

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

SUIT NUMBER: 576876-A

VS.

1ST JUDICIAL DISTRICT COURT

PARISH OF CADDO

EMMA DOTY JONES, ET AL

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.

EMMA DOTY JONES, ESTATE OF SAM DOTY and PARISH OF CADDO are the defendants herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Caddo, a certain project designated as State Project No. H.011105, Cul-De-Sacs at I-49N C of A Lines, on State Route I-49, 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 Caddo, State of Louisiana, and in Section 21, Township 18 North, Range 14 West, Northwestern Land District, identified as Parcel No. 3-4, on a white print of a plat of survey, consisting of Sheet No. 3, made by Charles G. Coyle, III, Registered Land Surveyor, dated 12/19/2013, 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. 3-4:

From a point on the centerline of State Project No. H.011105, Kelsey Street, at Highway Survey Station 13+79.92, proceed $S00^{\circ}17'35''W$ a distance of 21.38 feet to the point of beginning; thence proceed $S89^{\circ}40'27''E$ a distance of 39.89 feet to a point and corner; thence proceed $S00^{\circ}17'35''W$ a distance of 48.38 feet to a point and corner; thence proceed along a curve to the right having a radius of 70.00 feet, whose length is 43.26 feet and whose chord length is 42.57 feet and bears $N69^{\circ}14'43''W$ to a point and corner; thence proceed $N00^{\circ}17'35''E$ a distance of 33.52 feet to the point of beginning. All of which comprises Parcel 3-4 as shown on Sheet 3 of the Right of Way Plans of State Project No. H.011105, and contains an area of approximately 1727.7 square feet or 0.040 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 situated wholly or partially upon the above described property, and the only improvement situated wholly or partially thereon consists of front fencing and side fencing.

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 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 as Parcel No. 3-4 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, such reservation of mineral rights being imprescriptible as authorized by LA R.S. 31:149.

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 Two Thousand Three Hundred Fifty-Seven & No/100 Dollars (\$2,357.00) as shown by the written 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, Section 4 of the Constitution of the State of Louisiana for the year 1974, and Title 48 of the 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 Revised Statutes, Section 451.2, as amended and reenacted.

16.

Petitioner desires to utilize the cash deposit authorized by Article 1734.1 of the 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 Article 451 of Title 48, 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.

18.

Petitioner believes that Sam Doty is deceased, no succession representative has been appointed, no heirs or legatees have been sent into possession judicially and it is necessary that an Attorney at Law be appointed to represent the Estate of Sam Doty as authorized in La. C.C.P. Article 5091, as amended.

WHEREFORE, petitioner prays that an order issue herein directing petitioner to deposit in the registry of this court the sum of Two Thousand Three Hundred Fifty-Seven & No/100 Dollars (\$2,357.00) 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 defendants to surrender to petitioner possession of said property.

Petitioner further prays that notice of this expropriation be issued and served upon *, 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 an Attorney at Law be appointed to represent the Estate of Sam Doty as authorized in La. C.C.P. Article 5091, as amended.

Petitioner further prays that this matter be tried by jury and that it be allowed to utilize the cash deposit authorized by Article 1734.1 of the Code of Civil Procedure.

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 Article 451 of Title 48, 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 Two Thousand Three Hundred Fifty-Seven & No/100 Dollars (\$2,357.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: 

Of Counsel

Charles D. McBride

Bar Roll No. 23856

1201 Capitol Access Road

Baton Rouge, LA 70802

P. O. Box 94245

Baton Rouge, LA 70804-9245

Telephone: (225) 242-4607

Facsimile: (225) 242-4690

Attorney for State, DOTD

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

EMMA DOTY JONES, ET AL

SUIT NUMBER:

1ST JUDICIAL DISTRICT COURT

PARISH OF CADDO

STATE OF LOUISIANA

ORDER

The foregoing considered:

IT IS ORDERED that Ed Blewett Attorney at Law,
whose address is _____, and whose
telephone number is _____, be and is hereby appointed to represent the
Estate of Sam Doty, as authorized in La. C.C.P. Article 5091, as amended.

JUDGE RAMON LAFITTE

JUDGE, FIRST JUDICIAL DISTRICT COURT

5/20/14

ENDORSED FILED
JIM SCOTT, Deputy Clerk

MAY 19 2014

A TRUE COPY - Attest
Dana Aiken
CADDO PARISH DEPUTY CLERK

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

SUIT NUMBER: 576876-A
1ST JUDICIAL DISTRICT COURT

VS.

