

LINCOLN NE 68509-4759

2002-12003A

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

DONALD E. KROEGER and BARBARA )  
M. KROEGER, Husband and Wife, )  
Joint Tenants, )

CI00-1304

~~Plaintiffs~~ )  
*Condemners* )

v. )

STATE OF NEBRASKA )  
DEPARTMENT OF ROADS, )

O R D E R

~~Defendant~~ )  
*Condemnees* )

FILED  
SARPY COUNTY  
DISTRICT COURT  
2002 MAR 29 PM 2:00  
CLERK DISTRICT COURT

Pursuant to a written stipulation heretofore entered into by and between the parties the court does hereby order, adjudge and decree as follows:

1. Judgment is entered for the ~~plaintiffs~~ *Condemners* and against the ~~defendant~~ *Condemnees* in the total amount of Forty Thousand Six Hundred Thirteen and 57/100 Dollars (\$40,613.57); that said sum shall constitute full settlement for any and all compensation of every kind and nature due and owing the ~~plaintiffs~~ *Condemners* by reason of the condemnation proceeding brought by the ~~defendant~~ *Condemnees* and against the ~~plaintiffs~~ *Condemnees* before the County Judge of Sarpy County, Nebraska.

2. That the appropriation described in the condemnation proceeding filed before the County Judge of Sarpy County, Nebraska, is hereby affirmed, other than as modified by this decree.

3. That a copy of the attached plat and description be filed with the County Judge of Sarpy County, Nebraska, and replace the plat and description presently filed with the Petition and Return of Appraisers filed before the County Judge of Sarpy County, Nebraska.

4. That the plat and description for Tract 3 attached to the Return of Appraisers filed with the Register of Deeds for Sarpy County,

✓X

2002-12003B

Nebraska, under Instrument #17855, F through N, are hereby superseded and replaced by the plat and description attached hereto, marked Exhibit A and Exhibit B respectively, and made a part hereof by this reference.

5. That each party shall bear all of its own costs and expenses herein except that the cost of certifying a copy of this Order to the County Judge of Sarpy County, Nebraska, and to the Register of Deeds of Sarpy County, Nebraska, be taxed to the defendant.

6. That a copy of this Order be certified by the Clerk of the District Court of Sarpy County, Nebraska, to the Register of Deeds of Sarpy County, Nebraska, and said Register of Deeds is hereby directed to record the same. The Register of Deeds is further directed, after recording the Order and attached plat and description to return them to the State of Nebraska, Department of Roads, Legal Office, P.O. Box 94759, Lincoln, NE 68509-4759.

7. That ~~plaintiffs~~ <sup>condemnees</sup> have previously withdrawn Seventy Thousand and no/100 Dollars (\$70,000.00) from the funds deposited with the County Judge of Sarpy County, Nebraska, therefore, ~~plaintiffs~~ <sup>condemnees</sup> will deposit Twenty-Nine Thousand Three Hundred Eighty-Six and 43/100 Dollars (\$29,386.43) with the Sarpy County Court for payment to the ~~defendant~~ <sup>condemnees</sup> *my*.

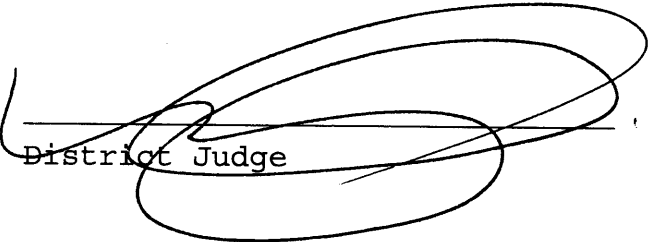
8. That a copy of this Order be certified by the Clerk of the District Court of Sarpy County, Nebraska, to the County Judge of Sarpy County, Nebraska; that said County Judge is hereby authorized and directed to make payment to the State of Nebraska, Department of Roads, in the amount of Twenty-Nine Thousand Three Hundred Eighty-Six and 43/100 Dollars (\$29,386.43) after said amount is deposited by ~~plaintiffs~~ <sup>condemnees</sup>, and to return the balance of said funds, if any, to the ~~defendant~~ <sup>condemnees</sup>.

