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MISC 2002 29628

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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CIT

STATE OF NEBRASKA

CERTIFICATE

Case No.

C/SC 2 (8/88)

CI 02-16163

Douglas County Court, Civil/Small Claims Division
1819 Farnam Street, Farnam Level, Omaha, NE 68183 (402) 444-5424

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS.

I, STEVEN D. WADE, Deputy Clerk of the Douglas
County Court, certify that the attached documents are full, true and complete copies of the original records of
entries identified as follows: RETURN OF APPRAISERS, WITH STIPULATION

on file and of record in the Douglas County Court, entitled: METROPOLITAN UTILITIES DISTRICT V.
LIBERTY CAPITOL CORPORATION.

IN TESTIMONY WHEREOF, I have placed my signature and the seal of said Court.

DATE: NOVEMBER 15, 2002

BY THE COURT

Steven D. Wade

(Deputy Clerk)



IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

METROPOLITAN UTILITIES DISTRICT)
OF OMAHA, a Municipal Corporation and)
Political Subdivision)
)
Petitioner-Condemner,)
)
vs.)
)
LIBERTY DEVELOPMENT)
CORPORATION, a Nebraska Corporation)
)
)
Defendant-Condemnee.)

Case No. CI 02 - 16163

RETURN OF APPRAISERS

NOV 14 2002
PM 3:51

We, the undersigned appraisers, do hereby certify that under and by virtue of our appointments as appraisers duly served upon us by the Deputy Sheriff of Douglas County, Nebraska, and after having taken and had filed our oaths as appraisers, we did carefully inspect and view the properties described herein, with respect to which permanent and temporary construction easement rights are sought to be acquired by the Metropolitan Utilities District of Omaha, for the public purpose of constructing, maintaining and operating water pipelines together with appurtenances related thereto, all relative to the maintenance, reliability and operation of the water systems of the said District (Petitioner-Condemner), and also other properties of the Condemnee alleged damaged thereby, and did hear all parties interested therein in reference to the amount of all of said damages allegedly sustained or to be sustained and thereafter did assess the damages that the Condemnee had sustained or will sustain by such permanent and temporary construction easements, all with respect to the property hereinafter described.

NOW, THEREFORE, we, as appraisers, do hereby find and appraise the

damages that have been or will be sustained by reason of the aforescribed acquisition of permanent and temporary construction easement rights in the properties hereinafter described for the stated public purposes by the Metropolitan Utilities District of Omaha as follows:

Attached as Exhibit "A" (6 pages)

TO: LIBERTY DEVELOPMENT CORPORATION, a Nebraska Corporation, Owner:

Permanent Easements	\$ <u>37,500.00</u>
Temporary Construction Easements	\$ <u>17,500.00</u>
Total Award	\$ <u>55,000.00</u>

Respectfully submitted.

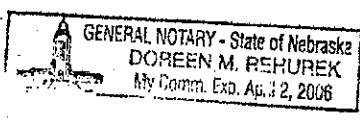
DATED this 6TH day of NOV., 2002.

Paula M. Kelly
Frank M. Morgan
[Signature]

Appraisers

SUBSCRIBED and sworn to before me this 5th day of November, 2002.

Doreen M. Rehurek
Notary Public



PERMANENT EASEMENTS

Tracts of land in Ranch View Estates 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and being described as follows:

The easterly twenty feet (20') of Lots 13 and 14.

The northerly fifty feet (50') and the easterly twenty feet (20') of the southerly one hundred eighty-six and forty-one one hundredths feet (186.41') of Lot 1.

The westerly ten and one-half feet (10.5') of the southerly four hundred feet (400') of the northerly six hundred thirty feet (630') of Outlot A.

The westerly twenty feet (20') of the southerly seventy-two and thirty-six one hundredths feet (72.36') of Outlot A.

These permanent easement tracts contain 0.525 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

-and-

The easterly twenty feet (20') of Lots 27 and 28.

The westerly twenty feet (20') of Lots 41 and 52.

These permanent easement tracts contain 0.284 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

-and-

The easterly twenty feet (20') of Lot 40.

The southerly twenty-five feet (25') of the westerly thirty-eight and twenty-six one hundredths feet (38.26') of Lot 77.

The southerly twenty-five feet (25') of Lots 78, 79, and 80.

The westerly twenty feet (20') and the southerly twenty-five feet (25') of the easterly eighty-four and forty one hundredths feet (84.40') of Lots 81.

Exhibit "A" (6 pages)

The northerly twenty-five feet (25') of Lots 82, 83, 84, 85, and 86.

The easterly twenty-five feet (25') of the southerly fifty-five feet (55') of Lot 86.

These permanent easement tracts contain 0.677 of an acre, more or less, and are shown on the drawing attached hereto and made a part thereof by this reference.

TEMPORARY CONSTRUCTION EASEMENTS

Tracts of land in Ranch View Estates 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and being described as follows:

The southerly thirty feet (30') of the northerly eighty feet (80') of the westerly one hundred four and twenty-three one hundredths feet (104.23') of Lot 1.

The westerly thirty feet (30') of the easterly fifty feet (50') of the southerly one hundred fifty-six and forty-one one hundredths feet (156.41') of Lot 1.

The westerly thirty feet (30') of the easterly fifty feet (50') of Lots 13 and 14.

The easterly thirty feet (30') of the southerly one hundred eighteen and thirty-two one hundredths feet (118.32') of Outlot A.

These temporary construction easement tracts contain 0.516 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

-and-

The westerly thirty feet (30') of the easterly fifty feet (50') of Lots 27 and 28.

