

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CHARLES M. BORSKEY, JR., ET UX

NUMBER

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

STATE OF LOUISIANA

P E T I T I O N

The petition of the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, legal successor to the Department of Highways, created and organized under the laws of the State of Louisiana, with its domicile in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana, with respect, represents that:

1.

CHARLES M. BORSKEY, JR., and PAULA BRIGNAC BORSKEY 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 Project No. H.010026, LA 431; REALIGN CURVE, C/L RUMBLE STRIPS, 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, required in full ownership, and described as follows, to-wit:

One 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 District of Louisiana, East of the Mississippi River, identified as Parcel No. 2-2, on a white print of a plat of survey, consisting of Sheet No. 2, 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 FULL OWNERSHIP

Parcel No. 2-2

From a point on the centerline of State Project No. H.010026, at Highway Survey Station 110+85.94, proceed N89°51'09"E a distance of 34.14 feet to the point of beginning; thence proceed N46°11'59"E a distance of 219.57 feet to a point and corner; thence proceed N89°48'24"E a distance of 63.86 feet to a point and corner; thence proceed S49°28'18"W a distance of 234.02 feet to a point and corner; thence proceed S89°51'09"W a distance of 44.45 feet to the point of beginning. All of which comprises Parcel 2-2 as shown on Sheet 2 of the Right of Way Plans of State Project No. H.010026, and contains an area of approximately 8204.9 square feet or 0.188 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 improvements situated wholly or partially thereon consist of a limestone drive, one (1) large mature water oak tree and one (1) crepe myrtle tree.

9.

The location and design of the improvements proposed by said project are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public, as shown by the Certificate on Location and Design, which is marked "Exhibit P-4," annexed hereto and made a part hereof.

10.

In order to construct said project in a manner and mode conducive to the public interest, convenience and safety, it is necessary that petitioner acquire in full ownership the described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth below, which property petitioner has attempted to acquire amicably but has been unable to do so.

11.

Therefore, it is necessary for petitioner to expropriate in full ownership the above described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth below.

12.

The expropriation of the full ownership of the property described above shall be made subject to the reservation in favor of the owners 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 defendants are entitled, being the compensation for the full ownership of the above described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth herein, has been estimated to be the sum of TEN THOUSAND SIX HUNDRED ELEVEN AND NO/100 DOLLARS (\$10,611.00), 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, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth herein, in a manner authorized by Article 1, Section 4 of the Constitution of the State of Louisiana for the year 1974, and Title 48 of the Louisiana Revised Statutes of 1950, Sections 441 to 460, inclusive as amended and reenacted.

15.

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

16.

Petitioner desires to utilize the cash deposit authorized by Article 1734.1 of the Louisiana Code of Civil Procedure and desires that the amount of the deposit be fixed as required by law.

17.

Petitioner requests written notice at least thirty (30) days prior thereto of any trial, motion or other proceeding scheduled to come before this Honorable Court in this lawsuit in accordance with Title 48 of the Louisiana Revised Statutes, Section 451, and also requests notice of any interlocutory or final order, decree or judgment rendered and signed in this lawsuit as provided by the Louisiana Code of Civil Procedure.

WHEREFORE, petitioner prays that an order issue herein directing petitioner to deposit in the registry of this court the sum of TEN THOUSAND SIX HUNDRED ELEVEN AND NO/100 DOLLARS (\$10,611.00) for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, together with all of the improvements situated wholly or partially thereon, and subject to the mineral reservation set forth herein, has been taken for highway purposes as of the time such deposit is made.

Petitioner further prays that said order direct the 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 CHARLES M. BORSKEY, JR., PAULA BRIGNAC BORSKEY, and GARY A. BEZET, ATTORNEY AT LAW, 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 TEN THOUSAND SIX HUNDRED ELEVEN AND NO/100 DOLLARS (\$10,611.00).

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:

CHARLES M. BORSKEY
10446 Highway 431
St. Amant, LA 70774

PAULA BRIGNAC BORSKEY
10446 Highway 431
St. Amant, LA 70774

CHARLES M. AND PAULA BRIGNAC BORSKEY
THROUGH GARY A. BEZET, ATTORNEY AT LAW
KEAN MILLER, LLP
400 Convention St., Ste. 700
Baton Rouge, LA 70802

October 5, 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.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.

