

F-9-9-83
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BEFORE THE COUNTY JUDGE OF OTOE COUNTY, NEBRASKA

STATE OF NEBRASKA)	Docket <u>3</u>	Page <u>209</u>	Case <u>209</u>
DEPARTMENT OF ROADS,)			
)			
Condemner,)			
)			
v.)			
)			
EMMA GRUNDMAN, A Widow, DOROTHY)		RETURN	
STOUT, VICTOR GRUNDMAN, DONALD)			
GRUNDMAN, CAROL DOUGHTERY, ALDEAN)		OF	
GRUNDMAN, MICHAEL BERGER, JAMES)			
ROBIN BERGER, WILLIAM THOMAS BER-)		APPRAISERS	
GER, Holders of Interest; MYRON)			
P. STOUT, Husband of Dorothy)			
Stout; MARY ANN GRUNDMAN, Wife of)			
Victor Grundman; LA VONNE GRUND-)			
MAN, Wife of Donald Grundman;)			
ROBERT A. DOUGHTERY, Husband of)			
Carol Dougherty; CAROLYN GRUND-)			
MAN, Wife of Aldean Grundman;)			
KATHRYN BERGER, Wife of Michael)			
Berger; DEBRA BERGER, Wife of)			
William Thomas Berger; OTOE)			
COUNTY TREASURER;)			
)			
JOHN G. GRUNDMAN, Owner; HELEN)			
GRUNDMAN, Wife of John G. Grund-)			
man; OTOE COUNTY TREASURER;)			
)			
JOE GLOVER and RUBY GLOVER, Hus-)			
band and Wife, Joint Tenants;)			
FIRST NATIONAL BANK OF SYRACUSE,)			
Mortgagee; OTOE COUNTY TREASURER;)			
)			
THOMAS E. LOLLMANN and LINDA ROSE)			
LOLLMANN, Husband and Wife, Joint)			
Tenants; MIDWEST FEDERAL SAVINGS)			
AND LOAN ASSOCIATION, Mortgagee;)			
OTOE COUNTY TREASURER;)			
)			
Condemnees.)			

TO THE COUNTY JUDGE OF OTOE COUNTY, NEBRASKA.

We, the undersigned appraisers, do hereby certify that under and by virtue of an "Appointment of Appraisers" duly served upon us by James Gress, Sheriff or Deputy Sheriff of Otoe County, Nebraska, on the 27th day of July, 1983, 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:

Project: BRF-2-7(106)

AFE: R-484

Otoe County

Tract: 6

C O N D E M N A T I O N

OWNER: EMMA GRUNDMAN, A WIDOW, ET AL

PROJECT BRF-2-7 (106) TRACT 6

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 17, TOWNSHIP 8 NORTH, RANGE 14 EAST OF THE SIXTH PRINCIPAL MERIDIAN, OTOE 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 NORTHERLY A DISTANCE OF 534.60 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE NORTHERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 1942.39 FEET ALONG SAID LINE; THENCE WESTERLY DEFLECTING 088 DEGREES, 36 MINUTES, 32 SECONDS LEFT, A DISTANCE OF 64.63 FEET ALONG THE PROPERTY LINE OF THE CONDEMNEE(S); THENCE SOUTHERLY DEFLECTING 091 DEGREES, 08 MINUTES, 57 SECONDS LEFT, A DISTANCE OF 370.61 FEET ALONG THE WESTERLY EXISTING HIGHWAY 73-75 RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 000 DEGREES, 30 MINUTES, 13 SECONDS RIGHT, A DISTANCE OF 518.17 FEET; THENCE SOUTHERLY DEFLECTING 004 DEGREES, 01 MINUTES, 29 SECONDS RIGHT, A DISTANCE OF 330.95 FEET; THENCE SOUTHERLY DEFLECTING 005 DEGREES, 54 MINUTES, 59 SECONDS LEFT, A DISTANCE OF 723.53 FEET; THENCE EASTERLY DEFLECTING 087 DEGREES, 29 MINUTES, 41 SECONDS LEFT, A DISTANCE OF 29.01 FEET ALONG THE PROPERTY LINE OF THE CONDEMNEE(S) TO THE POINT OF BEGINNING CONTAINING 3.68 ACRES, MORE OR LESS, WHICH INCLUDES 2.20 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 TWO UNRESTRICTED DRIVE(S) NOT TO EXCEED 40 FEET IN WIDTH, THE CENTERLINE(S) OF WHICH (IS, ARE) LOCATED NORTHERLY 688.98 AND 2048.98 FEET FROM THE SOUTH LINE OF SAID QUARTER SECTION AS MEASURED ALONG THE HIGHWAY CENTERLINE. 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 1860.98 FEET FROM THE SOUTH LINE OF SAID QUARTER SECTION AS MEASURED ALONG THE CENTERLINE OF THE HIGHWAY.