PARISH OF CADDO

EMMA DOTY JONES, ET AL

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 Three Hundred Fifty-Seven & No/100 Dollars (\$2,357.00).

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 EMMA DOTY JONES, ESTATE OF SAM DOTY and PARISH OF CADDO in their respective fractional ownership interest 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, 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 therunto belonging or in anywise appertaining, situated in the Parish of Caddo, State of Louisiana, and in Section 21, Township 18 North, Range 14 West, Northwestern Land District, identified as Parcel No. 3-4, on a white print of a plat of survey, consisting of Sheet No. 3, made by Charles G. Coyle, III, Registered Land Surveyor, dated 12/19/2013, 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. 3-4:

From a point on the centerline of State Project No. H.011105, Kelsey Street, at Highway Survey Station 13+79.92, proceed S00°17'35"W a distance of 21.38 feet to the point of beginning; thence proceed S89°40'27"E a distance of 39.89 feet to a point and corner; thence proceed S00°17'35"W a distance of 48.38 feet to a point and corner;

Gary Loftin
Caddo Parish Clerk of Court
2508405
06/18/2014 10:13 AM

State FILED
MAY 18 2014
JIM NICOTT
CADDO DEPUTY CLERK OF COURT

J. Nicott

SCANNED BY 9201406080949

ENDORSED FILED
JIM SCOTT, Deputy Clerk
MAY 19 2014
A TRUE COPY: Attest
CADD0 PARISH DEPUTY CLERK

JUDGE, FIRST JUDICIAL DISTRICT COURT

JUDGE RAMON LAFITTE

Shreveport, Louisiana, this 12th day of June, 2014.

compensation into the registry of this Court.

surrender possession thereof unto the plaintiff immediately upon the deposit of the estimated just

ESTATE OF SAM DOTY and PARISH OF CADD0, vacate the above described property and

AND IT IS HEREBY FURTHER ORDERED that the defendants, EMMA DOTY JONES,

no later than thirty (30) days prior to trial.

matter for trial, the court shall fix the amount due and the time of said deposit, which time shall be

plaintiff making a cash deposit in accordance with LA C.C.P. Art. 1734.1. Upon the setting of this

AND IT IS HEREBY FURTHER ORDERED that this matter be tried by jury upon the

thence proceed along a curve to the right having a radius of 70.00 feet, whose length is 43.26 feet and whose chord length is 42.57 feet and bears N69°14'43"W to a point and corner; thence proceed N00°17'35"E a distance of 33.52 feet to the point of beginning. All of which comprises Parcel 3-4 as shown on Sheet 3 of the Right of Way Plans of State Project No. H.011105, and contains an area of approximately 1727.7 square feet or 0.040 of an acre.

ORDER OF EXPROPRIATION - (Continued)

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT
EMMA DOTY JONES, ET AL
VS.
STATE OF LOUISIANA
PARISH OF CADD0
1ST JUDICIAL DISTRICT COURT
SUIT NUMBER:

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.011105
CUL-DE-SACS AT I-49N C OF A LINES
STATE ROUTE I-49
PARISH OF CADDO

State Project Number H.011105 provides for asphaltic concrete roadway, class II base course, lime treatment, grading, drainage structures, and related work, on State Route I-49 in Caddo Parish, for five cul-de-sacs as follows:

The cul-de-sac on Nash Street begins at approximate Highway Survey Station 10+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 13+01.74. The roadway length is approximately 0.030 miles.

The cul-de-sac on Hall Street begins at approximate Highway Survey Station 12+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 14+96.08. The roadway length is approximately 0.030 miles.

The cul-de-sac on Kelsey Street begins at approximate Highway Survey Station 12+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 15+05.86. The roadway length is approximately 0.030 miles.

The cul-de-sac on Phelps Street begins at approximate Highway Survey Station 16+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 18+59.89. The roadway length is approximately 0.030 miles.

The cul-de-sac on Montana Street begins at approximate Highway Survey Station 19+75.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 23+52.73. The roadway length is approximately 0.062 miles.

The project road length and overall project length is approximately 0.182 miles.

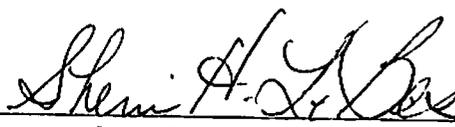
The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

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.

