

Phot.

2015-0278

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

ORDINANCE NO. 15-9-3

An ordinance approving and authorizing the execution of a Donation of Servitude acquiring additional width to an existing public right-of-way over property identified as Tract 5A of Elkinsville Subdivision, St. Rose, Louisiana, for adequate access to a recreational playground in that area.

WHEREAS, Elkinsville Cemetery Association has agreed to donate additional property for the purpose of widening the existing 12.7' right-of-way to be for access to the Ed Reed Park; and,

WHEREAS, the survey is attached to the Donation of Servitude attached hereto and made a part hereof.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Parish President is hereby authorized to execute the attached Donation of Servitude and any and all other documents required to carry out the provisions of this ordinance.

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

YEAS: LEWIS, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER,

NAYS: NONE

ABSENT: SCHEXNAYDRE, FISHER-PERRIER

And the ordinance was declared adopted this 8th day of September, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 7/10/15 _____
APPROVED: ✓ DISAPPROVED: _____

PARISH PRESIDENT: W. St. Pierre _____
RETD/SECRETARY: 7/10/15 _____
AT: 9:40a RECD BY: [Signature] _____

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON October 14, 2015
AS ENTRY NO. 409864
IN MORTGAGE/CONVEYANCE BOOK
NO. 823 FOLIO 598

DONATION OF SERVITUDE

UNITED STATES OF AMERICA

BY ELKINSVILLE CEMETERY ASSOCIATION

STATE OF LOUISIANA

TO ST. CHARLES PARISH

PARISH OF ST. CHARLES

ACT OF SERVITUDE

BE IT KNOWN, that on this 15th day of October, in the year two thousand and fifteen (2015).

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:

ELKINSVILLE CEMETERY ASSOCIATION, a Louisiana non-profit corporation domiciled in St. Charles Parish, State of Louisiana, herein represented by Kathleen Evans, its President, and whose mailing address is P. O. Box 5, St. Rose, Louisiana, 70087, duly authorized by Resolution of the Board of Directors, 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. 15-9-3 adopted by St. Charles Parish Council on the 8th day of September, 2015, a copy of which is attached hereto and made a part hereof;

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

GRANTOR does hereby donate, grant, present, dedicate, assign, transfer, deliver, and set over a servitude, easement, and right-of-way unto **GRANTEE** to locate, construct, maintain, repair, alter, operate, patrol, extend and/or replace an existing right-of-way, including all appurtenances thereto; together with the right to trim, cut, fell and remove therefore all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; 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, servitude 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

That piece or portion of ground being a Proposed 4'-10" Right of Way to Lease Site SCP on Tract 5-A of Elkinsville Subdivision. Situated in Section 39, T-13-S, R-9-E, St. Rose, St. Charles Parish, Louisiana and being more fully described as follows:

Commence at the northeast intersection of Short Street and Second Street; thence proceed in a northeasterly direction along the north right of way of Short Street a bearing of N66°07'57"E a distance of 12.58' to a point;

The Point of Beginning

Thence proceed in a northwesterly direction along the west line of a Proposed 4'-10" Right of Way being the east line of an existing 12'-7" right of way a bearing of N23°52'03"W a distance of 875.62' to a point;

Thence proceed in a northwesterly direction along the north line of a Proposed 4'-10" Right of Way being the south line of Lease Site SCP a bearing of N66°07'57"W a distance of 4.84' to a point;

Thence proceed in a southeasterly direction along the east line of a Proposed 4'-10" Right of Way a bearing of S23°52'03"E a distance of 875.62' to a point;

Thence proceed in a southwesterly direction along the south line of a Proposed 4'-10" Right of Way being the north right of way of Short Street a bearing of S66°07'57"W a distance of 4.84' to a point;

The Point of Beginning

As shown on a survey plat by Stephen P. Flynn, P.L.S., dated February 28, 2015 revised June 23, 2015.

TO HAVE AND TO HOLD said servitude, easements, and rights of way unto said **GRANTEE**, and its successors and assigns forever.

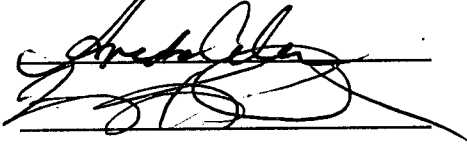
GRANTOR grants unto **GRANTEE** the right of ingress and egress to and from said servitude for the purpose of constructing, installing, operating, maintaining, repairing, extending and/or replacing additional improvements. **GRANTOR** retains the rights to fully use and enjoy the above-described property, 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 sewer servitude.