2002-12003 C

9. That upon performance of said acts the County Judge of Sarpy County, Nebraska, is hereby directed to notify the Clerk of the District Court of Sarpy County, Nebraska, that disbursement of the funds has been made according to the terms of this Order of court and such notification of the payment of the sum of Forty Thousand Six Hundred Thirteen and 57/100 Dollars (\$40,613.57) shall be entered by the Clerk of the District Court of Sarpy County, Nebraska, as satisfaction of the judgment.

Dated this 29 day of March, 2002.

BY THE COURT

  
District Judge

Approved as to form:

Julie A. Schmitz #21325  
Attorney for the ~~plaintiffs~~  
Condemner

Robert G. Carey  
Attorney for the ~~defendant~~  
# 10142 Condemnor

2002-12003D

151

150

I-80 CENTERLINE

149

05°42'37" →  
151+49.15  
43.89 (144.00') E

149+60.00  
43.89 (144.00') E

189.15 (620.58')

250.19 (820.82')

1/4 SECTION LINE  
1/4 SECTION LINE

EXISTING ROW & C.A.

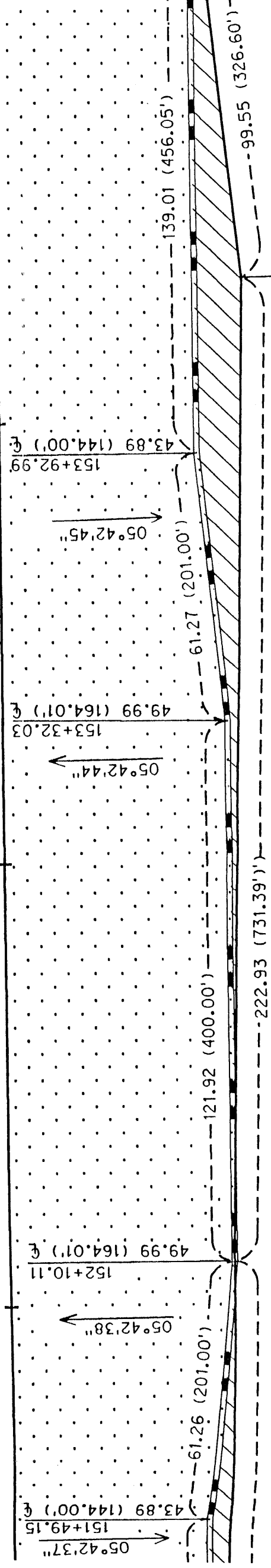
178°36'14" →  
COR. 6.744 (22.13') RT. E  
Sto. 148+86.67

2002/2003 E

154

153

152



07°08'15"

154+33.00  
54.33 (178.25') ±

153+92.99  
43.89 (144.00') ±

05°42'45"

153+32.03  
49.99 (164.01') ±

05°42'44"

152+10.11  
49.99 (164.01') ±

05°42'38"

151+49.15  
43.89 (144.00') ±

05°42'37"

00°16'47"

