

56-785

BEFORE THE COUNTY JUDGE OF SARPY COUNTY, NEBRASKA

STATE OF NEBRASKA
DEPARTMENT OF ROADS,

Condemner,

v.

WILLIAM E. SPADER and KOILA R.
SPADER, Husband and Wife, Joint
Tenants; S. E. COPPLE and
COMMONWEALTH SAVINGS COMPANY of
LINCOLN, Mortgagees; SARPY COUNTY
TREASURER;

DONALD D. GRAHAM, Owner; MARGERY
L. GRAHAM, Wife of Donald D.
Graham; SARPY COUNTY TREASURER;

MICHAEL P. PARKS and DIANE
BISBEE, Trustees; SARPY COUNTY
TREASURER;

ERNEST OLSAN and AUDREY OLSAN,
Joint Tenants; SARPY COUNTY
TREASURER;

Condemnees.

Docket 114 Page 20 Case

RETURN
OF
APPRAISERS

FILED SARPY COUNTY 66 50
56 Misc. Rec.
PAGE 785
1983 DEC -8 AM 10:10
C. J. [Signature]
REGISTER OF DEEDS

TO THE COUNTY JUDGE OF SARPY COUNTY, NEBRASKA.

We, the undersigned appraisers, do hereby certify that under
and by virtue of an "Appointment of Appraisers" duly served upon
us by _____, Sheriff or Deputy Sheriff of Sarpy
County, Nebraska, on the _____ day of _____, 19 83,
and after having taken and filed the "Oath of Appraisers" that we
did carefully inspect and view the property described herein, sought
to be appropriated by the State of Nebraska, Department of Roads,
and also other property of the condemnees alleged damaged thereby

12981

and did hear all parties interested therein in reference to the amount of damages sustained while we were so inspecting and viewing the property herein described and thereafter did assess the damages that the condemnees have sustained or will sustain by such appropriation of the property herein described for State highway purposes and also damage to such other property of the condemnees as in our opinion, was damaged by the appropriation of the property herein described:

5-6-785B

Project: RS-31-2(101)

AFE: R-948

Sarpy County

Tract: 2

CONDEMNATION

OWNERS: WILLIAM E. AND KOILA R. SPADER, HUSBAND AND WIFE, J.T.

MORTGAGEES: S. E. COPPLE AND COMMONWEALTH COMPANY OF LINCOLN

PROJECT RS-31-2(101) TRACT 2

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTHERLY A DISTANCE OF 943.57 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE WESTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS LEFT, A DISTANCE OF 60.00 FEET TO A POINT ON THE WESTERLY EXISTING HIGHWAY RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 088 DEGREES, 47 MINUTES, 14 SECONDS LEFT, A DISTANCE OF 944.77 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EASTERLY DEFLECTING 091 DEGREES, 55 MINUTES, 21 SECONDS LEFT, A DISTANCE OF 80.00 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING CONTAINING 1.52 ACRES, MORE OR LESS, WHICH INCLUDES 0.68 ACRES, MORE OR LESS PREVIOUSLY OCCUPIED AS PUBLIC HIGHWAY.

THERE WILL BE NO INGRESS OR EGRESS OVER THE ABOVE DESCRIBED TRACT FROM OR TO THE REMAINDER OF SAID QUARTER SECTION. EXCEPT, OVER THE EXISTING PUBLIC ROAD ALONG THE SOUTH LINE OF SAID QUARTER SECTION. EXCEPT, OVER ONE CONDITIONAL RESTRICTED ACCESS(ES). SUCH ACCESS IS TO BE PERMITTED ONLY IF IT DOES NOT EXCEED 40 FEET IN WIDTH, AND ONLY SO LONG AS TRAFFIC UPON SUCH ACCESS(ES) DOES NOT EXCEED 10 VEHICLE MOVEMENTS PER HOUR AS DETERMINED BY THE DEPARTMENT OF ROADS IN ACCORDANCE WITH THE PROCEDURES INDICATED BELOW. THE CENTERLINE(S) OF THE ACCESS(ES) (IS, ARE) LOCATED NORTHERLY 765.10 FEET FROM THE SOUTH LINE OF SAID QUARTER SECTION AS MEASURED ALONG THE CENTERLINE OF THE HIGHWAY.

