

Ref: 13-3-7
2023-0055

Certified Copy



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

Phone (985) 783-6632

Lance Marino
Clerk of Court
Parish of St. Charles

Instrument Number: 477026

Book/Index: COB
Document Type: SERVITUDE
Recording Date: 08/23/2023 2:50 PM CDT

Grantor 1: LAMBERT, MARTHA KING HARRIS
Grantee 1: ST CHARLES PARISH DEPARTMENT OF WASTEWATER

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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.



Monica Cruz
Monica Cruz, Deputy Clerk

SERVITUDE AGREEMENT

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

BEFORE ME, the undersigned notaries public, and in the presence of the undersigned competent witnesses, personally came and appeared:

MARTHA KING LAMBERT (XXX-XX-7876), (50.00% interest with usufruct of the other 50.00% interest, separate property), being a person of the full age of majority and a resident of St. Charles Parish, State of Louisiana who declared that she has been married twice, first to Samuel Harris, from whom she was divorced by Final Decree dated January 21, 1958 in Case No. 14,345 of the Chancery Court of Copiah County, Mississippi, and second to Edward Walter Lambert, who has predeceased her, and whose mailing address is 11034 River Road, St. Rose, Louisiana 70087,

SALLY LAMBERT SCHEXNAYDRE (XXX-XX-7085), (16.67% interest, separate property, subject to usufruct in favor of Martha King Lambert), being a person of the full age of majority and a resident of St. Charles Parish, State of Louisiana who declared that she has been married but once to Bruce A. Schexnaydre, with whom she lives and resides, and whose mailing address is 8 Pinto Lane, St. Rose, Louisiana 70087,

EDWARD W. LAMBERT, JR. (XXX-XX-5468), (16.67% interest, separate property, subject to usufruct in favor of Martha King Lambert), being a person of the full age of majority and a resident of St. Charles Parish, State of Louisiana who declared that he has been married but once to Brian L. Dickinson, with whom he lives and resides, and whose mailing address is 14194 River Road, Destrehan, Louisiana 70047,

MARY JANE LAMBERT (XXX-XX-5436), (16.66% interest, separate property, subject to usufruct in favor of Martha King Lambert), being a person of the full age of majority and a resident of Montgomery County, State of Texas who declared that she has been married but once to Rhonda S. Worthen, with whom she lives and resides, and whose mailing address is 25750 Fish Road, Magnolia, Texas 77355,

Hereinafter designated as "GRANTOR" whether individually or collectively, and;

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. 23-3-7, adopted by the St. Charles Parish Council on the 27th day of March, 2023, 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").

For the consideration of the benefits, uses and advantages accruing to GRANTOR by reason of the "Project", known as St. Rose Sewer Network Upgrade, St. Charles Parish, Louisiana, and for and upon such other terms and conditions or considerations hereinafter expressed does hereby grant, transfer, assign, set over and deliver unto the GRANTEE a perpetual and assignable servitude and right-of-way in, on over and across the land to locate, construct, maintain, repair, operate, patrol and replace a sewer line, including all appurtenances thereto; 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, servitudes and easements hereby acquired;

subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, said perpetual sewer servitude across the lands described below:

**LEGAL DESCRIPTION
PERPETUAL SEWER SERVITUDE ACROSS LOT 7 OF THE JOHN LAMBERT
TRACT**

That piece or portion of ground being a 10' Sewer Servitude across Lot 7 of the John Lambert Tract situated in Section 41, T-12-S, R-9-E, St. Rose, St. Charles Parish, Louisiana per a survey plat entitled "Survey Plat of a 10' Sewer Servitude & a 15' Construction Servitude across Lot 7 of the John Lambert Tract with reference to St. Charles Parish Department of Waste Water Project Number S150301, St. Rose Sewer Network Upgrade" by Stephen P. Flynn, P.L.S. dated February 1, 2018, revised May 27, 2020 that is attached hereto and made a part hereof and being more fully described as follows:

Commence at a point being the south right of way of Illinois Central Railroad at Station 101+00.00 having coordinates Northing 533550.75 ft. and Easting 3603456.61 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 northeasterly direction along the south right of way of Illinois Central Railroad a bearing of N48°57'51"E a distance of 1059.69' to a point at Station 110+59.69, having coordinates of Northing 534246.46 ft. and Easting 3604255.93 ft.

