

ORD.

2003-0387

INTRODUCED BY: ALBERT LAQUE
PARISH PRESIDENT
(DEPT. OF PLANNING & ZONING)

ORDINANCE NO. 04-1-8

An ordinance approving and authorizing the execution of an Act of Dedication for Evangeline Estates Subdivision, Phase 2 located in Montz, St. Charles Parish, LA.

WHEREAS, R-Squared, L.L.C. are the owners and developers of property located in portions of Section 50, T12S R7E, Montz St. Charles Parish, LA and indicated on a Final Plat prepared by BFM Corporation, LLC, and dated November 11, 2003, as a resubdivision of a portion of Tract 3, Section 50 into Sq. 1, Lots 6-25; Sq. 3, Lots 7-12; and Sq. 4, Lots 1-13, Evangeline Estates, Phase 2, Montz, 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 R-Squared, L.L.C. for Evangeline Estates Subdivision Phase 2, which includes Sq. 1, Lots 6-25 Sq. 3, Lots 7-12; and Sq. 4, Lots 1-13; and an extension of Edgewood Lane, an extension of North Bend Lane, Rhett Lane, and Westover Lane is hereby approved and accepted; and,

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, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS, BLACK, DUHE, MINNICH
NAYS: NONE
ABSENT: NONE

And the Ordinance was declared adopted this 13th day of Jan., 2004 to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Lance J. Mann
SECRETARY: Richard J. Tucker
DLVD/PARISH PRESIDENT: January 14, 2004
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: Albert W. Laque
RETD/SECRETARY: January 14, 2004
AT: 3:10 pm RECD BY: Bjo

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON 1-23-04
AS ENTRY NO. 290652
IN MORTGAGE/CONVEYANCE BOOK
NO. 631 FOLIO 481

EVANGELINE ESTATES, PHASE II

ACT OF DEDICATION
BY: R-SQUARED, L.L.C.
TO: ST. CHARLES PARISH

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES

BE IT KNOWN, that on this 23rd day of January, in the year of Our Lord, Two Thousand and ~~Three~~ Four

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

PERSONALLY CAME AND APPEARED;

R-SQUARED, L.L.C., Tax ID# 72-1515538, a Louisiana Corporation organized and existing under and by virtue of the laws of the State of Louisiana with its domicile in the Parish of Jefferson, State of Louisiana, herein appearing by and through its member Karl R. Noel.

MAILING ADDRESS: 4937 Hearst Street
Suite B
Metairie, LA 70001

R-SQUARED, L.L.C declared unto me that it is the owner of a certain tract of real property situated on the East Bank of St. Charles Parish, which lands are designated as Evangeline Estates, being the Resubdivision of Tracts 3 and 5 into Square 1, Lots 6-25; Square 3, Lots 7-12; and Square 4, Lots 1-13 a copy of which is attached to and made part of this ordinance and

R-SQUARED, L.L.C. further declared unto me that it has caused that portion of the above property designated as Evangeline Estates on the survey referred to above to be laid out in thirty-nine (39) lots, which plan of subdivision creates Evangeline Estates; and

R-SQUARED, L.L.C. further declared unto me, Notary, that on the aforesaid plan of re-subdivision it has laid out certain streets within Evangeline Estates which are named and identified in accordance with the annexed plan of BFM Corporation, as Westover Lane; Edgewood Lane; North Bend Lane; and Rhett Lane which streets in regard to this dedication; and

R-SQUARED, L.L.C. further declared unto me, Notary, that on the aforesaid plan of re-subdivision, it has also designated and labeled various servitudes for utility and drainage purposes; and

R-SQUARED, L.L.C. further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it does, by these presents, dedicate portions of the following streets located all within Fvangeline Estates namely: Westover Lane, Edgewood Lane; North Bend Lane; and Rhett Lane, as herein above described; and does hereby further grant the various servitudes for utility and drainage purposes, all as shown on the annexed plan of resubdivision by BFM Corporation, 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-SQUARED, L.L.C. further declared unto me, Notary, that the aforesaid dedication and grant are subject to all of the following terms and conditions, to wit:

1. The dedication of the fee ownership of the property covered by the streets identified herein above as Westover Lane; Edgewood Lane; North Bend Lane; Rhett Lane, only as far as said streets are located in Evangeline Estates, and the 60 foot dedicated Right of Way.

