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DOTD
OFFICE OF GENERAL COUNSEL

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

LCTP PROPERTIES, L.L.C.

EXEMPT

FILED
2018-11658 E
APR 6 2018

MELISSA R. HENRY - CLERK

NO.

Deputy ~~TAMMYE THOMAS~~

22ND JUDICIAL DISTRICT COURT

PARISH OF ST. TAMMANY

STATE OF LOUISIANA

P E T I T I O N

The petition of the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & 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.

LCTP PROPERTIES, L.L.C. is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of St. Tammany, a certain project designated as State Project No. H.010184, LA 59: Curve Realign and Tunnel at Trace, State Route LA 59, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on February 20, 2018, 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 the Certificate of the Chief Engineer 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 Defendant, LCTP PROPERTIES, L.L.C., required in full ownership, and described as follows, to-wit:

One (1) certain tract or parcel of land, 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 St. Tammany, State of Louisiana, and in Section 18, Township 7 South, Range 12 East, Greensburg Land District, identified as Parcel No. 6-1, on a white print of a plat of survey, consisting of Sheet No. 6, made by Robert H. Brooks III and Max O. Usrey III, Registered Land Surveyors, dated March 27, 2017, 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. 6-1:

From a point on the centerline of State Project No. H.010184, MARSHALL ROAD, at Highway Survey Station 310+43.05, proceed S08°17'13"E a distance of 45.00 feet to the point of beginning; thence proceed N42°02'15"E a distance of 34.62 feet to a point and corner; thence proceed N89°47'31"E a distance of 33.64 feet to a point and corner; thence proceed S46°03'12"W a distance of 32.68 feet to a point and corner; thence proceed S86°09'17"W a distance of 9.81 feet to a point and corner; thence proceed along a curve to the left having a radius of 305.00 feet, whose length is 23.64 feet and whose chord length is 23.64 feet and bears S83°56'02"W to the point of beginning. All of which comprises Parcel 6-1 as shown on Sheet 6 of the Right of Way Plans of State Project No. H.010184, MARSHALL ROAD, and contains an area of approximately 763.5 square feet or 0.018 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 defendant LCTP PROPERTIES, L.L.C.

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 Three Thousand One Hundred Sixty-Nine and 00/100 (\$3,169.00) Dollars, as shown by the Certificate of 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 Three Thousand One Hundred Sixty-Nine and 00/100 (\$3,169.00) Dollars for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, 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 LCTP PROPERTIES, 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 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 One Hundred Sixty-Nine and 00/100 (\$3,169.00) Dollar

Respectfully submitted,

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

By:  _____
Of Counsel

Jonathan C. Augustine (#27363)
1201 Capitol Access Rd. (70802)
P. O. Box 94245
Baton Rouge, LA 70804-9245
Phone: (225) 242-4619 | Fax: (225) 242-4691
*Counsel for Louisiana Department of
Transportation & Development*

PLEASE SERVE:

LCTP PROPERTIES, L.L.C.,
*Through its Agent for Service of
Process:*
Mr. Thomas C. Parks, Sr.
196 Lamarque St.
Mandeville, LA 70448

A TRUE COPY


By Clerk, 22nd Judicial Court
ST. TAMMANY PARISH, LA

Tammye Thomas, Deputy Clerk

FILED

APR 06 2018

2018-11658 E

MELISSA R. HENRY - CLERK
Deputy S/TAMMYE THOMAS

February 20, 2018

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.010184
LA 59: CURVE REALIGN & TUNNEL AT TRACE
STATE ROUTE LA 59
PARISH OF ST. TAMMANY

State Project Number H.010184 provides for grading, drainage structures, concrete tunnel, base course, asphalt paving, milling and related work on LA 59 in St. Tammany Parish, as follows:

Beginning Strain Road at approximate Highway Survey Station 305+000.00, then proceed in a northeasterly direction to end at approximate Highway Survey Station 311+08.00.

Beginning Tunnel Site at approximate Highway Survey Station 203+50.00, then proceed in a northerly direction to end at approximate Highway Survey Station 213+50.00.

Beginning LA 59 at approximate Highway Survey Station 102+00.00, then proceed in a northwesterly direction to end at approximate Highway Survey Station 120+15.00.

The total roadway length is approximately 0.452 miles, the total tunnel length is approximately 0.036 miles, and the total trail length is approximately 0.118, for an overall project length of approximately 0.606 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.010184, LA 59: Curve Realign & Tunnel at Trace, State Route LA 59, Parish of St. Tammany.

