

90-13330

*Reg of Deeds*

IN THE COUNTY COURT OF SARPY COUNTY NEBRASKA

THE COUNTY OF SARPY, NEBRASKA, )  
 a body politic and corporate, )  
 )  
 Condemnor, )  
 )  
 vs. )  
 )  
 PAYCAP ASSOCIATES LIMITED )  
 PARTNERSHIP, a Connecticut limited )  
 Partnership; JABAR REALTY CORP.; )  
 MELLON BANK, N.A. Trustee; )  
 N.R. Smith, Trustee; MORGAN BANK; )  
 and KATHLEEN INGRAM, )  
 SARPY COUNTY TREASURER, )  
 )  
 Condemnees. )

DOC. *mf* PAGE *54*

REPORT OF APPRAISERS

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
*90-13330*

*W*  
 INDEXED  
 PAGED  
 GRANTEE  
 GRANTOR  
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 FEE \$  
*25.00*

90 SEP 18 PM 1:13

*Shay D. Dowling*  
REGISTER OF DEEDS

The undersigned make their report to the County Judge and to the Court as follows:

FIRST: The undersigned are duly appointed, qualified, and acting appraisers in this proceeding.

SECOND: On the 24th day of May, 1990, commencing at the hour of approximately 9:00 a.m., the undersigned (a) met and convened as a board of appraisers; (b) heard any interested party who was present at said meeting and hearing; and (c) appraised the property sought to be condemned and ascertained and determined the damages sustained by the condemnees.

THIRD: On the 24th day of May, 1990, commencing at the hour of approximately 10:00 a.m., the undersigned: (a) carefully inspected and viewed the property taken or sought to be taken by the condemner, and also any other property of the condemnees damaged thereby; and (b) heard any interested party who was present while such property was being inspected and viewed.

FOURTH: The undersigned hereby report the foresaid damages as follows:

TRACT NO. 1

See attached three (3) page description of the property taken, marked exhibit "A" and incorporated herein by this reference.

OWNER - FEE - PERMANENT EASEMENT  
CONTROLLED ACCESS

PACAP ASSOCIATES LIMITED  
PARTNERSHIP, a Connecticut limited  
Partnership and JABAR REALTY CORP.;..... \$ 15,981.50

LESSEE - TEMPORARY EASEMENT - RELOCATION  
CONTROLLED ACCESS

PAYLESS CASHWAYS, INC. an  
Iowa Corporation..... \$ 27,714.00  
MELLON BANK, N.A. Trustee;..... \$ 0.00  
N.R. SMITH, Trustee..... \$ 0.00  
MORGAN BANK..... \$ 0.00  
SARPY COUNTY TREASURER..... \$ 0.00

TOTAL TRACT # 1 ..... \$ 43,695.50

IN WITNESS WHEREOF, the undersigned have executed this REPORT OF APPRAISERS this 24 day of MAY, 1990.

[Signature]  
[Signature]  
[Signature]

Case No. MH-54

STATE OF NEBRASKA )  
COUNTY OF SARPY ) SS

I, the Judge of the County Court in and for said county, do hereby certify that I have compared the foregoing copies (5) (pages), with the original thereof now remaining on file and of record in this Court, and that the same is a correct transcript therefrom, and of the whole of such original:

Dated: 5/25/90

[Signature]  
County Judge  
[Signature]  
Clerk of County Court

SEAL

90-13380B

PROJECT: TMT-5006(3)      AFE: S-069      SARPY COUNTY      TRACT: 1  
(PAGE 1)