AND ALSO:

FOR THE PURPOSE OF THIS INSTRUMENT, THE 10 VEHICLE MOVEMENTS PER HOUR WILL BE MEASURED AND DETERMINED BY THE FOLLOWING PROCEDURE: UPON ITS OWN DETERMINATION OR WHENEVER TRAFFIC CONGESTION OCCURS AT A RESTRICTED ACCESS, THE DEPARTMENT MAY MAKE A TRAFFIC COUNT, SUCH COUNT TO BE FOR A MINIMUM 8-HOUR PERIOD DURING THE HOURS OF 7 AM TO 9 AM, 10 AM TO 1 PM, 3 PM TO 6 PM, AND, IN ADDITION, FOR ANY OTHER PEAK HOURS PECULIAR TO THE HIGHWAY. THE AVERAGE HOURLY TRAFFIC WILL BE DETERMINED BY DIVIDING THE TOTAL NUMBER OF VEHICLE MOVEMENTS RECORDED DURING THE TIME PERIODS BY THE LENGTH OF THE TIME PERIODS IN HOURS. IN THE EVENT ANY OF THE PEAK HOUR VEHICLE COUNTS EXCEEDS THE AVERAGE BY A FACTOR OF 1.5, THE HIGHER FIGURE MAY BE USED TO DETERMINE THE NUMBER OF VEHICLE MOVEMENTS FOR THE ACCESS POINT.

PROVIDED THAT THE GRANTOR DOES COVENANT AND AGREE THAT SHOULD HE OR HIS SUCCESSORS IN TITLE FAIL AND REFUSE TO KEEP OR PERFORM THE PROVISIONS LIMITING TRAFFIC IN SUCH ACCESS TO 10 VEHICLE MOVEMENTS PER HOUR, BY EXCEEDING THIS AMOUNT ON FIVE OR MORE SEPARATE OCCASIONS WITHIN A CONTINUOUS THREE-MONTH PERIOD, HE, OR HIS SUCCESSORS IN TITLE, WILL BE CONSIDERED IN VIOLATION OF THE TERMS OF THIS INSTRUMENT AND SUBJECT TO APPROPRIATE PROCEEDINGS AT LAW OR IN EQUITY FOR ITS ENFORCEMENT.

ALL RIGHTS TO OIL AND GAS MINERALS IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEDS AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNEDS AND/OR HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID REAL PROPERTY FOR ANY PURPOSE CONCERNING SAID OIL AND GAS MINERAL RIGHTS, NOR SHALL SAID CONDEMNEDS AND/OR HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS IN EXTRACTING SAID OIL AND GAS MINERALS FROM SAID REAL PROPERTY, DAMAGE OR IN ANY WAY IMPAIR THE USE OF SAID REAL PROPERTY.

56-1002

Total R.O.W. 1.52 Acres
Prev. R.O.W. 0.68 Acre
New R.O.W. 0.84 Acre

Sta. 107 + 59
Restricted Dr.

