

Ord.

2003-0347

**INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

ORDINANCE NO. 03-10-12

An ordinance approving and authorizing the execution of an Act of Dedication for Ormond Country Club Estates, Section 12, Phase D-2 Subdivision, St. Charles Parish, LA.

WHEREAS, a resubdivision of Parcels 11-A & 11-B into Parcel SCP, Sq. A, Lots 110-140; Sq. B, Lots 238 - 267, Sq. C, Lots 206 - 212, the dedication of portions of Nottaway Drive, Madewood Drive, and Arlington Drive, of Entergy & drainage servitudes and revocation of drainage servitudes; and,

WHEREAS, said subdivision has been constructed in accordance with the St. Charles Parish Subdivision Regulations of 1981, as amended; and,

WHEREAS, all required administrative reviews and approvals have been effected relative to said subdivision.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the attached Act of Dedication for Ormond Country Club Estates, Section 12, Phase D-2 Subdivision which Parcel SCP, Sq. A, Lots 110-140; Sq. B, Lots 238 - 267, Sq. C, Lots 206 - 212, the dedication of portions of Nottaway Drive, Madewood Drive, and Arlington Drive, of Entergy & drainage servitudes and revocation of drainage servitudes is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute the attached Final Plat and Act of Dedication on behalf of St. Charles Parish.

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

YEAS: FAUCHEUX, HILAIRE, FABRE, ABADIE, BLACK, MARINO, MINNICH
NAYS: NONE
ABSENT: RAMCHANDRAN, AUTHEMENT

And the ordinance was declared adopted this 20th day of October, 2003, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Sam J. Mau*
SECRETARY: *Barbara J. Jure*
DLVD/PARISH PRESIDENT: *October 21, 2003*
APPROVED: **DISAPPROVED:**

PARISH PRESIDENT: *Albert D. Laque*
RETD/SECRETARY: *October 21, 2003*
AT: *2:45 P.M* **RECD BY:** *BJJ*

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON *October 30, 2003*
AS ENTRY NO. *287797*
IN MORTGAGE/CONVEYANCE BOOK
NO. *628* FOLIO *485*

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: THE MITCHELL COMPANY, INC.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

BE IT KNOWN, that on the dates hereinafter set forth,

BEFORE US, the undersigned Notaries Public, duly commissioned and qualified in and for the Parishes and State as hereinafter set forth, and before the undersigned competent witnesses,

PERSONALLY CAME AND APPEARED:

THE MITCHELL COMPANY, INC., an Alabama corporation, duly authorized to do business in the State of Louisiana, appearing herein through its agent, duly authorized by virtue of a resolution of the Board of Directors of said corporation, a copy of which is annexed hereto;

Mailing Address: 41 North Belt Line Highway
Third Floor
Mobile, Alabama 36608

(hereinafter referred to as "Mitchell")

Mitchell declared unto me, Notary, that is the owner of a certain tract of immovable property situated on the East Bank of St. Charles Parish, which land is designated as **ORMOND COUNTRY CLUB ESTATES, SECTION 12, PHASE D-2 ("ORMOND PHASE D-2")**, being a portion of Sections 14 and 15, Township 12 South, Range 8 East, and Sections 3 and 4, Township 13 South, Range 8 East, St. Charles Parish, Louisiana, as shown on a survey of said subdivision prepared by Ronald Clement, Land Surveyor, dated April 4, 2003, a copy of which survey is attached hereto and made a part of this Act of Dedication; and

Mitchell further declared unto me, Notary, that it has caused a portion of the above property designated as **LOTS 110 through 140, SQUARE A, LOTS 238 through 267, SQUARE B and LOTS 206 through 212, SQUARE C**, on the survey referred to above to be laid out into lots, in order to create **ORMOND PHASE D-2**; and

Mitchell further declared unto me, Notary, that on the aforesaid plan of resubdivision, it has laid out certain streets within **ORMOND PHASE D-2**, which are named and identified as a portion of **MADEWOOD DRIVE, ARLINGTON DRIVE AND NOTTAWAY DRIVE**, in regard

to this dedication are more fully described in Exhibit "A" attached hereto and made a part hereof. On all matters of the description of the property on which the streets above named are located, the attached survey shall be controlling.

