

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

ACT OF SERVITUDE

BE IT KNOWN, that on the dates below subscribed,

BEFORE ME, the undersigned Notaries Public, duly commissioned and qualified and in the presence of the two competent witnesses hereinafter undersigned; **PERSONALLY CAME AND APPEARED**:

THE KANSAS CITY SOUTHERN RAILWAY COMPANY, a Missouri Corporation, authorized to do and doing business in the State of Louisiana, to be addressed at 427 West 12th Street, Kansas City, Missouri 64105, herein appearing by and through **Ginger Adamiak**, its Vice President – Energy, Industrial Development, and Innovation, duly authorized by delegation of the Board of Directors of the Company through the Chairman of the Company, a copy hereto and made a part hereof;

Herein after referred to as “**GRANTOR**”

-and-

PARISH OF ST. CHARLES, a political subdivision of the State of Louisiana, herein represented by **LARRY COCHRAN**, its Parish President, whose mailing address is P.O. Box 302, Hahnville, Louisiana, 70057; authorized pursuant to Ordinance No. 18-7-3 adopted by St. Charles Parish Council on the 9th day of July, 2018, a copy of which is attached hereto and made a part hereof;

Herein after referred to as “**GRANTEE**”

GRANTOR does hereby grant, present, dedicate, assign, transfer, deliver, and set over a - servitude, easement, and right-of-way described as Parcel No. 6-4 unto **GRANTEE** to - access, maintain, repair, operate, patrol and/or replace an existing drainage channel, including all appurtenances thereto, through, around, under, and/or over the following described property situated in St. Charles Parish, reserving, however, to the **GRANTOR**, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements or rights of way for public roads and highways, public utilities, railroads, and pipelines, said property being more particularly described as follows:

LEGAL DESCRIPTION

THAT PORTION of the Coulee Canal Project Access for Maintenance, Phase II in Sections 49 & 50, Township 12 South – Range 8 East, Town of MONTZ, St. Charles Parish, Louisiana,

being the property of The Kansas City Southern Railway Company and is more fully described as follows:

From a point on the centerline of Coulee Canal Access for Maintenance, Phase II, at Station 173+79.26, which is the point of beginning,

proceed S36°26'06"W a distance of 53.25 feet to a point and corner;

thence proceed N48°06'05"W a distance of 1248.93 feet to a point and corner;

thence proceed N36°25'18"E a distance of 9.58 feet to a point and corner;

thence proceed S50°06'04"E a distance of 1245.53 feet to the point of beginning.

The above described portion of ground contains 39,058.70 square feet or 0.897 acres. All in accordance with sheets #6 & 9 of the Right of Way Map of Coulee Canal Project Access for Maintenance, Phase II by registered land surveyor Stephen P. Flynn, P.L.S. of Riverlands Surveying Co., LLC, dated July 24, 2017.

TO HAVE AND TO HOLD said servitudes, 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 FOUR THOUSAND FIVE HUNDRED FIFTY AND 00/100 (\$4,550.00) 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 grants unto **GRANTEE** the right of ingress and egress over the lands described above to maintain, repair, operate, and patrol the existing drainage channel, including all appurtenances thereto. When exercising its rights of ingress and egress, or the other rights granted herein, **GRANTEE**, and any of **GRANTEES** equipment, personnel, agents, employees, or contractors, shall, at all times cross all railroad tracks at existing crossings and remain at least 25 feet away from any railroad track. If **GRANTEE** desires to exercise any of the rights (other than using existing crossings) granted by this Act of Servitude within 25 feet of any railroad track, then **GRANTEE** shall, at their sole cost and expense, hire a certified Roadway Worker In Charge from RailPros field services, who shall remain on site while the work is performed. **GRANTEE**, shall restore and repair the property described above after each entry by **GRANTEE**. **GRANTOR** retains the rights to fully use and enjoy the above-described property, except as to the rights here and above granted. **GRANTEE** agrees to indemnify and hold harmless **GRANTOR** from any and all damages, which **GRANTOR** may suffer, caused either wholly or in part, by reason of the negligence of the Parish of St. Charles, its agents or employees, in the installation, operation, and/or maintenance of this drainage servitude.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

THUS done, read and passed in KANSAS CITY, JACKSON County,
State of MISSOURI, in the presence of undersigned competent witnesses who
have hereunto signed their names with the parties and me, said Notary, on this 1st day
of AUGUST, in the year two thousand and eighteen (2018).

