

Ord.

2016-0073

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

ORDINANCE NO. 16-2-17

An ordinance to approve and authorize the Parish President to acquire a 73,827.41 SF perpetual drainage servitude over property identified as Parcel DS7-1 in Section 17, 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 Entergy of Louisiana, 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 DS7-1 in in Section 17, 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 \$4,800.00 the property more particularly described in the Act of Servitude attached hereto and made a part hereof, from Entergy of Louisiana 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 15th day of February, 2016, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Wendy Benedetto*
SECRETARY: *[Signature]*
DLVD/PARISH PRESIDENT: 2/16/16
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: *[Signature]*
RETD/SECRETARY: 2/17/16
AT: 10:40 ~ RECD BY: *[Signature]*

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON May 13, 2016
AS ENTRY NO. 414795
IN MORTGAGE/CONVEYANCE BOOK
NO. 831 FOLIO 830

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

ACT OF SERVITUDE

BE IT KNOWN, that on this 14th day of April, 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:

Entergy of Louisiana, LLC, a Texas limited liability company authorized to do & doing business in the State of Louisiana, Parish of St. Charles, whose mailing address is 639 Loyola Avenue, New Orleans, LA 70161, herein appearing through Richard H. Torres its duly authorized representative pursuant to Certificate of Authority attached 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. 16-2-17 adopted by St. Charles Parish Council on the 15th 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 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:

LEGAL DESCRIPTION

THAT PORTION of the **Coulee Canal Maintenance & Access Servitude** located across an undesignated portion of ground in Section 17, Township 12 South – Range 7 East, **Town of MONTZ**, St. Charles Parish, Louisiana, being the property of Entergy of Louisiana and is more fully described as follows:

COMMENCE from the southeast corner of Lot 1, Evangeline City Subdivision, Unit 4, being on the 40 arpent line, also being the section line common to Sections 7 and 17, T12S-R7E;

THENCE, proceed along the aforesaid 40 arpent line, common section line, S 62°02'12" E a distance of 19.11 feet to the **POINT OF BEGINNING**;

THENCE, proceed N 37°15'54" E a distance of 25.02 feet to a point of curve;

THENCE, proceed along a curve to the right, in a northeasterly direction, with a radius of 110.00 feet, having an arc length of 19.42 feet, along a chord bearing of N 42°19'18" E a chord of 19.39 feet to a point of tangency;

THENCE, proceed N 47°22'42" E a distance of 67.72 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 90.00 feet, having an arc length of 15.89 feet, along a chord bearing of N 42°19'18" E a chord of 15.87 feet to a point of tangency;

THENCE, proceed N 37°15'54" E a distance of 28.83 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 370.00 feet, having an arc length of 80.04 feet, along a chord bearing of N 31°04'04" E a chord of 79.88 feet to a point of tangency;

THENCE, proceed N 24°52'15" E a distance of 56.58 feet to a point of curve;

THENCE, proceed along a curve to the right, in a northeasterly direction, with a radius of 205.00 feet, having an arc length of 53.11 feet, along a chord bearing of N 32°17'36" E a chord of 52.97 feet to a point of tangency;

THENCE, proceed N 39°42'56" E a distance of 212.26 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 970.00 feet, having an arc length of 64.31 feet, along a chord bearing of N 37°48'59" E a chord of 64.29 feet to a point of tangency;

THENCE, proceed N 35°55'02" E a distance of 93.61 feet to a point of curve;

THENCE, proceed along a curve to the right, in a northeasterly direction, with a radius of 205.00 feet, having an arc length of 50.23 feet, along a chord bearing of N 42°56'11" E a chord of 50.10 feet to a point of tangency;

THENCE, proceed N 49°57'20" E a distance of 64.59 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 145.00 feet, having an arc length of 25.43 feet, along a chord bearing of N 44°55'50" E a chord of 25.40 feet to a point of tangency;

THENCE, proceed N 39°54'20" E a distance of 138.94 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 1,370.00 feet, having an arc length of 126.41 feet, along a chord bearing of N 37°15'44" E a chord of 126.37 feet to a point of tangency;

