

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VS.

JIMMY A TERREBONNE

**I**  
NUMBER 739456

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

PARISH OF JEFFERSON

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.

JIMMY A TERREBONNE is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Jefferson, a certain project designated as State Project No. 249-90-0037, H.00262, Drain Canal Bridge on LA 45, State Route LA 45, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on June 18, 2013, 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.

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PARISH OF JEFFERSON

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, 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 Jefferson, State of Louisiana, and in Section 5, Township 16 South, Range 23 East, Southeastern West of the Mississippi River Land District, identified as Parcel No. 1-2-C-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Stephen V. Estopinal, Registered Land Surveyor, dated May 15, 2012, 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-C-1:

From a point on the centerline of State Project No. H.002262, at Highway Survey Station 101+49.02, proceed S86°10'19"E a distance of 22.68 feet to the point of beginning; thence proceed N03°49'41"E a distance of 75.00 feet to a point and corner; thence proceed S86°10'19"E a distance of 26.86 feet to a point and corner; thence proceed S13°04'26"W a distance of 75.99 feet to a point and corner; thence proceed N86°10'19"W a distance of 14.65 feet to the point of beginning. All of which comprises Parcel 1-2-C-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.002262, and contains an area of approximately 1556.6 square feet or 0.036 of an acre.

Being a portion of the same property acquired by defendant by Act recorded May 15, 2006, in COB 3165, Page 559 of the conveyance records of Jefferson 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 improvements situated wholly or partially thereon consist of metal fence posts and washed concrete driveway.

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 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, 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 Three Thousand Two Hundred Fifty-Seven and No/100 Dollars (\$3,257.00), 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 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 Three Thousand Two Hundred Fifty-Seven and No/100 Dollars (\$3,257.00) 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 JIMMY A. TERREBONNE, 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.

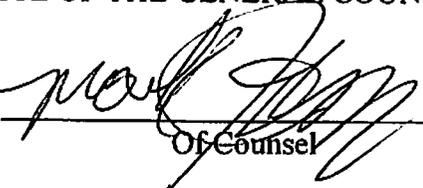
Petitioner further prays that this matter be tried by jury and that it be allowed to utilize the cash deposit authorized by LA C.C.P. Article 1734.1.

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 Three Thousand Two Hundred Fifty-Seven and No/100 Dollars (\$3,257.00).

LOUISIANA DEPARTMENT OF  
TRANSPORTATION & DEVELOPMENT  
OFFICE OF THE GENERAL COUNSEL

BY:   
\_\_\_\_\_

Of Counsel

Mark A. Johnson  
Bar Roll No. 23406  
1201 Capitol Access Road  
Baton Rouge, LA 70802  
P. O. Box 94245  
Baton Rouge, LA 70804-9245  
PH: (225) 242-4659  
FAX: (225) 242-4690  
Attorney for State, DOTD

PLEASE SERVE:

Jimmy A. Terrebonne  
5832 Old Kerner Road  
Lafitte, LA 70067

STATE OF LOUISIANA, DEPARTMENT  
OF TRANSPORTATION & DEVELOPMENT

VS.

JIMMY A TERREBONNE

NUMBER

789456 Div I

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

PARISH OF JEFFERSON

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 Three Thousand Two Hundred Fifty-Seven and No/100 Dollars (\$3,257.00).

**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 JIMMY A. TERREBONNE 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 Jefferson, State of Louisiana, and in Section 5, Township 16 South, Range 23 East, Southeastern West of the Mississippi River Land District, identified as Parcel No. 1-2-C-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Stephen V. Estopinal, Registered Land Surveyor, dated May 15, 2012, 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-C-1:

From a point on the centerline of State Project No. H.002262, at Highway Survey Station 101+49.02, proceed S86°10'19"E a distance of 22.68 feet to the point of beginning; thence proceed N03°49'41"E a distance of 75.00 feet to a point and corner; thence proceed S86°10'19"E a distance of 26.86 feet to a point and corner; thence proceed S13°04'26"W a distance of 75.99 feet to a point and corner; thence proceed N86°10'19"W a distance of 14.65 feet to the point of

beginning. All of which comprises Parcel 1-2-C-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.002262, and contains an area of approximately 1556.6 square feet or 0.036 of an acre.

Being a portion of the same property acquired by defendant by Act recorded May 15, 2006, in COB 3165, Page 559 of the conveyance records of Jefferson Parish, State of Louisiana.

**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.

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

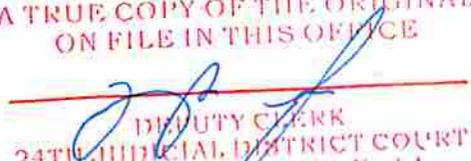
**IT IS HEREBY FURTHER ORDERED** that the defendant, JIMMY A. TERREBONNE, vacate the above described property and surrender possession thereof unto the plaintiff immediately.

Gretna, Louisiana, this <sup>19<sup>th</sup></sup> ~~20<sup>th</sup>~~ day of June, 2014.