WITNESSES:



Shawn Mindrup
PRINT



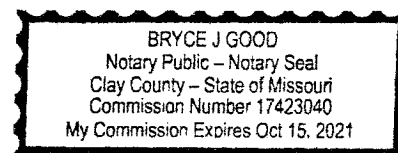
STACI Korpai
PRINT


GRANTOR:

**THE KANSAS CITY SOUTHERN
RAILWAY COMPANY**



**BY: Ginger Adamiak
ITS: Vice President – Energy,
INDUSTRIAL DEVELOPMENT , AND
INNOVATION**



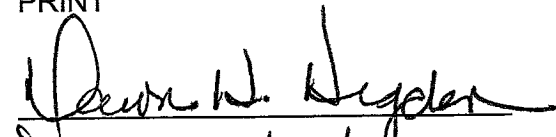

NOTARY PUBLIC

THUS done, read and passed at in Hahnville,
St-Charles Parish, State of LOUISIANA, in the presence of undersigned
competent witnesses who have hereunto signed their names with the parties and me, said
Notary, on this 14th day of August, in the year two thousand and eighteen (2018).

WITNESSES:



Robin S. Dekhoussaye
PRINT

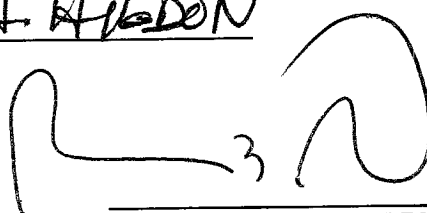


Dawn H. Hudson
PRINT

**GRANTEE:
PARISH OF ST. CHARLES**



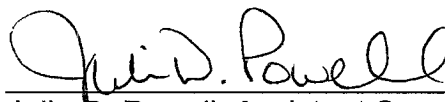
**BY: LARRY COCHRAN
ITS: PARISH PRESIDENT**



NOTARY PUBLIC

I, Julie D. Powell, the duly qualified and elected Assistant Secretary of The Kansas City Southern Railway Company, do hereby certify that Ginger L. Adamiak, Vice President - Energy, Industrial Development and Commercial Innovation, by delegation of the Board of Directors of the Company through the CEO of the Company, is authorized and empowered to form binding commitments and execute operating agreements/contracts up to \$100,000 on behalf of the Corporation, for the conduct of the Corporation's business.

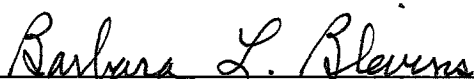
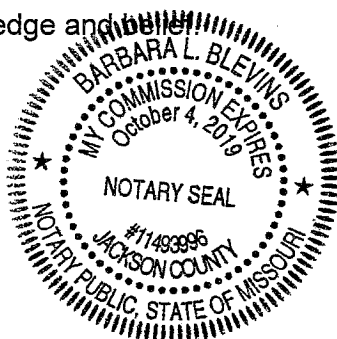
I further certify that Ginger L. Adamiak has been so empowered to legally bind The Kansas City Southern Railway Company as prescribed above continuously since May 24, 2018.



