

LANCASTER COUNTY, NEBRASKA
Docket

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BEFORE THE COUNTY JUDGE OF LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA,)
 A Municipal Corporation,)
)
 Condemner,)
)
 vs.)
)
 JACK W. VAN ALLEN, SR. and PATRICIA A.)
 VAN ALLEN, husband and wife; and)
 LANCASTER COUNTY, NEBRASKA,)
 (Tract 4-V))
)
 STANLEY W. RODENBURG and)
 RUTH I. RODENBURG; husband and wife;)
 DAN MASER, Tenant; and LANCASTER)
 COUNTY, NEBRASKA, (Tract 11-66))
)
 JAMES S. DUBOSE, as Trustee of the James)
 S. DuBose Family Trust; JOY L. DUBOSE, as)
 Trustee of the Joy L. DuBose Family Trust;)
 JAMES S. DUBOSE and JOY L. DUBOSE,)
 husband and wife; MONTGOMERY WARD &)
 CO., INCORPORATED, Tenant; and)
 LANCASTER COUNTY, NEBRASKA,)
 (Tract 6-66))
)
 OTTO GASPAR and ANNELIES GASPAR,)
 husband and wife; NATIONAL BANK OF)
 COMMERCE TRUST AND SAVINGS)
 ASSOCIATION; JOHN HANCOCK MUTUAL)
 LIFE INSURANCE COMPANY; VISTAR BANK)
 now known as NORWEST BANK NEBRASKA)
 N.A.; and LANCASTER COUNTY, NEBRASKA,)
 (Tracts 1-V, 4-C & 3b-C))
)
 Condemnees.)

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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

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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: Jack W. Van Allen, Sr. and Patricia A. Van Allen
Tract: 4-V**

(i) 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, outside the street right-of-way over and through Lot 1, Block 1, Taylor Heights Addition, Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northeast corner of Lot 1, thence westerly along the north line a distance of 31.43 feet, thence southerly along a line normal to the centerline of Vine Street, a distance of 6.20 feet to the true Point of Beginning, thence continuing southerly along the same line a distance of 5.0 feet, thence westerly along a line parallel to the centerline of Vine Street a distance of 64.0 feet, thence deflecting left 90 degrees southerly along a line a distance of 7.0 feet, thence deflecting right 90 degrees westerly along a line parallel to the centerline of Vine Street a distance of 36.0 feet to a point 66.0 feet east of the west line of Lot 1, thence northerly along a line normal to the centerline of Vine Street a distance of 12.0 feet to a point 6.2 feet south of the north line of Lot 1, thence easterly along a line to the Point of Beginning. Said easement contains 752 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.

**B. Owner: Stanley W. Rodenburg and Ruth I. Rodenburg
Tenant: Dan Maser (Dairy Queen)
Tract: 11-66**

(i) Fee Simple Title to:

A tract of land composed of a portion of Lots 24 and 25, Block 2, Herbert Brothers Park Plaza, Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the southwest corner of said Lot 25, thence northerly along the west line of said Lot 25 a distance of 30.0 feet to the True Point of Beginning, thence easterly along a line parallel to the north line of said Lot 25, a distance of 3.0 feet, thence northerly along a line parallel to the west lines of said Lots 25 and 24 to a point of intersection with the north line of said Lot 24, thence westerly along the north line of said Lot 24 a distance of 3.0 feet to the northwest corner of said Lot 24, thence southerly along the west lines of said Lots 24 and 25 to the Point of Beginning. Said tract contains 270 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 outside the street right-of-way over and through the following described real property, to wit:

A portion of Lots 24 and 25, Block 2, Herbert Brothers Park Plaza Addition to the City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northwest corner of said Lot 24, thence easterly along the north line of said Lot 24 a distance of 3.0 feet to the true Point of Beginning, thence southerly along a line parallel to the west line of said Lots 24 and 25, a distance of 90.0 feet, thence easterly along a line parallel to the north line of said Lot 25 a distance of 14.0 feet, thence northerly along a line parallel to the west line of said Lots 24 and 25 to a point of intersection with the north line of said Lot 24, thence westerly along the north line of said Lot 24 to the Point of Beginning. Said easement contains 1,260 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 and drive reconstruction on said property, or one year after commencement of construction on said property, whichever occurs first.

**C. Owner: James S. DuBose, Trustee of the James S. DuBose Family Trust
Joy L. DuBose, Trustee of the Joy L. DuBose Family Trust
Tenant: Montgomery Ward & Co., Incorporated
Tract: 6-66**

- (i) Fee Simple Title to:

A tract of land composed of a portion of Lot 131 of Irregular Tracts located in the SE $\frac{1}{4}$ of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows: .

