installation Project (“Project”), situated in St. Charles Parish, Louisiana:

Parcel 5-1 Temporary Construction Servitude

A certain tract or portion of ground being described as a temporary construction servitude for the installation of a culvert crossing US 61 near the town of St. Rose. More fully shown on a SURVEY SHOWING TEMPORARY CONSTRUCTION SERVITUDE FOR LaDOTD STATE PROJECT "US 61 RAILROAD OVERPASS TO La 50" PROJECT NO. H.000320 LOCATED ON PORTION OF LOT 38, ALMEDIA PLANTATION, SEC. 40, T12S – R9E ST. ROSE, ST. CHARLES PARISH, LOUISIANA NOW OR FORMERLY OWNED BY GEORGE SABA ELLIS, JR. ET ALS. and the design plans entitled "US 61 Railroad Overpass to LA 50 DOTD project number H.000320" being located across the front of the George Saba Ellis, Jr. property, Lot 38, in what is known as Almedia Plantation, situated in the Parish of St. Charles, State of Louisiana, in Section 40, T12S-R9E, the Southeastern East of the Mississippi River Land District, said tract or portion of ground at the intersection of the East right of way line of Almedia Rd. with the North right of way of Airline Hwy, in St. Rose, more particularly described as follows:

The station and offsets are based on the referenced design Project and Adopted baseline. Commencing at station 188+21.06 thence an offset to the right a distance of approximately 73.38 feet to a point of beginning (POB) common with this northern right of way of US 61; thence an arc with radius 2996.35 feet, arc length 24.12 feet, chord 24.12 feet, and chord bearing S84°53'23.35" W to a point located at station 188+45.17 and an offset of 72.74 feet; thence N39°05'36.46" W a distance of approximately 12.89 feet to a point located at station 188+52.66 and an offset of 83.24 feet; thence N50°54'23.54" E a distance of approximately 20.00 feet to a point located at station 188+36.38 and an offset of 94.85 feet; thence S39°05'36.46" E a distance of approximately 26.37 feet to the point of beginning common to the US 61 right of way located at station 188+21.06 and an offset of 73.38 feet, containing 0.009 acres or 392.64 square feet, more or less, of said temporary construction servitude and more fully shown on a SURVEY SHOWING TEMPORARY CONSTRUCTION SERVITUDE FOR LaDOTD STATE PROJECT "US 61 RAILROAD OVERPASS TO La 50" PROJECT NO. H.000320 LOCATED ON PORTION OF LOT 38, ALMEDIA PLANTATION, SEC. 40, T12S – R9E ST. ROSE, ST. CHARLES PARISH, LOUISIANA NOW OR FORMERLY OWNED BY GEORGE SABA ELLIS, JR. ET ALS, a copy attached hereto and made a part hereof, and design plans entitled "US 61 Railroad Overpass to LA 50 DOTD project number H.000320", located in what is known as Almedia Plantation Section 40, T12S-R9E, East of the Mississippi River, St. Charles Parish, Louisiana, prepared for St. Charles Parish Department of Public Works and Wastewater by Shread- Kuyrkendall and Associates Inc., Baton Rouge, Louisiana, dated May 29, 2018.

Being the same property acquired by George Saba Ellis, Jr. and Joan Ellis Green by Extract of Judgment of Possession, dated August 12, 1998, recorded in the St. Charles Parish Clerk of Court Conveyance Records on August 13, 1998 in COB 542, Folio 158, Instrument Number 223734; being the same property further acquired by George Saba Ellis, Jr. and Joan Ellis Green by Extract of Judgment of Possession, dated May 17, 2002, recorded in the St. Charles Parish Clerk of Court Conveyance Records on May 20, 2002 in COB 602, Folio 615, Instrument Number 266617; being the same property further acquired by George Saba Ellis, Jr. and Joan Ellis Green by Extract of Judgment of Possession, dated October 15, 2005, recorded in the St. Charles Parish Clerk of Court Conveyance Records on November 16, 2005 in COB 658, Folio 847, Instrument Number 312961; being the same property acquired by George Saba Ellis, Jr. and Joan Ellis Green by Act of Donation dated December 27, 2018 and recorded in St. Charles Parish Clerk of Court Conveyance Records on January 8, 2019 in COB 872, Folio 293, Instrument No. 437877; and being the same property acquired by George Saba Ellis, Jr. and Joan Ellis Green by _____ dated _____ and recorded in St. Charles Parish Clerk of Court Conveyance Records on _____ in COB ___, Folio ___, Instrument No. _____.