Mitchell further declared unto me, Notary, that on the aforesaid plan of resubdivision, it has also designated and labeled various servitudes for water, utility and drainage purposes; and

Mitchell further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it does by these presents, dedicate the following streets located all within ORMOND PHASE D-2, namely: a portion of MADEWOOD DRIVE, ARLINGTON DRIVE AND NOTTAWAY DRIVE, as hereinabove described and does hereby grant the various servitudes for water, utility and drainage purposes, all as shown on the annexed plan of subdivision, to public use, unto and in favor of the Parish of St. Charles, the inhabitants of the Parish of St. Charles, and to the public in general; and

Mitchell further declared unto me, Notary, that the aforesaid dedication and grant is subject to all the following terms and conditions, to-wit:

1. The dedication of the fee ownership of the property to the Parish of St. Charles is covered by the street identified hereinabove as a portion of MADEWOOD DRIVE, ARLINGTON DRIVE AND NOTTAWAY DRIVE, but only as far as said streets are located in ORMOND PHASE D-2.
2. The herein grant of the various servitudes for water, utility and drainage purposes shall constitute the granting only of a personal servitude of right of use being a "limited personal servitude" in favor of St. Charles Parish. Mitchell does hereby reserve all rights of fee ownership to that portion of the aforesaid ORMOND PHASE D-2, which comprises the various servitudes for water, utility and drainage purposes.
3. Mitchell does hereby reserve all rights of ownership to all of the oil, gas and other minerals in, on and under the property covered and affected by the streets identified hereinabove and by the aforesaid water, utility and drainage servitudes granted herein. In that connection, Mitchell does, however, agree to prohibit the use of any part of the surface of any of the property covered by the street and servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with Mitchell's plan and intention to reserve all of the mineral rights in, on and under all of the lots in ORMOND PHASE D-2, whereby, however, Mitchell will likewise impose a restriction on the entire subdivision against any use of the surface of any lot for exploration, development or productions of minerals, pursuant to this reservation. This reservation is made in accordance with Mitchell's plan and intention to reserve all of the mineral rights in, on and under all of the lots in ORMOND PHASE D-2 whereby, however, Mitchell will likewise impose a restriction of the entire subdivision against any use of the surface of any lot for the exploration, development or production of

minerals, or by any other binding means of strict surface operations in regard to mineral exploration in this subdivision.

4. The herein dedication of street and grant of servitudes for water, utility and drainage purposes are made by Mitchell without any warranty whatsoever except as provided for herein.
5. St. Charles parish must bind and obligate itself not to use the property dedicated herein for street purposes in any manner, which would be inconsistent with or detrimental to such uses as a public street. St. Charles Parish must further bind and obligate itself to use the water, utility and drainage purposes.
6. This dedication and grant are conditioned upon St. Charles Parish maintaining and policing the streets dedicated herein and maintaining the various water, utility and drainage facilities with the various water, utility and drainage servitudes areas.
7. The grant herein of various servitudes for water, utility and drainage purposes shall be used exclusively for those purposes and Mitchell reserves the right to use or grant any other rights with respect to said property and inconsistent with the aforesaid servitudes for water, utility and drainage purposes. The herein granted water, utility and drainage servitudes shall not be utilized so as to unreasonably interfere with or impair ingress and egress from the street dedication herein to any of the lots in ORMOND PHASE D-2.
8. Mitchell warrants that the herein dedication of street and grant of servitudes are free of any liens and encumbrances and that no lots have been sold or alternated prior to the date hereof.
9. The dedication and grant made herein are made subject to any existing servitudes affecting ORMOND PHASE D-2 such as by way of illustration, but not limitation, pipeline servitudes and levees.
10. The herein dedication and grant shall inure to the benefit of St. Charles Parish or any successor governmental body of St. Charles Parish, which shall be bound by all of the terms and conditions hereof.
11. Mitchell declares that all utilities and streets have been placed within the streets and servitude areas and warrants that all utilities and streets have been placed within the servitude(s) granted herein.

