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BEFORE THE COUNTY JUDGE OF LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA,
A Municipal Corporation,)

CASE NO. CI06-10965

Condemner,)

REPORT OF APPRAISERS

vs.)

SUP FAMILY, LLC;)
CITY BANK & TRUST COMPANY; and)
LANCASTER COUNTY, NEBRASKA,)
[East O Street Widening Project 701-780, Tract 55])

SUP FAMILY, LLC; NATIONAL BANK OF)
COMMERCE TRUST & SAVINGS)
ASSOCIATION; and LANCASTER COUNTY)
NEBRASKA,)
[East O Street Widening Project 701-780, Tract 20])

GALE L. SUP and BERNICE A. SUP, husband)
and wife; BLOCKBUSTER INC., tenant;)
CITY BANK & TRUST COMPANY; and)
LANCASTER COUNTY NEBRASKA,)
[East O Street Widening Project 701-780, Tract 63])

Condemnees.)

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 Amended 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. SUP FAMILY, LLC - Tract 55

A.(1) Fee Simple Title to:

A portion of Lot 30, Witherbee Gardens, located in the Northwest Quarter of Section 29, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the northeast corner of said Lot 30, as originally platted, said point being 33.00 feet west of the east line of said Northwest Quarter; thence on an assumed bearing of North 89° 50' 37" West, along the north line of said Lot 30, a distance of 2.00 feet to a point on the west right-of-way line of 48th Street, said point also being the Point of Beginning; thence South 0° 10' 54" East, along the west right-of-way line of said 48th Street, said line being 35.00 feet west of and parallel with the east line of said Northwest Quarter, a distance of 73.15 feet to a point of curvature; thence on a curve to the right whose radius is 23.00 feet, a central angle of 49° 54' 56", an arc distance of 20.04 feet with a chord bearing of South 24° 46' 32" West, and a chord distance of 19.41 feet to a point on the north right-of-way line of "M" Street, thence North 89° 50' 12" West, along the north right-of-way line of said "M" Street, said line being 25.00 feet north of and parallel with the centerline of said "M" Street, a distance of 11.14 feet to a point; thence North 40° 01' 48" East, a distance of 23.53 feet to a point; thence North 0° 12' 18" West, a distance of 72.74 feet to a point on the north line of said Lot 30; thence South 89° 50' 37" East, along the north line of said Lot 30, a distance of 4.17 feet to the Point of Beginning, containing a calculated area of 470 square feet (0.01 acres), more or less.

A.(2) Temporary easement to use and occupy temporarily, during the initial construction, reconstruction, maintenance, operation, and replacement of retaining wall construction, grading, and step reconstruction, and appurtenances thereto belonging, over and through the following described real property, to wit:

A portion of Lot 30, Witherbee Gardens, located in the Northwest Quarter of Section 29, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the northeast corner of said Lot 30, as originally platted, said point being 33.00 feet west of the east line of said Northwest Quarter; thence on an assumed bearing of North 89° 50' 37" West, along the north line of said Lot 30, a distance of 6.17 feet to the Point of Beginning; thence South 0° 12' 18" East, a distance of 72.74 feet to a point; thence South 40° 01' 48" West, a distance of 23.53 feet to a point on the north right-of-way line of "M" Street, thence North 89° 50' 12" West, along the north right-of-way line of said "M" Street, said line being 25.00 feet north of and parallel with the centerline of said "M" Street, a distance of 15.63 feet to a point; thence North 40° 01' 48" East, a distance of 29.16 feet to a point; thence North 0° 12' 18" West, a distance of 20.14 feet to a point; thence South 89° 47' 42"

West, a distance of 4.01 feet to a point; thence North 0° 10' 27" West, a distance of 5.44 feet to a point; thence South 89° 47' 42" West, a distance of 1.25 feet to a point; thence North 0° 10' 36" East, a distance of 7.13 feet to a point; thence North 89° 47' 42" East, a distance of 1.25 feet to a point; thence North 0° 10' 27" West, a distance of 5.44 feet to a point, thence North 89° 47' 42" East, a distance of 3.95 feet to a point; thence North 0° 12' 18" West, a distance of 21.57 feet to a point; thence North 89° 47' 42" East, a distance of 5.09 feet to a point; thence North 0° 12' 18" West, a distance of 7.00 feet to a point; thence South 89° 47' 42" West, a distance of 5.09 feet to a point; thence North 0° 12' 18" West, a distance of 1.70 feet to a point on the north line of said Lot 30; thence South 89° 50' 37" East, along the north line of said Lot 30, a distance of 12.00 feet to the Point of Beginning, containing a calculated area of 1,208 square feet (0.03 acres), 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 retaining wall construction, grading, and step reconstruction or one year after commencement of construction on said property, whichever occurs first.

