

53-174

BEFORE THE COUNTY JUDGE OF SARPY COUNTY, NEBRASKA

STATE OF NEBRASKA
DEPARTMENT OF ROADS,

Docket 74 Page 9 Case _____

Condemner,

v.

FRANK J. WEAR, ROBERT E. WEAR,
JOHN R. MCCORMACK and JOHN
J. HANLEY, Tenants in Common;
MARJORIE H. WEAR, Wife of
Frank J. Wear; FRANCES R. WEAR,
Wife of Robert E. Wear; HELEN
B. MCCORMACK, Wife of John R.
McCormack; KATHLEEN C. HANLEY,
Wife of John J. Hanley; DWAYNE
DONAHOO, Lessee; BANK OF
BELLEVUE, Mortgagee; SARPY
COUNTY TREASURER;

RETURN
OF
APPRAISERS

FILED FOR RECORD 7-28-80 AT SARPY IN BOOK 53 OF Misc. Rec.
PAGE 474 Carl L. H. Haled REGISTER OF DEEDS, SARPY COUNTY, NEB. 18²⁵

Condemnees.

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 19 day of June 1980, 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 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:

Let 05418

53.474

CONDEMNATION

Owner: Frank J. Wear, Robert E. Wear, John R. McCormick & John J. Hanley, Tenants in Common

Lessee: Dwayne Donahoo

PROJECT I-80-9(417) TRACT 11

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 69.40 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE WESTERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 559.10 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTHERLY DEFLECTING 090 DEGREES, 24 MINUTES RIGHT, A DISTANCE OF 1536.21 FEET; THENCE EASTERLY DEFLECTING 090 DEGREES, 00 MINUTES RIGHT, A DISTANCE OF 513.58 FEET TO A POINT ON THE WESTERLY EXISTING HIGHWAY 50 RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 091 DEGREES, 21 MINUTES RIGHT, A DISTANCE OF 821.03 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 006 DEGREES, 30 MINUTES LEFT, A DISTANCE OF 714.49 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 18.12 ACRES, MORE OR LESS.

FEE SIMPLE
ANY, FOR

ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNNEES AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNNEES 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 MINERAL RIGHTS, NOR SHALL SAID CONDEMNNEES AND/OR HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS IN EXTRACTING SAID MINERALS FROM SAID REAL PROPERTY, DAMAGE OR IN ANY WAY IMPAIR THE USE OF SAID REAL PROPERTY.

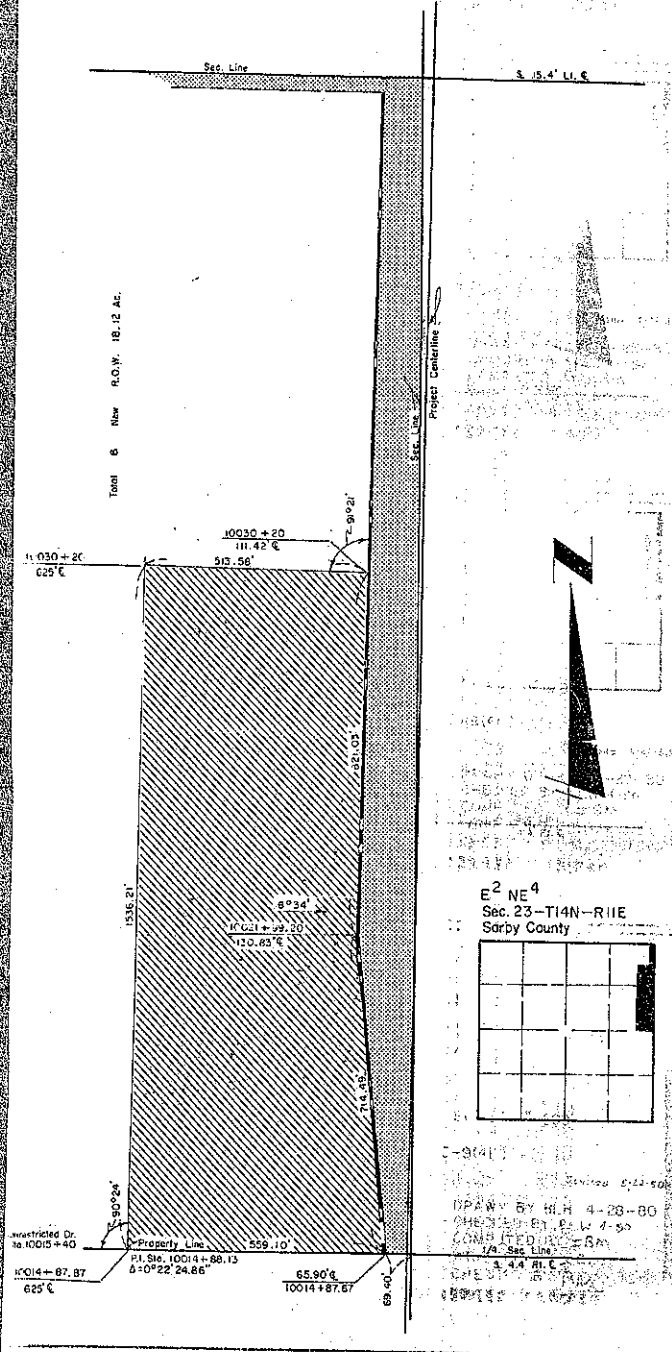
THERE WILL BE NO INGRESS OR EGRESS OVER THE WESTERLY EXISTING HIGHWAY 50 RIGHT OF WAY LINE LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, FROM OR TO THE REMAINDER OF SAID NORTHEAST QUARTER, EXCEPT, OVER ONE UNRESTRICTED DRIVE(S) NOT TO EXCEED 40 FEET IN WIDTH, THE CENTERLINE(S) OF WHICH (IS, ARE) LOCATED 51.85 FEET FROM THE SOUTH LINE OF SAID QUARTER AS MEASURED ALONG THE PROJECT CENTERLINE.

