

*Ord.*

**2014-0070**

**INTRODUCED BY: V. J. ST. PIERRE, JR. PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)**

**ORDINANCE NO. 14-3-9**

An ordinance to approve and authorize the Parish President to accept a Donation of Servitude from ARS Management, LLC for the St. Charles/Jefferson Parish line drainage canal/ditch located on a portion of Oakland Plantation in Kenner, Jefferson Parish, Louisiana.

**WHEREAS,** Oakland Plantation located in St. Rose, St. Charles Parish and Kenner, Jefferson Parish has a history of severe flooding and drainage problems, specifically the areas between the Illinois Central Railroad and the Kansas City Southern Railroad; and,

**WHEREAS,** ARS Management, LLC applied to the City of Kenner Planning and Zoning Department for approval of a planned unit development to develop a Best Western hotel; and,

**WHEREAS,** the proposed planned unit development includes drainage improvements on the parcel and stipulations that requires ARS Management, LLC to grant a drainage servitude to St. Charles Parish for an existing ditch located on the St. Charles/Jefferson Parish line described in the Donation of Servitude attached hereto; and,

**WHEREAS,** the acquisition and acceptance of the drainage servitude is in furtherance of the public's best interest and purpose, and is in satisfaction of a public need to improve drainage in the area.

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

**SECTION I.** That the Parish President is hereby authorized to accept the donation of a servitude for the property more particularly described in the Donation of Servitude attached hereto and made a part hereof, from ARS Management, LLC, as their interests may appear, said property is to be used by St. Charles Parish for drainage purposes, including but not limited to the placement and maintenance of a drainage canal/ditch.

**SECTION II.** That the Parish President is hereby authorized to execute any and all documents necessary to complete said donation on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, TASTET, WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FISHER-PERRIER  
NAYS: NONE  
ABSENT: FLETCHER

And the ordinance was declared adopted the 24<sup>th</sup> day of March, 2014, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]  
SECRETARY: [Signature]  
DLVD/PARISH PRESIDENT: 3/26/14  
APPROVED: [Signature] DISAPPROVED: \_\_\_\_\_  
PARISH PRESIDENT: [Signature]  
RETD/SECRETARY: 3/26/14  
AT: 1:05 pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH  
CLERK OF COURT OFFICE  
ON March 27, 2014  
AS ENTRY NO. 396311  
IN MORTGAGE/CONVEYANCE BOOK  
NO. 799 FOLIO 356

UNITED STATES OF AMERICA  
STATE OF LOUISIANA  
PARISH OF JEFFERSON

DONATION OF SERVITUDE  
BY AND BETWEEN  
ARS MANAGEMENT, LLC  
AND  
PARISH OF ST. CHARLES

BE IT KNOWN, that on this 26<sup>th</sup> day of March, in the year two thousand and fourteen (2014).

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:

**ARS MANAGEMENT, LLC**, a Louisiana Limited Liability Company duly organized under the laws of the State of Louisiana, herein appearing through **TALAT F. SIDDIQUI**, its duly authorized Manager, whose mailing address is 635 Lafayette Street, Gretna, LA 70053;

**ARS MANAGEMENT, LLC** is the surviving name of **BEST WESTERN PLUS NEW ORLEANS AIRPORT, LLC** per Amendment to Articles of Organization of Best Western Plus New Orleans Airport, LLC filed with the Louisiana Secretary of State, a copy of which is attached hereto and made a part hereof;

Herein after referred to as "**GRANTOR**"

-and-

**PARISH OF ST. CHARLES**, a political subdivision of the State of Louisiana, herein represented by **V.J. ST. PIERRE, JR.**, its Parish President, whose mailing address is P. O. Box 302, Hahnville, Louisiana, 70057; authorized pursuant to Ordinance No. 14-3-9 adopted by St. Charles Parish Council on the 24<sup>th</sup> day of March, 2014, a copy of which is attached hereto and made a part hereof;

Herein after referred to as "**GRANTEE**"

**GRANTOR** does hereby donate, present, grant, assign, transfer, deliver, and set over a drainage and utility servitude, easement, and right-of-way unto **GRANTEE** for the purposes of constructing, installing, operating, maintaining, repairing, and/or replacing drainage, utility and/or other improvements on, through, around, under, and/or over the following described property situated in Jefferson Parish, to wit:

## **LEGAL DESCRIPTION**

A tract of land located in Jefferson Parish, Louisiana in Section 38, Township 12 South, Range 9 East, Southeast District of Louisiana, St. Helena Meridian, East of the Mississippi River and more particularly described as follows:

Commence at the intersection of the southerly right of way line of U.S. Highway 61 (Airline Highway), and the easterly property line of ARS Management, LLC, said point being designated as Point "A" on a survey made by J.J. Krebs & Sons, Inc., Registered Land Surveyor (R.L.S.), dated February 11, 1969 (coordinates X = 2,333,657.07, Y = 478,784.94), which point is monumented by a ½" iron pipe inside of a 2" iron pipe; thence proceed S72°46'00"W along the southerly right of way line of U.S. Highway 61 (Airline Highway) a distance of 173.85 feet to the Point of Beginning (POB);