Grantee is hereby authorized, in the construction and maintenance of said Project, to remove from the property herein described earth and other material in accordance with usual construction and maintenance policies.

The Grantee shall pay unto Grantor for the temporary construction servitude(s) hereby conveyed, upon approval by the Grantee of Grantor's title to the hereinabove property, free and clear of all encumbrances of any kind or nature whatsoever, and in full settlement and satisfaction of any and all claims for damages resulting from the grant of said temporary construction servitude(s), the price and sum of THREE HUNDRED FORTY-FOUR AND NO/100 (\$344.00) DOLLARS.

Grantor acknowledges and agrees that the consideration provided herein constitutes full and final settlement for the temporary construction servitude herein granted and for any and all diminution in the value of Grantor's remaining property as a result of the granting of this temporary right of way for the purposes of constructing drainage improvements.

It is agreed and understood that prior to completion of the said project, the property upon which the hereinabove described temporary construction servitude is located shall be left free of all construction scars.

The temporary construction servitude hereby granted shall be for a term of one (1) year at THREE HUNDRED FORTY-FOUR AND NO/100 (\$344.00) DOLLARS per year and shall

commence upon the date a work order is issued to the contractor, for construction of the respective construction project for which the servitude is required.

Should the above recited term not be sufficient to complete the Project, the Grantor grants to the Grantee the option to extend the servitude for an additional one (1) year at the same terms and conditions as herein specified. This extension shall be automatic.

It is further agreed and understood that the Grantee's rights to the said temporary construction servitude shall terminate upon the date of Final Acceptance of the said Project by the Parish of St. Charles recorded in the mortgage records of the St. Charles Parish Clerk of Court. The fee simple title to the said Parcel 5-1 shall remain vested in the Grantor.

Grantor retains the rights to fully use and enjoy the above-described property, except as to the rights herein 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 temporary construction servitude.

NOW UNTO THESE PRESENTS comes **DAVID SAWYER GREEN** appearing herein to acknowledge that the interest in the property conveyed herein by JOAN ELLIS GREEN is in fact the separate and paraphernal property of his wife, JOAN ELLIS GREEN.

This agreement shall be executed in triplicate, each of which shall constitute an original document which shall be binding upon any of the parties executing same. To facilitate recordation of this agreement, the parties hereto agree that individual signature and acknowledgement pages from the various counterparts may be merged and combined with signature and acknowledgement pages from other counterparts.

[Remainder of page intentionally left blank]

IN TESTIMONY WHEREOF, in Parish of _____, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as his free and voluntary act, in quadruplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the ____ day of _____, 2019, after a due reading of the whole.

GRANTOR:

WITNESSES:

GEORGE SABA ELLIS, JR.

Print Name

Print Name

NOTARY PUBLIC

Printed Name: _____

Notary Identification or Bar Roll No.: _____

My Commission expires: _____

IN TESTIMONY WHEREOF, in County of _____, State of _____ the parties hereto have signed, executed, and acknowledged this instrument as their free and voluntary act, in quadruplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the ____ day of _____, 20____, after a due reading of the whole.

WITNESSES:

X _____

Print Name

X _____

Print Name

GRANTOR:

JOAN ELLIS GREEN

INTERVENOR:

DAVID SAWYER GREEN

NOTARY PUBLIC

Printed Name: _____

Notary Identification or Bar Roll No.: _____

My Commission expires: _____

IN TESTIMONY WHEREOF, in Parish of St. Charles, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as his free and voluntary act, in quadruplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the ____ day of _____, 2019, after a due reading of the whole.