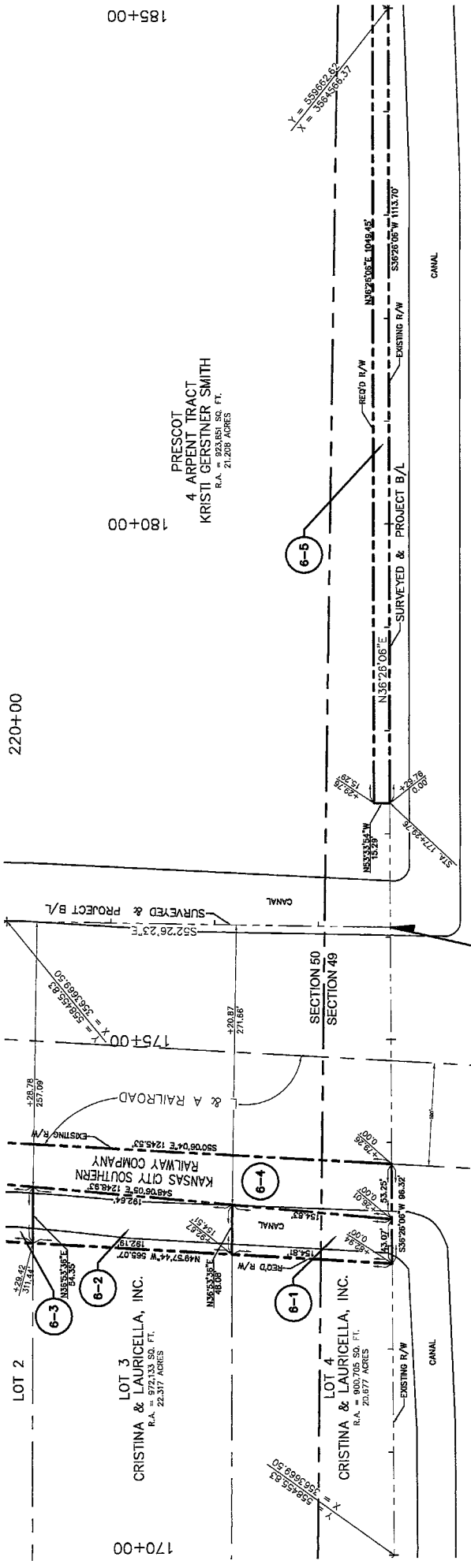
Julie D. Powell, Assistant Secretary
The Kansas City Southern Railway Company

STATE OF MISSOURI)
)ss
COUNTY OF JACKSON)

The above described Julie D. Powell personally appeared before me, this 30th day of May, 2018, and made oath that the foregoing statements are true and correct according to the best of her knowledge and belief.


Notary Public

SOUTHEASTERN LAND DISTRICT
EAST OF THE MISSISSIPPI RIVER
T 12 S - R 8 E
SECTIONS 49 & 50



STA. 223+69.69 (FROM NORTH)
STA. 176+09.43 (GOING EAST)
END COULEE CANAL ACCESS
FOR MAINTENANCE, PHASE II

- LEGEND**
- REQUIRED RIGHT OF WAY LINE
 - PROPERTY LINE
 - LOT LINE
 - LIMITS OF CONSTRUCTION
 - EXISTING RIGHT OF WAY LINE
 - SECTION LINE
 - DRAINAGE SERVITUDE
 - EXISTING SERVITUDE

PARCEL	OWNER	ACQUISITION	AREA	ESTATE TYPE
6-5	KRISTI GERSTNER SMITH	C.O.B. 239 PG. 568 ENTRY NO. 73181 C.O.B. 673 PG. 738 ENTRY NO. 320462 C.O.B. 673 PG. 762 ENTRY NO. 320463 C.O.B. II PG. 588 ENTRY NO. N/A C.O.B. 478 PG. 647 ENTRY NO. N/A C.O.B. 769 PG. 809 ENTRY NO. N/A C.O.B. Y PG. 376 ENTRY NO. N/A C.O.B. 29 PG. 383 ENTRY NO. N/A C.O.B. 742 PG. 383 ENTRY NO. 360301 C.O.B. 575 PG. 466 ENTRY NO. 247475 C.O.B. 742 PG. 383 ENTRY NO. 360301 C.O.B. Y PG. 376 ENTRY NO. N/A C.O.B. 29 PG. 383 ENTRY NO. N/A C.O.B. 742 PG. 383 ENTRY NO. 247475 C.O.B. 575 PG. 466 ENTRY NO. 247475 C.O.B. 742 PG. 383 ENTRY NO. 360301	1.330 AC. 0.887 AC. 0.407 AC. 0.226 AC. 0.162 AC.	SERVITUDE SERVITUDE SERVITUDE SERVITUDE SERVITUDE





Stephen P. Flynn

I CERTIFY THAT THIS PLAN 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.