AND NOW, into these presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert D. Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on *October 20*, 2003, a certified copy of which is annexed hereto and made a part hereof,

and said St. Charles Parish does hereby accept, approve and ratify the herein dedication and grant under all of the terms and conditions as contained hereinabove, and does also hereby acknowledge that the construction of the streets dedicated herein has been satisfactorily completed in accordance with all requirements and that all water, utility and drainage facilities have been likewise

satisfactorily completed in accordance with all requirements, and St. Charles Parish does hereby accept all of said street and water, utility and drainage facilities and assumes the maintenance thereof.

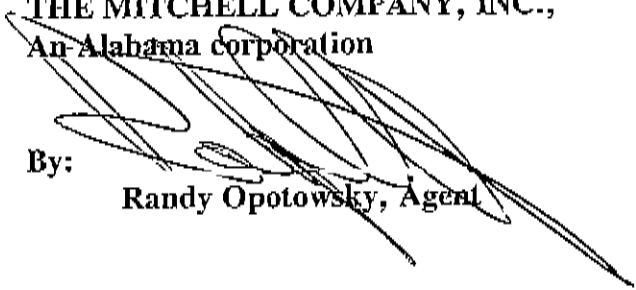
This Act of Dedication and Acceptance was approved and accepted by the St. Charles Parish Council by Ordinance No.03-10-12 on the 20th day of October, 2003, a photocopy of which is attached and made a part hereof.

THUS DONE AND PASSED on the 29th day of September, 2003, in triplicate originals in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of Orleans, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appcarer and me, Notary, after due reading of the whole.

WITNESSES:

Doreen J. Poyser
Darlene H. Walsh

THE MITCHELL COMPANY, INC.,
An Alabama corporation

By: 
Randy Opatowsky, Agent

Jean LeBlanc
NOTARY PUBLIC

JAN LeBLANC
NOTARY PUBLIC
State of Louisiana, Parish of Orleans
My Commission Is Issued For 2008

THUS DONE AND PASSED, on the 21st day of October, 2003, in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearer and me, Notary, after due reading of the whole.

WITNESSES:

ST. CHARLES PARISH

Barbara J. Grant

Valerie Borthelst

By: *Albert D. Laque*
Albert D. Laque
Parish President

Luenda M. Fike
NOTARY PUBLIC

EXHIBIT "A"

THOSE CERTAIN PORTIONS of MADEWOOD DRIVE, ARLINGTON DRIVE and NOTTAWAY DRIVE located in ORMOND COUNTRY CLUB ESTATES, SECTION 12, PHASE D-2, in portions of SECTIONS 14 and 15, TOWNSHIP 12 SOUTH, RANGE 8 EAST, and SECTIONS 3 and 4, TOWNSHIP 13 SOUTH, RANGE 8 EAST, which locations and measurements are more fully described on the plan of Krebs, LaSalle, LeMieux Consultants, Inc., Ronald Clement, Land Surveyor, dated April 4, 2003, annexed hereto.

RESOLUTION

EXCERPT OF MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MITCHELL COMPANY, INC.

A special meeting of the Board of Directors of The Mitchell Company, Inc., was held on September 24, 2003, at its corporate office of the corporation in Mobile, Alabama. A quorum was present, and upon motion duly made, seconded and unanimously passed, the following resolutions were adopted:

RESOLVED, that **JOSEPH J. CAMPUS, III, EXECUTIVE VICE PRESIDENT**, or **RANDY OPOTOWSKY, AGENT**, be and either is hereby authorized for and on behalf of this Corporation to execute an Establishment of Restrictive Covenants for Section 12, Phase D-2, Ormond Country Club Estates, Parish of St. Charles, State of Louisiana, an Act of Dedication, an Act of Donation and Quitclaim Deed in favor of the Parish of St. Charles Recreation Department, and application and request for resubdivison, all to contain such terms and conditions as either in his sole discretion may deem to be fit and proper, effecting the property described on Exhibit A annexed hereto and made a part hereof (the "Property").

