

BEFORE THE COUNTY JUDGE OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA
DEPARTMENT OF ROADS

VS

Herman J. M. Hansen and Martha M. Hansen,
husband and wife;

Carrie Biel and John Biel Sr., wife and husband;

Gustav D. Hibbeler and Hilda Hibbeler, husband
and wife and joint tenants;

Kenneth (John Biel Jr.) Biel, tenant,
Biel property;

Emil Ohm, tenant (Hibbeler property);

RETURN OF
APPRAISERS

C 2-48

TO: HONORABLE ROBERT TROYER, COUNTY JUDGE, DOUGLAS COUNTY, NEBRASKA,

We, the undersigned Appraisers, do hereby certify that under and by virtue of an "Appointment of Appraisers", duly served upon us by the Sheriff of Douglas County, Nebraska, on the 23rd day of April A.D., 1958, and after having taken and signed an oath to support the Constitutions of the United States of America and the State of Nebraska, to faithfully and impartially discharge our duties as required by law, and to honestly and truly assess the damages which the owners of the real estate, described in said "Appointment of Appraisers", will sustain by reason of the taking of permanent easement to certain lands for right of way, for the purpose of widening and reconstructing a part of State Highway No. 38, and also for damages due to limitation of egress and ingress to said highway; that we did inspect the real estate herein described at the time and place designated and did at said time and place sit as a Board of Appraisers and did receive evidence relative to the amount of damages that will be sustained by the owners of said real estate by reason of the taking thereof by the Department of Roads of the State of Nebraska, for right of way purposes, and also damages due to limitation of **egress** and ingress to said highway; the real estate referred to above being described as follows:

C O N D E M N A T I O N

Land Owner: Herman J. M. Hansen and Martha M. Hansen, husband and wife

Project: F-78 (6) AFE R-770a Douglas County, Nebraska

A strip of land for highway right of way lying across the southern part of the East 110 acres of the Southeast Quarter of Section 29, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Beginning at the southeast corner of said Section 29; thence westerly on the South line of the East 110 acres of the Southeast Quarter of said Section 29 a distance of 1,827.3 feet, more or less, to the southwest property corner; thence northerly on the West property line a distance of 144.2 feet; thence easterly a distance of 937.9 feet to a point 165.6 feet northerly from said South line; thence continuing easterly 9 degrees 12 minutes left a distance of 375.3 feet to a point 234.4 feet northerly from said South line; thence continuing easterly 20 degrees 09 minutes right a distance of 526.3 feet, more or less, to a point on the East line of said Southeast Quarter, thence southerly on said East line a distance of 129.5 feet to the point of beginning, containing 7.20 acres, more or less, which includes 1.46 acres, more or less, previously occupied as a public highway, the remaining 5.74 acres, more or less, being the additional acreage to be secured by this action.

There will be no ingress and egress from the above described strip onto the remaining property of the condemnee, except over one field entrance to provide for the movement of farming implements and crops so long as it is used consistent with normal farming operations of the condemnee, the center line of which to be located 436.7 feet easterly from the West property line.

Land Owner: Carrie Biel and John Biel, Sr., wife and husband, joint tenants, each as his or her own interest may appear.

Tenant: John Biel, Jr.

Mortgage: The Federal Land Bank of Omaha

Project: F-78 (6) AFE: R-770a Douglas County, Nebraska

A strip of land for highway right of way lying across the southern part of the Southeast Quarter of Section 28, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the southeast corner of said Section 28; thence northerly on the East line of the Southeast Quarter of said Section 28 a distance of 33.0 feet; thence westerly on a line 33.0 feet northerly from and parallel to the South line of said Southeast Quarter a distance of 33.0 feet to the point of beginning; thence continuing westerly on the last described course produced a distance of 2,617.5 feet, more or less, to a point on the West line of said Southeast Quarter; thence northerly on said West line a distance of 97.8 feet; thence easterly a distance of 2,122.9 feet to a point 94.8 feet northerly from said South line; thence continuing easterly a distance of 495.4 feet, more or less, to a point 33.0 feet westerly from said East line; thence southerly on a line 33.0 feet westerly from and parallel to said East line a distance of 63.5 feet to the point of beginning, containing 4.64 acres, more or less.

There will be no ingress and egress from the above described strip onto the remaining property of the condemnee, except over two field entrances not to exceed 20 feet in width to provide for the movement of farming implements and crops so long as they are used consistent with normal farming operations of the condemnee, the centerlines of which to be located 940.9 feet and 1,730.8 feet, respectively, easterly from said West line.

Also, a strip of land 30.0 feet in width for channel purposes located in the Southeast Quarter of Section 28, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, the centerline of which is described as follows:

Referring to the southeast corner of said Section 28, thence westerly on the South line of the Southeast Quarter of said Section 28 a distance of 836.3 feet; thence northwesterly 69 degrees 18 minutes right a distance of 107.5 feet to the point of beginning of said center

line; thence northwesterly on a continuation of the last described course a distance of 120.0 feet to the point of termination of said centerline, said strip containing 0.08 acre, more or less.

