

RÉSUMÉ DIGEST

ACT 899 (SB 444)

2026 Regular Session

Edmonds

New law provides for the following definitions:

- (1) "Governing authority" means the city council of the city of St. George.
- (2) "Property" means any portion of immovable property, including corporeal property, servitudes, rights-of-way, easements, and other rights in or to immovable property, and any improvements thereon, located within the corporate limits of the city of St. George.
- (3) "Owner" means any person appearing of record as having an interest in the property sought to be expropriated.

New law provides that when the city of St. George cannot amicably acquire property needed for a public purpose, the city may acquire such property by expropriation and may acquire the property prior to judgment in the trial court fixing the amount of compensation due.

New law provides that the authority granted by new law applies to property needed for any street, road, highway, bridge, drainage, stormwater, flood protection, water, utility, sewerage, electric, capital, or any other public project of the city of St. George.

New law provides that except as otherwise provided in new law, expropriation shall be conducted in the same manner as expropriation by the Department of Transportation and Development pursuant to existing law, insofar as those provisions are applicable.

New law provides that nothing in new law authorizes the city of St. George to acquire by declaration of taking any facility, utility plant, servitude, right-of-way, easement, or other immovable property right owned, leased, operated, maintained, or used by a utility subject to the jurisdiction of the Louisiana Public Service Commission to furnish electric, gas, water, or sewerage service. Provides that nothing in new law shall affect applicable utility relocation law or any authority existing under existing law.

New law provides that the city of St. George shall institute expropriation proceedings by filing a petition in the 19th JDC in East Baton Rouge Parish.

New law provides that the petition shall include the following:

- (1) Statement of the public purpose for which the property is sought.
- (2) Description of the property to be expropriated.
- (3) Name of each owner of record.
- (4) Request for an order of expropriation and declaration of taking.

New law provides that prior to filing suit under new law, the governing authority shall adopt a resolution authorizing the expropriation. Provides that the resolution shall include a determination that the taking serves a public purpose and is necessary for the project.

New law provides that the petition shall have annexed thereto:

- (1) A certified copy of the resolution of the governing authority.
- (2) An itemized statement of the amount of money estimated to be just compensation for the property taken or damages incurred, signed by the person or persons making the estimate, stating the capacity in which they acted and the date of the estimate.

New law provides that upon presentation of the petition and attachments, the court shall issue an order directing the city of St. George to deposit the estimated compensation into the registry of the court and declaring the property described in the petition transferred to the city of St. George upon deposit.

New law provides that upon deposit:

- (1) Title to the property shall vest immediately in the city of St. George.
- (2) The right to just compensation shall vest in the owner or owners.
- (3) The city of St. George may enter upon and take possession of the property, subject to the provisions of new law.

New law provides that if no inhabited improvement is located on the property, the city of St. George may take possession immediately upon deposit.

New law provides that if an inhabited improvement is located wholly or partially upon the property, the court may postpone physical possession for a period not exceeding 30 days from the date of service of the order, or for such additional period as the court may determine upon fixing reasonable rental compensation.

New law provides that certified copies of the petition, order of expropriation, and receipt for deposit shall be served upon each owner.

New law provides that upon application by any owner, the court may order all or any portion of the deposited funds paid to the owner on account of compensation to be awarded.

New law provides that the court shall order payment of taxes, liens, mortgages, and other encumbrances from the deposited funds.

New law provides that any owner may contest the validity of the taking on the grounds that:

- (1) The property was not expropriated for a public purpose.
- (2) The petition or attachments fail to comply with new law.

New law provides that a motion to dismiss shall be filed within twenty-one days after service of the petition and shall be tried contradictorily with preference.

New law provides that failure to timely file a motion to dismiss constitutes a waiver of all defenses to the taking except claims for compensation or damages.

New law provides that any owner seeking compensation or damages shall file an answer within 30 days after service for a total taking or 90 days after service for a partial taking.

New law provides that the answer shall set forth the nature and amount of compensation or damages claimed.

New law provides that after an answer is filed and any motion to dismiss resolved, either party may request that the case be fixed for trial.

New law provides that the court shall set the matter for trial with preference and shall provide at least 30 days notice of trial.

New law provides that the court shall render judgment fixing just compensation and damages, if any, and ordering payment or refund of any excess deposit in accordance with law.

New law provides legal interest shall accrue on any amount awarded in excess of the deposited estimate from the date of taking until paid.

New law provides that the authority granted by new law is in addition to any other expropriation authority granted by law and shall not be construed to limit or impair any other power of the city of St. George.

Effective June 9, 2026.

(Adds R.S. 19:396-409)