

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

AMERICAN TRAILS ASSOCIATION, INC.

NUMBER

17TH JUDICIAL DISTRICT COURT

PARISH OF LAFOURCHE

STATE OF LOUISIANA

P E T I T I O N

The petition of the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, legal successor to the Department of Highways, created and organized under the laws of the State of Louisiana, with its domicile in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana, with respect, represents that:

1.

AMERICAN TRAILS ASSOCIATION, INC. is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Lafourche, a certain project designated as State Project No. H.009320, Acadian Road Roundabout, State Route LA 20 (Canal Blvd) and Local Routes, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on July 13, 2021, which declares that it is necessary and useful to take immediately the hereinafter described property for highway purposes, a certified copy of said Certificate of Authorization to Expropriate being marked "Exhibit P-1," attached hereto and made a part hereof.

3.

The construction of said project will be greatly conducive to the public interest, convenience and safety, and will be an important improvement in the State Highway System.

4.

Petitioner has surveyed the right of way and laid out the centerline thereof for said project as the same will exist after said project is completed, and the width of the right of way has been fixed

Holly T. Simoneaux

Lafourche Parish
Deputy Clerk of Court



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by the Chief Engineer of the Department of Transportation and Development, as shown by the certificate marked "Exhibit P-2," annexed hereto and made a part hereof.

5.

Included within the right of way required for said project is certain property believed to be owned by the defendant, required in full ownership, and described as follows, to-wit:

One certain tract or parcel of land, together with all of the and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Lafourche, State of Louisiana, and in Section 23, Township 15 South, Range 16 East, Southeastern West of the Mississippi River Land District, identified as Parcel No. 4-3, on a white print of a plat of survey, consisting of Sheet No. 4, made by Robert A. Price, Registered Land Surveyor, dated March 18, 2019, revised, annexed to the above numbered and entitled suit, said tract or parcel being outlined in red and being more particularly described in accordance with said plat of survey, as follows:

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 4-3:

From a point on the centerline of State Project No.H.009320, at Station 306+62.93, proceed N21°9'15"W a distance of 65.98 feet to the point of beginning; thence proceed S°948'52"W a distance of 97.17 feet to a point and corner; thence proceed N21°9'15"W a distance of 115.98 feet to a point and corner; thence proceed N25°29'7"E a distance of 68.77 feet to a point and corner; thence proceed S21°9'15"E a distance of 79.88 feet to the point of beginning; All of which comprises Parcel 4-3 as shown on Sheet No. 4 of the Right of Way Plans of State Project No. H.009320, and contains an area of 4896.6 square feet or 0.112 acres.

6.

This property is outlined in red on a plat of survey marked "Exhibit P-3," annexed hereto and made a part hereof.

7.

This property is a portion of a larger tract believed to be owned by the defendant.

8.

There are no buildings or improvements situated wholly or partially upon the above described property.

Ada P. Meunier

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9.

The location and design of the improvements proposed by said project are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public, as shown by the Certificate on Location and Design, which is marked "Exhibit P-4," annexed hereto and made a part hereof.

10.

In order to construct said project in a manner and mode conducive to the public interest, convenience and safety, it is necessary that petitioner acquire in full ownership the described property, subject to the mineral reservation set forth below, which property petitioner has attempted to acquire amicably but has been unable to do so.

11.

Therefore, it is necessary for petitioner to expropriate in full ownership the above described property, subject to the mineral reservation set forth below.

12.

The expropriation of the full ownership of the property described above shall be made subject to the reservation in favor of the owner of all oil or gas located under the property described above, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation or to any existing oil or gas lease, such reservation of mineral rights being imprescriptible as authorized by L.A.R.S. 31:149.

13.

The just compensation to which the defendant is entitled, being the compensation for the full ownership of the above described property, subject to the mineral reservation set forth herein, has been estimated to be the sum of Fourteen Thousand Six Hundred Ninety and No/100 Dollars (\$14,690.00), as shown by the written estimate of compensation marked "Exhibit P-5," annexed hereto and made a part hereof.



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14.

Petitioner is entitled to expropriate the full ownership of the above described property, subject to the mineral reservation set forth herein, in a manner authorized by Article 1, Section 4 of the Constitution of the State of Louisiana for the year 1974, and Title 48 of the Louisiana Revised Statutes of 1950, Sections 441 to 460, inclusive as amended and reenacted.

15.

Petitioner is entitled to trial by jury as authorized by Title 48 of the Louisiana Revised Statutes, Section 451.2, as amended and reenacted.

16.

