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DESOTO PARISH, LA
2016 JUN 10 AM 11 52

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

REGINA BUFKIN LYNCH, ET AL

NUMBER 77461

42ND JUDICIAL DISTRICT COURT

PARISH OF DESOTO

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.

REGINA BUFKIN LYNCH and KIMBERLY RUSHING are the defendants herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Desoto, a certain project designated as State Project No. H.010212, LA 175: IMPROVEMENT BTWN US 84 & LA 509, State Route 175, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on November 24, 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 her 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 (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 Desoto, State of Louisiana, and in Section 10, Township 12N, Range 13W, Northwestern Land District, identified as Parcel No. 4-1, on a white print of a plat of survey, consisting of Sheet No. 4, made by Robert Keith Duck, Registered Land Surveyor, dated April 11, 2016, 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. 4-1:

From a point on the centerline of State Project No. H.010212, at Highway Survey Station 216+36.63, proceed S89°15'07"E a distance of 42.43 feet to the point of beginning; thence proceed N13°16'39"E a distance of 130.03 feet to a point and corner; thence proceed S89°15'07"E a distance of 28.06 feet to a point and corner; thence proceed along a curve to the left having a radius of 907.26 feet, whose length is 134.35 feet and whose chord length is 134.23 feet and bears S19°43'53"W to a point and corner; thence proceed N89°15'07"W a distance of 12.61 feet to the point of beginning. All of which comprises Parcel 4-1 as shown on Sheet 4 of the Right of Way Plans of State Project No. H.010212, and contains an area of approximately 2358.5 square feet or 0.054 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.

The above described property is owned by Regina Bufkin Lynch, subject to a lease in favor of Kimberly Rushing.

8.

There are no buildings situated wholly or partially upon the above described property, and the only improvements situated wholly or partially thereon consists of gravel driveway/parking, sewer

lateral, water lateral, and gas lateral.

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 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 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 Five Thousand Eighty Two and No/100 Dollars (\$5,082.00), as shown by the written estimate of compensation marked "Exhibit P-5," 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 Five Thousand Eighty Two and No/100 Dollars (\$5,082.00) 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.

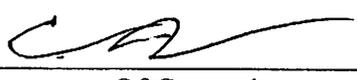
Petitioner further prays that notice of this expropriation be issued and served upon REGINA BUFKIN LYNCH and KIMBERLY RUSHING, together with a certified copy of this petition, the order of expropriation of this court and the receipt of the Clerk of Court for the deposit made, according to law.

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 Five Thousand Eighty Two and No/100 Dollars (\$5,082.00).

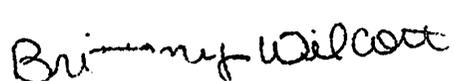
LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: 

Of Counsel

Charles D. McBride
Bar Roll No. 23856
1201 Capitol Access Road
Baton Rouge, LA 70802
P. O. Box 94245
Baton Rouge, LA 70804-9245
PH: (225) 242-4607
FAX: (225) 242-4690
Attorney for State, DOTD

A TRUE COPY


CLERK OF DISTRICT COURT
DESOIR RUSH, LOUISIANA

PLEASE SERVE:

REGINA BUFKIN LYNCH
4624 Fairfield Avenue
Shreveport, LA 71106

KIMBERLY RUSHING
284 Lake Road
Mansfield, LA 71052

November 24, 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.010212
LA 175: IMPROVEMENT BTWN
US 84 & LA 509
STATE ROUTE LA 175
PARISH OF DESOTO

State Project Number H.010212 provides for excavation and embankment, superpave asphaltic pavement, roadway widening, driveways, incidental construction, pavement markings and related work, on State Route LA 175 in DeSoto Parish, as follows:

Beginning at approximate Highway Survey Station 201+32.26, then proceed in a northwesterly direction to end at approximate Highway Survey Station 228+26.50.

Beginning LA 509 at approximate Highway Survey Station 0+00.00, then proceed in a northerly direction to end at approximate Highway Survey Station 4+80.00.

