



BEFORE THE COUNTY JUDGE OF LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA, a)
municipal corporation, d/b/a)
LINCOLN ELECTRIC SYSTEM,)
)
Petitioner and Condemner,)

Case No. CI 17-5039

v.)

REPORT OF APPRAISERS

M.P. O'BRIEN, LLC, a Nebraska Limited)
Liability Company, an undivided 19/54)
interest; C. & E. O'BRIEN, LLC, an)
Oregon limited liability company, an)
undivided 19/54 interest; JEANNE H.)
O'BRIEN, a.k.a. JEANNE O'BRIEN, an)
undivided 16/54 interest (Tract No. 22))

M.P. O'BRIEN, LLC, a Nebraska Limited)
Liability Company, an undivided 1/3)
interest; C. & E. O'BRIEN, LLC, an)
Oregon limited liability company, an)
undivided 1/3 interest; JEANNE O'BRIEN,)
an undivided 1/3 interest (Tract No. 24))

M.P. O'BRIEN, LLC, a Nebraska Limited)
Liability Company, an undivided 19/54)
interest; C. & E. O'BRIEN, LLC, an)
Oregon limited liability company, an)
undivided 19/54 interest; JEANNE H.)
O'BRIEN, a.k.a. JEANNE O'BRIEN, an)
undivided 16/54 interest (Tract No. 30))

Condemnees.)

2017 JUN 14 PM 12 23
CLERK OF
LANCASTER COUNTY
COURT --- FILED



400159277C02

TO THE HONORABLE RODNEY D. REUTER, 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 claimants names 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 claimants have sustained by reason of the taking and appropriating of lands and rights therein for the public purposes as stated in the said Petition and as shown on the attached Exhibits.

We assess all damages in the sum of \$ 167,500.⁰⁰ which sum we award as follows:

TO: M.P. O'Brien, LLC, a Nebraska Limited Liability Company an undivided 19/54 interest;

Tract #22 \$ 9,116.80

TO: C. & E. O'Brien, LLC, an Oregon limited liability company, an undivided 19/54 interest;

Tract #22 \$ 9,116.80

TO: Jeanne H. O'Brien, a.k.a. Jeanne O'Brien, an undivided 16/54 interest;

Tract #22 \$ 7,666.40

TO: M.P. O'Brien, LLC, a Nebraska Limited Liability Company an undivided 1/3 interest;

Tract #24 \$ 28,233.33

TO: C. & E. O'Brien, LLC, an Oregon limited liability company, an undivided 1/3 interest;

Tract #24 \$ 28,233.33

TO: Jeanne H. O'Brien, a.k.a. Jeanne O'Brien, an undivided 1/3 interest;

Tract #24 \$ 28,233.34

TO: M.P. O'Brien, LLC, a Nebraska Limited Liability Company an undivided 19/54 interest;

Tract #30 \$ 20,028.80

TO: C. & E. O'Brien, LLC, an Oregon limited liability company, an undivided 19/54 interest;

Tract #30 \$ 20,028.80

TO: Jeanne H. O'Brien, a.k.a. Jeanne O'Brien, an undivided 16/54 interest;

Tract #30 \$ 16,842.40

GIVEN under our hands this 14th day of June, 2017.

[Signature]
Rodald Petrus
Barbara J. R...

Subscribed and sworn to before me this 14th day of June, 2017.