CONDEMNATION

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN PART OF TAX LOT 5A1B IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 02 DEGREES, 41 MINUTES, 58 SECONDS WEST, A DISTANCE OF 1,026.81 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE NORTH 71 DEGREES, 48 MINUTES, 58 SECONDS WEST, A DISTANCE OF 46.87 FEET ALONG THE NORTHERLY EXISTING CORNHUSKER ROAD RIGHT OF WAY LINE TO A POINT ON THE EASTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE NORTH 61 DEGREES, 22 MINUTES, 02 SECONDS WEST, A DISTANCE OF 100.32 FEET TO A POINT ON THE WESTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE SOUTH 23 DEGREES, 24 MINUTES, 44 SECONDS WEST, A DISTANCE OF 159.82 FEET ALONG THE WESTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 23 DEGREES, 24 MINUTES, 44 SECONDS WEST, A DISTANCE OF 14.31 FEET ALONG SAID LINE; THENCE NORTH 69 DEGREES, 58 MINUTES, 27 SECONDS WEST, A DISTANCE OF 486.57 FEET TO A POINT ON THE EASTERLY EXISTING CORNHUSKER ROAD RIGHT OF WAY LINE; THENCE NORTH 18 DEGREES, 24 MINUTES, 19 SECONDS EAST, A DISTANCE OF 19.68 FEET ALONG SAID LINE; THENCE SOUTH 72 DEGREES, 36 MINUTES, 46 SECONDS EAST, A DISTANCE OF 177.14 FEET ALONG THE SOUTHERLY EXISTING CORNHUSKER ROAD RIGHT OF WAY LINE; THENCE SOUTH 67 DEGREES, 28 MINUTES, 52 SECONDS EAST, A DISTANCE OF 311.31 FEET ALONG SAID LINE TO THE POINT OF BEGINNING, CONTAINING 10,739.00 SQUARE FEET, MORE OR LESS.

THERE WILL BE NO INGRESS OR EGRESS OVER THE ABOVE DESCRIBED TRACT FROM OR TO THE REMAINDER OF SAID TAX LOT 5A1B SECTION, EXECPT OVER ONE UNRESTRICTED DRIVE, NOT TO EXCEED 40 FEET IN WIDTH, THE CENTERLINE OF WHICH IS LOCATED NORTHWESTERLY 650.61 FEET FROM THE EAST LINE OF SAID QUARTER SECTION AS MEASURED ALONG THE CENTERLINE OF THE HIGHWAY.

ALL RIGHTS TO OIL AND GAS MINERALS IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEE AND TO ITS SUCCESSORS AND ASSIGNS. SAID CONDEMNEE AND/OR ITS SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID REAL PROPERTY FOR ANY PURPOSE CONCERNING SAID OIL AND GAS MINERAL RIGHTS, NOR SHALL THE CONDEMNEE AND/OR ITS SUCCESSORS AND ASSIGNS IN EXTRACTING

EX "A"

SAID OIL AND GAS MINERALS FROM SAID REAL PROPERTY, DAMAGE OR IN ANY WAY IMPAIR THE USE OF SAID REAL PROPERTY.

AND ALSO:

PERMANENT EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY FOR FILL PURPOSES LOCATED IN PART OF TAX LOT 5A1B IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE SIXTH PRINCIPAL MERIDIAN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 02 DEGREES, 41 MINUTES, 58 SECONDS WEST, A DISTANCE OF 1,026.81 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE NORTH 71 DEGREES, 48 MINUTES, 58 SECONDS WEST, A DISTANCE OF 46.87 FEET ALONG THE NORTHERLY EXISTING CORNHUSKER ROAD RIGHT OF WAY LINE TO A POINT ON THE EASTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE NORTH 61 DEGREES, 22 MINUTES, 02 SECONDS WEST, A DISTANCE OF 100.32 FEET TO A POINT ON THE WESTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE SOUTH 23 DEGREES, 24 MINUTES, 44 SECONDS WEST, A DISTANCE OF 174.13 FEET ALONG THE WESTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 23 DEGREES, 24 MINUTES, 44 SECONDS WEST, A DISTANCE OF 70.58 FEET ALONG SAID LINE; THENCE NORTH 48 DEGREES, 07 MINUTES, 08 SECONDS WEST, A DISTANCE OF 134.57 FEET; THENCE NORTH 18 DEGREES, 18 MINUTES, 25 SECONDS WEST, A DISTANCE OF 20.37 FEET; THENCE SOUTH 69 DEGREES, 58 MINUTES, 27 SECONDS EAST, A DISTANCE OF 129.68 FEET TO THE POINT OF BEGINNING, CONTAINING 5,825.00 SQUARE FEET, MORE OR LESS.

