

2020-0121

**INTRODUCED BY: MATTHEW JEWELL, PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)**

**ORDINANCE NO.** 20-5-10

An ordinance to approve and authorize the Parish President to acquire a 10 foot perpetual servitude and a 15 foot temporary construction servitude for use in the construction of the St. Rose Sewer Network Upgrade over property identified as Lots G-1-A and G-1-B at Almedia Plantation, Section 40, Township 12 South, Range 9 East, which properties are more particularly described in the attached "Servitude Agreement" document.

**WHEREAS,** St. Charles Parish is undertaking an upgrade to the St. Rose Sewer Network; and,

**WHEREAS,** the St. Rose Sewer Network has a history of problems related to deficiencies in the network; and,

**WHEREAS,** the proposed sewer network upgrade requires the acquisition of temporary construction servitude(s) and perpetual sewer servitude(s) over as Lots G-1-A and G-1-B at Almedia Plantation, Section 40, Township 12 South, Range 9 East, which properties are more particularly described in the attached "Servitude Agreement" document; and,

**WHEREAS,** the sewer project and the acquisition of the hereinafter described servitudes is in furtherance of the public's best interest and purpose and is in satisfaction of a public need.

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

**SECTION I.** That the Parish President is hereby authorized to purchase at a price not to exceed its appraised value of \$1,867.40 the properties more particularly described in the "Servitude Agreement" document attached hereto and made a part hereof, from Rhino Enterprises, Inc.

**SECTION II.** That the Parish President is hereby authorized to execute any and all documents necessary to complete said purchase.

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

**YEAS:** BENEDETTO, FONSECA, DARENSBOURG GORDON, CLULEE, GIBBS,  
DUFRENE, BELLOCK, FISHER, FISHER-PERRIER  
**NAYS:** NONE  
**ABSENT:** NONE

And the ordinance was declared adopted this 18th day of May, 2020, to become effective five (5) days after publication in the Official Journal.

**CHAIRMAN:** [Signature]  
**SECRETARY:** Michelle Spadato  
**DLVD/PARISH PRESIDENT:** May 19, 2020  
**APPROVED:**  **DISAPPROVED:**   
**PARISH PRESIDENT:** Matthew Jewell  
**RETD/SECRETARY:** May 21, 2020  
**AT:** 8:40am **RECD BY:** [Signature]

**RECORDED IN THE ST. CHARLES PARISH  
CLERK OF COURT OFFICE**  
**ON** August 13, 2020  
**AS ENTRY NO.** 451241  
**IN MORTGAGE/CONVEYANCE BOOK**  
**NO.** 894 **FOLIO** 827

**SERVITUDE AGREEMENT**

**STATE OF LOUISIANA  
PARISH OF ST. CHARLES**

BEFORE ME, the undersigned notaries public, and in the presence of the undersigned competent witnesses, personally came and appeared:

**RHINO ENTERPRISES, INC. (TAX ID #XX-XXXX9542)**, a corporation organized under the laws of the State of Louisiana, herein appearing by and through **Wayne F. Wandell**, duly authorized pursuant to a Corporate Resolution dated June 3, 2020, a copy of which is annexed hereto and made a part hereof, whose mailing address is 817 Hickory St., Harahan, LA 70123,

Hereinafter designated as “**GRANTOR**”, and;

**ST. CHARLES PARISH**, a political subdivision of the State of Louisiana, herein represented by **Matthew Jewell**, its Parish President, appearing herein pursuant to Ordinance No. 20-5-10, adopted by dated the St. Charles Parish Council on the 18<sup>th</sup> day of May, 2020, a certified copy of which is attached hereto and made a part hereof, whose mailing address is P.O. Box 302, Hahnville, LA 70057 (hereinafter designated as “**GRANTEE**”).

