

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,

CIV. 1272

vs.

101.03 Acres of Land, more or less,
situate in Kearny County, State of
Nebraska, and Omaha Industrial
Foundation, a Corporation, et al.,
Defendants.

JUDGMENT ON DECLARATION
OF TAKING

Now on this 14th day of July, 1961, this cause came on to be heard upon the motion of William C. Spiro, 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 14th day of July, 1961, 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 purpose set out and prayed 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 uses for which said land 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 land and interest therein, such as are described in the Complaint, for use in connection with Offutt Air Force Base, Kearny County, Nebraska, and for such other uses as may be authorized by Congress or by Executive Order.

Entered in Numerical Index and Recorded in the Register of Deeds office in Kearny County, Nebraska,
this 14th day of July, 1961, at Omaha, Nebraska, before me, County Clerk.

FOURTH: That a proper description of the land 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 land taken for public use;

SIXTH: That a plan showing the land 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 land and interest taken, in the sum of \$32,838.00, 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.

HOW, THEREFORE, IT IS ORDERED, APPROVED AND ENJOINED 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 161.82 acres of land, designated in this action as Tract No. 104-3 and more particularly described in Exhibit "A" which is attached hereto and by reference made a part hereof, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

(2) A perpetual and assignable easement and right of way to locate, construct, operate, maintain, repair, patrol and remove a sewer line in, upon, under, over and across 6.11 of an acre of land, designated in this action as Tract No. 104-3 and more particularly described in Exhibit "A" which is attached hereto and by reference made a part hereof, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and any other vegetation, structures, or obstructions within the limits of the right of way, subject, however, to existing easements for public roads

28-364

and highways, public utilities, railroads and pipelines; reserving, however, to the landowner, the heirs, executors, administrators, successors and assigns all right, title, interest and privilege as may be exercised and enjoyed without interference with or abridgment of the easement and right hereby taken for said public use.

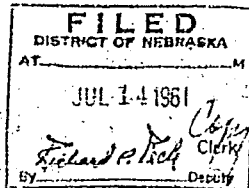
That said interests in and to said land are adjudged to have been condemned and taken for the use of the United States of America, and the right to just compensation for said interests taken vested in the persons entitled thereto, and the amount of just compensation shall be ascertained and awarded in 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/ Richard H. Robinson
CLERK COURT
UNITED STATES DISTRICT COURT



I certify this to be a true copy of the original record in my custody.
RICHARD H. ROBINSON
By _____ Deputy Clerk

SCHEDULE "A"

28-363

The land which is the subject matter of this Declaration of Taking aggregates 101.93 acres, more or less, situate in Sarpy County, State of Nebraska. A description of the land taken, together with the names and addresses of the purported owners thereof, and a statement of the sum estimated to be just compensation therefor, are as follows:

TRACT NOS. 104E-3 and 104-2

TRACT NO. 104E-3

DESCRIPTION:

A tract of land situated in the SW $\frac{1}{4}$ 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 Northwest corner of said SW $\frac{1}{4}$; thence North 89°11'40" East for a distance of 695.00 feet; thence South 59°27'40" East for a distance of 5.50 feet; thence South 47°58'55" East for a distance of 1368.30 feet; thence South 11°24'25" East for a distance of 687.00 feet; thence South 76°44'27" West for a distance of 15.01 feet to the point of beginning of said tract of land to be described; thence North 11°24'25" West for a distance of 15.01 feet; thence South 76°44'27" West for a distance of 158.95 feet; thence due South for a distance of 30.82 feet; thence North 76°44'27" East for a distance of 170.22 feet; thence North 33°48'35" West for a distance of 13.39 feet; thence North 11°24'25" West for a distance of 2.48 feet to the point of beginning.

The tract of land herein described contains 0.11 of an acre, more or less.

NOTE: All bearings are referred to the West line of the aforesaid SW $\frac{1}{4}$ which is assumed due North for the purpose of this description.

TRACT NO. 104-2

DESCRIPTION:

The West 1680.00 feet of the SW $\frac{1}{4}$ of Section 3, Township 13 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, containing 101.82 acres, more or less.

Name and Address of Purported Owner of Tract Nos. 104E-3 and 104-2:

Omaha Industrial Foundation
106 South 18th Street
Omaha, Nebraska

Estimated Compensation for Tract Nos. 104E-3 and 104-2:

\$83,835.00

The gross sum estimated by the acquiring agency to be just compensation for the land and interests therein hereby taken is \$83,835.00.