**S/ NANCY A. MILLER**

\_\_\_\_\_  
JUDGE, TWENTY-FOURTH JUDICIAL DISTRICT COURT

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

  
\_\_\_\_\_  
DEPUTY CLERK,  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

June 18, 2013

**CERTIFICATE OF AUTHORIZATION TO EXPROPRIATE**

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S/ ASHLEY TIRAN  
DEPUTY CLERK  
S/ OF JEFFERSON, LA

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.002262  
STATE PROJECT NO(S). 249-90-0037  
DRAIN CANAL BRIDGE ON LA 45  
STATE ROUTE LA 45  
PARISH OF JEFFERSON

State Project Number H.002262 / 249-90-0037 roadway construction provides for asphalt widening, cold planing and asphaltic overlay, asphaltic concrete pavement over class II base course, and related work; the bridge construction includes concrete slab span and related work, both on LA 45 in Jefferson Parish, as follows: Begin at approximate Highway Survey Station 100+16.34, then proceed in a northerly direction, and end at approximate Highway Survey Station 108+52.94. There is a bridge site which begins at approximate Highway Survey Station 103+58.00 and ends at approximate Highway Survey Station 104+58.00. The total roadway length is approximately 0.139 miles, and the total bridge length is approximately 0.019 miles; the overall project length is approximately 0.158 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.

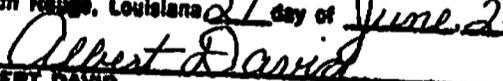
It is necessary and useful to take, by expropriation for highway purposes and in the manner provided by law, in servitude or in full ownership, the property and property rights not otherwise acquired, which are needed for the proper construction of said project.

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.002262 / 249-90-0037, Drain Canal Bridge on LA 45, State Route LA 45, Parish of Jefferson.

Baton Rouge, Louisiana, this 18<sup>th</sup> day of June, 2013.

  
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 27 day of June 2013  
  
ALBERT DAVID  
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
STATE OF LOUISIANA

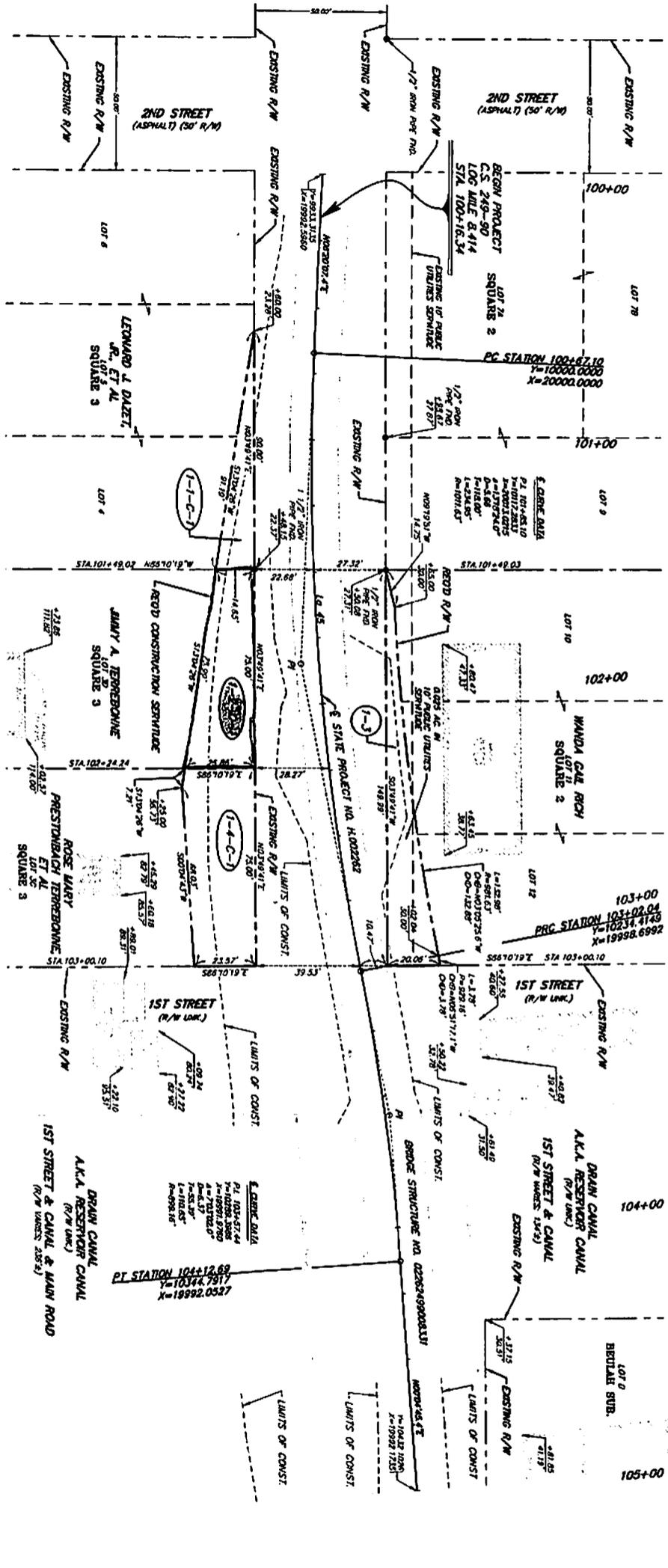
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PARISH OF JEFFERSON, LA

CERTIFICATE  
OF THE  
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO. 249-90-0037 / H.002262, DRAIN CANAL BRIDGE ON LA 45, ROUTE LA 45, JEFFERSON PARISH, in a manner sufficient in my judgment to provide presently and in the future for the public interest, safety, and convenience.