105 + 80.37
57' 36" \angle

88° 47' 14"

60.00

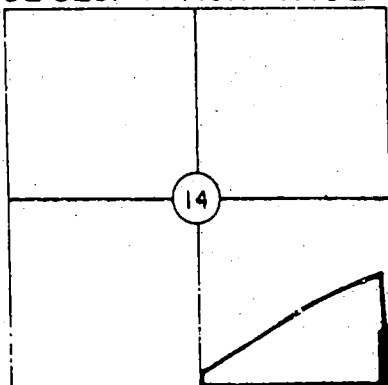
Proj. \angle

SEC. LINE

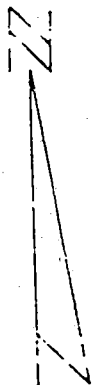
944.77'

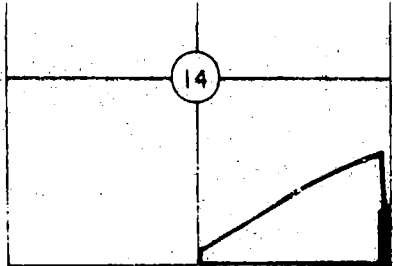
943.57'

⁴
SE SEC. 14-T13N-R10E

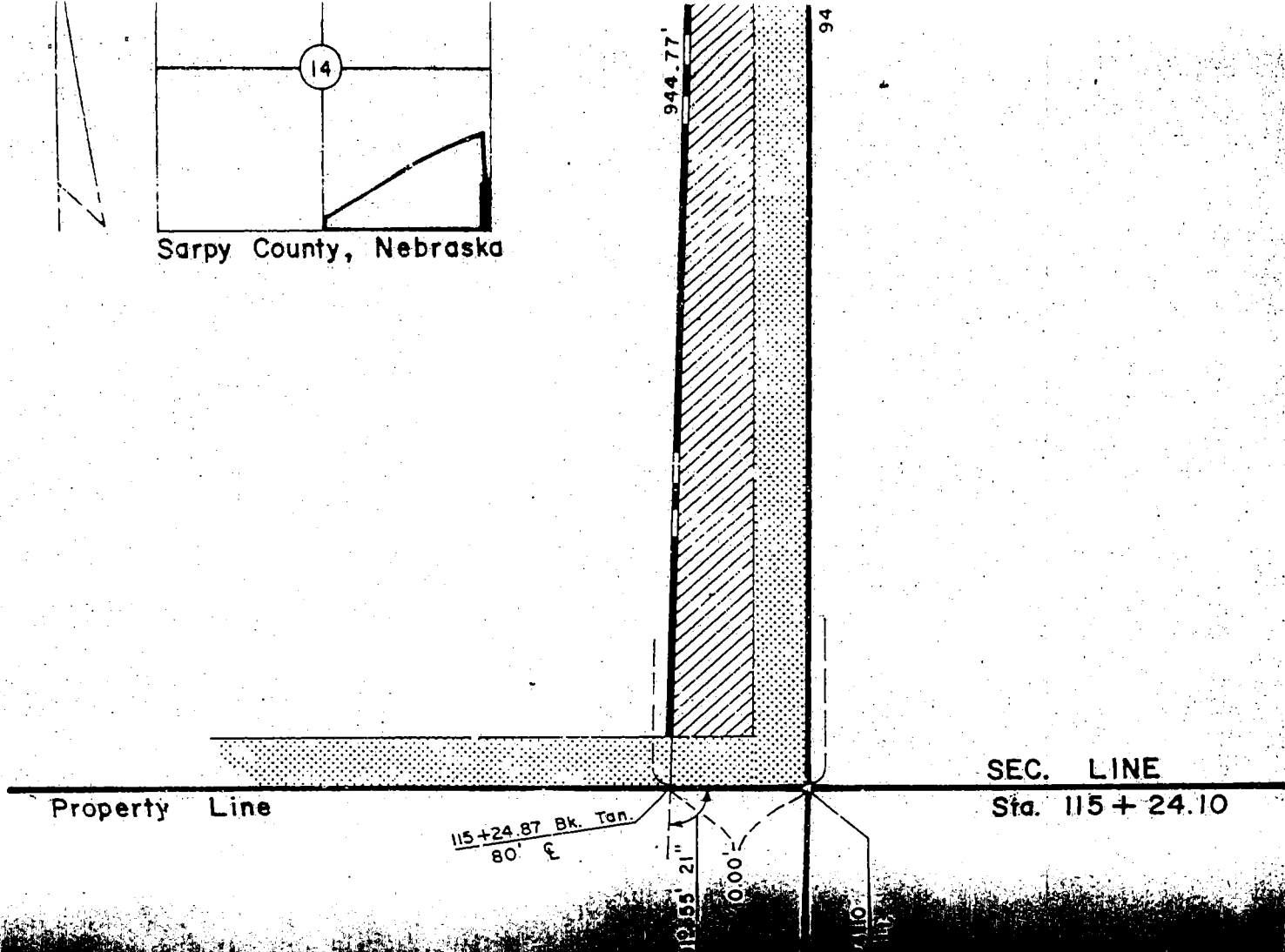


Sarpy County, Nebraska





Sarpy County, Nebraska

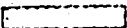
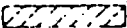
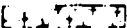
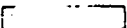



PLAT SHOWING
RIGHT OF WAY
TO BE ACQUIRED FROM LAND OWNED BY
WILLIAM E. AND KOILA R. SPADER, H. & W., J.T.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
RIGHT OF WAY DIVISION
LINCOLN, NEBRASKA

TRACT NO 2 SCALE 1" = 100'

PROJECT NO. RS-31-2 (101)
AFE R-948

PREV. R.O.W. 
NEW R.O.W.  0.84 Acre
TEMP. EASE. 
PERM. EASE. 
CONTROLLED ACCESS 

DRAWN BY M.J.S. 8-25-83
CHECKED BY R.L.W. 8-25-83
COMPUTED BY
WRITTEN BY
CHECKED BY

56-785K

Now, therefore, we, as appraisers aforesaid, do hereby find and appraise the damages that will be suffered by reason of the appropriation of title to the said property or any interest therein described for State highway purposes by the State of Nebraska, Department of Roads, in the amount of:

TOTAL AMOUNT AWARDED FOR ACQUISITION OF TRACT 2 \$ 4092.00

Award to be distributed as follows:

To: William E. Spader and Koila R. Spader, Husband and Wife, Joint Tenants; \$ 50.00 ABSTRACT

