

2018 Regular Session

SENATE BILL NO. 497

BY SENATOR CORTEZ

EXPROPRIATION. Authorizes the expropriation of property including rights-of-way for use in certain projects in the city of Lafayette and parish of Lafayette. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 19:139(A) and (D), relative to the city of Lafayette and parish
3 of Lafayette; to provide for the expropriation of certain property; and to provide for
4 related matters.

5 Notice of intention to introduce this Act has been published.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 19:139(A) and (D) are hereby amended and reenacted to read as
8 follows:

9 §139. City of Lafayette and parish of Lafayette; Kaliste Saloom Road Widening
10 Project or drainage, road, or bridge projects; acquisition of
11 property prior to judgment; definitions

12 A. When the governing authority cannot amicably acquire property needed
13 by the city of Lafayette and the parish of Lafayette for the Kaliste Saloom Road
14 Widening Project or for the construction, repair, or enhancement of drainage,
15 roads, or bridges, it may acquire the same by expropriation and may acquire the
16 property prior to judgment in the trial court fixing the amount of compensation due
17 to the owner of the property.

* * *

D. As used in this Part, the term "property" means any portion of immovable property, including servitudes, rights-of-way, and other rights in or to immovable property; the term "governing authority" means the city of Lafayette and parish of Lafayette; and the term "project" means the Kaliste Saloom Road Widening Project **or the construction, repair, or enhancement of drainage, roads, or bridges.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 497 Engrossed

2018 Regular Session

Cortez

Present law authorizes the city of Lafayette and the parish of Lafayette to expropriate by a declaration of taking property needed for the Kaliste Saloom Road Widening Project.

Present law provides for all of the following:

- (1) The governing authority shall give, at least, a 15-day notice to the property owner before filing a petition for expropriation.
- (2) The governing authority shall file a petition, which includes an itemized statement of the full extent of the owner's loss.
- (3) The court shall issue an order directing that the amount of the estimate be deposited in the registry of the court and declare that the property has been taken for the public purpose.
- (4) Title to the property shall vest in the governing authority upon final court order, and the right to just and adequate compensation shall vest in the former property owner.
- (5) Upon vesting of title the governing authority may take possession of the property.
- (6) The former property owner may apply for a trial to determine the measure of compensation to which he is entitled by filing an answer within one year from the date he is notified in writing by the governing authority of the expropriation.

Present law defines "property", "governing authority", and "project".

Proposed law retains present law and authorizes the expropriation by a declaration of taking property needed for the construction, repair, or enhancement of drainage, roads, or bridges by the city of Lafayette and the parish of Lafayette.

Effective August 1, 2018.

(Amends R.S. 19:139(A) and (D))