SUIT NUMBER: 6322579
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
STA

OF TRANSPORTATION & DEVELOPMENT STATE OF LOUISIANA, DEPARTMENT

'SA

THREE RING REMAINDER I, LLC, ET AL

PETITION

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 and organized and organized successor to the Department of Highways, created and organized under the laws of the State of Louisiana, with respect, represents that:

·I

THREE RING REMAINDER I, LLC, CIRCUS PROPERTY I, LLC, and

6

Fig. Batton Rouge a certain project designated as State Project No. H.010560, Essen Lane Widening (Perkins Road to 1-10), on State Route LA 3064, 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.

ξ.

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

by the Chief Engineer of the Department of Transportation and Development, as shown by his certificate marked "Exhibit P-2," annexed hereto and made a part hereof.

5.

Included within the right of way required for said project is certain property believed to be owned by the defendant Three Ring Remainder I, LLC, subject to a usufruct in favor of Circus Property I, LLC, and subject to a lease in favor of Piccadilly Restaurants, LLC, 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, State of Louisiana, and in Section 53, Township 7 South, Range 1 East, Greensburg Land District, identified as Parcel No. 4-2, on a white print of a plat of survey, consisting of Sheet Nos. 4 and 5, made by Michael Maillet, Registered Land Surveyor, dated March 24, 2014, 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. 4-2:

From a point on the centerline of Construction and Right of Way State Project No. H.010560, at Highway Survey Station 116+59.73, proceed N60°35'11"W a distance of 50.40 feet to the point of beginning; thence proceed N60°35'11"W a distance of 4.00 feet to a point and corner; thence proceed N28°14'31"E a distance of 371.80 feet to a point and corner; thence proceed S60°36'07"E a distance of 4.71 feet to a point and corner; thence proceed S28°21'07"W a distance of 371.79 feet to the point of beginning. All of which comprises Parcel 4-2 as shown on Sheets 4 & 5 of the Right of Way Plans of State Project No. H.010560, and contains an area of approximately 1619.6 square feet or 0.037 of an acre.

Being a portion of the same property acquired by defendant by Act recorded 10/10/2011, in Orig. 764, Bndl. 11277 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.

The above described property is owned by Three Ring Remainder I, LLC, subject to a usufruct in favor of Circus Property I, LLC, and subject to a lease in favor of Piccadilly Restaurants, LLC.

8.

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

9

There are no buildings situated wholly or partially upon the above described property, and the only improvements situated wholly or partially thereon consists of concrete driveway, concrete curbing, water lateral, and sewer lateral.

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, which is 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, together with all the rights and interests of the usufruct, and together with all the rights and interests of the lessee, 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 above described property, together with all the rights and interests of the usufruct, and together with all the rights and interests of the lessee, subject to the mineral reservation set forth below.

13.

The expropriation of the full ownership of the property described above shall be made subject to the reservation in favor of the owner, Three Ring Remainder I, LLC, subject to a usufruct in favor

of Circus Property I, LLC, and subject to a lease in favor of Piccadilly Restaurants, LLC, 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.

14.

The just compensation to which the defendants are entitled, being the compensation for the full ownership of the above described property, together with all the rights and interests of the usufruct, and together with all the rights and interests of the lessee, subject to the mineral reservation set forth herein, has been estimated to be the sum of THIRTY-FIVE THOUSAND SEVEN HUNDRED FIFTY-TWO & NO/100 DOLLARS (\$35,752.00), as shown by the written 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 above described property, together with all the rights and interests of the usufruct, and together with all the rights and interests of the lessee, 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.

16.

Petitioner is entitled to trial by jury as authorized by Title 48 of the 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

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 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 THIRTY-FIVE THOUSAND SEVEN HUNDRED FIFTY-TWO & NO/100 DOLLARS (\$35,752.00) for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, together with all the rights and interests of the usufruct, together with all the rights and interests of the lessee, and subject to the mineral reservation set forth herein, has been taken for highway purposes as of the time such deposit is made.

