

2024 Regular Session

HOUSE BILL NO. 650

BY REPRESENTATIVE FISHER

MUNICIPALITIES: Authorizes the city of Monroe to expropriate property by declaration

1 AN ACT

2 To enact Part XII of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of
3 R.S. 19:382 through 391, relative to expropriation of property; to authorize the city
4 of Monroe in Ouachita Parish to expropriate by a declaration of taking; to define
5 terms; to provide for procedures; to provide for purposes of the expropriation; to
6 provide for an effective date; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part XII of Title 19 of the Louisiana Revised Statutes of 1950, comprised
12 of R.S. 19:382 through 391, is hereby enacted to read as follows:

13 PART XII. EXPROPRIATION BY A DECLARATION OF TAKING

14 BY THE CITY OF MONROE

15 §382. Definitions

16 As used in this Part, the following terms shall mean:

17 (1) "Governing authority" means the city council for the city of Monroe.

18 (2) "Property" means any portion of immovable property, including corporeal
19 property, servitudes, rights-of-way, and other rights in or to immovable property
20 located within the corporate limits of the city of Monroe.

1 §383. Authority to expropriate property

2 A. When the city of Monroe cannot amicably acquire property needed for
3 a public purpose, including for a street, road, drainage, water, utility, sewerage,
4 electric, capital, or any other public project, it may acquire such property by
5 expropriation and may acquire the property prior to judgment in the trial court fixing
6 the amount of compensation due to the property owner in the manner set forth in this
7 Part.

8 B. Except as otherwise provided in this Part, such expropriation shall be
9 conducted in the manner that the Department of Transportation and Development
10 may expropriate property for highway purposes, as set forth in R.S. 48:441 through
11 460.

12 §384. Contents of petition for expropriation; place of filing

13 The authority to expropriate granted by this Part shall be exercised in the
14 following manner:

15 (1) The city of Monroe shall file a petition in the Fourth Judicial District
16 Court.

17 (2) The petition shall contain a statement of the purpose for which the
18 property is to be expropriated, a description of the property to be expropriated, a
19 description of any improvements thereon, and the name of each owner shown on the
20 conveyance records for Ouachita Parish.

21 (3) The petition shall have annexed thereto the following:

22 (a) A certified copy of a resolution of the governing authority authorizing the
23 expropriation and declaring the public purpose authorized by this Part.

24 (b) If the taking includes a right-of-way, a certificate signed by the city
25 engineer or consulting engineer declaring that he has fixed the right-of-way in a
26 manner sufficient in his judgment to provide for the public interest, safety, and
27 convenience.

28 (c) A certificate signed by the director of public works and the city engineer
29 or consulting engineer declaring that the location and design of the proposed

1 improvements are in accordance with the best modern practices adopted in the
2 interest of the safety and convenience of the public.

3 (d) An itemized statement of the amount of money estimated to be the full
4 extent of the owner's loss for the taking or the damage, or both, as the case may be.
5 It shall be signed by those who made the estimate, showing the capacity in which
6 they acted, and the date on which it was made.

7 §385. Ex parte order; vesting of title

8 A. Upon presentation of the petition, the court shall issue an order directing
9 the amount of the estimate be deposited in the registry of the court and declaring the
10 property described in the petition transferred to the city of Monroe at the time of
11 deposit. Upon the deposit of the estimate in the registry of the court for the benefit
12 of the property owners, the clerk of court shall issue a receipt showing the amount
13 deposited, the date of the deposit, suit caption, and the description of the property
14 contained in the petition.

15 B.(1) Upon the city of Monroe depositing the amount ordered by the court,
16 title to the property and property rights specified in the petition shall vest in the city
17 of Monroe, and the right to just and adequate compensation therefor shall vest in the
18 property owners. Upon vesting of title, the city of Monroe may enter upon and take
19 possession of the property if there are no inhabited improvements located upon the
20 expropriated property.

