

SIXTEENTH JUDICIAL DISTRICT COURT
ST. MARTIN PARISH
STATE OF LOUISIANA

DOCKET NO. 89949

DIVISION "C"

STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF WILDLIFE AND FISHERIES

V.

PATRICK R. GARRITT, ET AL

Filed: _____

Deputy Clerk

Consent Order

The Parties, Plaintiff State of Louisiana, through the Department of Wildlife and Fisheries ("LDWF"), and the Defendants whose signatures appear either below or in a separate filed notice of consent, agree, and it is ORDERED that:

Public Access to Boat Launch

The Parties all agree that the public shall have perpetual, uninterrupted, and unencumbered access to Lake Martin *via* the boat launch located at the junction of Rookery Road and Lake Martin Road, and that neither party will take actions to prevent public access, except that the State of Louisiana through the Louisiana Department of Fisheries may temporarily block access for maintenance or emergencies or other purposes as needed under its legal mandates and authority.

Public Access Area Boundary

The Defendants grant a perpetual, uninterrupted, and unencumbered servitude to the State of Louisiana, through the Louisiana Department of Wildlife and Fisheries, that shall include any and all interest that they have in any property within the area defined in this Order as the "Rene and Eliza Chauffe Landing" ("the Landing").¹ The Landing is bounded by:

- the right-of-way of Rookery Road,
- the Lake Martin Shoreline,
- the property line running along the south-east edge of the boat launch, and

¹ Nothing in this Order shall supersede or in any way impact LDWF's water management rights or any other rights established pursuant to the flowage servitudes granted under Act 337 of 1950.

- the agreed “public-access boundary.”

The public-access boundary extends from the right-of-way of Rookery Road to the lake shore, along the transect of these two latitude and longitude coordinates:

Point 1, near the right-of-way of Rookery Road:

X: -91.905981

Y: 30.223095

Point 2, near the lake shore:

X: -91.90619

Y: 30.222903

This “public-access boundary” is depicted in the attached Exhibit A.

The area in red in Exhibit A depicts an area that was contested in this litigation. The Parties agree it is not included in the agreed perpetual servitude described above. The Parties also agree that the Defendants may choose to restrict public access in the area depicted in red.

The public-access boundary is agreed upon by all parties for the purposes of resolving this lawsuit and effecting this Consent Order.

Limitation of Liability, Indemnification and Defense

The Defendants shall not bear liability for allowing the public use of the boat launch or the adjacent parking lot in the Landing, as depicted in Exhibit A. More particularly, in those areas that are agreed as included in the Landing, the Defendants shall not incur liability for any injury to person or property caused by any defect in the land or structures thereon, regardless of whether the defect is naturally occurring or man-made. The public use of these areas shall not lend to public users the legal status of an invitee or licensee to whom a duty or care is owed; and by allowing public use, the Defendants shall not be deemed to extend any assurance that the premises are safe for any purpose. The State of Louisiana, through the Department of Wildlife and Fisheries, shall indemnify and defend the Defendants for any legal actions against any Defendant alleging any such liability.

Dismissal

This agreement of the Parties and this Order resolves the issues raised in the Petition in this matter. Therefore this lawsuit is DISMISSED.

READ AND SIGNED on this _____ day of _____, 2021 at
_____, Louisiana.

Judge

Agreed to by the Parties:

State of Louisiana, through the Department of Wildlife and Fisheries,
signed with authority by:

Printed name:

Title:


Signature Jack Montoucet, Secretary

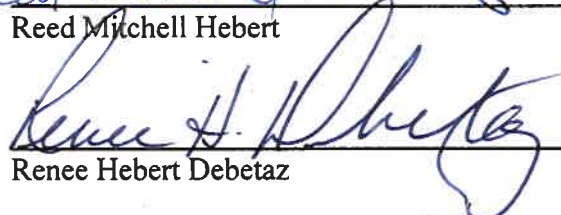

Patrick R. Garritt

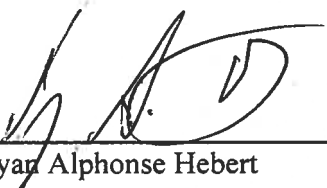

Ron Carroll Hebert


Richey Michael Hebert


Edith Hebert Eldridge


Reed Mitchell Hebert

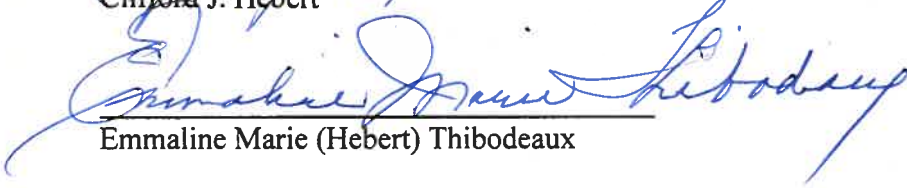

Renee Hebert Debetaz


Ryan Alphonse Hebert



Ricky Patrick Garritt


Rachel Garritt


Clifford J. Hebert


Emmaline Marie (Hebert) Thibodeaux

Lake Martin

 No Public Access

Public Access Boundary

X: -91.906421
Y: 30.22282

X: -91.90619
Y: 30.222903

X: -91.906097
Y: 30.223179

X: -91.905981
Y: 30.223095

