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2016 MAR 18 P 2:31

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NUMBER

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT
Daria Brown

CLERK OF COURT
ASCEMION PARISH, LA. 23RD JUDICIAL DISTRICT COURT

VS.

PARISH OF ASCENSION

STATE OF LOUISIANA

P E T I T I O N
DIVISION B

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.

BILLY H. REEVES and PATSY ANN S. REEVES are the defendants herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of

Ascension, a certain project designated as State Right of Way Project No. H.010026, on State Route

LA 431, which project is more fully described by a Certificate of Authorization to Expropriate,

approved by the Secretary, Department of Transportation and Development on October 5, 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

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 defendants, a portion of which is required for a temporary construction servitude for a period of time not to exceed completion of the project, 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 Ascension, State of Louisiana, and in Section 35, Township 9 South, Range 3 East, Southeastern – East of the Mississippi River Land District, identified as Parcel No. 3-4-C-1, on a white print of a plat of survey, consisting of Sheet No. 3, made by Michael Peter Maillet, Registered Land Surveyor, dated April 17, 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 TEMPORARY CONSTRUCTION SERVITUDE

PARCEL NO. 3-4-C-1:

From a point on the centerline of State Project No. H.010026, at Highway Survey Station 120+89.00, proceed S87°21'09"W a distance of 58.74 feet to the point of beginning; thence proceed N08°00'32"W a distance of 56.25 feet to a point and corner; thence proceed N02°38'51"W a distance of 42.95 feet to a point and corner; thence proceed S89°30'57"E a distance of 10.82 feet to a point and corner; thence proceed S00°35'03"W a distance of 98.51 feet to the point of beginning. All of which comprises Parcel 3-4-C-1 as shown on Sheet 3 of the Right of Way Plans of State Project No. H.010026, and contains an area of approximately 646.0 square feet or 0.015 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 defendants.

8.

There are no buildings situated wholly or partially upon the above described property, and the only improvement situated wholly or partially thereon consist of landscaping, palm trees and subsurface culvert.

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 a temporary servitude for construction purposes for a period of time not to exceed completion of the project on, over and across the property described above, together with all of the improvements situated wholly or partially thereon, which property petitioner has attempted to acquire amicably but has been unable to do so.

11.

Therefore, it is necessary for petitioner to expropriate a temporary servitude for construction purposes for a period of time not to exceed completion of the project on, over and across the property described above, together with all of the improvements situated wholly or partially thereon.

12.

The just compensation to which the defendants are entitled, being the compensation for a temporary servitude for construction purposes for a period of time not to exceed completion of the project on, over and across the property described above, together with all of the improvements situated wholly or partially thereon, has been estimated to be the sum of Seven Hundred Sixty One and No/100 Dollars (\$761.00), as shown by the written estimate of compensation marked "Exhibit P-5," annexed hereto and made a part hereof.

13.

Petitioner is entitled to expropriate a temporary servitude for construction purposes for a period of time not to exceed completion of the project on, over and across the property described above, together with all of the improvements situated wholly or partially thereon, 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.

14.

Petitioner is entitled to trial by jury as authorized by Title 48 of the Revised Statutes, Section 451.2, as amended and reenacted.

15.

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.

16.

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 Seven Hundred Sixty One and No/100 Dollars (\$761.00) for payment to the person or persons entitled thereto, and declaring that a temporary servitude for construction purposes for a period of time not to exceed completion of the project on, over and across the property described above, together with all of the improvements situated wholly or partially thereon, has been taken for highway purposes as of the time such deposit is made.

