

Ord.
2000-0193

INTRODUCED BY: ALBERT LAQUE
PARISH PRESIDENT
(DEPT. OF PLANNING & ZONING)

ORDINANCE NO. 00-4-22

An ordinance approving and authorizing the execution of an Act of Dedication for Lakewood East, Phase 1 Subdivision, Luling, La.

WHEREAS, LULING 22/LA. L.P., are the owner and developer of a certain portion of property located in St. Charles Parish, more fully described on a Final Plat prepared by J. Michael Dixon PLS and dated March 17, 2000 as Lakewood East, Phase 1 Subdivision, a resubdivision of Parcel X being a portion of Lone Star Plantation and located in Section 46 T13S-R21E St. Charles Parish, LA., into Lots 1-13, 37, 38, 39, 40 and 41 Square A; Lots 1-8, 18, 19, 20 Square B, and Lots 1 and 20 Square C.

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 by LULING 22/LA. L.P. for Lakewood East Subdivision, Phase I which includes Lots 1-13, 37, 38, 39, 40 and 41 Square A; Lots 1-8, 18, 19, 20 Square B, and Lots 1 and 20 Square C to St. Charles Parish 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, AUTHEMENT, BLACK,
MARINO, MINNICH
NAYS: NONE
ABSENT: RAMCHANDRAN

And the Ordinance was declared adopted this 17th day of April, 2000, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Tony Ouellet

SECRETARY: John Beaudet

DLVD/PARISH PRESIDENT: 4-18-00

APPROVED: ✓ DISAPPROVED:

PARISH PRESIDENT: Albert W. Laque

RFTD/SECRETARY: 4-18-00

AT: 2:45 PM RECD BY: JB

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE

ON April 27, 2000

AS ENTRY NO. 242771

IN MORTGAGE/CONVEYANCE BOOK

NO. 567 FOLIO 421

ACT OF DEDICATION

UNITED STATES OF AMERICA

BY: LULING 22/LA, L.P.

STATE OF LOUISIANA

TO: ST. CHARLES PARISH

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 14th day of April, in the year of Our Lord Two Thousand (2000),

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified in and for the County/Parish and State noted below, therein residing, and in the presence of the two competent witnessed hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED;

LULING 22/LA, L.P. (75-2825328), a Texas limited partnership formed by Certificate of Limited Partnership executed by William G. Dunaway and filed with the Office of the Secretary of the State of Texas on June 14, 1999, and authorized to do business in the State of Louisiana pursuant to Certificate of Authority dated July 12, 1999, with a certified copy of said Certificate of Limited Partnership being filed with the Clerk of Court for the Parish of St. Charles; said limited partnership having a Louisiana municipal address of 29 East Levert Drive, Luling, Louisiana and being represented herein by its duly authorized sole General Partner, William G. Dunaway, pursuant to the authority granted to said General Partner in the partnership's Agreement of Limited Partnership.

(Hereinafter sometimes referred to as "Luling 22/LA");

MAILING ADDRESS: 29 East Levert
Luling, Louisiana 70070

Luling 22/LA declared unto me, Notary, that it is the owner of a certain tract of real property situated on the West Bank of St. Charles Parish, which lands are designated as Lakewood East Subdivision Phase I being a portion of Section 46, T13S, R21E, St. Charles Parish, Louisiana, shown on a survey of said subdivision, which survey was prepared by J. Michael Dixon, P. E., dated March 17, 2000, which survey is entitled "Subdivision Plan Lakewood East - Phase I" in Section 46, T13S, R21E, St. Charles Parish, Louisiana, a copy of which is attached to and made part of this ordinance; and

Luling 22/LA further declared unto me that it has caused that portion of the above property designated as Lakewood East Subdivision Phase I on the survey referred to above to be laid out in squares and lots on the plan of survey and/or re-subdivision referred to above, which plan of sub-division creates Phase I of Lakewood East Subdivision, a copy of which is attached and made part hereof; and

Luling 22/LA further declared unto me, Notary, that on the aforesaid plan of re-subdivision it has laid out certain streets within the Lakewood East Subdivision which are named and identified in accordance with the annexed plan of J. Michael Dixon, P.E., as Bethany Drive, Tupelo Drive and Elderberry Court which streets in regard to this dedication, are more fully described in accordance with said plan as follows to wit:

BETHANY DRIVE, LAKEWOOD EAST SUBDIVISION, PHASE I, ST. CHARLES PARISH, LOUISIANA

A certain piece or portion of ground situated in the State of Louisiana, St. Charles Parish, Section 46, T13S, R21E, LAKEWOOD EAST SUBDIVISION designated as a portion of Bethany Drive and more fully described as follows:

Commencing at the northeast corner of the intersection of Lakewood Drive and East Heather St., thence S72°58'00"E a distance of 480.00' along the northern boundary of East Heather St. to a point of curvature and thus the Point Of Beginning, thence along said line in an easterly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of N62°02'00"E and a chord length of 35.36' to a point of tangency; thence N17°02'00"E a distance of 65.00' to a point of curvature; thence along said line in a westerly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of N27°58'00"W and a chord length of 35.36' to a point of tangency; thence right angle to the right N17°02'E 60.00' to the north side of Tupelo Drive to a point, thence along curve of radius 25.00' to the left on forward tangent of S72°58'E along said line of curvature arc length of 39.28', a chord bearing of N17°02'E and a chord length of 35.36' to a point of tangency, thence N17°02'E a distance of 125.00' to a point on the westerly limit of Bethany Drive; thence S72°58'E 60.00' to the easterly edge of Bethany Drive to a point, thence S17°02'W a distance of 125.00' to a point of curvature; thence along said line in a southerly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of S27°58'00"W and a chord length of 35.36' to a point; thence S17°02'E a distance of 60.00' to a point on the southern edge of Elderberry Court, thence along a line of curvature forward tangent N72°58'W radius 25.00' to the left, curve length of 39.28', a chord bearing of S62°02'W chord distance of 35.36' to a point of tangency, thence S17°02'W a distance of 65.00' to a point of tangency, thence long said line in a southerly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of S27°58'E and a chord length of 35.36' to a point, thence N72°58'W a distance of 110.00' to the point of beginning. All as more fully shown on the attached plan.

TUPELO DRIVE, LAKEWOOD EAST SUBDIVISION, PHASE I, ST. CHARLES PARISH, LOUISIANA

A certain piece or portion of ground situated in the State of Louisiana, St. Charles Parish, Section 46, T13S, R21E, LAKEWOOD EAST SUBDIVISION designated as a portion of Tupelo Drive and more fully described as follows:

Commencing at the northeast corner of the intersection of Lakewood Drive and East Heather St., thence S72°58'00"E a distance of 480.00' along the northern boundary of East Heather St. to a point of curvature, thence along said line in an easterly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of N62°02'00"E and a chord length of 35.36' to a point of tangency; thence N17°02'00"E a distance of 65.00' to a point of

curvature; thence along said line in a northerly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of N27°58'00"W and a chord length of 35.36' to a point of tangency and thus the Point Of Beginning; thence N72°58'W 195.00' along the southern edge of Tupelo Drive to a point of curvature, thence along said line in a westerly direction along the arc of a curve to the left having a radius of 60.00', an arc length of 94.25', a chord bearing of N27°58'00"W and a chord length of 84.85' to a point of tangency, thence N17°02'00"E a distance of 560.35' to a point of curvature; thence along said line in a northerly direction along the arc of a curve to the right having a radius of 60.00', an arc length of 314.16', a chord bearing of S72°58'00"E and a chord length of 60.00' to a point, thence S17°02'W a distance of 535.35' to a point of curvature, thence along said line in a southerly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of S27°58'00"E and a chord length of 35.36' to a point of tangency, thence S72°58'E a distance of 170.00' to a point, thence S17°02'W a distance of 60.00' to the point of beginning. All as more fully shown on the attached plan.

ELDERBERRY COURT, LAKEWOOD EAST SUBDIVISION, PHASE I, ST. CHARLES PARISH, LOUISIANA

A certain piece or portion of ground situated in the State of Louisiana, St. Charles Parish, Section 46, T13S, R21E, LAKEWOOD EAST SUBDIVISION designated as a portion of Elderberry Court and more fully described as follows:

Commencing at the northeast corner of the intersection of Lakewood Drive and East Heather St., thence S72°58'00"E a distance of 480.00' along the northern boundary of East Heather St. to a point of curvature, thence along said line in an easterly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of N62°02'00"E and a chord length of 35.36' to a point of tangency; thence N17°02'00"E a distance of 65.00' to a point of curvature; thence along said line in a westerly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of N27°58'00"W and a chord length of 35.36' to a point of tangency; thence right angle to the right N17°02'E 60.00' to the north side of Tupelo Drive to a point, thence S72°58'E a distance of 110.00' to a point and thus the point of beginning, thence S72°58'E a distance of 170.00' to a point of curvature; thence along said line in an easterly direction along the arc of a curve to the left having a radius of 25.00', an arc length of 39.28', a chord bearing of N62°02'00"E and a chord length of 35.36' to a point, thence S55°21'56"E a distance of 62.95' to a point, thence S17°02'W a distance of 53.04' to a point of curvature, thence along said line of curvature radius 60.00' to the right, arc length of 219.92', a chord bearing of S62°02'W and a chord length of 115.91' to a point, thence N72°58'W a distance of 167.71' to a point, thence right angle to the right N17°02'E a distance of 60.00' to the point of beginning. All as more fully shown on the attached plan.

