

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION AND DEVELOPMENT

NUMBER: 747128
24TH JUDICIAL DISTRICT

F

COURT

VS.

HIBIRD, INC., AND H.J.M. MACHINE SHOP, INC.

PARISH OF JEFFERSON
STATE OF LOUISIANA

FILE FOR RECORD
215 FEB 26 AM 11:11
S/A. AUGUST

FILED: _____

DEPUTY CLERK

PETITION

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.

Named Defendants herein are:

HIBIRD, INC., a Louisiana corporation domiciled in the Parish of Jefferson, State of Louisiana, and;

H.J.M. MACHINE SHOP, INC., a Louisiana corporation domiciled in the Parish of Jefferson, State of Louisiana.

2.

The Department of Transportation and Development proposes to construct in the Parish of Jefferson, a certain project designated as State Project No. 826-44-0027, Hickory Avenue (Relocated LA 3154, Dickory Extension), which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on July 27, 2012, 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 defendant Hibird, Inc., subject to a lease in favor of defendant H.J.M. Machine Shop, Inc., 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, if any, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, and in Section 41, Township 13 South, Range 10 East, Southeastern Land District, identified as PARCEL NO. 2-4 as shown on Sheet No. 2 of the property map for STATE PROJECT NO. 826-44-0027, HICKORY AVENUE (RELOCATED La 3154, DICKORY EXTENSION), LA 3154, JEFFERSON PARISH, LOUISIANA, prepared by Harvey T. Monson, Registered Professional Land Surveyor, dated 27 February 2007, the latest revision on 18 February 2015, said map being attached hereto and made a part hereof, which property is more particularly described as follows:

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 2-4:

From a point on the centerline of State Project No. H.004359, 826-44-0027, at station 119+00.10, proceed N42°23'47"E a distance of 110.59 feet to the point of beginning; thence proceed N36°27'30"W a distance of 221.3 feet to a point and corner; thence proceed along a curve to the left having a radius of 981.93 feet, whose length is 134.19 feet and whose chord length is 134.09 feet and bears N40.22'24"w to a point and corner; thence proceed N64.5'27"E a distance of 10.53 feet to a point and corner; thence proceed along a curve to the right having a radius of 991.93 feet, whose length is 132.24 feet and whose chord length is 132.14 feet and bears S40.16'39"E to a point and corner; thence proceed S36.27'30"E a distance of 219.33 feet to a point and corner; thence proceed S42°23'47"w a distance of 10.19 feet to the point of beginning; All of which comprises Parcel 2-4 as shown on SHEET 2 of the Right of Way Plans of State Project No. H.004359, and contains an area of 3535.2 square feet or 0.081 acres.

Being a portion of the Vendor's property acquired in an Act of Cash Sale recorded as Instrument Number 9435396, dated June 10, 1994 in the conveyance records of Jefferson Parish, Louisiana.

6.

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

6A.

The above described property is owned by Hibird, Inc., subject to a lease in favor of H.J.M. Machine Shop, Inc.

7.

This property is a portion of a larger tract believed to be owned by the defendant, Hibird, Inc.

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 Entergy of Louisiana transmission poles recently relocated in compliance with the proposed Project.

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 public, as shown by the Certificate of 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 conducive to the public interest, convenience and safety, it is necessary that petitioner acquire in full ownership the described property, together with all the rights and interests of the lessee, 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 the rights and interests of the lessee, 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, Hibird, Inc., 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 and other interests in the above described property, together with all of the rights and interests of the lessee, subject to the mineral reservation set forth herein, has been estimated to be the sum of SEVENTY TWO THOUSAND SEVEN HUNDRED FORTY FIVE AND NO/100 (\$72,745.00) DOLLARS, 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 rights and interests of the lessee, 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.

15.

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

16.

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.

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 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 the Louisiana Code of Civil Procedure.

WHEREFORE, petitioner prays that an order be issued herein directing petitioner to deposit in the registry of this Court the sum of SEVENTY TWO THOUSAND SEVEN HUNDRED FORTY FIVE AND NO/100 (\$72,745.00) DOLLARS 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 rights and interests of the lessee, and subject to the mineral reservations 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, Hibird, Inc., and H.J.M.Machine Shop, Inc., to surrender to petitioner possession of said property.

