

COST OK Amt. ⁵⁰⁻ 63,971-

NOV 19 2014

BY CF# 0000 149184 ^{SP}
BY CLERK OF COURT
CF# 0000 149186

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NUMBER 635207

VS.

19TH JUDICIAL DISTRICT COURT

BROOKE HOLLOW CONDOMINIUM
ASSOCIATION, INC.

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

SEC. 25

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.

BROOKE HOLLOW CONDOMINIUM ASSOCIATION, INC. is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of East Baton Rouge, a certain project designated as State Project No. 414-01-0036, 742-17-0130, H.00282, Nicholson Drive at Brightside Lane/W. Lee Drive Intersection improvements, State Route LA 30, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on October 29, 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.

REC'D C.P.

4.

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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.

REC'D C.P.

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DIVISION O
JUDGE FIELDS

EBR2624458

5.

Included within the right of way required for said project is certain property believed to be owned by the defendant, 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 East Baton Rouge Parish, State of Louisiana, and in Section 65, Township 7 South, Range 1 West, Greensburg Land District, identified as Parcel No. 5-1, on a white print of a plat of survey, consisting of Sheet Nos. 5 & 6, made by Richard Shread, Registered Land Surveyor, dated March 21, 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. 5-1:

From a point on the centerline of State Project No. H.002822, C.S.00-00, at Highway Survey Station 56+66.90, proceed N84°29'3"E a distance of 44.64 feet to the point of beginning; thence proceed N32°28'6"W a distance of 254.53 feet to a point and corner; thence proceed N48°46'52"E a distance of 14.2 feet to a point and corner; thence proceed S32°39'4"E a distance of 189.65 feet to a point and corner; thence proceed S26°50'33"E a distance of 71.28 feet to a point and corner; thence proceed S84°29'3"W a distance of 8.59 feet to the point of beginning; All of which comprises Parcel 5-1 as shown on SHEETS 5,6 of the Right of Way Plans of State Project No. H.002822, and contains an area of approximately 3480 square feet or 0.08 of an acre.

Being a portion of the same property acquired by defendant by Act recorded August 19, 1983, in COB 524, Page 2597 of the conveyance records of East Baton Rouge 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 defendant.

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 concrete paving, sign, concrete curbing, landscaping, and utility laterals.

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 defendant is 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 Sixty-Three Thousand Nine Hundred Seventy-One and No/100 Dollars (\$63,971.00), 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 Sixty-Three Thousand Nine Hundred Seventy-One and No/100 Dollars (\$63,971.00) 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 defendant 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 **BROOKE**

HOLLOW CONDOMINIUM ASSOCIATION, 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 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 Sixty-Three Thousand Nine Hundred Seventy-One and No/100 Dollars (\$63,971.00).

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

FILED
EAST BATON ROUGE PARISH LA

2014 NOV 19 AM 9:19

Joseph P. ...
DEPUTY CLERK OF COURT

BY: *Robert J. King*
Of Counsel
Robert J. King
Bar Roll No. 31814
1201 Capitol Access Road
Baton Rouge, LA 70802
P. O. Box 94245
Baton Rouge, LA 70804-9245
Telephone: (225) 242-4619
Facsimile: (225) 242-4690
Attorney for State, DOTD

PLEASE SERVE:

Brooke Hollow Condominium Association, Inc.
Through agent for service of process
Chandra Giambrone
14001 Kimbleton Avenue
Baton Rouge, LA 70817

RECEIVED

NOV 26 2014

DIVISION O
JUDGE FIELDS

FILED AND RECORDED
EAST BATON ROUGE PARISH, LA
DUG WELBORH
CLERK OF COURT AND RECORDER

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

NUMBER 635,001/50 CUSTOMER PROVIDED COPY FOR
SIGNATURE FILE (N)
BY [Signature]
19TH JUDICIAL DISTRICT COURT RECORDER

VS.

BROOKE HOLLOW CONDOMINIUM
ASSOCIATION, INC.

PARISH OF EAST BATON ROUGE
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 Sixty-Three Thousand Nine Hundred Seventy-One and No/100 Dollars (\$63,971.00).

