

2001-0283

INTRODUCED BY: ALBERT LAQUE
PARISH PRESIDENT
(DEPT. OF PLANNING & ZONING)

ORDINANCE NO. 01-8-10

An ordinance approving and authorizing the execution of an Act of Dedication for Avalon Phase II Subdivision, Hahnville, St. Charles Parish, LA.

WHEREAS, McCracken Enterprises, Inc. are the owners and developers of a certain portion of property located in portion of Sections 5 & 6 T.13S., R20E, St. Charles Parish, more fully described on a Final Plat prepared by Krebs, LaSalle, LeMieux Consultants, Inc. and dated July 25, 2001 as a Resubdivision of Lots 5A-1 & 5B-1, Fashion Plantation & Lots 44, 45, 46, & 47, Avalon Subdivision into Lots 48-68, the Dedication of Meredith Place, and a Portion of Lakynn Lane, Avalon Phase II and Lots 44-A, 46-A, & 47-A, Avalon Subdivision and Lots 5A - 1A, 5C and Portions of Lot 5B-1, Fashion Plantation.

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 by McCracken Enterprises, Inc. for Avalon Phase II Subdivision which includes Lots 48-68, the Dedication of Meredith Place, and a Portion of Lakynn Lane, Avalon Phase II and Lots 44-A, 46-A, & 47-A, Avalon Subdivision and Lots 5A - 1A, 5C and Portions of Lot 5B-1, Fashion Plantation. 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: RAMCHANDRAN, HILAIRE, FABRE, ABADIE, AUTHEMENT,
BLACK, MARINO, MINNICH
NAYS: NONE
ABSENT: FAUCHEUX

And the Ordinance was declared adopted this 20th day of August, 2001, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Barry Minnich
SECRETARY: Beth Ann J. Jant
DLVD/PARISH PRESIDENT: August, 21, 2001
APPROVED: ✓ DISAPPROVED: ✓
PARISH PRESIDENT: Albert D. Laque
RETD/SECRETARY: August 22, 2001
AT: 9:20 Am RECD BY: Bgg

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON 8-23-01
AS ENTRY NO. 25 56
IN MORTGAGE CE BOOK
NO. 591

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: McCRACKEN ENTERPRISES, INC.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 22nd day of August, in the year of Our Lord Two Thousand One (2001),

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 witnessed hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED;

McCRACKEN ENTERPRISES, INC. (72-1192951), a Louisiana Corporation domiciled in the Parish of St. Charles, being represented herein by and through Luther S. McCracken, Jr., Vice President/Secretary, by virtue of a Resolution of the Board of Directors attached hereto and made a part hereof;

(Hereinafter sometimes referred to as "McCRACKEN");

MAILING ADDRESS: 114 Lakewood Drive
Luling, Louisiana 70070

McCRACKEN 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 "Avalon Phase II" being a portion of Sections 5 & 6, T13S, R20E, St. Charles Parish, Louisiana, as shown on a survey of said subdivision prepared by Krebs, LaSalle, LeMicux Consultants, Inc., dated July 25, 2001, a copy of which survey is attached to and made part of this Act of Dedication; and

McCRACKEN further declared unto me that it has caused a portion of the above property designated as "Avalon Phase II" on the survey referred to above to be laid out into lots in order to create the Avalon Phase II subdivision; and

McCRACKEN further declared unto me, Notary, that on the aforesaid plan of re-subdivision it has laid out certain streets within the Avalon Phase II Subdivision which are named and identified as Lakynn Lane and Meredith Place, which streets in regard to this dedication are more fully described in Exhibit "A" 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 survey shall be controlling.

