

Ord

2018-0171

**INTRODUCED BY: LARRY COCHRAN PARISH PRESIDENT
(DEPARTMENT OF PUBLIC WORKS)**

ORDINANCE NO. 18-7-3

An ordinance to approve and authorize the Parish President to acquire a 0.897 acre perpetual drainage servitude over property identified as Parcel No.6-4, in Sections 49 and 50, Township 12 South – Range 8 East in the Town of MONTZ, St. Charles Parish, Louisiana, which property is more particularly described in the Act of Servitude attached hereto and made a part hereof, from THE KANSAS CITY SOUTHERN RAILWAY COMPANY, and/or all other owners of record, as their interests may appear, said property to be used for drainage purposes in connection with Parish Project P080802-5 Coulee Canal Access for Maintenance - Phase II.

WHEREAS, the area near Evangeline Road in Montz, St. Charles Parish, Louisiana has a history of drainage problems; and,

WHEREAS, an Engineering Analysis was completed along the length of the Coulee Canal, which produced recommendations to improve the drainage conveyance system in said area including cleaning and reshaping the Coulee Canal; and,

WHEREAS, the proposed drainage improvement project requires the acquisition of a perpetual drainage servitude over Parcel No.6-4, in Sections 49 and 50, Township 12 South – Range 8 East in the Town of Montz, St. Charles Parish, Louisiana, described in the Act of Servitude attached hereto; and,

WHEREAS, the drainage project and the acquisition of the hereinafter described servitude is in furtherance of the public's best interest and purpose, and is in satisfaction of a public need.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Parish President is hereby authorized to purchase at a price not to exceed its appraised value of \$4,550.00 the property more particularly described in the Act of Servitude attached hereto and made a part hereof, from THE KANSAS CITY SOUTHERN RAILWAY COMPANY, and/or all other owners of record, as their interests may appear, said property is to be used by St. Charles Parish for drainage purposes, including but not limited to the cleaning and reshaping the Coulee Canal.

SECTION II. That the Parish President is hereby authorized to execute any and all documents necessary to complete said purchase.

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

YEAS: BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, WOODRUFF, BELLOCK

NAYS: NONE

ABSENT: FLETCHER, FISHER-PERRIER

And the ordinance was declared adopted the 9th day of July, 2018, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Neil Hille

SECRETARY: Valerie Berthelot

DLVD/PARISH PRESIDENT: July 10, 2018

APPROVED: ✓ DISAPPROVED: ✓

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: July 11, 2018

AT: 12:30pm RECD BY: VB

INTERIM

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON August 28, 2018
AS ENTRY NO. 435016
IN MORTGAGE/CONVEYANCE BOOK
NO. 867 FOLIO 319

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 Mundeur
PRINT

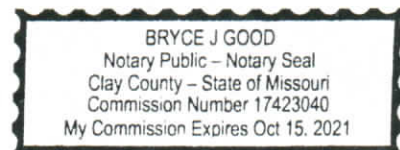


STACI Koepf
PRINT

GRANTOR:

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY

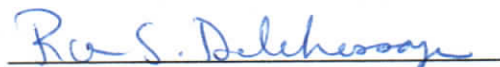

BY: Ginger Adamiak
ITS: Vice President – Energy,
INDUSTRIAL DEVELOPMENT, AND
INNOVATION



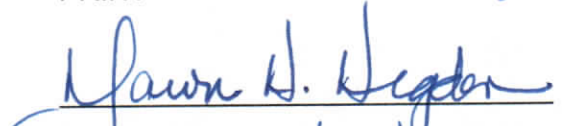

NOTARY PUBLIC

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:

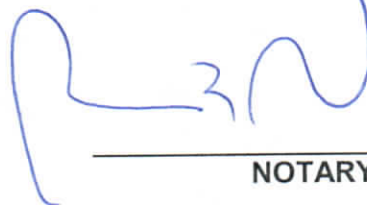


Robin S. Delahoussaye
PRINT


Dawn H. Higdon
PRINT

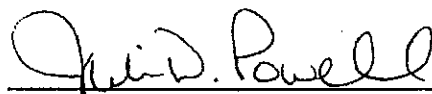
GRANTEE:
PARISH OF ST. CHARLES


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.


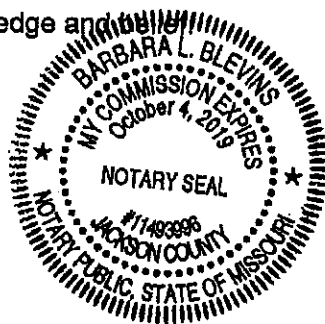
I further certify that Ginger L. Adamiak has been so empowered to legally bind The Kansas City Southern Railway Company as prescribed above continuously since May 24, 2018.



