

INTRODUCED BY: DESMOND HILAIRE, COUNCILMAN DISTRICT 1

ORDINANCE NO. _____

An ordinance providing that the St. Charles Parish Code of Ordinances be amended through the addition of subpart "11.5-21.5 Union Carbide Expansion." The ordinance shall extend the formally recognized Union Carbide "industrial area" in St. Charles Parish.

WHEREAS, Union Carbide, a wholly owned subsidiary of the Dow Chemical Company, has submitted to the Department of Planning and Zoning required documentation requesting an area of the Parish of St. Charles, State of Louisiana be declared an Industrial Area and be granted the privileges and immunities offered under R.S. 33:130.11, et seq; and

WHEREAS, the requested Industrial Area has been fully described on an accurate legal description of which is attached hereto as Exhibit "A" and on a sketch and accurate surveys which are attached hereto as Exhibit "B"; and

WHEREAS, Union Carbide Corporation owns an interest of not less than 51% of the land in the request for Industrial Area Status; and,

WHEREAS, all of the land in the request for Industrial Area Status is outside the boundaries of any municipal corporation of the Parish of St. Charles; and

WHEREAS, the St. Charles Parish Council has determined that the land proposed for Industrial Area Status is primarily suited for industrial development and that such determination of feasibility was positively made by the St. Charles Parish Planning & Zoning Commission and the Department of Planning & Zoning as forth in the Code of Ordinances; and,

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS, that Chapter 11.5 of the Code of Ordinances is hereby amended through the addition of the following subpart:

Sec. 11.5-21.5 Union Carbide Expansion

(a) *Created:* The following land is hereby designated an industrial area under the terms and conditions of and with all the privileges and immunities granted by R.S. 33:103.11 et seq.:

From a concrete monument located on the south right of way of the River Road (Louisiana Highway No.18) at its intersection with the upper, or western line, of the Star Plantation;

Thence N 79-10 W., a distance of 167.7 feet along the south right of way line of Louisiana Highway No. 18 to a concrete monument;

Thence N 80-25 W., a distance of 174.04 feet along the south right of way line of Louisiana Highway No. 18, to a concrete monument at the point of beginning.

Thence S 17-45W., a distance of 756 feet to a concrete monument;

Thence N 81-29 W., a distance of 100 feet to a stake;

Thence N 83-36 W., a distance of five feet to a concrete monument;

Thence N 17-45 E., a distance of 756 feet to a concrete monument at the south right of way line of Louisiana Highway No. 18;

Thence S 83-36 E., a distance of five feet to a stake;

Thence S 81-29 E., along the south right of way line of Louisiana Highway No. 18, a distance of 100 feet to the point of beginning, being in Section 17 – T12S. – R20E, and containing 1.799 acres of land.

Property formerly described as A. & E. Haydel Estates

A certain tract of land containing one (1) acre more or less described as commencing at the intersection of the River Road or Louisiana Highway No. 18 and the western boundary of the above described property (which western boundary is the property now or formerly belonging to Willie Hymel), thence running in an easterly direction along the south side of the River Road or Louisiana Highway No. 18 a distance of ninety (90) feet, thence running South a distance of six hundred (600) feet, thence West a distance of ninety (90) feet to the Western boundary of the aforescribed property (which Western boundary is the property now or formerly belonging to Willie Hymel) thence Northerly along said Western boundary a distance of six (600) feet to the place of beginning. Said excepted one (1) acre tract is bounded on the North by the River Road or Louisiana Highway No. 18, on the South by a line of six (600) feet South of said highway and parallel thereto, (which line is on the boundary of property formerly sold to Union Carbide Corporation) on the West by property now or formerly of Willie Hymel, on the East by property formerly conveyed to Union Carbide Corporation.