THENCE, proceed N 34°37'08" E a distance of 4.43 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 25.00 feet, having an arc length of 18.52 feet, along a chord bearing of N 13°23'34" E a chord of 18.10 feet to a point of tangency;

THENCE, proceed N 07°49'59" W a distance of 9.20 feet to a point of curve;

THENCE, proceed along a curve to the right, in a northeasterly direction, with a radius of 45.00 feet, having an arc length of 35.34 feet, along a chord bearing of N 14°40'01" E a chord of 34.44 feet to a point of tangency;

THENCE, proceed N 37°10'01" E a distance of 131.17 feet to a point on the southerly line of an existing 20' Access Servitude;

THENCE, proceed along the aforesaid Servitude line, S 32°12'08" E a distance of 16.51 feet to a point on the westerly line of an existing 20' Access Servitude, and the westerly line of the Montz Lift Station Servitude;

THENCE, proceed along the aforesaid Servitude line, S 36°54'31" W a distance of 121.65 feet to a point at the southwest corner of the Montz Lift Station Servitude;

THENCE, proceed along the southerly line of the aforesaid Servitude, S 53°06'19" E a distance of 25.00 feet to a point at the southeast corner of the Montz Lift Station Servitude;

THENCE, proceed along the easterly line of the aforesaid Servitude, N 36°54'31" E a distance of 65.00 feet to a point at the northeast corner of the Montz Lift Station Servitude; THENCE, proceed along a curve to the right, in a northeasterly direction, with a radius of 205.00 feet, having an arc length of 50.23 feet, along a chord bearing of N 42°56'11" E a chord of 50.10 feet to a point of tangency;

THENCE, proceed N 49°57'20" E a distance of 64.59 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 145.00 feet, having an arc length of 25.43 feet, along a chord bearing of N 44°55'50" E a chord of 25.40 feet to a point of tangency;

THENCE, proceed N 39°54'20" E a distance of 138.94 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 1,370.00 feet, having an arc length of 126.41 feet, along a chord bearing of N 37°15'44" E a chord of 126.37 feet to a point of tangency;

THENCE, proceed N 34°37'08" E a distance of 4.43 feet to a point of curve;

THENCE, proceed along a curve to the left, in a northeasterly direction, with a radius of 25.00 feet, having an arc length of 18.52 feet, along a chord bearing of N 13°23'34" E a chord of 18.10 feet to a point of tangency;

THENCE, proceed N 07°49'59" W a distance of 9.20 feet to a point of curve;

THENCE, proceed along a curve to the right, in a northeasterly direction, with a radius of 45.00 feet, having an arc length of 35.34 feet, along a chord bearing of N 14°40'01" E a chord of 34.44 feet to a point of tangency;

THENCE, proceed N 37°10'01" E a distance of 131.17 feet to a point on the southerly line of an existing 20' Access Servitude;

THENCE, proceed along the aforesaid Servitude line, S 32°12'08" E a distance of 16.51 feet to a point on the westerly line of an existing 20' Access Servitude, and the westerly line of the Montz Lift Station Servitude;

THENCE, proceed along the aforesaid Servitude line, S 36°54'31" W a distance of 121.65 feet to a point at the southwest corner of the Montz Lift Station Servitude;

THENCE, proceed along the southerly line of the aforesaid Servitude, S 53°06'19" E a distance of 25.00 feet to a point at the southeast corner of the Montz Lift Station Servitude;

THENCE, proceed along the easterly line of the aforesaid Servitude, N 36°54'31" E a distance of 65.00 feet to a point at the northeast corner of the Montz Lift Station Servitude; THENCE, proceed S 37°15'54" W a distance of 144.18 feet to a point on the 40 arpent line, also being the section line common to Sections 7 and 17, T12S-R7E;

THENCE, proceed along the aforesaid 40 arpent line, common section line, N 62°02'12" W a distance of 70.93 feet to the **POINT OF BEGINNING**.

The above described portion of ground contains **73,827.41** square feet or **1.695** 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 **FOUR THOUSAND EIGHT HUNDRED AND NO/100 (\$4,800.00)** 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 by or arising from, directly or indirectly, either wholly or in part, the installation, operation, and/or maintenance of this drainage servitude, or the exercise of the rights herein granted.

