

Ord.

2015-0375

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

ORDINANCE NO. 15-11-6

An ordinance authorizing St. Charles Parish to enter into an 'Assignment of Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana, WBV-77' with the Coastal Protection and Restoration Authority for the 'WBV-77 (Western Tie-In) West Bank and Vicinity, Louisiana Project'.

WHEREAS, on July 13, 2011, the Office of Coastal Protection and Restoration executed a certain Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana with Union Pacific Railroad Company in order to construct, operate and maintain a hurricane protection floodgate and appurtenances for the 'WBV-77 (Western Tie-In) West Bank and Vicinity, Louisiana Project' (Project); and,

WHEREAS, in accordance with the La. R.S. 38:101(C), upon completion of the construction of hurricane protection projects, the operation and maintenance of the hurricane protection system is to be transferred to the local governments; and,

WHEREAS, pursuant to Article V, Section 13(b) of the Flood Closure Structure Construction and Maintenance Agreement, the term and conditions of the flood gates operations and maintenance shall be assumed by St. Charles Parish upon completion; and,

WHEREAS, the Project is now complete, and the Coastal Protection and Restoration Authority of Louisiana wishes to enter into an 'Assignment of Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana, WBV-77' (Assignment) per letter dated August 24, 2015; and,

WHEREAS, the Assignment would transfer from the Coastal Protection and Restoration Authority all of its rights under the Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana to St. Charles Parish.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. There is hereby a public need for St. Charles Parish to enter into the 'Assignment of Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana, WBV-77' to operate and maintain said flood structures.

SECTION II. That St. Charles Parish does hereby assume all of the Coastal Protection and Restoration Authority's duties and obligations under the Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana for the 'WBV-77 (Western Tie-In) West Bank and Vicinity, Louisiana Project'.

SECTION II. That the Parish President is hereby authorized to execute any and all documents necessary to complete said 'Assignment of Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana, WBV-77'.

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

YEAS: SCHEXNAYDRE, WILSON, TASTET, BENEDETTO, HOGAN, FLETCHER, FISHER-PERRIER

NAYS: COCHRAN

ABSENT: LEWIS

And the ordinance was declared adopted this 2nd day of November, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 11-3-15

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 11-3-15

AT: 5:44pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON December 10, 2015
AS ENTRY NO. 411206
IN MORTGAGE/CONVEYANCE BOOK
NO. 825 FOLIO 831

State of Louisiana

Parish of St. Charles

**ASSIGNMENT OF CONTRACT COVERING FLOOD GATES AND
LEVEE NEAR AMA, ST. CHARLES PARISH, LOUISIANA
WBV-77**

This ASSIGNMENT is made on this 20th day of November, 2015 by and between the State of Louisiana, through the Coastal Protection and Restoration Authority (herein referred to as "Assignor"), and _____, Parish of St. Charles, Louisiana (herein referred to as "Assignee"):

WHEREAS, on or about July 13, 2011, Assignor, through its predecessor, the Office of Coastal Protection and Restoration, entered into a certain Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana (herein sometimes referred to as "Agreement") with Union Pacific Railroad Company (herein referred to as "Railroad"), as owner and operator of a railroad located in the vicinity of Railroad's Milepost 19.20 in the Livonia Subdivision (herein referred to as "Property"), in St. Charles Parish, Louisiana, for the purpose of acquiring certain lands, easements, and rights-of-way from Railroad for the construction, operation and maintenance of the reach referred to as WBV-77 (Western Tie-In) West Bank and Vicinity, Louisiana Project (herein referred to as "Project") for hurricane and storm damage risk reduction, on Property, said Property being, lying, and situated in Plaquemines Parish, Louisiana, more particularly described in the Exhibits A-1 and A-2, attached hereto; and

WHEREAS, in conjunction with said Agreement, on or about July 12, 2011, Assignor and Railroad entered into a Servitude for Levee and Flood Gates (herein sometimes referred to as "Servitude") for the purpose of constructing, keeping, using, operating, maintaining, repairing, reconstructing and/or replacing a flood control levee and flood control gate on Railroad's Property, a copy of said Servitude was recorded in the Conveyance Records of St. Charles parish on July 19, 2011, in Book 759, Page 467, Entry Number 371598; and

