

ORD.

2006-0308

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

ORDINANCE NO. 06-10-7

An ordinance approving and authorizing the execution of an Act of Dedication for Country Cottage Estates, Phase 3-C-A and 3-C-B Subdivision, Montz, St. Charles Parish, LA.

WHEREAS, Country Cottage Estates, LLC are the owners and developers of property located in Section 6, T12S R7E, Montz, St. Charles Parish, LA and indicated on a Final Plat prepared by Mandle-Edwards Surveying, Inc., and dated August 21, 2006 as a Resubdivision of Remainder of Tract 3 of the C.L. Bougere Estate into Lots 71 through 172, 183 and 184 of Cottage Estates Phase 3-C-A and 3-C-B, the dedication of Lindsey Court, Mary Kate Court, Liza Court, Nana Gin Court, Judy Court, Gloria Court, and a portion of both Linda Diane Court and Country Cottage Boulevard, and undeveloped Jade Court; and servitudes for drainage; 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 Country Cottage Estates, LLC for Cottage Estates Phase 3-C-A and 3-C-B which includes Lots 71 through 172, 183 and 184 of Cottage Estates Phase 3-C-A and 3-C-B; the dedication of and extension of Country Cottage Boulevard, Lindsey Court, Gloria Court, Judy Court, Nana Gin Court, Liza Court, Jade Court (dedicated but undeveloped right-of-way); and servitudes for drainage 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: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS,
BLACK, DUHE, MINNICH

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 2nd day of October, 2006, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Dorian C. Fal

SECRETARY: Barbara Jacob-Tucker

DLVD/PARISH PRESIDENT: October 3, 2006

APPROVED: ✓ DISAPPROVED:

PARISH PRESIDENT: Albert D. Laque

RETD/SECRETARY: October 3, 2006

AT: 3:10 pm RECD BY: BP

RECORDED BY THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON October 6, 2006
AS ENTRY NO. 323587
IN MORTGAGE/CONVEYANCE BOOK
NO 679 FOLIO 528

ACT OF DEDICATION

BY: COUNTRY COTTAGE ESTATES, L.L.C.

TO: ST. CHARLES PARISH

UNITED STATES OF AMERICA

STATE OF LOUISIANA

PARISH OF JEFFERSON

AND

STATE OF LOUISIANA

PARISH OF ST. CHARLES

BE IT KNOWN, That effective as of the last day of execution hereof by the parties hereto (the "Effective Date");

BEFORE the undersigned Notaries Public, each duly commissioned and qualified in and for the Parishes of the State hereinafter indicated, therein residing, and in the presence of the hereinafter identified undersigned witnesses;

PERSONALLY CAME AND APPEARED:

COUNTRY COTTAGE ESTATES, L.L.C., a Limited Liability Company authorized to do and doing business in the State of Louisiana, appearing herein through Wayne F. Wandell a person of the full age of majority and a resident of the State of Louisiana,

(Hereinafter sometimes referred to as "GRANTOR");

MAILING ADDRESS: 2237 N. HULLEN STREET, SUITE 201
METAIRIE, LA 70001

"GRANTOR" declared unto me, Notary, that it is the owner of that certain portion of land being a resubdivision of Tract 3 of the C. L. Bougere Estate into Lots 71 through 172, 183 and 184 of Country Cottage Estates Phase 3C-A AND 3C-B situated in Section 6, Township 12 South, Range 7 East, St. Charles Parish, Louisiana, all as more fully shown on a survey by Mandle-Edwards dated and re-revised on August 21, 2006, a copy of which survey is marked as Exhibit "A" and is attached to and made part of this Act of Dedication; and

"GRANTOR" further declared unto me, Notary, that on the aforesaid survey, it has laid out certain streets within the Country Cottage Estates Phases 3C-A and 3C-B which are named and identified as Lindsay Court, Mary Kate Court, Liza Court, Nana Gin Court, Judy Court, Gloria Court, Jade Court, and a portion of both Linda Diane Court and Country Cottage Boulevard; which streets 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.

