

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VERSUS

DAMON EARL GUIDRY, ET UX

NO. 20184470 ~~1~~

15<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

**P E T I T I O N**

The petition of the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, ("Petitioner"), 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.

DAMON EARL GUIDRY and TAMARA LEBLANC GUIDRY are the defendants herein ("Defendants").

2.

The STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, proposes to construct in the Parish of Lafayette, a certain project designated as State Project No. H.002735.3, Bayou Vermilion Bridge, State Route LA 1252, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary of the Department of Transportation & Development on April 17, 2018, 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 public interest, convenience and safety, and will be an important improvement to 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 by the Chief Engineer of the Department of Transportation and Development, as shown by the Certificate of the Chief Engineer 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 Defendants, required in full ownership, and described as follows, to-wit:

One (1) certain tract or parcel of land, and 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 88, Township 8 South, Range 5 East, Southwestern Land District, identified as Parcel No. 2-4, on a white print of a plat of survey, consisting of Sheet No. 2, made by Douglas A. Domingue, Registered Land Surveyor, dated July 2, 2017, 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. 2-4:**

From a point on the centerline of State Project No. H.002735, AND ALONG CENTERLINE OF NORTH WILDERNESS TRAIL, at Highway Survey Station 67+36.30, proceed S45°34'43"E a distance of 24.04 feet to the point of beginning; thence proceed N42°02'45"E a distance of 132.39 feet to a point and corner; thence proceed S74°44'41"E a distance of 41.70 feet to a point and corner; thence proceed S66°59'40"W a distance of 44.20 feet to a point and corner; thence proceed S51°32'25"W a distance of 112.65 feet to the point of beginning. All of which comprises Parcel 2-4 as shown on Sheet 2 of the Right of Way Plans of State Project No. H.002735, AND ALONG CENTERLINE OF NORTH WILDERNESS TRAIL, and contains an area of approximately 1800.7 square feet or 0.041 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 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 owner(s) 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 LA R.S. 31:149.

13.

The just compensation to which 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 One Thousand Three Hundred Fourteen and 00/100 (\$1,314.00) Dollars, as shown by the written Certificates of 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 One Thousand Three Hundred Fourteen and 00/100 (\$1,314.00) Dollars for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, 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 directs 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 Lafayette Parish.

Petitioner further prays that Notice of this expropriation be issued and served upon Defendants, 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.

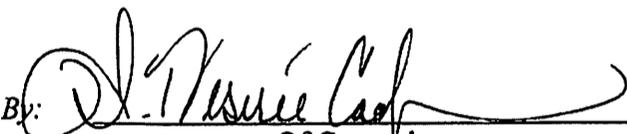
Petitioner further prays that this matter be tried by jury and that it be allowed to utilize the cash deposit authorized by LA C.C.P. Article 1734.1.

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 there be judgment herein in favor of Petitioner fixing the amount of just compensation at a sum not to exceed One Thousand Three Hundred Fourteen and 00/100 (\$1,314.00) Dollars.

Respectfully submitted,

LOUISIANA DEPARTMENT OF  
TRANSPORTATION & DEVELOPMENT  
OFFICE OF THE GENERAL COUNSEL

By:   
Of Counsel

Archana Desirée Cadge (#29548)  
1201 Capitol Access Road (70802)  
P. O. Box 94245  
Baton Rouge, LA 70804-9245  
Telephone: (225) 242-4659  
Fax: (225) 242-4691  
Email: [archana.cadge@la.gov](mailto:archana.cadge@la.gov)  
*Attorney for LA DOTD*

PLEASE SERVE:  
Damon Earl Guidry  
415 Magellan Road  
Carencro, LA 70520; *and*,  
  
Tamara LeBlanc Guidry  
415 Magellan Road  
Carencro, LA 70520

April 17, 2018

**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.002735  
BAYOU VERMILION BRIDGE  
STATE ROUTE LA 1252  
PARISH OF LAFAYETTE

State Project Number H.002735 provides for embankment, base course, superpave, asphaltic concrete pavement, concrete slab span bridge, diversion road and bridge and related work on LA 1252 in Lafayette Parish, as follows:

Beginning at approximate Highway Survey Station 102+00.00, then proceed in an easterly direction to end at approximate Highway Survey Station 117+00.00.

