

Ord.
2003-0032

**INTRODUCED BY: LANCE MARINO, COUNCILMAN, DISTRICT VI
ALBERT D. LAQUE, PARISH PRESIDENT**

ORDINANCE NO. 03-2-13

An ordinance to approve and authorize the execution of an Act of Donation by Cris Realms, Inc. for Tract 5B of the C.L. Bougere Estate, containing 19.996 acres in Montz.

WHEREAS, the Parish Council adopted Ordinance No. 02-9-23 on September 23, 2002, approving the Act of Dedication of Evangeline Estates Subdivision, Phase I, Montz; and,

WHEREAS, in order to comply with the Recreational requirement of the Parish Code the developer submitted an Irrevocable Standby Letter of Credit with the understanding that a formal donation of Tract 5B would be made prior to March 31, 2003; and,

WHEREAS, an Act of Donation by Cris Realms, Inc. has been prepared to comply with the agreement; and,

WHEREAS, it is the desire of the Parish Council to accept the Act of Donation of Tract 5B in Montz.

ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Donation by Cris Realms, Inc. to St. Charles Parish is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Act of Donation on behalf of St. Charles Parish.

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

YEAS: RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, ABADIE, AUTHEMENT, BLACK, MARINO, MINNICH

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 17th day of February, 2003, to become effective five (5) days after publication in the Official Journal.

Act of Donation Cris Realms, Inc.

CHAIRMAN: Lance J. Marino

SECRETARY: Barbara J. Jones

DLVD/PARISH PRESIDENT: 2-18-03

APPROVED: / DISAPPROVED: /

PARISH PRESIDENT: Albert D. Laque

RETD/SECRETARY: 2-18-03

AT: 4:00 PM RECD BY: BJJ

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON 2-24-03

AS ENTRY NO. 276493

IN MORTGAGE/CONVEYANCE BOOK

NO. 615 FOLIO 493

REFERENCE

Ord. 02-9-23

ACT OF DONATION

UNITED STATES OF AMERICA

BY: **CRIS REALM, INC.**

STATE OF LOUISIANA

TO: **ST. CHARLES PARISH,
STATE OF LOUISIANA**

PARISH OF JEFFERSON

BE IT KNOWN, That before the undersigned, Notaries Public, duly commissioned and qualified, in and for the stated Parish and State set out herein, therein residing and in the presence of the witnesses hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED:

CRIS REALM, INC., a Louisiana Corporation, domiciled in the Parish of Jefferson, whose mailing address is 608 Baratavia Boulevard, Marrero, Louisiana 70072, herein appearing through its Secretary, Calvin Cristina, duly authorized by a resolution of the Directors of the Corporation, registered at COB 2999, folio 98, Parish of Jefferson (hereinafter "Grantor")

who declared that under the covenants, conditions, terms and stipulations herein contained it does hereby donate, transfer, assign, set over, grant, dedicate and deliver unto ST. CHARLES PARISH 15045 River Road, Hahnville, Louisiana 70051, herein represented by Albert D. Laque, its Parish President, duly authorized by Ordinance No. 03-2-13 adopted by the St. Charles Parish Council on February 17, 2003, and the inhabitants thereof (hereinafter "Grantee") the property described as follows:

ONE CERTAIN TRACT OF LAND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Charles, State of Louisiana, in Sections 17 and 50, Township 12 South, Range 7 East, and in Section 53, Township 12 South, Range 8 East, designated as TRACT 5B, per plan of resubdivision by Stephen P. Flynn (Riverlands Surveying Company), dated August 3, 2001, approved pursuant to St. Charles Parish Council Ordinance No. 81-8-2, and registered in COB 593 folio 738 (Entry No. 259471), Conveyance Records of St. Charles Parish, Louisiana. And according to said plan, said Tract 5B is located and measures as follows:

TRACT 5B

Commencing at the intersection of the upper or northwesterly boundary of Evangeline City Subdivision and the northeasterly line of the Illinois Central Railroad (Y.&M.V. Railroad) right of way, which point of intersection is the southerly-most corner of Tract 5A, proceed thence North 32 degrees 12 minutes 08 seconds West, on said Y.&M.V. railroad right of way line, a distance of 618.80 feet to the southerly-most corner of said Tract 5B and its Point of Beginning;

Thence continue North 32 degrees 12 minutes 08 seconds West, on said Y.&M.V. Railroad right of way line, a distance of 945.32 feet to the section line common to Sections 50 and 51, T. 12 S., R. 7 E.;

Thence North 64 degrees 39 minutes 45 seconds East, on said common section line, a distance of 1,856.11 feet to a grate bar at the section corner common to Sections 50, 51 and 52, T. 12 S., R. 7 E.;

Thence South 36 degrees 21 minutes 47 seconds West, on the section line common to Sections 50 and 17, T. 12 S., R. 7 E., a distance of 1,979.71 feet to the northeasterly line of the Illinois Central Railroad (Y.&M.V. Railroad) right of way and the Point of Beginning of said Tract 5B.

