

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DOCKET NO.: _____

DIV./SEC. NO.: _____

STATE OF LOUISIANA, DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

VERSUS

JAMES THOMAS

FILED: _____

CLERK OF COURT

PETITION FOR EXPROPRIATION

The petition of the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, ("Petitioner"), 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.

JAMES THOMAS is the defendant herein ("Defendant").

2.

The STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT, proposes to construct in the Parishes of West Baton Rouge and East Baton Rouge a certain project designated as State Project No. H.004100, I-10: LA 415 to Essen Lane on I-10 and I-12, Phase 1: West of Washington Street to Essen Lane, State Route: I-10, ("Project"), which Project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary of the Department of Transportation & Development on March 17, 2023, 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.

As reflected in "Exhibit P-1," 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, JAMES THOMAS, and is required in full ownership. This parcel is more particularly 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 East Baton Rouge, State of Louisiana, and in Section 94, Township 7 South, Range 1 East, Greensburg Land District, identified as Parcel No. 37-1, on a white print of a plat of survey, consisting of Sheet No. 37, made by Carl A. Jeansonne, Registered Land Surveyor, dated August 8, 2022, 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.

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 37-1:

From a point on the centerline of State Project No. H.004100, at Highway Survey Station 352+51.33, proceed N06°48'27"E a distance of 88.35 feet to the point of beginning; thence proceed N61°55'14"W a distance of 11.44 feet to a point and corner; thence proceed S83°11'33"E a distance of 60.60 feet to a point and corner; thence proceed S28°08'55"W a distance of 4.35 feet to a point and corner; thence proceed N83°18'37"W a distance of 48.35 feet to the point of beginning. All of which comprises Parcel 37-1 as shown on Sheet 37 of the Right of Way Plans of State Project No. H.004100, and contains an area of approximately 223.7 square feet or 0.005 acres.

6.

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

7.

The portion of State Route I-10 to be constructed under said State Project No. H.004100, also known as I-10: LA 415 to Essen Lane on I-10 and I-12, Phase 1: West of Washington Street to Essen Lane, will be a controlled-access facility, and no person has any right of access to, from or across such facility to or from abutting lands except at the designated points at which access is permitted upon the terms and conditions specified from time to time and upon the service, frontage, or access roads provided.

8.

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

9.

There are no buildings situated wholly or partially upon the above-described property, and there are no improvements situated wholly or partially upon the above-described property.

10.

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 marked "Exhibit P-4", annexed hereto and made a part hereof.

11.

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.

12.

Therefore, it is necessary for Petitioner to expropriate in full ownership the property described above as Parcel No. 37-1, subject to the mineral reservation set forth below.

13.

The expropriation of the full ownership of the property described as Parcel No. 37-1 shall be made subject to the reservation in favor of the owner, JAMES THOMAS, 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.

14.

The just compensation to which Defendant is entitled, being the compensation for the full ownership of the property described as Parcel No. 37-1, subject to the mineral reservation set forth herein, has been estimated to be the sum of Six Hundred Four and 00/100 (\$604.00) Dollars, as shown by the written Certificates of Estimate of Compensation marked "Exhibit P-5A" and "Exhibit P-5B," annexed hereto and made a part hereof.

15.

Petitioner is entitled to expropriate the full ownership of the property described as Parcel No. 47-1, subject to the mineral reservation set forth herein, in the 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.

16.

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

17.

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.

18.

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 of the Louisiana Revised Statutes, 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.

19.

The portion of State Route LA I-10 to be constructed under said State Project No. H.004100, also known as LA 415 to Essen Lane on I-10 and I-12, Phase 1: West of Washington Street to Essen Lane, will be a controlled-access facility, and no person will have any right of access to, from or across such facility to or from abutting lands except at the designated points at which access is permitted upon the terms and conditions specified from time to time, and upon the service, frontage or access roads provided, as more fully shown on "Exhibit P-3", in globo, attached hereto.

20.

Petitioner believes that JAMES THOMAS is an absentee defendant of the State of Louisiana and, to the best of Petitioner's information and belief, has left no agent for service of process within the State of Louisiana and, consequently, it is necessary that an Attorney at Law be appointed to represent Defendant, JAMES THOMAS, whom service of process may be made and against whom these proceedings may be carried on contradictorily.

WHEREFORE, Petitioner prays that an Order issue herein directing Petitioner to deposit in the Registry of this Court the sum of Six Hundred Four and 00/100 (\$604.00) Dollars for payment to the person or persons entitled thereto, and declaring that the full ownership of the property described as Parcel No. 37-1, subject to the mineral reservation set forth herein, has been taken for highway purposes as of the time such deposit is made.

WHEREFORE, Petitioner further prays that said Order direct Defendant to surrender to Petitioner possession of said property.

WHEREFORE, Petitioner further prays that the Order of Expropriation in this matter be recorded in the conveyance records of East Baton Rouge Parish.

WHEREFORE, Petitioner further prays that Notice of this expropriation be issued and served upon Defendant, JAMES THOMAS, 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.

WHEREFORE, 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.

WHEREFORE, 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.

WHEREFORE, 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 Six Hundred Four and 00/100 (\$604.00) Dollars.