There is a Bridge Site between the following Highway Survey Stations: approximate Highway Survey Station 109+92.00 and Highway Survey Station 111+52.00.

The total roadway length is approximately 0.254 miles, and the total bridge length is approximately 0.030 miles, for an overall project length of approximately 0.284 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(s). H.002735, Bayou Vermilion Bridge, State Route LA 1252, Parish of Lafayette.

Baton Rouge, Louisiana, this 17 day of April, 2018.



SHAWN D. WILSON, Ph.D.

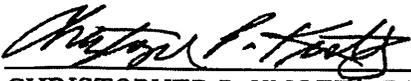
SECRETARY

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

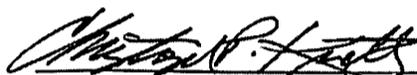
I hereby certify that I have fixed the right of way required to construct STATE  
PROJECT NO. H.002735, BAYOU VERMILION BRIDGE, ROUTE LA 1252, LAFAYETTE  
PARISH, in a manner sufficient in my judgment to provide presently and in the future for the public  
interest, Safety and convenience.

  
CHRISTOPHER P. KNOTTS, P.E.      7/5/13  
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.002735, BAYOU VERMILION BRIDGE, ROUTE LA 1252, LAFAYETTE 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.      2/5/13  
DOTD CHIEF ENGINEER      DATE

  
DAVID S. SMITH P.E.      6/27/08  
ROAD DESIGN ENGINEER      DATE

  
PAUL FOSSLER, P.E.      7/3/18  
BRIDGE DESIGN ENGINEER      DATE

**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) 2-4, 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>\$1,314.00</u>
TOTAL ESTIMATE OF COMPENSATION	<u>\$1,314.00</u>

Methodology Used:

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

C. Mark Gremillion  
P.O. Box 51523  
Lafayette, LA 70503

Qualifications:

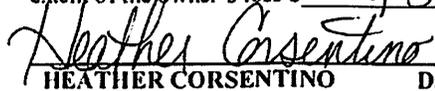
- 1. Designated Appraiser
- 2. Candidate for Designation
- 3. Louisiana Certified Residential Real Estate Appraiser
- 4. Louisiana Certified General Real Estate Appraiser
- 5. Right of Way Appraiser in the regular employ of the Department

Lafayette, Louisiana, January 2, 2018.



C. Mark Gremillion  
LOUISIANA CERTIFIED GENERAL/RESIDENTIAL REAL ESTATE  
APPRAISER CERTIFICATE NO. LA- G0714

Total Approved Amount of Compensation to the full  
extent of the owner's loss \$ 1,314.00

 7/5/18  
HEATHER CORSENTINO Date

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

**Certificate and Improvements**

**Parcel 2-4**

**Louisiana State Project No. H.002735**

**CERTIFICATE OF ESTIMATE OF COMPENSATION (LAND)**

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number 2-4 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:

**PARCEL 2-4**

VALUE OF LAND TO BE ACQUIRED	<b>\$1,260</b>
COMPENSABLE IMPROVEMENTS	<u>None</u>
<b>TOTAL PARCEL 2-4</b>	<b>\$1,260</b>

**INDICATED REMAINING VALUE** **\$148,740**

**TOTAL COMPENSATION** **\$1,260**

**Methodology used:**

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

**NAME:**

Rodolfo J. Aguilar, Ph.D., PE, AIA, MAI  
The Aguilar Group, Inc.  
3216 Belle Helene Court  
Baton Rouge, Louisiana 70820

**Qualifications:**

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

Baton Rouge, East Baton Rouge, Louisiana June 20, 2018

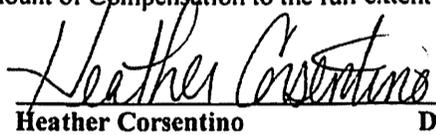
**THE AGUILAR GROUP, INC.**



**Rodolfo J. Aguilar, Ph.D., PE, AIA, MAI**

Louisiana State Certified General Real Estate Appraiser, License No. G0041  
Texas State Certified General Real Estate Appraiser, Number: TX-1332122-G  
Professional Engineer (Civil Engineering), No. 7337, Louisiana  
Registered Architect, No. 755, Louisiana

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 1,314.<sup>00</sup>

 7/5/18  
Date

**Heather Corsentino**  
Assistant Real Estate Administrator  
Department of Transportation and Development, State of Louisiana

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VERSUS

DAMON EARL GUIDRY, ET UX

NO.

