

Adm.

2015-0395

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING AND ZONING)

ORDINANCE NO. 15-11-21

An ordinance to revoke and abandon a 60-foot by 124.94 foot right-of-way for an undeveloped, unnamed street located between Lot 307, Fashion Plantation Estates, Phase II (700 S. Fashion Blvd) and Lot 308, Fashion Plantation Estates, Phase II (702 S. Fashion Blvd) in favor of the abutting property owners.

WHEREAS, right-of-way is situated between Lot 307, Fashion Plantation Estates, Phase II (700 S. Fashion Blvd) and Lot 308, Fashion Plantation Estates, Phase II (702 S. Fashion Blvd); and,

WHEREAS, said right-of-way was laid out as access for Lot 307, a lot to be donated to the Hahnville Volunteer Fire Department (HVFD); and,

WHEREAS, said right-of-way was laid out as access for Lot 307, a lot to be donated to the Hahnville Volunteer Fire Department; and,

WHEREAS, HVFD did not accept donation of Lot 307 and the developer sold it for single-family residential; and,

WHEREAS, as required by Chapter 2 Section 4 of the St. Charles Parish Code of Ordinances, that certain property has been determined to have no public use or benefit; and,

WHEREAS, the St. Charles Parish Council wishes to revoke said property pursuant to Chapter 2 Section 2-4 of the Code of Ordinances; and,

WHEREAS, revoking the undeveloped right-of-way will create Lots 307A and 308A, Fashion Plantation Estates, Phase II; and,

WHEREAS, the St. Charles Parish Council has approved the supporting resolution _____ to create Lots 307A and 308A, Fashion Plantation Estates, Phase II.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the 60-foot by 149.94 foot right-of-way, originally shown on the plat titled "Final Plat Fashion Plantation Estates, Phase II," by Lucien Gassen, dated September 21, 2002 is hereby revoked.

SECTION II. That the Parish President is hereby authorized to execute the attached Act of Revocation in favor of adjacent property owners as further shown a survey by Lucien Gassen, PLS, dated January 6, 2015.

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

YEAS: SCHEXNAYDRE, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: LEWIS

And the ordinance was declared adopted this 2nd day of November, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 11-3-15
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: 11-3-15
AT: [Signature] RECD BY: [Signature]

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON December 11, 2015
AS ENTRY NO. 4112163
IN MORTGAGE/CONVEYANCE BOOK
NO. 826 FOLIO 63

ACT OF PARTIAL REVOCATION

UNITED STATES OF AMERICA

BY: ST. CHARLES PARISH

STATE OF LOUISIANA

**OF: A PORTION OF SOUTH FASHION
BOULEVARD & 10' UTILITY SERVITUDE**

PARISH OF ST. CHARLES

BE IT KNOWN, that on this 7th day of December, in the year of Our Lord Two Thousand and Fifteen (2015),

BEFORE ME, the undersigned authority, a Notary Public, duly commissioned and qualified in and for the Parish and State aforesaid, therein residing, and in the presence of the two competent witnesses hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED;

ST. CHARLES PARISH, herein appearing by and through V. J. St. Pierre, Jr., Parish President, duly authorized by virtue of Ordinance No. 15-11-21 of the St. Charles Parish Council adopted on November 2, 2015, a certified copy of which is annexed hereto and made part hereof,

APPEARER declared unto me, Notary, as follows: that by Ordinance No. 2002-0443 recorded on October 23, 2002, in COB 609, folio 560, Entry No. 271858 of the official records of St. Charles Parish, the residential development by Fashion Plantation Estates, LLC (the "Developer") known as FASHION PLANTATION ESTATES PHASE II was approved and the streets and public servitudes associated therewith were dedicated to the Parish of St. Charles.

Included within said dedication was the following described portion of ground (the "Property") forming an extension of South Fashion Blvd. between what is depicted as Parcel B and Lot 307 on the Plan of Resubdivision recorded at COB 609, folio 560:

Beginning at the southeast corner of Parcel B at that point marked with a 1/2" iron rod (the "Point of Beginning"); thence proceed N32°58'45"W a distance of 124.94' to a point marked with a 1/2" iron rod; thence proceed N57°01'15"E a distance of 60.00 to a point marked with a 1/2" iron rod; thence proceed S32°58'45"E a distance of 124.00' to a point marked with a 1/2" iron rod constituting the southwest corner of Lot 307; thence proceed S56°07'47"W a distance of 60.00' back to the Point of Beginning.