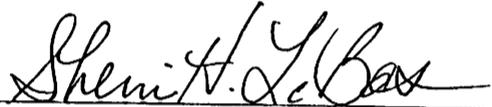
The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

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.

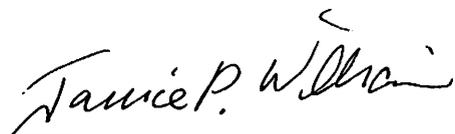
Baton Rouge, Louisiana, 9 day of October 2015



ALBERT DAVID
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

CERTIFICATE
OF THE
CHIEF ENGINEER

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.

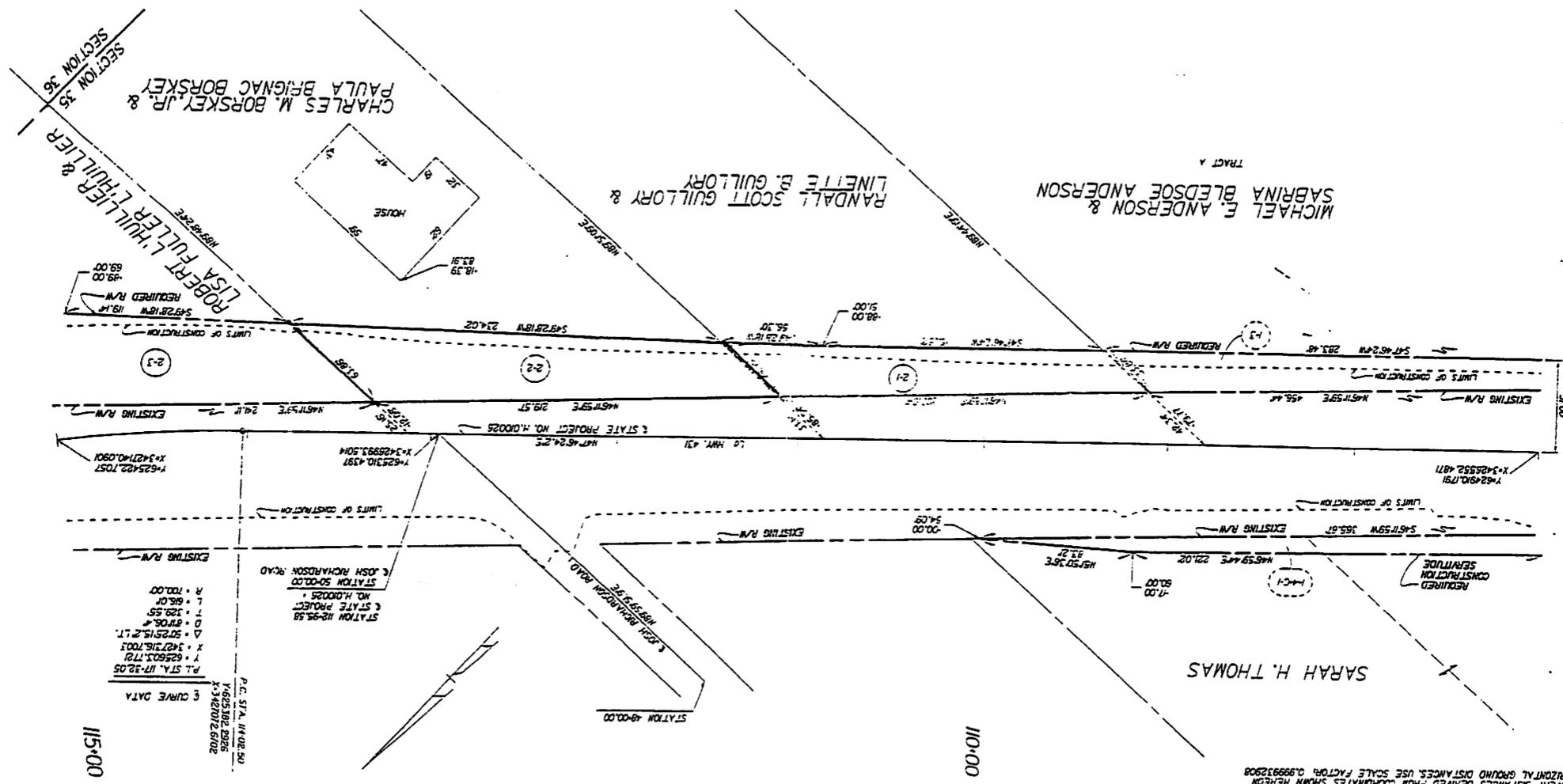


JANICE P. WILLIAMS, P.E. 2-3-16
DOTD CHIEF ENGINEER DATE

2-3	ROBERT L. WULLIER & LISA FULLER L. WULLIER	ENTRANCE	4830.5/5/2000	2.307 AC
2-2	CHARLES M. BORSKEY JR. & PAULA BRIGNAC BORSKEY	ENTRANCE	47309.10/4/2000	0.188 AC
2-1	RANDALL SCOTT GULLORY & LINETTE B. GULLORY	ENTRANCE	40751.2/11/1998	0.121 AC

