

FILED SARPY CO. NE.
INSTRUMENT NUMBER
98-015041
98 JUN -8 PM 4: 13
Lloyd J. Dowding
REGISTER OF DEEDS

48-13-11
Counter STEVE
Verify [Signature]
D.E. [Signature]
Proof 40.50
Fee \$ 40.50
Ck Cash Chg MOA



**THIS PAGE ADDED
FOR RECORDING
INFORMATION.**

**DOCUMENT STARTS ON
NEXT PAGE.**

LLOYD J. DOWDING
SARPY COUNTY REGISTER OF DEEDS
1210 GOLDEN GATE DRIVE, #1109
PAPILLION, NE 68046-2895
402-593-5773

98-15041A

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

STATE OF NEBRASKA
DEPARTMENT OF ROADS,

Plaintiff,

v.

SCHEWE FARMS, INC., A Nebraska
Corporation, Owner,

Defendant.

) Docket 9773

Page 1118

O R D E R

COPY

98 JUN -4 PM 12:39
CLERK DISTRICT COURT

SARPY COUNTY DISTRICT COURT

Pursuant to a written stipulation heretofore entered into by and between the parties the court does hereby order, adjudge and decree as follows:

1. Judgment is entered for the defendant and against the plaintiff in the total amount of Fifty-Five Thousand One Hundred Forty-Two and no/100 Dollars (\$55,142.00); that said sum shall constitute full settlement for any and all compensation of every kind and nature due and owing the defendant by reason of the condemnation proceeding brought by the plaintiff and against the defendant before the County Judge of Sarpy County, Nebraska.
2. That the appropriation described in the condemnation proceeding filed before the County Judge of Sarpy County, Nebraska, is hereby affirmed, other than as modified by this decree.
3. That a copy of the attached plat and description be filed with the County Judge of Sarpy County, Nebraska, and replace the plat and description presently filed with the Petition and Return of Appraisers filed before the County Judge of Sarpy County, Nebraska.
4. That the plat and description for Tract 20 attached to the Return of Appraisers filed with the Register of Deeds for Sarpy County, Nebraska, under Instrument Number 97-015121, are hereby superseded and replaced by the plat and description attached

48-1507B

hereto, marked Exhibit A and Exhibit B respectively, and made a part hereof by this reference.

5. Defendant agrees that where the plaintiff-State, or its agents, need a temporary easement for filling or shaping next to plaintiff's entire taking, plaintiff or its agents have a reasonable right of entry to perform such filling or shaping without further compensation due defendant.

6. Defendant agrees as additional consideration for this settlement plaintiff will not be required to build frontage road "E" on defendant's property as originally shown on plaintiff's plans of this project.

7. That each party shall bear all of its own costs and expenses herein except that the cost of certifying a copy of this Order to the County Judge of Sarpy County, Nebraska, and to the Register of Deeds of Sarpy County, Nebraska, be taxed to the plaintiff.

8. That a copy of this Order be certified by the Clerk of the District Court of Sarpy County, Nebraska, to the Register of Deeds of Sarpy County, Nebraska, and said Register of Deeds is hereby directed to record the same. The Register of Deeds is further directed, after recording the Order and attached plat and description to return them to the State of Nebraska, Department of Roads, Legal Office, P.O. Box 94759, Lincoln, NE 68509-4759.

9. That a copy of this Order be certified by the Clerk of the District Court of Sarpy County, Nebraska, to the County Judge of Sarpy County, Nebraska; that said County Judge is hereby authorized and directed to make payment to the defendant in the sum of Fifty-Five Thousand One Hundred Forty-Two and no/100 Dollars (\$55,142.00) from the funds heretofore deposited with the County Judge by the plaintiff, and to return the balance of said funds, if any, to the plaintiff.

98-15041C

10. That upon performance of said acts the County Judge of Sarpy County, Nebraska, is hereby directed to notify the Clerk of the District Court of Sarpy County, Nebraska, that disbursement of the funds has been made according to the terms of this Order of court and such notification of the payment of the sum of Fifty-Five Thousand One Hundred Forty-Two and no/100 Dollars (\$55,142.00) shall be entered by the Clerk of the District Court of Sarpy County, Nebraska, as satisfaction of the judgment.

Dated this 4th day of June, 1998.

