

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

AWAN ENTERPRISES, L.L.C.

NUMBER *2015-4778 B*

14TH JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

STATE OF LOUISIANA

OFFICE OF CLERK OF COURT
2015 NOV 25 AM 11:14
CALCASIEU PARISH, 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.

AWAN ENTERPRISES, L.L.C., is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Calcasieu, a certain project designated as State Project No. H.010197, US 171: J-TURN AT NORTH PERKINS FERRY ROAD, 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 September 9, 2015, 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

NOV 25 2015
FILED
Melanie Chastain
Deputy Clerk of Court
Calcasieu Parish, Louisiana

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, together with all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Calcasieu, State of Louisiana, and in Section 6, Township 8 South, Range 8 West, Southwestern Land District, identified as Parcel No. 1-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Bradley J. Roberts, Registered Land Surveyor, dated June 29, 2015, 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. 1-1:

From a point on the centerline of State Project No. H.010197, at Highway Survey Station 208+49.52, proceed S19°21'19"W a distance of 76.61 feet to the point of beginning; thence proceed S19°21'19"W a distance of 23.05 feet to a point and corner; thence proceed S64°51'51"W a distance of 12.17 feet to a point and corner; thence proceed along a curve to the left having a radius of 480.00 feet, whose length is 0.78 feet and whose chord length is 0.78 feet and bears S64°48'08"W to a point and corner; thence proceed along a curve to the right having a radius of 2945.17 feet, whose length is 333.95 feet and whose chord length is 333.77 feet and bears N20°21'37"W to a point and corner; thence proceed S89°53'30"E a distance of 30.06 feet to a point and corner; thence proceed along a curve to the left having a radius of 2914.79 feet, whose length is 304.59 feet and whose chord length is 304.45 feet and bears S20°15'41"E to the point of beginning. All of which comprises Parcel 1-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.010197, and contains an area of approximately 9253.3 square feet or 0.212 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.

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-One Thousand Fifty-Two and No/100 Dollars (\$51,052.00), 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 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 Fifty-One Thousand Fifty-Two and No/100 Dollars (\$51,052.00), 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.

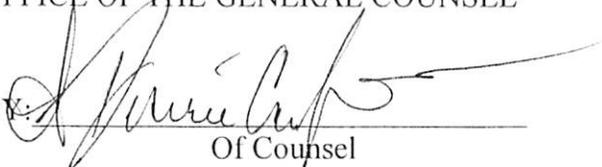
Petitioner further prays that notice of this expropriation be issued and served upon AWAN ENTERPRISES, L.L.C., together with a certified copy of this petition, the order of expropriation of this court and the receipt of the Clerk of Court for the deposit made, according to law.

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 Fifty-One Thousand Fifty-Two and No/100 Dollars (\$51,052.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: 
Of Counsel

Archana D. Cadge
Bar Roll No. 29548
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:

Awan Enterprises, L.L.C.
Through agent for service of process
Firdous Hamani
3216 Highway 14
Lake Charles, LA 70611

A TRUE COPY
Lake Charles, Louisiana

Deputy Clerk of Court
Calcasieu Parish, Louisiana
DEC 04 2015

September 9, 2015

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.010197
US 171: J-TURN AT N. PERKINS FERRY RD.
STATE ROUTE US 171
PARISH OF CALCASIEU

State Project Number H.010197 provides for grading, base course, superpave asphalt concrete pavement and related work, on State Route LA 171 in Calcasieu Parish, as follows:

Beginning at approximate Highway Survey Station 191+85.00, then proceed in a northwesterly direction to end at approximate Highway Survey Station 214+13.34.

The total roadway length is approximately 0.422 miles, for an overall project length of approximately 0.422 miles.

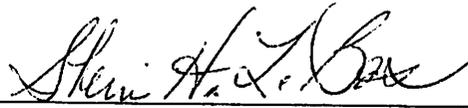
The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

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.010197, US 171: J-Turn at N. Perkins Ferry Rd., State Route US 171, Parish of Calcasieu.

Baton Rouge, Louisiana, this 9th day of September, 2015.



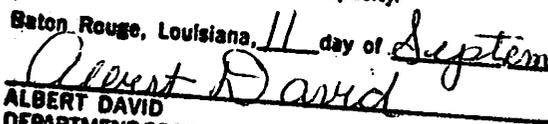
SHERRI H. LEBAS, P.E.

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, 11 day of September 2015



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.010197, US 171: J-TURN @ N. PERKINS FERRY RD., ROUTE US 171, CALCASIEU 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.
DOTD CHIEF ENGINEER

11-12-15
DATE

CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010197, US 171: J-TURN @ N. PERKINS FERRY RD., ROUTE US 171, CALCASIEU 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.
DOTD CHIEF ENGINEER

11-12-15
DATE



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

11/10/15
DATE

Parcel No. 1-1
S. P. No. H.010197

CERTIFICATE
OF
ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number 1-1 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 AND IMPROVEMENTS	\$ 23,087.00
DAMAGES	\$ 27,965.00
ADDITIONAL COMPENSATION	\$ <u>0.00</u>
TOTAL ESTIMATE OF COMPENSATION	\$ 51,052.00

Methodology Used:

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

Thompson Bradford Core, ASA
P. O. Drawer 368,
Crowley, LA 70527-0368

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

Crowley, Louisiana, October 14, 2015



Thompson Bradford Core, ASA
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER
CERTIFICATE NO. G-0204

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 51,052.⁰⁰



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

11/19/2015
Date

Parcel No. 1-1
S. P. No. H.010197

CERTIFICATE
OF
ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number 1-1, and its remainder 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	\$22,163.00
DAMAGES	\$16,671.00
ADDITIONAL COMPENSATION	\$ 0.00
TOTAL ESTIMATE OF COMPENSATION	\$38,834.00

Methodology Used:

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

James P. Roy
1201 Capitol Access Road
Baton Rouge, LA 70802

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, July 8, 2015.

