

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

CIV. 0358

vs.

3.53 Acres of land, more or less,
situate in Sarpy County, State of
Nebraska, and Inez M. (Hood)
Johnson, et al.,

Defendants.

JUDGMENT ON
DECLARATION OF TAKING

Now on this 27th day of July, 1950, this cause
came on to be heard upon the motion of Thomas J. Skutt, Assistant
United States Attorney for the District of Nebraska, one of the
attorneys for the plaintiff herein, to enter a judgment on the
Declaration of Taking filed in this cause on the 20th day of July,
1950, and for an order fixing the date when possession of the property
herein described is to be surrendered to the United States of America,
and upon consideration of the case and of the condemnation Complaint
and Declaration of Taking filed herein and the statutes in such cases
made and provided, and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to
acquire property by eminent domain for the purposes set out and prayed
for in said Complaint;

SECOND: That a Complaint in condemnation was filed at the
request of the Secretary of the Air Force of the United States of
America, the authority empowered by law to acquire the land and
interest therein described in said Complaint, and also under
authority of the Attorney General of the United States;

THIRD: That said Complaint and Declaration of Taking state
the authority under which and the public use for which said lands
and interest therein were taken; that the Secretary of the Air Force
of the United States of America is the person duly authorized and
empowered by law to acquire the lands and interest therein, such as
are described in the Complaint, for use in connection with Offutt
Air Force Base, Sarpy County, State of Nebraska, and for such other
uses as may be authorized by Congress or by Executive Order;

That a proper description of the land and the

interest therein sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in the said lands taken for public use;

SIXTH: That a plat showing the lands taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money estimated by said acquiring authority to be just compensation for the said land, with all buildings and improvements thereon and all appurtenances thereto and including any and all interests hereby taken in said land, in the sum of \$1,418.00, and that said sum was deposited in the Registry of the Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the Secretary of the Air Force of the United States of America, will be within any limits prescribed by law as the price to be paid therefor.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that upon the filing of the Declaration of Taking herein and the deposit in the Registry of the Court of the estimated amount of just compensation, there vested in the United States of America title as follows: (1) the fee simple title to Tract No. 104, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines; (2) a perpetual and assignable easement and right of way to locate, construct, operate, maintain, repair, patrol and remove a sewer line in, upon, over and across Tracts Nos. 106E, 102E and 102E-1, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right of way, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines; reserving, however, to the landowners, their heirs, executors, administrators and assigns, all right, title, interest and privilege

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as may be conveyed and enjoyed without interference with or abridgment of the easement and right hereby taken for said public uses; that the descriptions of Tracts Nos. 104, 1005, 103E, and 104E-1 are attached hereto marked Exhibit "A" and by reference made a part hereof.

That said interests in and to said land are adjudged to have been condemned and taken for the use of the United States of America, and the right to just compensation for said interests taken vested in the persons entitled thereto, and the amount of just compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that possession of the real estate herein described to the extent of the interests therein taken, shall be surrendered to the United States of America and its duly authorized agents forthwith.

IT IS FURTHER ORDERED that this cause be held open for such further orders, judgments and decrees as may be necessary in the premises.

BY THE COURT:

/s/ Robert Van Pelt
CLERK
UNITED STATES DISTRICT COURT

FILED
DISTRICT OF NEBRASKA
AT OMAHA
JUL 24 1959
RICHARD C. PECK CLERK
BY W. M. HAP DEPUTY

I certify this to be a true copy of the original record in my custody.
RICHARD C. PECK, CLERK
By W. M. Hap Deputy Clerk



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SCHEDULE "A"

The land which is the subject matter of this Declaration of Taking aggregates 3.53 acres, more or less, situate in Sarpy County, State of Nebraska. A description of the land taken, together with the names of the purported owners thereof, and a statement of the sum estimated to be just compensation therefor are as follows:

TRACT NO. 100E

DESCRIPTION:

A strip of land 30.00 feet in width, situated in the Northeast Quarter of Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, lying 15.00 feet on each side of the following described centerline: Commencing at the Southeast corner of said Northeast Quarter; thence North 89°49'40" West, along the South line of said Northeast Quarter, a distance of 590.00 feet to the point of beginning of said centerline to be described; thence North 36°09'20" East, a distance of 353.02 feet; thence North 78°35'55" East, a distance of 373.17 feet; thence South 67°57'40" East, a distance of 17.17 feet, to a point on the East line of said Northeast Quarter, said point being 354.13 feet Northerly of said Southeast corner of the Northeast Quarter. Said strip of land extends from the South line of said Northeast Quarter to the East line thereof. The tract of land herein described contains 0.51 acres, more or less. NOTE: All bearings are referred to the East line of the Southeast Quarter, Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian.

Names and Addresses of Purported Owners:

Inez M. (Hood) Johnson
Fort Crook, Nebraska

Anna K. Dahms
6051 43rd Street, N.E.
Seattle, Washington

Inez D. Davis
1135 S. 87th Street
Omaha, Nebraska

Leo T. Hood
5018 Lafayette Street
Omaha, Nebraska

Estimated Compensation:

\$162.00

TRACT NO. 103E

DESCRIPTION:

A strip of land 30.00 feet in width, situated in the Northwest Quarter of Section 3, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, lying 15.00 feet on each side of the following described centerline: Commencing at the Southwest corner of said Northwest Quarter; thence Northerly, along the West line of said Northwest Quarter a distance of 354.13 feet to the point of beginning of said centerline to be described; thence South 67°57'40" East a distance of 377.83 feet; thence South 59°27'40" East a distance of 399.00 feet to a point on the South line of said Northwest Quarter, said point

Exhibit "A"

being North 89°11'40" East a distance of 695.00 feet from said Southwest corner of the Northwest Quarter. Said strip of land extends from the West line of said Northwest Quarter to the South line thereof. The tract of land herein described contains 0.54 acres, more or less. NOTE: All bearings are referred to the East line of the Southeast Quarter, Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian.

Name and Address of Purported Owner: Elizabeth Ortman, Trustee
4904 Davenport Street
Omaha, Nebraska

Estimated Compensation: \$199.00

TRACTS NOS. 104 and 104E-1

TRACT NO. 104

DESCRIPTION:

A tract of land situated in the Southwest Quarter of Section 3, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, more particularly described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North 88°21'07" East, a distance of 2605.21 feet to the point of beginning of said tract of land to be described; thence North 0°55'20" West, a distance of 120.00 feet; thence South 89°04'40" West, a distance of 85.00 feet; thence South 0°55'20" East, to the South line of said Southwest Quarter; thence Easterly, along said South line, a distance of 85.00 feet; thence Northerly to the point of beginning. The tract of land herein described contains 0.30 acres, more or less. NOTE: All bearings are referred to the East line of the Southeast Quarter, Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian.

Estimated Compensation: \$142.00

TRACT NO. 104E-1

DESCRIPTION:

A strip of land situated in the Southwest Quarter of Section 3, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, lying 15.00 feet on each side of the following described centerline: Commencing at the Northwest corner of said Southwest Quarter; thence North 89°11'40" East, a distance of 695.00 feet to the point of beginning of said centerline to be described; thence South 59°27'40" East, a distance of 5.50 feet; thence South 47°58'55" East, a distance of 1358.30 feet; thence South 11°24'25" East a distance of 687.00 feet; thence South 33°48'35" East, a distance of 740.20 feet; thence South 46°45'15" East, a distance of 367.86 feet. The tract of land herein described contains 2.18 acres, more or less. NOTE: All bearings are referred to the East line of the Southeast Quarter, Section 4, Township 13 North, Range 13 East of the Sixth Principal Meridian.

Estimated Compensation: \$916.00

Names and Addresses of Purported Owners of Tracts Nos. 104 and 104E-1: Frank W. Platt and Bernadette E. Platt
Fort Crook, Nebraska

The gross sum estimated by the acquiring agency to be just compensation for the land and interests therein hereby taken is \$1,419.00.