

Ord.

2016-0035

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

ORDINANCE NO. 16-2-2

An ordinance to approve and authorize the Parish President to acquire a 6,770.63 SF perpetual drainage servitude over property identified as Parcel DS6-1 in Section 7, Township 12 South – Range 7 East, 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 Coleen Perilloux Landry, 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 Coulee Canal Improvements.

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 DS6-1 in in Section 7, Township 12 South – Range 7 East, 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 \$2,218.00 the property more particularly described in the Act of Servitude attached hereto and made a part hereof, from Coleen Perilloux Landry 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, FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted the 1st day of February, 2016, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *W. Benedetto*
SECRETARY: *[Signature]*
DLVD/PARISH PRESIDENT: 2/2/16
APPROVED: DISAPPROVED:
PARISH PRESIDENT: *[Signature]*
RETD/SECRETARY: *[Signature]*
AT: *L. Cochran* RECD BY: *[Signature]*

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. CHARLES

ACT OF SERVITUDE

BE IT KNOWN, that on this 17 day of March, in the year two thousand and sixteen (2016).

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified and in the presence of the two competent witnesses hereinafter undersigned; PERSONALLY CAME AND APPEARED:

COLEEN PERILLOUX LANDRY WIFE OF/AND ELGIN J. LANDRY being persons of the full age and majority, domiciled in the Parish of St. Charles, State of Louisiana, who declared unto me, Notary, and that they are presently living and residing together and their present mailing address is 17832 River Road, Montz LA, 70068; **ELGIN J. LANDRY** appears herein for the sole purpose of acknowledging that the servitude being granted herein is the separate and paraphernal property of **COLEEN PERILLOUX LANDRY**;

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. 16-2-2 adopted by St. Charles Parish Council on the 1st day of February, 2016, 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 DS6-1 unto **GRANTEE** to locate, construct, maintain, repair, operate, patrol and 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:

Servitude filed w/o Ordinance
RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON March 29, 2016
AS ENTRY NO. 413617
IN MORTGAGE/CONVEYANCE BOOK
NO. 829 FOLIO 584

On 3-30-16 per the Legal Services Director, Ord. No. 16-2-2 does not need to be recorded in the Clerks office.

LEGAL DESCRIPTION

THAT PORTION of the **Coulee Canal Maintenance & Access Servitude** located across a portion of ground being 1 arpent front at the river, in Section 7, Township 12 South – Range 7 East, **Town of MONTZ**, St. Charles Parish, Louisiana, being the property of Coleen Perilloux Landry and is more fully described as follows:

COMMENCE at the southwest corner of Lot 44A-1, Bobercy Plantation / Evangeline City Subdivision, Square 1, Unit 3;

THENCE, proceed along the westerly line of Lot 5D-3, Bobercy Plantation, S 43°41'45" W a distance of 26.10 feet to the **POINT OF BEGINNING**;

THENCE, continue along the common property line of Lot 5D-3, Bobercy Plantation and the property of Coleen Perilloux Landry, S 43°41'45" W a distance of 58.30 feet to a point;

THENCE, proceed along a non-tangent curve right, in a northwesterly direction, with a radius of 151.50 feet, having an arc length of 26.18 feet, along a chord bearing of N 56°39'10" W a chord of 26.14 feet to a point of tangency;

THENCE, proceed N 51°42'11" W a distance of 97.01 feet to a point on the common property line of Lot 3 and property of Coleen Perilloux Landry;

THENCE, proceed along the aforesaid common property line, N 44°27'46" E a distance of 55.32 feet to a point;

THENCE, proceed S 51°42'11" E a distance of 91.07 feet to a point of curve;

THENCE, proceed along a curve to the left, in a southeasterly direction, with a radius of 96.50 feet, having an arc length of 32.12 feet, along a chord bearing of S 61°14'21" E a chord of feet 31.97 to a point on the common property line of Lot 5D-3, Bobercy Plantation and the property of Coleen Perilloux Landry, being the **POINT OF BEGINNING**.

The above described portion of ground contains **6,770.63** square feet or **0.155** acres. All in accordance with the attached plan of **DRAINAGE SERVITUDES** by G.E.C., Inc., Job No. 413-2060106.004, dated April 21, 2015; revised August 25, 2015.

TO HAVE AND TO HOLD said servitude, 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 TWO THOUSAND TWO HUNDRED AND EIGHTEEN AND NO/100 (\$2,218.00) DOLLARS, which **GRANTEE** has paid cash in hand, in current money, to said **GRANTOR**, who acknowledge 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 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** 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.

THUS done, read and passed at my office in the City of Hahnville, Parish and State aforesaid, in the presence of undersigned competent witnesses who have hereunto signed their names with the parties and me, said Notary, the day, month and year first above written.

