

Ord.

2012-0196

**INTRODUCED BY: V.J. ST. PIERRE, JR, PARISH PRESIDENT
(DEPARTMENT OF PARKS & RECREATION)**

ORDINANCE NO. 12-6-4

An ordinance to approve and authorize the execution of an Act of Onerous Donation by 3C Riverside Properties, LLC to St. Charles Parish for a certain eighty foot wide parcel of property adjacent to the Killona Park at 201 LA 3141 in Killona.

WHEREAS, on September 9, 2002 the St. Charles Parish Council adopted Ordinance No. 02-9-1 approving and authorizing the execution of an Act of Onerous Donation by 3C Riverside Properties, LLC of Lot A-2 located at 201 Highway 3141 in Killona, now known as Killona Park; and,

WHEREAS, the Parish is in need of an additional eighty foot wide parcel of property to accommodate the parking lot at the Killona Park and 3C Riverside properties, LLC has agreed to donate said additional property to the Parish, as more fully shown as Lot A-2A on the Survey by Lucien C. Gassen, PLS dated December 28, 2011; and,

WHEREAS, it is the desire of the Parish Council to accept said Act of Onerous Donation.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Onerous Donation by 3C Riverside Properties, LLC to St. Charles Parish for a certain Parcel of property as shown on the Survey by Lucien C. Gassen, PLS dated December 28, 2011 is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Act of Onerous Donation on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, NUSS
NAYS: NONE
ABSENT: FLETCHER

And the ordinance was declared adopted this 4th day of June, 2012, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
ACTING SECRETARY: Calli Madere
DLVD/PARISH PRESIDENT: June 6, 2012
APPROVED: DISAPPROVED: _____
PARISH PRESIDENT: Wood
RETD/SECRETARY: June 7, 2012
AT: 9:45am RECD BY: cm

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON June 15, 2012
AS ENTRY NO. 379859
IN MORTGAGE/CONVEYANCE BOOK
NO. 773 FOLIO 75

REFERENCE
By: Ord. 14-2-5

ACT OF ONEROUS DONATION
BY: 3C RIVERSIDE PROPERTIES, LLC
TO: ST. CHARLES PARISH

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

BE IT KNOWN, that on the dates indicated below.

BEFORE the undersigned Notary Public, duly commissioned and qualified, in and for the respective Parish/County and State, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

3C RIVERSIDE PROPERTIES, L.L.C. (72-1384078), a Louisiana Limited Liability Company having an address of 46 Timber Creek Drive, Suite 200, Cordova, TN 38018, represented herein by Harry R. Coleman, III, its Manager/President, duly authorized by Certificate of Authority attached hereto and made a part hereof;

hereinafter referred to as Donor, which declared that it does by these presents donate, give, grant, bargain, convey, transfer, assign, set over, abandon and deliver, without any warranties whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have against all preceding owners and vendors, unto:

ST. CHARLES PARISH, a political subdivision of the State of Louisiana, herein represented by its President, V. J. St. Pierre, Jr., whose mailing address is P. O. Box 302, Hahnville, Louisiana, 70057; and pursuant to File No. 2012-0196, Ordinance No. 12-6-4 adopted by the St. Charles Parish Council on June 4, 2012, a copy of which is attached hereto and made a part hereof;

hereinafter referred to as Donee, here present accepting for itself and its successors and assigns, and acknowledging due delivery and possession thereof, all and singular the following described property, to-wit:

ALL OF THAT PORTION OF FORMER LOT A-1 that has now been resubdivided into **LOT A-2A**, pursuant to that certain Resubdivision by Lucien C. Gassen, dated December 28, 2011 and entitled "Resubdivision of Lots A-1 and A-2, Killona Playground Subdivision into Lots A-1A & A-2A" in Section 62, Township 12 South, Range 19 East, situated in the Parish of St. Charles, State of Louisiana, which Resubdivision is recorded at COB 771, folio 719 of the conveyance records of St. Charles Parish, and which is incorporated herein and made a part hereof. According to said Resubdivision, the portion of former LOT A-1 donated herein has a front along LA Hwy. 3141 of 80.00 feet, a width in the rear of 80.00 feet, a depth along its sideline in common with new Lot A-1A of 276.29 feet, and a depth along the opposite sideline of 274.25 feet, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining.