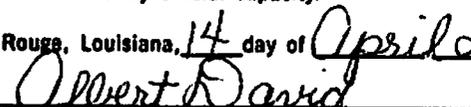
Pursuant to the authority vested in me by the provisions of L.R.S. 36:501 et seq., and L.R.S. 48:11 et seq., as Secretary of the Department of Transportation and Development, it is necessary and useful to take and, as required by L.R.S. 48:442(3)(a), I hereby approve and authorize the Department of Transportation 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.011105, Cul-De-Sacs at I-49N C of A Lines, State Route I-49, Parish of Caddo.

Baton Rouge, Louisiana, this 4th day of April, 2014.



SHERRI H. LEBAS, P.E.
SECRETARY
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

I, Albert David, assistant 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 (are) 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, 14 day of April 2014


ALBERT DAVID
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.011105, CUL-DE-SACS @ I-49N C-OF-A LINE, ROUTE I-49, CADDO 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. 5-6-14
CHIEF ENGINEER ADMINISTRATOR DATE

PARCEL	OWNER	ACQUISITION	AREA
3-6	SAMUEL RASCO, ET AL	C.O.B. 854, Pg. 88 DECEMBER 22, 1958	0.082 AC.
3-5	CLYDE RAYMOND HUNT	C.O.B. 2374, Pg. 116 OCTOBER 15, 1986	0.058 AC.
3-4	EMMA DOTY JONES, ET AL	C.O.B. 3034, Pg. 312 APRIL 7, 1985	0.040 AC.
3-3	MICHAEL D. BRADEN	C.O.B. 4458, Pg. 298 MARCH 10, 2011	0.008 AC.
3-2	SAMUEL RASCO	C.O.B. 2215, Pg. 246 MARCH 5, 1985	0.073 AC.
3-1	BETTY J. BRADEN	C.O.B. 3186, Pg. 33 MARCH 4, 1987	0.001 AC.

LEGEND

R/W --- RIGHT OF WAY LINE
 R/W & C OF A --- RIGHT OF WAY & C OF A
 - - - - - LIMITS OF CONSTRUCTION

APPROXIMATE PROPERTY LINE
 RIGHT OF WAY LINE
 RIGHT OF WAY & C OF A
 LIMITS OF CONSTRUCTION

NOTES:
 (1) ALL PIPES AND MONUMENTS SHOWN HEREON WERE FOUND.
 (2) THE COORDINATES & BEARINGS SHOWN HEREON ARE BASED ON LOUISIANA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD 83), TO CONVERT TO TRUE BEARINGS USE: -00°41'08.6"
 (3) DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES TO CONVERT DISTANCES DERIVED FROM COORDINATES SHOWN HEREON TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 1.000028478

COYLE ENGINEERING CO., INC.
 BOSSIERE CITY, LOUISIANA
 (504) 746-8987

DATE: 12/19/2011
 DRAWN BY: CCB
 CHECKED BY: CCB
 SCALE: 1" = 20'
 SHEET NO. 0181-1-03
 PLAN NO. 0181-1-03
 REV SHEET NO. 3