For the consideration of the benefits, uses and advantages accruing to GRANTOR by reason of the “Project”, known as St. Rose Sewer Network Upgrade, St. Charles Parish, Louisiana, and for and upon such other terms and conditions or considerations hereinafter expressed does hereby grant, transfer, assign, set over and deliver unto the GRANTEE a perpetual and assignable servitude and right-of-way in, on over and across the land to locate, construct, maintain, repair, operate, patrol and replace a sewer line, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights, servitudes and easements hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, said perpetual sewer servitude across the lands described below:

**LEGAL DESCRIPTION**

**PERPETUAL SEWER SERVITUDE ACROSS LOT G-1-B**

That piece or portion of ground being a 10’ Sewer Servitude across Lot G-1-B of Almedia Plantation situated in Section 40, T-12-S, R-9-E, St. Rose, St. Charles Parish, Louisiana per a survey plat entitled "Survey Plat of a 10’ Sewer Servitude & a 15’ Construction Servitude across Lot G-1-A & Lot G-1-B of Almedia Plantation with reference to St. Charles Parish Department of Waste Water Project Number S150301, St. Rose Sewer Network Upgrade” by Stephen P.

Flynn, P.L.S. dated February 1, 2018 that is attached hereto and made a part hereof, and being more fully described as follows:

Commence at a point being the south right of way of Illinois Central Railroad at Station 101+00.00 having coordinates Northing 533550.75 ft. and Easting 3603456.61 ft. as based on the Louisiana Coordinate System of 1983 South Zone, North American Datum of 1983 as are all the coordinates, bearing and distances in this description;

Thence proceed in a northeasterly direction along the south right of way of Illinois Central Railroad a bearing of N48°57'51"E a distance of 1436.31' to a point;

Thence proceed in a northeasterly direction along the south right of way of Illinois Central Railroad along a tangent curve to right with a radius of 2814.93', a curve length 65.70' & a chord bearing of N49°37'58"E a distance of 65.70' to a point at Station 115+02.01 having coordinates of Northing 534536.28 ft. and Easting 3604590.07 ft.

#### **The Point of Beginning**

Thence proceed in a northeasterly direction along the south right of way of Illinois Central Railroad being the north line of a 10' sewer servitude along a tangent curve to right with a radius of 2814.93', a curve length 352.03' & a chord bearing of N53°53'03"E a distance of 351.79' to a point;

Thence proceed in a southeasterly direction along the east line of a 10' Sewer Servitude a bearing of S32°38'07"E a distance of 10.00' to a point;

Thence proceed in a southwesterly direction along the south line of a 10' Sewer Servitude being the north line of a 15' Construction Servitude along a non-tangent curve to left with a radius of 2804.93', a curve length 354.41' & a chord bearing of S53°50'50"W a distance of 354.17' to a point;

Thence proceed in a northwesterly direction along the west line of a 10' Sewer Servitude being the west line of Lot G-1-B and the east line of Lot 119 of Riverview Estates a bearing of N19°47'43"W a distance of 10.64' to a point;

#### **The Point of Beginning**

Being the same property acquired by Rhino Enterprises, Inc. from Secor Bank, Federal Savings Bank, through Act of Sale, dated December 6, 1993, and recorded on December 15, 1993 at COB 473, Folio 509, Entry No. 180147, in the official records of St. Charles Parish.

TO HAVE AND TO HOLD said rights, servitude, and easement hereby conveyed for the sewer servitude across LOT NO. G-1-B unto said GRANTEE, its successors and assigns in perpetuity.

Additionally, GRANTOR agrees to grant, transfer, assign, set over and deliver unto the GRANTEE a temporary construction servitude or easement to locate, construct a sewer line, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights, servitudes and easements hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, said temporary servitude is for a period of one year beginning at the issuance of notice to proceed to the selected contractor for the identified project across lands described below:

### **LEGAL DESCRIPTION TEMPORARY CONSTRUCTION SERVITUDE ACROSS LOTS G-1-A & G-1-B**

That piece or portion of ground being a 15' Construction Servitude across Lot G-1-A & Lot G-1-B of Almedia Plantation situated in Section 40, T-12-S, R-9-E, St. Rose, St. Charles Parish, Louisiana per a survey plat entitled "Survey Plat of a 10' Sewer Servitude & a 15' Construction Servitude across Lot G-1-A & Lot G-1-B of Almedia Plantation with reference to St. Charles Parish Department of Waste Water Project Number S150301, St. Rose Sewer Network Upgrade" by Stephen P. Flynn, P.L.S. dated February 1, 2018 that is attached hereto and made a part hereof, and being more fully described as follows:

Commence at a point being the south right of way of Illinois Central Railroad at Station 101+00.00 having coordinates Northing 533550.75 ft. and Easting 3603456.61 ft. as based on the Louisiana Coordinate System of 1983 South Zone, North American Datum of 1983 as are all the coordinates, bearing and distances in this description;

