

1 Introduced February 23, 2021, by Councilman
2 Tamborella, seconded by Councilwoman
3 Denham, (by request of Administration)

4 **Item No. 21-02-3358**

5
6 **ORDINANCE NO. 4019**

7
8 An ordinance authorizing the acceptance of a servitude of use for public
9 utilities across certain lands in Bayer Subdivision, Section 14, Township 9 South, Range
10 14 East, City of Slidell, St. Tammany Parish, Louisiana, along with the acceptance of the
11 donation of existing water and sewerage improvements thereon.

12 WHEREAS, Robert Levis Development, L.L.C. is the owner of a certain tract or
13 parcel of land, and the underground water and sewer infrastructure improvements located
14 thereon, in Bayer Subdivision, which tract or parcel encompasses 1.182 acres or 51,475
15 square feet, being located in Section 14, Township 9 South, Range 14 East, City of Slidell,
16 St. Tammany Parish, Louisiana, as more particularly described and shown as the "Width
17 Varying Utility Servitude" in the survey set forth on Exhibit A to the attached Exhibit 1 (the
18 "Servitude Property"); and
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23 WHEREAS, Robert Levis Development, L.L.C., through its authorized agent,
24 desires to donate the referenced improvements to City, and to grant the City of Slidell a
25 servitude on said Servitude Property for the purpose of constructing, operating,
26 maintaining, and repairing any public utilities authorized by the City, including but not
27 limited to water lines and sewerage lines; and
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31 WHEREAS, the City of Slidell desires to authorize the acceptance of such
32 servitude grant on the Servitude Property and the acceptance of the donation of the noted
33 existing underground water and sewerage lines, under terms substantially similar to those
34 set forth in the attached Exhibit 1.
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1 **ORDINANCE NO. 4019**
2 **ITEM NO. 21-02-3358**
3 **PAGE 2**

4 NOW THEREFORE, BE IT ORDAINED by the Slidell City Council that it does
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6 hereby authorize the Mayor of the City of Slidell to take all necessary action to accept the
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8 referenced servitude on the Servitude Property and the referenced improvements thereon
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10 from Robert Levis Development, L.L.C., under terms substantially similar to those set forth
11
12 in the attached Exhibit 1.

13 **ADOPTED** this 23rd day of March, 2021.

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15
16 Kenny Tamborella
17 President of the Council
18 Councilman, District E

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20 Greg Cromer
21 Mayor

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24 Thomas P. Reeves
25 Council Administrator

DELIVERED	3/25/21
8:30 am	to the Mayor
RECEIVED	3/29/21
3:00 pm	from the Mayor

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EXHIBIT 1

GRANT OF SERVITUDE * STATE OF LOUISIANA
 AND DONATION OF EXISTING IMPROVEMENTS * PARISH OF ST. TAMMANY
 BY: ROBERT LEVIS DEVELOPMENT, L.L.C. *
 TO: CITY OF SLIDELL, LOUISIANA *

* * * * *

BE IT KNOWN, that on the date(s) set forth below, before the undersigned Notary Public(s), duly commissioned and qualified in and for the Parish of St. Tammany, State of Louisiana, and in the presence of the undersigned competent witnesses:

PERSONALLY CAME AND APPEARED:

Robert Levis Development, L.L.C. (“Donor”), a Louisiana limited liability company whose mailing address is c/o 1303 Town Center Pkwy #2114, Slidell LA 70458, appearing herein through Stirling-Levis 2, L.L.C., as agent pursuant to the power of attorney granted in the Servitude by Destination of the Owner (Robert Levis Development, L.L.C.) recorded on May 16, 2017, as Instrument #2063233 in the conveyance records of St. Tammany Parish; and

City of Slidell (“Donee”), a municipality and political subdivision of the State of Louisiana whose mailing address is P.O. Box 828, Slidell, Louisiana 70459, appearing herein through George G. Cromer, its duly authorized Mayor;

WHO HEREBY DECLARE, stipulate, covenant and agree as follows:

WITNESSETH

WHEREAS, Donor is the owner of a certain tract or parcel of land, and the underground water and sewer infrastructure improvements located thereon, in Bayer Subdivision, which tract or parcel encompasses 1.182 acres or 51,475 square feet and is located in Section 14, Township 9 South, Range 14 East, City of Slidell, St. Tammany Parish, Louisiana, being more particularly described and shown as the “Width Varying Utility Servitude” in the survey attached hereto as Exhibit A (hereinafter, the “Servitude Property”); and

WHEREAS, Donor desires to grant to Donee, and Donee’s heirs and assigns, a servitude on such Servitude Property for the purpose of constructing, operating, maintaining, and repairing any public utilities authorized by Donee, including but not limited to water lines and sewerage lines, and Donee is willing to accept such servitude donation for itself and its heirs and assigns; and

WHEREAS, the Servitude Property currently houses private underground water and sewerage lines and similar improvements, as reflected in attached Exhibit B, which are owned by Donor, and Donor wishes to donate said improvements to Donee and Donee wishes to accept such donation.