EVANGELINE ESTATES, PHASE II

2. The herein grant of the various servitudes for utility and drainage purposes shall constitute the granting only a personal servitude of right of use being a limited personal servitude in favor of St. Charles Parish. R-SQUARED, L.L.C. does hereby reserve all rights of fee ownership to that portion of the aforesaid Evangeline Estates which comprises the various servitude for utility and drainage purposes.
3. R-SQUARED, L.L.C. 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 streets identified herein above and by the aforesaid utility and drainage servitudes granted herein. In that connection, R-SQUARED, L.L.C. does, however, agree to prohibit the use of any part of the surface of any of the property covered by the streets and servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with R-SQUARED, L.L.C.'s plan and intention to reserve all of the mineral rights in, on and under all of the lots in Evangeline Estates, whereby, however R-SQUARED, L.L.C. will likewise impose a restriction on 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 the subdivision.
4. The herein dedication of streets and grant of servitudes for utility and drainage purposes are made by R-SQUARED, L.L.C. 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 public street. St. Charles Parish must further bind and obligate itself to use the utility and drainage servitudes granted herein only for utility and drainage purposes.
6. This dedication and grant are conditioned up St. Charles Parish maintaining and policing the streets dedicated herein, and maintaining the various utility and drainage facilities within the various utility and drainage servitudes areas.
7. The grant herein of various servitudes for utility and drainage purposes shall be used exclusively for those purposes and R-SQUARED, L.L.C reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitude for utility and drainage purposes. The herein granted utility and drainage servitude shall not be utilized so as to unreasonably interfere with or impair ingress and egress from the streets dedicated herein in any of the lots in Evangeline Estates.
8. R-SQUARED, L.L.C. 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 Evangeline Estates, such as by way of illustration by 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. Upon completion of an exit access connected to a major thoroughfare as contemplated at the 60 foot Dedicated Right of Way at the Southwestern most end of the subject property and more fully described as that 60 foot

EVANGELINE ESTATES, PHASE II

right of way at the intersection of Westover Lane and Edgewood Lane, then the described 20 foot temporary access servitude commencing at the intersection of North Bend and Leigh Lane thence proceeding Northeast along a line N81 26' 50' W, and which encumbers Lots 29 and 52, shall be ipso facto revoked, canceled and void and the rights therein shall enure to the benefit of the current owners of Lots 29 and 52.

- 12. Developer warrants that the streets drainage ditches, and/or subsurface drainage, sewerage and other public utilities have been constructed within the bounds of the servitude herein granted.

AND NOW, to these presents, personally came and intervened; ST. CHARLES PARISH, herein appearing through and by Albert D. Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on January 13, 2004, 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 herein above, and does also hereby acknowledge that the construction of all of the street dedicated herein has been satisfactorily completed in accordance with all requirements and that all utility and drainage facilities have been likewise satisfactorily completed in accordance with requirements and St. Charles Parish does hereby accept all of said streets and 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. 04-1-8 the 13th day of January, 2004, a photo copy of which is attached and made part hereof.

THUS DONE AND PASSED, in triplicate originals, in my notarial domicile, 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 Appearer and me, Notary, after reading the whole.

WITNESSES:

APPEARER:
R-SQUARED, L.L.C.

Penny P. Duke

by: [Signature]
KARL R. NOEL
Member

Sandra J. Miguez

[Signature]
NOTARY PUBLIC
1144 S. 6 Blvd. 08202
PARISH OF ST. CHARLES

WITNESSES:

by: [Signature]
ALBERT D. LAQUE
Parish President

Barbara Jacob Tucker

Valerie Berthelot

[Signature]
NOTARY PUBLIC

PERIMETER OF STREETS TO BE DEDICATED
EVANGELINE ESTATES, PHASE 2

A CERTAIN PORTION OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, advantages, and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of St. Charles, near Montz, in Sections 17 and 50, Township 12 South - Range 7 East, in that part known as EVANGELINE ESTATES, PHASE II, designated as PERIMETER OF STREETS TO BE DEDICATED, which include a portion of North Bend (a 60' R.O.W.), Rhett Lane (a 60' R.O.W.), a portion of Edgewood Lane (a 60' R.O.W.), and Westover Lane (a 60' R.O.W.), bounded by Squares 1, 3, 4, Scarlett Lane (side) and Canadian National Railroad R.O.W. (Formerly the Y. & M. V. Railroad R.O.W., Formerly the I.C. Railroad R.O.W.) and is more fully described as follows:

COMMENCE at the intersection of the southerly right-of-way line of Canadian National Railroad R.O.W. (Formerly the Y. & M. V. Railroad R.O.W., Formerly the I.C. Railroad R.O.W.) a 100' R.O.W. and the common Subdivision line of Evangeline Estates and Evangeline City Subdivision;

Thence, go along the aforesaid southerly right of way Line, N32°12'08"W a distance of 812.95 feet to a point on the northerly side of the 40' dedicated R.O.W.

