

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4951

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: BINDER/BRISTER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. BELLISARIO

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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 \_\_\_\_\_  
# \_\_\_\_\_  
COB \_\_\_\_\_ Pg. \_\_\_\_\_  
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 \_\_\_\_\_, 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  
\_\_\_\_\_  
Signature \_\_\_\_\_ St. Tammany Parish T.I.N. XX-XXX \_\_\_\_\_  
\_\_\_\_\_  
Print Name \_\_\_\_\_ Patricia Brister, President S.S.N. XXX-XX-\_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_ Signature \_\_\_\_\_  
\_\_\_\_\_  
Print Name \_\_\_\_\_ Print Name \_\_\_\_\_ S.S.N. XXX-XX-\_\_\_\_\_  
Grantor  
\_\_\_\_\_  
Signature \_\_\_\_\_  
\_\_\_\_\_  
Print Name \_\_\_\_\_  
Grantor  
Cleco Power LLC

By \_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_  
\_\_\_\_\_  
Print Name \_\_\_\_\_  
Grantee  
Cleco Power LLC

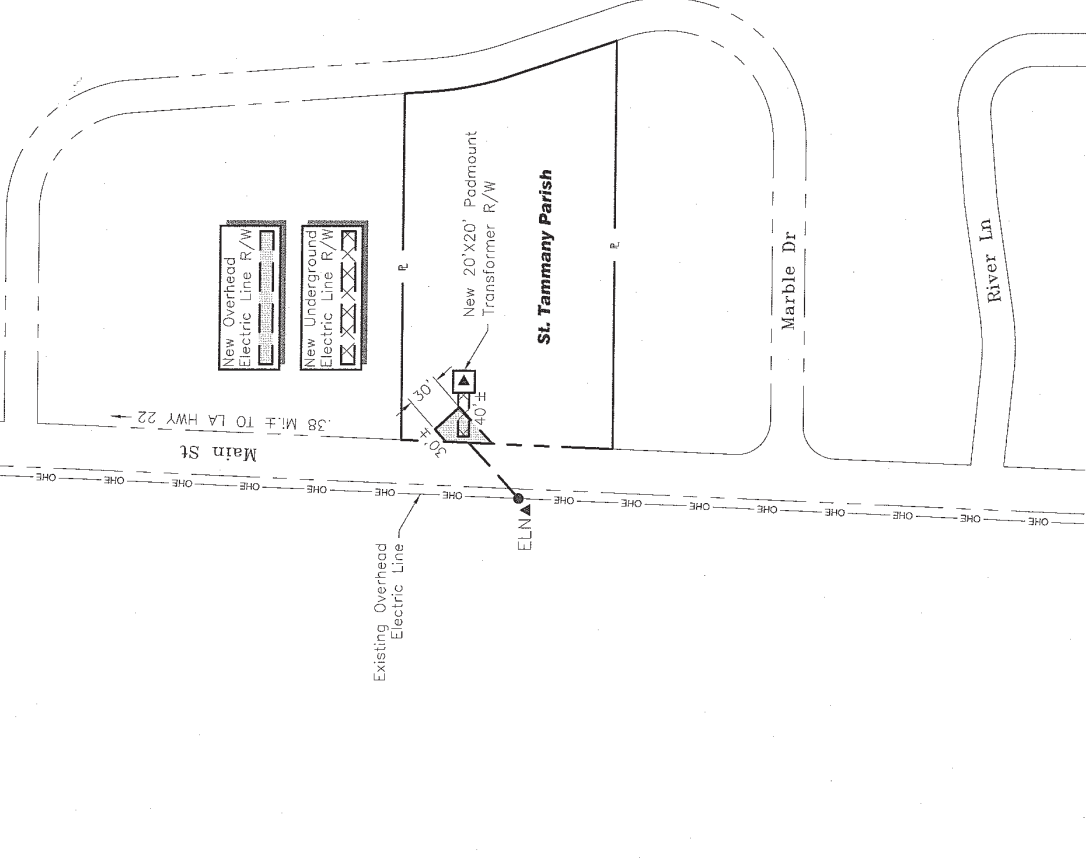
STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_  
BEFORE ME, the undersigned authority, personally came and appeared  
first duly sworn, did depose and say that he signed the within foregoing instrument as a witness, in the presence of the Grantor and another subscribing  
witness, all of whom signed in his 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 <b>ST. TAMMANY PARISH</b>		CLECO Cleco Power LLC PINEVILLE, LOUISIANA	
SECTION(S): 39	TOWNSHIP: 7 SOUTH	S-3475-A RANGE: 10 EAST	
WARD: 1	ST. TAMMANY PARISH, LOUISIANA		
NEW 20'x20' PADMOUNT TRANSFORMER R/W		DWN. BY: J.M.W.	DATE: 01/09/13
RAW WIDTH	RAW LENGTH	GLUYING AS NEEDED	
10	40'± OVERHEAD		
30	30'± OVERHEAD		
ELN: 37085-63172			

### **Ordinance Administrative Comment**

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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.