B. SUP FAMILY, LLC - Tract 20

B.(1) Fee Simple Title to:

A portion of Lot 27, J. G. Miller's Subdivision, located in the Southwest Quarter of Section 20, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the southeast corner of said Lot 27 as originally platted, said point being 33.00 feet north of the south line of said Southwest Quarter, and 33.00 feet west of the centerline of 46th Street, thence on an assumed bearing of North 0° 08' 25" West, along the west right-of-way line of said 46th Street, a distance of 27.00 feet to a point on the north right-of-way line of "O" Street, and the Point of Beginning; thence North 89° 50' 37" West, along the north right-of-way line of said "O" Street, said line being 60.00 feet north of and parallel with the south line of said Southwest Quarter, a distance of 10.00 feet to a point; thence North 45° 00' 29" East, a distance of 14.11 feet to a point on the west right-of-way line of said 46th Street; thence South 0° 08' 25" East, along the west right-of-way line of said 46th Street, a distance of 10.00 feet to the Point of Beginning, containing a calculated area of 50 square feet (0.001 acres), more or less.

B.(2) A permanent easement to construct, reconstruct, maintain, operate and replace water main, and appurtenances thereto belonging, over and through the following described property, to wit:

A portion of Lot 27, J. G. Miller's Subdivision, located in the Southwest Quarter of Section 20, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the southeast corner of said Lot 27 as originally platted, said point being 33.00 feet north of the south line of said Southwest Quarter, and 33.00 feet west of the centerline of 46th Street, thence on an assumed bearing of North 0° 08' 25" West, along the west right-of-way line of said 46th Street, a distance of 27.00 feet to a point on the north right-of-way line of "O" Street, thence North 89° 50' 37" West along the north right-of-way line of said "O" Street, said line being 60.00 feet north of and parallel with the south line of said Southwest Quarter, a distance of 10.00 feet to the Point of Beginning; thence continuing North 89° 50' 37" West, along a line 60.00 feet north of and parallel with the south line of said Southwest Quarter, a distance of 89.57 feet to a point on the west line of property filed as Instrument No. 2000-001699, thence North 0° 06' 41" West, along the west line of said property, a distance of 5.00 feet to a point, thence South 89° 50' 37" East, along a line 65.00 feet north of and parallel with the south line of said Southwest Quarter, a distance of 94.57 feet to a point; thence South 45° 00' 29" West, a distance of 7.05 feet to the Point of Beginning, containing a calculated area of 439 square feet (0.01 acres), more or less.

B.(3) A temporary easement to use and occupy temporarily, during the initial construction, reconstruction, maintenance, operation, and replacement of grading, access, and driveway construction, and appurtenances thereto belonging, over and through the following described real property, to wit:

A portion of Lot 27, J. G. Miller's Subdivision, located in the Southwest Quarter of Section 20, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the southeast corner of said Lot 27 as originally platted, said point being 33.00 feet north of the south line of said Southwest Quarter, and 33.00 feet west of the centerline of 46th Street, thence on an assumed bearing of North 0° 08' 25" West, along the west right-of-way line of said 46th Street, a distance of 37.00 feet to the Point of Beginning; thence South 45° 00' 29" West, a distance of 7.05 feet to a point; thence North 89° 50' 37" West, along a line 65.00 feet north of and parallel with the south line of said Southwest Quarter, a distance of 94.57 feet to a point on the west line of property filed as Instrument No. 2000-001699; thence North 0° 06' 41" West, along the west side of said property, a distance of 5.00 feet to a point; thence South 89° 50' 37" East, a distance of 23.55 feet to a point; thence North 62° 37' 47" East, a distance of 23.63 feet to a point; thence North 0° 08' 25" West, a distance of 27.54 feet to a point; thence South 89° 38' 07" East, a distance of 34.18 feet to a point; thence North 0° 06' 08" West, a distance of 18.50 feet to a point; thence North 89° 53' 52" East, a distance of 20.81 feet to a point on the west right-of-way line of said 46th Street; thence South 0° 08' 25" East, along the west right-of-way line of said 46th Street, a distance of 56.93 feet to the Point of