Property formerly described as Mrs. C. A. Lorio Estate

Two certain St. Charles Parish Louisiana parcels of land containing a total of 58.99 acres, more or less, said parcels being situated in Section 13, T12 South, Range 20 East and Sections 39 and 66, Township 13 South, Range 20 East, of St. Charles Parish, Louisiana, together with all of the buildings and improvements, rights, ways, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining and being more particularly described as follows:

PARCEL 1:

Beginning at a concrete monument in the South right-of-way line of Louisiana State Highway No. 18 at the intersection of the common line between land owned by Union Carbide Chemicals and Plastics Company, Inc. (COB 56, Folio 302) and this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 944.54 feet to the mean low water line of the Mississippi River for the Northwest corner of this parcel,

THENCE, in a Southeasterly direction following the meander of the said mean low water line for a distance of 135 feet, more or less, to a point in the common line with J. C. Triche for the Northeast corner of this parcel.

THENCE, along the common line with J. C. Triche South 17-26'20" West passing an iron rod set at the top edge of a rock slope at 97.93 feet, passing an iron rod set in the South right-of-way line of Louisiana State Highway No. 18 at 856.18 feet, and continuing for a total distance of 12014.67 feet to an iron rod set in the North right-of-way line of Louisiana State Highway No. 3127 (COB 111, Folio 267) for the Southeast corner of this parcel.

THENCE, along the said Louisiana Highway No. 3127 right-of-way line North 55-36'10" West 230.38 feet to an iron rod set in the said common line with Union Carbide Chemicals and Plastics Company, Inc. (COB 56, Folio 302) for the southwest corner of this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 10,961.22 feet to a concrete monument located in the said South right-of-way line of Louisiana State Highway 18, the True Point of Beginning;

Said parcel contains 47.83 acres more or less.

PARCEL 2:

Commencing at a concrete monument located at the common corner of Sections 21, 40 and 66 of the Township 13 South, Range 20 East, thence along the common line between Sections 21 and 66 South 83-55'21" East 398.41 feet to an iron pipe in the common line between Sections 21 and 66 in the common line between Union Carbide Chemicals and Plastics Company, Inc. (COB 56, Folio 302) and this parcel, the True Point of Beginning and the Southwest corner of this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 2160.44 feet to a point in the South right-of-way line of Louisiana Highway No. 3127 (COB 111, Folio 267), the Northwest corner of this parcel;

THENCE, along the said South right-of-way line of Louisiana State Highway 3127 South 55-36'10" East 232.92 feet to an iron rod located in the common line with J. C. Triche, the Northeast corner of this parcel;

THENCE, along the said common line with J.C. Triche South 17-26'20" West 2044.30 feet to an iron pipe set in the common Section Line between Sections 25 and 66, the Southeast corner of this parcel;

THENCE, along the said common section line North 83-55'21" West past a concrete monument at the common corner of Sections 21 and 25 at 43.06 feet and continuing for a total distance of 244.35 feet to an iron pipe in the common line with Union Carbide, the True Point of Beginning.

Said parcel contains 11.16 acres, more or less.

Less and Except (remove from the Industrial Area):

An area or parcel of land fronting 200 feet on Louisiana Highway No. 18 being 150 feet deep and containing 30,000 square feet as follows: Commencing at Union Carbide's Plant Coordinate North 15,849.93, East 6,776.35; then in an easterly direction along the south right-of-way line of Louisiana Highway No. 18, 200 feet, more or less, to the True Point of Beginning, the northwest corner of this parcel, thence continuing in a easterly direction along the said south right-of-way line of Louisiana Highway No. 18, in a southerly direction parallel to the old property lines 150 feet to a corner, the southeast corner of this parcel; thence in a westerly direction along a line parallel with the said south right-of-way line of Louisiana Highway No. 18, 200 feet to a corner, the southwest corner of this parcel; then in a northerly direction parallel with said east line of this parcel 150 feet to a point and corner in the said south right-of-way line of Louisiana Highway NO. 18, also the northwest corner of this parcel and the True Point of Beginning, as shown on U.C.C. Taft Plant Drawing No. 7762-91-2-R-3, Proposal No. 3, attached hereto and made a part hereof.