McCRACKEN further declared unto me, Notary, that on the aforesaid plan of resubdivision, it has also designated and labeled various servitudes for water, utility and drainage purposes; and

McCRACKEN further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it does, by these presents, dedicate the following streets located all within Avalon Phase II, namely: Lakynn Lane and Meredith Place, as hereinabove described and does hereby grant the various servitudes for water, utility and drainage purposes, all as shown on the annexed plan of subdivision, 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

McCRACKEN 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 Lakynn Lane and Meredith Place, only as far as said streets are located in Avalon Phase II Subdivision.
2. The herein grant of the various servitudes for water, utility 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. McCRACKEN does hereby reserve all rights of fee ownership to that portion of the aforesaid Avalon Phase II Subdivision which comprises the various servitudes for water, utility and drainage purposes.
3. McCRACKEN 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 water, utility and drainage servitudes granted herein. In that connection, McCRACKEN 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 McCracken's plan and intention to reserve all of the mineral rights in, on and under all of the lots in the Avalon Phase II Subdivision, whereby, however, McCracken 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 streets and grant of servitudes for water, utility and drainage purposes are made by McCracken 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 which 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 water, utility and drainage servitudes granted herein only for water, utility 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 water, utility and drainage facilities within the various water, utility and drainage servitudes areas.
7. The grant herein of various servitudes for water, utility and drainage purposes shall be used exclusively for those purposes and McCracken reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitudes for water, utility and drainage purposes. The herein granted water, utility and drainage servitudes shall not be utilized so as to unreasonably interfere with or impair ingress and egress from the streets dedicated herein to any of the lots in the Avalon Phase II Subdivision.
8. McCracken warrants that the herein dedication of street 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 Avalon Phase II Subdivision, such as by way of illustration but not limitation pipeline servitudes and levees.
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. McCRACKEN warrants that all utilities and streets have been placed within the servitude(s) granted herein.

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 August 20, 2001, 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 all of the streets dedicated herein has been satisfactorily completed in accordance with all requirements and that all water, utility and drainage facilities have been likewise satisfactorily completed in accordance with all requirements, and St. Charles Parish does hereby accept all of said streets and water, utility and drainage facilities and assumes the maintenance thereof.

This Act of Dedication and Acceptance was approved and accepted by the St. Charles Parish Council by Ordinance 01-8-10 the 20th day of August, 2001, 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:

Melissa Harris

Stacy Perret

McCRACKEN ENTERPRISES, INC.

BY:

Luther S. McCracken, Jr.
Vice President/Secretary

Luther S. McCracken, Jr.
NOTARY PUBLIC

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:

Barbara J. Joubert

Valerie Berthelet

ST. CHARLES PARISH

BY:

Albert D. Laque
Albert Laque,
Parish President

Heina B. Weissens
Notary Public

**RESOLUTION
OF
McCRACKEN ENTERPRISES, INC.**

At a meeting of the Board of Directors of this Corporation, held at its office on the 30th day of July, 2001, all of the directors being present, the following resolutions were unanimously adopted:

BE IT RESOLVED, that the Michael H. McCracken, the President of this corporation, and Luther S. McCracken, Jr., the Vice President/Secretary of this corporation, or either of them, are fully authorized in the name and on behalf of this corporation, to purchase any real estate in the State of Louisiana, or elsewhere, for such amount and on such terms and conditions and with such clauses and stipulations contained in the Act of Purchase as either of said officers thinks proper and advisable; and also to sell, develop and/or dedicate for public use any real estate owned by this corporation to any person or persons or corporation for such amount and on such terms and conditions as either of said officers may determine or think advisable, and to receive and receipt for the selling price and to give full acquittance and discharge therefor; to mortgage real estate owned by this corporation under a conventional or other mortgage or to any homestead association under a vendor's lien and in accordance with the rules and regulations of the homestead association, for such amounts and on such terms and conditions as either of said officers may determine; with authority in the case of a homestead association loan to sell the property to the association and to repurchase same, and to subscribe to any mortgage installment stock as may be necessary, all in accordance with its rules and regulations; with full authority on the part of either of said officers to sign and execute any act or acts before any Notary Public, said act of acts to contain such clauses, stipulations and obligations as either of said officers may deem advisable, including confession of judgment, sale by executory process, waiver of appraisalment, and the nonalienation clauses; with further authority to sign and execute any and all documents or deeds, notes and mortgage notes, building contracts, necessary or advisable to carry out fully the foregoing objects and purposes; to build and construct houses and other improvements on, or make repairs or additions to property owned by this corporation for itself, or to construct residences or other buildings for others on property owned by them, under contracts direct with such owners, or through any lending agency, and with or without bond, and for such amount and on such terms as either of such officers deem advisable; the intent of this resolution being to place full authority with either of said officers to transact completely the business of this corporation as outlined in its charter, in which its objects and purposes are set forth, all without the necessity of the adoption by the Board of Directors of a separate resolution to cover each transaction, or to cover each sale, dedication, purchase or mortgage, or the construction of any improvements on the property of this corporation for itself, or under building contracts as contractor for the account of others; with further authority to do anything in the premises which may be necessary or advisable to carry out fully all or any of the purposes of this resolution.