Being a portion of the same property acquired by Donor from Koch Properties, Inc. by Act of Limited Warranty Deed dated August 26, 1997 recorded at COB 526, folio 130 of the official records of St. Charles Parish, Louisiana.

The above described property is subject to all outstanding mineral conveyances, mineral reservations, mineral releases, mineral servitudes and any existing easements, servitudes, rights of ways, and leases of any nature or kind whatsoever, of record and in existence; Donee acknowledges that the undersigned Notary Public has not conducted a title examination on the above described property to determine what, if any, restrictions, encumbrances or other matters of record apply to or affect the above-described property.

TO HAVE AND TO HOLD the above described property unto the said Donee, its successors and assigns forever.

This onerous donation is made and accepted subject to the condition that Donee shall not change, or allow to be changed, the zoning classification assigned to the above-described property in such a manner that would impose a greater buffer zone requirement, or other restriction, condition or limitation, than what presently applies to the development or use of Donor's surrounding property. This onerous donation is further made and accepted subject to the stipulation that the above-described property and all improvements constructed thereon shall continue to be used for public recreational purposes.

In the event the conditions, covenants, provisions and stipulations recited above are not satisfied, this Act shall be deemed rescinded and title to the above-described property, and all improvements thereon, shall automatically revert to Donor without any further action or consent required of Donee and without any obligation on Donor to compensate Donee for any improvements thereto.

Donor further reserves unto itself, its successors and assigns, and excepts from this donation, all of the oil, gas and other minerals in, under and which may be produced from the property herein donated, it being understood, however that Donor, its successors and assigns, shall have the right to produce oil, gas or other minerals in, under or from the property herein conveyed by the use of directional drilling methods only, and thus hereby waives surface rights.

Donee has accepted and does hereby accept and acknowledge delivery of the above described property from Donor, subject to and in conformity with all the conditions, covenants, provisions and stipulations set forth above.

The parties hereto estimate the value of said donated property to be in the amount of \$20,000.00.

All parties hereby agree to waive the production of tax and mortgage certificates and hereby relieve and release me, Notary, for any liability regarding their non-production. Should any zoning, planning or other Parish ordinances affect this act, the parties hereto relieve me, Notary, from any liability or for any responsibility to determine or see to compliance of these

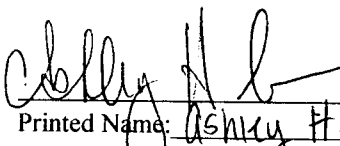
regulations. The parties also acknowledge that no examination of the title has been made by me, Notary, and agree to relieve, release, defend, save, hold harmless, and indemnify me, Notary, from any and all claims, liabilities and responsibilities in connection therewith.

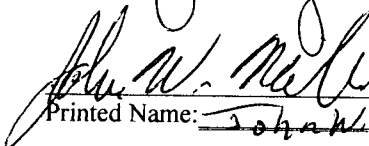
All agreements and stipulations herein contained and all of the obligations herein assumed shall inure to the benefit of and be binding upon the heirs, successors and assigns of the respective parties hereto.

All state and parish taxes for the year 2011 have been paid by Donor. All state and parish taxes for the year 2012 shall be assumed by Donee.

THUS DONE AND PASSED at 2 p.m., State of Tennessee, on the ~~24th~~ day of May, 2012, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary, after reading of the whole.


WITNESSES:

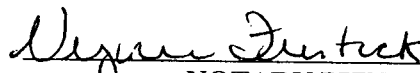

Printed Name: Ashley H. Coleman

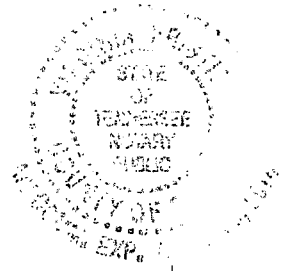

Printed Name: John W. Miller

DONOR:

3C RIVERSIDE PROPERTIES, LLC


BY: HARRY R. COLEMAN, III
ITS: MANAGER/PRESIDENT


NOTARY PUBLIC
Printed Name: Virginia Frastick
Notary/Bar No.: _____

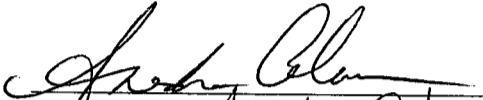



**A TRUE COPY
OF THE ORIGINAL**


NOTARY PUBLIC

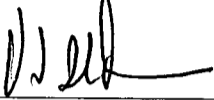
THUS DONE AND PASSED at Hahnville, Louisiana, on the 14 day of June, 2012, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary, after reading of the whole.


