

Doc.

2015-0470

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING AND ZONING)**

ORDINANCE NO. 16-1-7

An ordinance to revoke and abandon a portion Rue Landry right of way in front of Lot 49, Riverbend Estates (Phase I) Subdivision (240 Rue Landry) and a resubdivision of Lot 49, Riverbend Estates (Phase I) Subdivision into Lot 49-A, St Rose, St. Charles Parish, LA in favor of the abutting property owner.

- WHEREAS,** Riverbend Estates (Phase I) was approved in 2002 with the right-of-way for Rue Landry ending at a cul-du-sac in front of Lot 49; and,
- WHEREAS,** a 10-foot wide utility servitude was aligned beside said right-of-way; and,
- WHEREAS,** in 2005, as part of the construction of Riverbend Estates Phase II, the cul-du-sac curve was changed to a street corner to intersect an extension of Wagon Train Lane to Riverbend Estates Phase II; and,
- WHEREAS,** the parish right-of-way, 10-foot utility servitude, and underground installations were not relocated accordingly; and,
- WHEREAS,** the owner of Lot 49 desires St. Charles Parish to revoke the current cul-du-sac right-of-way and relocate it as indicated on a survey by Lucien C Gassen PLS, dated November 12, 2015; and,
- WHEREAS,** the 10-foot utility servitude is indicated on said survey to align and abut with said right-of-way; and,
- WHEREAS,** the St. Charles Parish Council wishes to revoke said property pursuant to Chapter 2 Section 2-4 of the Code of Ordinances; and,
- WHEREAS,** said revoked right-of-way will be subdivided with Lot 49, Riverbend Estates (Phase I) Subdivision to create Lot 49-A, Riverbend Estates (Phase I) Subdivision; and,
- WHEREAS,** the St. Charles Parish Council has approved the Act of Revocation.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the portion of right-of-way fronting Lot 49, originally shown on the plat titled "Final Plat Riverbend Estates" by Krebs, LaSalle, LeMieux Consultants, Inc., dated April 8, 2003 is hereby revoked.

SECTION II. That portion of ground on which said right-of-way portion is situated is subdivided with Lot 49, Riverbend Estates (Phase I) Subdivision to create Lot 49-A, as indicated on a survey by Lucien C Gassen PLS, dated November 12, 2015

SECTION III. That the Parish President is hereby authorized to execute the attached Act of Revocation in favor of adjacent property owners as further shown a said survey by Lucien Gassen, PLS.

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

YEAS: BENEDETTO, HOGAN, WILSON, CLULEE, WOODRUFF, BELLOCK,
 FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: NONE

ABSTAIN: GIBBS

And the ordinance was declared adopted this 12th day of January, 2016, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Wendy Benvenuto*

SECRETARY: *[Signature]*

DLVD/PARISH PRESIDENT: *1/13/16*

APPROVED: *[Signature]* DISAPPROVED: _____

PARISH PRESIDENT: *[Signature]*

RETD/SECRETARY: *[Signature]*

AT: *[Signature]* RECD BY: *[Signature]*

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON February 5, 2016

AS ENTRY NO. 412439

IN MORTGAGE/CONVEYANCE BOOK

NO. 828 FOLIO 87

ACT OF PARTIAL REVOCATION

UNITED STATES OF AMERICA

BY: ST. CHARLES PARISH

STATE OF LOUISIANA

**OF: A PORTION OF RIGHT-OF-WAY
OF RUE LANDRY CUL-DU-SAC**

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 28th day of January, in the year of Our Lord
Two Thousand and Sixteen (2016),

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;

ST. CHARLES PARISH, herein appearing by and through Larry Cochran,
Parish President, duly authorized by virtue of Ordinance No. 16-1-7 of the St. Charles
Parish Council adopted on January 12, 2016, a certified copy of which is annexed
hereto and made part hereof,

APPEARER declared unto me, Notary, as follows: that by Ordinance No. 03-4-25
recorded on April 21, 2003, in COB 295, Folio 618, Entry No. 279252 of the official records of
St. Charles Parish, the residential development by R Bend Estates, LLC (the "Developer"),
known as RIVERBEND ESTATES, PHASE I was approved and the streets and public servitudes
associated therewith were dedicated to the Parish of St. Charles.

