

BEFORE THE COUNTY JUDGE OF DOUGLAS

30-15-12  
70-420

STATE OF NEBRASKA  
DEPARTMENT OF ROADS,

Docket C4 Page 171 Case \_\_\_\_\_

Condemner,

v.

ORCHARD PROPERTIES, INC., A  
Nebraska Corporation, Owner;  
STEVEN R. BLOCH, Trustee; DOLLEN  
GRADING COMPANY, INC., A  
Nebraska Corporation, Lienor;  
DOUGLAS COUNTY TREASURER;

RETURN

OF

APPRAISERS

MONTCLAIR INVESTMENTS COMPANY,  
A Partnership, Owner; DOUGLAS  
COUNTY TREASURER;

Condemnees.)

TO THE COUNTY JUDGE OF 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 JOE MARINO, Sheriff or Deputy Sheriff of Douglas County, Nebraska, on the 30<sup>th</sup> day of April, 19 76, 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:

BOOK 566 PAGE 554

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

Owner: Orchard Properties, Inc.

PROJECT M-5012( 3 ) 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 SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY A DISTANCE OF 1409.89 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTHERLY DEFLECTING 090 DEGREES, 02 MINUTES LEFT, A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 30.13 FEET ALONG THE PROPERTY LINE OF THE CONDEEMEE(S); THENCE WESTERLY DEFLECTING 089 DEGREES, 49 MINUTES LEFT, A DISTANCE OF 308.24 FEET; THENCE EASTERLY DEFLECTING 174 DEGREES, 25 MINUTES LEFT, A DISTANCE OF 309.80 FEET ALONG THE NORTHERLY EXISTING HIGHWAY RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 4643.05 SQUARE FEET, MORE OR LESS.

THERE WILL BE NO INGRESS OR EGRESS OVER THE FOLLOWING DESCRIBED CONTROLLED ACCESS LINE LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA:

REFERRING TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY A DISTANCE OF 1409.89 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTHERLY DEFLECTING 090 DEGREES, 02 MINUTES LEFT, A DISTANCE OF 86.13 FEET TO THE POINT OF BEGINNING; THENCE WESTERLY DEFLECTING 089 DEGREES, 49 MINUTES LEFT, A DISTANCE OF 308.24 FEET; THENCE WESTERLY DEFLECTING 000 DEGREES, 01 MINUTES RIGHT, A DISTANCE OF 825.90 FEET ALONG THE NORTHERLY EXISTING HIGHWAY RIGHT OF WAY LINE TO THE POINT OF TERMINATION; EXCEPT, OVER TWO UNRESTRICTED DRIVE(S) NOT TO EXCEED 40 FEET IN WIDTH, THE CENTERLINE(S) OF WHICH (IS, ARE) LOCATED 560.21 AND 1360.07 FEET FROM THE WEST LINE OF SAID QUARTER SECTION AS MEASURED ALONG THE HIGHWAY CENTERLINE.

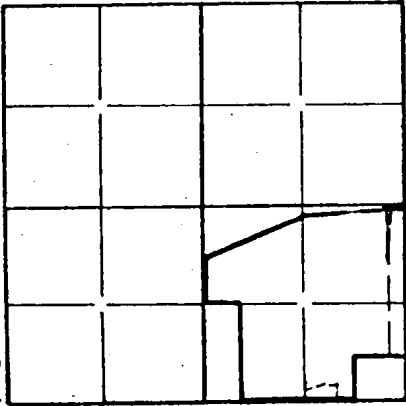
ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEEMNEES AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEEMNEES AND/OR HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID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

TEMPORARY EASEMENT TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR DRIVE PURPOSES, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTHERLY A DISTANCE OF 90.00 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION; THENCE EASTERLY DEFLECTING 089 DEGREES, 43 MINUTES RIGHT, A DISTANCE OF 75.00 FEET ALONG THE NORTHERLY EXISTING HIGHWAY RIGHT OF WAY LINE; THENCE NORTHERLY DEFLECTING 089 DEGREES, 43 MINUTES LEFT, A DISTANCE OF 399.62 FEET ALONG THE EASTERLY 132ND STREET RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTHERLY DEFLECTING 000 DEGREES, 00 MINUTES A DISTANCE OF 330.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHEASTERLY DEFLECTING 155 DEGREES, 23 MINUTES RIGHT, A DISTANCE OF 132.00 FEET; THENCE SOUTHERLY DEFLECTING 024 DEGREES, 37 MINUTES RIGHT, A DISTANCE OF 210.00 FEET; THENCE WESTERLY DEFLECTING 090 DEGREES, 00 MINUTES RIGHT, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING CONTAINING 14850.00 SQUARE FEET, MORE OR LESS.