Thence proceed in a northeasterly direction along the south right of way of Illinois Central Railroad a bearing of N48°57'51"E a distance of 1436.31' to a point;

Thence proceed in a northeasterly direction along the south right of way of Illinois Central Railroad along a tangent curve to right with a radius of 2814.93', a curve length 65.70' & a chord bearing of N49°37'58"E a distance of 65.70' to a point;

Thence proceed in a southeasterly direction along the west line of a 10' Sewer Servitude being the east line of Lot 119 of Riverview Estates a bearing of S19°47'43"E a distance of 10.64' to a point at Station 114+98.37, Offset 10.00 R, having coordinates Northing 534526.27 ft. and Easting 3604593.68 ft.

#### **The Point of Beginning**

Thence proceed in a northeasterly direction along the south line of a 10' Sewer Servitude being the north line of a 15' Construction Servitude along a non-tangent curve to right with a radius of 2804.93', a curve length 354.41' & a chord bearing of N53°50'50"E a distance of 354.17' to a point;

Thence proceed in a southeasterly direction along the east line of a 15' Construction Servitude a bearing of S32°38'07"E a distance of 15.00' to a point;

Thence proceed in a southwesterly direction along the being the south line of a 15' Construction Servitude along a non-tangent curve to left with a radius of 2789.93', a curve length 357.99' & a chord bearing of S53°47'29"W a distance of 357.75' to a point;

Thence proceed in a northwesterly direction along the west line of a 15' Construction Servitude being the west line of Lot G-1-B and the east line of Lot 119 of Riverview Estates a bearing of N19°47'43"W a distance of 15.97' to a point;

#### **The Point of Beginning**

Being the same property acquired by Rhino Enterprises, Inc. from Harvey Canal Holdings VII, L.L.C., through Act of Contribution of Property, dated December 21, 2012, and recorded on January 2, 2013 at COB 781, Folio 62, Entry No. 385111. Being the same property further acquired by Rhino Enterprises, Inc. from Secor Bank, Federal Savings Bank, through

Act of Sale, dated December 6, 1993, and recorded on December 15, 1993  
at COB 473, Folio 509, Entry No. 180147, in the official records of St.  
Charles Parish.

It is understood and agreed that, in the construction and maintenance of said project, the GRANTEE may move to or remove from the property herein described earth or other material in accordance with usual construction and maintenance practices. Following expiration of the temporary construction servitude, the herein described temporary construction servitude area will be left free of construction scars and no maintenance will occur within that area.

GRANTOR acknowledges and agrees that the consideration provided herein constitutes full and final settlement for the perpetual servitude and temporary construction servitude herein granted and for any and all diminution in the value of GRANTOR's remaining property as a result of the granting of this perpetual servitude and temporary construction servitude.

Except as expressly provided in any separate writing, no title examination or title opinion has been requested or performed on behalf of the GRANTEE by the undersigned Notaries Public or settlement agent, and the GRANTEE expressly rejects the necessity of the same and agrees to release and relieve the Notaries Public and settlement agent from any responsibility and liability in connection therewith.

The consideration for the herein described perpetual sewer servitude is the price and sum of ONE THOUSAND SIX HUNDRED TWENTY-TWO AND NO/100 (\$1,622.00) DOLLARS, together with the amount of TWO HUNDRED FORTY-FIVE AND 40/100 (\$245.40) DOLLARS for the temporary construction servitude, for the total amount of ONE THOUSAND EIGHT HUNDRED SIXTY-SEVEN AND 40/100 (\$1,867.40) DOLLARS, which GRANTEE has paid cash in hand, in current money, to said GRANTOR, who acknowledges the receipt thereof and grants full acquittance and discharge thereof.

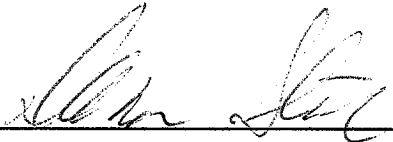
All ad valorem taxes assessed against the above described property for the three (3) years immediately preceding the current year have been paid.

This agreement shall be executed in triplicate, each of which shall constitute an original document which shall be binding upon any of the parties executing same. To facilitate recordation of this agreement, the parties hereto agree that individual signature and acknowledgment pages from the various counterparts may be merged and combined with signature and acknowledgment pages from other counterparts.