Beginning, containing a calculated area of 3,097 square feet (0.07 acres), more or less. And, also:

Commencing from the southeast corner of said Lot 27 as originally platted, said point being 33.00 feet north of the south line of said Southwest Quarter, and 33.00 feet west of the centerline of 46th street, thence on an assumed bearing of North 0° 08' 25" West, along the west right-of-way line of said 46th Street, a distance of 182.80 feet to the Point of Beginning; thence North 90° 00' 00" West, a distance of 25.55 feet to a point of curvature; thence on a curve to the left whose radius is 50.00 feet, a central angle of 38° 03' 56", an arc distance of 33.22 feet with a chord bearing of South 70° 58' 02" West, and a chord distance of 32.61 feet to a point of reverse curvature; thence on a curve to the right whose radius is 70.00 feet, a central angle of 38° 00' 08", an arc distance of 46.43 feet with a chord bearing of South 70° 56' 08" West, and a chord distance of 45.58 feet to a point on the west line of property filed as Instrument No. 2000-001699; thence North 0° 06' 41" West, along the west line of said property, a distance of 20.00 feet to a point of curvature of a non-tangent curve; thence on a curve to the left whose radius is 50.00 feet, a central angle of 40° 08' 06", an arc distance of 35.02 feet with a chord bearing of North 69° 52' 08" East, and a chord distance of 34.31 feet to a point of reverse curvature; thence on a curve to the right whose radius is 75.00 feet, a central angle of 40° 11' 55", an arc distance of 52.62 feet with a chord bearing of North 69° 54' 03" East, and a chord distance of 51.55 feet to a point; thence North 90° 00' 00" East, a distance of 18.80 feet to the west right-of-way line of said 46th Street; thence South 0° 08' 25" East along the west right-of-way line of said 46th Street, a distance of 24.00 feet to the Point of Beginning, containing a calculated area of 2,285 square feet (0.05 acres), 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 retaining wall construction, grading, and step reconstruction or one year after commencement of construction on said property, whichever occurs first.

C. GALE L. and BERNICE A. SUP - Tract 63

C.(1) Fee Simple Title to:

A portion of the West 210 feet of the South Half of Lot 29, J. G. Miller's Subdivision, except the West 60' and the South 150 feet, located in the Southeast Quarter of Section 20, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning from the southwest corner of Unit "B", Cool Crest Condominium, said point being 60.00 feet east of the west line of said Southeast Quarter; thence on an assumed bearing of South 89° 47' 53" East, along the south line of said Unit "B", a distance of 1.00 foot to a point; thence South 0° 09' 58" East, along a line 1.00 foot east of and parallel to the east right-of-way line of 48th Street, a distance of 164.81 feet to a point; thence North 89° 50' 51" West, a distance of 1.00 foot to a point on the east right-of-way line of said 48th Street; thence North 0° 09' 58" West, along the east right-of-way line of said 48th Street, a distance of 164.81 feet to the Point of Beginning, containing a calculated area of 165 square feet (0.004 acres), more or less.

C.(2) A temporary easement to use and occupy temporarily, during the initial construction, reconstruction, maintenance, operation, and replacement of driveway and parking lot reconstruction, and appurtenances thereto belonging, over and through the following described real property, to wit:

A portion of the West 210 feet of the South Half of Lot 29, J. G. Miller's Subdivision, except the West 60' and the South 150 feet, located in the Southeast Quarter of Section 20, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the southwest corner of Unit "B", said point being 60.00 feet east of the west line of said Southeast Quarter; thence on an assumed bearing of South 89° 47' 53" East, along the south line of said Unit "B", a distance of 1.00 feet to the Point of Beginning; thence continuing South 89° 47' 53" East, along the south line of said Unit "B", a distance of 19.00 feet to a point 20.00 feet east of the east right-of-way line of 48th Street; thence South 0° 09' 58" East, along a line 20.00 feet east of and parallel to the east right-of-way line of said 48th Street, a distance of 147.00 feet to a point; thence South 67° 56' 35" West, a distance of 20.50 feet to a point 1.00 foot east of the east right-of-way line of said 48th Street; thence North 0° 09' 58" West, along a line 1.00 foot east of and parallel to the east right-of-way line of said 48th Street, a distance of 154.81 feet to the Point of Beginning, containing a calculated area of 2867 square feet (0.07 acres), more or less.