It is further understood and agreed that while **GRANTEE** has the right to maintain, clean and re-shape the Coulee Canal, **GRANTEE** will not change the profile or width of the Coulee Canal on the **GRANTOR's** property without prior notification to **GRANTOR**.

The servitudes, easements, and rights of way herein granted unto said **GRANTEE** are made AS-IS, WHERE-IS, AND WITH NO REPRESENTATIONS AS TO THE CONDITION OR SAFETY OF SAME. SELLER MAKES NO WARRANTIES, EXPRESS OR IMPLIED AND SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR THAT THE PROPERTY IS FIT FOR ITS ORDINARY PURPOSE, AND FURTHER SPECIFICALLY DISCLAIMS ANY WARRANTY REGARDING HIDDEN DEFECTS OR VICES, WHETHER APPARENT OR LATENT.

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:

David J. Meity
DAVID J. MEITY

Christopher P. Beattie
CHRISTOPHER P. BEATTIE

GRANTOR:
ENERGY OF LOUISIANA, LLC

Richard Torres
BY: RICHARD TORRES
ITS: Manager, PMOC

Linda S. Marino 3/7/16
NOTARY PUBLIC
NAME: LINDA S. MARINO BAR NO. 81879
Notary

WITNESSES:

Dawn H. Higdon
DAWN H. HIGDON

Robin S. Delahoussaye
ROBIN S. DELAHOUSAYE

GRANTEE:
PARISH OF ST. CHARLES

Larry Cochran
BY: LARRY COCHRAN
ITS: PARISH PRESIDENT

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

ENTERGY LOUISIANA, LLC

CERTIFICATE

The undersigned, Daniel T. Falstad, Secretary of Entergy Louisiana, LLC (the "**Company**"), a limited liability company organized under the laws of the State of Texas, hereby certifies that Richard H. Torres, Manager, Project Management and Construction (the "**Authorized Person**"), has authority granted by the Company's Board of Directors pursuant to the Entergy Approval Authority Policy effective January 1, 2016, to execute on behalf of the Company any and all documents, on such terms and conditions, as the Authorized Person, in his sole discretion, shall deem necessary or appropriate in connection with the granting of a drainage servitude, easement, and right-of-way to the Parish of St. Charles, Louisiana ("**Grantee**") over certain property of Company situated in Section 17, Township 12 South – Range 7 East, Town of MONTZ, St. Charles Parish, Louisiana; and that as of this date, said policy had not been amended, rescinded or repealed and is in full force and effect.