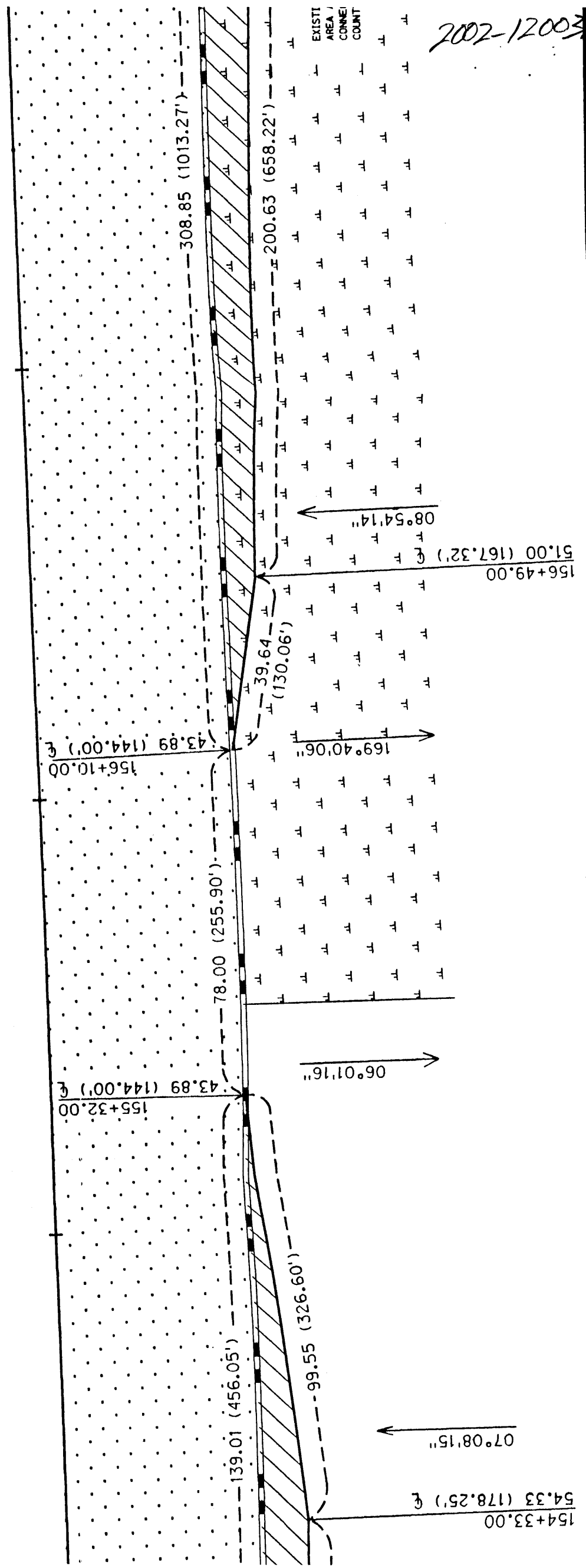
ROW1

2002-12003F

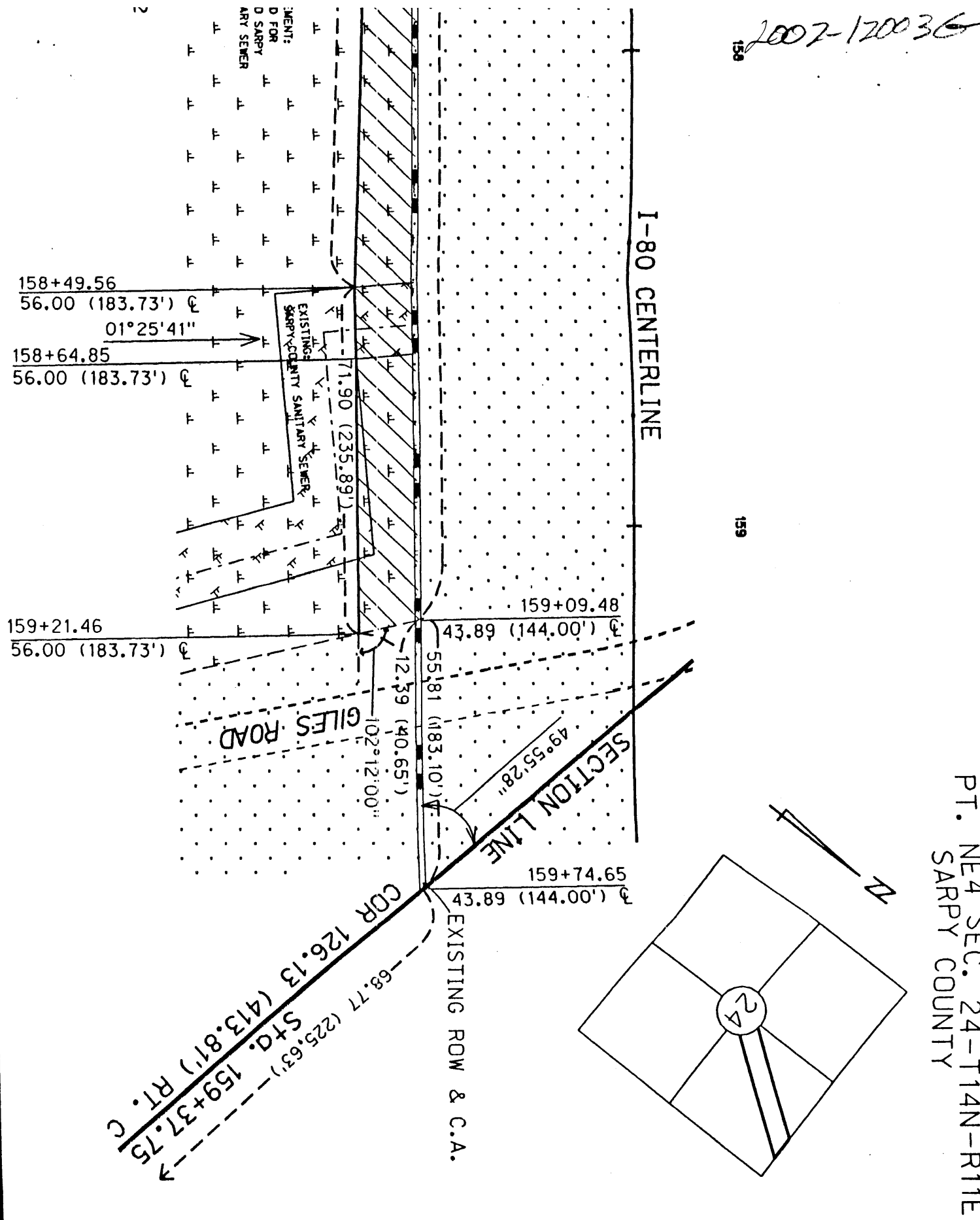
157

156

155




2002-120036

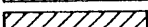


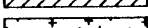
Sheet 1 of 1

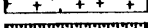
PLAT SHOWING  
**RIGHT OF WAY**  
TO BE ACQUIRED FROM LAND OWNED BY  
DONALD E. KROEGER and BARBARA M. KROEGER, H & W, J.T.


STATE OF NEBRASKA	TRACT NO. 3	SCALE 1:1000
DEPARTMENT OF ROADS	LOCATION N-50 to 126TH ST.	
RIGHT OF WAY DIVISION	PROJECT NO. 80-9(802)	DATE 02-08-0
LINCOLN, NEBRASKA	CONTROL NO. 21868	DRAWN BY J.S.H.
		CHECKED BY J.B.
		COMPUTED BY J.S.H.

PREV. R.O.W. 

NEW R.O.W. 

TEMP. EASE. 

PERM. EASE. 

CONTROLLED ACCESS 

4,928.09 SM (53,045.30 SF)

EXHIBIT A



2002-12003H.

PROJECT: 80-9(802)

C.N.: 21868

SARPY COUNTY

TRACT: 3

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# CONDEMNATION

DONALD E. KROEGER and BARBARA M. KROEGER, H & W, J.T.

