

Ord.

**2009-0067**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING & ZONING)**

**ORDINANCE NO. 09-3-10**

An ordinance to revoke and abandon a right-of-way for  
an undeveloped portion of Breaux Street in Boutte.

**WHEREAS,** certain property was laid out for use as Breaux Street in the plat entitled  
"Sub-division of portions of Farm Lots 35 & 36 of Ellington Plantation At  
Boutte-St. Charles Parish, LA & in Section 93-T13S-R20E" by EM Collier  
dated May 15, 1958; and,

**WHEREAS,** the Breaux Street was actually developed 155 feet southwest of the  
platted location; and,

**WHEREAS,** the undeveloped Breaux Street property has been determined to have no  
public use other than a minor segment of sewer as required by Chapter 2  
Section 2-4 of the St. Charles Parish Code of Ordinances; and,

**WHEREAS,** the St. Charles Parish Council wishes to revoke said property pursuant to  
Chapter 2 Section 2-4 of the Code of Ordinances but retain a servitude for  
the sewer line and private utilities.

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

**SECTION I.** That the Act of Revocation of property laid out for use as Breaux  
Street in the plat by Lucien Gassen dated November 19, 2008 and revised February 3,  
2009 entitled "Revocation of a Portion of Breaux Street and a Resubdivision of Lot C  
and Lot Designated as Raymond Guidry Being a Portion of Farm Lot 36 of Ellington  
Plantation as shown on a Plan by E. M. Collier Dated November 16, 1965 and Lots 6 &  
7 of a Subdivision of a Portion of Farm Lots 35 & 36 of Ellington Plantation as Shown  
on a Plan By E. M. Collier dated May 15, 1958 into Lots C-1, C-2, 36-X and 6A in  
Section 93, T13S-R20E" is hereby approved and accepted with a waiver to the  
required 60' frontage for Lot 6A.

**SECTION II.** That a 15 (fifteen) foot wide servitude for sewer through proposed  
Lots 6A and C-2 shall be retained, and/or granted to St. Charles Parish.

**SECTION III.** That servitudes in favor of Entergy and Bellsouth be reserved as  
expressed in the Act of Revocation.

**SECTION IV.** That the Parish President is hereby authorized to execute said  
Act of Revocation.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN,  
COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 2nd day of March, 2009,  
to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: March 3, 2009

APPROVED: [Signature] DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: March 4, 2009

AT: 9:50 a.m. RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH  
CLERK OF COURT OFFICE

ON March 6, 2009

AS ENTRY NO. 349942

IN MORTGAGE/CONVEYANCE BOOK

NO. 725 FOLIO 644

**ACT OF REVOCATION  
OF DEDICATED PROPERTY  
BY: ST. CHARLES PARISH**

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

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BE IT KNOWN, that on this 4<sup>th</sup> day of the month of March, in the year of Our Lord, two thousand nine (2009).

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the witnesses hereinafter named and undersigned;

**PERSONALLY CAME AND APPEARED:**

THE HONORABLE V. J. ST. PIERRE, JR., Parish President and Chief Executive Officer of the Parish of St. Charles, herein duly authorized by the provisions of the Ordinance No. 09-3-10 passed and adopted at a meeting of the St. Charles Parish Council held on March 2, 2009.

That pursuant to the above recited ordinance, the Parish of St. Charles, through its governing authority, the St. Charles Parish Council, does hereby abandon and revoke the dedication of that undeveloped portion of Breaux Street measuring forty feet in width and extending from U. S. Highway 90 to the developed Breaux Street in Section 93, Township 13 South - Range 20 East, Boutte, St. Charles Parish, Louisiana, as indicated on the dedication survey by E. M. Collier dated May 15, 1958 and approved by Ordinance of the St. Charles Parish Police Jury on September 11, 1962 and more fully shown on the survey by Lucien C. Gassen, PLS, dated November 19, 2008 and revised February 3, 2009; that, the revocation of the above dedicated property herein is deemed to be in the best interest of the Parish as such property no longer constitutes property utilized or needed by the Public; except, that certain section identified as a servitude for sewer measuring 15 (fifteen) feet in width located on Lot 6A and Lot C-2, as shown on the above referenced survey. Said servitude is hereby being retained and/or granted to St. Charles Parish being designated in order to maintain adequate sewer for the surrounding property, including the right of ingress and egress for the purpose of operating and maintaining said servitude and facilities.

