

Certified Copy



St. Charles Parish Clerk of Court  
P.O. Box 424  
Hahnville, LA 70057

Ref: ORD 24-7-6  
2024-0227

Phone (985) 783-6632

**Lance Marino**  
Clerk of Court  
Parish of St. Charles

**Instrument Number: 485374**

**Book/Index: COB**

**Document Type: SERVITUDE**

**Recording Date: 11/21/2024 10:05 AM CST**

**Grantor 1: BROGDON, WAYNE**

**Grantee 1: ST CHARLES PARISH DEPARTMENT OF PUBLIC WORKS**

THIS PAGE IS RECORDED AS PART OF YOUR DOCUMENT AND  
SHOULD BE RETAINED WITH ANY COPIES.

THE ATTACHED DOCUMENT IS A **CERTIFIED TRUE AND CORRECT COPY** THAT WAS  
RECORDED ON THE DATE AND TIME LISTED ABOVE AND CERTIFIED ON THE SAME.



*Aubrey Waguespack*  
**Aubrey Waguespack, Deputy Clerk**

**SERVITUDE AGREEMENT**

**STATE OF LOUISIANA  
PARISH OF ST. CHARLES**

**BE IT KNOWN**, that before the undersigned notaries public, and in the presence of the undersigned competent witnesses, personally came and appeared:

**WAYNE BROGDON (XXX-XX-9166)**, (100% interest, separate property), being a person of the full age of majority and a resident of West Baton Rouge Parish, State of Louisiana who declared that he has been married twice, first to Georganna Southwick, from whom he was divorced by Judgment, Suit No. 109-205, Division "F", in the 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana, and second to Wendy Weathers Brogdon, with whom he lives and resides, and whose mailing address is 968 West Lake Drive, Port Allen, LA 70767 and dealing herein with his separate property,

(hereinafter designated as "GRANTOR" whether individually or collectively), who declared that for the consideration hereinafter recited, Grantor does by these presents, grant, dedicate, assign, transfer, deliver, alienate, and set over, with all warranties and with full substitution in and to all rights and actions of warranty which said Grantor may have against all preceding owners and vendors, unto;

**ST. CHARLES PARISH**, a political subdivision of the State of Louisiana, herein represented by **Matthew Jewell**, its Parish President, appearing herein pursuant to Ordinance No. 24-7-6, adopted by the St. Charles Parish Council on July 8, 2024, a certified copy of which is attached hereto and made a part hereof, whose mailing address is P.O. Box 302, Hahnville, LA 70057 (hereinafter designated as "GRANTEE").

(hereinafter designated as "GRANTEE"); in connection with the Montz Drainage Improvements Project (hereinafter referred to as "Project") a perpetual and assignable right of use, servitude, and easement in the described lands identified as Servitude Parcel P-104 to locate, construct, maintain, repair, operate, patrol and replace a berm and drainage channel, including all appurtenances and improvements required to service and maintain the berm and drainage channel; reserving, however to the owners, their heirs, and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights, servitude and easement hereby acquired; subject however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

**LEGAL DESCRIPTION  
PERPETUAL SERVITUDE FOR DRAINAGE PARCEL P-104**

That piece or portion of ground being a Perpetual Drainage Servitude across Prescott Lot 4 situated in Section 50, T-12-S, R-8-E, Montz, St. Charles Parish, Louisiana and being more fully described as follows:

Commence at a point being the southeast intersection of Airline Highway – US Highway 61 & Evangeline Road at Station 10+00, offset 0.00 having coordinates Northing 561194.31 ft. and Easting 3563252.63 ft. as based on the Louisiana Coordinate System of 1983 South Zone, North American Datum of 1983 as are all the coordinates, bearing and distances in this description:

Thence proceed in a southeasterly direction along the south right of way of Airline Highway – US Highway 61 along a non-tangent curve to the right with a radius of 11384.16', a curve length of 385.07' and a chord bearing of S51°04'25"E a distance of 385.05' to a point;

Thence proceed in a southeasterly direction along the south right of way of Airline Highway – US Highway 61 a bearing of S50°06'17"E a distance of 15.00' to a point;