CERTIFICATE

I certify that I am Secretary of McCracken Enterprises, Inc.; that the above resolution is a true and correct copy of a resolution unanimously adopted at a meeting of the Board of Directors of said corporation held at its office on all members of the Board being present and voting.


Luther S. McCracken, Jr.
Secretary

EXHIBIT A

LAKYNN LANE

A certain piece or portion of ground situated in Sections 5 & 6, Township 13 South, Range 20 East, Parish of St. Charles, State of Louisiana, designated as Lakynn Lane in Avalon Subdivision, Phase II and more fully described as follows:

Commence at the U.S. Engineers Levee Monument LMS 396 and measure $N42^{\circ}49'05''W$ a distance of 755.74' to a point on the southerly line of Avalon Subdivision; thence along said southerly line, $S52^{\circ}03'00''W$, a distance of 1163.47' to a point on the easterly right of way line of the Union Pacific Railroad; thence along said easterly right of way line, $N57^{\circ}41'44''W$, a distance of 508.99' to a point on the northerly right of way line of Kaylee Drive; thence along said northerly right of way line, around the arc of a curve to the right, having a radius of 150.00', an arc length of 17.62', a chord bearing of $N48^{\circ}41'07''E$ and a chord distance of 17.61' to a point of tangency; thence continue along said northerly right of way line, $N52^{\circ}03'00''E$, a distance of 158.54' to a point on the westerly right of way line of Lakynn Lane, the point of beginning; measure thence from the point of beginning, along said westerly line, $N35^{\circ}58'26''W$, a distance of 50.00' to a point of curvature; thence continue along said westerly line, around the arc of a curve to the right, having a radius of 433.82', an arc length of 69.07', a chord bearing of $N31^{\circ}24'45''W$ and a chord distance of 69.00' to a point of reverse curvature; thence continue along said westerly line, around the arc of a curve to the left, having a radius of 433.82', an arc length of 19.43', a chord bearing of $N28^{\circ}08'03''W$ and a chord distance of 19.43' to a point on the northerly line of Avalon Subdivision; thence continue along said westerly line, around the arc of a curve to the left, having a radius of 433.82', an arc length of 49.64', a chord bearing of $N32^{\circ}41'44''W$ and a chord distance of 49.62' to a point of tangency; thence continue along said westerly line, $N36^{\circ}32'00''W$, a distance of 114.83' to a point of curvature; thence continue along said westerly line, around the arc of a curve to the left, having a radius of 20.00', an arc length of 31.42', a chord bearing of $N80^{\circ}58'26''W$ and a chord distance of 28.28' to a point on the southerly right of way line of Meredith Place; thence along said southerly line, $N54^{\circ}01'34''E$, a distance of 90.00' to a point on the easterly right of way line of Lakynn Lane; thence along said easterly line, around the arc of a curve to the left, having a radius of 20.00', an arc length of 31.42', a chord bearing of $S09^{\circ}01'34''W$ and a chord distance of 28.28' to a point of tangency; thence continue along said easterly line, $S36^{\circ}32'00''E$, a distance of 114.83' to a point of curvature; thence continue along said easterly line, around the arc of a curve to the right, having a radius of 483.82', an arc length of 49.13', a chord bearing of $S33^{\circ}03'54''E$ and a chord distance of 49.11' to a point on the northerly line of Avalon Subdivision; thence continue along said easterly line, around the arc of a curve to the right, having a radius of 483.82', an arc length of 27.90', a chord bearing of $S28^{\circ}30'13''E$ and a chord distance of 27.90' to a point of reverse curvature; thence continue along said easterly line, around the arc of a curve to the left, having a radius of 383.82', an arc length of 61.11', a chord bearing of $S31^{\circ}24'45''E$ and a chord distance of 61.05' to a point of tangency; thence continue along said easterly line, $S35^{\circ}58'26''E$, a distance of 48.27' to a point on the northerly right of way line of Kaylee Drive; thence along said northerly line, $S52^{\circ}03'00''W$ a distance of 50.03' to a point, the point of beginning.