PROJECT NO. H011105

STATE PROJECT NO. H011105
 CUL-DE-SACS @ 148N C-O-F-A LINE
 CADD PARISH 148

RIGHT OF WAY MAP
 PROFESSIONAL LAND SURVEYOR

STATE OF LOUISIANA
 MICHAEL & DONALD B. BOSSIERE
 PROFESSIONAL LAND SURVEYORS

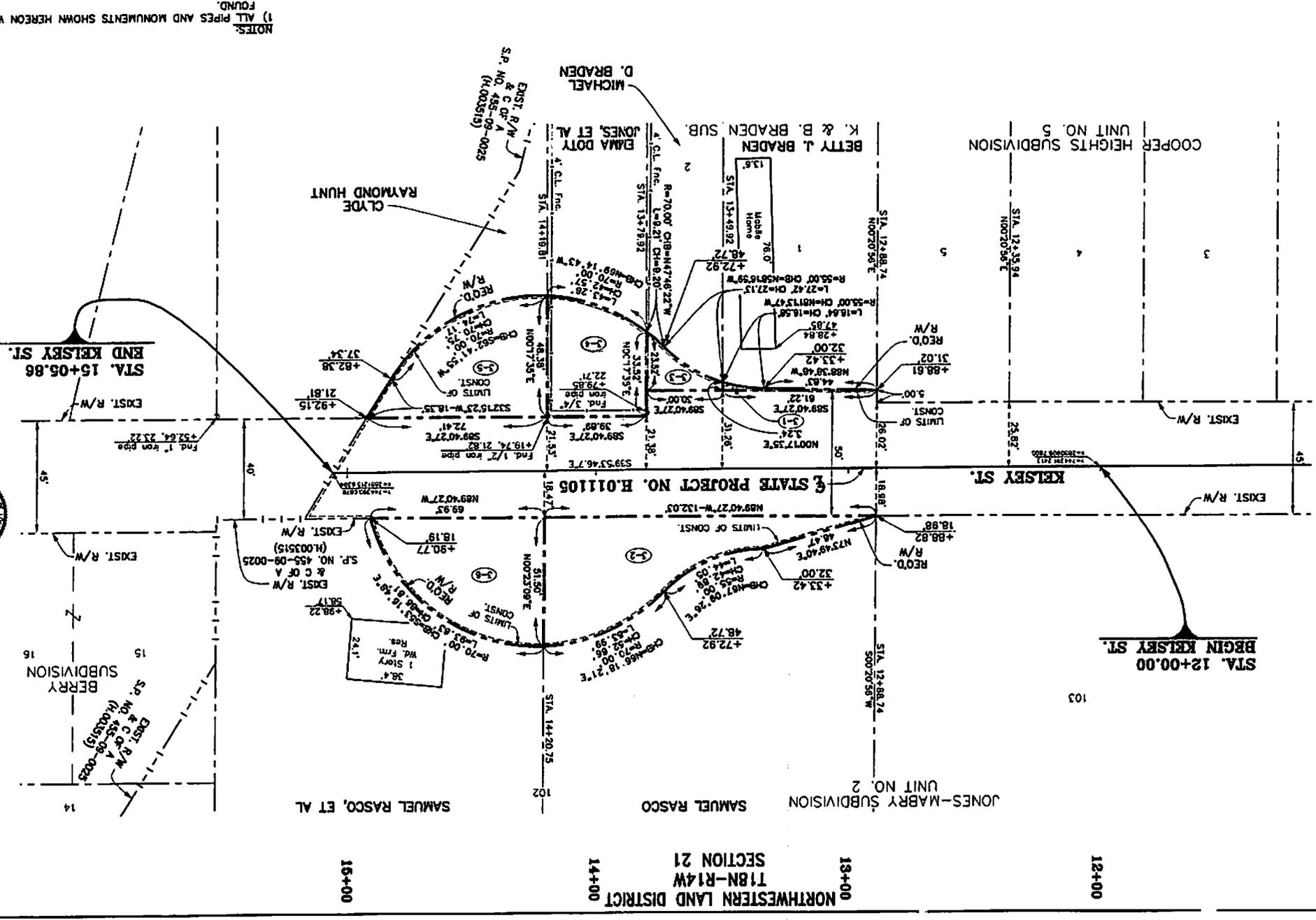


EXHIBIT P-3

CERTIFICATE
ON
LOCATION AND DESIGN

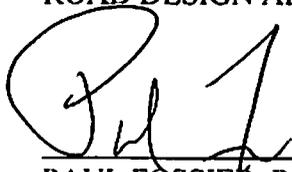
We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.011105, CUL-DE-SACS @ I-49N C-OF-A LINE, ROUTE I-49, CADDO PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.



JANICE P. WILLIAMS, P.E. 5-6-14
CHIEF ENGINEER ADMINISTRATOR DATE



CHAD WINCHESTER, P.E. 5-6-14
ROAD DESIGN ADMINISTRATOR DATE



PAUL FOSSIER, P.E. 5-6-14
BRIDGE DESIGN ADMINISTRATOR DATE

PARCEL # 3-4
STATE PROJECT # H.011105

CERTIFICATE
OF
ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel # (s) 3-4 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 compensation to be as follows:

VALUE OF LAND AND IMPROVEMENTS	=	\$ 994
DAMAGES	+	1,363
ADDITIONAL COMPENSATION	+	<u>0</u>
TOTAL ESTIMATE OF COMPENSATION	=	\$ 2,357

Methodology used :

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

Michael A. Graham, MAI
1300 Hudson Lane, Suite 1
Monroe, LA 71201

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

Monroe, Louisiana May 6, 2014



MICHAEL A. GRAHAM, MAI
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER
LICENSE NO. GO938

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 2,357.⁰⁰

 5/7/2014
HEATHER CORSENTINO Date

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