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 **BROOKE HOLLOW CONDOMINIUM ASSOCIATION, 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 East Baton Rouge Parish, State of Louisiana, and in Section 65, Township 7 South, Range 1 West, Greensburg Land District, identified as Parcel No. 5-1, on a white print of a plat of survey, consisting of Sheet Nos. 5 & 6, made by Richard Shread, Registered Land Surveyor, dated March 21, 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. 5-1:

From a point on the centerline of State Project No. H.002822, C.S.00-00, at Highway Survey Station 56+66.90, proceed N84°29'3"E a distance of 44.64 feet to the point of beginning; thence proceed N32°28'6"W a distance of 254.53 feet to a point and corner; thence proceed N48°46'52"E a distance of 14.2 feet to a point and corner; thence proceed S32°39'4"E a distance of 189.65 feet to a point and corner; thence proceed S26°50'33"E a distance of 71.28 feet to a

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STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

NUMBER _____

VS.

19TH JUDICIAL DISTRICT COURT

BROOKE HOLLOW CONDOMINIUM ASSOCIATION, INC.

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

point and corner; thence proceed S84°29'3"W a distance of 8.59 feet to the point of beginning; All of which comprises Parcel 5-1 as shown on SHEETS 5,6 of the Right of Way Plans of State Project No. H.002822, and contains an area of approximately 3480 square feet or 0.08 of an acre.

Being a portion of the same property acquired by defendant by Act recorded August 19, 1983, in COB 524, Page 9597 of the conveyance records of East Baton Rouge 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 defendant, BROOKE HOLLOW CONDOMINIUM ASSOCIATION, INC., vacate the above described property and surrender possession thereof unto the plaintiff immediately.

Baton Rouge, Louisiana, this 03 day of December, 2014.

FILED
EAST BATON ROUGE PARISH, LA
2014 NOV 19 AM 9:20

[Signature]
DEPUTY CLERK OF COURT

[Signature]

JUDGE, NINETEENTH JUDICIAL DISTRICT COURT

I hereby certify that on this day a notice of the above judgment was mailed by me, with sufficient postage affixed, to: R. King, Brooke Hollow Condo. Assoc.

CERTIFIED TRUE AND CORRECT COPY

RECEIVED

done and signed on 05 December 2014

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DIVISION OF
JUDICIAL RECORDS

[Signature]

Deputy Clerk of Court

DEC 17 2014
[Signature]
East Baton Rouge Parish
Deputy Clerk of Court

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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

BROOKE HOLLOW CONDOMINIUM
ASSOCIATION, INC.

NUMBER 635,207 sec. 25

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

RECEIPT

J. DOUGLAS WELBORN, 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. BROOKE HOLLOW CONDOMINIUM ASSOCIATION, INC." No. 635,207 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 East Baton Rouge Parish, State of Louisiana, and in Section 65, Township 7 South, Range 1 West, Greensburg Land District, identified as Parcel No. 5-1, on a white print of a plat of survey, consisting of Sheet Nos. 5 & 6, made by Richard Shread, Registered Land Surveyor, dated March 21, 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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STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

BROOKE HOLLOW CONDOMINIUM
ASSOCIATION, INC.

NUMBER 635,207 sec. 25

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

R E C E I P T (Continued)

to the point of beginning; All of which comprises Parcel 5-1 as shown on SHEETS 5,6 of the Right of Way Plans of State Project No. H.002822, and contains an area of approximately 3480 square feet or 0.08 of an acre.

Being a portion of the same property acquired by defendant by Act recorded August 19, 1983, in COB 524, Page 9597 of the conveyance records of East Baton Rouge 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 Sixty-Three Thousand Nine Hundred Seventy-One and No/100 Dollars (\$63,971.00) 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 Baton Rouge, Louisiana, this 17th day of December, 2014.

Brandi Dover

DEPUTY CLERK OF COURT,
NINETEENTH JUDICIAL DISTRICT COURT

CERTIFIED TRUE AND
CORRECT COPY

DEC 17 2014

Brandi Dover
East Baton Rouge Parish
Deputy Clerk of Court

FILED

DEC 17 2014

Brandi Dover
DEPUTY CLERK OF COURT