- (1) The Secretary of the parish council is instructed to file certified copies of the legal description, the survey of the industrial area, and this section with the clerk of the district court in both the mortgage and conveyance records; and
- (2) The Secretary of the parish council is directed to furnish a certified copy this section to the petitioner, Union Carbide Corporation, and to the assessor, and to ask that the said assessor duly note the action of the parish council in the records of his office; and
- (3) The Secretary of the parish council is instructed to provide a certified copy of this section to the State Department of Economic Development, Baton Rouge, Louisiana, and the State Department of Public Works, Baton Rouge, Louisiana; and,

- (4) No portion of the industrial area may be included within a special service district hereafter created for the purpose of construction and cleaning streets, provided the industries located within the industrial area, individually, or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of the parish council so stating. The service provided for in this paragraph shall not apply to public streets and public roads within the industrial area; and,
 - (5) No portion of this industrial area may included within a special service district hereafter created for the purpose of street lighting, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
 - (6) Nor portion of this industrial area may be included within a special service district hereafter created for the purpose of sewers and sewerage works, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
 - (7) Nor portion of the industrial area may be included within a special service district hereafter created for the purpose of fire protection, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
 - (8) No portion of the industrial area may be included within a special service district hereafter created for the purpose of garage and refuse collection and disposal, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
- (b) Administrative requirements:
- (1) No industry located or in progress of being located within the boundaries of this industrial area shall have any of the privileges and immunities set forth in Act Number 406 of 1964, as amended by Act Number 505 of 1966, or this section unless and until that industry files with the secretary of the parish council a duly executed agreement to notify the parish council in writing immediately upon the discontinuance of the furnishing and/or maintenance of any one of all of the services to themselves which had been previously set forth in an affidavit filed by the industry with the parish council and to allow inspection by the parish council and to allow inspection by the parish council or any designee thereof, of the premises on which the industries claim, by affidavit duly filed, that they shall furnish and maintain any or all of the above enumerated services. Such inspection shall be made at reasonable times and the intervals and shall be limited to observation of the areas and/or facilities pertinent to the services which the industries claim, by duly filed affidavit, to be furnishing; and,
 - (2) The Secretary of the parish council is directed to file certified copies of all agreements filed with the secretary by companies in the industrial area with the assessor; and,
 - (3) This section shall, in no way, impair or restrict any agreement between industries located in this industrial area and the parish council and/or any municipality or municipalities situated therein, for mutual fire protection in grave emergencies.
 - (4) This section shall in no way, impair or restrict the parish council and/or any municipality or municipalities situated therein, from the enforcement of buffer zone requirements as contained in any zoning or land use base Code provision

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

And the Ordinance was declared adopted this ___ day of _____, 2006, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

Application Requesting Industrial Area Status

Date of Request: June 30, 2006

Receipt: 002292

Company: Union Carbide Corporation

Parent Company: Dow Chemical Company

Physical Location of Industrial Facility:

355 Highway 3142
(Street Address)

Hahnville, La 70057
(City, State, Zip)

Product / Type of Business: Chemical & Plastics Manufacturing

Council District: 1

Zoning District: M-2

Mailing Address:

P.O. Box 50

Hahnville, La 70057

Contact Person/Title: Stanley Roy Dufrene/Public Affairs

Phone #: 985/783-4472 or 504/559-9737

Contact Person/Title: Debbie Ramsey/Site Intergration Leader

Phone #: 985/783-4227 or 504/559-7828

CHECKLIST

- Application of Industrial Status
- Accurate Legal Description (Exhibit A)
- Accurate Survey (Exhibit B)
- Notice of Public Hearing (Exhibit C) (To be completed by SCP)
- Certifications
- Affidavit on services:
 - Construction / Cleaning Streets
 - Street Lighting
 - Sewerage and Sewerage Works
 - Fire Protection
 - Garbage and Refuse Collection

Application Fee: \$100.00 to be paid upon submission of application.