PETITIONER FURTHER PRAYS that said order direct the defendants to surrender to petitioner possession of said property.

PETITIONER FURTHER PRAYS that the Order of Expropriation in this matter be recorded in the conveyance records of this Parish.

PETITIONER FURTHER PRAYS that notice of this expropriation be issued and served upon THREE RING REMAINDER I, LLC, CIRCUS PROPERTY I, LLC, and PICCADILLY RESTAURANTS, LLC, 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. Article 48:451, 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 THIRTY-

FIVE THOUSAND SEVEN HUNDRED FIFTY-TWO & NO/100 DOLLARS (\$35,752.00).

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT OFFICE OF THE GENERAL COUNSEL

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Of Cour

Robert J. King Bar Roll No. 31814 P.O. Box 94245

Baton Rouge, LA 70804-9245 1201 Capitol Access Rd.

Baton Rouge, LA 70802

Telephone: (225) 242-4619 Facsimile: (225) 242-4690 Attorney for State, DOTD

PLEASE SERVE:

THREE RING REMAINDER I, LLC

Through agent for service of process: C T Corporation System 5615 Corporate Blvd., Suite 400 B Baton Rouge, LA 70808

CIRCUS PROPERTY I, LLC

Through agent for service of process: Corporation Service Company 320 Somerulos St. Baton Rouge, LA 70802

PICCADILLY RESTAURANTS, LLC

Through agent for service of process: C T Corporation System 5615 Corporate Blvd., Suite 400 B Baton Rouge, LA 70808 STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

VS.

SUIT NUMBER: 632,577 50.00

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

THREE RING REMAINDER I, LLC, ET AL STATE OF LOUISIANA

ORDER OF EXPROPRIATION

******* COPY ***** ORIG: 856 BNDL: 12603 9/8/2014 2:15:14 PM

The petition, exhibits and the premises considered:

FILED AND RECORDED
EAST BATON ROUGE PARISH, LA
DOUG WELBORN
CLERK OF COURT AND RECORDER 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 THIRTY-FIVE THOUSAND SEVEN HUNDRED FIFTY-TWO & NO/100 DOLLARS (\$35,752.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, together with all the rights and interests of the usufruct, and together with all the rights and interests of the lessee, subject to the reservation in favor of the owners of all oil or gas located under the property described below, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation or to any existing oil or gas lease, 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, State of Louisiana, and in Section 53, Township 7 South, Range 1 East, Greensburg Land District, identified as Parcel No. 4-2, on a white print of a plat of survey, consisting of Sheet Nos. 4 and 5, made by Michael Maillet, Registered Land Surveyor, dated March 24, 2014, 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

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

VS.

SUIT NUMBER:

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

THREE RING REMAINDER I, LLC, ET AL

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

PARCEL NO. 4-2:

From a point on the centerline of Construction and Right of Way State Project No. H.010560, at Highway Survey Station 116+59.73, proceed N60°35'11"W a distance of 50.40 feet to the point of beginning; thence proceed N60°35'11"W a distance of 4.00 feet to a point and corner; thence proceed N28°14'31"E a distance of 371.80 feet to a point and corner; thence proceed S60°36'07"E a distance of 371 feet to a point and corner; thence proceed S28°21'07"W a fistance of 371.79 feet to the point of beginning. All of which fellows Plans of State Project No. H.010560, and contains an area of approximately 1619.6 square feet or 0.037 of an acre.

Being a portion of the same property acquired by defendant by Act recorded 10/10/2011, in Orig. 764, Bndl. 11277 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 defendants, THREE RING REMAINDER I, LLC, CIRCUS PROPERTY I, LLC, and PICCADILLY RESTAURANTS, LLC, vacate the above described property and surrender possession thereof unto the plaintiff.

Baton Rouge, Louisiana, this ___

day of

2014.