WHEREAS the Project included constructing and installing railroad flood gates across Milepost 19.20 on Railroad's Livonia Subdivision, more particularly described in the above cited Exhibits A-1 and A-2; and

WHEREAS, the flood gates have been constructed in accordance with the Agreement; and

WHEREAS, the Agreement sets forth the terms and conditions under which the flood gates will be operated and maintained; and

WHEREAS, pursuant to Section 4(D) of the Agreement, CPRA desires to assign all of its rights under said Agreement to St. Charles Parish;

NOW THEREFORE, for and in consideration of the obligations contained herein and in that certain Project Partnership Agreement entered into between Assignor and the United States Army Corps of Engineers dated November 6, 2008, and in accordance with La. R.S. 38:101(C),

Assignor has assigned, transferred, and conveyed and by these present does hereby assign, transfer, and convey unto Assignee all of Assignor's rights, title and interest in, to and under Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana.

Assignee hereby assumes all of Assignor's duties and obligations under said Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana, including but not limited to the operation and maintenance of said Project. Assignee shall coordinate with Railroad for the testing, maintenance and drill of the Flood Gate in accordance with the terms of the Agreement.

Assignee further agrees to adhere to the Standards for Railroad Flood Gates Closure and Reopening as enumerated in Exhibit B to the Agreement, and attached hereto as Exhibit B.

In accordance with Section 4(D), of the Agreement, Union Pacific Railroad Company shall be a third party beneficiary of this Assignment.

This Assignment shall be binding upon the Parties and shall inure to the benefit of Assignee and its successors, transferees and assigns.

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THIS DONE, PASSED AND SIGNED by Assignor on this 20th day of November, 2015 in Baton Rouge, Louisiana, in the presence of the undersigned competent witnesses, who have hereunto signed their names, together with me, Notary Public, after due reading of the whole.

Witnesses:
[Signature]
Print Name: Elizabeth P. Shoensett

Assignor: [Signature]
Kyle Graham, Executive Director
Coastal Protection and
Restoration Authority

[Signature]
Print Name: Sam Martin

[Signature]
Notary Public
Name: Richelle N. Moore
Notary Identification No.: 30641
My commission expires: at death

Accepted by St. Charles Parish:

Accepted on this 4th day of November, 2015 in Nahville, Louisiana, in the presence of the undersigned competent witnesses, who have accepted and signed their names, together with me, Notary Public, after due reading of the whole.

Witnesses:
[Signature]
Print Name: Anebra Coleman

Assignee: [Signature]
[Name and Title]
St. Charles Parish

[Signature]
Print Name: Tiffany K. Clark

Sworn to and ascribed before me this 4th day of Nov., 2015, in Nahville, St. Charles Parish, Louisiana.