LEGEND

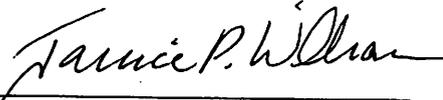
---	EXISTING R/W
---	EXISTING C.O.P.
---	REQUIRED C.O.P.
---	RIGHT OF WAY LINE
---	CONTROL OF ACCESS
---	RIGHT OF WAY & CONTROL OF ACCESS
---	LIMITS OF CONSTRUCTION
---	LOT LINE
---	APPARENT PROPERTY LINE
---	EXISTING SEPARATE LINE
---	SECTION LINE



NOTES:
 1. ALL PINS AND MONUMENTS SHOWN HEREON WERE FOUND.
 2. THE CORNERS AND BEARINGS SHOWN HEREON ARE BASED ON
 LOUISIANA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83 (2011) EPOCH 2010.00).
 USE: 007322.
 GAGE STATIONS:
 01.9631
 01.9632
 01.9633
 01.9634
 01.9635
 01.9636
 01.9637
 01.9638
 01.9639
 01.9640
 01.9641
 01.9642
 01.9643
 01.9644
 01.9645
 01.9646
 01.9647
 01.9648
 01.9649
 01.9650
 01.9651
 01.9652
 01.9653
 01.9654
 01.9655
 01.9656
 01.9657
 01.9658
 01.9659
 01.9660
 01.9661
 01.9662
 01.9663
 01.9664
 01.9665
 01.9666
 01.9667
 01.9668
 01.9669
 01.9670
 01.9671
 01.9672
 01.9673
 01.9674
 01.9675
 01.9676
 01.9677
 01.9678
 01.9679
 01.9680
 01.9681
 01.9682
 01.9683
 01.9684
 01.9685
 01.9686
 01.9687
 01.9688
 01.9689
 01.9690
 01.9691
 01.9692
 01.9693
 01.9694
 01.9695
 01.9696
 01.9697
 01.9698
 01.9699
 01.9700
 01.9701
 01.9702
 01.9703
 01.9704
 01.9705
 01.9706
 01.9707
 01.9708
 01.9709
 01.9710
 01.9711
 01.9712
 01.9713
 01.9714
 01.9715
 01.9716
 01.9717
 01.9718
 01.9719
 01.9720
 01.9721
 01.9722
 01.9723
 01.9724
 01.9725
 01.9726
 01.9727
 01.9728
 01.9729
 01.9730
 01.9731
 01.9732
 01.9733
 01.9734
 01.9735
 01.9736
 01.9737
 01.9738
 01.9739
 01.9740
 01.9741
 01.9742
 01.9743
 01.9744
 01.9745
 01.9746
 01.9747
 01.9748
 01.9749
 01.9750
 01.9751
 01.9752
 01.9753
 01.9754
 01.9755
 01.9756
 01.9757
 01.9758
 01.9759
 01.9760
 01.9761
 01.9762
 01.9763
 01.9764
 01.9765
 01.9766
 01.9767
 01.9768
 01.9769
 01.9770
 01.9771
 01.9772
 01.9773
 01.9774
 01.9775
 01.9776
 01.9777
 01.9778
 01.9779
 01.9780
 01.9781
 01.9782
 01.9783
 01.9784
 01.9785
 01.9786
 01.9787
 01.9788
 01.9789
 01.9790
 01.9791
 01.9792
 01.9793
 01.9794
 01.9795
 01.9796
 01.9797
 01.9798
 01.9799
 01.9800
 01.9801
 01.9802
 01.9803
 01.9804
 01.9805
 01.9806
 01.9807
 01.9808
 01.9809
 01.9810
 01.9811
 01.9812
 01.9813
 01.9814
 01.9815
 01.9816
 01.9817
 01.9818
 01.9819
 01.9820
 01.9821
 01.9822
 01.9823
 01.9824
 01.9825
 01.9826
 01.9827
 01.9828
 01.9829
 01.9830
 01.9831
 01.9832
 01.9833
 01.9834
 01.9835
 01.9836
 01.9837
 01.9838
 01.9839
 01.9840
 01.9841
 01.9842
 01.9843
 01.9844
 01.9845
 01.9846
 01.9847
 01.9848
 01.9849
 01.9850
 01.9851
 01.9852
 01.9853
 01.9854
 01.9855
 01.9856
 01.9857
 01.9858
 01.9859
 01.9860
 01.9861
 01.9862
 01.9863
 01.9864
 01.9865
 01.9866
 01.9867
 01.9868
 01.9869
 01.9870
 01.9871
 01.9872
 01.9873
 01.9874
 01.9875
 01.9876
 01.9877
 01.9878
 01.9879
 01.9880
 01.9881
 01.9882
 01.9883
 01.9884
 01.9885
 01.9886
 01.9887
 01.9888
 01.9889
 01.9890
 01.9891
 01.9892
 01.9893
 01.9894
 01.9895
 01.9896
 01.9897
 01.9898
 01.9899
 01.9900
 01.9901
 01.9902
 01.9903
 01.9904
 01.9905