PETITION OF A LANDOWNER FOR A MODIFICATION OF AN INDUSTRIAL
AREA IN ST. CHARLES PARISH

TO: HONORABLE MEMBERS OF THE
PARISH COUNCIL FOR THE PARISH OF
ST. CHARLES, LOUISIANA

The undersigned landowner, Union Carbide Corporation, a wholly owned subsidiary of the Dow Chemical Company, constituting greater than fifty-one percent (51%) in interest of the landowners of the proposed modifications to the existing industrial area, does hereby respectfully petition the Parish Council for St. Charles Parish, acting in its capacity as the governing authority of said Parish, to modify the Industrial Area defined under Chapter 11.5, Article II, Sec. 11.5-21, pursuant to and in accordance with the provisions of La. R.S. 33:130:11 through La. R.S. 33:130:18, inclusive, through the issuance of an Ordinance and to call and hold a public hearing as required by law as a prerequisite to the establishment of said modified Industrial Area, the said modifications to the existing Industrial Area to comprise and include the following property, as described in Exhibit A and the entire revised area as shown on the attached sketch Exhibit B, said descriptions and sketch certified correct by Union Carbide Corporation.

Granting this request shall in no way impair or restrict any agreement between any industries located in this industrial area and St. Charles Parish for mutual fire protection in extreme emergencies.

Granting this request shall in no way impair or restrict St. Charles Parish from the enforcement of buffer zone requirements as contained in any zoning or land use based code provisions.

The following essential services shall be internally provided by Union Carbide Corporation for the entire Industrial Area: construction and maintenance of streets, street lighting, sewers and sewerage systems, fire protection, garbage and refuse collection and disposal.

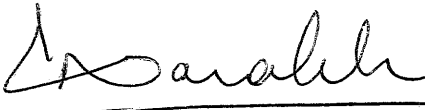
Union Carbide Corporation affords access to the premises by public road to any and all entrances to the premises of each and every plant in the industrial area for inspection of aforementioned essential services for furnishing and maintenance thereof and to insure that buffer zone requirements are being observed.

Union Carbide Corporation shall provide timely notice to St. Charles Parish, in writing, of discontinuance or impossibility to continue the provision of services as stated in the related affidavit.

Respectfully submitted:

UNION CARBIDE CORPORATION

Date 7/17/2006.

By 
Nawzer Parakh
Vice President and Site Leader



CERTIFIED RESOLUTION

Authorization of Power of Attorney / Mandate for Nawzer T. Parakh

RESOLVED, that the President, or the Chief Financial Officer, or the Secretary of the Corporation is hereby authorized to execute a power of attorney or mandate to NAWZER T. PARAKH, Vice President of the Corporation and Site Leader of St. Charles Operations, with full power and authority on behalf of and in the name of Union Carbide Corporation to execute and deliver instruments and documents in the ordinary course of business relating to: (1) real estate transactions; and (2) transactions involving property interests in oil, gas, salt and other minerals, all in connection with the following activities:

- (a) purchase, sell, exchange, lease, acquire by lease, donate, acquire by option or give options to acquire, property interests in (i) immovable property located in Louisiana including, not limited to, ownership, possession, easement, servitude, right of way, licenses and permits; and (ii) oil, gas, salt, and other minerals including any fractional interest therein located in Louisiana; and
- (b) execute contracts and other documents and employ agents for Union Carbide Corporation for the purpose of carrying out any of the above acts;

NAWZER T. PARAKH is authorized to delegate all or part of his authority to another person or persons in Union Carbide Corporation or in one or more corporations, partnerships, trusts, joint ventures, firms, associations, unincorporated organizations, legal entities or other enterprises in which Union Carbide Corporation has, directly or indirectly, a majority interest; and