[Signature]
Rodney D. Reuters, Judge, Lancaster
County Court *KP*

by: Keri Britschau
Deputy Clerk
Lancaster County Court

CLERK OF
LANCASTER COUNTY
COURT --- FILED
2017 JUN 14 PM 12 24

M.P. O'BRIEN, LLC, a Nebraska Limited Liability Company, an undivided 19/54 interest; C. & E. O'BRIEN, LLC, an Oregon limited liability company, an undivided 19/54 interest; JEANNE H. O'BRIEN, a.k.a. JEANNE O'BRIEN, an undivided 16/54 interest (Tract No. 22)

M.P. O'BRIEN, LLC, a Nebraska Limited Liability Company, an undivided 1/3 interest; C. & E. O'BRIEN, LLC, an Oregon limited liability company, an undivided 1/3 interest; JEANNE O'BRIEN, an undivided 1/3 interest (Tract No. 24)

M.P. O'BRIEN, LLC, a Nebraska Limited Liability Company, and undivided 19/54 interest; C. & E. O'BRIEN, LLC, an Oregon limited liability company, an undivided 19/54 interest; JEANNE H. O'BRIEN, a.k.a. JEANNE O'BRIEN, an undivided 16/54 interest (Tract No. 30)

Permanent Right-of-Way Easement
Tract No. 22, 24, 30

To acquire a permanent right, privilege, and easement to access, survey, construct, reconstruct, relocate, maintain, inspect, operate, alter and replace overhead electric transmission lines and appurtenances thereto including structures, structure foundations, poles, pole foundations, down guys, anchors, insulators, underground cables, communication lines, communication equipment, and attachments, wires and supports upon, above, along, under, in and across real estate as described herein on the following terms and conditions.

A. Condemner shall have the right of reasonable ingress and egress to and from the easement area from public roads and streets and from adjacent properties for its employees, contractors, vehicles, and equipment, and shall have the right to install gates or culverts or remove fencing or other obstructions and shall have the right to clear any and all vegetation including, but not limited to, vines, briars, shrubs, trees and other woody stem vegetation from the full width of the easement, either by cutting and removing the growth and/or application of environmentally safe herbicides. Condemner shall have the right to remove or trim trees outside of the easement at its sole expense if, in the judgment of Condemner, they have the potential to fall into the electrical conductor. Row crops are permitted within the easement area, but tree farms and the growing of nursery stock are prohibited.