Included within said dedication was a portion of ground forming a right-of-way for a
temporary cul-du-sac for Rue Landry and utilities and fronting at Lot 49, Riverbend Estates,
Phase I as shown on the approved Final Plat, dated April 8, 2003. The Property was dedicated by
the Developer to St. Charles Parish as Rue Landry as a portion of the cul-du-sac turned in a
southwestward direction to an extension of Wagon Train Lane in Bar None Ranch Estates
Subdivision.

The Developer subsequently developed Riverbend Estates Phase II that is accessed by an
northeastward extension of Wagon Train Lane along the side lot line of Lot 49 Riverbend Estates
and reconfigured the cul-du-sac at Rue Landry into a "T"-intersection without Parish approval.
Because the Property serves no public function whatsoever, the current owners of Lot 49 have
requested the Parish of St. Charles to revoke the dedication of the portion of Parish Right-of-way
as denoted on survey of resubdivision entitled "Resubdivision of Lot 49 and a Portion of Parish
Right-Of-Way to Be Revoked Riverbend Estates into Lot 49-A in Section 43, T12S-R9E &

Section 38, T13S-R9E, St. Charles Parish, Louisiana” by Lucien C. Gassen, PLS, dated November 12, 2015 (attached hereto). Because it has been determined by the St. Charles Parish Council that the Property in question serves no public purposes whatsoever and that it is in the best interest of St. Charles Parish to revoke the dedication of the Property from the defined boundaries of Rue Landry in accordance with La. R. S. 48:701:

NOW THEREFORE, ST. CHARLES PARISH, herein appearing by and through Larry Cochran, Parish President, duly authorized by virtue of Ordinance No. 16-1-7 of the St. Charles Parish Council adopted on Jan. 12, 2016, a certified copy of which is annexed hereto and made part hereof, does hereby revoke the dedication of the portion of Right-of-way from the defined boundaries of Rue Landry without any warranty whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have, the said St. Charles Parish does hereby convey, transfer, assign, set over, abandon and quitclaim all of its rights, title and interests in and to the following described portion of the Right-of-Way as denoted on survey of resubdivision entitled “Resubdivision of Lot 49 and a Portion of Parish Right-Of-Way to Be Revoked Riverbend Estates into Lot 49-A in Section 43, T12S-R9E & Section 38, T13S-R9E, St. Charles Parish, Louisiana” by Lucien C. Gassen, PLS, dated November 12, 2015 to Troy Raymond Waguespack and Toni Lynn Migliore Waguespack as the current owners of Lot 49 Riverbend Estates Phase I, all in accordance with and as directed by the provisions of La. R. S. 48:701:

TO HAVE AND TO HOLD the above described property unto the said Troy Raymond Waguespack and Toni Lynn Migliore Waguespack as the current owners of Lot 49 Riverbend Estates Phase I, appearing herein to accept the transfer to them of their respective interest in the Property for themselves, their heirs, successors, and assigns forever, and to acknowledge due delivery and possession thereof. The Property is currently tax exempt. Troy Raymond Waguespack and Toni Lynn Migliore Waguespack as the current owners of Lot 49 Riverbend Estates Phase I assume any taxes to be levied on that portion of the Property conveyed to them pursuant to this Act of Revocation.

ST. CHARLES PARISH, herein further appearing by and through Larry Cochran, Parish President, duly authorized by virtue of Ordinance No. 16-1-7 of the St. Charles Parish Council adopted on Jan. 12, 2016, a certified copy of which is annexed hereto and made part hereof, does hereby also revoke the dedication of that certain Right-of-Way as denoted on

survey of resubdivision entitled "Resubdivision of Lot 49 and a Portion of Parish Right-Of-Way to Be Revoked Riverbend Estates into Lot 49-A in Section 43, T12S-R9E & Section 38, T13S-R9E, St. Charles Parish, Louisiana" by Lucien C. Gassen, PLS, dated November 12, 2015, because said portion of Right-of-way serves no public function whatsoever.

