

RÉSUMÉ DIGEST

ACT 229 (SB 424)

2020 Regular Session

White

New law authorizes the governing authority for the city of Central to acquire immovable property through expropriation.

New law requires the governing authority to select one or more appraisers licensed pursuant to the Louisiana Real Estate Appraisers Law to estimate just compensation to be paid to the property owners except when the estimate is expected to exceed \$30,000, in which case, two or more appraisers shall be selected. Furthermore, new law provides that when the governing authority cannot amicably acquire clear title to property solely for reasons unrelated to the amount of just compensation to be paid, such as unopened successions, absentee defendants, or partial interests, then one person is to be selected to make the estimate regardless of the amount.

New law provides that prior to filing a petition for expropriation, the governing authority must provide to each owner, with respect to each estimate of the loss, the name, address, and qualifications of the person or persons preparing the estimate and a copy of the estimate prepared by each appraiser including a description of the methodology used in the estimate.

New law requires when the authority for expropriation has been granted the following must occur:

- (1) The governing authority has to file a petition in the 19th Judicial District Court.
- (2) The petition must contain a statement of the purpose for which the property is to be expropriated, a description of the property, the property to be expropriated, a description of any improvements, the reason the governing authority could not amicably acquire clear title, and the name of each owner shown on the conveyance records for East Baton Rouge Parish.
- (3) The petition must have the following attached to it: a certified copy of a resolution of the governing authority authorizing the expropriation and declaring the public purpose authorized by new law; a certificate signed by the city engineer declaring the proposed maintenance or improvement is in the interest of the safety and protection of citizens of the city of Central; a certificate signed by the director of public works declaring whether any buildings or improvements are located wholly or partially upon the property described in the petition; an itemized statement of the amount of the estimate of the loss for the expropriation or the damage, or both, the methodology used in the estimate, and all information required by this Part relative to estimate, signed by the estimator, showing the capacity in which they acted, and the date on which the estimate was made.
- (4) The petition must conclude with a prayer that the property be transferred to the governing authority for drainage maintenance and/or improvements.

New law provides that upon presentation of the petition, the court must issue an order directing the amount of the estimate be deposited in the registry of the court and declaring the property described in the petition transferred to the governing authority for drainage maintenance and/or improvements at the time of deposit. New law further requires that upon the deposit of the estimate in the registry of the court for the benefit of the property owners, the clerk of court shall issue a receipt showing the amount deposited, the date of the deposit, suit caption, and the description of the property described in the petition.

New law provides that any defendant may contest the validity of an expropriation on the grounds the property was not expropriated for an authorized purpose or the petition and attached exhibits do not comply with new law by filing a motion to dismiss the petition within 20 days after the date of service on the defendant. The motion to dismiss must be tried contradictorily by the assigned judge, with preference to other civil proceedings, and shall be decided prior to fixing the case for trial. Failure to file a motion to dismiss within the time provided or to serve a copy thereof on the governing authority constitutes a waiver of all defenses to the expropriation except claims for compensation.

New law provides that where an entire lot, block, or tract of land is expropriated, any defendant may apply for a trial to determine the measure of compensation by filing an answer within 90 days from the date of service of the petition setting forth the amount claimed, including the value of each parcel expropriated and the amount of damages to the remainder of the property, if any; and a reasonable itemization of the damages claimed, if any. New law also provides that where a portion of a lot, block, or tract of land is expropriated, any defendant may apply for a trial to determine the measure of compensation by filing an answer within one year from the date of service of the petition setting forth the amount claimed, including the value of each parcel expropriated and the amount of damages to the remainder of the property, if any; and a reasonable itemization of the damages claimed, if any.

New law provides that after an answer is filed, if no motion to dismiss is filed pursuant to new law, either party may, upon ex parte motion, request that the matter be set for trial. The trial must commence not more than 60 days after the filing of the motion to dismiss and notice of trial shall be served on all parties at least 30 days before the time fixed for the trial.

Effective upon signature of the governor (June 11, 2020).

(Adds R.S. 19:371-381)