

**COPY**

AVOYELLES PARISH  
CLERK OF COURT

2018 MAY -3 AM 8:54

FILED AND RECORDED

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VS.

EOLA PROPERTIES, L.L.C.

NO. 2018-5502A

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

PARISH OF AVOYELLES

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.

EOLA PROPERTIES, L.L.C. is the Defendant herein.

2.

The State of Louisiana, Department of Transportation & Development, proposes to construct in the Parish of Avoyelles a certain project designated as State Project No. H.007873.3, Bayou Boeuf & Turner Canal Bridges, State Route LA 1176, which project is more fully described by a Certificate of Authorization to Expropriate approved by the Secretary of the Louisiana Department of Transportation & Development on March 7, 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 the public's 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

2018 MAY 11 11:53 AM

COPY

MEMORANDUM

TO: [Illegible]

FROM: [Illegible]

SUBJECT: [Illegible]

[Illegible body text]

OFFICE OF GENERAL COUNSEL  
DOTD

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by the Chief Engineer of the Louisiana Department of Transportation & Development, as shown by said 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 Defendant, required in full ownership and described as follows, to-wit:

One (1) certain tract or parcel of land, together with all of the improvements situated wholly or partially thereon, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Avoyelles, State of Louisiana, and in Section 7, Township 2 South, Range 3 East, Southwestern Land District, identified as Parcel No. 1-6 on a white print of a plat of survey, consisting of Sheet No. 1 made by Melvin Harrison, Registered Land Surveyor, dated January 3, 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. 1-6:

From a point on the centerline of State Project No. H.007873, at Highway Survey Station 107+92.76, proceed S46°28'18"W a distance of 34.62 feet to the point of beginning; thence proceed S73°28'00"E a distance of 374.52 feet to a point and corner; thence proceed S87°14'36"W a distance of 105.95 feet to a point and corner; thence proceed N73°28'00"W a distance of 294.67 feet to a point and corner; thence proceed N46°28'18"E a distance of 40.39 feet to the point of beginning. All of which comprises Parcel 1-6 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.007873, and contains an area of approximately 11710.8 square feet or 0.269 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 Defendant.

8.

There are no buildings situated wholly or partially upon the above-described property, and the only improvement situated wholly or partially thereon consists of a gravel drive.

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 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's interest, convenience and safety, it is necessary that Petitioner acquire in full ownership the described property, together with all of the improvements situated wholly or partially thereon, 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, together with all of the improvements situated wholly or partially thereon, 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.

13.

The just compensation to which Defendant is entitled, being the compensation for the full ownership of the above-described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth herein, has been estimated to be the sum of Four Thousand Eight Hundred Sixty-Three and 00/100 (\$4,863.00) Dollars, as shown by the written Certificate of Estimate of Compensation marked "Exhibit P-5A", annexed hereto and made a part hereof.

14.

Petitioner is entitled to expropriate the full ownership of the above-described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth herein, in a manner authorized by Article 1, § 4 of the Constitution of the State of Louisiana for the year 1974, and Title 48 of the Louisiana Revised Statutes of 1950, §§ 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, § 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, § 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 Four Thousand Eight Hundred Sixty-Three and 00/100 (\$4,863.00) Dollars for payment to the person or persons entitled thereto, and declaring that the full ownership of the above-described property, together with all of the improvements situated wholly or partially thereon, 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 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 Defendant, EOLA PROPERTIES, L.L.C., 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 Four Thousand Eight Hundred Sixty-Three and 00/100 (\$4,863.00) Dollars.

Respectfully submitted,

LOUISIANA DEPARTMENT OF  
TRANSPORTATION & DEVELOPMENT  
OFFICE OF THE GENERAL COUNSEL

By:   
Of Counsel

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

**PLEASE SERVE:**

Eola Properties, L.L.C.,  
*Through its Registered Agent for Service of Process:*  
Mr. William Tebow  
626 N.W. Main  
Bunkie, LA 71322

March 7, 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.007873  
BAYOU BOEUF & TURNER CANAL BRIDGES  
STATE ROUTE LA 1176  
PARISH OF AVOYELLES

State Project Number H.007873 provides for clearing and grubbing, grading, base course, drainage structures, superpave asphaltic concrete roadway, slab span bridges, earthwork and related work on LA 1176 in Avoyelles Parish, as follows:

Beginning Site 1 at approximate Highway Survey Station 104+00.00, then proceed in an easterly direction to end at approximate Highway Survey Station 112+00.00.

There is a Bridge Site between the following Highway Survey Stations: approximate Highway Survey Station 107+02.00 and Highway Survey Station 108+22.00.

Beginning Site 2 at approximate Highway Survey Station 203+60.00, then proceed in an easterly direction to end at approximate Highway Survey Station 214+00.00.

There is a Bridge Site between the following Highway Survey Stations: approximate Highway Survey Station 207+85.00 and Highway Survey Station 208+65.00.

The total roadway length is approximately 0.311 miles, and the total bridge length is approximately 0.038 miles, for an overall project length of approximately 0.349 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.007873, Bayou Boeuf & Turner Canal Bridges, State Route LA 1176, Parish of Avoyelles.

Baton Rouge, Louisiana, this 7<sup>th</sup> day of March, 2018.



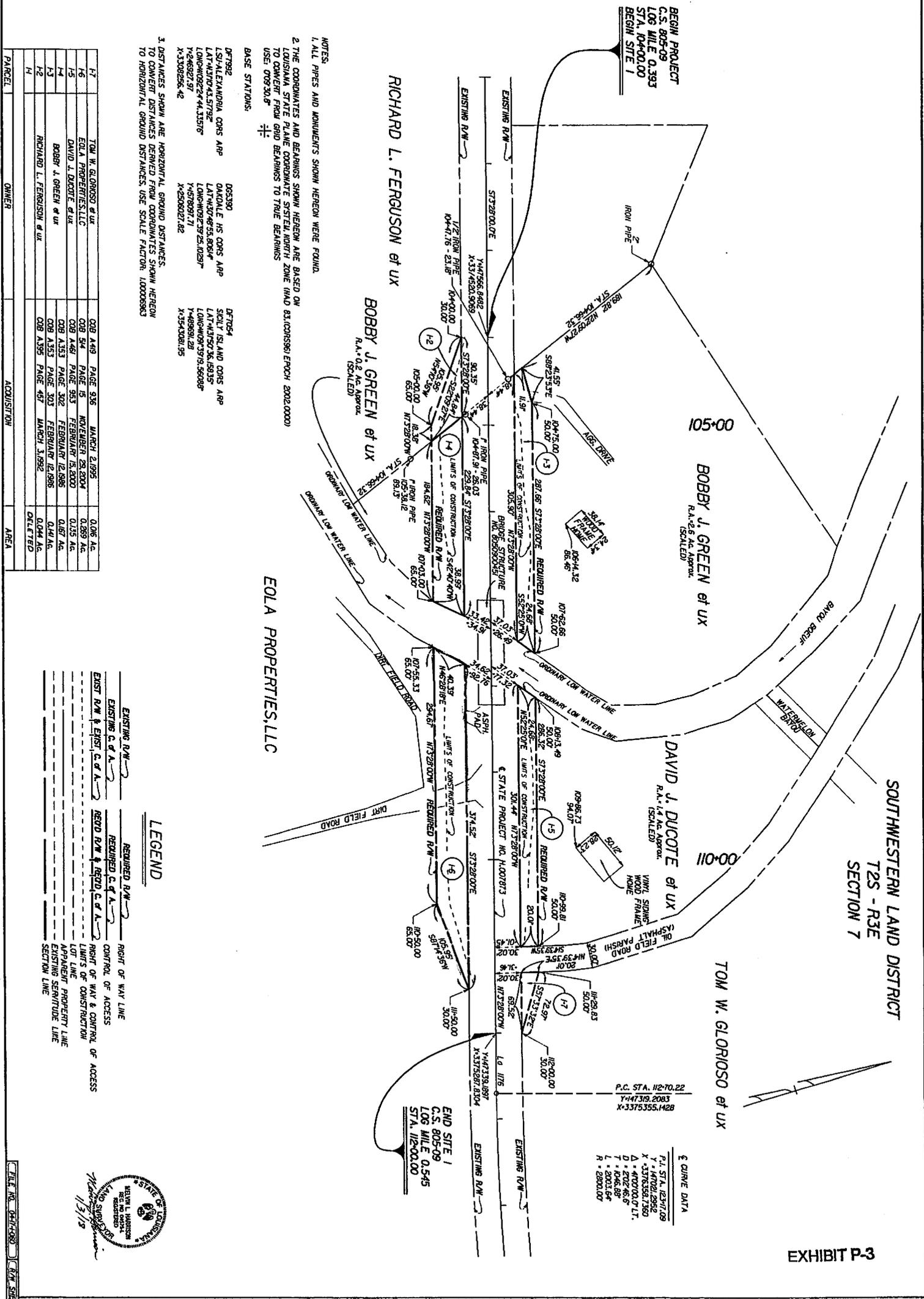
SHAWN D. WILSON, Ph.D.  
SECRETARY  
DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT

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.007873, BAYOU BOEUF BRIDGE & TURNER CANAL BRIDGES, ROUTES ROUTE LA 1176, AVOYELLES 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.      4/4/18  
DOTD CHIEF ENGINEER      DATE



**NOTES**  
 1. ALL PIPES AND MONUMENTS SHOWN HEREON WERE FOUND.  
 2. THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON LOUISIANA STATE PLANE COORDINATE SYSTEM NORTH ZONE (NAD 83) (CONGRESS) FROM 2002.00000 USE: 00930.8  
 BASE STATIONS:  
 DPT992 LSA/LELAND/DA CORP APP DATON/E HS CORP APP  
 LAT: 29°24'41.3357" N LONG: 90°27'25.0297" W  
 X: 3308258.42 Y: 469992.27  
 DPT994 SOUTLY ISLAND CORP APP  
 LAT: 29°24'41.3357" N LONG: 90°27'25.0297" W  
 X: 3308258.42 Y: 469992.27

**LEGEND**  
 EXISTING R/W ——— RIGHT OF WAY LINE  
 REQUIRED R/W ——— CONTROL OF ACCESS  
 EXIST. C. of A. ——— LIMITS OF CONSTRUCTION  
 REQUIRED C. of A. ——— APPARENT PROPERTY LINE  
 LIMITS OF CONSTRUCTION ——— EXISTING SEANTURE LINE  
 SECTION LINE ——— SECTION LINE

PARCEL	OWNER	ACQUISITION	AREA
H7	TOM W. GLORIOSO et ux	PAGE 936 MARCH 2, 1995	0.06 AC
H6	EOLA PROPERTIES, LLC	PAGE 88 NOVEMBER 28, 2004	0.88 AC
H5	DAVID J. DUCOTE et ux	PAGE 953 FEBRUARY 12, 2000	0.13 AC
H4	BOBBY J. GREEN et ux	PAGE 302 FEBRUARY 12, 1995	0.67 AC
H3	BOBBY J. GREEN et ux	PAGE 303 FEBRUARY 12, 1995	0.16 AC
H2	RICHARD L. FERGUSON et ux	PAGE 457 MARCH 3, 1992	0.04 AC
H1		DELETED	

**CURVE DATA**  
 P.I. STA. 123+7.09  
 Y = 147021.2952  
 X = 3376358.7350  
 Δ = 470°00.0' LT.  
 D = 2702.46'  
 T = 1046.18'  
 L = 2800.00'

P.C. STA. 112+0.22  
 Y=147319.2083  
 X=3375355.1428

**END SITE 1**  
 C.S. 805-09  
 LOG MILE 0.545  
 STA. 112+00.00

EXHIBIT P-3

FILE NO. 047-1-089	R/W SHEET NO. 1	COMPUTED R.J.S. ML.H.	PARISH AVOUELLES
01-03-18	DELETED PARCEL 1-1	DATE	CONTROL SECTION 805-09
REVISION DESCRIPTION	DISTRICT ML.H.	DATE	STATE PROJECT H.007873
STATE PROJECT NO. H.007873	RIGHT OF WAY MAP	STATE PROJECT NO. H.007873	AVOUELLES PARISH
	BAYOU BOEUF AND TURNER CANAL		LA 1176

CERTIFICATE  
ON  
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.007873, BAYOU BOEUF BRIDGE & TURNER CANAL BRIDGES, ROUTES ROUTE LA 1176, AVOYELLES 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.      2/4/18  
DOTD CHIEF ENGINEER      DATE

  
for DAVID S. SMITH P.E.      4-3-18  
ROAD DESIGN ENGINEER      DATE

  
PAUL FOSSIER, P.E.      4-4-18  
BRIDGE DESIGN ENGINEER      DATE



STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VS.

EOLA PROPERTIES, L.L.C.

NO. 2018-5502 A

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

PARISH OF AVOYELLES

STATE OF LOUISIANA

### ORDER OF EXPROPRIATION

The Petition, exhibits and premises herein considered:

IT IS HEREBY ORDERED that the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, deposit in the Registry of this Court, for the use and benefit of the person or persons entitled thereto, the sum of Four Thousand Eight Hundred Sixty-Three and 00/100 (\$4,863.00) Dollars.

IT IS HEREBY FURTHER ORDERED that full ownership of the property described below, together with all of the improvements situated wholly or partially thereon, subject to the reservation in favor of Defendant, EOLA PROPERTIES, L.L.C., 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 improvements situated wholly or partially thereon, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Avoyelles, State of Louisiana, and in Section 7, Township 2 South, Range 3 East, Southwestern Land District, identified as Parcel No. 1-6 on a white print of a plat of survey, consisting of Sheet No. 1 made by Melvin Harrison, Registered Land Surveyor, dated January 3, 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. 1-6:

From a point on the centerline of State Project No. H.007873, at Highway Survey Station 107+92.76, proceed S46°28'18"W a distance of 34.62 feet to the point of beginning; thence proceed S73°28'00"E a distance of 374.52 feet to a point and corner; thence proceed S87°14'36"W a distance of 105.95 feet to a point and corner;

FILED: May 31 2018  
BY: *M. D. Lagreene*  
Deputy, Clerk of Court

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VS.

EOLA PROPERTIES, L.L.C.

NO. 2018-5502A

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

PARISH OF AVOYELLES

STATE OF LOUISIANA

**ORDER OF EXPROPRIATION (CONTINUED)**

thence proceed N73°28'00"W a distance of 294.67 feet to a point and corner; thence proceed N46°28'18"E a distance of 40.39 feet to the point of beginning. All of which comprises Parcel 1-6 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.007873, and contains an area of approximately 11710.8 square feet or 0.269 of an acre.

IT IS HEREBY FURTHER ORDERED that this matter be tried by jury upon Plaintiff making a cash deposit in accordance with LA C.C.P. Article 1734.1. <sup>Jury cost bond is set</sup> 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.~~ <sup>at \$3,000.00 and shall be deposited with the Clerk of Court</sup> ~~than thirty (30) days prior to trial.~~ <sup>sixty (60) days before trial.</sup>

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

IT IS HEREBY FURTHER ORDERED that Defendant, EOLA PROPERTIES, L.L.C., vacate the above-described property and surrender possession thereof unto Plaintiff immediately upon the deposit of the estimated compensation into the Registry of this Court.

Marksville, Louisiana, this 3 day of May, 2018.

*Kerry Smith*  
JUDGE | 12<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF AVOYELLES  
STATE OF LOUISIANA

COPY(S)  
SENT:  
BY: 5-4-2018; MUD  
TO: Archana Cadge

FILED 5/3/2018  
ATTEST  
A TRUE COPY  
*[Signature]*  
Dy. Clerk

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VS.

EOLA PROPERTIES, L.L.C.

NO. 2018-5502 A

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

PARISH OF AVOYELLES

STATE OF LOUISIANA

**RECEIPT**

HONORABLE CONNIE B. COUVILLON, CLERK OF COURT  
PARISH OF AVOYELLES | STATE OF LOUISIANA

TO

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

In the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT VS. EOLA PROPERTIES, L.L.C.", No. 2018-5502 of the docket of said Court, the State of Louisiana seeks the expropriation of the full ownership of the property described below, together with all of the improvements situated wholly or partially thereon, 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 (1) certain tract or parcel of land, together with all of the improvements situated wholly or partially thereon, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Avoyelles, State of Louisiana, and in Section 7, Township 2 South, Range 3 East, Southwestern Land District, identified as Parcel No. 1-6 on a white print of a plat of survey, consisting of Sheet No. 1 made by Melvin Harrison, Registered Land Surveyor, dated January 3, 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. 1-6:**

From a point on the centerline of State Project No. H.007873, at Highway Survey Station 107+92.76, proceed S46°28'18"W a distance of 34.62 feet to the point of beginning; thence proceed S73°28'00"E a distance of 374.52 feet to a point and corner; thence

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VS.

EOLA PROPERTIES, L.L.C.

NO. \_\_\_\_\_

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

PARISH OF AVOYELLES

STATE OF LOUISIANA

**RECEIPT (CONTINUED)**

proceed S87°14'36"W a distance of 105.95 feet to a point and corner; thence proceed N73°28'00"W a distance of 294.67 feet to a point and corner; thence proceed N46°28'18"E a distance of 40.39 feet to the point of beginning. All of which comprises Parcel 1-6 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.007873, and contains an area of approximately 11710.8 square feet or 0.269 of an acre.

In accordance with an Order of the Court signed herein, the Louisiana Department of Transportation & Development, on behalf of the State of Louisiana and of itself, has this day paid into the Registry of said Court the sum of Four Thousand Eight Hundred Sixty-Three and 00/100 (\$4,863.00) Dollars, in cash, lawful current money of the United States of America, by delivering said sum to the Avoyelles Parish Clerk of Court who acknowledges receipt of said sum and declares that it has placed same in the Registry of said Court.

Signed at Marksville, Louisiana, this 7<sup>th</sup> day of May, 2018.

  
DEPUTY CLERK OF COURT  
12<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF AVOYELLES  
STATE OF LOUISIANA

FILED 5/3/2018  
ATTEST  
A TRUE COPY  
  
Dy. Clerk