Respectfully submitted,

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

By: 
Of Counsel

PLEASE SERVE:

JAMES THOMAS,
[LAST KNOWN ADDRESS: P. O.
BOX 318107, BATON ROUGE, LA
70802],
Through Court Appointed Attorney:

_____.

Tia C. Benton (#38476)
1201 Capitol Access Road (70802)
P. O. Box 94245
Baton Rouge, LA 70804-9245
Telephone: (225) 379-1226
Fax: (225) 242-4691
Email: tia.benton2@la.gov
Attorney for LA DOTD

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. H.004100
I-10: LA 415 TO ESSEN LANE ON I-10 & I-12
ROUTE LA I-10
WEST AND EAST BATON ROUGE PARISH**

State Project Number H.004100 provides for drainage structures, grading bridges, class II base course, portland cement concrete pavement, asphalt concrete pavement, roundabout, retaining walls, soundwalls, permanent signing and striping, lighting, and earthwork, on I-10 in East Baton Rouge Parish, as follows:

Beginning I-10 at approximate Highway Survey Station 427+31.00, then proceed in a southeasterly direction to end at approximate Highway Survey Station 437+63.65.

Beginning I-10 at approximate Highway Survey Station 201+14.71, then proceed in a southeasterly direction to end at approximate Highway Survey Station 430+00.00.

Beginning Acadian Thwy. at approximate Highway Survey Station 50+95.00, then proceed in a northerly direction to end at approximate Highway Survey Station 71+00.00.

Beginning Nairn Dr. at approximate Highway Survey Station 40+00.00, then proceed in a northerly direction to end at approximate Highway Survey Station 60+00.00.

Bridge Site I-10, is between the following Highway Survey Stations: approximate Highway Survey Station 427+31.00 and Highway Survey Station 241+68.22.

Bridge Site I-10 over City Park Lake, is between the following Highway Survey Stations: approximate Highway Survey Station 261+63.19 and Highway Survey Station 270+00.38.

Bridge Site I-10 Perkins to Acadian, is between the following Highway Survey Stations: 289+38.66 and Highway Survey Station 320+75.66.

Bridge Site Acadian Thruway, is between the following Highway Survey Stations: approximate Highway Survey Station 59+06.10, and Highway Survey Station 60+05.63.

Bridge Site Nairn Dr. over I-10, is between the following Highway Survey Stations: approximate Highway Survey Station 47+06.00 and Highway Survey Station 52+94.00.

Bridge Site I-10 at College Dr., is between the following Highway Survey Stations: approximate Highway Survey Station 350+73.00 and Highway Survey Station 358+42.00.

Bridge Site I-10 EB at Ward Creek, is between the following Highway Survey Stations: approximate Highway Survey Station 403+31.31 and Highway Survey Station 405+04.74.

The total roadway length is approximately 3.263 miles, and the total bridge length is approximately 2.025 miles, for an overall project length of approximately 5.288 miles.

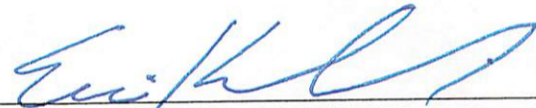
The construction of the above-described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

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 La. R.S. 36:501 et seq., and La. 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 La. 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. H.004100, I-10: LA 415 to Essen Lane on I-10 & I-12, Parish of West and East Baton Rouge Parish.

Baton Rouge, Louisiana, this 17th day of March, 2023.



ERIC KALIVODA
SECRETARY
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

The custodian of official records of the Department of Transportation and Development of the State of Louisiana certifies 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).

CERTIFICATE
OF THE
CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO.
H.004100, F.A.P. NO. H004100, I-10: LA 415 TO ESSEN LANE ON I-10 AND I-12, PHASE 1:
WEST OF WASHINGTON STREET TO ESSEN LANE, FINAL R/W AND C OF A, ROUTE LA
I-10, WEST AND EAST BATON ROUGE PARISH, in a manner sufficient in my judgment to
provide presently and in the future for the public interest, safety and convenience.



CHAD WINCHESTER, P.E.
DOTD CHIEF ENGINEER

1/10/24
DATE

Final Right of Way Map

S:\survproj\Inroads Survey\31728 4 H.004100 1-10 LA 415 to Essen on I-10 and I-12 ROW Maps\Drawings\H004100 BASE ROW sheet 37.dgn

