

Ord.

2003-0033

INTRODUCED BY: LANCE MARINO, COUNCILMAN, DISTRICT VI
ALBERT D. LAQUE, PARISH PRESIDENT

ORDINANCE NO. 03-2-14

An ordinance to approve and authorize the execution of a Grant of Servitude for Streets and Utilities by Cristina & Lauricella, Inc. for a 75 foot strip of property from Evangeline Road to Tract 5B of the C.L. Bougere Estate in Montz.

WHEREAS, the developers of Evangeline Estates Subdivision, Phase I, Montz have agreed to donate Tract 5B of the C.L. Bougere Estate to meet the Recreational requirement of the Parish Code; and,

WHEREAS, The Parish Council has accepted said Donation of Tract 5B and the owners of the property located between Tract 5B and Evangeline Road have agreed to grant a servitude across their property for streets and utilities; and,

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

ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Grant of Servitude for Streets and Utilities by Cristina & Lauricella, Inc. in favor of St. Charles Parish is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Grant of Servitude for Streets and Utilities on behalf of St. Charles Parish.

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

YEAS: RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, ABADIE, AUTHEMENT, BLACK, MARINO, MINNICH
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 17th day of February, 2003, to become effective five (5) days after publication in the Official Journal.

Servitude Cristina & Lauricella, Inc

CHAIRMAN: *Lance A. Marino*
SECRETARY: *Richard J. Jacob*
DLVD/PARISH PRESIDENT: 2-18-03
APPROVED. DISAPPROVED:
PARISH PRESIDENT: *Albert D. Laque*
RETD/SECRETARY: 2-18-03
AT: *4:10 PM* RECD BY: *BJF*

RECORDED IN THE ST CHARLES PARISH
CLERK OF COURT OFFICE
ON 2-24-03
AS ENTRY NO 276492
IN MORTGAGE/CONVEYANCE BOOK
NO 615 488

GRANT OF SERVITUDE FOR STREETS
AND UTILITIES

UNITED STATES OF AMERICA

BY: **CRISTINA & LAURICELLA, INC.,**
IN FAVOR OF **ST. CHARLES PARISH,**
STATE OF LOUISIANA

STATE OF LOUISIANA
PARISH OF JEFFERSON

BE IT KNOWN, That before the undersigned, Notaries Public, duly commissioned and qualified, in and for the stated Parish and State set out herein, therein residing and in the presence of the witnesses hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED:

CRISTINA & LAURICELLA, INC., a Louisiana Corporation, domiciled in the Parish of Jefferson, whose mailing address is 608 Baratavia Boulevard, Marrero, Louisiana 70072, herein appearing through its Secretary, Calvin Cristina, duly authorized by a resolution of the Directors of the Corporation, annexed to an Act of Deposit before T. Robert Lacour, Notary Public, dated December 4, 1995, registered in COB 502, folio 582, Parish of St. Charles (hereinafter "Grantor")

who declared that under the covenants, conditions, terms and stipulations herein contained it does hereby donate, transfer, assign, set over, grant, dedicate and deliver unto ST. CHARLES PARISH 15045 River Road, Hahnville, Louisiana 70051, herein represented by Albert D. Laque, its Parish President, duly authorized by Ordinance No. ~~03-2-14~~ adopted by the St. Charles Parish Council on February, 2003, and the inhabitants thereof (hereinafter "Grantee") a non-exclusive seventy-five foot (75') wide servitude for streets and utilities described as follows:

THAT PORTION OF GROUND, being a 75-foot non-exclusive servitude for streets and utilities across tract 5A of the C. L. Bougere estate located in section 17, T-12-S, R-7-E, Montz, St. Charles Parish, Louisiana, from Evangeline Road to the eastern boundary line of Tract 5B.

More particularly described as follows:

Beginning at the intersection of the northerly right of way line of the Yazoo and Mississippi Valley Railroad and the westerly right of way line of Evangeline Road, thence N 36°21'47" E a distance of 594.81 feet to the point of beginning which is the southeast corner of Lot 23, Unit 5, Evangeline City Subdivision;

Thence N36°21'47" E a distance of 75 feet, which is the width of said servitude;

Thence N 53°38'13" W a distance of 695.00 along and to the right of a baseline and having a width 75 feet to the westerly boundary line of Tract 5A.

