

ORDINANCE # 2013-28
INTRODUCED BY Alexius
DATE INTRODUCED 11/5/13
ITEM NUMBER 2013-11-03
PUBLIC HEARING 12/10/13
ADOPTED/TABLED 12/10/13
EFFECTIVE 12/27/13
BOOK # 2 PAGE # _____
RECORDATION # _____
AMENDED BY ORDINANCE # _____
DATE AMENDED _____

ADOPTION INTRODUCTION

**CITY OF COVINGTON
ORDINANCE NUMBER 2013-28**

**AN ORDINANCE OF THE CITY OF COVINGTON
AUTHORIZING THE MAYOR TO EXECUTE AN
UNDERGROUND SERVITUDE AGREEMENT
WITH CLECO POWER LLC**

5
6
7
8
9
10
11
12 **WHEREAS**, the City of Covington has received a request from CLECO
13 Power LLC to grant an underground servitude for the right, privilege and servitude
14 forever to construct, operate, improve and maintain underground electric
15 distribution facilities and communications and other related appurtenances and the
16 right to cut, trim and remove trees and shrubbery and other growths, together with
17 a perpetual right of way; and

18 **WHEREAS**, the underground servitude would be for a portion of ground,
19 all as more fully described on the attached Underground Servitude Agreement
20 which is made a part hereof; and

21 **WHEREAS**, said underground servitude is in the best interest of the health,
22 safety and welfare of the citizens of Covington in order for CLECO Power LLC to
23 provide needed and necessary electric distribution; and

24 **WHEREAS**, the Covington City Council has held all public hearings
25 required of it in accordance with law; and

26 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City
27 of Covington, at its regular session convened, that the attached Underground
28 Servitude Agreement between the City of Covington and CLECO Power LLC is
29 approved and the Mayor of the City of Covington is authorized to execute same on
30 behalf of the City of Covington.

31 **BE IT FURTHER ORDAINED** that if any provision of this ordinance
32 shall be held to be invalid, such invalidity shall not affect other provisions herein
33 which can be given effect without the invalid provision and to this end the
34 provisions of this ordinance are hereby declared to be severable.

35 **WHEREUPON**, this ordinance having been submitted in writing, having
36 been read by title and adopted at a public meeting of the City Council of the City
37 of Covington, State of Louisiana, was then submitted to an official vote as a whole,
38 the vote thereon being as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

MOVED FOR ADOPTION by Coner, seconded by O'Keefe.

YEAS: 7 ABSENT: 0

NAYS: 0 ABSTAIN: 0

PASSED AND ADOPTED this 10th day of December, 2013.

Lee S. Alexius

LEE S. ALEXIUS
COUNCIL PRESIDENT

Bonnie D. Champagne

BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 11th day of December, 2013, at 3:45 o'clock
P.M.

Bonnie D. Champagne

BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved or Vetoed by the Mayor on this 11th day of December, 2013.

Michael B. Cooper

MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 11th day of December, 2013, at 4:25 o'clock
P.M.

Bonnie D. Champagne

BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

CLECO POWER LLC
UNDERGROUND SERVITUDE AGREEMENT
(INDIVIDUAL)

Recorded # COB Pg. Project No. 03NBE00003-103 Agent No. 2142

STATE OF LOUISIANA
PARISH OF St. Tammany

KNOW ALL MEN BY THESE PRESENTS, that the undersigned CITY OF COVINGTON
BY: MIKE COOPER, MAYOR

of lawful age, whose mailing address is P. O. Box 778, 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 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) 41, Township 6 South, Range 11 East,
Ward 3, 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 Rights of Way being 20 feet 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
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 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 underground electric facilities.

Grantor further grants to Grantee the right and privilege to patrol, alter, inspect, improve, repair, replace or remove any and all 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.

Grantor agrees that it will release and hold Grantee harmless from any claims for damage done by Grantee to the property and/or its improvements
during this said construction period, unless said damage results solely from the negligence of Grantee

IN WITNESS WHEREOF, the undersigned has set his hand and seal, this 11TH day of December, 20 13
in the presence of two competent witnesses, who sign as such with Grantor after due reading.