The easterly 12.0 feet of said lot containing 1,850 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 and parking lot reconstruction, and appurtenances thereto outside the street right-of-way over and through the following described real property, to wit:

A portion of Lot 131, of Irregular Tracts located in the SE $\frac{1}{4}$ 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 southeast corner of said lot, thence westerly along the south line of said lot a distance of 12.0 feet to the true Point of Beginning, thence continuing westerly along the south line of said lot a distance of 30.0 feet, thence northerly along a line parallel to the east line of said lot a distance of 110.0 feet, thence easterly along a line normal to the east line of said lot a distance of 20.0 feet, thence northerly along a line parallel to and 22.0 feet west of the east line of said lot to a point of intersection with the northeast line of said lot, thence southeasterly along the northeast line of said lot to a point 12.0 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 the Point of Beginning. Said easement contains 3,817 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 and drive and parking lot reconstruction on said property, or one year after commencement of construction on said property, whichever occurs first.

D. Owner: Otto Gaspar and Annelies Gaspar
Tract: 3b-C

A permanent easement to construct, reconstruct, maintain, operate and replace a pedestrian/bikepath, and appurtenances thereto, which is located in a portion of Lot 5, Chateau First Addition, in the NW $\frac{1}{4}$ 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 southeast corner of said lot, said point being common to the northwest line of Cotner Boulevard, thence proceeding northeast along the southeast line of said lot a distance of 10.35 feet to the true point of beginning, thence continuing northeasterly along the northwest line on Cotner Boulevard a distance of 41.41 feet to a point 50.0 feet northeast of and normal to the southwest line of said lot, thence deflecting left 104° 59'

northwesterly along a line parallel to the southwest line of said lot a distance of 25.0 feet, thence deflecting left 34° 36' westerly along a line a distance of 68.58 feet to a point 10.0 feet northeast of and normal to the southwest line of said lot, thence southeasterly along a line a distance of 70.0 feet to the Point of Beginning, said easement contains 1,900 square feet, more or less.

Owner: Otto Gaspar and Annelies Gaspar
Tract: 1-V

(i) A permanent easement to construction, reconstruct, maintain, operate and replace street lights, buried cable and a public bus stop shelter adjacent to the north line of Vine Street located in Lot 4, Chateau First Addition in the NW¼ of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

True point of beginning at the southeast corner of said lot, said point being common to the west line of Lot 142 of Irregular Tracts in the NW¼ of Section 21, Township 10 North, Range 7 East of the 6th P.M. and the north right-of-way line on Vine Street, thence northerly along the east line a distance of 2.0 feet, thence westerly along a line parallel to the south line a distance of 210.0 feet, thence deflecting right 90° northerly along a line a distance of 9.0 feet, thence deflecting left 90° westerly along a line a distance of 21.0 feet, thence deflecting left 90° southerly along a line a distance of 9.0 feet, thence deflecting right 90° along a line parallel to the south line a distance of 170.0 feet, thence deflecting left 90° southerly along a line a distance of 2.0 feet to a point of intersection with the south line of said lot, thence easterly along the south line of said lot a distance of 401.0 feet to the Point of Beginning. Said easement contains 991 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, drive reconstruction, and retaining wall construction and appurtenances thereto over and through the following described real property, to wit:

A portion of Lot 4, Chateau First Addition in the NW¼ 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 southeast corner of said lot, said corner being common to the west line of Lot 142 of Irregular Tracts in the NW¼ of Section 21, Township 10 North, Range 7 East of the 6th P.M. and the north right-of-way line on Vine Street, thence northerly along the east line of said lot a distance of 2.0 feet to the true point of beginning, thence westerly along a line parallel to the south line a distance of 210.0 feet, thence deflecting right 90° northerly along a line a distance of 9.0 feet, thence deflecting left

90° westerly along a line a distance of 21.0 feet, thence deflecting left 90° southerly along a line a distance of 9.0 feet, thence deflecting right 90° along a line parallel to the south line a distance of 170.0 feet, thence deflecting left 90° southerly along a line a distance of 2.0 feet to a point of intersection with the south line, thence westerly along the south line a distance of 154.0 feet, thence deflecting right 90° northerly along a line a distance of 8.0 feet, thence deflecting right 90° easterly along a line parallel to the south line a distance of 205.0 feet, thence deflecting left 90° northerly along a line a distance of 27.0 feet, thence deflecting right 90° easterly along a line a distance of 50.0 feet, thence deflecting right 90° southerly along a line a distance of 25.0 feet, thence deflecting left 90° easterly along a line a distance of 55.0 feet, thence deflecting left 90° northerly along a line a distance of 10.0 feet, thence deflecting right 90° easterly along a line a distance of 45.0 feet, thence deflecting right 90° southerly along a line a distance of 10.0 feet, thence deflecting left 90° easterly along a line parallel to the south line of said lot a distance of 200.0 feet to a point of intersection with the east line, thence southerly along the east line a distance of 8.0 feet to the Point of Beginning. Said easement contains 5,349 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, drive reconstruction and retaining wall construction on said property or one year after commencement of construction on said property, whichever occurs first.