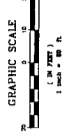
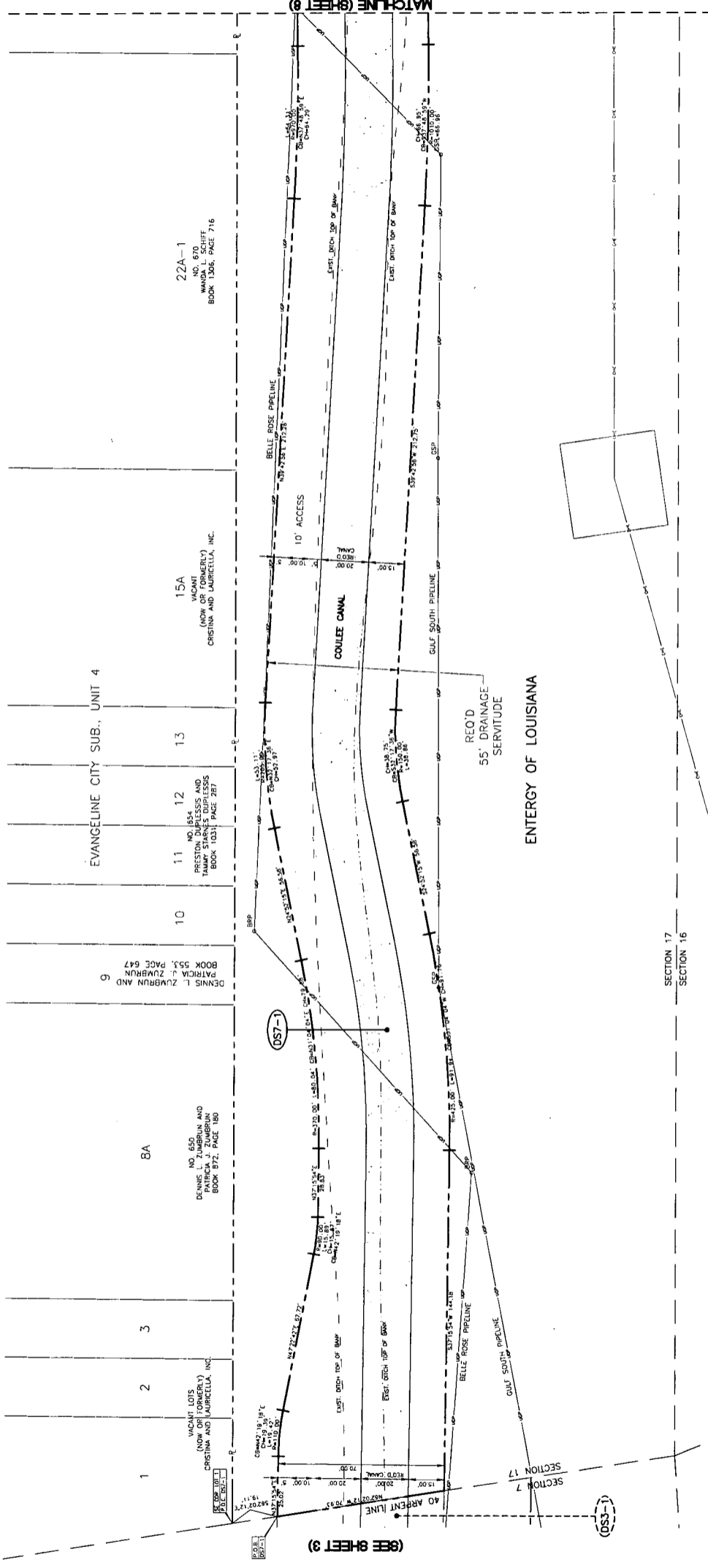
Witness my hand hereto and seal of Entergy Louisiana, LLC this 23rd day of March, 2016.



Daniel T. Falstad
Secretary

SECTION 17
T12S-R7E

EVANGELINE ROAD (SIDE)



DRAINAGE SERVITUDE
REQUIRED DRAINAGE SERVITUDES FOR
A PORTION OF COULEE CANAL
SECTIONS 6, 7, 17 & 42, T12S-R7E
TOWN OF MONTIZ
ST. CHARLES PARISH, LA.