The easterly thirty feet (30') of the westerly fifty feet (50') of Lots 41 and 52.

These temporary construction easement tracts contain 0.459 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

-and-

The westerly thirty feet (30') of the easterly fifty feet (50') of Lot 40.

The northerly twenty five feet (25') of the southerly fifty feet (50') of the westerly thirty-eight and twenty-six one hundredths feet (38.26') of Lot 77.

The northerly twenty-five (25') of the southerly fifty feet (50') of Lots 78, 79, and 80.

The easterly thirty feet (30') of the westerly fifty feet (50') of the northerly one hundred sixty feet (160') of Lot 81.

The northerly twenty-five feet (25') of the southerly fifty feet (50') of the easterly fifty-four and forty one hundredths feet (54.40') of Lot 81.

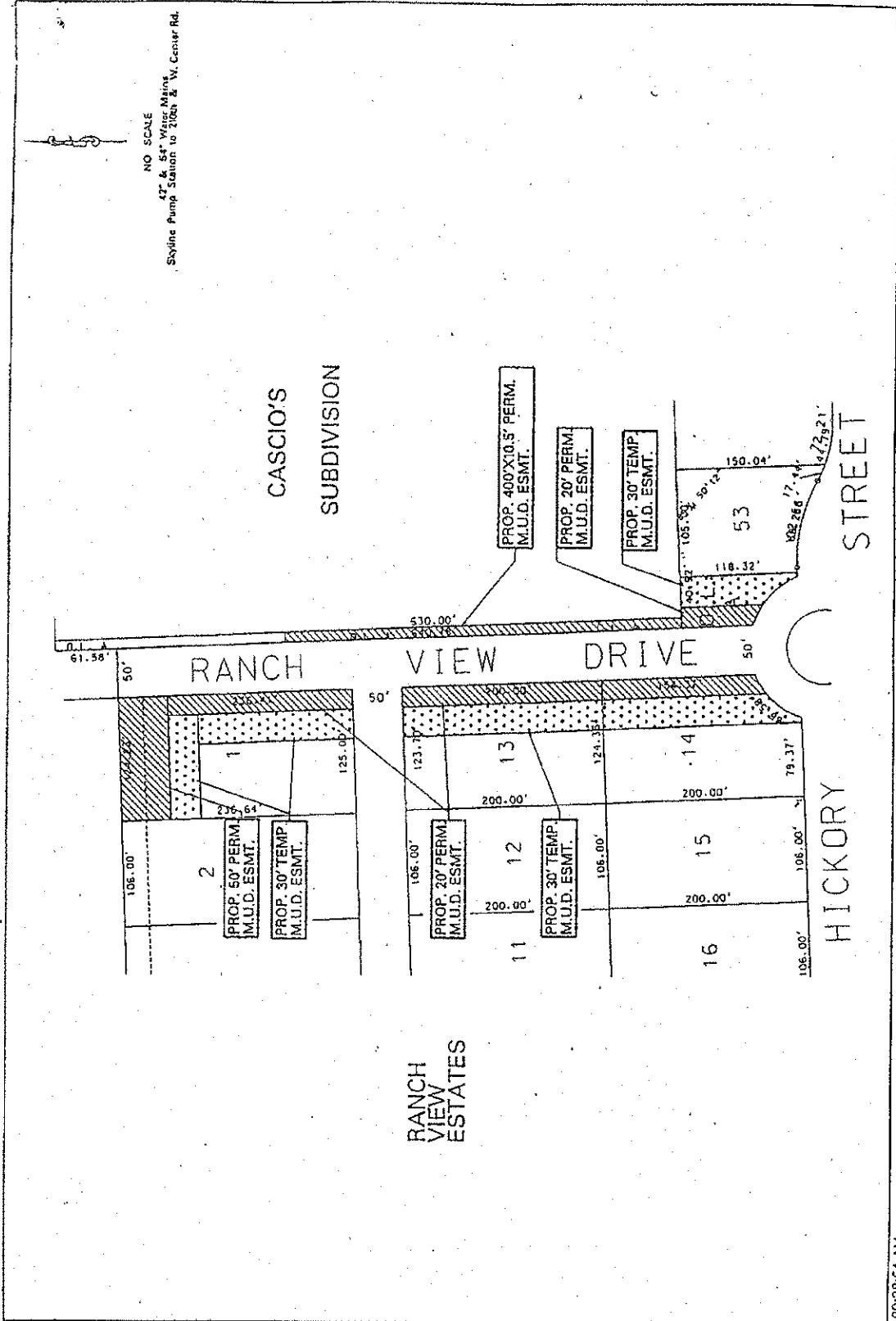
The southerly twenty-five feet (25') of the northerly fifty feet (50') of Lots 82, 83, 84, and 85.

The southerly twenty-five feet (25') of the northerly fifty feet (50') of the westerly eighty-eight and seventy-four one hundredth feet (88.74) of Lot 86.

These temporary construction easement tracts contain 0.679 acres, more or less, and are shown on the drawing attached hereto and made a part hereof of this reference.

METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA	
EASEMENT ACQUISITION	
FOR WCP 7820	
LAND OWNER David Broeckemeier Liberty Development Corp. 4025 S. 224th Terrace Elkhorn, NE 68022	
TOTAL ACRES 0.525 ±	
TOTAL ACRES 0.516 ±	
LEGEND	
PERMANENT EASEMENT	
TEMPORARY EASEMENT	
PAGE 1 OF 3	
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NO SCALE
42" & 64" Wide Mains
Soyline Pump Station to 206th & W. Center Rd.

