

ORD

2005-0110

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. 05-5-9

An ordinance approving and authorizing the execution of an Act of Dedication for Legend Oaks Subdivision, Bayou Gauche, St. Charles Parish, LA.

WHEREAS, RJM Enterprises, Inc. are the owners and developers of property located in Section 34 T14S R20E in Bayou Gauche, St. Charles Parish, LA and indicated on a Final Plat prepared by Lucien C. Gassen, PLS, and dated April 15, 2005, as a Resubdivision of Lots 889-A-1-A, 889-A-1-B, and 889-A-1-C of the Sunset Drainage District into Lots 301 through 351 and Parcel B, Legend Oaks Subdivision; and,

WHEREAS, said subdivision has been constructed in accordance with the St. Charles Parish Subdivision Regulations of 1981, as amended; and,

WHEREAS, all required administrative reviews and approvals have been effected relative to said subdivision.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the attached Act of Dedication for RJM Enterprises, Inc. for Legend Oaks Subdivision, which includes Lots 301 through 351, Parcel B, and the dedication of Luke Drive and Shamrock Drive is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute the attached Final Plat and Act of Dedication on behalf of St. Charles Parish.

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

YEAS: MARINO, HILAIRE, FABRE, RAMCHANDRAN, WALLS,
BLACK, DUHE, MINNICH
NAYS: NONE
ABSENT: FAUCHEUX

And the ordinance was declared adopted this 16th day of May, 2005, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: May 17, 2005
APPROVED: DISAPPROVED:

PARISH PRESIDENT: Albert D. Laque
RETD/SECRETARY: May 17, 2005
AT: 2:50 P.M. RECD BY: [Signature]

RECORDED IN THE ST CHARLES PARISH
CLERK OF COURT OFFICE
ON May 23, 2005
AS ENTRY NO 307798
IN MORTGAGE/CONVEYANCE BOOK
NO. 651 FOLIO 540

[Signature]

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: RJM ENTERPRISES, INC.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 23rd day of May, in the year of Our Lord Two Thousand and Five (2005),

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified in and for the Parish and State aforesaid, therein residing, and in the presence of the two competent witnesses hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED;

RJM ENTERPRISES, INC. (72-126087), a Louisiana Corporation, with a stated mailing address of P.O. Box 1440, Paradis, Louisiana 70080, represented herein by Dr. Ray J. Matherne, as its duly appointed officer, duly authorized by virtue of a Resolution of its Board of Directors, an original of which is recorded in COB 555, folio 49 of the official records of St. Charles Parish, Louisiana; (hereinafter sometimes referred to as "RJM");

RJM declared unto me, Notary, that it is the owner of a certain tract of immovable property situated on the West Bank of St. Charles Parish, which land is designated as "LEGEND OAKS SUBDIVISION" being a resubdivision of Lots 889-A-1-A, 889-A-1-B and 889-A-1-C of the Sunset Drainage District into Lots 301 through 351 and Parcel B situated in Section 34 Township 14 South, Range 20 East, St. Charles Parish, Louisiana, as shown on the Final Plat of Legend Oaks Subdivision prepared by Lucien C. Gassen, P.L.S., dated April 15, 2005 (hereinafter the "Final Plat"), a copy of which is attached to and made part of this Act of Dedication; and

RJM further declared unto me that it has caused a portion of the above property designated as "Legend Oaks Subdivision" on the Final Plat referred to above to be laid out into lots in order to create the Legend Oaks Subdivision; and

RJM further declared unto me, Notary, that on the aforesaid Final Plat it has laid out certain streets within Legend Oaks Subdivision which are named and identified as Luke Drive and Shamrock Drive, which streets in regard to this dedication are more fully described in the property descriptions attached hereto and made a part hereof. On all matters of the description of the property on which the streets above named are located, the attached Final Plat shall be controlling.