Further, the Parish hereby reserves and grants in favor of Entergy Louisiana, LLC ("Entergy"), a servitude and easement, over, across, under or on those certain portions of undeveloped Breaux Street defined as a certain tract of land situated in the Parish of St. Charles, State of Louisiana, on the West Bank of the Mississippi River, located in Section 93, Township 13 South, Range 20 East, being a portion of Lots C-1, C-2 and 36-X, all being a portion of Farm Lots 35 and 36 of Ellington Plantation and being more particularly described as follows:

From the intersection of the southerly right of way line of U. S. Highway No. 90 and the easterly right of way line of Breaux Street, proceed N68°44'00"E a distance of 170.00 feet to the POINT OF BEGINNING, thence continue N68°44'00"E a distance of 5.00 feet, thence S21°16'00"E a distance of 109.74 feet, thence S72°10'35"W a distance of 40.07 feet, thence N21°16'00"W a distance of 10.02 feet, thence N72°10'35"E a distance of 33.88 feet, thence N20°35'04"W a distance of 99.36 feet to the POINT OF BEGINNING, containing 957.43 square feet, all in accordance with a plan by Lucien C. Gassen, PLS, dated November 19, 2008, revised February 3, 2009.

This servitude favoring Entergy also includes a certain tract of land situated in the Parish of St. Charles, State of Louisiana, on the West Bank of the Mississippi River, located in Section 93, Township 13 South, Range 20 East, being a portion of Lot 6A, being a portion of Farm Lots 35 and 36 of Ellington Plantation and being more particularly described as follows:

From the intersection of the southerly right of way line of U. S. Highway No. 90 and the easterly right of way line of Breaux Street, proceed S33°00'06"E a distance of 276.15 feet, thence S48°27'50"E a distance of 11.78 feet to the POINT OF BEGINNING, thence N26°50'30"E a distance of 140.41 feet, thence S62°47'51"E a distance of 9.20 feet, thence S27°05'27"W a distance of 142.60 feet, thence N48°27'50"W a distance of 8.87 feet to the POINT OF BEGINNING, containing 1258.17 square feet, all in accordance with a plan by Lucien C. Gassen, PLS, dated November 19, 2008, revised February 3, 2009.

The above legal descriptions are generally shown on the above-referenced survey as "10' Entergy Servitude." Said Entergy servitude is for the location, relocation, improvements, repair, construction, reconstruction, operation, inspection, patrol, replacement, removal and maintenance of one or more electric power lines, circuit or circuits and/or communication facilities, now or in the future, including, but not necessarily limited to, poles, towers, cross arms, insulators, wires, cables, conduits, hardware, transformers, switches, guy wires, anchors and other equipment, structures, material and appurtenances, now or hereafter used, useful or desired in connection therewith by Entergy. Further, the Parish hereby reserves and grants to Entergy the rights of ingress and egress at any time, without notice, to, from, or along said servitude across the adjoining portion of undeveloped Breaux Street, including, but not limited to, the passage of vehicles and equipment upon said servitude; the right to install, extend and maintain guy wires and anchors beyond the limits of said servitude; and the right of Entergy to assign, license, and otherwise permit others to use in whole or part any or all of the rights, easements, servitudes, privileges or appurtenances granted herein. The Parish hereby conveys and agrees, on behalf of itself and its successors-in-title to undeveloped Breaux Street, not to construct or permit the construction of: (a) any structure, obstruction or other hazard within the said servitude, excepting

only Entergy's facilities; and/or, (b) any buildings or other structures on the portion of undeveloped Breaux Street adjoining said servitude in violation of the minimum clearances from the lines and facilities of Entergy, as provided in the National Electrical Safety Code.