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION

FOR
WCP 7820

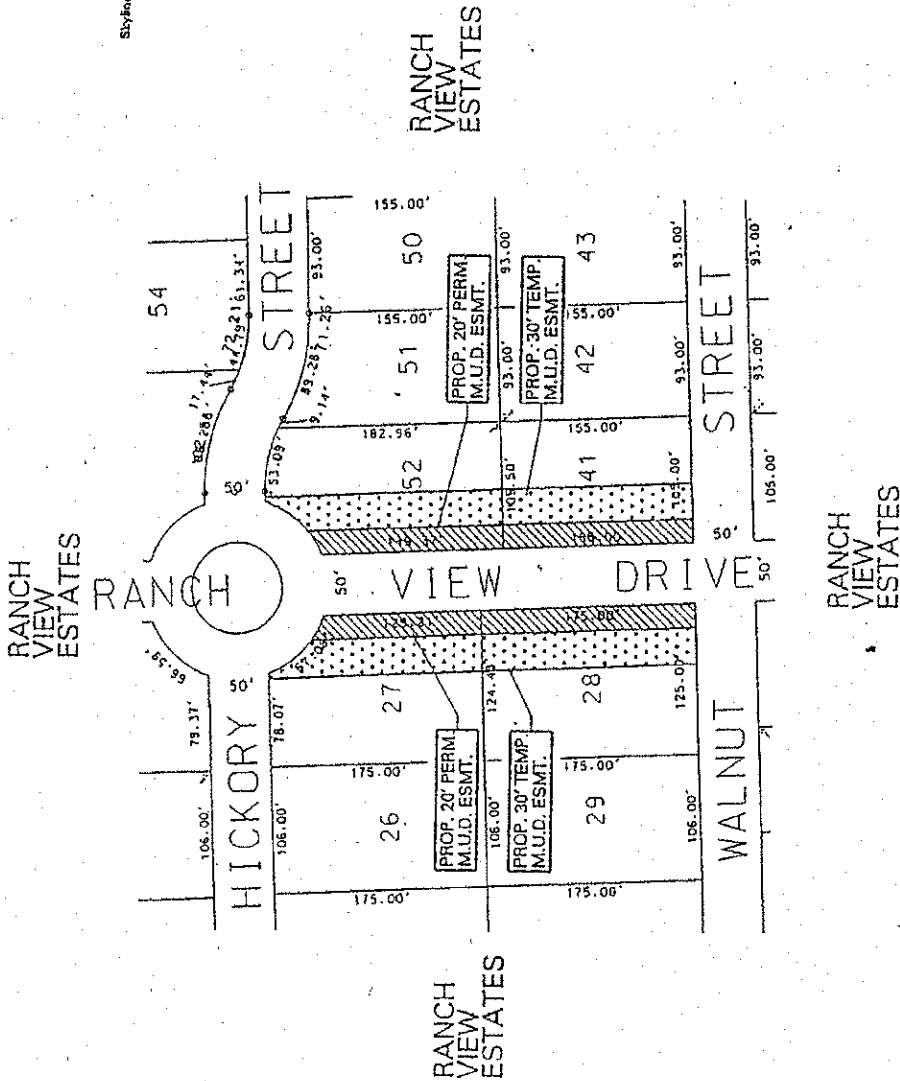
LAND OWNER
David Brockmeier
Liberty Development Corp.
4025 S 224th Terrace
Elkhorn, NE 68022

TOTAL ACRE
PERMANENT 0.284 ±
TOTAL ACRE
TEMPORARY 0.459 ±

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 2 OF 3

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REV. APPROV. BY
DATE



RANCH
VIEW
ESTATES

EASEMENT
ACQUISITION
FOR WCP 7820

TOTAL ACRE	
PERMANENT	0.577 ±
TOTAL ACRE	
TEMPORARY	0.679 ±

PAGE 3 OF 3

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IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

METROPOLITAN UTILITIES DISTRICT
OF OMAHA, a Political Subdivision

Petitioner-Condemner,

vs.

LIBERTY CAPITOL CORPORATION,
a Nebraska Corporation

Defendant-Condemnee.

Case No. CI 02 - 16163

STIPULATION

02 NOV 14 PM 3:55

COME NOW the Petitioner-Condemner Metropolitan Utilities District, by and through its attorney, Tijiuana R. Smith-Secret and the defendant by and through his attorney, William Paul Bouda and stipulate as follows:

1. The Metropolitan Utilities District of Omaha, filed a petition for the condemnation of certain lands, property interests and interests in land; and that Kenneth Manger, Paula Gallagher and Russell S. Daub, were appointed as disinterested freeholders of Douglas County, not interested in a like question, to serve as Appraisers.
2. Said Appraisers were duly convened, interrogated and qualified by subscribing their oaths to faithfully and impartially discharge their duties as required by law.
3. The Appraisers on November 1, 2002, inspected and viewed the property; they heard parties interested therein in reference to the amount of damages;

and they assessed the damages the Condemnees have sustained and made and filed a report thereof in writing to the County Judge.

4. It was subsequently discovered that the final plat for Ranch View Estates 2, as shown on the drawings and attached to and referenced in the petition for condemnation and the return of the appraisers, has not been filed in the office of the Douglas County Register of Deeds. Consequently, the legal descriptions referenced therein for some of the lots, to wit: lots 41, 52, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86 are thereby invalid for recording purposes. Such event having occurred, it is now in the best interest of the parties that the legal descriptions be corrected to reflect their current existence in relation to the records in the office of the Douglas County Register of Deeds. The correct legal descriptions for said lots are marked as Exhibit "A" and attached hereto and made a part hereof by this reference.

