

**2018-0293**

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

**ORDINANCE NO. 18-11-2**

An ordinance to approve and authorize the Parish President to acquire a 0.0148 acre temporary construction servitude for use in the construction of the US 61 (Railroad Overpass to LA 50) Culvert Installation Project over property identified as Parcel No. 3-1, located on Lot 30-A-1, Almedia Plantation, Sec. 40, T12S – R9E in St. Rose, now or formerly owned by Tri-Logistics Construction L.L.C., which property is more particularly described in the attached "Temporary Construction Servitude" document.

**WHEREAS,** the Louisiana Department of Transportation and Development (DOTD) is designing road improvements to US 61; and,

**WHEREAS,** drainage improvements are needed to convey stormwater from the south-side to the north-side of US 61 in the St. Rose area; and,

**WHEREAS,** the parish is collaborating with DOTD to add the design of stormwater culverts across US 61 to improve drainage; and,

**WHEREAS,** the proposed drainage improvement requires the acquisition of a temporary construction servitude over Parcel No. 3-1, located on Lot 30-A-1, Almedia Plantation, Sec. 40, T12S – R9E in St. Rose, which property is more particularly described in the attached "Temporary Construction Servitude" document; and,

**WHEREAS,** the drainage improvement 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 \$582.00 the property more particularly described in the "Temporary Construction Servitude" document attached hereto and made a part hereof, from now or formerly owned by Tri-Logistics Construction L.L.C.

**SECTION II.** That the Parish President is hereby authorized to execute any and all documents necessary to complete said purchase on behalf of St. Charles Parish.

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

**YEAS:** BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, BELLOCK, FLETCHER, FISHER-PERRIER

**NAYS:** NONE

**ABSENT:** WOODRUFF

And the ordinance was declared adopted the 5th day of November, 2018, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: November 6, 2018

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: November 7, 2018

AT: 4:10 pm RECD BY: \_\_\_\_\_

RECORDED IN THE ST. CHARLES PARISH  
CLERK OF COURT OFFICE

ON December 7, 2018

AS ENTRY NO. 437318

IN MORTGAGE/CONVEYANCE BOOK

NO. 871 FOLIO 343

STATE PROJECT NO. H.000320  
US 61 (RAILROAD OVERPASS TO LA 50)  
CULVERT INSTALLATION PROJECT  
ST. CHARLES PARISH  
PARCEL NO. 3-1

**TEMPORARY CONSTRUCTION SERVITUDE**

STATE OF LOUISIANA  
PARISH OF ST. CHARLES

BEFORE ME, the undersigned notaries public, and in the presence of the undersigned competent witnesses, personally came and appeared:

**TRI-LOGISTICS CONSTRUCTION CO., L.L.C. (XX-XXX7321)**, Grantor, a Limited Liability Company, whose mailing address is 10040 Jefferson Highway, River Ridge, LA 70123, appearing herein by and through **JODY R. CANNON**, duly authorized pursuant to a Certificate of Authority by the members of said limited liability company, signed and executed on the 20 day of November, 2018, attached hereto and made part hereof; and **ST. CHARLES PARISH**, Grantee, 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, appearing herein pursuant to Ordinance No. 18-11-2, adopted by St. Charles Parish Council on November 5, 2018 a copy of which is attached hereto and made a part hereof;

Grantor in consideration of the benefits, uses and advantages accruing to Grantor and for and upon such other terms and conditions or considerations hereinafter expressed does hereby grant, transfer, assign, set over and deliver unto the Grantee the following described temporary construction servitude for use in the construction of the US 61 (Railroad Overpass to LA 50) Culvert Installation Project ("Project"), situated in St. Charles Parish, Louisiana:

**Parcel 3-1 Temporary Construction Servitude**

A certain tract or portion of ground being described as a temporary construction servitude for the installation of a culvert crossing US 61 near the town of St. Rose. More fully shown on a SURVEY SHOWING TEMPORARY CONSTRUCTION SERVITUDE FOR LaDOTD STATE PROJECT "US 61 RAILROAD OVERPASS TO La 50" PROJECT NO. H.000320 LOCATED ON LOT 30-A-1, ALMEDIA PLANTATION, SEC. 40, T12S – R9E IN ST. ROSE, ST. CHARLES PARISH, LOUISIANA NOW OR FORMERLY OWNED BY TRI-LOGISTICS CONSTRUCTION L.L.C. and the design plans entitled "US 61 Railroad Overpass to LA 50 DOTD project number H.000320" being located across the front of the Tri-Logistics Construction CO., L.L.C. property, Lot 30-A-

