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OFFICE OF GENERAL SELVES

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Original Signed by: Maggie Gonzales

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

VERSUS

NO. 130590 | ASCENSION | DIV. "_"

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

PELICAN POINT COMMERCE CENTER 1, L.L.C.

STATE OF LOUISIANA

PETITION

DIVISION B

The petition of the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & 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, ("Petitioner"), with respect, represents that:

1.

PELICAN POINT COMMERCE CENTER 1, L.L.C., is the defendant herein ("Defendant").

2.

The STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, proposes to construct in the Parish of Ascension, a certain project designated as State Project No. H.010909, La. 44: Widening and Roundabout at La. 941, State Route La. 44 and La. 941, which project is more fully described by a "Certificate of Authorization to Expropriate", approved by the Secretary of the Department of Transportation & Development on November 5, 2020, 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 public interest, convenience, and safety, and will be an important improvement to 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 the "Certificate of the Chief Engineer" 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 Defendant, PELICAN POINT COMMERCE CENTER 1, L.L.C., 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 Ascension, State of Louisiana, and in Sections 45 & 46, Township 10 South, Range 3 East, Southeastern Land District, identified as Parcel No. 6-6, on a white print of a plat of survey, consisting of Sheet No. 6, made by Bradley S. Holleman, Registered Land Surveyor, dated January 16, 2020, 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. 6-6:

From a point on the centerline of State Project No. H. 010909, at Highway Survey Station 158+91.36, proceed N88°30'26"E a distance of 46.67 feet to the point of beginning; thence proceed N10°30'01"E a distance of 59.19 feet to a point and corner; thence proceed S07°26'18"E a distance of 58.22 feet to a point and corner; thence proceed S88°30'26"W a distance of 18.33 feet to the point of beginning. All of which comprises Parcel 6-6 as shown on Sheet 6 of the Right of Way Plans of State Project No. H.010909 and contains an area of approximately 530.7 square feet or 0.012 acres.

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 Defendant.

8.

There are no buildings situated wholly or partially upon the above-described property, and the only improvement(s) situated wholly or partially thereon is concrete paving.

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 improvement(s) 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 improvement(s) 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, Defendant PELICAN POINT COMMERCE CENTER 1, L.L.C., 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, such reservation of mineral rights being imprescriptible as authorized by LA R.S. 31:149.

13.

The just compensation to which Defendant is entitled, being the compensation for the full ownership of the above-described property, together with all of the improvement(s) situated wholly or partially thereon, subject to the mineral reservation set forth herein, has been estimated to be the sum of Four Thousand Seven Hundred Twenty and 00/100 (\$4,720.00) Dollars, as shown

by the written "Certificate of 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, together with all of the improvement(s) 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 a 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 Four Thousand Seven Hundred Twenty and 00/100 (\$4,720.00) 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 improvement(s) 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 directs 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 Ascension Parish.

Petitioner further prays that Notice of this expropriation be issued and served upon Defendant, PELICAN POINT COMMERCE CENTER 1, L.L.C., 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 there be judgment herein in favor of Petitioner fixing the amount of just compensation at a sum not to exceed Four Thousand Seven Hundred Twenty and 00/100 (\$4,720.00) Dollars.

Respectfully submitted,

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT OFFICE OF THE GENERAL COUNSEL

By:

Of Counsel

emore

Shanna S. Sizemore (#31543)

P. O. Box 94245

Baton Rouge, LA 70804-9245

Phone: (225) 242-4617 | Fax: (225) 242-4691

Email: shanna.sizemore2@la.gov

PLEASE SERVE:

PELICAN POINT COMMERCE CENTER 1, L.L.C., Through its Agent for Service of Process:
Todd Pevey
6473 Highway 44 | Suite 201
Gonzales, LA 70737

Original Signed by:

Maggie Gonzales

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.010909

LA 44: WIDENING AND ROUNDABOUT AT LA 941

ROUTES LA 44

PARISH OF ASCENSION

State Project Number H.010909 provides for grading, drainage, roadway widening, milling asphalt pavement, roundabout construction, and related work on LA 44 and LA 941 in Ascension Parish, as follows:

Beginning LA 44 Site 1 at approximate Highway Survey Station 103+74.21, then proceed in a northerly direction to end at approximate Highway Survey Station 139+13.13.