Thence proceed in a southwesterly direction along the south right of way of Airline Highway – US Highway 61 a bearing of S39°53'43"W a distance of 10.00' to a point;

Thence proceed in a southeasterly direction along the south right of way of Airline Highway – US Highway 61 a bearing of S50°06'17"E a distance of 328.87' to a point;

#### **The Point of Beginning**

Thence proceed in a southwesterly direction along the west line of a Perpetual Drainage Servitude being the east line of Prescott Lot 3 a bearing of S36°23'49"W a distance of 87.06' to a point;

Thence proceed in a southeasterly direction along the south line of a Perpetual Drainage Servitude being the north line of a 13' Temporary Construction Servitude a bearing of S50°10'10"E a distance of 56.11' to a point;

Thence proceed in a northeasterly direction along the east line of a Perpetual Drainage Servitude being the west line of Prescott Lot 5 a bearing of N36°23'49"E a distance of 86.99' to a point;

Thence proceed in a northwesterly direction along the north line of a Perpetual Drainage Servitude being the south right of way of Airline Highway – US Highway 61 a bearing of N50°06'17"W a distance of 56.11' to a point;

#### **The Point of Beginning**

Per a survey plat entitled "SURVEY PLAT OF A PERPETUAL DRAINAGE SERVITUDE & A 13' TEMPORARY CONSTRUCTION SERVITUDE OF PRESCOTT LOT 4" by Stephen P. Flynn, P.L.S. dated October 24, 2023, attached hereto and made a part hereof.

Being a portion of the same property acquired by Wayne Brogdon from the Succession of Thelma S. Prescott Huguet by Judgment of Possession dated December 20, 1995, and recorded on October 14, 2009, in COB 735, Folio 435, Instrument No. 355937, St. Charles Parish, Louisiana.

Grantor does further grant, dedicate, assign, transfer, deliver, alienate, and set over, with all warranties and with full substitution in and to all rights and actions of warranty which said Grantor may have against all preceding owners and vendors unto Grantee temporary right of use, servitude, and easement in the described lands identified as Servitude Parcel T-104, for temporary construction and access, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Montz Drainage Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges 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. The term of the temporary construction servitude hereby granted shall be for a period of three (3) years and shall begin upon the date that notice to proceed is issued to the selected contractor for construction of the above-referenced Project.

#### **LEGAL DESCRIPTION TEMPORARY CONSTRUCTION SERVITUDE PARCEL T-104**

That piece or portion of ground being a 13' Temporary Construction Servitude across Prescott Lot 4 situated in Section 50, T-12-S, R-8-E, Montz, St. Charles Parish, Louisiana and being more fully described as follows:

Commence at a point being the southeast intersection of Airline Highway – US Highway 61 & Evangeline Road at Station 10+00, offset 0.00 having coordinates Northing 561194.31 ft. and Easting 3563252.63 ft. as based on the Louisiana Coordinate System of 1983 South Zone, North American Datum of 1983 as are all the coordinates, bearing and distances in this description:

Thence proceed in a southeasterly direction along the south right of way of Airline Highway – US Highway 61 along a non-tangent curve to the right with a radius of 11384.16', a curve length of 385.07' and a chord bearing of S51°04'25"E a distance of 385.05' to a point;

Thence proceed in a southeasterly direction along the south right of way of Airline Highway – US Highway 61 a bearing of S50°06'17"E a distance of 15.00' to a point;

Thence proceed in a southwesterly direction along the south right of way of Airline Highway – US Highway 61 a bearing of S39°53'43"W a distance of 10.00' to a point;

Thence proceed in a southeasterly direction along the south right of way of Airline Highway – US Highway 61 a bearing of S50°06'17"E a distance of 328.87' to a point;

Thence proceed in a southwesterly direction along the west line of a Perpetual Drainage Servitude being the east line of Prescott Lot 2 a bearing of S36°23'49"W a distance of 87.06' to a point;

#### **The Point of Beginning**

Thence proceed in a southwesterly direction along the west line of a 13' Temporary Construction Servitude being the east line of Prescott Lot 3 a bearing of S36°23'49"W a distance of 13.00' to a point;

Thence proceed in a southeasterly direction along the south line of a 13' Temporary Construction Servitude a bearing of S50°10'10"E a distance of 56.11' to a point;

