

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4951

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BINDER/BRISTER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 7 DAY OF FEBRUARY , 2013

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ENTER INTO A SERVITUDE AGREEMENT WITH CLECO POWER, LLC FOR ELECTRIC SERVICE TO THE MADISONVILLE LIBRARY, IN THE AREA MORE FULLY DESCRIBED ON ATTACHED SERVITUDE AGREEMENT AND MAP (WARD 1, DISTRICT 4)

WHEREAS, it is the desire of St. Tammany Parish Government to grant a servitude to Cleco Power, LLC over, under and upon immovable property owned by Parish for the purpose of providing above and below ground electrical services to the Madisonville Library in Madisonville, Louisiana; and

WHEREAS, St. Tammany Parish Government has determined that it is in the public interest to enter into this Servitude Agreement; and

WHEREAS, a map defining the property on which the servitude is to be granted, as well as the proposed servitude agreement, is attached hereto as Exhibit "A".

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it authorizes the Office of the Parish President to enter into a Servitude Agreement with Cleco Power, LLC for that certain property described on the attached servitude agreement and map for the purposes of providing above and below ground electrical services to the Madisonville Library.

BE IT FURTHER ORDAINED that the Office of the Parish President is authorized to exercise its discretion in granting a servitude on this property, together with all agreements and all transactions necessary to carry out the intent of this Ordinance.

BE IT FURTHER ORDAINED that all actions previously taken by the Office of the Parish President to grant a servitude on the property are ratified and accepted accordingly.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 7 DAY OF MARCH, 2013; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JANUARY 30, 2013

Published Adoption: _____, 2013

Delivered to Parish President: _____, 2013 at _____

Returned to Council Clerk: _____, 2013 at _____

**CLECO POWER LLC
OVERHEAD & UNDERGROUND
SERVITUDE AGREEMENT
FOR ELECTRIC LINES**

Recorded # _____
Page _____
Project No. 05NBE00003-103
Agent No. 3552

STATE OF LOUISIANA
PARISH OF St. Tammany

KNOW ALL MEN BY THESE PRESENTS, that the undersigned St. Tammany Parish
By: Patricia Brister, President

of lawful age, whose mailing address is P. O. Box 628, Covington, 70434 Louisiana, State of Louisiana, Grantor, for and in consideration of One and No/100 (\$1.00) Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, and full acquittance granted therefor, does hereby grant unto Cleco Power LLC, its successors and assigns, the right, privilege and servitude forever to construct, operate, improve and maintain overhead and underground electric distribution facilities and communications and other related appurtenances and the right to cut, trim and remove trees and shrubbery and other growths, together with a perpetual Right of Way, all as hereinafter set forth, upon, over, and across the following described lands in the Parish of St. Tammany State of Louisiana, and more particularly described as follows:

A certain tract of land located in Section(s) 39, Township 7S, Range 10E,
Ward 1, Parish of St. Tammany, Louisiana.
Route of new right of way and guying locations more particularly shown on Sketch(es) _____, a copy of which is attached hereto and made a part hereof.

The Servitude being 30 feet for overhead and (20' x 20') and 10 feet for underground in width. (See Attached)
Grantor further grants to Grantee the right to open and clear the above described Right of Way and to forever maintain said Right of Way and its overhead and underground electric distribution facilities and appurtenances, open and clear, on, over, under and across the aforesaid property. No buildings or other structures except fences shall be built on and/or across, or above, or below, or over-hanging said Right of Way, or any part thereof. Grantor further grants to Grantee the right and privilege to construct, operate and maintain said overhead and underground electric distribution facilities anywhere on, under, along and above the said Right of Way, and to locate its facilities and other appurtenances at any places on and within the said Right of Way that Grantee may, in its sole discretion, select or desire. Grantor further grants to Grantee the right and privilege to keep the said Right of Way clear of any and all obstacles which, in the sole judgment of Grantee, might interfere with or constitute a hazard to the operation and/or maintenance of said overhead and underground electric facilities.

Grantor further grants to Grantee the right and privilege to patrol, alter, inspect, improve, repair, replace or remove any and all overhead and underground electric facilities, including the right to increase or decrease the voltage of such electric distribution facilities, and shall have all other rights and privileges deemed by Grantee necessary or convenient for the full use and enjoyment of said Right of Way.

The servitude and rights herein granted are not exclusive, and Grantor reserves the right to grant servitudes to others affecting the above described servitude provided that in the reasonable judgment of Grantee such servitudes and rights so granted do not conflict with the rights of Grantee.

Grantee shall always have the right of ingress and egress to and from and upon said Right of Way over and across the above described property.

This Servitude does not convey any interest whatever in any oil, gas or other minerals in, on or under the above described land.

This Servitude is granted and accepted subject to the following restrictions:

IN WITNESS WHEREOF, the undersigned has set his hand and seal, this _____ day of _____, 20____,
in the presence of two competent witnesses, who sign as such with Grantor after due reading.

Witnesses

St. Tammany Parish T.I.N. XX-XXX

Signature _____ Signature _____
Print Name _____ Print Name _____
Signature _____ Signature _____
Print Name _____ Print Name _____
Patricia Brister, President S.S.N. XXX-XX-
S.S.N. XXX-XX-
Grantor

By _____
Grantor
Cleco Power LLC
Grantee

STATE OF LOUISIANA
PARISH OF

BEFORE ME, the undersigned authority, personally came and appeared _____, who, being first duly sworn, did depose and say that he signed the within foregoing instrument as a witness, in the presence of the Grantor and another subscribing witness, all of whom signed in his presence, each signing in the presence of all the others, and that all of said signatures thereto are genuine and correct.