UPON COMPLETION AND ACCEPTANCE OF PROJECT M-5012(3), ALL RIGHTS, INTEREST AND USE OF THE ABOVE DESCRIBED TEMPORARY EASEMENT AREA(S) SHALL BE RETURNED TO THE CONDEEMEE(S) AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS WITH THE AFORESAID CHANGES COMPLETED.

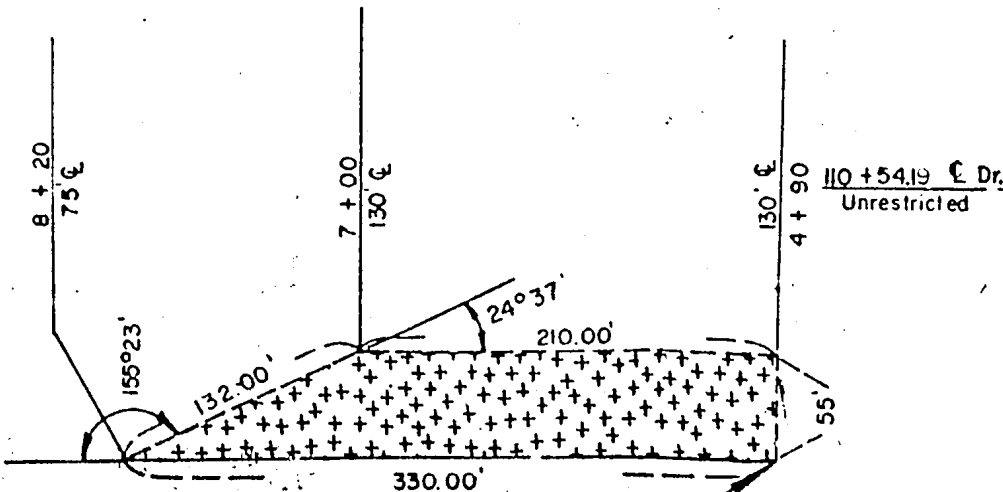
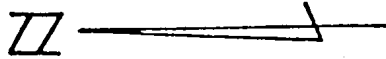
PT. SW 4 Sec. 30-T.15N-R12E



Douglas County

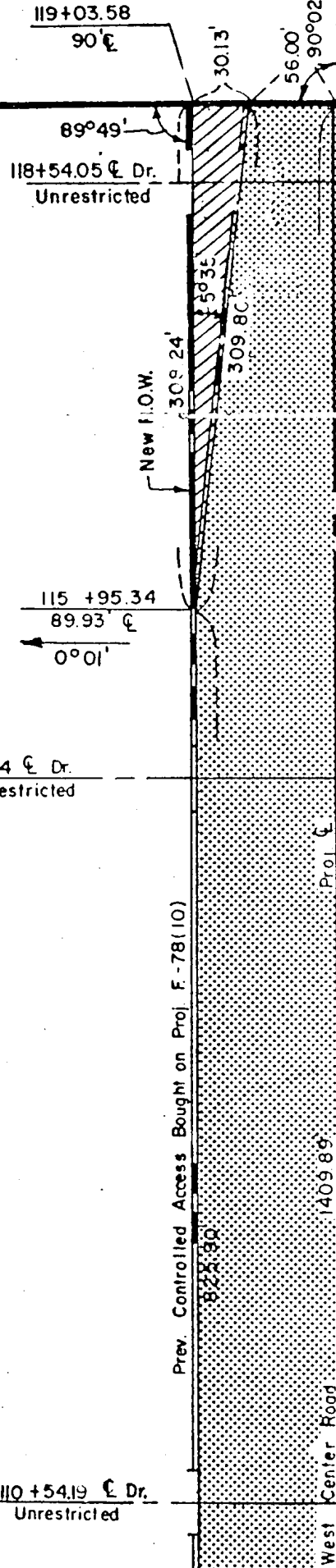
Total New R.O.W. - 4643.05 Sq. Ft.