The Point of Beginning

Thence proceed in a northeasterly direction along the north line of a 10' Sewer Servitude being the south right of way of the Illinois Central Railroad a bearing of N48°57'51"E a distance of 147.72' to a point;

Thence proceed in a southeasterly direction along the east line of a 10' Sewer Servitude being east line of Lot 7 of the John Lambert Tract and the west right of way of Illinois Drive a bearing of S20°19'17"E a distance of 10.69' to a point;

Thence proceed in a southwesterly direction along the south line of a 10' Sewer Servitude being the north line of a 15' Construction Servitude a bearing of S48°57'51"W a distance of 147.67' to a point;

Thence proceed in a northwesterly direction along the west line of a 10' Sewer Servitude being the west line of Lot 7 of the John Lambert Tract and the east line of Lot 6 of the John Lambert Tract a bearing of N20°35'04"W a distance of 10.67' to a point;

The Point of Beginning

Being a portion of the same property acquired by GRANTOR by Cash Sale from Anna B. Lambert Dwyer, et al dated September 8, 1977 and recorded on September 13, 1977 in COB 194, Folio 114, Instrument No. 56758, St. Charles Parish, Louisiana and further acquired by Judgment of Possession in the Succession of Edward Walter Lambert dated January 2, 1991 and recorded on January 3, 1991 in COB 432, Folio 594, Instrument No. 154795, St. Charles Parish, Louisiana.

TO HAVE AND TO HOLD said rights, servitude, and easement hereby conveyed for the sewer servitude across LOT 7 OF THE JOHN LAMBERT TRACT unto said GRANTEE, its successors and assigns in perpetuity.

Additionally, GRANTOR agrees to grant, transfer, assign, set over and deliver unto the GRANTEE a temporary construction servitude or easement to locate and construct a sewer line, including all appurtenances thereto; 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, servitudes and easements hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, said temporary servitude is for a period of one year beginning at the issuance of notice to proceed to the selected contractor for the identified project across lands described below:

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION SERVITUDE ACROSS LOT 7 OF THE JOHN
LAMBERT TRACT**

That piece or portion of ground being a 15' Construction Servitude across Lot 7 of the John Lambert Tract situated in Section 41, T-12-S, R-9-E, St. Rose, St. Charles Parish, Louisiana per a survey plat entitled "Survey Plat of a 10' Sewer Servitude & a 15' Construction Servitude across Lot 7 of the John Lambert Tract with reference to St. Charles Parish Department of Waste Water Project Number S150301, St. Rose Sewer Network Upgrade" by Stephen P. Flynn, P.L.S. dated February 1, 2018, revised May 27, 2020 that is attached hereto and made a part hereof and being more fully described as follows:

Commence at a point being the south right of way of Illinois Central Railroad at Station 101+00.00 having coordinates Northing 533550.75 ft. and Easting 3603456.61 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 northeasterly direction along the south right of way of Illinois Central Railroad a bearing of N48°57'51"E a distance of 1059.69' to a point at Station 110+59.69

Thence proceed in a southeasterly direction along the west line of a 10' Sewer Servitude being the west line of Lot 7 of the John Lambert Tract and the east line of Lot 6 of the John Lambert Tract a bearing of S20°35'04"E a distance of 10.67' to a point at Station 110+55.96, Offset 10.00 R, having coordinates of Northing 534236.47 ft. and Easting 3604259.69 ft.

The Point of Beginning

Thence proceed in a northeasterly direction along the north line of a 15' Construction Servitude being the south line of a 10' Sewer Servitude a bearing of N48°57'51"E a distance of 147.67' to a point;

Thence proceed in a southeasterly direction along the east line of a 15' Construction Servitude being the east line of Lot 7 of the John Lambert Tract and the west right of way of Illinois Drive a bearing of S20°19'17"E a distance of 16.04' to a point;

Thence proceed in a southwesterly direction along the south line of a 15' Construction Servitude a bearing of S48°57'51"W a distance of 147.59' to a point;

Thence proceed in a northwesterly direction along the west line of a 15' Construction Servitude being the west line of Lot 7 of the John Lambert Tract being the east line of Lot 6 of the John Lambert Tract a bearing of N20°35'04"W a distance of 16.01' to a point

The Point of Beginning

Being a portion of the same property acquired by GRANTOR by Cash Sale from Anna B. Lambert Dwyer, et al dated September 8, 1977 and recorded on September 13, 1977 in COB 194, Folio 114, Instrument No. 56758, St. Charles Parish, Louisiana and further acquired by Judgment of Possession in the Succession of Edward Walter Lambert dated January 2, 1991 and recorded on January 3, 1991 in COB 432, Folio 594, Instrument No. 154795, St. Charles Parish, Louisiana.

