

Ad.
2015-0087

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

ORDINANCE NO. 15-3-12

An ordinance to approve and authorize the Parish President to acquire a 2,126.21 SF perpetual drainage servitude over property identified as Lot 4A of Ormond Country Club, Square J, Section 12, which property is more particularly described in the Act of Servitude attached hereto and made a part hereof, from Jonera Pitre Diaz wife of/and Humberto Diaz, and/or all other owners of record, as their interests may appear, said property to be used for drainage purposes in connection with Parish Project P080502-10 Hill Heights Drainage Improvements.

WHEREAS, The area surrounding the Hill Heights Drainage Canal in Destrehan, St. Charles Parish, Louisiana has a history of drainage problems; and,

WHEREAS, An Engineering Analysis was completed along the length of the Hill Heights Canal, which produced recommendations to improve the drainage conveyance system in said area including widening and reshaping the Hill Heights Canal; and,

WHEREAS, the proposed drainage improvement project requires the acquisition of a perpetual drainage servitude over Lot 4A of Ormond Country Club, Square J, Section 12 in St. Charles Parish, Louisiana, described in the Act of Servitude attached hereto; and,

WHEREAS, the drainage project and the acquisition of the hereinafter described servitude is in furtherance of the public's best interest and purpose, and is in satisfaction of a public need.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Parish President is hereby authorized to purchase at a price not to exceed its appraised value of \$6,841.00 the property more particularly described in the Act of Servitude attached hereto and made a part hereof, from Humberto and Jonera Diaz and/or all other owners of record, as their interests may appear, said property is to be used by St. Charles Parish for drainage purposes, including but not limited to the widening and reshaping the Hill Heights Drainage Canal.

SECTION II. That the Parish President is hereby authorized to execute any and all documents necessary to complete said purchase.

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

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

NAYS: NONE

ABSENT: WOODRUFF, FISHER-PERRIER

And the ordinance was declared adopted the 16th day of March, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 3-18-15

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 3-18-15

AT: [Signature] RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON April 27, 2015
AS ENTRY NO. 405259
IN MORTGAGE/CONVEYANCE BOOK
NO. 815 FOLIO 423

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES

ACT OF SERVITUDE

BE IT KNOWN, that on this 1 day of April, 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:

HUMBERTO DIAZ and **JONERA LYNN PITRE DIAZ.**, both being persons of the full age of majority who declared unto me, Notary, that they have been married but once and then to each other and that they are presently living and residing together, whose present mailing address is 206 Stanton Hall, Destrehan, LA 70047;

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. 15-3-12 adopted by St. Charles Parish Council on the 16th day of March, 2015, a copy of which is attached hereto and made a part hereof;

Herein after referred to as "GRANTEE"

GRANTOR does hereby grant, present, dedicate, assign, transfer, deliver, and set over a drainage servitude, easement, and right-of-way unto **GRANTEE** for the purposes of constructing, installing, operating, maintaining, repairing, and/or replacing drainage improvements on, through, around, under, and/or over the following described property situated in St. Charles Parish, 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 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

A certain tract of land situated in the Parish of St. Charles, State of Louisiana, on the East Bank of the Mississippi River, being a portion of Lot 4A, Square J, Ormond Country Club Estates, Section 12 and being more particularly described as follows:

From the intersection of the northerly right of way line of Stanton Hall Drive and the common line between Lots 2A and 3A, proceed N24°08'36"W a distance of 176.23 feet, thence N67°36'00"W a distance of 16.04 feet, thence S89°45'25"W a distance of 44.65 feet, thence S59°11'02"W a distance of 15.93 feet to the POINT OF BEGINNING, thence continue S59°11'02"W a distance of 72.61 feet, thence N22°24'00"E a distance of 98.10 feet, thence S24°08'36"E a distance of 14.54 feet, thence S25°18'42"E a distance of 44.51 feet to the POINT OF BEGINNING containing 2,126.21 square feet all in accordance with a plan by Lucien C. Gassen, PLS dated May 21, 2014.

TO HAVE AND TO HOLD said servitude, easements, and rights of way unto said **GRANTEE**, and its successors and assigns forever. The consideration for the herein described servitude is the price and sum of **SIX THOUSAND EIGHT HUNDRED FORTY ONE AND NO/100 (\$6,841.00) DOLLARS**, which **GRANTEE** has paid cash in hand, in current money, to said **GRANTOR**, who acknowledge the receipt thereof and grant full acquittance and discharge thereof.

GRANTOR grants unto **GRANTEE** the right of ingress and egress to and from said servitude for the purpose of constructing, installing, operating, maintaining, repairing, and/or replacing drainage 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 drainage servitude.

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

THUS done, read and passed at my office in the City of Hahnville, Parish and State aforesaid, in the presence of undersigned competent witnesses who have hereunto signed their names with the parties and me, said Notary, the day, month and year first above written.

