

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

SUIT NUMBER:

577240-A

VS.

1ST JUDICIAL DISTRICT COURT

PARISH OF CADDO

CAROL McKNEELY CARDWELL, ET AL

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.

CAROL McKNEELY CARDWELL, CITY OF SHREVEPORT 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 at 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 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.

10-01-0000

SCANNED
 Concourse 7-1-14
 Content Manager
 Financial Services
 Docketed

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, 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. 2-4, on a white print of a plat of survey, consisting of Sheet No. 2, made by Charles G. Coyle, III, Registered Land Surveyor, dated December 19, 2013, 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. 2-4:

From a point on the centerline of Construction State Project No. H.011105, Hall Street, at Highway Survey Station 13+77.58, proceed $S00^{\circ}35'48''W$ a distance of 25.00 feet to the point of beginning; thence proceed $S89^{\circ}20'55''E$ a distance of 50.50 feet to a point and corner; thence proceed $S00^{\circ}26'13''W$ a distance of 43.08 feet to a point and corner; thence proceed along a curve to the right having a radius of 70.00 feet, whose length is 52.33 feet and whose chord length is 51.12 feet and bears $N81^{\circ}22'03''W$ to a point and corner; thence proceed $N00^{\circ}35'48''E$ a distance of 35.99 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.011105, and contains an area of approximately 2164.7 square feet or 0.050 of an acre.

6.

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

7.

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

8.

There are no buildings or improvements situated wholly or partially upon the above described property.

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, 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, subject to the mineral reservation set forth below.

12.

The expropriation of the full ownership of the property described as Parcel No. 2-4, 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, such reservation of mineral rights being imprescriptible as authorized by LA R.S. 31:149.

13.

The just compensation to which the defendants are entitled, being the compensation for the full ownership of the above described property, subject to the mineral reservation set forth herein, has been estimated to be the sum of EIGHT HUNDRED SIXTY-FIVE & NO/100 DOLLARS (\$865.00), as shown by the written estimate of compensation marked "Exhibit P-5A" annexed hereto and made a part hereof.

14.

Petitioner is entitled to expropriate the full ownership of the above described property, 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 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 EIGHT HUNDRED SIXTY-FIVE & NO/100 DOLLARS (\$865.00) for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, 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 notice of this expropriation be issued and served upon **CAROL McKNEELY CARDWELL, CITY OF SHREVEPORT 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 EIGHT HUNDRED SIXTY-FIVE & NO/100 DOLLARS (\$865.00).

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
Phone: (225) 242-4607
Facsimile: (225) 242-4690
Attorney for State, DOTD

PLEASE SERVE:

CAROL McKNEELY CARDWELL
928 Lake Drive
Niceville, Florida 32578

VIA LONG-ARM SERVICE

CITY OF SHREVEPORT
Through Cedric B. Glover, Mayor
505 Travis Street, Suite 200
Shreveport, LA 71101

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

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.

APPROVED FOR THE BOARD OF SUPERVISORS OF THE PARISH OF CADDO, LOUISIANA, BY THE CHIEF ENGINEER, OFFICE OF ENGINEERING, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, ON THIS 4th DAY OF APRIL, 2014.

The cul-de-sac on Montana Street begins at approximate Highway Survey Station 19+75.00, proceeds in an easterly direction, then in a westerly direction, and ends at approximate Highway Survey Station 23+52.73. The roadway length is approximately 0.062 miles.

The project road length and overall project length is approximately 0.182 miles.

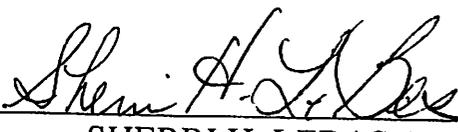
The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

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.011105, Cul-De-Sacs at I-49N C of A Lines, State Route I-49, Parish of Caddo.

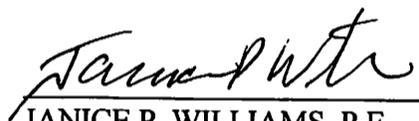
Baton Rouge, Louisiana, this 4th day of April, 2014.



SHERRI H. LEBAS, P.E.
SECRETARY
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

