

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

BLANCH CHARLSTON NELSON, ET AL

NUMBER

577239. A

1ST JUDICIAL DISTRICT COURT

PARISH OF CADDO

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.

BLANCH CHARLSTON NELSON and PARISH OF CADDO are the defendants herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Caddo, a certain project designated as State Project No. H.011105, CUL-DE-SACS @ I-49N C OF A LINES, on State Route I-49, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on April 4, 2014, which declares that it is necessary and useful to take immediately the hereinafter described property and property rights 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.

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.

6.

Included within the right of way required for said project is certain property believed to be owned by defendants, and required in full ownership designated as Parcel No. 4-3, described as follows, to-wit:

One (1) certain tract or parcel of land, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Caddo, State of Louisiana, and in Section 16, Township 18 North, Range 14 West, Northwestern Land District, identified as Parcel No. 4-3, on a white print of a plat of survey, consisting of Sheet No. 4, made by Charles G. Coyle, III, Registered Land Surveyor, dated December 19, 2013, 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. 4-3:

From a point on the centerline of State Project No. H.011105, Phelps Street, at Highway Survey Station 17+04.16, proceed N01°19'52"E a distance of 30.70 feet to the point of beginning; thence proceed N01°19'52"E a distance of 1.56 feet to a point and corner; thence proceed along a curve to the left having a radius of 55.00 feet, whose length is 30.58 feet and whose chord length is 30.19 feet and bears N69°12'12"E to a point and corner; thence proceed S00°50'24"W a distance of 12.65 feet to a point and corner; thence proceed N89°15'00"W a distance of 28.08 feet to the point of beginning. All of which comprises Parcel 4-3 as shown on Sheet 4 of the Right of Way Plans of State Project No. H.011105, and contains an area of approximately 156.7 square feet or 0.004 of an acre.

The above parcel constitutes a portion of the property acquired by Sale Deed dated December 9, 1953, and recorded on December 9, 1953, at Entry No. 60992, in the conveyance records of Caddo Parish, Louisiana.

7.

This property and line are outlined in red on a plat of survey marked "Exhibit P-3," annexed hereto and made a part hereof.

8.

The property designated as Parcel No. 4-3 and is a tract believed to be owned by the defendants.

9.

There are no buildings situated wholly or partially upon the above described property, and the only improvement situated wholly or partially thereon consists of chain-link fencing.

10.

The expropriation of the full ownership of the property described above as Parcel No. 4-3 shall be made subject to the reservation in favor of the owners of all oil or gas located under the property described above, together with all of the improvements situated wholly or partially thereon, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation, such reservation of mineral rights being imprescriptible as authorized by LA R.S. 31:149.

11.

Petitioner has attempted to acquire in full ownership the above described property designated as Parcel No. 4-3, subject to the mineral reservation set forth herein, but has been unable to do so and it is, therefore, necessary for petitioner to expropriate the above described property and access rights.

12.

The just compensation to which the defendants are entitled, being the compensation for the full ownership of the above described property designated as Parcel No. 1-1, 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 FOUR HUNDRED EIGHTY and No/100 DOLLARS (\$480.00), as shown by the written estimate of compensation marked "Exhibit P-5A" and "Exhibit P-5B," annexed hereto and made a part hereof.

13.

Petitioner is entitled to expropriate the full ownership of the above described property designated as Parcel No. 4-3, 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 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 FOUR HUNDRED EIGHTY and No/100 DOLLARS (\$480.00) for payment to the person or persons entitled thereto, and declaring that the full ownership of the property described above designated as Parcel No. 4-3, together with all of the improvements situated wholly or partially thereon, 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 notice of this expropriation be issued and served upon BLANCH CHARLSTON NELSON and PARISH OF CADDO, 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.

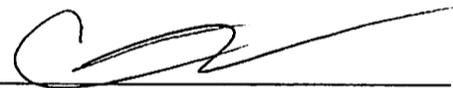
Petitioner further prays that this matter be tried by jury and that it be allowed to utilize the cash deposit authorized by Article 1734.1 of the Code of Civil procedure.