1, in what is known as Almedia Plantation, situated in the Parish of St. Charles, State of Louisiana, in Section 40, T12S-R9E, resubdivision of a portion of Lot 30-A, a portion of Lot 31, and a revocation of a portion of a 16 foot roadway and 8 foot ditch into Lots 31-A, 31-B and 30-A-1 Almedia Plantation Subdivision, the Southeastern East of the Mississippi River Land District, more particularly described as follows:

The station and offsets are based on the referenced design Project and Adopted baseline. Commencing at station 166+08.00 thence an offset to the right a distance of approximately 78.36 feet to a point of beginning (POB) common with this northern right of way of US 61; thence S72°12'42.70"W, a distance of approximately 28.00 feet to a point located at station 166+36.00 and an offset of 78.32 feet; thence N17°42'43.45"W, a distance of approximately 23.01 feet to a point located at station 166+36.00 and an offset of 101.33 feet; thence N71°50'49.03"E, a distance of approximately 28.00 feet to a point located at station 166+08.00 and an offset of 101.55 feet, thence S17°42'43.45"E, a distance of approximately 23.19 feet to the point of beginning common to the US 61 right of way containing 0.0148 acres or 646.71 square feet, more or less, of said temporary construction servitude and more fully shown on a SURVEY SHOWING TEMPORARY CONSTRUCTION SERVITUDE FOR LaDOTD STATE PROJECT "US 61 RAILROAD OVERPASS TO LA 50" PROJECT NO. H.000320 LOCATED ON LOT 30-A-1, ALMEDIA PLANTATION, SEC. 40, T12S – R9E IN ST. ROSE, ST. CHARLES PARISH, LOUISIANA NOW OR FORMERLY OWNED BY TRI-LOGISTICS CONSTRUCTION L.L.C. and a design plans entitled "US 61 Railroad Overpass to LA 50 DOTD project number H.000320", located in Section 40, T12S-R9E East of the Mississippi River, St. Charles Parish, Louisiana, prepared for St. Charles Parish Department of Public Works and Wastewater by Shread- Kuyrkendall and Associates Inc., Baton Rouge, Louisiana, prepared for St. Charles Parish Department of Public Works and Wastewater by Shread- Kuyrkendall and Associates Inc., Baton Rouge, Louisiana, dated May 29, 2018.

Being the same property acquired by Tri-Logistics Construction Co., L.L.C. from June Elfer Luck, wife of/and John Luck by Cash Sale dated April 23, 2003 and recorded in the St. Charles Parish Clerk of Court Conveyance Records on April 23, 2003 in COB 618, Folio 75, Instrument Number 278861.

Grantee is hereby authorized, in the construction and maintenance of said Project, to remove from the property herein described earth and other material in accordance with usual construction and maintenance policies.

The Grantee shall pay unto Grantor for the temporary construction servitude(s) hereby conveyed, upon approval by the Grantee of Grantor's title to the hereinabove property, free and clear of all encumbrances of any kind or nature whatsoever, and in full settlement and satisfaction of any and all claims for damages resulting from the grant of said temporary construction servitude(s), the price and sum of FIVE HUNDRED EIGHT-TWO AND NO/100 (\$582.00) DOLLARS.

Grantor acknowledges and agrees that the consideration provided herein constitutes full and final settlement for the temporary construction servitude herein granted and for any and all diminution in the value of Grantor's remaining property as a result of the granting of this temporary right of way for the purposes of constructing drainage improvements.

It is agreed and understood that prior to completion of the said project, the property upon which the hereinabove described temporary construction servitude is located shall be left free of all construction scars.

The temporary construction servitude hereby granted shall be for a term of one (1) year at FIVE HUNDRED EIGHT TWO AND NO/100 (\$582.00) DOLLARS per year and shall commence upon the date a work order is issued to the contractor, for construction of the respective construction project for which the servitude is required.

Should the above recited term not be sufficient to complete the Project, the Grantor grants to the Grantee the option to extend the servitude for an additional one (1) year at the same terms and conditions as herein specified. This extension shall be automatic.

It is further agreed and understood that the Grantee's rights to the said temporary construction servitude shall terminate upon the date of Final Acceptance of the said Project by the Parish of St. Charles recorded in the mortgage records of the St. Charles Parish Clerk of Court. The fee simple title to the said Parcel 3-1 shall remain vested in the Grantor.