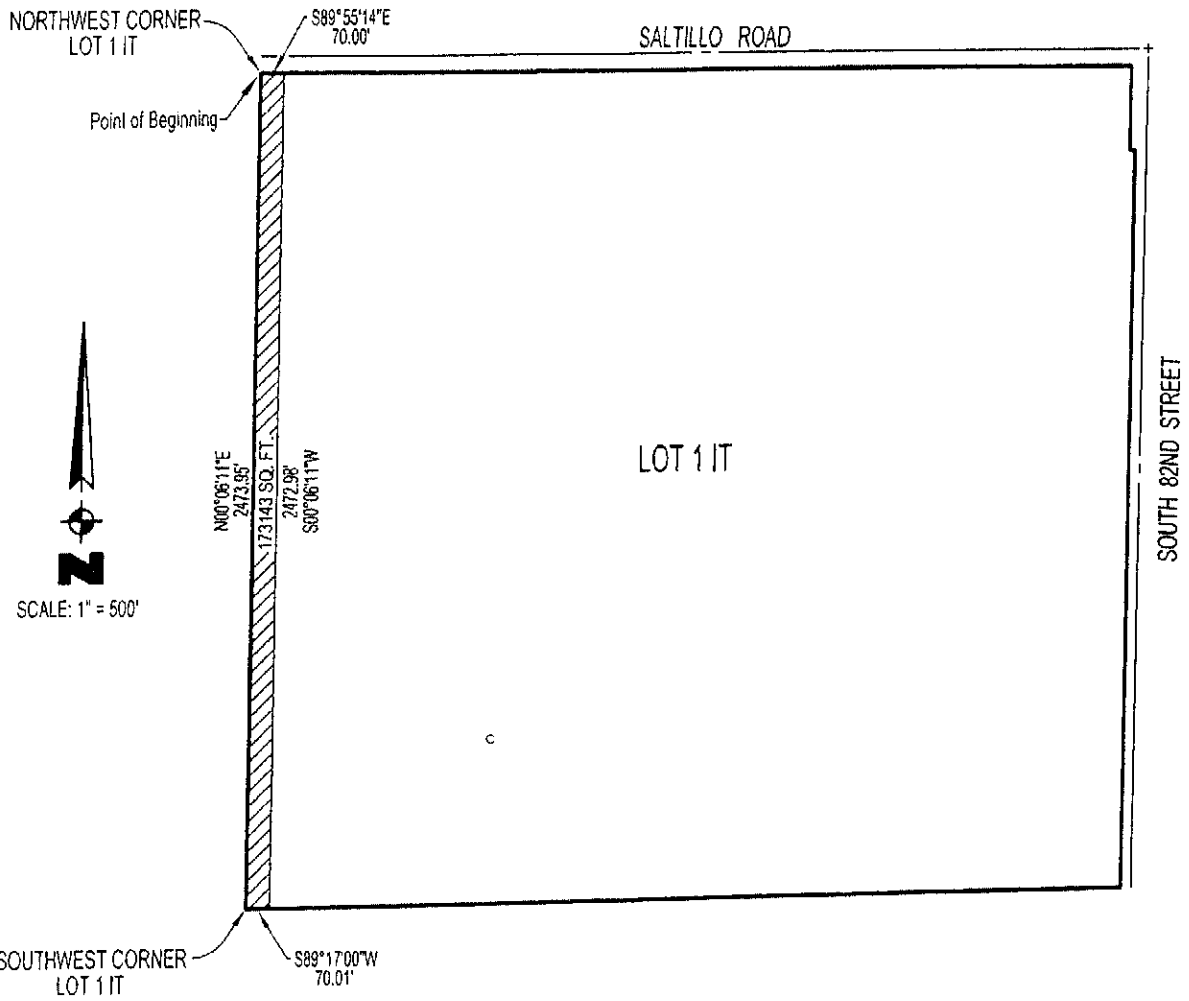
B. Condemnees shall not change or alter the grade of the right-of-way described herein without the prior written approval of Condemner. Condemnee shall not utilize the easement for the storage or placement of items that would, in the judgment of Condemner, endanger or impede access or interfere with Condemner's operations including but not limited to building improvements, barns, outbuildings, swimming pools, lagoons, ponds, billboards, poles, antennas, bulk materials, vehicles, hay bales, large equipment or combustible materials. Condemner shall have the right to remove items which now or at any future time are located on, overhang, or extend into the easement area including but not limited to the following: building improvements, barns, outbuildings, swimming pools, lagoons, ponds, billboards, poles, antennas, bulk materials, vehicles, hay bales, large equipment or combustible materials.

C. Condemner is obtaining the uses herein specified without divesting Condemnee of title and ownership of the rights to use and enjoy the herein described property for any purpose except as herein described for use of the area in any which would, in the judgment of Condemner, endanger or be a hazard to or interfere with the rights of Condemner to use the same for the purpose herein expressed in accordance with the terms hereof, and subject to any prior leases or easements of record heretofore granted to other parties.

D. As soon as possible following completion of any construction by Condemner in the easement area, Condemner will cause to be removed from the property herein described all debris and construction equipment and restore the premises to the extent practical. Any damage to crops of Condemnee or any tenant resulting from the entry upon the property of Condemnee for construction, maintenance, or repair purposes shall be paid to Condemnee or to Condemnee's tenant as determined by agreement of the parties or as determined by law. Condemner shall have the right to take any actions necessary, at its sole expense, to comply with then existing local, state and federal laws and regulations which apply to Condemner.

