

2007-0213

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

ORDINANCE NO. 07-7-8

An ordinance to revoke and abandon a sewer force main servitude and a sewer treatment plant servitude on proposed lots X-1-A1, X-1-A2, X-1-A3, X-1-A4 and X-1-A5 of Dixieland Subdivision in Montz, LA; and to approve an Act of Donation of a Sewer force main Right of Way on proposed lots X-1-A1, X-1-A2, X-1-A3, X-1-A4 and X-1-A5 of Dixieland Subdivision in Montz, LA.

WHEREAS, certain property was laid out for use as a sewer force main servitude and a sewer treatment plant servitude, as indicated on a survey by Lucien C. Gassen, dated June 25, 2007; and,

WHEREAS, the property, which is located in Section 6, T12S, R7E does not currently house a sewerage treatment plant and the current force main servitude does not precisely align with the property lines; and,

WHEREAS, the St. Charles Parish Council desires to revoke said property indicated on a survey by Lucien C. Gassen, dated June 25, 2007, pursuant to Chapter 2 Sec. 2-4 of the St. Charles Parish Code of Ordinances and wishes to accept the act of donation of the owner for a Sewer force main Right of Way on proposed lots X-1-A1, X-1-A2, X-1-A3, X-1-A4 and X-1-A5 of Dixieland Subdivision in Montz, LA.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Revocation of a sewer force main servitude and a sewer treatment plant servitude on proposed lots X-1-A1, X-1-A2, X-1-A3, X-1-A4 and X-1-A5 of Dixieland Subdivision, is hereby approved and accepted.

SECTION II. That the Act of Donation of a Sewer force main Right of Way on proposed lots X-1-A1, X-1-A2, X-1-A3, X-1-A4 and X-1-A5 of Dixieland Subdivision, is hereby approved and accepted.

SECTION III. That the Parish President is hereby authorized to execute said Act of Revocation and Act of Donation.

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

YEAS: MARINO, FAUCHEUX, HILAIRE, RAMCHANDRAN, WALLS, BLACK,
DUHE, MINNICH
NAYS: FABRE
ABSENT: NONE

And the ordinance was declared adopted this 23rd day of July, 2007, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN [Signature]
SECRETARY [Signature]
DLVD/PARISH PRESIDENT July 24, 2007
APPROVED _____ DISAPPROVED _____

PARISH PRESIDENT [Signature]
RETD/SECRETARY July 27, 2007
AT 3:25 pm RECD BY [Signature]

THIS ORDINANCE WAS RETURNED BY THE PARISH PRESIDENT ON JULY 27, 2007 AT 3:25 P.M. AND HAS BEEN DISAPPROVED BY THE PARISH PRESIDENT. THEREFORE, THIS ORDINANCE SHALL BE PRESENTED TO THE COUNCIL AT ITS NEXT REGULAR MEETING TO BE HELD ON AUGUST 6, 2007, AT 6:00 P.M.

ORDINANCE RECONSIDERED BY PARISH COUNCIL AUGUST 6, 2007

VOTE:
YEAS: NONE
NAYS: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS,
BLACK, DUHE, MINNICH

ABSENT: NONE

VETO OF THE PARISH PRESIDENT SUSTAINED.

**ACT OF REVOCATION
BY ST. CHARLES PARISH**

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

BE IT KNOWN, that on this _____ day of July, in the year of **2007**.

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the two competent witnesses hereinafter undersigned;

PERSONALLY CAME AND APPEARED:

ALBERT D. LAQUE, Parish President and Chief Executive Officer of the Parish of St. Charles, herein duly authorized by the provisions of Ordinance No. 07-7-8, passed and adopted at a meeting of the St. Charles Parish Council held on the 23rd day of July, 2007.

That pursuant to the above recited ordinance, the Parish of St. Charles does hereby abandon and revoke the following described servitude:

Two (2) ten-foot Servitudes for Sewer Force Main and one (1) 75' by 30' Servitude for Sewer Treatment Plant located on Lot X-1-A, granted unto St. Charles Parish in an Act of Dedication dated August 22, 1984 by Babe's Construction, Inc to St. Charles Parish, recorded in C.O.B. 323, Folio 448, St. Charles Parish, Louisiana. The location of the said servitudes are more fully described on the attached survey by Lucien C. Gassen, dated November 26, 1990, attached hereto and made a part of.

The revocation of the servitudes described above are hereby deemed to be in the best interest of St. Charles Parish.

THUS DONE AND SIGNED this _____ day of July, 2007 in the Parish of St. Charles, State of Louisiana in the presence of the undersigned competent witnesses and me. Notary, after a reading of the whole.

WITNESSES:

ST. CHARLES PARISH

By: **ALBERT D. LAQUE**
PARISH PRESIDENT

Sworn to and subscribed before me this _____ day of July, 2007.