Baton Rouge, Louisiana, this 20th day of February, 2018.



SHAWN D. WILSON, Ph.D.

SECRETARY

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT


The custodian of official records of the Department of Transportation and Development of the State of Louisiana certifies 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).

CERTIFICATE
OF THE
CHIEF ENGINEER

FILED
2018-11658 E
APR 06 2018

MELISSA HENRY - CLERK
Deputy TAMMANY THOMAS

I hereby certify that I have fixed the right of way required to construct STATE
PROJECT NO. H.010184, LA 59: CURVE REALIGN AND TUNNEL AT TRACE, ROUTE LA
59, ST. TAMMANY PARISH, in a manner sufficient in my judgment to provide presently and in
the future for the public interest, safety and convenience.


CHRISTOPHER P. KNOTTS, P.E. DATE 3/12/18
DOTD CHIEF ENGINEER

FILED

APR 06 2018

2018-11658E

Final Right of Way Map

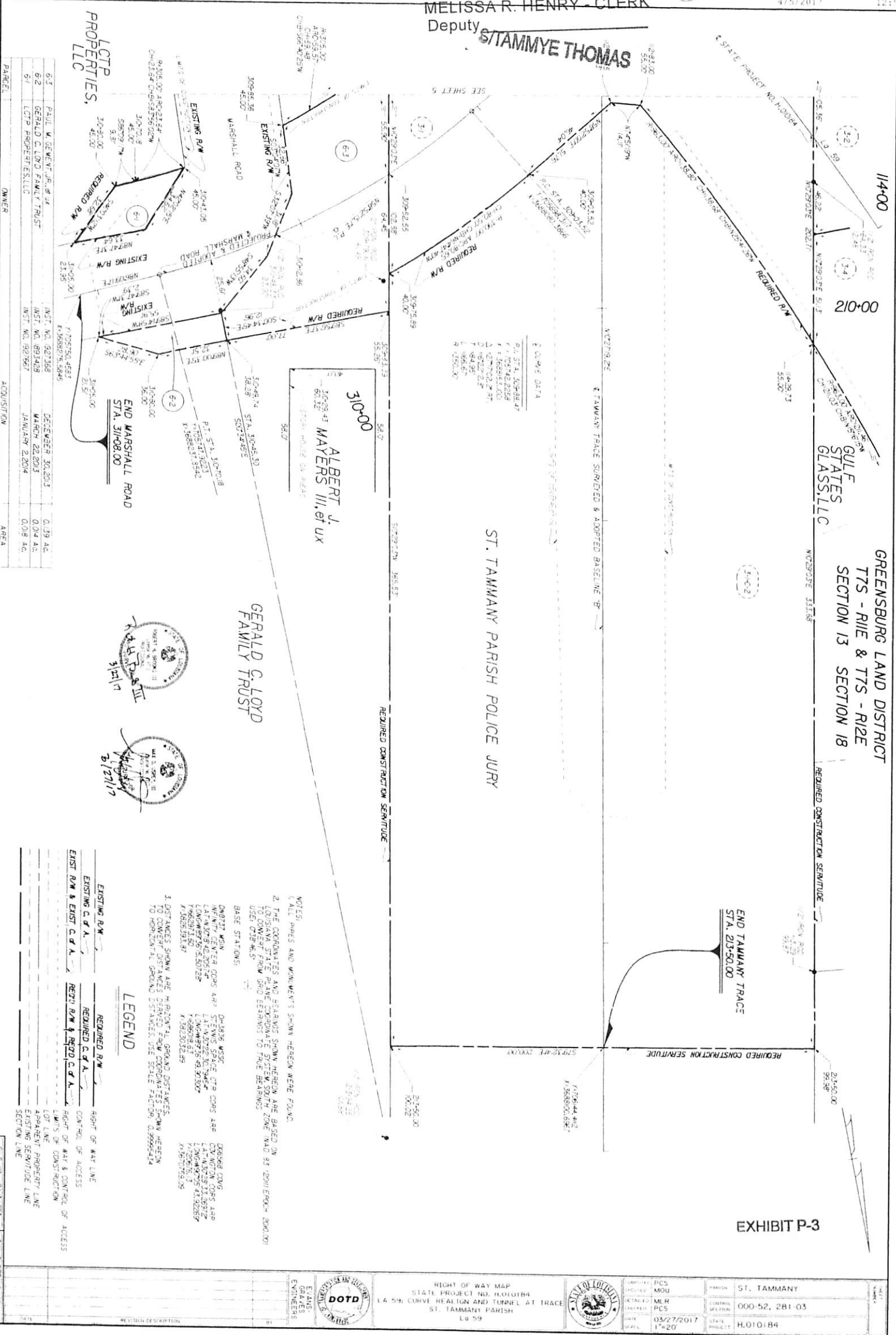
MELISSA R. HENRY - CLERK
Deputy

STAMMYE THOMAS

4/5/2017

12:54

F:\00 PROJECTS\15-018\PROJECTS\H.010.84 LA 59163\010184 RW 06.dwg



CERTIFICATE

ON

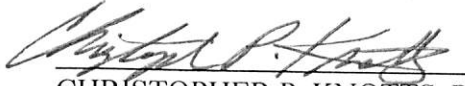
LOCATION AND DESIGN

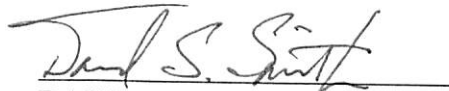
2018-11658E
FILED

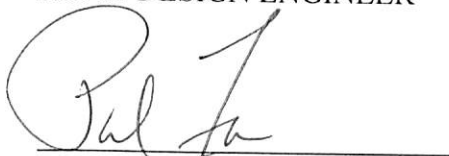
APR 06 2018

MELISSA R. HENRY - CLERK
Deputy TAMMYE THOMAS

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010184, LA 59: CURVE REALIGN AND TUNNEL AT TRACE, ROUTE LA 59, ST. TAMMANY PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.


CHRISTOPHER P. KNOTTS, P.E. 3/12/18
DOTD CHIEF ENGINEER DATE


DAVID S. SMITH P.E. 3/8/18
ROAD DESIGN ENGINEER DATE


PAUL FOSSIER, P.E. 3/9/18
BRIDGE DESIGN ENGINEER DATE

2018-11658 E

FILED

APR 06 2018

Parcel No. 6-1
S. P. No. H.010184

MELISSA R. HENRY - CLERK
Deputy STAMMYE THOMAS

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) 6-1, and it's (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	<u>\$3,169.00</u>
DAMAGES	<u>-0-</u>
ADDITIONAL COMPENSATION	<u>-0-</u>
TOTAL ESTIMATE OF COMPENSATION	<u>\$3,169.00</u>

Methodology Used:

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

Marcelle Nipper, SRA, SR/WA