15<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

**ORDER OF EXPROPRIATION**

The petition, exhibits and premises considered:

IT IS HEREBY ORDERED that the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT ("Petitioner"), deposit in the Registry of the Court, for the use and benefit of the person or persons entitled thereto, the sum of One Thousand Three Hundred Fourteen and 00/100 (\$1,314.00) Dollars.

IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, subject to the reservation in favor of Owner(s) of said property, described below, of all oil or gas located under said property, 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 (1) certain tract or parcel of land, and 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 88, Township 8 South, Range 5 East, Southwestern Land District, identified as Parcel No. 2-4, on a white print of a plat of survey, consisting of Sheet No. 2, made by Douglas A. Domingue, Registered Land Surveyor, dated July 2, 2017, 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. 2-4:**

From a point on the centerline of State Project No. H.002735, AND ALONG CENTERLINE OF NORTH WILDERNESS TRAIL, at Highway Survey Station 67+36.30, proceed S45°34'43"E a distance of 24.04 feet to the point of beginning; thence proceed N42°02'45"E a distance of 132.39 feet to a point and corner; thence proceed S74°44'41"E a distance of 41.70 feet to a point and corner; thence proceed S66°59'40"W a distance of 44.20 feet to a point and corner;

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VERSUS

DAMON EARL GUIDRY, ET UX

NO.

15<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

**ORDER OF EXPROPRIATION (continued)**

thence proceed S51°32'25"W a distance of 112.65 feet to the point of beginning. All of which comprises Parcel 2-4 as shown on Sheet 2 of the Right of Way Plans of State Project No. H.002735, AND ALONG CENTERLINE OF NORTH WILDERNESS TRAIL, and contains an area of approximately 1800.7 square feet or 0.041 of an acre.

IT IS HEREBY FURTHER ORDERED that this matter be tried by jury upon Petitioner 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 HEREBY FURTHER ORDERED that this Order of Expropriation be recorded in the conveyance records of Lafayette Parish.

IT IS HEREBY FURTHER ORDERED that Defendants, DAMON EARL GUIDRY and TAMARA LEBLANC GUIDRY, vacate the above described property and surrender possession thereof unto Petitioner immediately upon the deposit of the estimated compensation into the Registry of the Court.

Lafayette, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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JUDGE | 15<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF LAFAYETTE | STATE OF LOUISIANA

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VERSUS

DAMON EARL GUIDRY, ET UX

NO.

15<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

**RECEIPT**

HONORABLE LOUIS J. PERRET, CLERK OF COURT

TO

STATE OF LOUISIANA,  
DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

In the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT VS. DAMON EARL GUIDRY, ET UX" No. \_\_\_\_\_ 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(s) 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, and 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 88, Township 8 South, Range 5 East, Southwestern Land District, identified as Parcel No. 2-4, on a white print of a plat of survey, consisting of Sheet No. 2, made by Douglas A. Domingue, Registered Land Surveyor, dated July 2, 2017, 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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STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VERSUS

DAMON EARL GUIDRY, ET UX

NO.

15<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

**RECEIPT (continued)**

ALONG CENTERLINE OF NORTH WILDERNESS TRAIL, and  
contains an area of approximately 1800.7 square feet or 0.041 of an  
acre.

In accordance with an Order of the Court signed herein, the Department of Transportation & Development, on behalf of the State of Louisiana and of itself, has this day paid into the Registry of the Court the sum of One Thousand Three Hundred Fourteen and 00/100 (\$1,314.00) Dollars 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 same has been placed in the Registry of the Court.

Signed at Lafayette, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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DEPUTY CLERK OF COURT  
15<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF LAFAYETTE  
STATE OF LOUISIANA