RESOLVED, FURTHER, that the said Joseph J. Campus, III, Executive Vice President, or Randy Opotowsky, Agent, be and either is hereby authorized to appear before any notary public to execute any and all documents for and on behalf of this Corporation in connection with said Establishment of Restrictive Covenants, Act of Dedication, Act of Donation and application and request for resubdivision of the Property and any other documents either deems necessary to carry out said purposes.

There being no further business, on motion duly made, seconded and unanimously carried, the meeting was adjourned.

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the minutes of meeting of the Board of Directors of this Corporation, as aforesaid.

ATTESTED TO:

By:

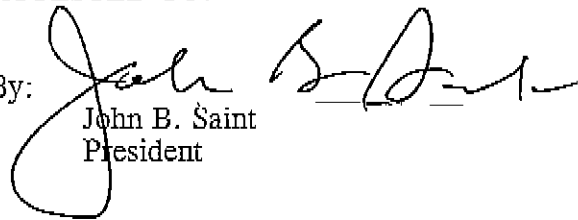

John B. Saint
President

EXHIBIT "A"

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in Sections 14 and 15, T12 S, R8E, and Sections 3 and 4, T13S, R8E, **ORMOND COUNTRY CLUB ESTATES, SECTION 12, PHASE D-2, St. Charles Parish, Louisiana**, forming a portion of former **Parcels 11-A and 11-B**, all located and measuring as per plan of resubdivision made by Krebs, LaSalle, LeMieux Consultants, Inc. dated April 4, 2003, and according to said plan, said property is more particularly described as follows, to-wit:

LOTS 110 through 140, inclusive, SQUARE A, which square is bounded by Madewood Drive, Longview Drive, the Dunleith Canal, and Y.&M.V. Railroad Right of Way Nottaway Drive, and

LOTS 238 through 267, inclusive, SQUARE B, which square is bounded by Madewood Drive, Longview Drive, Nottaway Drive and Arlington Drive, and

LOTS 206 through 212, inclusive, SQUARE C, which square is bounded by Nottaway Drive, Arlington Drive, Oakley Drive, and Longview Drive.

EXHIBIT AA@

MADEWOOD DRIVE

A certain piece or portion of ground situated in Section 14, Township 12 South, Range 8 East, Parish of St. Charles, State of Louisiana, in that part known as Ormond Country Club Estates, Section 12, Phase D-2, designated as Madewood Drive and more fully described as follows:

Commence at the northerly right of way line of the Y&MV Railroad (now or formerly) and the easterly right of way line of Longview Drive; thence along said easterly line, along the arc of a curve to the right, having a radius of 245.79', an arc length of 91.85', a chord bearing of N51E47'40"E and a chord distance of 91.32' to a point, the Point of Beginning; measure thence from the Point of Beginning, along said easterly line, along the arc of a curve to the right, having a radius of 245.79', an arc length of 14.40', a chord bearing of N64E09'55"E and a chord distance of 14.40' to a point; thence continue along said easterly line, N65E51'24"E, a distance of 77.19' to a point; thence along the arc of a curve to the left, having a radius of 20.00', an arc length of 33.41', a chord bearing of S18E00'22"W and a chord distance of 29.66' to a point; thence S29E50'41"E a distance of 423.73' to a point; thence along the arc of a curve to the left, having a radius of 2727.60, an arc length of 672.72', a chord bearing of S36E54'37"E and a chord distance of 671.01' to a point; thence along the arc of a curve to the left, having a radius of 2597.59, an arc length of 147.80', a chord bearing of S45E48'18"E and a chord distance of 147.78' to a point. thence along the arc of a curve to the left, having a radius of 630.68, an arc length of 147.97', a chord bearing of S55E26'12"E and a chord distance of 147.63' to a point; thence along the arc of a curve to the left, having a radius of 20.00, an arc length of 33.72', a chord bearing of N69E32'15"E and a chord distance of 29.87' to a point; thence S02E30'45"E a distance of 99.40' to a point; thence along the arc of a curve to the right, having a radius of 45.00, an arc length of 53.59', a chord bearing of N54E09'19"W and a chord distance of 50.48' to a point; thence along the arc of a curve to the left, having a radius of 25.00, an arc length of 18.50', a chord bearing of N41E14'06"W and a chord distance of 18.08' to a point; thence along the arc of a curve to the right, having a radius of 680.68, an arc length of 162.93', a chord bearing of N55E34'21"W and a chord distance of 162.54' to a point; thence along the arc of a curve to the right, having a radius of 2647.59, an arc length of 151.93', a chord bearing of N45E49'11"W and a chord distance of 151.91' to a point; thence along the arc of a curve to the right, having a radius of 2777.60, an arc length of 685.05', a chord bearing of N36E54'37"W and a chord distance of 683.32' to a point; thence N29E50'41"W a distance of 432.32' to a point; thence along the arc of a curve to the left, having a radius of 20.00, an arc length of 30.60', a chord bearing of N73E40'19"W and a chord distance of 27.70' to a point on the easterly right of way line of Longview Drive, the Point of Beginning.

