

BEFORE THE COUNTY JUDGE OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA
DEPARTMENT OF ROADS

RETURN OF APPRAISERS

VS.

DOC. C-2 PAGE 49

Frank E. Mercurio, single
Morton F. Wells and Helen Wells,
husband and wife
Richard Jeck, tenant (Mercurio land)

TO HONORABLE ROBERT TROYER, COUNTY JUDGE, DOUGLAS COUNTY, NEBRASKA:

We, the undersigned Appraisers, do hereby certify that under and by virtue of an "Appointment of Appraisers" duly served upon us by the Sheriff of Douglas County, Nebraska, on the 23d day of April A.D., 1958, and after having taken and signed an oath to support the Constitution of the United States of America and the State of Nebraska, to faithfully and impartially discharge our duties as required by law, and to honestly and truly assess the damages which the owners of the real estate, described in said "Appointment of Appraisers" will sustain by reason of the taking of permanent easement to certain lands for right of way, for the purpose of relocating a part of State Highway No. 38, and also for damages due to limitation of egress and ingress to said highway; that we did inspect the real estate herein described at the time and place designated and did at said time and place sit as a Board of Appraisers and did receive evidence relative to the amount of damages that will be sustained by the owners of said real estate by reason of the taking thereof by the Department of Roads of the State of Nebraska, for right of way purposes, and also damages due to limitation of egress and ingress to said highway, the real estate referred to above being described as follows:

CONDEMNATION

Land Owners: Frank E. Mercurio, a single man

Tenant: Richard Jeck,

Project: F-446 (4) AFE R-733a Douglas County, Nebraska

A tract of land for highway right of way lying across the southern part of the South 514.4 feet of the Northeast Quarter of Section 3, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the east quarter corner of said Section 3; thence westerly on the South line of the South 514.4 feet of the Northeast Quarter of said Section 3 a distance of 33.0 feet to the point of beginning; thence continuing westerly on said South line a distance of 2,546.4 feet, more or less, to a point 33.0 feet easterly from the southwest corner of said Northeast Quarter; thence northerly on a line 33.0 feet easterly from and parallel to the West line of said Northeast Quarter a distance of 200.4 feet; thence easterly a distance of 431.0 feet to a point 200.3 feet northerly from said South line; thence continuing easterly a distance of 1,101.1 feet to a point 150.2 feet northerly from said South line; thence southerly on a line perpendicular to said South line a distance of 50.0 feet; thence easterly a distance of 900.0 feet to a point 100.0 feet northerly from said South line; thence northeasterly a distance of 321.4 feet, more or less, to a point 33.0 feet westerly from the East line of said Northeast Quarter; thence southerly on a line 33.0 feet westerly from and parallel to said East line a distance of 400.0 feet to the point of beginning, containing 9.14 acres, more or less.

There will be no ingress and egress from the above described tract onto the remaining property of the condemnee.

Also a tract of land lying across the northern part of the Northwest Quarter of the Southeast Quarter of Section 3, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the center quarter corner of said Section 3; thence easterly on the North line of the Northwest Quarter of the Southeast Quarter of said Section 3 a distance of 33.0 feet to the point of beginning; thence continuing easterly on said North line a distance of 1,273.2 feet, more or less, to a point on the East line of said Northwest Quarter of the Southeast Quarter; thence southerly on said East line a distance of 169.8 feet; thence westerly a distance of 1,273.8 feet, more or less, to a point 33.0 feet easterly from, measured at right angles to the west line of said Northwest Quarter of the Southeast Quarter; thence northerly on a line 33.0 feet easterly from and parallel to said West line a distance of 209.6 feet to the point of beginning, containing 5.54 acres, more or less.

There will be no ingress and egress from the above described tract onto the remaining property of the condemnee.

CONDEMNATION

Land Owner: Morton F. Wells and Helen Wells, husband and wife

Mortgage: Commercial Savings and Loan Association

Project: F-446 (A) AFE: R-733a Douglas County, Nebraska

A tract of land for highway right of way located in the southern part of part of the Northwest Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Referring to the west quarter corner of said Section 2; thence easterly on the South line of the Northwest Quarter of said Section 2 a distance of 551.6 feet; thence northerly 90 degrees left a distance of 40.0 feet to the point of beginning; thence continuing northerly on the last described course produced a distance of 20.0 feet; thence westerly a distance of 202.2 feet to a point 90.0 feet northerly from said South line; thence continuing westerly a distance of 131.5 feet to a point 85.0 feet northerly from said South line, said point being on the existing (1957) right of way line; thence southeasterly on a 367.0 foot radius curve to the left (initial tangent of which forms an angle of 149 degrees 09 minutes left with the last described course produced a distance of 183.7 feet to a point of tangency; thence easterly, tangent, a distance of 155.3 feet, more or less, to the point of beginning, containing 0.24 acre, more or less.

There will be no ingress and egress from the above described tract onto the remaining property of the condemnee, except over one private residential entrance not to exceed 20 feet in width, to provide ingress and egress to dwelling of the condemnee so long as it is used consistent with normal activities thereto, the centerline of which to be located 501.6 feet easterly from, as measured along the centerline of the highway, the southwest corner of said Northwest Quarter.

Also, access to "L" Street and 84th Street in the city of Omaha, Nebraska, from land on the North and West between the point of beginning and the point of termination of the following described line is hereby classified as controlled with no exceptions.

Referring to the west quarter corner of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska; thence easterly on the South line of the Northwest Quarter of said Section 2 a distance of 551.6 feet; thence northerly 90 degrees left a distance of 40.0 feet; thence westerly 90 degrees left a distance of 155.3 feet to a point of curvature; thence northwesterly on a 367.8 foot radius curve to the right (initial tangent of which coincides with the last described course produced) a distance of 183.7 feet to the point of beginning of said line; thence continuing northwesterly on the last described curve produced a distance of 244.4 feet, more or less, to a point on the Northwest property line, said point also being the point of termination of said line.

The land referred to above being located in the Northwest Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska.

Now, therefore, we, as Appraisers aforesaid, do hereby find and appraise the damages that will be suffered by reason of the taking of easement to said lands for right of way purposes by the Department of Roads of the State of Nebraska, and also damages due to limitation of egress and ingress to said highway, in amounts of:

Frank E. Mercurio	\$ 17,587.00
Morton F. Wells	2,325.00
Helen Wells	2,325.00
Richard Jeck	200.00

NOTE: Condemnees questioned right of State of Nebraska to institute condemnation proceedings, contending no bona fide negotiations were made on question of damages, for access and rights of ingress and egress and damages therefrom; and questioned jurisdiction of board to sit as appraisers on jurisdictional grounds only.

All of which is hereby respectfully submitted.

Dated this 23rd day of May A.D., 1958.

/s/ Harold E. Roe
 /s/ Kenneth F. Reed
 /s/ Rudolph Tesar
 Appraisers

STATE OF NEBRASKA
 COUNTY OF DAVENPORT
 hereby certify that
 to be a full and true
 thereof, and that
 the legal custody and
 that the seat of said court

WITNESS my hand and
 this 3rd day of September 1958
 ROBERT R. ... Court Judge
 Joseph J. Delitz
 Clerk of the County Court

6. 17 Sept. 58 12:55 P

REGISTER OF CLERK 3.75