

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**:

KRISTI GERSTNER SMITH (XXX-XX-8923), (100% interest, separate property) being a person of full age and majority, domiciled in the County of New Haven, State of Connecticut, who declared unto me, Notary, that she has been married but once and then to Roger Smith, with whom she is living and residing and that her present mailing address is PO Box 1216, Madison, CT 06443;

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. 18-7-4 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 drainage servitude, easement, and right-of-way described as Parcel No. 6-5 unto **GRANTEE** to locate, construct, maintain, repair, operate, patrol and/or replace a 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 for public roads and highways, public utilities, railroads, and pipelines, said property being more particularly described as follows:

LEGAL DESCRIPTION

Parcel 6-5

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 Kristi Gerstner Smith and is more fully described as follows:

From a point on the centerline of Coulee Canal Access for Maintenance, Phase II, at Station 177+29.76, which is the point of beginning,

Proceed N53°33'54"W a distance of 15.29 feet to a point and corner;

thence proceed N36°26'06"E a distance of 1049.45 feet to a point and corner;

thence proceed N50°40'56"W a distance of 302.03 feet to a point and corner;

thence proceed along a curve to the right having a radius of 501.33 feet, whose length is 145.91 feet and whose chord length is 145.40 feet and bears N46°30'47"W to a point and corner;

thence proceed N42°20'39"W a distance of 265.80 feet to a point and corner;

thence proceed along a curve to the right having a radius of 113.40 feet, whose length is 38.75 feet and whose chord length is 38.56 feet and bears N13°18'31"W to a point and corner;

thence proceed S50°06'17"E a distance of 752.75 feet to a point and corner;

thence proceed S36°26'06"W a distance of 1113.70 feet to the point of beginning.

The above described portion of ground contains 57,952.80 square feet or 1.330 acres, as shown on Sheet Nos. 6, 7 and 8 of the Right of Way Map of Coulee Canal Project Access for Maintenance, Phase II, prepared by Stephen P. Flynn, Registered Professional Land Surveyor 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 SEVEN THOUSAND SIX HUNDRED AND ELEVEN AND 00/100 (\$7,611.00) 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 to and from said servitude to locate, construct, maintain, repair, operate, patrol and/or replace a drainage channel, including all appurtenances thereto. **GRANTOR** retains the rights to fully use and enjoy the above-described property, except as to the rights here and above granted. **GRANTEE** shall be responsible to obtain any and all permits if necessary to excavate the area for the drainage servitude granted hereby. **GRANTEE** agrees to indemnify and hold harmless **GRANTOR** from any and all claims and 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. **GRANTOR** does not warrant the condition of the soil or any other conditions related to the excavation or maintenance of the canal in relation to the servitude granted herein.

THUS done, read and passed in Madison, New Haven County,
State of CT, in the presence of undersigned competent witnesses who have
hereunto signed their names with the parties and me, said Notary, on this 10th day
of July, in the year two thousand and nineteen (2019).

WITNESSES:

GRANTOR:

A. Maria Kach

A. Maria Kach

PRINT

[Signature]

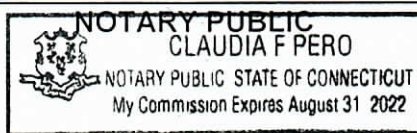
Diana Costantini-Catlin

PRINT

[Signature]

KRISTI GERSTNER SMITH

Claudia Pero



THUS done, read and passed at in St Paul, 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 11th day
of August, in the year two thousand and nineteen (2019).

WITNESSES:

GRANTEE:

PARISH OF ST. CHARLES

Taylor Cochran

TAYLOR COCHRAN

PRINT

Robin S. Delahoussaye

ROBIN S. DELAHOUSSEY

PRINT

BY: LARRY COCHRAN
ITS: PARISH PRESIDENT

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON 8/27/19

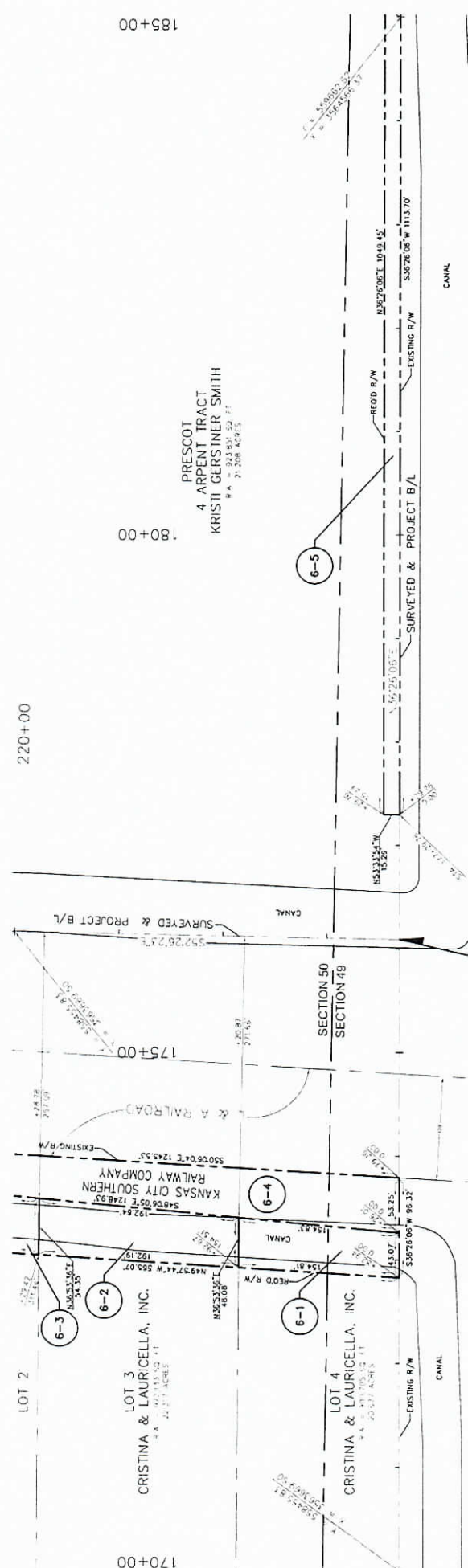
AS ENTRY NO. 443217

IN MORTGAGE/CONVEYANCE BOOK

NO. 881 FOLIO 492

[Signature]
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 COULEE 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 SERMITUDE
 - EXISTING SERMITUDE

PARCEL	OWNER	ACQUISITION	AREA	ESTATE TYPE
6-5	KRIST GERSTNER SMITH	C.O.B. 239 PG. 568 ENTRY NO. 73181 C.O.B. 673 PG. 739 ENTRY NO. 320462 C.O.B. 673 PG. 762 ENTRY NO. 320463	1.330 AC.	SERMITUDE
6-4	KANSAS CITY SOUTHERN RAILWAY COMPANY	C.O.B. II PG. 588 ENTRY NO. N/A C.O.B. 478 PG. 647 ENTRY NO. N/A C.O.B. 769 PG. 809 ENTRY NO. N/A C.O.B. Y PG. 376 ENTRY NO. N/A	0.897 AC.	SERMITUDE
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.	SERMITUDE
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	0.228 AC.	SERMITUDE
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.	SERMITUDE

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

PARISH OF ST. CHARLES

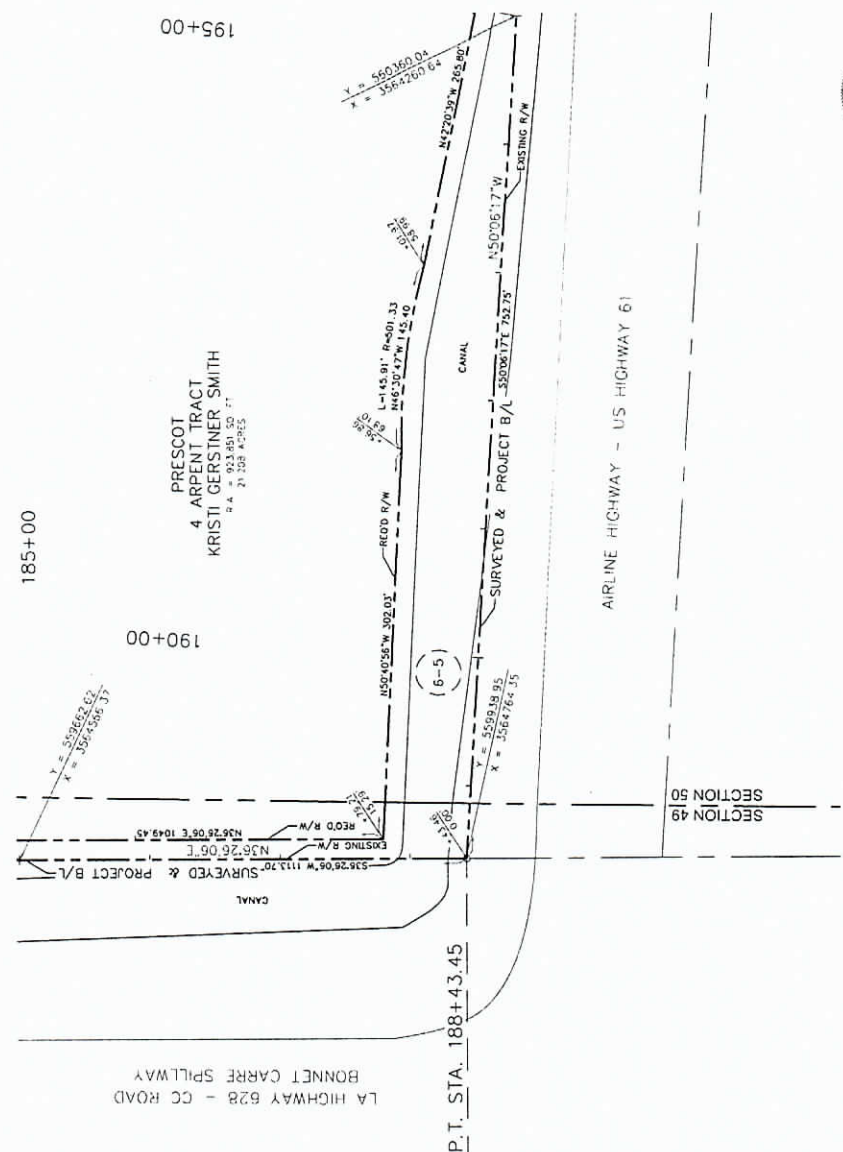
RIGHT OF WAY MAP
COULEE CANAL ACCESS FOR MAINTENANCE
PHASE II
MONTEZ, ST. CHARLES PARISH, LOUISIANA
STA. 100+00.00 TO 223+69.69

