

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

M. ALBERT LEE, ET UX

NUMBER 250,888 B
9TH JUDICIAL DISTRICT COURT
PARISH OF RAPIDES
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.

M. ALBERT LEE and DOROTHY LUTTRELL LEE are the defendants herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Rapides, a certain project designated as State Project No. 840-43-0016 (H.008278), US 71: UP RAILROAD OVERPASS NEAR TIOGA, State Route LA US 71, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on June 18, 2013, 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 (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 Rapides, State of Louisiana, and in Section 35, Township 5 North, Range 1 West, North of the Red River Land District, identified as Parcel No. 101, on a white print of a plat of survey, consisting of Sheet No. 1, made by Melvin Harrison, Registered Land Surveyor, dated October 15, 2012, 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. 1-1:

From a point on the centerline of State Project No. H.008278, at Highway Survey Station 111+90.00, proceed S87°49'50"W a distance of 30.00 feet to the point of beginning; thence proceed N17°25'28"W a distance of 68.60 feet to a point and corner; thence proceed S87°09'30"E a distance of 18.12 feet to a point and corner; thence proceed S02°10'10"E a distance of 64.60 feet to the point of beginning. All of which comprises Parcel 1-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.008278, and contains an area of approximately 582.9 square feet or 0.013 of an acre.

Being a portion of the same property acquired by defendants by Act recorded October 3, 1975, in COB 863, Page 192 of the conveyance records of Rapides Parish, State of Louisiana.

6.

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

7.

This property is a portion of a larger tract believed to be owned by the defendants.

8.

There are no buildings situated wholly or partially upon the above described property, and the only improvement situated wholly or partially thereon consist of a concrete drive.

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 One Thousand Three Hundred Thirty-One and No/100 Dollars (\$1,331.00), 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 One Thousand Three Hundred Thirty-One and No/100 Dollars (\$1,331.00) 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.

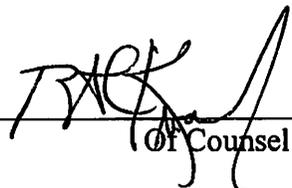
Petitioner further prays that notice of this expropriation be issued and served upon M. ALBERT LEE and DOROTHY LUTTRELL LEE, together with a certified copy of this petition, the order of expropriation of this court and the receipt of the Clerk of Court for the deposit made, according to law.

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.

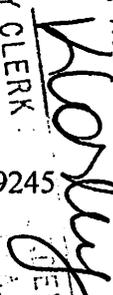
Petitioner further prays that it be served with written notice of any trial, motion or other proceeding scheduled before this Honorable Court in accordance with LA R.S. 48:451, and that it be served with notice of any interlocutory or final order, decree or judgment rendered and signed as provided by 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 One Thousand Three Hundred Thirty-One and No/100 Dollars (\$1,331.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: 
Of Counsel

Bernard L. Knobloch, Jr.
Bar Roll No. 7756
1201 Capitol Access Road
Baton Rouge, LA 70802
P. O. Box 94245
Baton Rouge, LA 70804-9245
PH: (225) 242-4617
FAX: (225) 242-4690
Attorney for State, DOTD

BY
DY CLERK
2019 AUG 27 PM 9 36


FILED & RECORDED
ROBIN L. I.
CLERK OF COURT

PLEASE SERVE:

M. Albert Lee
6248 Clark Circle
Pineville, LA 71360

Dorothy Luttrell Lee
6248 Clark Circle
Pineville, LA 71360

June 18, 2013

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.008278
STATE PROJECT NO(S). 840-43-0016
US 71: UP RAILROAD OVERPASS
NEAR TIOGA
STATE ROUTE US 71
PARISH OF RAPIDES

State Project Number H.008278 / 840-43-0016 provides for clearing and grubbing, grading, earthwork, base course, asphaltic concrete, intersection, composite bridge structure, and related work, on US 71 in Rapides Parish, as follows: Begin at approximate Highway Survey Station 111+90.00, then proceed in a northerly direction, and end at approximate Highway Survey Station 130+00.00. There is a bridge site which begins at approximate Highway Survey Station 115+63.50 and ends at approximate Highway Survey Station 125+48.50. The total roadway length is approximately 0.156 miles, and the total bridge length is approximately 0.187 miles; the overall project length is approximately 0.343 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.008278 / 840-43-0016, US 71: UP Railroad Overpass near Tioga, State Route US 71, Parish of Rapides.

Baton Rouge, Louisiana, this 18th day of June, 2013.