 01.9906
 01.9907
 01.9908
 01.9909
 01.9910
 01.9911
 01.9912
 01.9913
 01.9914
 01.9915
 01.9916
 01.9917
 01.9918
 01.9919
 01.9920
 01.9921
 01.9922
 01.9923
 01.9924
 01.9925
 01.9926
 01.9927
 01.9928
 01.9929
 01.9930
 01.9931
 01.9932
 01.9933
 01.9934
 01.9935
 01.9936
 01.9937
 01.9938
 01.9939
 01.9940
 01.9941
 01.9942
 01.9943
 01.9944
 01.9945
 01.9946
 01.9947
 01.9948
 01.9949
 01.9950
 01.9951
 01.9952
 01.9953
 01.9954
 01.9955
 01.9956
 01.9957
 01.9958
 01.9959
 01.9960
 01.9961
 01.9962
 01.9963
 01.9964
 01.9965
 01.9966
 01.9967
 01.9968
 01.9969
 01.9970
 01.9971
 01.9972
 01.9973
 01.9974
 01.9975
 01.9976
 01.9977
 01.9978
 01.9979
 01.9980
 01.9981
 01.9982
 01.9983
 01.9984
 01.9985
 01.9986
 01.9987
 01.9988
 01.9989
 01.9990
 01.9991
 01.9992
 01.9993
 01.9994
 01.9995
 01.9996
 01.9997
 01.9998
 01.9999
 02.0000
 02.0001
 02.0002
 02.0003
 02.0004
 02.0005
 02.0006
 02.0007
 02.0008
 02.0009
 02.0010
 02.0011
 02.0012
 02.0013
 02.0014
 02.0015
 02.0016
 02.0017
 02.0018
 02.0019
 02.0020
 02.0021
 02.0022
 02.0023
 02.0024
 02.0025
 02.0026
 02.0027
 02.0028
 02.0029
 02.0030
 02.0031
 02.0032
 02.0033
 02.0034
 02.0035
 02.0036
 02.0037
 02.0038
 02.0039
 02.0040
 02.0041
 02.0042
 02.0043
 02.0044
 02.0045
 02.0046
 02.0047
 02.0048
 02.0049
 02.0050
 02.0051
 02.0052
 02.0053
 02.0054
 02.0055
 02.0056
 02.0057
 02.0058
 02.0059
 02.0060
 02.0061
 02.0062
 02.0063
 02.0064
 02.0065
 02.0066
 02.0067
 02.0068
 02.0069
 02.0070
 02.0071
 02.0072
 02.0073
 02.0074
 02.0075
 02.0076
 02.0077
 02.0078
 02.0079
 02.0080
 02.0081
 02.0082
 02.0083
 02.0084
 02.0085
 02.0086
 02.0087
 02.0088
 02.0089
 02.0090
 02.0091
 02.0092
 02.0093
 02.0094
 02.0095
 02.0096
 02.0097
 02.0098
 02.0099
 02.0100
 02.0101
 02.0102
 02.0103
 02.0104
 02.0105
 02.0106
 02.0107
 02.0108
 02.0109
 02.0110
 02.0111
 02.0112
 02.0113
 02.0114
 02.0115
 02.0116
 02.0117
 02.0118
 02.0119
 02.0120
 02.0121
 02.0122
 02.0123
 02.0124
 02.0125
 02.0126
 02.0127
 02.0128
 02.0129
 02.0130
 02.0131
 02.0132
 02.0133
 02.0134
 02.0135
 02.0136
 02.0137
 02.0138
 02.0139
 02.0140
 02.0141
 02.0142
 02.0143
 02.0144
 02.0145
 02.0146
 02.0147
 02.0148
 02.0149
 02.0150
 02.0151
 02.0152
 02.0153
 02.0154
 02.0155
 02.0156
 02.0157
 02.0158
 02.0159
 02.0160
 02.0161
 02.0162
 02.0163
 02.0164
 02.0165
 02.0166
 02.0167
 02.0168
 02.0169
 02.0170
 02.0171
 02.0172
 02.0173
 02.0174
 02.0175
 02.0176
 02.0177
 02.0178
 02.0179
 02.0180
 02.0181
 02.0182
 02.0183
 02.0184
 02.0185
 02.0186
 02.0187
 02.0188
 02.0189
 02.0190
 02.0191
 02.0192
 02.0193
 02.0194
 02.0195
 02.0196
 02.0197
 02.0198
 02.0199
 02.0200
 02.0201
 02.0202
 02.0203
 02.0204
 02.0205
 02.0206
 02.0207
 02.0208
 02.0209
 02.0210
 02.0211
 02.0212
 02.0213
 02.0214
 02.0215
 02.0216
 02.0217
 02.0218
 02.0219
 02.0220
 02.0221
 02.0222
 02.0223
 02.0224
 02.0225
 02.0226
 02.0227
 02.0228
 02.0229
 02.0230
 02.0231
 02.0232
 02.0233
 02.0234
 02.0235
 02.0236
 02.0237
 02.0238
 02.0239