Petitioner further prays that notice of this Expropriation be issued and served upon defendants, Hibird, Inc., and H.J.M.Machine Shop, Inc., 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 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 SEVENTY TWO THOUSAND SEVEN HUNDRED FORTY FIVE AND NO/100 (\$72,745.00) DOLLARS.

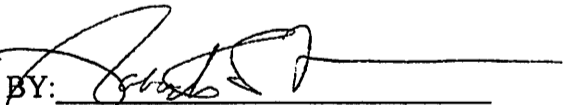
Respectfully submitted,

STATE OF LOUISIANA, DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

Mark A. Johnson (#23406)
1201 Capitol Access Rd.
Baton Rouge, LA 70802
Telephone: (225) 242-4659

- AND -

DAIGLE FISSE & KESSENICH, PLC

BY: 

James L. Bradford, III (#23662)
Patrick E. Moore (#22123)
D. Stephen Brouillette, Jr. (#29105)
P.O. Box 5350
Covington, Louisiana 70434-5350
Telephone: 985.871.0800
Facsimile: 985.871.0899

COUNSEL FOR PLAINTIFF,
STATE OF LOUISIANA, DEPARTMENT OF
TRANSPORTATION AND DEVELOPMENT

FILE FOR RECORD
2015 FEB 26 AM 11:11
RECEIVED
PARISH OF JEFFERSON

July 27, 2012

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:

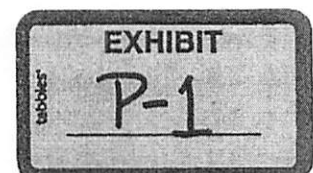
STATE PROJECT NO(S). H.004359
STATE PROJECT NO(S). 826-44-0027
HICKORY AVENUE (RELOCATED
LA 3154, DICKORY EXTENSION)
(LA 48 TO NINTH STREET)
STATE ROUTE LA 3154
PARISH OF JEFFERSON

State Project Number 826-44-0027 / H.004359 provides for grading, base course, Portland cement concrete pavement, asphaltic pavement, curb, subsurface drainage and earthwork, cold plane and overlay, and related work, on State Route LA 3154 in Jefferson Parish, as follows: Beginning at approximate Highway Survey Station 100+00.00, then proceeding in a northwesterly direction, and ending at approximate Highway Survey Station 159+00.00. There are two (2) exceptions: (1) 300.00 feet, at approximate Highway Survey Station 100+00.00 to approximate Highway Survey Station 103+00.00; and (2) 400.00 feet, at approximate Highway Survey Station 155+00.00 to approximate Highway Survey Station 159+00.00. The total roadway length is approximately 0.985 miles, for an overall project length of approximately 0.985 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.

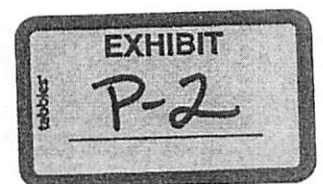


FILE FOR RECORD
2015 FEB 26 AM 11:11
REPUBLIC OF THE STATE OF LOUISIANA
PARISH OF JEFFERSON

CERTIFICATE
OF THE
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct within STATE PROJECT NO. H.004359 / 826-44-0027, HICKORY AVENUE (RELOCATED LA 3154, DICKORY EXTENSION), (LA 48 TO NINTH STREET), ROUTE LA 3154, JEFFERSON PARISH, in a manner sufficient in my judgment to provide presently and in the future for the public interest, safety and convenience.

