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BEFORE THE COUNTY JUDGE OF LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA,)
 A Municipal Corporation,)
)
 Condemner,)
)
 vs.)
)
 STEVEN E. MIERS, a single person; and)
 FIRSTIER BANK, N.A., now known as)
 FIRST BANK; and LANCASTER COUNTY,)
 NEBRASKA, (Tract 7-66))
)
 TILT-UP CONCRETE, INC., a Nebraska)
 corporation; HAVELOCK BANK, a Nebraska)
 corporation; and LANCASTER COUNTY,)
 NEBRASKA, (Tract 8-66))
)
 MEGINNIS CAMPBELL CO.; NATIONAL)
 BANK OF COMMERCE TRUST AND)
 SAVINGS ASSOCIATION; and LANCASTER)
 COUNTY, NEBRASKA, (Tract 1-66))
)
 Condemnees.)

DOCKET 119 PAGE 190

REPORT OF APPRAISERS

TO: THE HONORABLE JUDGE OF THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

We, the undersigned Appraisers, duly appointed by the County Judge of Lancaster County, Nebraska to view the grounds, hear testimony, and appraise the damages by reason of the taking as hereinafter described respectfully submit the following report.

After taking and subscribing to the oath as prescribed by law, we, separately, and as a body, did carefully inspect and view the grounds and premises in question, and the grounds, premises, and property for which damages are claimed by the claimant or claimants named in the Petition for the Appointment of Appraisers and Condemnation of Lands, and hear all parties present who were interested therein with reference to the amount of damages, and we have and do hereby assess the damages which all persons interested therein have sustained by reason of the taking and appropriating of lands and rights therein for the purposes as stated in the said Petition and as shown on the description hereinafter set forth:

A. **Owner:** **Steven E. Miers**
 Tract: **7-66**

(i) Fee Simple Title To:

A tract of land composed of a portion of the former Missouri Pacific right-of-way running through the SE 1/4 of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the centerlines of Vine Street and North 66th Street, thence southerly along the centerline of North 66th Street a distance of 862.76 feet, thence deflecting 90 degrees right, westerly a distance of 33.00 feet to a point of intersection between the west right-of-way line on North 66th Street and the southwest line of the former Missouri Pacific right-of-way, this point of intersection being the true point of beginning, thence northerly along the west right-of-way line on North 66th Street, a distance of 121.60 feet to a point of intersection with the northeast line of the former Missouri Pacific right-of-way, thence deflecting 55 degrees 19 minutes left, northwesterly along the northeast line of the former Missouri Pacific right-of-way, a distance of 14.59 feet to a point 45.0 feet west of and normal to the centerline of North 66th Street, thence deflecting 124 degrees 41 minutes left southerly along a line parallel to the centerline of North 66th Street, a distance of 121.60 feet to a point of intersection with the southwest line of the former Missouri Pacific right-of-way, thence deflecting left 55 degrees 19 minutes southeasterly along the southwest line to the point of beginning. Said tract contains 1,459 square feet, more or less.

(ii) A permanent easement to construct, reconstruct, maintain, operate and replace a bikeway and appurtenances thereto, over and through the following described real property, to wit:

A portion of the former Missouri Pacific right-of-way running through the SE 1/4 of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Commencing at the centerlines of Vine Street and North 66th Street, thence southerly along the centerline of 66th Street, a distance of 862.76 feet, thence deflecting 90 degrees right westerly along a line a distance of 33.00 feet to a point of intersection between the west right-of-way line on 66th Street and the southwest line of the former Missouri Pacific right-of-way line on 66th Street, a distance of 29.0 feet, thence deflecting 66 degrees 01 minutes 39 seconds left, northwesterly along a line a distance of 13.13 feet to the true point of beginning, thence continuing

northwesterly along the same line a distance of 7.57 feet to a point 20.0 feet northeast of and normal to the southwest line of the former Missouri Pacific right-of-way, thence deflecting 10 degrees 42 minutes 39 seconds right, northwesterly along a line parallel to the southwest line of the former Missouri Pacific right-of-way a distance of 13.34 feet to a point 62.88 feet west of the centerline of 66th Street, thence deflecting 145 degrees 19 minutes right, easterly along a line normal to the centerline of 66th Street, a distance of 17.88 feet to a point 45.0 feet west of the centerline of 66th Street, thence deflecting 90 degrees right along a line parallel to the centerline of 66th Street, a distance of 10.66 feet to the point of beginning. Said permanent easement contains 105 square feet, more or less.