JUDGE, NINETEENTH JUDICIAL DISTRICT COURT

Judge Timothy E. Kelley 19th Judicial District Court CORRECT COPY

AUG 19 2014

Deputy Clark of Court

AST BATON ROUGE PARISHALA

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

STATE PROJECT NO(S). H.010560 STATE ROUTE LA 3064 STATE ROUTE LA 3064 STATE ROUTE LA 3064

State Project Number H.010560 provides for construction of a portland cement concrete pavement widening, asphaltic concrete overlay, class II base course, drainage structures, bridge widening, and related work, on State Route LA 3064 in East Baton Rouge Parish as follows: Begin at approximate Highway Survey Station 100+66.00, then proceed in a southwesterly direction, and end at approximate Highway Survey Station 147+00.00. There is a bridge site beginning at approximate Highway Survey Survey Station 140+26.98 and ending at approximate Highway Survey Station 141+86.53. The roadway length is approximately 0.847miles and the total bridge length is approximately 0.030 miles; the overall project length is approximately 0.877 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. 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.010560, Essen Lane Widening (Perkins Road to I-10), State Route LA 3064, Parish of East Baton Rouge.

Baton Rouge, Louisiana, this 440 day of 6

SHERRI H. LEBAS, P.E. **SECRETARY** DEPARTMENT OF TRANSPORTATION

AND DEVELOPMENT

I, Albert David, assistant custodian of official records of the Department of Transportation and Development of the State of Louislana, do certify under the provisions of R.S. 13:3712 and Chapter 9 of the Louislana Code of Evidence that the attached page(s) is (are) a true and correct copy (copies) of the original(s) which is (are) in my custody and possession in my official capacity.

Baton Rouge, Louislana, 14 day of

ALBERT DAVID
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
STATE OF LOUISIANA

