

FILED

DIVISION A

2014 AUG 18 A 11:10

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NUMBER

90053

Jeanette Hill
CLERK OF COURT
30TH JUDICIAL DISTRICT COURT

30TH JUDICIAL DISTRICT COURT

VS.

PARISH OF VERNON

GARDEN OF MEMORIES CEMETERY

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.

GARDEN OF MEMORIES CEMETERY is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Vernon, a certain project designated as State Project No. H.010264, US 171: NB @LA 1213 Cross Drain Replace, State Route US 171, 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 defendant, 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 Vernon, State of Louisiana, and in Section 14, Township 2 North, Range 9 West, Northwestern Land District, identified as Parcel No. 1-2, on a white print of a plat of survey, consisting of Sheet No. 1, made by Melvin L. Harrison, Registered Land Surveyor, dated December 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. 1-2:

From a point on the centerline of State Project No. H.010264, at Highway Survey Station 200+61.88, proceed $S86^{\circ}51'34''E$ a distance of 25.02 feet to the point of beginning; thence proceed $N0^{\circ}46'52''E$ a distance of 124.36 feet to a point and corner; thence proceed $S89^{\circ}13'8''E$ a distance of 20.37 feet to a point and corner; thence proceed $S0^{\circ}57'57''E$ a distance of 74.55 feet to a point and corner; thence proceed $S50^{\circ}16'20''E$ a distance of 22.32 feet to a point and corner; thence proceed $S0^{\circ}46'52''W$ a distance of 37.46 feet to a point and corner; thence proceed $N86^{\circ}51'34''W$ a distance of 40.03 feet to the point of beginning; All of which comprises Parcel 1-2 as shown on SHEET 1 of the Right of Way Plans of State Project No. H.010264, and contains an area of approximately 3507.5 square feet or 0.081 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/(an entire) tract believed to be owned by the defendant.

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 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 defendant is 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 Nine Thousand Eight Hundred Forty-Two and No/100 Dollars (\$9,842.00), 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, 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 Nine Thousand Eight Hundred Forty-Two and No/100 Dollars (\$9,842.00) for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, 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 GARDEN OF MEMORIES CEMETERY, 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 Nine Thousand Eight Hundred Forty-Two and No/100 Dollars (\$9,842.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: 
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:

Garden of Memories Cemetery
c/o Leesville City-Wide Singing Convention, Inc.
Through agent for service of process
Curtis Pittman
106 Carrer Drive
Leesville, LA 71446

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NUMBER 90053

VS.

30TH JUDICIAL DISTRICT COURT

PARISH OF VERNON

GARDEN OF MEMORIES CEMETERY

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 Nine Thousand Eight Hundred Forty-Two and No/100 Dollars (\$9,842.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, subject to the reservation in favor of GARDEN OF MEMORIES CEMETERY 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, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Vernon, State of Louisiana, and in Section 14, Township 2 North, Range 9 West, Northwestern Land District, identified as Parcel No. 1-2, on a white print of a plat of survey, consisting of Sheet No. 1, made by Melvin L. Harrison, Registered Land Surveyor, dated December 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. 1-2:

From a point on the centerline of State Project No. H.010264, at Highway Survey Station 200+61.88, proceed S86°51'34"E a distance of 25.02 feet to the point of beginning; thence proceed N0°46'52"E a distance of 124.36 feet to a point and corner; thence proceed S89°13'8"E a distance of 20.37 feet to a point and corner; thence proceed S0°57'57"E a distance of 74.55 feet to a point and corner; thence proceed S50°16'20"E a distance of 22.32 feet to a point and corner; thence proceed S0°46'52"W a distance of 37.46 feet to a

point and corner; thence proceed N86°51'34"W a distance of 40.03 feet to the point of beginning; All of which comprises Parcel 1-2 as shown on SHEET 1 of the Right of Way Plans of State Project No. H.010264, and contains an area of approximately 3507.5 square feet or 0.081 of an acre.

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 defendant, GARDEN OF MEMORIES CEMETERY, vacate the above described property and surrender possession thereof unto the plaintiff immediately.

Leesville, Louisiana, this 19th day of August, 2014.

Vernon B Clark
JUDGE, THIRTIETH JUDICIAL DISTRICT COURT

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL

[Signature]
BY CLERK OF COURT, VERNON PARISH, LA.

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NUMBER 90053

VS.

30TH JUDICIAL DISTRICT COURT

PARISH OF VERNON

GARDEN OF MEMORIES CEMETERY

STATE OF LOUISIANA

RECEIPT

Wille Deon, Jr., 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. GARDEN OF MEMORIES CEMETERY" No. 90053 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 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 Vernon, State of Louisiana, and in Section 14, Township 2 North, Range 9 West, Northwestern Land District, identified as Parcel No. 1-2, on a white print of a plat of survey, consisting of Sheet No. 1, made by Melvin L. Harrison, Registered Land Surveyor, dated December 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