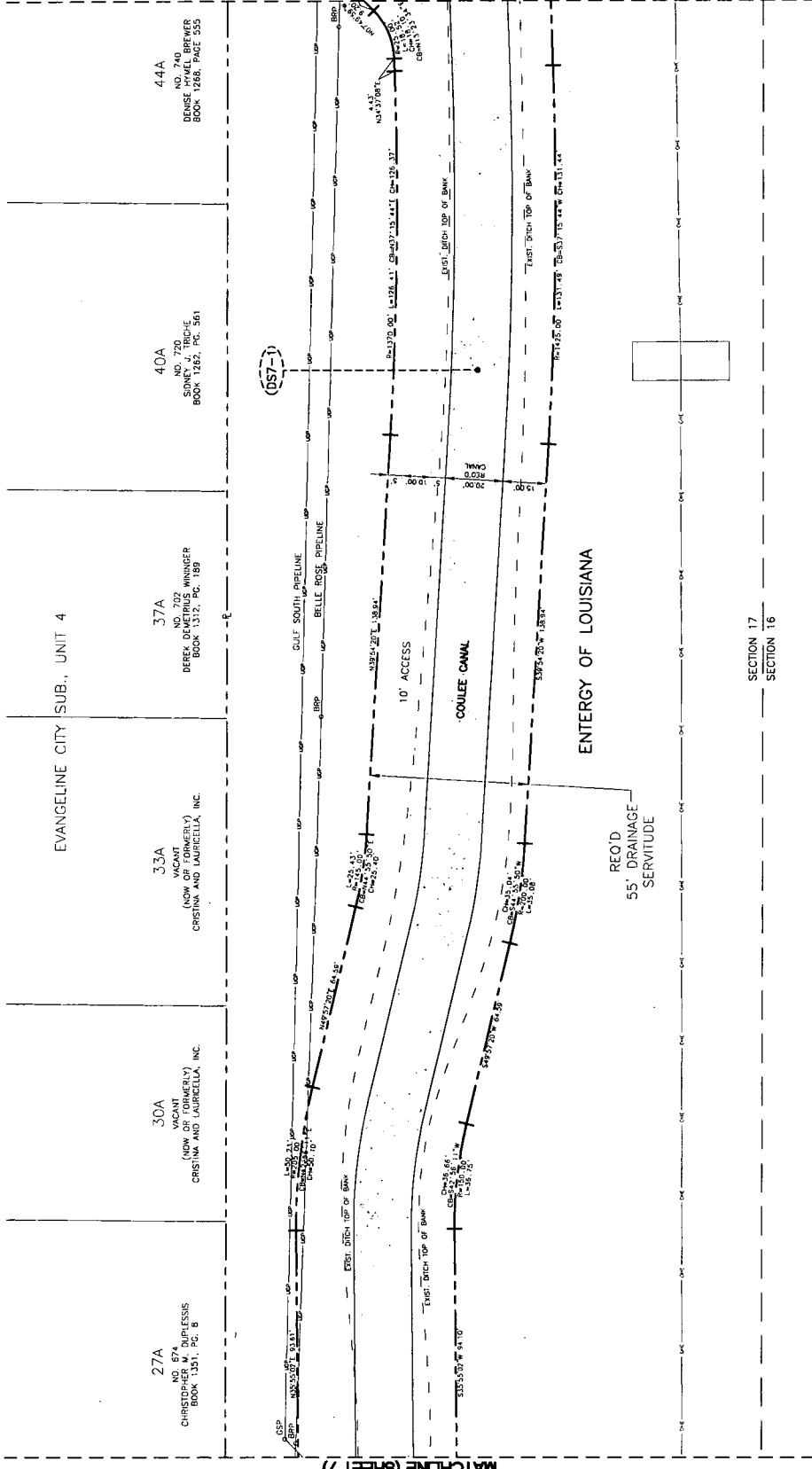


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SECTION 17
T12S-R7E

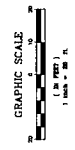
EVANGELINE ROAD (SIDE)



MATCHLINE (SHEET 14)

MATCHLINE (SHEET 2)