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

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AND ALSO:

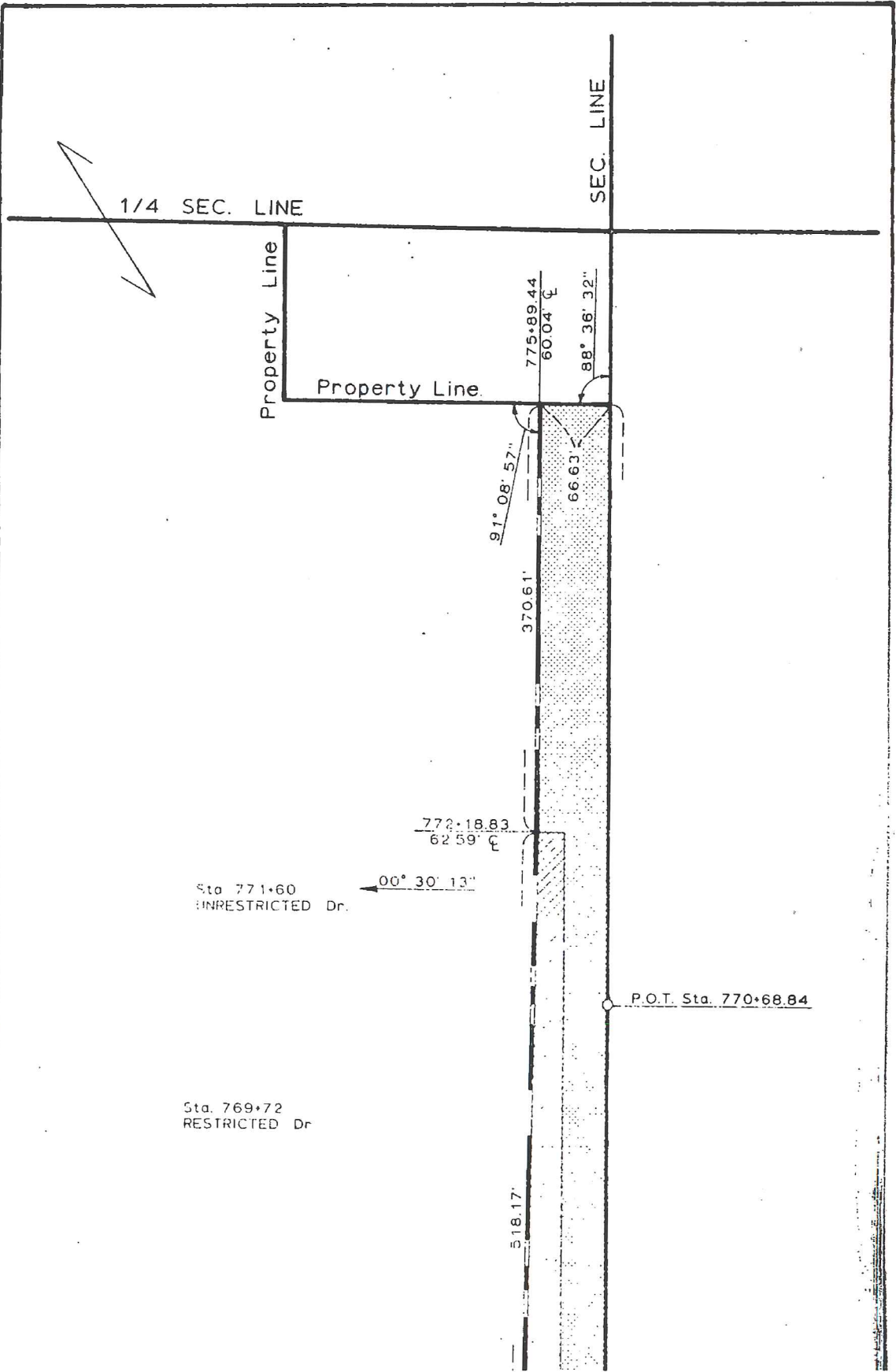
PROVIDED THAT THE GRANTOR DOES COVENANT AND AGREE THAT SHOULD HE OR HIS SUCCESSORS IN TITLE FAIL AND REFUSE TO KEEP OR PERFORM THE PROVISIONS LIMITING TRAFFIC IN SUCH ACCESS TO 10 VEHICLE MOVEMENTS PER HOUR, BY EXCEEDING THIS AMOUNT ON FIVE OR MORE SEPARATE OCCASIONS WITHIN A CONTINUOUS THREE-MONTH PERIOD, 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 CONDEMNEEES AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNEEES 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 CONDEMNEEES 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.