Grantor retains the rights to fully use and enjoy the above-described property, except as to the rights herein 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 of St. Charles, its agents or employees, in the installation, operation, and/or maintenance of this temporary construction servitude.

During the construction of the Project, Grantee, its agents and employees, shall not impede Grantor's access to the private roadway shown as 25' Access Servitude on the SURVEY SHOWING TEMPORARY CONSTRUCTION SERVITUDE FOR LaDOTD STATE PROJECT "US 61 RAILROAD OVERPASS TO La 50" PROJECT NO. H.000320 LOCATED ON LOT 30-A-1, ALMEDIA PLANTATION, SEC. 40, T12S – R9E IN ST. ROSE, ST. CHARLES PARISH, LOUISIANA NOW OR FORMERLY OWNED BY TRI-LOGISTICS

CONSTRUCTION L.L.C. prepared by Shread- Kuyrkendall and Associates Inc., Baton Rouge, Louisiana, dated May 29, 2018.

It is agreed and understood that prior to completion of the said Project, the property upon which the hereinabove described temporary construction servitude is located shall be left free of all construction scars.

This agreement shall be executed in quadruplicate, each of which shall constitute an original document which shall be binding upon any of the parties executing same. To facilitate recordation of this agreement, the parties hereto agree that individual signature and acknowledgement pages from the various counterparts may be merged and combined with signature and acknowledgement pages from other counterparts.

[Remainder of page intentionally left blank]

IN TESTIMONY WHEREOF, the party hereto has signed, executed, and acknowledged this instrument as his free and voluntary act, in quadruplicate originals, in the presence of the two undersigned competent witnesses and notary, as of the 28 day of November, 2018, after a due reading of the whole.

WITNESSES:

GRANTOR: TRI-LOGISTICS  
CONSTRUCTION CO., L.L.C.

Jane Dufour

Jane Dufour

Print Name

Charles R. Cannon

CHARLES R. CANNON

Print Name

Jody R. Cannon

By: JODY R. CANNON

Its: MEMBER

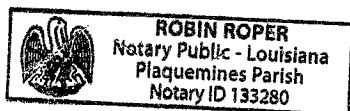
Robin Roper

NOTARY PUBLIC

Printed Name: Robin Roper

Notary Identification or Bar Roll No.: 133280

My Commission expires: for life



IN TESTIMONY WHEREOF, the party hereto has signed, executed, and acknowledged this instrument as his free and voluntary act, in quadruplicate originals, in the presence of the two undersigned competent witnesses, as of the 4<sup>th</sup> day of Decemb, 2018, after a due reading of the whole.

WITNESSES:

Ra S. Delchoury

Robin S. Delahoussaye  
Print Name

Dwayne M. LaGrange  
Print Name

GRANTEE:  
ST. CHARLES PARISH

LARRY COCHRAN, PRESIDENT

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 4<sup>th</sup> DAY OF Decemb, 2018.

ROBERT L. RAYMOND  
NOTARY PUBLIC

BAR NO. 11408

ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_  
PARISH OF LOUISIANA

BEFORE ME, the undersigned authority, duly qualified in and for the aforesaid Parish/County and State, personally came and appeared \_\_\_\_\_, a person of the full age of majority and personally known to me, Notary, who by me having been duly sworn, declared and acknowledged that **LARRY COCHRAN**, signed the above and foregoing instrument on the date thereof for the objects and purposes therein expressed and acknowledged said instrument to be his voluntary act and deed.

IN FAITH WHEREOF, Appearer executed this acknowledgment in the aforesaid Parish of \_\_\_\_\_, State of Louisiana, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned Notary Public, duly commissioned and qualified.

\_\_\_\_\_  
NOTARY PUBLIC

Printed Name: \_\_\_\_\_

Notary Identification or Bar Roll No.: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

UNITED STATES OF AMERICA

STATE OF LOUISIANA

PARISH OF ST. CHARLES

**CERTIFICATE OF AUTHORITY  
TO ACT FOR TRI-LOGISTICS CONSTRUCTION CO., L.L.C.  
AND TO GRANT A TEMPORARY CONSTRUCTION SERVITUDE**

On the date hereinafter set forth, the undersigned, being a member of TRI-LOGISTICS CONSTRUCTION CO., L.L.C., a Louisiana Limited Liability Company, authorized to and doing business in the State of Louisiana came and appeared

