

Commandeering of Property Use —Lake Cataouatche Levee Enlargement, Parish of Jefferson

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., confers upon the governor of the state of Louisiana emergency powers to deal with, respond to, or recover from emergencies and disasters, including those caused by fire, flood, earthquakes, or other natural or man-made causes;

WHEREAS, Proclamation No. 48 KBB 2005, issued on August 26, 2005, declared a state of emergency for the state of Louisiana due to Hurricane Katrina's potential to cause severe storms, high winds, and torrential rain that could cause flooding and damage to private property and public facilities, and threaten the safety and security of the citizens of Louisiana;

WHEREAS, Hurricane Katrina struck the state of Louisiana causing catastrophic flooding and damage to southeastern Louisiana, including breaches to the levee system in the parishes of southeastern Louisiana, the effects of which have threatened the safety, health, and security of the citizens of those parishes, along with private property and public facilities;

WHEREAS, Proclamation No. 48 KBB 2005 was extended by subsequent proclamations, the last of which is Proclamation No. 52 KBB 2006, due to the extreme damage caused by Hurricane Katrina and the continuation of emergency/disaster conditions in the most affected areas;

WHEREAS, pursuant to R.S. 29:724(D)(4), and subject to applicable requirements for compensation, the governor may commandeer or utilize any private property if she finds this necessary to cope with a disaster or emergency; and

WHEREAS, at the request of the U.S. Army Corps of Engineers, Jefferson Parish, the Department of Transportation and Development, and the West Jefferson Levee District, and upon the concurrence of the Attorney General's Office, the best interests of the citizens of the state would be served by commandeering the use of certain property in the parish of Jefferson for the construction of the West Bank and Vicinity, Hurricane Protection Project, Lake Cataouatche Levee Enlargement, Highway 90 to Lake Cataouatche Pump Station, B/L Sta., 156 + 48 to 308 + 00, as depicted in map file no. H-8-46509, drawings 1 through 3 of 3, dated September, 2006 (Exhibit A);

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The state of Louisiana hereby commandeers the use of certain property located in the parish of Jefferson, state of Louisiana, situated in a portion of Section 69, Township 13 South, Range 22 East; and Sections 4, 5, 9, 10, and 44, Township 14 South, Range 22 East, containing 209.0 acres labeled "Perpetual Levee Borrow, and Drainage Ditch Easement" and 1.2 acres labeled "Perpetual Road Easement" in map file no. H-8-46509, drawings 1 through 3 of 3, dated September, 2006.

SECTION 2:

- A. Said property shall be used by the U.S. Army Corps of Engineers and the West Jefferson Levee District for work that will entail the straddle enlargement of approximately three miles of levee which will include building a short access road, burning debris, filling in the existing drainage canal for stability purposes, cutting a new drainage canal by excavating borrow material for the new levee enlargement, hauling and placement of borrow material within the work site for future use, seeding, fertilizing and mulching of the new levee embarkment.
- B. The project shall also include the right to construct, maintain, repair, operate, patrol and replace a drainage ditch and flood control levee, including all

appurtenances thereto; the right to locate, construct, operate, maintain, alter, and replace a road and appurtenances thereto, (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-access to their adjoining land), the right to clear, borrow, excavate and remove soil, dirt and other materials, together with the right to trim, cut, and remove therefrom all trees, underbrush, obstructions and other vegetation, structures or obstacles; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in said land as may be used without interfering with or abridging the rights hereby commandeered; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

SECTION 3: The state of Louisiana hereby commandeers the use of the property required by the Department of the Army as indicated on the attached map (Exhibit A). The use of said property is commandeered pursuant to R.S. 29:724(D)(4). Said owners of the property so commandeered shall be identified and compensated by the Department of Army. The Department of Army shall take all necessary steps to initiate the expropriation process without unnecessary delays upon the issuance of this Order.

SECTION 4: The Division of Administration, State Land Office, shall take immediate steps to grant the right of entry to the property commandeered for the above purposes pursuant to this Order to ensure completion of the project without delay and to provide necessary safeguards to the citizens of the parish of Jefferson prior to the 2007 Hurricane Season.

SECTION 5: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of October, 2006.