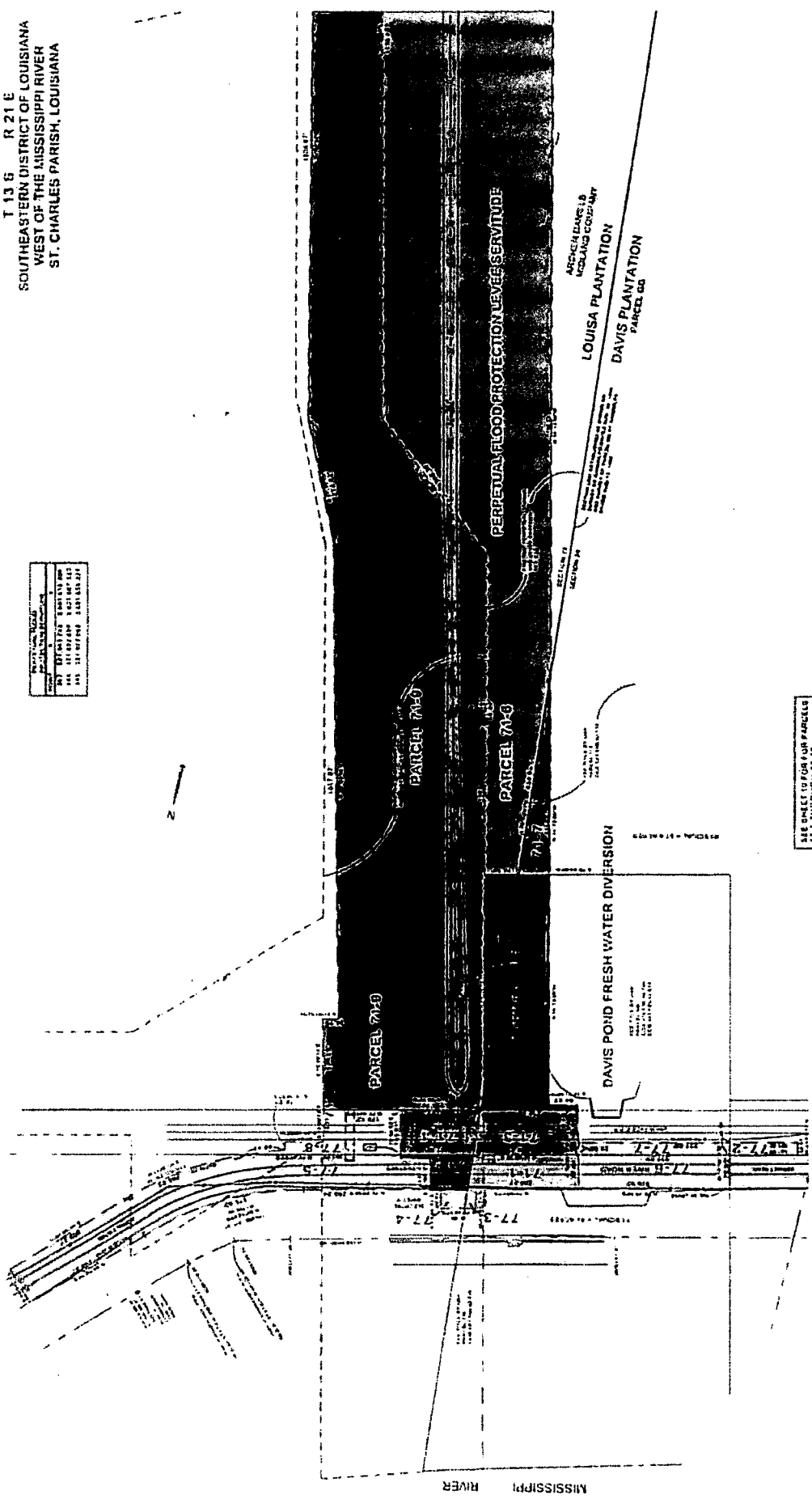
[Signature]
Notary Public
Name: L. C. Vial
Notary Identification No.: 58825
My commission expires: at death

EXHIBIT A-1

SURVEY PLAT OF THE CROSSING AREA

T 13 6 R 21 E
 SOUTHEASTERN DISTRICT OF LOUISIANA
 WEST OF THE MISSISSIPPI RIVER
 ST. CHARLES PARISH, LOUISIANA

BY THE STATE ENGINEER
 ST. CHARLES PARISH, LOUISIANA
 HIS BEING THE FIRST DAY OF MARCH 1911



WV-70 THROUGH 77
 LAKE CATAOUCHE LEVEE
 WESTERN TIE-IN
 HURRICANE PROTECTION PROJECT
 AT FRESH POND, LA
 RIGHT OF WAY PLAN
 APRIL 14 1911

PARCEL	OWNER	ACQUISITION	AREA	IN SQUARE
77-1	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-2	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 2315 ACRES	242 ACRES
77-3	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-4	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-5	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-6	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-7	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-8	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-9	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-10	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-11	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-12	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-13	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-14	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-15	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-16	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-17	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-18	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-19	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-20	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-21	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-22	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-23	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-24	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-25	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-26	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-27	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-28	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-29	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES
77-30	ARCHER DANIELS MIDLAND COMPANY	COB 348, 7-10-10 215	0 1819 ACRES	810 ACRES