Petitioner further prays that said order direct the defendants 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 BILLY H. REEVES and PATSY ANN S. REEVES, 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 Seven Hundred Sixty One and No/100 Dollars (\$761.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: Matthew P. Stafford, Jr.
Of Counsel

Matthew P. Stafford, Jr.
Bar Roll No. 32706
1201 Capitol Access Road
Baton Rouge, LA 70802
P. O. Box 94245
Baton Rouge, LA 70804-9245
PH: (225) 242-4671
FAX: (225) 242-4690
Attorney for State, DOTD

PLEASE SERVE:

BILLY H. REEVES
10531 Hwy. 431
St. Amant, LA 70774

PATSY ANN S. REEVES
10531 Hwy. 431
St. Amant, LA 70774

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CLERK OF COURT

2016 MAR 18 P 2: 32

Original Signed By October 5, 2015

BY Darla Brown

DEPUTY CLERK & RECORDER

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.010026
LA 431: REALIGN CURVE, C/L
RUMBLE STRIPS
STATE ROUTE LA 431
PARISH OF ASCENSION

State Project Number H.010026 provides for asphaltic concrete pavement, class II base course, drainage structures, earthwork, grading, arborist work and related work, on State Route LA 431, in Ascension Parish, as follows:

Beginning at approximate Highway Survey Station 100+00.00, then proceed in a northeasterly direction to end at approximate Highway Survey Station 129+97.00.

The total roadway length is approximately 0.569 miles, for an overall project length of approximately 0.569 miles.

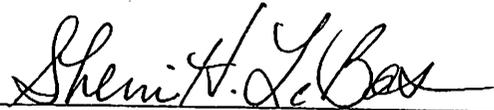
The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

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.010026, LA 431: Realign Curve, C/L Rumble Strips, State Route LA 431, Parish of Ascension.

Baton Rouge, Louisiana, this 5th day of October, 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

9 day of October 2015



ALBERT DAVID
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

CERTIFICATE
OF THE
CHIEF ENGINEER

115496

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BRIDGET HANNA
CLERK OF COURT
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Original Signed By
Darla Brown
BY _____
D. Y. CLERK & RECORDER
ASCENSION PARISH, LA.

I hereby certify that I have fixed the right of way required to construct STATE PROJECT
NO. H.010026, LA 431: REALIGN CURVE, C/L RUMBLE STRIPS, ROUTE LA 431,
ASCENSION 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 2-25-16
JANICE P. WILLIAMS, P.E. DATE
DOTD CHIEF ENGINEER

Final Right-of-Way Map

T:\PROJECTS\642J - 669A La431 Curve Realignment\DRAWINGS\WORKING\1001\642J-SHEET3.dgn