WITNESSES:


Printed Name: Anebra Coleman


Printed Name: J.C. WALKER

ACCEPTANCE BY DONEE:
ST. CHARLES PARISH


BY: V. J. ST. PIERRE, JR.
ITS: PRESIDENT


NOTARY PUBLIC
Printed Name: LOUIS G. AUTHEMENT
Notary/Bar No.: 20089

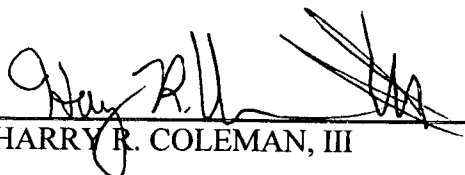
**WRITTEN CONSENT IN LIEU OF
A SPECIAL MEETING OF THE
MEMBER/ MANAGER OF
3C RIVERSIDE PROPERTIES, L.L.C.**

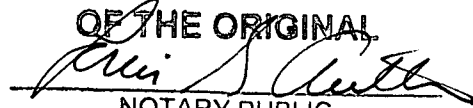
In lieu of a special meeting of the sole member/manager of 3C RIVERSIDE PROPERTIES, L.L.C., a Louisiana limited liability company (the "Company"), the undersigned, being the sole member/manager of the Company, and acting by written consent, does hereby unanimously adopt the following resolutions:

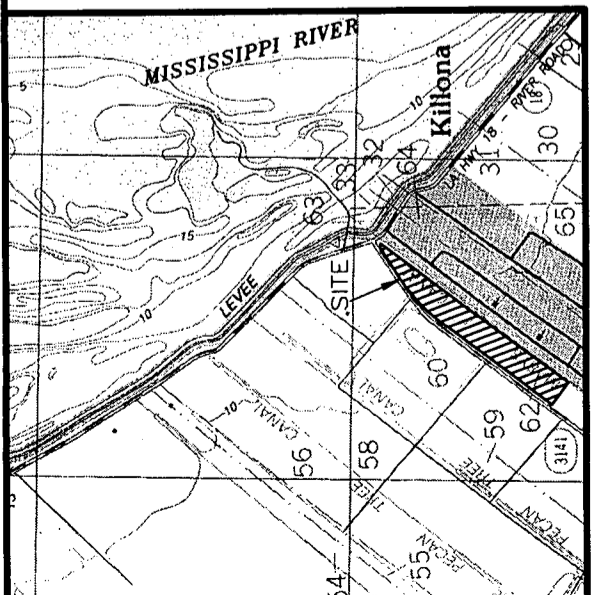
RESOLVED, that Harry R. Coleman, III is authorized on behalf of the Company to execute an Act of Donation for the purpose of donating the following described property to St. Charles Parish, with said Act of Donation to contain such terms and provisions as he deems acceptable:

ALL OF THAT PORTION OF FORMER LOT A-1 that has now been resubdivided into **LOT A-2A**, pursuant to that certain Resubdivision by Lucien C. Gassen, dated December 28, 2011 and entitled "Resubdivision of Lots A-1 and A-2, Killona Playground Subdivision into Lots A-1A & A-2A" in Section 62, Township 12 South, Range 19 East, situated in the Parish of St. Charles, State of Louisiana, which Resubdivision is recorded at COB 771, folio 719 of the conveyance records of St. Charles Parish, and which is incorporated herein and made a part hereof. According to said Resubdivision, the portion of former LOT A-1 donated herein has a front along LA Hwy. 3141 of 80.00 feet, a width in the rear of 80.00 feet, a depth along its sideline in common with new Lot A-1A of 276.29 feet, and a depth along the opposite sideline of 274.25 feet, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, the undersigned members and managers have executed this Written Consent on the ~~24th~~ day of May, 2012.