Thence proceed in a northeasterly direction along the east line of a 13' Temporary Construction Servitude being the west line of Prescott Lot 5 a bearing of N36°23'49"E a distance of 13.00' to a point;

Thence proceed in a northwesterly direction along the north line of a 13' Temporary Construction Servitude being the south line of a Perpetual Drainage Servitude a bearing of N50°10'10"W a distance of 56.11' to a point;

#### **The Point of Beginning**

Per a survey plat entitled "SURVEY PLAT OF A PERPETUAL DRAINAGE SERVITUDE & A 13' TEMPORARY CONSTRUCTION SERVITUDE OF PRESCOTT LOT 4" by Stephen P. Flynn, P.L.S. dated October 24, 2023, attached hereto and made a part hereof.

Being a portion of the same property acquired by Wayne Brogdon from the Succession of Thelma S. Prescott Huguet by Judgment of Possession dated December 20, 1995, and recorded on October 14, 2009, in COB 735, Folio 435, Instrument No. 355937, St. Charles Parish, Louisiana.

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 SIX AND 58/100 (\$6,006.58) DOLLARS, which GRANTEE has paid cash in hand, in current money, to said GRANTOR, who acknowledges the receipt thereof and grant full acquittance and discharge thereof. GRANTOR acknowledges and agrees that the consideration provided herein constitutes full and final settlement for the

perpetual servitude herein granted and for any and all diminution in the value of GRANTOR's remaining property as a result of the granting of this perpetual servitude.

Except as expressly provided in any separate writing, no title examination or title opinion has been requested or performed on behalf of the GRANTEE by the undersigned Notaries Public or settlement agent, and the GRANTEE expressly rejects the necessity of the same and agrees to release and relieve the Notaries Public and settlement agent from any responsibility and liability in connection therewith.

All ad valorem taxes assessed against the above-described property for the three (3) years immediately preceding the current year have been paid.

This agreement shall be executed in triplicate, each of which shall constitute an original document which shall be binding upon any of the parties executing same. To facilitate recordation of this agreement, the parties hereto agree that individual signature and acknowledgment pages from the various counterparts may be merged and combined with signature and acknowledgment pages from other counterparts.

[Remainder of page intentionally left blank]

IN TESTIMONY WHEREOF, in the Parish of Jefferson, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as his free and voluntary act, in triplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 28 day of October, 2024, after a due reading of the whole.

WITNESSES:

[Signature]

Jennifer Williams  
Print Name

[Signature]

Richard D'Argenio  
Print Name

GRANTOR:

[Signature]  
WAYNE BROGDON

Lynette M. Lapeyrolerie  
NOTARY PUBLIC

Printed Name: Lynette M. Lapeyrolerie  
Notary Identification or Bar Roll No.: 179034  
My Commission expires: at death



LYNETTE M. LAPEYROLERIE  
ID NO. 179034  
STATE OF LOUISIANA  
ST. JOHN THE BAPTIST PARISH  
My Commission is for Life



IN TESTIMONY WHEREOF, in Parish of St. Charles, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as his free and voluntary act, in triplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 24<sup>th</sup> day of November, 2024, after a due reading of the whole.

WITNESSES:

Madeline Fisher

Madeline Fisher

Print Name

Dawn H. Higdon

DAWN H. HIGDON

Print Name

GRANTEE:

ST. CHARLES PARISH

Matthew Jewell

BY: MATTHEW JEWELL

ITS: PRESIDENT

Cory M. Oubre  
NOTARY PUBLIC

Printed Name: Cory M. Oubre

Notary Identification or Bar Roll No.: 28709

My Commission expires: for Life

2024-0227

INTRODUCED BY: MATTHEW JEWELL, PARISH PRESIDENT  
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. 24-7-6

An ordinance to approve a purchase and/or expropriate a 4,874 square foot perpetual drainage servitude designated as P-104 and a 729 square foot temporary construction servitude designated as T-104 over property owned by Wayne Brogdon for the Montz Pump Station and Drainage Modification Project.