E. Depictions of the locations of the Permanent Easements to be acquired are as shown on the attached Exhibit "A" (Tract No. 22, dated 8/26/2016, Page 1 of 2 and a legal description of the Permanent Right of Way Easement to be acquired is as shown on the attached Exhibit "A", Page 2 of 2, Tract No. 22; another Permanent Easement to be acquired is as shown on the attached Exhibit "A") (Tract No. 24, dated 8/29/2016, Page 1 of 2 and a legal description of that Permanent Right of Way Easement to be acquired is as shown on the attached Exhibit "A", Page 2 of 2, Tract No. 24; another Permanent Easement to be acquired is as shown on the attached Exhibit "A") (Tract No. 30, dated 8/29/2016, Page 1 of 2 and a legal description of that Permanent Right of Way Easement to be acquired is as shown on the attached Exhibit "A", Page 2 of 2, Track No. 30.)

L.E.S. EASEMENT
 Exhibit "A"
 Page 1 of 2



LEGAL DESCRIPTION: Transmission Line Easement across a part of Lot 1 of Irregular Tracts located in the NE 1/4 of Section 3, T.8N.R.7 East of the 6th PM., Lancaster County, Nebraska

SCALE: 1" = 500' DATE: 8/26/2016 JOB # 2015-0319

Exhibit "A"
Page 2 of 2

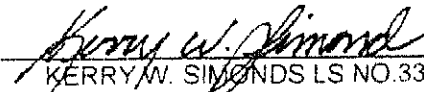
TRACT NO. 22

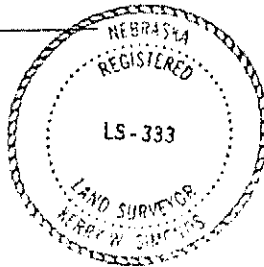
DESCRIPTION OF A TRANSMISSION LINE EASEMENT ACROSS A PART OF LOT 1 OF IRREGULAR TRACTS LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTH LINE OF SAID LOT 1, ON AN ASSUMED BEARING S89°55'14"E FOR A DISTANCE OF 70.00' THENCE S00°06'11"W FOR A DISTANCE OF 2472.98' TO A POINT ON THE SOUTH LINE OF SAID LOT 1 THENCE S89°17'00"W, ALONG THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 70.01' TO THE SOUTHWEST CORNER OF SAID LOT 1

THENCE N00°06'11"E, ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 2473.95' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 173143 SQUARE FEET OR 3.97 ACRES

I HEREBY CERTIFY THE LOCATION OF THE PROPOSED EASEMENT ACROSS THE PROPERTY DESCRIBED ABOVE, THE CENTERLINE OF WHICH WAS LOCATED BY ME OR UNDER MY DIRECT SUPERVISION.
SIGNED THIS 26TH DAY OF AUGUST, 2016


KERRY W. SIMONDS LS NO. 333



L.E.S. EASEMENT

Exhibit "A"

Page 1 of 2

NORTHWEST CORNER LOT 4 IT
(Point of Beginning)

S89°55'44"E
1343.50'

S00°01'21"W
80.00'

1262.86'
N89°55'44"W

LOT 4 IT

N00°26'12"W
2543.89'

305383 SQ. FT.

2400.21'
S00°26'12"E

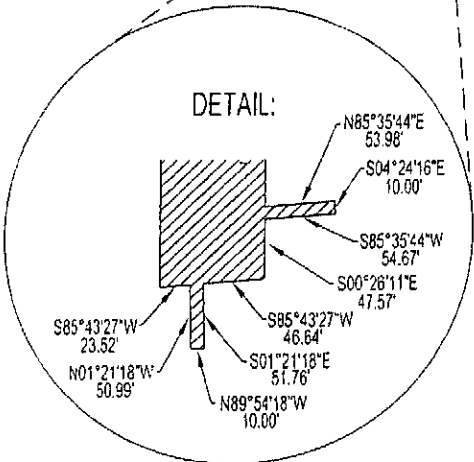


SCALE: 1" = 500'

LOT 5 IT

SALTILLO ROAD

DETAIL:



LEGAL DESCRIPTION: Transmission Line Easement across a part of Lot 4 of Irregular Tracts located in the SE. 1/4 of Section 34, T.9N.R.7 East of the 6th PM., Lancaster County, Nebraska