HARRY R. COLEMAN, III

**A TRUE COPY
OF THE ORIGINAL**

NOTARY PUBLIC



VICINITY MAP
SCALE: 1" = 2000'

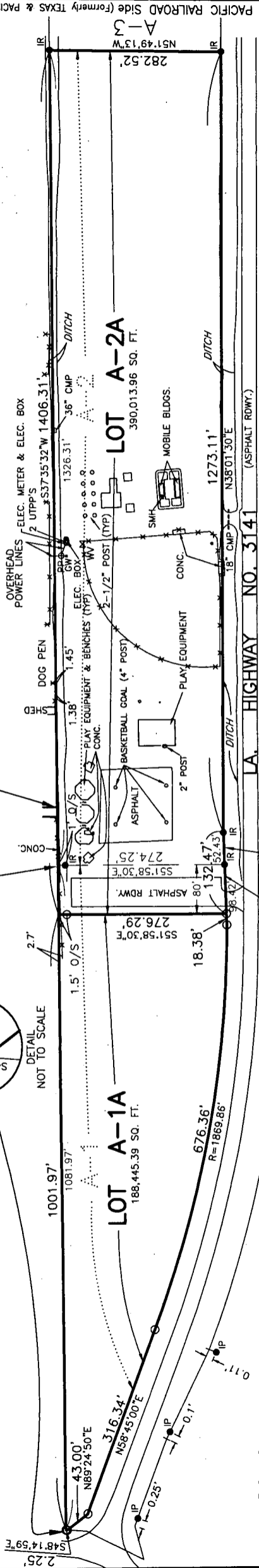
Recorded in The Clerk of Court's office
St. Charles Parish on the 16 day of
MAY 2012, in Book 771
Folio 719, Entry # 379057

Signature _____ Title _____

Approved/Disapproved
[Signature]
St. Charles Parish Director of Planning & Zoning
2/10/12 Date

Approved/Disapproved
[Signature]
St. Charles Parish President
5/14/12 Date

NOTE:
ALL NECESSARY SEWER, WATER AND/OR OTHER
UTILITY EXTENSIONS SHALL BE MADE BY AND
SOLELY AT THE LOT OWNER'S EXPENSE.



- REFERENCE PLANS:
1. STATE OF LOUISIANA DEPARTMENT OF HIGHWAYS RIGHT OF WAY MAP
STATE PROJECT NO. 428-03-03 DONALDSONVILLE-NEW ORLEANS
HIGHWAY BY BLANCHARD J. MARCHAND, LAND SURVEYOR, DATED JULY
15, 1970, REVISED SEPT. 25, 1971 AND JULY 21, 1971
2. KILLONA PLAYGROUND SUBDIVISION, RESUBDIVISION OF AN
UNDEVELOPED PORTION OF 3C RIVERSIDE LANDS INTO LOTS A-1, A-2,
A-3 & A-4 BY MICHAEL D. BERNARD, LAND SURVEYOR, DATED
FEBRUARY 20, 2002
3. BOUNDARY & TOPOGRAPHIC SURVEY LOT A-2 KILLONA PLAYGROUND
SUBDIVISION BY LUCIEN C. GASSEN, DATED AUGUST 12, 2008

- LEGEND
● = IRON FOUND
○ = IR SET
GW = GUY WIRE
PP = POWER POLE
SMH = SEWER MANHOLE
UTPP = UTILITY POWER POLE
W = WATER VALVE
-X- = FENCE
O/S = OFFSET
BEARINGS ARE BASED ON
REFERENCE PLAN NOS. 2 AND 3

**RESUBDIVISION OF LOTS A-1 & A-2
KILLONA PLAYGROUND SUBDIVISION
INTO LOTS A-1A & A-2A
IN SECTION 62, T12S - R19E
ST. CHARLES PARISH, LOUISIANA
DECEMBER 28, 2011
SCALE: 1" = 200'**

[Signature]
LUCIEN C. GASSEN, PLS
Registration No. 353
(985) 785-0745
1026 Gassen Street
Luling, Louisiana 70070

CERTIFIED TO ST. CHARLES PARISH

I certify that this plat represents an actual ground survey performed under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey.

UNION PACIFIC RAILROAD Side (Formerly TEXAS & PACIFIC RAILROAD)