Owner: Otto Gaspar and Annelies Gaspar
Tract: 4-C

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

A portion of Lot 5, Chateau First Addition in the NW¼ 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 southeast corner of said lot, said point being common to the northwest line on Cotner Boulevard and the centerline of the former Missouri Pacific right-of-way, thence northeasterly along the northwest line of Cotner Boulevard a distance of 51.70 feet to the true Point of Beginning, thence deflecting left 104° 59' northwesterly along the north line of the former Missouri Pacific Railroad right-of-way a distance of 5.17 feet to a point 13.0 feet normal to the northwest line on Cotner

Boulevard, thence northeasterly along a line parallel to the northwest line of Cotner Boulevard a distance of 186.59 feet, thence deflecting left 49° 55' 30" northerly along a line 9.05 feet to a point 20.0 feet normal to the northwest line on Cotner Boulevard, thence deflecting right 49° 55' 30" along a line parallel to the northwest line on Cotner Boulevard a distance of 49.64 feet to a point of curvature of a horizontal curve to the left having a radius of 760.63 feet, thence along the curve an arc distance of 155.89 feet to a point of intersection with the north line of said lot also known as the former centerline of vacated "W" Street, thence easterly along the north line of said lot a distance of 25.40 feet to a point of intersection with the northwest line of Cotner Boulevard, said point of intersection being 42.0 feet northwest of and normal to the centerline of Cotner Boulevard, thence southwesterly along the northwest line on Cotner Boulevard an arc distance of 175.86 feet to a point of tangency, thence continuing southwest along the northwest line on Cotner Boulevard a distance of 225.10 feet, thence deflecting right 75° 01' 00" northwesterly along a line a distance of 8.28 feet to the Point of Beginning. Said easement contains 5,420 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 and miscellaneous construction on said property or one year after commencement of construction on said property, whichever occurs first.

A. Owner: Jack W. Van Allen, Sr. and Patricia A. Van Allen
Tract: 4-V

We assess all damages in the sum of \$ 150.00, which sum we award as follows:

To: Jack W. Van Allen, Sr. and Patricia A. Van Allen, husband and wife	\$ <u>150.00</u>
To: Lancaster County, Nebraska	\$ <u>-0-</u>

B. Owner: Stanley W. Rodenburg and Ruth I. Rodenburg
Tenant: Dan Maser (Dairy Queen)
Tract: 11-66

We assess all damages in the sum of \$ 6,105.00, which sum we award as follows:

To: Stanley W. Rodenburg and Ruth I. Rodenburg, husband and wife	\$ <u>3,839.83</u>
To: Dan Maser, (Dairy Queen), Tenant	\$ <u>1,300.00</u>
To: Lancaster County, Nebraska	\$ <u>965.17</u>

C. Owner: James S. DuBose, Trustee of the James S. DuBose Family Trust
 Joy L. DuBose, Trustee of the Joy L. DuBose Family Trust
 Tenant: Montgomery Ward & Co., Incorporated
 Tract: 6-66

We assess all damages in the sum of \$ 16,890.00, which sum we award as follows:

To: James S. DuBose, Trustee of the James S. DuBose Family Trust	\$ <u>7,300.00</u>
To: Joy L. DuBose, Trustee of the Joy L. DuBose Family Trust	\$ <u>7,300.00</u>
To: Montgomery Ward & Co., Incorporated Tenant	\$ <u>2,290.00</u>
To: Lancaster County, Nebraska	\$ <u>-0-</u>

D. Owner: Otto Gaspar and Annelies Gaspar
 Tracts: 3b-C, 1-V, and 4-C

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

To: Otto Gaspar and Annelies Gaspar, husband and wife	\$ _____
To: National Bank of Commerce Trust and Savings Association	\$ _____
To: John Hancock Mutual Life Insurance Company	\$ _____
To: Vistar Bank, now known as Norwest Bank Nebraska, N.A.	\$ _____
To: Lancaster County, Nebraska	\$ _____

GIVEN under our hands this 4th day of October, 1996.

Steven E. Gump
James F. Feik
J. E. J.
 Appraisers

Subscribed and sworn to before me this 4th day of October, 1996.



[Signature]
County Judge

By: [Signature]

FILED
OCT 04 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. 1994

Sherry D. Lancy
Deputy Clerk of the County Court

