

*Decl.*

**2012-0040**

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

**ORDINANCE NO. 12-1-14**

An ordinance to approve and authorize the execution of an Act of Donation by June Elfer Luck, wife of and John Luck to St. Charles Parish for a certain parcel of property identified as Short Street,(also known as Lot 40) Elkinsville Subdivision, in St. Rose.

**WHEREAS,** a certain street, now known as Short Street, was constructed in St. Rose as shown on a Survey of Elkinsville Subdivision by Frank F. Payne dated December 13, 1924, identified as a "Gravel Road" running through Lot 40 of said Subdivision; and,

**WHEREAS,** title to said Short Street was never formally dedicated to the Parish for public use, but in fact has open to the public and maintained by the Parish for over thirty years constituting a tacit dedication; and,

**WHEREAS,** it is the intent of the current owners of the underling property, June Elfer Luck and John Luck to formally donate fee ownership of said section of Short Street to St. Charles Parish; and,

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

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the Act of Donation by June Elfer Luck, wife of and John Luck to St. Charles Parish for Short Street,(also known as Lot 40), Elkinsville Subdivision, St. Rose, LA as shown on the Survey by Riverlands Surveying Company, Stephen P. Flynn, P.L.S. dated November 16, 2011 is hereby approved.

**SECTION II.** That the Parish President is hereby authorized to execute said Act of 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, FLETCHER, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 23rd day of January, 2012, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: 

*Acting*

SECRETARY: Calli Madu

DLVD/PARISH PRESIDENT: 1-24-12

APPROVED:  DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: 

RETD/SECRETARY: 1-24-12

AT: 3:10 pm RECD BY: CM

RECORDED IN THE ST. CHARLES PARISH  
CLERK OF COURT OFFICE

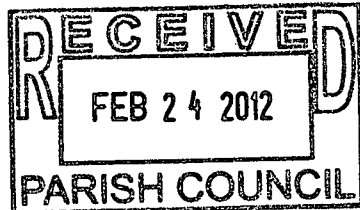
ON February 24, 2012

AS ENTRY NO. 376901

IN MORTGAGE/CONVEYANCE BOOK

NO. 767 FOLIO 841

ACT OF DONATION



UNITED STATES OF AMERICA

BY: JUNE ELFER LUCK, WIFE OF,  
AND JOHN LUCK

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

- WHEREAS,** a certain street known as Short Street was constructed in St. Rose as shown on a survey plat and resubdivision of those portions of Tract 5 & Tract 6 of Elkinsville subdivision from Lot 39 of Tracts 5 & 6 to the South Right of Way of the Y. & M. V. Railroad including Lots 40 thru 45, an apparent Right of Way for Short Street and a 12' 7" Right of Way along the upper line of Tract 5 into tract 5-A and Parcel R.O.W. of Elkinsville Subdivision situated in Section 39, T-13-S, R-9-E, St. Rose, St. Charles Parish, Louisiana prepared by Riverlands Surveying Company, Stephen P. Flynn, P.L.S. dated November 16, 2011; and,
- WHEREAS,** said street was never formally dedicated to the Parish for public use but in fact has been open to the public and maintained by the Parish for over thirty years constituting a tacit dedication; and,
- WHEREAS,** it is the intent of June Elfer Luck and John Luck to formally donate fee ownership of said section of Short Street (also known as Lot 40 of Elkinsville Subdivision) as shown on said plat; and,
- WHEREAS,** it is the desire of St. Charles Parish to accept said Donation.

BEFORE ME, the undersigned Notary, duly commissioned and qualified in and for St. Charles Parish, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

**PERSONALLY CAME AND APPEARED:**

**JUNE ELFER LUCK, WIFE OF AND JOHN LUCK,** 2075 Lakeshore Drive, #D14, Mandeville, LA 70448 of legal age, hereinafter called the "Grantors" who declare that they do hereby donate, dedicate, transfer, assign, set over, give, and grant unto:

**ST. CHARLES PARISH,** 15045 River Road, Post Office Box 302, Hahnville, LA 70057 herein represented by V. J. St. Pierre, Jr., its Parish President, duly authorized by virtue of Ordinance No. 12-1-14 adopted by the St. Charles Parish Council on January 23, 2012, hereinafter called the "Grantee" the following described property to-wit:

Street Dedication of Lot 40 as originally shown as a "Gravel Road" on a Survey of Lots a, b, c, d & B, C, e, f, g, h, I of Tracts 5, 6 & 7 of Elkinsville Subdivision by Frank F. Payne dated December 13, 1924 and more fully shown on a Survey Plat and Resubdivision Of Those Portions Of Tract 5 & Tract 6 Of Elkinsville Subdivision From Lot 39 Of Tracts 5 & 6 To The South Right Of Way Of The Y. & M. V. Railroad Including Lots 40 Thru 45, An Apparent Right Of Way For Short Street And A 12' 7" Right Of Way Along The Upper Line Of Tract 5 Into Tract 5-A And Parcel R.O.W. ( Hereon Dedicated To St. Charles Parish) Of Elkinsville Subdivision Situated In Section 39, T-13-S, R-9E, St. Rose, St. Charles Parish, Louisiana as prepared by Riverlands Surveying Company, Stephen P. Flynn, P.L.S., dated November 16, 2011. Said property being donated is Short Street, (also known as Lot 40), Elkinsville Subdivision, St. Rose and is further described as beginning at the Northern corner of Lot 39 and thence proceed northerly 40.00', thence Westerly 112.58', thence Southerly 40.00' (along 2<sup>nd</sup> Street), thence Easterly 112.58' to a point, the point of beginning.