Said portion of ground contains 16,277.13 square feet.

All as more fully shown on the final plat of Avalon, Phase II by Krebs, LaSalle, LeMieux Consultants, Inc., dated July 25, 2001.

MEREDITH PLACE

A certain piece or portion of ground situated in Section 6, Township 13 South, Range 20 East, Parish of St. Charles, State of Louisiana, designated as Meredith Place in Avalon Subdivision, Phase II and more fully described as follows:

Commence at the U.S. Engineers Levee Monument LMS 396 and measure N42°49'05"W a distance of 755.74' to a point on the southerly line of Avalon Subdivision; thence along said southerly line, S52°03'00"W, a distance of 1163.47' to a point on the easterly right of way line of the Union Pacific Railroad; thence along said easterly right of way line, N57°41'44"W, a distance of 508.99' to a point on the northerly right of way line of Kaylee Drive; thence along said northerly right of way line, around the arc of a curve to the right, having a radius of 150.00', an arc length of 17.62', a chord bearing of N48°41'07"E and a chord distance of 17.61' to a point of tangency; thence continue along said northerly right of way line, N52°03'00"E, a distance of 158.54' to a point on the westerly right of way line of Lakynn Lane; thence along said westerly line, N35°58'26"W, a distance of 50.00' to a point of curvature; thence continue along said westerly line, around the arc of a curve to the right, having a radius of 433.82', an arc length of 69.07', a chord bearing of N31°24'45"W and a chord distance of 69.00' to a point of reverse curvature; thence continue along said westerly line, around the arc of a curve to the left, having a radius of 433.82', an arc length of 19.43', a chord bearing of N28°08'03"W and a chord distance of 19.43' to a point on the northerly line of Avalon Subdivision; thence continue along said westerly line, around the arc of a curve to the left, having a radius of 433.82', an arc length of 49.64', a chord bearing of N32°41'44"W and a chord distance of 49.62' to a point of tangency; thence continue along said westerly line, N36°32'00"W, a distance of 114.83' to a point of curvature; thence continue along said westerly line, around the arc of a curve to the left, having a radius of 20.00', an arc length of 31.42', a chord bearing of N80°58'26"W and a chord distance of 28.28' to a point on the southerly right of way line of Meredith Place, the point of beginning; measure thence from the point of beginning, along said southerly line, S54°01'34"W, a distance of 34.37' to a point of curvature; thence continue along said southerly line, around the arc of a curve to the left, having a radius of 60.00', an arc length of 30.89', a chord bearing of S39°16'31"W and a chord distance of 30.55' to a point of reverse curvature; thence continue along said southerly line, around the arc of a curve to the right, having a radius of 60.00', an arc length of 278.96', a chord bearing of N22°16'57"W and a chord distance of 87.49' to a point of reverse curvature on the northerly right of way line of Meredith Place; thence continue along said northerly line, around the arc of a curve to the left, having a radius of 60.00', an arc length of 59.57', a chord bearing of N82°28'06"E and a chord distance of 57.15' to a point of tangency; thence continue along said northerly line, N54°01'34"E, a distance of 489.76' to a point of curvature; thence continue along said northerly line, around the arc of a curve to the left, having a radius of 30.00', an arc length of 27.40', a chord bearing of N27°51'40"E and a chord distance of 26.46' to a point of reverse curvature; thence continue along said northerly line, around the arc of a curve to the right, having a radius of 60.00', an arc length of 298.10', a chord bearing of S35°58'26"E and a chord distance of 73.33' to a point of reverse curvature on the southerly right of way line of Meredith Place; thence along said southerly line, around the arc of a curve to the left, having a radius of 30.00', an arc length of 27.40', a chord bearing of S80°11'28"W and a chord distance of 26.46' to a point of tangency; thence continue along said southerly line, S54°01'34"W, a distance of 496.79' to a point, the point of beginning.

Said portion of ground contains 50,403.12 square feet.

All as more fully shown on the final plat of Avalon, Phase II by Krebs, LaSalle, LeMieux Consultants, Inc., dated July 25, 2001.