

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

DARRYL CHARLES HOFFPAUIR, ET UX

NUMBER 201510460

15TH JUDICIAL DISTRICT COURT

PARISH OF ACADIA

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.

DARRYL CHARLES HOFFPAUIR and TERRI LYNN HARGRAVE HOFFPAUIR are the defendants herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Acadia, a certain project designated as State Project No. 213-02-0007, H.002133, Bayou Queue De Tortue, State Route LA 705, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on February 12, 2015, 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 by the Chief Engineer of the Department of Transportation and Development, as shown by his 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, a portion of which is required for a permanent servitude of drainage, 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 Acadia, State of Louisiana, and in Section 39, Township 10 South, Range 2 East, Southwestern Land District, identified as Parcel No. 1-2-D-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Douglas A. Domingue, Registered Land Surveyor, dated March 17, 2015, 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 FOR A PERMANENT SERVITUDE

PARCEL NO. 1-2-D-1:

From a point on the centerline of State Project No. H.002133 (213-02-0007), at Highway Survey Station 116+80.00, proceed N11°20'13"E a distance of 35.00 feet to the point of beginning; thence proceed N11°20'13"E a distance of 55.00 feet to a point and corner; thence proceed S78°39'47"E a distance of 122.07 feet to a point and corner; thence proceed S43°13'54"W a distance of 33.36 feet to a point and corner; thence proceed S39°51'00"W a distance of 30.36 feet to a point and corner; thence proceed N78°39'47"W a distance of 89.95 feet to the point of beginning. All of which comprises Parcel 1-2-D-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.002133 (213-02-0007), and contains an area of approximately 5800.7 square feet or 0.133 of an acre.

Being a portion of the same property acquired by defendants by Act recorded February, in Entry No. 860701, Page 117 of the conveyance records of Acadia Parish, State of Louisiana.

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.

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.

9.

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 a permanent servitude of drainage on, over and across the property described above, which property petitioner has attempted to acquire amicably but has been unable to do so.

10.

Therefore, it is necessary for petitioner to expropriate a permanent servitude of drainage on, over and across the property described above.

11.

The just compensation to which the defendants are entitled, being the compensation for a permanent servitude of drainage on, over and across the property described above, has been estimated to be the sum of Two Thousand Thirty-Five and No/100 Dollars (\$2,035.00), as shown by the written estimate of compensation marked "Exhibit P-5," annexed hereto and made a part hereof.

12.

Petitioner is entitled to expropriate a permanent servitude of drainage on, over and across the property described above, 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.

13.

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

14.

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.

15.

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 Two Thousand Thirty-Five and No/100 Dollars (\$2,035.00) for payment to the person or persons entitled thereto, and declaring that a permanent servitude of drainage on, over and across the property described above, 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 DARRYL CHARLES HOFFPAUIR and TERRI LYNN HARGRAVE HOFFPAUIR, 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 Two Thousand Thirty-Five and No/100 Dollars (\$2,035.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: Andrew G. Barry
Of Counsel

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) 242-4665
FAX: (225) 242-4690
Attorney for State, DOTD

PLEASE SERVE:

Darryl Charles Hoffpauir
395 Bossier Road
Crowley, LA 70526

Terri Lynn Hargrave Hoffpauir
395 Bossier Road
Crowley, LA 70526

RECEIVED
ACADIA PARISH
CLERK OF COURT
CROWLEY, LA
2015 MAY 15 AM 9 56

February 12, 2015

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.002133
STATE PROJECT NO(S). 213-02-0007
BAYOU QUEUE DE TORTUE
STATE ROUTE LA 705
PARISHES OF VERMILION & ACADIA

State Project Number H.002133/213-02-0007, provides for clearing and grubbing, removal of asphalt surfacing and base, remove existing timber bridge, earthwork, construct quad beam spans bridge, base course, superpave asphaltic concrete pavement, steel sheet pile, and related work, on State Route LA 705 in Vermilion & Acadia Parishes, as follows:

Beginning at Parish Road I-25 (Ebenezer Road) at approximate Highway Survey Station 113+92.00, then proceed in a southeasterly direction to the end of Parish Road at approximate Highway Survey Station 118+00.00, then proceed in a southwesterly direction, ending at approximate Highway Survey Station 126+20.00. There is a Bridge Site between the following Highway Survey Stations: approximate Highway Survey Station 117+00.00 and approximate Highway Survey Station 119+00.00. The total roadway length is approximately 0.195 miles, and the total bridge length is approximately 0.038 miles, for an overall project length of approximately 0.233 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.002133 / 213-02-0007, Bayou Queue De Tortue, State Route LA 705, Parishes of Vermilion & Acadia.

Baton Rouge, Louisiana, this 12th day of February, 2015.



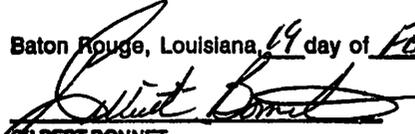
SHERRI H. LEBAS, P.E.

SECRETARY

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

I, Gilbert Bonnet, Custodian of official records of the Department of Transportation and Development of the State of Louisiana, do certify under the provisions of R.S. 13:3712 and Chapter 9 of the Louisiana Code of Evidence that the attached 2 page(s) is (is) a true and correct copy (copies) of the original(s) which is (are) in my custody and possession in my official capacity.

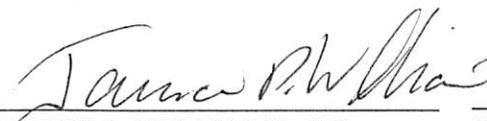
Baton Rouge, Louisiana, 19 day of FEB 2015.



GILBERT BONNET
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

CERTIFICATE
OF THE
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT
NO. H.002133, BAYOU QUEUE DE TORTUE, ROUTE LA 705, VERMILION & ACADIA
PARISH, in a manner sufficient in my judgment to provide presently and in the future for the
public interest, safety and convenience.



JANICE P. WILLIAMS, P.E. 5-1-15
DOTD CHIEF ENGINEER DATE

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CROWLEY, LA
2015 MAY 15 AM 9 16

CERTIFICATE
ON
LOCATION AND DESIGN

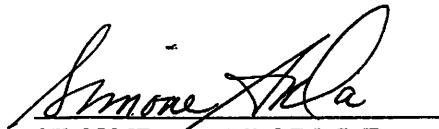
We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.002133, BAYOU QUEUE DE TORTUE, ROUTE LA 705, VERMILION & ACADIA PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.



JANICE P. WILLIAMS, P.E.
DOTD CHIEF ENGINEER

5-1-15

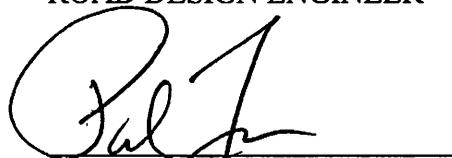
DATE



SIMONE A. ARDOIN, P.E.
ROAD DESIGN ENGINEER

04/29/15

DATE



PAUL FOSSIER, P.E.
BRIDGE DESIGN ENGINEER

5/1/15

DATE

2015 MAY 15 AM 9:18
FEDERATION
ACADIA
CLERK OF COURTS
CROWLEY LA

STATE PROJECT NO. State Project Number: H.002133
PARCEL 1-2-D-1, Ebenezer Church of the Nazarene, Inc.

C-24 CERTIFICATE OF ESTIMATE OF COMPENSATION (LAND ONLY)

Parcel No. 1-2-D-1
State Project Number: H.002133

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number(s) 1-2-D-1, 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:

FINAL ESTIMATE OF COMPENSATION	
VALUE OF LAND TAKEN:	\$2,035
DAMAGES:	\$0
ADDITIONAL COMPENSATION	\$0
<i>Final Estimate of Compensation (Rounded)</i>	\$2,035

Methodology used:

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

Joel M. Picou
15341 Summerwood Ave
Baton Rouge, LA 70817

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

Baton Rouge, Louisiana January 28, 2015.



JOEL M. PICOU
LOUISIANA STATE CERTIFIED GENERAL REAL ESTATE
APPRAISER CERTIFICATE NO. (G)1239

Total Approved Amount of Compensation to the full
extent of the owner's loss \$ 2,035.⁰⁰

Heather Corsetino 5/4/2015

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

2015 MAY 15 AM 9:06
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CROWLEY, LA

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

DARRYL CHARLES HOFFPAUR, ET UX

NUMBER 201510460 - C
15TH JUDICIAL DISTRICT COURT
PARISH OF ACADIA
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 Two Thousand Thirty-Five and No/100 Dollars (\$2,035.00).

AND IT IS HEREBY FURTHER ORDERED that a permanent servitude of drainage on, over and across the property described below 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 Acadia, State of Louisiana, and in Section 39, Township 10 South, Range 2 East, Southwestern Land District, identified as Parcel No. 1-2-D-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Douglas A. Domingue, Registered Land Surveyor, dated March 17, 2015, 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 FOR A PERMANENT SERVITUDE

PARCEL NO. 1-2-D-1:

From a point on the centerline of State Project No. H.002133 (213-02-0007), at Highway Survey Station 116+80.00, proceed N11°20'13"E a distance of 35.00 feet to the point of beginning; thence proceed N11°20'13"E a distance of 55.00 feet to a point and corner; thence proceed S78°39'47"E a distance of 122.07 feet to a point and corner; thence proceed S43°13'54"W a distance of 33.36 feet to a point and corner; thence proceed S39°51'00"W a distance of 30.36 feet to a point and corner; thence proceed N78°39'47"W a distance of 89.95 feet to the point of beginning. All of which comprises Parcel 1-2-D-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.002133 (213-02-0007), and contains an area of approximately 5800.7 square feet or 0.133 of an acre.

Being a portion of the same property acquired by defendants by Act recorded February, in Entry No. 860701, Page 117 of the conveyance records of Acadia Parish, State of Louisiana.

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, DARRYL CHARLES HOFFPAUIR and TERRI LYNN HARGRAVE HOFFPAUIR, 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.

Crowley, Louisiana, this 15 day of May, 2015.

[Handwritten Signature]

JUDGE, FIFTEENTH JUDICIAL DISTRICT COURT

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CLERK OF COURT
CROWLEY, LA
2015 MAY 15 AM 9 56

STATE OF LOUISIANA
PARISH OF ACADIA

I hereby certify that the above and foregoing is a true and correct copy of Original Act No. 863890A of file of record in this Office in Mortgage Book No. _____ page _____ and in Conveyance Book No. 168 245 of date May 15 2015 at 2:00 p M.

Witness my hand and seal of office at Crowley, Acadia Parish, Louisiana this the 15 day of May A.D. 2015

[Handwritten Signature]

Deputy Clerk

FILED 15-05-2015
[Handwritten Signature]
DY. CLERK OF COURT
ACADIA PARISH, LA

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

DARRYL CHARLES HOFFPAUIR, ET UX

NUMBER 201510460 C

15TH JUDICIAL DISTRICT COURT

PARISH OF ACADIA

STATE OF LOUISIANA

RECEIPT

ROBERT T. BAROUSSE, 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. DARRYL CHARLES HOFFPAUIR, ET UX" No. 201510460 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, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Acadia, State of Louisiana, and in Section 39, Township 10 South, Range 2 East, Southwestern Land District, identified as Parcel No. 1-2-D-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Douglas A. Domingue, Registered Land Surveyor, dated March 17, 2015, 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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distance of 89.95 feet to the point of beginning. All of which comprises Parcel 1-2-D-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.002133 (213-02-0007), and contains an area of approximately 5800.7 square feet or 0.133 of an acre.

Being a portion of the same property acquired by defendants by Act recorded February, in Entry No. 860701, Page 117 of the conveyance records of Acadia Parish, State of Louisiana.

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 Two Thousand Thirty-Five and No/100 Dollars (\$2,035.00) 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 Crowley, Louisiana, this 15 day of May, 2015.

Dennis D. Myer

DEPUTY CLERK OF COURT, FIFTEENTH JUDICIAL DISTRICT COURT

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ACADIA PARISH
CLERK OF COURT
CROWLEY, LA
2015 MAY 15 PM 12 07

STATE OF LOUISIANA
PARISH OF ACADIA

I hereby certify that the above and foregoing is a true and correct copy of Original Act No. 863890 of file of record in this Office in Mortgage Book No. _____ page _____ and in Conveyance Book No. 168 page 247 of date May 15, 2015 at 2:01 P. M.

Witness my hand and seal of office at Crowley, Acadia Parish, Louisiana this the 15 day of May A.D. 2015

Rebecca Stafford
Deputy Clerk

FILED 05-15-2015

Dennis D. Myer
DY. CLERK OF COURT
ACADIA PARISH, LA