In accordance with a survey by Stephen P. Flynn, dated August 3, 2001.

over and across the following described property situated in the Parish of St. Charles, State of Louisiana, to-wit

ONE CERTAIN TRACT OF LAND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Charles, State of Louisiana, in Sections 17 and 50, Township 12 South, Range 7 East, and in Section 53, Township 12 South, Range 8 East, designated as TRACT 5A, per plan of resubdivision by Stephen P. Flynn (Riverlands Surveying Company), dated August 3, 2001, approved pursuant to St. Charles Parish Council Ordinance No. 81-8-2, and registered in COB 593 folio 738 (Entry No. 259471), Conveyance Records of St. Charles Parish, Louisiana. And according to said plan, said Tract 5A is located and measures as follows:

TRACT 5A

Commencing at the intersection of the upper or northwesterly boundary of Evangeline Railroad City Subdivision and the northeasterly line of the Illinois Central Railroad (Y.&M.V.) right of way, which point of intersection is the southerly-most corner of Tract 5A and its Point of Beginning, proceed thence North 32 degrees 12 minutes 08 seconds West, on said railroad right of way line, a distance of 618.80 feet to the southeasterly boundary of said Tract 5B;

Thence North 36 degrees 21 minutes 47 second East, on the line common to said Tract 5A and said Tract 5B, a distance of 1,979.71 feet to a grate bar at the section corner common to Sections 50, 51 and 52, T. 12 S., R. 7 E.;

Thence North 36 degrees 43 minutes 45 seconds East, on the St. Charles Parish – St. John the Baptist Parish line, a distance of 1,897.92 feet to an iron rail;

Thence continuing North 36 degrees 43 minutes 45 seconds East, on said Parish line, a distance of 117.82 feet to a ¾ inch iron pipe at the northerly-most corner of Section 17, T. 12 S., R. 7 E.;

Thence North 35 degrees 38 minutes 30 seconds East, on said Parish line, a distance of 421.19 feet to the southwesterly line of the (now or former) L.&A. Railroad right of way;

Thence South 50 degrees 06 minutes 04 seconds East, on said L.&A. Railroad right of way line, a distance of 571.74 feet to the northwesterly boundary of Evangeline City Subdivision;

Thence South 36 degrees 21 minutes 47 seconds West, on said line of Evangeline City Subdivision, a distance of 3,935.35 feet;

Thence South 28 degrees 55 minutes 20 seconds East, a distance of 6.68 feet to the westerly-most corner of Lot 3, Evangeline City Subdivision, Unit 6;

Thence South 53 degrees 38 minutes 13 seconds West (*sic*) (actually South 53 degrees 38 minutes 13 seconds East), on the southwesterly sideline of said Lot 3, a distance of 112.94 feet to the northwesterly right of way line of Evangeline Road;

Thence South 36 degrees 21 minutes 47 seconds West, on said line of Evangeline Road, a distance of 121.19 feet to the easterly-most corner of Lot 22, Evangeline City Subdivision, Unit 5;

Thence North 53 degrees 38 minutes 13 seconds West, on the northeasterly sideline of said Lot 22, a distance of 119 feet to the upper or northwesterly boundary of Evangeline City Subdivision;

Thence South 36 degrees 21 minutes 47 seconds West, on said line of Evangeline City Subdivision, a distance of 548.09 feet to the northeasterly right of way line of the Illinois Central Railroad (Y.&M.V. Railroad) and the Point of Beginning of said Tract 5A.

Said Tract 5A is shown to contain 59.624 acres.