SECTION 17
SECTION 16



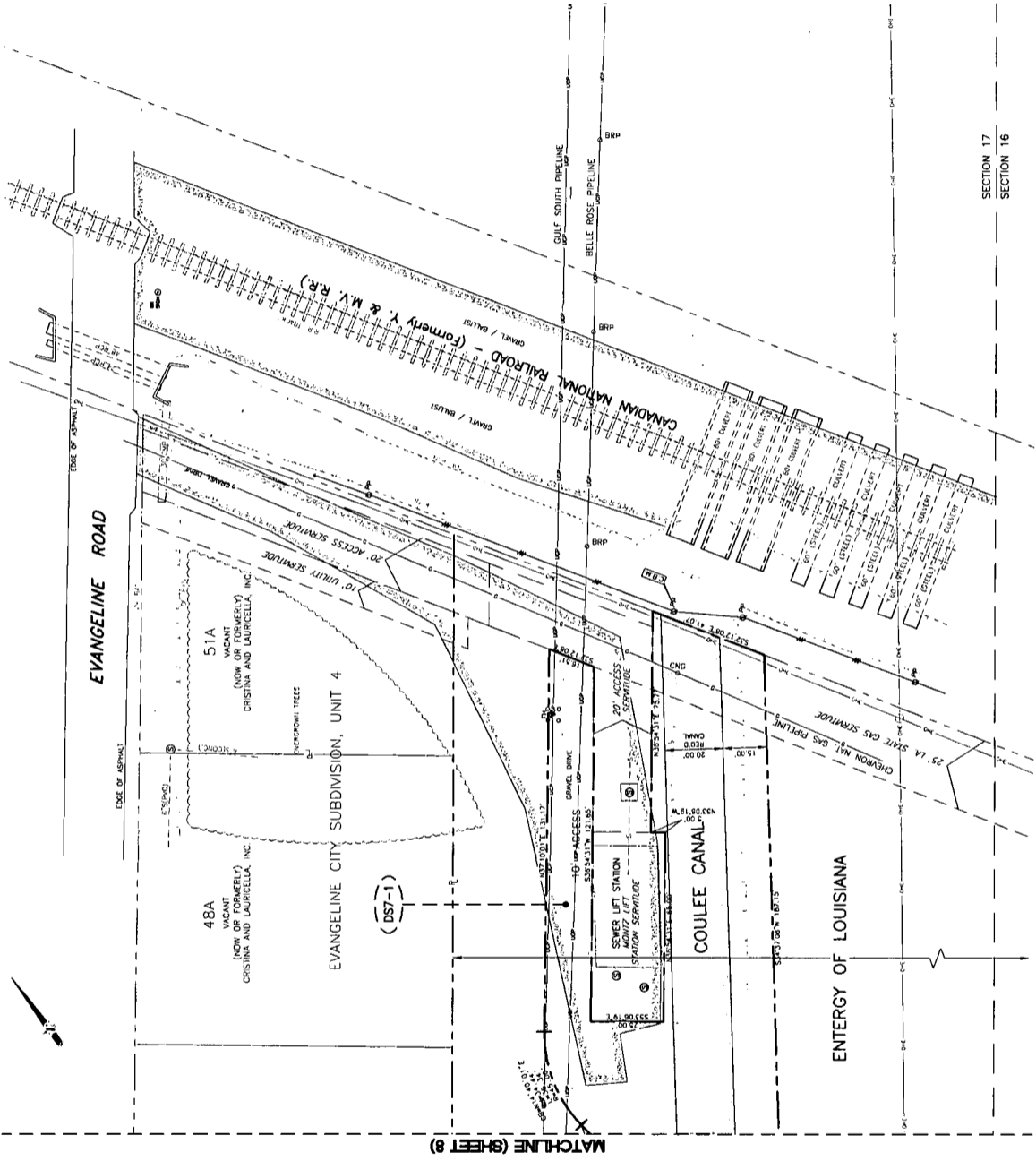
DRAINAGE SERVITUDE
REQUIRED DRAINAGE SERVITUDES FOR
A PORTION OF COULEE CANAL
SECTIONS 6, 7, 17 & 42, T12S-R7E
TOWN OF MONTZ
ST. CHARLES PARISH, LA.



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SHEET NO.: 8 OF 15

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C.W.S.
C.W.S.
0/23/2015
DATE

SECTION 17
T12S-R7E



MATCHLINE (SHEET 8)



SECTION 17
SECTION 16

DRAINAGE SERVIDUE
 REQUIRED DRAINAGE SERVIDUES FOR
 A PORTION OF COULEE CANAL
 SECTIONS 6, 7, & 42, T12S-R7E
 TOWN OF MONTIZ
 ST. CHARLES PARISH, LA.

