

St. Charles Parish Recording Page

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St. Charles Parish Courthouse
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BAYOU FLEET PARTNERSHIP LLP

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Index Type : Conveyance
Type of Document : Servitude

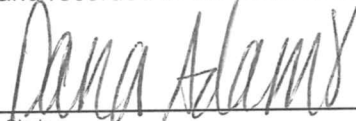
Entry Number : 392553

Book : 792 Page : 593

Recording Pages : 5

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for St. Charles Parish, Louisiana


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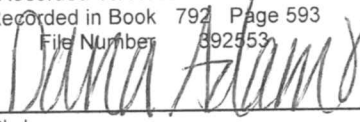
On (Recorded Date) : 10/07/2013

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CLERK OF COURT
LANCE MARINO
Parish of St. Charles
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Recorded in Book 792 Page 593
File Number 392553


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Additional Index Recordings			
<u>Index Type</u>	<u>Book</u>	<u>Page</u>	<u>Entry Number</u>
MTG	1550	204	392553

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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:

PARCEL I:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging, or in anywise appertaining, situated at Hahnville, St. Charles Parish, Louisiana, measuring 182 feet, more or less, front on the Mississippi River, by a depth to the right of way line of the River Road (La. Highway 18), bounded above by property formerly of the Estate of S.A. Baudouin and below by that formerly of William A. Wenck.

PARCEL II:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging, or in anywise appertaining, situated in the Parish of St. Charles, State of Louisiana, in Section 1, Township 12 South, Range 20 East and Section 26 and Section 27, Township 13 South, Range 20 East. Said portion is a part of the property of the Estate of Ulysses J. Keller at Hahnville, St. Charles Parish, Louisiana, according to a certificate of survey by R. P. Bernard, Surveyor, dated September 25, 1971, and is described as follows:

Commence at U.S. Engineers Right-of-way Monument 2711 ± 77.9 and measures North 25 degrees 21 minutes West a distance of 282.8 feet to a point; thence North 62 degrees 03 minutes East a distance of 35 feet to the 3/4" iron rod and point of beginning being the southerly of said portion as shown on the certificate of survey by R. P. Bernard, Surveyor, dated September 25, 1971. Thence measuring North 62 degrees 03 minutes East a distance of 910.12 feet to the mean low water line of the Mississippi River; thence North 27 degrees 18 minutes West a distance of 220.30 feet; thence North 38 degrees 58 minutes West a distance of 200 feet; thence North 39 degrees 15 minutes West a distance of 200 feet; thence 41 degrees 32 minutes West a distance of 200 feet; thence North 39 degrees 32 minutes West a distance of 200 feet; thence North 44 degrees 36 minutes West a distance of 131.14 feet, all comprising the mean low water line of the Mississippi River or easterly line of said portion of ground on the Mississippi batture; thence South 56 degrees 25 minutes West a distance of 469.27 feet comprising the Northerly line of said portion of ground; thence South 10 degrees 21 minutes East a distance of 750.08 feet; thence South 27 degrees 21 minutes East a distance of 368.04 feet to the point of beginning, and designated as 18.96 acres on said survey by R. P. Bernard, Surveyor, dated September 25, 1971.

PARCEL III:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging, or in anywise appertaining, situated in the Town of Hahnville, Parish of St. Charles, State of Louisiana, said portion of ground is a portion of the property of the Estate of Ulysses J. Keller, and is more fully described as follows:

It has a width of 110 feet fronting on the east or river side of right-of-way line of Louisiana Highway 18 (commonly known as River Road), and is bounded on the southern side by a portion of ground owned by Alvin Gourges acquired by the said Alvin Gourges on April __, 1944, from Ulysses J. Keller in act passed before James P. Vial, N.P., recorded in COB "YY", folio 501 and is bounded on its northern or (up river side) by remaining property of the Estate of Ulysses J. Keller or assigns; said lot of ground extends from its frontage on Louisiana Highway 18 (River Road) in an easterly direction toward the Mississippi River between parallel lines of 110 feet apart but with unequal depths on its southern (or down-river sideline) and northern (or up-river sideline) so as to reach the property previously purchased by P&L Investment Corporation from Louis D. Keller, et al., in act passed before Joel T. Chaisson, N.P., on October 11, 1971, registered in COB 118, folio 87, St. Charles Parish, Louisiana.

Being the same property acquired by P&L Investment Corporation by purchase from Philonise Friloux Nicholas, et al., per act passed before Leon C. Vial, III, N.P., dated July 19, 1972, filed July 31, 1972, under Entry No. 41575, registered in COB 129, folio 372; further by Ratification and Quitclaim from Roswell Keller, per act dated May 30, 1980, filed September 17, 1980, further by purchase from Louis D. Keller, et al., per act dated November 17, 1979, filed September 17, 1980, under Entry No. 77311, registered in COB 252, folio 234; and further by purchase from Louis D. Keller, per act passed before Joel T. Chaisson, N.P., dated October 11, 1971, filed October 27, 1971, under Entry No. 39681, registered in COB 118, folio 87.

In addition to the foregoing, and notwithstanding anything to the contrary, with respect to all the hereinabove described property designated as Parcel I, Parcel II, and Parcel III, vendor conveys to purchaser and purchaser acquires from vendor all of vendor's right, title and interest in and to riparian rights, alluvian, dereliction, and the banks of the Mississippi River which are part or all of the hereinabove described property designated as Parcel I, Parcel II, and Parcel III, including by example and not limitation all property to the ordinary low stage (mean low water line) of the Mississippi River.

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-2013-17 (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.

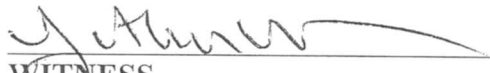
1. It is hereby stipulated that Bayou Fleet, its heirs, successors and assigns, shall never be allowed to perform the following B-2 activities on the property, in perpetuity, as follows: (1) no electrical generating plants; (2) no coal handling, transfer and storage facilities; (3) no petroleum and petroleum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

JULIAN R. MURRAY
BAR # 7526, NOTARY PUBLIC
PARISH OF JEFFERSON, STATE OF LOUISIANA.
MY COMMISSION IS ISSUED FOR LIFE

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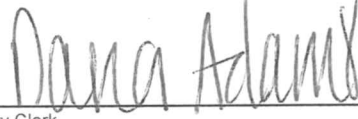
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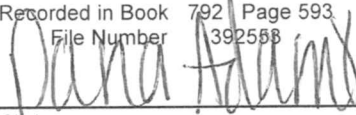
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3. It is the intention of this Act of Dedication of Predial Servitude and/or Restrictive Covenant Limiting Uses of the Property to create a real right bearing upon and running with the property as to Bayou Fleet and all subsequent owners of the property,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

JULIAN R. MURRAY
BAR # 7526, NOTARY PUBLIC
PARISH OF JEFFERSON, STATE OF LOUISIANA
MY COMMISSION IS ISSUED FOR LIFE