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 FOUR HUNDRED EIGHTY and No/100 DOLLARS (\$480.00).

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

PLEASE SERVE:

PARISH OF CADDO
c/o Woodrow Wilson, Jr., Administrator
505 Travis Street, Suite 800
Shreveport, LA 71101

BLANCH CHARLSTON NELSON - VIA LONG ARM SERVICE
2418 66th Avenue
Oakland, CA 94605

April 4, 2014

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.011105
CUL-DE-SACS AT I-49N C OF A LINES
STATE ROUTE I-49
PARISH OF CADDO

State Project Number H.011105 provides for asphaltic concrete roadway, class II base course, lime treatment, grading, drainage structures, and related work, on State Route I-49 in Caddo Parish, for five cul-de-sacs as follows:

The cul-de-sac on Nash Street begins at approximate Highway Survey Station 10+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 13+01.74. The roadway length is approximately 0.030 miles.

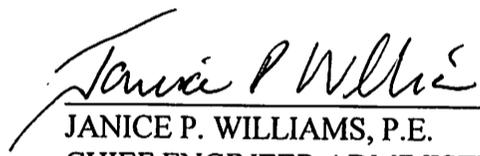
The cul-de-sac on Hall Street begins at approximate Highway Survey Station 12+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 14+96.08. The roadway length is approximately 0.030 miles.

The cul-de-sac on Kelsey Street begins at approximate Highway Survey Station 12+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 15+05.86. The roadway length is approximately 0.030 miles.

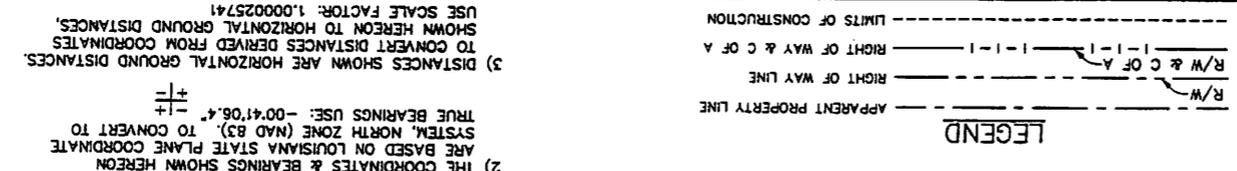
The cul-de-sac on Phelps Street begins at approximate Highway Survey Station 16+00.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 18+59.89. The roadway length is approximately 0.030 miles.

CERTIFICATE
OF THE
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO. H.011105, CUL-DE-SACS @ I-49N C-OF-A LINE, ROUTE I-49, CADDO PARISH, in a manner sufficient in my judgment to provide presently and in the future for the public interest, safety and convenience.