(iii) A temporary easement to use and occupy temporarily, during the initial construction, reconstruction, maintenance, operation, and replacement of grading, and appurtenances thereto over and through the following described real property, to wit:

A portion of the former Missouri Pacific right-of-way running through the SE 1/4 of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Commencing at the centerlines of Vine Street and North 66th Street, thence southerly along the centerline of 66th Street, a distance of 862.76 feet, thence deflecting 90 degrees right westerly along a line a distance of 33.00 feet, thence deflecting 90 degrees right northerly along the west right-of-way line on 66th Street a distance of 45.0 feet, thence deflecting 90 degrees left westerly along a line normal to the centerline of 66th Street, a distance of 12.0 feet to the true point of beginning, thence continuing westerly along the same line a distance of 17.0 feet, thence deflecting 90 degrees right northerly along a line a distance of 96.67 feet to a point of intersection with the northeast line of the former Missouri Pacific right-of-way, thence deflecting 124 degrees 41 minutes right southeasterly along the northeast line a distance of 20.67 feet to a point 45.0 feet west of and normal to the centerline of 66th Street, thence deflecting 55 degrees 19 minutes right southerly along a line parallel to the centerline of 66th Street, a distance of 84.90 feet to the point of beginning. Said easement contains 1,543 square feet, more or less.

That the right, privilege, and easement herein granted for temporary construction use of those portions of said property as may lie inside the boundaries of the aforesaid temporary easement shall cease and terminate immediately following the completion of construction, final inspection, and acceptance of the grading on said premises, or one year after commencement of construction on said premise, whichever occurs first.

B: Owner: Tilt-Up Concrete, Inc.
Tract: 8-66

(i) Fee Simple Title To:

A tract of land composed of a portion of the former Missouri Pacific Right-of-Way running through the SE¼ of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the centerlines of Vine Street and North 66th Street, thence southerly along the centerline of North 66th Street a distance of 908.44 feet, thence deflecting 90° left easterly along a line a distance of 33.0 feet to a point of intersection between the east right-of-way line on North 66th Street and the southwest line of the former Missouri Pacific right-of-way, this point of intersection being the true point of beginning, thence northerly along the east right-of-way line of North 66th Street a distance of 121.60 feet to a point of intersection with the northeast line of the former Missouri Pacific right-of-way, thence deflecting 124° 41' right southeasterly along the northeast line of the former Missouri Pacific right-of-way a distance of 3.65 feet to a point 36.0 feet east of and normal to the centerline of North 66th Street, thence deflecting 55° 19' right southerly along a line parallel to the centerline of North 66th Street a distance of 121.60 feet to a point of intersection with the southwest line of the former Missouri Pacific right-of-way, thence deflecting right 124° 41' northwesterly along the southwest line to the Point of Beginning. Said tract contains 365 square feet more or less.

(ii) A permanent easement to construct, reconstruct, maintain, operate and replace a bikeway and appurtenances thereto, over and through the following described real property, to wit:

A portion of the former Missouri Pacific right-of-way running through the SE 1/4 of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Commencing at the centerlines of Vine Street and North 66th Street, thence southerly along the centerline of North 66th Street a distance of 841.20 feet, thence deflecting 90° left easterly along a line a distance of 36.0 feet to a true Point of Beginning, thence deflecting 6° 52' 46" right southeasterly along a line a distance of 7.05 feet to a point 43.0 feet east of and normal to the centerline of 66th Street, thence deflecting 128° 07' 14" right southwesterly along a line a distance of 9.90 feet to a point 36.0 feet east of and normal to the centerline of 66th Street, thence deflecting 135° right, northerly along a line parallel to the centerline of 66th Street a

distance of 7.84 feet to the Point of Beginning. Said permanent easement contains 27.5 square feet, more or less.