The total roadway length is approximately 0.601 miles, for an overall project length of approximately 0.601 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.010212, LA 175: Improvement between US 84 & LA 509, State Route LA 175, Parish of Desoto.

Baton Rouge, Louisiana, this 24th day of November, 2015.



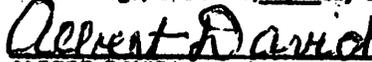
SHERRI H. LEBAS, P.E.

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.

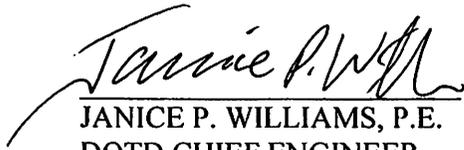
Baton Rouge, Louisiana, 4 day of December 2015



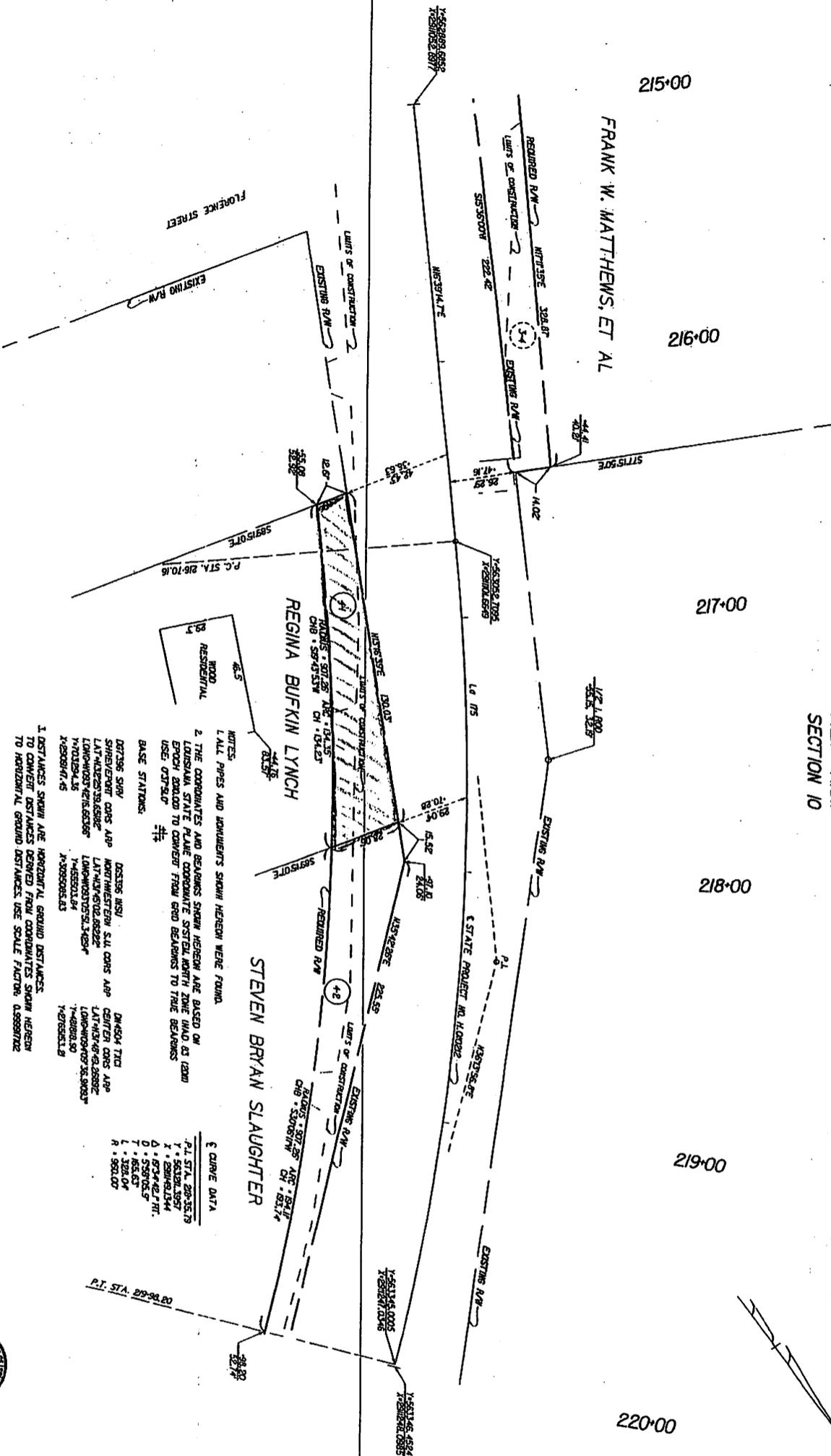
ALBERT DAVID
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