BY THE COURT

J. A. Thompson

District Judge

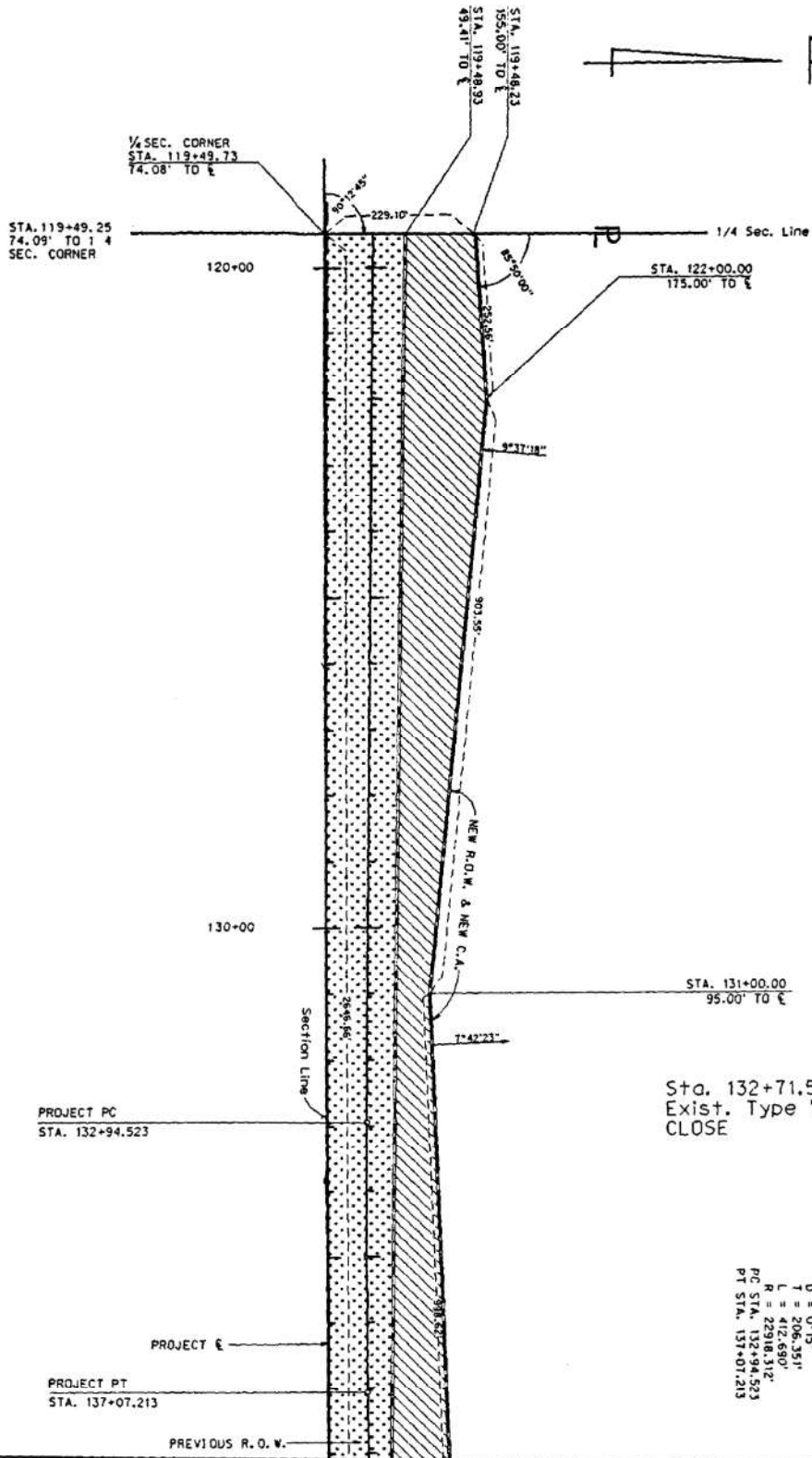
Approved as to form:

Gary R. Welch
Attorney for the plaintiff
Gary R. Welch #14446

Sheldon J. Harris
Attorney for the defendant
Sheldon J. Harris #11725

STAMPED COPY

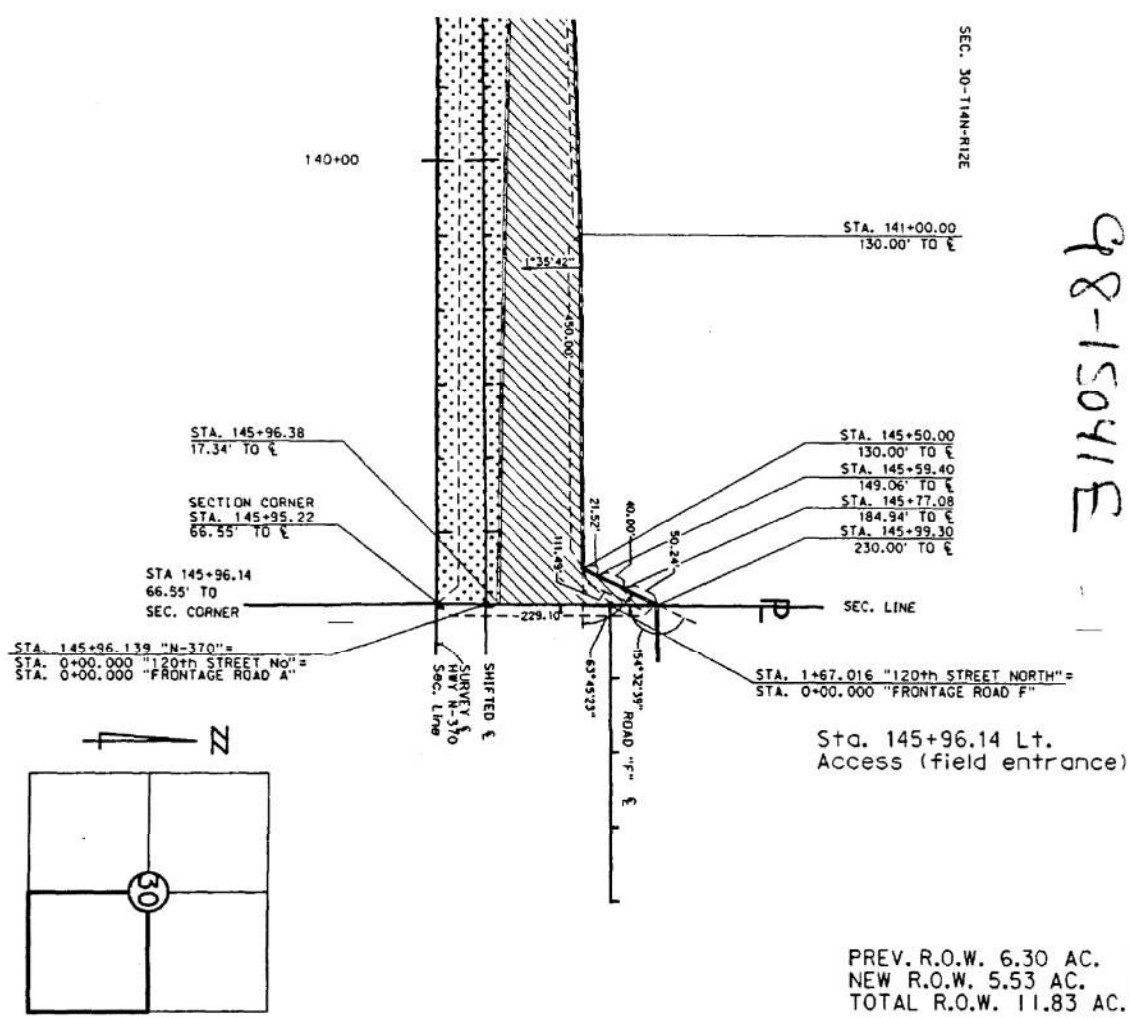
98-15041D



(SHIFTED E) PROJECT
 PI STA. 135+00.813
 $\Delta = 1^{\circ}01'54''$ LT.
 $D = 0^{\circ}15'$
 $T = 208.351'$
 $L = 412.690'$
 $R = 22918.312'$
 PC STA. 132+94.523
 PT STA. 137+07.213

SEC. 30-T14N-R12E

98-15041E



SE4, SEC. 30 - T. 14 N. - R. 12 E.
SARPY COUNTY, NEBRASKA

PLAT SHOWING
RIGHT OF WAY
TO BE ACQUIRED FROM LAND OWNED BY
SCHEWE FARMS, INC., A Nebraska Corporation