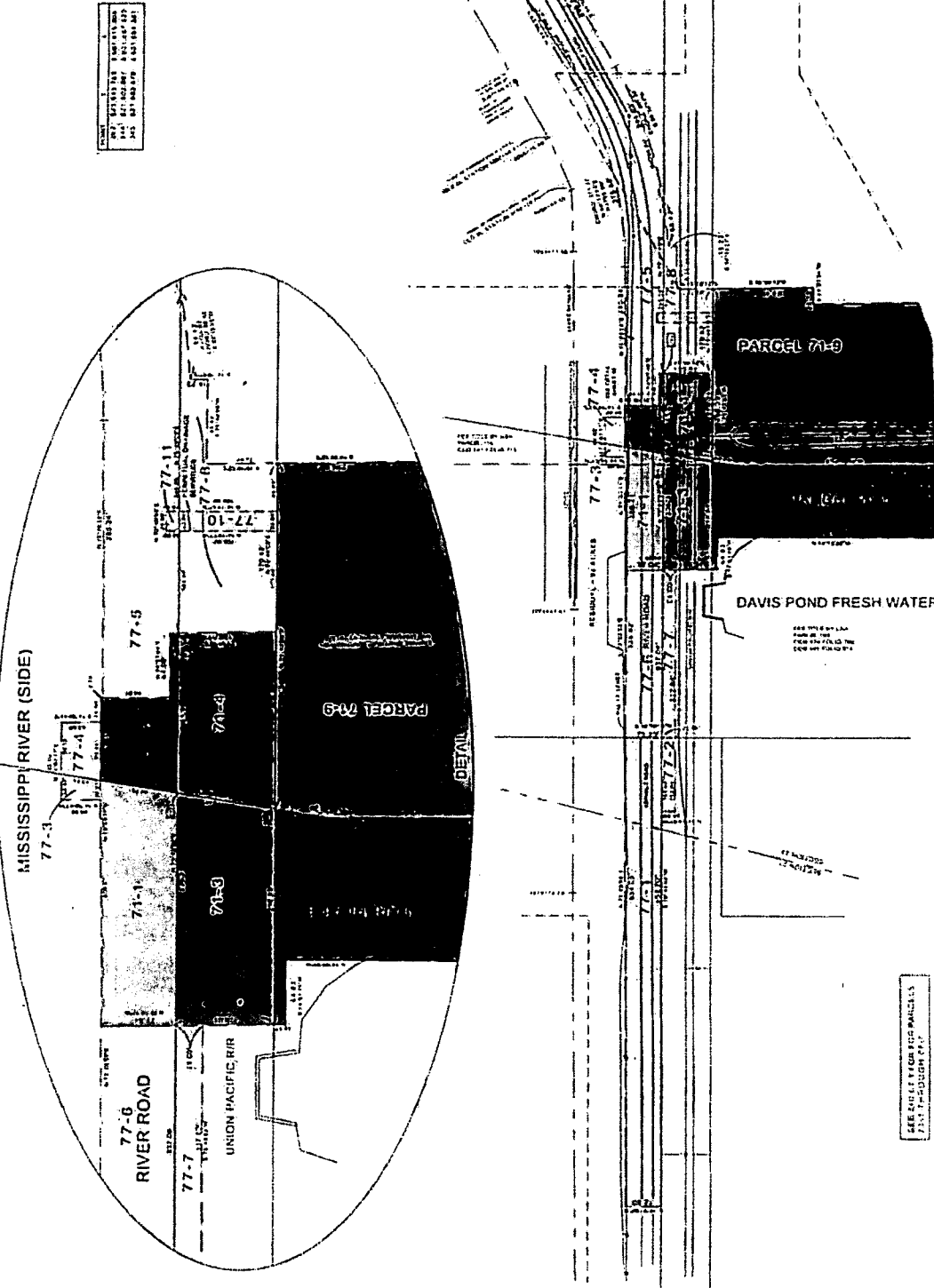
PARCEL	OWNER	ACQUISITION	AREA	RESIDUAL
77-1	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-2	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-3	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-4	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-5	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-6	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-7	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-8	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-9	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-10	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-11	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-12	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-13	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-14	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-15	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-16	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-17	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-18	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-19	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-20	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-21	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-22	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-23	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-24	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-25	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-26	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-27	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-28	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-29	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES
77-30	UNITED STATES OF AMERICA	47/758 811/814 54/7715	0 4375 ACRES	87 ACRES

SCALE 1" = 100'
 APRIL 14 1911

T 13'S R. 21 E
 SOUTHEASTERN DISTRICT OF LOUISIANA
 WEST OF THE MISSISSIPPI RIVER
 ST. CHARLES PARISH, LOUISIANA

SCALE

1" = 100'	1" = 200'	1" = 400'
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APPROVED FOR THE PROJECT BY THE BOARD OF SUPERVISORS
 APRIL 14, 2011