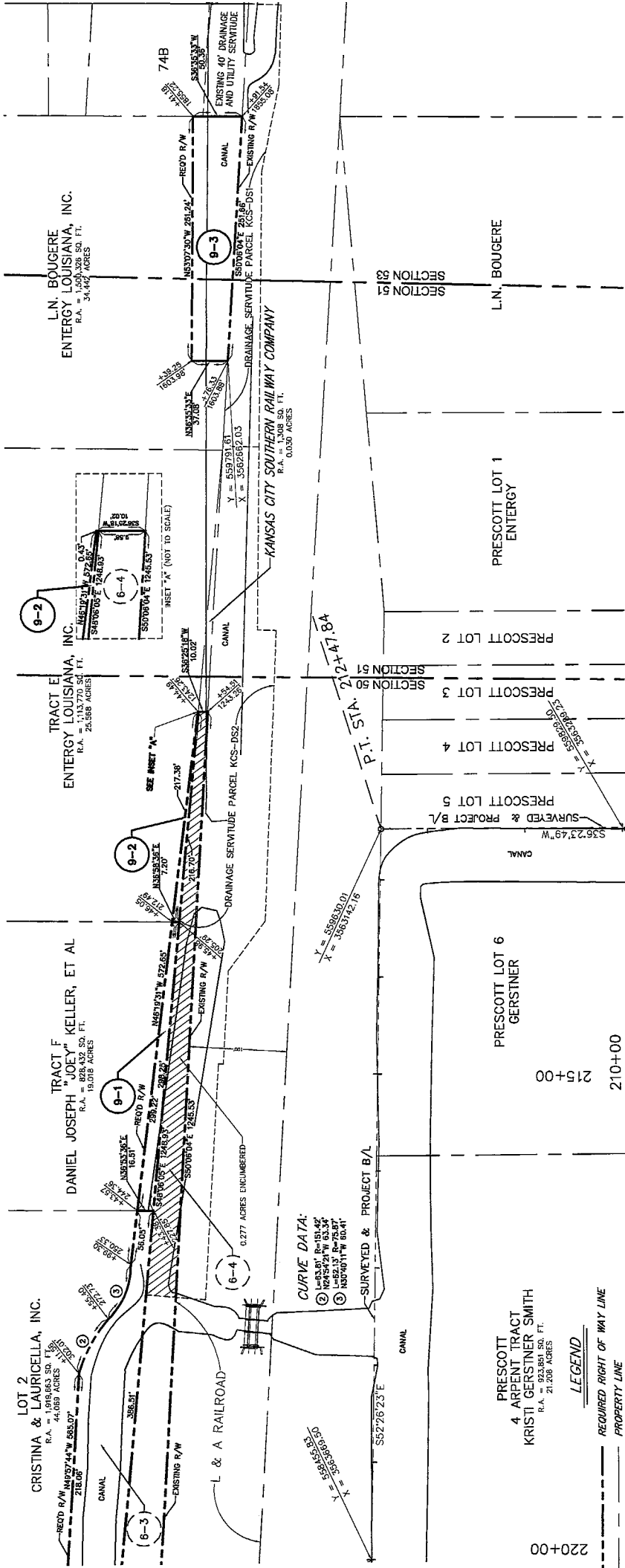
RESIDUAL ACRES NOTE
RESIDUAL ACRES SHOWN ARE CALCULATED FOR INFORMATION PURPOSES ONLY.
THE RESIDUAL ACRES ARE SUBJECT TO REVIEW AND VERIFICATION BY TITLE AND SURVEY.

DATE	DESCRIPTION	BY
	REVISIONS	

BEARINGS ARE ESTABLISHED BY THE LOUISIANA STATE PLANE COORDINATE SYSTEM, LOUISIANA SOUTH ZONE 1702 USING LEICA SMARTNET SOLUTION DATED 8/22/2016 NAD 83.