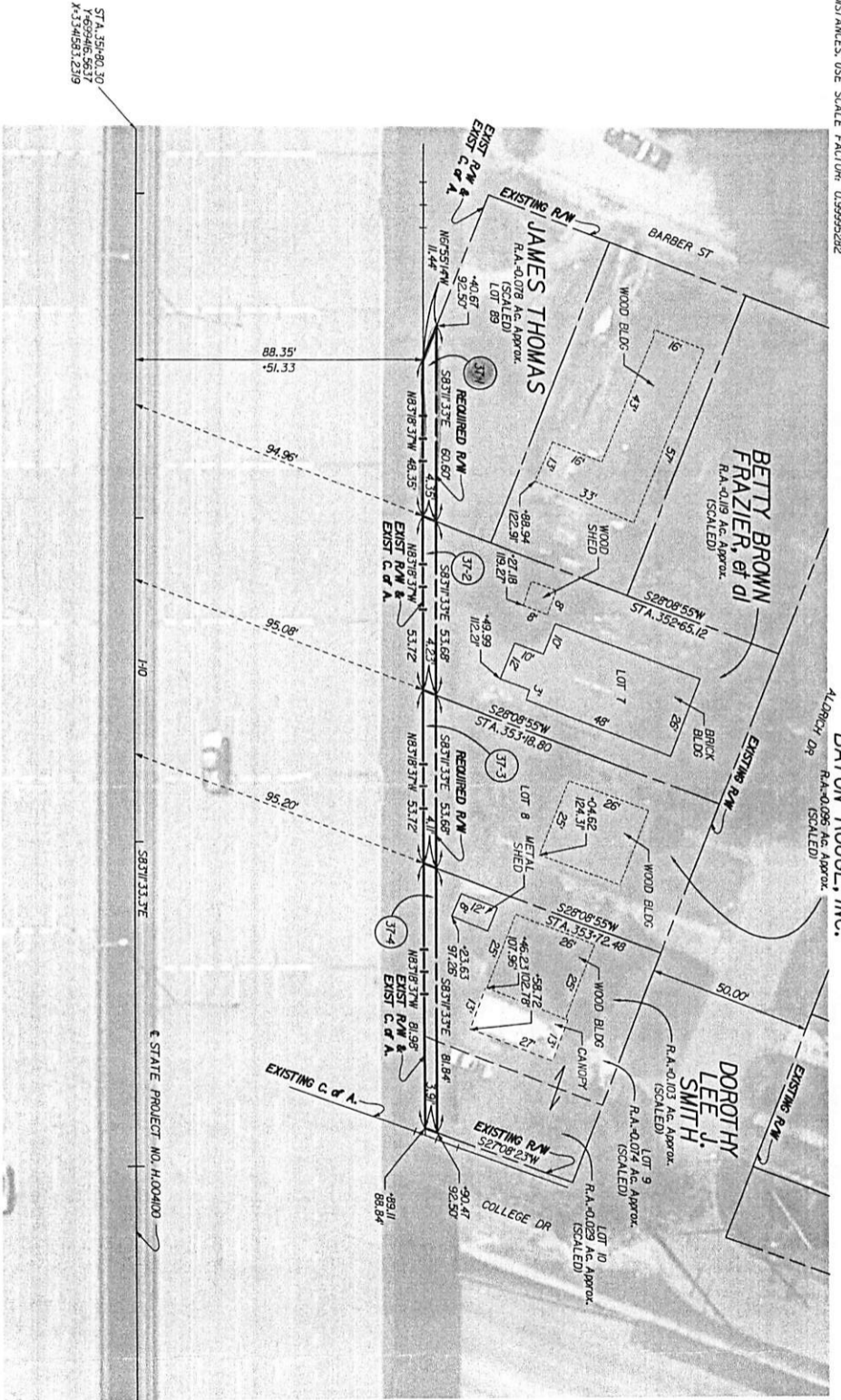
8/30/2022 11:32

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 SOUTH ZONE (NAD 83 (2011 EPOCH) 2001.00) USE: 00709 48.19

BASE STATIONS:

DEB83 SUI	DE95414.SV
GALV 2	USDA STATE U CORP APP
LAT: N 307°21'45.8100"	LAT: N 307°26'26.7094"
LONG: W 07°05'25.85463"	LONG: W 07°04'48.9417"
Y: 660090.62	Y: 693593.08
X: 349422.50	X: 332909.31

3. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. TO CONVERT DISTANCES DERIVED FROM COORDINATES SHOWN HEREON TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 0.99995282



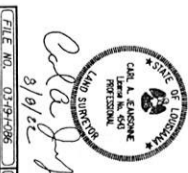
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 Y 659246.5637
 X 334581.2319

ST A 355-73.08
 Y 659370.0064
 X 334497.2435

PANEL	OWNER	ACQUISITION	AREA	AREA
37-4	DOROTHY LEE J. SMITH	ORIG 49 BMDL 5918	MARCH 4, 1996	0.007 AC.
37-3	HOUSE OF GOD OF BATON ROUGE, INC.	ORIG 692 BMDL 12558	JUNE 8, 2015	0.005 AC.
37-2	BETTY BROWN FRAZIER, et al	ORIG 793 BMDL 12991	OCTOBER 25, 2018	214.6 SF
37-1	JAMES R. THOMAS	ORIG 207 BMDL 10545	SEPTEMBER 30, 1994	0.005 AC.

GREENSBURG LAND DISTRICT
 TTS - RIE
 SECTION 94

HOUSE OF GOD
 BATON ROUGE, INC.
 COLLEGE DRIVE PLACE



FILE NO. 03-19-1396	DATE	REMOVED SQUARE FEET OF BUILDINGS	BY	CAJ			COMPUTED CHECKED CAJ PCS DETAILED CHECKED THJ CAJ	PARISH EAST BATON ROUGE CONTROL SECTION 450-10 STATE PROJECT H.004100	DATE 08/08/2022 SCALE 1"=20'	SHEET NUMBER 37
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-XHIBIT P-3

Final Right of Way Map



NOTES:
 1. ALL PIPES AND MONUMENTS SHOW HEREON WERE FOUND.
 2. THE COORDINATES AND BEARINGS SHOW HEREON ARE BASED ON THE COORDINATE SYSTEM SOUTH TO CONVERT FROM GRID BEARINGS TO TRUE BEARINGS USE: 07°05'48.19"

BASE STATIONS:

DEPARO, SIBI DEPT 54, LSU
 GALVEZ WOODLE SCH CORN APP S/B GROUP COOP CORN APP LOUISIANA STATE U CORN APP
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 LONG: W090°54'13.02544" LONG: W091°05'25.95463" LONG: W091°04'48.91418"
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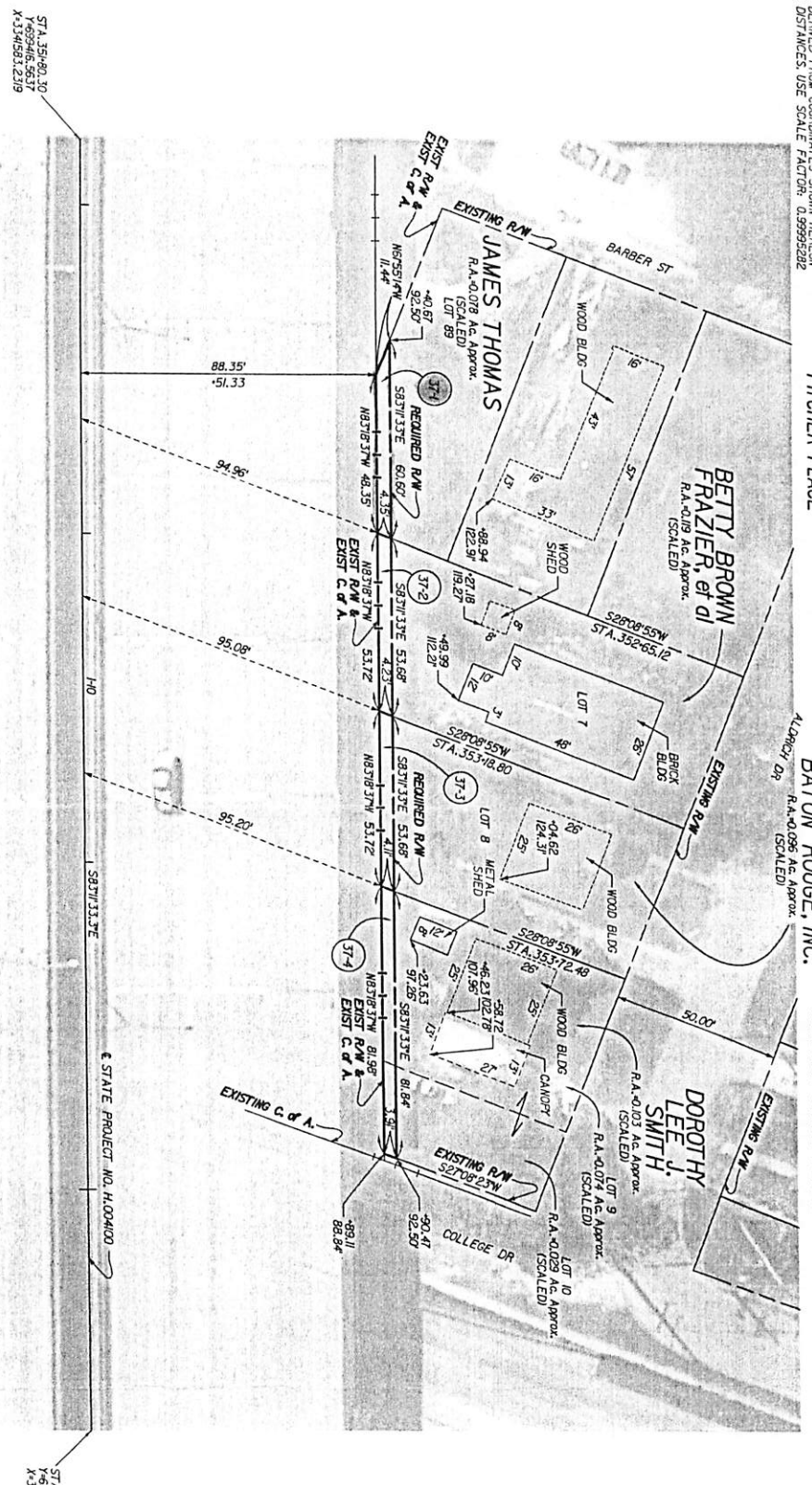
1. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. TO CONVERT DISTANCES DERIVED FROM COORDINATES SHOW HEREON TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 0.99995282

GREENSBURG LAND DISTRICT
 TTS - RIE
 SECTION 94

PARCEL	OWNER	ACQUISITION	AREA	AREA
37-4	DOROTHY LEE J. SMITH	ORIG 49 BNDL 9818	MARCH 4, 1966	0.007 AC. 306.8 SF
37-3	HOUSE OF GOD OF BATON ROUGE, INC.	ORIG 692 BNDL 12858	JUNE 8, 2015	0.005 AC. 208.6 SF
37-2	BETTY BROWN FRAZIER, et al	ORIG 793 BNDL 12921	OCTOBER 25, 2016	0.005 AC. 214.6 SF
37-1	JAMES R. THOMAS	ORIG 207 BNDL 10545	SEPTEMBER 30, 1994	0.005 AC. 223.7 SF

FILE NO.	DATE	BY	DESCRIPTION
01593-708	8/9/22	CAJ	REMOVED SQUARE FEET OF BUILDINGS

DATE: 08/26/22
 REVISION DESCRIPTION: REMOVED SQUARE FEET OF BUILDINGS
 BY: CAJ



STATE OF LOUISIANA
 REGISTERED PROFESSIONAL SURVEYOR
 No. 10588
 CARL A. EASON

COMPUTED	CAJ	PARISH	EAST BATON ROUGE
CHECKED	PCS	CONTROL SECTION	450-10
DATE	08/08/2022	STATE PROJECT	H.004100
SCALE	1"=20'		