Charles R. Cannon, III, 10040 Jefferson Hwy., River Ridge, LA 70123  
Jody R. Cannon, 8120 Harris Ave., Harahan, LA 70123

Who acknowledge and declare that JODY R. CANNON is a member of TRI-LOGISTICS CONSTRUCTION CO., L.L.C., a Louisiana Limited Liability Company, since its organization under the laws of the State of Louisiana and recordation of its Articles of Organization dated February 20, 2001, which is recorded in the office of the Secretary of State of the State of Louisiana, and hereby certify, agree and declare that JODY R. CANNON, is authorized to act for and in the name of the said TRI-LOGISTICS CONSTRUCTION CO., L.L.C., to do the following:

1. Execute a Temporary Construction Servitude to transfer and convey a temporary construction servitude over the following described property, situated in the ST. CHARLES PARISH, Louisiana, hereinafter referred to as the "Property" which property more fully described as follows:

**Parcel 3-1 Temporary Construction Servitude**

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PROJECT "US 61 RAILROAD OVERPASS TO La 50" PROJECT NO. H.000320  
LOCATED ON LOT 30-A-1, ALMEDIA PLANTATION, SEC. 40, T12S – R9E  
IN ST. ROSE, ST. CHARLES PARISH, LOUISIANA NOW OR FORMERLY  
OWNED BY TRI-LOGISTICS CONSTRUCTION L.L.C. and a design plans  
entitled "US 61 Railroad Overpass to LA 50 DOTD project number H.000320",  
located in Section 40, T12S-R9E East of the Mississippi River, St. Charles Parish,  
Louisiana, prepared for St. Charles Parish Department of Public Works and  
Wastewater by Shread- Kuyrkendall and Associates Inc., Baton Rouge, Louisiana,  
prepared for St. Charles Parish Department of Public Works and Wastewater by  
Shread- Kuyrkendall and Associates Inc., Baton Rouge, Louisiana, dated May 29,  
2018.

Being the same property acquired by Tri-Logistics Construction Co., L.L.C.. from  
June Elfer Luck, wife of/and John Luck by Cash Sale dated April 23, 2003 and  
recorded in the St. Charles Parish Clerk of Court Conveyance Records on April 23,  
2003 in COB 618, Folio 75, Instrument Number 278861.

2. Execute and sign any and all documents and writings of any kind whatsoever as deemed  
necessary in connection with the temporary construction servitude for the Property.
3. Execute and deliver instruments, documents, agreements and other writings authorized in  
this certificate upon such terms, and in such form as we, in our sole, exclusive and absolute  
discretion deems necessary, advisable or proper.

The undersigned does further declare on behalf of TRI-LOGISTICS CONSTRUCTION CO.,  
L.L.C., that any person dealing with JODY R. CANNON, may assume that his authority is still in  
full force and effect unless there is recorded in the conveyance records of St. Charles Parish,  
Louisiana an express revocation of such authority.

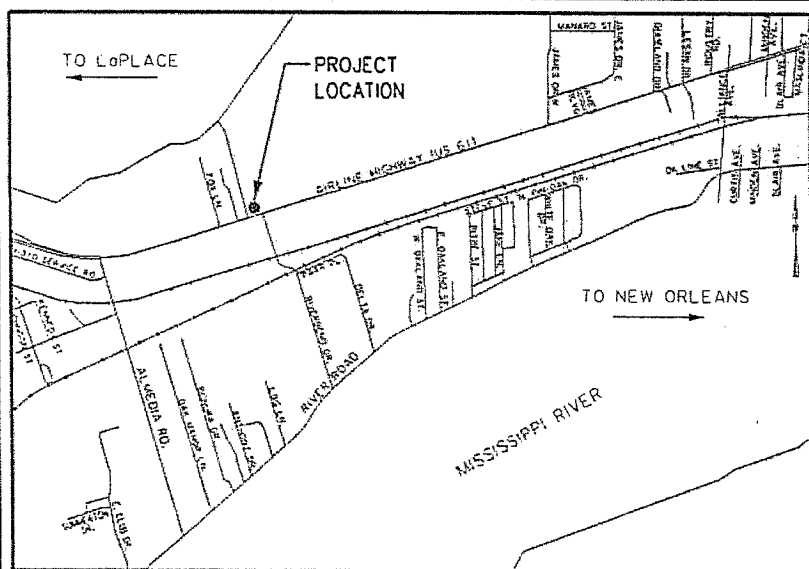
THUS DONE AND SIGNED on the 28 day of November, 2018.

