

ORD.

2004-0406

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. 04-10-4

An ordinance approving and authorizing the execution of an Act of Dedication for Magnolia Manor, Phase 1-A, including servitudes for drainage, utilities, and sewer.

WHEREAS, a resubdivision of a portion of Ellington Plantation, and Lots 87B thru 116B, and 94A of the "Extension of Subdivision of Portion of Ellington Plantation along Magnolia Ridge Road" into Lots 1-17 Magnolia Manor, Phase 1-A, and the dedication servitudes for drainage, utilities, and sewer; and,

WHEREAS, said subdivision has been constructed in accordance with the St. Charles Parish Subdivision Regulations of 1981, as amended; and,

WHEREAS, all required administrative reviews and approvals have been effected relative to said subdivision.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the attached Act of Dedication for Magnolia Manor, Phase 1-A, a resubdivision a portion of Ellington Plantation, and Lots 87B thru 116B, and 94A of the "Extension of Subdivision of Portion of Ellington Plantation along Magnolia Ridge Road" into Lots 1-17, Magnolia Manor Subdivision, Phase 1-A, and the dedication of servitudes for drainage, utility and sewer, as indicated on a Final Plat by Michael D. Bernard, P.L.S. and dated 9/23/04 (revision date 10/04/04), is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute the attached Final Plat and Act of Dedication on behalf of St. Charles Parish.

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

YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, WALLS, BLACK, DUHE
NAYS: NONE
ABSENT: RAMCHANDRAN, MINNICH

And the ordinance was declared adopted this 18th day of October, 2004, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: 10-19-04
APPROVED: [Signature] DISAPPROVED: _____

PARISH PRESIDENT: [Signature]
RETD/SECRETARY: 10-19-04
AT: 11:45 RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON 10-28-04
AS ENTRY NO. 300868
IN MORTGAGE/CONVEYANCE BOOK
NO. 642 FOLIO 844

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: RIDGELAND PROPERTIES, L.L.C.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 27 day of October, in the year of Our Lord Two Thousand and Four(2004),

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified in and for the Parish and State aforesaid, therein residing, and in the presence of the two competent witnessed hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED;

RIDGELAND PROPERTIES, L.L.C., (hereinafter referred to as "Ridgeland") a Louisiana Limited Liability Company, whose mailing address is P.O. Box 518, Metairie, Louisiana 70004, being represented herein by and through William J. Hooper, by Authorization of the Managers of Ridgeland Properties, L.L.C. recorded at COB 646, Folio 272; (hereinafter sometimes referred to as "RIDGELAND");

RIDGELAND declared unto me, Notary, that it is the owner of a certain tract of immovable property situated on the West Bank of St. Charles Parish, which land is designated as "MAGNOLIA MANOR SUBDIVISION PHASE 1-A" being a resubdivision of a portion of Ellington Plantation and Lots 87B thru 116B, and 94A of the "Extension of Subdivision of Portion of Ellington Plantation Along Magnolia Ridge Road" for A. D. Danziger by E. M. Collier, situated in Section 119 Township 13 South, Range 20 East and Section 1 Township 14 South, Range 20 East into Lots 1 thru 17 (and future phases Lots 18-38) and Parcel "A", near Boutte, St. Charles Parish, Louisiana, as shown on the Final Plat of Magnolia Manor Subdivision Phase 1-A prepared by Michael D. Bernard, P.L.S., dated September 23, 2004, a copy of which is attached to and made part of this Act of Dedication; and

RIDGELAND further declared unto me that it has caused a portion of the above property designated as "Magnolia Manor Subdivision Phase 1-A" on the Final Plat referred to above to be laid out into lots in order to create the Magnolia Manor Subdivision Phase 1-A; and

RIDGELAND further declared unto me, Notary, that on the aforesaid Final Plat, it has also designated and labeled various servitudes for utility, sewer and drainage purposes; and