RIGHT OF WAY PLAN

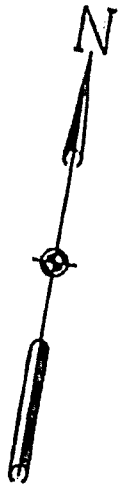
LAKE CATAOUCHE LEVEE
 LEVEE SYSTEM IMPROVEMENT
 HURRICANE PROTECTION PROJECT
 JEFFERSON PARISH, LA
 MISSISSIPPI RIVER PROJECT

PARCEL NUMBER	OWNER	ACQUISITION	AREA	IN GENERAL
77-1	JOHN W. HATFIELD COMPANY INC.	COB 348, F.O.I.O 715	19,940 SF	SEE 71-2
77-2	JOHN W. HATFIELD COMPANY INC.	COB 348, F.O.I.O 715	4,233 SF	SEE 71-2
77-3	UNITED STATES OF AMERICA	COB 348, F.O.I.O 715	938 SF	SEE 71-2
77-4	ARCHER DANIELS MIDDLEBROOK COMPANY	COB 348, F.O.I.O 715	2,292 SF	SEE 71-2
77-5	ARCHER DANIELS MIDDLEBROOK COMPANY	COB 348, F.O.I.O 715	91,235 SF	SEE 71-2
77-6	UNITED STATES OF AMERICA	47478C, 541014	26,741 SF	SEE 71-2
77-7	UNITED STATES OF AMERICA	47478C, 541014	6,448 SF	SEE 71-2

PARCEL NUMBER	OWNER	ACQUISITION	AREA	IN GENERAL
77-8	ARCHER DANIELS MIDDLEBROOK COMPANY	COB 348, F.O.I.O 715	19,099 SF	SEE 71-2
77-9	HCI USA	PERPETUAL LEASE	2,000 SF	SEE 71-2
77-10	ARCHER DANIELS MIDDLEBROOK COMPANY	COB 348, F.O.I.O 715	2,000 SF	SEE 71-2
77-11	ARCHER DANIELS MIDDLEBROOK COMPANY	COB 348, F.O.I.O 715	280 SF	SEE 71-2

SEE SHEET 71-1 FOR THIS PARCEL'S
 PLAN THROUGH P.V.