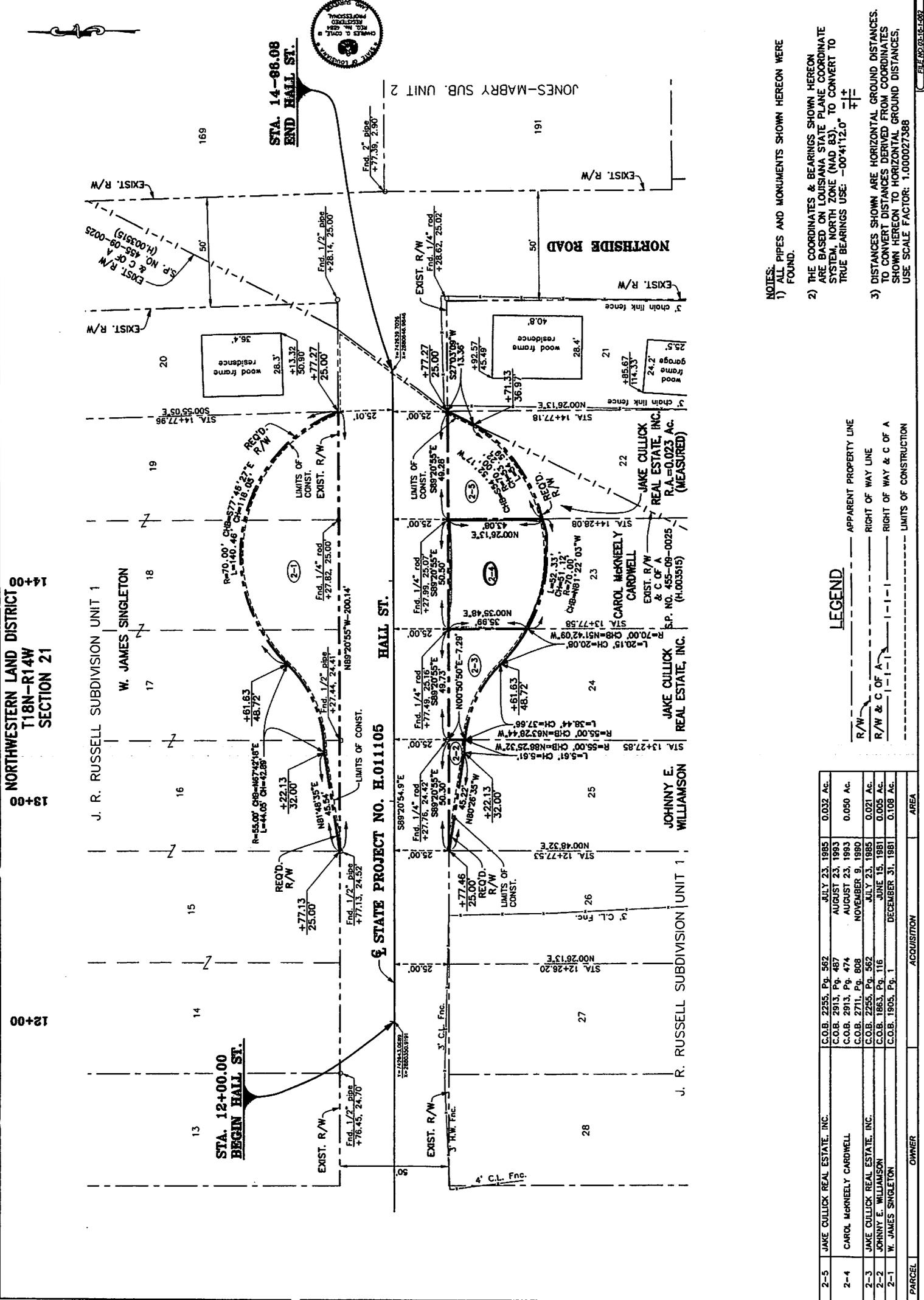
CERTIFICATE
OF THE
CHIEF ENGINEER

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

NORTHWESTERN LAND DISTRICT
T18N-R14W
SECTION 21

STATE PROJECT NO. H.01105
CUL-DE-SACS @ L&N C-OF-A LINE
STATE PROJECT NO. H.01105
CUL-DE-SACS @ L&N C-OF-A LINE
RIGHT OF WAY MAP
BOSSIER ENGINEERING CO., INC.
BOSSIER CITY, LOUISIANA
(318) 746-8987



- 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: $-00^{\circ}41'12.0''$
 - 3) DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. TO CONVERT DISTANCES DERIVED FROM COORDINATES SHOWN HEREON TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 1.000027368

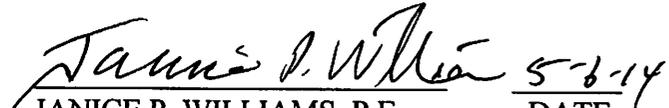
LEGEND

---	APPARENT PROPERTY LINE
---	RIGHT OF WAY LINE
---	RIGHT OF WAY & C OF A
---	LIMITS OF CONSTRUCTION

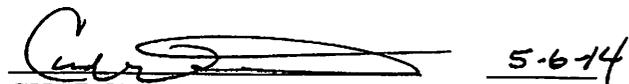
PARCEL	OWNER	ACQUISITION	AREA
2-5	JAKE CULLICK REAL ESTATE, INC.	C.O.B. 2235, Pg. 562 JULY 23, 1985	0.032 Ac.
2-4	CAROL MCKEENLY CARDWELL	C.O.B. 2913, Pg. 487 AUGUST 23, 1983	0.050 Ac.
		C.O.B. 2913, Pg. 474 AUGUST 23, 1983	
2-3	JAKE CULLICK REAL ESTATE, INC.	C.O.B. 2771, Pg. 808 NOVEMBER 9, 1980	0.021 Ac.
2-2	JOHNNY E. WILLIAMSON	C.O.B. 2255, Pg. 562 JULY 23, 1985	0.005 Ac.
2-1	W. JAMES SINGLETON	C.O.B. 1863, Pg. 116 JUNE 15, 1981 C.O.B. 1905, Pg. 1 DECEMBER 31, 1981	0.108 Ac.