C.(3) Permanent easements to construct, reconstruct, maintain, operate, and replace access, and appurtenances thereto belonging, over and through the following described real property, to-wit:

A tract of land composed of a portion of the west 210 feet of the South Half of Lot 29, J. G. Miller's Subdivision, except the west 60' and the south 150 feet, located in the Southeast Quarter of Section 20, Township 10 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the southwest corner of Unit "B", Cool Crest Condominium, said point being 60.00 feet east of the west line of said Southeast Quarter; thence on an assumed bearing of south 89 degrees 47 minutes 53 seconds east, along the south

line of said Unit "B", a distance of 1.00 foot to a point; thence south 0 degrees 09 minutes 58 seconds east, a distance of 8.03 feet to the Point of Beginning; thence north 89 degrees 57 minutes 58 seconds east, a distance of 108.06 feet to a point of curvature; thence on a curve to the right whose radius is 23.00 feet, a central angle of 66 degrees 53 minutes 20 seconds, an arc distance of 26.85 feet with a chord bearing of south 56 degrees 35 minutes 21 seconds east, and a chord distance of 25.35 feet to a point of reverse curve; thence on a curve to the left whose radius is 3.67 feet, a central angle of 67 degrees 02 minutes 57 seconds, an arc distance of 4.29 feet with a chord bearing of south 56 degrees 40 minutes 09 seconds east, and a chord distance of 4.05 feet to a point; thence north 89 degrees 48 minutes 23 seconds east, a distance of 16.44 feet to a point; thence south 0 degrees 09 minutes 58 seconds east, a distance of 16.00 feet to a point; thence south 89 degrees 48 minutes 23 seconds west, a distance of 16.43 feet to a point of curvature; thence on a curve to the right whose radius is 19.67 feet, a central angle of 67 degrees 02 minutes 57 seconds, an arc distance of 23.02 feet with a chord bearing of north 56 degrees 40 minutes 08 seconds west, and a chord distance of 21.73 feet to a point of reverse curve; thence on a curve to the left whose radius is 7.00 feet, a central angle of 66 degrees 53 minutes 20 seconds, an arc distance of 8.17 feet with a chord bearing of north 56 degrees 35 minutes 20 seconds west, and a chord distance of 7.72 feet to a point; thence south 89 degrees 57 minutes 58 seconds west, a distance of 108.02 feet to a point 1.00 foot east of the east right-of-way line of Said 48th Street; thence North 0 degrees 09 minutes 58 seconds west, along a Line 61.00 feet east of and parallel to the west line of said quarter section, a distance of 16.00 feet to the Point of Beginning. Containing a Calculated Area of 2490 Square feet (0.06 Acres) More or Less.

And Also:

A tract of land composed of a portion of the west 210 feet of the South Half of Lot 29, J. G. Miller's Subdivision, except the west 60' and the south 150 feet, located in the Southeast Quarter of Section 20, Township 10 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing from the Southwest corner of Unit "B", Cool Crest Condominium, said point being 60.00 feet east of the west line of said Southeast Quarter; thence on an assumed bearing of south 89 degrees 47 minutes 53 seconds east, along the south line of said Unit "B", a distance of 1.00 foot to a point; thence south 0 degrees 09 minutes 58 seconds east, a distance of 131.05 feet to the Point of Beginning; thence south 89 degrees 53 minutes 21 seconds east, a distance of 99.63 feet to a point of curvature; thence on a curve to the left whose radius is 14.50 feet, a central angle of 90 degrees 30 minutes 44 seconds, an arc distance of 22.91 feet with a chord bearing of north 44 degrees 51 minutes 17 seconds east, and a chord distance of 20.60 feet to a point; thence north 0 degrees 24 minutes 05 seconds west, a distance of 62.31 feet to a point of curvature; thence on a curve to the right whose radius is 30.50 feet, a central angle of 90 degrees 25 minutes 56 seconds, an arc distance of 48.14 feet with a chord bearing of north 44 degrees 48 minutes