Witnesses
Denise B. Windom
Edwin Whiteman

CITY OF COVINGTON
BY: MIKE COOPER, MAYOR
S.S.N. XXX-XX-
Edwin Whiteman
S.S.N. XXX-XX-

Grantor
Cleco Power LLC

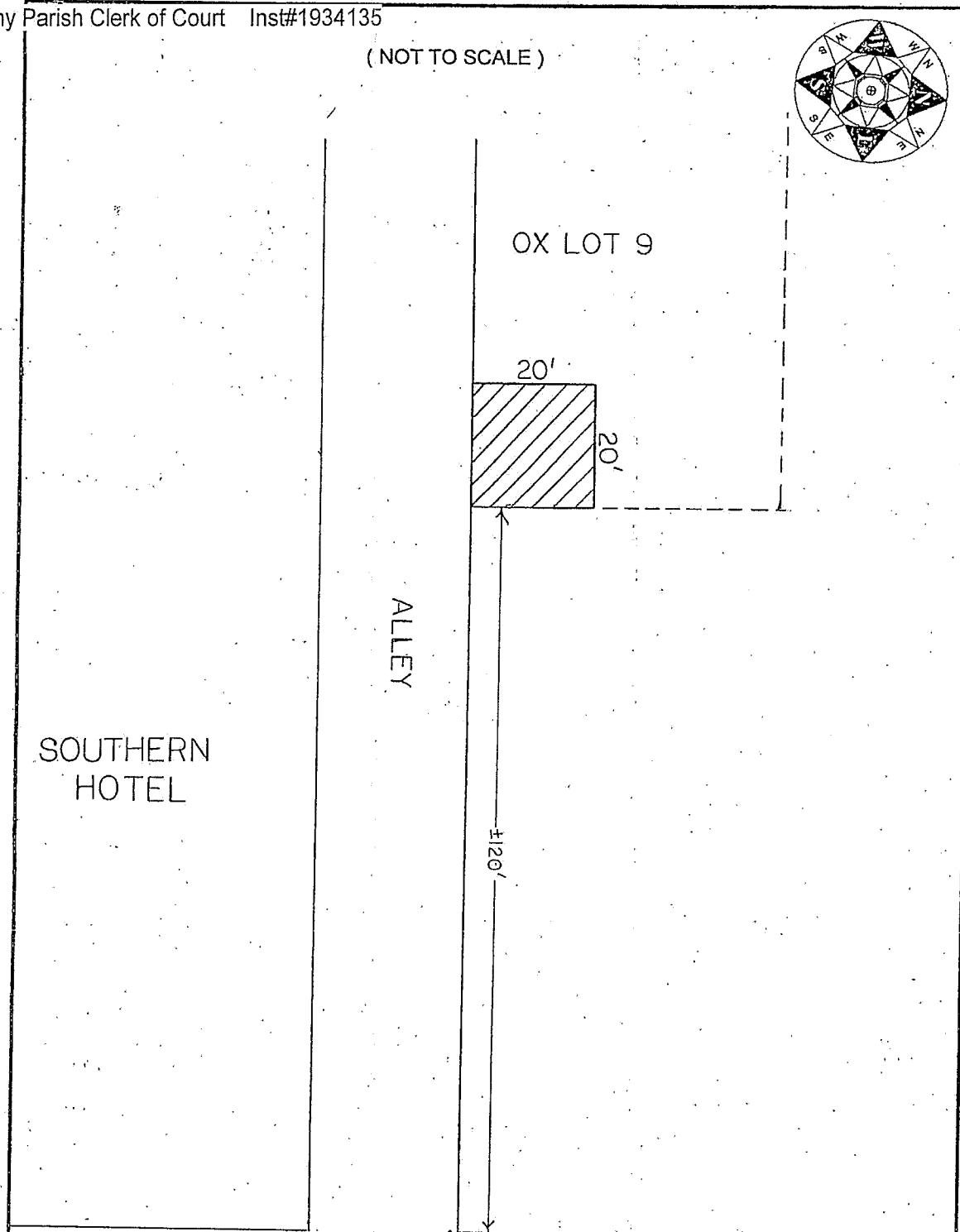
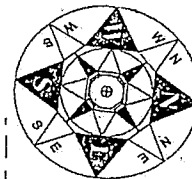
By Shadelin A. ...
Grantee
St. Tammany Parish 120
Instrmnt #: 1934135
Registry #: 2292931 bdp
03/10/2014 8:30:00 AM
MB CB X MI UCC

STATE OF LOUISIANA
PARISH OF Rapides



BEFORE ME, the undersigned authority, personally came and appeared Edwin Whiteman, 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 16 day of January, A.D. 2014
Notary Public
BRYAN S. LUTZ # 77693
Notary Public, Rapides Parish, LA
My Commission Is Issued For Life

(NOT TO SCALE)



NEW HAMPSHIRE ST.

NEW ELECTRIC LINE RIGHT OF WAY ACROSS THE PROPERTY OF CITY OF COVINGTON		 Cleco Power LLC PINEVILLE, LOUISIANA		
				SECTION(S): 41
R/W WIDTH	R/W LENGTH	WARD: 3	ST. TAMMANY PARISH, LOUISIANA	
20'	20'			
BUYING AS NEEDED		ELN: 38984 66004 	DWN. BY: EDW	DATE: 10/14/2013