

ACT OF SERVITUDE

**BE IT KNOWN**, that on this \_\_\_\_ day of \_\_\_\_\_, in the year two thousand and sixteen (2016).

**BEFORE ME**, the undersigned Notary Public, duly commissioned and qualified and in the presence of the two competent witnesses hereinafter undersigned; **PERSONALLY CAME AND APPEARED**:

**MICHELLE ANN KUSY WIFE OF/AND WAYNE A. BRADY JR.** both persons of the full age and majority, domiciled in the Parish of St. Charles, State of Louisiana, who declared unto me, Notary, that their marital status is as follows: Michelle Ann Kusy has been married three times; first to Hans J. Schubert, from whom she was divorced; second to John L. Haag, from whom she was divorced; third to Wayne Brady, with whom she is presently living and residing. Wayne Brady has been married three times; first to Debra Faucheux, from whom he was divorced; second to Julia Womack, from whom he was divorced, and third to Michelle Ann Kusy with whom he is presently living and residing and that their mailing address is 160 Thoroughbred Avenue, Laplace, LA 70068.

Herein after referred to as “**GRANTOR**”

-and-

**PARISH OF ST. CHARLES**, 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; authorized pursuant to Ordinance No. \_\_\_\_\_ adopted by St. Charles Parish Council on the \_\_\_\_ day of \_\_\_\_\_, 2016, a copy of which is attached hereto and made a part hereof;

Herein after referred to as “**GRANTEE**”

**GRANTOR** does hereby grant, present, dedicate, assign, transfer, deliver, and set over a drainage servitude, easement, and right-of-way described as Parcels DS6-2 & DS6-4 unto **GRANTEE** to locate, construct, maintain, repair, operate, patrol and/or replace a drainage channel, including all appurtenances thereto, through, around, under, and/or over the following described property situated in St. Charles Parish, reserving, however, to the **GRANTOR**, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines, said property being more particularly described as follows:

**LEGAL DESCRIPTION**

**DS6-2**

THAT PORTION of the **Coulee Canal Maintenance & Access Servitude** located across Lot 5D-3, Bobercy Plantation, in Section 7, Township 12 South – Range 7 East, **Town of MONTZ**, St. Charles Parish, Louisiana, being the property of Wayne A. Brady, Jr. and Michelle K. Brady and is more fully described as follows:

**COMMENCE** at the southwest corner of Lot 44A-1, Bobercy Plantation / Evangeline City Subdivision, Square 1, Unit 3;

**THENCE**, proceed along the northerly line of Lot 5D-3, Bobercy Plantation, S 47°09'28" E a distance of 52.63 feet to the **POINT OF BEGINNING**;

THENCE, continue along the common property line of Lot 5D-3, Bobercy Plantation and Lot 44A-1, Bobercy Plantation / Evangeline City Subdivision, Square 1, Unit 3, S 47°09'28" E a distance of 57.34 feet to a point on the westerly line of an existing 15' Easement Servitude in Bobercy Plantation;

THENCE, proceed along the aforesaid westerly line, S 42°50'32" W a distance of 33.01 feet to a point;

THENCE, proceed N 73°28'02" W a distance of 91.33 feet to a point of curve;

THENCE, proceed along a curve to the right, in a northwesterly direction, with a radius of 151.50 feet, having an arc length of 31.37 feet, along a chord bearing of N 67°32'06" W a chord of 31.32 feet to a point on the common property line of Lot 5D-3, Bobercy Plantation and the property of Coleen Perilloux Landry;

THENCE, proceed along the aforesaid common property line, N 43°41'45" E a distance of 58.30 feet to a non-tangent point of curve;

THENCE, proceed along a curve to the left, in a southeasterly direction, with a radius of 96.50 feet, having an arc length of 4.53 feet, along a chord bearing of S 72°07'17" E a chord of 4.53 feet to a point of tangency;

THENCE, proceed S 73°28'02" E a distance of 54.57 feet to the **POINT OF BEGINNING**.

The above described portion of ground contains **5,950.83** square feet or **0.137** acres. All in accordance with the attached plan of **DRAINAGE SERVITUDES** by G.E.C., Inc., Job No. 413-2060106.004, dated April 21, 2015; revised August 25, 2015.

#### **DS6-4**

THAT PORTION of the **Coulee Canal Maintenance & Access Servitude** located across Lot 5D-4, Bobercy Plantation, in Section 7, Township 12 South – Range 7 East, **Town of MONTZ**, St. Charles Parish, Louisiana, being the property of Wayne A. Brady, Jr. and Michelle K. Brady and is more fully described as follows:

**COMMENCE** at the northwest corner of Lot 44A-1, Bobercy Plantation / Evangeline City Subdivision, Square 1, Unit 3;

THENCE, proceed along the common property line of Lot 44A-1, Bobercy Plantation / Evangeline City Subdivision, Square 1, Unit 3 and Lot 5D-4, Bobercy Plantation, S 47°09'28" E a distance of 101.99 feet to the **POINT OF BEGINNING**;

THENCE, proceed N 53°41'22" E a distance of 34.47 feet to a point on the westerly line of an existing 15' Easement Servitude in Bobercy Plantation;

THENCE, proceed along the aforesaid westerly line, S 42°50'32" W a distance of 33.85 feet to a point on the common property line of Lot 44A-1, Bobercy Plantation / Evangeline City Subdivision, Square 1, Unit 3 and Lot 5D-4, Bobercy Plantation;

THENCE, proceed along the aforesaid common property line, N 47°09'28" W a distance of 6.49 feet to the **POINT OF BEGINNING**.

The above described portion of ground contains **109.81** square feet or **0.003** acres. All in accordance with the attached plan of **DRAINAGE SERVITUDES** by G.E.C., Inc., Job No. 413-2060106.004, dated April 21, 2015; revised August 25, 2015.

**TO HAVE AND TO HOLD** said servitude, easements, and rights of way unto said **GRANTEE**, and its successors and assigns forever. The consideration for the herein described servitude is the price and sum of NINE HUNDRED AND FIFTEEN AND NO/100 (\$915.00) DOLLARS, which **GRANTEE** has paid cash in hand, in current money, to said **GRANTOR**, who acknowledges the receipt thereof and grant full acquittance and discharge thereof.

**GRANTOR** grants unto **GRANTEE** the right of ingress and egress to and from said servitude to locate, construct, maintain, repair, operate, patrol and/or replace a drainage channel, including all appurtenances thereto. **GRANTOR** retains the rights to fully use and enjoy the above-described property, except as to the

rights here and 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 drainage servitude.

**THUS** done, read and passed at my office in Hahnville, Parish and State aforesaid, in the presence of undersigned competent witnesses who have hereunto signed their names with the parties and me, said Notary, the day, month and year first above written.

**WITNESSES:**

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**GRANTOR:**

\_\_\_\_\_  
**MICHELLE ANN KUSY BRADY**

**WITNESSES:**

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**WAYNE A. BRADY JR.**

**WITNESSES:**

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**GRANTEE:**  
**PARISH OF ST. CHARLES**

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**BY: LARRY COCHRAN**  
**ITS: PARISH PRESIDENT**

\_\_\_\_\_  
**NOTARY PUBLIC**  
**ROBERT L. RAYMOND - NO. 11408**