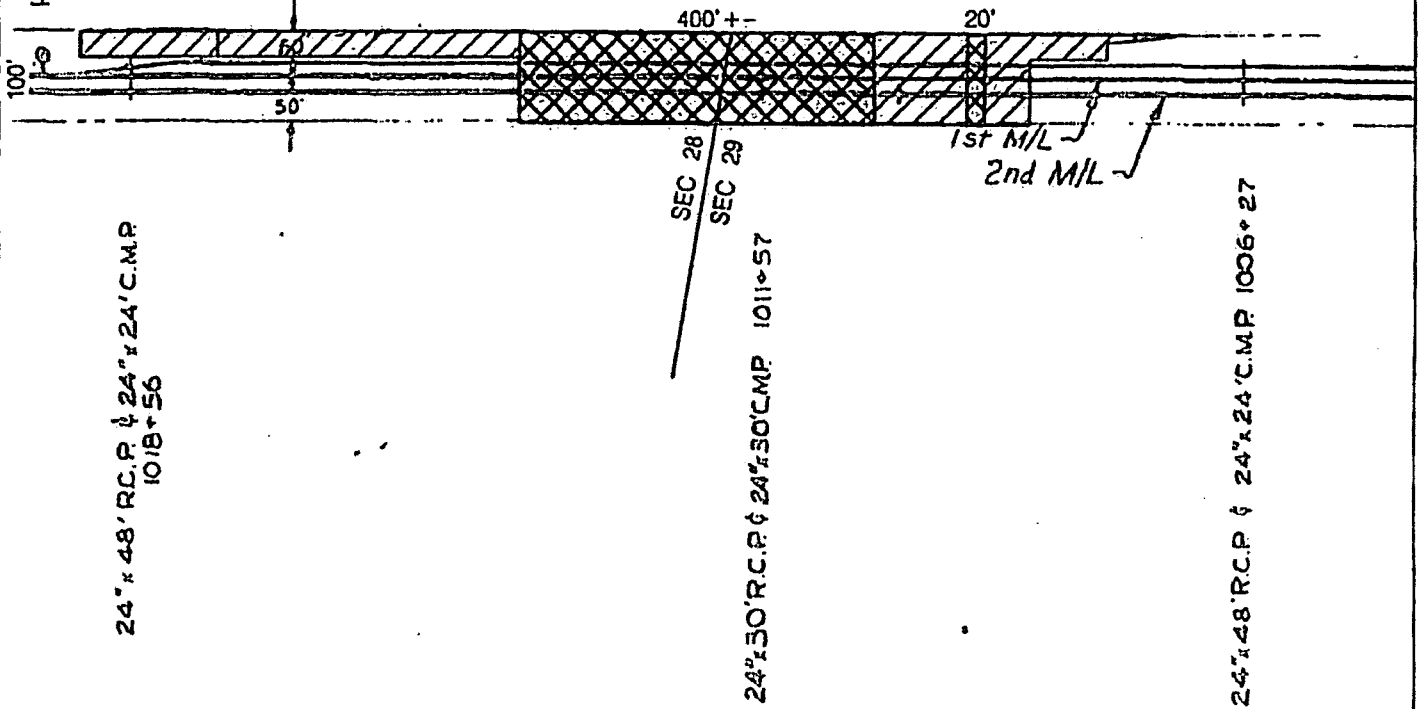




P.S.w. 1019+59 No. 5

PERPETUAL EASEMENT AREA: 0.95 ACRES+-
TEMPORARY EASEMENT AREA: 0.77 ACRES+-

1010



SCALE: 1" = 200'

LEGEND

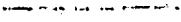

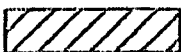
- U.P.R.R. RIGHT OF WAY 
- PERPETUAL EASEMENT AREA 
- TEMPORARY EASEMENT AREA 

EXHIBIT "A"
UNION PACIFIC RAILROAD CO.

AMA, ST. CHARLES PARISH, LA.
M.P. 19.15+- LIVONIA SUB.
TP LA V 3 / 3
REAL ESTATE DEPARTMENT OMAHA NE.
FILE #2645-40 DATE: 6-28-2011 T.D.A.

EXHIBIT A-2

LEGAL DESCRIPTION OF THE CROSSING AREA

Parcel 71-3

A certain portion of ground located in Davis Plantation, Section 28, T13S, R21E, Southeastern District of Louisiana, West of the Mississippi River, St. Charles Parish, Louisiana, being a portion of the Union Pacific Railroad right of way, designated as **Parcel 71-3** and described as follows:

Begin at the intersection of the northerly right of way line of the Union Pacific Railroad and the line between Sections 28 and 29 said point having coordinates of X=3,601,658.32 Y=521,903.67 and go South 05°12'41" East and go along the line between Sections 28 and 29 a distance of 101.28 feet to the southerly right of way line of the Union Pacific Railroad; thence go South 75°40'03" West along the southerly right of way line of the Union Pacific Railroad a distance of 218.85 feet; thence go North 15°08'12" West a distance of 100.01 feet to the northerly right of way line of the Union Pacific Railroad; thence go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 236.31 feet to the POINT OF BEGINNING.

All as shown on the WBV-70 through WBV-77 Lake Cataouatche Levee Western Tie-In right of way plans by Dufrene Surveying & Engineering Inc. dated April 14, 2011, revised June 28, 2011 and containing 0.5225 acres.

Parcel 71-4

A certain portion of ground located in Louisa Plantation, Section 29, T13S, R21E, Southeastern District of Louisiana, West of the Mississippi River, St. Charles Parish, Louisiana, being a portion of the Union Pacific Railroad right of way, designated as **Parcel 71-4** and described as follows:

Begin at the intersection of the northerly right of way line of the Union Pacific Railroad and the line between Sections 28 and 29 said point having coordinates of X=3,601,658.32 Y=521,903.67 and go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 161.92 feet; thence go South 15°08'12" East a distance of 100.01 feet to the southerly right of way line of the Union Pacific Railroad; thence go South 75°40'03" West along the southerly right of way line of the Union Pacific Railroad a distance of 179.38 feet to the line between Sections 28 and 29; thence go North 05°12'41" West along the line between Sections 28 and 29 a distance of 101.28 feet to the POINT OF BEGINNING.