Closed 19 August 1975



Sec Line A & 132 St.

45 3 86



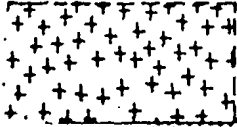
Sec Line B & E 132 St.

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SEE DETAIL FOR INFORMATION

SAME POINT  
Temp. Dr. Ease.  
14850.00 or SQ FT  
0.34 Ac.

3 89.98  
07 + 69.45



399.62

89°43'

89°43'

75.0

SW Sec Cor

Sec Line B & E 132 St

900

Sec. Line

560.02

Sta. 104 + 93.98 & W. Center Rd. =  
Sta. 0 + 00 & 132 St. Lt. & Rt.

SKETCH SHOWING  
RIGHT OF WAY  
TO BE ACQUIRED FROM LAND  
OWNED BY


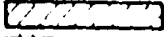
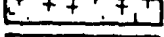
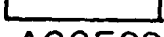
ORCHARD PROPERTIES, INC.

SCALE 1" = 100'  
TRACT II

PROJ. M-5012(3)  
A.F.E. R-070

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

LEGEND

- PREV. R.O.W. 
- NEW R.O.W. 
- TEMP. EASE. 
- CONTROLLED ACCESS 

4643.05 SQ.FT.  
14,850.00 SQ.FT.

COMPUTED BY I.B.M.  
 DRAWN BY short. 10-10-75  
 CHECKED BY R.L.W. 10-75  
 WRITTEN BY  
 CHECKED BY

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

BOOK 566 PAGE 557

Owner: Montclair Investment Company, a Partnership

## PROJECT M-5012( 3)      TRACT 13A

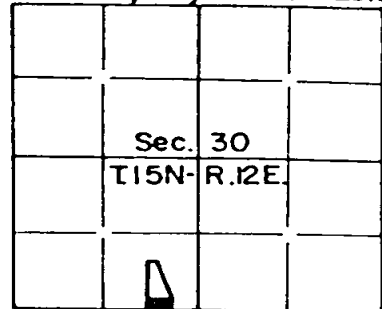
FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES LOCATED IN OUT LOT 1 ROYALWOOD ESTATES, SUBDIVISION, DOUGLAS COUNTY, NEBRASKA, AS ILLUSTRATED ON THE ATTACHED PLAT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID OUT LOT 1; THENCE EASTERLY A DISTANCE OF 159.80 FEET ALONG THE SOUTH LINE OF SAID OUT LOT 1; THENCE NORTHERLY DEFLECTING 101 DEGREES, 50 MINUTES LEFT, A DISTANCE OF 20.58 FEET ALONG THE EAST LINE OF SAID OUT LOT 1; THENCE WESTERLY DEFLECTING 074 DEGREES, 30 MINUTES LEFT, A DISTANCE OF 156.00 FEET; THENCE SOUTHERLY DEFLECTING 093 DEGREES, 52 MINUTES LEFT, A DISTANCE OF 30.13 FEET ALONG THE WEST LINE OF SAID OUT LOT 1 TO THE POINT OF BEGINNING CONTAINING 3953.53 SQUARE FEET, MORE OR LESS.

THERE WILL BE NO INGRESS OR EGRESS OVER THE ABOVE DESCRIBED TRACT FROM OR TO THE REMAINDER OF SAID OUT LOT 1.