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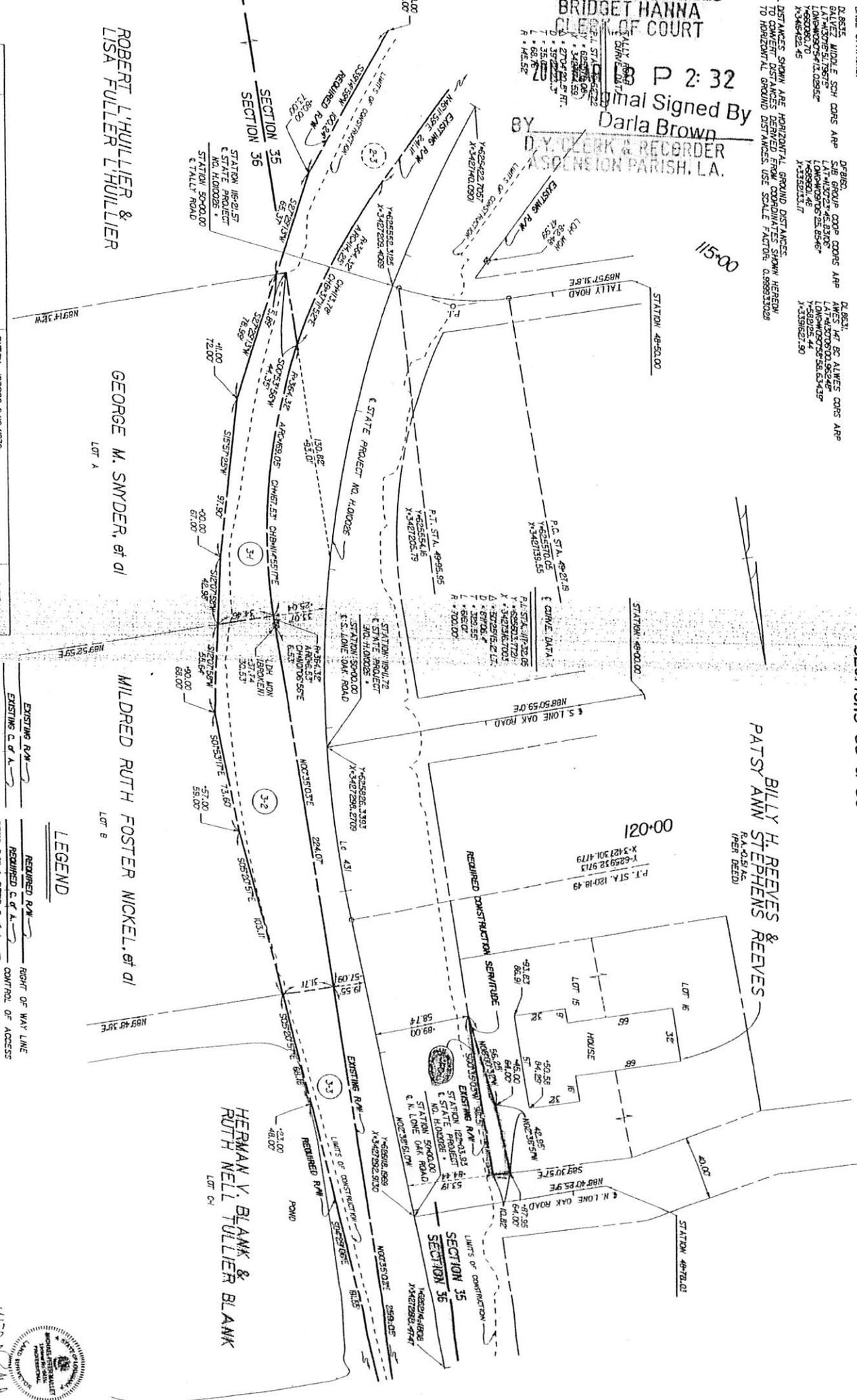
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BY Darla Brown
D.Y. CLERK & RECORDER
ASCENSION PARISH, LA.

NOTES:
1. ALL PILES AND MONUMENTS SHOWN HEREON WERE FOUND.
2. THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE LOUISIANA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83 EPOCH 2011.00) TO CONVERT FROM GRID BEARINGS TO TRUE BEARINGS USE: 0.75°
3. DISTANCES SHOWN ARE HORIZONTAL. GROUND DISTANCES TO CENTER DISTANCES DIFFERENCES USE SCALE FACTOR: 0.999931009

BASE STATIONS:
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P. 2998
P. 2999
P. 3000

SOUTHEASTERN - EAST OF THE
MISSISSIPPI RIVER LAND DISTRICT
T9S - R3E
SECTIONS 35 & 36



PARCEL	OWNER	ACQUISITION	AREA
3-4-C1	BILLY H. REEVES & PATSY ANN STEPHENS REEVES	ENTRY 08/02/91/01/97 ENTRY 1/25/92 ENTRY 4/19/97	0.05 AC.
3-3	HERMAN V. BLANK & RUTH NELL TULLIER BLANK	ENTRY 10/08/88 ENTRY 1/22/97	0.21 AC.
3-2	MILDRED RUTH FOSTER NICKELL, et al	ENTRY 6/31/74, 10/28/2005	0.21 AC.
3-1	GEORGE M. SNYDER, et al	ENTRY 8/19/68, 1/8/2003	0.12 AC.