NOTARY PUBLIC

DONATION OF SERVITUDE

UNITED STATES OF AMERICA

BY AND BETWEEN

STATE OF LOUISIANA

**PAUL J. HOGAN
AND ST. CHARLES PARISH**

PARISH OF ST. CHARLES

BE IT KNOWN, that on this _____ day of *July* , in the year of **2007**.

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the Parish of St. Charles, State of Louisiana, therein residing, and in the presence of the two competent witnesses hereinafter undersigned;

BE IT KNOWN, that **Paul J. Hogan**, whose mailing address is P.O. Box 250, Des Allemands, Louisiana 70030, hereinafter referred to as **GRANTOR**, personally came and appeared. **GRANTOR** does hereby grant a ten (10) foot permanent sewer force main servitude to St. Charles Parish, a political subdivision of the State of Louisiana, whose address is P. O. Box 302, Hahnville, Louisiana, 70057, (hereinafter referred to as **GRANTEE**) for the purposes of constructing, installing, operating, maintaining, repairing and/or replacing a sewer force main under the following described property situated in St. Charles Parish, to-wit:

Property:

A permanent sewer force main servitude located across the rear of Lot X-1-A1 of Dixieland Subdivision, Montz, St. Charles Parish, Louisiana, consisting of a strip of land Ten (10) feet in width adjacent to and parallel to the rear of said lot.

The location of the permanent sewer servitude is more fully described on the attached survey by Lucien C. Gassen, dated _____, attached hereto and made a part hereof.

Permanent structures are prohibited on the said servitude. The granting of this servitude shall not restrict the **GRANTOR** from constructing a fence within the said servitude. Should the **GRANTEE** have to remove any part of a fence for construction and/or repair of the sewer main and associated improvements, the **GRANTEE** will repair or replace the fence. The premises so disturbed by the installation, maintenance, and or repair of the sewer force main shall be reasonably restored to its original condition by the **GRANTEE**.

This permanent servitude is being granted for the purposes of constructing and maintaining a sewer force main and **GRANTOR** grants unto **GRANTEE** the right of ingress and egress to and from said servitude for the purpose of installation, construction, operation, maintenance, repairing and inspection of said sewer force main. **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, its agents or employees, in the installation, operation or maintenance of the sewer force main.

To have and to hold said servitude unto the said **GRANTEE**, its successors and assigns until said servitude is exercised and so long thereafter as the same shall be useful for the above named purposes.

THUS DONE AND SIGNED by the parties hereto at my office in _____, Louisiana, on the date first above written, in the presence of me, Notary, and the following competent witnesses who have signed in the presence of the parties and me, Notary.

WITNESSES:

GRANTOR:

Paul J. Hogan

Sworn to and subscribed before me this ____ day of _____, 2007 .

NOTARY PUBLIC

WITNESSES:

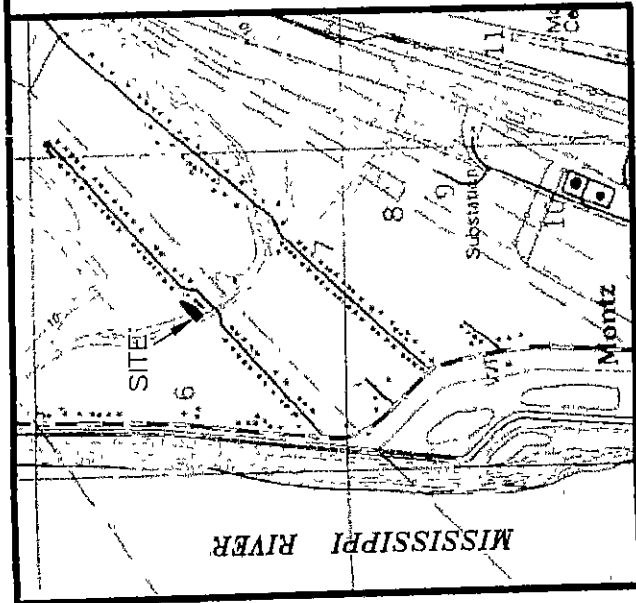
GRANTEE:

ST. CHARLES PARISH

By: _____
Albert D. Laque
Parish President

Sworn to and subscribed before me this ____ day of _____, 2007 .