OUT LOT 2

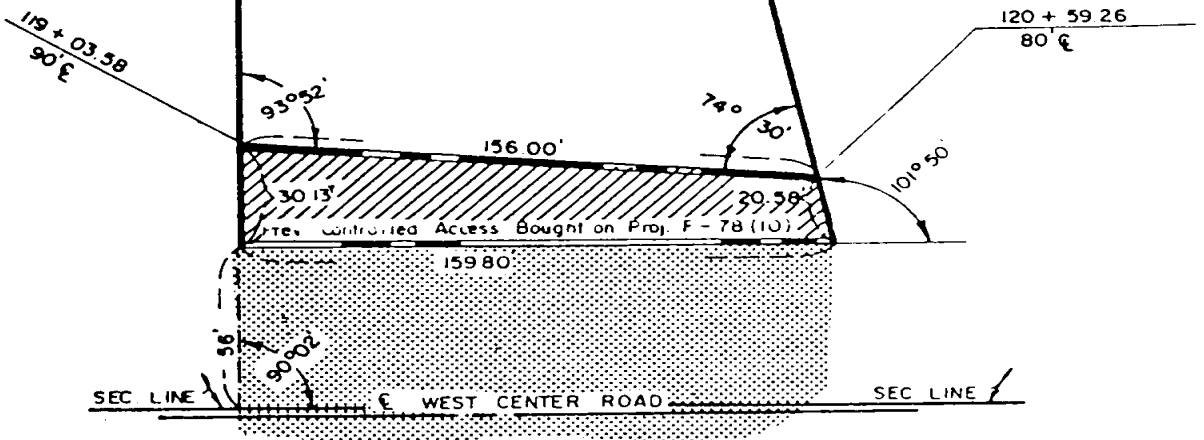
Out Lots 1 & 2, Royal Wood Estates, Subdiv.



Douglas County

Total New ROW - 3953.53 Sq Ft

OUT LOT 1



SKETCH SHOWING  
**RIGHT OF WAY**  
 TO BE ACQUIRED FROM LAND  
 OWNED BY



**MONTCLAIR INVESTMENT COMPANY,  
 A PARTNERSHIP**

SCALE 1" = 50'  
 TRACT 13A

**PROJ. M-5012(3)**  
 A.F.E. R-070

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

**LEGEND**

PREV. R.O.W.   
 NEW R.O.W. 

3953.53 SQ. FT.

COMPUTED BY : B.M.  
 DRAWN BY S.H.S 10-14-75  
 CHECKED BY R.L.W. 10-75  
 WRITTEN BY  
 CHECKED BY

CONTROLLED ACCESS 

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 \$ 51,689.91

Award to be distributed as follows:

- To: Orchard Properties, Inc., a Nebraska corporation, Owner; \$ 23,155.04 SUBJECT TO MORTGAGE OF RECORD, LESS INTEREST ON TAXES.
- Steven R. Bloch, Trustee; \$ NONE
- Dollen Grading Company, Inc., a Nebraska corporation, Lienor; \$ NONE
- Northwestern National Bank; \$ SEE ABOVE
- Precision Engineering & Surveying; \$ 2,900.00
- Gollehon, Schemmer & Associates; \$ NONE
- Douglas County Treasurer; \$ 25,634.87 PLUS INTEREST TO DATE OF AWARD

TOTAL AMOUNT AWARDED FOR ACQUISITION OF TRACT 13A \$ 11,860.59

Award to be distributed as follows:

- To: Montclair Investments Company, a partnership, Owner; \$ 11,510.01 LESS INTEREST ON TAXES
- Douglas County Treasurer; \$ 348.58 PLUS INTEREST TO DATE OF AWARD

All of which is hereby respectfully submitted.

Dated this 28<sup>th</sup> day of May, A.D. 1976.

Robert E. Wear  
Robert Masters  
[Signature]  
 Appraisers

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, A.D. 19\_\_.

(SEAL)

County Judge

Filed: May 28th, 1976.

COUNTY COURT  
DOUGLAS COUNTY  
DEAN HADORN, CLERK  
OMAHA, NEBR.

STATE OF NEBRASKA, }  
COUNTY OF DOUGLAS } ss.

I, Dean Hadorn, Clerk of the County Court of Douglas County, Nebraska, do hereby certify that I have compared the foregoing copy of.....

"RETURN OF APPRAISERS" in re:.....

STATE OF NEBR., DEPT. OF ROADS, Condemner -vs-.....

ORCHARD PROPERTIES, INC., et al, Condemnees.....

in the-matter-of. Condemnation Docket C4 - Page 171.....

with the original record thereof, now remaining in said court; that the same is a correct transcript thereof, and of the whole of said original record, that I have the legal custody and control of said original record; that said court is a court of record, has a seal, and that said seal is hereto affixed; and that the foregoing attestation is in due form according to the laws of the State of Nebraska.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Omaha, this 1st day of June, A. D. 1976.

DEAN HADORN, Clerk of the County Court

By Dean Hadorn Deputy