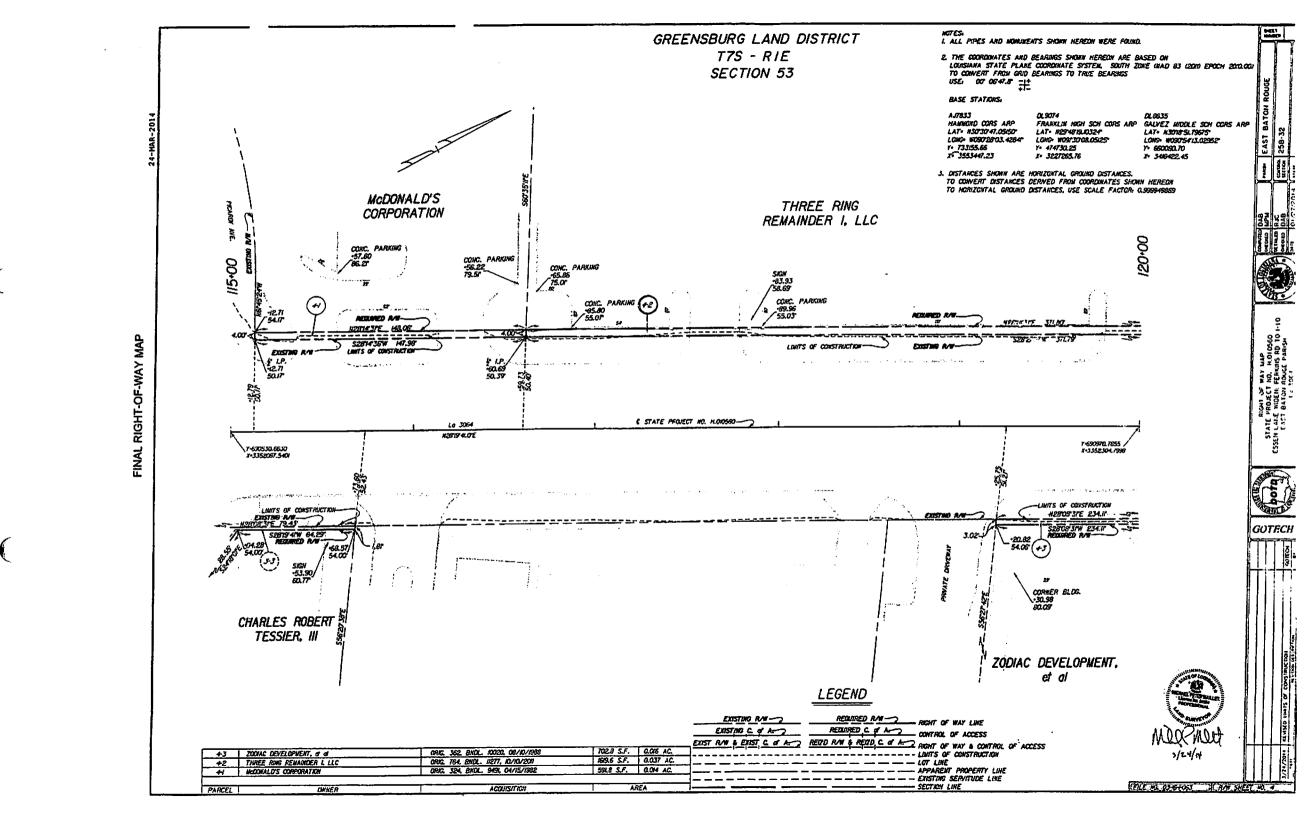
CERTIFICATE

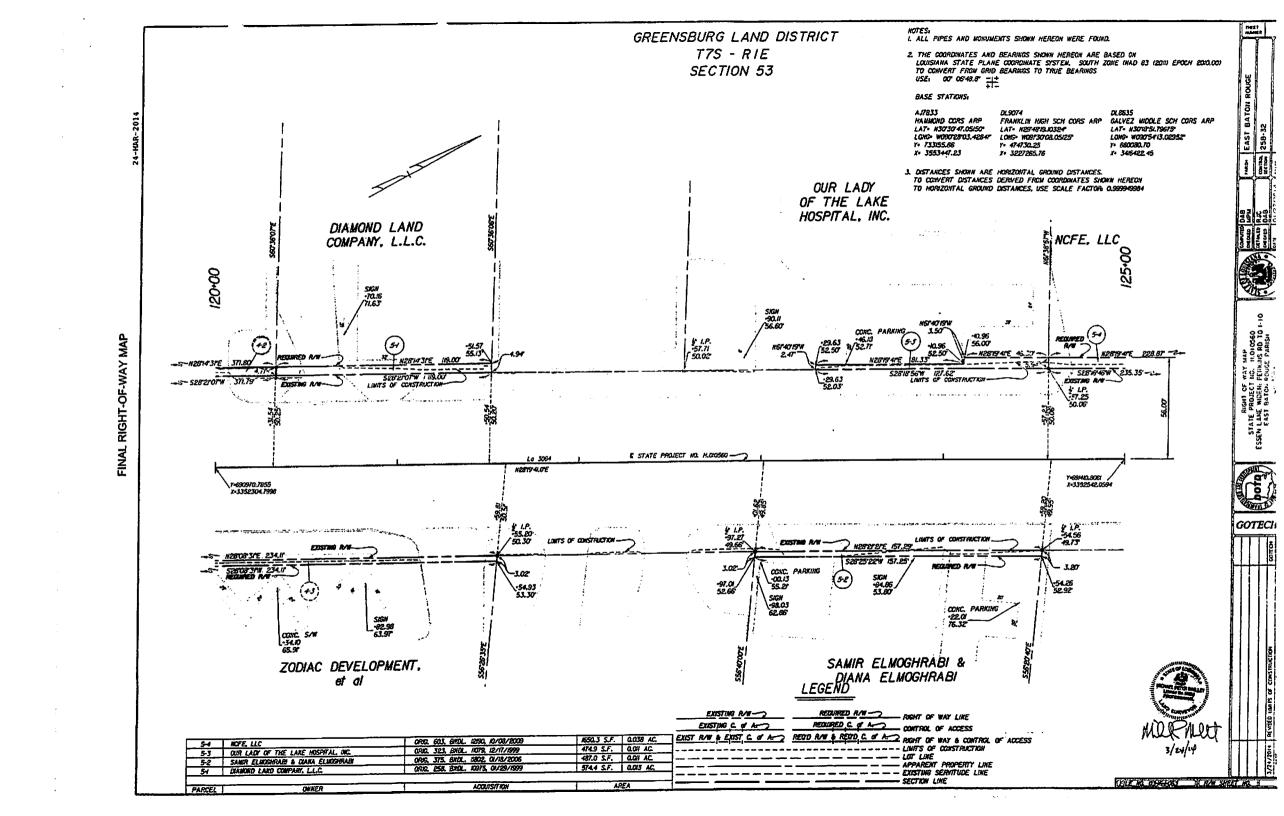
OF THE

CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO. H.010560, ESSEN LANE WIDENING (PERKINS ROAD TO 1-10), ROUTE LA 3064, 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.

CHIEF ENGINEER ADMINISTRATOR





CERTIFICATE

ON

LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.010560, ESSEN LANE WIDENING (PERKINS ROAD TO 1-10), ROUTE LA 3064, 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.

JANICE P. WILLIAMS, P.E.

CHIEF ENGINEER ADMINISTRATOR

SIMONE A. ARDÓIN, P.E.

BOAD RESIGN ENGINEER ADMINISTRATOR

PAUL FOSSIER, P.E.

BRIDGE DESIGN ENGINEER ADMINISTRATOR

07/28/14 DATE 7/29/14 DATE State Project Number: H.010560

Parcel 4-2

East Baton Rouge Parish, Louisiana

The Lakvold Group, LLC Date of Inspection: March 25, 2014

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Parcel No. 4-2

Sate Project Number: H.010560

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) 4-2, 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	\$35,752
DAMAGES	\$0
ADDITIONAL COMPENSATION	<u>\$0</u>
TOTAL ESTIMATE OF COMPENSATION	\$35,752

Methodology Used:

I. Sales Comparison Approach
 Cost Approach
 Income Capitalization Approach

X 1. Designated Appraiser

Angela Lemoine-Lakvold, MAI, SRA, R/W-AC The Lakvold Group, LLC 4520 Jamestown Avenue, Suite I Baton Rouge, La 70808

Qualifications:

	2.	Candidate for Designation
	3.	Louisiana Certified Residential Real Estate Appraiser
<u>X</u>	4.	Louisiana Certified General Real Estate Appraiser
	5.	Right of Way Appraiser in the regular employ of the Department