RJM further declared unto me, Notary, that on the aforesaid Final Plat, it has also

designated and labeled various servitudes for utility, sewer and drainage purposes; and

RJM further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it does, by these presents, dedicate Luke Drive and Shamrock Drive located within Legend Oaks Subdivision, as hereinabove described and does hereby grant and dedicate the various servitudes for utility, sewer and drainage purposes, all as shown on the annexed Final Plat, to public use, unto and in favor of the Parish of St. Charles, the inhabitants of the Parish of St. Charles, and to the public in general; and

RJM further declared unto me, Notary, that the aforesaid dedication and grant are subject to all of the following terms and conditions, to wit:

1. The dedication of the fee ownership of the property covered by the streets identified hereinabove as Luke Drive and Shamrock Drive only as far as said streets are located in Legend Oaks Subdivision.
2. The herein grant of the various servitudes for utility, sewer and drainage purposes shall constitute the granting only of a "personal servitude of right of use" being a "limited personal servitude" in favor of St. Charles Parish. RJM does hereby reserve all rights of fee ownership to that portion of the aforesaid Legend Oaks Subdivision, which comprises the various servitudes for utility, sewer and drainage purposes.
3. RJM does hereby reserve all rights of ownership to all of the oil, gas and other minerals in, on and under the property covered and affected by the streets identified hereinabove and by the aforesaid utility, sewer and drainage servitudes granted herein. In that connection, RJM does, however, agree to prohibit the use of any part of the surface of any of the property covered by the streets and servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with RJM's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Legend Oaks Subdivision, whereby, however, RJM will

likewise impose a restriction on the entire subdivision against any use of the surface of any lot for the exploration, development or production of minerals, or by any other binding means of strict surface operations in regard to mineral exploration in this subdivision.

4. The herein dedication of the streets and the dedication and grant of servitudes for utility, sewer and drainage purposes are made by RJM without any warranty whatsoever except as provided for herein.
5. St. Charles Parish must bind and obligate itself not to use the property dedicated herein for street purposes in any manner that would be inconsistent with or detrimental to such use as a public street. St. Charles Parish must further bind and obligate itself to use the utility, sewer and drainage servitudes granted herein only for utility, sewer and drainage purposes.
6. This dedication and grant are conditioned upon St. Charles Parish maintaining and policing the streets dedicated herein and maintaining the various utility, sewer and drainage facilities within the various utility, sewer and drainage servitudes areas.
7. The grant herein of various servitudes for utility, sewer and drainage purposes shall be used exclusively for those purposes and RJM reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitudes for utility, sewer and drainage purposes. The herein granted utility, sewer and drainage servitudes shall not be utilized so as to unreasonably interfere with or impair ingress and egress to any of the lots in the Legend Oaks Subdivision.
8. RJM warrants that the herein dedication of streets and grant of servitudes are free of any liens and/or encumbrances and that no lots have been sold or alienated prior to the date hereof.

9. The dedication and grant made herein are made subject to any existing servitudes affecting the Legend Oaks Subdivision.
10. The herein dedication and grant shall inure to the benefit of St. Charles Parish or any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.
11. RJM warrants that the streets and all utilities, sewer and drainage installments and facilities have been placed within the boundaries described in the attached legal descriptions and the servitude(s) granted herein as shown on the Final Plat.

AND NOW, to these presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on May 16, 2005, a certified copy of which is annexed hereto and made part hereof, and said St. Charles Parish does hereby accept, approve and ratify the herein dedication and grant under all of the terms and conditions as contained hereinabove, and does also hereby acknowledge that the construction of the streets dedicated herein has been satisfactorily completed in accordance with all requirements and that all utility, sewer and drainage facilities have been likewise satisfactorily completed in accordance with all requirements, and St. Charles Parish does hereby accept all of said street and utility, sewer and drainage installments and facilities and assumes the maintenance thereof.

This Act of Dedication and Acceptance was approved and accepted by the St. Charles Parish Council by Ordinance 05-5-9 the 16th day of May, 2005, a photo copy of which is attached and made part hereof.

THUS DONE AND PASSED, in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

RJM ENTERPRISES, INC.