LEGEND

EXISTING R.W. ————
REQUIRED R.W. ————
RIGHT OF WAY LINE
CONTROL OF ACCESS
RIGHT OF WAY & CONTROL OF ACCESS
LIMITS OF CONSTRUCTION
LOT LINE
APPARENT PROPERTY LINE
EXISTING SERVICED LINE
SECTION LINE

	<p>RIGHT OF WAY MAP STATE PROJECT NO. 1010026 LA 431, REALIGN CURVE, CAL RUMBLE STRIPS ASCENSION PARISH La 431</p>		<p>COMPILED BY: RJC CHECKED BY: RJC DATE: 4/17/15 SCALE: 1" = 30'</p>	<p>PARISH: ASCENSION SECTION: 267-02 STATE PROJECT: H.010026</p>
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CERTIFICATE

ON

LOCATION AND DESIGN

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Original Signed By
Darla Brown

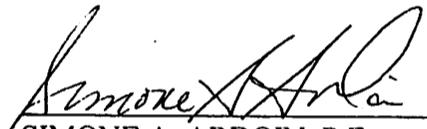
BY: Darla Brown
D. Y. CLERK & RECORDER
ASCENSION PARISH, LA.

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010026, LA 431: REALIGN CURVE, C/L RUMBLE STRIPS, ROUTE LA 431, ASCENSION 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

2/25/16
DATE



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

07/24/16
DATE

Parcel No. 3-4-C-1
S. P. No. H.010026

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Darla Brown

BY
D.Y. CLERK & R
ASCENSION PAR

CERTIFICATE OF
BY D.Y. CLERK & RECORDER
ASCENSION PARISH, LA.

ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number 3-4-C-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 AND IMPROVEMENTS	\$761.00
DAMAGES	\$0.00
ADDITIONAL COMPENSATION	\$0.00
TOTAL ESTIMATE OF COMPENSATION	<u>\$761.00</u>

Methodology Used:

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

Brian D. Simoneaux
18641 Creek Hollow Court
Baton Rouge, Louisiana 70817

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,

Brian D. Simoneaux

BRIAN D. SIMONEAUX
LOUISIANA CERTIFIED GENERAL/RESIDENTIAL REAL ESTATE
APPRAISER CERTIFICATE NO. G2169

Effective Date: **October 23, 2015**

Total Approved Amount of Compensation to the full
extent of the owner's loss \$761.00

Heather Corsetino 3/7/2014
Date

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

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Darla Brown
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BY *Darla Brown* *Darla Brown*
D. Y. CLERK & RECORDER DEPUTY CLERK
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CERTIFIED TRUE COPY BY

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

23RD JUDICIAL DISTRICT COURT

VS.

PARISH OF ASCENSION

BILLY H. REEVES, ET UX

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 Seven Hundred Sixty One and No/100 Dollars (\$761.00).

AND IT IS HEREBY FURTHER ORDERED that a temporary servitude for construction purposes for a period of time not to exceed completion of the project on, over and across the property described below, together with all of the improvements situated wholly or partially thereon, 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 Ascension, State of Louisiana, and in Section 35, Township 9 South, Range 3 East, Southeastern – East of the Mississippi River Land District, identified as Parcel No. 3-4-C-1, on a white print of a plat of survey, consisting of Sheet No. 3, made by Michael Peter Maillet, Registered Land Surveyor, dated April 17, 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 TEMPORARY CONSTRUCTION SERVITUDE

PARCEL NO. 3-4-C-1:

From a point on the centerline of State Project No. H.010026, at Highway Survey Station 120+89.00, proceed S87°21'09"W a distance of 58.74 feet to the point of beginning; thence proceed N08°00'32"W a distance of 56.25 feet to a point and corner; thence proceed N02°38'51"W a distance of 42.95 feet to a point and corner; thence proceed S89°30'57"E a distance of 10.82 feet to a point and corner; thence proceed S00°35'03"W a distance of 98.51 feet to the point of beginning. All of which comprises Parcel 3-4-C-1 as shown on Sheet 3 of the Right of Way Plans of State Project No. H.010026,

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT
VS.
BILLY H. REEVES, ET UX

NUMBER
23RD JUDICIAL DISTRICT COURT
PARISH OF ASCENSION
STATE OF LOUISIANA

ORDER OF EXPROPRIATION (continued)