Said portion of ground contains 75,076.85 square feet or 1.7235 acres, more or less.

All as more fully shown on the Final Plan of Ormond Country Club Estates, Section 12, Phase D-2, by Krebs, LaSalle, LeMieux Consultants, Inc., dated April 04, 2003, revised May 14, 2003.

ARLINGTON DRIVE

A certain piece or portion of ground situated in Section 14, Township 12 South, Range 8 East, Parish of St. Charles, State of Louisiana, in that part known as Ormond Country Club Estates, Section 12, Phase D-2, designated as Nottaway Drive and more fully described as follows:

Commence at the northerly right of way line of the Y&MV Railroad (now or formerly) and the westerly right of way line of the Dunleith Canal; thence along said westerly line, N21E14'00"E, a distance of 596.31' to a point; thence N68E46'00"W a distance of 185.00' to

a point on the westerly right of way line of Arlington Drive; thence S21E14'00"W a distance of 48.27' to a point, the Point of Beginning; measure thence from the Point of Beginning, S21E14'00"W, a distance of 95.64' to a point; thence along the arc of a curve to the left, having a radius of 20.00', an arc length of 24.65', a chord bearing of N14E04'37"W and a chord distance of 23.12' to a point; thence along the arc of a curve to the right, having a radius of 2387.59', an arc length of 217.70', a chord bearing of N46E46'30"W and a chord distance of 217.63' to a point; thence along the arc of a curve to the right, having a radius of 2517.60, an arc length of 251.55', a chord bearing of N41E05'01"W and a chord distance of 251.45' to a point; thence N51E46'43"E a distance of 50.00' to a point; thence along the arc of a curve to the left, having a radius of 2467.60, an arc length of 246.37', a chord bearing of S41E04'53"E and a chord distance of 246.26' to a point; thence along the arc of a curve to the left, having a radius of 2337.59, an arc length of 181.14', a chord bearing of S46E22'58"E and a chord distance of 181.09' to a point; thence along the arc of a curve to the left, having a radius of 20.00, an arc length of 38.45', a chord bearing of N76E18'55"E and a chord distance of 32.80' to a point, the Point of Beginning.

Said portion of ground contains 23,711.39 square feet or 0.5443 acres, more or less.

All as more fully shown on the Final Plan of Ormond Country Club Estates, Section 12, Phase

D-2, by Krebs, LaSalle, LeMieux Consultants, Inc., dated April 04, 2003, revised May 14, 2003.