WITNESSES:

Dawn H. Higdon
Bobbi Cullen
DAWN H. HIGDON
BOBBI N. CULLEN

GRANTOR:

Coleen Perilloux Landry
COLEEN PERILLOUX LANDRY

WITNESSES:

Dawn H. Higdon
Bobbi Cullen
DAWN H. HIGDON
BOBBI N. CULLEN

Elgin J. Landry
ELGIN J. LANDRY

WITNESSES:

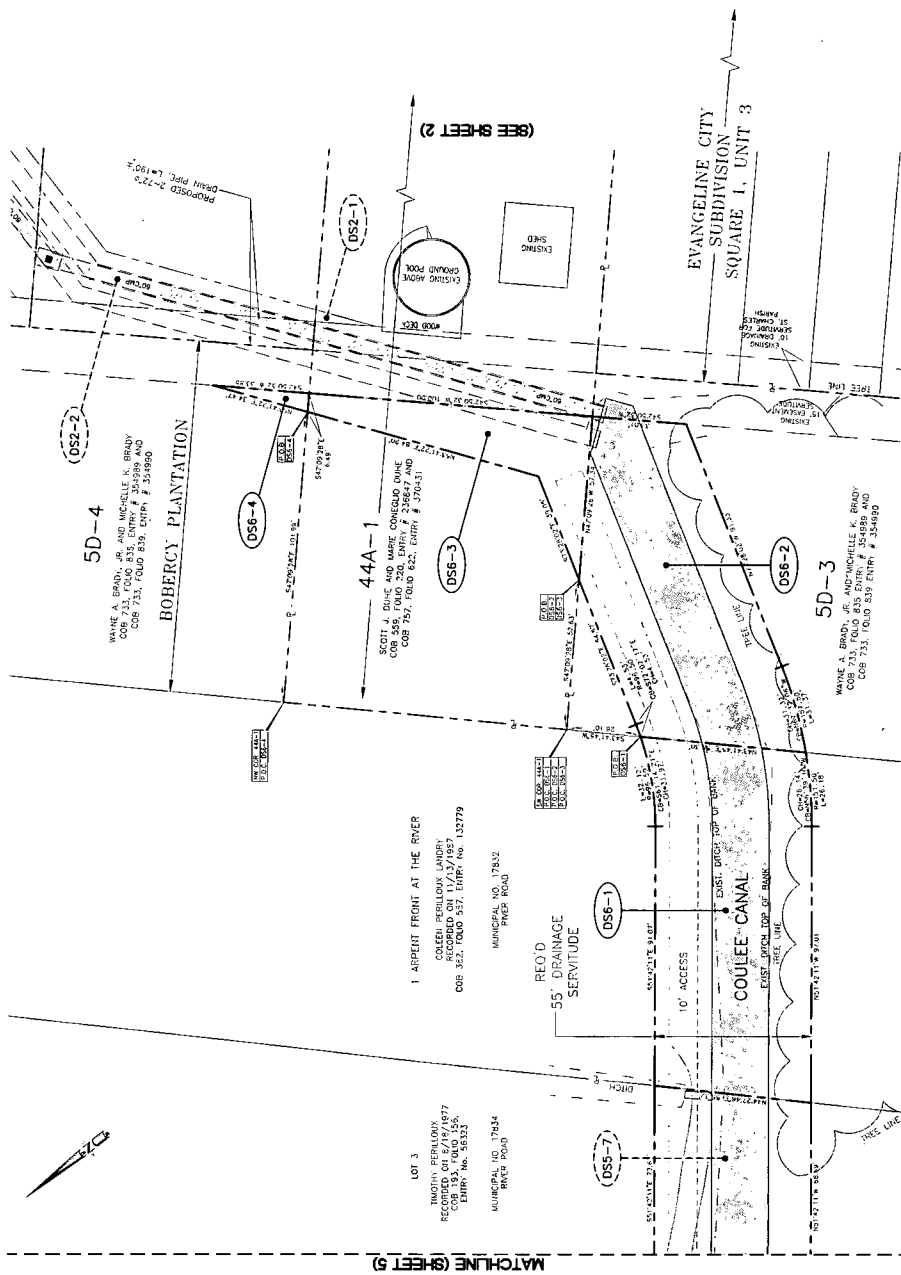
Dawn H. Higdon
Bobbi Cullen
DAWN H. HIGDON
BOBBI N. CULLEN

GRANTEE:
PARISH OF ST. CHARLES

Larry Cochran
BY: LARRY COCHRAN
ITS: PARISH PRESIDENT

Robert L. Raymond
NOTARY PUBLIC
ROBERT L. RAYMOND - NO. 11408

SECTION 7
T12S-R7E



DRAINAGE SERVITUDES
 REQUIRED DRAINAGE SERVITUDES FOR
 A PORTION OF COULEE CANAL
 SECTIONS 6, 7, 8, 42, T12S-R7E
 PARISH OF ST. CHARLES,
 ST. CHARLES PARISH, LA.



3445 N. GARDNER RD., SUITE 201, MONROE, LA 70002 (504)331-6909
 SCALE: 1" = 20'
 DATE: 4/27/2015
 CHECKED BY: DM
 DESIGNED BY: DM
 JOB NO. 131-280160-624
 SHEET NO. 6 OF 15

8/72/2015
 REVISION RECORD
 DATE
 REVISION RECORD
 SHEET NO.

02/13/2015 10:07:18 AM C:\Users\jbrady\Documents\Projects\T12S-R7E\Drawings\DWG\T12S-R7E.dwg - Printed: 8/23/2015 10:07:18 AM - 6 of 15

