

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CYNTHIA HUVAL MILLIGAN, ET AL

NUMBER

88095

16TH JUDICIAL DISTRICT COURT

PARISH OF ST. MARTIN

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.

CYNTHIA HUVAL MILLIGAN, JEB HUVAL, JOHN HUVAL, and MADELENE HUVAL SEGURA are the defendants herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Lafayette, a certain project designated as State Project No. H.010601, I-10: LA 328 to LA 347, State Route I-10, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on March 3, 2019, 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.

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OFFICE OF GENERAL

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 by the Chief Engineer of the Department of Transportation and Development, as shown by her 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 defendants, required in full ownership, and described as follows, to-wit:

One (1) certain tract or parcel of land, together with all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Lafayette, State of Louisiana, and in Section 63, Township 8 South, Range 6 East, Southwestern Land District, identified as Parcel No. 6-4, on a white print of a plat of survey, consisting of Sheet No. 6, made by Stephen Estopinal, Registered Land Surveyor, dated September 19, 2018, 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. 6-4:

From a point on the centerline of State Project No. H.010601, at Highway Survey Station 108+66.38, proceed N27°12'18"E a distance of 50.41 feet to the point of beginning; thence proceed N63°14'16"E a distance of 99.65 feet to a point and corner; thence proceed S62°47'42"E a distance of 78.95 feet to a point and corner; thence proceed S32°3'32"W a distance of 85.13 feet to a point and corner; thence proceed N60°55'56"W a distance of 130.44 feet to the point of beginning; All of which comprises Parcel 6-4 as shown on SHEET 6 of the Right of Way Plans of State Project No. H.010601, and contains an area of approximately 8725.9 square feet or 0.200 of an acre.

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 defendants.

8.

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

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 owners 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.

13.

The just compensation to which the defendants are 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 Twenty-One Thousand Four Hundred Six and No/100 Dollars (\$21,406.00), as shown by the written estimate of compensation marked "Exhibit P-5A" and "Exhibit P-5B," annexed hereto and made a part hereof.

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 Twenty-One Thousand Four Hundred Six and No/100 Dollars (\$21,406.00) 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 defendants 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 CYNTHIA HUVAL MILLIGAN, JEB HUVAL, JOHN HUVAL, and MADELENE HUVAL SEGURA, 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 Twenty-One Thousand Four Hundred Six and No/100 Dollars (\$21,406.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: Shanna S. Sizemore
Of Counsel

Shanna S. Sizemore
Bar Roll No. 31543
Andrew G. Barry
Bar Roll No. 26599
1201 Capitol Access Road
Baton Rouge, LA 70802
P. O. Box 94245
Baton Rouge, LA 70804-9245
PH: (225) 242-4617
FAX: (225) 242-4691
Attorney for State, DOTD

PLEASE SERVE:

Cynthia Huval Milligan
220 Durham Dr.
Lafayette, LA 70508

Jeb David Huval
720 Lantier Rd.
Carencro, LA 70520

John Norman Huval
213 Greenwood Dr.
Lafayette, LA 70506

Madelene Sophie Huval Segura
18815 Manleigh Court
Tomball, TX 77377

RECEIVED AND FILED
LONG ARM
2019 MAY 15 AM 11:46
Janie L. Leve
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

A TRUE COPY
ATTEST Janie L. Leve
DEPUTY CLERK OF COURT

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(S). H.010601
I-10: LA 328 TO LA 347
ROUTE I-10
PARISH OF ST. MARTIN

State Project Number H.010601 provides for removing P.C.C and asphalt pavement, drainage structures, grading, bridges, bridge removal, class II base course, asphalt concrete paving, permanent signing & striping, roadway lighting, and related work, on I-10 in St. Martin Parish, as follows:

Beginning I-10 at approximate Highway Survey Station 1421+60.00, then proceed in a northeasterly direction to end at approximate Highway Survey Station 1788+00.00.

Beginning Melvin Dupuis Road at approximate Highway Survey Station 107+36.00, then proceed in a southeasterly direction to end at approximate Highway Survey Station 124+86.00.

There is a Bridge Site: Bayou Teche between the following High Survey Stations: approximate Highway Survey Station 1421+65.85 and Highway Survey Station 1425+92.85 (EB) and approximate Highway Survey Station 1421+47.05 and Highway Survey Station 1425+74.05 (WB).

There is a Bridge Site: LA 328 between the following Highway Survey Stations: approximate Highway Survey Station 1465+46.25 and Highway Survey Station 1467+93.75 (EB) and approximate Highway Survey Station 1465+46.25 and Highway Survey Station 1467+93.75 (WB).