WITNESSES:

**GRANTEE:
ST. CHARLES PARISH**

Print Name

LARRY COCHRAN, PRESIDENT

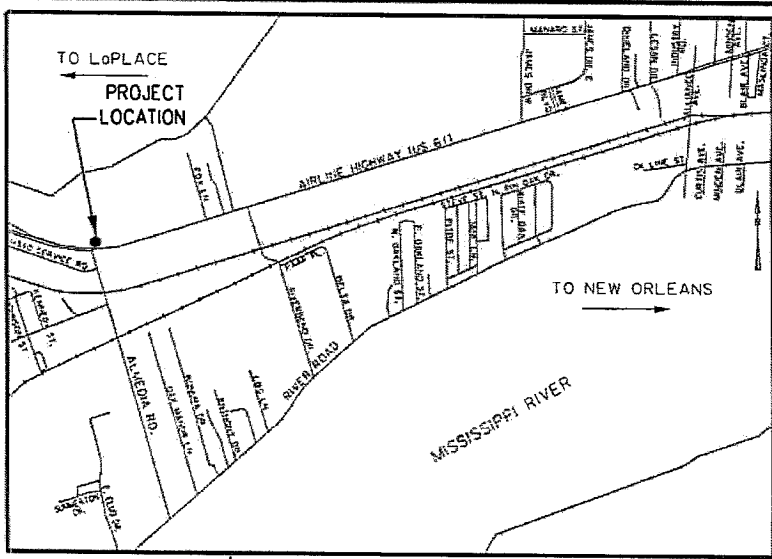
Print Name

NOTARY PUBLIC

Printed Name: _____

Notary Identification or Bar Roll No.: _____

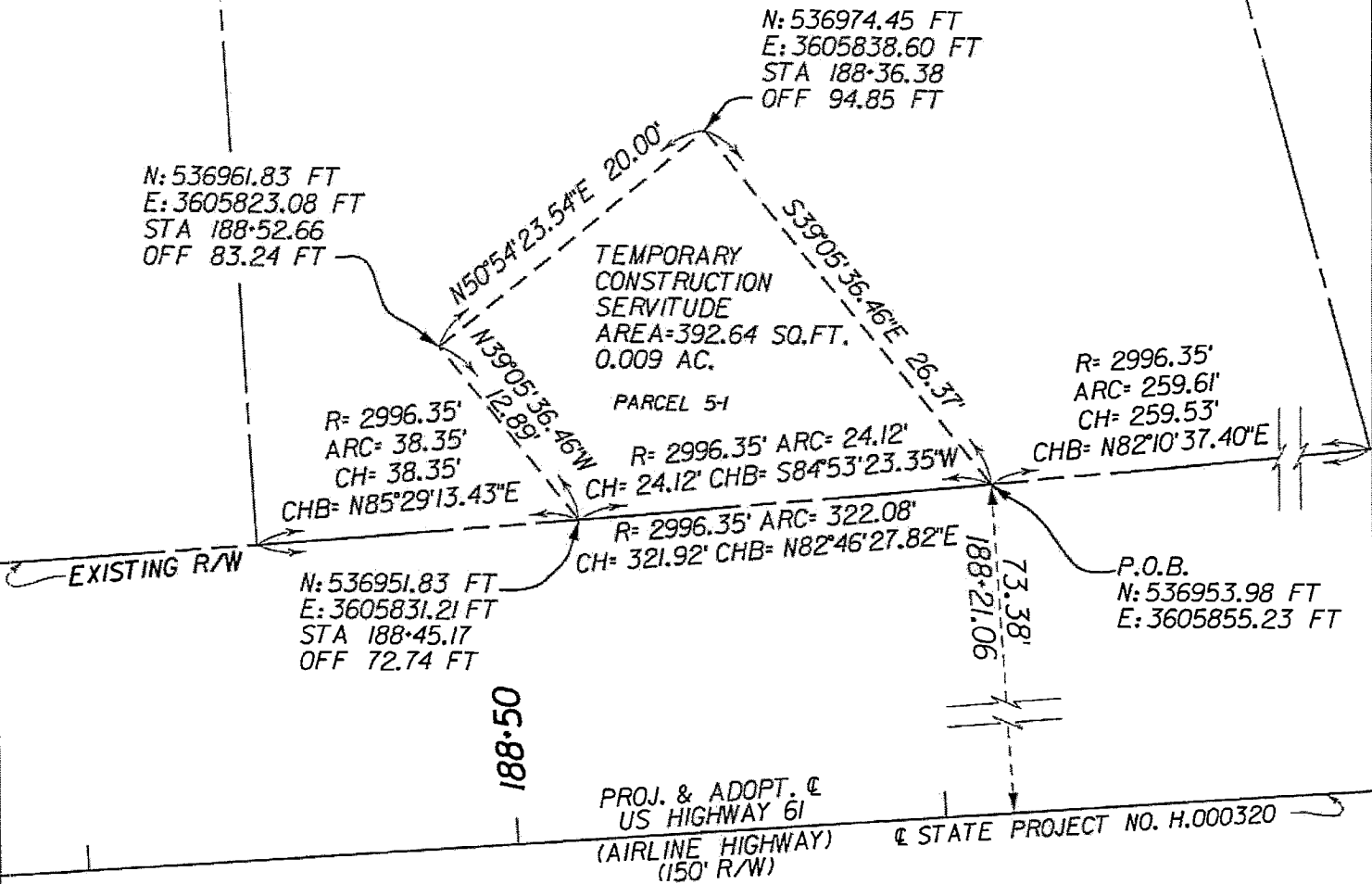
My Commission expires: _____



VICINITY MAP
N.T.S.

GEORGE SABA
ELLIS, JR., et al.
R.A.=5.12 Ac.
(PER DEED)

PELLETTIERE,
BABETTE L.



LEGEND

- EXISTING RIGHT OF WAY LINE
- APPARENT PROPERTY LINE
- TEMP. SERVITUDE LINE



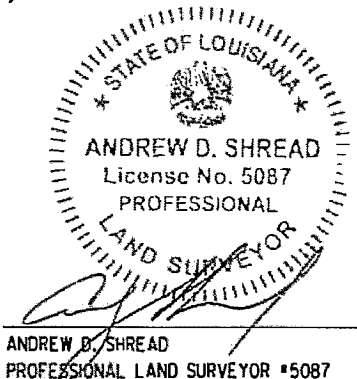
NOTES:

1. REFERENCE MAP BY S K LANDRY, LAND SURVEYOR DATED APRIL 24, 1970, WHICH WAS RECERTIFIED CORRECT BY J J PERRET, REGISTERED LAND SURVEYOR, DATED APRIL 19, 1979. RECORDED IN ENTRY NO 68926, COB 226, FOLIO 524.
2. US 61 HWY ROW TAKEN FROM MAPS ENTITLED: PLAN AND PROFILE OF PROPOSED STATE HIGHWAY FEDERAL AID PROJECT E-173-B-REOP & EXT, FEDERAL AID PROJECT E-173-C-REVISED, STATE PROJECT NO. 3601-B-4, BONNET CARRE SPILLWAY -KENNER HWY., ST CHARLES AND JEFFERSON PARISH. DATED MARCH 7, 1933