SCALE: 1" = 500'

DATE: 8/29/2016

JOB # 2015-0319

Tract 24

Exhibit "A"
Page 2 of 2

TRACT NO. 24

DESCRIPTION OF A TRANSMISSION LINE EASEMENT ACROSS A PART OF LOT 4 OF IRREGULAR TRACTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTH LINE OF SAID LOT 4, ON AN ASSUMED BEARING OF S89°55'44"E FOR A DISTANCE OF 1343.50' TO THE NORTHEAST CORNER OF SAID LOT 4

THENCE S00°01'21"W, ALONG THE EAST LINE OF SAID LOT 4, FOR A DISTANCE OF 80.00'

THENCE N89°55'44"W FOR A DISTANCE OF 1262.86'

THENCE S00°26'12"E FOR A DISTANCE OF 2400.21'

THENCE N85°35'44"E FOR A DISTANCE OF 53.98'

THENCE S04°24'16"E FOR A DISTANCE OF 10.00'

THENCE S85°35'44"W FOR A DISTANCE OF 54.67'

THENCE S00°26'11"E FOR A DISTANCE OF 47.57'

THENCE S85°43'27"W FOR A DISTANCE OF 46.64'

THENCE S01°21'18"E FOR A DISTANCE OF 51.76' TO A POINT ON THE SOUTH LINE OF SAID LOT 4

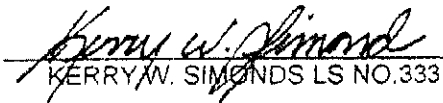
THENCE N89°54'18"W, ALONG THE SOUTH LINE OF SAID LOT 4, FOR A DISTANCE OF 10.00'

THENCE N01°21'18"W FOR A DISTANCE OF 50.99'

THENCE S85°43'27"W FOR A DISTANCE OF 23.52' TO A POINT ON THE WEST LINE OF SAID LOT 4

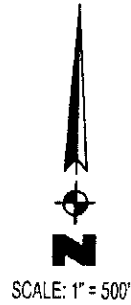
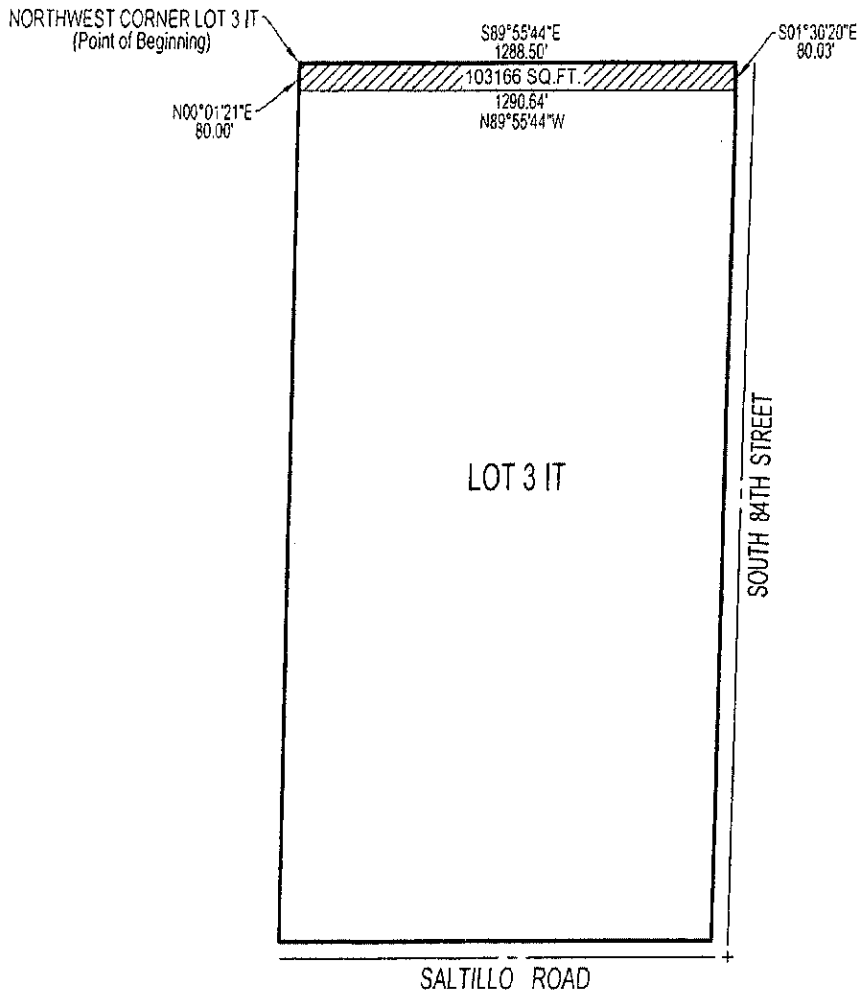
THENCE N00°26'12"W, ALONG THE WEST LINE OF SAID LOT 4, FOR A DISTANCE OF 2543.89' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 305383 SQUARE FEET OR 7.01 ACRES