**TRI-LOGISTICS CONSTRUCTION CO., L.L.C.**

Charles R. Cannon III

By: Charles R. Cannon, III  
Its: Member

Jody R. Cannon  
By: Jody R. Cannon  
Its: Member



VICINITY MAP  
NTS

TRI-LOGISTICS  
CONSTRUCTION  
CO., L.L.C.  
LOT 30-A-1  
R.A. = 2.23 AC.  
(PER DEED)

LUCK, JUNE

N: 537571.41 FT  
E: 3607927.92 FT  
STA 166+36.00  
OFF 101.33 FT

N: 537580.13 FT  
E: 3607954.53 FT  
STA 166+08.00  
OFF 101.55 FT

25' ACCESS  
SERVITUDE

TEMPORARY  
CONSTRUCTION  
SERVITUDE  
AREA = 646.71 SQ. FT.  
0.0148 AC.

PARCEL 3-1

TRI-LOGISTICS  
CONSTRUCTION  
CO., L.L.C.  
LOT 30-D-1

N: 537549.49 FT  
E: 3607934.92 FT  
STA 166+36.00  
OFF 78.32 FT

P.O.B.  
N: 537558.04 FT  
E: 3607961.58 FT

PROJ. & ADOPT. &  
US HIGHWAY 61  
(AIRLINE HIGHWAY)  
(150' R/W)

LEGEND

--- EXISTING RIGHT OF WAY LINE  
--- APPARENT PROPERTY LINE  
--- TEMP. SERVITUDE LINE

0 FEET 10

NOTES:

1. REFERENCE MAP ENTITLED, "RESUBDIVISION OF A PORTION OF LOT 30-A, A PORTION OF LOT 31, AND REVOCATION OF A PORTION OF A 16 2/32 ROADWAY & 8 3/32 DITCH INTO LOTS 31-A, 31-B, 30-A-1, ALMEDIA PLANTATION SECTION 40 T12S-R9E, ST CHARLES PARISH, LOUISIANA, DATED MAY 3RD, 1998, RECORDED IN ENTRY NO. 221380, COB 538, FOLIO 576.
2. US 61 HWY ROW TAKEN FROM MAPS ENTITLED: PLAN AND PROFILE OF PROPOSED STATE HIGHWAY FEDERAL AID PROJECT E-173-B-REOP & EXT., FEDERAL AID PROJECT E-173-C-REVISED, STATE PROJECT NO 3601-B-4, BONNET CARRE SPILLWAY - KENNER HWY., ST CHARLES AND JEFFERSON PARISH DATED MARCH 7, 1933
3. THE SERVITUDES SHOWN ON THIS PLAN ARE LIMITED TO THOSE CONTAINED WITHIN THE LATEST DEED OF RECORD AND ARE SHOWN.
4. WETLAND DETERMINATION NOT A PART OF THIS SURVEY
5. FLOOD ZONE DETERMINATION NOT A PART OF THIS SURVEY
6. COORDINATES SHOWN ARE LA STATE PLANE SOUTH ZONE 1702 AND BASED OFF CONTROL AND BASELINE FOR LoDOTD STATE PROJECT NO. H.000320

SURVEY SHOWING  
TEMPORARY CONSTRUCTION SERVITUDE  
FOR LoDOTD STATE PROJECT  
"US 61 RAILROAD OVERPASS TO La 50"  
PROJECT NO. H.000320  
LOCATED ON LOT 30-A-1, ALMEDIA PLANTATION,  
SEC. 40, T12S R9E  
ST. ROSE, ST. CHARLES PARISH, LOUISIANA  
NOW OR FORMERLY OWNED BY  
TRI-LOGISTICS CONSTRUCTION L.L.C.

DRAWN BY: D.B.S. CALC. BY: B.C.J.  
DATE: MAY 29, 2018 CHECKED BY: A.D.S.

I, HEREBY, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY PERFORMED BY ME, ON THE GROUND, IS CORRECT, AND IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AS OF THIS DATE, AS STIPULATED BY CLASSIFICATION C SURVEYS.

STATE OF LOUISIANA  
ANDREW D. SHREAD  
License No. 5087  
PROFESSIONAL  
LAND SURVEYOR  
ANDREW D. SHREAD  
PROFESSIONAL LAND SURVEYOR #5087