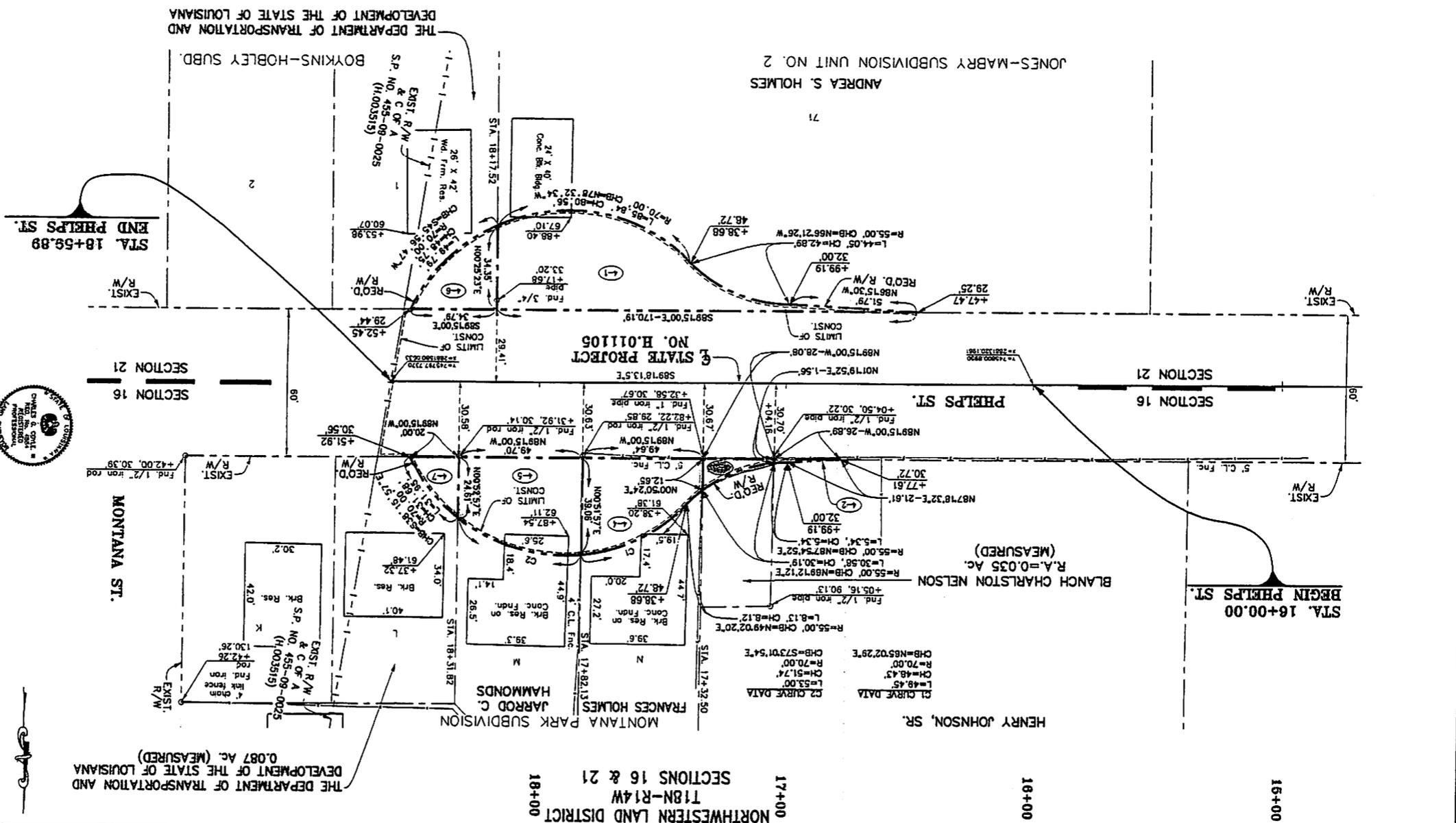
 5-6-14
JANICE P. WILLIAMS, P.E. DATE
CHIEF ENGINEER ADMINISTRATOR

PARCEL	OWNER	ACQUISITION	AREA
4-7	THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT OF THE STATE OF LOUISIANA	C.O.B. 4570, Pg. 163 MAY 15, 2012	0.007 Ac.
4-6	JARROD C. HAMMONDS	C.O.B. 4567, Pg. 85 JUNE 8, 2010	0.017 Ac.
4-5	FRANCES HOLMES	C.O.B. 1456, Pg. 242 JULY 19, 1974	0.034 Ac.
4-3	BLANCH CHARLSTON NELSON	C.O.B. 705, Pg. 234 DECEMBER 9, 1953	0.004 Ac.
4-2	HENRY JOHNSON, SR.	C.O.B. 4432, Pg. 468 DECEMBER 7, 2010	21.4 SF
4-1	ANDREA S. HOLMES	C.O.B. 3012, Pg. 38 DECEMBER 15, 1994	0.074 Ac.