(iii) A temporary easement to use and occupy temporarily, during the initial construction, reconstruction, maintenance, operation, and replacement of grading, and appurtenances thereto over and through the following described real property, to wit:

A portion of the former Missouri Pacific right-of-way running through the SE 1/4 of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County Nebraska, and more particularly by the following two parcels:

Commencing at the centerlines of Vine Street and North 66th Street, thence southerly along the centerline of North 66th Street a distance of 842.04 feet, thence deflecting 90° left easterly along a line a distance of 43.0 feet to the true point of beginning for the first parcel, thence deflecting 135° right southwesterly along a line a distance of 9.90 feet, thence deflecting 45° left southerly along a line a distance of 61.48 feet to a point of intersection with the southwest line of the former Missouri Pacific right-of-way, thence deflecting 55° 19' left southeasterly along the southwest line a distance of 8.37 feet, thence deflecting 124° 41' left northerly along a line parallel to the centerline of 66th Street a distance of 75.32 feet to a point of beginning for first parcel.

The second parcel is more particularly described as follows:

Commencing at the centerlines of Vine Street and North 66th Street, thence southerly along the centerline of North 66th Street a distance of 788.91 feet, thence deflecting 90° left easterly along a line a distance of 36.0 feet to a point of intersection with the northeast line of the former Missouri Pacific right-of-way which is the true point of beginning for the second parcel, thence deflecting 34° 41' right southeasterly along the northeast line a distance of 8.51 feet, thence deflecting 55° 19' right southerly along a line parallel to the centerline of 66th Street a distance of 24.08 feet, thence deflecting 90° right westerly along a line normal to the centerline of 66th Street a distance of 7.0 feet, thence deflecting right 90° northerly along a line a distance of 28.92 feet to the point of beginning for the second parcel. Said easement contains 573.0 square feet, more or less.

That the right, privilege, and easement herein granted for temporary construction use of those portions of said property as may lie inside the boundaries of the aforesaid temporary easement shall cease and terminate immediately following the completion of construction, final inspection, and acceptance of the grading on said premises, or one year after commencement of construction on said premise, whichever occurs first.

C: Owner: Meginnis Campbell Co.
Tract: 1-66

(i) Fee Simple Title to:

A tract of land composed of a portion of Lot 212 of Irregular Tracts located in the SE¼ of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the centerline intersection of 66th Street and "Q" Street, thence westerly along centerline "Q" Street a distance of 74.00 feet, thence northerly along a line parallel to the centerline of 66th Street, a distance of 47.00 feet to a point of intersection with the south line of said Lot 212 and the true Point of Beginning, thence deflecting 45 degrees right northeasterly along a line a distance of 41.01 feet to a point 12.00 feet west of and normal to the east line of said lot, thence northerly along a line parallel to the east line of said lot a distance of 150.00 feet, thence westerly along a line normal to the east line of said lot a distance of 10.00 feet, thence northerly along a line parallel to the east line of said lot to a point of intersection with the north line of said lot, thence easterly along the north line to the northeast corner of said lot, thence southerly along the east line of said lot a distance of 221.05 feet to a point 29.00 feet north of and normal to the south line of said lot, thence deflecting 45 degrees right southwesterly along a line a distance of 41.01 feet to the point of intersection with the south line of said lot, thence westerly along the south line of said lot to the Point of Beginning. Said tract contains 3,741 square feet, more or less.

(ii) A temporary easement to use and occupy temporarily, during the initial construction, reconstruction, maintenance, operation, and replacement of grading and drive reconstruction, and appurtenances thereto over and through the following described real property, to wit:

A portion of Lot 212 of Irregular Tracts located in the SE¼ of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the centerline intersection of 66th Street and "Q" Street, thence westerly along the centerline of "Q" Street a distance of 86.0 feet, thence northerly along a line parallel to the centerline of 66th Street a distance of 47.0 feet to a point of intersection with the south line of said Lot 212 and the true Point of Beginning, thence deflecting 45 degrees right northeasterly along a line a distance of 50.91 feet to a point 17.0 feet west of and normal to the east line of said lot, thence northerly along a line

parallel to the east line of said lot a distance of 107.0 feet, thence westerly along a line normal to the east line of said lot a distance of 10.0 feet, thence northerly along a line parallel to the east line of said lot a distance of 65.0 feet, thence westerly along a line normal to the east line of said lot a distance of 20.0 feet to a point 47.0 feet west of and normal to the east line of said lot, thence northerly along a line parallel to the east line of said lot to the point of intersection with the north line of said lot, thence southeasterly along the north line of said lot to a point 22.0 feet west of and normal to the east line of said lot, thence southerly along a line parallel to the east line of said lot to a point 179.0 feet north of the south line and 22.0 feet west of the east line of said lot, thence easterly along a line normal to the east line of said lot a distance of 10.0 feet, thence southerly along a line parallel to the east line of said lot a distance of 150.0 feet to a point 29.0 feet north of and normal to the south line of said lot, thence deflecting 45 degrees right southwesterly along a line a distance of 41.01 feet to a point of intersection with the south line of said lot, thence westerly along the south line of said lot a distance of 12.0 feet to the Point of Beginning. Said easement contains 2,809 square feet, more or less.

That the right, privilege, and easement herein granted for temporary construction use of those portions of said property as may lie inside the boundaries of the aforesaid temporary easement shall cease and terminate immediately following the completion of construction on said property, final inspection, and acceptance of the grading and drive reconstruction, or one year after commencement of construction on said property, whichever occurs first.

A: Owner: Steven E. Miers
Tract: 7-66

We assess all damages in the sum of \$ 8966.00, which sum we award as follows:

To: Steven E. Miers, a single person	\$ <u>8966.00</u>
To: FirsTier Bank, N.A. now known as First Bank	\$ <u>0</u>
To: Lancaster County, Nebraska	\$ <u>0</u>

B: Owner: Tilt-Up Concrete, Inc.
Tract: 8-66

We assess all damages in the sum of \$ 2361.00, which sum we award as follows:

To: Tilt-Up Concrete, Inc.	\$ <u>1170.10</u>
To: Havelock Bank	\$ <u>0</u>
To: Lancaster County, Nebraska	\$ <u>1190.90</u>

C: Owner: Meginnis Campbell Co.
Tract: 1-66

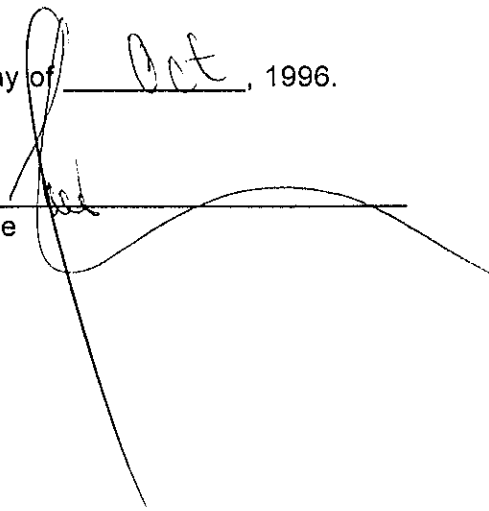
We assess all damages in the sum of \$ 28,148.00, which sum we award as follows:

To: Meginnis Campbell co.	\$ <u>28,148.00</u>
To: National Bank of Commerce Trust and Savings Association	\$ <u>0</u>
To: Lancaster County, Nebraska	\$ <u>0</u>

GIVEN under our hands this 2d day of October, 1996.


Appraisers

Subscribed and sworn to before me this 2 day of Oct, 1996.


County Judge

FILED

OCT 02 1996

LANCASTER
COUNTY COURT
DISTRICT THREE



IN THE COUNTY COURT OF LANCASTER COUNTY NEBRASKA
STATE OF NEBRASKA } SS. CERTIFICATE
LANCASTER COUNTY }

The Deputy Clerk of the County Court of Lancaster County does hereby certify that the foregoing is a full and correct copy of the original instrument duly filed and of record in this court.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County Court of said County at Lincoln, Nebraska this ^{16th} day of ... Oct. 1996

Sherry DeLancey
Deputy Clerk of the County Court