I HEREBY CERTIFY THE LOCATION OF THE PROPOSED EASEMENT ACROSS THE PROPERTY DESCRIBED ABOVE, THE CENTERLINE OF WHICH WAS LOCATED BY ME OR UNDER MY DIRECT SUPERVISION.
SIGNED THIS 29TH DAY OF AUGUST, 2016


KERRY W. SIMONDS LS NO.333



L.E.S. EASEMENT.
 Exhibit "B"
 Page 1 of 2



LEGAL DESCRIPTION: Transmission Line Easement across a part of Lot 3 of Irregular Tracts located in the SE. 1/4 of Section 34, T.9N.R.7 East of the 6th PM., Lancaster County, Nebraska

SCALE: 1" = 500' DATE: 8/29/2016 JOB # 2015-0319

Tract 30

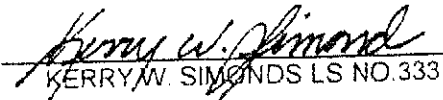
Exhibit "B"
Page 2 of 2

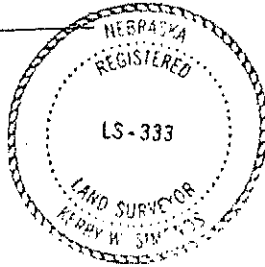
TRACT NO. 30

DESCRIPTION OF A TRANSMISSION LINE EASEMENT ACROSS A PART OF LOT 3 OF IRREGULAR TRACTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTH LINE OF SAID LOT 3, ON AN ASSUMED BEARING OF S89°55'44"E FOR A DISTANCE OF 1288.50' TO THE NORTHEAST CORNER OF SAID LOT 3
THENCE S01°30'20"E, ALONG THE EAST LINE OF SAID LOT 3, FOR A DISTANCE OF 80.03'
THENCE N89°55'44"W FOR A DISTANCE OF 1290.64' TO A POINT ON THE WEST LINE OF SAID LOT 3
THENCE N00°01'21"E, ALONG THE WEST LINE OF SAID LOT 3, FOR A DISTANCE OF 80.00' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 103166 SQUARE FEET OR 2.37 ACRES

I HEREBY CERTIFY THE LOCATION OF THE PROPOSED EASEMENT ACROSS THE PROPERTY DESCRIBED ABOVE, THE CENTERLINE OF WHICH WAS LOCATED BY ME OR UNDER MY DIRECT SUPERVISION.
SIGNED THIS 29TH DAY OF AUGUST, 2016


KERRY W. SIMONDS LS NO. 333



State of Nebraska)
) ss.
County of Lancaster)



I, Clerk of Lancaster County Court, certify this document consisting of 12 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: July 11, 2017
Kara Butchau

BY THE COURT