This agreement may be executed in any number of counterparts, 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

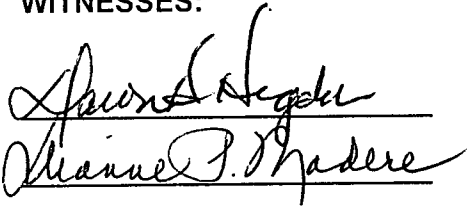
acknowledgement pages from the various counterparts may be merged and combined with signature and acknowledgement pages from other counterparts.

THUS done, read and passed in the City, Parish/County and State hereinafter designated, in the presence of undersigned competent witnesses who have hereunto signed their names with the parties.

WITNESSES:



WITNESSES:



GRANTEE:

PARISH OF ST. CHARLES



BY: V. J. ST. PIERRE, JR.
ITS: PARISH PRESIDENT

GRANTOR:

ELKINSVILLE CEMETERY ASSOCIATION



BY: KATHLEEN EVANS
PRESIDENT



LEON C. VIAL, III
NOTARY PUBLIC

My Commission Expires at death
Notary Identification or Bar Roll No. 13061



SURVEYOR'S NOTES:
 I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL CORRESPONDING SURVEY MADE BY ME AND CONFORMS

SURVEYOR'S NOTES:

A. I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL GROUND SURVEY MADE BY ME AND CONFORMS TO THE REQUIREMENTS FOR THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS FOUND IN LOUISIANA ADMINISTRATIVE CODE TITLE 46:II, CHAPTER 25 FOR A CLASS "C" SURVEY.

B. THIS SURVEY WAS COMPLETED ON THIS DATE. HEREON NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR RIGHTS.


C. MINIMUM STRUCK LINES AND SERVITUDES SHOWN ARE BASED ON THE RETEIGNED SURVEY PLAT.

D. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.

THE LOCATIONS OF UNDERGROUND AND OTHER NONMOVABLE UTILITIES SHOWN HEREON HAVE BEEN DETERMINED FROM DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR EXTRACTED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FOUND, THE SURFACE FEATURES OF LOCATIONS ARE SHOWN. THE ACTUAL NONMOVABLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY HAS BEEN CONTACTED RELATIVE TO PROTECTING THE ACCURACY OF ITS UNDERGROUND UTILITY RECORDS. THE RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON, INCLUDING PRIOR TO EXCAVATION AND DIGGING.

DOTITE, 1-800-272-3020

| | | | | | |
|-----------|--|---------|---|------------------|----|
| 1 | | 6/23/75 | REVISED TO SHOW PROPOSED 4'-10" RIGHT OF WAY TO LEASE WIT SOP | | BY |
| NO. | | DATE | | DESCRIPTION | |
| REVISIONS | | | | | |
| DRAWN BY | | JPT | | SHEET NO. 1 OF 1 | |



**RIVERLANDS
SURVEYING
COMPANY**

505 HEMLOCK STREET
LAPLACE, LA. 70068
1-800-248-6982
885-632-6566



Stephen P. Flynn
: STEPHEN P. FLYNN
P.L.S. LA. ST. REG. NO. 4658

**Excerpts from the
MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS
OF ELKINSVILLE CEMETERY ASSOCIATION**

RESOLVED, that Kathleen Evans, President of Elkinsville Cemetery Association, be and he is hereby authorized and empowered for and on behalf of Elkinsville Cemetery Association to execute any and all documents that she deems necessary and as required to lease the rear one-half of Tract 5-A, Elkinsville Subdivision, St. Rose, Louisiana, to St. Charles Parish and to grant to St. Charles Parish an additional 4.8' wide right of way on the upper line of said Tract 5-A of the existing 12.7' right of way.

**ELKINSVILLE CEMETERY
ASSOCIATION**

BY: Kathleen Evans
**KATHLEEN EVANS
PRESIDENT**

CERTIFICATION

I, Kathleen Evans, President of Elkinsville Cemetery Association do certify that the above and foregoing to be a true and correct copy of excerpts of the minutes of the Board of Directors of said Corporation, duly and legally called, convened and held on the 31st day of May, 2014, in Ama, Louisiana, where at a quorum of the members were present and that the same has not been revoked or rescinded.

WITNESS my signature and the seal of the Corporation at Ama, Louisiana, this 31st day of May, 2014.

Kim Brumfield
**KIM BRUMFIELD
SECRETARY/TREASURER**