The Property was dedicated by the Developer to St. Charles Parish as an extension of South Fashion Blvd. in conjunction with the donation of Lot 307 by the Developer to the Hahnville Fire Department (the "Fire Department"). The donation to the Fire Department is

recorded at COB 619, folio 737. As recited therein, the donation required the Fire Department to construct a fully operational fire station on Lot 307 within five years of the donation. The Property was to provide the Fire Department with a side entrance to the fire station. However, the Fire Department was not timely able to construct the fire station. Consequently, the donation was revoked and Lot 307 reverted back to the Developer pursuant to the Act of Revocation of Onerous donation recorded at COB 746, folio 569.

In connection with the development of FASHION PLANTATION ESTATES PHASE III, what was depicted as Parcel B on the Plan of Resubdivision for Fashion Plantation Estates Phase II was resubdivided into Lots 308, 309 and 310. By Act of Sale recorded at COB 679, folio 470, Lot 308 was sold by the Developer to Elaine Naranjo. By Act of Sale recorded at COB 811, folio 135, Lot 307 was sold by the Developer to Justin J. Loupe and Heather Higginbotham Loupe. Consequently, the Property is now bordered by privately held lots (Lot 307 on the north east and Lot 308 on the south west) and no longer serves a public function.

Because the Property serves no public function whatsoever, the current owners of Lot 307 and Lot 308 have requested the Parish of St. Charles to revoke the dedication of the Property as a portion of South Fashion Blvd. By operation of law, upon the revocation of the Property from the defined boundaries of South Fashion Blvd., one half of the property will revert to the owner of Lot 307, and the other half of the property will revert to the owner of Lot 308. Because it has been determined by the St. Charles Parish Council that the Property in question serves no public purposes whatsoever and that it is in the best interest of St. Charles Parish to revoke the dedication of the Property from the defined boundaries of South Fashion Blvd. in accordance with La. R. S. 48:701:

NOW THEREFORE, ST. CHARLES PARISH, herein appearing by and through V. J. ST. PIERRE, JR., Parish President, duly authorized by virtue of Ordinance No. 15-11-21 of the St. Charles Parish Council adopted on November 2, 2015, a certified copy of which is annexed hereto and made part hereof, does hereby revoke the dedication of the Property from the defined boundaries of South Fashion Blvd. Without any warranty whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have, the said St. Charles Parish does hereby convey, transfer, assign, set over, abandon and quitclaim all of its

rights, title and interests in and to the following described portion of the Property to Justin J. Loupe and Heather Higginbotham Loupe as the current owners of Lot 307 contiguous to the Property on its north eastern side, all in accordance with and as directed by the provisions of La. R. S. 48:701:

Beginning at the southwest corner of Lot 307 at that point marked with a ½" iron rod (the "Point of Beginning"); thence proceed N32°58'45"W a distance of 124.00' to a point marked with a ½" iron rod; thence proceed S57°01'15"W a distance of 30.00 to a point marked with a ½" iron rod; thence proceed S32°58'45"E a distance of 124.47' to a point marked with a ½" iron rod; thence proceed N56°07'47"E a distance of 30.00' back to the Point of Beginning. Being that portion of the Property resubdivided into Lot 307A as more fully shown on that certain Plan of Resubdivision by Lucien C. Gassen, dated January 6, 2015 entitled Resubdivision of Lots 307, 308 and a 60 Foot Access To Be Revoked Fashion Plantation Estates Phase II into Lots 307A & 308A in Sections 7 & 8, T13S – R20E St. Charles Parish, Louisiana", which is incorporated herein by reference.

And further without any warranty whatsoever, but with full substitution and subrogation in and to all the rights and actions of warranty which it has or may have, the said St. Charles Parish does hereby convey, transfer, assign, set over, abandon and quitclaim all of its rights, title and interests in and to the following described portion of the Property to Elaine Naranjo as the current owner of Lot 308 contiguous to the Property on its south western side, all in accordance with and as directed by the provisions of La. R. S. 48:701:


Beginning at the southeast corner of Lot 308 at that point marked with a ½" iron rod (the "Point of Beginning"); thence proceed N32°58'45"W a distance of 124.94' to a point marked with a ½" iron rod; thence proceed N57°01'15"E a distance of 30.00 to a point marked with a ½" iron rod; thence proceed S32°58'45"E a distance of 124.47' to a point marked with a ½" iron rod; thence proceed S56°07'47"W a distance of 30.00' back to the Point of Beginning. Being that portion of the Property resubdivided into Lot 308A as more fully shown on that certain Plan of Resubdivision by Lucien C. Gassen, dated January 6, 2015 entitled Resubdivision of Lots 307, 308 and a 60 Foot Access To Be Revoked Fashion Plantation Estates Phase II into Lots 307A & 308A in Sections 7 & 8, T13S – R20E St. Charles Parish, Louisiana", which is incorporated herein by reference.