FURTHER RESOLVED, that any and all prior resolutions adopted by the Board of Directors of Union Carbide Corporation, authorizing the execution of a power of attorney or mandate to any person in connection with

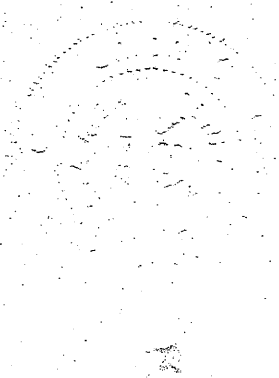
- (1) transactions concerning real estate located in Louisiana;
and
- (2) transactions involving property interests in oil, gas, salt and other minerals located in Louisiana,

are hereby superseded.

Certification

I, Cheryl E. Corbett, Assistant Secretary of Union Carbide Corporation (the "Corporation"), do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted at a meeting of the Board of Directors of the Corporation on April 22, 2004, and that, as of the date below, such resolution has not been revoked, annulled or modified in any manner whatsoever, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Corporation this 23rd day of April, 2004.



Cheryl E. Corbett

Cheryl E. Corbett
Assistant Secretary

FILE FOR RECORD
CLERK OF COURT
ST. CHARLES PARISH, LA

2004 JUN 29 AM 10:49

RECORDED IN _____

BOOK _____ FOLIO _____

EXHIBIT A

Addition to Industrial Area
Formerly A. & E. Haydél Estates
Property Description:

From a concrete monument located on the south right of way of the River Road (Louisiana Highway No. 18) at its intersection with the upper, or western line, of the Star Plantation;

Thence N 79-10W., a distance of 167.7 feet along the south right of way line of Louisiana Highway No. 18 to a concrete monument;

Thence N 80-25 W., a distance of 174.04 feet along the south right of way line of Louisiana Highway No. 18, to a concrete monument at the point of beginning;

Thence S 17-45W., a distance of 756 feet to a concrete monument;

Thence N 81-29 W., a distance of 100 feet to a stake;

Thence N 83-36 W., a distance of five feet to a concrete monument;

Thence N 17-45 E., a distance of 756 feet to a concrete monument at the south right of way line of Louisiana Highway No. 18;

Thence S 83-36 E., a distance of five feet to a stake;

Thence S 81-29 E., along the south right of way line of Louisiana Highway No. 18, a distance of 100 feet to the point of beginning, being in Section 17 – T12 S. – R20 E., and containing 1.799 acres of land.

Addition to Industrial Area
Formerly Mrs. C.A. Lorio Estate
Property Description:

A certain tract of land containing one (1) acre more or less described as commencing at the intersection of the River Road or Louisiana Highway No. 18 and the western boundary of the above described property (which western boundary is the property now or formerly belonging to Willie Hymel), thence running in an easterly direction along the south side of the River Road or Louisiana Highway No. 18 a distance of ninety (90) feet, thence running South a distance of six hundred (600) feet, thence West a distance of ninety (90) feet to the Western boundary of the aforescribed property (which Western boundary is the property now or formerly belonging to Willie Hymel) thence Northerly along said Western boundary a distance of six (600) feet to the place of beginning. Said excepted one (1) acre tract is bounded on the North by the River Road or Louisiana Highway No. 18, on the South by a line six (600) feet South of said highway and parallel thereto, (which line is on the boundary of property formerly sold to Union Carbide Corporation) on the West by property now or formerly of Willie Hymel, on the East by property formerly conveyed to Union Carbide Corporation.