It is understood and agreed that, in the construction and maintenance of said project, the GRANTEE may move to or remove from the property herein described earth or other material in accordance with usual construction and maintenance practices. Following expiration of the temporary construction servitude, the herein described temporary construction servitude area will be left free of construction scars and no maintenance will occur within that area.

GRANTOR acknowledges and agrees that the consideration provided herein constitutes full and final settlement for the perpetual servitude and temporary construction 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 and temporary construction servitude. The consideration recited herein represents full and final settlement of all claims of any kind to the full extent of the GRANTOR'S loss, and specifically represents a compromise by all parties to avoid formal expropriation proceedings and the added expenses of litigation.

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.

The consideration for the herein described perpetual sewer servitude is the price and sum of SEVEN HUNDRED AND SEVEN AND 20/100 (\$707.20) DOLLARS, together with the amount of ONE HUNDRED AND SIX AND 08/100 (\$106.08) DOLLARS for the temporary construction servitude, for the total amount of EIGHT HUNDRED AND THIRTEEN AND 28/100 (\$813.28) DOLLARS, which GRANTEE has paid cash in hand, in current money, to said GRANTOR, who acknowledges the receipt thereof and grants full acquittance and discharge thereof.

The parties hereto agree and authorize GRANTEE to pay over unto MARTHA KING LAMBERT the consideration as herein stipulated in accordance with the right of usufruct authorized by the provisions of the Judgment of Possession in the matter of "The Succession of Edward Walter Lambert", Probate Number P-3015 of the 29th Judicial District Court for the Parish of St. Charles, State of Louisiana, signed by the Court on January 2, 1991, recorded on January 3, 1991 in COB 432, Folio 594, Entry No. 154795 of the official records of St. Charles Parish, Louisiana.

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 St. Charles, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as her free and voluntary act, in triplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 9th day of August, 2023, after a due reading of the whole.

WITNESSES:

GRANTOR:

[Signature]

Martha K Lambert

MARTHA KING LAMBERT

Brian Dickinsen

Print Name

Sharon C. Lovero

SHARON C. LOVERO

Print Name

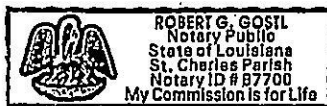
[Signature]

NOTARY PUBLIC

Printed Name: Robert G. Gostl

Notary Identification or Bar Roll No.: 87700

My Commission expires: At Death



IN TESTIMONY WHEREOF, in the Parish of St. Charles, State of Louisiana the party hereto has signed, executed, and acknowledged this instrument as her free and voluntary act, in triplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 9th day of August, 2023, after a due reading of the whole.

WITNESSES:

Brian Dickinson

Brian Dickinson
Print Name

Sharon C. Lowery

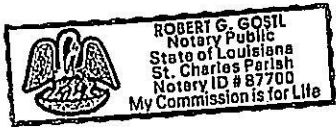
SHARON C. LOWERY
Print Name

GRANTOR:

Sally Lambert Schexnaydre
SALLY LAMBERT SCHEXNAYDRE

Robert G. Gostl
NOTARY PUBLIC

Printed Name: ROBERT G. GOSTL
Notary Identification or Bar Roll No.: 87700
My Commission expires: AT DEATH



IN TESTIMONY WHEREOF, in the 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 9th day of August, 2023, after a due reading of the whole.

WITNESSES:

Brian Dickinson

Brian Dickinson

Print Name

Sharon C. Loner

SHARON C. LONERO

Print Name

GRANTOR:

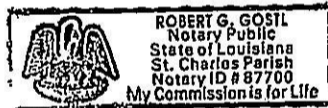
Edward W. Lambert, Jr.

EDWARD W. LAMBERT, JR.