53 seconds east, and a chord distance of 43.30 feet to a point; thence south 89 degrees 58 minutes 09 seconds east, a distance of 4.45 feet to a point; thence south 0 degrees 09 minutes 58 seconds east, a distance of 16.00 feet to a point; thence north 89 degrees 58 minutes 09 seconds west, a distance of 4.51 feet to a point of curvature; thence on a curve to the left whose radius is 14.50 feet, a central angle of 90 degrees 25 minutes 56 seconds, an arc distance of 22.89 feet with a chord bearing of south 44 degrees 48 minutes 53 seconds west, and a chord distance of 20.58 feet to a point; thence south 0 degrees 24 minutes 05 seconds east, a distance of 62.31 feet to a point of curvature; thence on a curve to the right whose radius is 30.50 feet, a central angle of 90 degrees 30 minutes 44 seconds, an arc distance of 48.18 feet with a chord bearing of south 44 degrees 51 minutes 17 seconds west, and a chord distance of 43.33 feet to a point; thence north 89 degrees 53 minutes 21 seconds west, a distance of 99.55 feet to a point 61.00 feet east of the west line of said quarter section; thence north 0 degrees 09 minutes 58 seconds west, along a line 61.00 feet east of and parallel to the west line of said quarter section, a distance of 16.00 feet to the Point of Beginning. Containing a calculated area of 3799 square feet (0.09 Acres) more or less.

C.(4) The Condemnees' interest in an access easement to "O" Street, commonly known as the Nefsky Easement Area, as more particularly described in the Easement Agreement dated on or about January 3, 1995 and filed as Instrument No. 95-1756, over and through the following described property, due to the closing of access to "O" Street, to wit:

A driveway easement 20 feet in width, located on the existing driveways in Parcel 1, the centerline of which being more particularly described as follows:

Referring to the Northwest corner of the East 142.3 feet of the West 352.3 feet of the South Half of Lot 29, J.G. Miller's Subdivision, as previously described; thence southerly on an assumed bearing of South 00 degrees 13 minutes 29 seconds East, on the west line of the previously described tract, a distance of 31.64 feet, to the point of beginning for the centerline of the described easement; thence easterly on a bearing of North 90 degrees 00 minutes 00 seconds East, on the centerline of said easement a distance of 130.33 feet, to a point of intersection on the centerline of an existing north-south driveway, and then along said north-south driveway to the north line of the previously described tract, thence along said north-south driveway to the south line of the previously described tract, which shall be the point of termination for the described easement, which north-south driveway is substantially as described in Section 1(b) of and shown on Exhibit C to that certain Easement Agreement dated September 8, 1994, by and between Lucille F. Nefsky, Cool Crest Association, Cool Crest Condominium, and Big Red Bistro Limited Partnership, recorded September 9, 1994, with the Register of Deeds, Lancaster County, Nebraska, as Instrument No. 94-40269.

A. SUP FAMILY, LLC - Tract 55

We assess all damages in the sum of \$ 3800.00, which sum we award as follows:

To: Sup Family, LLC	\$ <u>3800.00</u>
To: City Bank & Trust Company	\$ _____
To: Lancaster County, Nebraska	\$ _____

B. SUP FAMILY, LLC - Tract 20

We assess all damages in the sum of \$ 21,225.00, which sum we award as follows:

To: Sup Family, LLC	\$ <u>21,225.00</u>
To: National Bank of Commerce Trust & Savings Association n/k/a Wells Fargo Bank Nebraska, N.A.	\$ _____
To: Lancaster County, Nebraska	\$ _____

C. GALE L. and BERNICE A. SUP - Tract 63

We assess all damages in the sum of \$ 10,850.00, which sum we award as follows:

To: Gale and Bernice Sup	\$ <u>10,850.00</u>
To: City Bank & Trust Company	\$ _____
To: Blockbuster Inc.	\$ _____
To: Lancaster County, Nebraska	\$ _____

GIVEN under our hands this 6 day of December, 2006.

[Signature]
[Signature]

[Signature]
Appraisers

Subscribed and sworn to before me this 6 day of Dec, 2006.



[Signature]
County Judge

BY: [Signature]
Deputy Clerk

FILED
DEC - 6 2006
CLERK OF LANCASTER
COUNTY COURT
DISTRICT THREE

State of Nebraska)
) ss.
County of Lancaster)

I, Deputy Clerk of Lancaster County Court, certify this document consisting of 10 page(s), to be a full, true and correct copy of the original record on file in the Lancaster County Court.

IN TESTIMONY WHEREOF, I have placed my signature and seal of said court.



Dated: 1-19-07

BY THE COURT: Sherry DeLancey
Dep Clk

Court Costs: _____