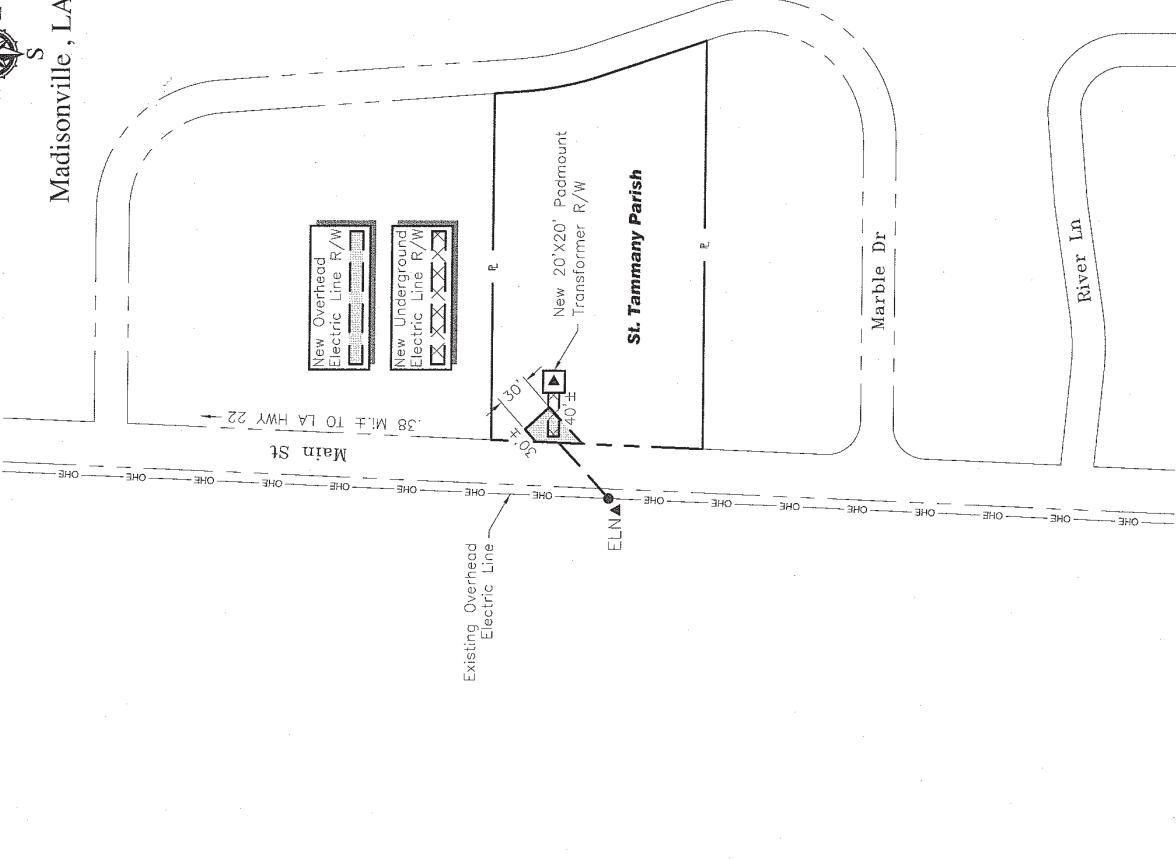
SWORN TO AND SUBSCRIBED before me this _____ day of _____, A.D. 20____

Notary Public

SKETCH
(Not to Scale)



Madisonville, LA



NEW ELECTRIC LINE RIGHT OF WAY ACROSS THE PROPERTY OF ST. TAMMANY PARISH		CLECO PINEVILLE, LOUISIANA	
SECTION(S): 39	TOWNSHIP: 7 SOUTH	RANGE: 10 EAST	
WARD: 1	S-3475-A		
NEW 20'x20' PADMOUNT TRANSFORMER R/W		GLUYING AS NEEDED	
RAW WIDTH	RAW LENGTH	ST. TAMMANY PARISH, LOUISIANA	
10	40± OVERHEAD	DWN. BY: J.M.W.	DATE: 01/09/13
30	30± OVERHEAD	ELN: 37085-63172	

Ordinance Administrative Comment

ORDINANCE AUTHORIZING THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ENTER INTO A SERVITUDE AGREEMENT WITH CLECO POWER, LLC FOR ELECTRIC SERVICE TO THE MADISONVILLE LIBRARY, IN THE AREA MORE FULLY DESCRIBED ON ATTACHED SERVITUDE AGREEMENT AND MAP (WARD 1, DISTRICT 4)

The Parish seeks to enter into a servitude agreement with Cleco Power, LLC for the provision of electrical service to the Madisonville Library. The servitude will include an overhead servitude of thirty (30') feet in width, an underground servitude of ten (10') feet in width, and a twenty by twenty (20' x 20') feet transformer pad. No compensation is being exchanged in conjunction with this servitude, as the servitude is needed to provide electricity to the Madisonville Library.