 02.0240
 02.0241
 02.0242
 02.0243
 02.0244
 02.0245
 02.0246
 02.0247
 02.0248
 02.0249
 02.0250
 02.0251
 02.0252
 02.0253
 02.0254
 02.0255
 02.0256
 02.0257
 02.0258
 02.0259
 02.0260
 02.0261
 02.0262
 02.0263
 02.0264
 02.0265
 02.0266
 02.0267
 02.0268
 02.0269
 02.0270
 02.0271
 02.0272
 02.0273
 02.0274
 02.0275
 02.0276
 02.0277
 02.0278
 02.0279
 02.0280
 02.0281
 02.0282
 02.0283
 02.0284
 02.0285
 02.0286
 02.0287
 02.0288
 02.0289
 02.0290
 02.0291
 02.0292
 02.0293
 02.0294
 02.0295
 02.0296
 02.0297
 02.0298
 02.0299
 02.0300
 02.0301
 02.0302
 02.0303
 02.0304
 02.0305
 02.0306
 02.0307
 02.0308
 02.0309
 02.0310
 02.0311
 02.0312
 02.0313
 02.0314
 02.0315
 02.0316
 02.0317
 02.0318
 02.0319
 02.0320
 02.0321
 02.0322
 02.0323
 02.0324
 02.0325
 02.0326
 02.0327
 02.0328
 02.0329
 02.0330
 02.0331
 02.0332
 02.0333
 02.0334
 02.0335
 02.0336
 02.0337
 02.0338
 02.0339
 02.0340
 02.0341
 02.0342
 02.0343
 02.0344
 02.0345
 02.0346
 02.0347
 02.0348
 02.0349
 02.0350
 02.0351
 02.0352
 02.0353
 02.0354
 02.0355
 02.0356
 02.0357
 02.0358
 02.0359
 02.0360
 02.0361
 02.0362
 02.0363
 02.0364
 02.0365
 02.0366
 02.0367
 02.0368
 02.0369
 02.0370
 02.0371
 02.0372
 02.0373
 02.0374
 02.0375
 02.0376
 02.0377
 02.0378
 02.0379
 02.0380
 02.0381
 02.0382
 02.0383
 02.0384
 02.0385
 02.0386
 02.0387
 02.0388
 02.0389
 02.0390
 02.0391
 02.0392
 02.0393
 02.0394
 02.0395
 02.0396
 02.0397
 02.0398
 02.0399
 02.0400
 02.0401
 02.0402
 02.0403
 02.0404
 02.0405
 02.0406
 02.0407
 02.0408
 02.0409
 02.0410
 02.0411
 02.0412
 02.0413
 02.0414
 02.0415
 02.0416
 02.0417
 02.0418
 02.0419
 02.0420
 02.0421
 02.0422
 02.0423
 02.0424
 02.0425
 02.0426
 02.0427
 02.0428
 02.0429
 02.0430
 02.0431
 02.0432
 02.0433
 02.0434
 02.0435
 02.0436
 02.0437
 02.0438
 02.0439
 02.0440
 02.0441
 02.0442
 02.0443
 02.0444
 02.0445
 02.0446
 02.0447
 02.0448
 02.0449
 02.0450
 02.0451
 02.0452
 02.0453
 02.0454
 02.0455
 02.0456
 02.0457
 02.0458
 02.0459
 02.0460
 02.0461
 02.0462
 02.0463
 02.0464
 02.0465
 02.0466
 02.0467
 02.0468
 02.0469
 02.0470
 02.0471
 02.0472
 02.0473
 02.0474
 02.0475
 02.0476
 02.0477
 02.0478
 02.0479
 02.0480
 02.0481
 02.0482
 02.0483
 02.0484
 02.0485
 02.0486
 02.0487
 02.0488
 02.0489
 02.0490
 02.0491
 02.0492
 02.0493
 02.0494
 02.0495
 02.0496
 02.0497
 02.0498
 02.0499
 02.0500
 02.0501
 02.0502
 02.0503
 02.0504
 02.0505
 02.0506
 02.0507
 02.0508
 02.0509
 02.0510
 02.0511
 02.0512
 02.0513
 02.0514
 02.0515
 02.0516
 02.0517
 02.0518
 02.0519
 02.0520
 02.0521
 02.0522
 02.0523
 02.0524
 02.0525
 02.0526
 02.0527
 02.0528
 02.0529
 02.0530
 02.0531
 02.0532
 02.0533
 02.0534
 02.0535
 02.0536
 02.0537
 02.0538
 02.0539
 02.0540
 02.0541
 02.0542
 02.0543
 02.0544
 02.0545
 02.0546
 02.0547
 02.0548
 02.0549
 02.0550
 02.0551
 02.0552
 02.0553
 02.0554
 02.0555
 02.0556
 02.0557
 02.0558
 02.0559
 02.0560
 02.0561
 02.0562
 02.0563
 02.0564
 02.0565
 02.0566
 02.0567
 02.0568
 02.0569
 02.0570
 02.0571
 02.0572
 02.

