

# St. Charles Parish Recording Page

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**First VENDOR**

BAYOU FLEET PARTNERSHIP LLP

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Index Type : Conveyance

Entry Number : 392554

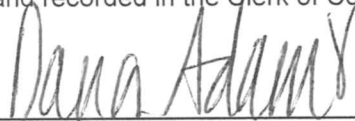
Type of Document : Dedication

Book : 792 Page : 598

Recording Pages : 4

**Recorded Information**

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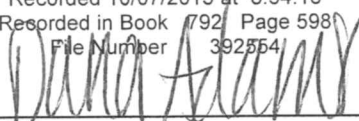
  
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On (Recorded Date) : 10/07/2013

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I certify that this is a true copy of the attached  
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**ACT OF DEDICATION OF PREDIAL SERVITUDE AND/OR  
RESTRICTIVE COVENANT LIMITING USES OF THE PROPERTY**

**BEFORE ME**, the undersigned Notary Public in and for the State of Louisiana and the Parish of Jefferson, and in the presence of the undersigned witnesses, personally came and appeared, Bayou Fleet Partnership, L.L.P. (hereinafter "Bayou Fleet"), appearing herein through its duly authorized managing partner, Robin B. Durant, who submits the following Act of Dedication of Predial Servitude and/or Restrictive Covenant Limiting Uses of the Property.

**WHEREAS**, Bayou Fleet is the owner of the following described property (hereinafter "the property"), to wit:

**ALL OF ITS RIGHT, TITLE AND INTEREST IN AND TO THE  
FOLLOWING:**

**THAT PORTION OF GROUND**, together with all the buildings and improvements thereon, including but not limited to all other immoveables by destination such as pipe lines, the railroad and the piling clusters, and all rights, ways, servitudes, appurtenances, batture accretion, accession and riparian rights and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Charles, State of Louisiana, on the right descending bank of the Mississippi River, and which said portion of ground comprises all of that part of a certain tract of land, measuring 8 acres and 24 toises front on the Mississippi River by a depth of 40 to 42 acres, all or more less, bounded now or formerly, above by property of Ulysses J. Keller and below by property of L.M. Granier and L.B. Labadot, lying between the river side of the levee and the mean low water line of the Mississippi River, containing 35 acres, more or less.

And according to a survey by R.P. Fontcuberta, Jr., Registered Land Surveyor, dated July 1, 1981, the property is described as follows:

From Monument L.M.S. 370, set at U.S. Army Corps of Engineers Sta. No. 2716+86.53, go North 17 degrees 47 minutes 30 seconds West a distance of 126.63 feet to a 1/2 inch iron rod set at Sta. No. 2715+59.41, the POINT OF BEGINNING. From the Point of Beginning go North 68 degrees 20 minutes 19 seconds East a distance of 1584.80 feet to a 1/2 inch iron rod; thence North 68 degrees 20 minutes 19 seconds East to the ordinary low water mark of the Mississippi River, being the southeast corner of the parcel herein described; then return to the Point of Beginning and run North 17 degrees 47 minutes 30 seconds West a distance of 487.13 feet to Monument L.M.S. 369, Sta. No. 2710+72.28; thence North 05 degrees 11 minutes 26 seconds West a distance of 1305.66 feet to Monument L.M.S. 368, Sta. No. 2697+67.07; thence North 10 degrees 37 minutes 50 seconds West a distance of 91.49 feet to Monument L.M.S. 367, Sta. No. 2696+75.61; thence North 24 degrees 22 minutes 54 seconds West a distance of 286.95 feet to a 1/2 inch iron rod at Sta. No. 2693+88.66; thence North 62 degrees 03 minutes 00 seconds East a distance of 737.49 feet to a 1/2 inch iron rod; thence North 62 degrees 03 minutes 00 seconds East to the ordinary low line of the Mississippi River in a downstream direction to the southeast corner of the parcel hereinabove described.

Acquired by Batture Fleet, Inc. from American Marine Corporation by act dated August 1, 1995, registered in COB 498, folio 801, Entry No. 196354, St. Charles Parish, Louisiana.

**WHEREAS**, the property was zoned B-1 (Non-Industrial Batture) with legal non-conforming uses.

**WHEREAS**, on July 23, 2013, Bayou Fleet filed an application with the St. Charles Department of Planning & Zoning, Case No. PZR-2013-16 (hereinafter "the rezoning application"), to rezone the property from B-1 (Non-Industrial Batture) to B-2 (Industrial Batture).

**WHEREAS**, in the rezoning application Bayou Fleet stated that, "[i]f the property is rezoned, Bayou Fleet will agree to place a restriction in its property deeds that the following B-2 activities cannot be performed on the property, in perpetuity, as follows: (1) no electrical generating plants; (2) no coal handling, transfer and storage facilities; (3) no petroleum and petroleum by-products and storage facilities; (4) no seaplane facilities; and, (5) no hazardous waste storage or facilities.

**THEREFORE**, in order to satisfy its aforesaid agreement in the rezoning application to limit the aforesaid B-2 uses on the property, and in consideration of the rezoning of the property from B-1 (Non-Industrial Batture) to B-2 (Industrial Batture), if that rezoning occurs at the meeting of the St. Charles Parish Council on October 7, 2013, Bayou Fleet hereby establishes the following predial servitude and/or restrictive covenant limiting uses of the property.

1. It is hereby stipulated that Bayou Fleet, its heirs, successors and assigns, shall never be allowed to perform the following B-2 activities on the property, in perpetuity, as follows: (1) no electrical generating plants; (2) no coal handling, transfer and storage facilities; (3) no petroleum and petroleum by-products and storage facilities; (4) no seaplane facilities; and, (5) no hazardous waste storage or facilities.

2. This predial servitude and/or restrictive covenant limiting the aforesaid uses of the property is for the benefit of the following described dominant estates, to wit:

A. All property along both sides of River Road, La. Hwy. 18, from its intersection with Hahn Street to its intersection with River Park Drive, in the Village of Hahnville, Louisiana; and,

- B. All property along the following streets in the Village of Hahnville, Louisiana, and including the property lying underneath and along side these streets: River Park Drive, Nicholas Street, St. Charles Place, Gourgues Street, Aquarius Street, Elm Street, Oak Street, Julia Street, Lincoln Street, Shaw Street, Hahn Street, Plum Street, Peach Street, Pine Street, Maple Street, Sycamore Street, Pecan Street, Ash Street, Hickory Street, Gum Street, Walnut Street, King Street, and Butternut Street.

3. It is the intention of this Act of Dedication of Predial Servitude and/or Restrictive Covenant Limiting Uses of the Property to create a real right bearing upon and running with the property as to Bayou Fleet and all subsequent owners of the property, in perpetuity.

**THUS DONE AND PASSED**, in Metairie, Louisiana, on this \_\_\_\_ day of October, 2013, in the presence of the undersigned competent witnesses, who have hereto signed their names with Bayou Fleet Partnership, L.L.P., and me, Notary Public, after due reading of the whole.

  
WITNESS

  
BAYOU FLEET PARTNERSHIP, L.L.P.,  
By Its Duly Authorized Managing  
Partner, Robin B. Durant

  
WITNESS

  
NOTARY PUBLIC