

DEED RECORD NO. 46, SARPY COUNTY.

CHICAGO, BURLINGTON & QUINCY R.R. CO.,

Filed October 9, 1914 at 1 P.M.

vs

W. C. Patterson
County Clerk.

MARY EHLERS et al
Decree \$1.50 Pd.

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA.

In the matter of the application of the Chicago, Burlington & Quincy Railroad Company to condemn certain real estate in Sarpy County, Nebraska, for railroad purposes and to assess the amount of damages sustained by the owners by reason of the appropriation thereof, real estate of Mary Ehlers, et. al.,

Stipulation and
Journal Entry.

Now on this 22nd day of September, A.D. 1914, it being a day of the regular September A.D. 1914 term of this court, the parties hereto in open court stipulate and agree as follows, to-wit:

That judgement shall be rendered in this case in favor of Mary Ehlers and Jacob Ehlers and Adolph Voss, executor and mortgagee in the sum of Twenty Seven hundred and fifty (\$2750) Dollars. That plaintiffs shall pay their own witness fees and the sheriffs costs in subpoenaing the same and the Chicago, Burlington & Quincy Railroad Company shall pay all the remainder of the costs in this case. That one of the considerations for this stipulation, so stated in open court by the respective counsel for the foregoing parties, to-wit: Mary Ehlers and Jacob Ehlers and Adolph Voss, executor and mortgagee and also the Chicago, Burlington & Quincy Railroad Company, is that,

Whereas, the Chicago, Burlington & Quincy Railroad Company by its plan of construction proposes to construct under its new line of railway at a point where the dry run passes across the south west Quarter of the northwest Quarter of Section Twenty (20), Township Fourteen (14) Range Eleven (11) East, a concrete culvert of the dimentions of twelve feet wide and eight feet high for the accomodation of the storm waters that will pass down said run, and

Whereas, said culvert is suitable for use as a stock pass by the owners or occupants of said lands, it has agreed that said Mary Ehlers and Jacob Ehlers and their successors in interest may use said culvert for a stock pass, but said Mary Ehlers and Jacob Ehlers and their successors in interest shall in no wise by the use of said cattle pass interfere with the proper maintenance and operation of said railroad.

It is further stipulated between the parties that should the Chicago, Burlington & Quincy Railroad Company at the time of constructing said road desire to straighten the channel of said dry run along the southern end of the new roght of way and near the point where said run enters said right of way, that said Mary Ehlers and Jacob Ehlers consent that said Chicago, Burlington & Quincy Railroad Company may use enough of the land outside of the right of way to accomplish said purpose, but not to exceed one fourth of an acre in extent.

It is further stipulated between the parties that the jury now sitting shall be discharged and that the court shall enter judgement on the foregoing stipulation.

It is therefore considered by the court that the jury empaneled in this case be and the same hereby are discharged, and that said Mary Ehlers and Jacob Ehlers and Adolph Voss, executor and mortgagee, recover of and from the Chicago, Burlington & Quincy Railroad Company the sum of Twenty Seven Hundred and Fifty (\$2750.00) Dollars. That each party pay their own costs, save and except that the railroad Company shall pay all of the court costs.

That said Mary Ehlers and Jacob Ehlers and their successors in interest shall have the right to use the concrete culvert which the Burlington Railroad Company proposes to construct for the accomodation of the waters of the dry run in the south west quarter of the northwest

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quarter section twenty (20), Township Fourteen (14), Range Eleven (11) East in Sarpy County, Nebraska, for a Stock pass, but that such use shall in no manner interfere with the proper maintenance and operation of said railroad, and that said railroad company shall have the right to use the land hereinbefore specified, not to exceed one fourth acre in extent, as set forth in the foregoing stipulation, for the purpose of straightening the course of said dry run.

Furthermore that the clerk of this court file a certified copy of this order with the County Judge.

By The Court, James T. Begley, Judge.

State of Nebraska)
Sarpy County) SS: I, J.R. Wilson, Clerk of the district court of Sarpy County, Nebraska, do hereby certify that the foregoing is a true and correct copy of a stipulation and journal entry showing proceedings had in a cause entitled " In the matter of the application of the Chicago, Burlington & Quincy Railroad Company to condemn certain real estate in Sarpy County, Nebraska. for railroad purposes and to assess the amount of damages sustained by the owners by reason of the appropriation thereof, real estate of Mary Ehlers ,et. al.;" on the 22nd day of September, 1914 as the same is of record in Journal M at page 69, one of the records of this court now in my charge remaining.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this 6th day of October, 1914.

#Seal of the District Court #
#Sarpy Co. Nebraska. #

J.R. Wilson, Clerk District Court.
By Eliza M. Wilson, Deputy.

CHICAGO, BURLINGTON & QUINCY R.R.
vs
MARY EHLERS et. al.
Condemnation \$1.35Pd.

Filed October 9, 1914 at 1 P.M.

NE Patterson
County Clerk.

We, the undersigned, disinterested freeholders and commissioners, residents of Sarpy County, Nebraska, appointed by the County Judge of said County, to appraise the damages accruing to Mary Ehlers and Jacob Ehlers, her husband, and Adolph H. Voss Executor, Mortgagee, by reason of the appropriation of that part of the following described real estate, taken for right of way, side tracks and railroad purposes, by the Chicago, Burlington & Quincy Railroad Company, situated in said Sarpy County, as shown on the plat and profile of said road as submitted to us by the agent of said railroad company, viz:

The right of way one hundred fifty (150) feet wide, being one hundred (100) feet wide on the northerly side and fifty (50) feet wide on the southerly side of the center line of the located roadway of said Company, as staked out upon the west half (W 1/2) of the northwest quarter (NW 1/4) of section twenty (20), Township Fourteen (14) north, range eleven (11), east of the 6th P.M. containing four and fifty-two hundredths (4.52) acres, a little more or less;

Also all that part of the west half (W 1/2) of the north east quarter (NE 1/4) of the northwest quarter (NW 1/4) of said section twenty (20), lying between the northerly line of the present right of way of the constructed railroad over and across the northwest quarter (NW 1/4) of said section twenty, and a line drawn from a point in the west line of the northeast quarter (NE 1/4) of the northwest quarter (NW 1/4) of said section 20, one hundred fifty (150) feet distant from, at right angles to and on the northerly side of the center line of the present constructed railroad northeasterly to a point in the east line of the west half (W 1/2) of the northeast quarter (NE 1/4) of the northwest quarter (NW 1/4) of said section 20; one hundred fourteen (114) feet distant from, at right angles to and on the northerly side of said center line of the present constructed