[Remainder of page intentionally left blank]


IN TESTIMONY WHEREOF, in the Parish of Jefferson, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as his/her free and voluntary act, in triplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 4<sup>th</sup> day of June, 2020 after a due reading of the whole.

**WITNESSES:**



Shana Stumpf

Print Name



Dawn Emery

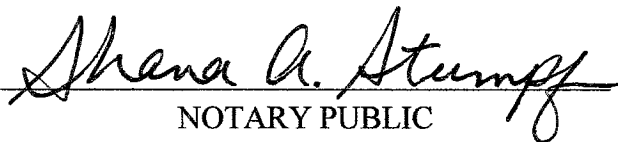
Print Name

**GRANTOR:**

**RHINO ENTERPRISES, INC.**



**WAYNE F. WANDELL, Agent and Attorney-in-Fact of Rhino Enterprises, Inc.**

  
NOTARY PUBLIC

Printed Name: \_\_\_\_\_

Notary Identification or Bar Roll No.: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**SHANA A. STUMPF**  
**NOTARY PUBLIC # 84490**  
**STATE OF LOUISIANA**  
**MY COMMISSION IS ISSUED FOR LIFE**

IN TESTIMONY WHEREOF, in Parish of St. Charles, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as his free and voluntary act, in triplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 20<sup>th</sup> day of July, 2020, after a due reading of the whole.

WITNESSES:

GRANTEE:

ST. CHARLES PARISH

[Signature]

Matthew Jewell

Geal [unclear]

BY: MATTHEW JEWELL

ITS: PRESIDENT

Print Name

Billy Raymond

Billy Raymond

Print Name

[Signature]  
NOTARY PUBLIC

Printed Name: Robert L Raymond  
~~Notary Identification~~ or Bar Roll No.: 11408  
My Commission expires: at my death

**CORPORATE RESOLUTION OF  
RHINO ENTERPRISES, INC.**

Upon motion duly made and seconded, the Board of Directors of RHINO ENTERPRISES, INC., unanimously adopted the following resolution to wit:

BE IT RESOLVED that WAYNE F. WANDELL, AGENT and ATTORNEY-IN-FACT of RHINO ENTERPRISES, INC., is hereby authorized and empowered for and on behalf of RHINO ENTERPRISES, INC. to do the following:

1. Execute a Servitude Agreement to convey, grant, dedicate, assign, transfer, and deliver the servitude and temporary construction servitude across Lots G-1-A and G-1-B to St. Charles Parish for the agreed value of \$1,867.40, said properties more fully described as follows:

**LEGAL DESCRIPTIONS**

**LOT G-1-B ALMEDIA PLANTATION**  
**10' SEWER SERVITUDE**

That piece or portion of ground being a 10' Sewer Servitude across Lot G-1-B of Almedia Plantation situated in Section 40, T-12-S, R-9-E, St. Rose, St. Charles Parish, Louisiana per a survey plat entitled "Survey Plat of a 10' Sewer Servitude & a 15' Construction Servitude across Lot G-1-A & Lot G-1-B of Almedia Plantation with reference to St. Charles Parish Department of Waste Water Project Number S150301, St. Rose Sewer Network Upgrade" by Stephen P. Flynn, P.L.S. dated February 1, 2018 and being more fully described as follows:

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**15' CONSTRUCTION SERVITUDE**

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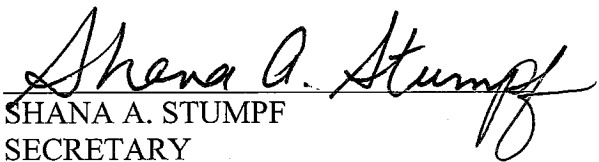
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2. Execute and sign any and all documents and writings of any kind whatsoever as deemed necessary in connection with the conveyance, assignment, transfer, and dedication of the properties by Rhino Enterprises, Inc., Grantor, to St. Charles Parish, Grantee.
3. Execute and deliver instruments, documents, agreements and other writings authorized in this resolution upon such terms, and in such form as he, in his sole, exclusive and absolute discretion deem necessary, advisable or proper.