"GRANTOR" 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

"GRANTOR" 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 Country Cottages Estates Phases 3C-A and 3C-B, namely, as hereinabove described and does hereby grant the various servitudes for water, utility and drainage purposes, all as shown on the annexed plan of survey, 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

"GRANTOR" 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 Lindsay Court, Mary Kate Court, Liza Court, Nana Gin Court, Judy Court, Gloria Court, Jade Court, and a portion of both Linda Diane Court and Country Cottage Boulevard; only as far as said streets are located in Country Cottage Estates Subdivision Phases 3C-A and 3C-B.
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. "GRANTOR" does hereby reserve all rights of fee ownership to that portion of the said Country Cottage Estates Phases 3C-A and 3C-B which

comprises the various servitudes for water, utility and drainage purposes.

3. "GRANTOR" 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, "GRANTOR" 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 "GRANTOR'S" plan and intention to reserve all of the mineral rights in, on and under all of the portion of property in the **Country Cottage Estates Phases 3C-A and 3C-B**, whereby, however, "GRANTOR" will likewise impose a restriction on the entire property 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, along with the grant of servitudes for water, utility and drainage purposes are made by "GRANTOR" 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 water, utility and drainage servitudes granted herein only for 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 within the various water, utility and drainage servitude areas.

7. The grant herein of various servitudes for water, utility and drainage purposes shall be used exclusively for those purposes and "GRANTOR" reserves the right to use or grant any other rights with respect to said property not 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 streets dedicated herein to any of the lots in the Country Cottage Estates Subdivision Phases 3C-A and 3C-B.
8. "GRANTOR" warrants that the herein dedication of street and grant of servitudes are free of any liens and/or encumbrances and that no property has 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 Country Cottage Estates Subdivision Phases 3C-A and 3C-B, 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. "GRANTOR" warrants that all utilities and streets have been placed within the servitude(s) granted herein.

AND NOW, to the 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 2, 2006, 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 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 streets 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. 06-10-7 on the 2nd day of October, 2006, 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 Louisiana, Parish of Jefferson, on the 28th day of September, 2006, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading of the whole.

WITNESSES:

Rose Montgomery
ROSE MONTGOMERY
Angel Purnis
ANGEL PURNIS

COUNTRY COTTAGE ESTATES, L.L.C.

BY:

Wayne F. Wandell
WAYNE F. WANDELL

Connie S. Montgomery
BRR # 24848
NOTARY PUBLIC

CONNIE S. MONTGOMERY
NOTARY PUBLIC
Commission No.: LSBA 24848
My Commission is for Life

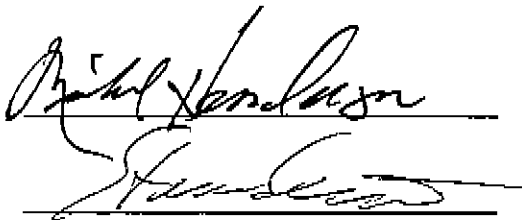
STATE OF LOUISIANA

PARISH OF ST. CHARLES

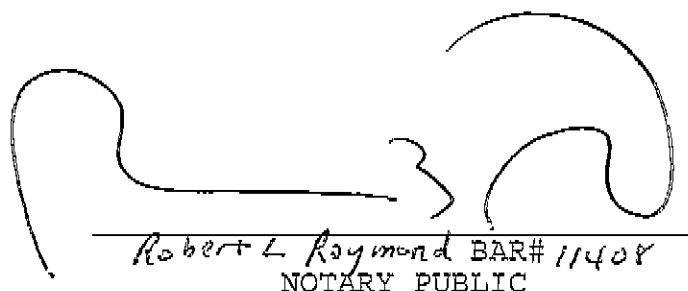
THUS DONE AND PASSED, in triplicate originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles on the 6th day of October, 2006, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading of the whole.

WITNESSES:

ST. CHARLES PARISH



BY: 
ALBERT LAQUE, PARISH PRESIDENT


Robert L. Raymond BAR# 11408
NOTARY PUBLIC