AND ALSO, PERMANENT EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR DRIVE PURPOSES, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 14 EAST OF THE SIXTH PRINCIPAL MERIDIAN, OTOE 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 NORTHERLY A DISTANCE OF 2476.99 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE WESTERLY DEFLECTING 088 DEGREES, 36 MINUTES, 32 SECONDS LEFT, A DISTANCE OF 66.63 FEET ALONG THE PROPERTY LINE OF THE CONDEMNEE(S); THENCE SOUTHERLY DEFLECTING 091 DEGREES, 08 MINUTES, 57 SECONDS LEFT, A DISTANCE OF 370.61 FEET ALONG THE WESTERLY EXISTING HIGHWAY 73-75 RIGHT OF WAY LINE; THENCE SOUTHERLY DEFLECTING 000 DEGREES, 30 MINUTES, 13 SECONDS RIGHT, A DISTANCE OF 518.17 FEET; THENCE SOUTHERLY DEFLECTING 004 DEGREES, 01 MINUTES, 29 SECONDS RIGHT, A DISTANCE OF 330.95 FEET; THENCE SOUTHERLY DEFLECTING 005 DEGREES, 54 MINUTES, 59 SECONDS LEFT, A DISTANCE OF 520.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 203.33 FEET; THENCE WESTERLY DEFLECTING 092 DEGREES, 30 MINUTES, 19 SECONDS RIGHT, A DISTANCE OF 85.01 FEET ALONG THE PROPERTY LINE OF THE CONDEMNEE(S); THENCE NORTHERLY DEFLECTING 089 DEGREES, 04 MINUTES, 43 SECONDS RIGHT, A DISTANCE OF 201.88 FEET; THENCE EASTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 79.38 FEET TO THE POINT OF BEGINNING CONTAINING 0.38 ACRES, MORE OR LESS.

THE EASEMENT AREA(S) MAY BE USED FOR THE TEMPORARY RELOCATION OF UTILITIES DURING THE CONSTRUCTION OF THE PROJECT.



1/4 SEC. LINE

SEC. LINE

Property Line

Property Line

775+89.44
60.04' C

88° 36' 32"

91° 08' 57"

66.63'

370.61'

772+18.83
62.59' C

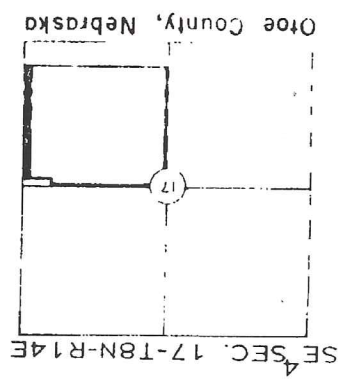
00° 30' 13"

Sta. 771+60
UNRESTRICTED Dr.

P.O.T. Sta. 770+68.84

Sta. 769+72
RESTRICTED Dr.

518.17'



Total ROW 2.88 Acres
 Prev. ROW 2.28 Acres
 New ROW 1.48 Acres

25° 59' 59"

263.70
 95'

04° 01' 29"

767.00
 70' E

1942.39

Prev. Perm. Easement
 Proj. F-2(12)

350.35'

Sta 758+00
 UNRESTRICTED DR
 Perm. Dr. Easement
 0.38 Acre

Property Line

89° 04' 43"

201.88'

85.01'

203.33'

87° 29' 41"

88.01'

758+50
 160' E

79.38'

520.20'

