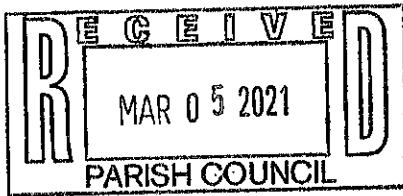


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Partner
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March 4, 2021

3920-01

VIA REGULAR MAIL

Michael J. Albert, Planning Director
St. Charles Parish
Department of Planning & Zoning
P.O. Box 302
Hahnville, Louisiana 70057

VIA REGULAR MAIL & EMAIL

St. Charles Parish Council
15045 River Road
P.O. Box 302
Hahnville, LA 70057
Attn: Michelle Impastato
Email: mimpastato@stcharlesgov.net

Re: 2021-6-R requested by Helm Developments, LLC for change of zoning district from M-1 to R-1B (the "Requested Zoning Change") on 130,697 sq. ft. Lot J-2A, Plantation Business Campus, Campus Drive East and River Road, Destrehan (the "Property"); Council District 2

Ladies and Gentlemen:

Our firm represents Helm Developments, LLC ("Helm"). The Requested Zoning Change was approved by 5-1 vote of the Board of Commissioners for the St. Charles Parish Planning on February 4, 2021 and is scheduled to appear before the St. Charles Parish Council for approval on March 15, 2021. This letter is in response to P&L Investments IX, LLC's letter to Michael J. Albert of the St. Charles Parish Department of Planning and Zoning dated February 3, 2021 (the "P&L Letter").

Helm rejects the assertion in the P&L Letter that the Property is subject to the Act of Dedication of Servitudes, Privileges and Restrictions by Joseph C. Canizaro Interests – PBC dated December 12, 1979 (as amended, the "Act Dedication")¹ since the Act Dedication terminated and expired pursuant to its express terms and La. Civ. Code article 780. La. Civ. Code article 780 provides that building restrictions, such as the Act of Dedication, "may terminate or be terminated, as provided in the act that establishes them." Section 1 of Article XIV of the Act of Dedication provides the "Act of Dedication shall continue in full force and effect for a period commencing on the date hereof and expiring on _____, 2018."

¹ Act of Dedication of Servitudes, Privileges and Restrictions by Joseph C. Canizaro Interests – PBC dated December 12, 1979 recorded in St. Charles Parish on December 18, 1979 in COPB 239, folio 265, as amended by the Amended Act of Dedication of Servitudes, Privileges and Restrictions recorded September 18, 1980 in COB 252, folio 496, the Second Amendment to Act of Dedication of Servitudes, Privileges and Restrictions recorded October 6, 2016 in COB 838, folio 687 and the Act of Third Amendment to Act of Dedication of Servitudes, Privileges and Restrictions recorded on November 10, 2016 in COB 839, folio 811.

Furthermore, the Act of Dedication was not extended beyond the 2018 termination date. Section 2 of Article XIV of the Act of Dedication provides that it may be extended beyond 2018 “with the written consent of the owners of the majority of land then covered by this Act of Dedication” and the written approval of the Developer, if the Developer owns 20% or more of the property subject to the Act of Dedication. The Act of Dedication was amended three times prior to the 2018 termination date. None of those amendments purport to extend the Act of Dedication beyond 2018. Furthermore, no other written acts memorializing the required vote to extend the Act of Dedication beyond the 2018 termination date have been filed in the land records of the St. Charles Parish Clerk of Court. Therefore, the Act of Dedication expired by its own terms in 2018 and no longer governs, burdens or encumbers the Property.

The St. Charles Parish Zoning Ordinances should govern the St. Charles Parish Council’s approval of the Requested Zoning Change since the private building restrictions set forth in the Act of Dedication are no longer effective or enforceable. We ask the Parish Council to confirm the Planning Commission’s recommendation for approval and the Planning Board of Commissioners 5-1 vote in favor of the Requested Zoning Change. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Tyler Marquette". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

J. Tyler Marquette

JTM\meb