EXHIBIT P-3

Final Right of Way Map

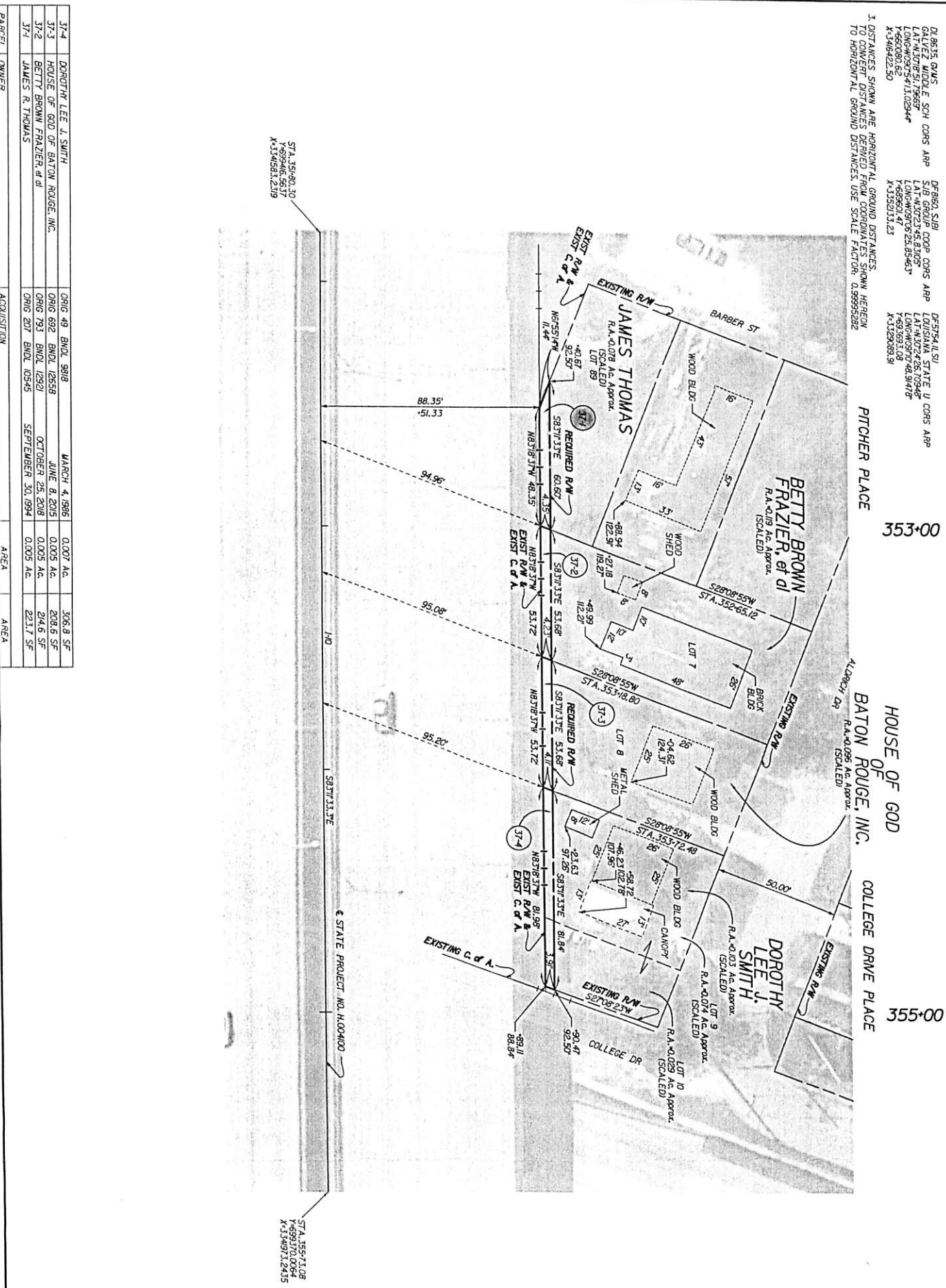


NOTES:
 1. ALL PIPES AND MONUMENTS SHOWN HEREIN WERE FOUND.
 2. THE COORDINATES AND BEARINGS SHOWN HEREIN ARE BASED ON THE STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83 (2011 EPOCH 2010.00)) TO CONVERT FROM GRID BEARINGS TO TRUE BEARINGS USE: 00°05'48.19"

BASE STATIONS:
 DE8163 QMS SIB GROUP COOP CORP APP
 GALVEZ MIDDLE SCH CORP APP
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 LONG: W090°54'11.02944"
 X: 588000.52
 Y: 5314622.50
 X: 535911.23
 Y: 5314622.50
 DE8164 LLSI LOUISIANA STATE U CORP APP
 LAT: N32°07'51.79659"
 LONG: W090°54'11.02944"
 X: 588000.52
 Y: 5314622.50

3. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. TO CONVERT DISTANCES DERIVED FROM COORDINATES SHOWN HEREIN TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 0.999995282