5. In addition, it is in the best interest of the parties that this stipulation be filed at the Douglas County Register of Deeds Office along with the return of appraisers so as to ensure that the return of appraisers and other legal filings relating to this matter can be properly recorded in the Douglas County Register of Deeds Office.


6. Moreover, although the petition for condemnation and the award of the appraisers identify Liberty Development Corporation as the owner of the property, both parties agree that this identification was a mistake due to a typographical error and that the property is in fact owned by Liberty Capitol Corporation. Accordingly, in any and every proceeding and discussion had related to this matter, all parties knew that Liberty Capitol Corporation was the intended Defendant-Condemnee. Therefore, all

monies paid into the court pursuant to the award of appraisers entered herein shall be paid in for the benefit of Liberty Capitol Corporation.

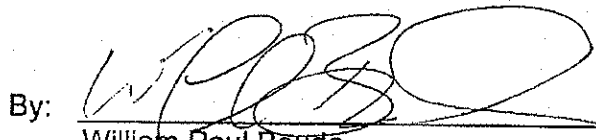
IN WITNESS WHEREOF the parties execute this stipulation on the dates indicated.

METROPOLITAN UTILITIES DISTRICT
OF OMAHA, a Political Subdivision,
Petitioner-Condemner

DATED: November 14, 2002

By: 
Tijuana R. Smith-Secret, #17578
Assistant General Counsel
Metropolitan Utilities District
1723 Harney Street
Omaha, Nebraska 68102
(402) 449-8208

DATED: November 14, 2002

By: 
William Paul Bouda
Attorney for Defendant-Condemnee
Liberty Capitol Corporation

Tracts of land in Ranch View Estates 2, a subdivision, as platted and recorded in Douglas County, Nebraska and being described as follows:

TEMPORARY EASEMENT

The southerly thirty feet (30.00') of the northerly eighty feet (80.00') of the westerly one hundred four and twenty-three one hundredths feet (104.23') and the westerly thirty feet (30.00') of the easterly fifty feet (50.00') of the southerly one hundred fifty-six and forty-one one hundredths feet (156.41') of Lot 1.

The westerly thirty feet (30.00') of the easterly fifty feet (50.00') of Lots 13, 14, 27, 28, and 40.

These tracts contain 0.799 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

PERMANENT EASEMENT

The northerly fifty feet (50.00') and the easterly twenty feet (20.00') of the southerly one hundred eighty-six and forty-one one hundredths feet (186.41') of Lot 1.

The easterly twenty feet (20.00') of Lots 13, 14, 27, 28, and 40

The southerly four hundred seventy-five and thirty-eight one hundredths feet (475.38') of Outlot A.

These tracts contain 0.733 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

Unplatted tracts of land in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25-15-10 in Douglas County, Nebraska and being described as follows:

TEMPORARY EASEMENT

The westerly four hundred forty-six and seventy-four one hundredths feet (446.74') of the easterly four hundred seventy-one and seventy-four one hundredths feet (471.74') of the southerly twenty-five feet (25.00') of the northerly fifty feet (50.00') of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25-15-10.

This tract contains 0.257 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

Exhibit "A" (8 Pages)

PERMANENT EASEMENT

The easterly four hundred seventy-one and seventy-four one hundredths feet (471.74') of the northerly twenty-five feet (25.00') of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25-15-10.

Commencing at the NE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25-15-10; thence S00°00'00"W (assumed bearing) along east line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25-15-10 a distance of twenty-five feet (25.00') to the Point of Beginning; thence S00°00'00"W along said line a distance of fifty-five feet (55.00'), thence S69°49'59"W a distance of twenty-six and sixty-three one hundredths feet (26.63'); thence N00°00'00"W a distance of sixty-four and twenty-six one hundredths feet (64.26'); thence N90°00'00"E a distance of twenty-five feet (25.00') to the Point of Beginning.

These tracts contain 0.305 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

Unplatted tracts of land in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-15-10 in Douglas County, Nebraska and being described as follows:

TEMPORARY EASEMENT

The easterly three hundred seventy-one and seventy-four one hundredths feet (371.74') of the northerly twenty-five feet (25.00') of the southerly fifty feet (50.00') of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-15-10.

Commencing at the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-15-10; thence N90°00'00"W (assumed bearing) along south line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-15-10 a distance of four hundred one and seventy-four one hundredths feet (401.74'); thence N00°00'00"W a distance of twenty-five feet (25.00') to the Point of Beginning; thence continuing N00°00'00"W a distance of five hundred twenty-five and eight one hundredths feet (525.15') to a point on an non-tangent curve, concave northwesterly; thence northeasterly, along said curve, through a central angle of 33°29'35", forty-three and eighty-two one hundredths feet (43.82'); thence N90°00'00"E a distance of four and thirty-seven one hundredths feet (4.37'); thence S00°00'00"E a distance of five hundred and sixty feet (560.00'); thence S90°00'00"W a distance of thirty feet (30.00') to the Point of Beginning.

Commencing at the NE corner of Lot 14 of Ranch View Estates 2, as platted in Douglas County, N90°00'00"E (assumed bearing) a distance of seventy feet (70.00'); thence S00°00'00"E a distance of eighty-one and forty-eight one hundredths feet (81.48') to the Point of Beginning; thence S90°00'00"E a distance of thirty feet (30.00'); thence S00°00'00"E a distance of one hundred eighteen and thirty-two one hundredths feet (118.32'); thence S90°00'00"W a distance of four and twenty-one one hundredths feet (4.21') to the beginning of a non-tangent curve, concave southwesterly; thence

northwesterly, along said curve, through a central angle $33^{\circ}51'36''$, forty-four and thirty one hundredths feet (44.30'); thence $N00^{\circ}00'00''E$ a distance of eighty-three and eight one hundredths feet (83.08') to the Point of Beginning.