State Project Number: H.010560 Parcel 4-2

East Baton Rouge Parish, Louisiana

The Lakvold Group, LLC Date of Inspection: March 25, 2014

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Baton Rouge, Louisiana, March 25, 2014.

lingela Kumine Kacharld

Angela Lemoine-Lakvold, MAI, SRA, RW-AC Louisiana State Certified General Appraiser #G0575

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 35.757.

Heather Corsentino

Assistant Real Estate Administrator, Department of Transportation and Development, State of Louisiana

C-24 Parcei No. 4-2

State Project No. H.010560, Route 09-GS-UF-0028

CERTIFICATE OF ESTIMATE OF COMPENSATION (LAND)

I the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel 4-2 and its remainders, 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 TAKEN	\$31,583		
DAMAGES	\$ 0		
ADDITIONAL COMPENSATION	\$0		
TOTAL COMPENSATION FOR LAND	\$31,583		
Methodology used:	1		
X1. Sales Comparison Approach	·		
2. Cost Approach			
3. Income Capitalization Approa	ach		
NAME			
Qualifications:			
1. Designated Appraiser	•		
2. Candidate for Designation			
X3. Louislana Certified Appraiser			
4. Right of Way Appraiser in the regular employ of the Department			
Baton Rouge, East Baton Rouge, Louisiana 4/21/2014 Date of Report			
Hand Signature			
1.00.11.00.00.00.00.00.00.00.00.00.00.00			

LOUISIANA STATE CERTIFIED GENERAL REAL ESTATE APPRAISER No. G0375

Total Approved Amount of Compensation to the full extent of the owner's loss \$ 35,752.00.

7/25/2014

Heather Corsentino

Assistant Real Estate Administrator, Department of Transportation and

Development, State of Louisiana