Further, the Parish hereby reserves and grants in favor of BellSouth Telecommunications Inc. a servitude and easement, over, across, under or on those certain portions of undeveloped Breaux Street shown on the above-referenced survey as "10' Entergy Servitude" generally lying between Lot C-2 and Lot 6A. The servitude is located on a certain tract of land situated in the Parish of St. Charles, State of Louisiana, on the West Bank of the Mississippi River, located in Section 93, Township 13 South, Range 20 East, being a portion of Lot 6A, being a portion of Farm Lots 35 and 36 of Ellington Plantation and being more particularly described as follows:

From the intersection of the southerly right of way line of U. S. Highway No. 90 and the easterly right of way line of Breaux Street, proceed S33°00'06"E a distance of 276.15 feet, thence S48°27'50"E a distance of 11.78 feet to the POINT OF BEGINNING, thence N26°50'30"E a distance of 140.41 feet, thence S62°47'51"E a distance of 9.20 feet, thence S27°05'27"W a distance of 142.60 feet, thence N48°27'50"W a distance of 8.87 feet to the POINT OF BEGINNING, containing 1258.17 square feet, all in accordance with a plan by Lucien C. Gassen, PLS, dated November 19, 2008, revised February 3, 2009.

This revocation is made with the recognition that certain utility facilities owned and operated by BellSouth Telecommunications, Inc. occupy the subject property and a servitude is hereby created and established in favor of BellSouth Telecommunications, Inc., including the right of ingress and egress for the purpose of operating and maintaining said servitude and facilities. The conveyance of the subject formerly dedicated property to the present owners of the land contiguous thereto is made subject to this servitude and all rights pursuant to the servitude shall survive said conveyance.

Further, that pursuant to LA R.S. 48-701 et seq, the revocation of the dedicated property shall be made unto the present owners of the land contiguous thereto.

THUS DONE AND SIGNED on this 4<sup>th</sup> day of March, 2009 in the Parish of St. Charles, State of Louisiana, in the presence of the undersigned competent witnesses and me, Notary, after a reading of the whole.

WITNESSES:

Nicar Braump

Valerie Berthelet

ST. CHARLES PARISH

By: V. J. St. Pierre, Jr.

V. J. St. Pierre, Jr.  
Parish President

Leon C. Vial, III  
#13061  
NOTARY PUBLIC

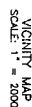
Mr. Heard  
Planning Commission Chairman  
Date 3/6/09

\_\_\_\_\_  
Council Chairman Date 3/2/00

Date 3/4/09

Folio \_\_\_\_\_, Entry # \_\_\_\_\_

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ASSEMBLY OF GOD CHURCH

I certify that this plot represents an actual ground survey performed under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey.

*[Signature]*

LUCIEN C. GARNSEN, PLS  
 Registration No. 353  
 TULING, LOUISIANA 70070

LUCIEN C. GASSSEN, PLS  
Registration No. 353  
LULING, LOUISIANA 70070

● = FOUND  
○ = IR SET  
▽ = MAG NAIL SET  
GW = GUY WIRE  
PP = POWER POLE  
SMH = SEWER MANHOLE  
O/S = OFFSET  
-S- = SEWER  
-X- = FENCE  
(A) = ACTUAL  
(P) = PLAN

BEARINGS ARE BASED ON  
REFERENCE PLAN NO. 2

REVOCATION OF A PORTION OF BREAUX STREET  
AND  
A RESUBDIVISION OF LOT C AND LOT DESIGNATED  
AS RAYMOND GUIDRY BEING A PORTION OF  
FARM LOT 36 OF ELLINGTON PLANTATION  
AS SHOWN ON A PLAN BY E. M. COLLIER  
DATED NOVEMBER 16, 1965  
AND LOTS 6 & 7 OF A SUBDIVISION  
OF A PORTION OF FARM LOTS 35 & 36  
OF ELLINGTON PLANTATION  
AS SHOWN ON A PLAN BY E. M. COLLIER  
DATED MAY 15, 1958  
INTO LOTS C-1, C-2, 36-X & 6A  
IN SECTION 93, T13S - R20E  
ST. CHARLES PARISH, LOUISIANA

SCALE: 1" = 50'

NOVEMBER 19, 2008  
REVISED FEBRUARY 3, 2009 TO SHOW SERVITUDES