

*Ord.*

**2008-0223**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF PLANNING AND ZONING)**

**ORDINANCE NO. 08-5-9**

An ordinance providing that the St Charles Parish Code of Ordinances be amended through the addition of subpart "11.5-36 Entergy-Waterford 1, 2 & 3." The ordinance shall extend the formally recognized Entergy-Waterford 1, 2 & 3 "industrial area" in Taft, St. Charles Parish, Louisiana.

**WHEREAS,** Entergy Entergy-Waterford 1, 2 & 3, an electric generating facility wholly owned and operated by Entergy Louisiana LLC, has submitted to the Department of Planning and Zoning required documentation requesting an area of the Parish of St. Charles, State of Louisiana be declared an Industrial Area and be granted the privileges and immunities offered under R.S. 33:130.11, et seq; and

**WHEREAS,** the requested Industrial Area has been fully described on an accurate legal description of which is attached hereto as Exhibit "A" and on a sketch and accurate surveys which are attached hereto as Exhibit "B"; and

**WHEREAS,** Entergy Louisiana LLC owns an interest of not less than 51% of the land in the request for Industrial Area Status; and,

**WHEREAS,** all of the land in the request for Industrial Area Status is outside the boundaries of any municipal corporation of the Parish of St. Charles; and

**WHEREAS,** the St. Charles Parish Council has determined that the land proposed for Industrial Area Status is primarily suited for industrial development and that such determination of feasibility was positively made by the St Charles Parish Planning & Zoning Commission and the Department of Planning & Zoning as forth in the Code of Ordinances; and,

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS,** that Chapter 11.5 of the Code of Ordinances is hereby amended through the addition of the following subpart.

**Sec. 11.5-36 Entergy-Waterford 1, 2 & 3**

**(a) Created:** The following land is hereby designated an industrial area under the terms and conditions of and with all the privileges and immunities granted by R.S. 33:103.11 et seq.:

COMMENCE AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY LINE OF LA. STATE HIGHWAY 18 (RIVER ROAD) AND THE EASTERLY SECTION LINE OF SECTION 25, DIVIDING IT FROM SECTION 24 OF T 12 S ~ R 20 E, SAID SECTION LINE BEING ALSO THE EASTERLY BOUNDARY LINE OF WATERFORD PLANTATION. SAID POINT HAVING A NAD83 COORDINATE VALUE OF X=3,556,750.546 AND Y=544,154.876, ALSO BEING THE POINT OF BEGINNING (P.O.B.); THENCE S20°10'35"W, A DISTANCE OF 6,764.14' TO A POINT BEING ON THE NORTHERLY RIGHT OF WAY OF LA 3127;

THENCE N56°08'57"W ALONG THE NORTHERLY RIGHT OF WAY OF LA 3127, A DISTANCE OF 9,036.52' TO A POINT;

THENCE N34°59'56"E, A DISTANCE OF 6,227.84' TO A POINT;

THENCE CONTINUE N34°59'56"E ALONG SAID LINE, A DISTANCE OF 1,709.96', TO THE MEAN LOW WATER OF THE MISSISSIPPI RIVER,

THENCE ALONG THE MEAN LOW WATER LINE OF THE MISSISSIPPI RIVER; S54°17'15"E, A DISTANCE OF 351.94' TO A POINT;

THENCE S34°38'40"E, A DISTANCE OF 202.54' TO A POINT;

THENCE S04°14'54"E, A DISTANCE OF 214.67' TO A POINT;

THENCE S00°08'49"E, A DISTANCE OF 221.42' TO A POINT;

THENCE S05°14'59"E, A DISTANCE OF 213.25' TO A POINT;

THENCE S25°44'12"E, A DISTANCE OF 201.37' TO A POINT;

THENCE S23°35'38"E, A DISTANCE OF 400.03' TO A POINT;

THENCE S26°01'42"E, A DISTANCE OF 300.14' TO A POINT;

THENCE S31°42'18"E, A DISTANCE OF 214.79' TO A POINT;

THENCE S34°02'11"E, A DISTANCE OF 200.04' TO A POINT;

THENCE S33°27'50"E, A DISTANCE OF 200.09' TO A POINT;

THENCE S38°21'04"E, A DISTANCE OF 162.80' TO A POINT;

THENCE S47°30'47"E, A DISTANCE OF 190.63' TO A POINT;

THENCE S44°51'17"E, A DISTANCE OF 200.00' TO A POINT;

THENCE S46°34'22"E, A DISTANCE OF 200.12' TO A POINT;