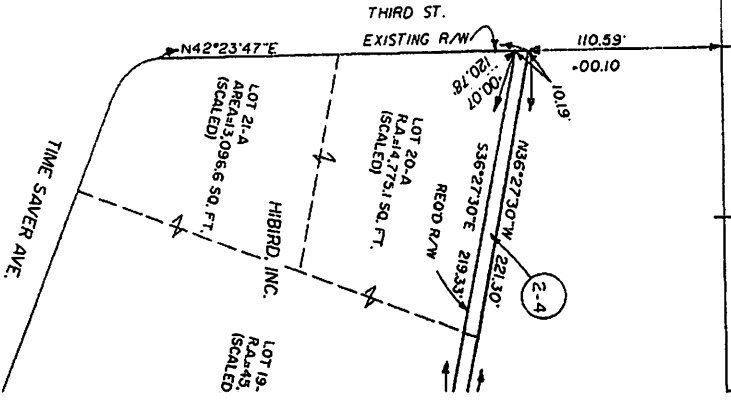
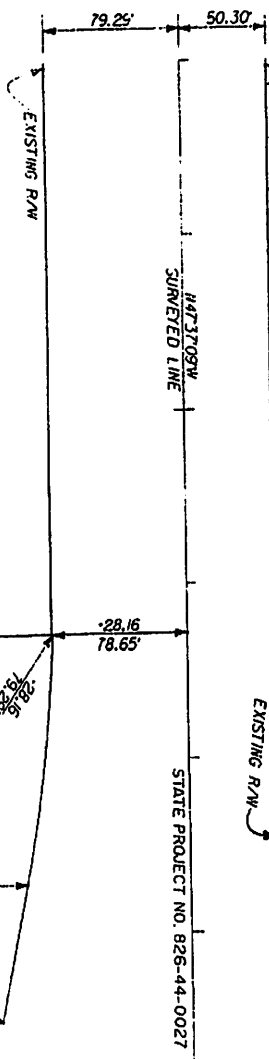
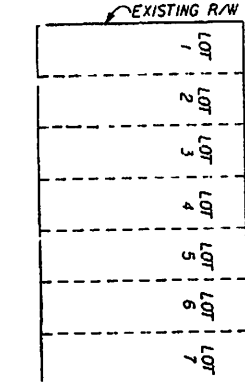
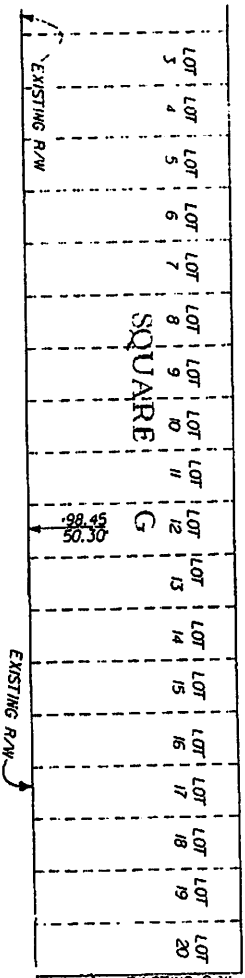
Janice P. Williams 2-23-15
JANICE P. WILLIAMS, P.E. DATE
DOTD CHIEF ENGINEER



115+00

120+00

HICKORY AVE



2-4	HIBIRD, INC.	C.O.B. 2896 FOLIO 600	JUNE 20/1994	35832 SQ. FT.
2-04	STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT	C.O.B. 3012	PG. 758	JULY 29/1999
2-01				DELETED
1				DELETED

PARCEL OWNER ACQUISITION AREA

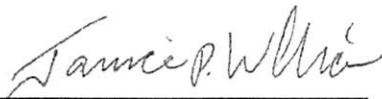
RIGHT OF WAY

LEGEND

CERTIFICATE
ON
LOCATION AND DESIGN

FILE FOR RECORD
2015 FEB 26 AM 11:11
SECURITY PLEAS
COURT HOUSE

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.004359 / 826-44-0027, HICKORY AVENUE (RELOCATED LA 3154, DICKORY EXTENSION), (LA 48 TO NINTH STREET), ROUTE LA 3154, JEFFERSON 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

2-23-15

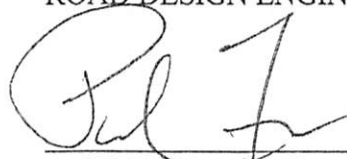
DATE



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

02/23/15

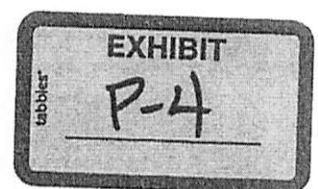
DATE



PAUL FOSSIER, P.E.
BRIDGE DESIGN ENGINEER

02/23/15

DATE



Parcel No. 2-4

Project: H-004359 Hickory Avenue (Relocated La 3154 – Dickory Extension), Jefferson Parish, La.