3. THE SERVITUDES SHOWN ON THIS PLAN ARE LIMITED TO THOSE CONTAINED WITHIN THE LATEST DEED OF RECORD AND ARE SHOWN.
4. WETLAND DETERMINATION NOT A PART OF THIS SURVEY
5. FLOOD ZONE DETERMINATION NOT A PART OF THIS SURVEY
6. COORDINATES SHOWN ARE LA STATE PLANE SOUTH ZONE 1702 AND BASED OFF CONTROL AND BASELINE FOR L&DOTD STATE PROJECT NO H 000320

SURVEY SHOWING
TEMPORARY CONSTRUCTION SERVITUDE
FOR L&DOTD STATE PROJECT
"US 61 RAILROAD OVERPASS TO L& 50"
PROJECT NO. H.000320
LOCATED ON PORTION OF LOT 38, ALMEDIA PLANTATION,
SEC. 40, T12S R9E
ST. ROSE, ST. CHARLES PARISH, LOUISIANA
NOW OR FORMERLY OWNED BY
GEORGE SABA ELLIS JR., ET. ALS.

I, HEREBY, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY PERFORMED BY ME, ON THE GROUND, IS CORRECT, AND IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AS OF THIS DATE, AS STIPULATED BY CLASSIFICATION C SURVEYS.

DRAWN BY: D.B.S. CALC. BY: B.C.J.
DATE: MAY 29, 2018 CHECKED BY: A.D.S.



ANDREW D. SHREAD
PROFESSIONAL LAND SURVEYOR #5087