These tracts contain 0.656 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

PERMANENT EASEMENT

The easterly four hundred twenty-one and seventy-four one hundredths feet (421.74') of the southerly twenty-five feet (25.00') of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-15-10.

Commencing at the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-15-10; thence $N90^{\circ}00'00''W$ (assumed bearing) along south line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25-15-10 a distance of four hundred twenty-one and seventy-four one hundredths feet (421.74'); thence $N00^{\circ}00'00''W$ a distance of twenty-five feet (25.00') to the Point of Beginning; thence continuing $N00^{\circ}00'00''W$ a distance of five hundred fourteen and thirty-seven one hundredths feet (514.37') to the beginning of a non-tangent curve, concave northwesterly; thence northeasterly, along said curve, through a central angle of $17^{\circ}24'14''$, twenty-two and seventy-seven one hundredths feet (22.77'); thence $S00^{\circ}00'00''E$ a distance of five hundred twenty-five and fifteen one hundredths feet (525.15'); thence $S90^{\circ}00'00''W$ a distance of twenty feet (20.00') to the Point of Beginning.

Commencing at the NE corner of Lot 14 of Ranch View Estates 2, as platted in Douglas County, $N90^{\circ}00'00''E$ (assumed bearing) a distance of fifty feet (50'); thence $S00^{\circ}00'00''E$ a distance of eighty-one and forty-eight one hundredths feet (81.48'); thence $S90^{\circ}00'00''E$ a distance of ten and fifty one hundredths feet (10.50') to the Point of Beginning; thence continuing $S90^{\circ}00'00''E$ a distance of nine and fifty one hundredths feet (9.50'); thence $S00^{\circ}00'00''E$ a distance of eighty-three and eight one hundredths feet (83.08') to a point on a non-tangent curve, concave southwesterly; thence northwesterly, along said curve, through a central angle of $08^{\circ}37'18''$, eleven and twenty-eight one hundredths feet (11.28'); thence $N00^{\circ}00'00''W$ a distance of seventy-seven feet (77.00') to the Point of Beginning.

These tracts contain 0.498 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

EASEMENT ACQUISITION

FOR
WCP 7820

LAND OWNER

David Broeckmeir

Liberty Capitol Corp.

TOTAL ACRE

PERMANENT 0.507 2

TOTAL ACRE TEMPORARY	0.443 ±
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LEGEND