All as shown on the WBV-70 through WBV-77 Lake Cataouatche Levee Western Tie-In right of way plans by Dufrene Surveying & Engineering Inc. dated April 14, 2011, revised June 28, 2011 and containing 0.3918 acres.

Parcel 77-2

A certain portion of ground located in Davis Plantation, Section 28, T13S, R21E, Southeastern District of Louisiana, West of the Mississippi River, St. Charles Parish, Louisiana, being a portion of the Union Pacific Railroad right of way, designated as Parcel 77-2 and described as follows:

Commence from the intersection of the northerly right of way line of the Union Pacific Railroad and the line between Sections 28 and 29 said point having coordinates of X=3,601,658.32 Y=521,903.67 and go South 75°40'03" West along the northerly right of way line of the Union Pacific Railroad a distance of 573.39 feet to the POINT OF BEGINNING. Thence go South 14°16'14" East a distance of 28.00 feet; thence go South 75°40'03" West a distance of 151.92 feet; thence go North 14°19'57" West a distance of 28.00 feet to the northerly right of way line of the Union Pacific Railroad; thence go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 151.89 feet to the POINT OF BEGINNING.

All as shown on the WBV-70 through WBV-77 Lake Cataouatche Levee Western Tie-In right of way plans by Dufrene Surveying & Engineering Inc. dated April 14, 2011, revised June 28, 2011 and containing 4,253 square feet.

Parcel 77-7

A certain portion of ground located in Davis Plantation, Section 29, T13S, R21E, Southeastern District of Louisiana, West of the Mississippi River, St. Charles Parish, Louisiana, being a portion of the Union Pacific Railroad right of way, designated as Parcel 77-7 and described as follows:

Commence from the intersection of the northerly right of way line of the Union Pacific Railroad and the line between Sections 28 and 29 said point having coordinates of X=3,601,658.32 Y=521,903.67 and go South 75°40'03" West along the northerly right of way line of the Union Pacific Railroad a distance of 236.31 feet to the POINT OF BEGINNING. Thence go South 15°08'12" East a distance of 28.00 feet; thence go South 75°40'03" West a distance of 337.50 feet; thence go North 14°16'14" West a distance of 28.00 feet to the northerly right of way line of the Union Pacific Railroad; thence go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 337.08 feet to the POINT OF BEGINNING.

All as shown on the WBV-70 through WBV-77 Lake Cataouatche Levee Western Tie-In right of way plans by Dufrene Surveying & Engineering Inc. dated April 14, 2011, revised June 28, 2011 and containing 9,444 square feet.

Parcel 77-8

A certain portion of ground located in Louisa Plantation, Section 29, T13S, R21E, Southeastern District of Louisiana, West of the Mississippi River, St. Charles Parish, Louisiana, being a portion of the Union Pacific Railroad right of way, designated as Parcel 77-8 and described as follows:

Commence from the intersection of the northerly right of way line of the Union Pacific Railroad and the line between Sections 28 and 29 said point having coordinates of

X=3,601,658.32 Y=521,903.67 and go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 161.92 feet to the POINT OF BEGINNING. Thence go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 344.56 feet to a point on a curve; thence go in a westerly direction along a curve to the right with a radius of 795.00 feet, an arc length of 88.43 having a chord of 88.38 bearing South 69°19'06" West; thence go South 14°19'57" East a distance of 18.23 feet; thence go South 75°40'03" West a distance of 85.42 feet; thence go South 15°08'12" East a distance of 72.01 feet to the southerly right of way line of the Union Pacific Railroad; thence go South 75°40'03" West along the southerly right of way line of the Union Pacific Railroad a distance of 170.92 feet; thence go North 15°08'12" West a distance of 100.01 feet to the POINT OF BEGINNING.

All as shown on the WBV-70 through WBV-77 Lake Cataouatche Levee Western Tie-In right of way plans by Dufrene Surveying & Engineering Inc. dated April 14, 2011, revised June 28, 2011 and containing 19,990 square feet.