Without in any way renewing the same, or interrupting prescription thereon, or acknowledging the validity thereof, this sale is made and accepted subject to the following:

1. Servitude (30 feet wide) for gas transmission line across Tract 5A, as granted to Ford Bacon and Davis, Inc. (now United Gas Pipe Line company) per act in COB "EE" folio 81, as amended per acts in COB 426 folios 308, 313, 318 and 323 and COB 433 folio 871, and as shown on the plan of resubdivision by Stephen P. Flynn, dated August 3, 2001, registered in COB 593 folio 738.
2. Servitude affecting the southwesterly-most 205 feet or less of Tracts 5A and 5B, as granted to Louisiana Power & Light Company per act in COB 484 folio 814.
3. Drainage servitudes, affecting the southwesterly 40 feet, the northwesterly 40 feet and the northeasterly 40 feet of Tract 5A, and affecting the southwesterly 40 feet of Tract 5B, as shown on the aforesaid plan of resubdivision.
4. Servitude (75 feet wide) for street and utilities across Tract 5A, as shown on the

aforesaid plan of resubdivision.

Grantor and Grantee understand and agree that the grant herein made is intended to and does hereby confer only the right to use the property subject to the servitude to the extent as herein set forth. No right of ownership of any nature is granted in and to the property subject to the servitude; the ownership of said property being vested in and shall continue to be vested in Grantor, its successors and assigns.

Nothing contained in this grant shall be construed to impair, alter or limit any of the rights or privileges conferred upon or enjoyed by Grantor under any and all mineral leases or any amendments thereof heretofore granted by Grantor or any former owner, concerning any of the property over which said servitudes extends.

Grantor reserves and retains for itself and excepts from this grant of servitude all of the oil, gas, sulfur and other minerals and other mineral rights and royalty rights in, upon, under and pertaining to the area of the servitude described herein, provided, however, that Grantor shall not have and hereby relinquishes any right to use the surface of property, it being expressly understood and agreed, nevertheless, that Grantor reserves and retains the full right to explore for and produce oil, gas, sulfur and other minerals from said property by directional drilling or by any other method which would not interfere with the use of the surface by Grantee, including but not by way of limitation, the right to include the property or any portion thereof in any unit or units which may be formed in any manner under any mineral lease.

This grant is conditioned upon the Parish of St. Charles assuming the obligation of constructing, maintaining and policing the streets and utilities.

Grantee shall at all times maintain the drainage ditches and servitude and keep the grass cut in the servitude.

Grantor reserves the right to use the servitude for the purposes for which it is established, for itself, its successor and assigns.

Grantee agrees to hold Grantor harmless against all loss or damage, including reasonable attorney's fees, arising out of the acts of Grantee, its agents, servants or employees in the use and maintenance of the servitude or construction of any improvements in the servitude or maintenance thereof

This servitude is granted subject to any other servitude or right of way of record.

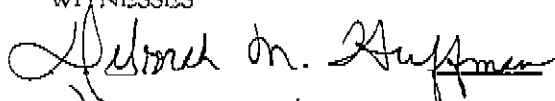
AND THEN APPEARED:

Albert D. Laque, Parish President
St. Charles Parish
State of Louisiana

who declared in accordance with the authority vested in him by the St. Charles Parish Council under Ordinance No. 03-2-14, a certified copy of which is annexed hereto and made part hereof, he does, for and on behalf of ST. CHARLES PARISH, STATE OF LOUISIANA, accept the foregoing servitude and assumes and agrees to comply with all of the covenants, conditions, terms and stipulations hereinabove recited.

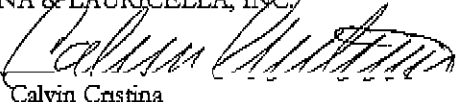
THUS DONE AND PASSED, in duplicate originals, in my office in the Parish of Jefferson, State of Louisiana, on the 19th day of February, 2003, in the presence of the undersigned competent witnesses, who herunto sign their names with the parties and me, Notary, after reading of this act


WITNESSES:


Dina B. Marks

CRISTINA & LAURICELLA, INC.

BY:


Calvin Cristina
Secretary


T. ROBERT LACOUR
Notary Public

TIUS DONE AND PASSED, in duplicate originals, in my office in the Parish of St. Charles, State of Louisiana, on the 24th day of February, 2003, in the presence of the undersigned competent witnesses, who hereunto sign their names with the parties and me, Notary, after reading of this act.

WITNESSES:

Timothy J. Vial
Valarie R. Berthelot

ST. CHARLES PARISH

BY:

Albert D. Laque

Albert D. Laque, Parish President

Albert D. Laque
Notary Public