Land Owner: Gustav D. Hibbeler and Hilda Hibbeler, husband and wife, Joint Tenants, each as his or her own interest may appear.

Tenant: Emil Ohm

Project: P-78 (6) AFE: R-770a Douglas County, Nebraska

A strip of land for highway right of way lying across the northern part of the Northeast Quarter of Section 33, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the northeast corner of said Section 33; thence southerly on the East line of the Northeast Quarter of said Section 33 a distance of 33.0 feet; thence westerly on a line 33.0 feet southerly from and parallel to the North line of said Northeast Quarter a distance of 33.0 feet to the point of beginning; thence continuing westerly on the last described course produced a distance of 2,613.3 feet, more or less, to a point on the West line of said Northeast Quarter; thence southerly on said West line a distance of 0.2 feet; thence easterly a distance of 791.4 feet to a point 65.2 feet southerly from said North line; thence continuing easterly a distance of 1,331.4 feet to a point 35.2 feet southerly from said North line; thence continuing easterly a distance of 496.4 feet to a point 33.0 feet westerly from said East line of the Northeast Quarter; thence northerly on a line 33.0 feet westerly from and parallel to said East line a distance of 0.2 feet, to the point of beginning, containing 0.34 acre, more or less.

There will be no ingress and egress from the above described strip onto the remaining property of the condemnee, except over one field entrance, not to exceed 20 feet in width, to provide for the movement of farming implements and crops so long as it is used consistent with normal farming operations of the condemnee, the center line of which to be located 1,472.2 feet westerly from the northeast corner of said Northeast Quarter.

Also a tract of land for channel purposes located in the northern part of the Northeast Quarter of Section 33, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the northeast corner of said Section 33; thence westerly on the North line of the Northeast Quarter of said Section 33 a distance of 33.0 feet; thence southerly on a line 33.0 feet westerly from and parallel to the East line of said Northeast Quarter a distance of 33.2 feet; thence westerly a distance of 496.4 feet to a point 35.2 feet southerly from said North line; thence continuing westerly a distance of 906.3 feet to the point of beginning; thence continuing westerly on the last described course produced a distance of 50.0 feet; thence southerly 90 degrees left a distance of 40.0 feet; thence easterly 90 degrees left a distance of 50.0 feet; thence northerly 90 degrees left a distance of 40.0 feet to the point of beginning, containing 0.05 acre, more or less.

Also a strip of land 30.0 feet in width for channel purposes located in the northern part of the Northeast Quarter of Section 33, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, the centerline of which is described as follows:

Referring to the northeast corner of said Section 33; thence westerly on the North line of the Northeast Quarter of said Section 33 a distance of 33.0 feet; thence southerly on a line 33.0 feet westerly from and parallel to the East line of said Northeast Quarter a distance of 33.2 feet; thence westerly a distance of 496.4 feet to a point 35.2 feet southerly from said North line; thence continuing westerly a distance of 292.8 feet to the point of beginning of said centerline; thence southerly 108 degrees 00 minutes left a distance of 70.0 feet to the point of termination of said centerline, said strip containing 0.05 acre, more or less.

Now, therefore, we, as Appraisers aforesaid, do hereby find and appraise the damages that will be suffered by reason of the taking of easement to said lands for right of way purposes by the Department of Roads of the State of Nebraska, and also damages due to limitation of egress and ingress to said Highway, in amounts of:

Herman J. M. Hansen	\$ 4,460.00
Martha M. Hansen	NONE
Carrie Biel	2,170.00
John Biel, Sr.	2,170.00
Gustav D. Hibbeler	1,231.00
Hilda Hibbeler	1,231.00
Kenneth Biel	NONE
The Federal Land Bank of Omaha	NONE
Emil Ohm	NONE

Kenneth Biel entered his voluntary appearance and chairman substituted name of Kenneth Biel in place of John Biel, Jr., as tenant of Biel property.

NOTE: Condemnees questioned right of State of Nebraska to institute condemnation proceedings, contending no bona fide negotiations were made on question of damages for access and rights of ingress and egress and damages therefrom; and questioned jurisdiction of board to sit as appraisers on jurisdictional grounds only.

All of which is hereby respectfully submitted.

Dated this 23rd day of May, A.D., 1958.

/s/ HAROLD E. ROE

/s/ Kenneth F. Reed

/s/ Rudolph Tesar

Appraisers

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS. I, Robert R. Troyer, County Judge of Douglas County, Nebraska, do hereby certify the foregoing copy, consisting of 6 pages, to be a full, true and correct copy of the original record thereof, now remaining on file in said court; that I have the legal custody and control of said original record; and that the seal of said court is hereto affixed.

WITNESS my hand and the seal of said Court at Omaha this 21 day of July 1958

ROBERT R. TROYER, County Judge

BY Joseph J. Pelits Clerk of the County Court