**CERTIFICATE**

I, SHANA A. STUMPF, Secretary of RHINO ENTERPRISES, INC., do certify that the above and foregoing to be a true and correct excerpt from the minutes of the meeting of the Board of Directors of RHINO ENTERPRISES, INC. duly and legally called, conveyed and held at its office in Harahan, Louisiana on the 3<sup>rd</sup> day of June, 2020 at which time WAYNE F. WANDELL was given authority to act for RHINO ENTERPRISES, INC. by the unanimous consent of all members of the board of directors, and that same has not been modified, revoked or rescinded.

Witness by official signature and the seal of said Board of Directors of RHINO ENTERPRISES, INC. at Harahan, Louisiana this 3<sup>rd</sup> day of June, 2020

  
SHANA A. STUMPF  
SECRETARY

**2020-0121**

**INTRODUCED BY: MATTHEW JEWELL, PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)**

**ORDINANCE NO. 20-5-10**

An ordinance to approve and authorize the Parish President to acquire a 10 foot perpetual servitude and a 15 foot temporary construction servitude for use in the construction of the St. Rose Sewer Network Upgrade over property identified as Lots G-1-A and G-1-B at Almedia Plantation, Section 40, Township 12 South, Range 9 East, which properties are more particularly described in the attached "Servitude Agreement" document.

**WHEREAS,** St. Charles Parish is undertaking an upgrade to the St. Rose Sewer Network; and,

**WHEREAS,** the St. Rose Sewer Network has a history of problems related to deficiencies in the network; and,

**WHEREAS,** the proposed sewer network upgrade requires the acquisition of temporary construction servitude(s) and perpetual sewer servitude(s) over as Lots G-1-A and G-1-B at Almedia Plantation, Section 40, Township 12 South, Range 9 East, which properties are more particularly described in the attached "Servitude Agreement" document; and,

**WHEREAS,** the sewer project and the acquisition of the hereinafter described servitudes is in furtherance of the public's best interest and purpose and is in satisfaction of a public need.

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

**SECTION I.** That the Parish President is hereby authorized to purchase at a price not to exceed its appraised value of \$1,867.40 the properties more particularly described in the "Servitude Agreement" document attached hereto and made a part hereof, from Rhino Enterprises, Inc.

**SECTION II.** That the Parish President is hereby authorized to execute any and all documents necessary to complete said purchase.

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

**YEAS:** BENEDETTO, FONSECA, DARENSBOURG GORDON, CLULEE, GIBBS, DUFRENE, BELLOCK, FISHER, FISHER-PERRIER  
**NAYS:** NONE  
**ABSENT:** NONE

And the ordinance was declared adopted this 18th day of May, 2020, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_  
SECRETARY: Michelle Dupastato  
DLVD/PARISH PRESIDENT: May 19, 2020  
APPROVED:  DISAPPROVED: \_\_\_\_\_  
PARISH PRESIDENT: Matthew Jewell  
RETD/SECRETARY: May 21, 2020  
AT: 8:40am RECD BY: [Signature]