GREENSBURG LAND DISTRICT
 TTS - RIE
 SECTION 94



PARCEL	OWNER	ACQUISITION	AREA	AREA
37-4	DOROTHY LEE J. SMITH	ORIG 49 BNDL 9918	MARCH 4, 1986	0.007 AC. 306.8 SF
37-3	HOUSE OF GOD OF BATON ROUGE, INC.	ORIG 692 BNDL 12658	JUNE 8, 2015	0.005 AC. 208.6 SF
37-2	BETTY BROWN FRAZIER et al	ORIG 793 BNDL 12921	OCTOBER 25, 2018	0.005 AC. 214.6 SF
37-1	JAMES R. THOMAS	ORIG 207 BNDL 10545	SEPTEMBER 30, 1994	0.005 AC. 223.7 SF

FILE NO. 01-974296
 8/9/22

08/26/22	REMOVED SQUARE FEET OF BUILDINGS	CAJ	BT		RIGHT OF WAY MAP STATE PROJECT NO. H.004100 1-10, LA 415 TO ESSEN ON I-10 AND I-12 PHASE 1: WEST OF WASHINGTON STREET TO ESSEN LANE EAST BATON ROUGE PARISH		COMPUTED CHECKED CAJ DETAILED CHECKED THJ DATE 08/08/2022 SCALE 1"=20'	PARISH EAST BATON ROUGE CONTROL SECTION 450-10 STATE PROJECT H.004100	SHEET NUMBER 37
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Final Right of Way Map

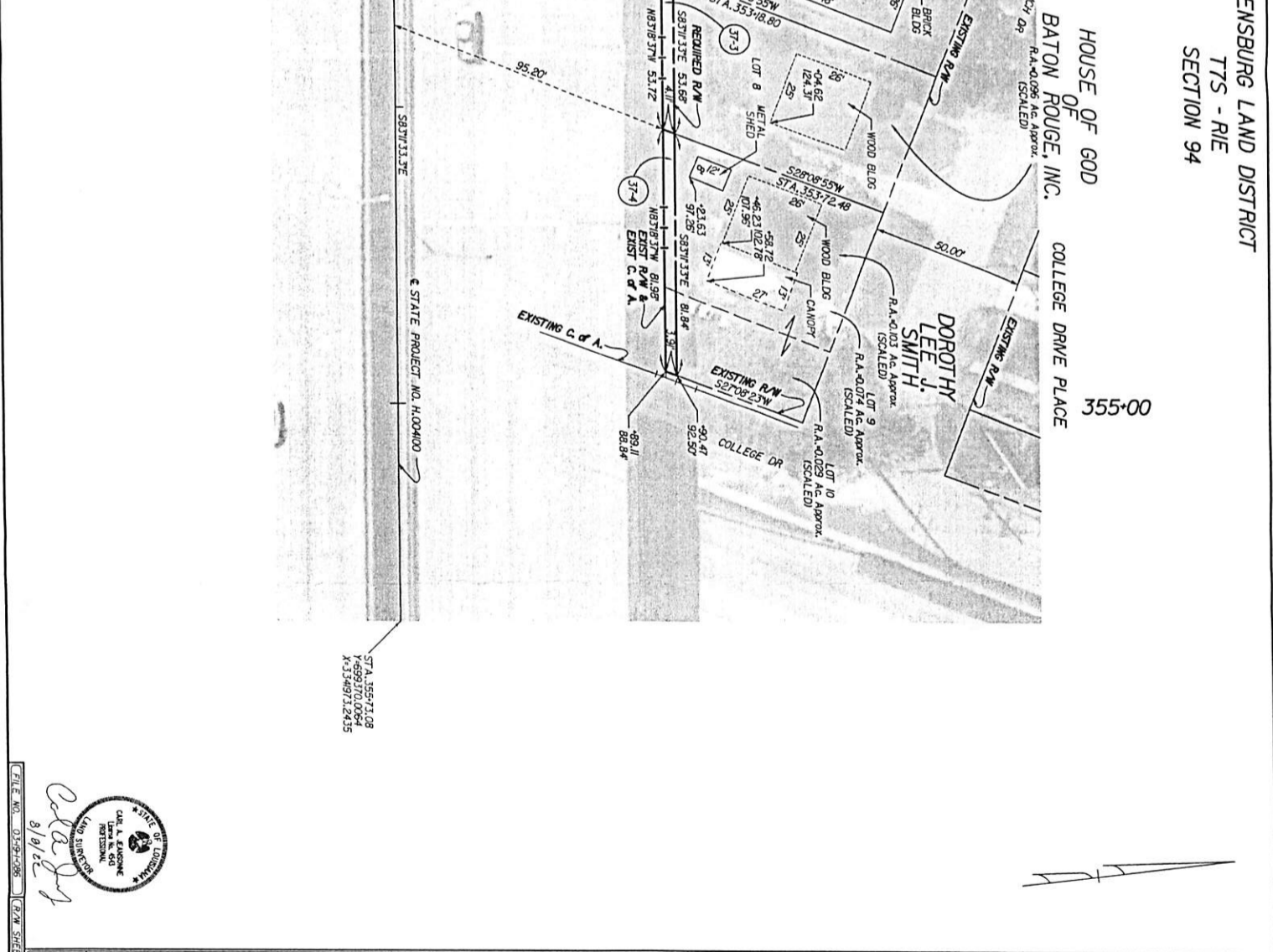


NOTES:
 1. ALL PILES AND MONUMENTS SHOW HEREON WERE FOUND.
 2. THE COORDINATES AND BEARINGS SHOW HEREON ARE BASED ON LOUISIANA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 83 (2011) EPOCH 2000.00) USING DATUM 0705 4819