PROJECT 80- 9 (802 ) TRACT 3

ROW1

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 24, 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 NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 68.77 METERS (225.63 FEET) ALONG THE NORTH LINE OF SAID QUARTER SECTION TO A POINT ON THE SOUTHERLY EXISTING INTERSTATE 80 RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 049 DEGREES, 55 MINUTES, 28 SECONDS LEFT, A DISTANCE OF 55.81 METERS (183.10 FEET) ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE WESTERLY EXISTING GILES ROAD RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 308.85 METERS (1013.27 FEET) ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 78.00 METERS (255.90 FEET) ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 139.01 METERS (456.05 FEET) ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 005 DEGREES, 42 MINUTES, 45 SECONDS LEFT, A DISTANCE OF 61.27 METERS (201.00 FEET) ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 005 DEGREES, 42 MINUTES, 44 SECONDS RIGHT, A DISTANCE OF 121.92 METERS (400.00 FEET) ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 005 DEGREES, 42 MINUTES, 38 SECONDS RIGHT, A DISTANCE OF 61.26 METERS (201.00 FEET) ALONG SAID RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 005 DEGREES, 42 MINUTES, 37 SECONDS LEFT, A DISTANCE OF 189.15 METERS (620.58 FEET) ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 178 DEGREES, 36 MINUTES, 14 SECONDS LEFT, A DISTANCE OF 250.19 METERS (820.82 FEET); THENCE NORTHEASTERLY DEFLECTING 000 DEGREES, 16 MINUTES, 47 SECONDS LEFT, A DISTANCE OF 222.93 METERS (731.39 FEET); THENCE NORTHEASTERLY DEFLECTING 007 DEGREES, 08 MINUTES, 15 SECONDS LEFT, A DISTANCE OF 99.55 METERS (326.60 FEET) TO A POINT ON THE SOUTHEASTERLY EXISTING INTERSTATE 80 RIGHT OF WAY LINE TO THE POINT OF

EXHIBIT B

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SARPY COUNTY

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BEGINNING CONTAINING 2007.34 SQUARE METERS (21606.74 SQUARE FEET), MORE OR LESS.

ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEDS AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNEDS 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 CONDEMNEDS 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.  
STAMP\*02039130238 \*

PROJECT 80- 9 (802 ) TRACT 3

ROW2

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 24, 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 NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE WESTERLY A DISTANCE OF 68.77 METERS (225.63 FEET) ALONG THE NORTH LINE OF SAID QUARTER SECTION TO A POINT ON THE SOUTHERLY EXISTING INTERSTATE 80 RIGHT OF WAY LINE; THENCE SOUTHWESTERLY DEFLECTING 049 DEGREES, 55 MINUTES, 28 SECONDS LEFT, A DISTANCE OF 55.81 METERS (183.10 FEET) ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE WESTERLY EXISTING GILES ROAD RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 308.85 METERS (1013.27 FEET) ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY DEFLECTING 169 DEGREES, 40 MINUTES, 06 SECONDS LEFT, A DISTANCE OF 39.64 METERS (130.06 FEET); THENCE NORTHEASTERLY DEFLECTING 008 DEGREES, 54 MINUTES, 14 SECONDS LEFT, A DISTANCE OF 200.63 METERS (658.22 FEET); THENCE NORTHEASTERLY DEFLECTING 001 DEGREES, 25 MINUTES, 41 SECONDS LEFT, A DISTANCE OF 71.90 METERS (235.89 FEET) TO A POINT ON THE WESTERLY EXISTING GILES ROAD RIGHT OF WAY LINE; THENCE NORTHWESTERLY DEFLECTING 102 DEGREES, 12 MINUTES, 00 SECONDS LEFT, A DISTANCE OF 12.39 METERS (40.65 FEET) ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 2920.75 SQUARE METERS (31438.56 SQUARE FEET), MORE OR LESS.

ALL RIGHTS TO MINERALS, IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEDS AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNEDS 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

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PROJECT: 80-9(802)

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SARPY COUNTY

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RIGHTS, NOR SHALL SAID CONDEMNEDS 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.

2007-12003K

STATE OF NEBRASKA, }  
COUNTY OF SARPY, } ss.

I, CHARLENE MARCHAND, Clerk of the District Court, in and for Sarpy  
County in the Second Judicial District of Nebraska, do hereby certify that the above  
and foregoing is a true copy of.....

ORDER DATED March 29, 2002.  
.....  
.....

entered in a cause in said court wherein.....

DONALD E. KROEGER AND BARBARA M. KROEGER, HUsband & Wife, Joint Tenants  
.....

plaintiff.....and.....

STATE OF NEBRASKA DEPARTMENT OF ROADS  
.....

defendant....., Docket..... CI 00..... Page..... 1304....., as the same

appear fully upon the records of said Court now in my charge remaining as Clerk  
aforesaid.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed the seal of said Court at Papillion,  
this..... 2nd..... day of..... April..... A.D. 2002

CHARLENE MARCHAND

CLERK

*Paul Krajick*

DEPUTY CLERK