RIDGELAND further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it docs, by these presents, grant and dedicate the various

servitudes for utility, sewer and drainage purposes, all as shown on the annexed Final Plat, to public use, unto and in favor of the Parish of St. Charles, the inhabitants of the Parish of St. Charles, and to the public in general; and

RIDGELAND further declared unto me, Notary, that the aforesaid dedication and grant are subject to all of the following terms and conditions, to wit:

1. The herein grant of the various servitudes for utility, sewer and drainage purposes shall constitute the granting only of a "personal servitude of right of use" being a "limited personal servitude" in favor of St. Charles Parish. RIDGELAND does hereby reserve all rights of fee ownership to that portion of the aforesaid Magnolia Manor Subdivision Phase 1-A which comprises the various servitudes for utility, sewer and drainage purposes.
2. RIDGELAND does hereby reserve all rights of ownership to all of the oil, gas and other minerals in, on and under the property covered and affected by the aforesaid utility, sewer and drainage servitudes granted herein. In that connection, RIDGELAND does, however, agree to prohibit the use of any part of the surface of any of the property covered by the servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with RIDGELAND's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Magnolia Manor Subdivision Phase 1-A, whereby, however, RIDGELAND will likewise impose a restriction on the entire subdivision against any use of the surface of any lot for the exploration, development or production of minerals, or by any other binding means of strict surface operations in regard to mineral exploration in this subdivision.
3. The herein dedication and grant of servitudes for utility, sewer and drainage purposes are made by RIDGELAND without any

warranty whatsoever except as provided for herein.

4. St. Charles Parish must further bind and obligate itself to use the utility, sewer and drainage servitudes granted herein only for utility, sewer and drainage purposes.
5. This dedication and grant are conditioned upon St. Charles Parish maintaining the various utility, sewer and drainage facilities within the various utility, sewer and drainage servitudes areas.
6. The grant herein of various servitudes for utility, sewer and drainage purposes shall be used exclusively for those purposes and RIDGELAND reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitudes for utility, sewer and drainage purposes. The herein granted utility, sewer and drainage servitudes shall not be utilized so as to unreasonably interfere with or impair ingress and egress to any of the lots in the Magnolia Manor Subdivision Phase 1-A.
7. RIDGELAND warrants that the herein dedication and grant of servitudes are free of any liens and/or encumbrances.
8. The dedication and grant made herein are made subject to any existing servitudes affecting the Magnolia Manor Subdivision Phase 1-A, such as by way of illustration but not limitation the 100.00' utility servitude in favor of Louisiana Power & Light.
9. The herein dedication and grant shall inure to the benefit of St. Charles Parish or any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.
10. RIDGELAND warrants that all utilities, sewer and drainage installments and facilities have been placed within the servitude(s) granted herein.

AND NOW, to these presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on October 18, 2004, a certified copy of which is annexed hereto and made part hereof, and said St. Charles Parish does hereby accept, approve and ratify the herein dedication and grant under all of the terms and conditions as contained hereinabove, and does also hereby acknowledge that all utility, sewer and drainage facilities have been likewise satisfactorily completed in accordance with all requirements, and St. Charles Parish does hereby accept all of said utility, sewere and drainage installments and facilities and assumes the maintenance thereof.

This Act of Dedication and Acceptance was approved and accepted by the St. Charles Parish Council by Ordinance 04-10-4 the 18th day of October, 2004, a photo copy of which is attached and made part hereof.

THUS DONE AND PASSED, in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES;

Maria Miller
Opalene Dwyer

RIDGELAND PROPERTIES, L.P.C.

BY: *William J. Hooper*
WILLIAM J. HOOPER

Paul S. Antle
NOTARY PUBLIC

THUS DONE AND PASSED, in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

Carolyn Louviers
[Signature]

ST. CHARLES PARISH

BY: *Albert Laque*
Albert Laque,
Parish President

[Signature]
Notary Public