S. E. Copple, Mortgagee; \$ 2849.00

Commonwealth Savings Company of Lincoln, Mortgagees; \$ 1163.97

Sarpy County Treasurer; \$ 29.23

TOTAL AMOUNT AWARDED FOR ACQUISITION OF TRACT 3 \$ 3720.50

Award to be distributed as follows:

To: Donald D. Graham, Owner; \$ 3720.50 INCL ABSTRACT

Margery L. Graham, Wife of Donald D. Graham; \$ 0

Sarpy County Treasurer; \$ 0

TOTAL AMOUNT AWARDED FOR ACQUISITION OF TRACT 4 \$ 3656.00

Award to be distributed as follows:

To: Michael P. Parks, Trustee; \$ 1546.00

Diane Bisbee, Trustee; \$ 2059.00

Sarpy County Treasurer; \$ 0

ABSTRACT \$ 50

56-725L

TOTAL AMOUNT AWARDED FOR ACQUISITION OF TRACT 5

\$ _____

Award to be distributed as follows:

To: Ernest Olsan and Audrey Olsan,
Joint Tenants;

\$ _____

Sarpy County Treasurer;

\$ _____

STATE OF NEBRASKA }
COUNTY OF SARPY } SS.

Docket 111 Page 20

I, the Judge of the County Court in and for said county, do hereby certify that I have compared the foregoing _____ pages, with the original thereof now remaining on file in this Court, and that the same is a correct transcript thereof, and of the whole thereof original.

Dated 12/1/83

SEAL

By

County Judge

Clerk of the County Court

All of which is hereby respectfully submitted.

Dated this 30th day of November, A.D. 1983.

Van A. Schroeder
Nel Young
James L. Wilcox
Appraisers

Subscribed and sworn to before me this 30th day of November, A.D. 1983.

(SEAL)

County Judge