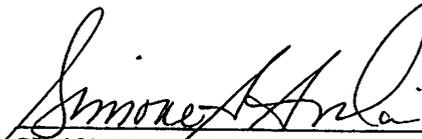
CERTIFICATE
ON
LOCATION AND DESIGN

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

2-3-16
DATE



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

02/02/16
DATE

Parcel No. 2-2
S. P. No. H.010026

CERTIFICATE
OF
ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number 2-2, 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	\$10,611.00
DAMAGES	\$0.00
ADDITIONAL COMPENSATION	\$0.00
TOTAL ESTIMATE OF COMPENSATION	<u>\$10,611.00</u>

Methodology Used:

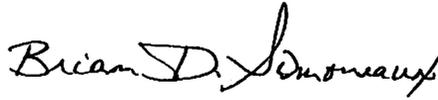
- 1. Sales Comparison Approach
- 2. Cost Approach
- 3. Income Capitalization Approach

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

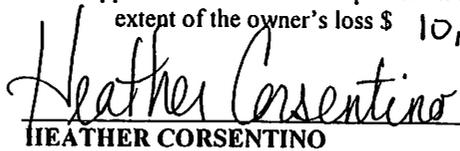
Baton Rouge, Louisiana, _____.



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

Effective Date: October 5, 2015

Total Approved Amount of Compensation to the full
extent of the owner's loss \$ 10,611.00

 2/17/2016
Date

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

Parcel No. 2-2
S. P. No. H.010026

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) 2-2, 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	<u>\$10,570.00</u>
DAMAGES	<u>-0-</u>
ADDITIONAL COMPENSATION	<u>-0-</u>
TOTAL ESTIMATE OF COMPENSATION	<u>\$10,570.00</u>

Methodology Used:

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

Marcelle Nipper, SRA, SR/WA
1724 N Burnside Ave., Suite 2
Gonzales, LA 70737

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

Ascension Parish, Louisiana, October 21, 2015.

