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Lafayette to pay \$11.5 million to settle quick-take land grab lawsuit

BY CLAIRE TAYLOR | Staff writer

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Construction and no-trespassing signs can be seen Thursday, September 8, 2022, at the edge of land where Rigid Constructors started construction on the Homewood Drive detention pond project for Lafayette Consolidated Government, which was halted by a judge in April. The work is part of the Bayou Vermilion Flood Control Project.

STAFF PHOTO BY LESLIE WESTBROOK

Lafayette Consolidated Government has reached a settlement with the owners of 372 acres of land on the Vermilion River that city-parish government obtained through the quick-take expropriation process in which Louisiana courts ruled LCG did not follow proper procedures.

LCG, according to a statement released Thursday, will buy the property from Bendel Partnership that it acquired for a drainage project called the Homewood Detention Ponds Project.

The agreed-upon amount by both parties is \$11.5 million, CAO Cydra Wingerter said in an email.

American Rescue Plan Act funds, federal funds intended to help local governments make up for losses suffered during the COVID pandemic, will be used to buy the land. The money was budgeted by the Parish Council in May, so the Parish General Fund will not be affected, according to the press release.

On May 17, the Parish Council adopted an ordinance, according to minutes of the meeting, amending the 2021-22 capital budget transferring to the Bayou Vermilion Flood Control Project more than \$12 million, including \$10 million in parish ARPA funds.

The Bayou Vermilion Flood Control Project consists of several detention ponds in Lafayette Parish, some off of Homewood Drive around Bendel Road and Rue Fosse and others along Duhon Road east of Micmac Land and south of Ridge Road.

Construction on the Homewood Drive project was halted by the courts in May 2022.

The land on the Vermilion River was owned by Bendel Partnership and leased for farming. The Lafayette City and Parish Councils in 2021 adopted ordinances declaring the property a public necessity for the detention pond project, which is supposed to help ease flooding. LCG offered to buy the property for \$2.58 million in September 2020.

But negotiations broke down and LCG filed a petition in December 2021 to seize the property. Bendel Partnership filed court documents to halt any work, at least temporarily, but before the hearing could be held, according to court documents, LCG's contractor, Rigid Constructors, started clearing and excavating the land, leaving gaping holes and interfering with oil and gas operations.

Fifteenth Judicial District Court Judge Valerie Gotch-Garrett and a panel of judges with the 3rd Circuit Court of Appeal agreed that LCG abused its authority and improperly took the property from its owners. LCG only studied the Bendel property when considering where to build the detention ponds instead of studying other properties that might have proven to be better locations.

The Louisiana Legislative Auditor's Office is investigating how Mayor-President Josh Guillory and his administration have handled several drainage and flood control projects, including the Bendel Partnership/Homewood Detention project. The City Council also hired investigative auditors to look into Guillory's handling of drainage contracts and his use of police for personal security.

Email Claire Taylor at ctaylor@theadvocate.com.

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