James P. Roy

JAMES P. ROY
LOUISIANA CERTIFIED GENERAL/RESIDENTIAL REAL ESTATE
APPRAISER CERTIFICATE NO. G2792

Total Approved Amount of Compensation to the full
extent of the owner's loss \$ 51,052.00

Heather Corsetino 11/24/2015
HEATHER CORSENTINO Date

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

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

AWAN ENTERPRISES, L.L.C.

NUMBER

2015-4778

14TH JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

STATE OF LOUISIANA

ORDER OF EXPROPRIATION

FILED

NOV 25 2015

Delane Clouston

Deputy Clerk of Court
Calcasieu Parish, Louisiana

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-One Thousand Fifty-Two and No/100 Dollars (\$51,052.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, subject to the reservation in favor of AWAN ENTERPRISES, 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, together with all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Calcasieu, State of Louisiana, and in Section 6, Township 8 South, Range 8 West, Southwestern Land District, identified as Parcel No. 1-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Bradley J. Roberts, Registered Land Surveyor, dated June 29, 2015, 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. 1-1:

From a point on the centerline of State Project No. H.010197, at Highway Survey Station 208+49.52, proceed S19°21'19"W a distance of 76.61 feet to the point of beginning; thence proceed S19°21'19"W a distance of 23.05 feet to a point and corner; thence proceed S64°51'51"W a distance of 12.17 feet to a point and corner; thence proceed along a curve to the left having a radius of 480.00

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

NUMBER 2015-4778
14TH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU
STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

feet, whose length is 0.78 feet and whose chord length is 0.78 feet and bears S64°48'08"W to a point and corner; thence proceed along a curve to the right having a radius of 2945.17 feet, whose length is 333.95 feet and whose chord length is 333.77 feet and bears N20°21'37"W to a point and corner; thence proceed S89°53'30"E a distance of 30.06 feet to a point and corner; thence proceed along a curve to the left having a radius of 2914.79 feet, whose length is 304.59 feet and whose chord length is 304.45 feet and bears S20°15'41"E to the point of beginning. All of which comprises Parcel 1-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.010197, and contains an area of approximately 9253.3 square feet or 0.212 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, AWAN ENTERPRISES, 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.

Lake Charles, Louisiana, this 2 day of Dec., 2015.

S/ Clayton Davis
JUDGE, FOURTEENTH JUDICIAL DISTRICT COURT

A TRUE COPY
Lake Charles, Louisiana
Melani Chestnut
Deputy Clerk of Court
Calcasieu Parish, Louisiana
DEC 04 2015

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

AWAN ENTERPRISES, L.L.C.

NUMBER 2015-4778

14TH JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

STATE OF LOUISIANA

RECEIPT

FILED

NOV 25 2015

Delaine Clastari

Deputy Clerk of Court
Calcasieu Parish, Louisiana

H. LYNN JONES, II, 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. AWAN ENTERPRISES, L.L.C." No. 2015-4778 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, together with all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Calcasieu, State of Louisiana, and in Section 6, Township 8 South, Range 8 West, Southwestern Land District, identified as Parcel No. 1-1, on a white print of a plat of survey, consisting of Sheet No. 1, made by Bradley J. Roberts, Registered Land Surveyor, dated June 29, 2015, 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:

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From a point on the centerline of State Project No. H.010197, at Highway Survey Station 208+49.52, proceed S19°21'19"W a distance of 76.61 feet to the point of beginning; thence proceed S19°21'19"W a distance of 23.05 feet to a point and corner; thence proceed S64°51'51"W a distance of 12.17 feet to a point and corner; thence proceed along a curve to the left having a radius of 480.00 feet, whose length is 0.78 feet and whose chord length is 0.78 feet and

bears S64°48'08"W to a point and corner; thence proceed along a curve to the right having a radius of 2945.17 feet, whose length is 333.95 feet and whose chord length is 333.77 feet and bears N20°21'37"W to a point and corner; thence proceed S89°53'30"E a distance of 30.06 feet to a point and corner; thence proceed along a curve to the left having a radius of 2914.79 feet, whose length is 304.59 feet and whose chord length is 304.45 feet and bears S20°15'41"E to the point of beginning. All of which comprises Parcel 1-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.010197, and contains an area of approximately 9253.3 square feet or 0.212 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 Fifty-One Thousand Fifty-Two and No/100 Dollars (\$51,052.00), 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 Lake Charles, Louisiana, this 25 day of November, 2015.

S/ Scott G. Pletter

DEPUTY CLERK OF COURT, FOURTEENTH JUDICIAL DISTRICT COURT

A TRUE COPY
Lake Charles, Louisiana
Melanie Chastain
Deputy Clerk of Court
Calcasieu Parish, Louisiana
DEC 04 2015