NOTARY PUBLIC



Approved/Disapproved

JEFFERSON HWY. Side

Planning Commission Chairman _____ Date _____

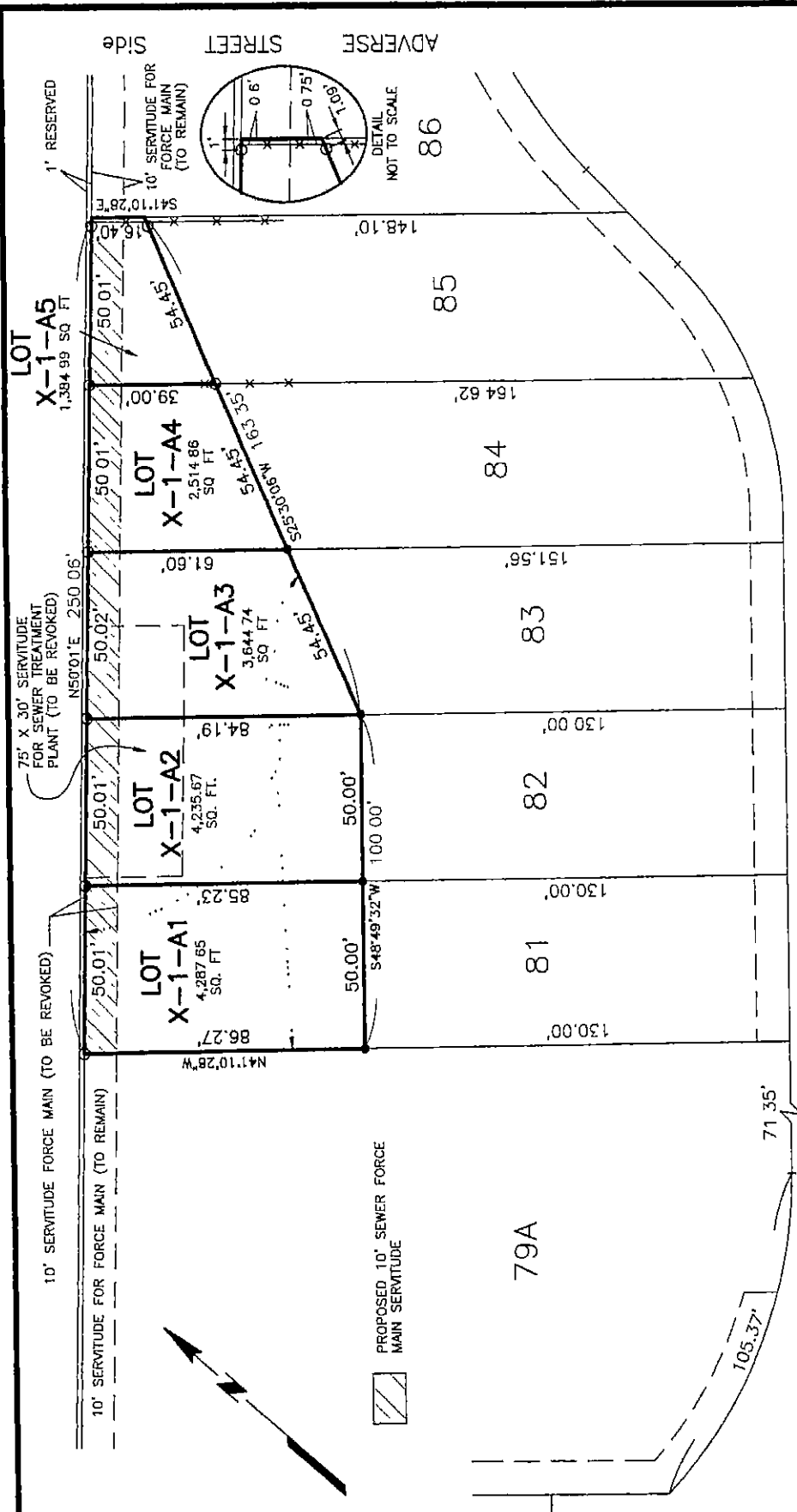
Council Chairman _____ Date _____

Parish President _____ Date _____

REFERENCE PLAN:
RESUBDIVISION OF LOTS 79, 80 & PLOT X-1,
DIXIELAND SUBDIVISION BY LUCIEN C GASSEN,
DATED NOVEMBER 26, 1990

The servitudes shown on this survey are limited to those set forth per reference plat and there is no representation that all applicable servitudes are shown hereon. No title search or public record search was made in compiling data for this survey.

This is to certify that I have consulted the Flood Insurance Rate Maps and found that this property is in Zone X



THOROUGHbred AVENUE

RESUBDIVISION OF LOT X-1-A
DIXIELAND SUBDIVISION
INTO LOTS X-1-A1, X-1-A2, X-1-A3, X-1-A4 & X-1-A5
IN SECTION 6, T12S - R7E
ST. CHARLES PARISH, LOUISIANA

SCALE: 1" = 50'

JUNE 25, 2007

CERTIFIED TO PAUL J HOGAN

Recorded in The Clerk of Court's office
St Charles Parish on the _____ day of _____, in Book _____
Folio _____, Entry # _____

Signature _____ Title _____

I certify that this plat represents an actual ground survey performed under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey

Lucien C Gassen, PLS

LUCIEN C GASSEN, PLS
Registration No. 353
LULING, LOUISIANA 70070