Petitioner desires to utilize the cash deposit authorized by Article 1734.1 of the Louisiana Code of Civil Procedure and desires that the amount of the deposit be fixed as required by law.

17.

Petitioner requests written notice at least thirty (30) days prior thereto of any trial, motion or other proceeding scheduled to come before this Honorable Court in this lawsuit in accordance with Title 48 of the Louisiana Revised Statutes, Section 451, and also requests notice of any interlocutory or final order, decree or judgment rendered and signed in this lawsuit as provided by the Louisiana Code of Civil Procedure.

WHEREFORE, petitioner prays that an order issue herein directing petitioner to deposit in the registry of this court the sum of Fourteen Thousand Six Hundred Ninety and No/100 Dollars (\$14,690.00) for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, and subject to the mineral reservation set forth herein, has been taken for highway purposes as of the time such deposit is made.

Petitioner further prays that said order direct the defendant to surrender to petitioner possession of said property.

Petitioner further prays that the Order of Expropriation in this matter be recorded in the conveyance records of this Parish.

Petitioner further prays that notice of this expropriation be issued and served upon

Opda Meunier

Lafourche Parish
Deputy Clerk of Court



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AMERICAN TRAILS ASSOCIATION, INC., together with a certified copy of this petition, the order of expropriation of this court and the receipt of the Clerk of Court for the deposit made, according to law.

Petitioner further prays that this matter be tried by jury and that it be allowed to utilize the cash deposit authorized by LA C.C.P. Article 1734.1.

Petitioner further prays that it be served with written notice of any trial, motion or other proceeding scheduled before this Honorable Court in accordance with LA R.S. 48:451, and that it be served with notice of any interlocutory or final order, decree or judgment rendered and signed as provided by the Louisiana Code of Civil Procedure.

Petitioner further prays that upon a final hearing herein there be judgment herein in favor of petitioner fixing the amount of just compensation at a sum not to exceed Fourteen Thousand Six Hundred Ninety and No/100 Dollars (\$14,690.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: 
Cheryl Sibley (McKinney)
Bar Roll No. 33084
1201 Capitol Access Road
Baton Rouge, LA 70802
P. O. Box 94245
Baton Rouge, LA 70804-9245
PH: (225) 379-1899
FAX: (225) 242-4690

Defendant to be served via long arm service, as follows:

AMERICAN TRAILS ASSOCIATION, INC.

Through Agent for Service of Process

Ms. Jennifer Ames

1505 South Redwood Road

Salt Lake City Utah, Utah 84104



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Deputy Clerk of Court

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CERTIFICATE OF AUTHORIZATION TO EXPROPRIATE

The Department of Transportation and Development contemplates and plans to construct certain projects for the improvement of various highways throughout the State of Louisiana.

The project presently planned by the Department of Transportation and Development is hereinafter set forth:

**STATE PROJECT NO. H.009320
ACADIAN ROAD ROUNDABOUT
ROUTE LA 20
LAFOURCHE PARISH**

State Project Number H.009320 provides for earthwork, grading, class II base course, P.C.C. pavement, asphalt pavement, concrete curb and islands, subsurface drainage, and striping on LA 20 in Lafourche Parish, as follows:

Beginning LA 20 at approximate Highway Survey Station 102+00.00, then proceed in a northerly direction to end at approximate Highway Survey Station 114+00.00.

Beginning Gerald T. Peltier Dr. at approximate Highway Survey Station 202+32.35, then proceed in a westerly direction to end at approximate Highway Survey Station 207+97.20.

Beginning LA 20 (Jackson St.) at approximate Highway Survey Station 303+22.92, then proceed in a southerly direction to end at approximate Highway Survey Station 308+02.48.

Beginning Thompson Pl. at approximate Highway Survey Station 401+67.77, then proceed in an easterly direction to end at approximate Highway Survey Station 406+86.66.

The total roadway length is approximately 0.523 miles, for an overall project length of approximately 0.523 miles.

The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

The proper construction of said described project is dependent upon the acquisition of the rights of way as fixed by the Chief Engineer, Office of Engineering, for the said project and such other rights as may be appurtenant thereto.

It is necessary and useful to take, by expropriation for highway purposes and in the manner provided by law, in servitude or in full ownership, the property and property rights not otherwise acquired, which are needed for the proper construction of said project.