STATE OF NEBRASKA
DEPARTMENT OF ROADS
RIGHT OF WAY DIVISION
LINCOLN, NEBRASKA

TRACT NO. 20 SCALE 1" = 200'
LOCATION N-370, N-50 TO N-85 SARPY COUNTY
PROJECT NO. NH-370-7 (103)
CONTROL NO. 20258

PREV. R.O.W.		6.30 ACRES
NEW R.O.W.		5.53 ACRES
TEMP. EASE.		
PERM. EASE.		
CONTROLLED ACCESS		

EXHIBIT A

DRAWN BY CDH
CHECKED BY NDOR
COMPUTED BY RFK
WRITTEN BY RFK
CHECKED BY NDOR

98-15041F

PROJECT: NH-370-7(103)

C.N.: 20258
(PAGE 1)

SARPY COUNTY

TRACT: 20

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

OWNER: SCHEWE FARMS, INC., A Nebraska Corporation

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY PURPOSES, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 2646.66 FEET ALONG THE SOUTHERLY LINE OF SAID QUARTER SECTION TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTHERLY DEFLECTING 090 DEGREES, 12 MINUTES, 54 SECONDS RIGHT, ALONG THE WESTERLY LINE OF SAID QUARTER SECTION, FOR A DISTANCE OF 229.10 FEET; THENCE EASTERLY DEFLECTING 085 DEGREES, 50 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 252.56 FEET; THENCE CONTINUING EASTERLY DEFLECTING 009 DEGREES, 37 MINUTES, 18 SECONDS RIGHT, A DISTANCE OF 903.55 FEET; THENCE CONTINUING EASTERLY DEFLECTING 007 DEGREES, 42 MINUTES, 23 SECONDS LEFT, A DISTANCE OF 998.62 FEET; THENCE CONTINUING EASTERLY DEFLECTING 001 DEGREES, 35 MINUTES, 42 SECONDS RIGHT, A DISTANCE OF 450.00 FEET; THENCE NORTHEASTERLY DEFLECTING 063 DEGREES, 45 MINUTES, 23 SECONDS LEFT, A DISTANCE OF 111.49 FEET TO A POINT ON THE EASTERLY LINE OF SAID QUARTER SECTION; THENCE SOUTHERLY DEFLECTING 154 DEGREES, 32 MINUTES, 39 SECONDS RIGHT, ALONG THE SAID EASTERLY LINE OF SAID QUARTER SECTION, FOR A DISTANCE OF 296.58 FEET TO THE POINT OF BEGINNING CONTAINING 11.83 ACRES, MORE OR LESS, WHICH INCLUDES 6.30 ACRES, MORE OR LESS PREVIOUSLY OCCUPIED AS PUBLIC HIGHWAY.

THERE WILL BE NO INGRESS OR EGRESS OVER THE ABOVE DESCRIBED TRACT, FROM OR TO THE REMAINDER OF SAID SOUTHEAST QUARTER SECTION, EXCEPT, OVER ONE FIELD ENTRANCE NOT TO EXCEED 40.00 FEET IN WIDTH, TO PROVIDE FOR THE MOVEMENT OF FARMING IMPLEMENTS AND CROPS SO LONG AS IT IS USED CONSISTENT WITH NORMAL FARMING OPERATIONS, THE CENTERLINE OF SAID ACCESS TO BE LOCATED ON THE EAST SIDE LINE OF SAID QUARTER SECTION.

THE ABOVE ACCESS IS DESCRIBED AT THE PAVEMENT EDGE. BECAUSE OF TERRAIN FEATURES, THE CENTERLINE OF SAID ACCESS MAY NOT COINCIDE WITH, BUT WILL BE IN REASONABLY CLOSE PROXIMITY TO THE CENTERLINE OF DRIVE AT THE RIGHT OF WAY LINE.

ALL RIGHTS TO OIL AND GAS MINERALS IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE 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 OR IN ANY WAY IMPAIR THE USE OF SAID REAL PROPERTY.

EXHIBIT B

98-150416

STATE OF NEBRASKA, }
COUNTY OF SARPY, } ss.

I, CHARLENE MARCHAND, Clerk of the District Court, in and for Sarpy County in the Second Judicial District of Nebraska, do hereby certify that the above and foregoing is a true copy of..... ORDER.....

.....
entered in a cause in said court wherein.....

STATE OF NEBRASKA, DEPARTMENT OF ROADS

plaintiff.....and.....

.....SCHEWE FARMS, INC., A NEBRASKA CORPORATION.....

defendant....., Docket 9773 Page 1118, as the same

appear fully upon the records of said Court now in my charge remaining as Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Papillion, this 4th day of JUNE A.D. 1998

Charlene Marchand
CLERK

DEPUTY CLERK