PARISH OF ST. CHARLES	
RIGHT OF WAY MAP COULEE CANAL ACCESS FOR MAINTENANCE PHASE II MONTZ, ST. CHARLES PARISH, LOUISIANA STA. 100+00.00 TO 223+69.69	
 SURVEYING COMPANY STEPHEN P. FLYNN 1400 N. 10TH ST. BRIARCLIFF, LA 70012	 STEPHEN P. FLYNN, P.E. LA. ST. REG. NO. 4568 SCALE: 1" = 50' DATE: 07/24/2017 100X DRAWN BY: T.P.T. COMPUTED BY: S.P.F. SHEET NO. 6 RSC DWG NO.: L1552_W02874

SOUTHEASTERN LAND DISTRICT
EAST OF THE MISSISSIPPI RIVER
T 12 S - R 8 E
SECTIONS 50, 51 & 53

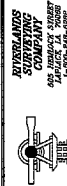


Stephen P. Flynn

BEARINGS ARE ESTABLISHED BY THE LOUISIANA STATE PLANE COORDINATE SYSTEM, LOUISIANA SOUTH ZONE 1702 USING LEICA SMARTNET SOLUTION DATED 8/22/2016 NAD 83.

PARISH OF ST. CHARLES

RIGHT OF WAY MAP
COULLEE CANAL ACCESS FOR MAINTENANCE
PHASE II
MONTZ, ST. CHARLES PARISH, LOUISIANA
STA. 100+00.00 TO 223+69.69



DATE: 07/24/2017 SCALE: 1" = 50'
DRAWN BY: T.P.T. COMPUTED BY: S.P.F.
SHEET NO. 9

I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL ROUTE SURVEY MADE BY ME OR BY THOSE UNDER MY DIRECTION AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS D ROUTE SURVEY SPECIFICALLY CHAPTER 2008 - ROUTE SURVEY.

RESIDUAL ACRES NOTE
RESIDUAL ACRES SHOWN ARE CALCULATED FOR INFORMATION PURPOSES ONLY.
THE RESIDUAL ACRES ARE SUBJECT TO REVIEW AND VERIFICATION BY TITLE AND SURVEY.

DATE	DESCRIPTION	TPT	BY
08/03/17	REVISED TO SHOW ENCUMBERED AREA		

PARCEL	OWNER	ACQUISITION	AREA	ESTATE TYPE
9-3	ENERGY LOUISIANA, INC.	C.O.B. 3 PG. 82 ENTRY NO. 14935 C.O.B. 13 PG. 560 ENTRY NO. 14988 C.O.B. 64 PG. 365 ENTRY NO. 30412 C.O.B. 66 PG. 388 ENTRY NO. 30756	0.252 AC.	SERVITUDE
9-2	ENERGY LOUISIANA, INC.	C.O.B. 3 PG. 82 ENTRY NO. 14935 C.O.B. 13 PG. 560 ENTRY NO. 14988 C.O.B. 64 PG. 365 ENTRY NO. 30412 C.O.B. 66 PG. 388 ENTRY NO. 30756	0.019 AC.	SERVITUDE
9-1	DANIEL JOSEPH "JOEY" KELLER, ET AL	C.O.B. 809 PG. 572 ENTRY NO. 401684 C.O.B. 894 PG. 205 ENTRY NO. 332828 C.O.B. 48 PG. 423 ENTRY NO. 27451 C.O.B. 893 PG. 20 ENTRY NO. 332108 C.O.B. 882 PG. 378 ENTRY NO. 314657 C.O.B. 880 PG. 527 ENTRY NO. 272508 C.O.B. 880 PG. 209 ENTRY NO. 272515 C.O.B. 141 PG. 187 ENTRY NO. 44348 C.O.B. KK PG. 126 ENTRY NO. N/A	0.081 AC.	SERVITUDE

PRESCOTT
4 ARPERT TRACT
KRISTI GERSTNER SMITH
R.A. = 21,028 ACRES

LEGEND

- REQUIRED RIGHT OF WAY LINE
- PROPERTY LINE
- LOT LINE
- LIMITS OF CONSTRUCTION
- EXISTING RIGHT OF WAY LINE
- SECTION LINE
- DRAINAGE SERVITUDE
- EXISTING SERVITUDE