PERMANENT EASEMENT

TEMPORARY EASEMENT

PAGE 1 OF 5

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DATE _____

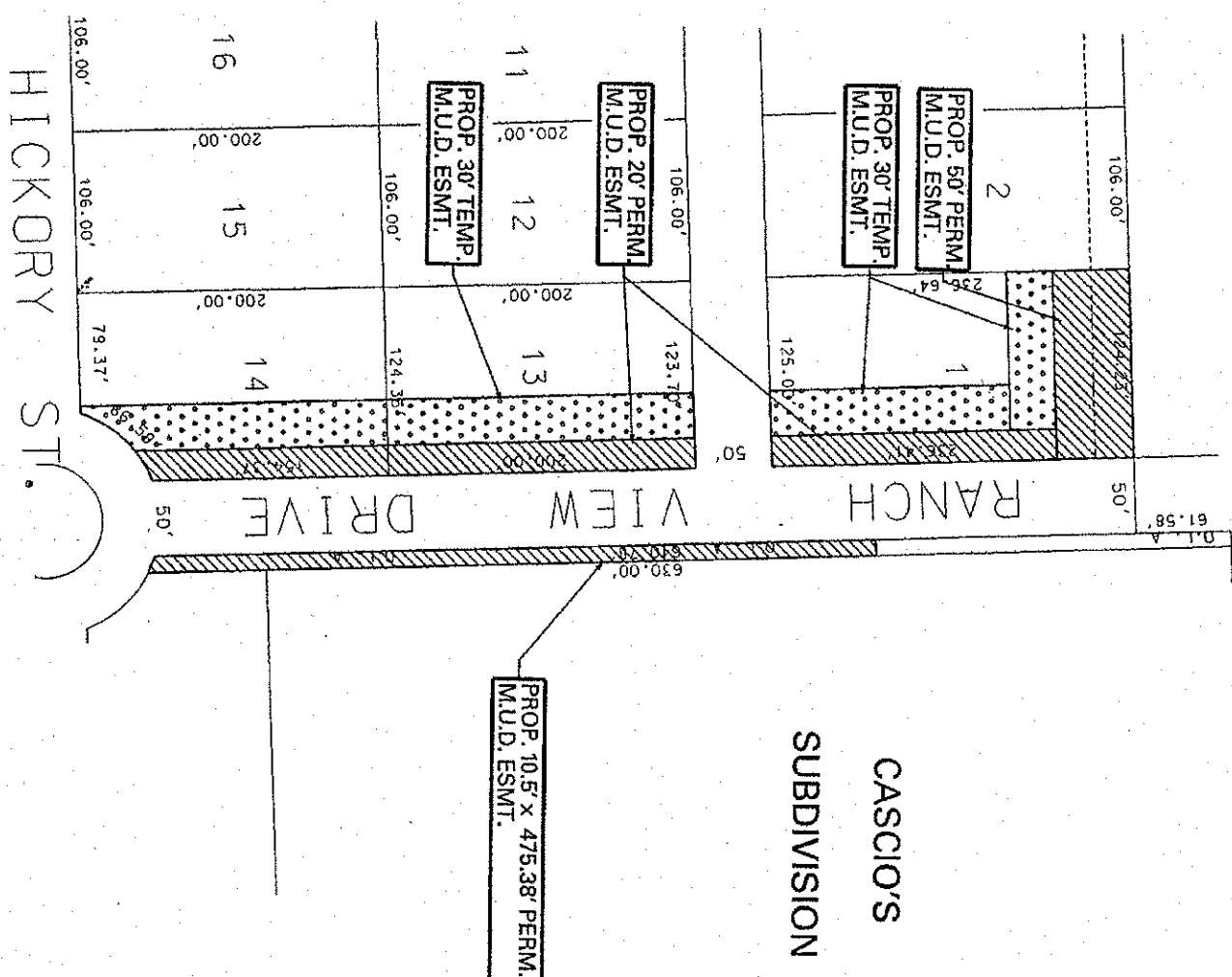
DATE: 1/23/2013

REV. CHKD. BY _____

DATE _____

DATE _____

**RANCH
VIEW
ESTATES 2**



NO SCALE
42" & 54" Water Mains
Skyline Pump Station to 210th & W. Center Rd.

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR
WCP 7820

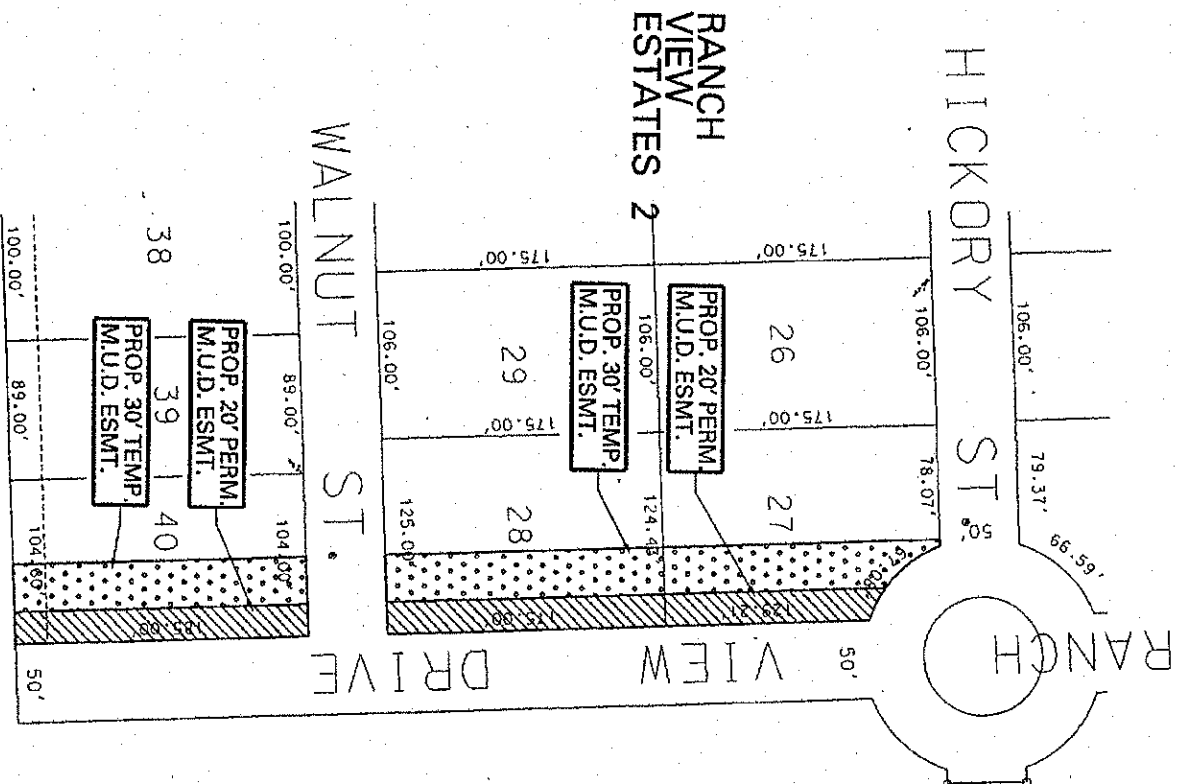
LAND OWNER
David Broeckemeir
Liberty Capitol Corp.

TOTAL ACRE
PERMANENT 0.226 ±
TOTAL ACRE
TEMPORARY 0.356 ±

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 2 OF 5

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DATE 1/13/02
REV. CHK'D. BY
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REV. APPROV. BY
DATE



NO SCALE
42" & 54" Water Mains
Skyline Pump Station to 210th & W. Center Rd.

METROPOLITAN

UTILITIES

DISTRICT

OMAHA, NEBRASKA

EASEMENT

ACQUISITION

FOR
WCP 7820

LAND OWNER

David Broeckemeir

Liberty Capitol Corp.