Robin Cullen
Joe A. Schopf

BY: Ray J. Matherne
DR. RAY J. MATHERNE
ITS: PRESIDENT

Michael S. Weinberg
NOTARY PUBLIC
Notary Name: MICHAEL S. WEINBERG
Bar/Notary No. 8505

THUS DONE AND PASSED, in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

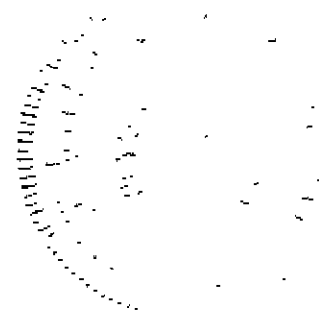
WITNESSES:

ST. CHARLES PARISH

Timothy J. Vial
Timothy J. Vial
Paul D. Hogan
Paul D. Hogan

BY: Albert D. Laque
Albert Laque,
Parish President

Kevin M. Frioux
Notary Public
Notary Name: Kevin M. Frioux ID# 66789
Bar/Notary No. _____ Commissioned for Life



PROPERTY DESCRIPTION
LEGEND OAKS
RIGHT OF WAY FOR LUKE DRIVE

A certain tract of land situated in the Parish of St. Charles, State of Louisiana located in Section 34, Township 14 South, Range 20 East and being more particularly described as follows:

From the intersection of the north right of way line of the Mark Drive and the east right of way line of Second Street, proceed North a distance of 417.60 feet to the POINT OF BEGINNING, thence continue North a distance of 50.00 feet, thence East a distance of 105.00 feet to a point of curvature, thence along the arc of a curve the left, having a radius of 255.37 feet a distance of 144.16 feet to the point of a reverse curve, thence along the arc of a curve to the right, having a radius of 305.37 feet a distance of 172.39 feet, thence East a distance of 1155.90 feet to a point of curvature, thence along the arc of a curve to the left, having a radius of 30.00 feet a distance of 26.78 feet, thence $S38^{\circ}51'04''W$ a distance of 151.70 feet to a point of curvature, thence along the arc of a curve to the left, having a radius of 35.00 feet a distance of 78.71 feet, thence West a distance of 1056.85 feet to a point of curvature, thence along the arc of a curve to the left, having a radius of 255.37 feet a distance of 144.16 feet to the point of a reverse curve having a radius of 305.37 feet a distance of 22.56 feet, thence $S11^{\circ}41'36''W$ a distance of 36.79 feet, thence West a distance of 241.43 feet to the POINT OF BEGINNING, all in accordance with a plan entitled "Legend Oaks" by Lucien C. Gassen, dated April 15, 2005.

PROPERTY DESCRIPTION
LEGEND OAKS
RIGHT OF WAY FOR SHAMROCK DRIVE

A certain tract of land situated in the Parish of St. Charles, State of Louisiana located in Section 34, Township 14 South, Range 20 East and being more particularly described as follows:

From the intersection of the north right of way line of the Mark Drive and the east right of way line of Second Street, proceed East a distance of 873.48 feet to the POINT OF BEGINNING, thence North a distance of 48.00 feet to a point of curvature, thence along the arc of a curve to the right, having a radius of 125.00 feet a distance of 196.35 feet, thence East a distance of 221.54 feet to a point of curvature, thence along the arc of a curve to the left, having a radius of 100.00 feet a distance of 89.27 feet, thence N38°51'04"E a distance of 596.42 feet to a point of curvature, thence along the arc of a curve to the left, having a radius of 88.50 feet a distance of 12.90 feet, thence N30°29'51"E a distance of 80.53 feet, thence N89°45'59"E a distance of 80.70 feet, thence S38°51'04"W a distance of 739.83 feet to a point of curvature, thence along the arc of a curve to the right, having a radius of 150.00 feet a distance of 133.91 feet, thence West a distance of 211.54 feet to a point of curvature, thence along the arc of the curve to the left, having a radius of 75.00 feet a distance of 117.81 feet, thence South a distance of 48.00 feet, thence West a distance of 60.00 feet to the POINT OF BEGINNING, all in accordance with a plan entitled "Legend Oaks" by Lucien C. Gassen, dated April 15, 2005.