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NUMBER

As
DEPUTY CLERK OF COURT

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

NCFE, L.L.C.

STATE OF LOUISIANA

PETITION

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.

NCFE, L.L.C. 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), on 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

EBR2464330

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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 certain tract or parcel of land, together with 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. 5-4, on a white print of a plat of survey, consisting of Sheet Nos. 5 and 6, 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. 5-4:

From a point on the centerline of State Project No. H.010560, at Highway Survey Station 124+57.23, proceed N61°38'57"W a distance of 50.06 feet to the point of beginning; thence proceed N61°38'57"W a distance of 5.94 feet to a point and corner; thence proceed N28°19'41"E a distance of 228.87 feet to a point and corner; thence proceed N24°22'48"W a distance of 35.43 feet to a point and corner; thence proceed S61°41'50"E a distance of 18.93 feet to a point and corner; thence proceed S16°40'04"E a distance of 21.21 feet to a point and corner; thence proceed S28°16'46"W a distance of 235.35 feet to the point of beginning. All of which comprises Parcel 5-4 as shown on Sheets 5 & 6 of the Right of Way Plans of State Project No. H.010560, and contains an area of approximately 1650.3 square feet or 0.038 of an acre.

Being a portion of the same property acquired by defendant by Act recorded October 8, 2009, in COB 603, Page 12190 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 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 Fifty-Four Thousand Five Hundred Seventeen and No/100 Dollars (\$54,517.00), 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, 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.

WHEREFORE, petitioner prays that an order issue herein directing petitioner to deposit in the registry of this court the sum of Fifty-Four Thousand Five Hundred Seventeen and No/100 Dollars (\$54,517.00) 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 notice of this expropriation be issued and served upon NCFE, L.L.C., 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 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 Fifty-Four Thousand Five Hundred Seventeen and No/100 Dollars (\$54,517.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

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
PH: (225) 242-4619
FAX: (225) 242-4690
Attorney for State, DOTD

FILED
BATON ROUGE
AUG -5 AM 9:50
Alyssa Jones
DEPUTY CLERK OF COURT

PLEASE SERVE:

NCFE, L.L.C.
Through agent for service of process
Sidney E. Coxe, Jr.
1935 W. Muriel
Baton Rouge, LA 70816

CIVIL

- | | |
|---|--|
| <input type="checkbox"/> 01-DAMAGES | <input type="checkbox"/> 11-COMM. PROP. PARTITIONS |
| <input type="checkbox"/> 02-CONTRACT | <input type="checkbox"/> 12-PUBLIC SERV COMM. |
| <input type="checkbox"/> 03-PRISONER SUIT | <input type="checkbox"/> 13-OTHER PARTITIONS |
| <input type="checkbox"/> 04-EXECUTORY PROCESS | <input checked="" type="checkbox"/> 14-OTHER |
| <input type="checkbox"/> 05-SUIT ON NOTES | <input type="checkbox"/> 15-D.E.Q. |
| <input type="checkbox"/> 06-EVICTION | <input type="checkbox"/> 16- |
| <input type="checkbox"/> 07-WORKMENS COMPENSATION | <input type="checkbox"/> 17- |
| <input type="checkbox"/> 08-JUDICIAL REVIEW | <input type="checkbox"/> 18- |
| <input type="checkbox"/> 09-PROPERTY RIGHTS | <input type="checkbox"/> 19- |
| <input type="checkbox"/> 10-INJUNCTION MANDAMUS | <input type="checkbox"/> 20- |

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



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.010560, Essen Lane Widening (Perkins Road to I-10), State Route LA 3064, Parish of East Baton Rouge.

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



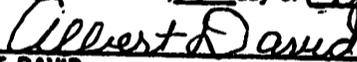
SHERRI H. LEBAS, P.E.

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
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

7-15-14
DATE



CHAD WINCHESTER, P.E.
ROAD DESIGN ENGINEER ADMINISTRATOR

07/09/14
DATE



PAUL FOSSIER, P.E.
BRIDGE DESIGN ENGINEER ADMINISTRATOR

7/9/14
DATE

Parcel No. 5-4
Sate 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) 5-4, 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 the compensation to be as follows:

VALUE OF LAND AND IMPROVEMENTS	\$54,517
DAMAGES	\$0
ADDITIONAL COMPENSATION	<u>\$0</u>
TOTAL ESTIMATE OF COMPENSATION	\$54,517

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

Baton Rouge, Louisiana, March 25, 2014.

Angela Lemoine Lakvold

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
\$ 54,517.00

Heather Corsentino 6/30/2014
Date

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

EXHIBIT P-5A

Parcel No. 5-4
State Project. H.010560

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 5-4 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	<u>\$50,417</u>
IMPROVEMENTS TAKEN	<u>\$1,190</u>
DAMAGES	<u>0</u>
ADDITIONAL COMPENSATION	<u>0</u>
TOTAL COMPENSATION	<u>\$51,607</u>

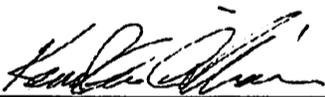
Methodology used:

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 April 14 2014



NAME

LOUISIANA STATE CERTIFIED GENERAL REAL ESTATE APPRAISER NO.G0375

\$54,517.00

Heather Corsentino 4/30/2014

Heather Corsentino Date

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

C

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

NCFE, L.L.C.