CERTIFICATE
OF
ESTIMATE OF COMPENSATION

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number 2-4, 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	<u>\$38,887.00</u>
DAMAGES (COST TO CURE)	<u>\$33,858.00</u>
ADDITIONAL COMPENSATION	<u>NONE</u>
TOTAL ESTIMATE OF COMPENSATION	<u>\$72,745.00</u>

Methodology Used:

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

Wayne C. Sandoz
732A Behrman Highway, Gretna, La., 70056

Qualifications:

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

Gretna, Louisiana, August 13, 2014.

WAYNE C. SANDOZ
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER
CERTIFICATE NO. G0320 (Expires 12/31/2016)

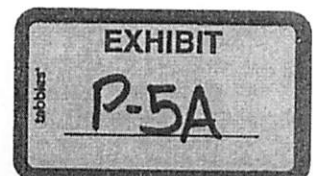
Total Approved Amount of Compensation to the full extent of the owner's loss \$ 72,745.00

Heather Cosentino 2/24/15

HUBERT E. GRAVES Date

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

FILE FOR RECORD
2015 FEB 26 AM 11:12
PROPERTY RECORDS
JEFFERSON PARISH, LA.



Parcel No. 2-4
State Project No. H.004359 (826-44-0027)

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) 2-4, 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	\$42,423
DAMAGES	\$0
ADDITIONAL COMPENSATION	\$0
TOTAL ESTIMATE OF COMPENSATION	\$42,423

Methodology Used:

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

Angela Lemoine-Lakvold, MAI, SRA, R/W-AC
The Lakvold Group, LLC
4520 Jamestown Avenue, Suite 1
Baton Rouge, Louisiana 70808

FILE FOR RECORDS
2015 FEB 26 AM 11:12
DEPT. OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

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, February 24, 2015.

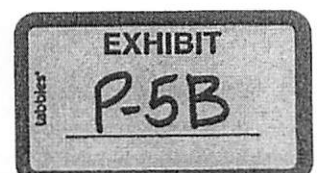
Angela Lemoine-Lakvold

Angela Lemoine-Lakvold, MAI, SRA, R/W-AC
LA State Certified General Real Estate Appraiser #G0575

Total Approved Amount of Compensation to the full extent of the owner's loss
\$ 72,745.00

Heather Corsetino 2/24/2015
Date

HEATHER CORSENTINO
Assistant Real Estate Administrator
Department of Transportation and Development
State of Louisiana



STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION AND DEVELOPMENT

NUMBER: 747-128
24TH JUDICIAL DISTRICT

COURT

VS.

PARISH OF JEFFERSON

HIBIRD, INC., AND H.J.M. MACHINE SHOP, INC.

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK

ORDER OF EXPROPRIATION

The petition, exhibits and the premises considered:

IT IS HEREBY ORDERED that the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, does deposit in the registry of this Court, for the use and benefit of the person or persons entitled thereto, the sum of SEVENTY TWO THOUSAND SEVEN HUNDRED FORTY FIVE AND NO/100 (\$72,745.00) DOLLARS.

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, together with all the rights and interests of the lessee, subject to the reservation in favor of defendant, Hibird, Inc., 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 Jefferson, State of Louisiana, and in Section 41, Township 13 South, Range 10 East, Southeastern Land District, identified as PARCEL NO. 2-4 as shown on Sheet No. 2 of the property map for STATE PROJECT NO. 826-44-0027, HICKORY AVENUE (RELOCATED La 3154, DICKORY EXTENSION), LA 3154, JEFFERSON PARISH, LOUISIANA, prepared by Harvey T. Monson, Registered Professional Land Surveyor, dated 27 February 2007, the latest revision on 18 February 2015, said map being attached hereto and made a part hereof, which property is more particularly described as follows:

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 2-4:

From a point on the centerline of State Project No. H.004359, 826-44-0027, at station 119+00.10, proceed N42°23'47"E a distance of 110.59 feet to the point of beginning; thence proceed N36°27'30"W a distance of 221.3 feet to a point and corner; thence proceed along a curve to the left having a radius of 981.93 feet, whose length is 134.19 feet and whose chord length is 134.09 feet and bears

IMAGED FEB 26 2015

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION AND DEVELOPMENT
COURT

NUMBER: 747-128
24TH JUDICIAL DISTRICT

VS.
HIBIRD, INC., AND H.J.M. MACHINE SHOP, INC.