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, 27 day of June, 2013



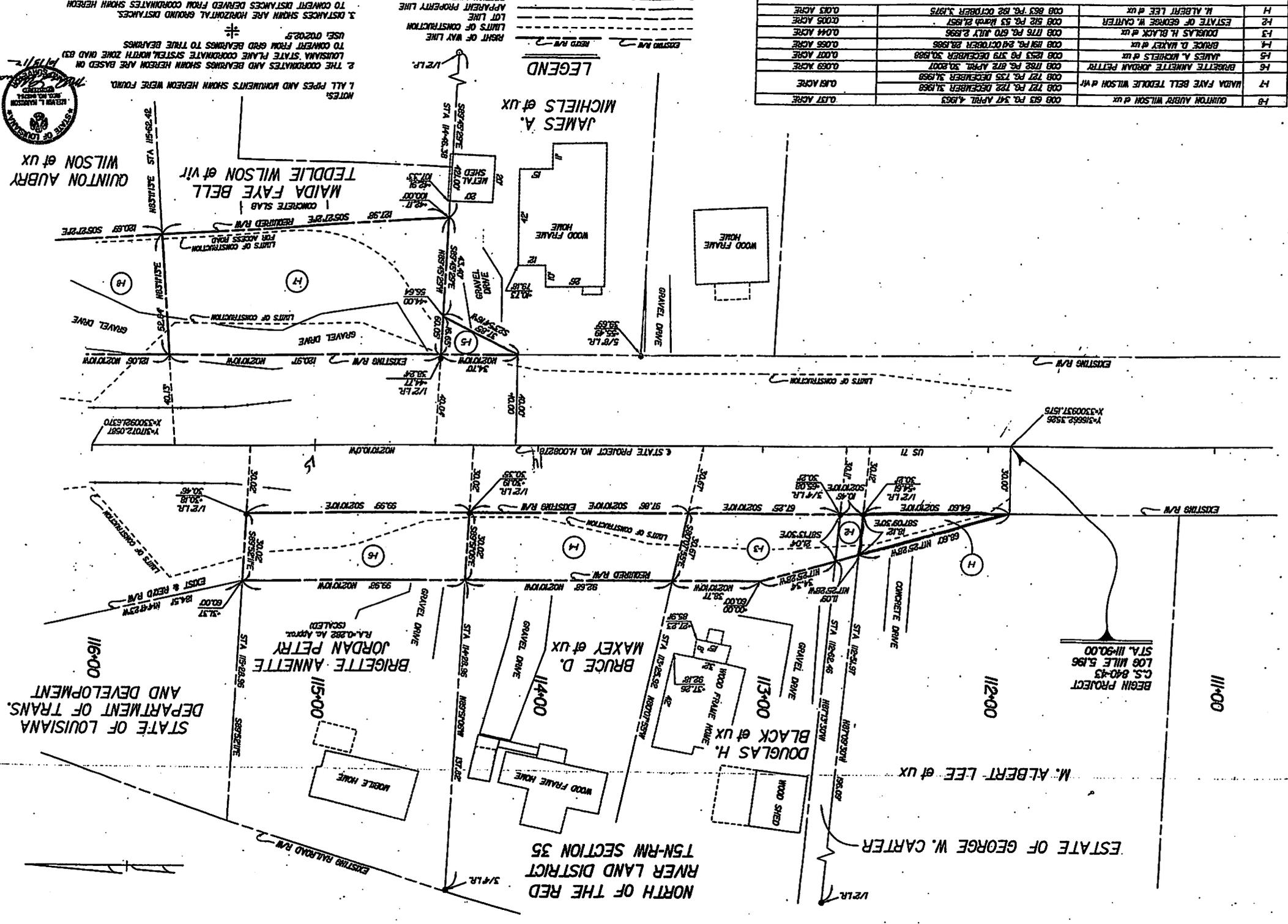
ALBERT DAVID
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

CERTIFICATE
OF THE
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT
NO. 840-43-0016 / H.008278, US 71: UP RAILROAD OVERPASS NEAR TIOGA, ROUTE US
71, RAPIDES PARISH in a manner sufficient in my judgment to provide presently and in the
future for the public interest, safety, and convenience.