Beginning LA 941 at approximate Highway Survey Station 0+00.00, then proceed in a southeasterly direction to end at approximate Highway Survey Station 7+66.16.

Beginning LA 44 Site 2 at approximate Highway Survey Station 144+07.00, then proceed in a northerly direction to end at approximate Highway Survey Station 171+00.00.

The total roadway length is approximately 1.325 miles, for an overall project length of approximately 1.325 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.010909, LA 44: Widening and Roundabout at LA 941, Parish of Ascension.

Baton Rouge, Louisiana, this _______, day of November , 2020

SHAWN D. WILSON, Ph.D.

The custodian of official records of the Department

of Transportation and Development of the State of DEPARTMENT OF TRANSPORTATION

Louisiana certifies under the provisions of AND DEVELOPMENT

R.S. 13:3712 and Chapter 9 of the Louisiana Code of Evidence that the attached _____ page(s) is(are) a true and correct copy (copies) of the original(\$\overline{s}\$).1

BRIDGET H CLERK OF L....

2021 JAN 25 P 2

Original Signed by: Maggie Gonzales

CERTIFICATE

OF THE

CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO. H.010909, F.A.P. NO. H010909, LA 44: WIDENING AND ROUNDABOUT AT LA 941, ROUTE LA 44 & LA 941, ASCENSION PARISH, in a manner sufficient in my judgment to provide presently and in the future for the public interest, safety and convenience.

CHRISTOPHER P. KNOTTS, P.E

DOTD CHIEF ENGINEER

CERTIFICATE

ON

LOCATION AND DESIGN



We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010909, F.A.P. NO. H010909, LA 44: WIDENING AND ROUNDABOUT AT LA 941, ROUTE LA 44 & LA 941, ASCENSION PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.

CHRISTOPHER P. KNOTTS, P.E. DATE

DOTD CHIEF ENGINEER

DAVID S. SMITH P.E.

ROAD DESIGN ENGINEER

PRIORITED BRIDGET CLERK CI

2021 JAN 25

Original Signed by:

Maggie Gonzales

1. Y. CLERK 4

ASCENSION FRANCES

Parcel No. 6-6 S. P. No. H.010909

CERTIFICATE OF ESTIMATE OF COMPENSATION

I, the undersigned, he	reby certify that I have made a careful investigation of the property identified as Parcel
Number(s) 6-6	, and its remainder which is the subject matter of this estimate, that I am familiar with
land values in the vici	nity, and that I estimate the compensation to be as follows:

alues in the vicinity, and that I estimate the comp	pensation to be as follows:
VALUE OF LAND AND IMPROVEMENTS DAMAGES ADDITIONAL COMPENSATION	<u>\$4,718.00</u> -0- -0-
TOTAL ESTIMATE OF COMPENSATION	\$4,718.00
Methodology Used:	
X 1. Sales Comparison X 2. Cost Approach 3. Income Capitalizat	Approach
River Parish Appraisers, Inc. 9135 Elliot Rd Baton Rouge, LA 70817	
X 4. Louisiana Certified 5. Right of Way Appr	ignation I Residential Real Estate Appraiser General Real Estate Appraiser aiser in the regular employ of the Department ouisiana, <u>December 15, 2020</u> .
LOUISIANA CERTIFIED GENERAL Total Approved Amount	ator, tation and

BRIDGE I CLERK CI 2021 JAN 25 Original Signed by: Maggie Gonzales

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

VERSUS

NO. <u>130590</u> | DIV. "___"

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

PELICAN POINT COMMERCE CENTER 1, L.L.C.

STATE OF LOUISIANA

ORDER OF EXPROPRIATION

The petition, exhibits and premises considered:

IT IS HEREBY ORDERED that the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, ("Petitioner"), deposit in the Registry of the Court, for the use and benefit of the person or persons entitled thereto, the sum of Four Thousand Seven Hundred Twenty and 00/100 (\$4,720.00) Dollars.

IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, together with all of the improvement(s) situated wholly or partially thereon, subject to the reservation in favor of Defendant, PELICAN POINT COMMERCE CENTER 1, L.L.C., 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, such reservation of mineral rights being imprescriptible as authorized by LA R.S. 31:149, 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 Ascension, State of Louisiana, and in Sections 45 & 46, Township 10 South, Range 3 East, Southeastern Land District, identified as Parcel No. 6-6, on a white print of a plat of survey, consisting of Sheet No. 6, made by Bradley S. Holleman, Registered Land Surveyor, dated January 16, 2020, 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. 6-6:

From a point on the centerline of State Project No. H. 010909, at Highway Survey Station 158+91.36, proceed N88°30'26"E a distance of 46.67 feet to the point of beginning; thence proceed N10°30'01"E a distance of 59.19 feet to a point and corner; thence

Page 1 of 2 Pages

2021 JAN 25 Original Signed by:

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

VERSUS

Maggie Gonzales NO. 130540 I DIV. NO.

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

PELICAN POINT COMMERCE CENTER 1, L.L.C.

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (continued)

proceed S07°26'18"E a distance of 58.22 feet to a point and corner: thence proceed S88°30'26"W a distance of 18.33 feet to the point of beginning. All of which comprises Parcel 6-6 as shown on Sheet 6 of the Right of Way Plans of State Project No. H.010909 and contains an area of approximately 530.7 square feet or 0.012 acres.

IT IS HEREBY FURTHER ORDERED that this matter be tried by jury upon Petitioner 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.

IT IS HEREBY FURTHER ORDERED that this Order of Expropriation be recorded in the conveyance records of Ascension Parish.

IT IS HEREBY FURTHER ORDERED that Defendant, PELICAN POINT COMMERCE CENTER 1, L.L.C., vacate the above-described property and surrender possession thereof unto Petitioner immediately upon the deposit of the estimated compensation into the Registry of the Court.

Original Signed by: Cody M. Martin

JUDGE | 23RD JUDICIAL DISTRICT COURT PARISH OF ASCENSION | STATE OF LOUISIANA

Page 2 of 2 Pages Deputy Clerk & Recorder ASCENSION PARISH

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2021 JAN 2

Original Signed by:
Maggie Gonzales

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

VERSUS

NO. <u>/30590</u> | DÍV. ...

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

PELICAN POINT COMMERCE CENTER 1, L.L.C.

STATE OF LOUISIANA

RECEIPT

HONORABLE BRIDGET HANNA, CLERK OF COURT

TO

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

In the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT VS. PELICAN POINT COMMERCE CENTER 1, L.L.C.", No. 30 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 improvement(s) 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 Ascension, State of Louisiana, and in Sections 45 & 46, Township 10 South, Range 3 East, Southeastern Land District, identified as Parcel No. 6-6, on a white print of a plat of survey, consisting of Sheet No. 6, made by Bradley S. Holleman, Registered Land Surveyor, dated January 16, 2020, 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. 6-6:

From a point on the centerline of State Project No. H. 010909, at Highway Survey Station 158+91.36, proceed N88°30'26"E a distance of 46.67 feet to the point of beginning; thence proceed N10°30'01"E a distance of 59.19 feet to a point and corner; thence proceed S07°26'18"E a distance of 58.22 feet to a point and corner; thence proceed S88°30'26"W a distance of 18.33 feet to the point

CLERK C

2021 JAN 25 Original Signed by: Maggie Gonzales

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

VERSUS

_ | DIV NO. 130590

23RD JUDICIAL DISTRICT COURT

PARISH OF ASCENSION

PELICAN POINT COMMERCE CENTER 1, L.L.C.

STATE OF LOUISIANA

RECEIPT (continued)

of beginning. All of which comprises Parcel 6-6 as shown on Sheet 6 of the Right of Way Plans of State Project No. H.010909 and contains an area of approximately 530.7 square feet or 0.012 acres.

In accordance with an Order of the Court signed herein, the Department of Transportation & Development, on behalf of the State of Louisiana and of itself, has this day paid into the Registry of the Court the sum of Four Thousand Seven Hundred Twenty and 00/100 (\$4,720.00) Dollars 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 the same has been placed in the Registry of the Court.

Signed at Gonzalos

Louisiana, this 2nd

DEPUTY CLERK OF COURT 23RD JUDICIAL DISTRICT COURT PARISH OF ASCENSION STATE OF LOUISIANA