There is a Bridge Site: Melvin Dupuis over I-10 between the following Highway Survey Stations: approximate Highway Survey Station 111+84.08 and Highway Survey Station 120+28.08.

There is a Bridge Site: LA 347 over I-10 between the following Highway Survey Stations: approximate Highway Survey Station 1739+42.93 and Highway Survey Station 1749+01.93 (EB) and approximate Highway Survey Station 1739+42.93 and Highway Survey Station 1749+01.93 (WB).

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(s). H.010601, I-10: LA 328 TO LA 347, Route I-10, Parish of St. Martin.

Baton Rouge, Louisiana, this 3rd day of March, 2019.



SHAWN D. WILSON, Ph.D.

SECRETARY

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

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).

CERTIFICATE
OF THE
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT
NO. H.010601, F.A.P. H010601, I-10: LA 328 TO LA 347, ROUTE I-10, ST. MARTIN
PARISH, in a manner sufficient in my judgment to provide presently and in the
future for the public interest, safety and convenience.

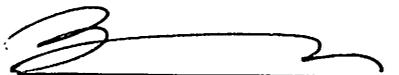

CHRISTOPHER P. KNOTTS, P.E. 4/22/19
DOTD CHIEF ENGINEER DATE

CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010601, F.A.P. H010601, I-10: LA 328 TO LA 347, ROUTE I-10, ST. MARTIN 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. 4/22/19
DOTD CHIEF ENGINEER DATE


DAVID S. SMITH P.E. 4/16/19
ROAD DESIGN ENGINEER DATE


ZHENG ZHENG FU, P.E. 4/22/19
BRIDGE DESIGN ENGINEER DATE

Parcel No. 6-4
S. P. No. H.010601

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) 6-4 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	\$ 4,520.00
VALUE OF TEMPORARY CONSTRUCTION SERVITUDE	\$ 0.00
DAMAGES TO REMAINDER	\$ 17,406.00
ADDITIONAL COMPENSATION	\$ 0.00
TOTAL ESTIMATE OF COMPENSATION	\$ 21,926.00

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 April 16, 2019



THOMPSON BRADFORD CORE; ASA, IFAA

Designated Accredited Senior Appraiser (ASA) – Urban Properties
Designated Independent Fee Appraiser (IFAA) – Agricultural 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

\$ 21,406.00



HEATHER CORSENTINO

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

4/24/19
Date

Front fencing will be replaced in kind

S. P. No. H.010601

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) 6-4 and its (their) 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	<u>\$4,393</u>
DAMAGES	<u>\$6,730</u>
ADDITIONAL COMPENSATION	<u>\$0</u>
TOTAL ESTIMATE OF COMPENSATION	<u>\$11,123</u>

Methodology Used:

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

Joel M. Picou
4735 Perkins Rd
Baton Rouge, LA 70808

Qualifications:

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

Baton Rouge, Louisiana, 70817, January 25, 2018

JOEL M PICOU

LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER CERTIFICATE NO. G1239

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 21,406.00

Heather Corsetino 4/24/19

HEATHER CORSENTINO Date

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

Front fencing will be replaced in kind.

St. Martin Parish Recording Page

Becky P Patin
CLERK OF COURT
P.O. BOX 308
St. Martinville, LA 70582
(337) 394-2210

First VENDOR

MILLIGAN, CYNTHIA HUVAL

First VENDEE

STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Index Type : CONVEYANCE

Inst Number : 526939

Type of Document : ORDER & RECEIPT

Book : 1805 **Page :** 368

Recording Pages : 5

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for St. Martin Parish, Louisiana.

On (Recorded Date) : 05/16/2019

At (Recorded Time) : 11:57:20AM



Doc ID - 007704670005



CLERK OF COURT
BECKY P PATIN
Parish of St. Martin
I certify that this is a true copy of the attached
document that was filed for registry and
Recorded 05/16/2019 at 11:57:20
Recorded in Book 1805 Page 368
File Number 526939

Deputy Clerk

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CYNTHIA HUVAL MILLIGAN, ET AL

NUMBER

88095

16TH JUDICIAL DISTRICT COURT

PARISH OF ST. MARTIN

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 Twenty-One Thousand Four Hundred Six and No/100 Dollars (\$21,406.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, subject to the reservation in favor of CYNTHIA HUVAL MILLIGAN, JEB HUVAL, JOHN HUVAL, and MADELENE HUVAL SEGURA 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, 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 (1) certain tract or parcel of land, together with all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Lafayette, State of Louisiana, and in Section 63, Township 8 South, Range 6 East, Southwestern Land District, identified as Parcel No. 6-4, on a white print of a plat of survey, consisting of Sheet No. 6, made by Stephen Estopinal, Registered Land Surveyor, dated September 19, 2018, 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. 6-4:

From a point on the centerline of State Project No. H.010601, at Highway Survey Station 108+66.38, proceed N27°12'18"E a distance of 50.41 feet to the point of beginning; thence proceed N63°14'16"E a distance of 99.65 feet to a point and corner; thence proceed

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CYNTHIA HUVAL MILLIGAN, ET AL

NUMBER 88095

16TH JUDICIAL DISTRICT COURT

PARISH OF ST. MARTIN

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (continued)

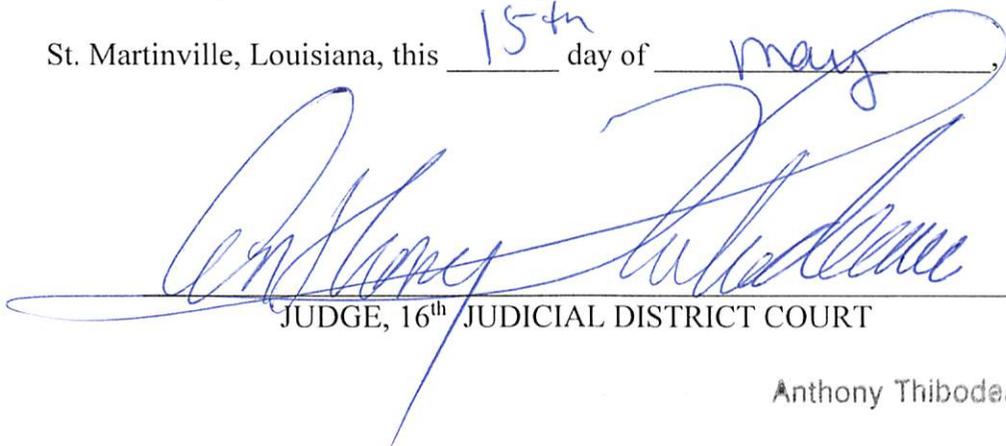
S62°47'42"E a distance of 78.95 feet to a point and corner; thence proceed S32°3'32"W a distance of 85.13 feet to a point and corner; thence proceed N60°55'56"W a distance of 130.44 feet to the point of beginning; All of which comprises Parcel 6-4 as shown on SHEET 6 of the Right of Way Plans of State Project No. H.010601, and contains an area of approximately 8725.9 square feet or 0.200 of an acre.

AND IT IS HEREBY 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.

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

AND IT IS HEREBY FURTHER ORDERED that the defendants, CYNTHIA HUVAL MILLIGAN, JEB HUVAL, JOHN HUVAL, and MADELENE HUVAL SEGURA, vacate the above described property and surrender possession thereof unto the plaintiff immediately upon the deposit of the estimated compensation into the registry of this court.

St. Martinville, Louisiana, this 15th day of May, 2019.


JUDGE, 16th JUDICIAL DISTRICT COURT

Anthony Thibodeaux

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2019 MAY 15 AM 11:46


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ST. MARTIN PARISH

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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CYNTHIA HUVAL MILLIGAN, ET AL

NUMBER 88095

16TH JUDICIAL DISTRICT COURT

PARISH OF ST. MARTIN

STATE OF LOUISIANA

RECEIPT

BECKY P. PATIN, 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. CYNTHIA HUVAL MILLIGAN, ET AL "No. 88095 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 owners 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 (1) certain tract or parcel of land, together with all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Lafayette, State of Louisiana, and in Section 63, Township 8 South, Range 6 East, Southwestern Land District, identified as Parcel No. 6-4, on a white print of a plat of survey, consisting of Sheet No. 6, made by Stephen Estopinal, Registered Land Surveyor, dated September 19, 2018, 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:

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contains an area of approximately 8725.9 square feet or 0.200 of an acre.

In accordance with an order of the court signed herein, the Department of Transportation and Development, on behalf of the State of Louisiana and of itself, has this day paid into the registry of said court the sum of Twenty-One Thousand Four Hundred Six and No/100 Dollars (\$21,406.00) in cash, lawful current money of the United States of America, by delivering said sum to the said Clerk of Court, who acknowledges receipt of said sum and declares that he has placed same in the registry of said court.

Signed at St. Martinville, Louisiana, this 16th day of May, 2019.

Jani L. Leuot

DEPUTY CLERK OF COURT, 16th JUDICIAL DISTRICT COURT

RECEIVED AND FILED

MAY 15 2019
Jani L. Leuot
Deputy Clerk of Court
St. Martin Parish, LA