Pursuant to the authority vested in me by the provisions of L.R.S. 36:501 et seq., and L.R.S. 48:11 et seq., as Secretary of the Department of Transportation and Development, it is necessary and useful to take and, as required by L.R.S. 48:442(3)(a), I hereby approve and authorize the Department of Transportation and Development to take by expropriation for highway purposes and in the manner provided by law, in servitude or in full ownership, the property and property rights not otherwise acquired, and which are needed for the proper construction of State Project No. H.009320, Acadian Road Roundabout, Parish of Lafourche.

- 1 -

EXHIBIT P-1



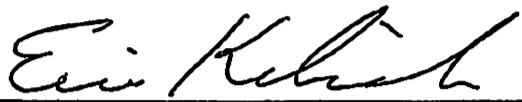
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CertID: 2021081800050

Holly T. Simoneaux

Lafourche Parish
Deputy Clerk of Court

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Baton Rouge, Louisiana, this 13th day of July, 2021.


for **SHAWN D. WILSON, Ph.D.**
SECRETARY
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

ERIC KALIVODA
DEPUTY SECRETARY

The custodian of official records of the Department of Transportation and Development of the State of Louisiana certifies under the provisions of R.S. 13:3712 and Chapter 9 of the Louisiana Code of Evidence that the attached 2 page(s) is(are) a true and correct copy (copies) of the original(s).

- 2 -



**Certified True and
Correct Copy**
CertID: 2021081800050



Lafourche Parish
Deputy Clerk of Court

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Lafourche Parish Clerk of Court C-143340
Filed Aug 05, 2021 D
Holly T. Simoneaux
Deputy Clerk of Court

CERTIFICATE
OF THE
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT
NO. H.009320, F.A.P. NO. H009320, ACADIAN ROAD ROUNDABOUT, ROUTE LA 20,
LAFOURCHE PARISH, in a manner sufficient in my judgment to provide presently and in the
future for the public interest, safety and convenience.



* CHRISTOPHER P. KNOTTS, P.E. DATE 7-21-21
DOTD CHIEF ENGINEER

EXHIBIT P-2



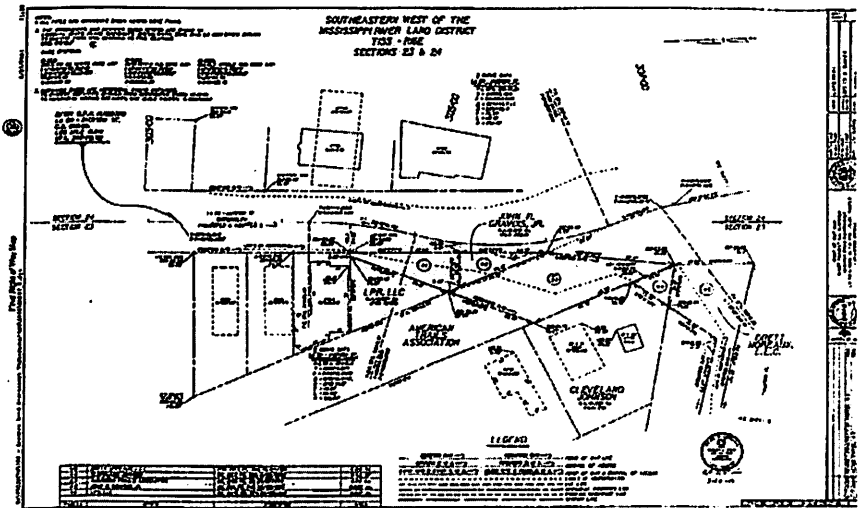
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Correct Copy
CertID: 2021081800051



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Deputy Clerk of Court

Generated Date:
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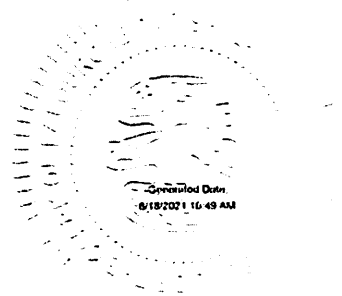
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Lafourche Parish
Deputy Clerk of Court




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*Exhibit P-3
(cont. unmarked - Kb) / ljs*

Lafourche Parish Clerk of Court C-143340
Filed Aug 05, 2021 D
Holly T. Simoneaux
Deputy Clerk of Court

CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.009320, F.A.P. NO. H009320, ACADIAN ROAD ROUNDABOUT, ROUTE LA 20, LAFOURCHE PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.