Thence proceed S00°52'00"E along the western right of way line of the East Jefferson Levee District's Floodwall Easement a distance of 605.21 feet to a point; thence proceed S72°46'00"W along the northerly right of way line of the Kansas City Southern Railway Company a distance of 28.14 feet to a point; thence proceed N00°52'00"W along the parish line between Jefferson and St. Charles Parishes a distance of 605.21 feet to a point; thence proceed N72°46'00"E along the southerly right of way line of U.S. Highway 61 (Airline Highway) a distance of 28.14 feet to the POB.

The above described tract contains 16,187.89 square feet or 0.372 acres, more or less and is further depicted on map entitled "Plat of Proposed Drainage Servitude Across Property of ARS Management, LLC" dated January 27, 2014. The coordinates are based on the NAD 1927 Louisiana State Plane Coordinate System, South Zone.

The above being a portion of the same property acquired in the name of BEST WESTERN PLUS NEW ORLEANS AIRPORT, LLC in COB 3320, Folio 211, Instrument # 11343236 on August 29, 2013 on file in the Jefferson Parish Conveyance Records.

To have and to hold said servitude, easements, and rights of way unto said **GRANTEE**, its successors and assigns, until such time said servitude is no longer useful for the above named purposes.

**GRANTOR** grants unto **GRANTEE** the right of ingress and egress to and from said servitude for the purpose of constructing, installing, operating, maintaining, repairing, and/or replacing drainage, utility and/or other improvements. **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. **GRANTEE**, by those present, hereby accepts and acknowledges the above donation of a grant of servitude.

IN TESTIMONY WHEREOF, the parties hereto have signed, executed, and acknowledged this instrument as their free and voluntary act in the presence two competent witnesses, in triplicate originals, as of the 11 day of May, 2014, after a due reading of the whole.

**WITNESSES:**

Abdul R. Siddiqui  
Abdul R. Siddiqui  
Sandra L Marchand  
Sandra L Marchand

**GRANTOR:**

**ARS MANAGEMENT, LLC**  
Talat F. Siddiqui  
**BY: TALAT F. SIDDIQUI**  
**ITS: MANAGER**

[Signature]  
**IRUP SILVERSTEIN** 12073  
**NOTARY PUBLIC**

IN TESTIMONY WHEREOF, the parties hereto have signed, executed, and acknowledged this instrument as their free and voluntary act in the presence two competent witnesses, in triplicate originals, as of the 26<sup>th</sup> day of March, 2014, after a due reading of the whole.

**WITNESSES:**

[Signature]  
Andrea Coleman  
[Signature]  
Tiffany K Clarke

**GRANTEE:**

**PARISH OF ST. CHARLES**  
[Signature]  
**BY: V.J. ST. PIERRE, JR.**  
**ITS: PARISH PRESIDENT**

[Signature]  
**NOTARY PUBLIC**  
#58814

**AMENDMENT TO ARTICLES OF ORGANIZATION  
OF  
BEST WESTERN PLUS NEW ORLEANS AIRPORT, LLC**

STATE OF LOUISIANA

PARISH OF JEFFERSON

BE IT KNOWN, that on this 14<sup>th</sup> day of October, 2013;

BEFORE ME, the undersigned Notary Public, personally came and appeared:

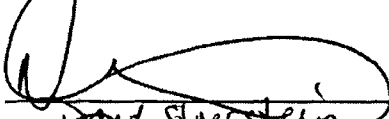
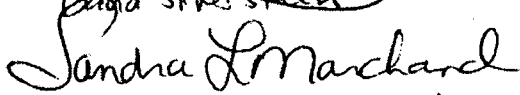
TALAT F. SIDDIQUI and ABDUL R. G. SIDDIQUI

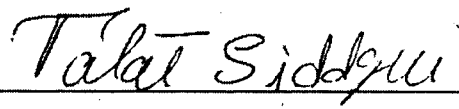
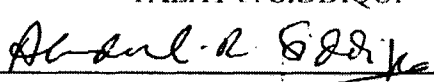
both of whom being by me first duly sworn, deposed and stated that they are the sole members of the entity known as BEST WESTERN PLUS NEW ORLEANS AIRPORT, LLC; that they do by these presents hereby amend the Articles of Organization, in particular Article II to read that the name of the Limited Liability Company shall be ARS MANAGEMENT, LLC;


Appearers further declared that all of the other provisions of the Articles of Organization shall remain in full force and effect.

THUS DONE AND SIGNED on the day, month and year first herein in the presence of the undersigned competent witnesses who have hereunto signed, together with me, Notary, and the appearer, after due reading of the whole.