WITNESSES:

Dawn H. Heydon
Donovan Mobley
Dawn H. Heydon
[Signature]

GRANTOR:

Humberto Diaz
HUMBERTO DIAZ

Jonera Lynn Pitre Diaz
JONERA LYNN PITRE DIAZ

WITNESSES:

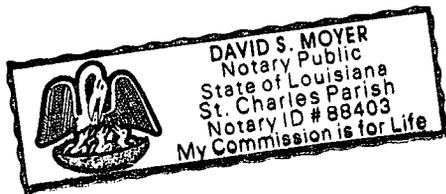
Aneadra Coleman
Aneadra Coleman
[Signature]
[Signature]

GRANTEE:

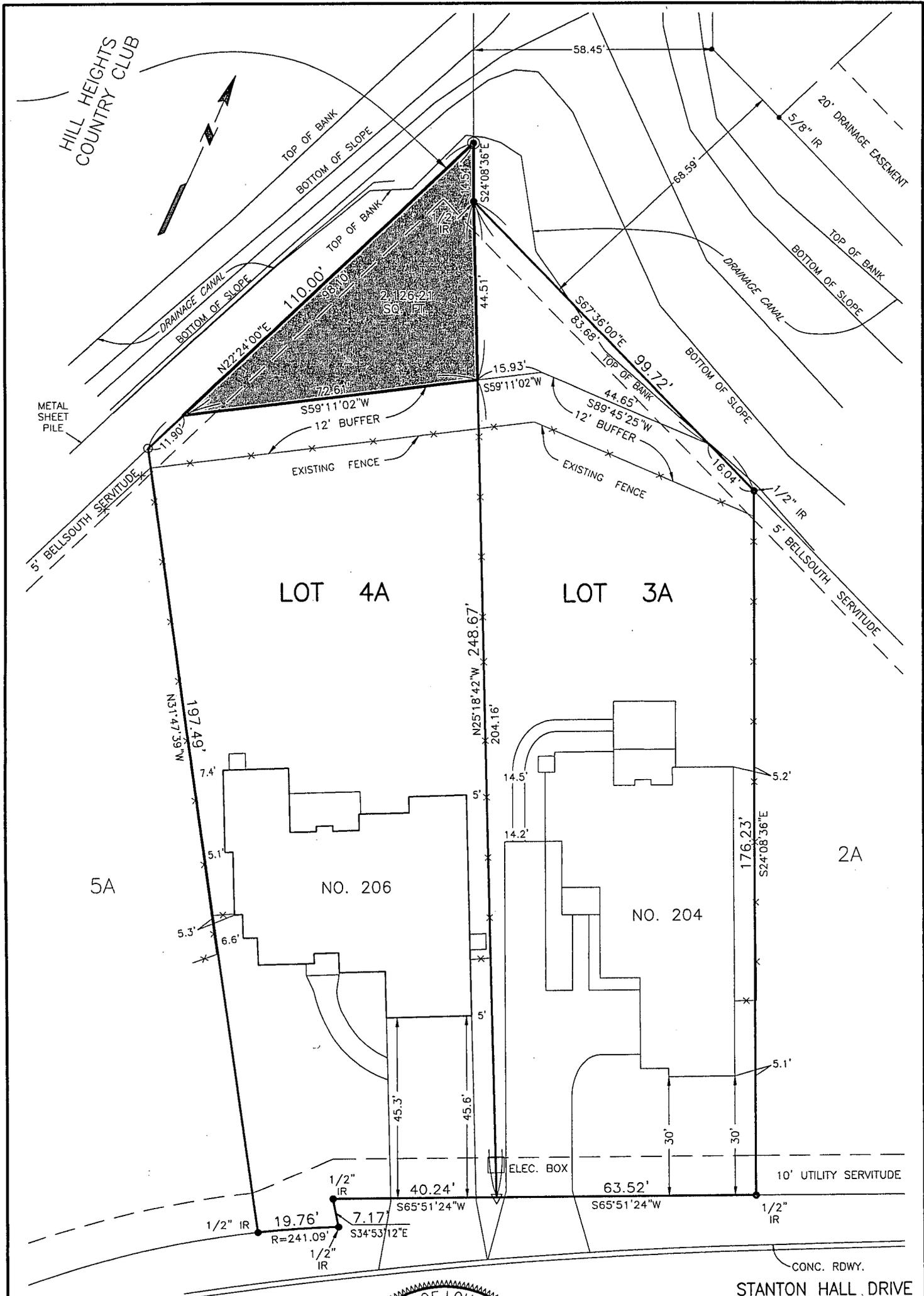
PARISH OF ST. CHARLES

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

[Signature]
NOTARY PUBLIC
DAVID S. MOYER
NO. 28166



RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON April 27, 2015
AS ENTRY NO. 405259
IN MORTGAGE/CONVEYANCE BOOK
NO. 815 FOLIO 423



LOT 4A

LOT 3A

5A

NO. 206

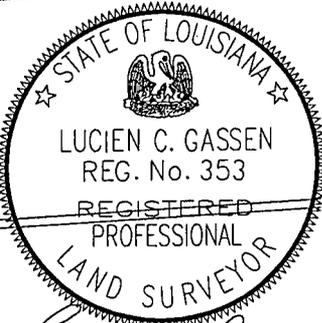
NO. 204

2A

NOTTAWAY DRIVE

STANTON HALL DRIVE

LEGEND
 ● = 1/2" IRON ROD IN CONC. FOUND
 ○ = 1/2" IR (IRON ROD) FOUND
 ○ = 1/2" IRON ROD SET
 ▽ = 60d NAIL SET
 -x- FENCE
 BEARINGS ARE BASED ON RESUBDIVISION OF LOTS SQ. J ORMOND COUNTRY CLUB ESTATES INTO LOTS 1A THRU 6A BY LUCIEN C. GASSEN, DATED DEC. 2, 1999



Lucien C. Gassen

LOT 4A, SQUARE J
 ORMOND COUNTRY CLUB ESTATES
 SECTION 12
 AREA TO BE ACQUIRED BY
 ST. CHARLES PARISH DRAINAGE
 SCALE: 1" = 30'
 MAY 21, 2014
 LUCIEN C. GASSEN, PLS
 Registration No. 353
 (985) 785-0745
 1026 Gassen Street
 Luling, Louisiana 70070