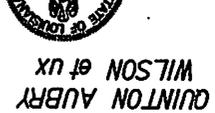

JANICE P. WILLIAMS, P.E. 8-15-14
CHIEF ENGINEER ADMINISTRATOR DATE

H-8	QUINTON AUBRY WILSON & ux	0.08 ACRES
H-7	MADA FAYE BELL TEDDLIE WILSON & ux	0.01 ACRES
H-6	BRETT ANNETTE JORDAN PETTY	0.08 ACRES
H-5	JAMES A. MICHELS & ux	0.00 ACRES
H-4	BRUCE D. MAXEY & ux	0.06 ACRES
H-3	DOUGLAS H. BLACK & ux	0.04 ACRES
H-2	ESTATE OF GEORGE W. CARTER	0.00 ACRES
H-1	M. ALBERT LEE & ux	0.03 ACRES



LEGEND

NOTES:
 1. ALL PIPES AND MONUMENTS SHOWN HEREON WERE FOUND.
 2. THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON LOUISIANA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (GAD 83) TO CONVERT FROM GRID BEARINGS TO TRUE BEARINGS USES 02020.5.
 3. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. APPARENT PROPERTY LINE TO CONVERT DISTANCES DERIVED FROM COORDINATES SHOWN HEREON TO HORIZONTAL DISTANCES USES 02020.5.



QUINTON AUBRY & ux
 WILSON of ux

MADA FAYE BELL
 TEDDLIE WILSON of ux

JAMES A. MICHELS of ux

STATE OF LOUISIANA
 DEPARTMENT OF TRANS.
 AND DEVELOPMENT

BRIGGETTE ANNETTE
 JORDAN PETTY
 R.A. 0.282 AC. APPROX.
 (SCALED)

BRUCE D. MAXEY of ux

DOUGLAS H. BLACK of ux

M. ALBERT LEE of ux

BEGIN PROJECT
 C.S. 840-43
 LOG MILE 5.196
 STA. 111+90.00

NORTH OF THE RED
 RIVER LAND DISTRICT
 T5N-RM SECTION 35

EXHIBIT P-3

DATE	10-15-13
PROJECT	STATE PROJECT NO. H.008278
DISTRICT	DISTRICT 08
DESIGN	DESIGN
STATE PROJECT NO.	STATE PROJECT NO. H.008278
US 71	US 71
RIGHT OF WAY MAP	RIGHT OF WAY MAP
STATE PROJECT NO.	STATE PROJECT NO. H.008278
US 71	US 71
RAPIDES PARISH	RAPIDES PARISH
US 71	US 71
DATE	10-15-13
PROJECT	STATE PROJECT NO. H.008278
DISTRICT	DISTRICT 08
DESIGN	DESIGN
STATE PROJECT NO.	STATE PROJECT NO. H.008278
US 71	US 71
RIGHT OF WAY MAP	RIGHT OF WAY MAP
STATE PROJECT NO.	STATE PROJECT NO. H.008278
US 71	US 71
RAPIDES PARISH	RAPIDES PARISH
US 71	US 71

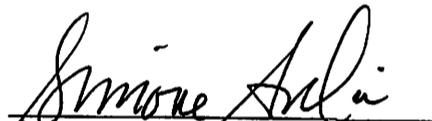
CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within
STATE PROJECT NO. 840-43-0016 / H.008278, US 71: UP RAILROAD OVERPASS NEAR
TIOGA, ROUTE US 71, RAPIDES PARISH are in accordance with the best modern practices
adopted in the interest of the safety and convenience of the traveling public.



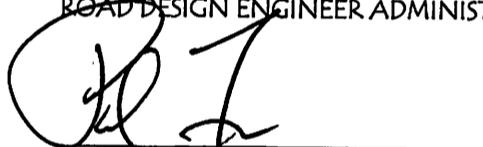
JANICE P. WILLIAMS, P.E.
CHIEF ENGINEER ADMINISTRATOR

8-15-14
DATE



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

08/12/14
DATE



PAUL FOSSIER, P.E.
BRIDGE DESIGN ENGINEER ADMINISTRATOR

8/12/14
DATE

**CERTIFICATE
OF
ESTIMATE OF COMPENSATION**

I, the undersigned appraiser, hereby certify that I have made a careful investigation of the property identified as Parcel Number(s) 1-1 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	\$1,331
DAMAGES	\$0
ADDITIONAL COMPENSATION	\$0
TOTAL ESTIMATE OF COMPENSATION	\$1,331

Methodology Used:

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

John D. Mowad
297 Links Dr.
Alexandria, LA 71303-9711

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 employment of the Department

Alexandria, Louisiana, August 9, 2014



JOHN D. MOWAD
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER
CERTIFICATE NO. G0109

Total Approved Amount of Compensation to the full extent
of the owner's loss \$ 1331.00



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

Date 8/12/2014

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

M. ALBERT LEE, ET UX

NUMBER # 250,888 B

9TH JUDICIAL DISTRICT COURT

PARISH OF RAPIDES

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 One Thousand Three Hundred Thirty-One and No/100 Dollars (\$1,331.00).