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 \$ 10,611.00

Heather Corsentino 2/17/2016

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

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CHARLES M. BORSKEY, JR., ET UX

NUMBER

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

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 TEN THOUSAND SIX HUNDRED ELEVEN AND NO/100 DOLLARS (\$10,611.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, together with all of the improvements situated wholly or partially thereof, subject to the reservation in favor of CHARLES M. BORSKEY, JR., and PAULA BRIGNAC BORSKEY 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 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 District of Louisiana, East of the Mississippi River, identified as Parcel No. 2-2, on a white print of a plat of survey, consisting of Sheet No. 2, 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 FULL OWNERSHIP

Parcel No. 2-2

From a point on the centerline of State Project No. H.010026, at Highway Survey Station 110+85.94, proceed N89°51'09"E a distance

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CHARLES M. BORSKEY, JR., ET UX

NUMBER

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

of 34.14 feet to the point of beginning; thence proceed N46°11'59"E a distance of 219.57 feet to a point and corner; thence proceed N89°48'24"E a distance of 63.86 feet to a point and corner; thence proceed S49°28'18"W a distance of 234.02 feet to a point and corner; thence proceed S89°51'09"W a distance of 44.45 feet to the point of beginning. All of which comprises Parcel 2-2 as shown on Sheet 2 of the Right of Way Plans of State Project No. II.010026, and contains an area of approximately 8204.9 square feet or 0.188 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 defendants, CHARLES M. BORSKEY, JR., and PAULA BRIGNAC BORSKEY, 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.

Donaldsonville, Louisiana, this _____ day of _____, 2016.

JUDGE, TWENTY-THIRD JUDICIAL DISTRICT COURT

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT
NUMBER 23RD JUDICIAL DISTRICT COURT
VS.
PARISH OF ASCENSION
CHARLES M. BORSKEY, JR., ET UX
STATE OF LOUISIANA

RECEIPT

BRIDGET HANNA, 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. CHARLES M. BORSKEY, JR., ET UX" No. _____ of the
docket of said court, the State of Louisiana seeks the expropriation of the full ownership of the
property described below, together with all of the improvements situated wholly or partially thereon,
subject to the reservation in favor of the owners 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 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 District of Louisiana, East of the Mississippi River, identified as Parcel
No. 2-2, on a white print of a plat of survey, consisting of Sheet No. 2, 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 FULL OWNERSHIP

Parcel No. 2-2

From a point on the centerline of State Project No. H.010026, at
Highway Survey Station 110+85.94, proceed N89°51'09"E a distance
of 34.14 feet to the point of beginning; thence proceed N46°11'59"E

a distance of 219.57 feet to a point and corner; thence proceed N89°48'24"E a distance of 63.86 feet to a point and corner; thence proceed S49°28'18"W a distance of 234.02 feet to a point and corner; thence proceed S89°51'09"W a distance of 44.45 feet to the point of beginning. All of which comprises Parcel 2-2 as shown on Sheet 2 of the Right of Way Plans of State Project No. H.010026, and contains an area of approximately 8204.9 square feet or 0.188 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 TEN THOUSAND SIX HUNDRED ELEVEN AND NO/100 DOLLARS (\$10,611.00) 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 Donaldsonville, Louisiana, this ____ day of _____, 2016.

DEPUTY CLERK OF COURT, TWENTY-THIRD JUDICIAL DISTRICT COURT

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CHARLES M. BORSKEY, JR., ET UX

NUMBER

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

STATE OF LOUISIANA

NOTICE

THE STATE OF LOUISIANA

TO: Charles M. Borskey
10446 Highway 431
St. Amant, LA 70774

Pursuant to an order issued by a Judge of the 23rd Judicial District Court of the State of Louisiana for the Parish of Ascension on the _____ day of _____, 2016, in the above numbered and entitled cause on the petition of the State of Louisiana, Department of Transportation and Development, a duly certified copy of which petition and order is hereunto annexed to be served on you herewith, notice is hereby given of the expropriation of the property described in said petition and of the deposit into the registry of this Honorable Court of the sum of \$10,611.00 on the _____ day of _____, 2016, a certified copy of the receipt for such deposit being annexed hereunto to be served on you herewith.