CHRISTOPHER P. KNOTTS, P.E. 7-21-21
DOTD CHIEF ENGINEER DATE


DAVID S. SMITH P.E. 7/19/21
ROAD DESIGN ENGINEER DATE

EXHIBIT P-4



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Lafourche Parish
Deputy Clerk of Court

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Parcel No. 4-3
 S. P. No. H.009320

CERTIFICATE
 OF
 ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number(s) 4-3 and its remainder(s), which is the subject matter of this estimate, that I am familiar with land values in the vicinity, and that I estimate the compensation to be as follows:

VALUE OF LAND AND IMPROVEMENTS	\$	14,689.00
VALUE OF TEMPORARY CONSTRUCTION SERVITUDE	\$	n/a
DAMAGES TO REMAINDER	\$	0.00
ADDITIONAL COMPENSATION	\$	0.00
TOTAL ESTIMATE OF COMPENSATION	\$	14,689.00

Methodology Used:

- 1. Sales Comparison Approach
- 2. Cost Approach
- 3. Income Capitalization Approach

By: Thompson Bradford Core; ASA, IFAA
 Right of Way Services, Inc.
 P. O. Drawer 368
 Crowley, LA 70527-0368

Qualifications:

- 1. Designated Appraiser
- 2. Candidate for Designation
- 3. Louisiana Certified Residential Real Estate Appraiser
- 4. Louisiana Certified General Real Estate Appraiser
- 5. Right of Way Appraiser in the regular employ of the Department

Crowley, Louisiana July 20, 2021

Brad Core

THOMPSON BRADFORD CORE, ASA
 Designated Accredited Senior Appraiser - Urban & Rural Properties
 Louisiana Certified General Real Estate Appraiser, No. G0204
 Louisiana Licensed Real Estate Broker
 Realtor®

Total Approved Amount of Compensation
 to the Full Extent of the Owner's Loss

\$ 14,690.00

Heather Corsetino
 HEATHER CORSETINO

7/21/2021
 Date

Assistant R/E Administrator,
 Department of Transportation and
 Development, State of Louisiana

EXHIBIT P-5



Ada Meunier

Lafourche Parish Recording Page

Annette M. Fontana
CLERK OF COURT
PO BOX 818
303 W 3rd St
Thibodaux, LA 70302
(985) 447-4841

First VENDOR

AMERICAN TRAILS ASSOCIATION INC

First VENDEE

STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Index Type : CONVEYANCE

Inst Number : 1321849

Type of Document : ORDER EXPROPRIATION

Book : 2206 Page : 348

Recording Pages : 3

Recorded Information

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On (Recorded Date) : 08/18/2021

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Deputy Clerk

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Jessica A. Debat

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Filed Aug 05, 2021 D
Holly T. Simoneaux
Deputy Clerk of Court

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

AMERICAN TRAILS ASSOCIATION, INC.

NUMBER

17TH JUDICIAL DISTRICT COURT

PARISH OF LAFOURCHE

STATE OF LOUISIANA

ORDER OF EXPROPRIATION

The petition, exhibits and the premises considered:

IT IS HEREBY ORDERED that the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, do deposit in the registry of this court, for the use and benefit of the person or persons entitled thereto, the sum of Fourteen Thousand Six Hundred Ninety and No/100 Dollars (\$14,690.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, subject to the reservation in favor of AMERICAN TRAILS ASSOCIATION, INC., of all oil or gas located under the property described below, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation or to any existing oil or gas lease, such reservation of mineral rights being imprescriptible as authorized by LA.R.S. 31:149, is expropriated and taken for highway purposes as of the time of such deposit, according to law, said property being described as follows, to-wit:

One certain tract or parcel of land, together with all of the and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Lafourche, State of Louisiana, and in Section 23, Township 15 South, Range 16 East, Southeastern West of the Mississippi River Land District, identified as Parcel No. 4-3, on a white print of a plat of survey, consisting of Sheet No. 4, made by Robert A. Price, Registered Land Surveyor, dated March 18, 2019, revised, annexed to the above numbered and entitled suit, said tract or parcel being outlined in red and being more particularly described in accordance with said plat of survey, as follows:

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 4-3:

From a point on the centerline of State Project No.H.009320, at Station 306+62.93, proceed N21°9'15"W a distance of 65.98 feet to the point of beginning; thence proceed S°948'52"W a distance of

Holly T. Simoneaux

Lafourche Parish
Deputy Clerk of Court

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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

AMERICAN TRAILS ASSOCIATION, INC.