AND ALSO:

TEMPORARY EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR CONSTRUCTION PURPOSES LOCATED IN PART OF TAX LOT 5A1B IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 02 DEGREES, 41 MINUTES, 58 SECONDS WEST, A DISTANCE OF 1,026.81 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE NORTH 71 DEGREES, 48 MINUTES, 58 SECONDS WEST, A DISTANCE OF 46.87 FEET ALONG THE NORTHERLY EXISTING CORNHUSKER ROAD RIGHT OF WAY LINE TO A POINT ON THE EASTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE NORTH 61 DEGREES, 22 MINUTES, 02 SECONDS WEST, A DISTANCE OF 100.32 FEET TO A POINT ON THE WESTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE SOUTH 23 DEGREES, 24 MINUTES, 44 SECONDS WEST, A DISTANCE OF 174.13 FEET ALONG SAID LINE; THENCE NORTH 69 DEGREES, 58 MINUTES, 27 SECONDS WEST, A DISTANCE OF 129.68 FEET TO THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES, 58 MINUTES, 27 SECONDS WEST, A DISTANCE OF 249.87 FEET; THENCE SOUTH 52 DEGREES, 02 MINUTES, 38 SECONDS EAST, A DISTANCE OF 50.59 FEET; THENCE SOUTH 68 DEGREES, 37 MINUTES, 09 SECONDS EAST, A DISTANCE OF 202.41 FEET; THENCE NORTH 18 DEGREES, 18 MINUTES, 25 SECONDS EAST, A DISTANCE OF 20.37 FEET TO THE POINT OF BEGINNING, CONTAINING 4,004.45 SQUARE FEET, MORE OR LESS.

AND ALSO:

PROJECT: TMT-5006(3)

AFE: S-069

SARPY COUNTY

TRACT: 1

(PAGE 3)

90-15530 L

TEMPORARY EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY FOR DRIVEWAY PURPOSES LOCATED IN PART OF TAX LOT 5A1B IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 02 DEGREES, 41 MINUTES, 58 SECONDS WEST, A DISTANCE OF 1,026.81 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE NORTH 71 DEGREES, 48 MINUTES, 58 SECONDS WEST, A DISTANCE OF 46.87 FEET ALONG THE NORTHERLY EXISTING CORNHUSKER ROAD RIGHT OF WAY LINE TO A POINT ON THE EASTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE NORTH 61 DEGREES, 22 MINUTES, 02 SECONDS WEST, A DISTANCE OF 100.32 FEET TO A POINT ON THE WESTERLY EXISTING UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY LINE; THENCE SOUTH 23 DEGREES, 24 MINUTES, 44 SECONDS WEST, A DISTANCE OF 174.13 FEET ALONG SAID LINE; THENCE NORTH 69 DEGREES, 58 MINUTES, 27 SECONDS WEST, A DISTANCE OF 379.55 FEET TO THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES, 58 MINUTES, 27 SECONDS WEST, A DISTANCE OF 107.02 FEET TO A POINT ON THE EASTERLY EXISTING CORNHUSKER ROAD RIGHT OF WAY LINE; THENCE SOUTH 18 DEGREES, 24 MINUTES, 19 SECONDS WEST, A DISTANCE OF 20.32 FEET ALONG SAID LINE; THENCE SOUTH 71 DEGREES, 41 MINUTES, 35 SECONDS EAST, A DISTANCE OF 57.00 FEET; THENCE NORTH 81 DEGREES, 44 MINUTES, 31 SECONDS WEST, A DISTANCE OF 52.85 FEET TO THE POINT OF BEGINNING, CONTAINING 1,574.65 SQUARE FEET, MORE OR LESS.

THE EASEMENT AREA(S) MAY BE USED FOR THE TEMPORARY RELOCATION OF UTILITIES DURING THE CONSTRUCTION OF THE PROJECT. UPON COMPLETION AND AN ACCEPTANCE OF PROJECT TMT-5006(3), ALL RIGHTS, INTEREST AND USE OF THE ABOVE DESCRIBED TEMPORARY EASEMENT AREA(S) SHALL BE RETURNED TO THE CONDEMNEE AND TO ITS SUCCESSORS AND ASSIGNS WITH THE AFORESAID CHANGES COMPLETED.