THUS DONE AND PASSED, in multiple 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:

ST. CHARLES PARISH

Dawn H. Higdon
Printed Name: DAWN H. HIGDON

[Signature]
BY: LARRY COCHRAN
ITS: PRESIDENT

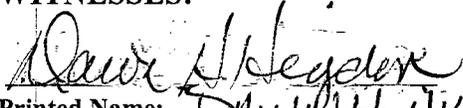
Robin S. Delahouse
Printed Name: Robin S. Delahouse

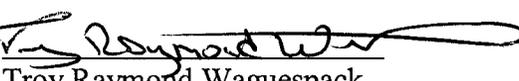
NOTARY PUBLIC
Printed name: Robert L. Raymond
Notary/Bar No. 11408

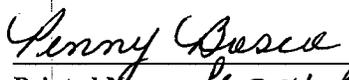
THUS DONE AND PASSED, in multiple originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

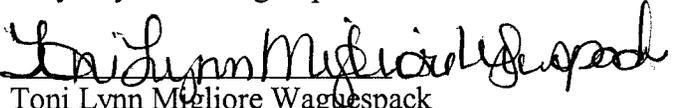
WITNESSES:

OWNERS OF LOT 49

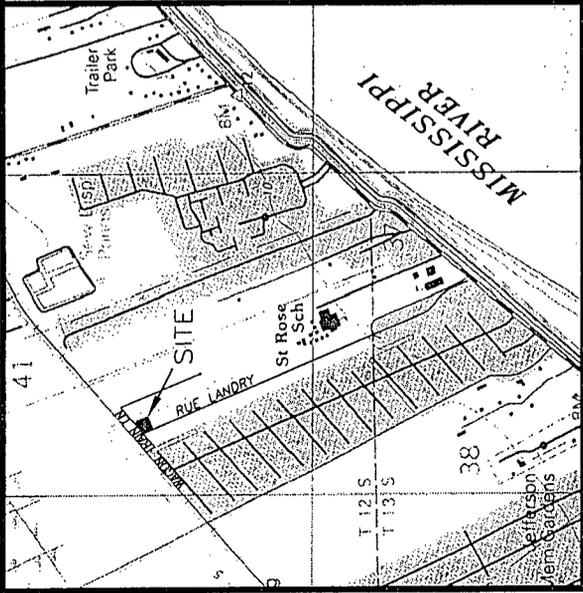

Printed Name: Dawn H. Hilton


Troy Raymond Waguespack


Printed Name: Penny Bosco


Toni Lynn Migliore Waguespack


NOTARY PUBLIC
Printed name: Louis B. Authement
Notary/Bar No. 25817



VICINITY MAP
SCALE: 1" = 2000'

APPROVALS

[Signature] 12-3-15
St. Charles Parish Planning and Zoning
Commission Chairman Date

[Signature] 1-12-16
St. Charles Parish Council Chairman Date

[Signature] 1/14/16
St. Charles Parish President Date

REFERENCE PLAN:
RIVERBEND ESTATES BY KREBS, LASALLE,
LEMIEUX CONSULTANTS, INC., RONALD
CLEMENT, LAND SURVEYOR, DATED APRIL
8, 2003