STEPHEN P. HYMAN
SURVEYING
COMPANY
L.S. 100-247-14
1-800-247-1400

STEPHEN P. HYMAN, P.L.S.
REG. NO. 4668

DATE: 02/24/2017 100% SCALE: 1" = 50'
DRAWN BY: T.P.I. COMPILED BY: S.P.F.
SHEET NO. 6
ASC DING NO.: L1552-W02874

SOUTHEASTERN LAND DISTRICT
EAST OF THE MISSISSIPPI RIVER
T 12 S - R 8 E
SECTIONS 49 & 50



- LEGEND
- REQUIRED RIGHT OF WAY LINE
 - PROPERTY LINE
 - LOT LINE
 - LIMITS OF CONSTRUCTION
 - EXISTING RIGHT OF WAY LINE
 - SECTION LINE
 - DRAINAGE SERVITUDE
 - EXISTING SERVITUDE

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

PARISH OF ST. CHARLES

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

STEPHEN P. ALYNE
REGISTERED PROFESSIONAL SURVEYOR
NO. 15552
STATE OF LOUISIANA
EXPIRATION DATE 12/31/2024

DATE: 07/24/2017 100% SCALE: 1" = 50' SHEET NO. 7
DRAWN BY: T.P.T. COMPILED BY: S.P.F. RSC DWG NO.: L1552_W02874

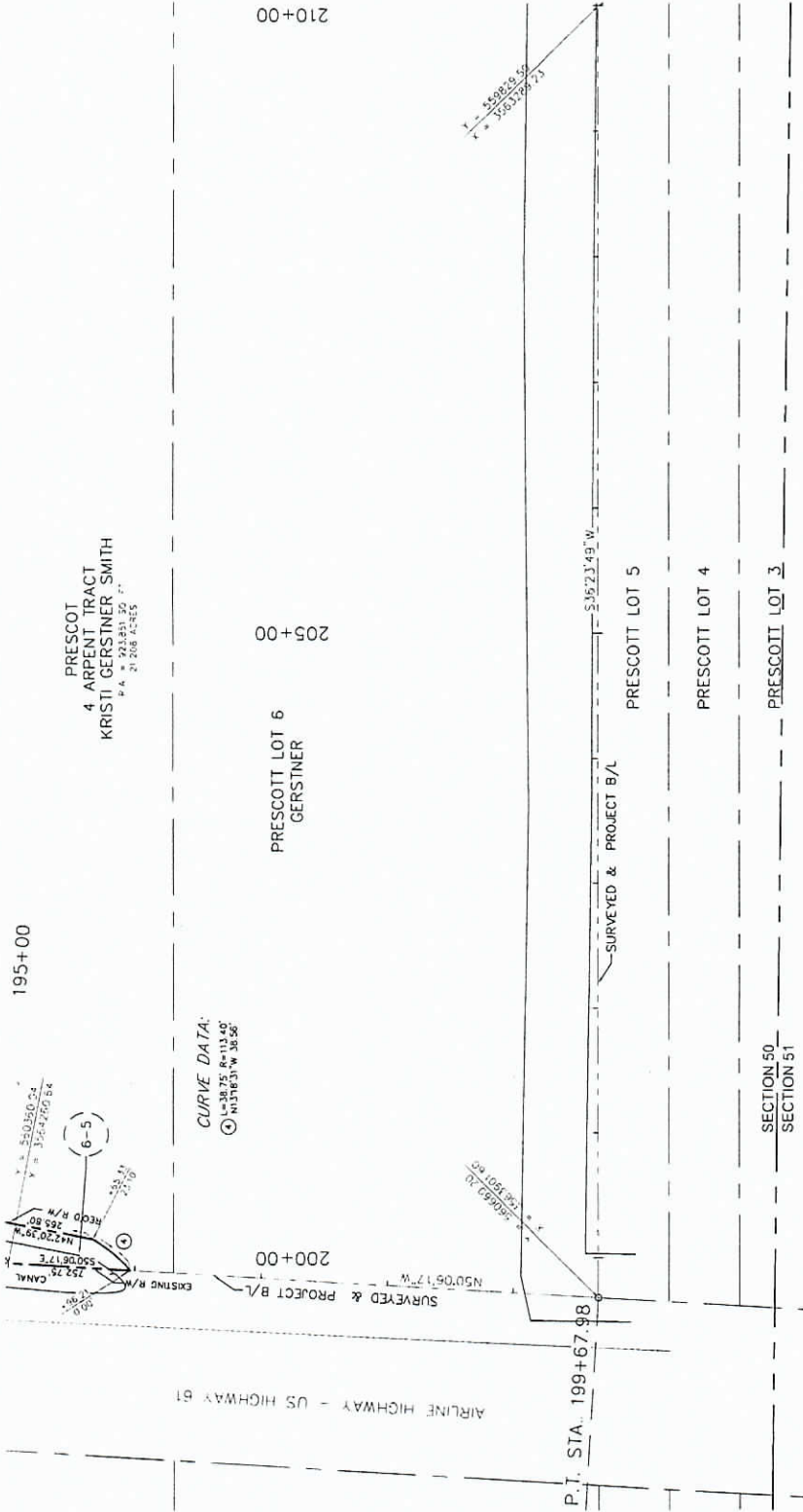
I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL ROUTE
SURVEY MADE BY ME, OR BY THOSE UNDER MY DIRECTION AND
COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S STANDARDS
OF PRACTICE FOR BOUNDARY SURVEYS AND CLASS D ROUTE
SURVEY SPECIFICALLY CHAPTER 2809 - ROUTE SURVEY.

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	REVISIONS

PARCEL	OWNER	ACQUISITION	AREA	ESTATE TYPE

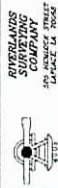
SOUTHEASTERN LAND DISTRICT
EAST OF THE MISSISSIPPI RIVER
T 12 S - R 8 E
SECTIONS 50 & 51



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

PARISH OF ST. CHARLES

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



DATE: 07/24/2017 100% SCALE: 1" = 50'
DRAWN BY: T.P.T. COMPUTED BY: S.P.F.
RSC DWG NO.: L1552.W02874