CERTIFICATE
ON
LOCATION AND DESIGN

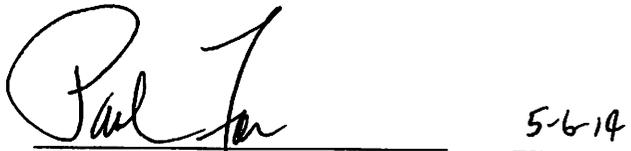
We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.011105, CUL-DE-SACS @ I-49N C-OF-A LINE, ROUTE I-49, CADDO PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.



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. 2-4
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) 2-4, 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	\$425
DAMAGES	\$440
ADDITIONAL COMPENSATION	<u>\$ 0</u>
TOTAL ESTIMATE OF COMPENSATION	\$865

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 \$ 865.00

Heather Corsentino 5/9/2014
Heather Corsentino Date

Department of Transportation and
Development, State of Louisiana

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CAROL McKNEELY CARDWELL, ET AL

SUIT NUMBER: 577240. A

1ST JUDICIAL DISTRICT COURT

PARISH OF CADDO

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 EIGHT HUNDRED SIXTY-FIVE & NO/100 DOLLARS (\$865.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below designated as Parcel No. 2-4, Cul-de-Sac at I-49N C of A Lines, State Route I-49, subject to the reservation in favor of **CAROL McKNEELY CARDWELL, CITY OF SHREVEPORT and PARISH OF CADDO** in their 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, such reservation of mineral rights being imprescriptible as authorized by LA R.S. 31:149, and 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, 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. 2-4, on a white print of a plat of survey, consisting of Sheet No. 2, made by Charles G. Coyle, III, Registered Land Surveyor, dated December 19, 2013, 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. 2-4:

From a point on the centerline of Construction State Project No. H.011105, Hall Street, at Highway Survey Station 13+77.58, proceed S00°35'48"W a distance of 25.00 feet to the point of beginning; thence proceed S89°20'55"E a distance of 50.50 feet to a point and corner; thence proceed S00°26'13"W a distance of 43.08 feet to a

A. ONSD

SCANNED
 Concourse 7-1-14
 Content Manager
 Financial Services
 Docketed

point and corner; thence proceed along a curve to the right having a radius of 70.00 feet, whose length is 52.33 feet and whose chord length is 51.12 feet and bears N81°22'03"W to a point and corner; thence proceed N00°35'48"E a distance of 35.99 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.011105, and contains an area of approximately 2164.7 square feet or 0.050 of an acre.

AND IT IS HEREBY FURTHER ORDERED that this matter be tried by jury upon the plaintiff making a cash deposit in accordance with LA C.C.P. 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, **CAROL McKNEELY CARDWELL, CITY OF SHREVEPORT and PARISH OF CADDO**, vacate the above described property and surrender possession thereof unto the plaintiff immediately.

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

JUDGE RAMON LAFITTE

JUDGE, FIRST JUDICIAL DISTRICT COURT

ENDORSED FILED
COLVIN ROBERSON, Deputy Clerk

JUN 14 2014

ATRUE COPY - Attest

Madeline
CADDO PARISH DEPUTY CLERK

STATE OF LOUISIANA, DEPARTMENT
OF TRANSPORTATION & DEVELOPMENT

VS.

CAROL McKNEELY CARDWELL, ET AL

SUIT NUMBER:

577240-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 13th day of JUNE, 2014, before me,

COLVIN 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. CAROL McKNEELY CARDWELL, ET AL," No. 577240.A of the docket of said court, the State of Louisiana seeks the expropriation of the full ownership of the property described below, subject to any existing oil or gas reservation, such reservation of mineral rights being imprescriptible as authorized by LA R.S. 31:149, for the project set forth in the petition, said property 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. 2-4, on a white print of a plat of survey, consisting of Sheet No. 2, made by Charles G. Coyle, III, Registered Land Surveyor, dated December 19, 2013, 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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 Concourse 7-1-14
 Content Manager
 Financial Services
 Docketed

REQUIRED IN FULL OWNERSHIP

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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 EIGHT HUNDRED SIXTY-FIVE & NO/100 DOLLARS (\$865.00) 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 Tara Estein, 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

Gary Loftin
GARY LOFTIN
DEP. CLERK OF COURT

Tara Estein

[Signature]

DEPUTY CLERK OF COURT AND EX-OFFICIO NOTARY PUBLIC