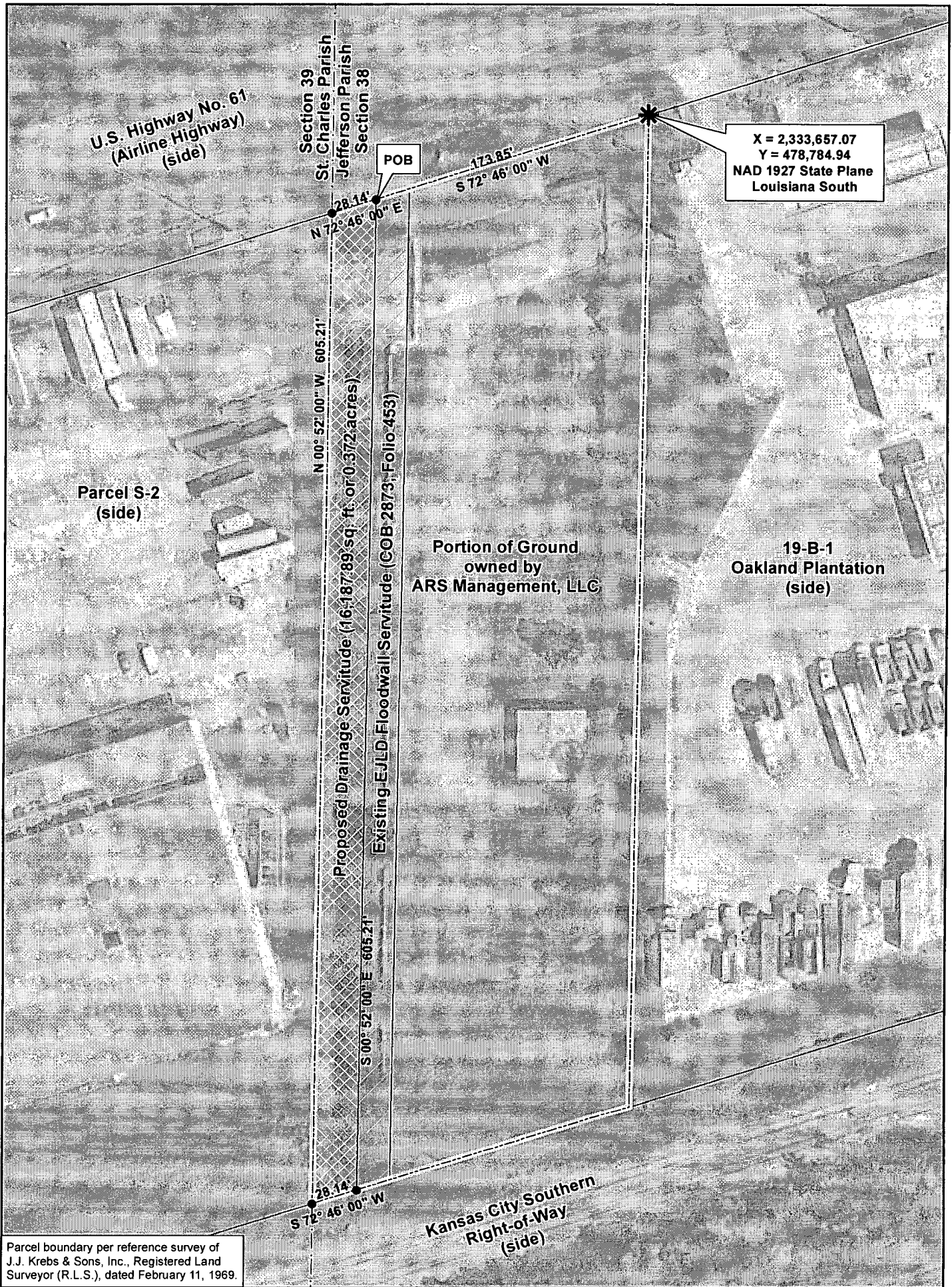
WITNESSES:

  
\_\_\_\_\_  
*IRL R. Silverstein*  
  
\_\_\_\_\_  
*Sandra L. Marchand*

  
\_\_\_\_\_  
TALAT F. SIDDIQUI  
  
\_\_\_\_\_  
ABDUL R. G. SIDDIQUI





  
\_\_\_\_\_  
IRL R. SILVERSTEIN, #12073  
Notary Public

**PORTION OF GROUND  
LOCATED IN SECTION 38, T12S-R9E  
EAST OF THE MISSISSIPPI RIVER  
JEFFERSON PARISH, LOUISIANA**



Parcel boundary per reference survey of J.J. Krebs & Sons, Inc., Registered Land Surveyor (R.L.S.), dated February 11, 1969.

**Legend**

-  Parcel Boundary
-  Proposed Drainage Servitude
-  EJLD Floodwall Servitude
-  Section Line

0 50 100 200 Feet



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

Plat of Proposed Drainage  
Servitude Across Property of  
ARS Management, LLC

Date: January 27, 2013

**NOTE: THIS IS NOT A SURVEY**