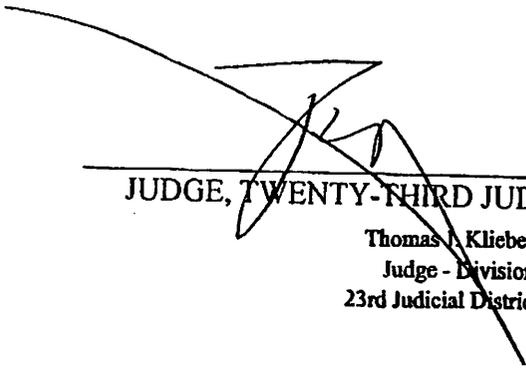
and contains an area of approximately 646.0 square feet or 0.015 of an acre.

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. 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 this Order of Expropriation be recorded in the conveyance records of this Parish.

AND IT IS HEREBY FURTHER ORDERED that the defendants, BILLY H. REEVES and PATSY ANN S. REEVES, 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.

Convent
Donaldsonville, Louisiana, this 21st day of March, 2016.



JUDGE, TWENTY-THIRD JUDICIAL DISTRICT COURT

Thomas J. Kliebert, Jr.
Judge - Division B
23rd Judicial District Court

INSTRUMENT # 00894050

FILED AND RECORDED
ASCENSION CLERK OF COURT
2016 MAR 30 01:43:11 PM
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Darla Brown
DEPUTY CLERK & RECORDER

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23RD JUDICIAL DISTRICT COURT
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PARISH OF ASCENSION

STATE OF LOUISIANA

RECEIVED AND FILED
BRIDGET HANNA
CLERK OF COURT

2016 MAR 18 P 2:29

STATE OF LOUISIANA, DEPARTMENT
& DEVELOPMENT RECORDER
ASCENSION PARISH, LA.

VS.

BILLY H. REEVES, ET UX

RECEIPT

BRIDGET HANNA, CLERK OF COURT

TO

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

STATE OF LOUISIANA
PARISH OF ASCENSION

In the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT VS. BILLY H. REEVES, ET UX," No. 115496 of the docket of said
court, the State of Louisiana seeks the expropriation of a temporary servitude for construction
purposes for a period of time not to exceed completion of the project on, over and across the property
described below, together with all of the improvements situated wholly or partially thereon, 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 improvements situated
wholly or partially thereon, and all of the rights, ways, privileges, servitudes and
advantages hereunto belonging or in anywise appertaining, situated in the Parish of
Ascension, State of Louisiana, and in Section 35, Township 9 South, Range 3 East,
Southeastern - East of the Mississippi River Land District, identified as Parcel No. 3-
4-C-1, on a white print of a plat of survey, consisting of Sheet No. 3, made by
Michael Peter Maillet, Registered Land Surveyor, dated April 17, 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 TEMPORARY CONSTRUCTION SERVITUDE

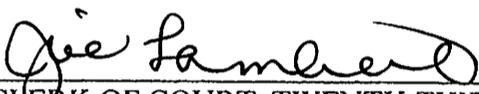
PARCEL NO. 3-4-C-1:

From a point on the centerline of State Project No. H.010026, at
Highway Survey Station 120+89.00, proceed S87°21'09"W a
distance of 58.74 feet to the point of beginning; thence proceed
N08°00'32"W a distance of 56.25 feet to a point and corner; thence
proceed N02°38'51"W a distance of 42.95 feet to a point and corner;
thence proceed S89°30'57"E a distance of 10.82 feet to a point and
corner; thence proceed S00°35'03"W a distance of 98.51 feet to the

point of beginning. All of which comprises Parcel 3-4-C-1 as shown on Sheet 3 of the Right of Way Plans of State Project No. H.010026, and contains an area of approximately 646.0 square feet or 0.015 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 SEVEN HUNDRED SIXTY ONE AND NO/100 DOLLARS (\$761.00) 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 she has placed same in the registry of said court.

Signed at ^{Gonzales} Donaldsonville, Louisiana, this 24th day of March, 2016.


DEPUTY CLERK OF COURT, TWENTY-THIRD JUDICIAL DISTRICT COURT