Addition to Industrial Area
Formerly Robichaux Estate
Property Description:

Two certain St. Charles Parish Louisiana parcels of land containing a total of 58.99 acres, more or less, said parcels being situated in Section 13, Township 12 South, Range 20 East and Sections 39 and 66, Township 13 South, Range 20 East, of St. Charles Parish, Louisiana, together with all of the buildings and improvements, rights, ways, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining and being more particularly described as follows:

PARCEL 1:

Beginning at a concrete monument in the South right-of-way line of Louisiana State Highway No. 18 at the intersection of the common line between land owned by Union Carbide Chemicals and Plastics Company, Inc. (C.O.B. 56, Folio 302) and this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 944.54 feet to the mean low water line of the Mississippi River for the Northwest corner of this parcel,

THENCE, in a Southeasterly direction following the meander of the said mean low water line for a distance of 135 feet, more or less, to a point in the common line with J.C. Triche for the Northeast corner of this parcel;

THENCE, along the common line with J.C. Triche South 17-26'20" West passing an iron rod set at the top edge of a rock slope at 97.93 feet, passing an iron rod set in the South right-of-way line of Louisiana State Highway No. 18 at 856.18 feet, and continuing for a total distance of 12014.67 feet to an iron rod set in the North right-of-way line of Louisiana State Highway No. 3127 (C.O.B. 111, Folio 267) for the Southeast corner of this parcel;

THENCE, along the said Louisiana Highway No. 3127 right-of-way line North 55-36'10" West 230.38 feet to an iron rod set in the said common line with Union Carbide Chemicals and Plastics Company, Inc. (C.O.B. 56, Folio 302) for the southwest corner of this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 10,961.22 feet to a concrete monument located in the said South right-of-way line of Louisiana State Highway 18, the True Point of Beginning;

Said parcel contains 47.83 acres more or less.

PARCEL 2:

Commencing at a concrete monument located at the common corner of Sections 21, 40 and 66 of the Township 13 South, Range 20 East, thence along the common line between Sections 21 and 66 South 83-55'21" East 398.41 feet to an iron pipe in the common line between Sections 21 and 66 in the common line between Union Carbide Chemicals and Plastics Company, Inc. (C.O.B. 56, Folio 302) and this parcel, the True Point of Beginning and the Southwest corner of this parcel;

THENCE, along the said common line with Union Carbide North 17-53'01" East 2160.44 feet to a point in the South right-of-way line of Louisiana Highway No. 3127 (C.O.B. 111, Folio 267), the Northwest corner of this parcel;

THENCE, along the said South right-of-way line of Louisiana State Highway 3127 South 55-36'10" East 232.92 feet to an iron rod located in the common line with J.C. Triche, the Northeast corner of this parcel;

THENCE, along the said common line with J.C. Triche South 17-26'20" West 2044.30 feet to an iron pipe set in the common Section Line between Sections 25 and 66, the Southeast corner of this parcel;

THENCE, along the said common section line North 83-55'21" West past a concrete monument at the common corner of Sections 21 and 25 at 43.06 feet and continuing for a total distance of 244.35 feet to an iron pipe in the common line with Union Carbide, the True Point of Beginning.

Said parcel contains 11.16 acres, more or less.

Less and Except (remove from the Industrial Area):

An area or parcel of land fronting 200 feet on Louisiana Highway # 18 being 150 feet deep and containing 30,000 square feet as follows: Commencing at Union Carbide's Plant Coordinate North 15,849.93, East 6,776.35; then in an easterly direction along the south right-of-way line of Louisiana Highway # 18, 200 feet, more or less, to the True Point of Beginning, the northwest corner of this parcel, thence continuing in an easterly direction along the said south right-of-way line of Louisiana Highway # 18, in a southerly direction parallel to the old property lines 150 feet to a corner, the southeast corner of this parcel; thence in a westerly direction along a line parallel with the said south right-of-way line of Louisiana Highway # 18, 200 feet to a corner, the southwest corner of this parcel; then in a northerly direction parallel with said east line of this parcel 150 feet to a point and corner in the said south right-of-way line of Louisiana Highway # 18, also the northwest corner of this parcel and the True Point of Beginning, as shown on U.C.C. Taft Plant Drawing No. 7762-91-2-R-3, Proposal No. 3, attached hereto and made a part hereof.

EXHIBIT B