



Proposed law provides that prior to filing suit under proposed 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.

Proposed 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.

Proposed 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.

Proposed 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 proposed law.

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

Proposed 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.

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

Proposed 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.

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

Proposed 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 proposed law.

Proposed 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.

Proposed 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.

Proposed 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.

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

Proposed 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.

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

Proposed 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.

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

Proposed law provides that the authority granted by proposed 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 upon signature of the governor or lapse of time for gubernatorial action.

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