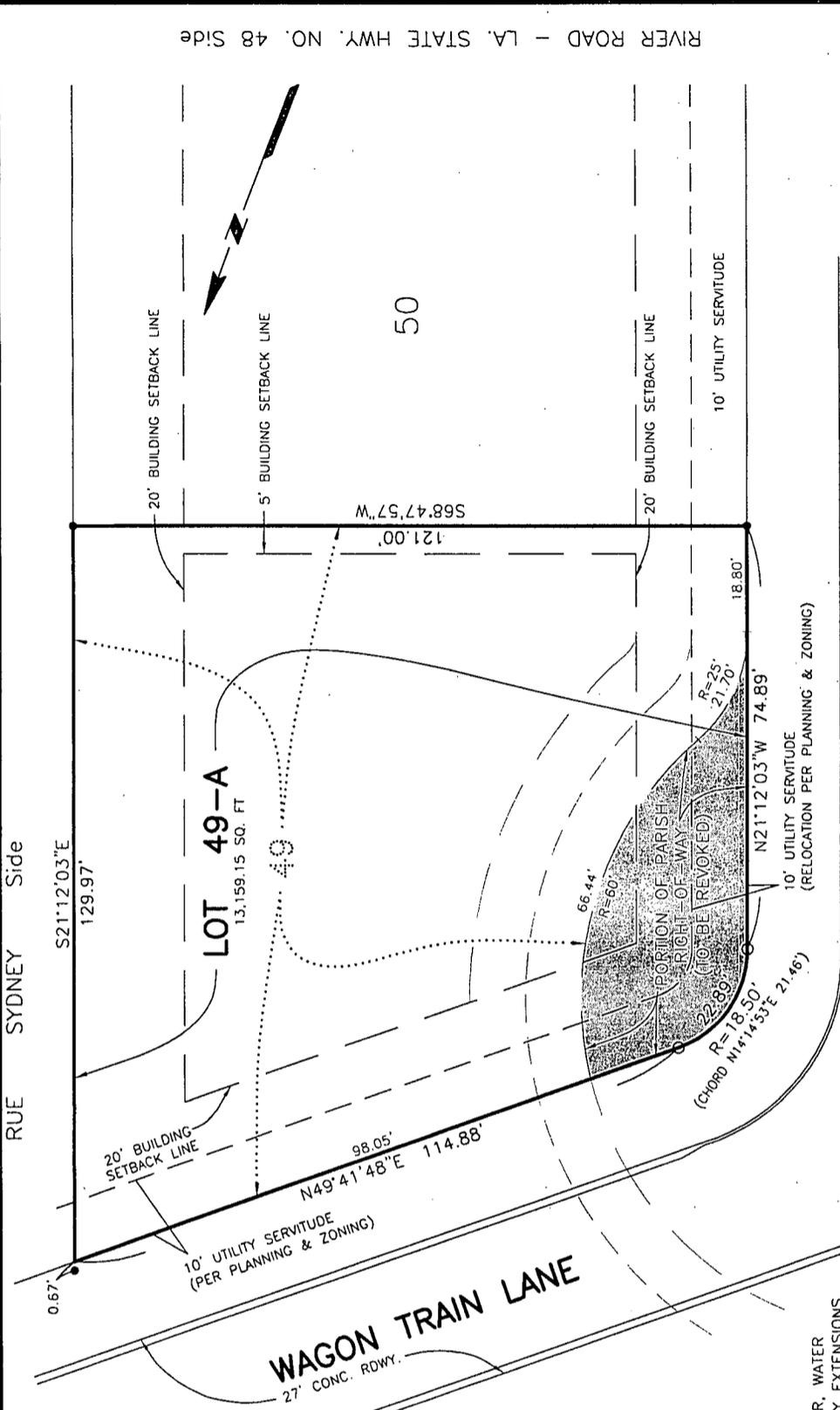
The servitudes shown on this survey are limited to those set forth per subdivision plat and there is no representation that all applicable servitudes are shown hereon. No title search or public record search was made in compiling data for this survey.

This is to certify that I have consulted the Flood Insurance Rate Map (Community No. 220160, Panel No. 0150, Suffix C, Dated June 16, 1992, Revised to reflect LOMR Dated May 2, 2003) and found that this property is in Zone A99.

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

Recorded in The Clerk of Court's office
St. Charles Parish on the _____ day of
_____, in Book _____
Folio _____, Entry # _____
Signature _____ Title _____

LEGEND
● = 1/2" IRON ROD FOUND
○ = 1/2" IRON ROD SET
BEARINGS ARE BASED
ON SUBDIVISION PLAN



RUE LANDRY

RESUBDIVISION OF LOT 49
AND A PORTION OF
PARISH RIGHT-OF-WAY TO BE REVOKED
RIVERBEND ESTATES
INTO LOT 49-A

IN SECTION 43, T12S - R9E
& SECTION 38, T13S - R9E
ST. CHARLES PARISH, LOUISIANA
SCALE: 1" = 30' NOVEMBER 12, 2015

CERTIFIED TO TROY RAYMOND WAGUESPACK
AND TONI LYNN MIGLIORE WAGUESPACK

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

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

RIVER ROAD - LA. STATE HWY. NO. 48 Side