BASE STATIONS:
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 GATVEZ WOOD E SCH CORN APP
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 DEPTASAL SU
 SIB GROUP COOP CORN APP
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 LONG W: 0270525.85463
 X: 335831.23
 Y: 69393.08
 LOUISIANA STATE U CORN APP
 LAT N: 307245.78948
 LONG W: 0270548.94478
 X: 332808.31
 Y: 69328.93

1. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
 TO CONVEY DISTANCES DERIVED FROM COORDINATES SHOWN HEREON TO HORIZONTAL GROUND DISTANCES, USE SCALE FACTOR: 0.99995282

PARCEL	OWNER	ACQUISITION	AREA	AREA
37-4	DOROTHY LEE J. SMITH	ORIG 49 ENCL 9818	MARCH 4, 1986	0.007 AC. 306.8 SF
37-3	HOUSE OF GOD OF BATON ROUGE, INC.	ORIG 692 ENCL 12559	JUNE 8, 2015	0.005 AC. 208.6 SF
37-2	BETTY BROWN FRAZIER, et al	ORIG 793 ENCL 12921	OCTOBER 25, 2018	0.005 AC. 214.6 SF
37-1	JAMES R. THOMAS	ORIG 207 ENCL 10545	SEPTEMBER 30, 1994	0.005 AC. 221.7 SF



GREENSBURG LAND DISTRICT
 TTS - RIE
 SECTION 94

353.00

HOUSE OF GOD OF BATON ROUGE, INC.

355.00

FILE NO. 01581-088
 8/16/22

COMPUTED CHECKED	CAJ	PARISH	EAST BATON ROUGE
DETAILED CHECKED	THI	CONTROL SECTION	450-10
DATE	08/08/2022	STATE PROJECT	H.004100
SCALE	1"=20'		

RIGHT OF WAY MAP STATE PROJECT NO. H.004100 I-10 LA 415 TO ESSEN ON I-10 AND I-12 PHASE I: WEST OF WASHINGTON STREET TO ESSEN LANE EAST BATON ROUGE PARISH			SIB GROUP, LLC CAJ BY	REMOVED SQUARE FEET OF BUILDINGS DATE: 08/26/22 REVISION DESCRIPTION
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XHIBIT

CERTIFICATE
ON
LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.004100, F.A.P. NO. H004100, I-10: LA 415 TO ESSEN LANE ON I-10 AND I-12, PHASE 1: WEST OF WASHINGTON STREET TO ESSEN LANE, FINAL R/W AND C OF A, ROUTE LA I-10, WEST AND EAST BATON ROUGE PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.



CHAD WINCHESTER, P.E.
DOTD CHIEF ENGINEER

1/10/24
DATE



ROBERT ISEMANN, P.E.
ROAD DESIGN ENGINEER

1/5/24
DATE



MARK BUCCI, P.E.
BRIDGE DESIGN ENGINEER

1/5/24
DATE

Parcel No. 37-1
S. P. No. H.004100

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) 37-1, 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	<u>\$117</u>
DAMAGES	<u>\$0</u>
ADDITIONAL COMPENSATION	<u>\$0</u>
TOTAL ESTIMATE OF COMPENSATION	<u>\$117</u>

Methodology Used:

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

Joel M. Picou
15341 Summerwood Ave.
Baton Rouge, LA 70817

Qualifications:

- 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

Baton Rouge, Louisiana, 70817, September 22, 2023



JOEL M PICOU
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER
CERTIFICATE NO. G1239

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 1607.00

Heather Corsetino 1/24/2024
Date

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

Parcel No. 37-1
S. P. No. H.004100

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) 37-1, 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	<u>\$ 604</u>
DAMAGES	<u>\$ 0</u>
ADDITIONAL COMPENSATION	<u>\$ 0</u>
TOTAL ESTIMATE OF COMPENSATION	<u>\$ 604</u>

Methodology Used:

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

Woodrow C. Crochet III, MAI, CCIM
1 Galleria Blvd., Suite 1900
Metairie, LA 70001

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

Metairie, Louisiana, September 22, 2023.



Woodrow C. Crochet III, MAI, CCIM
LOUISIANA CERTIFIED GENERAL REAL ESTATE APPRAISER
CERTIFICATE NO. G2835

Total Approved Amount of Compensation to the full
extent of the owner's loss \$ 604.00

Heather Corsetino 1/24/2024
HEATHER CORSENTINO Date

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

EXHIBIT P-5B

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DOCKET NO.: _____

DIV./SEC. NO.: _____

STATE OF LOUISIANA, DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

VERSUS

JAMES THOMAS

FILED: _____

CLERK OF COURT

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 Six Hundred Four and 00;/100 (\$604.00) Dollars.

IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below AS Parcel No. 37-1, subject to the reservation in favor of Defendant, JAMES THOMAS, 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, and that the right of access, egress and ingress, vehicular and pedestrian, to and from the property owned by said Defendant, along and only along the line(s) described hereinafter and designated as Parcel No. 37-1, is expropriated and taken for highway purposes as of the time of such deposit, according to law, for the I-10: LA 415 to Essen Lane on I-10 and I-12, Phase 1: West of Washington Street to Essen Lane, State Route: I-10, being State Project No. H.004100, a controlled-access facility with no right of access to, from or across said facility to or from abutting

lands except at the designated points at which access is permitted from time to time and upon the terms and conditions specified from time to time and upon the service, frontage or access roads provided, as more fully shown on "Exhibit P-3," in globo, filed herein, is expropriated and taken for highway purposes as of the time of such deposit, according to law, said property 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 East Baton Rouge, State of Louisiana, and in Section 94, Township 7 South, Range 1 East, Greensburg Land District, identified as Parcel No. 37-1, on a white print of a plat of survey, consisting of Sheet No. 37, made by Carl A. Jeansonne, Registered Land Surveyor, dated August 8, 2022, 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.