All of the streets dedicated herein are described on a plan of subdivision entitled "Subdivision Plan Lakewood East - Phase I" by Michael Dixon, P. E., dated March 17, 2000, a copy of which is attached to and made part of this ordinance; On all matters of the description of the property on which the streets are located, the above referred to survey shall be controlling.

Luling 22/LA further declared unto me, Notary, that on the aforesaid plan of resubdivision, it has also designated and labeled various servitudes for utility and drainage purposes; and

Luling 22/LA further declared unto me, Notary, that under the covenants, conditions and stipulations hereinafter recited it does, by these presents, dedicate portions of the following streets located all within Phase I of Lakewood East Subdivision, namely: Bethany Drive, Tupelo Drive and Elderberry Court, as hereinabove described and does hereby grant the various servitudes for 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

Luling 22/LA further declared unto me, Notary, that the aforesaid dedication and grant are subject to all of the following terms and conditions, to wit:

1. The dedication of the fee ownership of the property covered by the streets identified hereinabove as Bethany Drive, Tupelo Drive and Elderberry Court, only as far as said streets are located in Phase I of Lakewood East Subdivision.
2. The herein grant of the various servitudes for 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. Luling 22/LA does hereby reserve all rights of fee ownership to that portion of the aforesaid Phase I of Lakewood East Subdivision which comprises the various servitudes for utility and drainage purposes.
3. Luling 22/LA 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 utility and drainage servitudes granted herein. In that connection, Luling 22/LA does, however, agree to prohibit the use of any part of the surface of any of the property covered by the streets and servitudes with respect to the exploration, development or production of minerals pursuant to this reservation. This reservation is made in accordance with Luling 22/LA's plan and intention to reserve all of the mineral rights in, on and under all of

the lots in the Lakewood East Subdivision, whereby, however, Luling 22/LA will likewise impose a restriction on 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 streets and grant of servitudes for utility and drainage purposes are made by Luling 22/LA 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 use as a public street. St. Charles Parish must further bind and obligate itself to use the utility and drainage servitudes granted herein only for 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 utility and drainage facilities within the various utility and drainage servitudes areas.
7. The grant herein of various servitudes for utility and drainage purposes shall be used exclusively for those purposes and Luling 22/LA reserves the right to use or grant any other rights with respect to said property not inconsistent with the aforesaid servitude for utility and drainage purposes. The herein granted utility and drainage servitude shall not be utilized so as to unreasonably interfere with or impair ingress and egress from the streets dedicated herein to any of the lots in the Lakewood East Subdivision.
8. Luling 22/LA warrants that the herein dedication of street and grant of servitudes are free of any liens and/or encumbrances and that no lots have been sold or alienated prior to the date hereof.

9. The dedication and grant made herein are made subject to any existing servitudes affecting the "Lakewood East Subdivision", 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. Luling 22/LA warrants that all utilities and streets have been placed within the servitude(s) granted herein.

AND NOW, to those presents, personally came and intervened:

ST. CHARLES PARISH, herein appearing by and through Albert Laque, Parish President, duly authorized by virtue of an Ordinance of the St. Charles Parish Council adopted on April 17, 2000, a certified copy of which is annexed hereto and made 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 all of the streets dedicated herein has been satisfactorily completed in accordance with all requirements and that all utility and drainage facilities have been likewise satisfactorily completed in accordance with all requirements and St. Charles Parish does hereby accept all of said streets and 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 00-4-22 the 17th day of April, 2000, a photo copy of which is attached and made part hereof.

THUS DONE AND PASSED, in triplicate originals, in my office, the undersigned
Notary Public in and for the State of Texas, County of Dallas, on the day, month
and year herein first above written, in the presence of the undersigned competent witnesses, who
hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES;

LULING 22/LA, L.P.

[Signature]

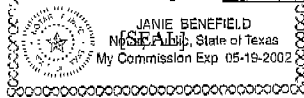
BY:

William G. Dunaway
William G. Dunaway,
Managing Partner

[Signature]

Janie Benefield
NOTARY PUBLIC

My Commission Expires 5-19-2002



THUS DONE AND PASSED, in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

WITNESSES:

ST. CHARLES PARISH

Calane R. Berthelot

BY: Albert L. Laque
Albert Laque,
Parish President

Sancho M. Miquel

Brenda M. Lake
Notary Public
My Commission is issued for life

[SEAL]