I CERTIFY THAT THIS PLAN 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.

Stephen P. Flynn



RESIDUAL ACCESSION NOTE
RESIDUAL ACCESSIONS SHOWN ARE CALCULATED FOR INFORMATION
PURPOSES ONLY
THE RESIDUAL ACCESSIONS ARE SUBJECT TO REVIEW AND
VERIFICATION BY TITLE AND SURVEY.

DATE	DESCRIPTION	BY

PARCEL	OWNER	ACQUISITION	AREA	ESTATE TYPE

2018-0172

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

ORDINANCE NO. 18-7-4

An ordinance to approve and authorize the Parish President to purchase and/or expropriate a 1.330 acre perpetual drainage servitude over property identified as Parcel No.6-5, in Sections 49 and 50, Township 12 South – Range 8 East in the Town of MONTZ, St. Charles Parish, Louisiana from KRISTI GERSTNER SMITH, 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, as shown on the attached drawing by Riverlands Surveying Co., LLC dated July 24, 2017.

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.6-5, in Sections 49 and 50, Township 12 South – Range 8 East in the Town of Montz, St. Charles Parish, Louisiana, 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 and/or expropriate at a price not to exceed its appraised value of \$7,611.00 the property more particularly described on the drawing by Riverlands Surveying Co., LLC dated July 24, 2017 attached hereto and made a part hereof, from KRISTI GERSTNER SMITH, 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: [Signature]

INTERIM SECRETARY: Valerie Berthelot

DLVD/PARISH PRESIDENT: July 10, 2018

APPROVED: [Signature] DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: July 11, 2018

AT: 12:30 pm RECD BY: VB

CERTIFIED TRUE & CORRECT AS PER
MINUTES DATED July 9, 2018

[Signature]
SECRETARY
ST. CHARLES PARISH COUNCIL