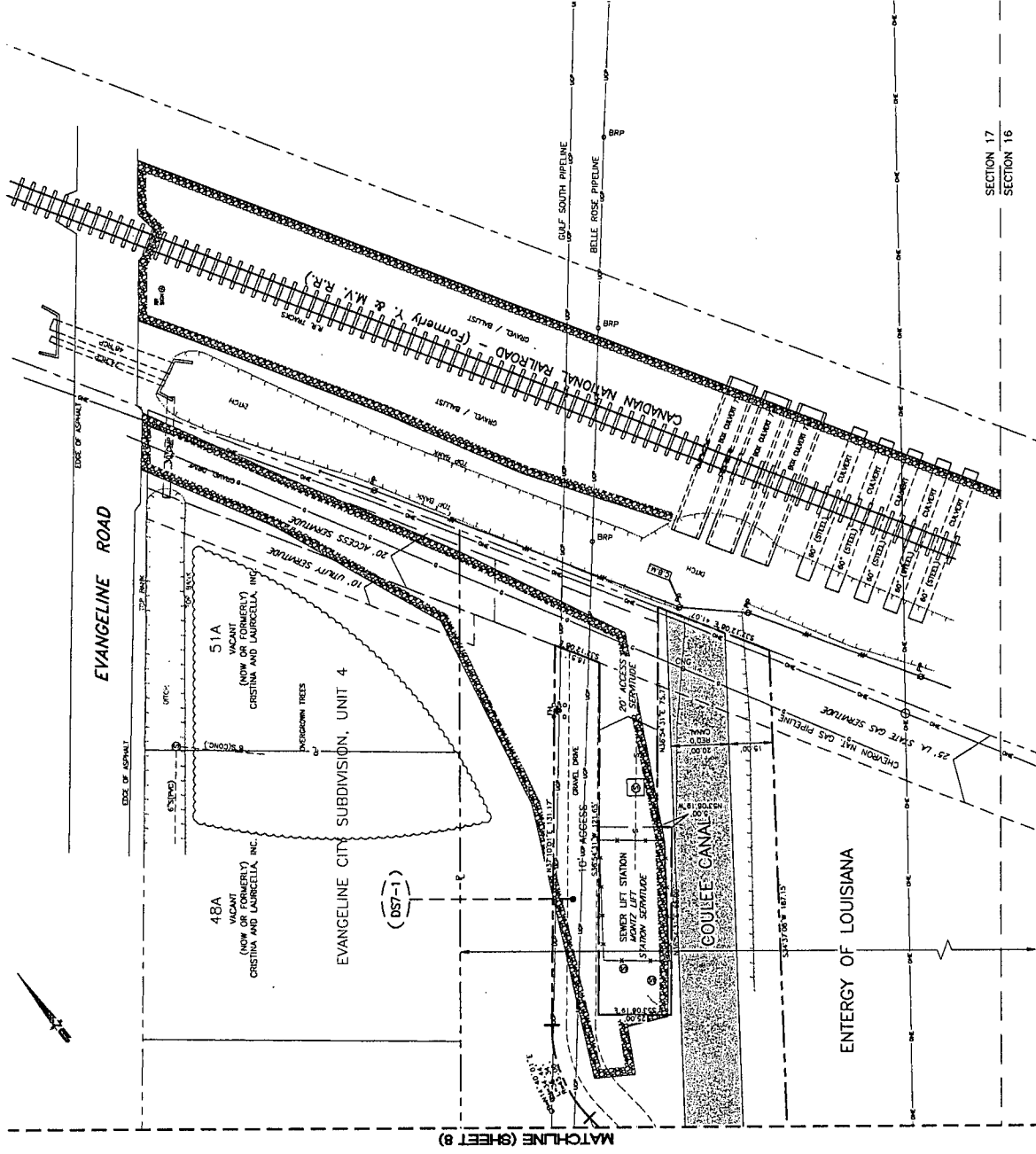
GEC
 GEORGETOWN ENGINEERING CONSULTANTS, INC.
 3445 N. CAUSEWAY BLVD., STE. 401, METairie, LA. 70002 (504)835-8009

DATE: 8/25/2015
 REVISION: USA-1, 053-1, 051-1, 051-2 and 052-1
 E.W.P. ROYCEON RECORD

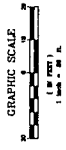
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 SHEET NO. 14 OF 15

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SECTION 17
T12S-R7E



MATCHLINE (SHEET 8)



DRAINAGE SERVITUDE
REQUIRED DRAINAGE SERVITUDES FOR
A PORTION OF COULEE CANAL
SECTIONS 6, 7, 17 & 42, T12S-R7E
TOWN OF MONTEZ
ST. CHARLES PARISH, LA.



JAS H. CAUSEWAY BLVD. STE. 401, METairie, LA 70002 (504)346-4009
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SHEET NO. 14 OF 15

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SECTION 17
SECTION 16

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