9135 Elliot Rd
Baton Rouge, LA 70817

Qualifications:

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

East Baton Rouge Parish, Louisiana, October 2, 2017

Marcelle Nipper

Marcelle Nipper
LOUISIANA CERTIFIED GENERAL/RESIDENTIAL REAL ESTATE APPRAISER
CERTIFICATE NO. (G/R) G185

Total Approved Amount of Compensation to the full
extent of the owner's loss \$3,169.00

Heather Corsentino 3/16/18

Heather Corsentino Date
Assistant R/E Administrator,
Department of Transportation and Development, State of LA

EXEMPT

FILED

2018-11658
APR 6 2018

MELISSA R. HENRY - CLERK

Deputy

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NO. Tammye Thomas, Deputy Clerk

22ND JUDICIAL DISTRICT COURT

VS.

PARISH OF ST. TAMMANY

LCTP PROPERTIES, L.L.C.

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 & DEVELOPMENT, deposit in the Registry of this Court, for the use and benefit of the person or persons entitled thereto, the sum of Three Thousand One Hundred Sixty-Nine and 00/100 (\$3,169.00) Dollars.

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, subject to the reservation in favor of LCTP PROPERTIES, 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 (1) certain tract or parcel of land, situated wholly or partially thereon, and all the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of St. Tammany, State of Louisiana, and in Section 18, Township 7 South, Range 12 East, Greensburg Land District, identified as Parcel No. 6-1, on a white print of a plat of survey, consisting of Sheet No. 6, made by Robert H. Brooks III and Max O. Usrey III, Registered Land Surveyors, dated March 27, 2017, 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. 6-1:

From a point on the centerline of State Project No. H.010184, MARSHALL ROAD, at Highway Survey Station 310+43.05, proceed S08°17'13"E a distance of 45.00 feet to the point of beginning; thence proceed N42°02'15"E a distance of 34.62 feet to a point and corner; thence proceed N89°47'31"E a distance of 33.64 feet to a

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

LCTP PROPERTIES, L.L.C.