NOTES:
 1) ALL PIPES AND MONUMENTS SHOWN HEREON WERE FOUND.
 2) THE COORDINATES & BEARINGS SHOWN HEREON ARE BASED ON LOUISIANA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD 83), TO CONVERT TO TRUE BEARINGS USE: -00°41'06.4" ±

3) DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. TO CONVERT DISTANCES DERIVED FROM COORDINATES SHOWN HEREON TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 1.00025741



COYLE ENGINEERING CO., INC.
 BOSSIER CITY, LOUISIANA
 (504) 748-8987

DATE 12/20/2013
COMPILED BY: CCGC
DRAWN BY: TJS
SCALE: 1" = 20'
FILE NO. 16-1-002
R/W SHEET NO. 4

PROJECT NO. H.011105
CADD

RIGHT OF WAY MAP
STATE PROJECT NO. H.011105
CUL-DE-SACS @ I-49N-C-O-A LINE
CADDO PARISH
I-49

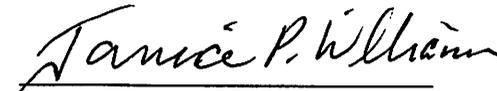
PROFESSIONAL LAND SURVEYOR
CHUCK & GAIL
REGISTERED PROFESSIONAL SURVEYORS

REGISTERED PROFESSIONAL ENGINEER
BOSSIER CITY, LOUISIANA

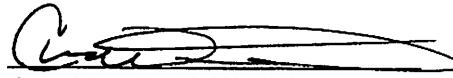
EXHIBIT P-3

CERTIFICATE
ON
LOCATION AND DESIGN

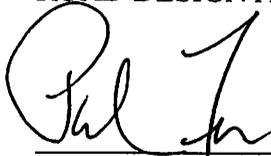
We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.011105, CUL-DE-SACS @ I-49N C-OF-A LINE, ROUTE I-49, CADDO PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.



JANICE P. WILLIAMS, P.E. 5-6-14
CHIEF ENGINEER ADMINISTRATOR DATE



CHAD WINCHESTER, P.E. 5-6-14
ROAD DESIGN ADMINISTRATOR DATE



PAUL FOSSIER, P.E. 5-6-14
BRIDGE DESIGN ADMINISTRATOR DATE

Parcel No. 4-3
S. P. No. H.011105

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) 4-3, and it's (their) remainder(s) which is the subject matter of this estimate, that I am familiar with land values in the vicinity, and that I estimate the compensation to be as follows:

VALUE OF LAND	\$200
DAMAGES	\$140
ADDITIONAL COMPENSATION	<u>\$ 0</u>
TOTAL ESTIMATE OF COMPENSATION	\$340

Methodology Used:

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

Todd M. Tidwell, MAI
117 Julia Street, Suite 7
West Monroe, LA 71291

Qualifications:

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

West Monroe, Louisiana, May 5, 2014



Todd M. Tidwell, MAI ▲
Louisiana Certified General Real Estate Appraiser
Certificate No. G0805

Total Approved Amount of Compensation to the full
extent of the owner's loss \$ 480.00

Heather Corsentino 5/9/14
Heather Corsentino Date

Department of Transportation and
Development, State of Louisiana

Gary Loftin
Caddo Parish Clerk of Court
2508177
06/16/2014 04:23 PM

577239-A

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

BLANCH CHARLSTON NELSON, ET AL

NUMBER

1ST JUDICIAL DISTRICT COURT

PARISH OF CADDO

STATE OF LOUISIANA

FILED: _____

BY: _____

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 FOUR HUNDRED EIGHTY and No/100 DOLLARS (\$480.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below designated as Parcel No. 4-3, together with all of the improvements situated wholly or partially thereon, subject to the reservation in favor of defendants in their respective ownership interest 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, is expropriated and taken for highway purposes as of the time of such deposit, according to law, for the I-49 NORTH, CUL-DE-SACS @ I-49N C OF A LINES, and its appurtenances, on State Route I-49, being State Project No. H.011105, said property and line being described as follows, to-wit:

One (1) certain tract or parcel of land, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Caddo, State of Louisiana, and in Section 21, Township 18 North, Range 14 West, Northwestern Land District, identified as Parcel No. 4-3, on a white print of a plat of survey, consisting of Sheet No. 1, made by Charles G. Coyle, III, Registered Land Surveyor, dated December 19, 2013, 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:

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT
VS.