THENCE S45°42'50"E, A DISTANCE OF 200.04' TO A POINT;

THENCE S56°25'41"E, A DISTANCE OF 204.54' TO A POINT;

THENCE S39°42'36"E, A DISTANCE OF 221.26' TO A POINT;

THENCE S59°36'29"E, A DISTANCE OF 228.48' TO A POINT;

THENCE S75°08'11"E, A DISTANCE OF 364.30' TO A POINT;

THENCE S46°42'59"E, A DISTANCE OF 105.63' TO A POINT;

THENCE S71°27'53"E, A DISTANCE OF 593.81' TO A POINT;

THENCE S59°36'35"E, A DISTANCE OF 384.95' TO A POINT;

THENCE S61°11'38"E, A DISTANCE OF 433.81' TO A POINT;

THENCE S76°09'21"E, A DISTANCE OF 418.37' TO A POINT;

THENCE S68°52'48"E, A DISTANCE OF 199.75' TO A POINT;

THENCE S80°02'46"E, A DISTANCE OF 192.84' TO A POINT;

THENCE S62°33'07"E, A DISTANCE OF 214.35' TO A POINT;

THENCE S62°16'31"E, A DISTANCE OF 504.42' TO A POINT;

- (1) The Secretary of the parish council is instructed to file certified copies of the legal description, the survey of the industrial area, and this section with the clerk of the district court in both the mortgage and conveyance records; and
  - (2) The Secretary of the parish council is directed to furnish a certified copy this section to the petitioner, Entergy-Waterford 1, 2 & 3, and to the assessor, and to ask that the said assessor duly note the action of the parish council in the records of his office; and
  - (3) The Secretary of the parish council is instructed to provide a certified copy of this section to the State Department of Economic Development, Baton Rouge, Louisiana, and the State Department of Public Works, Baton Rouge, Louisiana; and,
  - (4) No portion of the industrial area may be included within a special service district hereafter created for the purpose of construction and cleaning streets, provided the industries located within the industrial area, individually, or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of the parish council so stating The service provided for in this paragraph shall not apply to public streets and public roads within the industrial area, and,
  - (5) No portion of this industrial area may included within a special service district hereafter created for the purpose of street lighting, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
  - (6) Nor portion of this industrial area may be included within a special service district hereafter created for the purpose of sewers and sewerage works, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
  - (7) Nor portion of the industrial area may be included within a special service district hereafter created for the purpose of fire protection, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
  - (8) No portion of the industrial area may be included within a special service district hereafter created for the purpose of garage and refuse collection and disposal, provided the industries located within the industrial area, individually or as a group, furnish and maintain such service as needed, and file an affidavit with the secretary of this parish council so stating; and,
- (b) Administrative requirements:
- (1) No industry located or in progress of being located within the boundaries of this industrial area shall have any of the privileges and immunities set forth in Act Number 406 of 1964, as amended by Act Number 505 of 1966, or this section unless and until that industry files with the secretary of the parish council a duly executed agreement to notify the parish council in writing immediately upon the discontinuance of the furnishing and/or maintenance of any one of all of the services to themselves which had been previously set forth in an affidavit filed by the industry with the parish council and to allow inspection by the parish council and to allow inspection by the parish council or any designee thereof, of the premises on which the industries claim, by affidavit duly filed, that they shall furnish and maintain any or all of the above enumerated services Such inspection shall be made at reasonable times and the intervals and shall be limited to observation of the areas and/or facilities pertinent to the services which the industries claim, by duly filed affidavit, to be furnishing; and,
  - (2) The Secretary of the parish council is directed to file certified copies of all agreements filed with the secretary by companies in the industrial area with the assessor; and,
  - (3) This section shall, in no way, impair or restrict any agreement between industries located in this industrial area and the parish council and/or any municipality or municipalities situated therein, for mutual fire protection in grave emergencies.
  - (4) This section shall in no way, impair or restrict the parish council and/or any municipality or municipalities situated therein, from the enforcement of buffer zone requirements as contained in any zoning or land use base Code provision

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 19th day of May, 2008, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN \_\_\_\_\_

SECRETARY \_\_\_\_\_

DLVD/PARISH PRESIDENT \_\_\_\_\_

APPROVED ☒

DISAPPROVED \_\_\_\_\_

PARISH PRESIDENT \_\_\_\_\_

RETD/SECRETARY \_\_\_\_\_

AT 1:10 pm

RECD BY \_\_\_\_\_