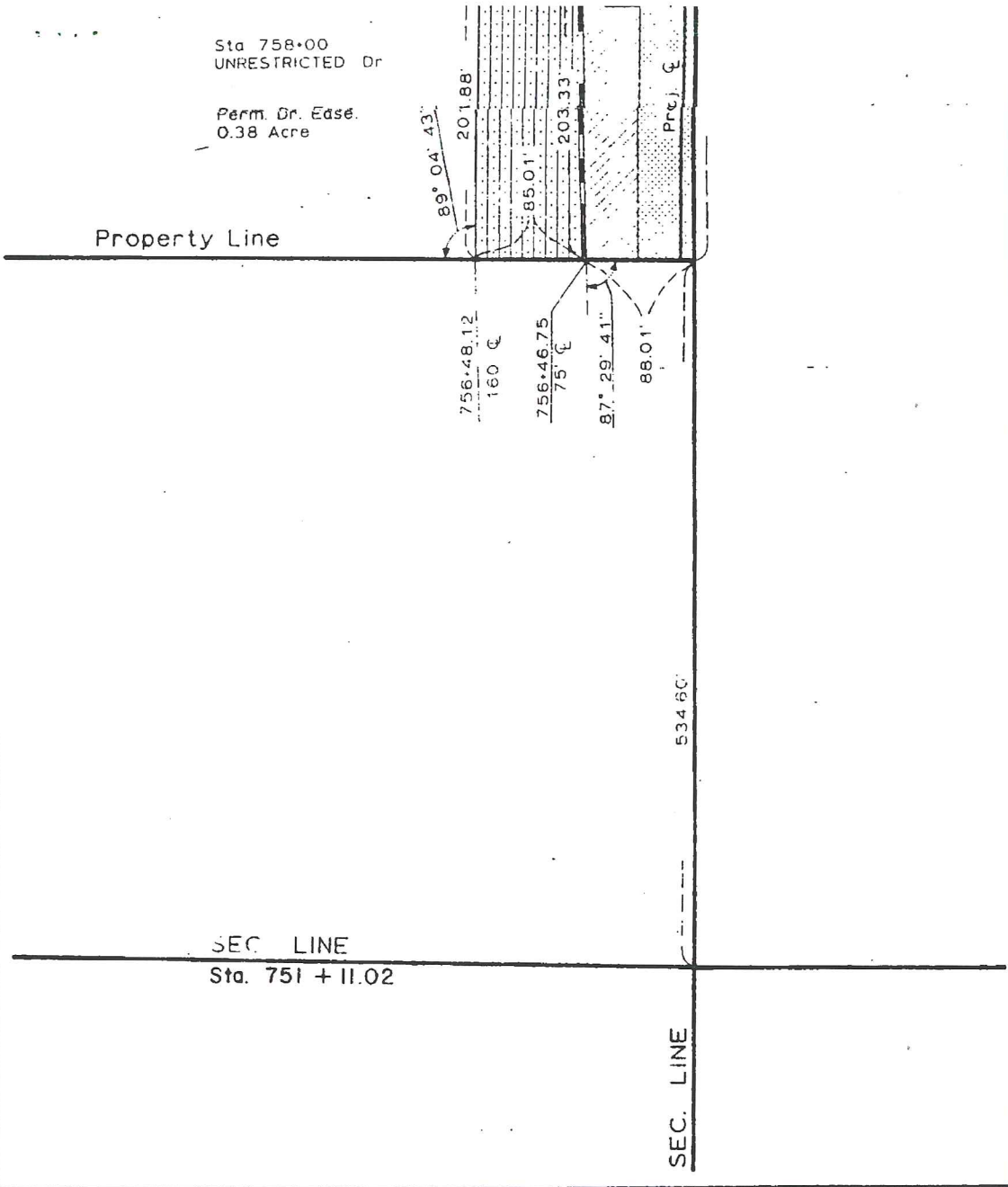
Prev. Perm. Easement
 Proj. F-2(12)

756+48.12
 160' E

756+46.75
 75' E

Sta 758+00
UNRESTRICTED Dr

Perm. Dr. Easement
0.38 Acre



PLAT SHOWING
RIGHT OF WAY
 TO BE ACQUIRED FROM LAND OWNED BY
 EMMA GRUNDMAN, A WIDOW, ET AL

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

TRACT NO. 6
 PROJECT NO. BRF-2-7(106)
 AFE R-484

SCALE 1" = 100'

PREV. R.O.W. [dotted] 1.48 Acres
 NEW R.O.W. [dotted] 1.48 Acres
 TEMP. EASE [dotted] 0.38 Acre
 PERM. EASE. [dotted] 0.38 Acre
 CONTROLLED ACCESS [dotted]

DRAWN BY M.J.S. 6-29-83
 CHECKED BY R.G. 6-30-83
 COMPUTED BY
 WRITTEN BY
 CHECKED BY