NO. 2018-11658 E

22ND JUDICIAL DISTRICT COURT

PARISH OF ST. TAMMANY

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (CONT'D.)


point and corner; thence proceed S46°03'12"W a distance of 32.68 feet to a point and corner; thence proceed S86°09'17"W a distance of 9.81 feet to a point and corner; thence proceed along a curve to the left having a radius of 305.00 feet, whose length is 23.64 feet and whose chord length is 23.64 feet and bears S83°56'02"W to the point of beginning. All of which comprises Parcel 6-1 as shown on Sheet 6 of the Right of Way Plans of State Project No. H.010184, MARSHALL ROAD, and contains an area of approximately 763.5 square feet or 0.018 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, LCTP PROPERTIES, 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.

Covington, Louisiana, this 11 day of April, 2018.



JUDGE | 22ND JUDICIAL DISTRICT COURT
PARISH OF ST. TAMMANY | STATE OF LOUISIANA


A TRUE COPY
By Clerk, 22nd Jud. Dist. Court
ST. TAMMANY PARISH, LA
Tammye Thomas, Deputy Clerk

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

LCTP PROPERTIES, L.L.C.

NO. 2018-11658 E

22ND JUDICIAL DISTRICT COURT

PARISH OF ST. TAMMANY

STATE OF LOUISIANA

RECEIPT

HONORABLE MELISSA R. HENRY, CLERK OF COURT,
ST. TAMMANY PARISH, STATE OF LOUISIANA

TO

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

In the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, VS. LCTP PROPERTIES, L.L.C." No. 2018-11658 E 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 LCTP PROPERTIES, 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, for the project set forth in the petition, said property being described as follows, to-wit:

One (1) certain tract or parcel of land, 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 St. Tammany, State of Louisiana, and in Section 18, Township 7 South, Range 12 East, Greensburg Land District, identified as Parcel No. 6-1, on a white print of a plat of survey, consisting of Sheet No. 6, made by Robert H. Brooks III and Max O. Usrey III, Registered Land Surveyors, dated March 27, 2017, 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

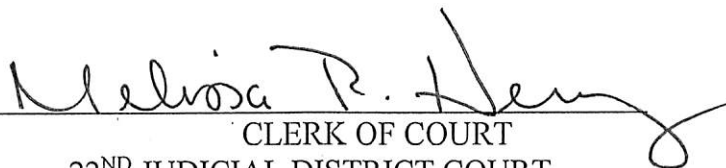
PARCEL NO. 6-1:

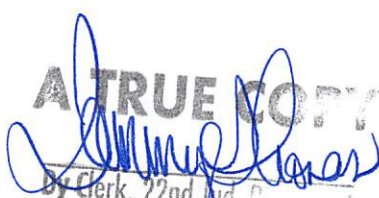
From a point on the centerline of State Project No. H.010184, MARSHALL ROAD, at Highway Survey Station 310+43.05, proceed S08°17'13"E a distance of 45.00 feet to the point of beginning; thence proceed N42°02'15"E a distance of 34.62 feet to a point and corner; thence proceed N89°47'31"E a distance of 33.64 feet to a point and corner; thence proceed S46°03'12"W a distance of 32.68 feet to a point and corner; thence proceed S86°09'17"W a distance of 9.81 feet to a point and corner; thence

proceed along a curve to the left having a radius of 305.00 feet, whose length is 23.64 feet and whose chord length is 23.64 feet and bears S83°56'02"W to the point of beginning. All of which comprises Parcel 6-1 as shown on Sheet 6 of the Right of Way Plans of State Project No. H.010184, MARSHALL ROAD, and contains an area of approximately 763.5 square feet or 0.018 of an acre.

In accordance with an order of the Court signed herein, the Department of Transportation & Development, on behalf of the State of Louisiana and of itself, has this day paid into the Registry of said Court the sum of Three Thousand One Hundred Sixty-Nine and 00/100 (\$3, 169.00) Dollars 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 Covington, Louisiana, this 12th day of April, 2018.


CLERK OF COURT
22ND JUDICIAL DISTRICT COURT


A TRUE COPY
by Clerk, 22nd Jud. D.
ST. TAMMANY PARISH, LA
Tammye Thomas, Deputy Clerk

2018-11658 E

FILED

APR 12 2018

MELISSA R. HENRY - CLERK
Deputy

Tammye Thomas
Tammye Thomas, Deputy Clerk