Robert G. Gostl

NOTARY PUBLIC

Printed Name: Robert G. Gostl
Notary Identification or Bar Roll No.: 87700
My Commission expires: AT DEATH



IN TESTIMONY WHEREOF, in the County of Montgomery, State of Texas the party hereto has signed, executed, and acknowledged this instrument as her free and voluntary act, in triplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 31 day of July, 2023, after a due reading of the whole.

WITNESSES:

GRANTOR:

David Rice

Mary Jane Lambert
MARY JANE LAMBERT

David Rice

Print Name

Atlanta Conner

Atlanta Conner

Print Name

Brenna Renee



NOTARY PUBLIC

Printed Name: Brenna Renee

Notary Identification or Bar Roll No.: 133564855


My Commission expires: 02/01/2025

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 15th day of August, 2023, after a due reading of the whole.

WITNESSES:



Michael P. Adams
Print Name



Samantha de Castro
Print Name

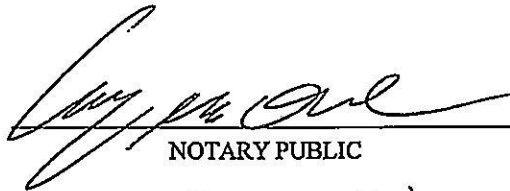
GRANTEE:

ST. CHARLES PARISH



BY: MATTHEW JEWELL

ITS: PRESIDENT


NOTARY PUBLIC

Printed Name: Corey M. Oubre
Notary Identification or Bar Roll No.: 28909
My Commission expires: at death

2023-0055

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

ORDINANCE NO. 23-3-7

An ordinance to approve a purchase and/or expropriation of a 1,477 sq. ft. perpetual sewer servitude and a 2,214 sq. ft. temporary construction servitude over property owned by Martha King Lambert, Edward W. Lambert, Jr., Sally Lambert Schexnaydre, and Mary Jane Lambert, and/or all other owners of record, as their interests may appear, designated as Lot 7 of the John Lambert Tract for the St. Rose Sewer Network Upgrade Project.

WHEREAS, St. Charles Parish is undertaking an upgrade to the St. Rose Sewer Network; and,

WHEREAS, the St. Rose Sewer Network has a history of problems related to deficiencies in the network; and,

WHEREAS, the proposed sewer network upgrade requires the acquisition of a temporary construction servitude and a perpetual sewer servitude over Lot 7 of the John Lambert Tract, Section 41, Township 12 South, Range 9 East, St. Charles Parish, Louisiana to construct, operate, and maintain a sewer line; and,

WHEREAS, the sewer network upgrade project and the acquisition of the hereinafter described servitudes are in the public's best interest and is in satisfaction of a public need; and,

WHEREAS, St. Charles Parish has provided just compensation offers and negotiated in good faith with the landowners, Martha King Lambert, et al., to acquire the necessary real estate interest at fair-market value established by a certified independent appraisal; and,

WHEREAS, in the event the landowners refuse to grant the necessary rights and the required real estate cannot be amicably acquired, St. Charles Parish will have no alternative than to acquire the required real estate through expropriation in accordance with the law; and,

WHEREAS, the properties are more particularly described on the drawing by Riverlands Surveying Co., LLC, dated February 1, 2018, revised May 27, 2020, attached hereto and made a part hereof.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the purchase and/or expropriation of a 1,477 sq. ft. perpetual sewer servitude and a 2,214 sq. ft. temporary construction servitude over the property owned by Martha King Lambert, Edward W. Lambert, Jr., Sally Lambert Schexnaydre, and Mary Jane Lambert, and/or all other owners of record, as their interests may appear, is hereby approved and accepted in the not-to-exceed appraised value of \$813.28.

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: BILLINGS, FONSECA, CLULEE, GIBBS, DUFRENE, BELLOCK,
FISHER, FISHER-CORMIER

NAYS: NONE

ABSENT: DARENSBOURG GORDON

And the ordinance was declared adopted the 27th day of March, 2023, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Beth Billings

SECRETARY: Michelle Dymally

DLVD/PARISH PRESIDENT: March 28, 2023

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: Matthew Jewell

RETD/SECRETARY: March 29, 2023

AT: 9:22 am RECD BY: [Signature]