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 M. ALBERT LEE and DOROTHY LUTTRELL LEE 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 Rapides, State of Louisiana, and in Section 35, Township 5 North, Range 1 West, North of the Red River Land District, identified as Parcel No. 101, on a white print of a plat of survey, consisting of Sheet No. 1, made by Melvin Harrison, Registered Land Surveyor, dated October 15, 2012, 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. 1-1:

From a point on the centerline of State Project No. H.008278, at Highway Survey Station 111+90.00, proceed S87°49'50"W a distance of 30.00 feet to the point of beginning; thence proceed N17°25'28"W

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT
VS.
M. ALBERT LEE, ET UX

NUMBER
9TH JUDICIAL DISTRICT COURT
PARISH OF RAPIDES
STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

a distance of 68.60 feet to a point and corner; thence proceed S87°09'30"E a distance of 18.12 feet to a point and corner; thence proceed S02°10'10"E a distance of 64.60 feet to the point of beginning. All of which comprises Parcel 1-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.008278, and contains an area of approximately 582.9 square feet or 0.013 of an acre.

Being a portion of the same property acquired by defendants by Act recorded October 3, 1975, in COB 863, Page 192 of the conveyance records of Rapides Parish, State of Louisiana.

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, M. ALBERT LEE and DOROTHY LUTTRELL LEE, 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.

Alexandria, Louisiana, this 27 day of Aug., 2014.

James M. Yeare
JUDGE, NINTH JUDICIAL DISTRICT COURT

BY Robin L. Hoster
CLERK & RECORDER
RAPIDES PARISH, LA.
2014 AUG 27 PM 3 59

FILED & RECORDED
ROBIN L. HOSTER
CLERK OF COURT

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

M. ALBERT LEE, ET UX

NUMBER 250,888 B

9TH JUDICIAL DISTRICT COURT

PARISH OF RAPIDES

STATE OF LOUISIANA

RECEIPT

ROBIN L. HOOTER, 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. M. ALBERT LEE, ET UX" No. 250,888 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 (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 Rapides, State of Louisiana, and in Section 35, Township 5 North, Range 1 West, North of the Red River Land District, identified as Parcel No. 101, on a white print of a plat of survey, consisting of Sheet No. 1, made by Melvin Harrison, Registered Land Surveyor, dated October 15, 2012, 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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S87°09'30"E a distance of 18.12 feet to a point and corner; thence proceed S02°10'10"E a distance of 64.60 feet to the point of beginning. All of which comprises Parcel 1-1 as shown on Sheet 1 of the Right of Way Plans of State Project No. H.008278, and contains an area of approximately 582.9 square feet or 0.013 of an acre.

Being a portion of the same property acquired by defendants by Act recorded October 3, 1975, in COB 863, Page 192 of the conveyance records of Rapides Parish, State of Louisiana.

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 One Thousand Three Hundred Thirty-One and No/100 Dollars (\$1,331.00) in cash, lawful current money of the United States of America, by delivering said sum to the said Clerk of Court, who acknowledges receipt of said sum and declares that she has placed same in the registry of said court.

Signed at Alexandria, Louisiana, this 2nd day of September, 2014.

Karaw Corley

DEPUTY CLERK OF COURT, NINTH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA, PARISH OF RAPIDES
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS
A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE
AND OF RECORD IN THIS OFFICE.
IN FAITH, WHEREOF, WITNESS MY HAND AND SEAL OF
OFFICE, AT ALEXANDRIA, LOUISIANA, THIS 2nd
DAY OF September A.D., 2014
BY Karaw Corley
ROBIN L. HOOTER
DY. CLERK OF COURT

RECEIVED

2014 SEP -5 PM 1:24

OFFICE OF COMMERCIAL COMPLAINT

BY _____
 CLERK OF COURT

BY _____
 ROBIN L. GONTER
 A.D. 2014

OFFICE AT ALEXANDRIA, LOUISIANA. THIS
 IN FAITH WHEREOF, WITNESS MY HAND AND SEAL OF
 AND OF RECORD IN THIS OFFICE
 A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE
 IN EVERY CLERK'S THAT THE ABOVE AND FORGOING IS
 STATE OF LOUISIANA, PARISH OF HANCOCK