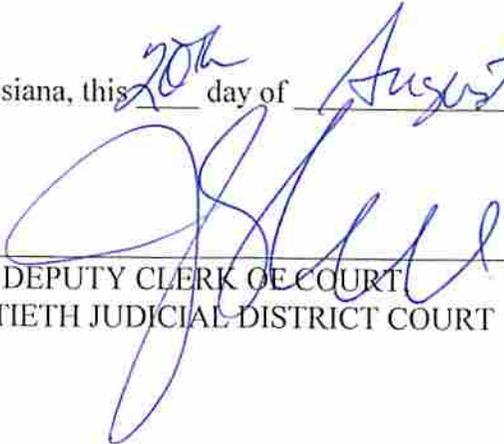
PARCEL NO. 1-2:

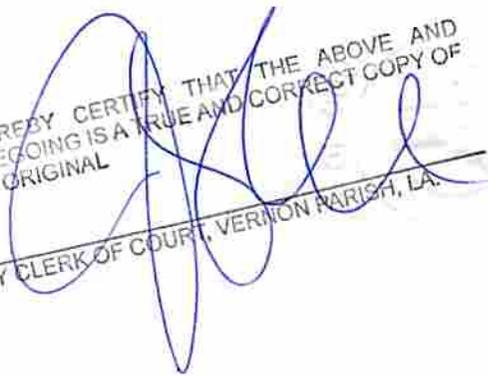
From a point on the centerline of State Project No. H.010264, at Highway Survey Station 200+61.88, proceed S86°51'34"E a distance of 25.02 feet to the point of beginning; thence proceed N0°46'52"E a distance of 124.36 feet to a point and corner; thence proceed S89°13'8"E a distance of 20.37 feet to a point and corner; thence proceed S0°57'57"E a distance of 74.55 feet to a point and corner; thence proceed S50°16'20"E a distance of 22.32 feet to a point and corner; thence proceed S0°46'52"W a distance of 37.46 feet to a point and corner; thence proceed N86°51'34"W a distance of 40.03

feet to the point of beginning; All of which comprises Parcel 1-2 as shown on SHEET 1 of the Right of Way Plans of State Project No. H.010264, and contains an area of approximately 3507.5 square feet or 0.081 of an acre.

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 Nine Thousand Eight Hundred Forty-Two and No/100 Dollars (\$9,842.00) 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 Leesville, Louisiana, this 20th day of August, 2014.


DEPUTY CLERK OF COURT
THIRTIETH JUDICIAL DISTRICT COURT

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL

BY CLERK OF COURT, VERNON PARISH, LA.

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.010264
US 171: NB AT LA 1213 CROSS
DRAIN REPLACE
STATE ROUTE US 171
PARISH OF VERNON

State Project Number H.010264 provides for removal of existing cross drain, installation of new cross drain with headwalls, patching of existing roadway, installing catch basin and storm drain pipe, and related work, on State Route US 171 in Vernon Parish, as follows: Begin at approximate Highway Survey Station 100+00.00, then proceed in a northerly direction, and end at approximate Highway Survey Station 103+00.00. There is a bridge site which begins at approximate Highway Survey Station 100+83.75 and ends at approximate Highway Survey Station 100+97.25. The total roadway length is approximately 0.057 miles, and the overall project length is approximately 0.057 miles.

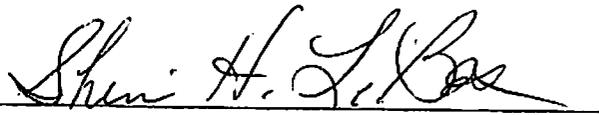
The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

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.010264, US 171: NB at LA 1213 Cross Drain Replace, State Route US 171, Parish of Vernon.

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



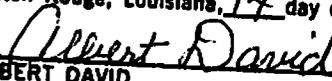
SHERRI H. LEBAS, P.E.

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.010264, US 171: NB @ LA 1213 CROSS DRAIN REPLACE, ROUTE US 171, VERNON 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.
CHIEF ENGINEER ADMINISTRATOR

8-6-14
DATE

CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010264, US 171: NB @ LA 1213 CROSS DRAIN REPLACE, ROUTE US 171, VERNON PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.



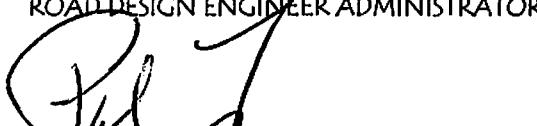
JANICE P. WILLIAMS, P.E.
CHIEF ENGINEER ADMINISTRATOR

8-6-14
DATE



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

08/06/14
DATE



PAUL FOSSIER, P.E.
BRIDGE DESIGN ENGINEER ADMINISTRATOR

8/6/14
DATE

Parcel No. 1-2
S. P. No. H.010264

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) 1-2, 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	\$9,842
DAMAGES	
ADDITIONAL COMPENSATION	
TOTAL ESTIMATE OF COMPENSATION	\$9,842

Methodology Used:

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

Henry Gregg Wilbanks, Jr.
110 Main Street, Columbia, Louisiana 71418

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

Columbia, Louisiana, May 12, 2014.

Digitally signed by Henry Gregg Wilbanks, Jr.
DN: cn=Henry Gregg Wilbanks, Jr.,
o=Wilbanks Appraisal Company, ou,
email=gwillbanks@bellsouth.net, c=US
Date: 2014.05.28 14:34:15 -05'00'

LOUISIANA CERTIFIED GENERAL/RESIDENTIAL REAL ESTATE
APPRAISER CERTIFICATE NO. (G/R) 0184

Total Approved Amount of Compensation to the full
extent of the owner's loss \$9,842.00


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