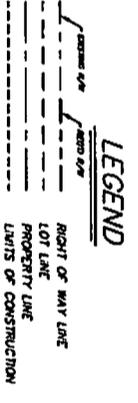
  
JANICE P. WILLIAMS, P.E.      5-20-14  
CHIEF ENGINEER ADMINISTRATOR      DATE

SOUTHEASTERN WEST OF THE MISSISSIPPI RIVER LAND DISTRICT  
T16S - R23E  
SECTION 5



NOTES:  
1. ALL PIPES AND MONUMENTS SHOWN HEREON WERE FOUND.  
2. THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED COORDINATE SYSTEM.

PARCEL	OWNER	ACQUISITION	AREA
1-4-C-1	ROSE MARY PRESTINBACH TEBREBONNE, ET AL.	COB 3163, ROAD 539 MAY 15, 2006	1,946.1 SQ. FT. 0.045 AC.
1-3	WANDA GAY RICH	COB 2812, ROAD 66 JUNE 4, 1993	1,586.5 SQ. FT. 0.036 AC.
1-2-C-1	JAMAY A. TEBREBONNE	COB 3165, ROAD 539 MAY 15, 2006	1,556.6 SQ. FT. 0.036 AC.
1-1-C-1	LEONARD J. DAZET, JR. ET AL.	COB 370, ROAD 788 MAY 9, 1963	659.3 SQ. FT. 0.015 AC.



THE PLAN REPRESENTS AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND IS CORRECT AS TO BEARINGS AND DISTANCES AND IS A TRUE AND ACCURATE REPRESENTATION OF THE FACTS.

STEVEN N. LOTT  
REGISTERED PROFESSIONAL ENGINEER  
NO. 4289  
DATE: 5/18/2012

<p>RIGHT OF WAY MAP STATE PROJECT NO. H.002262 DRAIN CANAL BRIDGE ON LA 45 JEFFERSON PARISH LA 45</p>		<p>COMPUTED BY: BSH CHECKED BY: SVE DESIGNED BY: TVJ DRAWN BY: BSH DATE: MAY 2012 SCALE: 1" = 20'</p>	<p>PARISH: JEFFERSON SECTION: 249-90 STATE PROJECT: H.002262</p>
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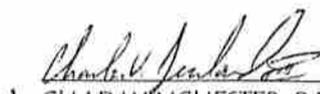
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PARISH OF JEFFERSON, LA

CERTIFICATE  
ON  
LOCATION AND DESIGN

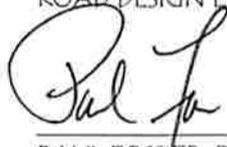
We hereby certify that the location and design of the improvements proposed within  
STATE PROJECT NO. 249-90-0037 / H.002262, DRAIN CANAL BRIDGE ON LA 45,  
ROUTE LA 45, JEFFERSON PARISH, are in accordance with the best modern practices adopted  
in the interest of the safety and convenience of the traveling public.

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

5-20-14  
DATE

  
\_\_\_\_\_  
for CHAD WINCHESTER, P.E.  
ROAD DESIGN ENGINEER ADMINISTRATOR

5-19-14  
DATE

  
\_\_\_\_\_  
PAUL FOSSIER, P.E.  
BRIDGE DESIGN ENGINEER ADMINISTRATOR

5-20-14  
DATE

Parcel No.: 1-2-C-1  
S. P. No.: H.002262 – Drain Canal Bridge on La 45

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PARISH OF JEFFERSON, LA

CERTIFICATE  
OF  
ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number 1-2-C-1 and its 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 (None) AND IMPROVEMENTS	\$2,325.00
DAMAGES	NONE
ADDITIONAL COMPENSATION (Construction Servitude)	\$932.00
TOTAL ESTIMATE OF COMPENSATION	\$3,257.00

Methodology Used:

- X 1. Sales Comparison Approach
- N/A 2. Cost Approach
- N/A 3. Income Capitalization Approach

Wayne C. Sandoz  
732A Behrman Highway  
Gretna, La., 70056

Qualifications:

- 1. Designated Appraiser
- 2. Candidate for Designation
- 3. Louisiana Certified Residential Real Estate Appraiser
- X   4. Louisiana Certified General Real Estate Appraiser
- X   5. Right of Way Appraiser in the regular employ of the Department

Gretna, Louisiana, May 15, 2014



WAYNE C. SANDOZ  
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER  
CERTIFICATE NO. G0320 (Expires 12/31/2014)

Total Approved Amount of Compensation to the full  
extent of the owner's loss \$ 3257.00

Heather Corsetino 5/16/2014  
HEATHER CORSENTINO Date  
Assistant R/E Administrator,  
Department of Transportation and  
Development, State of Louisiana