TO HAVE AND TO HOLD the above described property unto the said Elaine Naranjo, Justin J. Loupe and Heather Higginbotham Loupe, appearing herein to accept the transfer to them of their respective interest in the Property for themselves, their heirs, successors, and assigns forever, and to acknowledge due delivery and possession thereof. The Property is currently tax exempt. Elaine Naranjo, Justin J. Loupe and Heather Higginbotham Loupe assume any taxes to be levied on that portion of the Property conveyed to them pursuant to this Act of Revocation.

ST. CHARLES PARISH, herein further appearing by and through **V. J. ST. PIERRE, JR.**, Parish President, duly authorized by virtue of Ordinance No. 15-11-21 of the St. Charles Parish Council adopted on November 2, 2015, a certified copy of which is annexed hereto and made part hereof, does hereby also revoke the dedication of that certain 10' Utility Servitude running along the northeastern sideline of original Lot 308, because said portion of the 10' Utility Servitude serves no public function whatsoever. The section of the 10' Utility Servitude being revoked herein is shown as "10 Utility Servitude To Be Revoked" on that certain Plan of Resubdivision by Lucien C. Gassen, dated January 6, 2015, attached hereto.

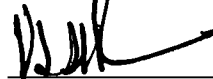
THUS DONE AND PASSED, in multiple originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said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


WITNESSES:


Printed Name: Aredra Coloman


Printed Name: Tiffy Coloman

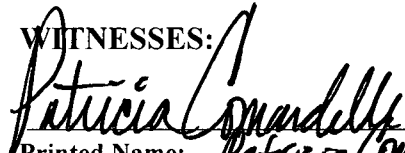
ST. CHARLES PARISH

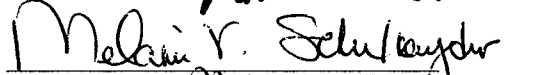

BY: V. J. St. Pierre, Jr.
ITS: PRESIDENT


NOTARY PUBLIC
Printed name: Lois C. Vial
Notary/Bar No. 50925

THUS DONE AND PASSED, in multiple 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.

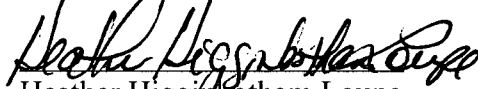
WITNESSES:


Printed Name: Patricia Comardelle


Printed Name: Melonie V. Schneider

OWNERS OF LOT 307


Justin J. Loupe


Heather Higginbotham Loupe




NOTARY PUBLIC

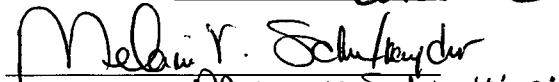
Printed name: Louis G. Authement

Notary/Bar No. 25814

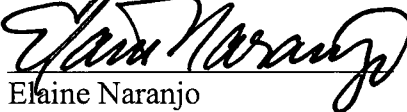
THUS DONE AND PASSED, in multiple originals, in my office, the undersigned Notary Public in and for the State of Louisiana, Parish of St. Charles, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said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

WITNESSES:


Printed Name: Patricia Comandelle


Printed Name: Melanie V. Schexnayder

OWNER OF LOT 308

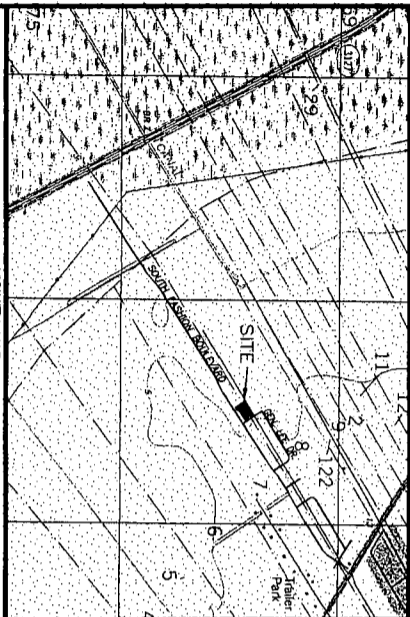

Elaine Naranjo



NOTARY PUBLIC

Printed name: Louis F. Authement
Notary/Bar No. 25814

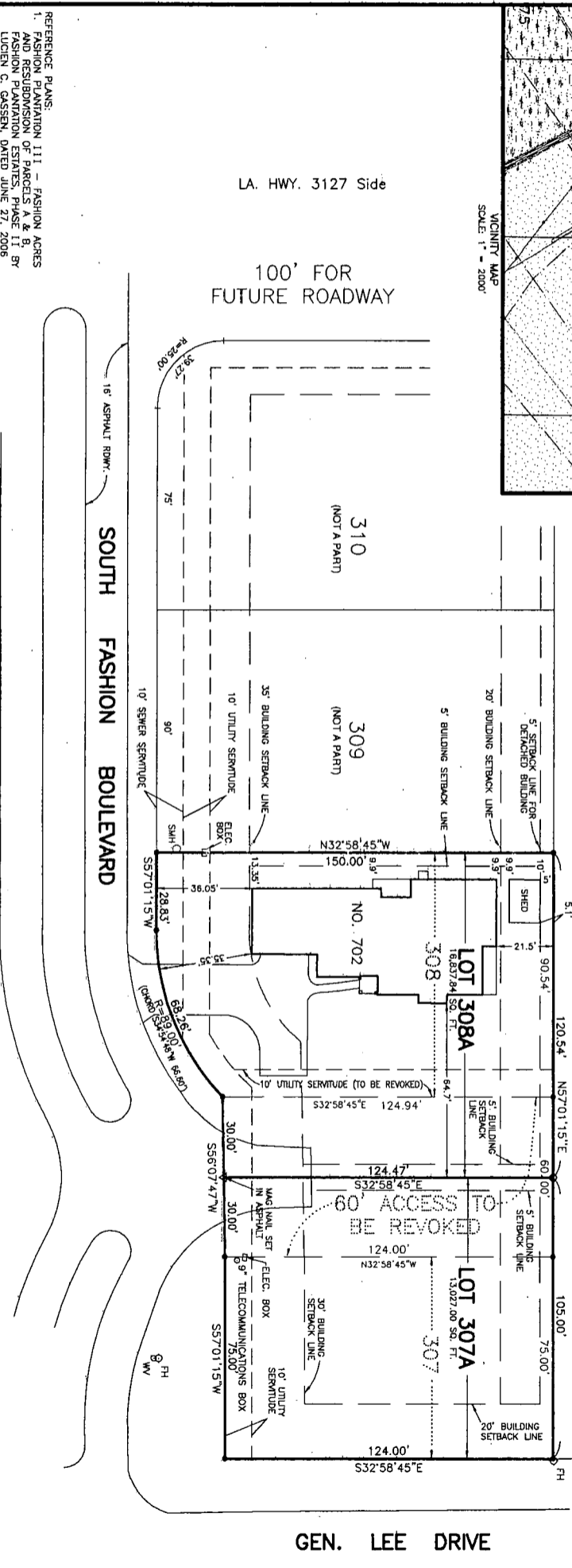
FASHION PLANT ESTATES, PLS. II, HAMMILL
 Dated: 15-11-21



APPROVALS
 St. Charles Parish Planning and Zoning Commission Chairman
 Date 10-9-15
 St. Charles Parish Council Chairman
 Date 11/2/15
 St. Charles Parish President
 Date 11-2-15

Recorded in the Clerk of Court's office
 St. Charles Parish on the 11th day of
 December 2015 in Book 824
 Folio 63 Entry # 411263
 Signature _____ Title _____

NOTE:
 ALL NECESSARY SEWER, WATER AND/OR
 OTHER UTILITY EXTENSIONS, RELOCATIONS
 OR MODIFICATIONS SHALL BE MADE BY AND
 SOLELY AT THE LOT OWNERS' EXPENSE.



REFERENCE PLANS:
 1. FASHION PLANTATION III - FASHION ACRES AND RESUBDIVISION OF PARCELS A, B & C BY LUCIEN C. GASSEN, DATED JUNE 27, 2006
 2. LOT 307 PROPOSED 10 FOOT UTILITY SERVIDUE FASHION PLANTATION ESTATES, PHASE II BY LUCIEN C. GASSEN, DATED FEBRUARY 8, 2006
 3. SURVEY OF LOT 308 FASHION PLANTATION ESTATES, PHASE II BY LUCIEN C. GASSEN, DATED JULY 2, 2007 REVISED JAN. 15, 2008 AND SEPT. 24, 2008

LEGEND
 • = 1/2" IRON ROD FOUND
 ○ = 1/2" IRON ROD SET
 ▽ = MAG NAIL SET
 FH = FIRE HYDRANT
 SW = SEWER MANHOLE
 WV = WATER VALVE
 ON SUBDIVISION PLAN

RESUBDIVISION OF LOTS 307, 308 AND A 60 FOOT ACCESS TO BE REVOKED FASHION PLANTATION ESTATES PHASE II INTO LOTS 307A & 308A IN SECTIONS 7 & 8, T13S - R20E ST. CHARLES PARISH, LOUISIANA
 SCALE: 1" = 40'
 JANUARY 6, 2015
 CERTIFIED TO FASHION PLANTATION, LLC

I certify that this plot 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
 Registration No. 353
 (985) 785-0745
 1026 Gassen Street
 Luling, Louisiana 70070