

CI 09-3501
Roth Bellevue Med
Center

from Bellevue City Council
Meeting's Agenda 5-28-13

FILED BY THE CLERK
SARPY COUNTY COURT
2013 MAR 20 PM 4:13

IN THE COUNTY COURT OF SARPY COUNTY, NEBRASKA

CITY OF BELLEVUE, NEBRASKA,)
A Municipal Corporation,)
)
Condemnor,)
)
vs.)
)
LINDA L. ROTH,)
)
Condemnee.)

CASE NO. CI 09-3501

ORDER NUNC PRO TUNC

(across 25th St.)

THIS MATTER came on to be heard this ____ day of March, 2013, upon the Motion for Nunc Pro Tunc Order made by Condemnee, LINDA L. ROTH, by and through her attorneys, Farnham & Simpson, P.C., L.L.O. The Court being fully advised on the premises finds as follows:

1. On August 24, 2009, the Clerk of the Sarpy County District Court filed a Return of Appraisers, to which an Exhibit "A" was attached thereto and incorporated therein by reference.
2. Exhibit "A" to the Return of Appraisers contained an error in the legal description in that the legal description included the entire parcel rather than just the legal description of the Easement that was condemned by the City of Bellevue.
3. This error was due to a clerical mistake in the Return of Appraisers arising from oversight or omission and therefore may be corrected by this Court by an Order Nunc Pro Tunc.
4. Exhibit "A" to the Return of Appraisers should be revised by deleting the existing incorrect legal description and replacing it with the following correct legal description:

A Permanent Easement for installation and maintenance of sanitary sewer lines connecting to that certain force main and lift station servicing the Bellevue Medical Center, located in Tax Lot A in



000256522C59

Section 34, Township 14 North, Range 13 East of the 6th P.M.,
Sarpy County, Nebraska, described as follows:

Beginning at the Northwest Corner of Tax Lot A, thence along the
northerly line of Tax Lot A on the following four (4) courses: (1)
N69°33'28"E 387.81 FT.; (2) N56°46'29"E 102.00 FT.; (3)
N68°05'05"E 31.09 FT.; (4) S53°55'48"E 57.99 FT.; thence
S69°33'28"W 481.58 FT.; thence S24°24'37"W 32.15 FT.; thence
S69°17'55"W 66.54 FT. to the West Line of Tax Lot A; thence
N03°04'52"E 52.45 FT. to the point of beginning. Described
Easement contains 17,362 Sq. Ft. or .40 acres more or less.

5. The Condemnee's Motion for Order Nunc Pro Tunc should be granted.

IT IS THEREFORE ORDERED that Exhibit "A" to the Return of Appraisers filed in this
matter in Sarpy County Court on August 24, 2009 shall be revised by deleting the existing
incorrect legal description and replacing it with the following correct legal description:

A Permanent Easement for installation and maintenance of sanitary
sewer lines connecting to that certain force main and lift station
servicing the Bellevue Medical Center, located in Tax Lot A in
Section 34, Township 14 North, Range 13 East of the 6th P.M.,
Sarpy County, Nebraska, described as follows:

Beginning at the Northwest Corner of Tax Lot A, thence along the
northerly line of Tax Lot A on the following four (4) courses: (1)
N69°33'28"E 387.81 FT.; (2) N56°46'29"E 102.00 FT.; (3)
N68°05'05"E 31.09 FT.; (4) S53°55'48"E 57.99 FT.; thence
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N03°04'52"E 52.45 FT. to the point of beginning. Described
Easement contains 17,362 Sq. Ft. or .40 acres more or less.

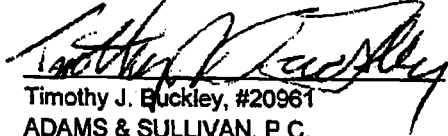
DATED this 19 day of March, 2013.



COUNTY COURT JUDGE

PREPARED AND SUBMITTED BY:
Jeffrey B. Farnham, #11245
FARNHAM & SIMPSON, P.C., L.L.O.
220 North 89th Street, Suite 201
Omaha, Nebraska 68114
Tel: (402) 393-2555
Attorneys for Condemnee

APPROVED AS TO FORM AND CONTENT:



Timothy J. Buckley, #20961
ADAMS & SULLIVAN, P.C.
1246 Golden Gate Drive #1
Papillion, NE 68046
Phone: (402) 339-9550
Attorney for Condemnor

QUITCLAIM DEED

The City of Bellevue, Nebraska, a Municipal Corporation, GRANTOR, in consideration of One Dollar and other valuable consideration received from GRANTEE, Linda L. Roth, a single person, quitclaims to GRANTEE, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

Tax Lot A in Section 34, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska; EXCEPT that part taken for road by Return of Appraisers filed April 12, 1968 in Book 39 at Page 692; and EXCEPT that part taken for road by Return of Appraisers filed May 9, 1989 as Instrument No. 89-5390, Official Records, Sarpy County, Nebraska, and subject to the following described easements obtained by the City of Bellevue through condemnation proceedings in the County Court of Sarpy County, Nebraska at Case No. CI09-3501:

A Permanent Easement for installation and maintenance of sanitary sewer lines connecting to that certain force main and lift station servicing the Bellevue Medical Center, located in Tax Lot A in Section 34, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Beginning that the North West Corner of Tax Lot A, thence along the northerly line of Tax Lot A on the following four (4) courses; (1) N69°33'28"E 387.31 FT.; (2) N56°46'29"E 102.00 FT.; (3) N68°05'05"E 31.09 FT.; (4) S53°55'48"E 57.99 FT.; thence S69°33'28"W 481.58 FT., thence S24°24'37"W 32.15 FT.; thence S69°17'55"W 66.54 FT. to the West Line of Tax Lot A; thence N03°04'52"E 52.45 FT. to the point of beginning. Described easement contains 17,362 Sq. Ft. or .40 acres, more or less.

Executed: May ____, 2013.

The City of Bellevue, Nebraska,
A Municipal Corporation, Grantor

By: _____
Rita Sanders, Mayor

ATTEST:

Kay Dammast, City Clerk

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rita Sanders and Kay Dammast, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of May, 2013.

Notary Public

Return to:
Adams & Sullivan, P.C., L.L.O.
1246 Golden Gate Drive, Suite 1
Papillion, Nebraska 68046