YOU ARE HEREBY SUMMONED to comply with the demand contained in that petition or to deliver your answer to the petition in the office of the Clerk of the 23rd Judicial District Court in the Ascension Parish Court House within **one year** from the date you are notified by the Department of Transportation and Development that it has finally accepted the construction of the highway project for which the property was expropriated, in accordance with LA R.S. 48:450.

If you desire to contest the validity of the taking on the ground that the property was not expropriated for a public use or on the ground that the petition and exhibits do not satisfy the provisions contained in LA R.S. 48:442 through 444, you are required to file a Motion to Dismiss on that ground within twenty days after the service hereof, in accordance with LA R.S. 48:447.

By order of the Honorable the 23rd Judicial District Court for the Parish of Ascension, State of Louisiana.

Signed and delivered to the Sheriff of Ascension Parish this _____ day of _____ in the year 2016.

CLERK OF COURT

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CHARLES M. BORSKEY, JR., ET UX

NUMBER

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

STATE OF LOUISIANA

NOTICE

THE STATE OF LOUISIANA

TO: Paula Brignac Borskey
10446 Highway 431
St. Amant, LA 70774

Pursuant to an order issued by a Judge of the 23rd Judicial District Court of the State of Louisiana for the Parish of Ascension on the _____ day of _____, 2016, in the above numbered and entitled cause on the petition of the State of Louisiana, Department of Transportation and Development, a duly certified copy of which petition and order is hereunto annexed to be served on you herewith, notice is hereby given of the expropriation of the property described in said petition and of the deposit into the registry of this Honorable Court of the sum of \$10,611.00 on the _____ day of _____, 2016, a certified copy of the receipt for such deposit being annexed hereunto to be served on you herewith.

YOU ARE HEREBY SUMMONED to comply with the demand contained in that petition or to deliver your answer to the petition in the office of the Clerk of the 23rd Judicial District Court in the Ascension Parish Court House within **one year** from the date you are notified by the Department of Transportation and Development that it has finally accepted the construction of the highway project for which the property was expropriated, in accordance with LA R.S. 48:450.

If you desire to contest the validity of the taking on the ground that the property was not expropriated for a public use or on the ground that the petition and exhibits do not satisfy the provisions contained in LA R.S. 48:442 through 444, you are required to file a Motion to Dismiss on that ground within twenty days after the service hereof, in accordance with LA R.S. 48:447.

By order of the Honorable the 23rd Judicial District Court for the Parish of Ascension, State of Louisiana.

Signed and delivered to the Sheriff of Ascension Parish this _____ day of _____ in the year 2016.

CLERK OF COURT

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CHARLES M. BORSKEY, JR., ET UX

NUMBER

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

STATE OF LOUISIANA

NOTICE

THE STATE OF LOUISIANA

TO: Charles M. and Paula Brignac Borskey
Through Gary A. Bezet, Attorney at Law
KEAN, MILLER, LLP
400 Convention St., Ste. 700
Baton Rouge, LA 70802

Pursuant to an order issued by a Judge of the 23rd Judicial District Court of the State of Louisiana for the Parish of Ascension on the _____ day of _____, 2016, in the above numbered and entitled cause on the petition of the State of Louisiana, Department of Transportation and Development, a duly certified copy of which petition and order is hereunto annexed to be served on you herewith, notice is hereby given of the expropriation of the property described in said petition and of the deposit into the registry of this Honorable Court of the sum of \$10,611.00 on the _____ day of _____, 2016, a certified copy of the receipt for such deposit being annexed hereunto to be served on you herewith.

YOU ARE HEREBY SUMMONED to comply with the demand contained in that petition or to deliver your answer to the petition in the office of the Clerk of the 23rd Judicial District Court in the Ascension Parish Court House within **one year** from the date you are notified by the Department of Transportation and Development that it has finally accepted the construction of the highway project for which the property was expropriated, in accordance with LA R.S. 48:450.

If you desire to contest the validity of the taking on the ground that the property was not expropriated for a public use or on the ground that the petition and exhibits do not satisfy the provisions contained in LA R.S. 48:442 through 444, you are required to file a Motion to Dismiss on that ground within twenty days after the service hereof, in accordance with LA R.S. 48:447.

By order of the Honorable the 23rd Judicial District Court for the Parish of Ascension, State of Louisiana.

Signed and delivered to the Sheriff of Ascension Parish this _____ day of _____ in the year 2016.

CLERK OF COURT