CERTIFICATE
ON
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO. H.010212, LA 175 IMPROVEMENTS BETWEEN US 84 & LA 509, ROUTE 509, DESOTO 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. 5-12-16
DOTD CHIEF ENGINEER DATE

NORTHWESTERN LAND DISTRICT
T12N - R17W
SECTION 10



NOTES:
1. ALL PIPES AND JOINTS SHOWN HEREON WERE FOUND.
2. THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON LOUISIANA STATE PLANE COORDINATE SYSTEM NORTH ZONE (NAD 83) 2000 EPOCH BOUND TO CONVEY FROM GRID BEARINGS TO TRUE BEARINGS USE: 0.71940°

BASE STATIONS:
DRT296 SHW
SHREVEPORT CONS APP
LAT: 42°23'23.65828" N
LONG: 92°52'42.85296" W
Y=420294.45
X=3095005.83

DESOTO TRIC
CENTER CONS APP
LAT: 42°46'42.85296" N
LONG: 92°52'42.85296" W
Y=420294.45
X=3095005.83

1. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
2. CURVE DISTANCES DERIVED FROM COORDINATES SHOWN HEREON TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 0.9999702

LEGEND

- EXISTING R/W
- REQUIRED R/W
- RIGHT OF WAY LINE
- EXIST. C.D.A.
- REQUIRED C.D.A.
- CONTROL OF ACCESS
- EXIST. R/W & EXIST. C.D.A.
- BEVD R/W & BEVD C.D.A.
- RIGHT OF WAY & CONTROL OF ACCESS
- LIMITS OF CONSTRUCTION
- LOT LINE
- APPROXIMATE PROPERTY LINE
- EXISTING SEPARATE LINE
- SECTION LINE

§ CURVE DATA

- P.I. STA. 208+35.19
- P.C. STA. 208+35.19
- T. 50.00
- X. 250.00
- Y. 250.00
- D. 90°
- L. 50.00
- R. 50.00



4-2	STEVEN BRYAN SLAUGHTER	008 031 PG. 57	DECEMBER 11 2001	0.004 AC.
4-1	REGINA BUFKIN LYNCH	008 042 PG. 13	MARCH 15 2003	0.051 AC.
PARCEL 1	OWNER	ACQUISITION	AREA	

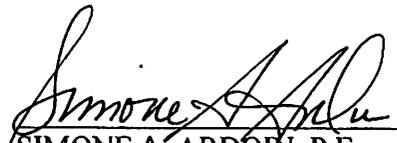
DATE: 4/11/16	TITLE: LIMITS OF CONSTRUCTION	DISTRICT: DESOTO	PROJECT: LA 175 IMPROVEMENT STW US 84 & LA 509	COMPUTER: RKD	CHECKED: N/A	PARISH: DESOTO	CONTROL SECTION: 035-04 & 105-01	STATE PROJECT: H.010212	DATE: 7/17/2015	SCALE: 1" = 20'
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CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. . H.010212, LA 175 IMPROVEMENTS BETWEEN US 84 & LA 509, ROUTE 509, DESOTO 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. 5-12-16
DOTD CHIEF ENGINEER DATE



SIMONE A. ARDOIN, P.E. 05/10/16
ROAD DESIGN ENGINEER DATE

Parcel No. 4-1
S. P. No. H.010212

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) 4-1, 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	\$5,082
DAMAGES (NET COST TO CURE)	\$0
ADDITIONAL COMPENSATION	<u>\$0</u>
TOTAL ESTIMATE OF COMPENSATION	\$5,082

Methodology Used:

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

David W. Volentine, MAI
2020 East 70th Street, Suite 203
Shreveport, LA 71105

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

Shreveport, Louisiana, January 8, 2016.