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 37-1:

From a point on the centerline of State Project No. H.004100, at Highway Survey Station 352+51.33, proceed N06°48'27"E a distance of 88.35 feet to the point of beginning; thence proceed N61°55'14"W a distance of 11.44 feet to a point and corner; thence proceed S83°11'33"E a distance of 60.60 feet to a point and corner; thence proceed S28°08'55"W a distance of 4.35 feet to a point and corner; thence proceed N83°18'37"W a distance of 48.35 feet to the point of beginning. All of which comprises Parcel 37-1 as shown on Sheet 37 of the Right of Way Plans of State Project No. H.004100, and contains an area of approximately 223.7 square feet or 0.005 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 East Baton Rouge Parish.

IT IS HEREBY FURTHER ORDERED that _____,
Attorney at Law, whose address is _____, and
whose telephone number is _____, be and is hereby appointed to

represent Defendant herein, JAMES THOMAS, as authorized by La. C.C.P. Article 5091, as amended.

IT IS HEREBY FURTHER ORDERED that Defendant, JAMES THOMAS, 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.

Baton Rouge, Louisiana, this _____ day of _____, 2024.

JUDGE | 19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DOCKET NO.: _____

DIV./SEC. NO.: _____

STATE OF LOUISIANA, DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

VERSUS

JAMES THOMAS

FILED: _____

CLERK OF COURT

RECEIPT

HONORABLE J. DOUGLAS "DOUG" WELBORN, CLERK OF COURT

TO

STATE OF LOUISIANA,
DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

In the cause entitled "STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT VS. JAMES THOMAS," No. _____ of the docket of said Court, the State of Louisiana seeks the expropriation of the full ownership of the property described below, subject to the reservation in favor of the owner, JAMES THOMAS, 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, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of East Baton Rouge, State of Louisiana, and in Section 94, Township 7 South, Range 1 East, Greensburg Land District, identified as Parcel No. 37-1, on a white print of a plat of survey, consisting of Sheet No. 37, made by Carl A. Jeansonne, Registered Land Surveyor, dated August 8, 2022, 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.

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 37-1:

From a point on the centerline of State Project No. H.004100, at Highway Survey Station 352+51.33, proceed N06°48'27"E a distance of 88.35 feet to the point of beginning; thence proceed N61°55'14"W a distance of 11.44 feet to a point and corner; thence proceed S83°11'33"E a distance of 60.60 feet to a point and corner; thence proceed S28°08'55"W a distance of 4.35 feet to a point and corner; thence proceed N83°18'37"W a distance of 48.35 feet to the point of beginning. All of which comprises Parcel 37-1 as shown on Sheet 37 of the Right of Way Plans of State Project No. H.004100, and contains an area of approximately 223.7 square feet or 0.005 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 Six Hundred Four and 00/100 (\$604.00) 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 same has been placed in the Registry of the Court.

Signed at Baton Rouge, Louisiana, this _____ day of _____, 2024.

DEPUTY CLERK OF COURT
19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DOCKET NO.: _____

DIV./SEC. NO.: _____

STATE OF LOUISIANA, DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

VERSUS

JAMES THOMAS

FILED: _____

CLERK OF COURT

NOTICE

THE STATE OF LOUISIANA

TO: JAMES THOMAS,
[LAST KNOWN ADDRESS: P. O. BOX 318107, BATON ROUGE, LA 70802],
Through Court Appointed Attorney:

_____.

Pursuant to an Order issued by a Judge of the Nineteenth Judicial District Court of the State of Louisiana for the Parish of East Baton Rouge on the _____ day of _____, 2024, in the above numbered and entitled cause on petition of the State of Louisiana, Department of Transportation & Development, a duly certified copy of which Petition and Order is hereunto annexed to be served on you herewith, notice is hereby given of the expropriation of the property described in said Petition and of the deposit into the Registry of this Honorable Court of the sum of Six Hundred Four and 00/100 (\$604.00) Dollars on the _____ day of _____, 2024, a certified copy of the Receipt for such deposit being annexed hereunto to be served on you herewith:

YOU ARE HEREBY SUMMONED to comply with the demand contained in that Petition or to deliver your answer to the Petition to the office of the Clerk of the Nineteenth Judicial District Court at the East Baton Rouge Parish Courthouse **within one (1) year** from the date you are notified by the Louisiana Department of Transportation & Development that it has finally accepted the construction of the highway project for which the property was expropriated, in accordance with LA R.S. 48:450.

If you desire to contest the validity of the taking on the ground that the property was not expropriated for a public use or on the ground that the Petition and exhibits do not satisfy the provisions contained in LA R.S. 48:442 through 444, you are required to file a Motion to Dismiss on that ground **within twenty (20) days** after the service hereof, in accordance with LA R.S. 48:447.

By order of an Honorable Judge of the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana.

Signed and delivered to the Sheriff of East Baton Rouge Parish this _____ day of _____ in the year 2024.

DEPUTY CLERK OF COURT