Said property having been acquired by June Elfer Luck by Judgment of Possession in the Succession of Ruth Elfer dated December 28, 1995 filed in COB 504 Folio 616, Entry Number 199694, AND by June Elfer Luck by Judgment of Possession in the Succession of Shirley Landry Elfer dated January 28, 2000 filed in COB 564 Folio 654 Entry Number 240750 AND by Amended Judgment of Possession in the Succession of Edward A. Elfer dated May 15, 2000 filed in COB 568 Folio 666, Entry Number 243416 AND by John Luck by Donation Inter Vivos By and Between June E. Luck and John Luck dated July 6, 2000 filed in COB 571 Folio 465, Entry Number 244940, all in the official records of the Clerk of Court for the Parish of St. Charles, State of Louisiana.

To have and to hold unto Grantee, its successors and assigns forever.

Grantor does hereby reserve all rights of ownership of all of the oil, gas and other minerals in, on and under the property covered and affected by this donation of Short Street (also known as Lot 40) Elkinsville Subdivision, St. Rose, LA. Grantors do however, agree to prohibit the use of any part of the surface of any of the property covered by Short Street with respect to the exploration, development or production of minerals pursuant to this reservation.

THUS DONE AND PASSED on this 22<sup>nd</sup> day of February, 2012, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appears, and me Notary, after reading of the whole:

WITNESSES:

Charles L. Reese  
Andreï Puzos Ward

GRANTOR:

June Elfer Luck  
June Elfer Luck  
John Luck  
John Luck

BY: Monique L. Laje  
Notary Public  
Bar No. 32355

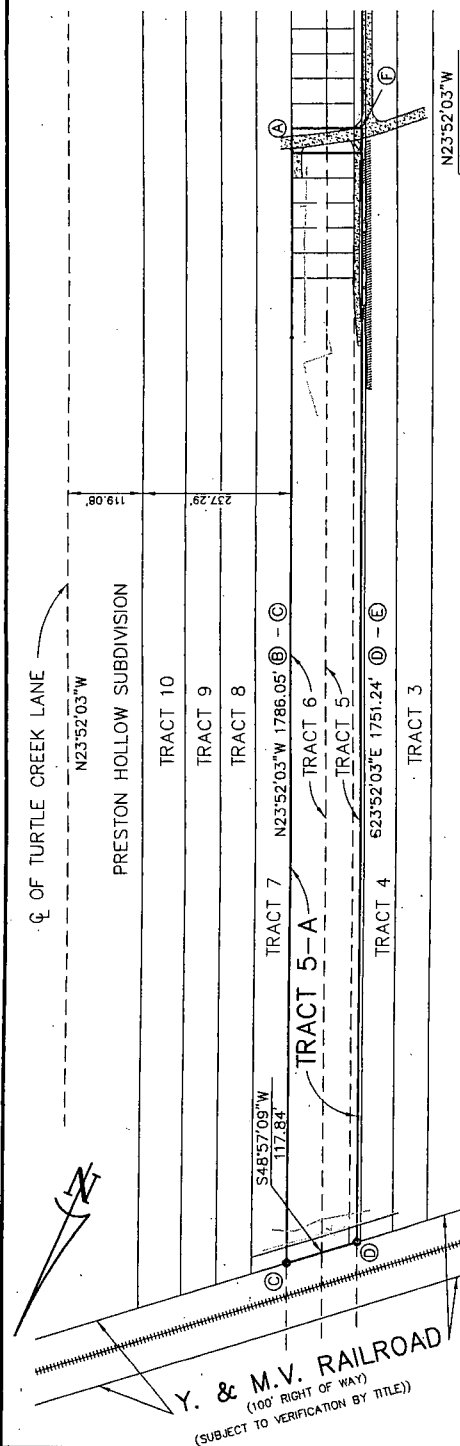
WITNESSES:

Shedra Coleman  
Nicole Beaupre

GRANTEE:

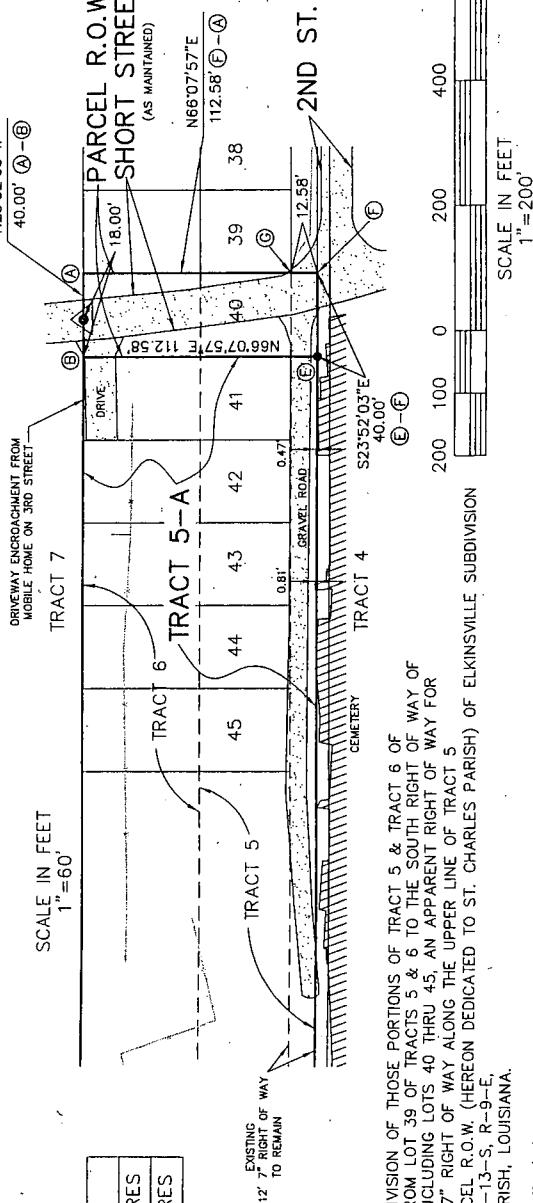
V. J. St. Pierre, Jr.  
V. J. St. Pierre, Jr.  
PARISH PRESIDENT

Leon C. Vial, III  
Leon C, Vial, III  
Notary Public  
Bar No. 13061



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

Stephen P. Flynn  
STEPHEN P. FLYNN  
P.L.S./A. ST. REG. NO. 4968



AREA	
TRACT 5-A	4.5710 ACRES
PARCEL R.O.W.	0.1033 ACRES

**LEGEND**

● #4 IRON ROD SET

⊙ PK NAIL SET

▨ EXTENTS OF GRAVE SITES

## Title:

SURVEY PLAT AND RESUBDIVISION OF THOSE PORTIONS OF TRACT 5, & TRACT 6 OF ELKINSVILLE SUBDIVISION FROM LOT 39, OF TRACTS 5 & 6 TO THE SOUTH RIGHT OF WAY OF THE Y. & M.V. RAILROAD, INCLUDING LOTS 40 THRU 45, AN APPARENT RIGHT OF WAY FOR SHORT STREET AND A 12' 7" RIGHT OF WAY ALONG THE UPPER LINE OF TRACT 5 INTERJOINT TRACT 5-A AND PARCEL R.O.W. (HEREON DEDICATED TO ST. CHARLES PARISH) OF ELKINSVILLE SITUATED IN SECTION 39, T-13-S, R-9-E, ST. ROSE, ST. CHARLES PARISH, LOUISIANA.

DATE: NOVEMBER 16, 2011, REVISED 1/11/2012 TO SHOW UTILITIES CONNECTIONS NOTE

**SURVEY REFERENCE:** 1. PORTION OF SECTION 39, T13S, R93 BY J.J. KREBS DATED 9/24/1968, REVISED 5/5/1970.  
2. LOTS a,b,c,d & B,C, e,f,g,h,i OF TRACTS 5, 6 & 7 OF ELKINSVILLE SUBDIVISION BY FRANK F PAYNE DATED 12/13/1924.  
DATE: NOVEMBER 10, 2011, REVISED 7/17/2012 TO SHOW UTILITIES CONNECTIONS NOTE

**BASIS OF BEARING:** BEARINGS HEREON ARE REFERENCED TO GRID NORTH AS ESTABLISHED BY THE LOUISIANA STATE PLANE

**SURVEYOR'S NOTES:** A. I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL GROUND SURVEY MADE BY ME AND CONFORMS TO THE REQUIREMENTS OF THE SURVEYING ACTS OF THE STATE OF LOUISIANA. THE PLAT IS BASED ON THE FOLLOWING DATA:

TO THE REQUIREMENTS FOR THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS FOUND IN LOUISIANA ADMINISTRATIVE CODE TITLE 46:IX CHAPTER 25 FOR A CLASS "C" SURVEY.

B: NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE IN LOUISIANA ADMINISTRATIVE CODE TITLE 46: LXI, CHAPTER 25 FOR A CLASS "C" SURVEY.

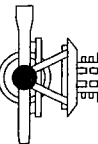
C. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REEBCENCED SURVEY PLAT  
EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.  
EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.

C. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.

FOR FINAL DETERMINATION.

DRAWN BY: KPB	DRAWING NO. MM0153_RESUB
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**RIVERLANDS SURVEYING COMPANY**



505 HEMLOCK STREET  
LAPLACE, LA. 70068  
1-800-248-6982  
985-652-6356