IT IS THE INTENTION OF THIS DEED THAT THE CONTROL OF ACCESS REMAIN UNCHANGED, EXCEPT THAT THE RIGHTS OF INGRESS AND EGRESS AS GRANTED IN THE DOCUMENT FILED IN DEED BOOK 110, PAGE 227, IN THE RECORDS OF THE REGISTER OF DEEDS OF SARPY COUNTY, NEBRASKA SHALL BE TERMINATED, AND THAT THE RIGHTS OF INGRESS AND EGRESS AS DESCRIBED ABOVE SHALL PREVAIL.

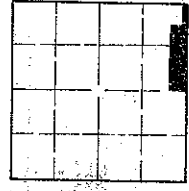
WITNESSETH THAT I, THE CLERK OF SAID COUNTY, HAVE READ THE FOREGOING DEED AND IT IS MY DUTY TO RECORD THE SAME IN THE PUBLIC RECORDS OF SAID COUNTY.

CLERK OF COUNTY
SARPY COUNTY, NEBRASKA

53-4746



E 2 NE 4
 Sec. 23-T14N-R11E
 Sorby County



Revised 5-22-80
 DRAWN BY BLH 4-28-80
 CHECKED BY R.L.W. 4-30
 COMPUTED BY G.M.
 WRITTEN BY G.M.
 CHECKED BY R.L.W.

PLAT SHOWING
RIGHT OF WAY
 TO BE ACQUIRED FROM LAND OWNED BY
FRANK J. WEAR, ROBERT E. WEAR, JOHN R. McCORMICK & JOHN J. HANLEY, T.C.
 LESSEE - DWAYNE DONAHOO

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

TRACT NO. 11 SCALE 1" = 200'
 PROJECT NO. 1-80-9(417)
 AFE R-339

Revised 5-22-80

REV. ROW. [Symbol]
 NEW ROW. [Symbol] 18.12 ACRES
 TEMP. EASE. [Symbol]
 PERM. EASE. [Symbol]
 CONTROLLED ACCESS [Symbol]

DRAWN BY BLH 4-28-80
 CHECKED BY R.L.W. 4-30
 COMPUTED BY G.M.
 WRITTEN BY G.M.
 CHECKED BY R.L.W.

53-474D

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 11 \$480,942

Award to be distributed as follows:

To: Frank J. Wear,	\$ 44,834
Robert E. Wear,	\$ 44,834
John R. McCormack and	\$ 89,666
John J. Hanley, Tenants in	\$ 59,778
Common;	
Marjorie H. Wear, Wife of	\$ 44,834
Frank J. Wear;	
Frances R. Wear, Wife of	\$ 44,834
Robert E. Wear;	
Helen B. McCormack, Wife of	\$ 89,666
John R. McCormack;	
Kathleen C. Hanley, Wife of	\$ 59,778
John J. Hanley;	
Dwayne Donahoo, Lessee;	\$ 2,718
Bank of Bellevue, Mortgagee;	\$ Hanley-Unknown amount
Sarpy County Treasurer;	\$ —

All of which is hereby respectfully submitted.

Dated this 10th day of July, A.D. 1980.

Tom Draffy
Jerry Strawn
James H. Hall
 Appraisers

Subscribed and sworn to before me this 10 day of July, A.D. 1980

(SEAL)

Donald W. Jones
 County Judge

53-474 E

PAPILLION TIMES PRINT

IN THE COUNTY COURT, OF THE COUNTY OF SARPY, STATE OF NEBRASKA
(Certified Copy of Record)

STATE OF NEBRASKA }
County of Sarpy } ss.

I, ALBERT C. WALSH, Judge of the County Court of the County of Sarpy,
State of Nebraska, do hereby certify that I have compared the foregoing copies of

Proceedings had and done in the case entitled:

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Condemner

vs

Co. Frank J. Wear, et al

Doc M4 No. 9

with the original records thereof, now remaining in said Court; that the same are correct transcripts thereof, and
of the whole of said original records.

In Witness Whereof I have hereunto set my hand and
affixed the seal of said County Court in Papillion, County
of Sarpy, State of Nebraska, on this 28th day of
July A.D. 1980

(SEAL)

ALBERT C. WALSH

Judge of the County Court

By

Clerk of the County Court