David W. Volentine, MAI
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER
CERTIFICATE NO. G0028

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 5,082.00

Heather Corsetino 5/19/16
Date

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

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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NUMBER 77461

VS.

42ND JUDICIAL DISTRICT COURT

PARISH OF DESOTO

REGINA BUFKIN LYNCH. ET AL

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 Five Thousand Eighty Two and No/100 Dollar (\$5,082.00).

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 thereon, subject to the reservation in favor of REGINA BUFKIN LYNCH 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 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 Desoto, State of Louisiana, and in Section 10, Township 12N, Range 13W, Northwestern Land District, identified as Parcel No. 4-1, on a white print of a plat of survey, consisting of Sheet No. 4, made by Robert Keith Duck, Registered Land Surveyor, dated April 11, 2016, 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. 4-1:

From a point on the centerline of State Project No. H.010212, at Highway Survey Station 216+36.63, proceed S89°15'07"E a distance of 42.43 feet to the point of beginning; thence proceed N13°16'39"E a distance of 130.03 feet to a point and corner; thence proceed S89°15'07"E a distance of 28.06 feet to a point and corner; thence

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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

REGINA BUFKIN LYNCH, ET AL

NUMBER 77461

42ND JUDICIAL DISTRICT COURT

PARISH OF DESOTO

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

proceed along a curve to the left having a radius of 907.26 feet, whose length is 134.35 feet and whose chord length is 134.23 feet and bears S19°43'53"W to a point and corner; thence proceed N89°15'07"W a distance of 12.61 feet to the point of beginning. All of which comprises Parcel 4-1 as shown on Sheet 4 of the Right of Way Plans of State Project No. H.010212, and contains an area of approximately 2358.5 square feet or 0.054 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, REGINA BUFKIN LYNCH and KIMBERLY RUSHING, vacate the above described property and surrender possession thereof unto the plaintiff immediately.

Mansfield, Louisiana, this 13th day of June, 2016.



JUDGE, FORTY-SECOND JUDICIAL DISTRICT COURT

PROCESSED 6-14 2016
Brittany Wilcott
A TRUE COPY ATTEST
Deputy Clerk
Brittany Wilcott
CLERK OF THE DISTRICT COURT
DESOTO PARISH, LOUISIANA

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2016 JUN 10 AM 11 53

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NUMBER 77461

VS.

42ND JUDICIAL DISTRICT COURT

PARISH OF DESOTO

REGINA BUFKIN LYNCH, ET AL

STATE OF LOUISIANA

RECEIPT

JEREMY EVANS, 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. REGINA BUFKIN LYNCH, ET AL" No. 77461 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 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 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 Desoto, State of Louisiana, and in Section 10, Township 12N, Range 13W, Northwestern Land District, identified as Parcel No. 4-1, on a white print of a plat of survey, consisting of Sheet No. 4, made by Robert Keith Duck, Registered Land Surveyor, dated April 11, 2016, 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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S89°15'07"E a distance of 28.06 feet to a point and corner; thence proceed along a curve to the left having a radius of 907.26 feet, whose length is 134.35 feet and whose chord length is 134.23 feet and bears S19°43'53"W to a point and corner; thence proceed N89°15'07"W a distance of 12.61 feet to the point of beginning. All of which comprises Parcel 4-1 as shown on Sheet 4 of the Right of Way Plans of State Project No. H.010212, and contains an area of approximately 2358.5 square feet or 0.054 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 Five Thousand Eighty Two and No/100 Dollars (\$5,082.00) 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 Mansfield, Louisiana, this 14th day of June, 2016.

Brittany Wilcote
DEPUTY CLERK OF COURT, FORTY-SECOND JUDICIAL DISTRICT COURT