TOTAL ACRE
PERMANENT 0.305 ±

TOTAL ACRE
TEMPORARY 0.257 ±

LEGEND

PERMANENT EASEMENT



TEMPORARY EASEMENT



PAGE 3 OF 5

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DATE 9/29/01

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REVISID BY JAZ

DATE 1/13/02

REV. CHKD. BY

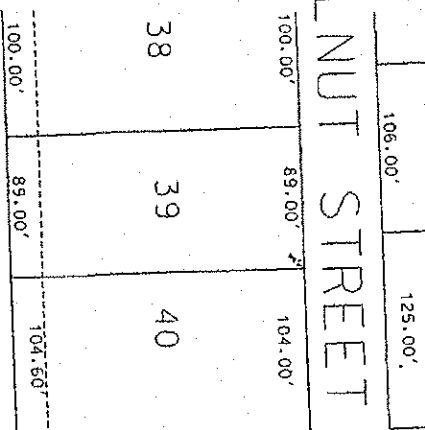
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RANCH
VIEW
ESTATES 2

RANCH

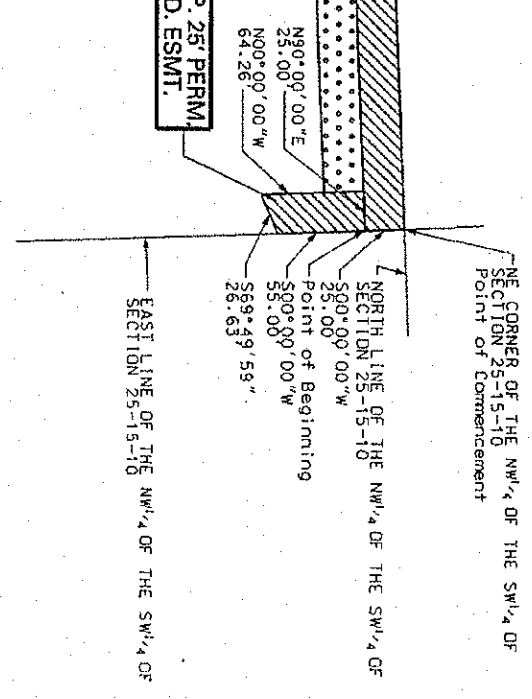
WALNUT STREET



VIEW DRIVE

PROP. 25' x 471.74' PERM.
M.U.D. ESMT.

PROP. 25' PERM.
M.U.D. ESMT.



NO SCALE
42" & 54" Water Mains
Skyline Pump Station to 210th & W. Center Rd.

METROPOLITAN

UTILITIES

DISTRICT

OMAHA, NEBRASKA

EASEMENT
ACQUISITION

FOR
WCP 7820

LAND OWNER

David Brockmeier

Liberty Capital Corp.

TOTAL ACRE
PERMANENT 0.000 ±

TOTAL ACRE
TEMPORARY 0.666 ±

LEGEND

PERMANENT EASEMENT



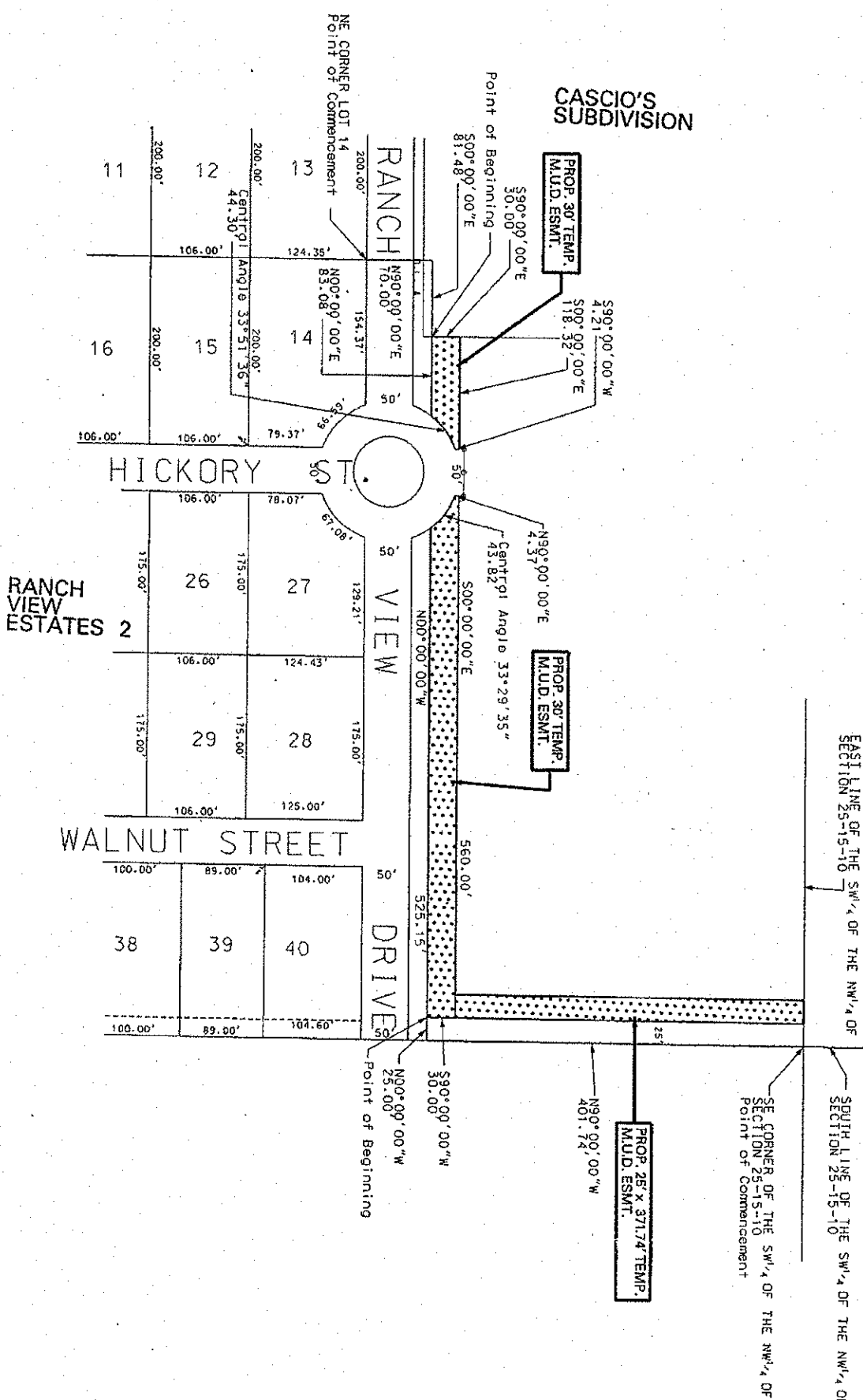
TEMPORARY EASEMENT



PAGE 4 OF 5

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DATE 11/3/02
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DATE
REV. APPROV. BY
DATE