WHEREAS, the community of Montz, St. Charles Parish, Louisiana has a history of drainage problems; and,

WHEREAS, hydrology and engineering analyses were completed in the Montz watershed area, which produced recommendations to improve the drainage in said area by constructing pump stations, cleaning canals, modifying and constructing additional drainage ditches and berms; and,

WHEREAS, it is necessary for St. Charles Parish to acquire the identified real estate interest from landowners in order for St. Charles Parish to construct, operate, and maintain the Montz Pump Station and Drainage Modification Project to protect the property owners in the Montz community; and,

WHEREAS, properties are more particularly described on the drawing by Riverlands Surveying Company dated October 24, 2023 and revised on April 23, 2024, attached hereto and made a part hereof; and,

WHEREAS, the fair market value of the required real estate interest that needs to be acquired, as established by a licensed MAI appraiser, is \$6,006.58.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the purchase and/or expropriation of a 4,874 square foot perpetual drainage servitude designated as P-104 and a 729 square foot temporary construction servitude designated as T-104 is hereby approved and accepted in the not to exceed value of \$6,006.58.

**SECTION II.** That the Parish President is hereby authorized to execute any and all documents necessary to complete said purchase and/or expropriation on behalf of St. Charles Parish.

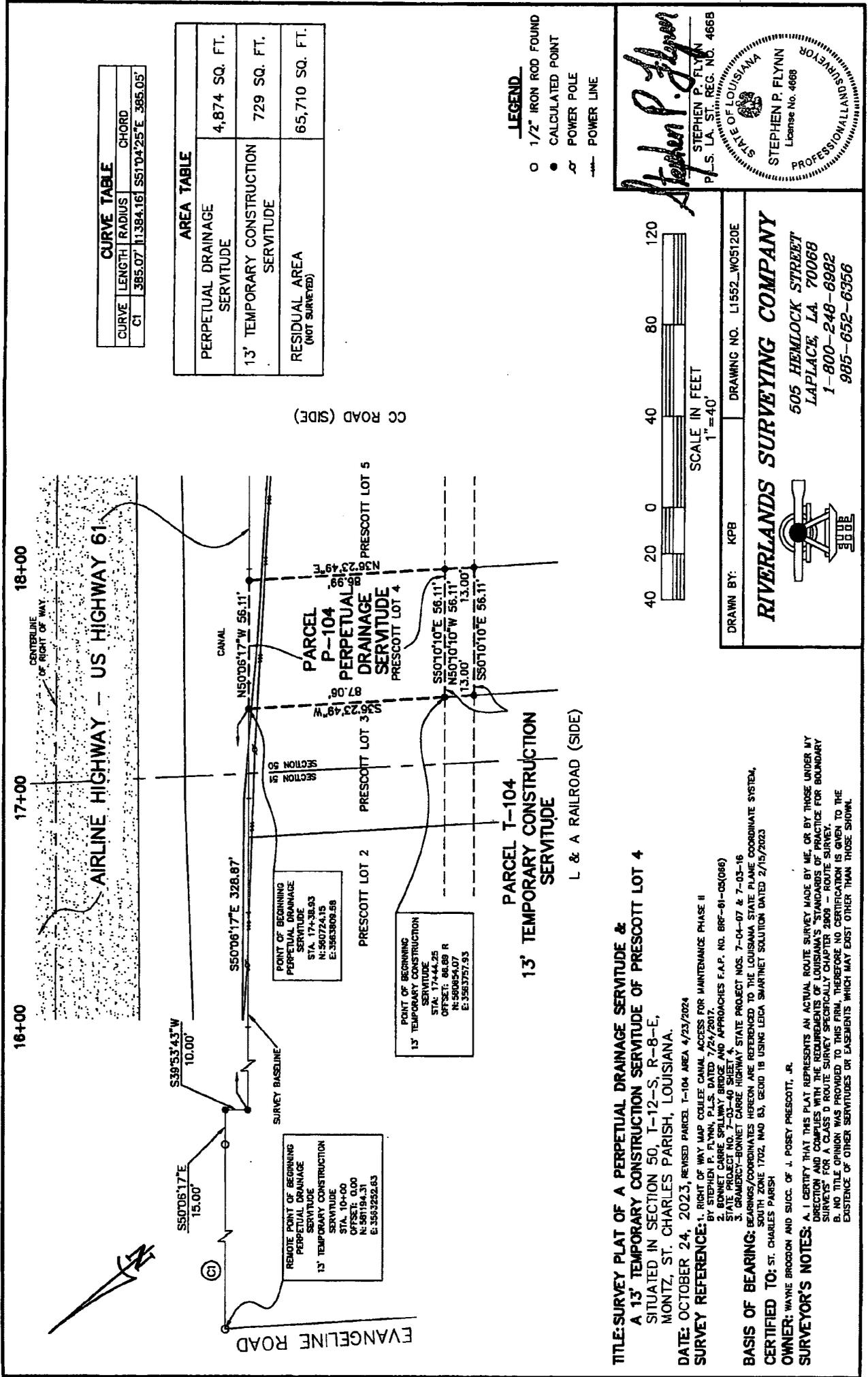
The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MOBLEY, FONSECA, WILSON, SKIBA, PILIE, COMARDELLE,  
O'DANIELS, FISHER, DEBRULER  
NAYS: NONE  
ABSENT: NONE