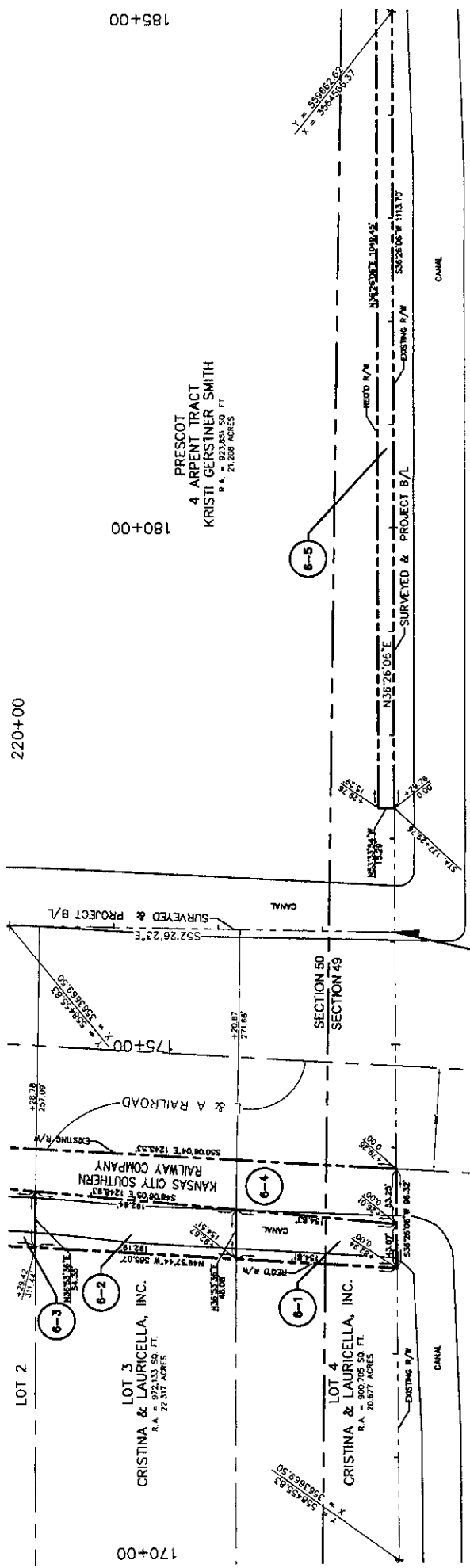
Julie D. Powell, Assistant Secretary
The Kansas City Southern Railway Company

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 COULLEE 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. 728 ENTRY NO. 320462 C.O.B. 673 PG. 782 ENTRY NO. 324603	1.330 AC.	SERVITUDE
6-4	KANSAS CITY SOUTHERN RAILWAY COMPANY	C.O.B. 478 PG. 588 ENTRY NO. N/A C.O.B. 769 PG. 809 ENTRY NO. N/A C.O.B. 7 PG. 376 ENTRY NO. N/A C.O.B. 29 PG. 17 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	0.897 AC.	SERVITUDE
6-3	CRISTINA & LAURICELLA, INC.	C.O.B. 29 PG. 17 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	0.407 AC.	SERVITUDE
6-2	CRISTINA & LAURICELLA, INC.	C.O.B. 29 PG. 17 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	0.226 AC.	SERVITUDE
6-1	CRISTINA & LAURICELLA, INC.	C.O.B. 29 PG. 17 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	0.162 AC.	SERVITUDE

LA HIGHWAY 628 - CC ROAD
BONNET CARRE SPILLWAY



Stephen P. Hynes

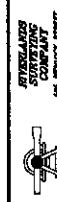
I CERTIFY THAT THIS PLAN REPRESENTS AN ACTUAL ROUTE SURVEY MADE BY ME, OR BY THOSE UNDER MY DIRECTION AND COMPLES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS D ROUTE SURVEY SPECIFICALLY CHAPTER 3909 - ROUTE SURVEY.

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

PARISH OF ST. CHARLES

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



DATE: 07/24/2017	SCALE: 1" = 50'	SHEET NO. 6
DRAWN BY: T.P.T.	COMPUTED BY: S.P.F.	

RSC DWG NO.: 15552-W02874



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

Stephen P. Ayers

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

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 2809 - ROUTE SURVEY.

RESIDUAL ACREAGE NOTE:
RESIDUAL ACREAGE'S SHOWN ARE CALCULATED FOR INFORMATION PURPOSES ONLY.
THE RESIDUAL ACREAGE'S ARE SUBJECT TO REVIEW AND VERIFICATION BY TITLE AND SURVEY.

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

[illegible]

COMPUTED BY: J.F.F.
RSC DWG NO.: L1552 MD2874