Said Tract 5B is shown to contain 19.996 acres.

Without in any way renewing the same, or interrupting prescription thereon, or acknowledging the validity thereof, this sale is made and accepted subject to the following:

1. Servitude affecting the southwesterly-most 205 feet or less of Tracts 5A and 5B, as granted to Louisiana Power & Light Company per act in COB 484 folio 814.
2. Drainage servitudes, affecting the southwesterly 40 feet, the northwesterly 40 feet and the northeasterly 40 feet of Tract 5A, and affecting the southwesterly 40 feet of Tract 5B, as shown on the plan of resubdivision by Stephen P. Flynn, dated August 3, 2001,

registered in COB 593 folio 738.

The consideration for said donation is the public convenience and necessity and the advantages accruing to Grantor by virtue thereof.

The above described property is donated to Grantee for schools and recreation.

Nothing contained in this grant shall be construed to impair, alter or limit any of the rights or privileges conferred upon or enjoyed by Grantor under any and all mineral leases or any amendments thereof heretofore granted by any former owner, concerning any of the property described herein.

Grantor reserves and retains for itself and excepts from this donation all of the oil, gas, sulfur and other minerals and other mineral rights and royalty rights in, upon, under and pertaining to the area of the property described herein, provided, however, that Grantor shall not have and hereby relinquishes any right to use the surface of property, it being expressly understood and agreed, nevertheless, that Grantor reserves and retains the full right to explore for and produce oil, gas, sulfur and other minerals from said property by directional drilling or by any other method which would not interfere with the use of the surface by Grantee, including but not by way of limitation, the right to include the property or any portion thereof in any unit or units which may be formed in any manner under any mineral lease.

This grant is conditioned upon the Grantee assuming the obligations of construction and maintaining all improvements to the property.

Grantee shall at all times maintain the property and keep the grass cut on the property.

This property is dedicated subject to any restriction, reservation, servitude or right of way of record.

AND THEN APPEARED:

Albert D. Laque, Parish President,
St. Charles Parish
State of Louisiana

who declared in accordance with the authority vested in him by the St. Charles Parish Council under Ordinance No. 03-2-13, a certified copy of which is annexed hereto and made part hereof, he does, for and on behalf of ST. CHARLES PARISH, STATE OF LOUISIANA, accept the foregoing property and assumes and agrees to comply with all of the covenants, conditions, terms and stipulations hereinabove recited.

THUS DONE AND PASSED, in duplicate originals, in my office in the Parish of Jefferson, State of Louisiana, on the 19th day of February, 2003, in the presence of the undersigned competent witnesses, who hereunto sign their names with the parties and me, Notary, after reading of this act.

WITNESSES:

Deborah M. Huffman
Dina B. Marks

CRIS REALM, INC.

BY:

Calvin Cristina
Secretary

T. Robert Lacour

T. ROBERT LACOUR
Notary Public

THUS DONE AND PASSED, in duplicate originals, in my office in the Parish of St. Charles, State of Louisiana, on the 24th day of February, 2003, in the presence of the undersigned competent witnesses, who hereunto sign their names with the parties and me, Notary, after reading of this act.

WITNESSES:

Timothy J. Vial
Valerie R. Berthelot

ST. CHARLES PARISH

BY: Albert D. Laque
Albert D. Laque, Parish President

Albert D. Laque
Notary Public

TRACT 4

RAILROAD

618.80

(100' RIGHT OF WAY)
N32°12'08"W 1564.12

945.32

100.72

75' NON EXCLUSIVE SERVITUDE FOR STREETS AND UTILITY

40' SPRAWL SERVITUDE

S36°21'47"W 1979.71

TRACT 5B
(87,016 SQUARE FT.)
(1.9996 ACRES)

N 64°39'45" E 1856.11

NOW OR FORMERLY FRANK M. WICKNAIR
IN THE BAPTIST PARISH
ST. CHARLES PARISH
CHAUX SUGARS, INC. (FORMERLY)

SECTION 50
SECTION 51
SECTION 51
SECTION 52

SECTION 17
SECTION 52

ST. CHARLES
PARISH

TRACT 5A
(2,597,209 SQUARE FT.)
(59,624 ACRES)

LOT 2-1