

Ord.

2013-0085

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF EMERGENCY PREPAREDNESS)

ORDINANCE NO. 13-3-13

An ordinance to approve and authorize the execution of a Right of Way and Servitude Agreement by St. Charles Parish to Entergy Louisiana, LLC on the property of 15026 River Road, Hahnville.

WHEREAS, St. Charles Parish is the owner of certain property in Hahnville known as 15026 River Road; and,

WHEREAS, Entergy Louisiana LLC has requested that St. Charles Parish grant them a Right of Way and Servitude across a portion of said property, as more fully described in the Right of Way Instrument and accompanying survey by Lucien Gassen dated January 6, 2010.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Council does hereby approve the Right of Way and Servitude Agreement by and between St. Charles Parish and Entergy Louisiana, LLC.

SECTION II. That the Parish President is hereby authorized to execute said Right of Way and Servitude Agreement on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 25th day of March, 2013, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Wendy Benedetto

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 3-26-13

APPROVED: ✓ DISAPPROVED:

PARISH PRESIDENT: Wendy

RETD/SECRETARY: 3-26-13

AT: 1:30pm RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON March 28, 2013

AS ENTRY NO. 387319

IN MORTGAGE/CONVEYANCE BOOK

NO. 783 FOLIO 762

STATE OF LOUISIANA
PARISH OF St. Charles

WR# _____
TLN# _____

RIGHT-OF-WAY INSTRUMENT
ENTERGY LOUISIANA, LLC

KNOW ALL MEN BY THESE PRESENTS THAT: ST. CHARLES PARISH, herein represented by V. J. St. Pierre, Jr. Parish President, Grantor(s), whose permanent mailing address is P. O. Box 302, Hahnville, Louisiana, 70057, acting individually, and for, and on behalf of, my/our heirs, successors, assigns and any other person claiming the ownership to the property hereinafter described, collectively "Grantor", for and in consideration of One Dollar, in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, assign, convey unto and warrant and defend Entergy Louisiana, LLC, and its successors and assigns, collectively "Grantee", a right-of-way, servitude and easement ten (10') feet in width for the location, construction, reconstruction, improvements, repairs, operation, inspection, patrol, replacement and maintenance of electric power and communication facilities, or the removal thereof, now or in the future, including, but not necessarily limited to, poles, 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 Grantee over, across, under or on that land of Grantor in the Parish of St. Charles, State of Louisiana described as follows, to-wit:

A certain tract or parcel of land situated in the Parish of St. Charles, State of Louisiana, on the right bank of the Mississippi River and more clearly shown on a survey by Lucien Gassen, PLS dated January 6, 2010 entitled "Survey of Two Portions of Property being purchased by St. Charles Parish". Being the same property acquired by grantor by Act of Sale duly recorded on May 4, 2010 at COB 742, folio 490 in and for the Parish of St. Charles.

The location of the right of way and servitude herein granted is more clearly shown, indicated or delineated in red on that drawing prepared by Landmark Surveying, Inc. for Entergy Louisiana, LLC, dated March 30, 2012, and identified as Job No. 12-0075 - Plat File No. 120075-2, copy of which is attached hereto and made a part hereof, together with the right of ingress and egress to and from said right-of-way across the adjoining land of the Grantor and the right to attach wires and cables of any other party to Grantee's facilities.


Grantee shall have the full and continuing right to clear and keep clear vegetation within or growing into said right-of-way and the further right to remove or modify from time to time trees, limbs, and/or vegetation outside the said right of way which the Grantee considers a hazard to any of its electric power or communications facilities or a hazard to the rendering of adequate and dependable service to Grantor or any of Grantee's customers, by use of a variety of methods used in the vegetation management industry.

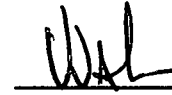
Grantor shall not construct or permit the construction of any structure, obstruction or other hazard within the said right-of-way, including but not limited to, house, barn, garage, shed, pond, pool or well, excepting only Grantor's fence(s) and Grantee's facilities. Grantor shall not construct or permit the construction of any buildings or other structures on land adjoining said right-of-way in violation of the minimum clearances from the lines and facilities of Grantee, as provided in the National Electrical Safety Code.


IN WITNESS WHEREOF, Grantor has executed this Right-of-Way Instrument on this 26th day of March, 2013.

WITNESSES:

GRANTOR(S): ST. CHARLES PARISH


PRINT FULL NAME: Anedra Coleman

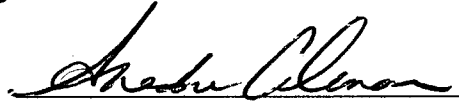

V. J. ST. PIERRE, JR. - PARISH PRESIDENT


PRINT FULL NAME: Tiffany K Clark

ACKNOWLEDGEMENT

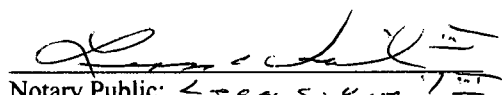
STATE OF LOUISIANA
PARISH OF St. Charles

BEFORE ME, the undersigned notary, personally came and appeared Anedra Coleman, who being first sworn, did depose and say that he/she signed the foregoing instrument as a witness in the presence of Grantor and another subscribing witness, and that all of said signatures thereto are genuine and correct.


Appearer

Sworn to and subscribed before me this 27th day of March, 2013.

Grantee's Permanent Mailing Address:
100 Alpha Dr. Ste 100, Destrehan, LA 70047


Notary Public: _____
Bar Roll # or Notary I.D. 78835