21 (2) If any inhabited improvement is located wholly or partially upon the
22 property expropriated, the court may postpone the right of entry for up to thirty
23 calendar days from the date on which the last defendant was served with the notice;
24 however, the city of Monroe may request the court to order possession surrendered
25 after a longer delay upon the court fixing a reasonable rental to be paid to the
26 governing authority by a defendant in possession of the property for each day the
27 defendant remains in possession after the withdrawal of any part of the deposited
28 funds.

1 §386. Notice to property owners

2 Upon receipt of the deposit, certified copies of the petition, order, and the
3 receipt for the deposit shall be served upon each property owner.

4 §387. Withdrawal of deposit

5 Upon the application of any property owner, and upon due notice to the city
6 of Monroe and all other property owners and lienholders, the court may order the
7 money deposited, or any part thereof, be paid forthwith to the person entitled thereto
8 for or on account of the just and adequate compensation to be awarded in the
9 proceedings. The court shall order the payments of taxes, encumbrances, and other
10 charges out of the deposit.

11 §388. Contesting validity of taking; waiver of defenses

12 A. Any defendant may contest the validity of an expropriation on the
13 grounds the property was not expropriated for a public purpose or the petition and
14 attached exhibits do not comply with this Part by filing a motion to dismiss the
15 petition within twenty one days after the date of service on the defendant. A copy
16 of the motion to dismiss shall be served on the plaintiff. The motion to dismiss shall
17 be tried contradictorily by the assigned judge, with preference to other civil
18 proceedings, and shall be decided prior to fixing the case for any trial on the
19 compensation or damages due the defendant.

20 B. Failure to file a motion to dismiss within the time provided or to serve a
21 copy thereof on the city of Monroe constitutes a waiver of all defenses to the
22 expropriation except claims for compensation or damages.

23 §389. Answer; delay for filing

24 A. Where an entire lot, parcel, block, or tract of land is expropriated, any
25 defendant may apply for a trial to determine the measure of compensation by:

26 (1) Filing an answer within thirty days from the date of service of the
27 petition setting forth the amount claimed, including:

28 (a) The claimed value of the property expropriated and the amount of
29 damages to the remainder of the property, if any.

1 (b) A reasonable itemization of the damages claimed, if any.

2 B. Where a portion of a lot, block, or tract of land is expropriated, any
3 defendant may apply for a trial to determine the measure of compensation by:

4 (1) Filing an answer within ninety days from the date of service of the
5 petition setting forth the amount claimed, including:

6 (a) The claimed value of the property expropriated and the amount claimed
7 as damages to the remainder of his property, if any.

8 (b) A reasonable itemization of the damages claimed, if any.

9 §390. Fixing for trial; notice

10 After answer is filed, if no motion to dismiss is filed pursuant to this Part,
11 either party may, upon ex parte motion, request that the matter be set for trial. The
12 court shall fix the time for the trial not more than sixty days after the filing of the ex
13 parte motion. The trial shall be conducted with preference to other civil proceedings,
14 and shall be decided expeditiously. Notice of trial shall be served on all parties at
15 least thirty days before the time fixed for the trial.

16 §391. Grant as additional authority

17 The right to take possession and title in advance of final judgment, provided
18 herein, is in addition to any right or authority conferred by the laws of this state
19 under which expropriation proceedings may be conducted by municipalities, and
20 shall not be construed as abrogating, eliminating, or modifying any such right or
21 authority.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 650 Engrossed

2024 Regular Session

Fisher

Abstract: Authorizes the expropriation by a declaration of taking, "quick-take", by the city of Monroe.

Present law provides for general expropriation by the state and political subdivisions. Under existing general expropriation authority, the property owner can demand a jury trial to determine the value of the property expropriated. The governing authority is only entitled to the property after the amount fixed by the final judgment is deposited in the registry of the court.

Proposed law defines "property" and "governing authority".

Proposed law authorizes the city of Monroe to expropriate by a declaration of taking property.

Proposed law provides all of the following:

- (1) The city of Monroe shall give notice to affected property owners.
- (2) The city of Monroe 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 city of Monroe 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 city of Monroe 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 the time frames provided by proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 19:382-391)