NUMBER 632,477 sec. 22

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

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 Fifty-Four Thousand Five Hundred Seventeen and No/100 Dollars (\$54,517.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, subject to the reservation in favor of NCFE, L.L.C. 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 certain tract or parcel of land, together with 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. 5-4, on a white print of a plat of survey, consisting of Sheet Nos. 5 and 6, 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. 5-4:

From a point on the centerline of State Project No. H.010560, at Highway Survey Station 124+57.23, proceed N61°38'57"W a distance of 50.06 feet to the point of beginning; thence proceed N61°38'57"W a distance of 5.94 feet to a point and corner; thence proceed N28°19'41"E a distance of 228.87 feet to a point and corner; thence proceed N24°22'48"W a distance of 35.43 feet to a point and

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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT
VS.
NCFE, L.L.C.

NUMBER
19th JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

ORDER OF EXPROPRIATION (continued)

corner; thence proceed S61°41'50"E a distance of 18.93 feet to a point and corner; thence proceed S16°40'04"E a distance of 21.21 feet to a point and corner; thence proceed S28°16'46"W a distance of 235.35 feet to the point of beginning. All of which comprises Parcel 5-4 as shown on Sheets 5 & 6 of the Right of Way Plans of State Project No. H.010560, and contains an area of approximately 1650.3 square feet or 0.038 of an acre.

Being a portion of the same property acquired by defendant by Act recorded October 8, 2009, in COB 603, Page 12190 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 the defendant, NCFE, L.L.C., 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.

Baton Rouge, Louisiana, this 11 day of Aug, 2014.

EAST BATON ROUGE PARISH, LA

2014 AUG -5 AM 9:34

C. J. Keller
DEPUTY CLERK OF COURT

C. J. Keller

JUDGE, NINETEENTH JUDICIAL DISTRICT COURT

CERTIFIED TRUE AND
CORRECT COPY

AUG 19 2014

Brandi LeDoux
East Baton Rouge Parish
Deputy Clerk of Court

106-1
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2N
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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

NCFE, L.L.C.

NUMBER 632,4177 ser. 22
19th JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

RECEIPT

J. DOUGLAS WELBORN, CLERK OF COURT

TO

THE STATE OF LOUISIANA, AND
THE DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BE IT KNOWN that on the 19th day of August, 2014, before me,
Brandi Walker, Deputy Clerk of Court and Ex-officio Notary Public, in and
for the Parish of East Baton Rouge, State of Louisiana, duly commissioned and qualified, and in the
presence of the witnesses hereinafter named and undersigned, personally came and appeared J.
Douglas Welborn, a resident of the Parish of East Baton Rouge, State of Louisiana, and Clerk of the
Nineteenth Judicial District Court for the State of Louisiana, in and for the Parish of East Baton
Rouge.

The appearer declared that in the cause entitled "STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION AND DEVELOPMENT, VS. NCFE, L.L.C.," No. 632,417 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 certain tract or parcel of land, together with 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. 5-4, on a white print of a plat of survey, consisting of Sheet Nos. 5 and 6, 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. 5-4:

From a point on the centerline of State Project No. H.010560, at Highway Survey Station 124+57.23, proceed N61°38'57"W a distance of 50.06 feet to the point of beginning; thence proceed N61°38'57"W a distance of 5.94 feet to a point and corner; thence proceed N28°19'41"E a distance of 228.87 feet to a point and corner; thence proceed N24°22'48"W a distance of 35.43 feet to a point and corner; thence proceed S61°41'50"E a distance of 18.93 feet to a point and corner; thence proceed S16°40'04"E a distance of 21.21 feet to a point and corner; thence proceed S28°16'46"W a distance of 235.35 feet to the point of beginning. All of which comprises Parcel 5-4 as shown on Sheets 5 & 6 of the Right of Way Plans of State Project No. H.010560, and contains an area of approximately 1650.3 square feet or 0.038 of an acre.

Being a portion of the same property acquired by defendant by Act recorded October 8, 2009, in COB 603, Page 12190 of the conveyance records of East Baton Rouge Parish, State of Louisiana.

The appearer further declared that 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 Fifty-Four Thousand Five Hundred Seventeen and No/100 Dollars (\$54,517.00) in cash, lawful current money of the United States of America, by delivering said sum to the said Clerk of Court and said appearer further acknowledges receipt of said sum and declares that he has placed same in the registry of said court.

THUS DONE, READ AND PASSED at my office in the City of Baton Rouge, Parish of East
Baton Rouge, State of Louisiana, in the presence of Cheryl W. Summers and
Kathy M. Terrell, competent witnesses, who have hereunto signed their names with
the appearer and me, said Notary, the day, month and year first above written.

Cheryl W. Summers

S/ Doug Welborn
J. DOUGLAS WELBORN
CLERK OF COURT

Kathy M. Terrell

Brandi Walker
DEPUTY CLERK OF COURT AND EX-OFFICIO NOTARY PUBLIC

CERTIFIED TRUE AND
CORRECT COPY

AUG 19 2014

Brandi Walker
East Baton Rouge Parish
Deputy Clerk of Court

FILED

AUG 19 2014

Brandi Walker
DEPUTY CLERK OF COURT