CERTIFIED TRUE & CORRECT AS PER  
MINUTES DATED 5/18/20  
Michelle Dupastato  
SECRETARY  
ST. CHARLES PARISH COUNCIL

115+00

116+00

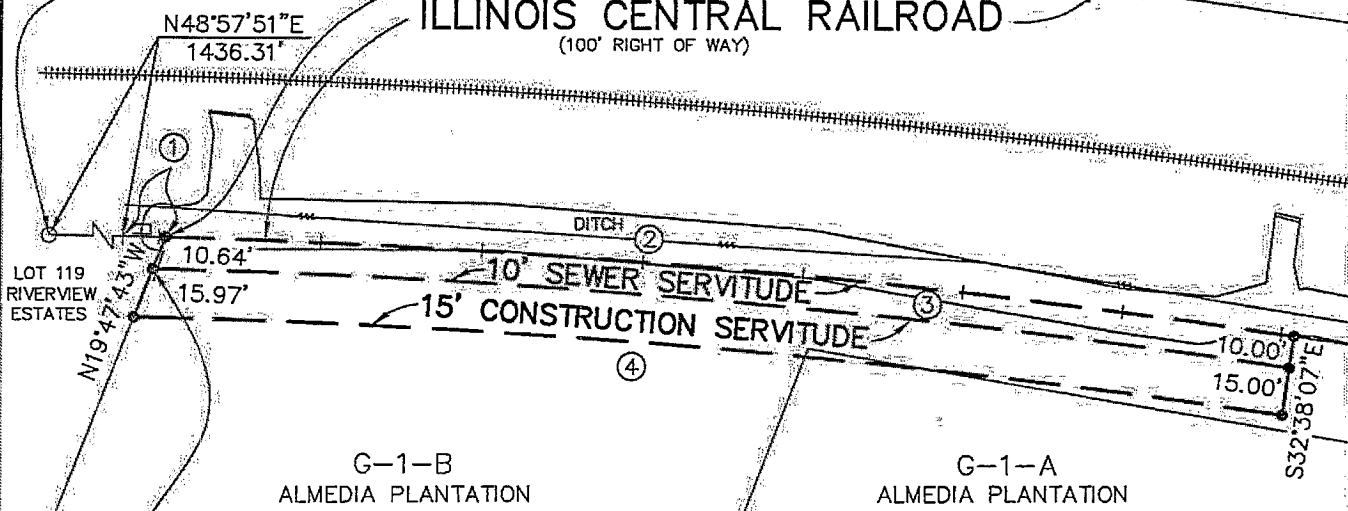
117+00

118+00

REMOTE  
POINT OF BEGINNING  
STA: 101+00.00  
N: 533550.75  
E: 3603456.61

POINT OF BEGINNING  
10' SEWER SERVITUDE  
STA: 115+02.01  
OFFSET: 0.00 R  
N: 534536.28  
E: 3604590.07

ILLINOIS CENTRAL RAILROAD  
(100' RIGHT OF WAY)



POINT OF BEGINNING  
15' CONSTRUCTION SERVITUDE  
STA: 114+98.37  
OFFSET: 10.000 R  
N: 534526.27  
E: 3604593.68

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	65.70'	2814.93'	N49°37'58\"E 65.70'
C2	352.03'	2814.93'	N53°53'03\"E 351.79'
C3	354.41'	2804.93'	S53°50'50\"W 354.17'
C4	357.99'	2789.93'	S53°47'29\"W 357.75'

AREA	
10' SEWER SERVITUDE	3,532 SQ. FT.
15' CONSTRUCTION SERVITUDE	5,343 SQ. FT.

SCALE: 1" = 60'

**LEGEND**

- CALCULATED POINT
- #4 IRON ROD FOUND

**TITLE:** SURVEY PLAT OF A 10' SEWER SERVITUDE & A 15' CONSTRUCTION SERVITUDE ACROSS LOT G-1-A & LOT G-1-B OF ALMEDIA PLANTATION WITH REFERENCE TO ST. CHARLES PARISH DEPARTMENT OF WASTE WATER PROJECT NUMBER S150301, ST. ROSE SEWER NETWORK UPGRADE SITUATED IN SECTION 40, T-12-S, R-9-E, ST. ROSE, ST. CHARLES PARISH, LOUISIANA.

**SURVEY REFERENCE:** RESUBDIVISION OF PARCEL G-1 INTO PARCELS G-1-A & G-1-B BY JOHN F. MARSHALL R.L.S. DATED 11/17/1989.

**BASIS OF BEARING:** BEARINGS/COORDINATES HEREON ARE REFERENCED TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE 1702, NAD 83, GEOID 12A USING LEICA SMARTNET SOLUTION DATED 8/8/2017.

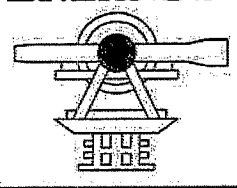
**SURVEYOR'S NOTES:** A. I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL ROUTE SURVEY MADE BY ME, OR BY THOSE UNDER MY DIRECTION AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS D ROUTE SURVEY SPECIFICALLY CHAPTER 2909 - ROUTE SURVEY.  
 B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.  
 C. STATIONING IS BASED ON ST. CHARLES PARISH DEPARTMENT OF WASTE WATER PROJECT S150301, ENVIRONMENTAL ENGINEERING SERVICES, INC. NO. 1412, SHEETS C06-C09.

**CERTIFIED TO:** ST. CHARLES PARISH  
**DATE:** FEBRUARY 1, 2018

*Stephen P. Flynn*  
 STEPHEN P. FLYNN  
 P.L.S. LA. ST. REG. NO. 4668

DRAWN BY: KPB      DRAWING NO. L1552\_W03099-1

**RIVERLANDS SURVEYING COMPANY**



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