NUMBER

17TH JUDICIAL DISTRICT COURT

PARISH OF LAFOURCHE

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (continued)

97.17 feet to a point and corner; thence proceed N21°9'15"W a distance of 115.98 feet to a point and corner; thence proceed N25°29'7"E a distance of 68.77 feet to a point and corner; thence proceed S21°9'15"E a distance of 79.88 feet to the point of beginning; All of which comprises Parcel 4-3 as shown on Sheet No. 4 of the Right of Way Plans of State Project No. H.009320, and contains an area of 4896.6 square feet or 0.112 acres.

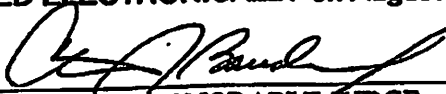
IT IS FURTHER ORDERED that this matter be tried by jury upon the plaintiff making a cash deposit in accordance with LA C.C.P. Article 1734.1. Upon the setting of this matter for trial, the court shall fix the amount due and the time of said deposit, which time shall be no later than thirty (30) days prior to trial.

IT IS FURTHER ORDERED that this Order of Expropriation be recorded in the conveyance records of this Parish.

IT IS FURTHER ORDERED that the defendant, AMERICAN TRAILS ASSOCIATION, INC., vacate the above described property and surrender possession thereof unto the plaintiff immediately.

Thibodaux, Louisiana, this _____ day of _____, 2021.

SIGNED ELECTRONICALLY on August 16, 2021



HONORABLE JUDGE,
SEVENTEENTH JUDICIAL DISTRICT COURT



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First VENDEE

STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Index Type : CONVEYANCE

Inst Number : 1321850

Type of Document : RECEIPT

Book : 2206 Page : 351

Recording Pages : 3

Recorded Information

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On (Recorded Date) : 08/18/2021

At (Recorded Time) : 9:48:44AM



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Jeanne A. Debat
Deputy Clerk

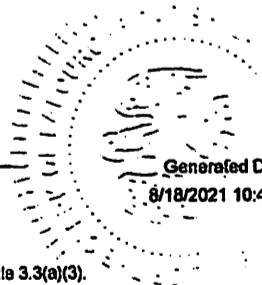
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Filed Aug 05, 2021 D.
Holly T. Simoneaux
Deputy Clerk of Court

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

AMERICAN TRAILS ASSOCIATION, INC.

NUMBER

17TH JUDICIAL DISTRICT COURT

PARISH OF LAFOURCHE

STATE OF LOUISIANA

RECEIPT

ANNETTE FONTANA, CLERK OF COURT

TO

**THE STATE OF LOUISIANA, AND
THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

In the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT, VS. AMERICAN TRAILS ASSOCIATION, INC." No. 143340

of the docket of said court, the State of Louisiana seeks the expropriation of the full ownership of the property described below, subject to the reservation in favor of the owner of all oil or gas located under the property described below, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation or to any existing oil or gas lease, for the project set forth in the petition, said property being described as follows, to-wit:

One certain tract or parcel of land, together with all of the and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Lafourche, State of Louisiana, and in Section 23, Township 15 South, Range 16 East, Southeastern West of the Mississippi River Land District, identified as Parcel No. 4-3, on a white print of a plat of survey, consisting of Sheet No. 4, made by Robert A. Price, Registered Land Surveyor, dated March 18, 2019, revised, annexed to the above numbered and entitled suit, said tract or parcel being outlined in red and being more particularly described in accordance with said plat of survey, as follows:

REQUIRED IN FULL OWNERSHIP

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Holly T. Simoneaux

Lafourche Parish
Deputy Clerk of Court

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Opportunity

DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, CLERK OF COURT, SEVENTEENTH JUDICIAL DISTRICT COURT

Signed at Thibodaux, Louisiana, this 18th day of August, 2021.

registry of said court.

Clerk of Court, who acknowledges receipt of said sum and declares that s/he has placed same in the in cash, lawful current money of the United States of America, by delivering said sum to the said said court the sum of Fourteen Thousand Six Hundred Ninety and No/100 Dollars (\$14,690.00). Development, on behalf of the State of Louisiana and of itself, has this day paid into the registry of In accordance with an order of the court signed herein, the Department of Transportation and

N25°29'7" E a distance of 68.77 feet to a point and corner; thence proceed S21°9'15" E a distance of 79.88 feet to the point of beginning; All of which comprises Parcel 4-3 as shown on Sheet No. 4 of the Right of Way Plans of State Project No. H.009320, and contains an area of 4896.6 square feet or 0.112 acres.

RECEIPT (Continued)

STATE OF LOUISIANA
PARISH OF LAFOURCHE
17TH JUDICIAL DISTRICT COURT
NUMBER

AMERICAN TRAILS ASSOCIATION, INC.
VS.
STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT