

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

ANIMATE CORPORATION

SUIT NUMBER:

632611 Sec. 27

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

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.

ANIMATE CORPORATION is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of East Baton Rouge, a certain project designated as State Project No. H.010560, Essen Lane Widening (Perkins Road to I-10), State Route LA 3064, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on April 4, 2014, 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, 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 there on, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of East Baton Rouge, State of Louisiana, and in Section 53, Township 7 South, Range 1 East, Greensburg Land District, identified as Parcel No. 2-1, on a white print of a plat of survey, consisting of Sheet No. 2, made by Michael Peter Mallet, Registered Land Surveyor, dated March 24, 2014, 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. 2-1:

From a point on the centerline of Construction and Right of Way State Project No. H.010560, at Highway Survey Station 105+23.00, proceed S61°36'25"E a distance of 48.74 feet to the point of beginning; thence proceed N28°22'48"E a distance of 195.27 feet to a point and corner; thence proceed S61°35'25"E a distance of 2.45 feet to a point and corner; thence proceed S28°21'55"W a distance of 144.85 feet to a point and corner; thence proceed S61°40'19"E a distance of 2.97 feet to a point and corner; thence proceed S27°38'06"W a distance of 50.43 feet to a point and corner; thence proceed N61°36'25"W a distance of 6.12 feet to the point of beginning. All of which comprises Parcel 2-1 as shown on Sheet 2 of the Right of Way Plans of State Project No. H.010560, and contains an area of approximately 650.0 square feet or 0.015 of an acre.

Being a portion of the same property acquired by defendant by Act recorded July 3, 1989, in COB 527, Page 10089 of the conveyance records of East Baton Rouge 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 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 concrete drive, concrete curbing, sewer laterals, water laterals, light standard, sign, and landscaping.

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, together with all of the improvements, 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, 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, which is imprescriptible as authorized by LA R.S. 31:149, 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, 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 FIFTY-TWO THOUSAND SEVEN HUNDRED TWO & NO/100 DOLLARS

(\$52,702.00), 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, together with all of the improvements, 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 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 FIFTY-TWO THOUSAND SEVEN HUNDRED TWO & NO/100 DOLLARS (\$52,702.00) 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 the defendant to surrender to petitioner possession of said property.

PETITIONER FURTHER PRAYS that the Order of Expropriation in this matter be recorded in the conveyance records of this Parish.

PETITIONER FURTHER PRAYS that notice of this expropriation be issued and served upon ANIMATE CORPORATION, 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. Article 48:451, and that it be served with notice of any interlocutory or final order, decree or judgment rendered and signed as provided by 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 FIFTY-TWO THOUSAND SEVEN HUNDRED TWO & NO/100 DOLLARS (\$52,702.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

FILED
EAST BATON ROUGE PARISH, LA

2014 AUG -8 PM 2:49

Judith Park
DEPUTY CLERK OF COURT

BY:

Robert J. King

Of Counsel

Robert J. King, Bar Roll No. 31814
1201 Capitol Access Road
Baton Rouge, LA 70802
P. O. Box 94245
Baton Rouge, LA 70804-9245
Telephone: (225) 242-4619
Facsimile: (225) 242-4690
Attorney for State, DOTD

CERTIFIED TRUE AND
CORRECT COPY

AUG 28 2014
Melinda Skene
East Baton Rouge Parish
Deputy Clerk of Court

PLEASE SERVE:

ANIMATE CORPORATION

Through agent for service of process:
E. Allen Graves, Jr.
2137 Quail Run Drive, Building B
Baton Rouge, LA 70808

CIVIL

- 01-DAMAGES
- 02-CONTRACT
- 03-PRISONER SUIT
- 04-EXECUTORY PROCESS
- 05-SUIT ON NOTES
- 06-EVICTON
- 07-WORKMENS COMPENSATION
- 08-JUDICIAL REVIEW
- 11-COMM. PROP. PARTITIONS
- 12-PUBLIC SERV. COMM.
- 13-OTHER PARTITIONS
- 14-OTHER
- 15-D.E.Q.
- 16-
- 17-
- 18-

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

SUIT NUMBER: 632,611 Sec. 27

VS.

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

ANIMATE CORPORATION

STATE OF LOUISIANA

ORDER OF EXPROPRIATION

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9/8/2014 2:18:10 PM

The petition, exhibits and the premises considered:

FILED AND RECORDED
EAST BATON ROUGE PARISH, LA
DOUG WELBORN
DEPARTMENT OF RECORDER

IT IS HEREBY ORDERED that the STATE OF LOUISIANA, 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 FIFTY-TWO THOUSAND SEVEN HUNDRED TWO & NO/100 DOLLARS (\$52,702.00).

AND IT IS HEREBY FURTHER ORDERED that 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 ANIMATE CORPORATION 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 there on, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of East Baton Rouge, State of Louisiana, and in Section 53, Township 7 South, Range 1 East, Greensburg Land District, identified as Parcel No. 2-1, on a white print of a plat of survey, consisting of Sheet No. 2, made by Michael Peter Mallet, Registered Land Surveyor, dated March 24, 2014, 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. 2-1:

From a point on the centerline of Construction and Right of Way State Project No. H.010560, at Highway Survey Station 105+23.00, proceed S61°36'25"E a distance of 48.74 feet to the point of beginning; thence proceed N28°22'48"E a distance of 195.27 feet to a point and corner; thence proceed S61°35'25"E a distance of 2.45 feet to a point and corner; thence proceed S28°21'55"W a distance of

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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

ANIMATE CORPORATION

SUIT NUMBER: 632,611 Sec. 27

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

144.85 feet to a point and corner; thence proceed S61°40'19"E a distance of 2.97 feet to a point and corner; thence proceed S27°38'06"W a distance of 50.43 feet to a point and corner; thence proceed N61°36'25"W a distance of 6.12 feet to the point of beginning. All of which comprises Parcel 2-1 as shown on Sheet 2 of the Right of Way Plans of State Project No. H.010560, and contains an area of approximately 650.0 square feet or 0.015 of an acre.

Being a portion of the same property acquired by defendant by Act recorded July 3, 1989, in COB 527, Page 10089 of the conveyance records of East Baton Rouge 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. Art. 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 defendant, ANIMATE CORPORATION, vacate the above described property and surrender possession thereof unto the plaintiff immediately upon the deposit of the estimated just compensation into the registry of this Court.

Baton Rouge, Louisiana, this 15 day of August, 2014.

FILED
EAST BATON ROUGE PARISH, L.A.

2014 AUG -8 PM 2:49

[Signature]
DEPUTY CLERK OF COURT

[Signature]

JUDGE, NINETEENTH JUDICIAL DISTRICT COURT

CERTIFIED TRUE AND
CORRECT COPY

AUG 20 2014

[Signature]

East Baton Rouge Parish
Deputy Clerk of Court

000000001 08/08/2014

April 4, 2014

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.010560
ESSEN LANE WIDENING (PERKINS
ROAD TO I-10)
STATE ROUTE LA 3064
PARISH OF EAST BATON ROUGE

State Project Number H.010560 provides for construction of a portland cement concrete pavement widening, asphaltic concrete overlay, class II base course, drainage structures, bridge widening, and related work, on State Route LA 3064 in East Baton Rouge Parish as follows: Begin at approximate Highway Survey Station 100+66.00, then proceed in a southwesterly direction, and end at approximate Highway Survey Station 147+00.00. There is a bridge site beginning at approximate Highway Survey Station 140+26.98 and ending at approximate Highway Survey Station 141+86.53. The roadway length is approximately 0.847 miles and the total bridge length is approximately 0.030 miles; the overall project length is approximately 0.877 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

00000003 08/08/2014

CERTIFICATE
OF THE
CHIEF ENGINEER

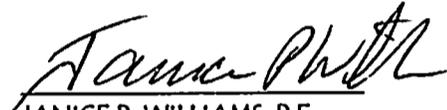
I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO. H.010560, ESSEN LANE WIDENING (PERKINS ROAD TO I-10), ROUTE LA 3064, EAST BATON ROUGE PARISH, in a manner sufficient in my judgment to provide presently and in the future for the public interest, safety, and convenience.

 7-31-14
JANICE P. WILLIAMS, P.E. DATE
CHIEF ENGINEER ADMINISTRATOR

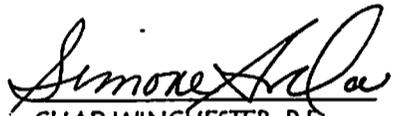
00000004 08/08/2014

CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010560, ESSEN LANE WIDENING (PERKINS ROAD TO I-10), ROUTE LA 3064, EAST BATON ROUGE 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.
CHIEF ENGINEER ADMINISTRATOR

7-31-14
DATE


CHAD WINCHESTER, P.E.
ROAD DESIGN ENGINEER ADMINISTRATOR

07/24/14
DATE


PAUL FOSSIER, P.E.
BRIDGE DESIGN ENGINEER ADMINISTRATOR

7/24/14
DATE

0000000000
09/09/2014
State Project Number: H.010560
Parcel 2-1
East Baton Rouge Parish, Louisiana

The Lakvold Group, LLC
Date of Inspection: March 25, 2014
Page 108

Parcel No. 2-1
State Project Number: H.010560

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) 2-1, 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:

VALUE OF LAND AND IMPROVEMENTS	\$52,702
DAMAGES	\$0
ADDITIONAL COMPENSATION	<u>\$0</u>
TOTAL ESTIMATE OF COMPENSATION	\$57,702

Methodology Used:

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

Angela Lemoine-Lakvold, MAI, SRA, R/W-AC
The Lakvold Group, LLC
4520 Jamestown Avenue, Suite 1
Baton Rouge, La 70808

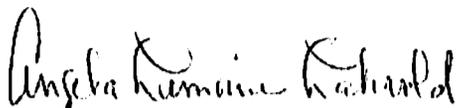
Qualifications:

- 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

State Project Number: H.010560
Parcel 2-1
East Baton Rouge Parish, Louisiana

The Lakvold Group, LLC
Date of Inspection: March 25, 2014
Page 109

Baton Rouge, Louisiana, March 25, 2014.



Angela Lemoine-Lakvold, MAI, SRA, RW-AC
Louisiana State Certified General Appraiser #G0575

Total Approved Amount of Compensation to the full extent of the owner's loss
\$ 52,702⁰⁰.



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

3/25/14
Date

1000000001 08/08/2014

C-25 Parcel No. 2-1

State Project No. H.010560, Route 09-GS-UF-0028

CERTIFICATE OF ESTIMATE OF COMPENSATION (LAND AND IMPROVEMENTS)

I the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel 2-1 and its remainders, 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 TAKEN	\$12,675
IMPROVEMENTS	\$37,375
DAMAGES	\$0
ADDITIONAL COMPENSATION	\$0
TOTAL COMPENSATION FOR LAND	\$50,050

Methodology used:

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

NAME

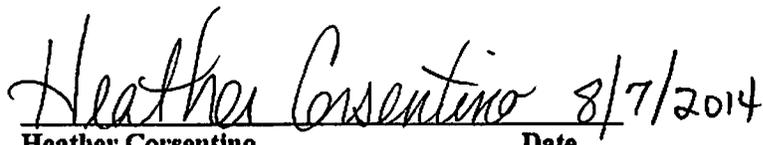
Qualifications:

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

Baton Rouge, East Baton Rouge, Louisiana 4/19/2014 Date of Report


Signature

Total Approved Amount of Compensation to the full extent of the owner's loss
\$ 52,702.00


Heather Corsentino 8/7/2014
Assistant Real Estate Administrator, **Date**
Department of Transportation and
Development, State of Louisiana