NUMBER
1ST JUDICIAL DISTRICT COURT
PARISH OF CADDO

BLANCH CHARLSTON NELSON, ET AL

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 4-3:

From a point on the centerline of State Project No. H.011105, Phelps Street, at Highway Survey Station 17+04.16, proceed N01°19'52"E a distance of 30.70 feet to the point of beginning; thence proceed N01°19'52"E a distance of 1.56 feet to a point and corner; thence proceed along a curve to the left having a radius of 55.00 feet, whose length is 30.58 feet and whose chord length is 30.19 feet and bears N69°12'12"E to a point and corner; thence proceed S00°50'24"W a distance of 12.65 feet to a point and corner; thence proceed N89°15'00"W a distance of 28.08 feet to the point of beginning. All of which comprises Parcel 4-3 as shown on Sheet 4 of the Right of Way Plans of State Project No. H.011105, and contains an area of approximately 156.7 square feet or 0.004 of an acre.

The above parcel constitutes a portion of the property acquired by Sale Deed dated December 9, 1953, and recorded on December 9, 1953, at Entry No. 60992, in the conveyance records of Caddo Parish, Louisiana.

AND IT IS HEREBY ORDERED that the mineral reservation set forth herein is imprescriptible as authorized by LA R.S. 31:149.

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 the defendants, BLANCH CHARLSTON NELSON and PARISH OF CADDO, vacate and abandon the property, and surrender possession of the property and property rights thereof to the plaintiff immediately upon the deposit of the estimated compensation into the registry of this court.

Shreveport, Louisiana, this 12th day of June, 2014.

JUDGE RAMON LAFITTE

JUDGE, FIRST JUDICIAL DISTRICT COURT

ENDORSED FILED
COLVIN ROBERSON, Deputy Clerk

JUN 04 2014

A TRUE COPY - Attest
Jana Gustin
CADDO PARISH DEPUTY CLERK

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

BLANCH CHARLSTON NELSON, ET AL

NUMBER

577239.A

1ST JUDICIAL DISTRICT COURT

PARISH OF CADDO

STATE OF LOUISIANA

RECEIPT

GARY LOFTIN, CLERK OF COURT

TO

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

**STATE OF LOUISIANA
PARISH OF CADDO**

BE IT KNOWN that on the 17 day of June, 2014, before me, GOLWIN ROBERSON, Deputy Clerk of Court and Ex-officio Notary Public, in and for the Parish of Caddo, State of Louisiana, duly commissioned and qualified, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared Gary Loftin, a resident of the Parish of Caddo, State of Louisiana, and Clerk of the First Judicial District Court for the State of Louisiana, in and for the Parish of Caddo.

The appearer declared that in the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, VS. BLANCH CHARLSTON NELSON, ET AL," No. 577239 of the docket of said Court, the State of Louisiana seeks the expropriation of the full ownership of the property described below designated as Parcel No. 4-3, 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 designated as Parcel No. 4-3, 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 I-49 NORTH (CUL-DE-SACS @ I-49N C OF A LINES), and its appurtenances, on State Route I-49, being State Project No. H.011105, in the Parish of Caddo, said property and line being described as follows, to-wit:

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The above parcel constitutes a portion of the property acquired by Sale Deed dated December 9, 1953, and recorded on December 9, 1953, at Entry No. 60992, in the conveyance records of Caddo Parish, Louisiana.

The appearer further declared that 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 FOUR HUNDRED EIGHTY and No/100 DOLLARS (\$480.00) in cash, lawful current money of the United States of America, by delivering said sum to the said Clerk of Court and said appearer further acknowledges receipt of said sum and declares that he has placed same in the registry of said Court.

THUS DONE, READ AND PASSED at my office in the City of Shreveport, Parish of Caddo, State of Louisiana, in the presence of Kara McClung and Jim Scott, competent witnesses, who have hereunto signed their names with the appearer and me, said Notary, the day, month and year first above written.

Kara McClung

Jim Scott

GARY LOFTIN
CLERK OF COURT

DEP
Colvin Roberson

DEPUTY CLERK OF COURT AND EX-OFFICIO NOTARY PUBLIC

COLVIN ROBERSON
DEPUTY CLERK
CADDO PARISH
ID # 87633

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Office of the
Director of
Central Intelligence
Washington, D.C.

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OFFICE OF CENTRAL INTELLIGENCE