

RÉSUMÉ DIGEST

ACT 717 (HB 650)

2024 Regular Session

Fisher

New law authorizes the city of Monroe to acquire immovable property through expropriation by declaration of taking. New law provides as follows:

- (1) The city shall file a petition in the Fourth Judicial District Court.
- (2) The petition shall contain a statement of the purpose for which the property is to be expropriated, a description of the property to be expropriated, a description of any improvements, and the name of each owner shown on the conveyance records for Ouachita Parish.
- (3) The petition shall have certain items attached to it, including but not limited to the following: 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 director of public works and the city engineer declaring that the location and design of the proposed improvements are in the interest of the safety and convenience of the public; an itemized statement of the amount of money estimated to be the full extent of the owner's loss for the taking or the damage.

New law provides that upon presentation of the petition, the court shall 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 city at the time of deposit. New law provides further with respect to the deposit.

New law provides that any defendant may contest the validity of an expropriation on the grounds the property was not expropriated for a public purpose or the petition and attached exhibits do not comply with new law by filing a motion to dismiss the petition within 21 days after the date of service on the defendant. Requires that the motion to dismiss be decided prior to fixing the case for trial. Provides that a failure to file a motion to dismiss within the time provided or to serve a copy thereof on the city constitutes a waiver of all defenses to the expropriation except claims for compensation.

New law provides that where an entire lot, parcel, 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 30 days from the date of service of the petition setting forth the amount claimed, including the claimed value of the property 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 90 days from the date of service of the petition setting forth the amount claimed, including the claimed value of the property expropriated and the amount claimed as 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, either party may, upon ex parte motion, request that the matter be set for trial. Requires the court to fix the time for trial not more than 60 days after the filing of the ex parte motion and further requires that notice of trial be served on all parties at least 30 days before the time fixed for trial.

Effective upon signature of governor (June 19, 2024).

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