Parcel 77-10

A certain portion of ground located in Louisa Plantation, Section 29, T13S, R21E, Southeastern District of Louisiana, West of the Mississippi River, St. Charles Parish, Louisiana, being a portion of the Union Pacific Railroad right of way, designated as Parcel 77-10 and described as follows:

Commence from the intersection of the northerly right of way line of the Union Pacific Railroad and the line between Sections 28 and 29 said point having coordinates of X=3,601,658.32 Y=521,903.67 and go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 265.32 feet to the POINT OF BEGINNING. Thence go North 75°40'03" East along the northerly right of way line of the Union Pacific Railroad a distance of 20.00 feet; thence go South 14°19'57" East a distance of 100.00 feet to the southerly right of way line of the Union Pacific Railroad; thence go South 75°40'03" West along the southerly right of way line of the Union Pacific Railroad a distance of 20.00 feet; thence go North 14°19'57" West a distance of 100.00 feet to the POINT OF BEGINNING.

All as shown on the WBV-70 through WBV-77 Lake Cataouatche Levee Western Tie-In right of way plans by Dufrene Surveying & Engineering Inc. dated April 14, 2011, revised June 28, 2011 and containing 2,000 square feet.

EXHIBIT B

STANDARDS FOR RAILROAD FLOOD GATES CLOSURE AND REOPENING

Office of Coastal Protection and Restoration ("OCPR") shall ensure that the West Bank and Vicinity WBV 77 Flood Gates remain locked and secured in a completely open position at all times unless circumstances expressly set forth in these Standards arise and OCPR provides Union Pacific Railroad Company ("Owner") with prior notice as required hereunder, at which time OCPR may then close the Flood Gates.

CLOSURE:

For purposes of these Standards:

* "H-72" (landfall of tropical force winds minus 72 hours) occurs when the National Weather Service ("NWS") issues an advisory for a Saffir-Simpson category 1 or above hurricane ("storm") that depicts the potential 1-3 day landfall track area on the shores of Louisiana between Morgan City and Slidell. This coincides with a storm that has the potential of affecting the Greater New Orleans ("GNO") area within 72 hours.

At "H-72", the OCPR shall notify Owner at its Response Management Communication Center (RMCC) in Omaha, (888) UPRR COP (888-877-7267) that OCPR is monitoring wind speeds in the GNO area and making preparations for possible Flood Gates closure.

* "H-48" (landfall of tropical force winds minus 48 hours) occurs when the NWS issues a hurricane watch for the GNO area.

At "H-48", the OCPR shall notify Owner of the updated hurricane watch status and the status of GNO area wind speeds.

* "H-24" (landfall of tropical force winds minus 24 hours) occurs when the NWS issues a hurricane warning for the GNO area.

At "H-24", OCPR shall notify Owner that NWS has issued a hurricane warning for the GNO area and that Flood Gates closure may be imminent if wind speeds are projected to reach 39 MPH. However, closure will be ordered only when the NWS predicts that wind speeds in New Orleans will reach 39 MPH (34 knots) as determined by the NWS at www.weather.gov, "H-24" has occurred, and Owner has been provided not less than 3 hours notice. The closure will be ordered to occur at the time the wind speeds are projected to reach 39 MPH, after H-24 has occurred and the 3-hour notice has been given. OCPR may give the 3-hour notice as early as H-27, if a storm is moving fast enough to have predicted wind speeds in New Orleans of 39 MPH (34 knots) at H-24. OCPR shall also notify Owner when it appears that "H-24" is likely to occur shortly. OCPR shall also notify Owner when the instruction to close the Flood Gates is issued. If "H-12" (defined herein as landfall within 12 hours, as indicated by the NWS) occurs, OCPR may close the Flood Gates regardless of wind speeds and without advance notice, but OCPR shall notify Owner when the instruction to close the Flood Gates is issued.

OCPR will coordinate its efforts with Owner as follows. All notifications shall be by telephone to the point of contact designated by the Owner above or such other representative of Owner as Owner later designates to OCPR in writing.

REOPENING:

The Flood Gates shall be reopened by OCPR within 24 hours of the storm passing. The storm shall be deemed to have passed when all of the following criteria having been met:

- * The eye of the storm has passed the GNO area;
- * The wind speeds at the location of Flood Gates are below 39 MPH (34 knots); and
- * The water level is below the sill of the Flood Gates.