NOTTAWAY DRIVE

A certain piece or portion of ground situated in Section 14, Township 12 South, Range 8 East, Parish of St. Charles, State of Louisiana, in that part known as Ormond Country Club Estates, Section 12, Phase D-2, designated as Arlington Drive and more fully described as follows:

Commence at the northerly right of way line of the Y&MV Railroad (now or formerly) and the westerly right of way line of the Dunleith Canal; thence along said westerly line, N21E14'00"E, a distance of 596.31' to a point; thence N68E46'00"W a distance of 135.00' to a point on the easterly right of way line of Arlington Drive, the Point of Beginning; measure thence from the Point of Beginning, S21E14'00"W, a distance of 306.14' to a point; thence along the arc of a curve to the left, having a radius of 25.00', an arc length of 19.38', a chord bearing of S00E58'30"E and a chord distance of 18.90' to a point; thence along the arc of a curve to the right, having a radius of 45.00', an arc length of 90.25', a chord bearing of S34E16'25"W and a chord distance of 75.87' to a point; thence N02E30'45"W a distance of 99.40' to a point; thence N21E14'00"E a distance of 306.56' to a point on the westerly right of way line of Arlington Drive; thence S68E46'00"E a distance of 50.00' to a point on the easterly right of way line of Arlington Drive, the Point of Beginning.

Said portion of ground contains 19,104.07 square feet or 0.4386 acres, more or less.

All as more fully shown on the Final Plan of Ormond Country Club Estates, Section 12, Phase

D-2, by Krebs, LaSalle, LeMieux Consultants, Inc., dated April 04, 2003, revised May 14, 2003.

EXHIBIT "A."**MADEWOOD DRIVE**

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Said portion of ground contains 75,076.85 square feet or 1.7235 acres, more or less.

All as more fully shown on the Final Plan of Ormond Country Club Estates, Section 12, Phase D-2, by Krebs, LaSalle, LeMieux Consultants, Inc., dated April 04, 2003, revised May 14, 2003.

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an arc length of 24.65', a chord bearing of N14°04'37"W and a chord distance of 23.12' to a point; thence along the arc of a curve to the right, having a radius of 2387.59', an arc length of 217.70', a chord bearing of N46°46'30"W and a chord distance of 217.63' to a point; thence along the arc of a curve to the right, having a radius of 2517.60, an arc length of 211.55', a chord bearing of N41°05'01"W and a chord distance of 251.45' to a point; thence N51°46'43"E a distance of 50.00' to a point; thence along the arc of a curve to the left, having a radius of 2467.60, an arc length of 246.37', a chord bearing of S41°04'53"E and a chord distance of 246.26' to a point; thence along the arc of a curve to the left, having a radius of 2337.59, an arc length of 181.14', a chord bearing of S46°22'58"E and a chord distance of 181.09' to a point; thence along the arc of a curve to the left, having a radius of 20.00, an arc length of 38.45', a chord bearing of N76°18'55"E and a chord distance of 32.80' to a point, the Point of Beginning.

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NOTTAWAY DRIVE

A certain piece or portion of ground situated in Section 14, Township 12 South, Range 8 East, Parish of St. Charles, State of Louisiana, in that part known as Ormond Country Club Estates, Section 12, Phase D-2, designated as Arlington Drive and more fully described as follows:

Commence at the northerly right of way line of the Y&MV Railroad (now or formerly) and the westerly right of way line of the Durleith Canal; thence along said westerly line, N21°14'00"E, a distance of 596.31' to a point; thence N68°46'00"W a distance of 135.00' to a point on the easterly right of way line of Arlington Drive, the Point of Beginning; measure thence from the Point of Beginning, S21°14'00"W, a distance of 306.14' to a point; thence along the arc of a curve to the left, having a radius of 25.00', an arc length of 19.38', a chord bearing of S00°58'30"E and a chord distance of 18.90' to a point; thence along the arc of a curve to the right, having a radius of 45.00' an arc length of 90.25', a chord bearing of S34°16'25"W and a chord distance of 75.87' to a point; thence N02°30'45"W a distance of 99.40' to a point; thence N21°14'00"E a distance of 306.56' to a point on the westerly right of way line of Arlington Drive; thence S68°46'00"E a distance of 50.00' to a point on the easterly right of way line of Arlington Drive, the Point of Beginning.

Said portion of ground contains 19,104.07 square feet or 0.4386 acres, more or less.

All as more fully shown on the Final Plan of Ormond Country Club Estates, Section 12, Phase D-2, by Krebs, LaSalle, LeMieux Consultants, Inc., dated April 04, 2003, revised May 14, 2003.