PARISH OF JEFFERSON
STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

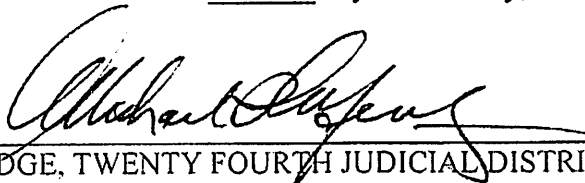
N40.22'24"w to a point and corner; thence proceed N64.5'27"E a distance of 10.53 feet to a point and corner; thence proceed along a curve to the right having a radius of 991.93 feet, whose length is 132.24 feet and whose chord length is 132.14 feet and bears S40.16'39"E to a point and corner; thence proceed S36.27'30"E a distance of 219.33 feet to a point and corner; thence proceed S42°23'47"w a distance of 10.19 feet to the point of beginning; All of which comprises Parcel 2-4 as shown on SHEET 2 of the Right of Way Plans of State Project No. H.004359, and contains an area of 3535.2 square feet or 0.081 acres.

Being a portion of the Vendor's property acquired in an Act of Cash Sale recorded as Instrument Number 9435396, dated June 10, 1994 in the conveyance records of Jefferson Parish, Louisiana.

AND IT IS HEREBY FUTHER 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.

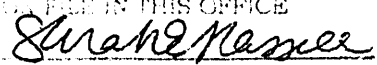
AND IT IS HEREBY FUTHER ORDERED that the defendants Hibird, Inc., and H.J.M. Machine Shop, Inc., vacate the above described property and surrender possession thereof unto the plaintiff immediately upon the deposit of the estimated compensation into the registry of the Court.

GRETNA, LOUISIANA this 26th day of February, 2015.



JUDGE, TWENTY FOURTH JUDICIAL DISTRICT COURT

IMAGED FEB 26 2015

TRUE COPY OF THE ORIGINAL
FILED IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA

**Jon A. Gegenheimer
Clerk Of Court
24th Judicial District Court - Parish of Jefferson**

Receipt

Div:Case	F:747-128	Receipt	1502265992
Account	P 1 LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, STATE	Trx Date	Feb 26, 2015
Authorization	OF 022123 PATRICK E. MOORE	Clerk	SH2

ACCOUNT BALANCES Feb 26, 2015

CIVIL DOCKET -334.50
CASH BOND REGISTRY 72,745.00

DEPOSIT AMOUNT	
901	CK160595 STATE OF LOUISIANA DEPARTMENT OF TREASURY AND MOORE \$ 72,745.00

All fees in this matter will be charged in accordance with Louisiana REASURY AND MOORE relevant statutes. If you believe these charges might be incorrect, contact our office at (504) 364-2912 or (504) 364-2655 for a formal review. At any time during litigation, any party may request and obtain a cost breakdown and copy of the docket ledger from the civil suit accounting department.

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www.jpclerkofcourt.us

Jon A. Gegenheimer
Clerk Of Court
24th Judicial District Court - Parish of Jefferson

Receipt

Div:Case Account Authorization	F:747-128 P 1 LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, STATE OF 022123 PATRICK E. MOORE	Receipt Trx Date Clerk	1502265531 Feb 26, 2015 AAA
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ACCOUNT BALANCES Feb 26, 2015

CIVIL DOCKET 51.00

DEPOSIT AMOUNT	
995 CK0000160594 STATE OF LOUISIANA DEPARTMENT OF THE TREASURY PATRICK E. MOORE	\$ 55.00

All fees in this matter will be charged in accordance with Louisiana REASURY and POWERS statutes. If you believe these charges might be incorrect, contact our office at (504) 364-2912 or (504) 364-2655 for a formal review. At any time during litigation, any party may request and obtain a cost breakdown and copy of the docket ledger from the civil suit accounting department.

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