Thence, proceed S57°47'52"E a distance of 280.00 to a point and corner;

Thence, proceed S58°04'21"E a distance of 60.00 feet along said R.O.W. line to the to the southerly R.O.W. of North Bend, to the POINT OF BEGINNING;

Thence, proceed along aforesaid southerly R.O.W. line N32°12'08"W a distance of 119.05 feet to a point and corner;

Thence, along easterly R.O.W. line of Rhett Lane, S57°47'54"W a distance of 781.19 feet to a point and corner;

Thence, proceed S48°06'53"W a distance of 427.15 feet to a point and corner;

Thence, along northerly R.O.W. line of Edgewood Lane S41°53'09"E a distance of 270.41 feet to a point and corner;

Thence, proceed S48°05'38"W a distance of 60.00 feet to a point and corner;

Thence, along aforesaid southerly R.O.W. N41°53'09"W a distance of 937.00 feet to a point and corner;

Thence, along easterly R.O.W. line of Westover Lane S48°06'51"W a distance of 240.00 feet to a point and corner;

Thence, proceed N41°53'09"W a distance of 60.00 feet to a point and corner;

Thence, proceed N48°06'51"E a distance of 220.01 feet to a point and corner;

Thence, proceed along a curve to the right having a radius of 50.00 feet, whose length is 131.36 feet and whose chord length is 96.71 feet and bears N32°13'47"E to a point and corner;

Thence, proceed along a curve to the left having a radius of 25.00 feet, whose length is 18.69 feet and whose chord length is 18.26 feet and bears N86°04'45"E to a point and corner;

Thence, proceed N64°39'45"E a distance of 1292.22 feet to a point and corner;

Thence, along northerly R.O.W. line of North Bend along a curve to the left having a radius of 25.00 feet, whose length is 18.69 feet and whose chord length is 18.26 feet and bears N43°14'44"E to a point and corner;

Thence, proceed along a curve to the right having a radius of 50.00 feet, whose length is 147.31 feet and whose chord length is 99.52 feet and bears S73°46'12"E to a point and corner;

Thence, proceed along a curve to the left having a radius of 25.00 feet, whose length is 18.69 feet and whose chord length is 18.26 feet and bears S10°47'07"E to a point and corner;

Thence, proceed S32°12'08"E a distance of 542.03 feet to a point and corner;

Thence, proceed S58°4'21"W a distance of 60.00 feet to the point of beginning.

The above described portion of ground contains 875359 square feet or 20.095 acres (**Gross Area**).

LESS AND EXCEPT THE FOLLOWING:

All of Square 4, more fully described as follows:

BEGIN at the intersection of the southerly R.O.W. line of North Bend and the westerly R.O.W. line of Rhett Lane;

Thence, Thence, along the westerly R.O.W. line of Rhett Lane S57°47'54"W a distance of 786.27 feet to a point and corner;

Thence, proceed S48°06'53"W a distance of 432.23 feet to a point and corner;

Thence, along the northerly R.O.W. line of Edgewood Lane N41°53'09"W a distance of 593.85 feet to a point and corner;

Thence, along the easterly R.O.W. line of Westover Lane along a curve to the right having a radius of 25.00 feet, whose length is 46.49 feet and whose chord length is 40.08 feet and bears N11°23'18"E to a point and corner;

Thence, proceed N64°39'45"E a distance of 1271.71 feet to a point and corner;

Thence, proceed along a curve to the right having a radius of 25.00 feet, whose length is 36.27 feet and whose chord length is 33.18 feet and bears S73°46'11"E to a point and corner;

Thence, along the southerly R.O.W. line of North Bend S32°12'08"E a distance of 364.90 feet to the point of beginning.

The above described portion of ground contains 604,818 square feet or 13.885 acres (Gross Area).

PERIMETER OF STREETS TO BE DEDICATED
EVANGELINE ESTATES, PHASE II

The (Net Area) of Perimeter of Streets to Be Dedicated =

(Gross Area): 875,359 square feet or 20.095 acres (-)
(Less & Except Square 4): 604,818 square feet or 13.885 acres

(Net Area): 270,541 square feet or 6.210 acres.

All in accordance with a plan of resubdivision by John S. Teegarden, Registered Professional Land Surveyor, dated NOVEMBER 11, 2003;. Drawing No. F-5046-2003.

File No. F5046.001



A handwritten signature in black ink that reads "John S. Teegarden". The signature is written in a cursive style and is positioned to the right of the professional seal.