CASCIO'S
SUBDIVISION



NO SCALE
42\" & 54\" Water Mains
Skyline Pump Station to 210th & W. Center Rd.

METROPOLITAN

UTILITIES

DISTRICT

OMAHA, NEBRASKA

EASEMENT

ACQUISITION

FOR
WCP 7820

LAND OWNER

David Broeckemeir

Liberty Capital Corp.

TOTAL ACRE
PERMANENT 0.498 ±

TOTAL ACRE
TEMPORARY 0.000 ±

LEGEND

PERMANENT EASEMENT

TEMPORARY EASEMENT

PAGE 5 OF 5

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DATE 9/19/01

CHECKED BY

DATE

APPROVED BY

DATE

REVISED BY JAZ

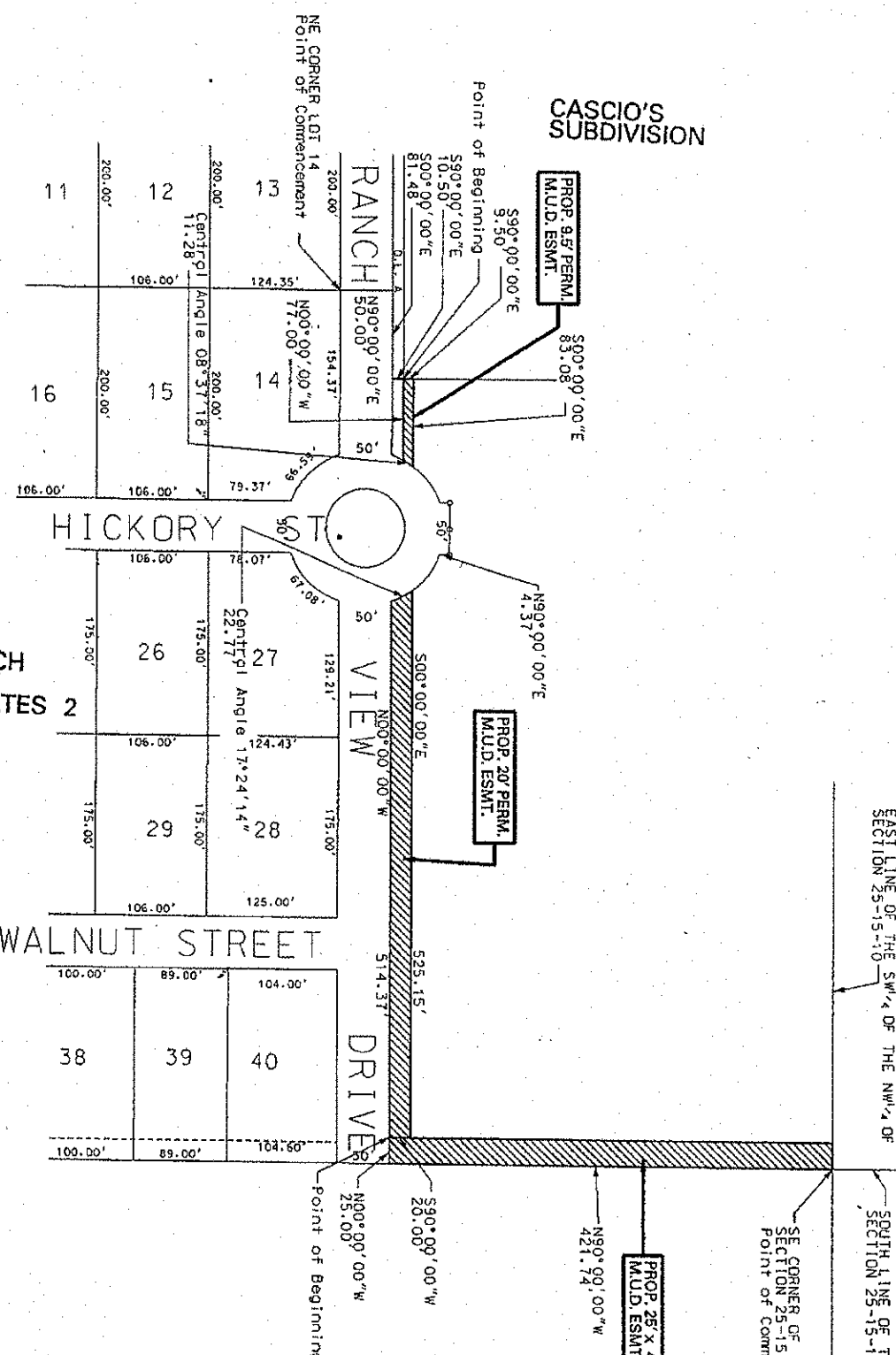
DATE 11/3/02

REV. CHK'D. BY

DATE

REV. APPROV. BY

CASCIO'S
SUBDIVISION



NO SCALE
42" & 54" Water Mains
Skyline Pump Station to 20th & W. Center Rd.