

44-350

AGREEMENT

THIS AGREEMENT, made and entered into this 24 day of MAY, 1971, by and between Michael J. Hogan and Jane F. Hogan, Husband and Wife, hereinafter referred to as the "owners," and the State of Nebraska, Department of Roads, hereinafter referred to as the "State."

WITNESSETH:

WHEREAS, the State has, by eminent domain proceedings, acquired the right to control the access from the owners' land in the Southwest Quarter of Section 23, Township 14 North, Range 12 East, Sarpy County, Nebraska, to State Highway No. 85, and

WHEREAS, said proceedings provided for one commercial entrance from said property, the centerline of which was to be located 1310.6 feet southerly from the North Line of the Southwest Quarter of Section 23, Township 14 North, Range 12 East of the 6th P.M., and another commercial entrance from said property, the centerline of which was to be 535 feet south of the Northwest Corner of said Southwest Quarter, and

WHEREAS, the State is willing to grant to the owners permission to construct an additional entrance from said property, contingent upon the removal of an unauthorized entrance at a point 562.6 feet south of the Northwest Corner of said Southwest Quarter which is also known as Station 1025+18 of Project F-237 (6), and contingent upon owner's waiver of claim to commercial entrances as described in the above condemnation proceedings.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

I. The owners will, without cost to the State, remove and obliterate all trace of the said commercial entrance above described at Station 1025+18.

II. The owners will, without cost to the State but in conformity with a permit issued by the Department of Roads, construct one unrestricted entrance in a width not to exceed 40 feet, the centerline of which will be at Station 1022+95 of Project F-237 (6).

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III. The owners hereby waive all rights to commercial entrances granted by Return of Appraisers in Sarpy County Court orders dated November 27, 1962 and December 9, 1964, except as herein provided.

IV. The State will provide breaks in the median strip in Highway 85 opposite the new commercial entrance at Station 1022+95 and approximately at Station 1016+00, opposite Hogan Drive.

IN WITNESS WHEREOF, the Parties hereto have caused their signatures to be affixed as of the date first above written.

WITNESSED:

OWNER:

Michael J Hogan

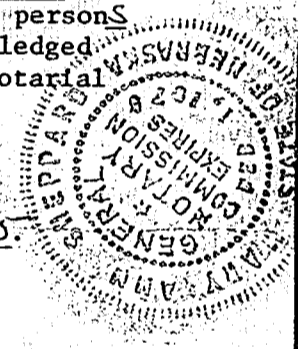
Jane F. Hogan

Dated this 24 day of MAY, 1971, on the above date, before me MARY ANN SHEPPARD a General Notary Public duly commissioned and qualified, personally came MICHAEL J. AND JANE F. HOGAN to me known to be the identical persons whose name S ARE affixed to the foregoing instrument and acknowledged the same to be a voluntary act and deed. Witness my hand and Notarial Seal the day and year last above written.

Notary Mary Ann Sheppard

My commission expires the 1 day of February, 1975.

STATE OF NEBRASKA)
) ss.
Sarpy County)



STATE OF NEBRASKA
DEPARTMENT OF ROADS

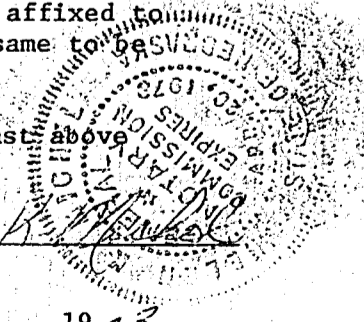
Thomas D. Doyle
Director-State Engineer

STATE OF NEBRASKA)
) ss.
Lancaster County)

On this 27 day of May, A.D., 1971, before me the undersigned Helen K. Michel a General Notary Public, duly commissioned and qualified, personally came Thomas D. Doyle DIRECTOR-STATE ENGINEER known to me to be said DIRECTOR-STATE ENGINEER for the Department of Roads, State of Nebraska, and the identical person whose name is affixed to the foregoing instrument as grantor and acknowledged the same to be his voluntary act and deed

WITNESS my hand and Notarial Seal the day and year last above written.

Helen K. Michel
Notary Public



My commission expires the 28 day of April, 1973.