NOW THEREFORE, for good and sufficient cause and in consideration of the mutual promises herein contained, the parties hereby agree as follows:

1. Donor hereby grants to Donee and Donee’s successors and assigns, subject to the terms and conditions herein contained, and Donee hereby accepts from Donor, a servitude of use on the Servitude Property for the purpose of constructing, operating, maintaining, and repairing any public utilities and related facilities authorized by Donee, including but not limited to water lines and sewerage lines, along with all rights of ingress and egress within the boundaries of the Servitude Property to exercise such servitude rights; and
2. Donor further hereby donates to Donee, and Donee hereby accepts from Donor, the underground water and sewerage lines and similar improvements, as reflected on attached Exhibit B, currently on the Servitude Property. Donor shall continue to own the Servitude Property and Donee shall own the water and sewerage lines and associated improvements, which ownership shall be separated, consistent with Louisiana Civil Code article 491; and

3. Donor shall not construct nor permit to be constructed any structure, obstacle, or building of any type or nature, on, across, below, over-hanging, or immediately adjacent to the Servitude Property that would prevent the use of, interfere with, or endanger the Donee's facilities or use of Donee's servitude, and Donor agrees that Donee has the right, but not the obligation, to request Donor to promptly remove any such structures, obstacles, and buildings. In addition, Donee may trim, treat, cut down, or remove any trees, growth, and vegetation within the Servitude Property or immediately adjacent to the Servitude Property, without incurring damages, which may interfere with Donee's facilities on the Servitude Property, or with ingress and egress thereto; and
4. Donor agrees that it releases and holds, and will release and hold, Donee harmless from any claims for damage to the Servitude Property, except actual claims, losses, damages, liens, or liabilities (collectively, "Liabilities") caused by Donee or Donee's representatives, agents, contractors, subcontractors, or employees as a result of the construction, operation, repair, and maintenance of Donee's facilities; and
5. This Agreement creates covenants and real rights and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns. This Agreement may be executed in counterparts and shall be governed by the laws of the State of Louisiana, without regard to conflicts of law principles.

[INTENTIONALLY LEFT BLANK. SIGNATURE PAGES FOLLOW]

THUS DONE AND PASSED by Donor, Robert Levis Development, L.L.C., on the ___ day of _____, 2021, in the presence of the undersigned competent witnesses and me, Notary, effective as of the Effective Date.

WITNESSES:

Print: _____

Print: _____

DONOR:

Robert Levis Development, L.L.C.

By: Stirling-Levis 2, L.L.C., as authorized agent

By: _____
G. Townsend Underhill, IV, Manager

_____, Notary Public
Notary/Bar No. _____
My Commission _____

THUS DONE AND PASSED by Donee, the City of Slidell, on the ___ day of _____, 2021, in the presence of the undersigned competent witnesses and me, Notary, effective as of the Effective Date.

Witnesses

CITY OF SLIDELL

_____ By: _____
George G. Cromer, Mayor

Print _____

Print _____

_____, Notary Public

Notary/Bar No. _____

My Commission _____

EXHIBIT B

W-14 CANAL
N.P.O.C.

P.O.B.

TOWN CENTER PARKWAY

RUTH GARRETT WAY
64' x 200' x 10'

TRACT 4-C-4

WIDTH VARYING UNIT
SURFACE 1,182 SQUARE FEET
51,475 SQUARE FEET

TRACT 4-C-2

TRACT 4-B

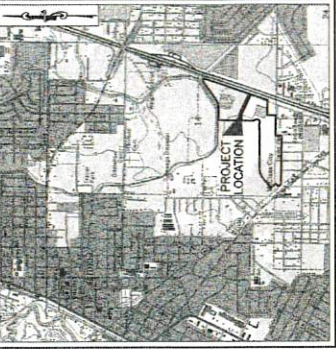
TRACT 4-A

(BILL GARRETT ROAD)
CONCRETE ROADWAY

NOTES:

- 1) See the plat showing survey plat, area, acreage and of contractor prior to any construction. This survey plat shall be a part of the final contract and shall be subject to a final plat to be filed with the local authority, zoning department before any design or construction.
- 2) A) The survey plat is based on the "North American Vertical Datum of 1988" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. B) The survey plat is based on the "North American Horizontal Datum of 1983" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. C) Flood elevation is subject to change and should be verified with the local authority's flood plain administrator before any design or construction.
- 3) Easements shown on this plat are based on reference map "X".
- 4) The survey plat is based on the "North American Vertical Datum of 1988" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. B) The survey plat is based on the "North American Horizontal Datum of 1983" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. C) Flood elevation is subject to change and should be verified with the local authority's flood plain administrator before any design or construction.
- 5) The survey plat is based on the "North American Vertical Datum of 1988" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. B) The survey plat is based on the "North American Horizontal Datum of 1983" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. C) Flood elevation is subject to change and should be verified with the local authority's flood plain administrator before any design or construction.
- 6) The survey plat is based on the "North American Vertical Datum of 1988" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. B) The survey plat is based on the "North American Horizontal Datum of 1983" and "NAD 83" (oidal 124) using GPS C/A-MAP system corrected on July 12, 2018. C) Flood elevation is subject to change and should be verified with the local authority's flood plain administrator before any design or construction.
- 7) No attempt has been made by Acadia Land Surveying, LLC, to verify title, actual legal boundaries or other matters that may be shown on this plat. It is the responsibility of the property owner to verify the accuracy of the survey plat. Acadia Land Surveying, LLC, does not provide a guarantee of title or boundaries, but it does provide a guarantee of the accuracy of the survey plat.
- 8) Acadia Land Surveying, LLC, has not and does not provide a guarantee of title or boundaries, but it does provide a guarantee of the accuracy of the survey plat.
- 9) The words "Survey", "Certificate" or "Disclaimer" on said herein is understood to be an acknowledgment that the survey plat is a true and correct statement of the facts as stated and made, in such, it does not constitute a guarantee of a survey plat, expressed or implied.

VICINITY MAP
SCALE 1" = 200'



PLAT SHOWING SURVEY
OF
RUTH GARRETT WAY &
VARYING WIDTH UTILITY SERVITUDE
LOCATED IN SECTION 14,
TOWNSHIP 9 SOUTH - RANGE 14 EAST
CITY OF SLIDELL,
ST. TAMMANY PARISH, LOUISIANA

ACADIA
LAND SURVEYING, LLC
LOUISIANA - MISSISSIPPI - TEXAS
505 EAST 29th STREET, SUITE 200, HOUSTON, TEXAS 77010
PHONE: 713-462-1212
FAX: 713-462-1212
WWW.ACADIALANDSURVEYING.COM



CERTIFICATION:
This is to certify that the survey plat shown hereon was made by me and was made in accordance with the provisions of the laws of this State for the purpose of establishing the boundaries of the land shown on the plat and that I am a duly qualified and licensed Professional Land Surveyor and that I am a member in good standing of the Louisiana Surveyors Association. I have verified the accuracy of the survey plat and the same is a true and correct statement of the facts as stated and made, in such, it does not constitute a guarantee of a survey plat, expressed or implied.
ACADIA LAND SURVEYING, LLC
J. R. GARRETT, Surveyor
0.2 10/20/2018

LEGEND

(Symbol)	100% PROPERTY CORNER (AS SHOWN)	(Symbol)	TOP OF STRUCTURE
(Symbol)	5/8" x 5/8" IRON ROD (AS SHOWN) (DELETED)	(Symbol)	EXTENSION OF TOP OF STRUCTURE
(Symbol)	EXTENSION ELECTRICAL PESTICIDE	(Symbol)	EXISTING SPOT ELEVATION
(Symbol)	EXTENSION ELECTRICAL PEDESTAL	(Symbol)	ELEVATION OF TOP OF CURB
(Symbol)	EXTENSION SIDE DRIVE PAVEMENT (12" ASP)	(Symbol)	EXTENSION SPOT ELEVATION
(Symbol)	EXTENSION SIDE DRIVE PAVEMENT (12" ASP)	(Symbol)	EXISTING DRIVEWAY MANHOLE
(Symbol)	EXTENSION DRIVEWAY MANHOLE	(Symbol)	EXISTING DRIVEWAY MANHOLE
(Symbol)	EXTENSION SIDE DRIVE MANHOLE	(Symbol)	EXISTING SIDE DRIVE MANHOLE
(Symbol)	EXTENSION SIDE DRIVE MANHOLE	(Symbol)	EXISTING SIDE DRIVE MANHOLE
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