And the ordinance was declared adopted the 8th day of July, 2024, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Boj Fiala  
SECRETARY: Michelle Depastis  
DLVD/PARISH PRESIDENT: July 9, 2024  
APPROVED: ✓ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: Math Jewell  
RETD/SECRETARY: July 9, 2024  
AT: 3:05 pm RECD BY: (Signature)



CURVE TABLE		
CURVE	LENGTH	RADIUS
CT	385.07	11,384.16
		SS1°04'25"E 385.05'

AREA TABLE	
PERPETUAL DRAINAGE SERVITUDE	4,874 SQ. FT.
13' TEMPORARY CONSTRUCTION SERVITUDE	729 SQ. FT.
RESIDUAL AREA (NOT SURVEYED)	65,710 SQ. FT.

- LEGEND**
- 1/2" IRON ROD FOUND
  - CALCULATED POINT
  - ⊕ POWER POLE
  - POWER LINE

*Stephen P. Flynn*  
 STEPHEN P. FLYNN  
 P.S. LA. ST. REG. NO. 4668  
 STATE OF LOUISIANA  
 PROFESSIONAL LAND SURVEYOR  
 License No. 4668



DRAWN BY: KPB DRAWING NO. L1552\_W05120E

**RIVERLANDS SURVEYING COMPANY**  
 505 HEMLOCK STREET  
 LAPLACE, LA. 70068  
 1-800-248-6982  
 985-652-6356

**TITLE: SURVEY PLAT OF A PERPETUAL DRAINAGE SERVITUDE & A 13' TEMPORARY CONSTRUCTION SERVITUDE OF PRESCOTT LOT 4 SITUATED IN SECTION 50, T-12-S, R-8-E, MONTZ, ST. CHARLES PARISH, LOUISIANA.**

**DATE:** OCTOBER 24, 2023, REVISED PARCEL T-104 AREA 4/23/2024

**SURVEY REFERENCE:** 1. RIGHT OF WAY MAP COLLEE CANAL ACCESS FOR MAINTENANCE PHASE II BY STEPHEN P. FLYNN, P.L.S. DATED 7/24/2017.  
 2. SURVEY REFERENCE PLAT NO. 140 SWEET AND APPROXIMATES F.A.P. NO. BRP-01-05(066) STATE PROJECT NO. 7-03-16  
 3. CRAWLEY-BONNET CARRIE HIGHWAY STATE PROJECT NOS. 7-04-07 & 7-03-16

**BASIS OF BEARING:** BEARINGS/COORDINATES HEREON ARE REFERENCED TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, CERTIFIED TO: ST. CHARLES PARISH

**OWNER:** WAYNE BROODON AND SUCC. OF J. POSEY PRESCOTT, JR.

**SURVEYOR'S NOTES:** A. I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL ROUTE SURVEY MADE BY ME OR BY THOSE UNDER MY DIRECTION AND COMPLES WITH THE REQUIREMENTS OF LOUISIANA'S STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS FOR A CLASS D ROUTE SURVEY SPECIFICALLY CHAPTER 2809 - ROUTE SURVEY.  
 B. NO TITLE OPINION WAS PROMOTED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.